

## Pwyllgor Cynllunio, Trwyddedu Tacsis a Hawliau Tramwy

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

Dyddiad y Cyfarfod  
**Dydd Iau, 4 Hydref 2018**

Amser y Cyfarfod  
**9.30 am**



Neuadd Y Sir  
Llandrindod  
Powys  
LD1 5LG

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

Dyddiad Cyhoeddi

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 BLAENOROL

Awdurdodi'r Cadeirydd i lofnodi cofnodion cyfarfod blaenorol y Pwyllgor a gynhaliwyd ar 13 Medi 2018 fel cofnod cywir.

(To Follow)

### Cynllunio

#### 3. DATGANIADAU O DDIDDORDEB

- Derbyn unrhyw ddatganiadau o ddiddordeb gan Aelodau sy'n ymwneud ag eitemau i'w hystyried ar yr agenda.
- Derbyn ceisiadau Aelodau i gofnod gael ei wneud o'u haelodaeth o gynghorau tref neu gymuned lle bu trafod ar faterion y mae'r Pwyllgor yma am eu hystyried.
- Derbyn datganiadau gan Aelodau o'r Pwyllgor y byddant yn gweithredu fel 'Cynrychiolwyr Lleol' o ran cais unigol y mae'r Pwyllgor am ei ystyried.

d) Nodi manylion Aelodau o'r Cyngor Sir (nad ydynt yn Aelodau o'r Pwyllgor) a fydd yn gweithredu fel 'Cynrychiolwyr 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 Pennaeth y Gwasanaethau Adfywio a Rheoleiddio a llunio unrhyw benderfyniadau angenrheidiol ar sail hynny.

(Tudalennau 1 - 2)

**4.1. Diweddariadau**

Bydd unrhyw Ddiweddariadau yn cael eu hychwanegu at yr Agenda, fel Pecyn Atodol, pryd bynnag y bo modd, cyn y cyfarfod.

(To Follow)

**4.2. P/2018/0322 Ystum Colwyn, Meifod, Powys, SY22 6BN**

(Tudalennau 3 - 48)

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

(Tudalennau 49 - 68)

**4.4. 18/0323/FUL Ffordd Fynediad a Maes Parcio rhwng Cae Pêl-droed Tref-y-Clawdd a'r Clwb Criced, Tref-y-Clawdd, Powys LD7 1HP**

(Tudalennau 69 - 78)

**4.5. P/2018/0713 Rock House, Trelystan, Tre'r Llai SY21 7HZ**

(Tudalennau 79 - 98)

**4.6. 18/0469/DEM Canolfan Ieuenctid, Lôn y Blanhigfa, Y Drenewydd, Powys, SY16 1LQ**

(Tudalennau 99 - 104)

<b>5.</b>	<b>PENDERFYNIADAU PENNAETH Y GWASANAETHAU ADFYWIO A RHEOLEIDDIO AR GEISIADAU A DDIRPRWYDYD</b>
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Derbyn er gwybodaeth restr o benderfyniadau a wnaed gan y Pennaeth Gwasanaethau Adfywio a Rheoleiddio dan bwerau a ddirprwywyd iddo.

(To Follow)

<b>6.</b>	<b>PENDERFYNIAD AR YR APÊL</b>
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Derbyn penderfyniad yr Arolygwr Cynllunio ynghylch apêl.  
(Tudalennau 105 - 112)

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



**Planning, Taxi Licensing and Rights of Way Committee**  
**4<sup>th</sup> October 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/2018/0322</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 6BN</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>P/2018/0621</b></p> <p>Disserth &amp; Trecoed</p> <p>304859.17 259040.82</p> <p>18/08/2018</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>18/0323/FUL</b></p> <p>Knighton Community Council</p> <p>329081</p> <p>30/07/2018</p>	<p>Full: Installation of a cycle / footpath, extension to car park and alterations of to access</p> <p>Access Road &amp; Car Park Between Knighton Football Ground &amp; Cricket Club, Knighton, Powys, LD7 1HP</p> <p>Powys County Council,</p> <p><b>Recommendation:</b> Conditional Consent</p>
<p><b>P2018/0713</b></p> <p>Forden with Leighton &amp; Trelystan</p> <p>327675 304186</p> <p>11/07/2018</p>	<p>Full: Change of use of agricultural land to residential curtilage, demolition of out buildings and erection of an extension to the dwelling</p> <p>Rock House, Trelystan, Leighton, SY21 8HZ</p> <p>Mr &amp; Mrs Richard Dearing</p> <p><b>Recommendation:</b> Conditional Consent</p>
<p><b>18/0469/DEM</b></p> <p>Newtown and Llanwchaiarn</p> <p>310014 29511</p> <p>17/08/2018</p>	<p>Application for prior notification of proposed demolition</p> <p>Youth Centre, Plantation Lane, Newtown, Powys SY16 1LQ</p> <p>Powys County Council</p> <p><b>Recommendation:</b> Prior approval is not required</p>

# 4.2

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

### UPDATE 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 the update

The application was reported to Committee on the 13<sup>th</sup> September 2018 where Members voted to defer the application in order to request the submission of a landscaping plan. A landscaping plan has now been received. This update report should be read in conjunction with the previous reports on the application.

### 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

Planning (Listed Buildings and Conservation Areas) Act 1990

Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017

Environmental Permitting (England & Wales) Regulations 2010 (as amended)

### **Officer Appraisal**

The landscaping plan indicated the following landscaping features;

- Infill of hedgerow adjoining the highway to the north of the units
- The provision of a woodland block along the top of the bank near the highway to the north of the units
- The retention of existing trees and hedgerows
- The provision of a woodland block to the north east of the proposed units
- The provision of a new hedgerow extending along the frontage of the entire site and along the access track to the access highway
- New tree planting at the entrance to the site

A copy of the plan is provided as part of the update report.

The provision of hedgerow to the south of the units and the infilling of hedgerow and provision of woodland block to the north would reduce the visual impact of the development. The topography of the site from the highway to the north being that the woodland block would essentially screen the development and the hedgerow to the south would aid in the assimilation of the units into the landscape. Officers consider that the proposed landscaping

plan would aid in the screening of the development and is considered to be acceptable in terms of policy DM4.

Discussion with the Powys Ecologist has been undertaken and they are content with the submitted information.

## **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.

It is considered that the proposed development complies with the relevant policies within the Powys County Council Local Development Plan. The recommendation is one of conditional consent.

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, Figure 1: LV1 Planting Proposals (Viento Environmental dates 20<sup>th</sup> September 2018), 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. All planting, seeding or turfing comprised in Figure 1: LV1 Planting Proposals (Viento Environmental dates 20<sup>th</sup> September 2018) 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.

8. Development shall be carried out in strict accordance with the Method Statement Pollution Prevention Plan, Drainage Plan and Manure Management Plan dated March 2018.

9. The storage and spreading of manure will be undertaken in accordance with the DEFRA Code of Good Agricultural Practice for the Protection of Air, Water and Soil.

10. Vehicles used for the movement of manure shall be sheeted to prevent spillage of manure.

## **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 UDP Policy ENV3 and Policies DM2 and DM4 of the Powys Local Development Plan 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 the Environment (Wales) Act 2016.

9. To comply with Powys County Council's UDP Policy ENV3 and Policies DM2 and DM4 of the Powys Local Development Plan 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 the Environment (Wales) Act 2016.

10. To safeguard the amenities of the locality in accordance with Policy DM13 of the Powys Local Development Plan.

### **Informative Notes**

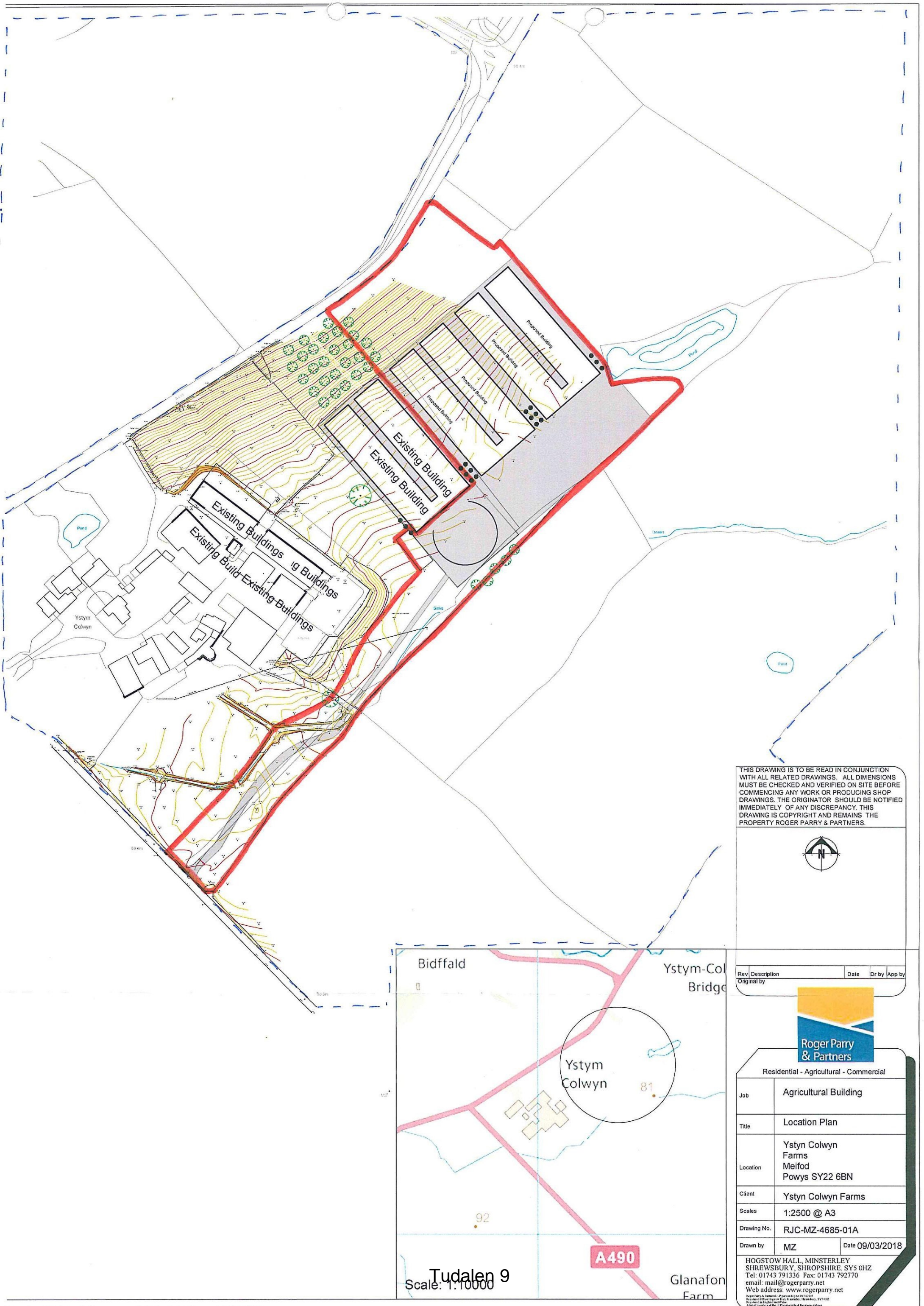
Work should halt immediately and Natural Resources Wales (NRW) contacted for advice in the event that protected species are discovered during the course of the development. To proceed without seeking the advice of NRW may result in an offence under the Conservation of Habitats and Species Regulations 2017 and/or the Wildlife & Countryside Act 1981 (as amended) being committed. NRW can be contacted at: Tel: 0300 065 3000

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Case Officer: Tamsin Law- Principal Planning Officer  
Tel: 01597 82 7230 E-mail: [tamsin.law@powys.gov.uk](mailto:tamsin.law@powys.gov.uk)

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





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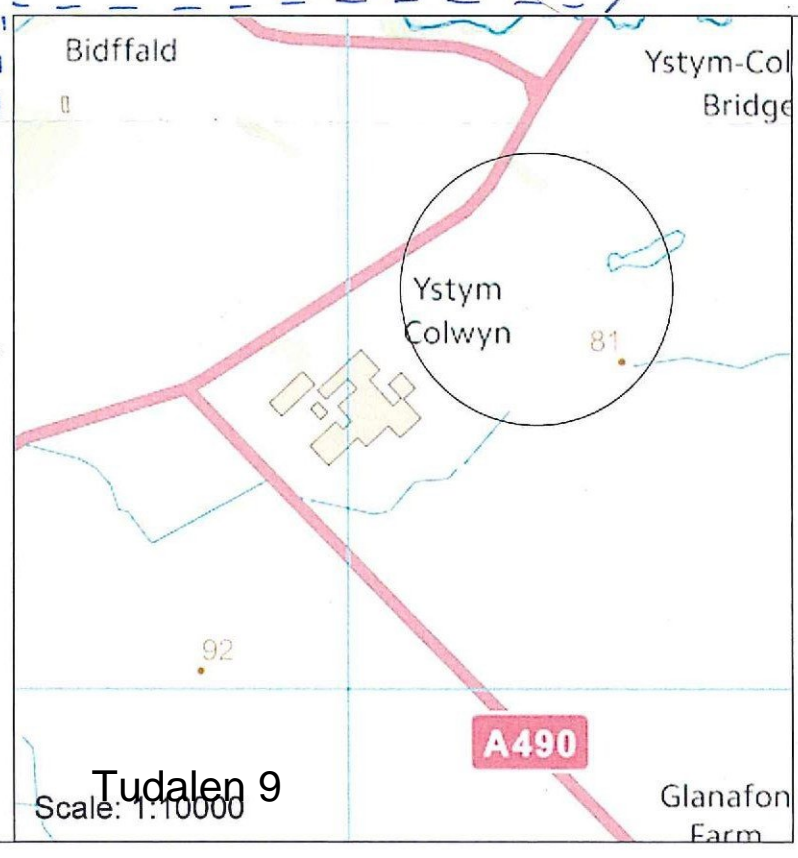
Rev	Description	Date	Dr by	App by
Original				

**Roger Parry & Partners**

Residential - Agricultural - Commercial

Job	Agricultural Building			
Title	Location Plan			
Location	Ystyn Colwyn Farms Meifod Powys SY22 6BN			
Client	Ystyn Colwyn Farms			
Scales	1:2500 @ A3			
Drawing No.	RJC-MZ-4685-01A			
Drawn by	MZ	Date	09/03/2018	

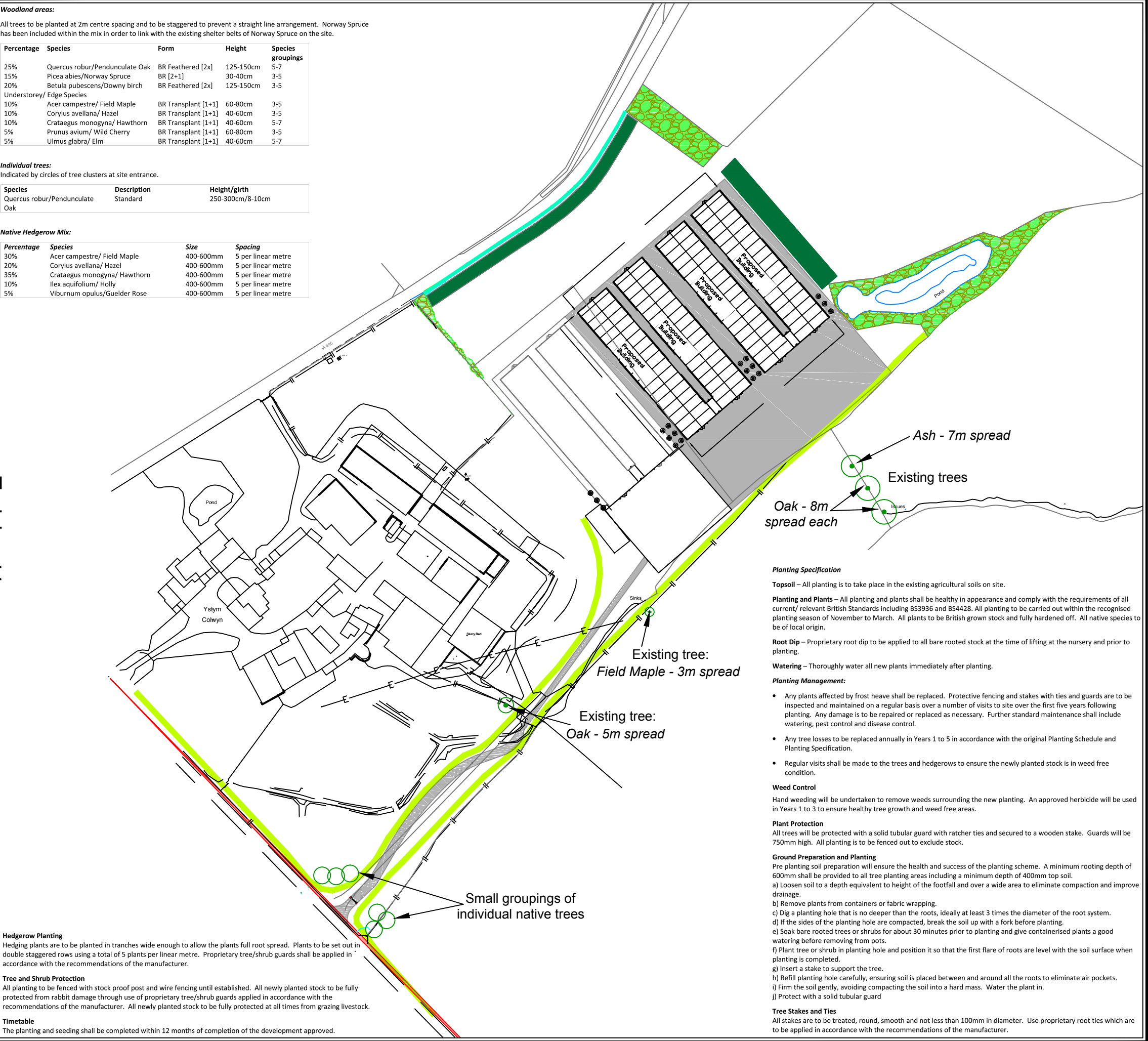
HOGSTOW HALL, MINSTERLEY  
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email: mail@rogerparry.net  
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Mae'r dudalen hon wedi'i gadael yn wag yn fwriadol



Future 14



Project:

Ystym Colwyn  
Agricultural Building

Client:

Viento  
Environmental

- Key:
- Existing trees
  - Gappy hedgerows to be infilled with typical hedgerow species found locally
  - New hedgerow with typical hedgerow species found locally
  - Native predominantly deciduous woodland block
  - Small grouping of individual native trees

Notes:

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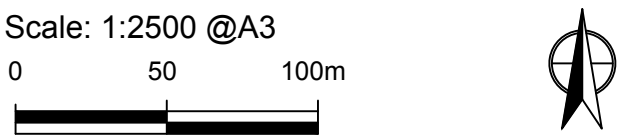


Figure: LV 1  
Planting Proposals

20-09-18

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

## **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  $1.0 \mu\text{g}/\text{m}^3$  or the Critical Load of  $10.0 \text{ kg}/\text{ha}$  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

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

### UPDATE REPORT

**Application No:** P/2018/0322                      **Grid Ref:** 319201.71 316420.83

**Community Council:** Meifod                      **Valid Date:** 21/03/2018      **Officer:** Tamsin Law

**Applicant:** Mr Gittins, Ystym Colwyn Farms, Ystym Colwyn Farms, Ystym Colwyn, Meifod, Powys, SY22 6BN

**Location:** Ystym Colwyn, Meifod, Powys, SY22 6XT

**Proposal:** FULL: Erection of an extension to existing intensive poultry unit and all associated works

**Application Type:** Application for Full Planning Permission

### The reason for the update

To provide updated conditions with regards to manure

### 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

Planning (Listed Buildings and Conservation Areas) Act 1990

Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017

Environmental Permitting (England & Wales) Regulations 2010 (as amended)

## **Officer Appraisal**

Following the publication of the report and further review it was considered appropriate to attach conditions regarding the spreading and storage of manure in the event that the contingency plan identified within the Manure Management Plan needs to be implemented.

## **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.
9. Development shall be carried out in strict accordance with the Method Statement Pollution Prevention Plan, Drainage Plan and Manure Management Plan dated March 2018.

10. The storage and spreading of manure will be undertaken in accordance with the DEFRA Code of Good Agricultural Practice for the Protection of Air, Water and Soil.

11. Vehicles used for the movement of manure shall be sheeted to prevent spillage of manure.

## **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.

9. To comply with Powys County Council's UDP Policy ENV3 and Policies DM2 and DM4 of the Powys Local Development Plan 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 the Environment (Wales) Act 2016.

10. To comply with Powys County Council's UDP Policy ENV3 and Policies DM2 and DM4 of the Powys Local Development Plan 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 the Environment (Wales) Act 2016.

11. To safeguard the amenities of the locality in accordance with policy GP1 of the Powys Unitary Development Plan and Policy DM13 of the Powys Local Development Plan.

### **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

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Case Officer: Tamsin Law- Principal Planning Officer  
Tel: 01597 82 7230 E-mail: [tamsin.law@powys.gov.uk](mailto:tamsin.law@powys.gov.uk)

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/2018/0621	<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		

### REPORT UPDATE

This report forms an update to the previous report circulated to Members on the 13<sup>th</sup> September Committee.

### 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”.*

At the previous meeting it was requested that additional information was provided to justify why the proposal was not provided as an extension to the existing dwelling.

The applicant has submitted a written justification in support of the need for an annex as oppose to an extension to the existing dwelling. The main points can be summarised as follows;

- The area to the east of the bungalow is occupied by the existing access and parking areas of the property and therefore development to this elevation would be impractical.
- The areas to the west and rear elevations of Elancot do not have sufficient space to accommodate an extension of adequate footprint for a proposal of this nature.

- The only other available elevation to accommodate the proposed extension would be the principle elevation, which again would be unacceptable in terms the character and appearance to the existing dwelling house.

In light of the above, Officer's consider that sufficient information has been submitted to demonstrate that an extension to the existing dwelling would not be practical at this location.

## **RECOMMENDATION – CONDITIONAL CONSENT**

The recommendation is one of conditional approval.

### **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.

## **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.

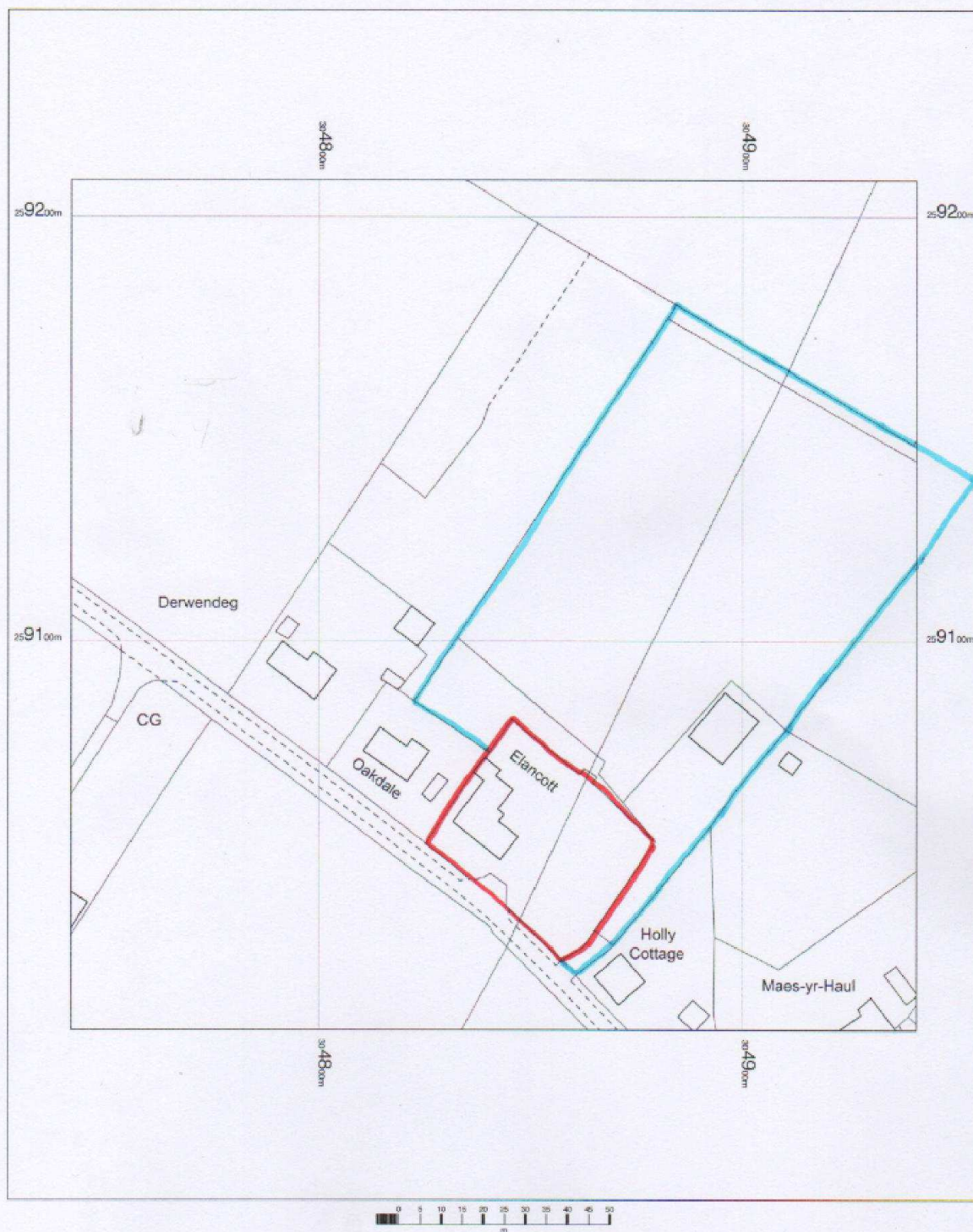
Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

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



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

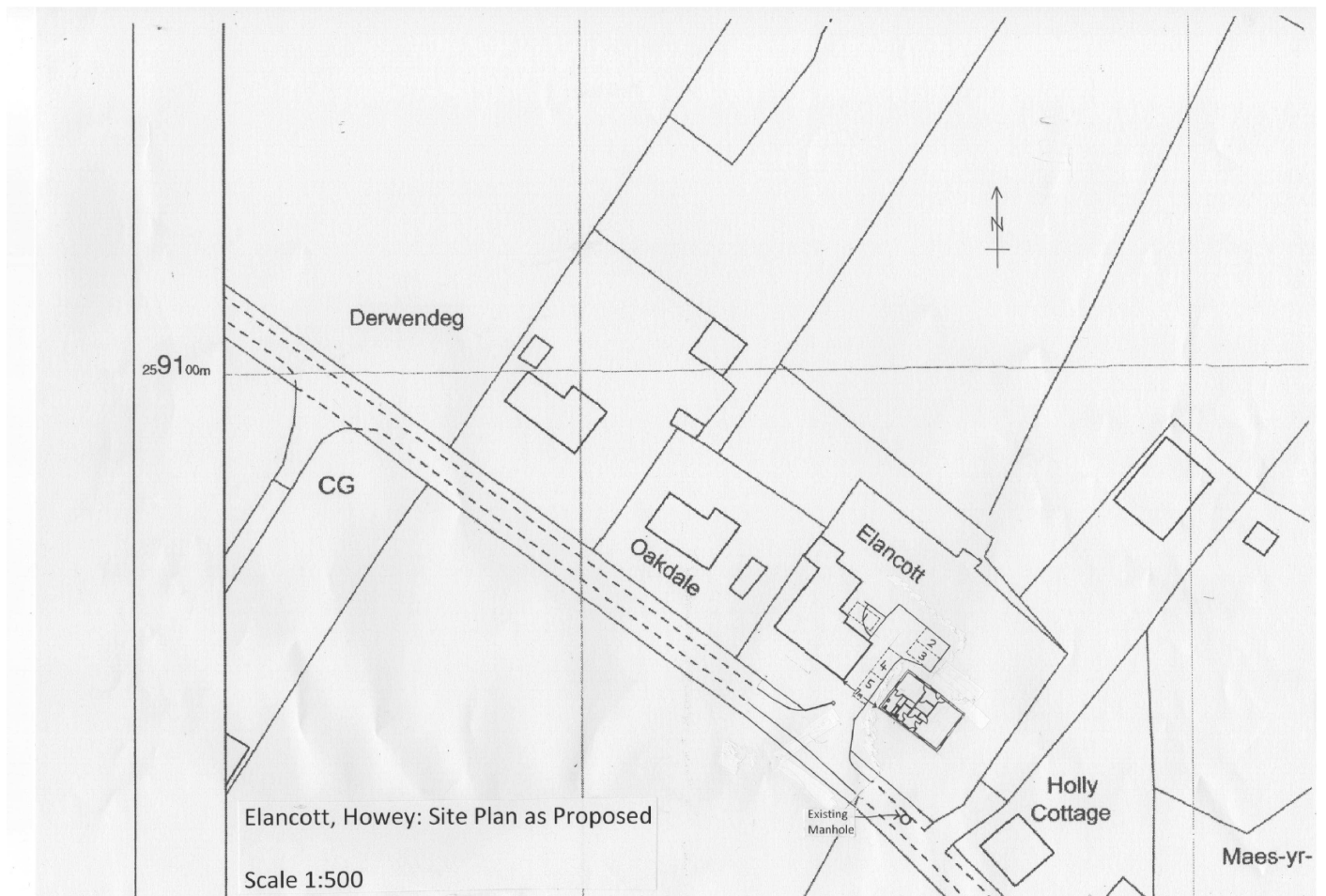
1:1250 scale print at A4, Centre: 304841 E 259109 N

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

**Application No:** P/2018/0621 **Grid Ref:** 304859.17 259040.82

**Community Council:** Disserseth & Trecoed      **Valid Date:** 18/06/2018      **Officer:** Rhys Evans

**Applicant:** Mrs Grace Cleaton, Howey, Llandrindod Wells, Powys, LD1 5PP.

**Location:** Elancot, Howey, Llandrindod Wells, Powys, LD1 5PP.

**Proposal:** Full: Erection of an annex

**Application Type:** Application for Full Planning Permission

### The reason for Committee determination

In accordance with the Planning Protocol, the Local Member for Disserth 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 Disserth & 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 &amp; 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.

---

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

# 4.4

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

**Application Number:** 18/0323/FUL

**Grid Ref:** E: 329081  
N: 272032

**Community Council:** Knighton Community

**Valid Date:** 30.07.2018

**Applicant:** Powys County Council

**Location:** Access Road & Car Park Between Knighton Football Ground & Cricket Club, Knighton , Powys, LD7 1HP,

**Proposal:** Full: Installation of a cycle / footpath, extension to car park and alterations of to access

**Application Type:** Full Application

### The reason for Committee determination

Powys County Council is the applicant.

### Consultee Responses

#### Consultee

#### Received

Community Council

6th Sep 2018

Knighton Town Council at its meeting last decided to support this application by unanimous vote

PCC-Building Control

No response received at the time of writing this report.

Wales & West Utilities - Plant Protection Team

No response received at the time of writing this report.

PCC-(M) Highways

20<sup>th</sup> Aug 2018

The County Council as Highway Authority for the County Class I Highway, A4113

Wish the following recommendations/Observations be applied

Recommendations/Observations

1. The development proposed shall be constructed in complete accordance with the details on drawing numbers 2791 PA-01 and 2071 PA-02. and shall be completed to the written satisfaction of the local planning authority.

Welsh Water

21st Aug 2018

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

We can confirm we have no objections to this application.

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

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.

C P A T

Thank you for the consultation on this application.

Although the development lies close to the scheduled motte castle to the north the proposed works are minor in nature with very shallow surface excavation to create a path and parking. There would be no significant impact to the setting of the scheduled monument.

We therefore have no objection to the proposed development.

Cadw

Thank you for your letter of 16 August 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 have no objections to the proposed development. 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

Located within a 500m buffer of the application area is scheduled monument RD054 Bryn y Castell.

RD054 Bryn y Castell comprises the remains of a motte and ditch, dating to the medieval period (c. 1066 -1540 AD). Bryn y Castell is located on the south bank of the Teme, almost equidistant from the mottes at Knucklas and Lower Stanage. The motte is c.35m in diameter and c.4m high above the base of a ditch c.1m deep. It's summit is c.15m in diameter. The bailey probably lay to the south, but the area is now covered by the Knighton Town Cricket ground. As at Lower Stanage, the ditch of the motte disappears on the north side into an almost sheer drop of 12 to 15m to the flat water meadows bounding the river.

The proposal is to provide a footpath of shared use for cycling and pedestrians. At the access point from Ludlow Road entry pillar will be relocated to accommodate the route which will extend north as a 3m wide Tarmac Macadam to the east of an existing road terminating at an existing car park, the car park will be extended to the north and the loose stone surface of this and the new car park will be surfaced with a Macadam surface.

The proposed development is potentially within the conjectural extent of the castle bailey, the location of subsidiary buildings; stables, kitchens, smithy etc. to support life in the castle and will be visible from the scheduled monument. However the planned route and car park extension adhere closely to the existing road and car park footprints, the slight expansion of modern surfaces in the grassed area of the amenity surroundings will have only a very slight and not significant effect on the setting of the scheduled monument.

## **Representations**

Following the display of a site notice, no public representations have been received at the time of writing this report.

## **Planning History**

None as per GIS

## **Principal Planning Constraints**

N/A

## **Principal Planning Policies**

<b>Policy</b>	<b>Policy Description</b>	<b>Year</b>	<b>Local Plan</b>
PPW	Planning Policy Wales (Edition 9, November 2016)	2016	National Policy
TAN5	Nature Conservation and Planning	2009	National Policy
TAN11	Noise	1997	National Policy
TAN12	Design	2016	National Policy
TAN13	Tourism	1997	National Policy



TAN16	Sport, Recreation and Open Space	2009	National Policy
TAN18	Transport	2007	National Policy
TAN23	Economic Development	2014	National Policy
SP7	Safeguarding of Strategic Resources and Assets		Local Development Plan 2011-2026
DM2	The Natural Environment		Local Development Plan 2011-2026
DM3	Public Open Space		Local Development Plan 2011-2026
DM4	Landscape		Local Development Plan 2011-2026
DM13	Design and Resources		Local Development Plan 2011-2026
T1	Travel, Traffic and Transport Infrastructure		Local Development Plan 2011-2026
C1	Community Facilities and Indoor Recreation Facilities		Local Development Plan 2011-2026

### **Other Legislative Considerations**

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

### **Officer Appraisal**

#### Site Location and Description

The proposed development is located within the settlement development boundary of Knighton as defined by the Powys Local Development Plan (2018). To the north, east

and west of the application site is public open space and to the A4113 runs to the south of the development site.

Consent is sought for the installation of a cycle / footpath and an extension to the existing car park as well as alterations to the access.

### Principle of Development

The proposed development seeks to install a cycle / footpath and to extend the car park as well as alterations to the access. The principle of the development has been considered under policy DM13 as there is no designated policy for such a development. Consideration has also been given to Policy SP7, T1 and Technical Advice Note 13 (1997).

Policy DM13 states that development proposals must be able to demonstrate a good quality design and shall have regard to the qualities and amenity of the surrounding area, local infrastructure and resources.

Policy DM13 requires that development proposals where relevant meet set criteria in this instance it is considered that the proposed development will integrate into the surrounding area as the proposed cycle/footpath runs along the existing access to the car park at the football club. The proposed cycle/footpath will provide a betterment to the current means of travel along the existing access as the vehicular and cycle/footpath will now be separated and therefore acts as a benefit towards the existing tourism within the Knighton area, as well as providing safer active travel routes for pedestrians and cyclists.

The proposed development is therefore considered to comply with policy DM13 and SP7 of the Powys Local Development Plan and Technical Advice Note (TAN) 13.

Development proposals such as this should give consideration to policy T1 and should provide safe and efficient flow for all transport users, including more vulnerable users especially those making journeys by walking or cycling. This development is in accordance with policy T1 as it seeks to promote a form of sustainable travel by linking an existing footpath to the footpath along the A4113.

In light of the above it is considered that the proposed development complies with the principle of development subject to the following considerations:

### Highway Safety

Policy DM13 part 10 states that development proposals should meet all highway access requirements (for transport users) and parking standards which include a safe access, visibility splays and adequate parking.

Given the proposed development includes the alteration to an existing access and car parking Powys County Council's Highway Authority has been consulted on the proposed development. The Highway Authority has noted the submitted plans and have considered that the details regarding the alterations to the access and parking areas contained within the submitted plans are acceptable. In light of the above it is considered that the proposed development is acceptable and would not have a detrimental impact upon highway safety subject to the development being carried out in accordance with the approved plans.

The proposed development therefore fundamentally complies with policy DM13 of the Powys Local Development Plan (2018) subject to the attachment of an appropriately worded condition.

#### Impact on the Setting of the Listed Building Scheduled Monuments and Archaeology impacts

Policy SP7 seeks to protect strategic resources and assets from inappropriate development. Listed Buildings and Scheduled Ancient Monuments are listed within this policy under criterion 2 as assets to protect.

Cadw have been consulted on the proposed development as the proposal is located within a 500 metre buffer of the scheduled ancient monument known as Bryn y Castell. Bryn Y Castell comprises of the remains of a motte and ditch dating to the medieval period (1066-1540AD). Cadw have noted that the proposal is potentially within the conjectural extent of the castle bailey and the location of subsidiary buildings which would have supported castle life. Cadw have stated that the planned route and car park extension adhere closely to the existing road and car park footprints with a slight expansion of modern surfaces in the grassed area and will only have a very slight and not significant effect on the setting of the scheduled monument.

CPAT have also been consulted on the proposed development in relation to archaeology implications of the proposed development. CPAT have noted that any excavations to create the proposed path and parking are will be minor and very shallow and therefore there would be no significant impact to the setting of the scheduled monument.

In light of the above it is therefore considered that the proposed development complies with policies SP7 and DM13 of the Powys Local Development Plan and Technical Advice Note 24.

#### **RECOMMENDATION**

It is therefore considered that the proposed development fundamentally complies with relevant planning policy. The recommendation is one of conditional consent.

#### **Conditions**

1 The development shall begin not later than five years from the date of this decision

2 The development shall be carried out in accordance with the following approved plans and documents PA-01 and PA-02.

### **Reasons**

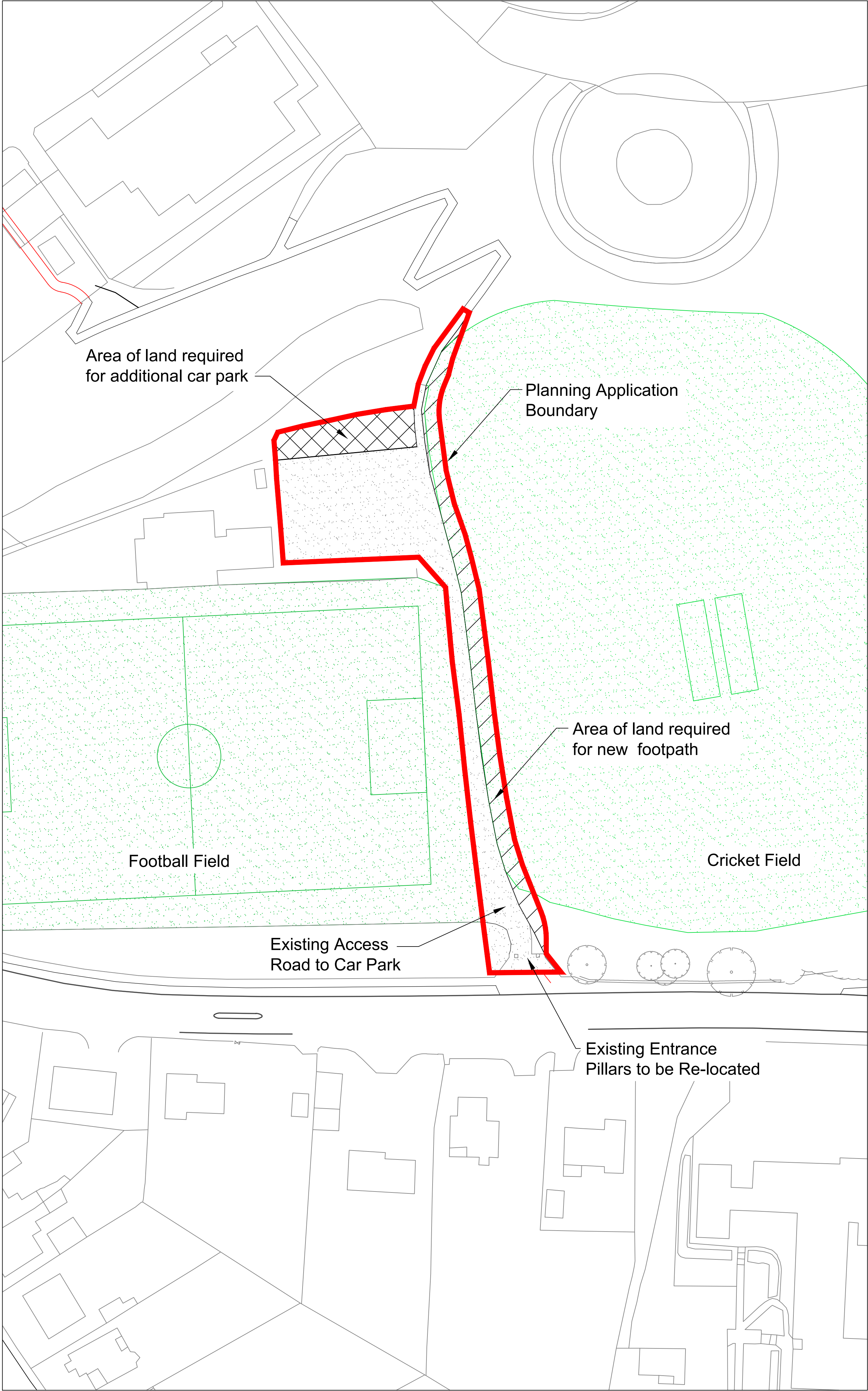
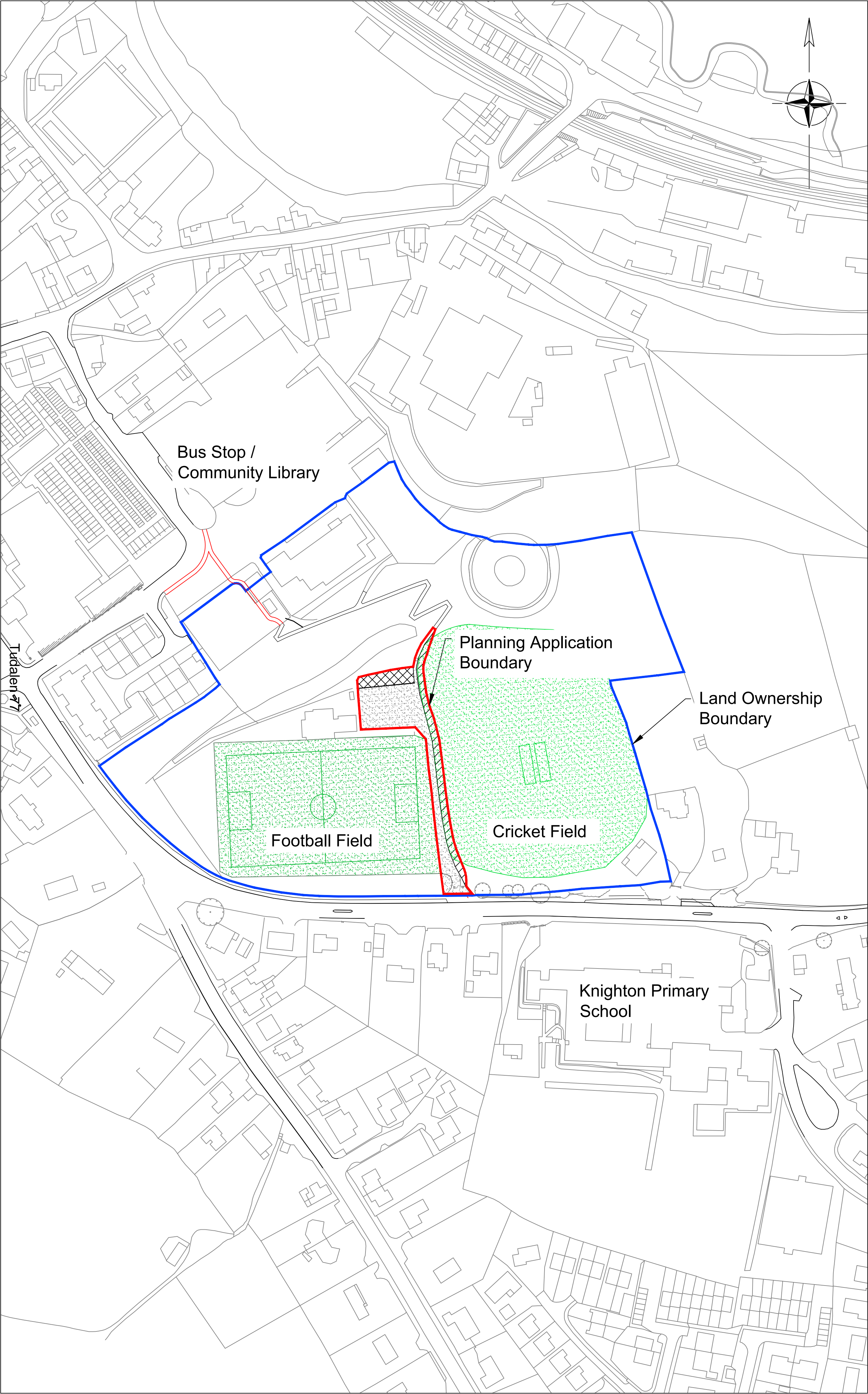
1 Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2 To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.

---

Case Officer: Thomas Goodman, Planning Officer  
Tel: 01597 827655 E-mail: [thomas.goodman@powys.gov.uk](mailto:thomas.goodman@powys.gov.uk)





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Notes

Rev	Date	Description	By	Chkd
Amendments				



**Engineering Design Services**  
EDS West Manager : Steve Hallows cery MCE  
01545 572513 hpw@ceredigion.gov.uk  
West : Penmorfa, Aberystwyth, Ceredigion, SA46 6PA



EDS East Manager : Gareth Price cery MCE  
0845 607 6060 ts.helpdesk@powys.gov.uk  
North : Krichmondale Depot, Pool Road, Newbarn, Powys, SY16 2AF  
Mid : County Hall, High Street East, Carmarthen, Carmarthen, Carmarthen, SA31 1BQ  
South : Tonsill Bymynydd, Cambrian Way, Brecon, Powys, LD3 7WR

Project  
**KNIGHTON SAFE ROUTES  
IN COMMUNITY**

Drawing Title  
**PLANNING APPLICATION -  
LAND OWNERSHIP BOUNDARY &  
PLANNING APPLICATION BOUNDARY**

By RW Checked JPS Scale at A1  
Date JULY 2018 **1:1250 / 1:500**

Project Number Drawing Number Revision  
**2791 PA - 01**



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

# 4.5

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

**Application Number:** P/2018/0713

**Grid Ref:** E: 327675  
N: 304186

**Community Council:** Forden with Leighton & Trelystan

**Valid Date:** 11.07.2018

**Applicant:** Mr & Mrs Richard Dearing

**Location:** Rock House, Trelystan, Leighton, SY21 8HZ

**Proposal:** Full: Change of use of agricultural land to residential curtilage, demolition of out buildings and erection of an extension to the dwelling

**Application Type:** Full Application

### The reason for Committee determination

The application has been submitted by an employee of Powys County Council who has regular contact with Development Management.

### Site Location and Description

This site is located off the U2480 unclassified highway approximately 5.5 miles south east of Welshpool. The site is currently bound by the existing residential dwelling to the north, private access track to a neighbouring property to the west and south with an area of overgrown land and garden area to the south east.

This application seeks consent for the change of use of agricultural land to residential curtilage, demolition of out buildings and erection of an extension to the existing dwelling.

### Consultee Responses

#### Community Council

*Correspondence received 27<sup>th</sup> July 2018*

At the meeting of Forden Community Council on Thursday 26th July 2018 the above planning application P/2018/0713 was supported.

#### Building Control

*Correspondence received 27<sup>th</sup> July 2018*

Building Regulations application required.

Severn Trent - Hafren Dyfrdwy

*Correspondence received 30<sup>th</sup> July 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 [APPlanning@hdcymru.co.uk](mailto:APPlanning@hdcymru.co.uk) rather than to named individuals, including the HD ref within the email/subject.

If you would like a copy of this in Welsh, please let us know.

Highway Authority

*Correspondence received 11<sup>th</sup> September 2018*

The County Council as Highway Authority for the County Unclassified Highway, U2480

Wish the following recommendations/Observations be applied  
Recommendations/Observations

HC9 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 one car per bedroom excluding any garage space provided. The parking areas shall be retained for their designated use in perpetuity.

Environmental Health – Contaminated Land

*Correspondence received 31<sup>st</sup> July 2018*

In relation to planning application P/2018/0713, the following advice is provided for Development Control.

Advice



1. The application proposal involves the change of use of agricultural land to residential curtilage, the demolition of existing barns and erection of an extension. Former agricultural buildings and land could contain potential sources of contamination depending on what they were used for in the past such as: pesticides, fuels and oils, slurry tanks and pits, fire sites, animal burial pits or other buried waste, fertiliser, sheep dip pits, asbestos, old machinery, waste chemical drums and ammunition.

2. Paragraph 13.5.1, of Chapter 13 'Minimising and Managing Environmental Risks and Pollution', of the Welsh Government document 'Planning Policy Wales' (2016) states: *"responsibility for determining the extent and effects of instability or other risks remains that of the developer. It is for the developer to ensure that the land is suitable for the development proposed, as a planning authority does not have a duty of care to landowners"*.

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

Furthermore, in paragraph 5.56 of the WG circular (ref: WGC 016/2014) it is states: *"The level of work required must be proportionate to the problems that are envisaged and the more onerous conditions should not be imposed as a matter of course"*.

3. *Based on the available information and current planning guidance, it is recommended that the following Condition and Note, to the applicant, are attached to any permission granted for planning application P/2018/0713:*

#### Unsuspected Contamination

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

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely

without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with policy \_\_\_\_ of the adopted Local Plan (date)].

Note to Applicant

Potential Contamination

The Council's guidance leaflet on the development of sites with potential land contamination is attached. Further advice on compliance with this condition may be obtained by contacting the Environmental Health Service on 0870 1923757.

Powys Ecologist

*Correspondence received 11<sup>th</sup> September 2018*

Thank you for consulting me with regards to planning application P/2018/0713 which concerns a full planning application for change of use of agricultural land to residential curtilage, demolition of out buildings and erection of an extension to the dwelling at Rock House, Trelystan, Leighton, Welshpool.

I have reviewed the proposed plans submitted with the application as well as local records of protected and priority species and designated sites within 1km of the proposed development.

The data search identified 7 records of protected and priority species within 1km of the proposed development, no records were for the site itself.

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

As the proposed development involves demolition of an outbuilding and erection of an extension building, an ecological survey has been undertaken to assess the potential of the development to impact bats– bats being European Protected Species. I have reviewed the Ecological Report produced by Gerald Longley Ecological Consultants dated July 2017 (mitigation plan amended 30 August 2018), I consider that the survey effort employed was in accordance with National Guidelines.

The development proposals includes converting the existing barn, which is attached to Rock House (main dwelling), into residential accommodation - In that the existing barn is to be demolished and an extension proposed to Rock house for the residential accommodation. The barn is attached to the south west wall of Rock house and is currently being used for storage purposes. The majority of the barn was extensively repaired in 1980s.

The building proposed to be impacted is a stone barn, timber framed with wood cladding present on elevations and slate roof. The building/barn is in two sections. One being two storey sections and the other being single storey.

The surveys undertaken included internal and external inspections of the outbuilding to identify any potential features where bats could access the existing buildings for roosting purposes– as features and access points were identified bat activity surveys were undertaken – Which was carried out on the 3 July 2017.

*There were many possible access points identified for bats into the barn. The access points include through gaps around closed doors and windows, under ridge tiles on the concrete tiled section of roof, through gaps in wooden cladding, particularly on the southwest most wall, under eaves and through gaps in verge mortar, particularly on the southwest facing gable of the two storey section.*

*No evidence of bats were found on the outside of the barn. However, bat droppings were found scattered over items in the first floor room of the two storey section of the barn and several swallow nest in the roof of the single storey section of the barn.*

The surrounding habitat was noted to be suitable for bat commuting and foraging within the area the presence of good habitat connectivity to the wider countryside with hedgerows, tree line and woodland with streams.

Therefore following the results of the day time preliminary assessment it is concluded that the barn offers roosting habitat for bats inside the building and also between felt and roof tiles and under ridge tiles on the two-storey section, and beneath wooden cladding.

As evidence of bats were noted within the building – evidence being bat droppings. It is considered necessary that further presence/absence activity surveys were undertaken.

Therefore, bat activity surveys were undertaken on the 3 July 2017 (dusk emergence), 14 July 2017 (dawn re-entry) and 25 July 2017 (dusk emergence).

During the dusk survey undertaken on the 3 July 2017 approximately five common pipistrelle emerged from the southeast elevation of the barn. Numerous bat activity was recorded in close proximity to the barn, including myotis species, soprano pipistrelle and lesser horseshoe bats.

On the 14 July during the dawn survey no bats were recorded entering the building, but again bat activity was recorded in close proximity to the barn.

During the second evening survey on the 25<sup>th</sup> July 2017 approximately four common pipistrelles were observed emerging from above the window on the southeast side of the first floor of the two-storey section of the barn. A single lesser horseshoe bat was recorded along the hedge on the southeast side of the barn.

Therefore the surveys have identified that the proposed development will result in the damage/destruction of a bat roost, as such a European Protected Species Development Licence will be required.

It was also noted during the day time preliminary survey that a swallows nest was observed within the barn is an ecological constraint/consideration for these proposals.

Section 4 recommends a bat mitigation plan to be implemented and provisions to bird nesting boxes to installed as part of the proposed development.

The mitigation plan includes; timing of works regarding bats and nesting birds, tool box talk to given prior to works commencing, provision of bird nesting boxes, provisions of bat boxes, protection of existing/creation of new bat roosts and entry/exit point and post construction monitoring.

The location of the bat boxes proposed are illustrated on the architectural plans drawing number 7B dated Feb 18.

Given the identified working mitigation measures detailed in section 6 of the Bat survey and mitigation plan report - I consider that the proposed developments will not result in the loss of any features of ecological importance and it is considered the proposed works are unlikely to have a negative impact to biodiversity in the wider area. I therefore recommend that implantation and adherence to the mitigation measures are secured though an appropriately worded condition.

#### External Lighting

Careful consideration will need to be given to any external lighting of the proposed development, the habitat surrounding the proposed development does have features suitable for mobile wildlife to forage and commute – which was also noted in the survey report. 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.

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

*The Mitigation Plan regarding bats and nesting birds detailed in section 6 of the Bat Survey and Mitigation Plan produced by Gerald Longley Ecological Consultants dated 25 July 2017 (Mitigation Plan amended 30 August 2018 Report is Ver. 02) shall be adhered to and implemented in full and maintained thereafter unless otherwise agreed in writing by the LPA.*

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

*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.

In addition I recommend inclusion of the following informative:

Warning: An European protected species (EPS) Licence is required for this development

This planning permission does not provide consent to undertake works that require an EPS licence.

It is an offence to deliberately capture, kill or disturb EPS or to recklessly damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine.

To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at <https://naturalresources.wales/conservation-biodiversity-and-wildlife/european-protected-species/?lang=en>

Bats - Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended)

It is an offence for any person to:

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

Under the Habitats Regulations it is an offence to:

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

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended) that works to trees or buildings where that work involves the disturbance of a bat is an offence if a licence has not been obtained from Natural Resources Wales. If a bat is discovered while work is being undertaken, all work

must stop and advice sought from Natural Resources Wales and the Council's Ecologist. You can also call the National Bat helpline on 0845 1300 228 or email [enquiries@bats.org.uk](mailto:enquiries@bats.org.uk)

Birds - Wildlife and Countryside Act 1981 (as amended)

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

- intentionally kill, injure or take any wild bird
- intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built
- intentionally take or destroy the egg of any wild bird
- intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird.

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

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built, (usually between late February and late August or late September in the case of swifts, swallows or house martins). If a nest is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.

Natural Resources Wales (North) DPAS

*Correspondence received 9<sup>th</sup> August 2018*

Thank you for consulting Natural Resources Wales (NRW) about the above, which was received on 26/07/2018.

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

Condition 1 EPS - All avoidance and mitigation measures described in the bat report being set out in a method statement and secured through planning conditions and/or a Section 106 agreement; and

We note that the ecology report submitted in support of the above application (reference: Longley, G. (2018). Barn (attached) at Rock House, Trelystan, Leighton, Welshpool: SY21 8HZ, Bat Survey and Mitigation Plan. Gerald Longley Ecological Consultants. Unpublished) has identified that the common pipistrelle bat is present at the application site. From the information contained in the bat report, we consider that

the proposed development represents a lower risk for bats, as defined in our guidance document 'Natural Resources Wales Approach to Bats and Planning (2015)'.

Bats and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2017. Any development that would contravene the protection afforded to bats under the Regulations would require a derogation licence from Natural Resources Wales. A licence may only be authorised if:

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

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

In this case, the bat report concludes that the proposal is likely cause harm or disturbance to the bats or cause damage or destruction to their breeding sites and resting places at this site and will, therefore, require a licence. However, we consider that the development proposal is not likely to be detrimental to the maintenance of the favourable conservation status of the local population of bats.

Therefore, we do not object to the proposal, subject to:

Condition 1 EPS - All avoidance and mitigation measures described in the bat report being set out in a method statement and secured through planning conditions and/or a Section 106 agreement; and

This advice applies to the proposal in its present form. If the plans are changed in ways that may harm or disturb the bats or their breeding sites and resting places at this site, you would need a revised bat report that took account of such changes. Please consult us again if a revised bat report concluded that this is no longer a lower risk case. Otherwise, our advice for lower risk cases would still apply and we would recommend that you secured the avoidance and mitigation measures described in the revised bat report.

Please also note that any changes to plans between planning consent and the licence application may affect the outcome of a licence application.

NRW would refer the Planning Authority to the letter from the Welsh Government to Chief Planning Officer's dated 01 March 2018 which advises Local Planning Authorities to attach an informative regarding licence requirements to all consents and notices where European Protected Species are likely to be present on site

#### Other Matters

Our comments above only relate specifically to matters included on our checklist Natural Resources Wales and Planning Consultations (March 2015) which is published on our website. 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.*

We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents relevant to their development. Please refer to our website for further details.

I trust this advice is clear and assists in your determination of the application but should you have any queries, please contact me.

Clwyd Powys Archaeological Trust (CPAT)

*Correspondence received 6<sup>th</sup> August*

Thank you for the consultation on this application.

Information held within the regional Historic Environment Record indicates that although the development appears to have limited sub-surface archaeological implications the proposals will affect a traditional stone barn of 19th century date which retains an original layout with internal and external features that are of local architectural and historical significance.

It would be unfortunate if this building was now permanently converted for a new use without a record of its current form and layout being retained. I would therefore ask that the applicant is required to carry out a Photographic Survey before development commences, in order to preserve a record of this building. To facilitate this I would ask that an appropriate planning condition is attached to any permission granted, and I include below a suggested condition which you may wish to consider using:

Suggested planning condition to facilitate a photographic survey prior to development

Development shall not begin until an appropriate photographic survey, (equivalent to an Historic England Photographic Survey - Understanding Historic Buildings, 2016, 5.5, p.27) of the existing buildings has been carried out in accordance with details to be submitted to, and approved by, the Local Planning Authority. The resulting digital photographs should be forwarded on appropriate digital media 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.otg.uk](mailto:mark.walters@cpat.otg.uk) Tel: 01938 553670/552045). After approval by the Local Planning Authority, a copy of the photographs should also be sent to the Historic Environment Record Officer, Clwyd-Powys Archaeological Trust, 41 Broad Street, Welshpool, Powys, SY21 7RR for inclusion in the regional Historic Environment Record.

Reason: To secure a full photographic record of the original building prior to alteration, conversion or demolition.

I have attached a guidance note on completing photo surveys together with information on sources of archaeological contractors who would be able to complete the survey on behalf of the applicant. These documents should be forwarded to the applicant so that they are fully informed of the process.

## **Representations**

A public site notice was erected at this site on 3<sup>rd</sup> August 2018. No third party representations have been received by Development Management at the time of writing this report.

## **Principal Planning Policies**

### National Policies

Planning Policy Wales (9<sup>th</sup> edition, 2016)  
Technical Advice Note (TAN) 5: Nature Conservation and Planning (2009)  
Technical Advice Note 6 – Planning for Sustainable Rural Communities  
Technical Advice Note (TAN) 12: Design (2016)  
Technical Advice Note (TAN) 18: Transport (2007)  
Technical Advice Note (TAN) 23: Economic Development (2014)  
Technical Advice Note (TAN) 24: The Historic Environment (2017)

### Local Policies

#### Powys Local Development Plan

SP7 - Safeguarding of Strategic Resources and Assets  
DM2 – The Natural Environment  
DM4 - Landscape  
DM7 – Dark Skies and External Lighting  
DM10 – Contaminated and Unstable Land  
DM13 – Design and Resources  
H7 – Householder Development  
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**

### Principle of Development

Policy H7 of the Powys Local Development Plan states that proposals for ancillary development shall be provided as extensions to an existing dwelling, where this is not appropriate or practical then ancillary buildings and other considerations will apply.

This application relates to an extension to the existing dwelling and also the change of use of an area of land from agricultural land to residential curtilage. The proposed extension to the dwelling is to the southwest of the existing dwelling where there is an existing attached outbuilding/barn. The proposed extension would be accommodated within the footprint of the existing buildings attached to the dwelling however the buildings will be part demolished in order to rebuild the proposed extension. The proposed extension is to accommodate a new entrance hall, W/c and shower room, living room and additional bedroom/living space. The extension will also accommodate a domestic storage room.

In light of the above it is considered that the proposed development fundamentally complies with policy H7 of the Powys Local Development Plan.

### Scale, Design and Appearance

Policy DM13 of the Powys Local Development Plan seeks to ensure that development is designed to complement and/or enhance the character of the surrounding area in terms of siting, appearance, integration, scale, height, massing and design detail. Developments should not have an unacceptable detrimental impact upon the amenities enjoyed by the occupants or users of nearby properties by means of noise, dust, air pollution, litter, odour, hours of operation, overlooking or any other planning matter.

The proposed extension to the existing dwelling is considered to be of an acceptable scale with the difference between the scale of the existing outbuildings and the proposed extension being minimal. The proposed external materials are to include a mix of rendered walls, retention of existing stone wall to the end of the outbuilding and timber cladding with metal flashing and trims. The roof is proposed to be clad in

corrugated metal sheeting black in colour, windows being metal construction dark grey in colour with doors being of timber construction. It is considered that the proposed materials are acceptable at this location. Officers consider that the proposed extension is sited as such that the proposal would not have any unacceptable adverse impact upon the amenities enjoyed by the occupants of the nearest residential neighbouring properties. The proposed extension is considered to be of a scale, height, mass and design that complements and enhances the character and appearance of the existing dwelling and of the surrounding area.

This application also seeks consent for the extension of the existing residential curtilage of the existing dwelling to include an area of agricultural ground to the south east of the existing outbuildings. This area is flat in nature and is of a ground level significantly lower than that of the neighbouring property. The proposed extension to the residential curtilage is considered to be acceptable in its scale.

In light of the above observations, it is considered that the proposed extension is in accordance with planning policy. Officers consider that the proposed extension is in accordance with policies H7 and DM13 of the Powys Local Development Plan.

#### Highways Safety and Movement

Policy T1 of the Powys Local Development Plan 2018 states that development proposals should incorporate safe and efficient means of access to and from the site for all transport users, manage any impact upon the network and mitigate adverse impacts.

The Highway Authority has been consulted and initially requested further information in respect of parking spaces for the existing dwelling and proposed extension. The applicant has provided an additional plan demonstrating the provision of 3 parking spaces within the curtilage of the dwelling. Highways Officers are satisfied with the information supplied and have recommended that a condition be attached to any grant of consent to secure the proposed parking spaces prior to the first beneficial use of the development. Officers consider that the proposed development would not result in any unacceptable adverse impact upon highway safety as a result of the proposal.

In light of the Highways Officer's comments, Development Management considers that the proposed development is in accordance with planning policy, particularly policies DM13 and T1 of the LDP, Technical Advice Note 18 and Planning Policy Wales.

#### Landscape Impact

Guidance within policy DM4 of the Powys Local Development Plan, indicate 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 proposed site is located within the Crewgreen to Forden Hill and Scarp aspect area which is characterised as the topographical transition between the upland peaks of Breidden Hill and Long Mountain and the floodplain of the River Severn. Largely west facing and typified by a patchwork of grazed and some low intensity arable farming with managed hedgerows, occasional patches of woodland lie along stream courses and in lower lying areas. Its scenic quality is defined as high with its rarity being low. Its overall visual and sensory evaluation is moderate.

The area of land proposed to form part of the residential curtilage of the dwelling is currently an overgrown area of land that is currently unused located to the south west of the existing outbuildings. The proposed extension to the residential curtilage is bound to the south east by mature hedgerows boundaries, residential garden area to the north, existing outbuildings to the north west and the neighbouring properties residential garden area to the south west. The area proposed to be residential curtilage is at a significantly lower ground level to that of the neighbouring properties residential garden area to the west and therefore is well screened from neighbouring properties and from the wider landscape due to the topography of the ground. Officers consider that given the proposed scale of the extension to residential curtilage, existing ground levels and boundary treatments, the proposal will not have an unacceptable adverse impact upon the landscape.

In light of the above observations, Officers consider that the proposal is in accordance with policies SP7, DM2, DM4 and DM13 of the Powys Local Development Plan.

### Ecology and Biodiversity

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.

This application is accompanied by an ecological appraisal of the site which includes a series of mitigation measures. The proposal will result in damage/destruction of a bat roost and therefore, Natural Resources Wales has confirmed that a European Protected Species license will be required prior to the works commencing. As part of this application process the County Ecologist has been consulted and has raised no objection to the proposed development subject to the conditions recommended within the consultation response above being attached to any grant of consent.

In light of the above and subject to the recommendations, it is considered that the proposed development will not adversely affect Protected Species, in accordance with policy DM2 of the Powys Local Development Plan, Technical Advice Note 5 and Planning Policy Wales.

### Contaminated Land

Contaminated Land Officers have been consulted and have provided comments on the proposed development. Given the previous land use (outbuilding), Officers have advised that there is a potential risk of contaminants being found on site. Environmental Health Officers have therefore recommended the inclusion of a condition which requires the submission of further information if contamination is found on site during construction works. Officers consider that it is reasonable to include the suggested condition upon any grant of consent as a precautionary approach, safeguarding the interests and safety of future users of the site

In light of the above, Officers consider that the proposed development complies with policy DM10 of the Local Development Plan.

## **RECOMMENDATION**

Officers are satisfied that the proposed development complies with the relevant policies and the recommendation is therefore one of conditional consent.

### **Conditions**

1. The development shall begin not later than five years from the date of this decision
2. The development shall be carried out in accordance with the following approved plans and documents (Drawing no's: 01, 02B, 4A, 5A, 6A, 7B, 8B, 09, 10, 11)
3. 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 one car per bedroom excluding any garage space provided. The parking areas shall be retained for their designated use in perpetuity.
4. Development shall not begin until an appropriate photographic survey, (equivalent to an Historic England Photographic Survey - Understanding Historic Buildings, 2016, 5.5, p.27) of the existing buildings has been carried out in accordance with details to be submitted to, and approved by, the Local Planning Authority. The resulting digital photographs should be forwarded on appropriate digital media 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.otg.uk](mailto:mark.walters@cpat.otg.uk) Tel: 01938 553670/552045). After approval by the Local Planning Authority, a copy of the photographs should also be sent to the Historic Environment Record Officer, Clwyd-Powys Archaeological Trust, 41 Broad Street, Welshpool, Powys, SY21 7RR for inclusion in the regional Historic Environment Record.

5. The Mitigation Plan regarding bats and nesting birds detailed in section 6 of the Bat Survey and Mitigation Plan produced by Gerald Longley Ecological Consultants dated 25 July 2017 (Mitigation Plan amended 30 August 2018 Report is Ver. 02) shall be adhered to and implemented in full and maintained thereafter.
6. 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.
7. In the event that the presence of unsuspected contamination is encountered when carrying out the approved development immediate contact must be made with the local planning authority and works must cease in that area. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the local planning authority. Following completion of the remedial works identified in the approved remediation scheme, a verification report that demonstrates compliance with the agreed remediation objectives and criteria shall be produced, and is subject to the written approval of the local planning authority, prior to commencement of use of the development.

## **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 the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13 and T1
4. To secure a full photographic record of the original building prior to alteration, conversion or demolition.
5. To comply with Powys County Council's LDP Policies DM2, DM4, DM13 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
6. 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.

7. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy DM10 of the Powys Local Development Plan (2018) and Planning Policy Wales.

### **Informative Notes**

#### **Warning: An European protected species (EPS) Licence is required for this development**

This planning permission does not provide consent to undertake works that require an EPS licence.

It is an offence to deliberately capture, kill or disturb EPS or to recklessly damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine.

To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at <https://naturalresources.wales/conservation-biodiversity-and-wildlife/european-protected-species/?lang=en>

#### **Bats - Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended)**

It is an offence for any person to:

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

Under the Habitats Regulations it is an offence to:

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

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended) that works to trees or buildings where that work involves the disturbance of a bat is an offence if a licence has not been obtained from Natural Resources Wales. If a bat is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's

Ecologist. You can also call the National Bat helpline on 0845 1300 228 or email [enquiries@bats.org.uk](mailto:enquiries@bats.org.uk)

### **Birds - Wildlife and Countryside Act 1981 (as amended)**

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

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- 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.

### Potential Contamination

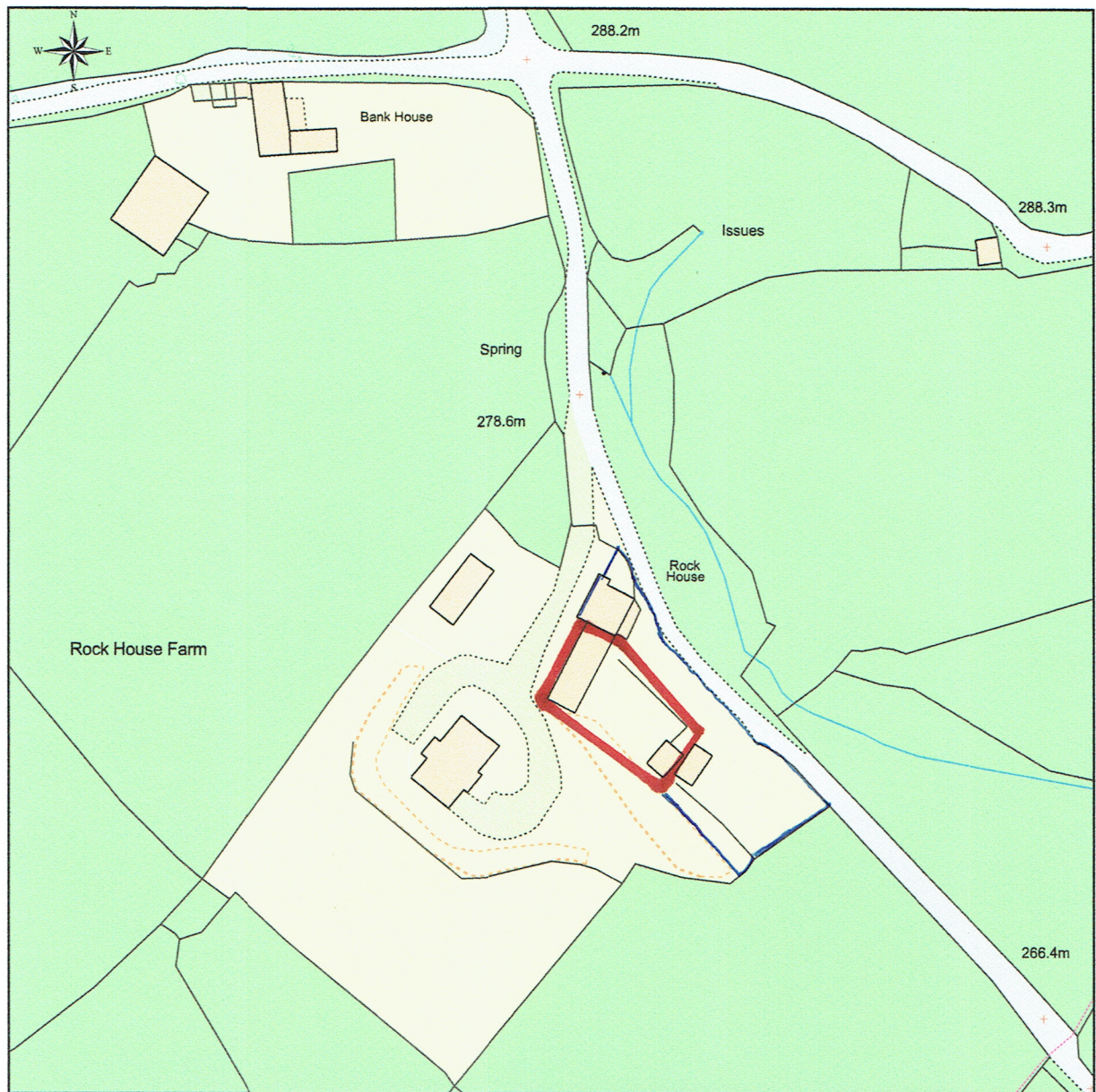
The Council's guidance leaflet on the development of sites with potential land contamination is attached. Further advice on compliance with this condition may be obtained by contacting the Environmental Health Service on 0870 1923757.

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



# Location Plan



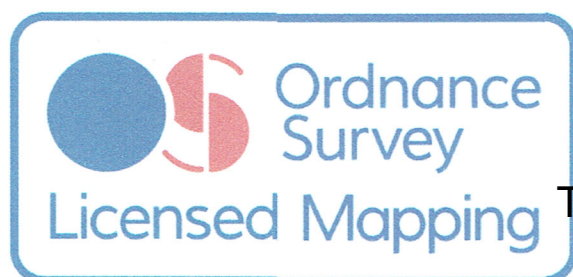
This Plan includes the following Licensed Data: OS MasterMap Colour PDF Location Plan by the Ordnance Survey National Geographic Database and incorporating surveyed revision available at the date of production. Reproduction in whole or in part is prohibited without the prior permission of Ordnance Survey. The representation of a road, track or path is no evidence of a right of way. The representation of features, as lines is no evidence of a property boundary. © Crown copyright and database rights, 2018. Ordnance Survey 0100031673

0m 20m 40m 60m 80m 100m

Scale: 1:1250, paper size: A4

Drawing No. 01

LOCATION



**ROCK HOUSE.**  
 CLIENT: MR & MRS. R. DEARING  
 DRG. No. 01.

Tudalen 97

**plans ahead** by emapsite

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

# 4.6

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

<b>Application Number:</b>	18/0469/DEM	<b>Grid Ref:</b>	E: 310014 N: 290511
<b>Community Council:</b>	Newtown And Llanllwchaiarn Community	<b>Valid Date:</b>	17.08.2018

**Applicant:** Powys County Council

**Location:** Youth Centre, Plantation Lane, Newtown, Powys, SY16 1LQ

**Proposal:** Application for prior notification of proposed demolition

**Application Type:** Demolition Notification

### Reason application is before Members

Application is submitted by Powys County Council

### Consultee Response

#### Consultee

#### Received

Ecology

13<sup>th</sup> September 2018

Thank you for consulting me with regards to application 18/0469/DEM which concerns an application for prior notification of proposed demolition at Youth Centre, Plantation Lane, Newtown Powys SY16 1LQ.

I have reviewed the submitted plans and I also visited the site in August this year to provide pre-application advice to the applicant with regards to the need for ecology surveys to be undertaken to inform the application.

Having visited the site I found that the youth centre building which is proposed to be demolished had negligible potential to support roosting bats. The building comprises a modern single storey structure approximately 15 years old and a Sports hall which was added to the original structure approximately 10 years ago neither of these structures have enclosed roof voids. The exterior fabrics of the building were found to be tightly sealed with no potential gaps or crevices that could be used by bats to gain access to the structure for roosting purposes, all soffits, window frames and roof coverings were found to be in good condition with no gaps or crevices.

No evidence of current or historic birds' nests were found during the inspection of the building and it was considered that the building generally lacks features to support nesting birds.

In light of the nature and condition of the building I consider that there is negligible potential for bats to be roosting in the building and that the proposed demolition would not result in any negative impacts to biodiversity and I have no objections to the proposed demolition with regards to ecology

### **Public Response**

No public consultation is required for this type of application

### **Planning History**

No relevant planning history

### **Principal Planning Policies**

<b>Policy</b>	<b>Policy Description</b>	<b>Year</b>	<b>Local Plan</b>
PPW	Planning Policy Wales (Edition 9, November 2016)	2016	National Policy
TAN5	Nature Conservation and Planning	2009	National Policy
SP7	Safeguarding of Strategic Resources and Assets		Local Development Plan 2011-2026
DM2	The Natural Environment		Local Development Plan 2011-2026
DM3	Public Open Space		Local Development Plan 2011-2026
DM4	Landscape		Local Development Plan 2011-2026
DM13	Design and Resources		Local Development Plan 2011-2026

### **Other Legislative Considerations**

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

Town and Country Planning (General Permitted Development) Order 1995 (Wales)

## **Officer Appraisal**

### Site Location and Description

The site occupies a detached location on a parcel of land adjacent to Plantation Lane in Newtown. Access to the site is directly off Plantation Lane.

This application seeks to ask the authority whether prior approval is required regarding the method of demolition of the formal youth centre building and restoration of the site.

### Principle of Development

The Town and Country Planning (General Permitted Development Order 1995 (Wales), Schedule 2, Part 31 makes provision for the demolition of buildings where it is urgently necessary in the interest of safety or health measures. The proposed demolition of the building is not considered to be urgently necessary in the interests of safety or health measures. As the demolition is not considered to be urgently necessary the development must apply to the local planning authority for a determination as to whether its prior approval is required.

The application indicates that the building would be demolished in a controlled way. It is considered that the proposed demolition of the building would be suitably managed and that any effects would be minimised. The proposed redevelopment of the site for affordable housing would mean ensure the restoration of the site is to an acceptable standard. The demolition statement confirms measures to reduce the amenity impact to nearby neighbours during demolition, this includes securing the site, traffic movements and notification of works to the occupiers of the nearest dwellings.

In addition to the above issues which have been considered by the Local Planning Authority (LPA), there is also a need to consider whether an application for prior approval of development is likely to have significant effects on a European protected species. Consultation with the Council's Ecologist has revealed that no evidence has been identified of protected species using the building, as such the proposal doesn't have the potential to impact upon them.

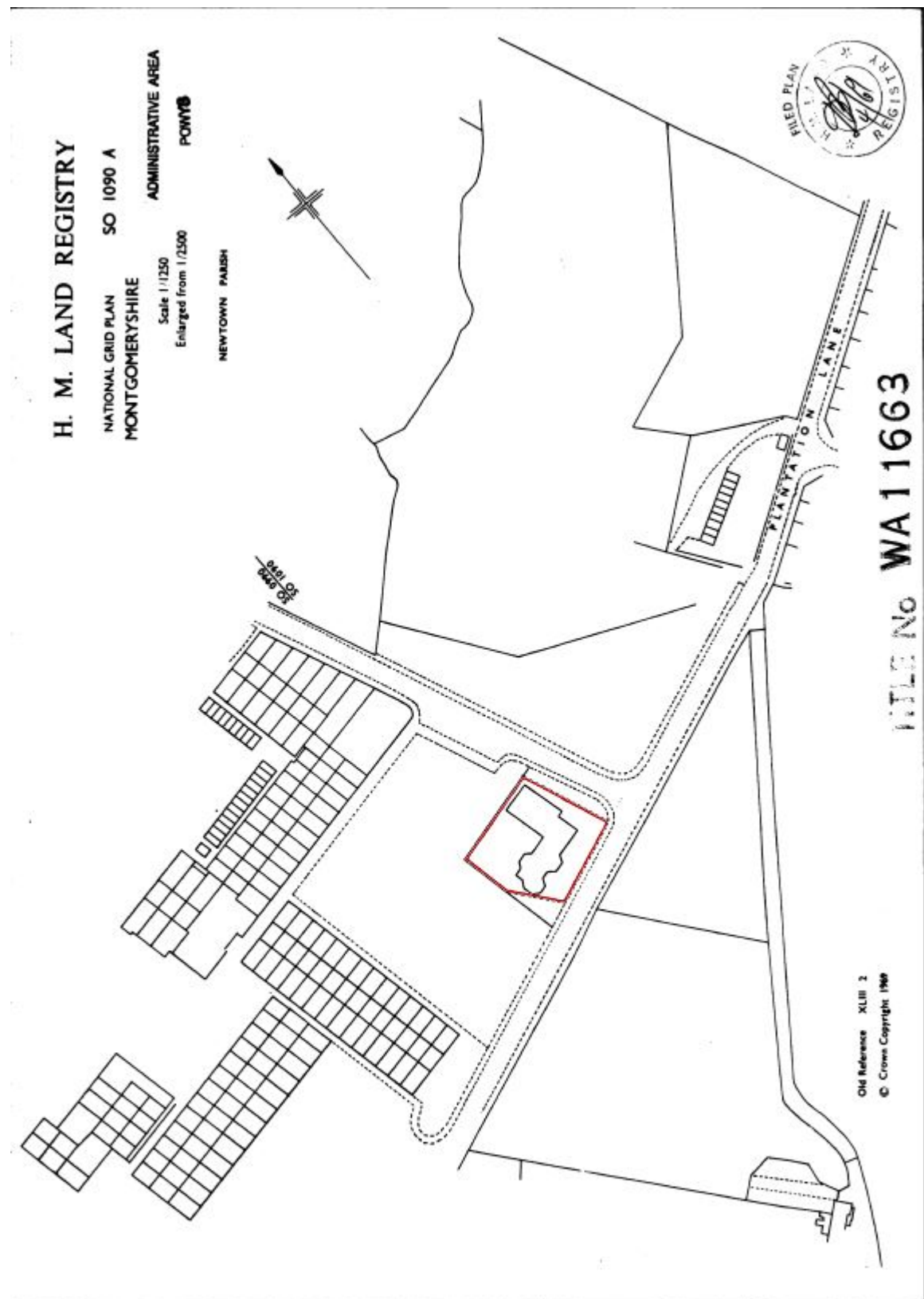
## **RECOMMENDATION**

That prior approval is not required.

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Case Officer: Dunya Fourie, Planning Officer  
Tel: 01597 827111 E-mail: [dunya.fourie@powys.gov.uk](mailto:dunya.fourie@powys.gov.uk)





This copy of the title plan is incomplete without the preceding notes page.

Mae'r oopli hwn o'r cynllun teitl yn anghyflawn heb y dudalen nodiadau flaenorol.

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



## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 12/06/18

**gan Iwan Lloyd BA BTP MRTPI**

**Arolygydd a benodir gan Weinidogion Cymru**

**Dyddiad: 01/08/18**

## Appeal Decision

Site visit made on 12/06/18

**by Iwan Lloyd BA BTP MRTPI**

**an Inspector appointed by the Welsh Ministers**

**Date: 01/08/18**

**Appeal Ref: APP/T6850/A/18/3198930**

**Site address: Land south of Broncafnt Lane, Llanfair Caereinion**

**The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by NL and KM Griffiths against the decision of Powys County Council.
- The application Ref P/2017/0600, dated 25/05/2017, was refused by notice dated 27/10/2017.
- The development proposed is outline application for the erection of up to 4 dwellings and associated infrastructure including installation of sewage treatment plant, with some matters reserved.

### Decision

1. The appeal is dismissed.

### Application for costs

2. An application for costs was made by NL and KM Griffiths against Powys County Council. This application will be the subject of a separate decision.

### Procedural matters

3. The planning application is submitted in outline with access considered at this stage. The description of the site 'Broncafnt Lane' is taken from the appellants' submissions and this differs from the application site address. I have used the address in the heading above for the purposes of this appeal. The appeal form indicates that the appeal is made against a refused approval of the matters reserved under an outline planning permission. The parties' submissions relate to an appeal against the refusal of planning permission and I have considered the appeal on that basis.
4. The Council indicates that it objects to the inclusion of an amended plan showing a foul drainage connection to a watercourse from the private sewage treatment plant. The Council indicates that no weight should be given to this plan as it is outside the application site. The appellants indicate that the revised block plan showing the revised drainage was sent on 11/08/2017 with a verbal agreement from the Environmental Health Officer that this was acceptable. It is unclear whether the revised plan was the subject of public consultation and whether Natural Resources Wales (NRW) has been consulted on the change where its agreement and consent would now apply. Whilst the amendment to the proposal is seeking to address a

particular objection at appeal stage on drainage matters, the change may deprive those who have an interest and should have been consulted on the change the opportunity to comment. I am therefore not prepared to consider the change as this would prejudice the rights of interests parties, I shall therefore deal with the appeal as initially submitted.

5. On 17/04/2018 the Powys Local Development Plan (LDP) 2011-2026 was adopted. The LDP supersedes all former adopted development plans which were considered by the Council. Planning Policy Wales (PPW) Edition 9 (paragraph 2.1.2) indicates that 'Planning applications must be determined in accordance with the adopted plan unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004)'. This appeal must therefore be determined in accordance with the adopted LDP unless material considerations indicate otherwise. The parties' submissions take into account the relevant LDP policies.
6. The Council are considering another application for 3 dwellings on the site under reference P/2017/1311. The Members are resolved to refuse permission contrary to officers' recommendation on the basis that the development is unjustified in the countryside and has an adverse landscape impact. The Council now asks that consideration is given to these issues in this appeal. The appellants have responded to these matters in the final comments stage of the appeal. No prejudice would therefore arise and the appeal must be considered in the light of the current adopted LDP.

## **Main Issues**

7. These are as follows:

- whether there are other material considerations sufficient to outweigh any conflict with local and national planning policies, and
- the effect of the proposal on highway safety, and
- whether there is sufficient information submitted on the suitability of the private sewage treatment plant by its means of drainage in relation to the pollution of grounds waters and the environment and living conditions.

## **Reasons**

### *Local and national planning policies*

8. The appeal land is a field rising in land levels from the roadside. Land levels also fall from the roadside to the valley to the north-west of the site. The appeal site lies outside and opposite the settlement boundary for Llanfair Caereinion in the LDP. Llanfair Caereinion is classified as a town in the LDP, and has all the necessary facilities and services to sustain new residential development.
9. LDP Policy SP1 indicates that there is now upon the adoption of the LDP a total housing land supply of 5,588 units set against a housing requirement of 4,500 over the plan period. This now provides sufficient evidence that the Local Planning Authority has sufficient land which is genuinely available or will become available to provide a 5-year supply of land for housing as required by PPW (paragraph 9.2.3) and TAN 1<sup>1</sup>. Land has been identified in Policy H2 for the provision of dwellings on housing sites capable of providing 5 or more dwellings, and further land on small sites and

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<sup>1</sup> Technical Advice Note 1 – Joint Housing Land Availability Studies

windfall sites. The settlement hierarchy in Strategic Policy SP5 comprises towns, large villages, small villages, rural settlements and open countryside, and establishes development limits for towns and large villages by designating development boundaries.

10. Strategic Policy SP6 establishes the distribution of housing in accord with the settlement strategy the level of service provision and size, and subject to its capacity to accommodate sustainable growth. Policy SP6 sets out that a higher proportion of new development required will be directed to towns. At least 50% of the Plan's housing growth would be located in towns, and that this will be delivered through housing commitments and new allocations and on suitable sites within the development boundary. The policy also indicates that additional affordable housing will be permitted on exception sites forming logical extensions to the settlement.
11. The LDP has set out settlement boundaries for towns through Policy H1. Policy H1 would permit housing development in towns on allocated sites or on other suitable sites within the development boundary, or on sites forming logical extensions outside development boundaries for affordable housing.
12. The appeal site is located outside the settlement boundary of the town, on agricultural land that rises up a slope. Opposite the appeal site is a housing allocation in the LDP and this is situated on the sloping landform to the watercourse below. Llanfair Caereinion has developed around the valley floor and central core of the town centre and along main arterial routes that rise in a series of hills. This undulating landscape of hills and slopes has pockets of built development on sloping land and areas of undeveloped agricultural land. The proposed development would sit above the present development with the exception of one dwelling and above the proposed housing allocation. The appeal fields of rising land are undeveloped apart from one dwelling, and would be seen from the adjacent high point to the north-west from the Maes Gwyn estate off Watergate Street. I consider the development would be an encroachment into a hillside landscape which does not follow a logical or defensible natural boundary. The road comprises the current LDP boundary which is logical and defensible.
13. There is no case put forward that the proposed housing development outside but adjoining the settlement boundary would be for affordable housing or that it would be a logical extension. In my view, the appeal site would expand the built influence of the settlement into the countryside and up a visible steep slope. I consider that the proposal conflicts with LDP Policy H1 and Policy SP6 and Policy DM4, which seeks to protect valued characteristics and qualities of the Powys landscape.
14. The LDP provides the rational basis for decisions in accordance with the presumption in favour of sustainable development as set out in PPW (paragraphs 4.2.2 and 4.2.4). The countryside should be protected for its intrinsic sake and the need to promote a resource-efficient and climate change resilient settlement pattern that minimise land-take is one of the Well-being of Future Generations (Wales) Act 2015 goals.
15. I conclude that the development conflicts with local and national planning policies.

#### *Highway safety*

16. The appellants' submission acknowledges the substandard junction of the Broncafnt Lane with the B4389. Tanyfron Nursery which is owned by the appellants is located at the end of the lane. The appeal site is situated on the approach to the nursery and the carriageway is mainly single width. From the junction the lane turns and rises passed the appeal site. The appellants' submission is that they are willing to

relinquish the planning permission for the nursery as a trade-off in traffic movements for the proposed development.

17. The appellants Highway Impact Assessment indicates that as a general rule of thumb traffic generated by the development would account for 6-8 movements per dwelling. It is suggested that the Council revised this to 8-10 movements in line with trip rate information computer system (TRICS). The potential traffic generated from the development would be in the range of 32-40 movements per day.
18. The nursery operates and is licensed for up to 12 children. The Council say it is approved for a maximum of 11 children. The HIA indicates that traffic associated with the nursery would account for 48 movements per day. The HIA sets out that there is three permanent staff resulting in a minimum of 4 movements per day. The nursery also transports children from the nursery to a nursery school and picks up children from the primary school. These traffic movements are in addition, and the HIA quantifies a minimum of 52 movements per day from the nursery. It is also indicated that none of the children are walked to the nursery by their parents. The HIA suggests that the minimum reduction in traffic movements would be 12 movements per day, the difference between 52 and 40, and a maximum of 20 movements per day the difference between 52 and 32, representing a 23% and 38% reduction in traffic movements.
19. The Council questions the HIA figures on the traffic generation associated with the nursery use. It considers that the figures represent a greater number than the consented permission. However, the Council has not explained how this would make a significant difference to the issue of the trade-off. If the HIA indicates 4 movements per child then there would be broadly 44 movements per day associated with 11 children. Four less movements would not change the overall comparison.
20. However, the appellants indicate in an email dated 13/09/2016 that to ensure the trade-off is realised that they would be willing to relinquish the planning permission for the children nursery by entering into a legal agreement.
21. The appeal form indicates that a planning obligation will be submitted with the appeal. No planning obligation is before me, and I must therefore treat the possibility of the trade-off with very limited weight. If the appellants are to rely on a planning obligation then a certified and executed copy should have been submitted with the appeal and no later than 6 weeks from the start date of the appeal at the final comments stage. The absence of a planning obligation means that there is no betterment in terms of traffic generation from the proposed development in combination with all other traffic using the lane including that of the children's nursery. The junction of the Broncafnt Lane with the B4389 is undisputed to be severely restricted in visibility and the additional flow of traffic from the development in combination with traffic from the nursery and other properties would cause a significant risk to highway safety. The width of the junction is restricted and the junction turn is substandard. The length of the lane is mainly single width with few passing places. There are few pedestrian refuges along its length should the occupiers' of the development site choose to walk to town.
22. I note the concern about the proposed traffic movements associated with the dental practice site adjacent to the Broncafnt Lane junction. It is unclear what the junction arrangements would be for this scheme. Nevertheless, it was granted permission and I note that it was a former agricultural depot and there would have been some trade-off in traffic associated with the existing use and the proposal. I do not therefore consider that approval of this development addresses the significant concerns with the

appeal proposal. I am also uncertain whether other examples of developments referred to in the area are similar to the circumstances of the appeal development, as each appeal/application must be considered on its individual merits.

23. I note the detailed discussions that preceded the application and continued after it was refused with the Highway Authority and others. However, whatever position they have taken on the potential trade-off, I must have full regard to the Council's stance on this appeal, which is set out in its statement of case.
24. The residual effect of the proposed development in terms of highway safety would be severe and harmful in combination with other established uses along the lane. The proposal would harm highway safety.
25. I give substantial weight to the harm that would be caused by the proposal. This material consideration would not be considered as a factor in favour of the development and would not outweigh the policy objection of the LDP. The proposal would conflict with LDP Policy T1 in relation to managing any impacts to the transport network to acceptable levels and mitigate any adverse impacts and would not provide safe and efficient flow of traffic for all transport users from the development.

#### *Foul drainage*

26. The drainage from the proposed sewage treatment plant would soakaway in the field below Broncafnt Lane. The Council's Environmental Health Officer raised concerns whether the soakaway system would be suitable due to the terrain and that no percolation tests had been provided. An assessment of the suitability of the treatment plant should be provided to establish that receiving ground conditions can adequately cater for the soakaway and that the effluent discharge from it meets the standards and conditions set by NRW. The proposal for the plant should also set out clearly the responsibility and means of operation and maintenance to ensure the discharge permit or the relevant exemption conditions will be met throughout the life of the plant.
27. The decision on whether to grant planning permission for the plant should be based on a thorough assessment of the likely impact of the foul drainage proposal on public health, amenity and the environment, assessed by reference to the factors concerning ground conditions and nearby watercourses, and full account should be taken of the views of NRW and other appropriate bodies.
28. The absence of an assessment would lead me to take a precautionary approach to the issue of foul drainage and the imposition of a planning condition would not alter this point of view, as to the suitability of the foul drainage arrangements.
29. I conclude that insufficient information has been submitted on the suitability of the private sewage treatment plant by its means of drainage in relation to the potential for polluting ground waters and the environment and any adverse effect on living conditions. The proposal would fail to comply with LDP Policy DM13 (11).

#### **Planning Balance and Overall Conclusions**

30. I consider that the development would fail to accord with important policies of the LDP which seeks to control residential development outside settlement boundaries. I consider that the proposal would harm the character and appearance of the area by expanding the built influence of the settlement up a hillside landscape, resulting in encroachment of the countryside. The whole appeal site is located outside the settlement boundary of the town where no justification has been made for it.

31. The LDP provides the rational basis for decisions in accordance with the presumption in favour of sustainable development, that the available evidence indicates that there is sufficient land which is genuinely available or will become available to provide a 5-year supply of land, and that the countryside should be protected for its intrinsic sake in order to promote a resource-efficient and climate change resilient settlement pattern that minimise land-take. The proposal would also fail to meet the exception site policy for affordable housing adjacent to the development boundary.
32. I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act). In reaching my decision, I have taken into account the ways of working set out at section 5 of the WBFG Act and I consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.
33. My conclusion is that other material considerations are insufficient to outweigh the conflict with important local and national planning policies. In relation to highway safety and drainage the proposal fails to satisfy these important material considerations.
34. The planning balance is against allowing this appeal.

*Iwan Lloyd*

INSPECTOR

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## Penderfyniad ar gostau

Ymweliad â safle a wnaed ar 12/06/18

gan Iwan Lloyd BA BTP MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 11/09/2018

## Costs Decision

Site visit made on 12/06/18

by Iwan Lloyd BA BTP MRTPI

an Inspector appointed by the Welsh Ministers

Date: 11/09/2018

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**Costs application in relation to Appeal Ref: APP/T6850/A/18/3198930**

**Site address: Land south of Broncafnt Lane, Llanfair Caereinion**

**The Welsh Ministers have transferred the authority to decide this application for costs to me as the appointed Inspector.**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322C and Schedule 6.
  - The application is made by NL and KM Griffiths for a full award of costs against Powys County Council.
  - The appeal was against the refusal of planning permission for outline application for the erection of up to 4 dwellings and associated infrastructure including installation of sewage treatment plant, with some matters reserved.
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## Decision

1. The application for an award of costs is refused.

## Reasons

2. The appellants' costs application is based on procedural and substantive grounds. The procedural claim asserts a lack of co-operation by the Council in refusing to provide information on the number of houses it would be prepared to support given its pre-application agreement for a trade-off. The second claim relates to a refusal to co-operate in settling agreed facts. The appellants contend that the Council had agreed the trade-off before the application was made but the Council would not co-operate in settling the alleged agreed position in terms of house numbers in relation to the trade-off. However, the appellants' assert that the Council changed its mind over the agreed position and then reverted back to support the trade-off after refusing permission.
3. The substantive grounds relate to the Council's failure to produce evidence to support its reason for refusal, failing to determine the application in a consistent manner to other similar cases and refusing to offer pre-application services and to provide reasonably requested information.
4. In relation to the procedural grounds of the cost application the Council was not unreasonable in indicating its reservations about the development since it was a site located outside the former Unitary Development Plan (UDP) and the current Local Development Plan (LDP). It is not obliged in those circumstances to indicate that the development was acceptable in principle let alone indicate house numbers that would be acceptable. There may have been some agreement to the trade-off position but

that does not bind the Council to an agreed position. The Council can take a different decision and decided to do so in this case.

5. In relation to the substantive grounds, the Council's statement set out its concerns in the statement of case that any prior agreement that existed had not overcome the fundamental issues relating to the development. The recent adoption of the LDP and the lack of a mechanism to relinquish the planning permission of the children nursery meant that the trade-off could only be given very limited weight and would not overcome the substantial harm to highway safety, the principle of the development and the drainage concerns.
6. The Council was not unreasonable in refusing the planning application and had not delayed a development which was in any event not in accordance with the development plan and national planning policies. I concurred with the Council's evidence on highway and drainage matters and the evidence had substance to form a respectable basis for the stance taken on the appeal. In my decision I also refer to the referral of other developments in the area but was not certain that they were similar to the circumstances of the appeal development. The application/appeal was considered on its individual merits.
7. The appellants accept that the Council provided pre-application advice. At the time when the Council refused planning permission the UDP was the development plan and there was a recognised deficit in the 5-year housing land supply. The Council refused permission on reasonable planning grounds which as indicated had substance. During the course of the appeal the LDP was adopted and the submissions made in respect of this material change were taken into account in the appeal decision. The Council had not acted unreasonably in this respect. I note the concern that the advice about the trade-off had seemingly changed, but the final decision of the Council was not fettered by that advice and had taken the decision to refuse permission in the light of all other material considerations. I also note the concern over the costs of submitting a second application for 3 dwellings. However, I am not dealing with an appeal or cost application in respect of that development only in relation to this appeal.
8. In both procedural and substantive grounds the Council's position was reasonable and the appellants have not incurred wasted expenditure. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Annex at Section 12 of the Development Management Manual, has not been demonstrated. A full or partial award of costs is therefore not justified in this case.

*Iwan Lloyd*

INSPECTOR