

# Pecyn Dogfennau Cyhoeddus

## Pwyllgor Cynllunio, Trwyddedu Tacsis a Hawliau Tramwy

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Man Cyfarfod  
**By Teams**

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Dyddiad y Cyfarfod  
**Dydd Iau, 7 Ebrill 2022**

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Amser y Cyfarfod  
**10.00 am**

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



Neuadd Y Sir  
Llandrindod  
Powys  
LD1 5LG

Dyddiad Cyhoeddi

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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

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### AGENDA

1.	<b>YMDDIHEURIADAU</b>
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Derbyn ymddiheuriadau am absenoldeb.

2.	<b>COFNODION Y CYFARFOD BLAEOROL</b>
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Awdurdodi'r Cadeirydd i lofnodi cofnodion cyfarfod blaenorol y Pwyllgor a gynhaliwyd ar 17 Mawrth 2022 fel cofnod cywir.

(Tudalennau 1 - 4)

<b>Cynllunio</b>
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3.	<b>DATGANIADAU O FUDD</b>
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(a) Derbyn unrhyw ddatganiadau o ddiddordeb gan aelodau mewn perthynas ag eitemau sydd i'w hystyried ar yr agenda. (b) Derbyn ceisiadau gan aelodau i gofnodi eu haelodaeth ar gynghorau tref neu gymuned lle cafwyd trafodaeth ar faterion sydd i'w trafod gan y Pwyllgor hwn.

(c) Derbyn datganiadau gan Aelodau'r Pwyllgor y byddant yn gweithredu fel 'Cynrychiolydd Lleol' mewn perthynas â chais unigol sy'n cael ei ystyried gan y Pwyllgor.

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

<b>4.</b>	<b>CEISIADAU CYNLLUNIO I'W HYSTYRIED GAN Y PWYLLGOR.</b>
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I ystyried adroddiadau'r Pennaeth Eiddo, Cynllunio a Gwarchod y Cyhoedd a gwneud unrhyw benderfyniadau angenrheidiol wedi hynny.

(Tudalennau 5 - 6)

**4.1. Diweddariadau**

Bydd unrhyw ddiweddariadau'n cael eu hychwanegu at yr Agenda fel Pecyn Atodol lle'n bosibl cyn y cyfarfod.

**4.2. 21/2041/FUL Dukeshill Stables, tir ger Hengwm Fawr, Llanddewi'r Cwm, Llanfair-ym-Muallt, LD2 3RZ**

(Tudalennau 7 - 26)

**4.3. 21/0937/LBC 45A Stryd Fawr, Llanandras, LD8 2BE**

(Tudalennau 27 - 58)

**4.4. 21/2034/HH 36 Maes Brenin, Rhaeadr Gwy, LD6 5EP**

(Tudalennau 59 - 72)

**4.5. 21/2249/HH High Meadow, 3 Churchill Drive, Y Drenewydd, SY16 2LE**

(Tudalennau 73 - 90)

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

(Tudalennau 91 - 110)

<b>Trwyddedu tacsis ac eraill</b>
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<b>6.</b>	<b>COFNODION YR IS-BWYLLGORAU TRWYDDEDU TACSIS.</b>
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Awdurdodi'r Cadeirydd oedd yn gwasanaethu yn ystod Is-bwyllgor Trwyddedu Tacsis ar 25 Chwefror 2022 i lofnodi'r cofnodion fel cofnod cywir.

(Tudalennau 111 - 112)

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

**MINUTES OF A MEETING OF THE PLANNING, TAXI LICENSING & RIGHTS OF WAY COMMITTEE HELD AT ON THURSDAY, 17 MARCH 2022**

**PRESENT**

County Councillor K Lewis (Chair)

County Councillors G Jones, L V Corfield, L George, E M Jones, M J Jones, H Lewis, D R Price, K Laurie-Parry, G Pugh, D Selby, K S Silk, L Skilton, M Weale, D H Williams, R Williams and J Wilkinson

<b>1. APOLOGIES</b>
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Apologies for absence were received from County Councillors Elwyn Vaughan, Gwilym Williams, Francesca Jump and Phil Pritchard.

<b>2. MINUTES OF THE PREVIOUS MEETING</b>
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The Chair was authorised to sign as a correct record the minutes of the meeting held on 3 February 2022.

<b>Planning</b>
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<b>3. DECLARATIONS OF INTEREST</b>
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(a) County Councillors K Lewis and M J Jones declared personal interests in application P/2021/1381/FUL as members of the Brecon Beacons National Park Authority, appointed by the Council.

(b) The Committee noted that no Member requested that a record be made of their membership of a Community Council where discussion had taken place of matters for the consideration of this Committee.

(c) The Committee noted that no Member (who is a member of the Committee) would be acting as 'local representative' in respect of any application on the agenda.

(d) The Committee noted that County Councillors M McKenzie and K Roberts-Jones (who are not members of the Committee) would be speaking as the 'local representative' in respect of applications on the agenda.

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

4.1 Updates

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

4.2 21/1381/FUL Wern Halog Farm, Llanfaredd, Bulth Wells, Powys, LD2 3TE

**Grid Ref:** E: 308008 N: 253502

**Valid Date:** 04.08.2021

**Community Council:** Llanellwedd Community Council

**Applicant:** Keri Davies

**Location:** Wern Halog Farm, Llanfaredd, Bulth Wells, Powys, LD2 3TE

**Proposal:** Erection of 2 additional broiler rearing units, to include the installation of air scrubbers, air scrubbing units to the 2 existing poultry houses, feed bins, dirty water tanks, and an extension to the concrete apron

**Application Type:** Full Application

County Councillor M McKenzie spoke as the local representative.

Ms Kate Milsom spoke as an objector.

Dr John Milsom spoke as an objector.

Ms Sian Davies spoke as the applicant.

Mr Ian Pick spoke as the applicant's agent.

Members sought additional assurance that all fluids from the proposal would be contained in sealed tanks and could not enter any water course. Officers were able to provide this assurance subject to the project proceeding in line with the plans submitted. An HRA assessment had been completed and the ecologist was satisfied that appropriate control measures were in place.

The Brecon Beacons National Park Authority [BBNPA] had been consulted on the basis that the Anaerobic Digestion [AD] plant taking the waste was based near Talgarth which was within the National Park. The BBNPA were not a statutory consultee and would not have been consulted on this proposal otherwise.

An environmental assessment had been widely publicised, and any organisation could comment on the proposals even if they were not consulted directly.

With regards to the manure management plan, Members asked if the contract with the AD plant could be provided and whether this additional feedstock would lead to over-capacity. The capacity of the AD plant would have been approved at the planning stage and an environmental permit issued. It would be the responsibility of the AD plant to ensure it did not exceed its permitted capacity. There were also alternative options to dispose of the manure. The Committee remained concerned regarding the cumulative impact of intensive poultry farming and, whilst recognising the local impact was being mitigated, the digestate from the AD plant would still have to be disposed.

Officers were able to confirm that contingency plans were in place if the manure could not be removed due to adverse weather, mechanical breakdown etc. An

existing manure store was on site and could be used in accordance with a recommendation by Environmental Health.

On a general issue, Members were concerned that the public had lost confidence in the modelling systems used to support applications and suggested that the outcomes should be monitored after a period of operation. The Professional Lead - Planning agreed to consider this matter.

It was moved and duly seconded to approve the application as recommended by the officer.

<b>RESOLVED:</b>	<b>Reason for decision:</b>
<b>that the application be granted consent, subject to the conditions set out in the report which is filed with the signed minutes.</b>	<b>As officer's recommendation as set out in the report which is filed with the signed minutes.</b>

4.3 20/1338/RES Land Adjacent Shop Lane, Sarn, Newtown, Powys, SY16 4DQ

**Grid Ref:** E: 320251 N: 290934

**Valid Date:** 21.08.2020

**Community Council:** Kerry Community Council

**Applicant:** Powys County Council

**Location:** Land Adjacent Shop Lane, Sarn, Newtown, Powys, SY16 4DQ

**Proposal:** Reserved matters application for details of 45 dwellings (appearance, scale, layout, access and landscaping) and all associated works in connection with outline approval P/2016/0722

**Application Type:** Reserved Matters

County Councillor K Roberts-Jones spoke as the Local Representative.  
Mr Osian Jones spoke as the applicant's agent.

Members asked for clarification in relation to the outline consent condition 17 (the use of garages) and were advised that this condition had been withdrawn for the purposes of the current recommendations to the Committee.

Members sought assurances regarding the flood risk assessment and were advised that a planning condition on the outline planning permission needed to be discharged by the Council and further information was required before this condition could be discharged. Members also expressed concern that single bedroom dwellings had not been considered as part of the proposal, but were advised that officers were satisfied that the proposal did provide a suitable mix of properties. In response to a question officers advised that the properties

designated as affordable properties within the proposal were identified on the site plan.

Members also expressed concern that a contribution towards education was not included. However, the Committee was advised that following the reduction in the number of properties proposed for the site the Education Service had been consulted and had confirmed that a contribution was not required and therefore the outline condition was removed. However, this was a policy issue which could be reconsidered in revising the Local Development Plan.

It was moved and duly seconded to approve the application as recommended by the officer.

<b>RESOLVED:</b>	<b>Reason for decision:</b>
<b>that the application be granted consent, subject to the conditions set out in the report which is filed with the signed minutes.</b>	<b>As officer's recommendation as set out in the report which is filed with the signed minutes.</b>

<b>5.</b>	<b>DECISIONS OF THE HEAD OF PROPERTY, PLANNING AND PUBLIC PROTECTION ON DELEGATED APPLICATIONS</b>
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The Committee received for information a list of decisions made by the Head of Property, Planning and Public Protection during the period between 27-01-2022 and 09-03-2022.

**County Councillor K Lewis (Chair)**



**Planning, Taxi Licensing and Rights of Way Committee**  
**7<sup>th</sup> April 2020**

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:	Nature of Development:
Community:	Location of Development:
O.S. Grid Reference:	Applicant:
Date Received:	Recommendation of Head of Planning:

<p><b>21/2041/FUL</b></p> <p>Dyhonw Community</p> <p>304190 247826</p> <p>02/12/2021</p>	<p>Full: Erection of 5 stable buildings, creation of yard and menage (retrospective)</p> <p>Dukeshill Stables, Land adjacent to Hengwm Fawr, Llandewi'r Cwm Builth Wells, Powys, LD2 3RZ</p> <p>Ms J Sheil</p> <p><b>Recommendation:</b> Conditional Consent</p>
<p><b>21/0937/LBC</b></p> <p>Presteigne Community</p> <p>331376 264432</p> <p>18/05/2021</p>	<p>Listed building consent for repairs and alterations: Provision of new external doors, two replacement windows, new internal stairway, installation of kitchen and sanitary ware, thermal insulation and rebuilding of section of garden wall</p> <p>45A High Street, Presteigne, Powys LD8 2BE</p> <p>Mr Thomas Perceval</p> <p><b>Recommendation:</b> Refuse</p>

<p><b>21/2034/HH</b></p> <p>Rhayader Community</p> <p>297452 268469</p> <p>01/02/2022</p>	<p>Householder application: Construction of a conservatory and decking to the rear of the property</p> <p>36 Maes Brenin, Rhayader, Powys, SY16 2NH</p> <p>Miss Jill Exton</p> <p><b>Recommendation:</b> Conditional Consent</p>
<p><b>21/2249/HH</b></p> <p>Newtown and Llanwchaiarn Community</p> <p>3111192 292065</p> <p>09.12.2021</p>	<p>Householder application: Erecting a new insulated residential steel frame garage to replace a very old beyond repair existing garage, creation of new driveway and dropped kerb (part retrospective)</p> <p>High Meadow, 3 Churchill Drive, Newtown, SY16 2LE</p> <p>Mr Karl Chapple Gill</p> <p><b>Recommendation:</b> Approval</p>

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

**Application Number:** 21/2041/FUL

**Grid Ref:** E: 304186  
N: 247830

**Community Council:** Duhonw Community

**Valid Date:** 02.12.2021

**Applicant:** Ms J Sheil

**Location:** Dukeshill Stables, Land Adjacent To Hengwm Fawr, Llandewi'r Cwm, Builth Wells, LD2 3RZ

**Proposal:** Erection of 5 stable buildings, creation of yard and menege (retrospective)

**Application Type:** Full Application

### The reason for Committee determination

The Local Member has exercised their right to call-in the application for Committee determination on the grounds of the public interest and planning history of the site.

### Consultee Responses

#### Consultee

#### Received

#### Dunhonw Community Council

Duhonw Community Council at their meeting last night wish to note as their concerns remain the same as when raised as an enforcement issue.

#### PCC-Building Control

No comments received at the time of writing this report

#### Councillor Price

7th Dec 2021

I would be minded to call this application to committee, due to considerable local interest and strong objection to this already established development. However, I assume it will automatically go to committee, as the applicant is employed by Powys County Council?

Perhaps I could receive clarification on the matter please.

*Additional comments received 20<sup>th</sup> December 2021 -*

In view of the local public interest in this development, I would wish to call this application to committee. Duhonw Community Council received numerous complaints regarding the extensive earthworks and the erection of buildings on this site, that did not have prior planning approval.

### PCC – Highways

The County Council as Highway Authority for the County Unclassified Highway, U0057

Wish the following recommendations/Observations be applied  
Recommendations/Observations

Thank you for consulting the Highway Authority (HA) on this planning application at “Dukeshill Stables, Land Adjacent To Hengwm Fawr, Llandewi'r Cwm, Builth Wells LD2 3RZ”. The application seeks the “Erection of 5 stable buildings, creation of yard and menege” It is noted that this a retrospective application.

This site is located approximately 2 miles south of Builth Wells and vehicular access is gained from the B4520 county highway, which connects Brecon and Builth Wells, via a 1-mile length of the unclassified county highway network (U0055 & U0057), which runs through Llandewi'r Cwm.

The unclassified highway network (U0055 & U0057) is significantly constrained, being largely single track, with closely bound hedgerows and property boundaries. As a result, there are insufficient passing bays available along the route to enable opposing vehicles to pass at regular intervals and there are no real opportunities to construct additional passing bays, without the acquisition of third-party land. Consequently, opposing vehicles meeting along the route are clearly forced to reverse significant distances in order to pass. Accordingly, the HA does not consider that the highway network is appropriate to serve additional new development, which is not linked to an existing property/holding.

Whilst the application states that the stables are for private use only, the proposal seeks consent for 5 stables and associated buildings, which are clearly configured to provide for up to 7 stable places, which does seem excessive. It is also noted that the facility is not linked to a neighbouring property and that the applicant lives remote from the site; as such, all vehicular movements to and from the site will constitute new/additional vehicular movements along the network. Whilst no attempt has been made to quantify the level and types of traffic such a development is likely to generate, it is likely that they will include towing vehicles and multiple visits on a daily basis for welfare reasons.

In consideration of the above, the HA contends that the immediate highway network and access arrangements are not suitable to accommodate a development of this nature and

the additional vehicular movements that it would likely generate, particularly those involving larger towing vehicles. No mitigation is proposed and as pointed out above, there is extremely little opportunity to provide such.

The proposal would clearly increase the risks associated with the safe and efficient operation of the network, which would be considered detrimental to the safety and convenience of all highway users. The HA therefore considers the proposals to be contrary to Policies T1 & DM13 (10) of the PCC LDP.

If however, the LPA is minded to approve this application, the HA would respectfully recommend that an appropriate condition be attached which limits future uses of the facility to those limited to personal use only.

*Additional comments received 16<sup>th</sup> February 2022 –*

Thank you for re-consulting the Highway Authority (HA) on this planning application at “Dukeshill Stables, Land Adjacent to Hengwm Fawr, Llandewi'r Cwm, Builth Wells LD2 3RZ”.

The content of the Revised Planning Statement and Transport Statement (TS) is duly acknowledged.

Having reviewed the detail within the TS, it is noted that the agent has sought to demonstrate that the provision of stabling and a manage at this location, would effectively result in a reduction of vehicular movements to and from the site. This conclusion is based on a comparison of the likely traffic movements associated with horses being kept on the land, without such facilities.

Whilst the HA does not dispute such findings, it should be noted that the land itself is classed as agricultural land, which does not cover the keeping of horses on the land for leisure purposes; further, it is noted the required “change of use” has not been obtained. The HA therefore contends, that the baseline traffic flows should be considered against the legitimate agricultural uses of the land, rather than the existing equine uses suggested. Such agricultural uses, which would have previously been linked to the adjacent farm, would clearly have been significantly lower than those suggested.

In consideration of the above, the HA maintains that the conservative projected annual vehicular movements of 1596 movements, as detailed with the TS, which includes 120 towing movements, would in effect be new and additional vehicular movements along the constrained adjacent highway network.

In consideration of the above, the HA maintains that the proposal would clearly increase the risks associated with the safe and efficient operation of the network, which would be considered detrimental to the safety and convenience of all highway users. The HA therefore considers the proposals to be contrary to Policies T1 & DM13 (10) of the PCC LDP.

*Additional comments received 18<sup>th</sup> March 2022 –*

The County Council as Highway Authority for the County Unclassified Highway, U0057

Wish the following recommendations/Observations be applied  
Recommendations/Observations

The following is a highway update report which supersedes the findings and recommendations contained within the previous highway response. It follows the receipt of additional planning advice provided by the local planning authority. That advice concludes that the keeping and grazing of horses on agricultural land, is in fact lawful, and that it does not require a change of planning use. As such, the vehicular movements being undertaken to and from the site at present, are legitimate, and are therefore a material planning consideration in this instance.

In acknowledgement of the above, it is accepted that the traffic frequency exercise contained within the submitted Transport Statement (TS), is relevant in this instance. That particular exercise, contained on Page 4 of the TS, provides reasonably robust detail to demonstrate that the site, with permanent facilities, would likely result in reduced levels of vehicular movements compared to the current arrangement.

In light of this information, the HA considers that an objection on highway grounds could not be sustained in this instance. Its previous objection, is therefore withdrawn, and no highway improvements are sought.

Welsh Water

13th Dec 2021

Surface Water Drainage

The proposed development may be subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore may require approval of Sustainable Drainage Systems (SuDS) features, in accordance with national standards, and is strongly recommended that the developer engage in pre-application consultation with the Local Authority, as the relevant SuDS Approval Body (SAB), in relation to their proposals for SuDS features. Please note, Dwr Cymru Welsh Water is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation.

Should it be determined that SAB consent is not required, we request that if you are minded to grant Planning Consent for the above development that the following Advisory Notes listed below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

The applicant is advised that some public sewers and lateral drains may not be recorded

on our maps; some sewers 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. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

### PCC – Countryside Services

Public footpath 3 Duhonw Community abuts the development site. The applicant is aware of the public footpath and Countryside Services therefore have no specific comments to make on the application.

### Natural Resources Wales

15th Dec 2021

We have concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, you should seek further information from the applicant regarding protected sites. If this information is not provided, we would object to this planning application. Further details are provided below.

#### Protected Sites

We note the application site is within the catchment of the River Wye Special Area of Conservation (SAC).

As you are aware, on the 21st January 2021, we published an evidence package outlining phosphorus levels for all river SACs across Wales. As part of this package, we issued a Planning Position Statement, in which we advised that any proposed development that might increase the amount of phosphate within a river SAC catchment could lead to damaging effects to the SAC. Therefore, such proposals should be screened through a Habitats Regulations Assessment (HRA), to determine whether they are likely to have a significant effect on the SAC. We have also issued Planning Advice, (May 2021) which gives specific advice for new developments within phosphorus sensitive SAC River catchments.

We consider there is insufficient information available to inform your test of likely significant effect on the SAC. Information should be sought to demonstrate the buildings are compliant with The Water Resources (Control of Agriculture Pollution) (Wales) Regulations 2021 (The CoAPR 2021), and its operation will not lead to ground and/or surface water pollution as well as an increase in the amount of phosphate discharge into the SAC.

We advise that your Authority needs the following information to inform your determination process:

- o Confirmation of whether the proposed development will result in an increase in stock numbers held on the paddock.

- o Details of the proposed drainage plan. The applicant should ensure that there is no possibility of contaminated water entering and polluting surface or groundwater.

Dirty water and parlour washings must not be allowed to enter surface water drains.

Clean roof water and dirty water (parlour washing/ slurry) must be kept separate and discharged/stored in accordance with the CoAPR 2021, the Code of Good

Agricultural Practice (COGAP) on effective manure management and BS 5502

(Building and Structures for Agriculture Code of Practice for Design, Construction and

Loading). Details of how this separation will be achieved should be included on a drainage plan.

- o Appropriate manure management measures. We note no information has been submitted with regards to the storage and management of manure. Further details should be submitted to confirm the management of the manure (including contingency measures). The applicant should demonstrate that manure is managed in line with CoGAP to avoid an increase in the amount of phosphorus entering the catchment.

Should you conclude that the proposed development is likely to have a significant effect on the SAC, please consult us on your Appropriate Assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).

We have standing advice for good farming practice available on our website for the Applicant and your Authority to make use of - Natural Resources Wales / Good farming practice.



## Protected Species

We also note that there is no information about protected species with the application and therefore, we are assuming that your Authority has screened the application and concluded that there is not a reasonable likelihood of protected species being present.

*Additional comments received 2<sup>nd</sup> February 2022 –*

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales (NRW) about the above, and the additional information which we received on 05/01/2022.

We have no objection to the proposed development as submitted and provide the following advice:

## Protected Sites

As stated within our previous response letter (CAS-176899-Y9H4 dated 15/12/2021) the application site is within the catchment of the River Wye Special Area of Conservation (SAC). As you are aware, on the 21st January 2021, we published an evidence package outlining phosphorus levels for all river SACs across Wales. As part of this package, we issued a Planning Position Statement, in which we advised that any proposed development that might increase the amount of phosphate (or phosphorus) within a river SAC catchment could lead to damaging effects to the SAC. Therefore, such proposals should be screened through a Habitats Regulations Assessment (HRA), to determine whether they are likely to have a significant effect on the SAC.

We have reviewed the additional information provided and note the following: that there will be no increase of livestock as result of this proposal and that no dirty water will be produced due to the use of bedding at the stables which will be dealt with as dry manure.

We advise that any manure produced must be managed (storage and application to land) in line with The Code of Good Agricultural Practice (CoGAP) for the Protection of Water, Soil and Air for Wales. If manure is managed correctly then the application as submitted is unlikely to increase the amount of phosphorus entering the catchment.

Therefore, we are satisfied that the proposal is not likely to have a significant effect on the River Wye SAC.

## Protected Species

We also note that there is no information about protected species with the application and therefore, we are assuming that your Authority has screened the application and concluded that there is not a reasonable likelihood of protected species being present.

## Other Matters

Our comments above only relate specifically to matters included on our checklist, Development Planning Advisory Service: Consultation Topics (September 2018), 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. We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our website for further details. If you have any queries on the above, please do not hesitate to contact us

PCC - Environmental Protection

7th Dec 2021

Environmental protection has no objection

## Representations

Following the display of a site notice there has been no public representations received at the time of writing this report

## Planning History

App Ref	Description	Decision	Date
None			

## Principal Planning Constraints

Phosphorous Welsh River SACs  
Public bridleway (031/19/1)  
Public footpath (031/23/1)

## Principal Planning Policies

Policy	Policy Description	Year	Local Plan
NATPLA	Future Wales - The National Plan 2040		National Policy
PPW	Planning Policy Wales (Edition 11, February 2021)		National Policy
TAN5	Nature Conservation and Planning		National Policy
TAN6	Planning for Sustainable		National Policy

	Rural Community	National Policy
TAN12	Design	National Policy
TAN18	Transport	National Policy
TAN24	Historic Environment	National Policy
SP7	Safeguarding of Strategic Resources and Assets	Local Development Plan 2011-2026
DM2	The Natural Environment	Local Development Plan 2011-2026
DM4	Landscape	Local Development Plan 2011-2026
DM7	Dark Skies and External Lighting	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
SP7	Safeguarding of Strategic Resources and Assets	Local Development Plan 2011-2026
SPGBIO	Biodiversity and Geodiversity SPG (2018)	Local Development Plan 2011-2026
SPGLAN	Landscape SPG	Local Development Plan 2011-2026

### **Other Legislative Considerations**

Crime and Disorder Act 1998  
 Equality Act 2010  
 Planning (Wales) Act 2015 (Welsh language)  
 Wellbeing of Future Generations (Wales) Act 2015  
 Marine and Coastal Access Act 2009

## **Officer Appraisal**

### Site Location and Description of Development

The application site is within the Community Council area of Duhonw and is located within the open countryside as defined by the Powys Local Development Plan (LDP (adopted 2018)). The site is located on land adjacent to Hengwm Fawr Farm. To the north of the application site is a Public Footpath (031/23/1) and agricultural land and to the south is agricultural land. To the east of the site is further agricultural land and Hengwm Fawr Farm and to the west is agricultural land.

Retrospective consent is sought for the erection of 5no. stable buildings and the creation of yard and menage. The total area of the application site is approximately 0.15ha. The menage measures approximately 35 metres in length and 16 metres in width. The menage is finished with a wood chip covering with a hardcore base beneath. The boundaries surrounding the menage have been finished post and rail fencing and post and stock proof fencing with a top rail.

Building A which is a stable building measures approximately 3.63 metres in length and 3.65 metres in width, with a floor space of approximately 13.25 square metres.

Building B which consists of two stables and a tack room measures approximately 9.60 metres in length and 3.63 metres in width, with a floor space of approximately 34.85 square metres.

Building C which is a storage building measures approximately 3.65 metres in length and 2.4 metres in width, with a floor space of approximately 8.98 square metres.

Building D which is a stable and storage shed measures approximately 7.25 metres in length and 3.65 metres in width, with a floor space of approximately 26.4 square metres.

Building E which consists of two stables measures approximately 7.16 metres in length and 3.65 metres in width, with a floor space of approximately 26.1 square metres. The maximum height of all the buildings is approximately 3.2 metres to ridge.

All the stable buildings have been finished with timber cladding for the walls and black corrugated tin sheeting for the roofs.

### Principle of Development

Local Development Plan Policies DM4 and DM13 sets out the general requirements applied to all developments such as this proposal. The main planning consideration relating to this type of proposal is whether the proposal would cause any unacceptable adverse effects on the Powys landscape. Other planning considerations to take into account are design and building materials.

Retrospective consent is sought for the erection of 5no. stable buildings and the creation of yard and menage (retrospective). The total area of the application site is approximately 0.15ha. The menage measures approximately 35 metres in length and 16 metres in width.

In light of the above it is therefore considered that the principle of development fundamentally complies with the relevant planning policy subject to the following:

### Design and External Appearance

With respect to design specific reference is made to LDP policies DM4 and DM13. DM13 indicates that development proposals will be required to demonstrate good quality design that complements and/or enhances the character of the surrounding area in terms of siting, appearance, integration, scale, height, massing and design detailing. DM4 requires that development proposals must not have an unacceptable adverse effect on the valued characteristics and qualities of the Powys landscape.

The menage measures approximately 35 metres in length and 16 metres in width. The menage is finished with a wood chip covering with a hardcore base beneath. The boundaries surrounding the menage have been finished post and rail fencing and post and stock proof fencing with a top rail. The horse menage is considered to be of a suitable design and is located within a suitable location. As such it is considered to be of an acceptable design in this setting.

The 5no. stable buildings have been sympathetically designed to reflect typical equine buildings and are considered to be of an appropriate scale and height for the location. The materials are considered to be typical of equine buildings and will help assimilate the buildings into the landscape.

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

### Landscape Impact

In considering the impact of a development on the landscape regard must be paid to LDP policy DM4 that states proposals for new development must not, individually or cumulatively, have an unacceptable adverse effect, on the valued characteristics and qualities of the Powys landscape. All proposals will need to be appropriate and sensitive in terms of integration, siting, scale and design to the characteristics and qualities of the landscape including its topography; development pattern and features; historical and ecological qualities; open views; and tranquillity. The Landscape Supplementary Planning Guidance (SPG) states that all schemes should be appropriate and sensitive in terms of integration, siting, scale and design to the characteristics and qualities of the Powys landscape.

LANDMAP lists the visual and sensory value of the site as high and describes the area as *“enclosed landscape centred on Dunhonn Valley and isolated areas of upland (e.g. Moelfre) at 440m AOD, running down to 140m AOD. The area is a varied pastoral, well-managed landscape with substantial hedgerows and deciduous woodland cover, the latter often associated with steep slopes and watercourses. The mosaic is enhanced by the settlement pattern of scattered farmsteads and hamlet Llandewir cwm with its attractive church. The area is tranquil with only one minor through B-road. Long views are possible at various points on the valley sides and hill tops both down the valley and to surrounding upland and the Wye and Irfon in the distance.”*

It is classified as being of being of high visual and sensory value. Other evaluations are:

Geological Landscape - Moderate

Landscape Habitats - Moderate - Largely improved agricultural landscape with field boundaries and watercourses with a network of broadleaved woodlands forming the focus for biodiversity.

Historic Landscape - High

Cultural Landscape - Moderate

The high visual and sensory value is noted together with the other classifications. The proposed site is located within the open countryside and is located on agricultural land and will be screened by the existing trees and hedgerows. The development is not deemed to have an unacceptable impact on Powys's landscape as it is sited in an appropriate location and is sensitively designed helping to assimilate the proposed development into the local surroundings. The scale of the development is not overbearing, and it is located at a distance and position which will not adversely impact the nearest neighbouring dwelling. The application site is well screened by existing trees and hedgerows which will reduce any possible visual impact. Therefore, it is not considered that the development will adversely affect the character of the landscape as defined by LANDMAP. Given the existing landscaping screening in the forms of trees and hedgerows it is not considered necessary to attached a condition regarding a landscaping.

In light of this, it is considered that the proposed development complies with policy DM4.

### Residential Amenity

In considering the amenities enjoyed by the occupiers of neighbouring properties consideration has been given to the Powys Residential Design SPG and LDP policy DM13. For developments of this nature considerations of impact on neighbour amenities should include odour, flies, dust and noise.

The application site is located in a relatively isolated situation with the nearest neighbouring residential property being Hengwm-Fawr which is located approximately 98 metres away. The development is not considered to have a detrimental impact in terms of overlooking or loss of privacy and light. Therefore, it is not considered that the

development will have an adverse impact on the amenities of neighbouring properties.

PCC Environmental Protection has been consulted on the development and raised no objection to the proposal. In terms of light pollution, there is no reference to any external lighting being provided in connection with the scheme, therefore it is not anticipated that light pollution will be a concern for this development.

A condition will be attached to any consent granted regarding an external lighting design scheme.

It is therefore considered that the proposal complies with the provisions of Powys Local Development Plan (2018) Policy DM13 and Powys Residential Design Guide SPG (2020).

### Highways Safety

Policy T1 and DM13 consider implications of developments on highway safety. DM13 specifies that proposals should demonstrate that the development has been designed and located to minimise the impacts on the transport network - journey times, resilience and efficient operation - whilst ensuring that highway safety for all transport users is not detrimentally impacted upon. Furthermore, development proposals should meet all highway access requirements, (for all transport users), vehicular parking standards and demonstrate that the strategic and local highway network can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network or that traffic impacts can be managed to acceptable levels to reduce and mitigate any adverse impacts from the development.

Powys County Council's Highway Authority's initial comments to the proposed development raised an objection given the highway network is not appropriate to serve additional new development, which is not linked to an existing property/holding. The Highway Authority noted that the immediate highway network and access arrangements are not suitable to accommodate a development of this nature and the additional vehicular movements that it would likely generate, particularly those involving larger towing vehicles. No mitigation is proposed and as pointed out above, there is extremely little opportunity to provide such.

The Highway Authority noted the proposal would clearly increase the risks associated with the safe and efficient operation of the network, which would be considered detrimental to the safety and convenience of all highway users.

PCC Highway Authority provided a highway update report which supersedes the findings and recommendations contained within the previous highway objections. The highway update follows the receipt of additional planning advice provided by the Local Planning Authority which concludes that the keeping and grazing of horses on agricultural land, is in fact lawful, and that it does not require a change of planning use. As such, the Highway Authority noted the vehicular movements being undertaken to

and from the site at present, are legitimate and are therefore a material planning consideration in this instance.

As was acknowledged within the Inspector's Report as part of planning appeal APP/T6850/A/19/3239758 a parcel of land could lawfully be used for grazing horses regardless of whether the development is approved or not.

In acknowledgement of the above, the Highway Authority accepted that the traffic frequency exercise contained within the submitted Transport Statement (TS), is relevant in this instance. That particular exercise, contained on Page 4 of the TS, provides reasonably robust detail to demonstrate that the site, with permanent facilities, would likely result in reduced levels of vehicular movements compared to the current arrangement.

The Transport Statement submitted confirms vehicular movements associated with the horse husbandry and going to competitions and shows would remain the same before and after the development is undertaken. The main reduction in movements would be due to not requiring to transport the horses to be exercised away from site, the menage allows the horses to be exercised on site.

In light of this information, the Highway Authority considers that an objection on highway grounds could not be sustained in this instance and the Highway Authority's previous objection, is therefore withdrawn, and no highway improvements are sought.

A condition restricting the use of the development to the sole use of the applicant will be attached to any consent granted.

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

### Natural Environment

With respect to biodiversity, specific reference is made to LDP policy DM2 which seeks to maintain biodiversity and safeguard protected sites. In accordance with TAN 5: Nature, Conservation and Planning, and Powys LDP Policy DM2: The Natural Environment, as part of the planning process Powys LPA should ensure that there is no net loss of biodiversity or unacceptable damage to a biodiversity feature and under Part 1 Section 6 of the Environment (Wales) Act 2016 Local Authorities are required to maintain and enhance biodiversity so any submission should incorporate enhancement proposals.

The application site is located within an existing agricultural field which is considered to be of low ecological potential. Nevertheless, consideration must be given to any external lighting to minimise impacts to nocturnal wildlife commuting or foraging in the local area. No lighting is proposed as part of the proposal but it is recommended that submission of an External Lighting Design Scheme is secured through an appropriately



worded planning condition before any lighting can be installed.

Under Part 1 Section 6 of the Environment (Wales) Act 2016 Local Authorities are required to maintain and enhance biodiversity. Biodiversity enhancement proposals have been submitted with the application including 3no. bird boxes and 1 no. bat tube. The proposed enhancements are considered sufficient in comparison with the proposed development and therefore a condition will be attached to any consent granted ensuring the implementation of the biodiversity enhancements.

It is therefore considered that subject to the inclusion of appropriately worded conditions, this application is acceptable in relation to ecology and in particular, LDP policy DM2.

### River Wye Catchment Area

Under the Habitats Regulations, where a plan or project is likely to have a significant effect on a European site, either alone or in combination with other plans or projects, and where it is not directly connected with or necessary to the management of the site (previously designated pursuant to EU retained law) the competent authority must carry out an appropriate assessment of the implication of the plan or project in view of the site's conservation objectives. Natural Resources Wales has set new phosphate standards for the river SACs in Wales. Any proposed development within the SAC catchments that might increase the amount of phosphate within the catchment could lead to additional damaging effects to the SAC features and, therefore, such proposals must be screened through a HRA to determine whether they are likely to have a significant effect on the SAC condition.

This application has been screened in accordance with Natural Resources Wales' interim advice for planning applications within the river Special Areas of Conservation (SACs) catchments (issued on 20th January 2021). It is considered that this development is unlikely to increase phosphate inputs as it falls within the following criterion in the interim advice:

The following types of development are unlikely to increase phosphate inputs:

- Any development that does not increase the volume or concentration of wastewater.

NRW have been consulted and noted the additional information provided and acknowledged that there will be no increase of livestock as result of this proposal and that no dirty water will be produced due to the use of bedding at the stables which will be dealt with as dry manure. NRW advise that any manure produced must be managed (storage and application to land) in line with The Code of Good Agricultural Practice (CoGAP) for the Protection of Water, Soil and Air for Wales. NRW noted if manure is managed correctly then the application as submitted is unlikely to increase the amount of phosphorus entering the catchment.

NRW are satisfied that the development is not likely to have a significant effect on the River Wye SAC.

Therefore, the proposed development is considered to be in accordance with policy.

### Public Footpath

It is acknowledged that access to the site is gained via bridleway (031/19/1) which then connects to the County Highway. Public footpath (031/23/1) runs along the northern boundary of the site which joins further public footpaths to the east. PCC Countryside Services has been consulted on the development and raised no objection to the development. An informative note will be attached to any consent granted to ensure the applicant is aware that the footpath is at no time obstructed during the development process nor any materials be placed or stored on the line of any public right of way.

In light of the above and subject to the recommended informative note it is therefore considered that the proposed development complies with relevant planning policy.

### Loss of Agricultural Land

Paragraph 3.58 of Planning Policy Wales (Edition 11, 2021) relates to the quality of agricultural land, and states that:

*“Agricultural land of grades 1, 2 and 3a of the Agricultural Land Classification system (ALC) is the best and most versatile, and should be conserved as a finite resource for the future.”*

Paragraph 3.59 of PPW (Ed. 11) further states that;

*“Land in grades 1, 2 and 3a should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations.”*

The development is sited on an area of agricultural land. The Welsh Government's Predictive Agricultural Land Classification Map indicates that the area of the application site is graded as 3b, which relates to *“moderate quality agricultural land”*. In light of this, it is noted the development would not result in the loss of the best and most versatile agricultural land, and the proposal is therefore compliant with planning policy in this regard.

### Conclusion

In light of the above, it is considered that the proposal would not result in an unacceptable impact upon any neighbouring properties and is therefore considered to

be acceptable and in accordance with relevant planning policies. The recommendation is therefore one of conditional consent.

## **RECOMMENDATION – Conditional Consent**

### **Conditions**

1. This permission being retrospective as prescribed by Section 73(a) of the Town and Country Planning Act 1990 (as amended) shall be deemed to take effect from the date of consent.
2. The development shall be carried out in accordance with the following approved plans and documents: Ki 5768 1A, Planning, Design and Access Statement dated November 2021, Transport Statement dated February 2022, Ki 5768 4 Drainage Plan, Ki 5768 5
3. The development shall be used to accommodate the landowner's horses only and shall not be used for any commercial riding, breeding, training or other equestrian enterprise.
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 in accordance with the recommendations outlined in the BCT and ILP Guidance Note 8 Bats and Artificial Lighting (12<sup>th</sup> September 2018). The development shall be carried out in accordance with the approved details.
5. The biodiversity enhancements as detailed within Planning, Design and Access Statement dated November 2021 shall be implemented as approved within 6 months of the date of this permission and maintained thereafter for as long as the development remains in existence.

### **Reasons**

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
3. In order to safeguard residential amenity and highway safety in accordance with Policies DM13 and T1 of the Powys Local Development Plan (2018).
4. 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 11, 2021), TAN 5: Nature Conservation and Planning and Part 1 Section

## 6 of the Environment (Wales) Act

5. To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 11, 2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act

### **Informative Notes**

#### Countryside Services

No public rights of way should be obstructed during the development process and at no time should any materials be placed or stored on the line of any public right of way; any damage caused to the surface of any public right of way must be made good to at least its current condition or better. Should the public footpath be required to be temporarily closed for development purposes then the applicant should make contact with Countryside Services directly to discuss, prior to any works taking place. Any application for a temporary closure needs to be processed and approved before the footpath can be legally stopped-up for a defined period.

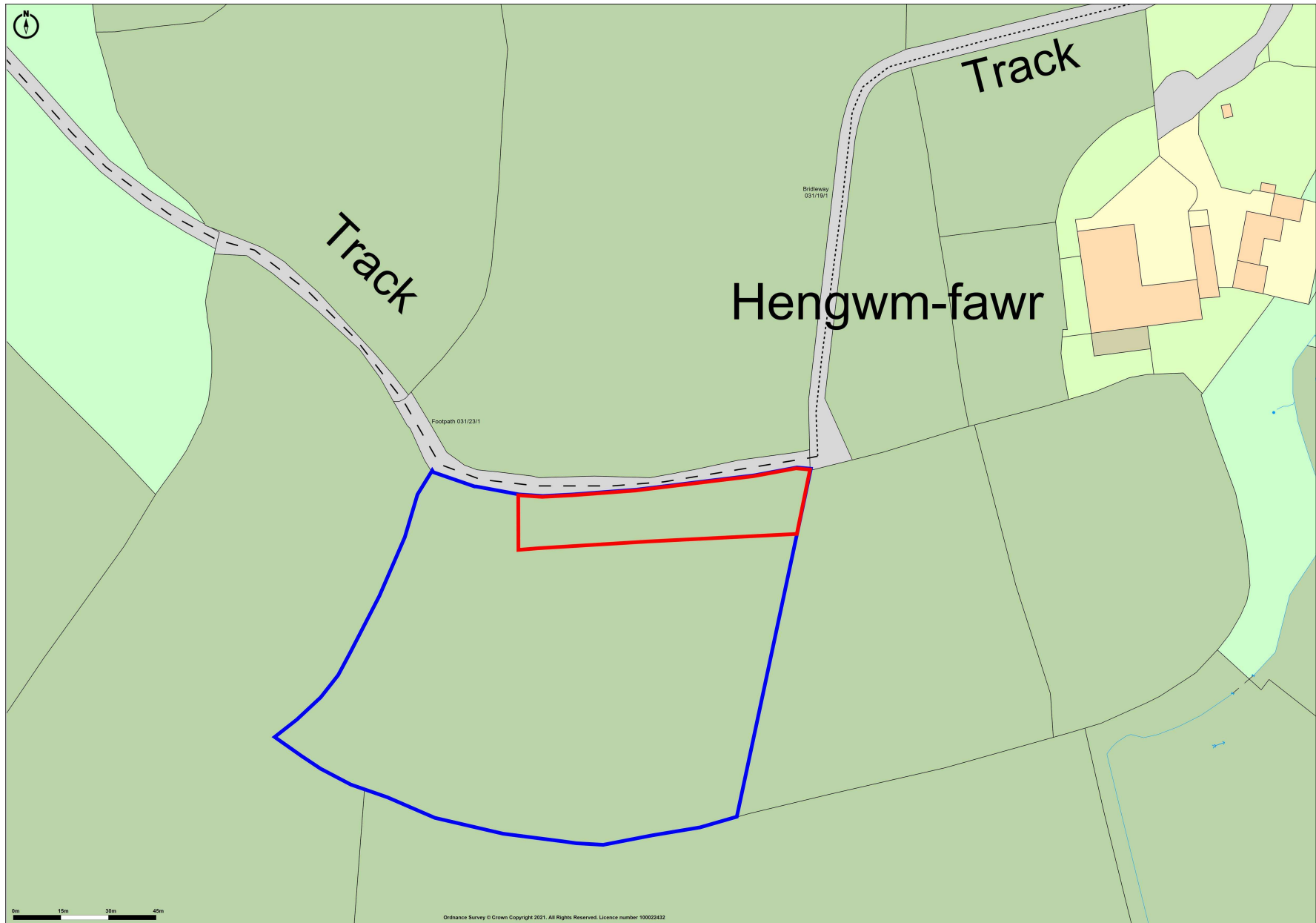
#### Welsh Water

The applicant is advised that some public sewers and lateral drains may not be recorded on our maps; some sewers 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. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times

#### NRW

Our comments above only relate specifically to matters included on our checklist, Development Planning Advisory Service: Consultation Topics (September 2018), 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. We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our website for further details. If you have any queries on the above, please do not hesitate to contact us

Tudalen 25



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



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

<b>Application Number:</b>	21/0937/LBC	<b>Grid Ref:</b>	E: 331376 N: 264432
<b>Community Council:</b>	Presteigne Community	<b>Valid Date:</b>	18.05.2021

**Applicant:** Mr Thomas Perceval

**Location:** 45A High Street, Presteigne, LD8 2BE

**Proposal:** Listed building consent for repairs and alterations: provision of new external door, 2 replacement windows, new internal stairway, installation of kitchen & sanitary ware, thermal insulation and rebuilding of section of garden wall

**Application Type:** Listed Building Consent

### The reason for Committee determination

The application has been 'called-in' by the Local Ward Member, Councillor Beverley Baynham.

### Consultee Responses

Consultee	Received
<u>Hafren Dyfrdwy</u>	28th Jul 2021

The above site is out of Hafren Dyfrdwy's waste water area, and therefore we have no comment to make.

<u>PCC-(M) Highways</u>	26th Jul 2021
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Based on the information provided, the Highway Authority does not wish to comment on this application.

Thank you for consulting Natural Resources Wales on the above application.

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

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

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

We trust that the above comments are of assistance however, should you have any queries, please do not hesitate to contact me.

*Additional comments received 3<sup>rd</sup> November 2021;*

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales (NRW) about the above and the additional information which we received on 14/10/2021.

We have no objection to the proposed development as submitted and provide the following advice:

#### Protected Species

We note the comments of the LPA's ecologist dated 14 July 2021, which state that the Design and Access Statement submitted in support of the development indicates the proposals include relining and insulation of the roof. In addition, the LPA's ecologist points out that the elevation drawings illustrate the installation of a flue within the roof structure, and further states that "In order to assess the potential impacts to roosting bats, as a minimum a preliminary assessment of the existing roof structure for its bat roost potential and the potential for any impacts is required."

We note the Preliminary Ecological Report by Arbtech dated 14/09/2021, indicates that



the survey effort was limited to an external and partial internal inspection of the building, as health and safety concerns limited access to the loft space. From the information provided within the PEA, it appears unclear whether it is possible to conclusively state that the building proposed for alterations does indeed have negligible bat roosting potential, and that bats are likely absent from the building.

We therefore advise that you consult your in-house ecologist to determine whether further bat survey of the building is required in order to establish presence or likely absence of bats in the building in question. Any such surveys should be carried out in accordance with 'Bat Surveys; Good Practice Guidelines 3rd Edition' published by the Bat Conservation Trust 2016.

Please consult us again if any survey undertaken finds that bats are present at the site and you require further advice from us.

#### Other Matters

Our comments above only relate specifically to matters included on our checklist, Development Planning Advisory Service: Consultation Topics (September 2018), 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.

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

PCC-Ecologist

14th Jul 2021

Thank you for the opportunity to comment on planning application 21/0937/LBC which concerns an application for listed building consent for repairs and alterations: provision of new external door, 2 replacement windows, new internal stairway, installation of kitchen & sanitary ware, thermal insulation and rebuilding of section of garden wall at 45A High Street, Presteigne, LD8 2BE.

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

The data search identified 72 records of protected and priority species within 500m of the proposed development. Species recorded within 500m of the proposed development include pipistrelle bat, water vole, otter, slow-worm, swift, greenfinch, freshwater crayfish, large-leaved lime and bluebell.

One statutory designated site was identified within 500m of the proposed development:

- River Lugg Site of Special Scientific Interest (SSSI - approximately 300m from the proposed development

One non-statutory designated site was identified within 500m of the proposed development:

- Withybeds and Wentes Meadow Wildlife Trust Reserve (WTR)- approximately 450m from the proposed development

One or more Ancient Woodland (AW) sites were identified within 500m of the proposed development. Having taken into account the location of the AW and WTR in relation to the proposed development and the nature of the works proposed, it is considered that there would be no likely negative impacts directly or indirectly to the AW and WTR and/or any associated features.

The proposal is for internal renovation of the property with replacement of external windows. The Design and Access Statement asserts that there will be no works to external walls and the roof structure. However, it also identifies that the internal structure appears to be open to the roof and the roof will be relined and insulated. The proposed elevations also identify a flue installed within the roof structure. No information has been provided regarding the current use and condition of the property.

Therefore, consideration has been given to the potential for the structure affected to support roosting bats (all British wild bats are European protected species) and for the proposed development to impact roosting bats. Given the proximity of trees, hedgerows and watercourses to the property it is considered that there is a reasonable level of likelihood that bats could be using the site for roosting purposes and that the proposed development therefore has potential to impact roosting bats.

Where it is considered that there is a potential for bats to be present and impacted by a proposed development sufficient information is required to be submitted to the Local Planning Authority to demonstrate that the proposed development would not result in negative impacts to the favourable conservation status of these species. Biodiversity is a material consideration in the planning process, therefore information to establish likely impacts to biodiversity is required prior to determination of the application.

Therefore, it is considered that there is insufficient information with regard to potential impacts to bats, a Habitat Regulations Species, to determine this application.

In order to assess the potential impacts to roosting bats, as a minimum a preliminary assessment of the existing roof structure for its bat roost potential and the potential for any impacts is required. This assessment needs to be undertaken by an appropriately

experienced and licensed bat consultant. The preliminary bat roost assessment shall include a full internal and external inspection of the building and an assessment of how the proposed development works may affect any potential or actual bat roost features, as well as incorporating opportunities for bats within the completed development. The preliminary bat roost inspection must be undertaken by an appropriately experienced and licensed ecologist and must adhere to the current standard survey methodology published by Bat Conservation Trust.

If this preliminary bat roost assessment identifies potential bat roosting opportunities and/or actual bat roosts that will be affected by the proposals then further bat survey work will be required. If bat accesses or roosts are found that will not be affected by the proposals a method statement must be submitted to demonstrate how the proposed works will avoid any impacts to bats.

If the preliminary bat roost assessment identifies the need to undertake bat activity surveys these will need to be undertaken in accordance with the Bat Conservation Trust's Bat Surveys for Professional Ecologists – Good Practice Guidelines 3rd Edition (2016). Therefore, the survey should be undertaken by suitably licensed and qualified ecologists and comprise a thorough internal and external inspection and activity surveys during the recognised activity season May – September. The surveys should be spread throughout the activity season (as far as reasonably possible to do so) to allow a broad picture of any bat roost use of the site to be developed. Where deviations from the standard guidelines are considered to be necessary, full justifications for the methods used will be required. Further information regarding the requirement to provide sufficient information in relation to potential impacts to biodiversity can be found in the Powys LDP – Biodiversity and Geodiversity [pstatic.powys.gov.uk](http://pstatic.powys.gov.uk)

If bats are found to be using the building for roosting purposes and there is potential for the roost to be destroyed or disturbed, i.e. an offence is likely to be committed, a European protected species licence would be required to allow the works to proceed. As part of the planning process the Local Planning Authority must establish whether the three tests as defined by the Conservation of Habitats and Species Regulations 2017 (as amended) have been met prior to determining the application. If the Species Protection Team at Natural Resources Wales (NRW) is also content that these tests have been satisfied, then an EPS development licence can be granted.

The three tests that must be satisfied are:

1. That the development is “in the interests of public health and public 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”.

2. That there is “no satisfactory alternative”

3. That the derogation is “not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range”

In order to address the 3rd test appropriate mitigation would need to be identified. The proposed mitigation will need to be located in a suitable location and appropriate to the species identified. Mitigation details need to be clearly illustrated on the architectural plans and must provide sufficient detail to enable them to be subject to a planning condition/s106 agreement.

Details of ecological consultants working in Powys can be found at <https://cieem.net/i-need/finding-a-consultant/> (please note this is not a Powys County Council approved list of ecological consultants but lists ecological consultants who are members of the Chartered Institute of Ecology and Environmental Management). I have also attached some guidance notes regarding commissioning ecological consultants to undertake survey work.

The proposed development is located within the catchment of the River Wye Special Area for Conservation (SAC). In accordance with NRW’s current planning advice, it is necessary to demonstrate that all proposed developments within the River Wye SAC catchment will not result in an adverse effect on the integrity of the River Wye SAC through further addition of phosphate to the SAC, either directly or indirectly. With regard to the current proposal, consideration has been given to the potential for additional phosphate associated with foul drainage to enter the River Wye SAC catchment.

The proposal will result in an increase in wastewater. It is expected that the dwelling will be connected to the existing mains sewer network but no information has been provided to confirm the means of foul drainage for the development.

Having reviewed the information provided by the applicant it is considered that there is potential for the proposed development to impact the River Wye SAC. Pollution (phosphate) from operation activities could result in a Significant Effect. Therefore, to demonstrate that the proposed development would not result in a Likely Significant Effect on the River Wye SAC and/or its associated features during operation of the site the following information is required:

i) Details of the foul drainage system to be used, chosen in accordance with Planning Circular 008/2018.

ii) Confirmation from DCWW that there is capacity to treat additional wastewater and phosphorus from the proposed development (in combination with other planned development) within the existing discharge permit limits.

This information is required to be submitted prior to determination of the application to enable a Habitats Regulations Screening to be undertaken.

It is considered that further information is required to enable the Local Planning Authority to assess the potential impacts of the proposed development on the River Wye SAC, part of the national site network, in accordance with Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended). This information is required to be submitted prior to determination of the application.

In accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, local authorities are required to maintain and enhance biodiversity, including through the planning process. Planning Policy Wales 10 states 'planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity'. The Chief Planning Officer for Wales in his letter of 23/10/2019 confirms that 'where biodiversity enhancement is not proposed as part of an application, significant weight will be given to its absence, and unless other significant material considerations indicate otherwise it will be necessary to refuse permission.' Therefore, details are required regarding incorporation of features to enhance biodiversity and ensure the development provides a net benefit for biodiversity.

Examples of suitable features could include:

- Provision of bird and bat boxes. The proposal should include details of the number, type and location of boxes,
- Provision of wildlife-friendly landscape planting.

Further information is required to demonstrate how the development will result in a net benefit for biodiversity. Features of wildlife enhancement measures proposed as part of the development should be clearly identified and detailed on submitted plans (i.e. locations, dimensions and numbers included) and be achievable.

*Additional comments received 3<sup>rd</sup> November 2021;*

RE 21/0937/LBC which concerns an application for listed building consent for repairs and alterations: provision of new external door, 2 replacement windows, new internal stairway, installation of kitchen & sanitary ware, thermal insulation and rebuilding of section of garden wall at 45A High Street, Presteigne, LD8 2BE.

I have reviewed the Preliminary Bat Roost Assessment produced by Arbtech dated

14/09/2021 and consider that the survey methods and effort employed were in accordance with current National Guidelines. The PRA consisted of an internal and external inspection of the buildings to identify potential bat access points, roost features and evidence of the presence of bats. No evidence of bats was detected and no suitable roost features were identified; the building was considered to have negligible potential for roosting bats and no further surveys are required. No evidence of nesting birds was found despite access being available to the interior of the property.

Biodiversity enhancements in the form of two bat boxes and two bird boxes were recommended to be installed on the completed development. The measures are welcome and should be identified clearly on submitted plans to ensure they are implemented as intended. Bat boxes should be erected on a southeast-southwest elevation; bird boxes on a northerly elevation.

Revised elevation plans are required to confirm type, location and number of bat and bird boxes. Submission of sufficient information prior to determination of the application will remove the need for a pre-commencement condition.

Careful consideration will need to be given to any external lighting of the proposed development. Measures will need to be identified to minimise impacts to nocturnal wildlife commuting or foraging in the local area and to avoid illumination of bat and bird enhancement features. Any external lighting proposed will need to demonstrate compliance with the recommendations outlined in the BCT and ILP Guidance Note 8 Bats and Artificial Lighting (12th September 2018).

It is, therefore, recommended that adherence to wildlife sensitive lighting measures is secured through an appropriately worded planning condition.

Submitted information confirms the property has been used as a dwelling for several decades and has an established mains sewer connection. In assessing the proposal against current NRW guidance, it is considered that the proposal will not result in an increase in wastewater volume. On this basis a likely significant effect in terms of phosphorus inputs to the River Wye SAC catchment (including via the River Lugg SSSI catchment) can be ruled out. I have attached a copy of the Screening Assessment for Phosphate Inputs for your records.

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

Prior to commencement of development a detailed Biodiversity Enhancement Plan shall be submitted to the Local Planning Authority. The plan shall include the location, number and type of bird and bat boxes to be installed on the property. The plan shall be

implemented as approved and maintained thereafter.

Reason: To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.

External lighting of the proposed development shall be restricted to use of downlighters or cowed or hooded luminaries angled downwards preventing light spill above the horizontal plane and there shall be no direct or indirect illumination of adjacent trees, hedgerows or bat enhancement features. Use of bulbs emitting light from the cool-white colour spectrum shall be avoided. Lighting shall be controlled using PIR motion sensors. Use of a manual override switch shall be permitted for occasional use as required.

Reason: To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and DM7 in relation to Dark Skies and External Lighting, and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.

In addition, I consider it would be appropriate to include the following informative:

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 on 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.

PCC-Built Heritage Officer

18th Jun 2021

21/0937/LBC | Listed building consent for repairs and alterations: provision of new external door, 2 replacement windows, new internal stairway, installation of kitchen & sanitary ware, thermal insulation and rebuilding of section of garden wall 45A High Street, Presteigne, LD8 2BE

### Background to Recommendation

#### Designation:

Within Presteigne Conservation Area – Article 4 which contains a number of listed buildings

Cadw ID 8896 Kings Head Stores included on the statutory list on 26 March 1985

### Policy Background

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

The Planning (Listed Buildings and Conservation Areas) Act 1990

Planning Policy Wales 10th edition 2018

Conservation Principles published by Cadw

TAN24

Managing Conservation Areas in Wales – Annexe to TAN24

Setting of Historic Assets in Wales – Annexe to TAN24

Heritage Impact Assessments – Annexe to TAN24

Historic Environment Records



Local Development Plan:

Strategic Policy SP7

DM13 Design and Resources Local Development Plan Themes and Objectives;

Theme 4 – Guardianship of natural, built and historic assets

LDP Objective 13 – Landscape and the Historic Environment

#### Comments

44 and 45 High Street are identified as Kings Head Stores as a single U-plan building with slightly bowed frontage to street. Probably C17 timber-framed to left, C18 to right, later alterations. 2 storey and basement front, formerly jettied over ground floor left, roughcast on brick with rubble to side walls, slate roof hipped to left end with remains of rubble stack in end wall below. Three C18 double-hung sashes with glazing bars, flush timber frames. C20 double shop front with curved leaded glazing to left, plain C19 double shop front to right. Boarded door to wide central entry to yard. Low 2 storey rear ranges with roughcast walls and slate roofs, arched braces to timber-frame of upper floor behind No 45, close studding.

The application site is one of the low 2 storey rear ranges.

The application is a resubmission of LBC 20/1687/LBC which was withdrawn. In consideration of that application I sought clarification on a number of items and expressed concern with the level of information provided with the application.

The current plans and documents under consideration are;

Design and Access Statement dated 16 October 2020,

Heritage Impact Statement dated 27 October 2020,

Drawing Reference Monkton 1 dated August 2020 Floors Survey

Drawing Reference Monkton 2 dated August 2020 Elevations Survey

Drawing Reference Monkton 3 dated August 2020 Floor as proposed

Drawing Reference Monkton 4 dated August 2020 Elevations Proposal

I note that the description of works has changed since the previous application which was

described as “Various repairs and alterations to include provision of an external door, lining and insulation of internal walls and installation of a simple serviceable timber”

However, the plans and information submitted with this application appear to be exactly the same as the previous application and no additional information has been provided. The only exception to that appears to be the application form which is different, most notably question 4 on the previous application form indicated that the development has not already been started without planning permission, however on the current application form the same question confirms that works have commenced without planning permission on 18/01/2019.

I had previously expressed concern with the level of information and for information my previous comments are attached as an appendix to these comments to avoid repetition.

I would not consider that the proposed works have been adequately documented as the requirement in national Policy and guidance. For clarity where I referenced them previously, I shall include them in full here.

Section 6.1.13 of PPW11 “Applicants for listed building consent must be able to justify their proposals, show why the alteration or demolition of a listed building is desirable or necessary and consider the impact of any change upon its significance. This must be included in a heritage impact statement, which will be proportionate both to the significance of the building and to the degree of change proposed. “

Section 1.26 of TAN 24 states it is for the applicant to provide the local planning authority with sufficient information to allow the assessment of their proposals in respect of scheduled monuments, listed buildings, conservation areas, registered historic parks and gardens, World Heritage Sites, or other sites of national importance and their settings. These principles, however, are equally applicable to all historic assets, irrespective of their designation. The paragraph continues that the local planning authority should be able to provide guidance to the applicant during pre-application discussions on the amount of information required to support a proposal. I would consider that the comments made by myself previously outlined the areas where further information would be required.

Paragraph 4.5 of Managing Change to Listed Buildings – Annexe to TAN 24 advises that “You must be able to explain why the work is needed and provide sufficient information to explain the impact of your proposal on the significance of the building. The quality of design and execution should enhance the aesthetic value of the building and its setting, and additions should not dominate. Any new work should also respect the performance characteristics of the building. The choice of appropriate materials and craftsmanship is crucial. The need for quality in new work applies at every level, from small interventions s

in a historic room to major new buildings or developments.”

The validation checklist produced by Cadw in the annexe to Managing Change identifies that the Heritage Impact Assessment should provide an explanation of why the works are desirable or necessary; an assessment of the significance of the building; an assessment of the impact of the proposed works on the special architectural or historic interest of the building and its significance; a summary of the options and the reasons for the preferred approach. Section 5.5 of Managing Change to Listed Buildings identifies what should be included in a Heritage Impact Assessment. In addition Cadw has produced guidelines on the preparation of Heritage Impact Assessment which may be useful. I am attaching a hyperlink for ease of reference:

<http://cadw.gov.wales/docs/cadw/publications/historicenvironment/20170531Heritage%20Impact%20Assessment%20in%20Wales%2026917%20EN.pdf>

The Impact Statement is a single page and lists 9 items of works however no details in respect of the works, and the information is conflicting.

Item 5 indicates that the only external alteration is the provision of a missing door, and in section 4 whilst it would be desirable to reintroduce more traditional joinery to the building the applicant is not in a position to fund any other work other than which is vitally. However drawing Monkton 2 indicates that in addition to the door 2 of the windows are to be replaced, one a like for like renewal the other to replace metal and plastic casement with painted timber.

The current application form states that works commenced without planning permission on 18/09/2019, and item 6 on the Heritage Impact Statement clarifies that internally the only historic remnants are the structural walls, first floor and roof which will be retained as found although lined and insulated. No details of the insulation have been provided and not clarification what works were undertaken on and since 18/09/2019. It is assumed that as the building is a shell and that there are no stairs that they potentially were some of the works undertaken.

Whilst there is support in principle for the sympathetic repair and restoration of this property and whilst while contrary to the national guidance if the only outstanding issues were the details of the windows these could potentially be conditioned. However, the application provides no details as to why the interior is an empty shell with a missing door, what works have occurred since 2019 and details of the works to repair/reinstate the building. As such I would not consider that we have sufficient information to consider this application favourably.

I would therefore have to repeat my previous concerns that the required level of

information has not been provided with this application. I would not recommend that the application be referred to Welsh Government on the basis of the information provided, and would again request that the information sought in my previous comments dated 14 January 2021 be submitted in order that the works to the building can be considered with the necessary information. I would also seek clarification as to what works have occurred since 18/01/219

Should the required information not be provided or should you wish to determine the application on its current merits I would have to recommend refusal and that the application not be referred to Welsh Government for the following grounds.

It is not considered that sufficient information has been submitted with the application to fully assess the extent of the works proposed and as such the proposal is considered to be contrary to; Section 6.1.13 of Planning Policy Wales 11th edition, Section 1.26 of TAN 24 paragraph 4.5 of the guidance Managing Change to Listed Buildings and section 3.2.1 of TAN23. The application has failed to show why works which would affect the character of a listed building are desirable or necessary. The proposal as submitted has not provided the Local Planning Authority with full information, to enable a full assessment of the likely impact of their proposals on the special architectural or historic interest of the building and on its setting.

The proposed studding and insulation of this listed building the 2-storey rear range referred to in Cadw ID 8896 Kings Head Stores included on the statutory list on 26 March 1985, are considered inappropriate and if implemented would severely affect the character and appearance of this listed building. As such the proposal is contrary to; National legislation in terms of; Sections 16 and 66 of The Planning (Listed buildings and Conservation Areas) Act, paragraphs 6.1.7 and 6.1.10 of Planning Policy Wales 11th edition 2021, B10 of TAN24 and section 5.11 of its annexe Managing Change to Listed Buildings, and Policy SP7 of the adopted Powys Local Plan and Local Plan Objective 13.

*Appendix to Built Heritage Officer's comments;*

20/1687/LBC | Various repairs and alterations to include provision of an external door, lining and insulation of internal walls and installation of a simple serviceable timber staircase | 45A High Street Presteigne LD8 2BE

Background to Recommendation

Designation:

Within Presteigne Conservation Area – Article 4 which contains a number of listed

buildings

Cadw ID 8896 Kings Head Stores included on the statutory list on 26 March 1985

Policy Background

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

The Planning (Listed Buildings and Conservation Areas) Act 1990

Planning Policy Wales 10th edition 2018

Conservation Principles published by Cadw

TAN24

Managing Conservation Areas in Wales – Annexe to TAN24

Setting of Historic Assets in Wales – Annexe to TAN24

Heritage Impact Assessments – Annexe to TAN24

Historic Environment Records

Local Development Plan:

Strategic Policy SP7

DM13 Design and Resources Local Development Plan Themes and Objectives;

Theme 4 – Guardianship of natural, built and historic assets

LDP Objective 13 – Landscape and the Historic Environment

Comments:

44 and 45 High Street are identified as Kings Head Stores as a single U-plan building with slightly bowed frontage to street. Probably C17 timber-framed to left, C18 to right, later alterations. 2 storey and basement front, formerly jettied over ground floor left, roughcast on brick with rubble to side walls, slate roof hipped to left end with remains of rubble stack in end wall below. Three C18 double-hung sashes with glazing bars, flush timber frames. C20 double shop front with curved leaded glazing to left, plain C19 double shop front to right. Boarded door to wide central entry to yard. Low 2 storey rear ranges with roughcast walls and slate roofs, arched braces to timber-frame of upper floor behind

No 45, close studding.

The application site is one of the low 2 storey rear ranges.

The proposal seeks to replace the upvc windows on the property, install a door in an existing opening, install a staircase, install a kitchen and sanitary ware and thermally insulate the property.

I note that the application form states that works have not commenced and would seek clarification in this regard, as it appears that works have in fact commenced as there is no stair, no sanitaryware, the doors has been removed and windows. Given the description of the building within the application, I would therefore seek clarification if the building is a habitable dwelling without these features or if these features have been removed prior to the application being received. Full details of the date of the removal of these features would need to be submitted, and any details of the staircase – location and design, and any other works that have been undertaken..

I had understood from previous correspondence that the upvc windows installed were undertaken post listing (reference LB/2015/0085). I note that the first-floor window is to be replaced. However, would seek clarification in respect of the other windows and the discrepancy between the proposed elevational plans which suggest that one window would be replaced, however the Heritage Impact Statement confirms that the only external alteration is the provision of the door which is missing.

I would also seek clarification is sought as the date when the property became a self-contained dwelling unit, and what the implications of that date are in terms of building regulations and any works that may be required in that respect?

Please note that this invitation to include the works already undertaken to the listed building is without prejudice and not a guarantee of the outcome of the application. I would remind you of section B10 of TAN24 and section 5.11 of its annexe Managing Change to Listed Buildings which, which advises that “In exceptional circumstances, applications can be made to retain unauthorised works. Local planning authorities will follow the same procedures described above for listed building consent and will consider the merits of the case against the same tests. If consent is granted then the works can remain; if not, then enforcement might follow seeking to rectify any damage or remove the works and, in appropriate cases, a prosecution might be initiated.”

In any event, details of the proposed staircase and details of the proposed windows and door should have been included within the application. I would draw your attention to the Annexe to Managing Change to Listed Buildings which identifies what information should be included in a listed building consent application.

For works affecting larger scale features; for example, doors, windows, railings and staircases, drawings at 1:10 and 1:20. For fine and more decorative details; for example, stone mouldings, wooden glazing bars, plaster details, and intricate metalwork, drawings at scale 1:2 or 1:1.

Dated photographs showing the existing appearance of those parts of the building and its setting to be affected must be included. Photomontages showing the visual effects of proposed changes can be used for minor works; for example, addition of lights, aerials, alarms, or changes to shopfronts and signage. The wider setting of the listed building should be shown on more distant photographs.

In addition to clarification in respect of the works undertaken previously, I would also seek clarification in respect of the proposed insulation. The Heritage Impact Statement describes the works as the structural walls, first floor and roof will be retained as found although lined and insulated to achieve a reasonable thermal standard.

No details of the insulation have been provided.

I would express grave concern with the level of information contained within this application, firstly in respect of the works already believed to have been undertaken which this current application appears to seek to regularise and secondly the level of information provided in line with; Section 6.1.13 of Planning Policy Wales 10th edition, Section 1.26 of TAN 24 paragraph 4.5 of the guidance Managing Change to Listed Buildings and section 3.2.1 of TAN23. The proposal as submitted has not provided the Local Planning Authority with full information, to enable a full assessment of the likely impact of their proposals on the special architectural or historic interest of the building and on its setting.

I would recommend that further information is submitted in respect of the proposals. To assist in that submission I would draw attention to the Annexe to TAN24 - Managing Change to Listed Buildings namely;

Section 2.2 which advises that - The layout and plan of a building is often the basis of its design and provides evidence for its purpose, age and development. Even where the original layout has apparently been lost, there may be physical evidence in the building which can help explain the original form and the sequence of change, such as empty peg and mortise holes in timber frames, straight joints in stone walls, or ghost features such as blocked doorways and windows. Understanding the plan and evolution of your building gives an insight into its history which may guide or inspire options for change. Subsequent alterations and additions may enhance the quality of your listed building and be of interest in their own right as part of its history; equally, they may also detract from it. The guidance is to retain historical form and layout, together with any features relating to it, wherever practicable; reinstate where appropriate; respect inherited character in new

work and alteration.

Paragraph 4.5 which advises that “New work or alteration may sometimes be necessary or appropriate to keep a historic building in long-term viable use or to give it a new lease of life. You must be able to explain why the work is needed and provide sufficient information to explain the impact of your proposal on the significance of the building. The quality of design and execution should enhance the aesthetic value of the building and its setting, and additions should not dominate. Any new work should also respect the performance characteristics of the building. The choice of appropriate materials and craftsmanship is crucial. The need for quality in new work applies at every level, from small interventions in a historic room to major new buildings or developments.”

Section 4.8 refers to energy efficiency measures which advises that “Historic buildings can benefit from well-informed energy-efficiency measures, but measures designed for modern buildings will not necessarily be appropriate for traditional buildings, which perform in a very different way. Given the climatic conditions in Wales, the use of standard materials and methods (such as external wall insulation or cavity wall insulation) may risk damage to the fabric of historic buildings and to the health of their occupants. They may also fail to realise anticipated energy savings because most historic buildings perform significantly better than current assessment methodologies suggest. As with other interventions, understanding the building is the critical starting point. This allows the thermal performance of the building to be analysed so that appropriate energy-efficient measures can be identified and designed to minimise the risk of harm. There may be some scope to upgrade the fabric through interventions that are sympathetic both to the appearance and the performance of traditional buildings, but there may also be simple, low-impact measures that you could undertake — for example, upgrading heating systems, repairing windows, reusing shutters, draught proofing or even using heavy curtains. Keeping the building in a good state of repair will in itself help to improve its energy efficiency and is an essential first step before any other intervention is undertaken.”

I am attaching a hyperlink for ease of reference:

[http://cadw.gov.wales/docs/cadw/publications/historicenvironment/20170531Managing  
%20Change%20to%20Listed%20Buildings%20in%20Wales%2024303%20EN.pdf](http://cadw.gov.wales/docs/cadw/publications/historicenvironment/20170531Managing%20Change%20to%20Listed%20Buildings%20in%20Wales%2024303%20EN.pdf)

However should details of the insulation to be submitted, full details of the product, including details of where it has been used before, and research into the product including an assessment of the property after its installation to establish what benefits have been provided to the building by its use and any disbenefits that have been evident.

The following websites provide information on upgrade of thermal elements that you may



find useful.

- SPAB: <https://www.spab.org.uk/advice/energy-efficiency/>
- Sustainable Traditional Buildings Alliance (STBA): <http://stbauk.org/>
- Responsible Retrofit Knowledge Centre: <http://responsible-retrofit.org>

You may also be interested in an unlisted cottage that Cadw are retrofitting as part of their research into retrofitting traditionally constructed building.

<http://cadw.gov.wales/about/partnershipsandprojects/projectsfundedcadw/Heritage-Cottage/?lang=en>

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

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

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

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

I would recommend that the information above is submitted before this application could

be considered favourably. I shall await further information in this regard.

I would also advise that replacement windows and doors are covered by the Prestiegne Article 4 Direction and as such planning permission is also required for the proposed windows and doors, and for the wall to be reconstructed which would require planning permission.

However, should you wish to determine the application on its current merits, taking into account the information in file LB/2015/0085 and any unauthorised works that may have occurred, I would recommend that the application be refused on the following grounds.

It is not considered that sufficient information has been submitted with the application to fully assess the extent of the works proposed and as such the proposal is considered to be contrary to; Section 6.1.13 of Planning Policy Wales 10th edition, Section 1.26 of TAN 24 paragraph 4.5 of the guidance Managing Change to Listed Buildings and section 3.2.1 of TAN23. The application has failed to show why works which would affect the character of a listed building are desirable or necessary. The proposal as submitted has not provided the Local Planning Authority with full information, to enable a full assessment of the likely impact of their proposals on the special architectural or historic interest of the building and on its setting.

The proposed studding and insulation of this listed building the 2-storey rear range referred to in Cadw ID 8896 Kings Head Stores included on the statutory list on 26 March 1985, are considered inappropriate and if implemented would severely affect the character and appearance of this listed building. As such the proposal is contrary to; National legislation in terms of; Sections 16 and 66 of The Planning (Listed buildings and Conservation Areas) Act, paragraphs 6.1.7 and 6.1.10 of Planning Policy Wales 10th edition 2018, B10 of TAN24 and section 5.11 of its annexe Managing Change to Listed Buildings, section 3.2.1 of TAN23, and Policy SP7 of the adopted Powys Local Plan and Local Plan Objective 13.

Presteigne and Norton Town Council

17th Jun 2021

The Town Council has no objection to the above application.

Ward Councillor – Cllr Baynham

10th Jun 2021

Please can I make a request for application 21/0937/LBC to be called into committee please?

On the face of it what seems a simple application it has a history of difficulty that would be far better placed with the committee for determination.

I trust this is sufficient but if you require further information please do let me know.

Dwr Cymru Welsh Water

6th Aug 2021

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.

We do not foresee a significant increase (if any) of foul water generated from the new proposal and therefore have no objections to the application for the repairs and alterations.

#### ASSET PROTECTION

This site is crossed by a public sewer with the approximate position being marked on the attached Statutory Public Sewer Record. In accordance with the Water Industry Act 1991, Dwr Cymru Welsh Water requires access to its apparatus at all times in order to carry out maintenance and repairs. However, it appears the proposed development would be situated outside the protection zone of the public sewer measured 3 metres either side of the centreline and therefore acceptable in principle. Nonetheless, it is recommended that the developer ascertain the distance and relationship of the sewer to the proposed development and should be referred to in any plans, for the purposes of any forthcoming planning application. Further information regarding Asset Protection is provided in the attached Advice & Guidance note.

#### PCC-Building Control

No comments received at the time of writing this report.

#### **Representations**

The application was advertised in the Mid Wales Journal on 11/06/2021, and a site notice was displayed on 22/06/2021. No public representations have been received at the time of writing this report.

## Planning History

From a review of the Council's records, the application site appears to have the following recent planning history of relevance:

App Ref	Description	Decision	Date
20/1687/LBC	Various repairs and alterations to include provision of an external door, lining and insulation of internal walls and installation of a simple serviceable timber staircase	Application Withdrawn	31st Mar 2021

## Principal Planning Constraints

- Grade II Listed Building (CADW Ref: 8896)
- Presteigne Conservation Area
- Presteigne Article 4 Direction Area
- Several other Grade II Listed Buildings within 50 metres
- Phosphorous Sensitive Welsh River SACs – River Wye SAC Catchment
- River Lugg SSSI – within approx. 280 metres

## Principal Planning Policies

Policy	Policy Description	Year	Local Plan
NATPLA	Future Wales - The National Plan 2040		National Development Plan 2021
PPW	Planning Policy Wales (Edition 11, February 2021)		National Policy
TAN5	Nature Conservation and Planning		National Policy
TAN11	Noise		National Policy
TAN12	Design		National Policy
TAN18	Transport		National Policy

TAN24	The Historic Environment	National Policy
SP5	Settlement Hierarchy	Local Development Plan 2011-2026
SP7	Safeguarding of Strategic Resources and Assets	Local Development Plan 2011-2026
DM2	The Natural Environment	Local Development Plan 2011-2026
DM4	Landscape	Local Development Plan 2011-2026
DM7	Dark Skies and External Lighting	Local Development Plan 2011-2026
DM13	Design and Resources	Local Development Plan 2011-2026
DM15	Waste within Developments	Local Development Plan 2011-2026
T1	Travel, Traffic and Transport Infrastructure	Local Development Plan 2011-2026
H7	Householder Development	Local Development Plan 2011-2026
SPGBIO	Biodiversity and Geodiversity SPG	Local Development Plan 2011-2026
SPGRES	Residential Design SPG	Local Development Plan 2011-2026
SPGHE	Historic Environment SPG	Local Development Plan 2011-2026
SPGCON	Conservation Areas SPG	Local Development Plan 2011-2026
SPGARC	Archaeology SPG	Local Development Plan 2011-2026

## **Other Legislative Considerations**

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

Marine and Coastal Access Act 2009

Planning (Listed Buildings and Conservation Areas) Act 1990

## **Officer Appraisal**

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

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

### Site Location & Description of Development

The application site is located within the Town Council area of Presteigne and Norton, and is also located within the settlement boundary for Presteigne, which is defined as a 'Town' by Policy SP5 of the adopted Powys Local Development Plan (2011-2026). The site relates to 45A High Street, which forms the southern/south-western extent of the wider Grade II Listed Building at 44/45 High Street (CADW reference: 8896). The site comprises an existing two-storey dwelling house, attached to the southern elevation of 45 High Street, which is a 'low two-storey rear range'. The application site is surrounded by the existing buildings at 44 and 45 High Street to the north and west, by neighbouring properties to the east and south-east, and by the High Street Public Car Park to the south. The application site is located wholly within the Presteigne Conservation and Article 4 Direction Areas.

This application seeks Listed Building Consent for the following development:

*"Repairs and alterations: provision of new external door, two replacement windows, new internal stairway, installation of kitchen and sanitary ware, thermal insulation and rebuilding of section of garden wall".*

It should be noted that this is a re-submission of application reference: 20/1687/LBC, which was withdrawn on 31<sup>st</sup> March 2021, following concerns being raised by the

Authority's Built Heritage Conservation Officer.

### Principle of Development

Policies SP7 and DM13 of the adopted Powys Local Development Plan (2011-2026), and TAN 24 (The Historic Environment), seek to ensure that development proposals do not have an unacceptable adverse impact upon a listed building or the setting of a listed building. Proposals need to be of a high-quality design and use materials that are in-keeping with the character and appearance of the listed building and of the surrounding area.

Listed Building Consent is sought for various works to the building, as outlined above, to generally renovate the property and provide more modern living accommodation. Listed Building Consent is required as the site forms a part of a Grade II Listed Building at 44/45 High Street (CADW reference: 8896). As identified within the Condition Report submitted as part of the application, the existing property is noted to be in a poor state of repair generally, and thus, the principle of bringing the dwelling back into use, with more modern accommodation and facilities, is accepted by officers. This is, however, subject to an in-depth assessment of the built heritage implications of the development, together with other considerations such as ecology, which will be addressed in-turn below.

### Built Heritage

Due to the application relating to works to a Grade II Listed Building, the site's location within Presteigne Conservation Area, and the presence of several further listed buildings within the site's vicinity, consideration should be given to the requirements of LDP Policies SP7 and DM13 (Criterion 3), TAN 24 (The Historic Environment), Planning Policy Wales (Edition 11) and the Council's adopted Historic Environment and Conservation Areas SPGs.

Further to this, 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.

Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990, in

relation to development proposals within conservation areas, states that *“special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area”*. Further guidance has been provided in TAN 24 and its annexe *Managing Conservation Areas in Wales* which came into effect on 31 May 2017, and which advises in section 6.4 that *“Local planning authorities are involved in the management of conservation areas on a day-to-day basis through their duty to advise on, consider and respond to planning applications for new development. Because Local Planning Authorities must aim to preserve or enhance the character or appearance of conservation areas, they should scrutinise planning applications closely with these objectives in mind.”*

By way of background to the application, it is noted the host building was first Grade II Listed in March 1985 for its group value. The exterior list description for the building reads as follows:

*“Single U-plan building with slightly bowed frontage to street. Probably C17 timber-framed to left, C18 to right, later alterations. 2 storey and basement front, formerly jettied over ground floor left, roughcast on brick with rubble to side walls, slate roof hipped to left end with remains of rubble stack in end wall below. Three C18 double-hung sashes with glazing bars, flush timber frames. C20 double shop front with curved leaded glazing to left, plain C19 double shop front to right. Boarded door to wide central entry to yard. Low 2 storey rear ranges with roughcast walls and slate roofs, arched braces to timber-frame of upper floor behind No 45, close studding.”*

The Local Authority’s Built Heritage Officer has been consulted on the proposed development, and notes that the plans and documents submitted as part of the application appear to be the same as those submitted as part of the previous application (reference: 20/1687/LBC). This previous application was withdrawn by the applicant’s agent in March 2021, following several concerns being expressed by the Built Heritage Officer with regard to the level of information provided with the application.

Whilst the Built Heritage Officer confirms support in-principle for the sympathetic repair and renovation of the building, in this instance, it is acknowledged that the officer has raised an objection to the proposed development, owing largely to a lack of information to fully detail the site’s history and proposed works having been submitted to inform the decision-making process.

Section 6.1.13 of Planning Policy Wales (Edition 11) states that *“applicants for listed building consent must be able to justify their proposals, show why the alteration or demolition of a listed building is desirable or necessary and consider the impact of any change upon its significance. This must be included in a heritage impact statement, which will be proportionate both to the significance of the building and to the degree of change proposed.”*

This is supported by Section 1.26 of TAN 24 (The Historic Environment), which confirms the following:



*“It is for the applicant to provide the local planning authority with sufficient information to allow the assessment of their proposals in respect of scheduled monuments, listed buildings, conservation areas, registered historic parks and gardens, World Heritage Sites, or other sites of national importance and their settings. These principles, however, are equally applicable to all historic assets, irrespective of their designation. For any development within the setting of a historic asset, some of the factors to consider and weigh in the assessment include:*

- The significance of the asset and the contribution the setting makes to that significance*
- the prominence of the historic asset*
- the expected lifespan of the proposed development*
- the extent of tree cover and its likely longevity*
- non-visual factors affecting the setting of the historic asset such as noise.”*

Furthermore, Paragraph 4.5 of the TAN 24 annexe, *Managing Change to Listed Buildings in Wales* (2017), advises the following:

*“New work or alteration may sometimes be necessary or appropriate to keep a historic building in long-term viable use or to give it a new lease of life. You must be able to explain why the work is needed and provide sufficient information to explain the impact of your proposal on the significance of the building. The quality of design and execution should enhance the aesthetic value of the building and its setting, and additions should not dominate. Any new work should also respect the performance characteristics of the building. The choice of appropriate materials and craftsmanship is crucial. The need for quality in new work applies at every level, from small interventions in a historic room to major new buildings or developments.”*

It is noted that the validation checklist produced by CADW within the annexe to *Managing Change to Listed Buildings in Wales* identifies that the Heritage Impact Assessment should provide an explanation of why the works are desirable or necessary; an assessment of the significance of the building; an assessment of the impact of the proposed works on the special architectural or historic interest of the building and its significance; a summary of the options and the reasons for the preferred approach. Section 5.5 of *Managing Change to Listed Buildings in Wales* also identifies what should be included in a Heritage Impact Assessment. In addition, it is noted that CADW has produced guidelines on the preparation of Heritage Impact Assessments.

The submitted Heritage Impact Assessment (HIA), by Marches Conservation Services, is noted to be a single page in length and lists nine items of work, however no details in respect of the works proposed have been included, and the Built Heritage Officer considers the included information to be conflicting.

Indeed, the Built Heritage Officer notes that ‘Item 5’ within the HIA indicates that the only external alteration proposed is the provision of a missing door, however in Section

4 it is confirmed that whilst it would be desirable to reintroduce more traditional joinery to the building, the applicant “*is not in a position to fund any work other than that which is vitally necessary*”. However, drawing no: *Monkton 2* (proposed elevations) indicates that in addition to the door, two of the windows are to be replaced; one a like-for-like renewal, and the other to replace metal and plastic casements with painted timber. It is considered that such conflicts and inconsistencies within the submitted HIA mean the application is contrary to the requirements of Section 1.26 of TAN 24 and Paragraph 4.5 of Managing Change to Listed Buildings in Wales.

The Built Heritage Officer also raises concerns given that the application provides no details as to why the interior of the building is an empty shell with a missing door, and what works have already or previously occurred to the building. As such, the Built Heritage Officer considers that insufficient information has been submitted to enable the Local Planning Authority to consider the application proposals favourably.

The Built Heritage Officer has therefore repeated their concerns originally outlined as part of application reference 20/1687/LBC, confirming that the required level of information has not been submitted as part of the application. In addition, it is considered by the Built Heritage Officer that the studding and insulation details submitted are inappropriate and would cause a detrimental and harmful impact upon the character of the host listed building.

In light of the above, it is considered that insufficient information and details have been submitted as part of the application to fully allow the Local Planning Authority to assess the proposed development. Furthermore, it is considered that the details submitted with regard to the proposed works are unacceptable, have not been sufficiently justified and evidenced, and would thus cause an unacceptable, adverse and harmful effect upon the character, setting and appearance of the host listed building. The proposed development is therefore deemed to be contrary to the requirements of Planning Policy Wales (Edition 11), TAN 24, Managing Change to Listed Buildings in Wales, Powys LDP Policy SP7, and the Council’s adopted Historic Environment SPG, together with the Planning (Listed Buildings and Conservation Areas) Act 1990.

### Ecology & Biodiversity

With respect to biodiversity, specific reference is made to LDP Policy DM2 which seeks to protect, positively manage and enhance biodiversity and geodiversity interests, and safeguard protected important sites. This is supported by TAN 5 (Nature Conservation and Planning) and Planning Policy Wales (Edition 11).

The proposed works would involve the re-lining and insulation of the building’s roof, together with the installation of a flue. Upon initial consultation, the Authority’s Planning Ecologist noted that there was a reasonable level of likelihood that bats could be using the site for roosting purposes and that the proposed development therefore has potential to impact roosting bats.

Where it is considered that there is a potential for bats to be present and impacted by a proposed development, sufficient information is required to be submitted to the Local Planning Authority to demonstrate that the proposed development would not result in negative impacts to the favourable conservation status of these species. Biodiversity is a material consideration in the planning process, therefore information to establish likely impacts to biodiversity is required prior to determination of the application. It is noted that the application, as originally submitted, was not accompanied by any information with regard to ecology.

Subsequent to concerns being raised by the PCC Ecologist in relation to the potential for bats to be present on-site, a Preliminary Roost Assessment Survey, undertaken by Arbtech, has been submitted to inform the application. The assessment undertaken comprised of an internal and external inspection of the building to identify potential bat access points, roost features and evidence of the presence of bats. No evidence of bats was detected, and no suitable roost features were identified; the building was considered to have negligible potential for roosting bats and no further surveys were deemed to be required. Furthermore, no evidence of nesting birds was found despite access being available to the interior of the property. Upon re-consultation, the PCC Ecologist has confirmed they consider that the survey methods and effort employed were in accordance with current national guidelines. Officers therefore consider that protected species are not a constraint for the proposed development, based upon the information submitted as part of the application.

Furthermore, whilst the PCC Ecologist has also suggested that suitably worded conditions are attached to any permission granted in terms of external lighting and biodiversity enhancement measures, given that this is an application for Listed Building Consent, and not for planning permission, officers consider that such conditions would not be necessary or reasonable on this occasion.

The application site is also located wholly within the catchment of the River Wye Special Area of Conservation [SAC]. Under the Habitats Regulations, where a plan or project is likely to have a significant effect on a European site, either alone or in combination with other plans or projects, and where it is not directly connected with or necessary to the management of the site (previously designated pursuant to EU retained law) the competent authority must carry out an appropriate assessment of the implication of the plan or project in view of the site's conservation objectives. Natural Resources Wales has set new phosphate standards for the river SACs in Wales. Any proposed development within the SAC catchments that might increase the amount of phosphate within the catchment could lead to additional damaging effects to the SAC features and, therefore, such proposals must be screened through a HRA to determine whether they are likely to have a significant effect on the SAC condition.

This application has been screened in accordance with Natural Resources Wales' advice for planning applications affecting phosphorus sensitive river Special Areas of Conservation (SACs) (updated 26th May 2021). It is considered that this development is unlikely to increase phosphate inputs because it falls within the following criterion in the

current published NRW advice:

*“Any development that does not increase the volume of wastewater”.*

Further information with regard to the above can be viewed within the *HRA Screening for Phosphates* record, on the planning file.

In light of the above, officers consider the proposed development to be acceptable and compliant with planning policy in this particular regard.

## **RECOMMENDATION - Refuse**

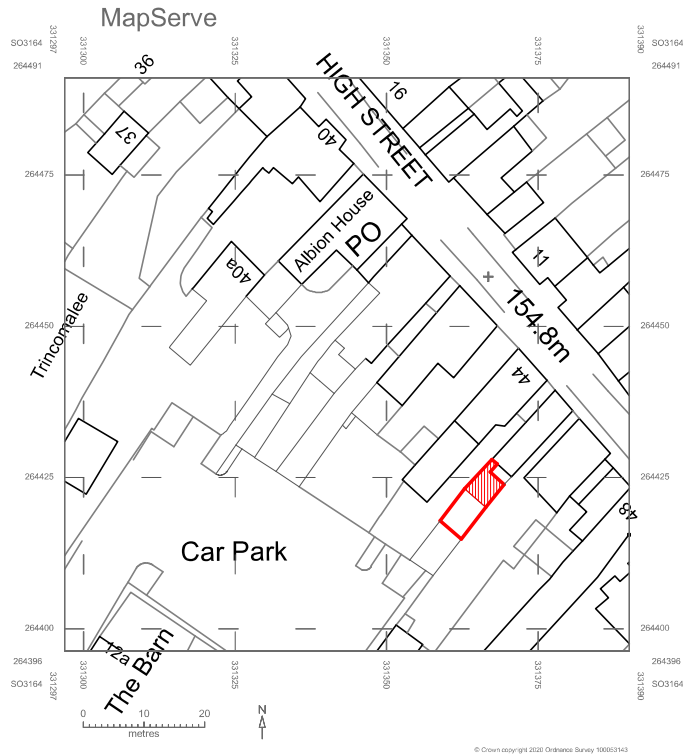
In light of the above assessment, officers consider that the proposed development fails to comply with all relevant planning policy, guidance and legislation as outlined, and the recommendation is therefore one of refusal for the reasons as outlined below.

### **Reasons**

1. Insufficient information has been submitted to enable a full assessment of the works proposed and the likely impacts of the proposals upon the special architectural or historic interest of the building and on its setting to be undertaken. As such, the proposal is considered to be contrary to the requirements of Section 6.1.13 of Planning Policy Wales (Edition 11), Section 1.26 of TAN 24, Paragraph 4.5 of Managing Change to Listed Buildings in Wales, Policy SP7 of the adopted Powys Local Development Plan (2011-2026) and the Council's adopted Historic Environment SPG.
2. The proposed studding and insulation of the host listed building (CADW ref: 8896) is considered to be inappropriate and if implemented would severely affect and harm the character and appearance of the listed building. As such the proposal is deemed to be contrary to the requirements of Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Paragraphs 6.1.7 and 6.1.10 of Planning Policy Wales (Edition 11), TAN 24, Section 5.11 of Managing Change to Listed Buildings in Wales, and Policy SP7 of the adopted Powys Local Development Plan (2011-2026).

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Case Officer: Gwyn Humphreys, Senior Planning Officer  
Tel: 01597827047 E-mail: gwyn.humphreys@powys.gov.uk



<b>Marches Conservation Services</b>	
45a High Street	
Site location plan	
WBM February 2021	Ev OS data
Scale 1 : 1250 printed at A4 (Please do not scale off drawing)	
Web : <a href="http://www.marchesconservationservices.co.uk">www.marchesconservationservices.co.uk</a> E-Mail : <a href="mailto:marcon@fdmet.com">marcon@fdmet.com</a>	

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

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

**Application Number:** 21/2034/HH

**Grid Ref:** E: 297452  
N: 268469

**Community Council:** Rhayader

**Valid Date:** 01.02.2022

**Applicant:** Miss Jill Exton

**Location:** 36 Maes Brenin, Rhayader, LD6 5EP

**Proposal:** Construction of a conservatory and decking to the rear of the property.

**Application Type:** Householder

### The reason for Committee determination

The applicant is a member of PCC staff in regular contact with the Planning Department

### Consultee Responses

Consultee	Received
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Rhayader Town Council

No comments received at the time of writing this report

PCC-Building Control

No comments received at the time of writing this report

Ward Councillor

No comments received at the time of writing this report

Welsh Water

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

The proposed development site is crossed by a 150mm public foul water only sewer. Please see copy of indicative public sewer record attached. No operational development is to take place within 3 metres either side of the centreline of the sewer. We request that prior to commencing any operational development the location of this asset is determined. If operational development is likely to take place within 3 metres either side of this sewer please stop works and contact us. The applicant may be able to progress with a build over sewer (BOS) agreement or divert this asset under Section 185 of the Water Industry Act 1991. Notwithstanding this, we would request that if you are minded to grant Planning Consent for the above development that the Conditions and Advisory Notes listed below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

#### 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.

#### Advisory Notes

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 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.



## Water supply

Dwr Cymru Welsh Water has no objection to the proposed development.

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.

## PCC - Highways

4th Feb 2022

Based on the information provided, the Highway Authority does not wish to comment on this application.

## Natural Resources Wales

4th Feb 2022

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

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

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

## **Representations**

Following the display of a site notice there has been no public representations received at the time of writing this report

## **Planning History**

<b>App Ref</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
None			

## Principal Planning Constraints

LDP Development Boundaries                      Rhayader/ Rhaeadr Gwy

## Principal Planning Policies

<b>Policy</b>	<b>Policy Description</b>	<b>Year</b>	<b>Local Plan</b>
PPW	Planning Policy Wales (Edition 11, February 2021)		National Policy
NATPLA	Future Wales - The National Plan 2040		National Policy
TAN5	Nature Conservation and Planning		National Policy
TAN12	Design		National Policy
TAN18	Transport		National Policy
DM2	The Natural Environment		Local Development Plan 2011-2026
DM4	Landscape		Local Development Plan 2011-2026
DM7	Dark Skies and External Lighting		Local Development Plan 2011-2026
DM13	Design and Resources		Local Development Plan 2011-2026
DM15	Waste within Developments		Local Development Plan 2011-2026
T1	Travel, Traffic and Transport Infrastructure		Local Development Plan 2011-2026
H7	Householder Development		Local Development Plan 2011-2026
SP7	Safeguarding of Strategic Resources and Assets		Local Development Plan 2011-2026

SPGRES	Residential Design Guide SPG (2020)	Local Development Plan 2011-2026
SPGBIO	Biodiversity and Geodiversity SPG (2018)	Local Development Plan 2011-2026

### **Other Legislative Considerations**

Crime and Disorder Act 1998  
 Equality Act 2010  
 Planning (Wales) Act 2015 (Welsh language)  
 Wellbeing of Future Generations (Wales) Act 2015  
 Marine and Coastal Access Act 2009

### **Officer Appraisal**

#### Site Location and Description

The application site is located within Rhayader Town Council area. The application site is located within the settlement boundary of Rhayader, which is identified as a town by the Powys Local Development Plan (2018). The site is within the residential area of Maes Brenin, with residential properties in all directions.

Consent is sought for the construction of a conservatory and decking to the rear of the property. The proposed conservatory will measure 2 metres in length and 3.6 metres in width, with an eaves height of 3.1 metres at its highest point and a ridge height of 3.7 metres at its highest point. The proposed conservatory will be finished with a mixture of brick work for the walls and white upvc frame with glazing. The roof will be finished with white upvc and glazing. Due to the sloping nature of the garden, the conservatory will be constructed on a brick and block plinth which will reach a height of 800mm at its highest point.

The new decking area will measure approximately 4.25 metres in length and 2 metres in depth and will be finished with timber. The decking will reach a height of approximately 800 mm above ground level at its highest point.

The proposal also includes a canopy measuring approximately 4.2 metres in length and 2 metres in depth which will be attached to the conservatory. The proposed canopy will reach a height of 3.1 metres to eaves at its highest point and a ridge height of 3.7 metres at its highest point from ground level. The proposed canopy will be finished with polycarbonate panels, in a aluminium / PVC-u frame in white with the support posts finished in steel with a white powder coated finish

#### Principle of Development

Policy H7 of the Powys LDP (2018) encourages additional residential development to

be provided as extensions to existing dwellings and where this is not possible, it requires new buildings to be grouped with and subordinate to the main dwelling. Planning Policy Wales further emphasises that extensions to dwellings should be well designed. Policy DM13 supports this further, developments must demonstrate a good quality design and shall have regards to the qualities and amenity of the surrounding area.

It is noted that the proposal is for a conservatory and decking area attached to the existing dwelling and therefore it is considered that the principle of development complies with the Powys LDP (2018) subject to the following:

### Design and External Appearance

With respect to design, specific reference is made to LDP policy DM13 (Part 1, 2, 4 and 7). The above mentioned policy clearly states that proposals will only be permitted where 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. Furthermore, the policy also notes that developments need to contribute towards the preservation of local distinctiveness and sense of place.

The proposed development will be finished with a mixture of brick work for the walls and white upvc frame with clear glazing. The roof will be finished with white upvc and clear glazing. The proposed extension seeks to extend outwards from the existing dwelling to the rear of the property into the garden area. It is considered that given the size of the proposed extension and the size of the existing dwelling that the proposed development is subordinate in scale to the main dwelling. The proposed design, appearance and scale of the extension are considered to complement the existing dwelling in terms of its visual appearance.

The proposal also includes a canopy measuring approximately 4.2 metres in length and 2 metres in depth which will be attached to the conservatory. The proposed canopy will be finished with polycarbonate panels, in an aluminium / PVC-u frame in white and the support posts will be steel with a white powder coated finish. The proposed design, appearance and scale of the canopy are considered acceptable within this location.

The proposed decking area is also considered to be of an appropriate size and scale within this location without having a detrimental impact on any neighbouring properties.

Therefore, the proposal is considered to be acceptable and fundamentally complies with LDP 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.

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

### Neighbour Amenity

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

From reviewing the initial plan submitted by the applicant, the Local Planning Authority raised concerns regarding the impact of the proposed development in terms of loss of light and overshadowing as the development did not comply with the 45 degree rule. The 45-degree rule is a common guideline used to determine the impact from a housing development proposal on sunlight and daylight to the neighbouring properties.

As a result of the concerns raised by the Local Planning Authority the overall size and scale of the conservatory has been reduced to ensure the proposal complies with the 45 degree rule.

It is acknowledged that due to the sloping nature of the garden, the conservatory will be constructed on a brick and block plinth which will reach a height of 800mm at its highest point. The eastern side of the conservatory is proposed to have a solid brick and block wall, with the two closest roof glazing panels to the neighbouring property being obscured glazing in order to provide privacy for both the applicant and neighbour.

The proposed extension is single-storey and falls outside of the exclusion zone created whilst considering the 45-degree rule. The closest elevation to the neighbouring attached property will be the eastern elevation which does not include any fenestration and will be constructed of solid brick.

It is not considered the proposed canopy or decking area will have a detrimental impact on any neighbouring property in terms of loss of light, overlooking or loss of privacy.

It is therefore considered the proposed development would not have a detrimental impact upon the amenities enjoyed by occupiers of any neighbouring properties in terms of loss of light or overshadowing and loss of privacy and overlooking.

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

### Biodiversity

In accordance with TAN 5: Nature, Conservation and Planning, and Powys LDP Policy DM2: The Natural Environment, as part of the planning process Powys Local Planning Authority should ensure that there is no unacceptable harm to biodiversity as a result of a proposed development.

Consideration has been given as to whether the proposed development would have a potential detrimental impact upon a natural environment asset. It is noted that the proposed development would not impact upon the existing dwelling's roof and would impact an area of existing garden and hardstanding to the rear of the dwelling. It was therefore not considered necessary for a preliminary ecological assessment to be undertaken.

As part of the application, it is proposed to remove the existing conifer hedge in order to construct the conservatory along the boundary of the property. The current conifer hedge is approximately 5 metres long. The applicant has confirmed that the works to remove the conifer hedge will be undertaken to avoid potentially disturbing any birds which may use the site. An informative note will be attached to any consent granted in relation to nesting birds.

It is acknowledged that the application has not provided any biodiversity enhancements therefore a condition will be attached to any consent granted ensuring a bird box is installed within the application site.

In light of the above, and subject to the inclusion of an appropriately worded condition, it is considered that the proposal complies with relevant planning policies.

#### Phosphorous Sensitive Area (River Wye SAC)

Under the Habitats Regulations, where a plan or project is likely to have a significant effect on a European site, either alone or in combination with other plans or projects, and where it is not directly connected with or necessary to the management of the site (previously designated pursuant to EU retained law) the competent authority must carry out an appropriate assessment of the implication of the plan or project in view of the site's conservation objectives. Natural Resources Wales has set new phosphate standards for the river SACs in Wales. Any proposed development within the SAC catchments that might increase the amount of phosphate within the catchment could lead to additional damaging effects to the SAC features and, therefore, such proposals must be screened through a HRA to determine whether they are likely to have a significant effect on the SAC condition.

This application has been screened in accordance with Natural Resources Wales' advice for planning applications affecting phosphorus sensitive river Special Areas of Conservation (SACs) (updated 26th May 2021). It is considered that this development is unlikely to increase phosphate inputs as it falls within the following criterion in the current published advice:

Any development that does not increase the volume of wastewater

On this basis and given the scale and nature of the proposal it is considered acceptable in relation to the wellbeing of the River Wye catchment area.

### Surface Water Drainage

Welsh Water has been consulted on the proposed development and raised no objection to the development subject to the inclusion of a condition regarding no surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

In light of the above, and subject to the inclusion of an appropriately worded condition, it is considered that the proposal complies with relevant planning policies.

### **RECOMMENDATION – Conditional Consent**

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

### **Conditions**

- 1 The development shall begin 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; Location plan revised, Site Plan revised, Conservatory Specification, Evans Windows proposed, plans, Amended side elevation B proposed, Amended side elevation A proposed, Amended rear elevation proposed, Amended plan proposed.
- 3 Prior to the first beneficial use of the conservatory, 1no. bird box shall be installed within the application site and maintained thereafter for as long as the development remains in existence.
4. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

### **Reasons**

- 1 Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
- 2 To ensure adherence to the approved plans 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 Planning Policy Wales (Edition 11, 2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

4. To 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.

### **Informative Notes**

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 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.

Water supply

Dwr Cymru Welsh Water has no objection to the proposed development.

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.

Birds - Wildlife and Countryside Act 1981 (as amended)

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



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

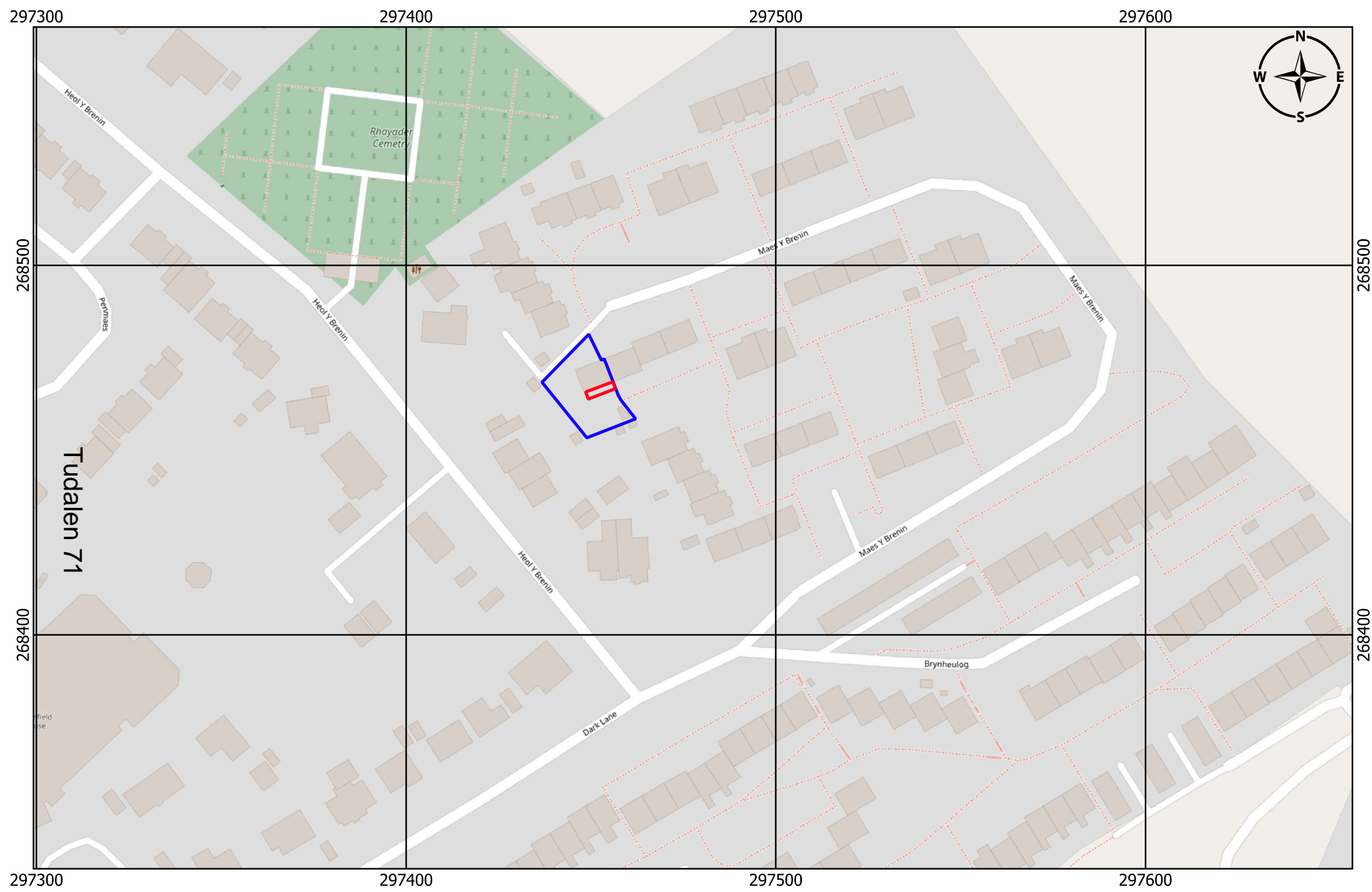
The maximum penalty that can be imposed - in respect of a single bird, nest or egg - is a fine of up to 5,000 pounds, six months imprisonment or both.

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.

---

Case Officer: Luke Jones, Principal Planning Officer  
Tel: 01597 827115 E-mail: luke.jones@powys.gov.uk

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



Location Plan - Revised  
36 Maes Brennin, Rhayader, Powys, LD6 5EP

Map Centre: E: 297478 N: 268451  
Map Scale: 1:1250

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

# 4.5

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

**Application Number:** 21/2249/HH  
**Grid Ref:** E: 311192  
N: 292065  
**Community Council:** Newtown And Llanllwchaearn Community  
**Valid Date:** 13.01.2022

**Applicant:** Mr Karl Chapple Gill

**Location:** High Meadow, 3 Churchill Drive, Newtown, SY16 2LE.

**Proposal:** Erecting of an insulated residential steel frame garage to replace an existing garage, creation of new driveway and dropped kerb (part retrospective)

**Application Type:** Householder

### The reason for Committee determination

The Local Member has exercised their right to call-in the application for Committee determination on the grounds of the design, size and scale and materials of the proposed garage.

### Consultee Responses

#### Consultee

#### Received

Community Council

11th Feb 2022

The committee objects to the application, quoting Newtown Place Plan policy CHA.

PCC-Building Control

17th Jan 2022

Please be aware that a Building Regulations application will need to be submitted for this work prior to commencement.

Ward Councillor

7<sup>th</sup> February 2022

I would like to call in this application to be reviewed and determined by the planning committee. I have had a number of emails and phone calls from local residents raising concerns over this application.

In particular the local residents are concerned about:

- a) The size of the garage compared to the previous garage.

- b) The materials being used – steel structure may not be suitable for the area.
- c) The garage potentially being used for commercial use.
- d) The looks – more like an industrial building rather than a garage.

CPAT

16th Feb 2022

Having checked the information held within the Historic Environment Record I can confirm that there are no impacts to any recorded archaeology for Powys Planning Application 21/2249/HH at High Meadow 3 Churchill Drive Newtown.

PCC Environmental Protection

22<sup>nd</sup> Mar 2022

Concerning planning application 21/2249/HH, as the proposal is for a residential garage and there will be a planning restriction against any potential commercial use, Environmental Protection would not have any requirements.

Cadw - SAM

No response received at the time of writing this report.

Hafren Dyfrdwy

28th Feb 2022

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

Severn Trent Water advise that there may be a public sewer located within the application site. Although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under the Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building.

Please note that there is no guarantee that you will be able to build over or close to any Severn Trent sewers, and where diversion is required there is no guarantee that you will be able to undertake those works on a self-lay basis. Every approach to build near to or divert our assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the wider catchment it serves. It is vital therefore that you contact us at the earliest opportunity to discuss the implications of our assets crossing your site. Failure to do so could significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by

Severn Trent.

PCC Highways – First Response

1<sup>st</sup> Feb 2022

Does not wish to comment on the application

PCC-(M) Highways – Second Response

21st Feb 2022

The County Council as Highway Authority for the County Unclassified Highway, U4266

The Highway Authority (HA) has reviewed the revised drawing submitted in support of the application and wish to make the following comments.

We note the revised Location Plan shows a proposed vehicle access off the U4266; however, no detail of the proposed access has been submitted for consideration.

Subject to the following conditions being attached to any consent given, the HA would not object to the revised application.

1. Notwithstanding the submitted details on the revised Location Plan, the Highway Authority wish the following conditions to be applied to any consent given.
2. No other development shall commence until clear visibility is provided above a height of 0.6 metres above carriageway level over the full frontage of the developed site to the U4266 road effective over a bandwidth of 2.4 metres measured from the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.
3. Upon formation of the visibility splays as detailed above the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.
4. Before any other development is commenced the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 5.5 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.
5. Prior to the first beneficial use of the development the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course material for a distance of

5.5 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.

6. The gradient of the access shall be constructed so as not to exceed 1 in 20 for the first 5.5 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.

7. The width of the access carriageway, constructed as Condition 2 above, shall be not less than 3.2 metres for a minimum distance of 5.5 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.

8. Any vehicular entrance gates installed within the application site shall be set back at least 5.5 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.

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

### **Advisory Notes**

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

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

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

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

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

3. The need to inform and obtain the consent of Statuary Undertakers (Electricity,



Water, Gas, BT), Land Drainage Authority, etc. to the works.

4. The New Roads & Street Works Act 1991 requires that all works, be properly notified and approved prior to commencement.

## Representations

Following display of a site notice, 8 public representations have been received objecting to the proposed development. The main issues raised are as follows:

- Concerns raised regarding the use of the garage
- Concerns raised regarding the materials proposed
- Size and scale of the development is overbearing
- Concerns regarding the new driveway

## Planning History

App Ref	Description	Decision	Date
P/2016/0476	Section 192: Certificate of lawful development for a proposed use to replace existing garage with new garage	Refused	23rd Jun 2016

## Principal Planning Constraints

LDP Development Boundaries Within a distance of 0.5km	Newtown/ Y Drenewydd Newtown Old Church SAM
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## Principal Planning Policies

Policy	Policy Description	Year	Local Plan
NATPLA	Future Wales - The National Plan 2040		National Policy
PPW	Planning Policy Wales (Edition 11, February 2021)		National Policy
TAN5	Nature Conservation and Planning		National Policy
TAN12	Design		National Policy
TAN18	Transport		National Policy

TAN24	The Historic Environment	National Policy
SP7	Safeguarding of Strategic Resources and Assets	Local Development Plan 2011-2026
DM2	The Natural Environment	Local Development Plan 2011-2026
DM4	Landscape	Local Development Plan 2011-2026
DM7	Dark Skies and External Lighting	Local Development Plan 2011-2026
DM13	Design and Resources	Local Development Plan 2011-2026
H7	Householder Development	Local Development Plan 2011-2026
RES	SPG Residential Design Guide (2020)	Local Development Plan 2011-2026
SPGBIO	Biodiversity and Geodiversity SPG (2018)	Local Development Plan 2011-2026
DM15	Waste within developments	Local Development Plan 2011-2026
T1	Transport	Local Development Plan 2011-2026
SPGNPP	Newtown Place Plan SPG	Local Development Plan 2011-2026
SPG	Historic Environment	Local Development Plan 2011-2026

### **Other Legislative Considerations**

Crime and Disorder Act 1998  
 Equality Act 2010  
 Planning (Wales) Act 2015 (Welsh language)  
 Wellbeing of Future Generations (Wales) Act 2015  
 Marine and Coastal Access Act 2009

### **Officer Appraisal**

## Site Location and Description of Development

The application site is within the Town Council area of Newtown and Llanllwchaiarn. Newtown is identified as a town within the Powys Local Development Plan (Adopted 2018). The application site is located within a residential area of Newtown and is bordered by residential dwellings to the south, west and east with the U4266 unclassified access estate road to the north.

The application seeks permission to demolish the existing single bay garage with the erection of a new insulated steel frame garage. Consent is also sought for the creation of new driveway and dropped kerb. The proposed garage is to be used for storing the applicant's cars.

The proposed garage is to measure 6.35 metres in length by 6.35 metres in width with a ridge height of 3.6 metres and an eaves height of 2.85 metres. The proposed garage will be finished with insulated steel sheeting panels in a dark grey colour.

## Principle of Development

LDP Policy H7 encourages additional residential development to be provided as extensions to existing dwellings and where this is not possible, it requires the buildings to be grouped with and subordinate to the main dwelling. Planning Policy Wales further emphasises that extensions to dwellings should be well designed. Policy DM13 states that proposals will be acceptable only where they complement or enhance the character of the existing building in terms of its height, proportion, scale, roof pitches, gable features, materials and fenestration, whilst avoiding any unacceptable loss of parking or adverse impact upon neighbouring properties.

Given that the proposal is for a single storey rear garage, it is therefore considered that the principle of development fundamentally complies with the relevant planning policy subject to the following further considerations.

## Design and External Appearance

With respect to design, specific reference is made to LDP policy DM13 (Part 1 and 2). The above mentioned policy clearly states that proposals will only be permitted where 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. Furthermore, the policy also notes that developments need to contribute towards the preservation of local distinctiveness and sense of place.

The application seeks permission to demolish the existing single bay garage with the erection of a new insulated steel frame garage. The proposed garage is to measure 6.35 metres in length by 6.35 metres in width with a total height to the ridge of 3.6 metres and 2.85 metres to the eaves. The proposal does not take up more than half of the garden area and is considered acceptable in terms of the size and scale and

remaining subservient to the main dwelling.

The proposed garage is to be sited in the rear garden of the property on the south-western side and will be placed approximately 1 metre away from both the side and rear boundary. The proposed garage is considered to be of a modest height and is not considered to be overbearing on any neighbouring property.

The proposed materials are composite insulated steel sheeting panels in anthracite grey colour for both the walls and roofing. The proposed materials are not normally associated with residential garages which are commonly built using brick or timber. However, it is not considered that the proposed materials will affect the character of the area and are considered by officers as an acceptable alternative.

The proposed garage is to be used for the storage of the applicant's cars. Concerns have been raised in relation to the use of the garage which will be restricted via a planning condition. The condition will restrict the use of the garage solely for purposes incidental to the enjoyment of the dwelling at 3 Churchill Drive, Newtown and shall not be used for any other purpose whatsoever, including any independent or commercial use.

In light of the above it is considered that the proposal complies with the relevant planning policies.

### Highways

Safe access and parking are a fundamental requirement of any development. The application does not seek alterations to the existing means of access to the property and the development would not affect the existing parking area.

The Local Highway Authority has been consulted on the proposal and initially raised no objection to the development, however the scheme was amended to include a new driveway and dropped kerb. The Highways Authority were reconsulted and raised no objection subject to the inclusion of a number of conditions which will be attached to any grant of consent.

As such, it is considered that the proposed development fundamentally complies with policies DM13 and T1 of the Powys Local Development Plan, Technical Advice Note 18 and Planning Policy Wales.

### Residential Amenity

In considering the amenities enjoyed by the occupiers of neighbouring properties consideration has been given to the LDP policy DM13 (criterion 11) and the Powys Residential Design Guide (October 2020).

The application site is bordered by residential properties to the west, east and south.

The proposed garage does not include any windows so it is not considered that loss of privacy would be a factor. The site is bound by a fence on the rear elevation, and hedges and existing buildings on the side elevations of the rear garden. It is considered that the garage will somewhat be screened on all three sides by the existing fence, hedgerow and garages. The proposed building is to be located approximately 1 metre away from the boundary on both the rear and western side. It is not considered that the building will adversely affect these properties in relation to loss of light or overshadowing.

It is noted that the garage reaches a height of approximately 3.6 metres to ridge, which is not considered to be over dominant and overbearing within this location. It is also considered that the positioning of the building being at least 1 metre away from the boundary, will not impact any neighbouring properties in terms of loss of light, privacy and being overbearing.

PCC Environmental Protection has also been consulted on the proposed development in relation to matters such a noise and noted as the proposal is for a residential garage and there will be a planning restriction against any potential commercial use, PCC Environmental Protection raised no objection to the development.

In light of the above it is considered that the proposal complies with the relevant planning policies.

### Ecology and Biodiversity

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

#### *Biodiversity Enhancements*

No details have been provided in terms of biodiversity enhancements for the proposed development. Therefore, a condition will be attached to any consent granted in relation to a biodiversity enhancement plan.

#### *Protected Sites*

The application site is not located within 1 kilometre of a SSSI or SAC however is within 600 metres of an ancient woodland (AW). Given the distance between the site and the AW, it is not considered that the development will affect the protected site.

#### *Protected Species*

The application proposes to demolish the existing garage at the site on the south-eastern corner of the rear garden. Photos have been provided which demonstrate that

the existing garage is flat roofed with metal sheeting roof panels and does not have a roof space. Having considered the materials of the existing garage it is not considered the existing garage has suitable features to support protected species. Therefore, it was not deemed necessary to request a preliminary ecological report and an informative note will be attached to any consent granted.

Given the residential setting of the application site it is not considered necessary to attach a condition in relation to external lighting.

### Archaeological Implications

CPAT has been consulted on the proposed development and, having reviewed information held within the Historic Environment Record, confirmed that there are no impacts to any recorded archaeology as a result of the proposal.

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

### Scheduled Ancient Monument

The application site is located approximately 370 metres to the north east of 'Newtown Old Church' which is a recognised Scheduled Ancient Monument. Both CPAT and CADW have been consulted on the proposal and raised no objection to the development.

Given the distance between and the existing intervening built development, it is not considered that the development will have a detrimental impact on the Scheduled Ancient Monument.

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

### Public Representations

Following the erection of a site notice on the 26<sup>th</sup> of January 2022, the Local Planning Authority received 8 letters of objection to the proposed development. The objections relate to the proposed materials, along with potential commercial use, creation of driveway and the height of the proposal.

A condition will be attached to any consent granted restricting the use of the garage purposes incidental to the enjoyment of the dwelling at 3 Churchill Drive, Newtown only to ensure the proposed garage is not used for any commercial purposes.

The comments in relation to the creation of a driveway and laying of stone has been considered as part of this application. PCC Highways has been consulted on the proposal and raised no objection to the development subject to the inclusion of

conditions.

Matters in relation to the height of the garage proposed and the materials have been considered above within the design section of this report. The proposed height and materials are deemed acceptable.

It is noted that Newtown and Llanllwchaiarn Town Council raised an objection to the proposed development and quoted Newtown Place Plan policy CHA. Policy CH-a of Newtown Place Plan states:

*“All new development and redevelopment within Newtown and Llanllwchaiarn should contribute positively to the character & local distinctiveness of the character area.”*

Having considered the proposed garage it is not considered the proposal would have a detrimental impact on the character and local distinctiveness of the area. Matters in relation to design, size and scale and material have been considered above and are deemed acceptable by the Local Planning Authority.

## **RECOMMENDATION – Approval**

### **Conditions**

1. The development to which this relates shall be begun no later than the expiration of five years from the date of this permission.
2. The development shall be carried out strictly in accordance with the plans approved on the date of this consent (Drawing ref: ‘High Meadow Elevation Plan Revised on 30/03/2022’ ‘High Meadow Location Plan received on 22/03/2022’ & ‘High Meadow Floor Plan’.
3. Prior to the commencement of development, a detailed Biodiversity Enhancement Plan shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the Local Planning Authority.
4. The building hereby approved shall be used solely for purposes incidental to the enjoyment of the dwelling at 3 Churchill Drive, Newtown and shall not be used for any other purpose, including any independent or commercial use.
5. No other development shall commence until clear visibility is provided above a height of 0.6 metres above carriageway level over the full frontage of the developed site to the U4266 road effective over a bandwidth of 2.4 metres measured from the edge of the adjoining carriageway. Nothing shall be planted,

erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

6. Upon formation of the visibility splays as detailed above the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.
7. Before any other development is commenced the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 5.5 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.
8. Prior to the first beneficial use of the development the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course material for a distance of 5.5 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.
9. The gradient of the access shall be constructed so as not to exceed 1 in 20 for the first 5.5 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.
10. The width of the access carriageway, constructed as Condition 6 above, shall be not less than 3.2 metres for a minimum distance of 5.5 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.
11. Any vehicular entrance gates installed within the application site shall be set back at least 5.5 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.
12. No surface water drainage from the site shall be allowed to discharge onto the county highway.



## **Reasons**

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans as approved in the interests of clarity and a satisfactory development.
3. To comply with Policy DM2 of the Powys Local Development Plan (2018) in relation to the natural Environment and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), Technical Advice Note (TAN) 5: Nature Conservation and Planning (2009) and Part 1 Section 6 of the Environment (Wales) Act 2016.
4. In the interests of highway safety and to protect the amenities of the occupants of neighbouring properties in accordance with Policy DM13 of the Powys Local Development Plan (2018).
5. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13 (Part 10).
6. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13 (Part 10).
7. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13 (Part 10).
8. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13 (Part 10).
9. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13 (Part 10).
10. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13 (Part 10).
11. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13 (Part 10).
12. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13 (Part 10).

## **Informative Notes**

### **Advisory Notes**

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

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

### Biodiversity

Birds - Wildlife and Countryside Act 1981 (as amended)

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

- o intentionally kill, injure or take any wild bird
- o intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built
- o intentionally take or destroy the egg of any wild bird
- o intentionally (or recklessly in England and Wales) disturb any wild bird listed on 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.

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

It is an offence for any person to:

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

Under the Habitats Regulations it is an offence to:

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

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 (as amended) that works to trees or buildings where that work involves the disturbance of a bat is an offence if a licence has not been obtained from Natural Resources Wales. If a bat is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. You can also call the National Bat helpline on 0345 1300 228 or email [enquiries@bats.org.uk](mailto:enquiries@bats.org.uk).

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Case Officer: Luke Woosnam, Planner  
Tel: 01597 827345 E-mail: [luke.woosnam@powys.gov.uk](mailto:luke.woosnam@powys.gov.uk)

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

Tudalen 89



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



## Delegated List

84 Applications

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Parish Name	Decision	Date Application	Application No.	Application Type	Date Decision	Proposal	Location
Abbey Cwm-Hir Community	Approve	17/12/2021	21/2210/FUL	Full Application	10/03/2022	Erection of a rural workers dwelling, formation of vehicular access, installation of sewage treatment plant and all associated works	Penbryncennau Abbey Cwm-Hir Llandrindod Wells LD1 6PT
Abermule And Llandyssil Community	Approve	21/02/2022	22/0274/DIS	Discharge of Condition	21/03/2022	Discharge of planning conditions no's 3, 6 & 7 attached to planning approval 21/1349/HH (external materials, bat conversation plan & Amphibian - RAMS)	The Laurels Llandyssil Montgomery SY15 6LF
	Approve	23/02/2022	22/0344/VAR	Discharge/Modification of S106	29/03/2022	Discharge of Section 106 Agreement attached to planning permission M/2005/0528 in relation to occupancy and size	Actun Abermule Montgomery Powys SY15 6LA
Banwy Community	Approve	01/11/2021	21/1969/FUL	Full Application	23/03/2022	Proposed Holiday Lets and associated works	Land At Minafon Llangadfan Welshpool SY21 0PU
	Approve	24/01/2022	22/0107/HH	Householder	14/03/2022	Replacement of freestanding store with a garage extension	Llys Awel Tan-Y-Coed Foel Welshpool SY21 0PD

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## Delegated List

### 84 Applications

Bausley With Criggion Community	Refused	30/09/2021	21/1770/DIS	Discharge of Condition	22/03/2022	Discharge of condition no. 3 attached to reserved matter approval 20/0695/REM (outline approval - P/2017/0731 for 1 dwelling) (detailed footway engineering drawings)	Land To East Of Hand & Diamond Inn Coedway Crew Green Shrewsbury SY5 9AR
Begwally Community	Approve	23/11/2021	21/2035/DIS	Discharge of Condition	10/03/2022	Discharge of condition no's 4,5,6,7 & 8 attached to planning approval 21/0947/FUL	The Rectory Heyope Knighton LD7 1PY
Berriew Community	Approve	17/01/2022	22/0024/REM	Removal or Variation of Condition	16/03/2022	Section 73 application to vary condition 2 of planning permission 20/0434/FUL in relation to approved plans	Land West Of New House Berriew Welshpool Powys
Bettws Community	Approve	17/12/2021	21/2309/FUL	Full Application	18/03/2022	Erection of a replacement dwelling and associated works	Upper Ucheldre Brooks Welshpool Powys SY21 8QW

CODE: IDOX.PL.REP.05

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## Delegated List

### 84 Applications

Bronllys Community	Refused	30/11/2021	21/2230/REM	Removal or Variation of Condition	15/03/2022	Section 73 application to vary condition 1 of planning permission P/2016/1169 in relation to extending period for commencement of development	Land Off Llys Meillion Upper House Brecon Road Llyswen Brecon LD3 0UR
Builth Wells Community	Approve	20/01/2022	22/0096/HH	Householder	25/03/2022	Single-storey extension	27 Pen-Y-Bryn Builth Wells LD2 3LF
Cadfarch Community Tudalen 93	Approve	18/10/2021	21/1782/FUL	Full Application	11/03/2022	Partial Change of use of Hotel accommodation (C1) to private residence (C3) and associated works to include reinstatement of window to kitchen	Plas Dolguog Hotel Machynlleth Powys SY20 8UJ
	Approve	28/02/2022	22/0333/DIS	Discharge of Condition	21/03/2022	Discharge of condition 6 of planning approval 21/0936/FUL in relation to avoidance measures for nesting birds	Antenna Site On Land At Mynydd Eithaf Glas Pwll Machynlleth Powys
	Refused	04/01/2022	21/2148/HH	Householder	18/03/2022	Alterations and erection of a second floor extension	Bryngwyn Penegoes Machynlleth Powys SY20 8NW

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### 84 Applications

Caersws Community	Approve	16/08/2021	21/1485/FUL	Full Application	11/03/2022	Erection of agricultural buildings to cover feeding areas and manure store and all associated works	Pertheirin Pontdolgoch Caersws Powys SY17 5NJ
Tudalen	Approve	11/01/2022	21/2311/HH	Householder	23/03/2022	Erection of single storey extension to dwelling	Rhiewgriafol Clatter Caersws Powys SY17 5NL
Castell Caerinion Community	Approve	06/01/2022	21/2215/FUL	Full Application	17/03/2022	Proposed Holiday Let and associated works	Moydog Fawr Golfa Welshpool Powys SY21 9BD
Churchstoke Community	Refused	22/02/2022	22/0315/NMA	Non-Material Amendment	21/03/2022	Application for non-material amendments to permission 20/0767/FUL to allow for amended plans	Barn At Bacheldre Hall (The Granary Barn) Churchstoke Montgomery Powys SY15 6TE
Glasbury Community	Consent	26/10/2021	21/1958/HH	Householder	23/03/2022	Erection of extensions and all associated works	Lower Cwmbach Boughrood Brecon Powys LD3 0BX

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### 84 Applications

Guilsfield Community	Approve	11/01/2022	21/2323/FUL	Full Application	14/03/2022	Formation of an enclosed pergola structure containing a wood fired pizza oven to act as an occasional use outdoor/indoor trading area with sliding barn doors and occasional use mobile temporary bar in a horse box (part retrospective).	The Oak Inn Guilsfield Welshpool Powys SY21 9NH
Tudalen	Approve	18/02/2022	22/0260/HH	Householder	23/03/2022	Installation of a stand alone timber Arctic Cabin BBQ hut in rear garden.	White Ash School Road Guilsfield Welshpool SY21 9NQ
Honddu Isaf Community	Consent	05/10/2021	21/1748/FUL	Full Application	24/03/2022	Erection of an agricultural workers/ managers dwelling, to include a garage, package treatment plant and associated works	Land At Pencaemelyn Llandefaelog Fach Brecon LD3 9TN
Kerry Community	Approve	03/12/2021	21/2199/FUL	Full Application	10/03/2022	Erection of a rural enterprise dwelling and associated works	Rural Enterprise Dwelling At Land At Cefngwyn Dolfor Newtown Powys

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### 84 Applications

Approve	21/01/2022	22/0095/HH	Householder	17/03/2022	Extension to dwelling	Hollybush Dolfor Newtown Powys SY16 4AG
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Knighton Community	Approve	13/01/2022	21/2337/HH	Householder	10/03/2022	Erection of a two storey extension and installation of 1 rooflight to existing rear roof elevation	53 Fronhir Knighton Powys LD7 1HT
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Llanidan-Fawr Community	Approve	09/02/2022	21/2382/CLE	Certificate of Lawfulness - Existing	17/03/2022	Application for a certificate of lawfulness for existing use (Section 191) in relation to siting of caravan for temporary auxiliary accommodation	Penrhiw Llysdinam Llandrindod Wells Powys LD1 6NB
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	Consent	05/08/2021	21/1441/FUL	Full Application	17/03/2022	Conversion and extension of redundant agricultural barn to provide a holiday let, to include creation of an access track and installation of a treatment plant	Brochen Field Barn Llysdinam Newbridge On Wye Llandrindod Wells Powys LD1 6ND
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Llanbadarn Fawr Community	Approve	19/01/2022	21/2327/DIS	Discharge of Condition	16/03/2022	Discharge of condition no. 3 attached to planning approval P/2018/0010 (tree & hedgerow protection plan)	Plot At Rear Of West Grove Crossgates Llandrindod Wells LD1 6RS
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### 84 Applications

Llanbadarn Fynydd Community	Refused	10/09/2020	20/1309/FUL	Full Application	22/03/2022	Conversion of former blacksmith's forge to form holiday let, replacement of existing lean-to with an extension	The Old Forge Llaithddu Davids Well Llandrindod Wells Powys LD1 6YS
	Refused	10/09/2020	20/1310/LBC	Listed Building Consent	22/03/2022	Conversion of former blacksmith's forge to form holiday let, replacement of existing lean-to with an extension	The Old Forge Llaithddu Davids Well Llandrindod Wells Powys LD1 6YS
Llanbister Community	Approve	22/12/2021	21/2295/HH	Householder	24/03/2022	Proposed conversion/rebuild of existing attached garage to form extra accommodation of an annexe	Penrhos Paddocks Llanbister Llandrindod Wells Powys LD1 6UL
Llanbrynmair Community	Approve	09/09/2021	21/1642/HH	Householder	17/03/2022	Erection of an extension and alterations, new boundary gates & railings, part demolition of lean to extension and all associated works	Cwm Gwyn Llanbrynmair Powys SY19 7DY

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	Approve	09/09/2021	21/1650/LBC	Listed Building Consent	17/03/2022	Listed building consent for erection of an extension and alterations, new boundary gates & railings, part demolition of lean to extension and all associated works	Cwm Gwyn Llanbryn-mair Powys SY19 7DY
	Approve	07/02/2022	22/0216/ELE	Electricity Overhead Line	21/03/2022	Application made under Section 37 of the Electricity Act 1989: Overhead Lines (Exemption)(England and Wales) Regulation 2009 to replace an existing overhead line Ref: E106424.	Llys Heddwch Llanbryn-mair Powys SY19 7DW
Llanddewi Ystradenni Community	Refused	24/06/2021	21/0747/FUL	Full Application	16/03/2022	Siting of 2 holiday units (mobile shepherds huts) each with a mobile kitchen, compost toilet and shower unit	Land At Trevol Llanddewi Llandrindod Wells LD1 6SW
Llandrindod Wells Community	Approve	23/02/2022	22/0284/NMA	Non-Material Amendment	17/03/2022	Application for non-material amendment to planning permission P/2017/0993 in respect of the inclusion of loft space and insertion of 2No roof light to rear elevation within Plot 2	The Old Police Station Waterloo Road Llandrindod Wells LD1 6BH

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### 84 Applications

Llandrinio And Arddleen Community	Approve	26/11/2021	21/2111/HH	Householder	24/03/2022	Extension to create garden room, gym and sundeck terrace	Deytheur House Llansantffraid-ym-mechain Powys SY22 6TF
Llandysilio Community	Approve	26/11/2021	21/2052/LBC	Listed Building Consent	22/03/2022	Application for the conversion of, and alterations to, an agricultural building into a residential annex.	Pentre Haughton Llandrinio Llanymynech SY22 6SH
Llanelwedd Community	Approve	29/10/2021	21/1960/HH	Householder	17/03/2022	Alterations and single storey extension.	Cyferw Builth Road Builth Wells Powys LD2 3RL
Llanfair Caereinion Community	Approve	25/02/2022	22/0282/CLE	Certificate of Lawfulness - Existing	22/03/2022	Section 191 application for a certificate of lawfulness for an existing use namely the Installation of Biomass Boilers within a farm building	Cwmllynog Llanfair Caereinion Welshpool SY21 0HF
	Split Decision	30/11/2021	21/2178/DIS	Discharge of Condition	14/03/2022	Discharge of conditions 6, 8b, 9, 20 and 22 of planning permission P/2018/0266 (Planning Statement, Landscaping plan, Ranging Area Hedgerow Protection Scheme)	Cross Farm Llanfair Caereinion Welshpool SY21 0DP

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### 84 Applications

Llanfechain  
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Approve	14/12/2021	21/2279/LBC	Listed Building Consent	11/03/2022	Proposed renovation and alterations to existing dwelling to include: Installation of vertical slating to South West gable, replacement windows & doors, re roofing to install breathable membrane and insulation, installation of conservation rooflights, construction of stud partitions to form shower and bathroom at ground and attic floor level, formation of opening in existing stud partition between proposed Kitchen & Dining Room, Installation of bat and bird boxes as required by Ecologist.	Tynewydd Ystryd Y Ceunant Llanfechain SY22 6XQ
Approve	01/03/2022	22/0363/TRE	Works to trees in Conservation Area	10/03/2022	Works to tree in a conservation area - crown lifting and removal of lower branches of large yew including removal of growth and debris from below tree	Saint Garmons Church Llanfechain Powys SY22 6UJ

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### 84 Applications

Llanfihangel Community	Approve	03/03/2022	22/0328/DIS	Discharge of Condition	11/03/2022	Application to discharge condition 6 of planning approval 21/1978/FUL in relation to a passing bay	Highway To South East Of Gwaelod Llanfihangel Llanfyllin SY22 5JA
Llangors Community Council	Approve	12/01/2022	22/0093/HH	Householder	10/03/2022	Upgrading of rear single storey flat roof extension with a rear single storey mono-pitched roof extension	Tanybryn 3 Rockfield Terrace Tal-y-llyn Brecon Powys LD3 7TB
Llanidloes Without Community	Approve	24/08/2021	21/1567/FUL	Full Application	18/03/2022	Renovation and extension of an abandoned dwelling to form habitable dwelling, improvements to existing access track, formation of parking area and installation of a sewage treatment plant and all associated works	Dwelling West Of Manledd Van Llanidloes Powys
Llanrhaeadr-Ym-Mochoant Community	Approve	25/02/2022	22/0313/NMA	Non-Material Amendment	24/03/2022	Non material amendment to planning permission 21/1844/HH in respect of installation of a velux centre pivot roof window with a single glazing bar instead of the conservation type window	Tanrallt Llanrhaeadr-ym-mochnant Oswestry Powys SY10 0BX

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### 84 Applications

Llansantffraid Community	Split Decision	05/01/2022	21/2326/DIS	Discharge of Condition	15/03/2022	Application to discharge Conditions 3 and 14 attached to permission 20/1817/FUL in relation to affordable housing provision and drainage	Vyrnwy House Llansantffraid-Ym-Mechain Powys SY22 6AU
Tudalen 102	Split Decision	18/03/2022	21/2346/DIS	Discharge of Condition	24/03/2022	Discharge of Condition numbers 10, 11, 12 and 13 attached to planning approval P/2016/0719 - (Georisk Ground Contamination Reports)	Development At Dyffryn Foel Llansantffraid Powys
	Approve	28/01/2022	22/0125/HH	Householder	25/03/2022	Erection of a garage and carport	Rowan Gravel Road Llanyre Llandrindod Wells LD1 6EB
Meifod Community	Approve	21/01/2021	21/0077/DIS	Discharge of Condition	23/03/2022	Discharge of conditions 17, 18 and 19 from planning permission 20/1083/FUL in relation to ground contamination, site investigation and remediation scheme	1 High St Meifod Powys SY22 6DB
	Approve	08/09/2021	21/1633/FUL	Full Application	28/03/2022	Conversion of agricultural barn to dwelling and all associated works	Stonehouse Bwlch-Y-Cibau Llanfyllin SY22 5LH

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### 84 Applications

	Approve	03/12/2021	21/2204/FUL	Full Application	16/03/2022	Erection of an stable, horse-riding arena, change of use of land to mixed agriculture and equine and associated works (part retrospective)	Cefn Broniarth Geuffordd Guilsfield Welshpool Powys SY21 9DP
Montgomery Community	Approve	15/02/2022	22/0229/DIS	Discharge of Condition	23/03/2022	Discharge of conditions 16,17,18 and 24 from planning permission 20/2118/FUL in relation to ecology report and landscaping plan	Development Nursing Home Off Forden Road Montgomery Powys SY15 6EU
Nanshel Community	Approve	22/10/2021	21/1841/FUL	Full Application	23/03/2022	Conversion of existing carport and store to provide holiday accommodation, to include alterations to existing access	Daverneithon Rhayader Powys LD6 5PD
	Approve	06/12/2021	21/2055/FUL	Full Application	25/03/2022	Change of use of an agricultural building into equine use	Castell Pica Rhayader Llandrindod Wells Powys LD1 6HF
	Approve	23/12/2021	21/2248/HH	Householder	18/03/2022	Proposed extensions, erection of a detached garage/garden store and associated works	4 Oaks Meadow Rhayader LD6 5BH

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Approve	24/01/2022	22/0072/HH	Householder	17/03/2022	Erection of a garage and store	Upper Dolau Barn Nantmel Rhayader Powys LD6 5PE
Refused	10/11/2021	21/1896/FUL	Full Application	18/03/2022	Erection of an agricultural building to cover an existing outside cattle feeding yard	Rhosllyn Rhayader Powys LD6 5PD
Approve	14/12/2021	21/2145/FUL	Full Application	17/03/2022	Erection of a manure store to provide sufficient dry manure storage, together with all other associated works	The Bryn Bryn Lane Aberhafesp Newtown SY16 3LZ
Approve	14/01/2022	21/2356/FUL	Full Application	10/03/2022	Construction of a bridge over the River Severn to be used as a foot/cycle route connecting Pool Road and Canal Road (B4586)	Site Accessed On West Side Of River Severn Via Lower Canal Road And East Side Of River Severn Via Pool Road Newtown Powys
Approve	10/03/2022	22/0446/DIS	Discharge of Condition	21/03/2022	Discharge of condition 3 of planning permission 19/1139/HH in relation to details of materials	Clovelly Canal Road Newtown Powys SY16 2HX

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### 84 Applications

Old Radnor Community	Approve	12/01/2022	22/0001/DIS	Discharge of Condition	10/03/2022	Discharge of conditions 4,5 and 6 of planning approval 21/0915/FUL in relation to proposed materials, landscaping details and Tree and Hedgerow Protection Plan	Land At Yardro Walton Presteigne Powys
Tudalennan 105	Prior Approval Approved	08/03/2022	21/1993/AGR	Agricultural Notification	25/03/2022	Agricultural notification for erection of an agricultural building for storage of forestry workers equipment	Land At Castle Ring Wood Castlering Wood Evenjobb Presteigne Powys LD8 2PB
	Approve	15/12/2021	21/2146/FUL	Full Application	16/03/2022	Erection of a side extension to existing industrial building	Unit 2 Presteigne Industrial Estate Presteigne Powys LD8 2UF
	Approve	25/01/2022	22/0112/HH	Householder	22/03/2022	Erection of a conservatory	New Barn Bungalow Slough Road Presteigne Powys LD8 2NH

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### 84 Applications

Tudalen 106 St. Harmon Community	Approve	07/02/2022	22/0060/DIS	Discharge of Condition	23/03/2022	Application to discharge conditions 3 (roof material samples) and 5 (details of windows and external doors) planning approval 21/0390/LBC	The Old Vicarage Norton Presteigne LD8 2EN
	Consent	15/04/2021	21/0693/LBC	Listed Building Consent	24/03/2022	Relocation of door to access second floor wardrobe	1 London House Broad Street Presteigne LD8 2AD
	Approve	17/12/2021	21/2247/FUL	Full Application	24/03/2022	Proposed Storage Building and associated works	Rhayader Motorcross Track Cwmithig Hill St Harmon Rhayader Powys LD6 5NS
Tawe-Uchaf Community	Approve	25/01/2022	22/0063/HH	Householder	29/03/2022	Demolition of existing rear extension and construction of new two storey extension	12 Station Road Coelbren Neath SA10 9PL
Trefeglwys Community	Approve	26/10/2021	21/1907/FUL	Full Application	24/03/2022	Demolition of existing barn, erection of new accommodation unit (reusing existing salvaged frame of barn), installation of a sewage treatment plant, formation of parking and access improvements	Land At Rhyd Y Carw Mill Trefeglwys Caersws SY17 5PU

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### 84 Applications

Tudalen 107	Approve	27/10/2021	21/1740/FUL	Full Application	24/03/2022	Erection of an Events building, installation of sewage treatment plant, improvements to existing access & associated works (resubmission in part of 21/0882/FUL)	Land At Rhyd Y Carw Mill Trefeglwys Caersws SY17 5PU
	NMA Approved	23/02/2022	22/0279/NMA	Non-Material Amendment	16/03/2022	Non-material amendment for a change to roofing material, window colour, window alignment and position of new dwelling within site in relation to planning approval P/2015/0476	Grandstand Trefeglwys Caersws SY17 5PU
	Permitted Developm ent	21/02/2022	22/0297/AGR	Agricultural Notification	18/03/2022	Erection of a general purpose agricultural building	Glan Gwden Trefeglwys Caersws SY17 5PX
Tregynon Community	Approve	03/12/2021	21/2135/FUL	Full Application	16/03/2022	Change of use of land from agricultural land into a community garden and associated works	Glebeland Opposite Saint Cynons Church Tregynon Newtown Powys
Trewern Community	Permitted Developm ent	16/02/2022	22/0257/AGR	Agricultural Notification	16/03/2022	Agricultural storage building	Trewern Cottage Tre-Wern Welshpool SY21 8EB

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### 84 Applications

Welshpool Community	Approve	15/12/2021	21/2106/HH	Householder	16/03/2022	Erection of rear extension	8 Abbey Close Pool Quay Welshpool Powys SY21 9JT
Whitton Community	Approve	07/01/2022	21/2270/FUL	Full Application	24/03/2022	Construction of manege (retrospective)	The Birches Rhos-Y-Meirch Knighton LD7 1PE
Ystradgynlais Community	Approve	20/12/2021	21/2073/HH	Householder	24/03/2022	Single storey rear extension & upgrade of existing garage to habitable room	54 Bethel Road Lower Cwmtwrch Swansea SA9 2PT
	Approve	04/01/2022	21/2275/FUL	Full Application	29/03/2022	Siting of 2 holiday pod units, formation of access track and all associated works	Land At Celtic Minor Golf Club Upper Cwmtwrch Swansea Powys SA9 2QQ
	Approve	15/02/2022	22/0248/DIS	Discharge of Condition	10/03/2022	Discharge of Condition 8 & 11 attached to planning approval 21/0940/RES (Landscaping & Public Open Space Management Plan) & (Construction Environment Management Plan)	Development Land Rear Of Nos 64 To 78 Brecon Road Ystradgynlais Swansea Powys

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Tudalen 109	Consent	19/07/2021	21/1034/HH	Householder	16/03/2022	Joint construction of 2 rear extensions	1 & 2 Cwm Tawe Road Pen-rhos Ystradgynlais Swansea Powys SA9 1QU
	Consent	06/10/2021	21/1691/HH	Householder	10/03/2022	Erection of two rear extensions and conversion of loft space and raising the ridge line to create a first floor	The Meadows 80 Cwmpnil Road Lower Cwmtwrch Swansea Powys SA9 2PX
	Refused	09/12/2020	20/2010/HH	Householder	11/03/2022	Proposed two storey side extension and two storey front extension, replacement roof covering and internal alterations to existing single storey rear extension	106 Heol Giedd Ystradgynlais Powys SA9 1LS

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

**MINUTES OF A MEETING OF THE TAXI LICENSING SUB-COMMITTEE HELD AT  
BY TEAMS ON FRIDAY, 25 FEBRUARY 2022**

**PRESENT**

County Councillor K Lewis (Chair)

County Councillors L George and D Selby

Apologies for absence were received from County Councillors

<b>1.</b>	<b>RESOLUTION TO EXCLUDE THE PUBLIC AND THE PRESS</b>
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**RESOLVED** that in accordance with Section 100(a)(4) of the Local Government Act 1972 the public and press were excluded from the meeting on the grounds that there would be disclosure to them of exempt information under Paragraphs 12 and 18 of Schedule 12a Part 7 of the above Act in respect of the following item[s].

<b>2.</b>	<b>APPLICATION FOR A JOINT HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE</b>
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2.1. Sub-Committee procedures

The Licensing Officer advised that since the report was published JD/01/2022 had been disqualified from driving. As a result, the application for a joint hackney carriage and private hire driver's licence could not be considered.

2.2. Application for a licence - JD/01/2022

<b>3.</b>	<b>APPLICATION FOR A JOINT HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE</b>
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3.1. Sub-Committee procedures

The Chair introduced the Sub-Committee and its Clerk.

The Clerk to the Sub-Committee explained the procedures to be followed by the Sub-Committee.

3.2. Application for a licence - JD/02/2022

**Applicant** – JD/02/2022

Rod Bowen, Police Licensing Officer

The Licensing Officer presented the licensing authority's position as outlined in the report [copy filed with the signed minutes].

The applicant explained that he had attended an online driving speed awareness course but due to internet problems had not been able to complete the course. He attended the online course a second time, but again could not complete this due to internet problems. As a result, he received points on his licence for not satisfactorily completing the course. He advised that on one occasion he was not driving a taxi when he received points for speeding. On another occasion he advised he could not identify who was driving the taxi. He asked the police for photographic evidence, but the identity of the driver could not be made and therefore he admitted to the offence as he was the taxi operator.

The Police Licensing Officer advised JD/02/22 had asked for the photographic evidence and as the driver could not be identified JD/02/22 declared he was the driver. He advised that as JD/02/22 had not completed the speed awareness course to a satisfactory standard, penalty points were added to his licence.

All parties confirmed that they had been able to make their representations. The Chair advised that the sub-committee would consider the application and an officer would contact the applicant with its decision. The Chair thanked all for attending. The applicant, Police Licensing Officer and Senior Licensing Officer left the meeting.

The Sub-Committee considered, in private, the application and the evidence they had heard, with the support of the Clerk. In reaching the decision members took into account the relevant written and verbal representations.

<b>RESOLVED</b>	<b>Reason for decision</b>
<b>That the current joint hackney carriage and private hire driver's licence held by JD/02/22 be revoked and a new licence would not be granted until JD/02/22 had successfully completed a suitable advanced driving course.</b>	<b>To ensure that only a 'fit and proper' / 'safe and suitable' person holds a Joint Hackney Carriage and Private Hire Driver's Licence. The overriding consideration must be the safety and protection of the public.</b>

The Clerk to the Sub-Committee advised that he would confirm the decision in writing and reminded parties of their right to appeal.

**County Councillor K Lewis (Chair)**