

## Pwyllgor Cynllunio, Trwyddedu Tacsis a Hawliau Tramwy

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

Dyddiad y Cyfarfod  
**Dydd Iau, 13 Medi 2018**

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

06/09/2018

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

#### 1. YMDDIHEURIADAU

Derbyn ymddiheuriadau am absenoldeb.

#### 2. COFNODION Y CYFARFOD BLAEOROL

Awdurdodi'r Cadeirydd i lofnodi cofnodion y cyfarfod blaenorol o'r Pwyllgor a gynhaliwyd ar 23 Awst, 2018 fel cofnod cywir.

(To Follow)

### Cynllunio

#### 3. DATGANIADAU O DDIDDORDEB

- (a) Derbyn unrhyw ddatganiadau o ddiddordeb gan aelodau mewn perthynas ag eitemau sydd i'w hystyried ar yr agenda.
- (b) 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.
- (c) 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 (sydd ddim yn aelodau'r Pwyllgor) a fydd yn gweithredu fel 'Cynrychiolydd Lleol' o ran cais unigol sy'n cael ei ystyried gan y Pwyllgor.

<b>4.</b>	<b>CEISIADAU CYNLLUNIO I'W HYSTYRIED GAN Y PWYLLGOR.</b>
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Ystyried adroddiadau'r Pennaeth Gwasanaethau Adfywio a Rheoleiddio a gwneud unrhyw benderfyniadau ar hynny.

(Tudalennau 1 - 2)

**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. P/2018/0466 Tyn Yr Wtra, Llanwyddelan, Y Drenewydd, Powys, SY16 3BT**

(Tudalennau 3 - 32)

**4.3. P/2018/0322 Ystym Colwyn, Meifod, Powys, SY22 6XT**

(Tudalennau 33 - 64)

**4.4. P/2018/0725 Hen Safle'r Lawnt Fowlio, Lon Gefn, Y Drenewydd, Powys, SY16 2NH**

(Tudalennau 65 - 76)

**4.5. P/2018/0621 Elancot, Hawy, Llandrindod, Powys, LD1 5PP**

(Tudalennau 77 - 92)

**4.6. DIS/2018/0135 Ysgol Gynradd Cleirwy, Cleirwy, Henffordd R3 5LE**

(Tudalennau 93 - 100)

<b>5.</b>	<b>PENDERFYNIADAU'R PENNAETH GWASANAETHAU ADFYWIO A RHEOLEIDDIO AR GEISIADAU DIRPRWYEDIG</b>
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Derbyn rhestr o benderfyniadau a wnaed gan y Pennaeth Gwasanaethau Adfywio a Rheoleiddio o dan bwerau dirprwyedig, er gwybodaeth.

(Tudalennau 101 - 104)

6.	<b>PENDERFYNIADAU I GAU RHAN FER O Ffordd ddiddosbarth y sir yn U0268 Blaen Clydach, ger Trecastell, Sir Frycheiniog</b>
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Ystyried adroddiad i ddechrau ymgynghoriad ffurfiol gyda'r nod o gau rhan fer o ffordd ddiddosbarth y sir yn U0268 Blaen Clydach, ger Trecastell, Sir Frycheiniog.  
(Tudalennau 105 - 110)

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

**Planning, Taxi Licensing and Rights of Way Committee**  
**13 September, 2018**

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:**

Application No:  
 Community:  
 O.S. Grid Reference:  
 Date Received:

Nature of Development:  
 Location of Development:  
 Applicant:  
 Recommendation of Head of Planning:

<p><b>P/2018/0466</b></p> <p>Dwyriw</p> <p>308738.42 301309.17</p> <p>02/05/2018</p>	<p>Full: Erection of an egg laying unit, creation of vehicular access and all associated works</p> <p>Tyn Yr Wtra, Llanwyddelan, Newtown, Powys, SY16 3BT</p> <p>Mr &amp; Mrs Jerman, G &amp; H Jerman, Tyn yr Wtra, Llanwyddelan, New Mills, Newtown, Powys, SY16 3BT</p> <p><b>Recommendation:</b> Conditional Consent</p>
<p><b>P/2018/0322</b></p> <p>Meifod</p> <p>319201.71 316420.83</p> <p>21/03/2018</p>	<p>FULL: Erection of an extension to existing intensive poultry unit and all associated works</p> <p>Ystym Colwyn, Meifod, Powys, SY22 6XT</p> <p>Mr Gittins, Ystym Colwyn Farms, Ystym Colwyn Farms, Ystym Colwyn, Meifod, Powys, SY22 6BN</p> <p><b>Recommendation:</b> Conditional Consent</p>

<p><b>P2018/0725</b></p> <p>Newtown &amp; Llanllwchaiarn</p> <p>310683.45 291656.14</p> <p>18/07/2018</p>	<p>Section 73 application to vary conditions 2, 4 and 5 of approved planning permission P/2016/0466</p> <p>Former Bowling Green Site, Back Lane, Newtown, Powys, SY16 2NH</p> <p>Powys County Council, Affordable Housing Team</p> <p><b>Recommendation:</b> Conditional Consent</p>
<p><b>P2018/0621</b></p> <p>Disserth &amp; Trecoed</p> <p>304859.17 259040.82</p> <p>18/06/2018</p>	<p>Full: Erection of an annex</p> <p>Elancot, Howey, Llandrindod Wells, Powys, LD1 5PP</p> <p>Mrs Grace Cleaton, Howey, Llandrindod Wells, Powys, LD1 5PP</p> <p><b>Recommendation:</b> Conditional Consent</p>
<p><b>DIS/2018/0135</b></p> <p>Clyro Community</p> <p>321162.98 243370.67</p> <p>12/07/2018</p>	<p>Application to discharge conditions 3, 14, 17 and 24 from planning approval P/2016/0802</p> <p>Clyro Primary School, Clyro, Hereford, HR3 5LE</p> <p>Powys County Council, Spa Road East, County Hall, Llandrindod Wells, Powys, LD1 5LG</p> <p><b>Recommendation:</b> Approval</p>

# 4.2

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

<b>Application No:</b>	P/2018/0466	<b>Grid Ref:</b>	308738.42 301309.17
<b>Community Council:</b>	Dwyriw	<b>Valid Date:</b>	<b>Officer:</b> 02/05/2018 Holly-ann Hobbs
<b>Applicant:</b>	Mr & Mrs Jerman, G & H Jerman, Tyn yr Wtra, Llanwyddelan, New Mills, Newtown, Powys, SY16 3BT.		
<b>Location:</b>	Tyn Yr Wtra, Llanwyddelan, Newtown, Powys, SY16 3BT.		
<b>Proposal:</b>	Full: Erection of an egg laying unit, creation of vehicular access and all associated works		
<b>Application Type:</b>	Application for Full Planning Permission		

### The reason for Committee determination

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

### Site Location and Description

The site subject to this application is located within the open countryside, approximately 0.3 miles north east of Llanwyddelan. The application site is bound by agricultural land to the north, east and south. Located to the east is the existing agricultural complex and farmhouse.

The proposed development includes the siting of a free range egg laying unit, installation of feed hoppers and construction of a new access track off the county highway.

The proposed poultry unit will comprise of box profile sheeting (Juniper Green) and measures approximately 134 metres in length by 20 metres in width. The ridge (including ridge mounted fans) and eaves height of the proposed building measure approximately 6.6 metres and 3.35 metres respectively. The proposal also includes the provision of 2 feed silos measuring approximately 8 metres in height.

The proposed building will accommodate a maximum of 32,000 birds and will operate on a 13 month cycle. Birds will remain in the building for the duration of the cycle after which time the flock will be removed, the building cleaned and a new flock introduced to restart the egg production cycle.

### Consultee Response

Dwyriw Community Council

Dwyriw Community Council would like the following points, raised by the local community to be taken into consideration.

1. It would appear that a number of local wells and bore holes have not been included in the manure management plan and have not been highlighted on the spreading plans. The local community would need reassurance about their private water supplies.
2. There is concern about the ammonia levels and potential noise pollution associated with the unit, should reach unacceptable levels.
3. The number of poultry units being established is increasing which will have a cumulative impact on the local area.

#### Highway Authority

The County Council as Highway Authority for the County Class III Highway, C2015

Wish the following recommendations/Observations be applied  
Recommendations/Observations

HC1 Prior to the first beneficial use of the development any entrance gates shall be set back at least 20 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 20 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 20 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 the commencement 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 0.26 metres above ground level at the edge of the adjoining carriageway and 60 metres distant in a westerly direction and 120 metres distant in a easterly 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 commencement 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 and 60mm of bituminous macadam binder course material for a distance of 20 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 first beneficial use of the development, provision shall be made within the curtilage of the site for the parking of not less than two cars and two heavy goods vehicles 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 6 metres for a minimum distance of 20 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 occupation of the development a radius of 10.5 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.

HC21 Prior to the first beneficial use of the development the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 20 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.

HC22 Prior to the commencement of the development the field gate located immediately west of the proposed 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.

### Severn Trent

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.

## Clean Water comments:

Having looked at the manure management plans on the Powys council website, we note that there are no buffers for spreading and are chickens ranging close to our DSR (District Service Reservoir). We would like to request that the applicant amends their map to create a 50m buffer zone around our site where chicken muck won't be spread nor chickens range in order to protect our treated water. Please note we are also concerned that the access track is directly opposite our site and sloping towards it so muck on the track could wash directly onto our site. We would request that the access track could be moved so it exits the field downslope of our site. STW have a 125mm HDPE water pipe on the property boundary which will need to be considered when moving the access road.

To help us provide an efficient response please could you send all responses to [APPlanning@hdcymru.co.uk](mailto:APPlanning@hdcymru.co.uk) rather than to named individuals, including the STW ref within the email/subject.

*Correspondence received 14<sup>th</sup> May 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:

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.

To help us provide an efficient response please could you send all responses to [welshplanning@severntrent.co.uk](mailto:welshplanning@severntrent.co.uk) rather than to named individuals, including the STW ref within the email/subject.

Councillor Heulwen Hulme

I wish to call into full committee Planning Application no. P/2018/0466. The reasons are, it is exceptionally controversial locally within the communities of Llanwyddelan and Adfa, with large concerns about the cumulative effect of manure spreading in conjunction with other units that have been developed locally and the implications it will have on a nearby residential caravan park.

Environmental Health

*Correspondence received 24<sup>th</sup> May 2018 –*

Thank you for the consultation in respect of this application, my comments are as follows:-

Manure management plan

The plan states there is a 50m buffer around PWS, however the plans show that there are a number of properties served by Private Water Supplies within 50m of the spreading zones.

Map 2 (around application site) – 4 properties – Tanllan, SY16 3NN (well, 150m from house, unknown where); Cefn Bach, SY16 3NL (well, unknown location); Tynyward, SY16 3NS (borehole, behind house); Dolgar, SY16 3NS (well, unknown location).

Map 4 – 1 property – Cefn Caled, SY16 3DA (well – unknown location).

The location of the PWS should be identified in order to ensure 50m buffer zones around the source of the supplies to protect them from contamination by manure spreading and the maps altered accordingly.

#### Noise

Nearest noise sensitive receptor is according to my maps 200m from the unit and not 250m as stated in the supporting document. Therefore according to the table for 16 fans at this location the noise level from all fans operating is 33dBA, which is well below the WHO guidelines for community noise. I therefore have no concerns in respect of noise.

#### Dust

Given that there is a residential receptor within 200m of the site the applicant will need to prepare and submit a dust management plan.

#### Odour

The application does not give cause for concerns in respect of odour emissions

In order for this department to provide favourable comments in respect of this application, additional work is required in respect of dust and the manure management plan

#### *Correspondence received 28<sup>th</sup> June 2018 –*

Paul had asked me to look at the amended manure maps re: private water supplies – although further supplies have been identified on Map 2, the supply to Cefn Bach has not been identified. Please could you confirm with the applicant/agent the location of the supply and whether or not it is outside the boundaries of the spreading fields in that area.

I understand that another neighbour has made an objection regarding PWS, and may have information about further properties. If you have further information that may be useful please let me know.

Give me a ring if you want to discuss the details.

#### *Correspondence received 3<sup>rd</sup> July 2018 –*

Thanks for the updated information.

The additional PWS have been identified and appropriate buffers zones put in place in line with the original manure management plan.

Our records show that Cefn Bach was supplied by a well in 2016 (signed questionnaire from the owner T&S Jerman), however, the agent has confirmed that Cefn Bach is supplied by mains water.

There are no further objections to the amended manure management maps with regard to the private water supplies.

*Correspondence received 10<sup>th</sup> July 2018 –*

Further to Diane's satisfaction with regard to the manure management plan and the dust management plan being supplied by the applicant I have no objection to this application.

#### Cadw

Thank you for your consultation. Having considered the information provided, there are no scheduled monuments or parks and gardens that would be affected by the proposal. We therefore have no comments to make.

#### Clwyd Powys Archaeological Trust

Thank you for the consultation on this application.

I can confirm that there are no archaeological implications for the proposed development at this location.

#### Built Heritage

Thank you for consulting me on the above application.

#### 1.0 Recommendation

##### 1.1 no objections

Reason: Taking into account the guidance in section 16 and 66 of The Planning (Listed Buildings and Conservation Areas) Act 1990, Conservation Principles, section 6.5.11 of PPW, TAN24 and its annexes, and the distance and topography from the site of the proposed egg laying unit. It is considered that the proposal is in accordance with the policies and Guidance in PPW and TAN 24 in regard to the setting of historic assets and policy SP7 of the adopted Powys Local Development Plan

#### 2.0 Background to Recommendation

##### 2.1 Designations

Nearest listed building CADW ID 18192 The Old Rectory included on the statutory list on 04/02/1997

##### 2.2 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 9<sup>th</sup> edition 2016  
Conservation Principles published by Cadw  
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

### 3.0 Comments

3.1 The Old Rectory is sited to the south west of Tynyrwtre. The proposed egg laying unit will be sited to the south east of the farm complex.

3.2 The Old Rectory is sited in a slightly elevated position above the road that approached Llanwyddelan from the B4389 and is well screened with garden planting. The principal outlook of the property is south east with the service rooms facing north-west towards the road.

3.3 Tynyrwtre is set on lower land than The Old Rectory with many large farm buildings being visible from the public road. The proposed building is to the rear (south east) of the farm holding and as such not readily visible from the front of Tynyrwtre.

3.4 There is potential for the new building to be visible from the public road that leads from the B4389 towards Llanwyddelan when travelling from the bridge into the settlement. However the land slopes steeply to the north, and at the point when the current farm buildings to the rear of Tynyrwtre are visible, The Old Rectory is not. Similarly when The Old Rectory is visible from the public highway, the majority of the farm buildings at Tynyrwtre and the proposed building will not be readily visible.

3.5 I have taken into account the guidance in section 16 and 66 of The Planning (Listed Buildings and Conservation Areas) Act 1990, Conservation Principles, section 6.5.11 of PPW, TAN24 and its annexes, and can confirm that taking into account the distance and topography from the site of the proposed egg laying unit that I have no objections to the proposal in respect of the setting of the listed building.

### Natural Resources Wales

*Correspondence received 31<sup>st</sup> May 2018 –*

Thank you for referring the above application, which we received on 09/05/2018.

We recommend that you should only grant planning permission if you attach the following condition. This condition would address the significant concerns that we have identified and we would not object provided you attach it to the planning permission.

*Condition 1 – To prevent pollution to watercourses during the construction and operational phases of the proposal, the development shall be carried out in accordance with the:*

- i) Manure Management Plan ('Manure Management Plan', Roger Parry & Partners)*
- ii) Drainage Plan (plan titled 'Location Plan', drawing no. GD-MZ213-01 dated 21/01/2018 by Roger Parry & Partners)*
- iii) Pollution Prevention Plan ('Method Statement Pollution Prevention', by Roger Parry & Partners).*

## **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.

Detailed aerial emissions modelling has been submitted ('A Report on the Modelling of the Dispersion and Deposition of Ammonia from the Proposed Free Range Egg Laying Chicken House at Tyn-Yr-Wtra, near Llanwyddelan in Powys' by AS Modelling & Data Ltd., date redacted).

The report states there are 2 SSSIs within 5km of the proposal, which are:

- Cors Llanllugan SSSI
- Gregynog SSSI.

The background ammonia concentration around Pentre Penarth is 1.41µgNH<sub>3</sub>/m<sup>3</sup>, and the background nitrogen deposition is 28.70kgN/ha/yr to woodland and 19.04kgN/ha/yr for short vegetation. The report sources these figures from the Air Pollution Information System (APIS, February 2018).

The ammonia critical levels and nitrogen critical loads used for the sites are considered correct.

The report predicts the process contributions to ammonia concentration and nitrogen deposition are below the thresholds we apply in our assessment of potential impacts on protected sites. These predictions for the Gregynog SSSI are 0.3% for ammonia, and 0.2% for nitrogen at the highest concentrations.

## **Manure Management Plan**

We have reviewed the manure management plan ('Manure Management Plan', Roger Parry & Partners) submitted in support of the proposal.

The plan states that the manure will be spread on the land at the farm and calculates the quantity of manure which will be produced. The manure spreading plans include buffers to sensitive receptors.

Provided the site operates in accordance with this plan, the proposal is unlikely to cause pollution to the wider environment.

### Drainage Plan

We have reviewed the drainage plan (plan titled 'Location Plan', drawing no. GD-MZ213-01 dated 21/01/2018 by Roger Parry & Partners) submitted in support of the proposal.

The plan shows the dirty water and clean water being drained separately. The dirty water will flow to a tank built to comply with the SSAFO Regulations, and the clean surface water will flow to a soakaway system.

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

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

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

### General Advice

#### Environmental Permitting Regulations

The current advice relates to a proposed unit for 32,000 egg laying 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 '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-and-impoundment-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-surface-water-and-groundwater/environmental-permitting-for-discharges-to-surface-water-and-groundwater/?lang=en>

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 included on our checklist “Natural Resources Wales and Planning Consultations” (March 2015) which is published on our website: (<https://naturalresources.wales/planning-and-development/planning-and-development/?lang=en>). 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. 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.

*Correspondence received 19<sup>th</sup> July 2018 –*

Thank you for consulting NRW on the amended manure management plan. NRW DPAS replied to this proposal in our consultation letter referenced SJ00/GB/CAS-82619-N8Q8. We do not have any further comments to make.

## County Ecologist

Thank you for consulting me with regards to planning application P/2018/0466 which concerns an application for the Erection of an egg laying unit, creation of vehicular access and all associated works at Tyn Yr Wtra, Llanwyddelan, 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 13 records of protected and priority species within 500m of the proposed development, no records were for the site itself. Species recorded within 500m of the proposed development include red kite, otter, bluebell and white-letter hairstreak.



The majority of land impacted by the proposed development appears to be improved or poor semi-improved grassland, these habitats are generally considered to be of low ecological value due to the lack of species and structural diversity and limited opportunity to provide favourable habitat for protected or priority species. In addition the proposed development appears to impact sections of hedgerows a habitat of high biodiversity value.

NRW have reviewed the information provided within the Report on the Modelling of the Dispersion and Deposition of Ammonia from the Proposed Free Range Egg Laying Chicken House at Tyn-Yr-Wtra near Llanwyddelan in Powys produced by AS Modelling & Data Ltd 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 of exceedance under which the application has been considered and are therefore considered to be acceptable.

With regards to Ancient woodland the data search identified 65 parcels of Ancient woodland within 2km of the proposed development. Preliminary modelling was run to determine the maximum annual mean ammonia concentration rate at the identified ancient woodland sites, this modelling indicated that there was a potential for the deposition to exceed the identified lower threshold percentage of the Critical Level for several of the AW sites. Detailed deposition modelling was then run for these sites, the results of the detailed modelling identified 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) of the precautionary Critical Level of 1.0 µg/m<sup>3</sup> or the Critical Load of 10.0 kg/ha at the AW sites.

A Method Statement Pollution Prevention document produced by Roger Parry & Partners 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.

A Manure Management Plan produced by Roger Parry & Partners has been submitted to support the application the plan identifies that sufficient land holdings are available at the site to accommodate the spreading of manure produced by the unit in accordance with DEFRA's CoGAP, the plan provides details of calculations to show that manure can be spread at a rate of 226.67 Kg N/ha which is below the threshold set by CoGAP. The plan includes details of contingency measures when spreading of manure is not possible i.e. wet, waterlogged or frozen conditions, it has been identified that there are a number of covered areas on the farm that would allow for this to be accommodated. Contaminated wash water will be kept separate from other manures and will be disposed of on site or removed from site by licensed contractors during periods of disease outbreak. NRW have identified that they consider subject to the site being operated in accordance with this manure management 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 Manure Management Plan to ensure compliance with the requirements of Powys LDP policy DM2.

Details of drainage for the site have been provided these identify that dirty and clean water will be kept separate, dirty water will drain to and be stored in dirty water tanks before being disposed of by a specialist contractor and clean water will flow to a soakaway system. 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.

I note that sections of hedgerow would need to be removed to accommodate the proposed development both for the improved visibility for the highways access and in the location of the proposed poultry building and associated infrastructure, Powys LDP Policy DM2 states that: 'Development proposals which would impact on the following natural environment assets will only be permitted where they do not unacceptably adversely affect:

5. Trees, woodlands and hedgerows of significant public amenity, natural or cultural heritage'

LDP Policy DM2 part 3, makes reference to Powys LBAP habitats and species which include hedgerows under the Linear Habitats Action Plan – 'Linear habitats are important to a wide variety of species as refuges, breeding and feeding sites and as links between habitats of high biodiversity value'.

LDP policy DM2 part 2 identifies the need to protect habitats afforded protection under National policy and legislation including those listed as a "habitats of principal importance for the purposes of conserving biodiversity" as identified in on Section 7 of the Environment (Wales) Act 2016 – Hedgerows are included on this list and are beneficial to a wide range of biodiversity including bats, nesting birds, small mammals, lichens and fungi.

As the proposals require the removal hedgerow to accommodate the proposed development then appropriate compensation in line with the requirements of LDP Policy DM2 will need to be provided. Where impacts to hedgerows are identified an appropriate compensation strategy will be required, where possible translocation of the existing hedgerow should be considered, if this is not considered possible at this location replacement hedgerow planting would need to be identified – details of the location, length and species as well as an appropriate aftercare scheme will need to be identified – species used will need to be native and reflect the hedgerows present in the local area. Therefore it is recommended that a hedgerow compensation plan is secured through an appropriately worded planning condition in order to ensure compliance with the Environment (Wales) Act 2016 and Powys LDP policy DM2.

Given the presence of boundary hedgerows throughout the ranging area it is considered that appropriate measures to protect these features of ecological value should be secured, grazing pressure from the poultry can result in negative impacts to the hedgerows and their associated flora, in turn this could have a negative impact on fauna which use these hedgerows for foraging and commuting. Hedgerows are listed in the Environment (Wales) Act 2016 Section 7 Habitats of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales. Therefore it is recommended that a ranging area

hedgerow protection plan is secured through an appropriately worded planning condition in order to ensure compliance with the Environment (Wales) Act 2016 and Powys LDP policy DM2.

It is considered that the use of external lighting at the site could have impacts to the foraging and commuting behaviour of nocturnal species including bats, the Design and Access Statement identifies that whilst no perimeter lighting is proposed a small external light will be required outside of the egg collection unit for use in winter months, it is considered that the proposed light in this location would be unlikely to have a significant negative impact to nocturnal wildlife around the site. It is recommended that a planning condition is included to prevent any additional lighting being installed unless a lighting scheme is submitted for approval to the LPA ensure that any additional lighting proposals would minimise impacts to biodiversity and to ensure compliance with the requirements of Powys LDP policies DM2 and DM7.

The Design and Access statement identifies that the southern boundary will be landscaped to ensure that the proposed development integrates within the surrounding area, the provision of landscaping is welcomed as in addition to providing screening of the proposed development it has potential to provide benefits for biodiversity (biodiversity enhancements), whilst reference has been made to landscaping within the Design and Access Statement no details of these provisions have been provided on any of the plans submitted, in order to ensure that the measures proposed are secured and appropriate aftercare measures are identified to increase the successful establishment of these features it is recommended that the submission of a detailed landscaping and aftercare scheme is secured through an appropriately worded planning condition to ensure compliance with the requirements of LDP policies DM2 and DM4.

Therefore 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 at land at Tynyrrwtre, Llanwyddelan produced by Roger Parry & Partners LLP*
- ii. *Manure Management Plan for Tynyrrwtre, Llanwyddelan produced by Roger Parry & Partners LLP*
- iii. *Drainage Plan drawing no. GD-MZ213-01 produced by Roger Parry & Partners LLP dated 21<sup>st</sup> January 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 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

*Prior to the commencement of development a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted*

*landscaping 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.*

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 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016

*Prior to commencement of development a Hedgerow Compensation Plan in accordance shall be submitted to the Local Planning Authority and implemented as approved. The submitted hedgerow compensation plan shall include a scaled drawing and a written specification clearly describing the species, sizes, densities and planting numbers proposed as well as aftercare measures.*

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 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016

*Prior to the commencement of development a detailed Ranging Area Hedgerow Protection Plan shall be submitted to and approved in writing by the Local Planning Authority. The submitted protection plan shall include a scaled drawing and a written specification clearly describing the measures that will be implemented to protect the hedgerows and associated ground flora. The development shall be carried out in accordance with the approved details.*

Reason: To comply with Powys County Council's LDP Policies DM2 in relation to the Natural Environment and 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

*With the exception of a single access light to be installed on the egg collection unit no additional 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. The development shall be carried out in accordance with the approved details.*

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 9, November 2016), 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:

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.

### 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

### Representations

A public petition containing 248 signatures has been received by Development Management opposing the proposed poultry development. In addition to the above, a total of 12 individual third party representations have been received which can be summarised as follows;

- Proximity of the proposed development to wells/streams/rights of way;
- Topography of land compromises ability to spread manure in accordance with the submitted plan;
- Contamination of water supply – manure spreading;
- Odour impact;
- Air pollution;
- Impact on tourism assets;
- Impact on highway safety due to increased traffic movements;
- Impact on existing watercourses;
- Insufficient land to spread manure;
- Inadequate ranging area;
- Devaluation of existing residential properties;
- Over supply of eggs within the UK.

1 letter of support has also been received which indicates the following;

- Powys is a County with a strong agricultural heritage;
- Important for farmers to be given the opportunity to diversify and adapt;

- Secures jobs in associated businesses – such as feed mills and transport;
- Contributes to local economy.

## **Planning History**

M/2007/1028 - Erection of an agricultural livestock shed. Approved 26/11/07.

P/2008/0252 – Householder: Erection of a 2 story extension. Approved 01/04/08.

P/2018/0175 - Full: Extension to existing general purpose agricultural building. Approved 21/03/16.

P/2015/0627 - Full: Installation of a ground mounted solar pv array and associated metering cabinet. Approved 30/09/2015.

## **Principal Planning Constraints**

- Public right of Way located approximately 210 metres to the east of the application site boundary;
- The Old Rectory – Grade II listed building located approximately 185 metres from the application site boundary;
- Watercourse located approximately 250 metres to the east of the application site boundary;
- Ancient Woodland located approximately 190 metres to the south of the application site boundary.

## **Principal Planning Policies**

### National Planning Policies

Planning Policy Wales (2016)

Technical Advice Note 5 – Nature Conservation and Planning (2009)

Technical Advice Note 6 – Planning for Sustainable Rural Communities (2010)

Technical Advice Note 11 – Noise (1997)

Technical Advice Note 12 – Design (2016)

Technical Advice Note 13 – Tourism (2007)

Technical Advice Note 18 – Transport (2007)

Technical Advice Note 23 – Economic Development (2014)

Technical Advice Note 24 - The Historic Environment (2017)

Welsh Office Circular 11/99 – Environmental Impact Assessment

### Local Planning Policies

Powys Local Development Plan (April 2018)

SP7 - Safeguarding of Strategic Resources and Assets

DM2 – The Natural Environment

DM4 – Landscape

DM6 – Flood Prevention and Land Drainage

DM7 – Dark Skies and External Lighting  
DM13 – Design and Resources  
DM14 – Air Quality Management  
E2- Employment Proposals on Non-allocated Employment Sites  
E6 – Farm Diversification  
T1 – Travel, Traffic and Transport Infrastructure

RDG=Powys Residential Design Guide NAW=National Assembly for Wales TAN= Technical Advice Note  
LDP=Powys Local Development Plan, MIPPS=Ministerial Interim Planning Policy Statement

## **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**

### Introduction

#### *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.

### Principle of Development

Rural enterprises play a vital role in promoting healthy economic activity within rural areas. Planning Policy Wales (2016) and Technical Advice Note 23 (2014) emphasises the need to support diversification and sustainability in such area, recognising that new businesses and the expansion of existing are key to this objective and essential to sustain rural communities. Local Authorities should therefore look to facilitate appropriate rural developments. This support should be balanced against other material considerations.

Policy E6 of the Local Development Plan 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 and will have no significant detrimental effect on the vitality and viability of any adjacent land uses, either individually or through cumulative impact.

Having carefully considered the proposed development, it is considered that the principle of development is supported by planning policy subject to following considerations:

## Landscape and Visual Impact

Guidance within policy DM4 of the Powys Local Development Plan, indicates that development proposals will only be permitted where they would not have an unacceptable impact on the environment and would be sited and designed to be sympathetic to the character and appearance of its surroundings. Policy DM4 requires a Landscape and Visual Impact Assessment to be undertaken where impacts are likely on the landscape and proposals should have regard to LANDMAP, Registered Historic Parks and Gardens, protected landscapes and the visual amenities enjoyed by users of the Powys landscape and adjoining areas.

For the purposes of LANDMAP's Visual and Sensory layer, the proposed site of development is located within the 'Tregynon Rolling Hills' aspect area which is characterised by upland hills, lower plateau and scarp slopes. The aspect area is recognised by LANDMAP as 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. The 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 ie hedge laying and few intensive farming practices employed. In light of the above assessment, the Visual and Sensory value is high.

The existing complex Tyn Yr Wtra comprises of a number of large, modern agricultural buildings which occupy an elevated position, adjacent to the public highway. The proposed poultry unit will be located to the east of the existing complex, approximately 32 metres away from an existing building. Access to the proposed unit will be provided by a new farm track off the public highway measuring approximately 100 metres in length.

Whilst acknowledging the scale of the proposed building (134 metres by 20 metres) and maximum height of the development (approximately 8 metres), given the location of the building adjacent to the existing complex, undulating character of the surrounding landscape together with existing and proposed landscaping, it is not considered that the siting of the proposed building and associated infrastructure will adversely affect the character and appearance of the landscape.

## Highway Safety and Movement

Policy T1 and DM13 of the Powys Local Development Plan indicates that development proposals will only be permitted where appropriate highway provision is incorporated in terms of a safe access, adequate visibility, turning and parking and whereby the proposal can 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.

Access to the proposed poultry unit will be provided via the provision of a new access track off the public highway. The proposed egg production unit will require bulk food delivered to the farm by HGV twice a month. Eggs will be collected approximately every 3 days and



vehicles delivering new birds will arrive once every 13 months. It is anticipated that the above will generate a maximum of 10-12 lorry movements a month.

Following consultation, Members are advised that no objection has been received from the Highway Authority however a series of conditions have been recommended. In light of the comments received and notwithstanding the third party concerns expressed, it is not considered that the proposed development will have an unacceptable impact on highway safety and movement and therefore is compliant with policies DM13 and T1 of the Powys LDP.

### Biodiversity, Ecology & The Environment

Policy DM2 of the Powys Local Development Plan seeks to maintain biodiversity and safeguard protected important sites. Policy DM2 states that proposed development should not unacceptably adversely affect any designated site, habitat of species including locally important site designations.

#### *SSSI's and SAC*

Intensive livestock installations have the potential to impact protected sites through aerial emissions (ammonia and nitrogen deposition). In their consultation response, Natural Resources Wales (NRW) confirm that an assessment of the potential air quality impact of a unit on a European site and Sites of Special Scientific Interest (SSSI's) is undertaken in accordance with 2017 thresholds within a screening distance of 5km of the proposed unit.

The application is accompanied by an ammonia dispersion and deposition modelling report which identifies two SSSI's within 5km of the proposal, namely;

- Cors Llanllugan SSSI;
- Gregynog SSSI.

The background ammonia concentration as identified within the submitted report is around Pentre Penarth is 1.41µgNH<sub>3</sub>/m<sup>3</sup>, and the background nitrogen deposition is 28.70kgN/ha/yr to woodland and 19.04kgN/ha/yr for short vegetation. NRW confirm that for assessment purposes, the ammonia critical levels and nitrogen critical loads cited within the report are considered to be correct. Thereafter, NRW indicates that the report predicts the process contributions to ammonia concentration and nitrogen deposition are below the thresholds applied in NRW's assessment of potential impacts on protected sites. These predictions for the Gregynog SSSI are 0.3% for ammonia, and 0.2% for nitrogen at the highest concentrations.

Having assessed the information submitted by the applicant, no objection has been raised by NRW in respect of the proposed development and its impact on the identified SSSI's on an individual or cumulative basis. On the basis of the response received and notwithstanding the third party concerns expressed, it is not considered that the proposed development will have an unacceptable impact on designated and protected sites. The proposal is therefore considered to be compliant with policy DM2 of the Powys LDP, Technical Advice Note 5 and Planning Policy Wales.

#### *Protected Species*

Policy DM2 of the Powys Local Development Plan, TAN5 and PPW seek to safeguard protected species and their habitats. Policy DM2 states that proposed development should not unacceptably adversely affect any habitat or protected species.

Following consultation, no concerns have been raised by NRW in respect of the Protected Species and therefore, on this basis, Officers do not consider that the proposed development will adversely affect any habitat or protected species in compliance with the aforementioned policy.

### *Pollution Prevention*

The application is accompanied by a Pollution Prevention Method Statement which considers potential pollution risks during both construction and operation of the proposed poultry unit. Having reviewed the submitted details, NRW has confirmed that subject to an appropriate condition securing the implementation of the plan, it is considered unlikely that the proposal will adversely impact the surrounding environment.

### *Ancient Woodland*

With regards to Ancient woodland the data search identified 65 parcels of Ancient woodland within 2km of the proposed development. Preliminary modelling was run to determine the maximum annual mean ammonia concentration rate at the identified ancient woodland sites, this modelling indicated that there was a potential for the deposition to exceed the identified lower threshold percentage of the Critical Level for several of the AW sites. Detailed deposition modelling was then run for these sites, the results of the detailed modelling identified that 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) of the precautionary Critical Level of 1.0 µg/m<sup>3</sup> or the Critical Load of 10.0 kg/ha at the AW sites.

In light of the above, it is not considered that the proposed development will have an unacceptable impact on Ancient Woodland.

### Residential Amenity

Intensive livestock units have the potential to impact on the living conditions of residents living nearby through a number of factors, in particular emissions of noise and odour, concerns relating to which have been expressed within third party representations received.

### *Noise*

LDP policy DM13 states that development proposals will only be permitted where the amenities enjoyed by the occupants of nearby or proposed properties shall not be unacceptably affected by levels of noise. Officers acknowledge that intensive livestock units have potential to generate noise impact from plant/equipment (roof mounted extractor fans) and general operational activities.

The proposed poultry unit incorporates the use of mechanical ventilator extractor fans which thermostatically control the building temperature. The nearest non associated residential

property (The Old Rectory) is located approximately 185 metres away from the proposed site boundary (closest point). Based upon the information provided by the applicant, Environmental Health has confirmed that at this location, the noise level from all fans operating is 33dBA, which is below the World Health Organisation (WHO) guidelines for community noise. As such, Environmental Health has offered no objection to the proposed development in respect of noise impact.

### *Odour*

The application is supported by a Manure Management Plan (MMP) which indicates that the poultry manure will be removed from the shed every 3-4 days via a conveyor belt. Thereafter the manure will be spread in accordance with the MMP on the applicants holding.

Third party objections have been received by Officers with respect to manure spreading, specifically associated odour impact and impact on private water supplies. Following the submission of a revised Manure Management Plan, Environmental Health has confirmed that appropriate buffer zones have been identified around public water supplies and therefore there are no objections in this respect. In any case, should planning permission be granted, it is recommended that a suitable condition is attached prohibiting the spreading of manure within 10 metres of any watercourse and 50 metres of any borehole, spring or water supply. In respect of potential odour impact, despite the objections raised, Environmental Health has confirmed that the application does not give cause for concerns in respect of odour emissions.

In light of the above and notwithstanding the concerns expressed by local residents, in light of the consultation comments received, it is not considered that sufficient weight can be given to the objections raised to support a reason for refusal.

### *Dust*

Following submission of the application, a Dust Management Plan was received by Officers following initial comments from Environmental Health. Following review of the document, the Environmental Health Officer has confirmed no objection to the proposed development in respect of dust.

### *Amenity Conclusion*

In light of the above, it is considered that the proposed development will not have an unacceptable adverse impact on the amenities enjoyed by occupants of nearby properties by reasons of noise, odour and dust. Therefore, Development Management considers the proposal to be in accordance with planning policy, in particular LDP policy DM13 and DM14.

### Surface Water and Foul Drainage

The submitted design and access statement confirms that the construction of the floor will incorporate a damp proof membrane preventing any dirty water percolating into the ground below the building. A stump in the floor will drain further below ground into a sealed tank, which will allow collection of any dirty water primarily arising from the washing down process at the end of the production cycle. This dirty water will then be taken off site in a vacuum

tanker. Clean surface water will flow into a soakaway system. This is detailed on drawing no. GD-MZ213-01, entitled 'Location Plan'.

Following consultation, Natural Resources Wales has confirmed that the proposed drainage scheme is considered to be acceptable and therefore it is unlikely that the proposal will cause pollution to the wider environment.

### Rights of Way & Tourism

LDP Policy DM13 seeks to oppose development which would have an unacceptable adverse impact on existing and established tourism assets and attractions.

Whilst noting the proximity of the application site to nearby public rights of way, given the associated distances together with existing and proposed landscaping, it is not considered that the proposed development will have an unacceptable impact on the public rights of way network.

The proximity of the site to other tourism assets, namely caravan parks has been noted within a third party representation received. Whilst acknowledging the concerns expressed, given the location of the proposed development adjacent to an existing farm complex, topography of the landscape together with existing and proposed landscaping, it is not considered that the proposed development will detract from the character and appearance of the landscape. Furthermore, given the Environmental Health comments received, it is not considered that the proposed development will result in unacceptable odour and noise impacts thus safeguarding the amenities of those visiting the nearby tourism assets.

In light of the above, it is not considered that the proposed development will have an unacceptable adverse impact on existing and established tourism assets and attractions, compliant with LDP policies SP7 and DM13.

### Built Heritage

Technical Advice Note 24 emphasises that when considering any applications for listed building consent, the local planning authority must 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 Old Rectory is a grade II listed property located to the south west of Tynyrwtre. The Old Rectory is sited in a slightly elevated position above the road that approaches Llanwyddelan from the B4389 and is well screened with garden planting. The principal outlook of the property is south east with the service rooms facing north-west towards the road. Tynyrwtre is set on lower land than The Old Rectory with many large farm buildings being visible from the public road.

In her assessment of the proposal, the Built Heritage Officer notes that there is potential for the new building to be visible from the public road that leads from the B4389 towards Llanwyddelan when travelling from the bridge into the settlement. However the land slopes steeply to the north, and at the point when the current farm buildings to the rear of Tynyrwtre are visible, The Old Rectory is not. Similarly when The Old Rectory is visible from the public

highway, the majority of the farm buildings at Tynyrwtre and the proposed building will not be readily visible.

Taking into account the distance and topography of the land, the Built Heritage Officer concludes that the proposed poultry development will not adversely affect the setting of the listed building. As such, it is considered that the proposed development is in accordance with policies SP7 and DM13 of the Powys LDP, Technical Advice Note 24 and Planning Policy Wales.

## **RECOMMENDATION**

Having carefully considered the details submitted together with all statutory consultee responses and third party representations, Officers are satisfied that the proposed development complies with the relevant policies within the Powys Local Development Plan, Technical Advice Notes and Planning Policy Wales. As such, the recommendation is one of consent subject to the conditions detailed below;

### **Conditions:**

1. The development to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.
2. The development shall be carried out strictly in accordance with the approved plans and documents (drawing no's: GD-MZ213-01, GD-MZ213-02, GD-MZ213-03 (A3 Plan), GD-GHJ-03 (A1 Plan) and GD-MZ213-06 and documents; Design, Access and Planning Statement, Dust Management Plan dated June 2018, Manure Management Plan - Rev C and Method Statement Pollution Prevention).
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions or alterations to the unit shall be erected without the consent of the Local Planning Authority.
4. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 and the Town and Country Planning (General Permitted Development) Order 1995 as amended or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, the premises shall not be used for any purpose other than that hereby authorised.
5. Prior to the first beneficial use of the development any entrance gates shall be set back at least 20 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.
6. The gradient of the access shall be constructed so as not to exceed 1 in 15 for the first 20 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.
7. The centre line of the first 20 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.
8. Before any other development commences 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 0.26 metres above ground level at the edge of the adjoining carriageway and 60 metres distant in a westerly direction and 120 metres distant in a easterly 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.

9. Before any other development commences 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 and 60mm of bituminous macadam binder course material for a distance of 20 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.
10. Prior to the first beneficial use of the development, provision shall be made within the curtilage of the site for the parking of not less than two cars and two heavy goods vehicles 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.
11. Before any other development commences 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.
12. The width of the access carriageway, constructed as Condition 9 above, shall be not less than 6 metres for a minimum distance of 20 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.
13. Prior to the occupation of the development a radius of 10.5 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.
14. Prior to the first beneficial use of the development the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 20 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.
15. Prior to the commencement of the development the field gate located immediately west of the proposed 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.
16. Upon formation of the visibility splays as detailed in condition 8 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.
17. No surface water drainage from the site shall be allowed to discharge onto the county highway.
18. Prior to the commencement of development, a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a scaled plan identifying the location of planting, species, sizes and

planting numbers together with an implementation and maintenance strategy. Thereafter, the development shall be undertaken strictly in accordance with the detailed landscaping scheme as approved.

19. 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. The development shall be carried out in accordance with the approved details.
20. The development hereby permitted shall be undertaken strictly in accordance with the Method Statement Pollution Prevention Plan received by Development Management on 2<sup>nd</sup> May 2018.
21. The development hereby permitted shall be undertaken strictly in accordance with the Manure Management Plan Revision C received by Development Management on 13<sup>th</sup> July 2018.
22. No development shall commence until details of existing ground levels and proposed finished ground and floor levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
23. Prior the commencement of development, a hedgerow compensation plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken strictly in accordance with the hedgerow compensation plan as approved.
24. Prior to the commencement of development, a ranging area hedgerow protection plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken strictly in accordance with the ranging area hedgerow protection plan as approved.

#### **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 order to control development which has the potential to have adversely affect the amenity of the area in contradiction to Policy DM13 of the Powys Local Development Plan and Planning Policy Wales (2016).
4. In order to control development which has the potential to have adversely affect the amenity of the area in contradiction to Policy DM13 of the Powys Local Development Plan and Planning Policy Wales (2016).
5. In the interests of highway safety in accordance with the provisions of Powys LDP Policies DM13 and T1, Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2016).
6. In the interests of highway safety in accordance with the provisions of Powys LDP Policies DM13 and T1, Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2016).
7. In the interests of highway safety in accordance with the provisions of Powys LDP Policies DM13 and T1, Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2016).
8. In the interests of highway safety in accordance with the provisions of Powys LDP Policies DM13 and T1, Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2016).

9. In the interests of highway safety in accordance with the provisions of Powys LDP Policies DM13 and T1, Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2016).
10. In the interests of highway safety in accordance with the provisions of Powys LDP Policies DM13 and T1, Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2016).
11. In the interests of highway safety in accordance with the provisions of Powys LDP Policies DM13 and T1, Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2016).
12. In the interests of highway safety in accordance with the provisions of Powys LDP Policies DM13 and T1, Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2016).
13. In the interests of highway safety in accordance with the provisions of Powys LDP Policies DM13 and T1, Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2016).
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15. In the interests of highway safety in accordance with the provisions of Powys LDP Policies DM13 and T1, Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2016).
16. In the interests of highway safety in accordance with the provisions of Powys LDP Policies DM13 and T1, Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2016).
17. In the interests of highway safety in accordance with the provisions of Powys LDP Policies DM13 and T1, Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2016).
18. To comply with Powys County Council's LDP Policies DM2, DM4 & DM13 in relation to the landscape and the Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Planning Policy Wales (Edition 9, November 2016), and Part 1 Section 6 of the Environment (Wales) Act 2016.
19. To comply with Powys County Council's LDP Policies DM2, DM4 & DM13 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Planning Policy Wales (Edition 9, November 2016), and Part 1 Section 6 of the Environment (Wales) Act 2016.
20. To comply with Powys County Council's LDP Policies DM2 & DM13 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Planning Policy Wales (Edition 9, November 2016), and Part 1 Section 6 of the Environment (Wales) Act 2016.
21. To comply with Powys County Council's LDP Policies DM2, DM4 & DM13 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Planning Policy Wales (Edition 9, November 2016), and Part 1 Section 6 of the Environment (Wales) Act 2016.
22. In order to control development which has the potential to have adversely affect the amenity of the area in contradiction to policy DM4 of the Powys Local Development Plan (April 2018) and Planning Policy Wales (2016).
23. To comply with Powys County Council's LDP Policies DM2, DM4 & DM13 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Planning Policy Wales (Edition 9, November 2016), and Part 1 Section 6 of the Environment (Wales) Act 2016.



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

## **Informative Notes**

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.

## **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

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Case Officer: Holly-ann 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

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Rev	Description	Date	Dr by	App by
	Original			



Residential - Agricultural - Commercial	
Job	Free Range Poultry Unit
Title	Location Plan
Location	Free range poultry unit G & H Jernan SY16 3BT
Client	G & H Jernan
Scales	1:1250 @ A3
Drawing No.	GD-MZ213-01
Drawn by	AZ
Date	07/06/2018

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



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

# 4.3

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

<b>Application No:</b>	P/2018/0322	<b>Grid Ref:</b>	319201.71 316420.83
<b>Community Council:</b>	Meifod	<b>Valid Date:</b>	<b>Officer:</b> 21/03/2018 Tamsin Law
<b>Applicant:</b>	Mr Gittins, Ystym Colwyn Farms, Ystym Colwyn Farms, Ystym Colwyn, Meifod, Powys, SY22 6BN		
<b>Location:</b>	Ystym Colwyn, Meifod, Powys, SY22 6XT		
<b>Proposal:</b>	FULL: Erection of an extension to existing intensive poultry unit and all associated works		
<b>Application Type:</b>	Application for Full Planning Permission		

### The reason for Committee determination

The application is required to be determined by the Committee because it is accompanied by an Environmental Statement.

### Site Location and Description

Ystym Colwyn is located within open countryside, approximately 4km to the north east of the settlement boundary of Meifod. The application site extends to approximately 1.2 hectares of agricultural land and is bounded by agricultural land to the north, east and south. Located to the west are two existing poultry units and the existing Ystym Colwyn farm complex and farmhouse.

Consent is sought for the construction of four broiler units to house an additional 200,000 birds. The development will comprise the poultry units, 12 feed bin, generator store, office, welfare facilities, hardstanding, vehicular access and landscaping. The proposed units are to measure approximately 109.73 metres by 25.38 metres. The total floor area for each unit would measure 2,784.94 square metres. Eaves and ridge height would be 2.59 metres and 5.17 metres respectively. It is still proposed that each unit house 50,000 boilers. The roof and walls of the proposed units will be finished in box profile metal sheeting to match the existing units.

The proposed units will operate a two-wave clearout with the cockerels being removed at 36 days and the pullets at 42 days. The expected turn around period between each crop is approximately 7 days. This could result in the units producing 7.6 crop cycles per year.

### Consultee Response

#### Meifod Community Council

Re: P2018/0322 - Members of Meifod Community Council have agreed to support this application.

They believe that any issues that may occur such as noise, odour etc. will be covered and dealt with by the Planning Authority.

### **PCC - Highways**

The County Council as Highway Authority for the County Class I Highway, A490

Wish the following recommendations/Observations be applied  
Recommendations/Observations

HC8 Prior to the first beneficial use of the development, provision shall be made within the curtilage of the site for the parking of not less than two cars and two heavy goods vehicles 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.

### **PCC - Building Control**

Building Regulations application required.

### **Severn Trent Water**

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.

To help us provide an efficient response please could you send all responses to [welshplanning@severntrent.co.uk](mailto:welshplanning@severntrent.co.uk) rather than to named individuals, including the STW ref within the email/subject.

### **PCC - Environmental Health**

#### *1<sup>st</sup> Response*

Given the number of birds on site the NRW will be the primary enforcement authority for this development, however I would recommend that an accumulative noise assessment be undertaken to consider the noise from the site, this should consider the current unit in the calculations.

I cannot find any noise specific assessment on the fan noise and the potential noise level at the nearest residential dwellings.

#### *2<sup>nd</sup> Response*

The noise and odour data is satisfactory and I have no objection.

I've have spoken with the agent's colleague on August 31<sup>st</sup> to ask for confirmation if all Private Water Supplies around the development and the manure spreading area have been considered and exclusion zones identified if required.

### *3<sup>rd</sup> Response*

Following confirmation regarding the private water supplies I have no objection to the application.

### **PCC - Ecologist**

Thank you for consulting me with regards to planning application P/2018/0322 which concerns an application for the erection of an extension to existing intensive poultry unit and all associated works At Ystym Colwyn, Meifod, 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 19 records of protected and priority species within 500m of the proposed development, no records were for the site itself. Species recorded within 500m of the proposed development include bat species, badger, otter, hare and barn owl.

The site of the proposed development is not subject to or adjacent to any statutory or non-statutory designated sites. No statutory or non-statutory designated sites were identified within 500m of the proposed development. The Environmental Statement states that there are no statutory designated sites within 5km of the Ystym Colwyn site, this is incorrect and the following statutory designated sites are present within 5km:

- Tanat and Vyrnwy Bat Sites SAC
- Bryngwyn Hall Stables and Coach House SSSI
- Allt y Main Mine SSSI
- Gwern-Y-Brain Dingle SSSI

The Environmental statement section 10.6.2 makes reference to a species record search within 2km of the Lower Leighton (A) site as well as making reference to a proposed "dairy extension", I also note that the Environmental Statement makes reference to records of great crested newt within 2km radius of the site at the Gungrog Flash SSSI – as the Gungrog Flash is over 9km from the Ystym Colwyn site I assume that the information in this section of the ES has been incorrectly copied and pasted from the ES produced for the Lower Leighton dairy farm application – as such the evidence provided regarding ecology in Chapter 10 of the ES is considered to be unreliable.

The site of the proposed extension is adjacent to the existing poultry buildings at the site, the Design and Access Statement identifies that the land impacted by the proposed development is currently laid to permanent pasture, having reviewed available aerial images, streetview images and the Wales Phase 1 Habitat Map it is noted that the land affected appears to be an area of improved grassland, a habitat generally considered to be of low ecological value due to its lack of species diversity and management regime.

There are several ponds shown as present on the aerial photographs within 250m of the proposed development, as part of the previous application for the existing poultry units at the

site (issued consent under P/2015/1083) an ecological assessment was undertaken which considered any ponds within 250m of the proposed development (located adjacent to the current application site) for their potential to support great crested newts, the assessment undertaken in 2016 determined that neither pond was suitable to support great crested newts, in addition a review of biological records within 2km of the proposed development did not identify any great crested newts records – therefore it is considered that there is no potential for the proposed development to result in any negative impacts to this species.

The improved grassland that would be lost by the proposed development is considered to offer very limited potential to support protected or priority species, the 2016 ecological survey identified that the site in general was “wholly unsuitable for the majority of protected species”, NRW make reference to the presence of trees at the site and recommend that the LPA consider whether there is any potential for these trees to support roosting bats. Having reviewed the plans it appears that no trees will be lost through the proposed development and the 2016 survey identified that the large trees present within 300m of the previous application when assessed were found to lack features suitable to support roosting bats – as such it is considered that there would be no potential for roosting bats to be impacted by the proposed development.

Whilst it is considered that there is negligible potential for bat roosts to be impacted by the proposed development there is some potential that the use of external lighting at the site could have impacts to the foraging and commuting behaviour of nocturnal species including bats, a lighting design scheme has been submitted with the application that identifies that some light sources will be required to allow safe and effective activities within the site to take place and identifies that the main building’s gable ends will be lit externally with a single low-wattage fitting of low intensity lighting during normal working hours in winter months, in addition it is identified that appropriate cowls/shielding of lights will be used and the light spread would be minimised through use of directional lighting and hours of lighting would be kept to a minimum to reduce disturbance. . It is considered that the lighting measures proposed are acceptable 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.

Plans submitted indicate that the existing highways access and associated track to the existing buildings will be utilised to serve the proposed extension, as such there would be no requirements for access improvements which may result in impacts to hedgerows or trees along this route.

The proposed development concerns the erection of an extension to the exiting poultry unit at the site, it is understood that the applicant applied to NRW for a variation of the previous environmental permit for the site – which was for 100,000 broilers – the variation was to increase the number of broiler places for the site to accommodate a maximum of 340,000 broiler chickens, the variation of the environmental permit was approved by NRW in May 2018.

NRW confirmed in their letter dated 30th May 2018 that as an application for the variation of the previous environmental permit was submitted to NRW on the 28/03/2017. This permit application is currently being processed by NRW and will be determined under the thresholds that existed before the 1st of April 2017.



NRW have reviewed the information provided within the Report on the Modelling of the Dispersion and Deposition of Ammonia from the Proposed Poultry Houses at Ystym Colwyn Farm, near Meifod in Powys by AS Modelling & Data Ltd dated 11th July 2017 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 of exceedance under which the application has been considered and are therefore considered to be acceptable.

With regards to Ancient woodland the data search identified 55 parcels of Ancient woodland within 2km of the proposed development. Preliminary modelling was run to determine the maximum annual mean ammonia concentration rate at the identified ancient woodland sites, this modelling indicated that there was a potential for the deposition to exceed the identified lower threshold percentage of the Critical Level for the site. Detailed deposition modelling was then run for these sites, the results of the detailed modelling identified 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) of the precautionary Critical Level of 1.0 µg/m<sup>3</sup> or the Critical Load of 10.0 kg/ha at the unnamed AW.

A Method Statement Pollution Prevention document produced by Roger Parry & Partners 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.

A Manure Management Plan produced by Roger Parry & Partners dated March 2018 has been submitted to support the application the plan identifies that all the manure produced as a result of the proposed extension will be exported off the farm to local AD plants, the plan includes details of contingency measures when the exporting of manure off site is not possible i.e. storage of manure on site it has been identified that there are a number of covered areas on the farm that would allow for this to be accommodated. Contaminated wash water will be kept separate from other manures and will be disposed of by specialist contractors licensed to take such wastes. NRW have identified that they consider subject to the site being operated in accordance with this manure management 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 Manure Management Plan to ensure compliance with the requirements of Powys LDP policy DM2.

Details of drainage for the site have been provided these identify that dirty and clean water will be kept separate, dirty water will drain to and be stored in dirty water tanks before being disposed of by a specialist contractor and clean water will be discharged to the River Vyrnwy. 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 Design and Access statement identifies that the proposed landscaping plan for the poultry site is designed to provide biodiversity benefits to the operational site whilst creating an attractive setting, softening the appearance and obscuring the proposed buildings from view. It states that it is proposed to create an area of native woodland planting to form a woodland tree belt of local landscape value and this area of woodland planting is proposed on the site to the North East elevation and on both gable ends. This area of planting will include Elder, Field Maple, Silver Birch, Holly, Black Polar and Scots Pine.

In addition it is identified that as part of the landscaping scheme the applicant proposes to maintain the existing mature hedgerows and to grow an effective screen of the development through hedgerow management. It is stated that the particular planting mix within the new hedgerows will reflect the local vernacular, it will include hawthorn and blackthorn as a base species but will include additional species found locally in ancient hedges. Further mention is made to the creation of rough grassland areas within the site boundaries on land that can no longer be cultivated as part of usual cropping. These measures are welcomed and are considered to have potential to provide additional benefits to biodiversity i.e. biodiversity enhancements and would serve to meet the requirements of Section 6 Part 1 of the Environment (Wales) Act 2016 which requires the LPA to Seek to Maintain and Enhance biodiversity through all of its functions including the planning process. Whilst these landscape provisions are detailed in the Design and Access Statement I am unable to find any details of these provisions on any of the plans submitted, in order to ensure that the measures proposed are secured and appropriate aftercare measures are identified to increase the successful establishment of these features it is recommended that the submission of a detailed landscaping and aftercare scheme is secured through an appropriately worded planning condition to ensure compliance with the requirements of LDP policies DM2 and DM4.

As the proposed development is within 5km of the Tanat and Vyrnwy Bat Sites SAC consideration has been given to the potential for the proposed development to result in a Likely Significant Effect to the SAC and/or its associated features – the units of the SAC have been designated due to the important lesser horseshoe bat roosts which they support – the closest unit of the Tanat and Vyrnwy Bat Sites SAC is approximately 2.2km from the proposed development as such it is considered that there is negligible potential for the proposed development to directly impact the SAC itself. As lesser horseshoe bats are mobile features consideration has to be given to the potential for important foraging or commuting habitats for the bats associated with the SAC roosts to be negatively impacted – lesser horseshoe bats will regularly travel up to 10km from a roost for foraging purposes – this could be through loss of such habitat e.g. hedgerows, tree lines and grassland supporting invertebrates on which this species of bats feed or modification/disturbance of such habitats e.g. introduction of inappropriate artificial lighting or increased noise levels etc. As the proposed development will not result in the loss of any habitat suitable to provide important foraging or commuting opportunities for this species and given the details provided with regards to installation of external lighting at the site – lighting is to be kept to the minimum required for safe operation of the site and has been designed to minimise light spill - it is considered that there would be no likely significant negative impact indirectly to the SAC through the proposed development. As such it is considered that there would be no potential for a Likely Significant Effect to the Tanat and Vyrnwy Bat Sites SAC and or its associated features and the proposed development would comply with the requirements of LDP policy DM2 Part 1.

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

Installation of external lighting features at the site will be carried out in accordance with specifications identified in the Lighting Design Scheme – Ystym Colwyn produced by Roger Parry & Partners LLP dated January 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 9, November 2016), 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 details and measures identified in the following documents:

- i. Method Statement Pollution Prevention – Prepared for Ystym Colwyn Farms produced by Roger Parry & Partners LLP
- ii. Manure Management Plan – Ystym Colwyn Farms produced by Roger Parry & Partners LLP dated March 2018
- iii. Ystym Colwyn Drainage Plan

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 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

Prior to the commencement of development a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted landscaping 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.

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 9, November 2016), 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 informative:

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

## **NRW**

Thank you for your consultation regarding the Ystlym Colwyn farm extension.

Further to our previous letter referenced CAS-59660-S7H4 dated 17/04/2018, we have the following advice to provide.

We have significant concerns with the proposed development as submitted. We recommend that you should only grant planning permission if you attach the condition below. We would object if the consent does not include this condition.

Condition 1 - Pollution Prevention: To prevent pollution to watercourses during the construction and operational phases of the proposal, the development shall be carried out in accordance with the:

- i) Method Statement Pollution Prevention Plan ('Method Statement Pollution Prevention', Roger Parry & Partners)
- ii) Drainage Plan, unreferenced
- iii) Manure Management Plan ('Manure Management Plan', Roger Parry & Partners dated March 2018)

### **Manure Management Plan**

A manure management plan ('Manure Management Plan', Roger Parry & Partners dated March 2018) has been submitted in support of the proposal.

The plan states that all the manure produced will be exported off the farm.

A contingency plan is included for the storage of manure on site when the exporting of manure off site is not possible. Contaminated wash water will be stored in containers separate from other manures and will be disposed of by specialist contractors licensed to take such wastes.

Provided the site operates in accordance with this plan, it is unlikely the proposal will cause pollution to the wider environment.

### **Drainage Plan**

We have reviewed the drainage plan which we received by email on 06/03/2018, unreferenced.

The plan shows dirty and clean water being drained separately. The dirty water will drain to dirty water tanks. The tanks must be built to comply with the Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil)(Wales) Regulations 2010.

The plan shows clean water will be discharged to the River Vyrnwy. All pollution prevention measures outlined in the pollution prevention plan referenced below must be adhered to, to ensure the clean water is not contaminated.

### **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 the site are undertaken in accordance with this plan, the proposal is unlikely to adversely impact the surrounding environment.

Should any contaminated water or material enter or pollute the watercourse or groundwater, Natural Resources Wales must be notified on our incident hotline number, 03000 65 3000.

Further advice:

Environmental Permit, Air Quality Modelling Report and in-combination/cumulative assessments

A Detailed Air Quality Modelling report has been submitted in support of the proposal. ('A Report on the Modelling of the Dispersion and Deposition of Ammonia from the Proposed Poultry Houses at Ystym Colwyn Farm, near Meifod in Powys' by AS Modelling & Data Ltd. dated 11th July 2017)

An email from the Agent (Richard Corbett 26/04/2018) confirms an application for the variation of an existing environmental permit was submitted to NRW on the 28/03/2017. This permit application is currently being processed by NRW and will be determined under the thresholds that existed before the 1st of April 2017.

The background ammonia concentration in the area is 1.69 µg/m<sup>3</sup>, and the background nitrogen deposition rate to woodland is 28.42kgN/ha/yr and to short vegetation is 17.92kgN/ha/yr. The report sources these figures from the Air Pollution Information System (APIS, 2016). The report has assessed the impact of the proposal based on 340,000 broiler chickens. The proposal is for a 300,000 unit.

The report has used the precautionary approach by assessing the proposal on the 1 µg/m<sup>3</sup> ammonia critical level. These sites do not have lower plants as a protected feature, therefore the 3 µg/m<sup>3</sup> critical level can be used. We have calculated the process contributions of the proposal using the 3 µg/m<sup>3</sup> critical level. Our calculations are presented in the table below.

Site		Receptor No.	NH <sub>3</sub> (µg/m <sup>3</sup> )		
SAC	SSSI		CLe	PC	PC%
Tanat & Vyrnwy	Bryngwyn Hall Stables & Coach House	44	3	0.066	2.2
Bats Sites	Allt y Main Mine	45	3	0.088	2.9
Montgomery Canal	Montgomery Canal	35	3	0.033	1.1
Granllyn	Granllyn	34	3	0.005	0.16
	Gwern y Brain Dingle	33	3	0.042	1.4

Our comments above only relate specifically to matters that are included on our checklist "Natural Resources Wales and Planning Consultations" (March 2015) which is published on our website: (<https://naturalresources.wales/media/5271/150302-natural-resources-wales-and-planning-consultations-final-eng.pdf>). 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. 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.

## CADW

### *1<sup>st</sup> Response*

Thank you for your letter of 28 March 2018 inviting our comments on the information submitted for the above planning application.

### Advice

Having carefully considered the information provided with this planning application, we consider that it is inadequately documented. Our assessment of the application is given below.

### Our role

Our statutory role in the planning process is to provide the local planning authority with an assessment concerned with the likely impact that the proposal will have on scheduled monuments, registered historic parks and gardens, registered historic landscapes where an Environmental Impact Assessment is required and development likely to have an impact on the outstanding universal value of a World Heritage Site. We do not provide an assessment of the likely impact of the development on listed buildings or conservation areas, as these are matters for the local authority.

It is for the local planning authority to weigh our assessment against all the other material considerations in determining whether to approve planning permission.

### National Policy

Applications for planning permission are considered in light of the Welsh Government's land use planning policy and guidance contained in Planning Policy Wales (PPW), Technical Advice Notes and guidance. PPW (Chapter 6 - The Historic Environment) explains that the conservation of archaeological remains is a material consideration in determining a planning application, whether those remains are a scheduled monument or not. Where nationally important archaeological remains, whether scheduled or not, and their settings are likely to be affected by proposed development, there should be a presumption in favour of their physical protection in situ. It will only be in exceptional circumstances that planning permission will be granted if development would result in an adverse impact on a scheduled monument (or an archaeological site shown to be of national importance) or has a significantly damaging effect upon its setting. Technical Advice Note 24 The Historic Environment elaborates by explaining that there is a presumption against proposals which would involve significant alteration or cause damage, or which would have a significant impact on the setting of remains.

### Assessment

Within 3km of the application area are the following designated assets:

#### Scheduled monuments:

MG077 Bwlch-y-Cibau Dyke  
MG029 Bryngwyn Wood Camp  
MG200 Bryngwyn Wood Camp  
MG210 Bwlch-y-Cibau Enclosure

Registered historic park and garden:

PO41 Bryngwyn.

The proposed development is located c 360m to the east of MG077 Bwlch-y-Cibau Dyke and will be visible from it. A combination of intervening topography and vegetation means the other designated assets listed above are not inter-visible.

MG077 Bwlch-y-Cibau Dyke comprises a complex and well-preserved linear earthwork comprising a single and sometimes double or treble line of bank and southern ditch utilising the natural scarps of a low ridge. This faces along the Vyrnwy valley towards the Severn and overlooks the development site. It is assumed to be a boundary marker of broadly early medieval date. Significant views from the dyke are south across east to west along the line of the Vyrnwy broad floodplain where the dyke presumably faced another former territorial holding.

The proposal is for the extension of an existing poultry unit to incorporate four additional buildings set parallel and to the north east of two existing buildings and associated works. The proposed development is likely to be clearly visible in the identified significant views from the scheduled monument across the valley of the River Vyrnwy and will therefore cause damage to the setting of the scheduled monument: this will be a material consideration in the determination of this application (see Planning Policy Wales 2016 section 6.5.5). In our response to statutory pre-planning consultation prior to this planning application we concluded that the pre-application had been inadequately documented and that a Heritage Impact Assessment taking into account this issue should be submitted with any planning application for the proposed development. However no such assessment has been submitted with the application and therefore we are currently not in a position to provide your authority with advice. Consequently we advise that you request information on this issue. This will require an assessment of the impact of the proposed development on the setting of the scheduled monument to be prepared in accordance with the methodology outlined in the Welsh Government's best-practice guidance Setting of Heritage Assets in Wales (2017).

## *2<sup>nd</sup> Response*

Thank you for your letter of 28 June 2018 inviting our comments on the additional information submitted for the above planning application.

### **Advice**

Having carefully considered the information provided with this planning application, we have no objections to the impact of the proposed development on the scheduled monument MG077 Bwlch-y-Cibau Dyke. Our assessment of the application is given below.

### **Our role**

Our statutory role in the planning process is to provide the local planning authority with an assessment concerned with the likely impact that the proposal will have on scheduled monuments, registered historic parks and gardens, registered historic landscapes where an Environmental Impact Assessment is required and development likely to have an impact on the outstanding universal value of a World Heritage Site. We do not provide an assessment of the likely impact of the development on listed buildings or conservation areas, as these are matters for the local authority. It is for the local planning authority to weigh our assessment against all the other material considerations in determining whether to approve planning permission.

## National Policy

Applications for planning permission are considered in light of the Welsh Government's land use planning policy and guidance contained in Planning Policy Wales (PPW), Technical Advice Notes and related guidance.

PPW (Chapter 6 - The Historic Environment) explains that the conservation of archaeological remains is a material consideration in determining a planning application, whether those remains are a scheduled monument or not. Where nationally important archaeological remains, whether scheduled or not, and their settings are likely to be affected by proposed development, there should be a presumption in favour of their physical protection in situ. It will only be in exceptional circumstances that planning permission will be granted if development would result in an adverse impact on a scheduled monument (or an archaeological site shown to be of national importance) or has a significantly damaging effect upon its setting. Technical Advice Note 24: The Historic Environment elaborates by explaining that there is a presumption against proposals which would involve significant alteration or cause damage, or which would have a significant impact on the setting of remains.

## Assessment

Within a 3km buffer of the application area are:

Scheduled monuments:

MG029 Bryngwyn Wood Camp

MG077 Bwlch-y-Cibau Dyke

MG200 Bryngwyn Wood Camp

MG210 Bwlch-y-Cibau Enclosure

Registered historic park and garden:

PO41 Bryngwyn.

Intervening topography means of the above designated historic assets only MG077 Bwlch-y-Cibau Dyke has any potential to be inter-visible with the proposal

MG077 Bwlch-y-Cibau Dyke comprises a complex and well-preserved linear earthwork comprising a single and sometimes double or treble line of bank and southern ditch utilising the natural scarps of a low ridge. This faces along the Vyrnwy valley towards the Severn and overlooks the development site. It is assumed to be a boundary marker of broadly early medieval date. Significant views from the dyke are south across east to west along the line of the Vyrnwy broad floodplain where the dyke presumably faced another former territorial holding.

The proposal is for the extension of an existing poultry unit to incorporate four additional buildings set parallel and to the north east of two existing buildings and associated works.

The developer Historic Impact Assessment produced by Trysor considers the impacts on the setting of the MG077 Bwlch-y-Cibau Dyke and concludes that the scheduled monument would not be inter-visible with the proposed development as topography, vegetation and trees will block all views of the scheduled monument from the development site and also block views towards the development from the scheduled monument. Consequently there would be no impact on the significance of the scheduled monument and no mitigation is therefore suggested. These conclusions are accepted.



## **CPAT**

Thank you for the consultation on this application.

There are no archaeological implications for the proposed development at this location. The setting of the listed buildings to the south is not compromised due to intervening agricultural structures that were constructed before the poultry units started to be built here.

## **PCC - Built Heritage**

Thank you for consulting me on the above application.

### 1.0 Recommendation

#### 1.1 no objections

Reason: It is not considered that the proposed poultry unit would have an adverse impact on the setting of the listed complex of buildings at Ystum Colwyn and is in accordance with the policies and Guidance in PPW and Tan 24 including setting of historic assets with its annexes and the adopted Powys Local Development Plan.

### 2.0 Background to Recommendation

#### 2.1 Designations

Cruck Framed barn Grade II\* Cadw ID 83068 listed on 19th August 2004  
Stable Building Grade II Cadw ID 15993 listed on 26th May 1995  
Brewhouse Range Grade II Cadw ID 15994 listed on 26th May 1995  
Wheelhouse including barn Grade II Cadw ID 15995 listed on 26th May 1995

In addition there is a listed milepost Grade II Cadw ID 15992 listed on 26th May 1995 on the A490.

#### 2.2 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 - Annexe to TAN24  
Managing Conservation Areas in Wales - Annexe to TAN 24  
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

### 3.0 Comments

3.1 Ystum Colwyn is an important group of dated farmbuildings associated with a gentry house with (1) brick-built stable (1721); (2) brewhouse, dairy and cheese-room (1719); cruck-framed barn modified in 1770. Source NPRN 43544.

3.2 The proposed poultry units are to be sited to the east of the farmstead adjacent to previously approved poultry units (P2015/1083) which have been constructed and are visible from the A495. The current application would extend this range of modern agricultural buildings.

3.3 However given the distance of the proposed units from the A495 and the modern farm buildings currently sited between the proposed poultry units and the older listed farm buildings, I would not consider that the proposed poultry units would have an impact on the listed farm buildings when viewed from the A495 to the east of the proposed poultry units.

3.4 When the listed buildings are directly adjacent to the viewer and on the A495 or the A490 and highly visible, the proposed poultry units would be to the rear of the modern agricultural buildings. Taking into account the advice in section 16 and 66 of The Planning (Listed Buildings and Conservation Areas) Act 1990 and section 6.5.11 of Planning Policy Wales 9th edition 2016 and as such I would not consider that the proposed poultry units would affect the setting of the listed buildings.

### **Representations**

The application was advertised through the erection of a site notice and press advertisement. No representations or objections have been received.

### **Planning History**

P/2017/0218 - Section 73 application to vary condition 2 attached to planning permission P/2015/1083 to allow change in size of poultry unit. Conditional Consent.

P/2016/1138 – Erection of agricultural building to be used as a biomass store and all associated works (retrospective)

P/2015/1083 - Erection of intensive poultry unit (2 buildings), construction of vehicular access and all associated works. Conditional Consent

P/2012/1228 - Erection of an agricultural building and formation of hard standing. Conditional consent 26/02/2013

P/2011/1499 - Erection of an agricultural building. Conditional consent 08/02/2012

P/2011/0755 - Erection of an agricultural building. Conditional consent 13/08/2011

P/2011/0518 - Erection of an agricultural building (Retrospective). Conditional consent 09/06/2011

AGRI/2011/0020 - Erection of an agricultural building. Planning permission required 31/03/2011

M/2007/1033 - Listed building consent for conversion of barn to form dwelling. Conditional consent 04/10/2011

M/2007/1032 - Conversion of barn to dwelling, installation of a septic tank and alterations to vehicular access. Conditional consent 16/02/2010 27

M/2006/0738 - Listed building consent for conversion of barn to form a dwelling. Application withdrawn

M/2006/0737 - Conversion of barn to a dwelling, alterations to vehicular access and installation of a septic tank. Withdrawn 19/09/2006

### **Principal Planning Constraints**

- The following Listed Buildings are situated at the Ystym Colwyn complex:
  - Brewhouse Range (grade II);
  - Wheelhouse including bar (grade II);
  - Cruck framed farm building (grade II\*); and
  - Stable building (grade II).
- In addition there is a listed milepost (grade II) on the A490.
- Application site located approximately 500m south east of the nearest section of the scheduled monument known as Bwlch-y-Cibau Dyke MG077.
- Public right of way (reference 249/57/1) located to the north west of application site.
- A490 class 1 highway.
- A495 class 1 highway.

### **Principal Planning Policies**

#### National planning policy

Planning Policy Wales (Edition 9, 2016)

Technical Advice Note 5 – Nature Conservation and Planning (2009)

Technical Advice Note 11 – Noise (1997)

Technical Advice Note 12 – Design (2016)

Technical Advice Note 13 – Tourism (1997)

Technical Advice Note 15 – Development and Flood Risk (2004)

Technical Advice Note 18 – Transport (2007)

Technical Advice Note 23 – Economic Development (2014)

Technical Advice Note 24 – The Historic Environment (2017)

Welsh Office Circular 11/99 – Environmental Impact Assessment

## Local planning policies

Powys County Council Local Development Plan (2018)

SP7 - Safeguarding of Strategic Resources and Assets

DM2 – The Natural Environment

DM4 – Landscape

DM6 – Flood Prevention and Land Drainage

DM7 – Dark Skies and External Lighting

DM13 – Design and Resources

DM14 – Air Quality Management

E2 – Employment Proposals on Non-allocated Employment Sites

E6 – Farm Diversification

T1 – Travel, Traffic and Transport Infrastructure

RDG=Powys Residential Design Guide NAW=National Assembly for Wales TAN= Technical Advice Note  
LDP=Powys Local Development Plan, MIPPS=Ministerial Interim Planning Policy Statement

## **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.

### Environmental Impact Assessment Regulations 2017

Part 2 of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016 reference lists of development and thresholds defining where a development proposal is EIA development. These are contained in Schedule 1 and 2 of the Regulations. Schedule 1 of the regulations lists where EIA is mandatory and Schedule 2 where development must be screened to determine if it is EIA development.

Schedule 1 of the Regulations states that the threshold for the “intensive rearing of poultry is 85,000 places for broilers or 60,000 for hens”. An Environmental Statement was submitted with the application.

## Environmental Permitting Regulations (EPR 2010)

The operations at the site will require an environmental permit issued by Natural Resources Wales under the Environmental Permitting (England & Wales) Regulations 2010 (as amended). This is required on the basis that the amount of broilers to be reared on site passes the threshold for an environmental permit. It is Natural Resources Wales' role to determine if the operation can be managed on an ongoing basis to prevent or minimise pollution. Planning Policy Wales states that Local Planning Authorities and Natural Resources Wales should work closely to ensure that conditions attached to planning consents and those attached to Environmental Permits are complementary however should not duplicate one another. Planning Authorities need to be satisfied that proposals are capable of effective regulations and Natural Resources Wales should assist in establishing this position. Good practice suggests that the parallel tracking of planning and environmental permitting and a planning application should be encouraged.

The permit will address relevant issues relating to air, water and land and including management and operations Inc. Noise and Odour.

Emissions of noise that are generated outside of the environmental permit such as construction noise does fall within the remit of Environmental Protection.

Confirmation has been received, as well as copies, that a permit has been issued by NRW. The permit (EPR/AB3391CD) allows the site to house a maximum of 340,000 birds and was issued on the 2<sup>nd</sup> May 2018.

## Introduction

The application seeks full planning permission for the construction of four poultry units to house a maximum 200,000 birds. Having considered the details submitted in respect of the proposed broiler meat production unit, the principal matters considered relevant to determination are as follows;

- The effect of the proposed development on the character and appearance of the area;
- The effect of the proposed development on heritage assets;
- The effect of the proposed development on the local amenity;
- The effect of the proposal on nature conservation interests;
- The effect of the proposal upon highway safety; and
- The effect of other considerations on the overall planning balance.

## Principle of Development

Policy E2 and E6 of the Powys Local Development Plan and Technical Advice Notes 6 and 23 accept the principle of appropriate agricultural development within the open countryside.

Policy E2 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 an extension to an existing poultry building which serves the 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

Ystym Colwyn Farms is a large beef, sheep and poultry farm that extends to in excess of 405 hectares. The farm seeks to further diversify away from sheep flocks and cattle herds due to the increasingly volatile nature of process associated with the red meat market.

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. This support should be balanced against other material considerations, such as impact of proposals on the quality of the landscape and environment.

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 Impact

Guidance within policy DM4 of the Powys Local Development Plan, indicates that development proposals will only be permitted where they would not have an unacceptable impact on the environment and would be sited and designed to be sympathetic to the character and appearance of its surroundings. Policy DM4 requires a Landscape and Visual Impact Assessment to be undertaken where impacts are likely on the landscape and proposals should have regard to LANDMAP, Registered Historic Parks and Gardens, protected landscapes and the visual amenities enjoyed by users of the Powys landscape and adjoining areas.

The application site comprises of agricultural land located immediately to the north east of the existing Ystym Colwyn farm complex. It is proposed to site the poultry units on the south eastern side of the A495, below the level of the highway. The topography of the application site is generally flat and the land is scattered with broken hedgerows and trees. The proposed plans indicate the implementation of some tree planting to the north west however little information is provided with regards to further landscaping. The proposal, involves the construction of four poultry sheds, feed bins, hardstanding and access works and would clearly represent a significant change to the application site. The development would result in the loss of a larger field, and the encroachment of built development into the open countryside.

The application site is located within the River Severn Flood Plain aspect area (MNTGMVS650) as defined by Landmap and is characterised by 'a significant open valley /

vale with a patchwork of medium to large field parcels many displaying established field boundaries of managed and overgrown hedgerows with numerous hedgerow trees. Predominantly arable farming with some lowland dairy farming. Settlements of varying sizes are prevalent from farmsteads to significant urban areas such as Welshpool and Newtown. Open skies dominate with wooded valley sides fringing the valley bottom'. The visual and sensory landscape value is recorded as moderate.

The proposed poultry buildings, whilst being of a large scale, are grouped within the context of the existing building complex and as such, potential landscape and visual impact is considered to be minimised. Furthermore, given the height of the proposed buildings and topography of the land, their profile is reduced and thus further reduces potential landscape impact. Further landscaping which can be achieved through condition together with the use of appropriate colours and materials are considered to help the proposal integrate into the landscape. There would be a loss of the agricultural field, however, taking account of the mitigation measures, the location close to the existing farm complex and the character and sensitivity of the landscape it is considered that the development would not have a significant adverse effect on the site and the landscape character of the area.

In light of the above observations and notwithstanding the scale of the proposed development, given the proposed topography of the area along with the proposed planting of native trees, it is considered that the proposed development is broadly in accordance with planning policy. Should Members be minded to grant planning permission it is recommended that any consent is subject to appropriate conditions restricting materials, securing the implementation and retention of existing and proposed landscaping whilst also requiring details of existing and proposed ground levels to be provided. Subject to the above, Officers consider that the visual and landscape impact associated with the proposed broiler development can be appropriately managed thereby safeguard the Powys landscape in accordance with policies SP7, DM2, DM4, DM7, DM13 and E6 of the Powys Local Development Plan.

### Visual Impact

The A490 and A495 highways are busy main roads to the south west and north of the site. The A490 highway is separated from the proposal by the existing farm complex and intervening agricultural land. The proposal would be closer to the A495 highway, although the highway is situated at a higher level than the application site. The broken hedgerows within the landscape and the roadside hedgerows further restrict views into the site. Mitigation in the form of additional landscaping would also assist. It is possible that users of the highways may be aware of the presence of the poultry units and feed bins but it is not considered that there would be significant views of the proposed poultry development for users of the roads. Views would also be in the context of the existing buildings at the site. It would seem likely that most users of the identified roads would be travelling between destinations and would not be highly sensitive to the limited visual impacts identified.

The nearest residential properties not associated with the Ystym Colwyn farm complex, Y Parc and Biddfald are located more than 420 metres distant from the application site and there are other dispersed properties in the locality. The dwellings and proposed barn conversions which are involved in the enterprise or within the ownership of the enterprise are considered to have occupiers of low sensitivity to any visual impact. There may be the opportunity to see the development from other properties whose occupiers would be more

sensitive to visual impacts. In particular it is possible that the upper parts of the buildings and feed bins would be discernible. But at the distance between the proposal and nearby properties, together with the trees and hedgerows on intervening land and the close relationship to the existing farm, it is not considered that there would be a significant impact on residential receptors.

There are public rights of way in the locality, in particular a right of way two public right of way located to the north west of the application site and another located to the south east of the application site. The public rights of way to the north west travel in a south/easterly direction and climb towards Bwlch y Cibau Dyke (Scheduled Ancient Monument). Based on a site visit it is probable that users of the public rights of way may have some intermittent views of the proposed development. Users are quite likely to be using these routes recreationally and it is likely that they would be sensitive to changes in the established rural setting of these routes. However, given the distance involved, the intervening highway and farm complex and the trees on boundaries along the rights of way and the proposed measures to mitigate the visual impact (the proposed planting and the use of appropriate recessive colours), it is considered that all of these factors would serve to adequately mitigate the view from these rights of way. In respect of the public right of way to the south east, the right of way travels from the A490 highway towards the A495 highway, across agricultural land. It is possible that users of this right of way would be able to see the proposed development. However, it is considered that given the distance involved, together with the grouping with the existing farm complex and the proposed tree planting that these factors would adequately mitigate the views from this right of way. From other public rights of way in the locality which are more distant, it is considered that the effect on visual amenity would be of minor significance.

Whilst the proposed development will be visible from sensitive receptors including highways, public rights of way, residential properties in the locality, listed buildings within the farm complex and Bwlch y Cibau Dyke scheduled ancient monument given the agricultural grouping, proposed landscaping together with observed distances, it is not considered that the proposed poultry development will have an unacceptable adverse visual impact.

The buildings are in proximity to the existing farm complex and considered to be acceptable in terms of its grouping with buildings, its landscape impact and its visual impact and to comply with relevant policies SP7, E2, E6, DM4 and DM13 of the Powys Local Development Plan.

## Built Heritage

### *Listed Buildings*

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.

It is noted that the application site is located within proximity of a number of listed buildings within the Ystym Colwyn farm complex. Acknowledgment of the listed building together with potential impacts is considered below.

There are 5 listed buildings in close proximity of the proposed poultry unit, four grade II listed buildings listed on 26/05/1995 and one grade II\* listed building included on the statutory list on 19th August 2004:

- Cruck Framed barn Grade II\* Cadw ID 83068 listed on 19th August 2004
- Stable Building Grade II Cadw ID 15993 listed on 26th May 1995
- Brewhouse Range Grade II Cadw ID 15994 listed on 26th May 1995
- Wheelhouse including barn Grade II Cadw ID 15995 listed on 26th May 1995
- Milepost on the A490 Grade II Cadw ID 15992 listed on 26th May 1995

Ystum Colwyn is an important group of C18th farm buildings associated with a gentry house. Given the distance of the proposed units from the A495 and the modern farm buildings currently sited between the proposed poultry units and the older listed farm buildings, it is not considered that the proposed poultry units would have an impact on the listed farm buildings when viewed from the A495 to the east of the proposed poultry units. The wider setting of these buildings is of a rural agricultural landscape with dispersed farms and other individual widely dispersed buildings.

Following consultations with the Built Heritage Officer they have advised that the proposed poultry units would not affect the setting of the listed buildings.

On this basis and in regard to the comments received from the Built Heritage Officer, it is not considered that proposed development would have an unacceptable adverse impact on the identified listed buildings together with their wider setting. The proposed development is therefore considered to be in accordance with the relevant policy SP7 and DM13 of the Powys Local Development Plan, Planning Policy Wales and Technical Advice Note 24: The Historic Environment.

### *Scheduled Ancient Monument*

Policy SP7 of the Powys Local Development Plan and Technical Advice Note 24: The Historic Environment states that there is a presumption in favour of safeguarding Scheduled Ancient Monuments and their settings. The proposed development is located within the vicinity of the scheduled monument known as Bwlch-y-Cibau Dyke MG077. The proposed development is to be located to the south east of the above listed scheduled monument. The dyke comprises a complex and well-preserved linear earthwork comprising a single and sometimes double or treble line of bank and southern ditch utilising the natural scarps of a low ridge. This faces along the Vyrnwy valley towards the Severn and overlooks the development site. It is assumed to be a boundary marker of broadly early medieval date.

Cadw were consulted on the application and raised concerns that their request for a Historic Impact Assessment at Pre-Application Consultation stage had not been undertaken. This information was duly requested from the agent on the application and was submitted and reconsulted upon. Following submission of this information Cadw advised that the

Assessment concluded that the scheduled monument would not be inter-visible with the proposed development as topography, vegetation and trees will block all views of the scheduled monument from the development site and also block views towards the development from the scheduled monument. Cadw concluded that there would be no impact on the significance of the scheduled monument and that no mitigation is therefore suggested.

In light of the comments received from Cadw, Development Management do not consider that the proposed development would have an impact on the identified Scheduled Ancient Monument and therefore consider that the proposal accords with policies SP7 and DM13 of the Powys Local Development Plan, Planning Policy Wales and Technical Advice Note 24: The Historic Environment.

### *Conclusion*

Having considered the potential impact of the proposed development on built heritage assets, it is not considered that the proposed will have an unacceptable adverse impact on the setting of listed buildings, scheduled ancient monument or upon archaeology, subject to the use of conditions. In light of the above, Development Management considers the proposed development to be in accordance with policies SP7 and DM13 of the Powys Local Development Plan, Technical Advice Note 24: The Historic Environment and Planning Policy Wales.

### Impact on Amenity, Living Conditions and health of Local Residents

Broiler 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 an Environmental Statement, this contains chapters assessing the significant likely impacts on amenity and the living conditions of local residents. The statement contains a noise and vibration assessment and an assessment of the impacts upon amenity in terms of odour, dust, flies and vermin. In addition, an Odour Management Plan, Noise Impact Assessment and Noise Management Plan have been included. Other elements of the submission including the Ammonia Assessment, and chapters within the Environmental Statement consider air quality, health and climate, water resources, traffic also contain information on the proposal relevant to assessing its impact on those who will have to live nearest to the development.

The closest non-associated residential dwellings are as follows;

- The Ford – Approximately 516 metres from the proposed development
- Fferm Bungalow – Approximately 522 metres from the proposed development
- Bidffald – Approximately 568 metres from the proposed development

### *Noise*

As stated above, the submission is accompanied by a Noise Management Plan and the Environmental Statement includes information on noise and vibration. Following concerns raised by Environmental Health regarding the level of information provided with the application a Noise Impact Assessment detailing the cumulative impact of the proposed development with the existing poultry unit was submitted. The closest non-associated

dwellings to the proposed development are located between 516 and 568 metres from the proposed development.

The assessment concludes that the proposed development will not result in an adverse noise impact at the nearest dwellings. The assessment states that during the night the extract fan and transport ambient noise ingress via an open window will be no more than  $L_{Aeq}$  10dB. This extremely low level will result in a very low to negligible noise impact. The transport related maximum noise ingress levels will be significantly below WHO threshold noise limit with regards to sleep disturbance.

Given that following the submission of further information the Environmental Health department has not raised any objection to the proposal, it is considered unlikely that the proposed development will have an unacceptable adverse impact on the amenities enjoyed by occupants of neighbouring properties by reasons of noise. Therefore, Development Management considers the proposal to be in accordance with policy DM13 of the Powys Local Development Plan.

Members are also advised that noise from the poultry units is controlled by the Environmental Permit.

#### *Odour*

The application is supported by an A Dispersion Study of the Impact of Odour. The report concludes stating that the modelling predicts that at all receptors not associated with Ystym Colwyn Farms, the 98<sup>th</sup> percentile odour concentrations would not exceed the applicable threshold for moderately offensive odours, a maximum annual 98<sup>th</sup> percentile hourly mean concentration of 3.0 ouE/m<sup>3</sup>. The submission also identifies the most likely source of odour arising from manure disposal as well as other potential sources such as manufacture and selection of feed, feed storage, inadequate ventilation, litter management, carcass disposal, cleaning out and dirty water management.

Given that the Council's Environmental Health department have not objected to the proposal and that the proposal is supported by an odour management plan, Development Management considers the proposal to be in accordance with policy DM13 of the Powys Local Development Plan.

Members are also advised that odour is controlled by the Environmental Permit.

#### *Dust*

It is acknowledged that the process of rearing broiler chickens has the potential to affect air quality through the generation of dust (including fine particles known as PM10s). The applicant has included an assessment of dust impacts which notes that the proposal will be sufficiently distant from sensitive residential properties to prevent significant impact. Dust baffles are proposed adjoining the ventilation fans to avoid any dust becoming airborne. Dust would form an emission from the site which would be controlled by the Environmental Permit.

#### *Conclusion*

It is considered that the comments made by Environmental Health and the environmental permitting regime provides reassurance that the poultry development should not be incompatible with a good standard of living conditions in the surrounding area. It is concluded that the proposed development would not unacceptably worsen the amenities of local residents or visitors to the area, and that it would not conflict with the objectives of Policy DM13 of the Local Development Plan.

### Transport

The proposed development will utilise an existing access from the A490 with an access track to the proposed buildings. Information submitted indicates that the proposed development would generate the following movements (these movements are based on a worst case scenario and are more likely to be lower);

- 344 movements per annum for the removal of manure
- 30.4 movements per annum for the delivery of bedding
- 56 movements per annum for the delivery of chicks
- 560 movements per annum for the delivery of feed
- 96 movements per annum associated with fallen stock
- 7.6 movements per annum for fuel delivery
- 222 movements per annum for bird collection

The Highway Authority have been consulted on the application and offer no objection to the proposed development subject to a condition requiring sufficient parking to be provided prior to the first beneficial use of the development.

Given the comments received from the Highways Authority, it is not considered that the proposed development will have an unacceptable adverse impact on highway safety and movement. Development Management is therefore satisfied that the proposed development is in accordance with policies T1 and DM13 of the Powys Local Development Plan, Technical Advice Note 18 – Transport and Planning Policy Wales.

### The 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.

Both Natural Resources Wales and Powys Ecology have been consulted on the application.

### *SSSIs and SACs*

The application site is within 5km of the following sites;

- Tanat Valley Bat Sites SAC
- Bryngwyn Hall Stables and Coach House SSSI
- Allt y Main SSSI
- Gwern-y-Brain Dingle SSSI

The application is supported by a Report on the Modelling of the Dispersion and Deposition of Ammonia from the Proposed Poultry Houses at Ystym Colwyn. Both NRW and Powys Ecology have reviewed the submitted information regarding the potential for the development to impact on SSSIs and SACs.

NRW confirm in their response that, with regards to statutory designated sites, that the predicted deposition of ammonia and nitrogen are below the thresholds of exceedance under which the application has been considered and are therefore considered to be acceptable.

In their response Powys Ecology also confirm that as the development will not result in the loss of any habitat suitable to provide important foraging sites or commuting opportunities for bats, it is considered that there would be no likely significant negative impacts, directly or indirectly to the Tanat and Vyrnwy Bat Sites SAC. As such it is considered that there would be no potential for a Likely Significant Effect to the Tanat and Vyrnwy Bat Sites SAC and or its associated features and the proposed development would comply with the requirements of LDP policy DM2.

### *Ancient Woodland*

With regards to ancient woodland, 55 parcels are identified within 2km of the proposed development. Preliminary modelling was run to determine the maximum annual mean ammonia concentration rate at the identified woodland sites. This modelling indicated that there was a potential for the deposition to exceed the identified lower threshold of the Critical Level for the site. Detailed deposition modelling also then provided which identified that the process contribution to ammonia concentrations and nitrogen deposition rates would not exceed the lower threshold of the precautionary Critical Level of 1.0 µg/m<sup>3</sup> or the Critical Load of 10.0 kg/ha at the ancient woodland.

Following a review of the submitted information Powys Ecology offered no objection to the proposed development.

### *Protected Species*

In their response to the application the Powys Ecologist states that the land affected appears to be an area of improved grassland, a habitat generally considered to be of low ecological value due to its lack of species diversity and management regime. They confirm that, due to previous assessments of the locality, it is considered that there is no potential for the proposed development to result in any negative impact to Great Crested Newts. The site, being improved grassland, is also considered to offer very limited potential to support any protected or priority species.

Whilst no evidence that the proposed development would impact on any bats or their roosting it is considered necessary that a condition restricting the use of external lighting is attached to any grant of consent in order to ensure that any lighting is acceptable with regards to protected species.

### *Conclusion*

In light of the comments received from the Powys Ecologist and NRW on the application it is considered that the application is in accordance with policies SP7, DM2, DM4 and DM13 of

the Powys Local Development Plan, Technical Advice Note 5: Nature Conservation and Planning and Planning Policy Wales.

### Drainage

Details of the drainage for the site has been provided and identifies that dirty and clean water will be kept separately. Dirty water will be collected and stored in a dirty water tank before being disposed of by a specialist contractor and clean water will be discharged via the River Vyrnwy.

Following consultation with NTW, Powys Ecology and Environmental Health no objections have been raised. As such it is considered that the proposed development is in accordance with policy DM13 of the Powys Local Development Plan.

### Manure Management

A Manure Management Plan (MMP) has been submitted in support of the application. The MMP states that all manure produces at Ystym Colwyn will be exported off the farm. A contingency plan has also been provided for when exporting from the site is not possible. This also details that contaminated wash water will be stored in containers separate from other manures and will be disposed of by specialist contractors licensed to take such wastes.

Following consultation with NRW, Environmental Health and Powys Ecology no objections have been received to the proposed development.

### Tourism Assets

The LDP within policies SP7 and DM13 seek to ensure that proposals which would have an unacceptable adverse effect upon the environmental setting of established tourist attractions will be opposed. The high quality landscapes of Powys, public rights of ways and scheduled ancient monuments are noted to be of interest to tourists and a wide interpretation should be given to what can legitimately be considered a tourist asset.

It is noted that there is guest accommodation located within the surrounding area, however there are no known facilities within close proximity to the site. The impact upon public rights of way and the scheduled ancient monument in the locality has been considered above. As discussed above, the visual and landscape impacts are considered acceptable subject to landscaping measures and as such it is considered that the environmental setting of established tourist attractions would not be unacceptably adversely affected by the proposal in accordance with policies SP7 and DM13 of the Powys Local Development Plan.

### **Recommendation**

Having considered all statutory consultee responses, due consideration has been given to the proposed development and its potential impact upon the amenity and character of the area in this locality.

Having visited the site, Officers are satisfied that the proposed development complies with the relevant policies within the Powys County Council Local Development Plan and the decision is one of conditional consent in line with the conditions as set out below.

The Environmental Information submitted has been considered in full in the determination of this application.

## **Conditions**

1. The development to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.
2. The development shall be carried out strictly in accordance with the approved plans and documents (drawing no's: RJC-MZ-4685-01A, RJC-MZ-4685-02B, RJC-MZ-4685-03, RJC-MZ-4685-04, RJC-MZ-4685-05 and Drainage Plan and documents; Non-Technical Summary dated January 2018, Noise Impact Assessment dated August 2018, A Dispersion Modelling Study of the Impact of Odour dated March 2017, Noise Management Plan dated January 2018, Environmental Statement dated January 2018, Design and Access Statement dated January 2018, Method Statement Pollution Prevention, Manure Management Plan, Flood Consequence Assessment dated January 2017, A Report on the Modelling of the Dispersion and Deposition of Ammonia dated July 2017, Lighting Design Scheme dated January 2018 and Impact on Setting of Historic Assets dated June 2018).
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions or alterations to the unit shall be erected without the consent of the Local Planning Authority.
4. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 and the Town and Country Planning (General Permitted Development) Order 1995 as amended or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, the premises shall not be used for any purpose other than that hereby authorised.
5. Prior to the first beneficial use of the development, provision shall be made within the curtilage of the site for the parking of not less than two cars and two heavy goods vehicles 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.
6. Installation of external lighting features at the site shall be carried out in accordance with specifications identified in the Lighting Design Scheme – Ystym Colwyn produced by Roger Parry & Partners LLP dated January 2018, the identified lighting plan shall be adhered to and implemented in full and maintained thereafter.
7. No development or site clearance shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings

or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

## **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 Powys County Council's LDP Policies DM2, DM4 & DM13 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Planning Policy Wales (Edition 9, November 2016), and Part 1 Section 6 of the Environment (Wales) Act 2016.
4. In order to control development which has the potential to have adversely affect the amenity of the area in contradiction to Policy DM13 of the Powys Local Development Plan and Planning Policy Wales (2016).
5. In the interest of highway safety in accordance with policies DM13 and T1 of the Powys Local Development Plan and Technical Advice Note 18: Transport.
6. 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 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
7. 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 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
8. 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 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

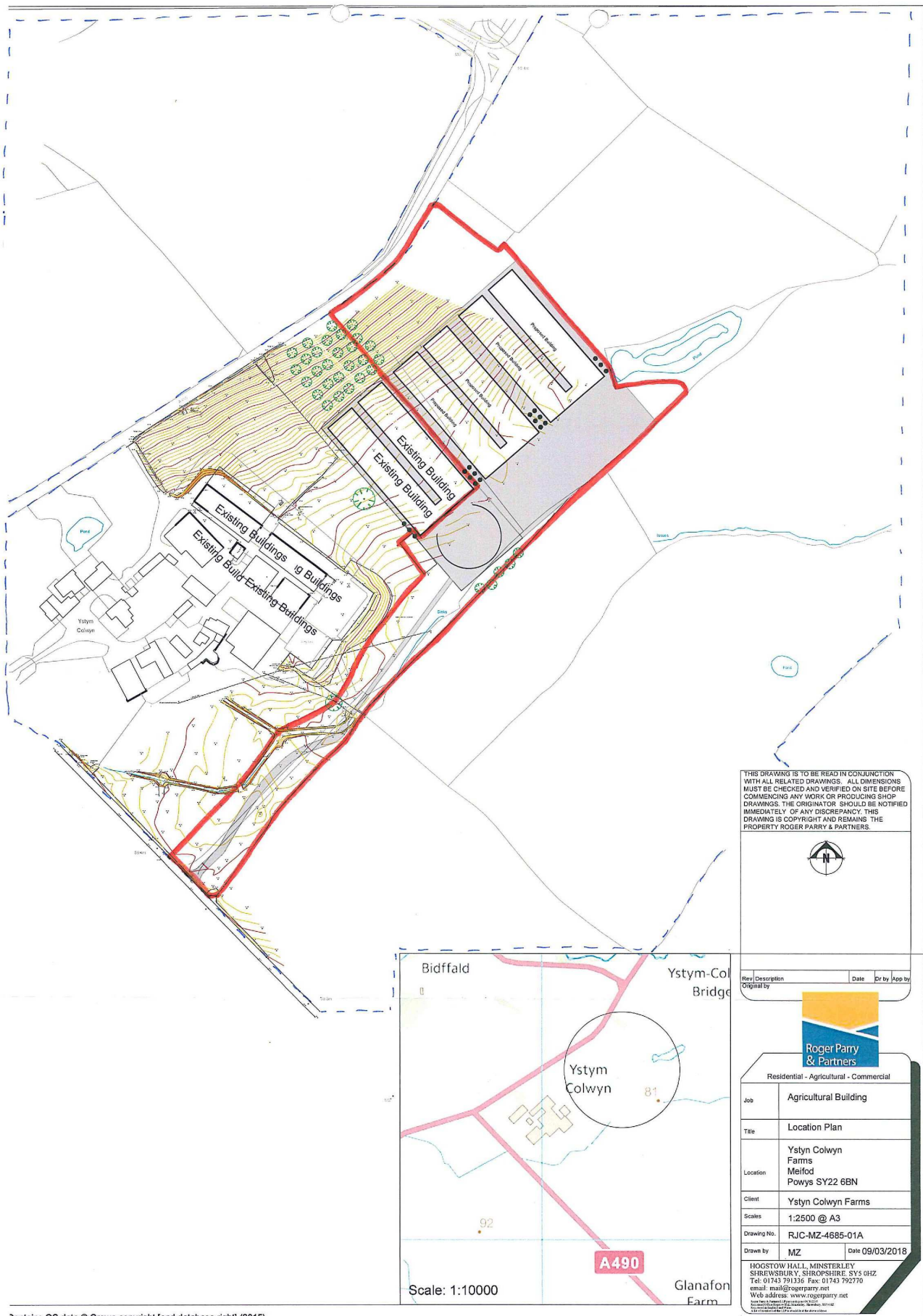
## **Informative Notes**

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





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



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

# 4.4

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

**Application No:** P/2018/0725 **Grid Ref:** 310683.45 291656.14

**Community Council:** Newtown and Llanllwchaearn **Valid Date:** 18/07/2018 **Officer:** Gemma Bufton

**Applicant:** Powys County Council, Affordable Housing Team.

**Location:** Former Bowling Green Site, Back Lane, Newtown, Powys, SY16 2NH.

**Proposal:** Section 73 application to vary conditions 2, 4 and 5 of approved planning permission P/2016/0466

**Application Type:** Application for Removal or Variation of a Condition

### The reason for Committee determination

The applicant is Powys County Council and therefore is required to be determined by Members of the Planning Committee.

### Site Location and Description

The application site is located within the settlement development limits for Newtown and Llanllwchaearn. The site is located at the former Bowling Green Site which is located with the County Class II Highway the B4368 running to the east of the application site. To the north is the existing and remaining bowling- green site including club house which to remain, to the west is a public car park whilst to the south is Newtown Bus Station.

Consent was sought under planning application P/2016/0466 for the erection of 24 flats and was granted consent on the 29<sup>th</sup> March 2017 under delegated powers. The site has now been purchased by Powys County Council and therefore this application is required to be determined by Members of the Planning Committee.

Consent is now sought under a Section 73 application to amend conditions 2, 4 and 5 under that approval.

### Consultee Response

Newtown and Llanllwchaearn Town Council-

No comments received at the time of writing this report.

PCC Highways-

The County Council as Highway Authority for the County Class II Highway, B4368

Wish the following recommendations/Observations be applied

## Recommendations/Observations

The Highway Authority have considered the proposed revisions to P/2016/0466 and advise that we do not wish to comment on the application.

### Wales and West Utilities-

Please find enclosed a copy of the requested plan and our general conditions, for your reference.

Our records show those pipes owned by Wales & West Utilities (WWU) in its role as a Licensed Gas Transporter (GT). Service pipes, valves, syphons, stub connections, etc. may not be shown but their presence should be anticipated. No warranties are therefore given in respect of it. They also provide indications of gas pipes owned by other GTs, or otherwise privately owned, which may be present in this area. This information is not information of WWU and WWU is unable to verify this information or to confirm whether it is accurate or complete.

The plan must be printed in A3 size and will also need to be produced in colour. If this is not possible, we can send you a hard copy if requested.

### Severn Trent Water-

No response received at the time of writing this report.

### PCC Environmental Health-

Environmental Protection has no objection to this application.

### PCC Ecologist-

Thank you for consulting me with regards to planning application P/2018/0725 which concerns a section 73 application to vary conditions 2, 4 and 5 of approved planning permission P/2016/0466 at Former Bowling Green Site, Back Lane, Newtown.

I confirm that there are no ecological implications for the amendments of condition 2,4,and 5 from planning approval P/2016/0466.

However, should you be minded to approve the application I recommend inclusion of the following informative:

Reptiles – Wildlife & Countryside Act 1981 (as amended)

All species of reptiles known to occur within Powys, namely the common lizard, slow-worm, grass snake and adder, are protected under the Wildlife and Countryside Act 1981 (as amended).

It is therefore an offence to:

- Intentionally kill or injure these species of reptiles,

· Trade (live or dead animals) i.e. sale, barter, exchange, transporting for sale and advertising to sell or to buy.

The maximum penalty that can be imposed - in respect of each offence - is a fine of up to 5,000 pounds, six months imprisonment or both.

In addition these species of reptiles are also listed in Part 1 Section 7 of the Environment (Wales) Act 2016 – which is a list of the living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales. Species of reptiles known to occur in Powys are also listed as Species of Conservation Concern on the Powys LBAP.

If reptiles are discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and/or the Council's Ecologist.

#### National Resources Wales-

NRW have no objection to the variation of condition 2 and 4. We have no comments to make regarding condition 5.

The applicant has submitted an amended plans and an updated FCA for the purposes of varying condition 2 and 4.

It is NRW's view, that the updated submissions are satisfactory for the purposes of the variation of condition 2 and 4.

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 included on our checklist "Natural Resources Wales and Planning Consultations" (March 2015) which is published on our website: (<https://naturalresources.wales/planning-and-development/planning-and-development/?lang=en>). 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. 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.

#### CPAT-

Thank you for the consultation on this application.

I can confirm that the variation of the conditions will have no additional archaeological impact.

## **Representations**

No letters of public representations have been received at the time of writing this report.

## **Planning History**

P/2016/0466- Residential development of former bowling green to create 24 flats.

## **Principal Planning Constraints**

Flood Zone

## **Principal Planning Policies**

### National Planning Policy

Planning Policy Wales (Edition 8, 2016)

Technical Advice Note 1: Joint Housing Land Availability Studies (2015)

Technical Advice Note 2: Planning and Affordable Housing (2006)

Technical Advice Note 5- Nature Conservation and Planning (2009)

Technical Advice Note 11- Noise (1997)

Technical Advice Note 12: Design (2016)

Technical Advice Note 15: Development and Flood Risk (2004)

Technical Advice Note 18: Transport (2007)

Technical Advice Note 23- Economic Development (2014)

Technical Advice Note 24- The Historic Environment (2017)

### Local Planning Policies

Local Development Plan (2018)

SP1- Housing growth

SP3- Affordable Housing Target

SP5- Settlement Hierarchy

SP6- Distribution of Growth across the Settlement

SP7- Safeguarding of Strategic Resources and Assets

DM2- The Natural Environment

DM4- Landscape

DM5- Development and Flood Risk

DM6- Flood Prevention Measures and Land Drainage

DM7- Dark Skies and External Lighting

DM13- Design and Resources

H1- Housing Development Proposals

R3- Development within Town Centre Areas

C1- Community Facilities and Indoor Recreation Facilities

RDG=Powys Residential Design Guide NAW=National Assembly for Wales TAN= Technical Advice Note  
LDP=Powys Local Development Plan, MIPPS=Ministerial Interim Planning Policy Statement



## **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.

### Principle of Development

By way of background to the application site consent was granted under planning application P/2016/0466 for the residential development of the former Bowling Green to create 24 flats. Whilst this application was determined under the Unitary Development Plan there is considered to be no material changes in policy given that the above application is currently extant and therefore development can commence at any given time.

Under this Section 73 application consent is therefore sought to amend conditions 2, 4 and 5. The respective conditions state as follows:

2. *The development shall be carried out strictly in accordance with the plans stamped as approved on 29/03/2017 (Q111.1.3.01, Q111.1.1.09A, Q111.1.1.11A, Q111.1.1.12A, Q111.1.1.13A, Q111.1.1.16A, Q111.1.1.17A and Q111.1.1.18A).*

4. *The development must comply with the recommendations set out in section 5 of the Flood Consequence Assessment submitted with the application which was prepared by Civil Engineering Solutions Limited and dated April 2016 (Reference CES398).*

5. *The development must comply with the requirements of the Measures Only Travel Plan submitted with the planning application which was prepared by Entran Limited and dated April 2016.*

### Condition 2- Design

With respect to design specific reference is made to LDP policy DM13 (Part 1). This policy indicates that development proposals will only be permitted where the development 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.

Following the previous planning permission, amendments have been proposed to the layout and design for the proposed flats. Whilst it is considered that the amendments to the layout are seen to be minimal and therefore not having an unacceptable impact on the surrounding area, the design changes are somewhat different.

It is noted that the flats have now been designed with gable design features with an amendment to window layouts and also materials. The materials proposed are a zinc roof with fascias and guttering with larch cladding (with a natural finish) with argeton terracotta cladding with red clay facing brickwork and white through colour render. It is considered that the change in design and materials proposed have no further impact than that of the building previously approved. It is therefore considered that the design and materials proposed are seen to be in keeping with the surrounding area and therefore acceptable within this location.

It is therefore considered that the proposed development fundamentally complies with relevant planning policy.

#### Condition 4- Flood Consequence Assessment

The application site is located within a C1 flood zone as identified under the Development Advice Maps for Technical Advice Note 15 (TAN 15). In accordance with TAN 15 under planning application P/2016/0466 a Flood Consequence Assessment (FCA) was submitted in support of the application. NRW were consulted and confirmed they had no objection to the proposed subject to the inclusion of Condition 5 as listed above.

An amended FCA has now been submitted in support of the application given the amendments proposed with regards to the layout, NRW have been consulted and have confirmed that they have no objection to the proposed amendments and the updated FCA.

It is therefore considered that the proposed development fundamentally complies with relevant planning policy.

#### Condition 5- Highway Authority

A safe access and appropriate parking facilities is a fundamental requirement of any development in accordance with T1 and DC13 of the Local Development Plan.

Access to the site can currently be gained via an access onto Back Lane or via an access from within the County owned car park to the west of the development. There is no vehicular access proposed to serve the development and no vehicular parking is to be provided. Cycle storage is provided for each of the proposed residential units and the application has been accompanied by a transport statement.

The site is located within an area centre which provides good access to local services as well as to public transport opportunities. The development is also located adjacent to a large public car park. Whilst occupiers of the flats will have not have any priority within the car park, there is the opportunity for the car park to be used. In their consultation response under planning application P/2016/0466, the Local Highway Authority accepted that this site provides one of the best opportunities within Powys for a development not to be served by car parking facilities.

The Highway Authority has been consulted and has confirmed that they have no further comments to make on the proposed development. Subject to appropriately worded conditions it is therefore considered that the proposed development fundamentally complies with relevant planning policy.

### Other Material Planning Considerations

#### *Impact upon Heritage Assets*

- *Setting of listed building*

The Authority is required have special regard to the desirability of preserving the listed buildings or their settings under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Technical Advice Note 24.

It is noted that there are a number of listed buildings in the vicinity of the site but none adjoining the application site. The proposal is considered to be in keeping with surrounding development and will not significantly detract from the Town Centre Area. In light of these matters and considering the context of the settings for the listed buildings in proximity to the site, it is not believed that the proposal will have any impact on the settings of these buildings.

- *Conservation Area*

Special attention must be given to the desirability of preserving or enhancing the character or appearance of the conservation area under section 72(1) of the planning (listed buildings and conservation areas) 1990. Newtown conservation area is located mainly to the south and west of the application site.

Although the proposed development will be visible from parts of the conservation area, these views would be at some distance and there would be existing intervening built form intercepting these views. Taking into account these factors, it is considered that the proposal would not significantly detract from the character or appearance of the conservation area in accordance with relevant planning policies.

- *Archaeology*

Planning application P/2016/0466 was accompanied by an archaeological evaluation which identified that although the development is located within the medieval historic core of Newtown, that no archaeology was identified. This amended application has also been the subject to consultation with CPAT who confirm that there are no archaeological implications for the proposed development.

#### *Surface and Foul Water Drainage*

It is proposed to connect to the public sewerage system which is the preferred method of disposal as set out in the LDP. Severn Trent Water has advised that they have no objection to the development and therefore Development Management is satisfied that the sewage disposal system has sufficient capacity to accommodate the additional flows generated as a result of the development. Severn Trent Water under planning application P/2016/0466 had

advised that a condition should be attached to any consent granted to require the details of the foul drainage and as such it is recommended that such a condition should be attached to any consent granted to ensure a satisfactory scheme can be accommodated.

In light of the above and subject to the recommended condition as per planning consent P/2016/0466 being attached to this grant of consent it is considered that the proposed development can be managed to an acceptable level.

### *Affordable Housing*

A Section 106 agreement was previously agreed and signed in accordance with planning application P/2016/0466. The Section 106 agreement secured the provision of affordable housing and also a financial contribution is provided for the maintenance of a local park as no open space/play area has been provided with this application.

Given that a Section 106 agreement has previously been agreed and signed it is therefore recommended prior to the issuing of any decision notice a variation is completed in line with this planning application.

## **RECOMMENDATION**

In light of the above and subject to the variation of the Section 106 agreement it is therefore considered that the proposed development fundamentally complies with relevant planning policy and therefore the recommendation is one of conditional consent.

### **Conditional Consent**

1. The development to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.
2. The development shall be carried out strictly in accordance with the plans stamped as approved on XXXXXXXX.
3. The finish floor levels of all habitable areas must not be set below 107.08m AOD.
4. The development must comply with the recommendations set out in the Flood Consequence Assessment submitted with the application which was prepared by Civil Engineering Solutions Limited and dated May 2018 (Reference CES503).
5. The development must comply with the requirements of the Measures Only Travel Plan submitted with the planning application which was prepared by Entran Limited and dated April 2018.
6. No development shall commence until a scheme for the surface water drainage of the site has been submitted to and approved in writing by the local planning authority. The approved scheme shall be completed before any residential units are occupied. The scheme to be submitted shall show foul drainage being connected to the public sewerage system.
7. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the

completion of the development, whichever is the sooner. All hard landscaping must be completed prior to the first occupation of the building.

### **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 ensure that the habitable areas of development are at least 300mm above the 1 in 100 year plus climate change allowance flood level in accordance with the advice set out in Technical Advice Note 15 (2004).
4. To ensure that the developer and occupiers of the dwelling are aware of the risk of flooding in relation to the site in accordance with Technical Advice Note 15 (2004).
5. To ensure adherence to the information submitted with the application in the interests of clarity and a satisfactory development.
6. To ensure that the proposed drainage systems for the site are fully compliant with regulations and are of robust design in accordance with policies DM6 of the Local Development Plan (2018).
7. To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment and visual amenity of the area in accordance with Policy DM13 of the Powys Local Development Plan (2018).

### **Informative Notes**

#### **Reptiles – Wildlife & Countryside Act 1981 (as amended)**

All species of reptiles known to occur within Powys, namely the common lizard, slow-worm, grass snake and adder, are protected under the Wildlife and Countryside Act 1981 (as amended).

It is therefore an offence to:

- Intentionally kill or injure these species of reptiles,
- Trade (live or dead animals) i.e. sale, barter, exchange, transporting for sale and advertising to sell or to buy.

The maximum penalty that can be imposed - in respect of each offence - is a fine of up to 5,000 pounds, six months imprisonment or both.

In addition these species of reptiles are also listed in Part 1 Section 7 of the Environment (Wales) Act 2016 – which is a list of the living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales. Species of reptiles known to occur in Powys are also listed as Species of Conservation Concern on the Powys LBAP.

If reptiles are discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and/or the Council's Ecologist.



Do not scale from this drawing.  
Refer to figured dimensions only.  
The Contractor shall check all dimensions  
and report all variations to the  
Architect.

Client  
Powys County Council

Project  
Newtown Bowling Club  
Back Lane  
Newtown

Drawing Title  
Sketch Location Plan

Project No. Drawing No. Revision  
**3261 (04)100 -**

Drawn Director Date  
JM CL June 18

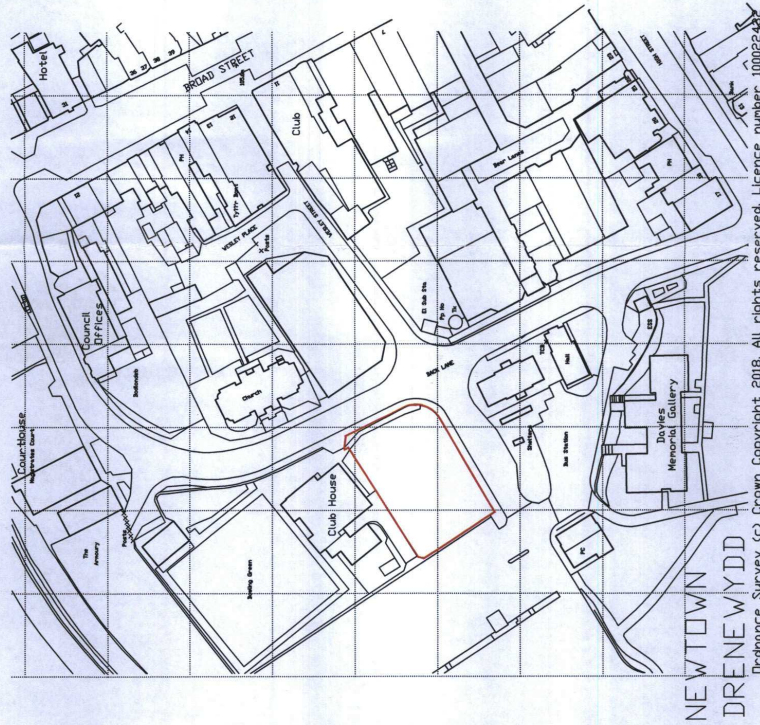
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Planning PL Construction C

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**EOS**  
ARCHITECTS

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# 4.5

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

<b>Application No:</b>	P/2018/0621	<b>Grid Ref:</b>	304859.17 259040.82
<b>Community Council:</b>	Disserth & Trecoed	<b>Valid Date:</b>	<b>Officer:</b> 18/06/2018 Rhys Evans
<b>Applicant:</b>	Mrs Grace Cleaton, Howey, Llandrindod Wells, Powys, LD1 5PP.		
<b>Location:</b>	Elancot, Howey, Llandrindod Wells, Powys, LD1 5PP.		
<b>Proposal:</b>	Full: Erection of an annex		
<b>Application Type:</b>	Application for Full Planning Permission		

### The reason for Committee determination

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

### Site Location and Description

The application site is located in the Community council area of Disserseth & Trecoed and falls outside of the village and settlement development boundary of Howey as defined by the Powys Local Development Plan (2018). The site comprises a detached bungalow with the Unclassified County Highway (U1522) located to the south west, neighbouring residential properties Oakdale and Holly Cottage located to the north west and south east respectively, and agricultural land to the north east.

This application seeks consent for the erection of a detached annex extension measuring approximately 12 metres in length by 7.8 metres in width, with a height to the eaves of approximately 2.1 metres and a height to the ridge of approximately 5.2 metres. The selected materials for the proposed annex are as follows; brick walls, tiled roof and uPVC / timber windows and doors to match the host dwelling.

### Consultee Response

#### Disserth & Trecoed Community Council

The above application was placed before my Council at its meeting held on 10<sup>th</sup> July 2018.

No objections were made.

#### Building Control

Application P/2018/0621 will require a building regulations application, should you require any further information please do not hesitate to contact me.

### Highway Authority

The County Council as Highway Authority for the County Unclassified Highway, U1522

Wish the following recommendations/Observations be applied  
Recommendations/Observations;

The proposed development shall be constructed in complete accordance with the drawings submitted prior to the first beneficial use of the annex.

### Welsh Water

We would request that if you are minded to grant Planning Consent for the above development that the Conditions and Advisory Notes provided below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

### SEWERAGE

#### Conditions

No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment

### Councillor Gwilym Williams

With reference to a recent planning application in my Ward of Dissert and Trecoed which is down Holly Lane by Howey village for an annex to an existing property.

I now understand that there has been a new plan sent before the council which is different to the previous one.

Because of local concern in the policy of an annex and the new policy, and the change to the layout inside, I would ask that this planning application be called in to the full planning committee.

### Powys Ecologist

Thank you for consulting me with regards to planning application P/2018/0621 which concerns a full application for the erection of an annex at Elancot, Howey, Llandrindod Wells.

I have reviewed the proposed plans submitted with the application as well as local records of protected and priority species and designated sites within 500m of the proposed development.

The data search identified 561 records of protected and priority species within 500m of the proposed development, with no records found for the site itself. Species recorded within 500m of the proposed development include bat species pipistrelle and brown long eared, great crested newt and white clawed crayfish.

There are two statutory designated sites within 500m of the proposed development;

- SAC – River Wye (tributaries) approximately 135m from the proposed development
- SSSI – River Ithon approximately 135m from the proposed development

No non statutory designated sites are present within 500m of the proposed development.

Having taken into account the location of the designated sites and the nature of the proposed development it is considered that there would be no likely negative impacts directly or indirectly to these sites and/or their associated features.

The proposed development is likely to impact an area of amenity planting which is a habitat considered to be of relatively low ecological value.

### Great Crested Newts – European Protected Species

I note that there are records of great crested newts within 475m of the proposed development – consideration has been given to the suitability of the habitats present and affected by the proposed development to support Great Crested Newts – Great Crested Newts being a European Protected Species.

Having reviewed information available in form of aerial and streetview images as well as site visit photographs – it is noted that the proposed development will be impacting an area of amenity planting surrounded by amenity grassland which offers low suitability terrestrial habitat for Great Crested Newts. It is considered that the proposed development would be unlikely to result in the loss of resting or breeding habitat for this species or result in the creation of a barrier to their dispersal to surrounding suitable habitat.

### External Lighting

Careful consideration will need to be given to any external lighting proposed for the site, measures will need to be identified to minimise impacts to nocturnal wildlife commuting and foraging in the local area. It is therefore recommended that a Wildlife Sensitive Lighting Plan is secured through an appropriately worded condition.

### Landscape Planting Scheme

If it is proposed to provide landscaping as part of the potential development consideration should be given to the development of a native landscape planting scheme. It is recommended that details of any landscaping proposed are submitted in a detailed Landscape Planting Scheme including proposed species mixes, planting and aftercare schedules. It is therefore recommended that if considered necessary a landscape planting scheme is secured through an appropriately worded condition.

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

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. The development shall be carried out in accordance with the approved details.

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.

Prior to the commencement of development a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted landscaping 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 be carried out in accordance with the approved details.

Reason: To comply with Powys County Council's LDP Policy DM4 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.

## CADW

### Advice

Having carefully considered the information provided with the planning application, our records show that there are no scheduled monuments or registered historic parks and gardens that would be affected by the proposed development. We therefore have no comments to make on the proposed development.

### Our role

Our statutory role in the planning process is to provide the local planning authority with an assessment concerned with the likely impact that the proposal will have on scheduled monuments, registered historic parks and gardens, registered historic landscapes where an Environmental Impact Assessment is required and development likely to have an impact on the outstanding universal value of a World Heritage Site. We do not provide an assessment of the likely impact of the development on listed buildings or conservation areas, as these are matters for the local authority.

It is for the local planning authority to weigh our assessment against all the other material considerations in determining whether to approve planning permission.

### National Policy

Applications for planning permission are considered in light of the Welsh Government's land use planning policy and guidance contained in Planning Policy Wales (PPW), Technical Advice Notes and guidance.

PPW (Chapter 6 – The Historic Environment) explains that the conservation of archaeological remains is a material consideration in determining a planning application, whether those remains are a scheduled monument or not. Where nationally important archaeological remains, whether scheduled or not, and their settings are likely to be affected by proposed development, there should be a presumption in favour of their physical protection in situ. It will only be in exceptional circumstances that planning permission will be granted if development would result in an adverse impact on a scheduled monument (or an archaeological site shown to be of national importance) or has a significantly damaging effect upon its setting. Technical Advice Note 24: The Historic Environment elaborates by explaining that 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.

PPW also explains that local authorities should protect parks and gardens and their settings included in the first part of the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales, and that the effect of a proposed development on a registered park or garden or its setting should be a material consideration in the determination of a planning application.

#### Clwyd Powys Archaeological Trust

##### *Comments Received 10/07/2018:*

Information retained within the Regional Historic Environment Record indicates that this application falls in an area of high archaeological sensitivity. The proposed annex building and its associated landscaping and services appear to directly impact the former line of a Roman road which passes through the plot from north to south (PRN's 14006 and 14007 – see attached plan). The road runs south from Castell Collen Roman fort near Llandrindod Wells and is well preserved as a wide earthen embankment to the north of Elancott. To what extent the road surface and its foundation layers survive within the plot is unknown. Although the plot is currently used as a lawned garden area with trees and shrubs the sub-surface preservation of the road may be very good here and would require investigation and recording prior to destruction.

The proposed development will disturb any such remains surviving here, but from present knowledge it is impossible to estimate how damaging this might be, and thus to frame an appropriate archaeological response. The planning authority appears to have insufficient information about this archaeological resource, or the applicant's intended treatment of it, to make a balanced decision. As archaeology is a material consideration here I would advise that this application is not determined until this resource has been properly evaluated.

Welsh Government Planning Policy Wales (Edition 9, Nov 2016), TAN 24: the Historic Environment (May 2017) suggest that planning authorities should require applicants to supply a suitable archaeological assessment in support of an application where a potential impact to archaeological remains is identified.

The developer will need to engage an archaeological contractor to complete this work in accordance with a brief written by this office on request. In response the archaeological contractor will need to supply a written scheme of investigation along with their cost estimate. The written scheme of investigation will need to be approved by me before work can commence on site.

I would advise that in order to allow sufficient time for an evaluation to be carried out, and the discussion of a subsequent mitigation strategy, the determination of the current application is delayed so that this information can be gathered and presented in support of the application.

I have attached information on archaeological contractors that the developer may wish to consider engaging to complete evaluation work. I have also attached a brief for the evaluation work.

Please contact me if you wish to discuss the above advice or require any more information.

*Comments Received 29/08/2018:*

Thank you for the additional information about the various issues at this site and the timing of the committee meeting. Given the constraints and the stated willingness of the applicant to fully fund and complete the archaeological investigation as a condition of consent I would be happy to withdraw the pre-determination evaluation recommendation on this occasion and replace it with a scheme of archaeological investigation condition.

In this case the condition would be:

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

No development shall take place within the application area until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological investigation work in accordance with a written scheme of investigation, which has been submitted by the applicant and approved in writing by the Local Planning Authority. The archaeological programme of work will be undertaken and completed in accordance with the relevant Standards and Guidance laid down by the Chartered Institute for Archaeologists. 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 all archaeological remains associated with the former Roman road in this plot which will be impacted by the development

## **Representations**

The application was advertised through the erection of a site notice, a total of 4 objections have been received in respect of the proposed development and are summarised below;

- Trees which form a buffer between neighbouring properties will need to be removed.
- Proposed development is a new dwelling not an annex and is not required given the existing 3 bedroom bungalow on site.
- Number of previous applications on Holly Lane been refused due to being a single no through road lane.
- Lane should be upgraded to two-way traffic before any new development takes place.
- Traffic will increase along Holly Lane.
- There is not a valid need for an annex of this size.

## **Planning History**

P/2009/0774: Full: Alterations and improvements to existing bungalow and erection of detached storage building – Conditional Consent.

P/2010/0906: Full: Erection of a hay and implement store – Conditional Consent.

P/2014/0765: Full: Erection of a hay and implement store – Conditional Consent.

## **Principal Planning Constraints**

Scheduled Ancient Monument

## **Principal Planning Policies**

### National Planning Policy

Planning Policy Wales (Edition 9, November 2016)

Technical Advice Note (TAN) 5: Nature, Conservation and Planning (2009)

Technical Advice Note (TAN) 12: Design (2016)

Technical Advice Note (TAN) 18: Transport (2007)

Technical Advice Note (TAN) 24: The Historic Environment (2017)

### Local Planning Policies

SP7 – Safeguarding of Strategic Resources and Assets

DM2 – The Natural Environment

DM7 – Dark Skies and External Lighting

DM13 – Design and Resources

T1 – Travel, Traffic and Transport Infrastructure

H7 – Householder Development

Powys Residential Design Guide (2004)

RDG=Powys Residential Design Guide NAW=National Assembly for Wales TAN= Technical Advice Note  
LDP=Powys Local Development Plan, MIPPS=Ministerial Interim Planning Policy Statement

## **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**

### Introduction

#### *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.

### Principle of Development

LDP policy H7 establishes the principle of development for a proposal of this nature;

“Proposals for ancillary development, including residential annexes, shall be provided as an extension to a dwelling. Where this is not practical, the following considerations will apply:

1. Ancillary buildings used for all purposes shall be designed to be subservient to and grouped with the main dwelling.
2. Ancillary buildings providing residential accommodation shall not be self-contained or have the facilities necessary for occupation independent of the main dwelling. Proposals should form a subordinate addition to the property, sharing access and amenity space with the main dwelling”.

Whilst detached from the main dwelling house, the proposed annex is located within the residential curtilage of the property and will share the existing access and amenity space. The scale of the proposed annex is considered to be subservient to the existing bungalow and has been suitably sited within the curtilage of Elancot. Amended plans received on 10<sup>th</sup> August 2018 indicate the provision of a lounge/bedroom for carer, bedroom, utility, wet room, bathroom and store. On the basis of the information submitted, Officers are satisfied that the proposed annex will not be occupied independently of the main dwelling house.

In light of the above and notwithstanding the concerns expressed, Officers are satisfied that the proposed accommodation will be ancillary to the main dwelling house, compliant with planning policy H7 as above.



### Fall-back Position

Class E, Part 1 of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 permits the provision within the curtilage of a dwelling house of any building required for a purpose incidental to the enjoyment of the dwelling house subject to compliance with specified criteria.

Members are advised that the proposed annex complies with the criteria contained within Class E with the exception of criterion (e) which limits the ridge height of a building with a pitched roof to 4 metres. In determining the current application, consideration is given to the above by Officers and the potential fall-back position.

In accordance with Class E and subject to a reduction in the ridge height of the proposed annex (below 4 metres), Members are advised that the provision of a self-contained annex within the curtilage of Elancot would be considered permitted development and therefore would not require the benefit of a planning application.

### Scale and Design

With respect to design specific reference is made to LDP policy DM13 (Part 1). This policy indicates that development proposals will only be permitted where the development 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 proposed annex is located approximately 7 metres to the east of the existing property and is separated by the existing driveway/access area which will be shared. The proposed ridge height of the annex measures approximately 5.2 metres and therefore Officers consider that the annex will be subservient to the host dwelling thus not detract from its character.

Concerns have been raised with regards to the existing landscaping, particularly that trees will need to be removed to accommodate the proposed development which form a buffer between Elancot and neighbouring properties. It has been confirmed within the application form that no trees or hedgerows will be affected as part of the proposed development. Concern has also been raised stating there is no need for a building of this size on site. In considering the proposed development, it is not considered necessary to challenge the scale of the proposal in relation to its use providing that the scale is appropriate to the sites surroundings. The amended plans demonstrate a reduction in floor space from approximately 116.6 square metres to 93.6 square metres. The proposal covers less than 50% of the land within the curtilage of Elancot and is deemed to be subservient to the host dwelling and therefore would not adversely affect the character of the existing property, neighbouring dwellings or surrounding area. On this basis and whilst acknowledging the concerns expressed, Officers do not consider that sufficient weight can be given to the concerns highlighted to justify a refusal of permission on the grounds of scale.

The selected materials for the proposed annex are as follows; brick walls, tiled roof and uPVC / timber windows and doors to match the host dwelling. It is considered that the proposed materials will complement the existing dwelling house and will assimilate the proposed annex in to its local setting. As such the selected materials are considered acceptable in this location.

In light of the above it is considered that the design, scale and appearance of the proposed annex fundamentally complies with relevant planning policy.

### Highways

A safe access, parking and visibility splays are a fundamental requirement of any development (LDP: DM13, Part 10).

The application does not seek alterations to the existing means of access to the property and the proposal would not affect the existing parking area in terms of reducing the number of parking spaces to an unacceptable level. The Local Highway Authority has been consulted on the development and has raised no objection.

Whilst noting the third party concerns in respect of additional traffic and standard of the unclassified highway (Holly Lane), in light of the Highway Authority's comments, it is not considered that a refusal on the grounds of highway safety would be sustainable.

In light of the above it is considered that the proposed development fundamentally complies with relevant planning policy.

### Amenities enjoyed by occupiers of neighbouring properties

In considering the amenities enjoyed by the occupiers of neighbouring properties consideration has been given to the Powys Residential Design Guide (October 2004) & LDP: DM13 (Part 11).

The proposed development is not considered to adversely affect the amenities of neighbouring properties by reasons of loss of daylight or privacy. There is a large area of trees and hedgerow between the site of the proposed development and the nearest neighbouring residential property, Holly Cottage, which will be retained. Given the siting of the proposed annex together with existing screening, it is not considered the proposed development will cause any adverse impacts on any neighbouring properties.

In light of the above, it is considered that the proposed development fundamentally complies with relevant planning policy.

### Biodiversity

With respect to biodiversity, specific reference is made to LDP policy DM2 which seeks to maintain biodiversity, safeguard designated sites, protected species and their habitats.

The Ecologist reviewed the plans as well as records of protected and priority species and designated sites within 500m of the proposed development. The data search identified 561 records of protected and priority species, although no records were found for the site itself. The River Ithon SSSI is located within approximately 135 metres of the application site which is a tributary of the River Wye SAC. The Ecologist indicated that the proposed development is likely to impact an area of amenity planting which is considered to be of relatively low ecological value.

Consideration has been given to the potential the proposed development has to impact upon Great Crested Newts, given that there are records within 475m of the proposed development. Having reviewed the application site, the Ecologist considered that the proposed development would be unlikely to result in the loss of resting or breeding habitat for this species or result in the creation of a barrier to their dispersal to surrounding suitable habitat.

The Ecologist has recommended that careful consideration is given to any external lighting, with measures being identified to minimise impacts to nocturnal wildlife commuting and foraging in the local area. Should Members be minded to grant permission, it is recommended that a Wildlife Sensitive Lighting Plan is secured through an appropriately worded condition.

It has been recommended that any details of proposed landscaping as part of the proposed development are submitted in the form of a detailed Landscape Planting Scheme including proposed species mixes, planting and aftercare schedules. There is no landscaping proposed as part of the proposed development and therefore it has not been considered necessary to include the recommended condition.

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

#### Scheduled Ancient Monument

In considering any detrimental impact to Scheduled Ancient Monuments, consideration has been given to Technical Advice Note 24: The Historic Environment and whether the proposed development would have any adverse impact upon the setting of any monuments.

Cadw confirmed there are no scheduled monuments or historic parks and gardens that would be affected by the proposed development. Therefore it is considered that the proposed development fundamentally complies with relevant planning policy.

It is also noted that the application site falls within an area of high archaeological sensitivity, with the proposed annex building and its associated landscaping and services directly impacting the former line of a Roman Road. As a result it has been recommended by Clwyd Powys Archaeological Trust that a condition is imposed to secure a programme of archaeological investigation work in accordance with a written scheme of investigation. This is to ensure the preservation of all archaeological remains associated with the former Roman Road in this plot which will be impacted by the development.

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

#### **RECOMMENDATION – CONDITIONAL CONSENT**

Having carefully considered the proposed development, Officers consider that the proposal fundamentally complies with relevant planning policy. The recommendation is therefore conditional approval subject to the conditions below.

#### **Conditions**

1. The development to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.
2. The development shall be carried out strictly in accordance with the amended plans stamped as received on 10/08/18 (drawing no's: 5 EC2 & 6 EC1) and amended plans stamped as received on 23/08/2018 (drawing no's: Site Plan & Location Plan).
3. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.
4. 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. The development shall be carried out in accordance with the approved details.
5. The accommodation hereby approved shall remain ancillary to the dwellinghouse known as 'Elancot', outlined in red on the approved site location plan and at no time shall be occupied as a separate residential dwelling.
6. No development shall take place within the application area until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological investigation work in accordance with a written scheme of investigation, which has been submitted to and approved in writing by the Local Planning Authority. The archaeological programme of work will be undertaken and completed in accordance with the relevant Standards and Guidance laid down by the Chartered Institute for Archaeologists. 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.

## **Reasons**

1. Required to be imposed by section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans approved by the Local Planning Authority in the interests of clarity and a satisfactory development.
3. To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.
4. To comply with Powys County Council's LDP Policies DM2, DM7 in relation to 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.

5. In order to prevent the establishment of a residential dwelling in accordance with policies SP5, DM13 and H1 of the Powys Local Development Plan (2018) and Planning Policy Wales (2016).
6. To secure preservation by record of all archaeological remains associated with the former Roman road in this plot which will be impacted by the development. This condition is imposed in accordance with policy SP7 of the Powys Local Development Plan (2018), Technical Advice Note 24 – The Historic Environment (2017) and Planning Policy Wales (2016).

## **Informative Notes**

### Welsh Water

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com). The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

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.

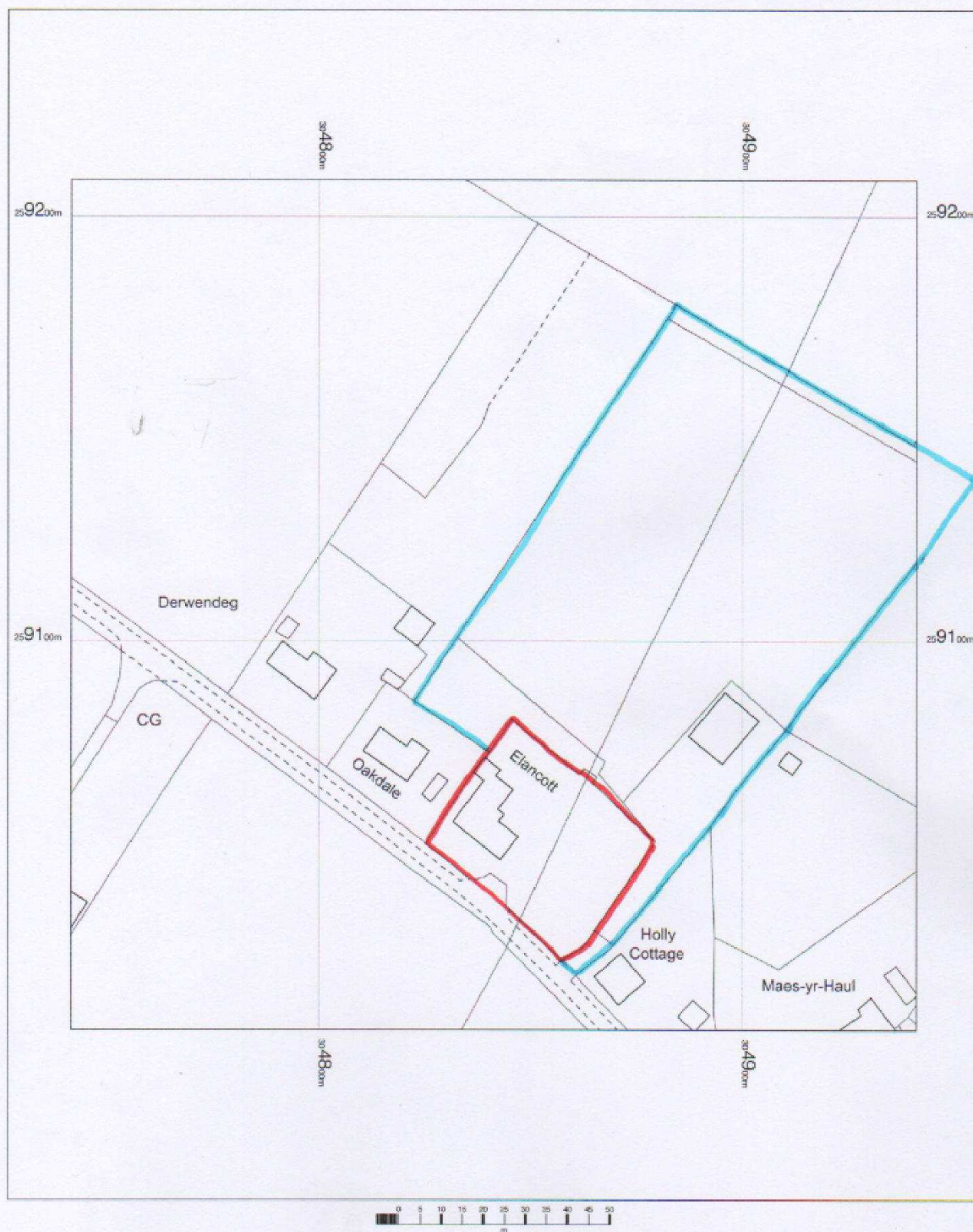
If you have any queries please contact the undersigned on 0800 917 2652 or via email at [developer.services@dwrcymru.com](mailto:developer.services@dwrcymru.com)

Please quote our reference number in all communications and correspondence.

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Case Officer: Rhys Evans- Planning Officer  
Tel: 01597 827235 E-mail: [rhys.evans@powys.gov.uk](mailto:rhys.evans@powys.gov.uk)

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



OS MasterMap 1250/2500/10000 scale  
Monday, February 19, 2018, ID: HMC-00691522  
[www.themapcentre.com](http://www.themapcentre.com)

1:1250 scale print at A4, Centre: 304841 E 259109 N

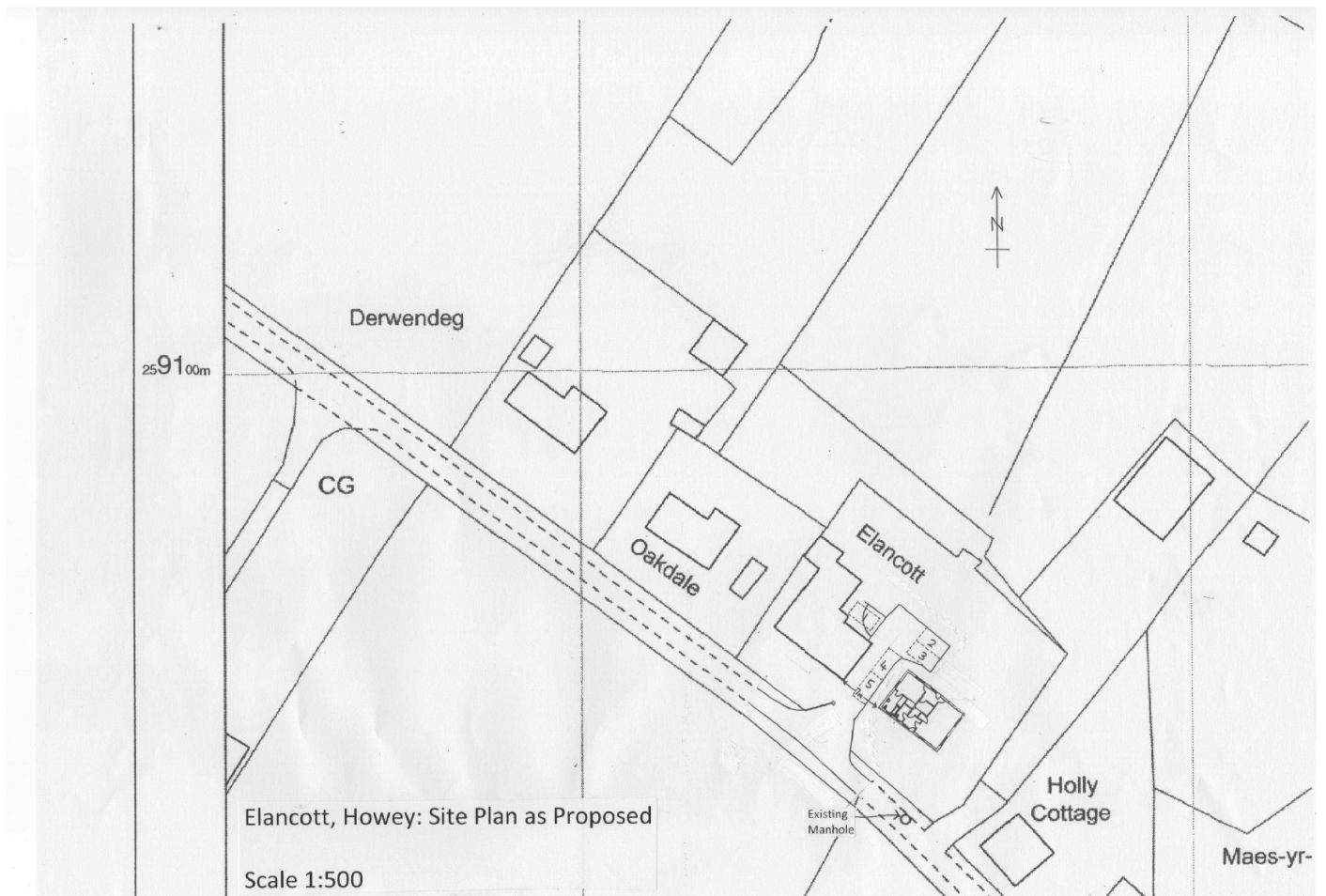
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# 4.6

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

<b>Application No:</b>	DIS/2018/0135	<b>Grid Ref:</b>	321162.98 243370.67
<b>Community Council:</b>	Clyro Community	<b>Valid Date:</b>	<b>Officer:</b> 12/07/2018 Thomas Goodman
<b>Applicant:</b>	Powys County Council, Spa Road East, County Hall, Llandrindod Wells, Powys, LD1 5LG		
<b>Location:</b>	Clyro Primary School, Clyro, Hereford R3 5LE		
<b>Proposal:</b>	Application to discharge conditions 3, 14, 17 and 24 from planning approval P/2016/0802		
<b>Application Type:</b>	Application for Approval of Details Reserved by Condition.		

### The reason for Committee determination

Powys County Council is the applicant.

### Site Location and Description

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). To the east is the A438 and to the north is the U1413, to the south and west is agricultural land.

Consent is sought to discharge conditions 3, 14, 17 and 24. The conditions read as follows:

Condition 3 states:

*Prior to the construction of the building hereby approved details and/or samples of the materials to be used in the construction of the external surfaces of the building shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.*

Condition 14 states:

*Prior to the first installation of a lighting design scheme to take into consideration any impact on nocturnal wildlife shall be submitted to and approved in writing by the Local Planning Authority. Development thereafter must be completed in full accordance with the details as approved.*

Condition 17 states:

*Prior to the commencement of development, a species list for the landscape planting (including compensation for the loss of two category A mature Oak trees) shall be submitted*

*to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing by the Local Planning Authority.*

Condition 24 states:

*Prior to the first use of the new school all on site infrastructure including car parking spaces, access road and turning areas shall be fully completed to the written satisfaction of the local planning authority.*

## **Consultee Response**

### PCC Highways

I can confirm that all on site infrastructure has been completed and condition 24 can now be discharged.

### PCC Ecologist

Thank you for consulting me with regards to application DIS/2018/0135 submitted to discharge conditions 14 and 17 of planning approval P/2016/0802 at in relation to Construction of a new primary school and associated works at Clyro Primary School , Clyro, Hereford.

Condition 14 requires that:

Prior to the first installation of a lighting design scheme to take into consideration any impact on nocturnal wildlife shall be submitted to and approved in writing by the Local Planning Authority. Development thereafter must be completed in full accordance with the details as approved.

Condition 17 requires that:

Prior to the commencement of development, a species list for the landscape planting (including compensation for the loss of two category A mature Oak trees) shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing by the Local Planning Authority.

I have reviewed the information submitted by the applicant to discharge these conditions which consists of the following documents:

- Landscape Proposals Drawing no. 2017/.97 Rev C produced by Corscadden Associates dated 18th November 2017
- Electrical Engineering Services External Services Layout Drawing no. E6131-C-EXT-01 Rev C3 produced by McCann and Partners Consulting Engineers dated Oct 2017

Having reviewed the information submitted I consider that sufficient detail has been provided and the information and measures identified are appropriate and sufficient to comply with the requirements of conditions 14 and 17.

I therefore consider that sufficient information has been submitted to enable discharge of conditions no. 14 and 17 of planning consent P/2016/0802.

## **Planning History**

P/2018/0137 – ADV: Display of 4 no. non-illuminated signs

DIS/2017/0099 – Discharge of conditions no. 3, 15, 19, 20 & 21

DIS/2017/0091 – Discharge of conditions: Conditions 9, 11 and 12 of P/2016/0802

DIS/2017/0088 – Discharge of conditions no. 4, 5, 6 and 23

DEM/2016/0007 – Demolition of existing primary school

P/2016/0802 – Construction of a new primary school and associated works

P/2012/1245 – Installation of a mobile classroom

NMA/2017/0005 – Application for non-material amendments to planning permission P/2016/0802 in respect of variation of condition 17 that involves rewording of the condition.

P/2008/1577 – Deemed: Conversion of window into double doors and external platform

P/2008/1402 – Full: Deemed: Siting of mobile unit for staff accommodation and external works

## **Principal Planning Constraints**

Historic Landscapes Register Outstanding

## **Principal Planning Policies**

### National planning policy

Planning Policy Wales (Edition 9, 2016)

Technical Advice Note 5: Nature, Conservation and Planning (2009)

Technical Advice Note 11: Noise (1997)

Technical Advice Note 12: Design (2016)

Technical Advice Note 15: Development and Flood Risk (2004)

Technical Advice Note 16: Sport, Recreation and Open Space (2009)

Technical Advice Note 18: Transport (2007)

Technical Advice Note 23: Economic Development (2014)

### Local planning policies

SP2 – Employment Growth

SP7 – Safeguarding of Strategic Resources and Assets

DM2 – The Natural Environment

DM4 – Landscape

DM13 – Design and Resources

RDG=Powys Residential Design Guide NAW=National Assembly for Wales TAN= Technical Advice Note  
LDP=Powys Local Development Plan, MIPPS=Ministerial Interim Planning Policy Statement

## **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.

### Officer Appraisal

The application seeks to discharge conditions 3, 14, 17 and 24 of the application P/2016/0802.

Condition 3 states:

*Prior to the construction of the building hereby approved details and/or samples of the materials to be used in the construction of the external surfaces of the building shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.*

It is noted that the majority of materials were discharged under the application reference number DIS/2017/0099. This application seeks consent for the use of C15 Dark Grey weatherboarding, this is being sought as the original approved weatherboarding is no longer available. It is considered that the use of these materials match those that have already been granted consent and will not look out of place, therefore complementing the existing character and appearance of the built environment.

It is therefore considered that the use of the materials proposed is acceptable and complies with policy DM13 of the Powys Local Development Plan (2018).

Condition 14 states:

*Prior to the first installation of a lighting design scheme to take into consideration any impact on nocturnal wildlife shall be submitted to and approved in writing by the Local Planning*

*Authority. Development thereafter must be completed in full accordance with the details as approved.*

Condition 17 states:

*Prior to the commencement of development, a species list for the landscape planting (including compensation for the loss of two category A mature Oak trees) shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing by the Local Planning Authority.*

Powys County Council's Ecologist has been consulted on the proposed development and stated that the information submitted by the application to discharge these conditions consists of a Landscape Proposals Drawing and an Electrical Engineering Services External Services Layout Drawing.

The Ecologist having reviewed this information considers that sufficient detail has been provided and the measures identified are appropriate and sufficient to comply with the requirements of conditions 14 and 17.

Condition 24 states:

*Prior to the first use of the new school all on site infrastructure including car parking spaces, access road and turning areas shall be fully completed to the written satisfaction of the local planning authority.*

Powys County Council's Highway Authority has been consulted on the proposed development and has stated that all on site infrastructure has been completed and condition 24 can now be discharged.

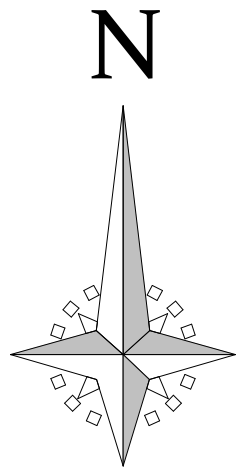
## **RECOMMENDATION**

It is considered that sufficient information has been submitted in support of this application to discharge conditions 3, 14, 17 and 24 of the P/2016/0802 application. The recommendation is therefore one of approval to discharge the conditions as sought by the planning application.

---

Case Officer: Thomas Goodman- Planning Officer  
Tel: 01597 827655 E-mail:thomas.goodman@powys.gov.uk

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



Path (um)

Cae-Mawr

Luscombe

Little Cedars

Reservoir  
(covered)

Existing  
Primary  
School

A438

Old Sch  
Hous

Maris

Regent House

Pottery  
Cott

99.7m

Pond

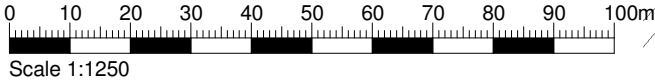
Silos

Old Granary

A438 to Llanes

Tudalen 99

Application Boundary



Site Location Plan

1 : 1250

This drawing must not be scaled.  
Figured dimensions and levels to be used.  
Any inaccuracies must be notified to the architect.  
Detail drawings and large scale drawings take  
precedence over smaller drawings.

Rev

Chk'd:

PRELIMINARY	
PLANNING	✓
DESIGN	
TENDER	
CONSTRUCTION	

A3

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DWG NO.		PDA	CLY	00	PL	A	(05)100	
	SITE	ORG	VOL	LEVEL	DR TYPE	DIS	NUMBER	REV

Job Ref: 15126

Contract: Gwernfyed Primaries for Powys County Council  
Clyro Primary School, HR3 5LE

Title: Site Location Plan

Scale: As indicated  
Date: 19/07/16  
Drawn: CB  
Checked: JT

F:\Union Square Projects\15126 Powys Primary Schools\Clyro\0 - PDA Drawings\0 - Current Drawings\x-refs bases\Central File\15126 Clyro (Central).nvt

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





## Delegated List

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20 Applications

Decision	Decision Description	Date Application Valid	Application No	Application Type	Date Decision Issued	Proposal	Location
APP	Approve	06/11/2017	P/2017/1294	Full application	23/08/2018	Full: Conversion of chapel (D1) to a dwelling (C3), formation of new access and all associated works (resubmission)	Chapel Ebenezer BWLCH-Y-Cibau Meifod Powys SY22 5L N
APP	Approve	29/03/2018	P/2018/0312	Full application	23/08/2018	Full: Siting of 3 holiday lodges, formation of vehicular access, new access road, installation of sewage treatment plant and all associated works	Land At Cynewill Farm Llanerfyl Welshpool Powys SY21 8FY
APP	Approve	04/05/2018	DIS/2018/0090	Discharge of condition	23/08/2018	Discharge of condition 3 of planning approval P/2018/0124	Tydu Gwenddwr Builth Wells Powys LD23 4HQ
APP	Approve	04/06/2018	P/2018/0568	Householder	30/08/2018	Householder: Erection of a two storey side extension to the existing detached dwelling (Resubmission)	Cellws Farm Crossgates Llandrindod Wells Powys LD21 5SL
APP	Approve	04/06/2018	P/2018/0597	Full application	23/08/2018	FULL: Erection of an agricultural building	Land At Elan Oaks Barn Elan Valley Rhayader Powys LD6 5HN
APP	Approve	05/06/2018	P/2018/0513	Full application	29/08/2018	Full: Erection of an agricultural building and all associated works	Green Hill Pont Robert Meifod Powys SY22 6LN
APP	Approve	20/06/2018	18/0152/REM	Removal or Variation of Condition	24/08/2018	Section 73 application to vary condition no. 2 attached to planning permission P/2013/0869 to connect to mains sewers as opposed to installation of septic tank	Plot Adj. Presqu'ile Llanidloes Powys SY18 6JH
APP	Approve	26/06/2018	18/0045/DIS	Discharge of Condition	03/09/2018	Discharge of condition 5 of planning consent P/2017/1378	Pen Y Bont A489t From Cemmaes Road Roundabout To Junction With B4404 Cemmaes Road Machynlleth Powys SY20 8LW
APP	Approve	02/07/2018	18/0213/HH	Householder	23/08/2018	Erection of a two storey extension onto the existing semi detached house	1A Cae Nant Newbridge-on-wye Llandrindod Wells Powys LD1 6LQ

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## Delegated List

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### 20 Applications

APP	Approve	03/07/2018	18/0101/FUL	Full Application	22/08/2018	Siting of 3 shipping containers for storage use together with alterations to existing building to create maintenance access	Land At The Old Station Dyfi Eco Park Machynlleth Powys SY20 8AX
APP	Approve	16/07/2018	18/0332/NMA	Non-Material Amendment	23/08/2018	Non-Material amendment to P/2016/0289 in respect of varying conditions 1 and 3 and adding condition 3a	Land Adj To Star Villa Nantmel Llandrindod Wells Powys LD1 6EN
APP	Approve	18/07/2018	18/0089/HH	Householder	22/08/2018	Demolition of the existing porch and erection of an extension to the existing dwelling to create a new kitchen and dining area	The Foel A470t From Llangurig Roundabout To Junction With B4518 By Llanidloes Llangurig Llanidloes Powys SY15 6AT
APP	Approve	26/07/2018	18/0352/CLP	Certificate of Lawfulness - Proposed	05/09/2018	Section 192 application in relation to confirmation that a commencement has been made on planning consent M/2003/1168	Development At Hyssington Farm Hyssington Montgomery Powys SY15 6AT
APP	Approve	30/07/2018	18/0319/NMA	Non-Material Amendment	29/08/2018	Non material amendment in respect of planning permission P/2017/1244 for alterations to the dimension of building	The Rookery Knucklas Knighton Powys LD7 1LR
APP	Approve	02/08/2018	18/0410/NMA	Non-Material Amendment	29/08/2018	Application for a non material amendment to planning application P/2017/1328 in relation to material changes	Osbern House Kinnerton Prestegne Powys LD8 2PE
CON	Consent	26/04/2017	P/2017/0423	Outline planning	20/08/2018	Outline - Proposed residential development of 96 houses, vehicular access, infrastructure and all associated works (some matters reserved)	Land Adj Dolwenith And Tan Y Bryn Llanidloes Powys SY20 6IN
CON	Consent	05/06/2018	P/2018/0516	Full application	29/08/2018	Full: Erection of an agricultural building and all associated works	Cefn Golau Pont Robert Meifod Powys SY20 6IN
CON	Consent	08/06/2018	18/0157/HH	Householder	22/08/2018	Demolition of the existing store and erection of an extension to the side of the dwelling	Vine Cottage Waterloo Road Llandrindod Wells Powys LD1 6BL
AA	Prior Approval Approved	04/06/2018	P/2018/0599	Householder	23/08/2018	Hous: Conversion of adjoining building to provide an extension to the dwelling	Botalog Cwmystwyth Aberystwyth Powys SY23 4AN

CODE: IDOX.PL.REP.02

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## Delegated List

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### 20 Applications

REF	Refused	26/06/2018	18/0211/CLP	Certificate of Lawfulness - Proposed	22/08/2018	Application of certificate of lawfulness for a proposed use namely use of land for processing timber into logs	Land At The Old Railway Line Railway Bank Cwmbelan Llanidloes Powys SY18 6QA
Application Total		20					

Tudalen 103

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

**CYNGOR SIR POWYS COUNTY COUNCIL.****Planning, Taxi Licensing & Rights of Way Committee  
2018**

**REPORT AUTHOR:** Adrian Jervis  
Acting Head of Highways, Transport and Recycling

**SUBJECT:** U0268 Blaen Clydach, near Trecastle, Brecknockshire

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**REPORT FOR:** Decision

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**Summary**

This report seeks Committee approval to commence formal consultation with a view to the stopping-up of a short section of county unclassified road at Blaen Clydach near Trecastle in Brecknockshire under Sections 116/117 of the Highways Act 1980.

**Proposal**

The Authority has received an application to stop-up and remove all public highway rights on a section of unclassified county road U0268 at Blaen Clydach near Trecastle as shown in Appendix A to the report. The basis for this is that the applicant considers that the way is no longer necessary.

Removal of the public rights from this section of highway will have no impact on the rest of the public highways and rights of way network and would remove the current liability for the council to maintain this section. Currently there is a partially collapsed retaining wall on this section which the council is liable for and is in the early stages of design with a view to undertaking repairs this year. The applicant has stated that they are wholly prepared to accept liability for the wall in its current state should the stopping up be successful and undertake the repairs at their own cost.

Under Powys County Council Constitution Section 13 (Responsibility for Functions) decisions relating to applications under Sections 116/117 of the Highways Act 1980 are delegated to the Planning, Taxi Licensing & Rights of Way Committee.

If Committee agree to progress there will be a need to undertake consultation with a range of parties as set out under Sections 116/117 of the Highways Act 1980. This will include adjacent landowners, parish council(s), statutory undertakers and other potential interest groups. If no significant objections are received an application would be made to the Magistrates Court. Notification of the application is required on site and in local media so that the public are able to present their objection(s) at court.

**Powys Change Plan**

The recently published Powys Vision 2025 document details the vision for the future of Powys.

This proposal would remove a liability from the Council.

### **Options Considered/Available**

Three options have been considered:

1. Not to make an application to stop up highways rights on the section of road;
2. To make an application to stop up highway rights and to ask the adjacent land owner(s) to meet the costs of the process;
3. To make an application to stop up highway rights with Powys County Council meeting the costs.

### **Preferred Choice and Reasons**

The preferred choice is Option 2 with the Council making an application to the Magistrate Court to remove all highway rights. The cost of the process, estimated to cost up to £3,000 would be borne wholly by the applicant.

The Highways Act 1980 sets out the requirements for making such an application. The Council is required to undertake certain steps before making the application to ensure that the interests of any interested parties are duly considered.

### **Local Member(s)**

Cllr Phyl Davies Portfolio Holder for Highways comments that he is happy with the proposal and would welcome comment from the local member.

Cllr Edwin Roderick has been made aware of the request and will have further opportunity to comment on the matter under a formal consultation should Committee support the recommendation.

### **Other Front Line Services**

Countryside Services have been consulted in respect of confirming that it is not necessary to retain the rights of a footpath or bridleway on the section of route. They have commented that there are no footpaths, bridleways, restricted byways or byways open to all traffic currently shown on the definitive map and statement and therefore have no objection to the proposal.

### **Local Service Board/Partnerships/Stakeholders etc**

Stakeholder views are accounted for through Sections 116/117 of the Highways Act 1980.

<b>Recommendation:</b>	<b>Reason for Recommendation:</b>
1. That the process for making an application under Sections 116/117 of the Highways Act 1980 to stop-up all public rights on the section of the U0268 as shown in Appendix A to the report be commenced.	To provide the necessary consent for the process to commence in accordance with the Council Constitution.
2. Subject to there being no significant objection(s) an application be made to the Magistrates Court to stop up the highway with all costs of the process being met by the applicant.	To allow for the section of U0268 identified in Appendix A to be stopped up.

Relevant Policy (ies):			
Within Policy:	Y / N	Within Budget:	Y / N

<b>Relevant Local Member(s):</b>	County Councillor Edwin Roderick, Maescar & Llywel
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<b>Person(s) To Implement Decision:</b>	Network Manager & Legal Services
<b>Date By When Decision To Be Implemented:</b>	<b>As soon as practicable</b>

<b>Contact Officer Name(s):</b>	<b>Tel:</b>	<b>Fax:</b>	<b>Email:</b>
Antony Roberts	01597 826619		<a href="mailto:antony.roberts@powys.gov.uk">antony.roberts@powys.gov.uk</a>

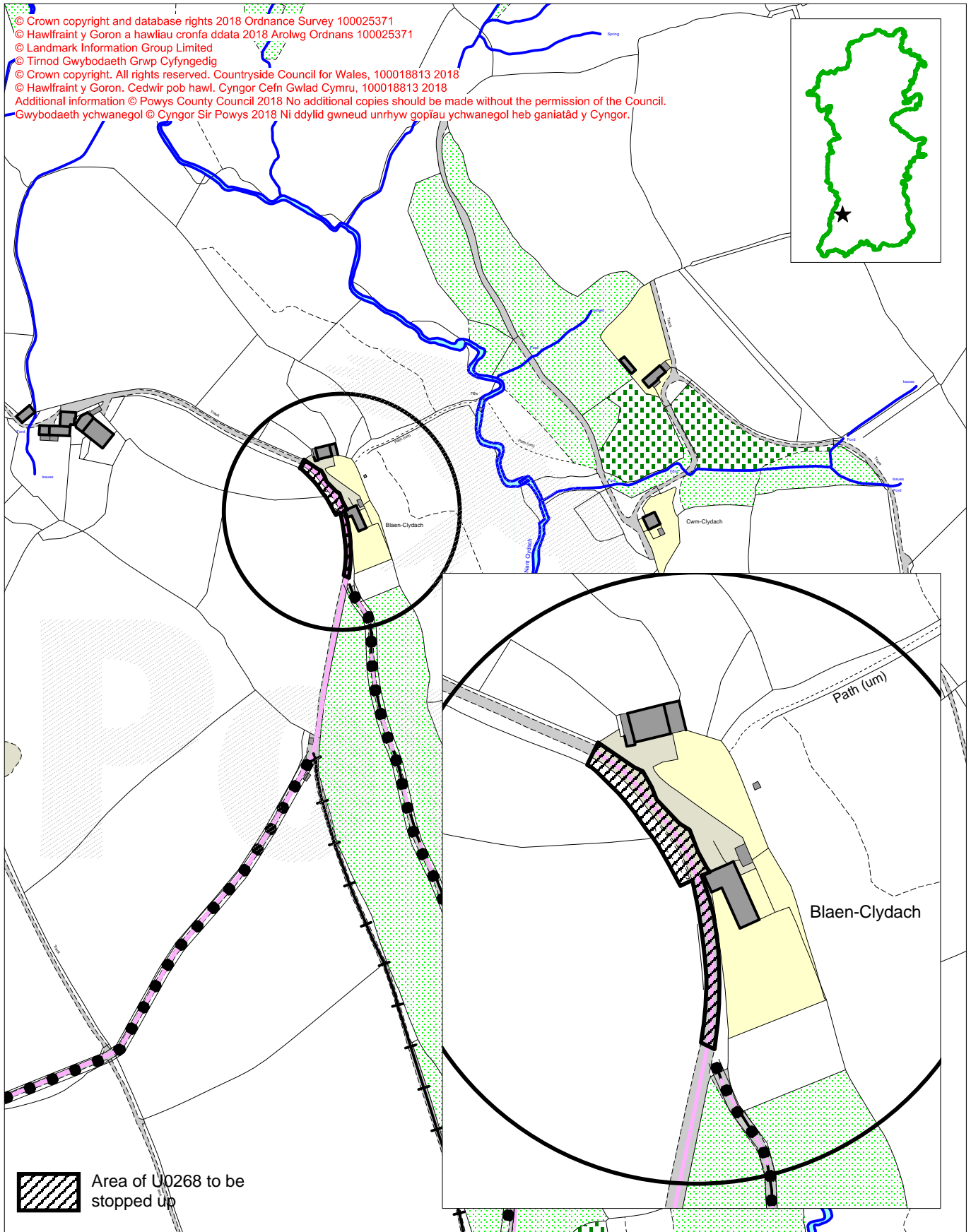
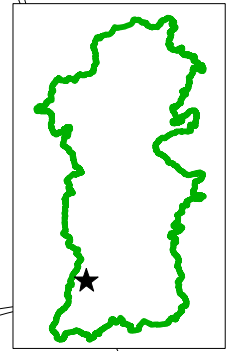
**Background Papers used to prepare Report:**

Highways Act 1980.  
Definitive Map.

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