

## Pwyllgor Cynllunio, Trwyddedu Tacsis a Hawliau Tramwy

Man Cyfarfod  
**Cyfarfod Hybrid - Zoom - Neuadd y Sir**



Dyddiad y Cyfarfod  
**Dydd Iau, 10 Awst 2023**

Neuadd Y Sir  
Llandrindod  
Powys  
LD1 5LG

Amser y Cyfarfod  
**10.00 am**

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

Dyddiad Cyhoeddi  
09/08/23

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

### AGENDA

#### 1. YMDDIHEURIADAU

Derbyn ymddiheuriadau am absenoldeb.

#### 2. COFNODION Y CYFARFOD BLAEOROL

Awdurdodi'r Cadeirydd i arwyddo cofnodion y cyfarfod blaenorol o'r Pwyllgor a gynhaliwyd ar 19 Gorffennaf 2023 fel cofnod cywir.  
(Tudalennau 1 - 4)

#### Cynllunio

#### 3. DATGANIADAU O DDIDDORDEB

- Derbyn unrhyw ddatganiadau o ddiddordeb oddi wrth Aelodau sy'n berthnasol i eitemau i'w hystyried ar yr agenda.
- Derbyn ceisiadau'r Aelodau fod cofnod i'w wneud o'u haelodaeth o gynghorau tref neu gymuned, ble y cafwyd trafodaeth am faterion i'w hystyried gan y Pwyllgor hwn.

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

d) Nodi manylion Aelodau'r Cyngor Sir (nad ydynt yn Aelodau o'r Pwyllgor) a fydd yn gweithredu fel 'Cynrychiolydd Lleol' mewn perthynas â chais sy'n cael ei ystyried gan y Pwyllgor.

#### **4. CEISIADAU CYNLLUNIO I'W HYSTYRIED GAN Y PWYLLGOR.**

Ystyried adroddiadau Pennaeth Cynllunio a Diogelu'r Cyhoedd a gwneud unrhyw benderfyniadau gan hynny.

(Tudalennau 5 - 6)

##### **4.1. Diweddariadau**

Caiff unrhyw Ddiweddariadau eu hychwanegu at yr Agenda, fel Pecyn Atodol, ble bynnag y bo'n bosibl, cyn y cyfarfod.

##### **4.2. 23/0820/FUL Safle'r Hen Motorworld, Gas Street, Y Drenewydd, Powys, SY16 2AD**

(Tudalennau 7 - 42)

##### **4.3. 23/0655/FUL Tir yn Allt Y Maen, Meifod, Powys, SY22 6BP**

(Tudalennau 43 - 62)

#### **5. PENDERFYNIADAU PENNAETH EIDDO, CYNLLUNIO A DIOGELU'R CYHOEDD AR GEISIADAU A DDIRPRWYWD**

Derbyn, er gwybodaeth, restr o benderfyniadau a wnaed gan Bennaeth Eiddo, Cynllunio a Diogelu'r Cyhoedd o dan bwerau dirprwyedig.

(Tudalennau 63 - 104)

#### **Hawliau Tramwy**

#### **6. DATGANIADAU O DDIDDORDEB**

Derbyn unrhyw ddatganiadau o ddiddordeb oddi wrth Aelodau sy'n berthnasol i'r eitemau canlynol ar yr agenda.

#### **7. DEDDF CYNLLUNIO GWLAD A THREF 1990, ADRAN 257 CYNNIG GORCHYMYN LLWYBR CYHOEDDUS**

Ystyried cais i ddargyfeirio rhan o lwybrau troed 3 a 51, ar dir yn Fferm, Ystradgynlais SA9 1LF (Cymuned Ystradgynlais).

(Tudalennau 105 - 124)

### Tacsis a thrwyddedu eraill

#### 8. DATGANIADAU O DDIDDORDEB

Derbyn unrhyw ddatganiadau o ddiddordeb oddi wrth Aelodau sy'n berthnasol i'r eitemau canlynol ar yr agenda.

#### 9. COFNODION IS-BWYLLGORAU TRWYDDEDU TAC SIS

Awdurdodi aelodau'r Is-Bwyllgor sy'n gweinyddu ar Is-Bwyllgor Trwyddedu Tacsis ar 30 Mawrth 2023 i arwyddo'r cofnodion fel cofnod cywir.

(Tudalennau 125 - 126)

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 HYBRID MEETING - ZOOM - COUNTY HALL ON WEDNESDAY, 19 JULY 2023**

**PRESENT**

County Councillor K Lewis (Chair)

County Councillors G D Jones, A Davies, D Edwards, J Ewing, H Hulme, P James, A Jones, G E Jones, C Kenyon-Wade, G Pugh, E Roderick and E Vaughan

**1. APOLOGIES**

Apologies for absence were received from County Councillors T Colbert, J Wilkinson and D H Williams.

**2. MINUTES OF THE PREVIOUS MEETING**

The Chair was authorised to sign as a correct record the minutes of the meeting held on 29 June 2023.

**Planning**

**3. DECLARATIONS OF INTEREST**

- (a) There were no declarations of interest.
- (b) The Committee noted that no Member requested that a record be made of their membership of a Community Council where discussion had taken place of matters for the consideration of this Committee.
- (c) 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 no Member (who is not a member of the Committee) would be speaking as the 'local representative' in respect of any application on the agenda.

**4. PLANNING APPLICATIONS FOR CONSIDERATION BY THE COMMITTEE**

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.

**4.2 23/0485/FUL - Land at Former Flats - Pen Y Bryn and Ael Y Bryn, Ystradgynlais, Powys, SA9 1JA**

**Grid Ref:**

E: 279167 N: 210917  
**Tudalen 1**

<b>Valid Date:</b>	17/04/23
<b>Community Council:</b>	Ystradgynlais Town Council
<b>Applicant:</b>	Powys County Council
<b>Location:</b>	Land at Former Flats - Pen Y Bryn and Ael Y Bryn, Ystradgynlais, Powys, SA9 1JA
<b>Proposal:</b>	Demolition of four blocks of 24 flats and the erection of four blocks of 16 flats and all associated works
<b>Application Type:</b>	Full Application

The Senior Planning Officer advised that there was a typing error in her report on page 29. Housing Density in respect of the site should read as follows: "...The application site measures approximately 0.30ha and therefore the provision of 53 units / ha meets with the recommended density requirements for towns contained within policy H4." In response to a question, she advised that the number of bedrooms was not a requirement within policy.

The Committee acknowledged that the proposed development was meeting a housing need in the area. In response to a concern raised about only providing one bedroomed flats, the Senior Planning Officer advised that the proposed development had been designed in response to the Common Housing Register for the area. The Housing Authority had advised that over 50% of people needing a house in the area required one bedroom accommodation.

In response to questions in respect of green energy infrastructure, the Professional Lead Planning advised that there was no policy requirement to install solar panels. The Senior Planning Officer advised that a Housing Officer had messaged her during the meeting advising that solar panels would be installed.

In respect of contaminated land the Senior Planning Officer advised that as the existing buildings would be demolished and foundations dug for the new houses the Contaminated Land Officer had advised that there was a potential for finding mine gas. As a result he recommended conditions as a precautionary nature.

It was moved and duly seconded to approve the application as recommended in the officer's report.

<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 26 June 2023 and 13 July 2023.

<b>6.</b>	<b>PLANNING PROTOCOL</b>
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The Committee considered revisions to the Planning Protocol in respect of the following:

- Currently speakers are required to register their interest to speak at least 4 clear working days before the meeting. Agendas are published 4 clear working days before the meeting and may not be published until late afternoon on that day. It is proposed that speakers register to speak at least 3 clear working days before a meeting, so giving them more time to view the officer's report.
- The wording in Section 19.85 be amended to reflect that the Solicitor confirms to the Committee that the application submitted by a councillor has been processed normally.
- Applications from relatives of close friends of officers in the planning department are dealt with by other officers, but the process is not clear in the Protocol. In response to questions the Solicitor advised that the heading for this section - 19.37 – 19.42 should state: Planning Applications submitted by officers or by a relative or close friend of a planning officer.

It was moved and duly seconded to revise the Planning Protocol as recommended with the revised heading for section 19.37 – 19.42.

<b>RESOLVED</b>	<b>Reason for decision</b>
<b>That the revisions to the Planning Protocol be approved and the heading of section 19.37 – 19.42 should state: Planning applications submitted by officers or by a relative or close friend of a planning officer.</b>	<b>To ensure the Protocol is kept up to date.</b>

<b>7.</b>	<b>DEVELOPMENT MANAGEMENT PERFORMANCE</b>
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The Committee considered the Development Management Performance report for Quarter 4 [January 2023 – March 2023]. It was noted that this performance data was published on the Welsh Government website.

The Professional Lead Planning highlighted various aspects of the report. He advised that officers had provided training for agents regarding good quality applications and pre-planning advice. In response to a question, officers advised it was too early to determine whether these discussions had improved applications. The Professional Lead Planning advised that they would look into whether those applications that had taken pre-application advice were processed more quickly. In respect of enforcement the Principal Planning Officer advised that the letter sent to someone raising an enforcement issue now explained the stages of the enforcement process and it was hoped that this would help in the management of expectations.

**County Councillor K Lewis (Chair)**

Tudalen 3

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



**Planning, Taxi Licensing and Rights of Way Committee**  
**10<sup>th</sup> August 2023**

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>23/0820/FUL</b></p> <p>Newtown and Llanwchaiarn Community</p> <p>319979 291595</p> <p>15.06.2023</p>	<p>Full: Demolition of existing building and erection of a building containing a ground floor retail space with 4 flats above (with associated auxiliary spaces) (resubmission of 22/1033/FUL)</p> <p>Former Motorworld Site, Gas Street, Newtown, Powys, SY16 2AD</p> <p>Mr N Bryant</p> <p><b>Recommendation:</b></p> <p>Conditional Consent</p>
<p><b>23/0655/FUL</b></p> <p>Meifod Community</p> <p>317064 314064</p> <p>12.05.2023</p>	<p>Full: Erection of replacement livestock building and all associated works</p> <p>Land at Allt y Maen, Meifod, Powys SY22 6BP</p> <p>Mr J R Wilkinson</p> <p><b>Recommendation:</b></p> <p>Conditional Consent</p>

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

# 4.2

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

**Application Number:** 23/0820/FUL      **Grid Ref:** E: 310979  
N: 291595  
**Community Council:** Newtown And Llanllwchaiarn Community      **Valid Date:** 15.06.2023

**Applicant:** Mr N Bryant

**Location:** Former Motorworld Site, Gas Street, Newtown, Powys, SY16 2AD

**Proposal:** Demolition of existing building and erection of a building containing a ground floor retail space with 4 flats above (with associated auxiliary spaces) (resubmission of 22/1033/FUL)

**Application Type:** Full Application

### The reason for Committee determination

The application has been 'called-in' by the Local Member.

### Consultee Responses

<b>Consultee</b>	<b>Received</b>
<u>Ward Councillor</u>	26th Jun 2023
Please call this planning application for the new building on the old motor world site	
Application Ref: 23/0820/FUL	
There is a general feeling in the area that the building is still going to be too high and out of keeping with other properties surrounding it	
<u>PCC-Building Control</u>	19th Jun 2023
Please be aware that a Building Regulations application is required for this proposal.	
<u>Community Council</u>	
No comments received at the time of writing this report.	

The County Council as Highway Authority for the County Unclassified Highway, U4520

Wish the following recommendations/Observations be applied

#### Recommendations/Observations

The Highway Authority (HA) has reviewed the drawings and detail submitted with the resubmitted application and wish to make the following comments.

#### Planning History

22/1033/FUL - Demolition of existing building, erection of a building containing a ground floor retail space and 6 flats above, to include with associated auxiliary spaces and all associated works.

The HA offered support to the proposed development; however, it was refused by members of the Planning Committee on the 16th of March 2023 for matters not relating to highway safety.

#### Highway Network

The proposed development gains access off the U4520 (Gas Street), within the town centre of Newtown. The western side of the carriageway includes short stay on-street parking whilst the eastern side of the carriageway to which the site fronts includes parking restrictions by means of double yellow lines. Such on-street parking restrictions are prevalent throughout the centre of Newtown, and most town centres within Powys.

The site is in close proximity to the short and long stay, pay and display car parks on Gas Street, and around 480m walking distance to the long stay car park on Back Lane.

#### Proposed Development & Movements

The applicant proposes to demolish the existing building, which is currently a vacant shop (A1 planning use classification) and constructing a replacement building consisting of a shop (A1 planning use classification) with four 2-bed flats above. The development represents a reduction of Gross Internal Floorspace (GFA) of 23.7sqm, over the existing GFA.

The HA consider, as we did previously, that the proposed development shall lead to a reduction of movements, especially of larger movements and that the proposed 'Trade Off' of movements is acceptable.

## Access & Parking

We note that historically vehicles have parked along the northern elevation of the existing building, and this area was also used for the storage of recycling/waste receptacles.

During a recent site visit we noted this access is severely substandard in terms of access visibility being less than 5m in both directions, the access is not constructed of any bound material, and drains directly onto the adjacent highway.

CSS Wales Parking Standards 2014 (CSS) and the All-Wales Common Standards Guide 2020, state that the dimensions of a standard car parking bay is 4.8 x 2.6m, except those which are either Blue Badge bays or those adjacent to fixed structures, such as a wall. Parking bays at the site should therefore measure 4.8 x 3m. The HA consider that the current situation only allows for the parking of two vehicles due to the boundary treatments on both sides.

The applicant does not propose to relocate the off-street car parking bays as part of their proposals; therefore, the proposed development would lead to the loss of two car parking spaces. Given the horizontal alignment of the U4520 in this location, and land ownership constraints, the HA considers that insufficient access visibility can be achieved at the access to the car parking area, even if the applicant were to retain these parking bays.

CSS states at Appendix 4 (Page 37) that apartments require one cycle stand per five bedrooms, and two cycle stands per 100sqm for the A1 use. Therefore, four 2-bed apartments would require two cycle stands, and the shop being 64sqm would require two stands, giving a total requirement in accordance with CSS of six cycle stands. However, Drawing Number KI 5812 15 Rev C, that the applicant has proposed a total of seven cycle stands, therefore, the proposed cycle parking provision exceeds that specified under the relevant guidance.

The area to the northern elevation would also provide a level footpath to the apartment access, bin store and plantroom, thus further reducing the availability of retaining off-street parking. The pedestrian access to the apartments would only retain sufficient width for a single parking bay.

## Active Travel

The footway to the frontage of the existing building is constrained by narrow width being around 600mm and cannot currently be widened due to the proximity of the existing building to the lateral extent of the highway.

The applicant as part of this application has proposed to widen the footway across the frontage of the site, as shown on Drawing Number KI 5812 15 Rev D.

The HA confirms that the proposed widening of the footway across the frontage of the site is in accordance with the Active Travel Act Guidance 2021, and Manual for Streets.

### Summary

The HA was in support of the previous application and are supportive of the current application.

The previous application seeking a greater number of apartments, did not include any provision of off-street parking, and the current application mirrors this. The existing car parking area is served by a severely substandard access with less than 5m visibility in each direction, which the applicant is unable to improve upon.

The applicant has proposed cycle parking in excess of that required under the CSS Wales Parking Standards 2014.

The proposed 'trade off' of vehicle movements represents a lower number of OGV & HGV movements, and the number of car movements is likely to also decrease.

It is proposed that the existing constrained width of footway across the frontage of the site is proposed to be widened in accordance with Manual for Streets and the Active Travel Act Guidance 2021, from around 600mm to 1.5m.

### Recommendation

The HA considers the loss of the two existing parking bays served by the severely substandard access, is offset by the reduction in large vehicle movements, overall reduction of vehicle movements, and widening of the footway across the site frontage.

Therefore, on balance, we recommend the following conditions be attached to any consent given.

1. The development shall be carried out in accordance with the following approved highway plans and documents KI 5812 14 Rev H, KI 5812 15 Rev D and the Design & Access Statement.
2. Prior to the first beneficial use of the development, the footway widening shown on Drawing Number KI 5812 15 Rev D, shall be fully completed to the written satisfaction of the Local Planning Authority and shall be retained for its designated use for as long as the development hereby permitted remains in existence.
3. Prior to the first beneficial use of the development, the applicant shall construct seven cycle stands within the application site, and these shall be retained for their designated use for as long as the development hereby permitted remains in existence.

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

Hafren Dyfrdwy

4th Jul 2023

With reference to the above planning application the Company's observations regarding sewerage are as follows.

#### Condition

The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Planning Practice Guidance and section H of the Building Regulations 2010 detail surface water disposal hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and there is no watercourse is available as an alternative other sustainable methods should also be explored. If these are found unsuitable, satisfactory evidence will need to be submitted, before a discharge to the public sewerage system is considered.

#### Reason

To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

#### Suggested Informative

Hafren Dyfrdwy advise that 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 you are advised to contact Hafren Dyfrdwy to discuss your proposals. Hafren Dyfrdwy will seek to assist you obtaining a solution which protects both the public sewer and the building.

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

under the 'New Site Developments' section.

NOTE: we would not permit a surface water discharge into the public combined sewer, and recommend the applicant seeks alternative arrangements – please note, we would insist soakaways and other SUD techniques are investigated before considering a discharge to the public surface water sewer with restricted rates.

IMPORTANT NOTE: This response only relates to the public waste water network and does not include representation from other areas of Severn Trent Water/Hafren Dyfrdwy, such as the provision of water supply or the protection of drinking water quality.

Should you require any further information please contact us on email below.

Environmental Protection

13th Jul 2023

Demolition- and construction-phase noise and dust control

Environmental Protection would recommend that measures are in place to control the emission of noise and dust from the site during the demolition and construction phases of the development. This department would recommend the following conditions:

"Prior to the commencement of demolition work, a noise management plan shall be submitted to, and approved by, the local planning authority. All demolition and construction work shall proceed in accordance with the measures specified in the approved plan."

"Prior to the commencement of demolition work, a dust management plan shall be submitted to, and approved by, the local planning authority. All demolition and construction work shall proceed in accordance with the measures specified in the approved plan."

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

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

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



The subject site is either on or adjoins a former gas works which is a potential high risk source of contaminated land. Therefore, the following conditions are appropriate.

Condition A

Condition 1. Preliminary Investigation

No development shall commence until a preliminary investigation and assessment of the nature and extent of contamination affecting the application site area has been submitted to and approved in writing by the local planning authority. This investigation and assessment must be carried out by or under the direction of a suitably qualified competent person, in accordance with current guidance and best practice, and shall assess any contamination on the site, whether or not it originates on the site. The report of the findings shall include:

- A desk study
- A site reconnaissance
- Formulation of an initial conceptual model
- A preliminary risk assessment

If the preliminary risk assessment identifies there are potentially unacceptable risks a detailed scope of works for an intrusive investigation, including details of the risk assessment methodologies, must be prepared by a suitably qualified competent person. The contents of the scheme and scope of works are subject to the approval in writing of the local planning authority.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the WLGA document 'Development of Land Affected by Contamination: A Guide for Developers' (2012)

Condition 2. Site Characterisation

No development shall take place until a site investigation of the nature and extent of contamination has been carried out, by a suitably qualified competent person, in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. A written report of the findings of the site investigation shall be made available to the local planning authority before any development begins.

The written report should include an appraisal of remedial options and identification of the most appropriate remediation option(s) for each relevant pollutant linkage. The report is subject to the written approval of the local planning authority.

Details of any soil (or similar material) to be imported to site must be provided in writing to (and agreed with) Environmental Protection via the Local Planning Authority prior to importation. The developer should refer to the WLGA guidance document 'Requirements for the Chemical Testing of Materials for Various End Uses' (2013), which presents the

specific details that need to be submitted, dependent upon the quantities to be imported and their proposed use at a development. The document outlines the process for ensuring all required information is submitted in a series of step-by-step actions.”

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency’s ‘Model Procedures for the Management of Land Contamination, CLR 11’ and the WLGA document ‘Development of Land Affected by Contamination: A Guide for Developers’ (2012)

### Condition 3. Submission of Remediation Scheme

No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 and The Contaminated Land (Wales) Regulations 2006, as amended by The Contaminated Land (Wales) (Amendment) Regulations 2012, in relation to the intended use of the land after remediation. The detailed remediation scheme should not be submitted until written approval for Condition 2 has been received from the local planning authority.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency guidance – ‘Land Contamination: Risk Management (LCRM; 2020)’ and the WLGA document ‘Development of Land Affected by Contamination: A Guide for Developers’ (2012).”

Current guidance and/or good practice must be referred to if the developer intends to reuse site won materials e.g., the Environment Agency ‘Land Contamination Risk Management’ (LCRM) guidance and CL:AIRE ‘The Definition of Waste: Development Industry Code of Practice’. We recommend that the CL:AIRE Code of Practice (Dow-CoP) is adopted to progress conditions effectively. Failure to produce appropriate documentation may result in condition discharge being refused.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency’s ‘Model Procedures for the Management of Land Contamination, CLR 11’ and the WLGA document ‘Development of Land Affected by Contamination: A Guide for Developers’ (2012)

### Condition 4. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning

authority must be given two weeks written notification of commencement of the remediation scheme works.

If during the course of development any contamination is found that has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures before the development is occupied.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the WLGA document 'Development of Land Affected by Contamination: A Guide for Developers' (2012)

#### Condition 5. Verification of the Remediation

Following completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the local planning authority. The verification report contents must be agreed with the local planning authority before commencement of the remediation scheme.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the WLGA document 'Development of Land Affected by Contamination: A Guide for Developers' (2012)

PCC-Built Heritage Officer

19th Jul 2023

#### Designation

Within the Newtown Conservation Area which contains a high number of listed buildings.

Listed buildings immediately nearby and opposite include;  
8104 - THE BANK ANTIQUES GAS STREET  
8103 - BANK PLACE GAS STREET  
8102 - BANK PLACE GAS STREET  
8004 - Natural Health Centre

#### 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 11<sup>th</sup> Edition, 2021  
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

#### Comment

The proposal is to demolish the existing corrugated iron shop and replace with a brick three story building with a shop on the ground floor and flats above.

Pre-app advice has been sought and largely taken.

The site is sensitive when entering the conservation area, it is near the Robert Owen Memorial and several timber frame buildings on The Bank.

An assessment of the character of Newtown is given within *Powys Local Development Plan (2011-2026) Town Character Appraisals to accompany Residential Design Supplementary Planning Guidance*.

The proposal is in line with the above guidance, the building utilises natural slate roofing, high quality brick, and many detailed and decorative elements such as brick banding and arches. An oriel window is not proposed, which is given comment in the town characterisation, but a tripartite sash on the first floor is a good alternative.

The Town Character Appraisal notes that within the town centre the buildings are predominantly two to three stories. The proposed building is three stories, it sits opposite several other two-and-a-half to three story buildings. The site is adjacent to several buildings between one and two stories high, along with the existing building there are 4 gables facing the street. Gables to the street are a common feature of the Newtown Conservation Area.

The roof has several gables and valleys, which break up the general mass. Several chimneys further aid in this endeavour and provide a more interesting roofscape. The internal slopes of the roof mean solar panels are added in such a way as to not be highly visible from the street, and between the two ridges to the rear provision is made for a viewing gallery facing the river.

The height of the building is above that of the buildings either side. *Geraint Jones & Co. Solicitors* is two stories with a gable facing the street, *Simply Baby* is one-and-a-half stories with two gables facing the street. Opposite, the listed properties are predominantly two-and-a-half to three stories. The height to eaves of the proposal is just short of 8 meters. This is the general eaves height further down Gas Street into Severn Street. The eaves height of *The Bank* is around 6 meters and *9 Gas Street* is 6.4 meters. *Geraint Jones* is around 5 meters to eaves.

There are a variety of heights of buildings within the vicinity of the proposal, it is generally taller than its immediate neighbours, but is in line with the height of three storey buildings on Gas Street and within the Newtown centre. Variety of height within a street scene is not unusual within parameters, and in this location would not be out of place.

The rear elevation has a large amount of glass, double doors and air conditioning units. Views of the rear will mostly be from further field across the river, or from pedestrians on the footpath. It was suggested in pre-app that a brick pillar up the middle under the valley would break the larger expanse of glass, and perhaps aid construction.

A number of objections have been submitted with comment on the height of the building and also the architectural style. The proposal is taller than the buildings either side, it is slightly taller than the timber framed buildings opposite and shorter than the listed Natural Health Centre (topography also plays a part here). Many buildings on Gas Street and Severn Street are the same or similar height to eaves as the proposal. In relation to the listed buildings, the ridge height of the proposal will be around three meters less than the *Natural Health Centre* and 1.2m higher than the properties *The Bank*. The Newtown Town Centre has many buildings that are three stories, and the site is opposite some. Overall, as the height of building is found within the near vicinity of the proposal it is not considered out of place. There is a rhythm of heights in this area and the proposal is considered to fit in with this.

With regards to the architectural style there has been comments that the proposal is not in keeping with the area, and much in relation to the gables to the street. Motorworld itself provides a gable to the street, and alongside this so does *Geraint Jones* and *Simply Baby*. The proposed style of the gables is such that it appears Victorian and it is found in several locations across Newtown, notably in the *Waste Not* shop formerly *William Hill*. Objections note that there is extensive use of dormers in the immediate locality, whilst this is true this does not prerequisite the use of dormers exclusively and a certain degree of variety in the street scene is part of the makeup of a town. Further to this, the benefits of the use of the gables and the double roof is that the mass of roof is reduced alongside discreet provision for solar panels. The chimneys break up lateral views of the roof and blend in well with the roofscape of the town.

Comments have been made in relation to the side elevations and their materials. The side elevation of the building is brick to the ground floor and cement render above. Both materials are in use within the Newtown Conservation Area and their combination is not

unusual, however, the use of brick on the whole of the side elevations would marry in well with the brick terraced row adjacent and would be supported.

Overall the proposal is for a three storey building in a recognised style with high quality details. The proposed red brick is very good indeed, samples of the yellow will be requested to ensure it has the same finish. The use of natural slate, decorative bargeboards, finials, timber sash windows as well as a good doorcase to the flats sets a high bar.

The proposal from the front and side will be inter-visible with several prominent heritage assets, due to the familiarity of style and high quality of the specified materials the proposal will blend in well. After the materials have had time to weather it is unlikely the building encompassing the heritage assets in their vantages will be particularly noticeable and it is hard to consider how a proposal so familiar would detract from the Newtown Conservation Area.

#### Recommendation

Approval on condition;

Prior to the commencement of works samples of the proposed external materials shall be submitted to and approved in writing by the Local Planning Authority.

Prior to their installation, details for the proposed windows, doors and shop front shall be submitted to and approved in writing by the Local Planning Authority in a scale not less than 1:20 for elevations and 1:2 for cross sections.

Notwithstanding the submitted plans, a proposal to screen the air conditioning units to the rear of the building shall be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the details hereby approved.

Natural Resources Wales (Mid Wales) DPAS

27th Jun 2023

We have concerns with the application as submitted. However, we are satisfied that these concerns can be overcome by attaching the following conditions to any planning permission granted:

#### Conditions

1. All ground floor levels/thresholds are at least 150mm above adjacent ground level.
2. Flood resistant and resilience measures to be incorporated to respond to any residual flood risk

Please note, without the inclusion of these conditions we would object to this planning application. Further details are provided below.

## Flood Risk

The planning application proposes highly vulnerable development consisting of demolition of existing building, erection of a building containing a ground floor retail space and 4 flats above. Our Flood Risk Map confirms the site to be within Zone C1 of the Development Advice Map (DAM) contained in TAN15 and the Flood Map for Planning (FMfP) identifies the application site to be at risk of flooding and falls into Flood Zone 2 and defended zone.

We have reviewed the following revised Flood Consequences Assessment (FCA) submitted in support of the application to provide you with technical advice on the acceptability of flooding consequences in accordance with Appendix 1 of TAN15:

Former Motorworld, Site Flood Consequences Assessment by Flume Consulting Engineers dated 28th November 2022 (ref: 1255)

We acknowledge Version 2 of the FCA clearly and helpfully addresses flood risk concerns.

The FCA has utilised available flood modelling data and demonstrated that A1.14 and A1.15 are satisfied and that risks in an extreme or breach event are manageable.

The concluding recommendations within the FCA on Page 24 should be adhered to, including ensuring all ground floor levels/thresholds are at least 150mm above adjacent ground level and that flood resistant and resilience measures will be incorporated to respond to any residual risk.

In summary, the FCA shows that the risks and consequences could be managed to an acceptable level, provided the above planning conditions are attached to any permission granted.

As it is for your Authority to determine whether the risks and consequences of flooding can be managed in accordance with TAN15, we recommend you consider consulting other professional advisors on matters such as emergency plans, procedures and measures to address structural damage that may result from flooding. Please note, we do not normally comment on or grant the adequacy of flood emergency response plans and procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement during a flood emergency would be limited to delivering flood warnings to occupants/users.

## Pollution Prevention and Watercourse

Our maps indicate that the application site is located within 55m of a watercourse (River Severn). Due to the large scale of the proposed demolition and construction works, we advise that as a precautionary measure, to prevent any potential pollution to the nearby watercourse that you refer the Applicant to the following relevant measures and guidance to be adhered to: Guidance for Pollution Prevention (GPPs)

## Protected Species

The Preliminary Ecological Appraisal by Biome Consulting Ltd dated 21st February 2022, confirms that no European Protected Species (EPS) were found present within the area to be affected by the development. We consider that in respect of EPS, the report is satisfactory to inform the planning determination and therefore, we have no further comment to provide.

## 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.

Cadw - SAM

14th Jul 2023

Thank you for your consultation. Ref: 23/0820/FUL

The national policy and Cadw's role in the planning process is set out in Annex A.

## Advice

### Scheduled Monuments:

MG056 Newtown Old Church

MG160 Newtown Hall Castle Mound

The above scheduled monuments are located inside 500m of the proposed development, but intervening topography, buildings and vegetation block all views between them. Consequently, the proposed development will have no impact on the settings of these scheduled monuments.

## Conclusion

Cadw has no comments to make.



Regarding the planning application referred above.

The area of the proposed works is within the Conservation Area for Newtown and the Built Heritage Conservation Officer should be consulted regarding the works.

The buildings proposed for demolition are Early-Mid 20th century and potentially a prefabricated garage which would be of at least local architectural and historic interest. In this case we would advise that a Photographic Survey is completed of the building to obtain a record of the structure prior to its demolition in accordance with the Planning Policy Wales (Feb 2021) and TAN 24 (May 2017) guidance, and an appropriate condition is supplied below.

The site is also within the Medieval Core of Newtown, and we would recommend an Archaeological Watching Brief on the groundworks for the new apartment block as these plots typically contain evidence of medieval structures, wells, refuse pits, property ditch boundaries and artefacts of all periods.

The conditions in this case would be:

#### Photographic Survey

Suggested planning condition to facilitate a Photographic Survey of the building, to allow an adequate analytical record of the building to be made prior to conversion.

No development shall take place until a Photographic Survey has been secured and implemented, in accordance with a brief issued by the local planning authority and a written scheme of investigation (WSI) which has been submitted and approved in writing by the local planning authority.

The Photographic Survey will be completed by a professional archaeological contractor in accordance with the brief, approved WSI and relevant CIFA Standards and Guidance.

A copy of the resulting report should be submitted to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust via [neil.bayliss@cpat.org.uk](mailto:neil.bayliss@cpat.org.uk) Tel: 01938 553670).

On approval by the Local Planning Authority, project data must be submitted and approved for inclusion in the Clwyd-Powys Archaeological Trust's Historic Environment Record [CPAT HER]. For any questions regarding this submission process, please contact the HER Team at [her@cpat.org.uk](mailto:her@cpat.org.uk). The full digital archive must also be submitted and approved for inclusion within the National Monuments Record, RCAHMW or the Archaeology Data Service, ADS.

Reason: To secure a detailed photographic record of the original building internally and externally prior to conversion.

### Archaeological Watching Brief

Suggested planning condition to facilitate an archaeological watching brief:

The developer shall ensure that a suitably qualified archaeological contractor is present during all the ground reduction for the application area so that an archaeological watching brief can be conducted. The archaeological watching brief must meet the standards laid down by the Chartered Institute for Archaeologists Standard and Guidance for archaeological watching briefs.

A copy of the resulting report should be submitted to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust via [neil.bayliss@cpat.org.uk](mailto:neil.bayliss@cpat.org.uk).

On approval by the Local Planning Authority, project data must be submitted and approved for inclusion in the Clwyd-Powys Archaeological Trust's Historic Environment Record [CPAT HER]. For any questions regarding this submission process, please contact the HER Team at [her@cpat.org.uk](mailto:her@cpat.org.uk). The full digital archive must also be submitted and approved for inclusion within the National Monuments Record, RCAHMW or the Archaeology Data Service, ADS.

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

I have attached a brief for the Photographic Survey, Watching Brief, and guidance on sources of archaeological contractors who may wish to tender for this work. The chosen archaeological contractor will need to submit a WSI (written scheme of investigation) document to [neil.bayliss@cpat.org.uk](mailto:neil.bayliss@cpat.org.uk) for approval before they can commence works on site. All the attached documents should be forwarded to the applicant/agent so that they are fully aware of the requirements.

Please contact me if you wish to discuss this advice or require more information.

### **Representations**

Following the display of a site notice on 27/06/2023, 59 representations have been received at the time of writing this report. Of these, 50 are objections, and 9 are in support.

The objections raise the following concerns:

- Height of the proposed building, being out-of-keeping with character of the area
- Loss of light (from height)
- Impact upon listed buildings / the conservation area / Robert Owen memorial garden
- Provision of shop space (linked to there being empty premises within the town)
- Provision of accommodation in general (suggestion that housing is not needed)
- Provision of accommodation (which should be replaced by more shops for business)
- Future occupiers of the apartments
- Noise (from the roof terrace)
- Lack of car parking provision
- Additional traffic
- Lack of need for more housing
- Loss of privacy / overlooking
- Design of the building
- Possibility that development may commence, and not finish
- Lack of 'settings' assessment in relation to listed buildings
- Loss of 'views' from existing properties
- Ridge height not being annotated onto the plans
- 'Change of use' element of the application (in regard to had it been applied for)
- Lack of green areas
- Landscape impact
- Some general support for demolition, but consensus that whilst the current proposal is an improvement, it is still not appropriate

The letters in support raise the following:

- Visual improvement over the current building
- Work opportunity for local builders
- Street already features various building heights
- Any noise will be 'no worse' than existing from pubs
- Design of the building
- Provide needed accommodation

### Planning History

App Ref	Description	Decision	Date
22/1033/FUL	Demolition of existing building, erection of a building containing a ground floor retail space and 6 flats above, to include with associated auxiliary spaces and all associated works	Refused	16th Mar 2023

**Principal Planning Constraints**

Conservation Area  
 Contaminated Land  
 Within 50m of Listed Building  
 LDP Development Boundaries  
 LDP Retail Core Area  
 Scheduled Ancient Monument  
 B Floodzone  
 C1 Floodzone  
 Flood Zone 2 – FMfP Rivers  
 Defended Zone – DAM Rivers

**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 Development Plan 2021
TAN4	Retail and Commercial Development		National Policy
TAN5	Nature Conservation and Planning		National Policy
TAN11	Noise		National Policy
TAN12	Design		National Policy
TAN15	Development and Flood Risk		National Policy
TAN18	Transport		National Policy
TAN23	Economic Development		National Policy
TAN24	The Historic Environment		National Policy

SP1	Housing Growth	Local Development Plan 2011-2026
SP2	Employment Growth	Local Development Plan 2011-2026
SP4	Retail Growth	Local Development Plan 2011-2026
SP5	Settlement Hierarchy	Local Development Plan 2011-2026
SP6	Distribution of Growth across the 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
DM5	Development and Flood Risk	Local Development Plan 2011-2026
DM6	Flood Prevention Measures and Land Drainage	Local Development Plan 2011-2026
DM7	Dark Skies and External Lighting	Local Development Plan 2011-2026
DM10	Contaminated and Unstable Land	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

H1	Housing Development Proposals	Local Development Plan 2011-2026
H2	Housing Sites	Local Development Plan 2011-2026
H3	Housing Delivery	Local Development Plan 2011-2026
H4	Housing Density	Local Development Plan 2011-2026
R1	New Retail Development	Local Development Plan 2011-2026
R3	Development Within Town Centre Areas	Local Development Plan 2011-2026
SPGNPP	The Newtown & Llanllwchaiarn Place Plan SPG (2021)	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
SPGHE	Historic Environment SPG (2021)	Local Development Plan 2011-2026
SPGCON	Conservation Areas SPG (2020)	Local Development Plan 2011-2026
SPGARC	Archaeology SPG (2021)	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**

## Background

This application is a resubmission of 22/1033/FUL, which was previously refused by Planning Committee. The current proposed scheme has been altered, and now proposes a building approximately 2.2m less in height. As a result, the number of flats has also been decreased from 6 to 4.

## Site Location and Description

The application site is located on the eastern side of Gas Street in the development boundary and town centre of Newtown. The site currently consists of a two-storey corrugated iron garage (rendered finish on the ground floor with corrugated metal above), last used as a retail outlet. The building abuts a building currently in use as a solicitor's office and to the northern side is a detached building with ground floor retail premises. The site has a small area of hardstanding to the northern boundary but has no other surrounding associated outdoor space. The gas street public car park is located to the east of the site with the River Severn located beyond the car park.

This application seeks consent for the demolition of the existing retail building, being the Former Motorworld building, and the erection of a building comprising of 4 residential flats and a retail area in its place. The proposed building will measure approximately 17 metres in depth from Gas Street, and 13.4 metres in width, with an eaves height of 8 metres, and a ridge height of 10.8 metres. The ground floor will feature retail space, storage space (for the shop), together with a communal bin store and a plant room. The first floor and second floor will each consist of 2x two-bed flats, beneath a roof terrace.

## Principle of Development

The site is located within the development boundary, town centre and retail core area of Newtown. The site is not located within either a primary or secondary shopping frontage. Given that the development would retain a retail use on the ground floor, it is considered that the development would not undermine the retail hierarchy and as such accords with LDP Policies R1 and R3. Public representations have stated that the provision of a retail unit is not required because there are a number of vacant retail units in the town. These comments are noted, however, the development has been submitted with a ground floor retail element as such is required to be considered with the retail unit, which planning policy does not prohibit.

In terms of the provision of housing, public representations have both supported and objected to the housing need. The site is not allocated for housing development; however it is a brownfield site (previously developed land) in a sustainable location within the settlement boundary of the town of Newtown. The site is considered to be suitable and complies with Criterion i of Part 1 of LDP Policy H1, which states the following:

*"1. In Towns and Large Villages:*

- i. On sites allocated for housing or on other suitable sites within the development boundary; or*
- ii. On sites forming logical extensions outside development boundaries for affordable housing in accordance with Policy H6.”*

The principle of residential development is therefore acceptable, subject to consideration of the other material planning issues.

### Housing Density

In accordance with Policy H4 of the Powys LDP, housing proposals within towns should have a density of 27+ dwellings per hectare (approximately 1+ dwelling per 370 square metres). The proposal relates to 4 residential units on a site area of approximately 275 square metres, giving a housing density of approximately 145 houses per hectare. As such, the housing density is compliant with planning policy.

### Design, Scale and Appearance

The town appraisal appendix of the Residential Design SPG states that Newtown town centre is made up of a combination of 2 and 3 storey buildings of mainly Victorian and modern age, set around a simple grid network with back lanes to either side of the town. Gas Street is a relatively narrow street which is connected to Shortbridge Street and Severn Street. The street is lined with properties of two and three storeys on either side, with some properties being set back from the highway and others closer. Generally, Gas Street retains a relationship of buildings and a relatively narrow street. There are also gaps in the layout of the street scene developed as a car park and vehicular accesses and the gardens surrounding the Robert Owen Memorial. The building proposed to be demolished is attached to a rendered two storey building with shop frontage and the Robert Owen Memorial stands within the gardens located to the south-west of the site. Opposite the site to west/north-west is a group of timber-framed listed buildings which are sited on higher level ground and set back from the highway. To the north of the site is a brick two storey building accommodating a retail use and further to the north the street is lined by brick residential properties and a commercial garage.

This application is a resubmission of the previously refused application 22/1033/FUL. Following the refusal of the previous proposal, pre-application discussions have been held with the Built Heritage Officer.

The application proposes a new building, which will be finished with red brick, and yellow brick detailing, under a slate roof. The building will have 3 internal floors, together with a roof terrace. The building will feature a large shop front at ground floor level facing towards Gas Street, with windows above, leading up to the roof which features faux chimneys and a double apex front. The side elevation, facing *Simply Baby*, and the rear elevation also feature double apexes within the roof. This side elevation was originally proposed to incorporate render for the upper floors, however, this has been amended to be fully brick by the developers.



The majority of objections received relate to the height of the proposed building, being taller than other buildings on the street, with the view that the height is out of keeping with the character of the area. It is noted however that the existing street features buildings of varying heights, as is typical for many town areas, including Newtown.

The application site is located within Newtown Conservation Area, and is within proximity to a number of listed buildings, and as such, consideration must also be given to built heritage assets whilst considering the design of the building. This has been considered below.

### Built Heritage

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'. The Barnwell Manor case the Court of Appeal made it clear that in enacting Powys County Council 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.

In considering this application, consideration has been given to Technical Advice Note 24: The Historic Environment (2017) and LDP Policy DM13 (Part 3).

The application site is located within Newtown Conservation Area and is within proximity to a number of listed buildings. As such, the Built Heritage Officer has been consulted on the proposed development.

The Built Heritage Officer has noted that there are a variety of heights of buildings within the vicinity of the application site, and that whilst the proposal is generally taller than its immediate neighbours, it is in line with the height of three storey buildings on Gas Street and within the Newtown centre. Further, variety of height within a street scene is not unusual within parameters, and in this location would not be out of place. As such, no concern has been raised in regard to the height of the building.

Whilst objections have been raised in relation to the double apex on the front of the building, the Built Heritage Officer has noted that this design of having street-facing gables is common in Newtown, and indeed Gas Street. It is also noted that this design reduces the overall massing of the building, and allows renewable energy to be installed discreetly, and in a sympathetic way.

In terms of materials, the Built Heritage Officer has noted that the external finishes are in accordance with guidance in relation to Newtown, and that whilst an Oriel window is not proposed, the tripartite sash windows on the first floor are good alternatives. It is also noted that the proposal includes many detailed and decorative elements such as banding and arches which is welcomed.

The Built Heritage Officer has noted that air conditioning units are proposed upon the rear elevation, together with a large area of glazing. Whilst it is noted that a brick pillar in the centre of the glazing would be preferable, to break the massing of glass (and likely aid construction), the Officer has not raised any objections to the proposal being put forward without such. The Officer has however recommended a condition in relation to the submission of a scheme for screening the AC Units, which can be attached to any granting of consent.

Overall, the Built Heritage Officer has noted that comments during pre-application discussions have mostly been incorporated into the design of the proposal, which is welcomed. The final design submitted is compliant with relevant planning policies, and the Officer has therefore raised no objection, subject to the inclusion of recommended conditions.

### Highways

Policy DM13 part 10 states that development proposals should meet all highway access requirements (for transport users) and parking standards.

The existing building, whilst currently vacant, does have a lawful commercial use. Powys County Council's Highway Authority has been consulted on the proposed development and have noted that the proposal is considered to offer a decrease in vehicular movements compared to the lawful existing use of the site. Whilst the proposal does not include any provision for off-street car parking, and indeed would result in the loss of two existing spaces, PCC Highways consider that the 'trade off' between the existing and proposed uses are acceptable, especially given the severely substandard access to the two existing spaces. They also note that cycle spaces have been provided, the number of which is in excess of current requirements, and that the footway is to be widened. PCC Highways have raised no objection to the development, subject to a number of conditions being attached to any granting of consent.

### Amenity

Representations have raised concerns over the impact of the development upon the amenities enjoyed by the occupants of neighbouring properties; including noise, privacy, overbearing and loss of light.

There is a group of residential properties in the vicinity of the site, notably the properties located to the north-west of the site at a distance of 15 metres as a minimum across Gas

Street. The properties are located at a higher level than Gas Street and the site itself. The front elevations of the properties at The Bank are orientated towards the site but would view the side elevation of the proposed development (the front elevation of the proposed development and the group of dwellings at The Bank would not be directly facing each other). The property known as Sunlea is also located to the north-west of the site, across Gas Street at a distance of approximately 20m. The front elevation of the property is orientated towards the south-east and as such there would be no direct overlooking between the front elevations. However, it is acknowledged that there may be an opportunity for occupiers of the proposed residential units to view the garden associated with the property from the upper floor bedrooms and open plan kitchen/dining room/living rooms.

The Residential Design SPG advises that windows for principal rooms such as lounge, bedrooms or kitchens should be at least 21m apart in a directly facing situation, and more care should be taken if such rooms are at first floor or above. In addition, if buildings at are different heights, the distances may need to be increased to maintain adequate privacy. Whilst the public representations are noted, given that the proposed development and existing development would not have directly facing front elevations, that the proposed development would be set at a lower level (although the ridge height would be increased in comparison to the existing building) and taking into account the distance across Gas Street, it is not considered that the development would unacceptably affect amenities enjoyed by the occupants of neighbouring properties in terms of light, privacy and overbearing.

In respect of noise, public representations have also raised concerns over noise from use of the roof terrace and additional residents. There are various uses in the vicinity of the site; including retail, commercial and residential. Whilst the comments are noted, the residential element of the development is not considered to be incompatible with the surrounding area and a certain level of noise is expected in town centres in any case. Given the town centre use where retail units exist in proximity to the site, the development is not considered to be incompatible with surrounding land uses.

Environmental Protection have been consulted on the development, and requested conditions in respect of the demolition, to ensure that noise and dust etc are controlled appropriately during these works. They have also requested a condition in relation to operating hours during the construction phase of the development. It is considered that the former two conditions are appropriate for inclusion on the accompanying Conservation Area Consent application, whilst the later shall be included on this permission.

### Natural Environment

Preliminary Ecological Appraisal by Biome Consulting, dated February 2022, has been submitted in support of the application. The Appraisal noted that no evidence of bat presence was encountered and no Potential Roost Features (PRFs) were identified. Taking into account the construction of the building, its location and the results of the PRA

survey the building was assessed to be of negligible potential value for roosting bats. It was also considered highly unlikely that bats were using the attached building, *Geraint Jones Solicitors*. Further, it was considered that the site does not offer suitability for GCNs, and is highly unlikely to have populations of invertebrates or reptiles. No nesting birds were present at the time of the survey, however the Appraisal notes that they could become present.

NRW have been consulted on the application and have commented that the submitted report confirms that no European Protected Species are present at the site, and that the report is satisfactory to inform the planning determination. Therefore, they have no further comment to provide.

In light of the above, it is considered that the application complies with relevant planning policies. An informative will be attached to any consent regarding nesting birds. A condition will also be attached in relation to the provision of biodiversity enhancements.

### Flood Zone

Natural Resources Wales' Flood Risk Map confirms the site is located within Zone C1 of the Development Advice Map (DAM) and the Flood Map for Planning (FMfP) identifies the site as being within the Zone 2, defended zone. Given that the proposed development includes residential development, it proposes highly vulnerable development.

NRW have been consulted on the proposed development and have noted that the submitted FCA concludes that the risks and consequences could be managed to an acceptable level, subject to compliance with two conditions that NRW have recommended be included on any granting of planning consent.

Overall, on the basis of the advice received from NRW, subject to the use of the recommended conditions, the development is considered acceptable in flood risk terms.

### Contaminated Land

The Council's Contaminated Land Officer has advised that the site adjoins a former gas works which is potential contaminated land. Consideration has therefore been given to Policy DM10 of the Powys LDP, and the Contaminated Land Officer has recommended the imposition of conditions to adequately deal with the potential contaminated land which are considered appropriate, and shall be attached to any granting of consent.

### Archaeology

The application site is within 500m of Scheduled Ancient Monuments MG056 Newtown Old Church and MG160 Newtown Hall Castle Mound. Cadw have been consulted on the proposed development and have noted that, given intervening topography, buildings, and vegetation, the development will not be visible from the SAMs, and as a result, will not have any impact upon their settings. Cadw therefore confirmed that they have no

comment to make on the development.

CPAT have also been consulted who have noted that the building proposed to be demolished is of local architectural and historic interest, and have recommended that condition be attached to secure a photographic survey prior to its demolition. The site also lies within the Medieval Core of Newtown, and CPAT have also therefore recommended a condition in respect of an Archaeological Watching Brief on the groundworks for the redevelopment.

### Foul and Surface Water Drainage

Foul drainage from the development would be connected into the public sewage system and Hafren Dyfrdwy have not objected subject to the use of a condition to require the submission of details for the disposal of both foul and surface water drainage. Therefore, the proposed method of foul drainage is considered acceptable and consideration of the necessity of the recommended condition would be further carried out if approval was recommended. In terms of surface water drainage, SAB approval would be required.

### Public Representations

Some of the matters raised within the objections are addressed above, however the remainder are addressed below:

- Future occupiers of the apartments
  - Not a material planning consideration
- Possibility that development may commence, and not finish
  - Not a legitimate reason to prevent consent being granted.
- Lack of 'settings' assessment in relation to listed buildings
  - The application has been supported by 'Heritage Impact Assessment' by Winterburn Heritage & Planning, dated May 2023.
- Loss of 'views' from existing properties
  - Not a material planning consideration.
- Ridge height not being annotated onto the plans
  - The plans are scaled to a stated metric scale. There is no requirement to annotate dimensions.
- 'Change of use' element of the application (in regard to had it been applied for)
  - The application seeks consent for the demolition of the existing building, and proposed redevelopment. There is no separate permission required for change of use – it is included by default with the application.
- Lack of green areas

- Newtown has existing public open spaces within walking distance of the application site. Further, given the number of residential units proposed, further provision is not required.

## **RECOMMENDATION**

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, subject to the conditions below:

### **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; Application Form, KI 5812 16 Rev C, KI 5812 15 Rev D, KI 5812 13 Rev H, KI 5812 10 Rev F, KI 5812 11 Rev E, KI 5812 30 Rev A, KI 5812 14 Rev H, 'Heritage Impact Assessment' by Winterburn Heritage & Planning dated May 2023, Planning Design and Access Statement, Preliminary Ecological Appraisal by Biome Consulting dated February 2022, Phase 1 Geo-Environmental Report by Sladen Associates dated October 2022, Letter from Sladen Associates to Mr G Jones (McCartneys) dated 20<sup>th</sup> October 2022.
- 3 The development shall be carried out in accordance with the following approved highway plans and documents KI 5812 14 Rev H, KI 5812 15 Rev D and Planning Design & Access Statement.
- 4 Prior to the first beneficial use of the development, the footway widening shown on Drawing Number KI 5812 15 Rev D, shall be fully completed to the written satisfaction of the Local Planning Authority and shall be retained for its designated use for as long as the development hereby permitted remains in existence.
- 5 Prior to the first beneficial use of the development, the applicant shall construct seven cycle stands within the application site, and these shall be retained for their designated use for as long as the development hereby permitted remains in existence.
- 6 No surface water drainage from the site shall be allowed to discharge onto the county highway.
- 7 The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.
- 8 All works and ancillary operations which are audible at the site boundary shall be carried out only between the following hours:
  - 0800-1800 hrs Monday to Friday

- o 0800-1300 hrs Saturday
- o At no time on Sundays and Bank Holidays

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

9 No development shall commence until a preliminary investigation and assessment of the nature and extent of contamination affecting the application site area has been submitted to and approved in writing by the local planning authority. This investigation and assessment must be carried out by or under the direction of a suitably qualified competent person, in accordance with current guidance and best practice, and shall assess any contamination on the site, whether or not it originates on the site. The report of the findings shall include:

- A desk study
- A site reconnaissance
- Formulation of an initial conceptual model
- A preliminary risk assessment

If the preliminary risk assessment identifies there are potentially unacceptable risks a detailed scope of works for an intrusive investigation, including details of the risk assessment methodologies, must be prepared by a suitably qualified competent person. The contents of the scheme and scope of works are subject to the approval in writing of the local planning authority. All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the WLGA document 'Development of Land Affected by Contamination: A Guide for Developers' (2012).

10 No development shall take place until a site investigation of the nature and extent of contamination has been carried out, by a suitably qualified competent person, in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. A written report of the findings of the site investigation shall be made available to the local planning authority before any development begins. The written report should include an appraisal of remedial options and identification of the most appropriate remediation option(s) for each relevant pollutant linkage. The report is subject to the written approval of the local planning authority. Details of any soil (or similar material) to be imported to site must be provided in writing to (and agreed with) Environmental Protection via the Local Planning Authority prior to importation. The developer should refer to the WLGA guidance document 'Requirements for the Chemical Testing of Materials for Various End Uses' (2013), which presents the specific details that need to be submitted, dependent upon the quantities to be imported and their proposed use at a development. The document outlines the process for ensuring all required information is submitted in a series of step-by-step actions. All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the WLGA document 'Development of Land Affected by Contamination: A Guide for Developers' (2012).

11 No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 and The Contaminated Land (Wales) Regulations 2006, as amended by The Contaminated Land (Wales) (Amendment) Regulations 2012, in relation to the intended use of the land after remediation. The detailed remediation scheme should not be submitted until written approval for Condition 10 has been received from the local planning authority.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency guidance – ‘Land Contamination: Risk Management (LCRM; 2020)’ and the WLGA document ‘Development of Land Affected by Contamination: A Guide for Developers’ (2012). Current guidance and/or good practice must be referred to if the developer intends to reuse site won materials e.g., the Environment Agency ‘Land Contamination Risk Management’ (LCRM) guidance and CL:AIRE ‘The Definition of Waste: Development Industry Code of Practice’. We recommend that the CL:AIRE Code of Practice (Dow-CoP) is adopted to progress conditions effectively. Failure to produce appropriate documentation may result in condition discharge being refused. All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency’s ‘Model Procedures for the Management of Land Contamination, CLR 11’ and the WLGA document ‘Development of Land Affected by Contamination: A Guide for Developers’ (2012).

12 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works. If during the course of development any contamination is found that has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures before the development is occupied. All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency’s ‘Model Procedures for the Management of Land Contamination, CLR 11’ and the WLGA document ‘Development of Land Affected by Contamination: A Guide for Developers’ (2012).

13 Following completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the local planning authority. The verification report contents must be agreed with the local planning authority



before commencement of the remediation scheme. All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the WLGA document 'Development of Land Affected by Contamination: A Guide for Developers' (2012).

14 Prior to the commencement of works samples of the proposed external materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the details approved.

15 Prior to their installation, details for the proposed windows, doors and shop front shall be submitted to and approved in writing by the Local Planning Authority in a scale not less than 1:20 for elevations and 1:2 for cross sections. The development shall thereafter be undertaken in accordance with the details approved.

16 Notwithstanding the submitted plans, prior to the commencement of development, a proposal to screen the air conditioning units to the rear of the building shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the details approved, during the redevelopment of the site.

17 All finished ground floor levels/thresholds of the building hereby approved shall be at least 150mm above adjacent ground level.

18 The development shall be undertaken in strict accordance with the 'Flood resistant and resilience measures' as outlined on page 23 of the submitted Flood Consequence Assessment (Version 2) by Flume Consulting Engineers dated November 2022.

19 No development shall take place until a Photographic Survey has been secured and implemented, in accordance with a brief issued by the local planning authority and a written scheme of investigation (WSI) which has been submitted and approved in writing by the local planning authority. The Photographic Survey will be completed by a professional archaeological contractor in accordance with the brief, approved WSI and relevant CIFA Standards and Guidance. A copy of the resulting report should be submitted to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust via [neil.bayliss@cpat.org.uk](mailto:neil.bayliss@cpat.org.uk) Tel: 01938 553670). On approval by the Local Planning Authority, project data must be submitted and approved for inclusion in the Clwyd-Powys Archaeological Trust's Historic Environment Record [CPAT HER]. For any questions regarding this submission process, please contact the HER Team at [her@cpat.org.uk](mailto:her@cpat.org.uk). The full digital archive must also be submitted and approved for inclusion within the National Monuments Record, RCAHMW or the Archaeology Data Service, ADS.

20 The developer shall ensure that a suitably qualified archaeological contractor is present during all the ground reduction for the application area so that an archaeological watching brief can be conducted. The archaeological watching brief must meet the standards laid down by the Chartered Institute for Archaeologists Standard and Guidance

for archaeological watching briefs. A copy of the resulting report should be submitted to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust via [neil.bayliss@cpat.org.uk](mailto:neil.bayliss@cpat.org.uk). On approval by the Local Planning Authority, project data must be submitted and approved for inclusion in the Clwyd-Powys Archaeological Trust's Historic Environment Record [CPAT HER]. For any questions regarding this submission process, please contact the HER Team at [her@cpat.org.uk](mailto:her@cpat.org.uk). The full digital archive must also be submitted and approved for inclusion within the National Monuments Record, RCAHMW or the Archaeology Data Service, ADS.

21 No development shall commence until a detailed Biodiversity Enhancement Plan has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior to the first beneficial use or occupation of the building hereby permitted and shall be retained 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 approved plans in the interests of clarity and a satisfactory development.
- 3 In the interests of highway safety and in accordance with the provisions of Powys LDP Policies T1 and DM13 (Criterion 10), and TAN 18.
- 4 In the interests of highway safety and in accordance with the provisions of Powys LDP Policies T1 and DM13 (Criterion 10), and TAN 18.
- 5 In the interests of highway safety and in accordance with the provisions of Powys LDP Policies T1 and DM13 (Criterion 10), and TAN 18.
- 6 In the interests of highway safety and in accordance with the provisions of Powys LDP Policies T1 and DM13 (Criterion 10), and TAN 18.
- 7 To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.
- 8 To ensure that the amenity of neighbouring residential occupiers is safeguarded, in compliance with Policy DM13 (Criterion 11) of the Powys LDP.
- 9 To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy DM10 of the Powys Local Development Plan (2018).

10 To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy DM10 of the Powys Local Development Plan (2018).

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13 To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy DM10 of the Powys Local Development Plan (2018).

14 In the interests of the visual amenity of the area and to ensure the satisfactory appearance of the building, in accordance with the requirements of Policy DM13 of the adopted Powys Local Development Plan (2011-2026), Planning Policy Wales (Edition 11, 2021), TAN 12 (Design), and TAN 24 (The Historic Environment).

15 In the interests of the visual amenity of the area and to ensure the satisfactory appearance of the building, in accordance with the requirements of Policy DM13 of the adopted Powys Local Development Plan (2011-2026), Planning Policy Wales (Edition 11, 2021), TAN 12 (Design), and TAN 24 (The Historic Environment).

16 In the interests of the visual amenity of the area and to ensure the satisfactory appearance of the building, in accordance with the requirements of Policy DM13 of the adopted Powys Local Development Plan (2011-2026), Planning Policy Wales (Edition 11, 2021), TAN 12 (Design), and TAN 24 (The Historic Environment).

17 To minimise the risk to the development from flooding in accordance with Policy DM5 of the adopted Powys Local Development Plan (2011-2026), TAN 15 (Development and Flood Risk), and Planning Policy Wales (Edition 11, 2021).

18 To minimise the risk to the development from flooding in accordance with Policy DM5 of the adopted Powys Local Development Plan (2011-2026), TAN 15 (Development and Flood Risk), and Planning Policy Wales (Edition 11, 2021).

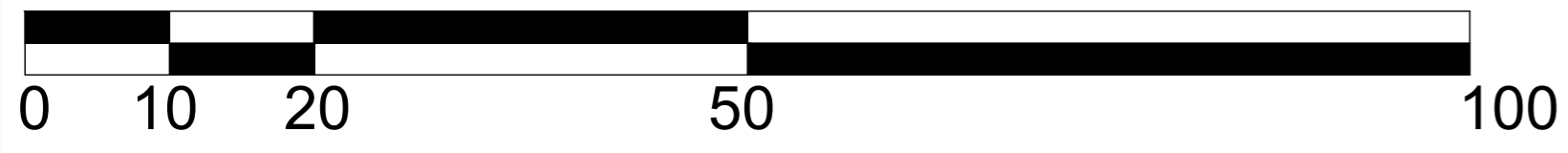
19 To secure a detailed photographic record of the original building internally and externally prior to conversion.

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

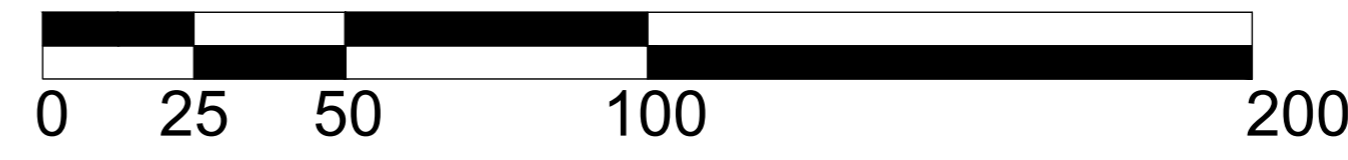
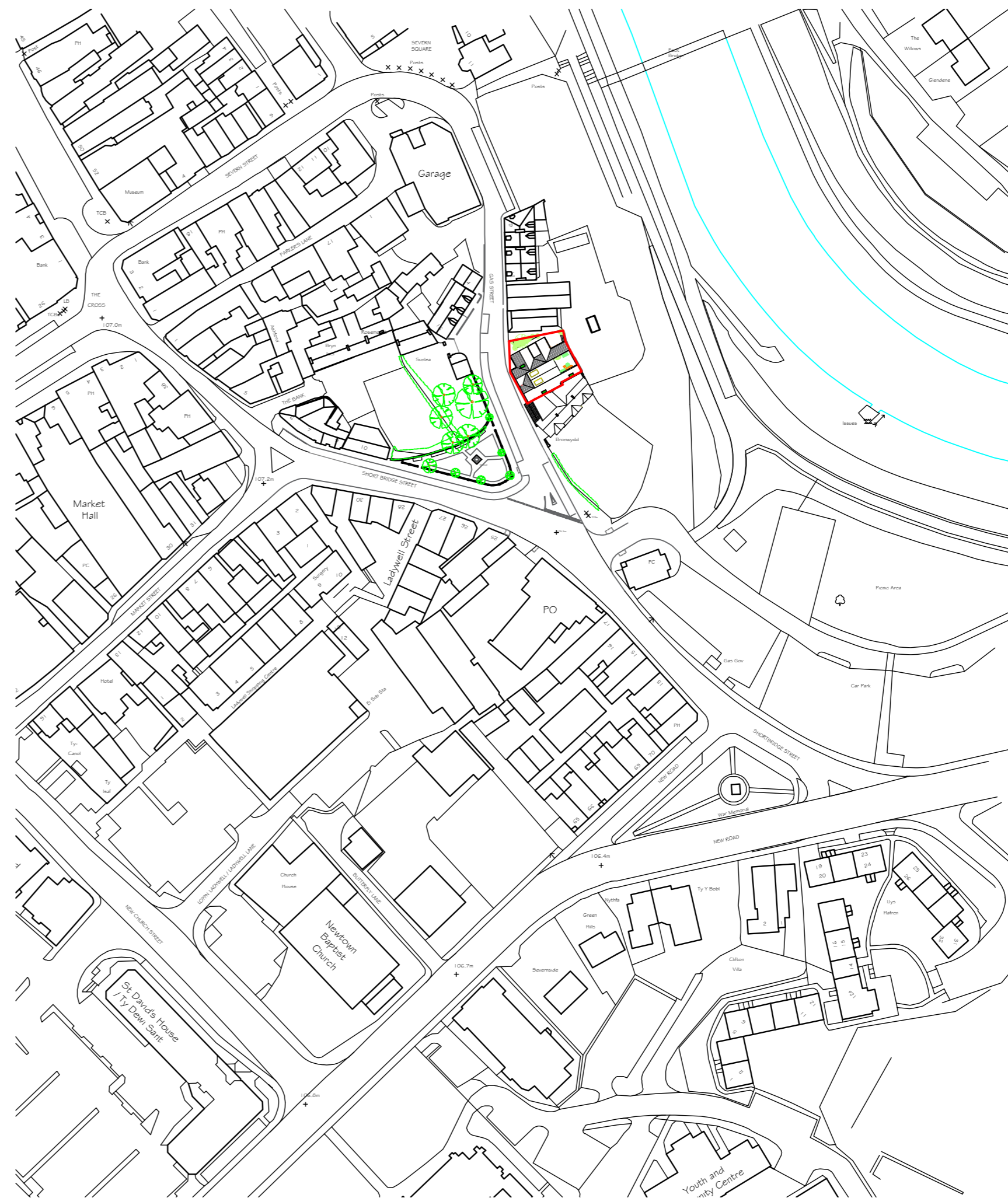
21 To comply with Policies DM2, DM4 and DM13 of the Powys Local Development Plan in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 11, 2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

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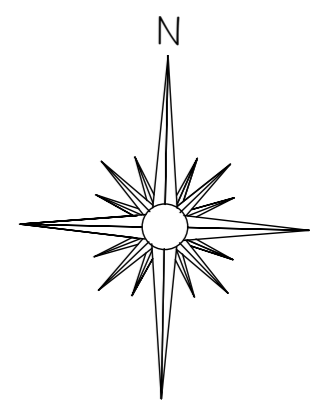
Case Officer: Rhian Griffiths, Senior Planning Officer  
Tel: 01597 827352 E-mail: [rhian.griffiths@powys.gov.uk](mailto:rhian.griffiths@powys.gov.uk)




SCALE BAR 1:500



SCALE BAR 1:1250



**GENERAL NOTES & SPECIFICATIONS**  
 MATERIALS, WORKMANSHIP AND CONSTRUCTION ARE TO CONFORM WITH CURRENT STANDARDS, CODES OF PRACTICE, AGREEMENT CERTIFICATES AND MANUFACTURERS RECOMMENDED SPECIFICATIONS AND ARE TO FULLY COMPLY WITH THE BUILDING REGULATIONS 1991, RELATED APPROVED DOCUMENTS AND LEGISLATION.  
 ALL SERVICES ARE TO BE INSTALLED IN ACCORDANCE WITH STATUTORY AUTHORITY REGULATIONS AND BY-LAWS.  
**SAFETY**  
 STATUTORY INSTRUMENT 2015 No 51 - THE CONSTRUCTION (DESIGN AND MANAGEMENT) REGULATIONS 2015  
 THE CONTRACTOR IS TO COMPLY WITH THE DUTIES IMPOSED ON HIM BY THE ABOVE REGULATIONS AND LAISE DIRECTLY WITH THE CDM COORDINATOR AS APPOINTED BY THE CLIENT  
**IMPORTANT**  
 DO NOT SCALE FROM THIS DRAWING. WRITTEN DIMENSIONS ARE IN ALL CASES TO BE REFERRED TO SCALED DIMENSIONS. ANY DISCREPANCIES ARE TO BE NOTIFIED TO THE DESIGNER AT ONCE.  
 THIS DRAWING IS SUBJECT TO COPYRIGHT AND MAY NOT BE COPIED OR DISCLOSED EITHER WHOLLY OR IN PART WITHOUT THE WRITTEN CONSENT OF MCCARTNEYS LLP.  
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**LICENCES**  
 Ordnance Survey  
 LICENCE No: 100004120. REPRODUCED FROM THE ORDNANCE SURVEY MAP WITH PERMISSION OF THE CONTROLLER OF H.M. STATIONERY OFFICE. PUBLISHED FOR THE PURPOSE OF IDENTIFICATION ONLY AND ALTHOUGH BELIEVED TO BE CORRECT ITS ACCURACY IS NOT GUARANTEED. CROWN COPYRIGHT RESERVED.  
 PROMAP  
 LICENCE No: 10020449



39 Broad Street, Newtown,  
Powys, SY16 2BQ

**JOB:**  
Proposed Mixed Use Development  
(Former Motorworld Site) Gas  
Street, Newtown, Powys, SY16 2AB

**CLIENT:**  
Manip Ltd

**TITLE:** Proposed Block and Location  
Plan

<b>REVISIONS:</b>	<b>DATE:</b>
A - Design Revision	Dec 2022
B - Design Revision	20.03.2023
C - Design Revision	25.04.2023

<b>SCALES:</b>	<b>DATE:</b>
Plans - 1:500 / 1250	May 2022

<b>DRAWN BY:</b>	<b>ORIGINAL SHEET SIZE:</b>
GJ	A2

<b>DRAWING NUMBER:</b>	
K1 5812	16 C

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

# 4.3

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

**Application Number:** 23/0655/FUL

**Grid Ref:** E: 317064  
N: 314973

**Community Council:** Meifod Community

**Valid Date:** 12.05.2023

**Applicant:** Mr JR Wilkinson

**Location:** Land at Allt Y Maen, Meifod, Powys, SY22 6BP.

**Proposal:** Erection of replacement livestock building and all associated works

**Application Type:** Full Application

### The reason for Committee determination

The applicant is a County Councillor for Powys County Council.

### Consultee Responses

#### Consultee

#### Received

**PCC-Ecologist**

27<sup>th</sup> July 2023

RE 23/0655/FUL | Erection of replacement livestock building and all associated works | Land at Allt Y Maen Meifod Powys SY22 6BP

Please find attached a draft HRA for the above application. NRW will need to be consulted to confirm that they are in agreement with the conclusions of the appropriate assessment.

Should you be minded to approved the application the following conditions must be applied to any consent to secure the proposed mitigation measures identified within the Appropriate Assessment (subject to NRW comment):

1. There shall be no erection of lighting (temporary or permanent) at the construction site, at the construction site access or along the construction site access route during the entirety of the construction phase.
2. 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, specifically lesser horseshoe bats, in accordance with the recommendations outlined in the BCT and ILP Guidance Note 8 Bats and Artificial Lighting (12th September 2018). The development shall be carried out in accordance with the approved details.

***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.*

## **PCC-(N) Highways**

**29th Jun 2023**

Wish the following recommendations/Observations be applied

### Recommendations/Observations

Thank you for consulting the Highway Authority on this planning application at land at Allt Y Maen, Meifod, Powys, SY22 6BP. The proposal seeks the erection of a replacement livestock building and all associated works.

The site is adjacent to the A495 County Highway leading from the existing lay-by further into the fields via an existing agricultural access. The site is sloping in nature and set below the level of the adjacent county highway.

The proposal seeks the erection of a replacement livestock building and all associated works. The existing agricultural building is in a dilapidated state and as such it will be replaced by the proposed new building. The Highway Authority notes that this is a resubmission of a previously withdrawn planning application 22/0633/FUL. During the previous planning application, the Highway Authority advised that the applicant should consider slight improvements to the existing access point leading from the lay-by. The applicant was advised that the existing field gate should be sufficiently set back at least 15m from the edge of the adjacent carriageway in order to prevent agricultural vehicles overhanging the highway when entering the site.

The current application now proposes that the existing entrance gate to the field is setback to 15m as previously advised which will prevent agricultural machinery overhanging the county highway when entering the site, and as such we welcome this proposal which will further increase highway safety at this location. In respect of visibility splays, we can confirm that visibility splays in both directions are in excess of requirements as specified in Manual for Streets 1 & 2, and TAN18 (measuring in excess of 215m).



Therefore, the Highway Authority can confirm that there are no objections to the proposal and advise that the following conditions are attached to any consent given.

1. Prior to the first beneficial use of the building hereby approved the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material, 60mm of bituminous macadam binder course material and be finished in a 40mm bituminous surface course material for a distance of 15 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.
2. Prior to the first beneficial use of the building hereby approved the existing entrance gate installed within the application site shall be set back at least 15 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.
3. The width of the access carriageway, shall be not less than 5.5m for a minimum distance of 15 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.

**Hafren Dyfrdwy**

**12th Jun 2023**

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.

**Environmental Protection**

**5th Jun 2023**

I have no objection to the application however I note that the application states it could be used for calving, where is the manure store for this proposed use?

**Natural Resources Wales (Mid Wales)  
DPAS**

**1st Jun 2023**

We have reviewed the submission and there is insufficient information for us to advise you on the proposal. Guidance on the information required to support an agricultural development can be found on our website at:

Natural Resources Wales / What to provide with your planning application for an agricultural development.

As a minimum we would require the following information:

- o description of the development and the reason(s) for your development proposal e.g., to accommodate an increase in livestock numbers or the capacity for an increase in livestock numbers through provision of additional infrastructure, to support animal welfare.
- o the current number and type of stock reared on the farm holding and any changes associated with the proposed development
- o provide details on how organic manures, slurry and contaminated waters will be stored
- o provide details of how the resulting organic manures, slurry and/or contaminated waters will be moved from the place of production to storage if applicable
- o identify any clean and foul drains, new and existing, location, route, direction of flow and connections
- o identify any key components and features to manage water, including sustainable drainage, containers and tanks, constructed soakaways, French drains, swales, reed beds, settlement ponds, land drains, ditches and watercourses
- o identify the proposed drainage arrangements for managing the separation of clean and contaminated water.

**Natural Resources Wales DPAS**

**2<sup>nd</sup> response 29<sup>th</sup> Jun 2023**

We have reviewed the amended information and the details we requested in our reply of 28 June 2023 have not been included. Without this information we cannot advise you fully on the application. However, if the building is not to accommodate an increase or change in stock type and the manure/slurry/contaminated water produced is managed in line with the Control of Agricultural Pollutions (Wales) Regulations 2021 we would have no objection in principle to the development.

The site is within 140m of the Tanant and Vyrnwy Bat Site of Special Scientific Interest

(SSSI). As no ecological information has been submitted, we advise you consult your in house Ecologist to determine if there is a reasonable likelihood of bats, a European Protected Species, being present within the application site. If so, in accordance with Technical Advice Note 5: Nature Conservation and Planning (paragraph 6.2.2) a bat survey may be required. Please consult us again if any survey undertaken finds that bats are present at the site, and you require further advice from us. As the competent authority under the Conservation of Habitats and Species Regulations 2017 (as amended), it is for your Authority to carry out the Test of Likely Significant Effects for the proposed development. Should you conclude that the proposal is likely to have a significant effect on a SSSI/ Special Area of Conservation/ Special Protect Area/ Ramsar site, either alone or in combination with other plans or projects, an appropriate assessment must be made of the implications of the project for that site in view of its conservation objectives. You must for the purposes of the assessment consult Natural Resources Wales and have regard to any representations we make within such reasonable time as you specify.

**Natural Resources Wales DPAS**

**3<sup>rd</sup> response 30<sup>th</sup> Jun 2023**

We have reviewed the email sent to your Authority on 28/6/23 which confirms that there will be no increase in livestock numbers. Manure will be stored within the building and there will be no slurry on site because livestock will be on straw bedding. We refer you to the comments made in our response email of 29/06/2023 (copied below for information) as we have no further comments to add.

Advisory to the Applicant

We note that manure will be stored within the building. As of 1st January 2023, any organic manure (other than slurry) must be stored in a vessel; in a covered building; on an impermeable surface; or in a free standing temporary field heap. effluent from the manure pile must remain contained within the building and drain into a dirty water tank. From this date anyone who intends to spread manure on the holding must produce and maintain a risk map which highlights the areas on which spreading may cause pollution, including buffer zones and surface waters. Sites suitable for field heaps should be marked if manure is to be stored in field heaps.

**CPAT**

**1st Jun 2023**

We have previously received applications for works at the proposed site and have placed archaeological recommendations on those works (23/0376/FUL and 22/0633/FUL). The

latest application, 23/0376/FUL had a watching brief recommendation placed upon it due to the access road alterations. The current application does not include plans showing access but does 'include all associated works', and the planning statement suggests that existing access is to be used. Can the agent provide details on the proposed existing access routes which are to be used please, which will invariably aid our recommendation.

**CPAT**

**2<sup>nd</sup> response 21<sup>st</sup> Jun 2023**

Regarding the application referenced above.

Information retained within the Regional Historic Environment Record indicated that the site would have sub-surface archaeological features and we recommended evaluation trenching on an earlier application (22/0633/FUL). The evaluation trenching was completed and, as expected archaeological features were revealed. The groundworks, soil stripping and creation of an access route for the new building will require an archaeologist present due to archaeological features being close to the surface.

Therefore, we would recommend that an archaeologist is contracted to complete an archaeological watching brief throughout the duration of the works mentioned above so that an adequate record of any archaeological features revealed by these works can be made. This advice is in accordance with the guidance set out in TAN 24 (May 2017) and Planning Policy Wales (Feb 2021).

The archaeologist should be part of a recognised professional archaeological organisation working to the Standard and Guidance of the Chartered Institute for Archaeologists (CIFA) relating to an Archaeological Watching Brief. The archaeologist should be working in accordance with an approved written scheme of investigation (WSI) and should preferably be part of a Registered Archaeological Organisation with the CIFA.

A suitable condition to facilitate the contracted watching brief is provided below along with a guidance note for the applicant on how to commission archaeological works.

The condition in this case would be:

Archaeological Watching Brief

Suggested planning condition to facilitate an archaeological watching brief:

The developer shall ensure that a suitably qualified archaeological contractor is present during all the ground reduction for the application area and access routes so that an

archaeological watching brief can be conducted. The archaeological watching brief must meet the standards laid down by the Chartered Institute for Archaeologists Standard and Guidance for archaeological watching briefs.

A copy of the resulting report should be submitted to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust (neil.bayliss@cpat.org.uk)

On approval by the Local Planning Authority, project data must be submitted and approved for inclusion in the Clwyd-Powys Archaeological Trust's Historic Environment Record [CPAT HER]. For any questions regarding this submission process, please contact the HER Team at her@cpat.org.uk. The full digital archive must also be submitted and approved for inclusion within the National Monuments Record, RCAHMW or the Archaeology Data Service, ADS.

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

I have attached a brief for the watching brief and guidance on sources of archaeological contractors who may wish to tender for this work. The chosen archaeological contractor will need to submit a WSI (written scheme of investigation) document to neil.bayliss@cpat.org.uk for approval before they can commence works on site.

The attached documents should be forwarded to the applicant/agent so that they are fully aware of the requirements.

Please contact me if you wish to discuss this advice or require more information.

Cadw - SAM

No comments received at the time of writing this report

Community Council

17<sup>th</sup> July 2023

23/0655/FUL – not to support the application owing

i) to a lack of detail with regards to the finished floor level and overall height of the building relative to the road level,

ii) presumed mistakes in the block plan with regards to identification of hedgerow height at 0.6m on the opposite side of the road to the development. (NB Gary had not studied the plans in detail and felt unable to comment)

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

## **Representations**

Following the display of a site notice erected on June 12<sup>th</sup> 2023, 3 representations have been received from 1 member of the public. Public comments can be summarised as follows:-

- Noise pollution and impact on neighbouring amenity.
- Reduction of owners' peaceful enjoyment of nearby properties
- Adverse impact on visual amenity
- Environmental pollution
- Adverse effect on landscape amenity
- Highway safety concerns and site access concerns
- Question NRW response on the application
- What arrangements are there for disposal of waste products
- Effect on nearby SSSI and SAC and protected species of bats.
- Large scale in terms of height unnecessary for intended purpose
- Concerns over future intended use of land extending to agricultural workers accommodation
- Proximity to neighbouring properties
- Increase in traffic

## **Planning History**

<b>App Ref</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
22/0633/FUL	Erection of replacement livestock building and all associated works	Application Withdrawn	12th Oct 2022

### **Principal Planning Constraints**

Ancient Semi Natural Woodland  
Special Area of Conservation  
Site of Special Scientific Interest  
Mineral Safeguarding Sandstone  
Mineral Safeguarding Sand Gravel  
Mineral Safeguarding Slate  
Category C2 Flood zone

Tanant and Vyrnwy Bat Site  
Allt y Main Mine

### **Principal Planning Policies**

<b>Policy</b>	<b>Policy Description</b>	<b>Year</b>	<b>Local Plan</b>
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 Rural Communities		National Policy
TAN11	Noise		National Policy
TAN12	Design		National Policy
TAN23	Economic Development		National Policy
TAN24	The Historic Environment		National Policy
DM2	The Natural Environment		Local Development Plan 2011-2026
DM4	Landscape		Local Development Plan 2011-2026

DM7	Dark Skies and External Lighting	Local Development Plan 2011-2026
DM8	Minerals Safeguarding	Local Development Plan 2011-2026
DM13	Design and Resources	Local Development Plan 2011-2026
DM15	Waste Within Developments	Local Development Plan 2011-2026
SP7	Safeguarding of Strategic Resources and Assets	Local Development Plan 2011-2026
T1	Travel, Traffic and Transport Infrastructure	Local Development Plan 2011-2026
E6	Farm Diversification	Local Development Plan 2011-2026
SPGBIO	Biodiversity and Geodiversity SPG (2018)	Local Development Plan 2011-2026
SPGARC	Archaeology SPG (2021)	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 Meifod community council area. The site does not form part of any settlement boundary and is therefore considered to be development within the open countryside as defined by the Powys Local Development Plan (2018). The site forms part of a parcel of agricultural land separate from the main farm complex.

The proposal is for a replacement agricultural building for storage of machinery and fodder and occasional housing of livestock during calving season on land at Allt y Main. The site is currently grazed agricultural land.

The application site sits to the south of the A495 and will utilise an existing access from a layby.

The proposed building is a single storey structure of a rectangular plan layout measuring approximately 15 metres in width by 30.5 metres in length reaching a height of 8 metres.

### Principle of Development

The policy framework for the consideration of agricultural buildings is set out in TAN6 – Planning for Sustainable Rural Communities.

Consent is sought for the erection of a replacement agricultural building in connection with an existing holding.

The proposal as designed is typical of other examples of agricultural buildings seen within the wider Powys landscape and indeed other examples can be seen along this stretch of the A495.

The proposed building is therefore considered to be of an acceptable design, scale, height, and massing with materials that are appropriate for an agricultural building at this location.

### Landscape and Visual Impact

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

The site is located within the River Severn Floodplain Sensory Aspect Area of LANDMAP (The visual and sensory) evaluates the area as *“A significant open valley / vale with a patchwork of medium to large field parcels many displaying established field boundaries of managed and overgrown hedgerows with numerous hedgerow trees. Predominantly arable farming with some lowland dairy farming. Settlements of varying sizes are prevalent from farmsteads to significant urban areas such as Welshpool and Newtown. Open skies dominate with wooded valley sides fringing the valley bottom”*

It is acknowledged that the building and site are partially visible from the public highway given the close proximity and height, however the topography of the site means that the proposed location of the building slopes away from the highway lessening the overall height of the building in relation to the highway and better integrating the building into the surrounding landscape.

The application relates to the replacement of an agricultural building and although the existing has fallen into disrepair and is much smaller in scale than the proposal it cannot be said that the character and appearance of the area would be further compromised by the development in such a way as to warrant refusal.

The site does benefit from screening in the form of a hedgerow to the North, however it was requested that further screening options were submitted to better assimilate the building into its surroundings. This has been duly submitted by way of a landscaping plan and includes the planting of native hedgerow to the Northeast of the site, this will better assimilate the development into its setting and the wider landscape and will also act as further screening. This plan will be secured by way of condition to any grant of consent.

Subject to outlined conditions, it is therefore considered that the development is in-keeping with the surrounding area and is not considered to have an unacceptable adverse effect, on the valued characteristics and qualities of the Powys landscape.

In light of the above, and subject to the inclusion of appropriately worded conditions in relation to additional soft landscaping and retaining ground levels as existing, it is considered that the proposal complies with the requirements of Policies, DM4 and DM13 of the Powys LDP.

### Neighbouring 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).

The nearest neighbouring dwelling is within 100 metres of the application site. The proposed development seeks to erect a replacement agricultural building. Environmental Protection have been consulted on the application and have raised no objection or concerns regarding noise, dust, air or odour pollution, although they did raise a question with regards to how manure would be stored. An informative will be attached to any decision notice advising the applicant that any manure stored on site must be contained within a vessel as requested by NRW. It is understood that the applicant intends to then remove from site when required, to the main farm stead. The applicant has also submitted plans detailing a dirty water tank for the collection of any draining of effluent from the manure.

Public representations received have also raised concerns regarding the proposal

spoiling the view from their own property and that of the surrounding area. The proposal's effect on the surrounding landscape has been outlined above and is in line with relevant planning policy. Development must respect the existence and amenities of neighbouring uses, these amenities include privacy (affected by overlooking) and light (natural and man-made) but do not extend to the right to a view. Given that the proposed is located 100m from the nearest property and set much lower down, no detrimental effect is anticipated in terms of loss of privacy or loss of light.

In light of the above, it is considered that the proposal complies with relevant planning policies on amenity within DM13.

### Highways

Policies DM13 and T1 of the Powys Local Development Plan (2018) indicates that development proposals should incorporate safe and efficient means of access to and from the site for all transport users, manage any impact upon network and mitigate adverse impacts.

The application seeks to utilise an existing gated entrance to the site but will make alterations to improve highway safety. The local Highway Authority has been consulted on the development and has no objection save the inclusion of a number of conditions.

In light of the above and subject to the inclusion of these conditions, it is considered that the proposed development complies with the relevant planning policies.

### Biodiversity

In terms of 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).

#### *- Protected Sites*

The site is within 150m of Tanant Vyrnwy Bat Site Special Area of Conservation and Allt y Main Mine Site of Specific Scientific Interest. There are also examples of Ancient Semi Natural Woodland within close proximity, the nearest being 50m away. The ecologist has been consulted and does not feel it necessary to conduct a preliminary bat roost assessment on the current dilapidated structure on site. However, a Habitats Regulation Assessment was conducted and mitigation measures were found to be necessary, therefore an appropriate assessment has also been carried and sent to NRW for approval. No response has been received to date from NRW but an update will be provided to Members on the assessment.

The ecologist has also proposed conditions to limit light spill to wildlife sensitive areas and subject to any condition it is considered that the proposal could mitigate against any potential impacts.

Subject to the inclusion of the above and the subsequent consultation and approval from NRW, the proposal complies with relevant planning policy.

- *Enhancement*

It is noted that a landscaping scheme detailed on plan RJC – M2770-09 has been submitted in terms of biodiversity enhancements as part of the application. The measures are considered acceptable and in-line with the requirements of Planning Policy Wales (Ed.11) and Policy DM2 of the Powys LDP. A suitably worded condition will be attached to any grant of consent to require the biodiversity/landscaping enhancement plan is adhered to.

In light of the above, and subject to the inclusion of an appropriately worded conditions, it is considered the proposed development complies with relevant planning policy in this regard and is acceptable.

Historic Environment

Information retained within the Regional Historic Environment Record indicated that the site would have sub-surface archaeological features and Clwyd Powys Archaeological Trust had requested evaluation trenching on an earlier application (22/0633/FUL). The evaluation trenching was completed and, as archaeological features were revealed. CPAT in their consultation response to this application recommend that the groundworks, soil stripping and creation of an access route for the new building will require an archaeologist present due to archaeological features being close to the surface.

Therefore, subject to the inclusion of the recommended condition, the proposal complies with relevant planning policy.

Flood Zone

The site is partially located within the Zone C2 of the Development Advice Map (DAM) contained in TAN15 but sits outside of any flood zone as identified on the most up to date data through the Flood Map for Planning.

NRW in previous guidance has confirmed that the Flood Map for Planning represents the best available information held on flood risk and therefore given that the proposal as noted from the Flood Map for Planning data is located entirely outside of any floodzone no further information is required in this instance.

Mineral Safeguarding

It is noted that the application site is located within an area safeguarded for future

mineral extraction.

The application seeks to replace an existing agricultural building which currently lies adjacent to the proposed building. Given the proximity to the existing building and that the proposal is in connection with the existing use of the land it is considered that a reason for refusal would not be justified in this instance and the proposal would not be to the detriment of any future extraction of the resource.

## **RECOMMENDATION – Conditional Consent**

In light of the above assessment, it is considered, whilst the concerns of third-party representations have been noted and duly considered, that the proposed development complies with relevant planning policy and the recommendation is therefore one of conditional consent.

### **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 following plans and documents: RJC-MZ770-01 Rev B RJC-MZ770-02 Rev B, RJC-MZ770-03 Rev B, RJC-MZ770-05 Rev B, RJC-MZ770-06 Rev D, RJC-MZ770-07 RJC-MZ770-09 (Landscaping Plan) and RJC-MZ770-10 (Section Plan).
3. There shall be no erection of lighting (temporary or permanent) at the construction site, at the construction site access or along the construction site access route during the entirety of the construction phase.
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, specifically lesser horseshoe bats, in accordance with the recommendations outlined in the BCT and ILP Guidance Note 8 Bats and Artificial Lighting (12th September 2018). The development shall be carried out in accordance with the approved details.
3. Prior to any works the access shall be fully constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 26 metres distant in south western direction and 35 meters in north east direction measured from the centre of the access along the edge of the adjoining carriageway.
4. 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.

5. Prior to the first beneficial use of the building hereby approved the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material, 60mm of bituminous macadam binder course material and be finished in a 40mm bituminous surface course material for a distance of 15 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.

6. Prior to the first beneficial use of the building hereby approved the existing entrance gate installed within the application site shall be set back at least 15 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.

7. The width of the access carriageway, shall be not less than 5.5m for a minimum distance of 15 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. The developer shall ensure that a suitably qualified archaeological contractor is present during all the ground reduction for the application area and access routes so that an archaeological watching brief can be conducted. The archaeological watching brief must meet the standards laid down by the Chartered Institute for Archaeologists Standard and Guidance for archaeological watching briefs.

A copy of the resulting report should be submitted to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust (neil.bayliss@cpat.org.uk)

On approval by the Local Planning Authority, project data must be submitted and approved for inclusion in the Clwyd-Powys Archaeological Trust's Historic Environment Record [CPAT HER]. For any questions regarding this submission process, please contact the HER Team at her@cpat.org.uk. The full digital archive must also be submitted and approved for inclusion within the National Monuments Record, RCAHMMW or the Archaeology Data Service, ADS.

9. All planting, seeding or turfing comprised in the approved details of landscaping as shown on drawing RJC-M2770-09 shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development,

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

## **Reasons**

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans as approved in the interests of clarity and a satisfactory development.
3. 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.
4. 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.
5. In the interests of highway safety in accordance with polices DM13 and T1 of the Powys Local Development Plan (2018), Technical Advice Note 18 and Planning Policy Wales (Edition 11, 2021).
6. In the interests of highway safety in accordance with polices DM13 and T1 of the Powys Local Development Plan (2018), Technical Advice Note 18 and Planning Policy Wales (Edition 11, 2021).
7. In the interests of highway safety in accordance with polices DM13 and T1 of the Powys Local Development Plan (2018), Technical Advice Note 18 and Planning Policy Wales (Edition 11, 2021).
8. To secure preservation by record of any archaeological remains which may be revealed during ground excavations for the consented development.
9. To comply with Policy DM2 and DM4 of the Powys Local Development Plan (2018) in relation to the natural Environment and Landscape 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.

## **Informative**

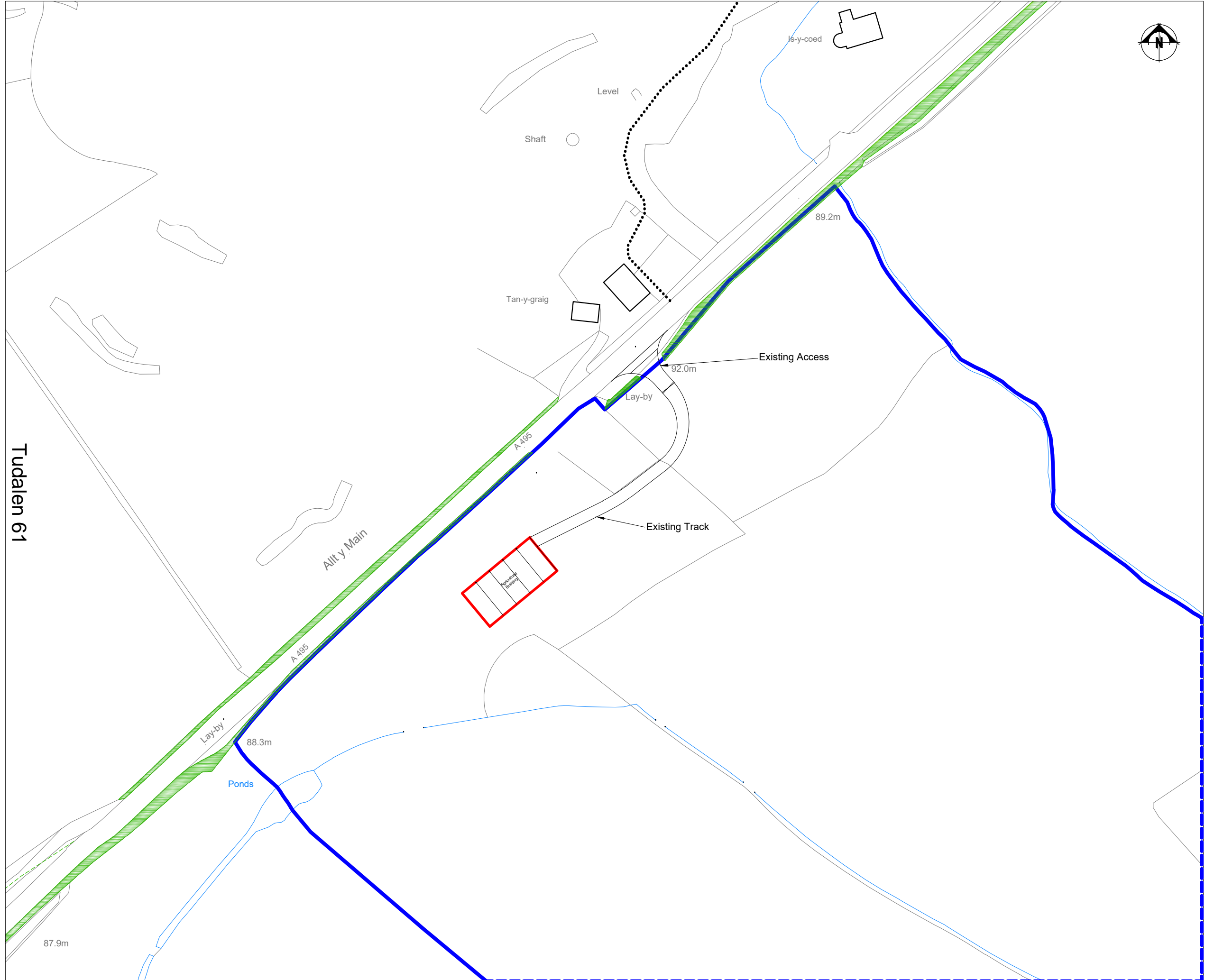
## 1. Natural Resources Wales Guidance

As of 1st January 2023, any organic manure (other than slurry) must be stored in a vessel; in a covered building; on an impermeable surface; or in a free-standing temporary field heap. Effluent from the manure pile must remain contained within the building and drain into a dirty water tank. From this date anyone who intends to spread manure on the holding must produce and maintain a risk map which highlights the areas on which spreading may cause pollution, including buffer zones and surface waters. Sites suitable for field heaps should be marked if manure is to be stored in field heaps.

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Case Officer: Hannah Miller, Planner  
Tel: E-mail: [hannah.miller@powys.gov.uk](mailto:hannah.miller@powys.gov.uk)





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- ..... Footpath
- Red Boundary
- Blue Boundary

Rev	Description	Date	Dr by	App by
Original	by			



Residential - Agricultural - Commercial	
Job	Proposed agricultural building
Title	Location Plan
Location	Land at Allt y Maen Meifod Powys SY22 6BP
Client	JW Wilkinson
Scales	1:1250 @ A3
Drawing No.	RJC-MZ770-01 Rev B
Drawn by	AZ
Date	06/04/2023

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

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



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Parish Name	Decision	Date Application Valid	Application No.	Application Type	Date Decision Issued	Proposal	Location
Banwy Community	Approve	05/05/2023	23/0729/CLP	Certificate of Lawfulness - Proposed	18/07/2023	Section 192 for the change of use of existing residential dwelling into a children's care home.	Pentre Bach Foel Welshpool SY21 0PE
Tudare 63	Permitted Development	26/06/2023	23/0911/AGR	Agricultural Notification	18/07/2023	Construction of new forest road	Gwrachen Plantation Llanbrynmair Forest
	Approve	02/06/2023	23/0937/DIS	Discharge of Condition	17/07/2023	Application to discharge conditions 4, 5, 6, 11 and 15 from planning permission 22/0404/FUL	Brunant Berriew Welshpool Powys SY21 8QY

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Parish Name	Decision	Date Application Valid	Application No.	Application Type	Date Decision Issued	Proposal	Location
Builth Wells Community	Approve	03/03/2023	23/0351/DIS	Discharge of Condition	24/07/2023	Discharge of 4, 8, 9, 10, 11 and 13 of planning approval 20/0650/FUL in relation to Affordable housing, Landscaping details, Tree and Hedgerow Protection Plan, External Lighting Details, Biodiversity Enhancement Plan and Contaminated Land	Land At Plas Newydd Builth Wells Powys LD2 3GG
Tudalen 65	Approve	07/06/2023	23/0970/TRE	Works to trees in Conservation Area	17/07/2023	Application to fell x1 Holly tree, and to remove dead wood and branches of x1 Sequoia tree within a conservation area.	Maesllyn 19 North Road Builth Wells Powys LD2 3BU
Caersws Community	Approve	16/06/2023	23/1063/ELE	Electricity Overhead Line	27/07/2023	Section 37 application under the Electricity Act 1989 Overhead Lines (exemption)(England and Wales) Regulations 2009 to divert an existing overhead line	Gwastadcoed Llanwnnog Caersws Powys SY17 5NZ

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Parish Name	Decision	Date Application Valid	Application No.	Application Type	Date Decision Issued	Proposal	Location
Caersws Community	Refused	27/06/2023	23/0991/NMA	Non-Material Amendment	14/07/2023	Non material amendment to planning permission P/2017/0754 in relation to alteration of application description to read - Outline: Proposed housing development for up to 43 residential units and construction of a bus layby to allow for an appropriate reduction in residential units due to flood constraints within the site	Land At Pen Y Borfa Carno Road Caersws SY17 5JA
Churchstoke Community	Approve	07/06/2023	23/0969/TRE	Works to trees in Conservation Area	18/07/2023	Application to fell oak tree within a conservation area	Gorsty House Hyssington Montgomery Powys SY15 6AT
	Refused	23/05/2023	23/0704/HH	Householder	21/07/2023	Erection of a detached garage	Swallow Barn Hurdley Churchstoke Powys SY15 6DY

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Tudalen 69	Disserth And Trecoed Community	Refused	15/02/2022	22/0252/FUL	Full Application	20/07/2023	Use of site for motocross activities including use of existing scramble track; Erection of a building for use as a Motocross Experience Centre with associated parking area; GRP equipment cabinet; siting of 7 no. log cabins for holiday use with access tracks; Installation of 2 no. foul water receptacles & associated infrastructure; improvements to existing roadways & improvements to 2 no. highway entrances; formation of passing bay; 4 new bridges to replace existing and 1 new bridge over ford together with all associated works (resubmission & revised proposal of 19/0643/FUL)	Land At Rhydblawd Farm Disserth Builth Wells LD2 3TL
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Parish Name	Decision	Date Application Valid	Application No.	Application Type	Date Decision Issued	Proposal	Location
Dwyriv Community	Approve	02/06/2023	23/0829/CLP	Certificate of Lawfulness - Proposed	01/08/2023	Section 192 application for a Lawful Development Certificate of Proposed Use for the excavation of footings to commence planning permissions P2017 1265 & 21/0477/RES. The work constitutes a material operation which accords with Section 56, in that the digging of a trench which is to contain the foundations of the dwelling has occurred.	Cefn Bryn Cefn Coch Welshpool SY21 0AE
Felin Fach Community	Planning Permission Required	05/07/2023	23/1139/AGR	Agricultural Notification	31/07/2023	Erection of an agricultural building for muck store	Maescoed Farm Llandefalle Brecon Powys LD3 0ND

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Parish Name	Decision	Date Application Valid	Application No.	Application Type	Date Decision Issued	Proposal	Location
Felin-Fach Community	Refused	17/05/2023	23/0618/HH	Householder	14/07/2023	Removal of existing window from ground floor of south elevation; enlargement of window aperture; replacement of existing window with new Oriel window	Castlewood Barn Llandefalle Brecon LD3 0NR
Glascwm Community	Refused	20/03/2023	23/0430/FUL	Full Application	20/07/2023	Erection of a holiday let cabin on site of a previously approved holiday let cabin (part retrospective)	Bwlch Farm Estate Disserth Builth Wells LD1 5RH
Tudalen 73	Refused	11/05/2023	23/0749/FUL	Full Application	17/07/2023	Installation of a 30m lattice tower and associated infrastructure, creation of a compound and installation of an access track	Land To The North Of Llwyntudor Rhulan Powys LD2 3YA

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Parish Name	Decision	Date Application Valid	Application No.	Application Type	Date Decision Issued	Proposal	Location
Guilsfield Community	Approve	28/04/2023	23/0520/NMA	Non-Material Amendment	19/07/2023	Application for non-material amendments to development approved under appeal reference APP/T6850/A/05/11845 23 (M/2005/0010), to amend the approved layout and house design	Sarn Meadows Guilsfield SY21 9PP
Tudalen 75	Consent	11/12/2019	19/1984/OUT	Outline planning	20/07/2023	Erection of up to 28 affordable dwellings with associated infrastructure, including access	Land At Tan Y Gaer Guilsfield Welshpool SY21 9PR
	Refused	27/03/2023	23/0464/LBC	Listed Building Consent	20/07/2023	Removal of modern rear extension and erection of new rear extension , internal alterations and all other associated works.	6 Park Road Guilsfield Welshpool SY21 9NN
Gwernyfed Community	Approve	24/06/2022	22/0535/FUL	Full Application	17/07/2023	Erection of 3 chalets, an amenity unit, installation of a treatment plant and all associated works	Caeronen Farm Felindre Brecon LD3 0SG

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Parish Name	Decision	Date Application Valid	Application No.	Application Type	Date Decision Issued	Proposal	Location
Honddu Isaf Community	NMA Approved	07/07/2023	23/1053/NMA	Non-Material Amendment	31/07/2023	Non material amendment to planning permission 21/1459/FUL (to alter the development to include one larger holiday cabin with three bedrooms and one smaller holiday cabin with one bedroom, rather than two equal-sized cabins)	Dan Y Llan Garthbreny Brecon LD3 9TG
Knighton Community	Approve	07/06/2023	23/0953/TRE	Works to trees in Conservation Area	14/07/2023	Works to trees in a Conservation Area	Rear Of 6 George Road Knighton Powys LD7 1HF
Llanbister Community	Approve	23/05/2023	23/0723/HH	Householder	17/07/2023	Demolition of barn and erection of a carport with additional living accommodation	Palace Llanbister Llandrindod Wells Powys LD1 6UL
Llanbrynmair Community	Refused	24/05/2023	23/0804/REM	Removal or Variation of Condition	14/07/2023	Section 73 application to remove condition no. 9 attached to planning approval M/2001/1101 (holiday restriction)	Sawmill Studio Pennant Llanbrynmair Powys SY19 7BL

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### 70 Applications

Parish Name	Decision	Date Application Valid	Application No.	Application Type	Date Decision Issued	Proposal	Location
Llanddewi Ystradenni Community	Approve	30/05/2023	23/0623/FUL	Full Application	21/07/2023	Change of use of part of ground floor from residential use to hospitality /dining business and residential use	The Walsh Llanddewi Llandrindod Wells LD1 6SE
Llanelwedd Community	Permitted Development	12/07/2023	23/0956/AGR	Agricultural Notification	17/07/2023	Excavation works to an agricultural field	Penmaenau Llanelwedd Builth Wells Powys LD2 3RD
Llanfyll Community	Permitted Development	26/06/2023	23/0910/AGR	Agricultural Notification	14/07/2023	Construction of a new forest road	Llanbrynmair Forest
Llanfair Caereinion Community	Approve	03/04/2023	23/0413/FUL	Full Application	18/07/2023	Change of use of ground floor hairdressers salon (A1) to a take away (A3), and installation of an extract duct, to include all associated works	Meirion House Hassel Square Llanfair Caereinion Welshpool SY21 0RN
	Approve	24/04/2023	23/0538/FUL	Full Application	14/07/2023	Formation of a slurry lagoon and associated works.	Cwmllynog Llanfair Caereinion Welshpool Powys SY21 0HF

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Parish Name	Decision	Date Application Valid	Application No.	Application Type	Date Decision Issued	Proposal	Location
Llanfyllin Community	Consent	28/10/2022	22/1777/LBC	Listed Building Consent	31/07/2023	Renovation and internal and external works and alterations	Llwyn Derw Foul Street Llanfihangel Llanfyllin SY22 5HZ
Llangunllo Community	Approve	09/03/2023	23/0196/FUL	Full Application	26/07/2023	The creation of 2 shallow ponds, 3 scrapes and the widening of existing raised walkway.	Green Streete Farm Llangunllo Knighton LD7 1SP
	Approve	24/04/2023	23/0612/HH	Householder	26/07/2023	Erection of a single storey rear extension, alterations and removal of conservatory	Ferndale Llangunllo Knighton LD7 1SS
Llanfyniew Community	Permitted Development	06/07/2023	23/1044/AGR	Agricultural Notification	28/07/2023	Proposed agricultural building 30m x 15m x 7.6m	Maesneuadd Pont Robert Meifod SY22 6JP
Llangynog Community	Consent	07/11/2022	22/1883/TRE	Works to trees in Conservation Area	14/07/2023	To remove and dispose of 6 trees, works to 1 tree within a conservation area.	Penllan Cottage Llangynog Oswestry SY10 0ET

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### 70 Applications

Parish Name	Decision	Date Application Valid	Application No.	Application Type	Date Decision Issued	Proposal	Location
Llangynog Community	Permitted Development	08/06/2023	23/0848/TEL	Telecommunications notification	01/08/2023	Application under Part 24 of Schedule 2 of the GPDO 1995 for the 5m tower extension to the existing installation and relocation of 3 no. antennas and 2 no. dishes to the top of the extension. Installation of 3 no. new antennas and 3 no. ground-based equipment cabinets. Installation of remote radio units, mast head amplifiers, GPS node and associated ancillary works	Land At Revolution Bike Park Llangynog Powys SY10 0EP
Llangynog Community	Permitted Development	29/06/2023	23/0957/AGR	Agricultural Notification	25/07/2023	Proposed Agricultural Building	Land South West Of Tyn Y Llwyn Llangynog Oswestry Powys SY10 0HA
Llanidloes Without Community	Approve	18/05/2023	23/0631/FUL	Full Application	26/07/2023	Erection of an agricultural fodder store building	Morfodion Llandinam Powys SY18 6LU

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Parish Name	Decision	Date Application Valid	Application No.	Application Type	Date Decision Issued	Proposal	Location
Llanidloes Without Community	Approve	20/06/2023	23/0946/NMA	Non-Material Amendment	17/07/2023	Application for non-material amendments to permission P/2017/0093 to amend approved plans	Plot 1 Land Adj Van Terrace Y Fan Llanidloes Powys SY18 6NA
Llanigon Community	Approve	19/05/2023	23/0796/NMA	Non-Material Amendment	20/07/2023	Non material amendment to planning permission P/2008/1607 in respect of minor changes to Internal layouts, Openings, Positions on Plot, Material locations of elevations and Alterations to Porch styles	Land At Llanthomas Lane Llanigon Hereford Powys
Llansantffraid Community	Approve	20/02/2023	23/0285/FUL	Full Application	14/07/2023	Erection of rural enterprise dwelling with detached garage, formation of access, installation of sewage treatment plant and all associated works	Plas Onn Winllan Lane Llansantffraid-Ym-Mechain SY22 6TP

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Parish Name	Decision	Date Application Valid	Application No.	Application Type	Date Decision Issued	Proposal	Location
Llansilin Community	Refused	22/09/2022	22/1498/FUL	Full Application	20/07/2023	Change of use of under construction cabin (within residential curtilage) to a holiday let.	Clyrun Fach Llansilin Oswestry SY10 7JN
Llywel Community	NMA Approved	22/05/2023	23/0799/NMA	Non-Material Amendment	17/07/2023	Non Material Amendment to planning approval 19/1224/FUL (simplification of the overall design)	Pen Bryn Barns Llywel Brecon Powys LD3 8RD
Machynlleth Community	Approve	06/06/2023	23/0853/ADV	Advertisement Consent	31/07/2023	Advertisement consent for display of various signs: Canopy fascia signs including illuminated elements, totem / PID price sign including illuminated elements, internally illuminated spreader signs mounted over pumps, shop frontage fascia's with vinyl signage and illuminated logos	Station Garage Heol Y Doll Machynlleth Powys SY20 8BH

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Parish Name	Decision	Date Application Valid	Application No.	Application Type	Date Decision Issued	Proposal	Location
Meifod Community	Approve	22/05/2023	23/0787/FUL	Full Application	24/07/2023	Erection of an agricultural building (covered yard) over an existing feeding area	Penyrrwtra Llanfyllin SY22 6JQ
	Approve	05/06/2023	23/0629/HH	Householder	01/08/2023	Erection of a conservatory	1 Isfryn Pont Robert Meifod Powys SY22 6DF
Newtown And Llanllwchaiarn Community	Approve	15/05/2023	23/0710/HH	Householder	27/07/2023	Two storey side extension to include some demolition	28 Wynfields Newtown SY16 1HD
Tudalen 89	Approve	20/06/2023	23/0845/DIS	Discharge of Condition	26/07/2023	Discharge of conditions 3, 4 & 5 of planning permission 21/2356/FUL (CEMP, Lighting proposal and landscaping)	New Bridge Over Afon Hafren Pool Road Newtown Powys
Paincastle Community	Approve	19/05/2023	23/0773/FUL	Full Application	24/07/2023	Erection of a agricultural building to store fodder and bedding	School House Rhosgoch Builth Wells LD2 3JY
Presteigne Community	Approve	10/01/2022	21/2306/FUL	Full Application	27/07/2023	Erection of 2 no. general industrial units and associated infrastructure	Plot 6 Broadaxe Business Park Presteigne Powys LD8 2UH

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Parish Name	Decision	Date Application Valid	Application No.	Application Type	Date Decision Issued	Proposal	Location
Presteigne Community	Approve	26/05/2023	23/0789/FUL	Full Application	17/07/2023	Erection of 2.4m high perimeter fencing with 2 gates and erection of 2.4 m high new compound fencing together with installation of roof top anti-climb roller spikes to part north facing and to part west facing areas of building	Unit 1 Broadaxe Business Park Presteigne Powys LD8 2UH
	Approve	26/05/2023	23/0790/FUL	Full Application	17/07/2023	Erection of 2.4m high perimeter fencing with 2 gates together with installation of roof top anti-climb roller spikes to part of west facing area of building	Unit 5 & 6 Presteigne Industrial Estate Presteigne Powys LD8 2UF
Rhayader Community	Consent	09/06/2023	23/0877/CLP	Certificate of Lawfulness - Proposed	17/07/2023	Application for a lawful development certificate under section 192 for the proposed change of use from holiday lets to a domestic home.	Cadwgan House East Street Rhayader LD6 5DN

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Parish Name	Decision	Date Application Valid	Application No.	Application Type	Date Decision Issued	Proposal	Location
Rhayader Community	Refused	28/06/2022	22/1085/FUL	Full Application	17/07/2023	Installation of a 30m lattice tower supporting 6 no. antennas, 4 no. transmission dishes, 2 no. equipment cabinets, 1 no. meter cabinet, 1 container housing Hydrotreated Vegetable Oil generators, batteries & biofuel tanks, 2 free standing solar panel arrays and ancillary development including 1.1m fence, GPS module & hard standing area	Land At Henfron Farm Craig Dyfnant Claerwen Valley Rhayader Powys

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Parish Name	Decision	Date Application Valid	Application No.	Application Type	Date Decision Issued	Proposal	Location
Rhayader Community	Refused	04/07/2022	22/1100/FUL	Full Application	21/07/2023	Installation of a 30m lattice tower supporting 6 no. antennas, 4 no. transmission dishes, 2 no. equipment cabinets, 1 no. meter cabinet, 1 container with solar panel atop housing a Hydrotreated Vegetable Oil generator, battery and biofuel tank, 3 free standing solar panel arrays and ancillary development thereto including a 1.1m stockproof fence, GPS module, hard standing area and access track for the Shared Rural Network project on behalf of Cornerstone.	Land To The West Of Craig Goch Reservoir Elan Valley Trust Elan Valley Rhayader, Powys LD6 5HS
Tudalen 95							
Tawe-Uchaf Community	Refused	13/04/2022	22/0645/FUL	Full Application	14/07/2023	Creation of a car park (part retrospective)	Land Near To Henrhyd Falls Tawe Uchaf Coelbren SA10 9NA
	Refused	02/05/2023	23/0646/HH	Householder	14/07/2023	Erection of side and rear extensions.	10 Llwynceilyn Terrace Coelbren Neath SA10 9PA

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### 70 Applications

Parish Name	Decision	Date Application Valid	Application No.	Application Type	Date Decision Issued	Proposal	Location
Treflys Community	Consent	15/11/2022	22/1896/FUL	Full Application	17/07/2023	Renovation and extensions to dwelling, installation of package sewage treatment plant	Tygwyn Llanwrtyd Wells LD5 4SB
	Refused	24/11/2022	22/2010/FUL	Full Application	17/07/2023	Creation of a slurry lagoon	Llwynpiod Garth Llangamarch Powys LD4 4AU
Tregynon Community	Planning Permission Required	07/07/2023	23/1052/CLP	Certificate of Lawfulness - Proposed	24/07/2023	Section 192 application for the erection of a fence up to 2m high	Annexe The Old School Tregynon Newtown Powys SY16 3EH
Trewern Community	Approve	12/07/2023	23/1082/NMA	Non-Material Amendment	27/07/2023	Non-material amendment to 22/1720/FUL in respect of alterations to approved landscaping	Offas Dyke Business Park, Unit 3 Fisher Road Buttington Welshpool SY21 8JF

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Parish Name	Decision	Date Application Valid	Application No.	Application Type	Date Decision Issued	Proposal	Location
Welshpool Community	Approve	17/03/2023	23/0441/HH	Householder	19/07/2023	Proposed 2 storey side extension to provide a car port and improved bedroom accomodation. Formation of a tarmac parking area and erection of a retaining wall. (Part Retrospective)	10 Clos Bryn Y Ddol Welshpool SY21 7UP
Tudalen 99	Approve	31/05/2023	23/0628/REM	Removal or Variation of Condition	26/07/2023	Section 73 application to vary condition 2 of planning permission 22/1790/HH in relation to approved design	Plas Newydd Windmill Lane Trelydan Welshpool SY21 9HZ
	Approve	08/06/2023	23/0736/HH	Householder	21/07/2023	Single storey extension to residential dwelling	Top Lodge Folly Lane Guilsfield Welshpool SY21 9HT
	Approve	14/06/2023	23/0876/DIS	Discharge of Condition	24/07/2023	Discharge of condition 3 of planning approval 22/0054/FUL ( RAAMS)	Turkanha Gungrog Hill Welshpool SY21 7TJ
	Approve	22/06/2023	23/0951/DIS	Discharge of Condition	24/07/2023	Application to discharge condition 7 attached to permission 22/0242/LBC in relation to mortar	The Pinewood Tavern Broad Street Welshpool Powys SY21 7RZ

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Parish Name	Decision	Date Application Valid	Application No.	Application Type	Date Decision Issued	Proposal	Location
Welshpool Community	Approve	30/06/2023	23/0993/NMA	Non-Material Amendment	14/07/2023	Non material amendment to planning permission 23/0391/HH in respect of rotation of garage	Croft House Red Bank Welshpool SY21 7PL
	Refused	22/02/2023	23/0294/FUL	Full Application	17/07/2023	Conversion of an agricultural building to detached residential dwelling and all associated works	Barn At Coppice Lane Pool Quay Welshpool Powys SY21 9JY
Ystradgynlais Community	Approve	30/03/2023	23/0527/DIS	Discharge of Condition	19/07/2023	Discharge of condition no's 22 & 25 attached to planning approval for 3 dwellings ref: 21/1987/FUL	Development South Of 23 Cwmphil Road Lower Cwmtwrch Swansea Powys
	Approve	17/04/2023	23/0485/FUL	Full Application	19/07/2023	Demolition of four blocks of 24 flats and the erection of four blocks of 16 flats and all associated works	Land At Former Flats - Pen Y Bryn And Ael Y Bryn Ystradgynlais Powys SA9 1JA
	NMA Approved	05/07/2023	23/1035/NMA	Non-Material Amendment	31/07/2023	Non material amendment to planning permission 21/1477/HH in relation to raising the height of the roof by 416mm	167 Brecon Road Ystradgynlais Swansea SA9 1QN

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Parish Name	Decision	Date Application Valid	Application No.	Application Type	Date Decision Issued	Proposal	Location
Ystradgynlais Community	Refused	08/12/2022	22/2152/FUL	Full Application	21/07/2023	Conversion and alteration of outbuilding together with erection of a rear extension to form a residential dwelling and all associated works	Outbuilding At 2/3 Bank Cottages Ystradgynlais Swansea Powys SA9 1RY
<b>Application Total</b>		<b>70</b>					

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**CYNGOR SIR POWYS COUNTY COUNCIL****PLANNING, TAXI LICENSING AND RIGHTS OF WAY COMMITTEE  
10 August 2023****REPORT BY: HEAD OF HIGHWAYS, TRANSPORT AND  
RECYCLING****SUBJECT: Town and Country Planning Act 1990, section 257  
Public path Order proposal**

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**REPORT FOR: DECISION**

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**Proposal to divert part of footpaths 3 and 51, on land at Brynygroes Farm, Ystradgynlais SA9 1LF (Community of Ystradgynlais.)****Background:**

The need for a diversion of part of footpaths 3 and 51 has arisen because the development subject of planning permission 20/1314/FUL would lie on the line of part of footpath 3. The approved planning permission is for a residential development and associated works on land at Brynygroes Farm, Ystradgynlais. The applicant's plan, as submitted during the planning permission process showing the development and the footpath diversion is at Appendix A. The initial proposed line of the footpath diversion can be found at Appendix B, but this was subsequently amended during the consultation process and the revised proposal is shown on the plan at Appendix C.

The applicant for the proposed diversion of the footpaths is Morgan Construction Wales. The diversion proposal also affects land owned by a private landowner.

**Current Definitive routes:**

The length of footpath 51 to be diverted commences on the track leading from coronation park at OS Grid Reference SN 7860, 1048 (point A as shown on plan at appendix C) and continues in a generally north-easterly direction for approximately 153 metres across "The Patch" Common (a woodland area) to OSGR SN 7868,1061 (point I). It continues in a generally northerly direction for approximately 83 metres to cross the haul road and run adjacent to the farm access track to meet footpath 3 and bridleway 75 at OSGR SN 7868, 1070 (point J). The total length of the footpath 51 to be diverted is approximately 236 metres. The width is undefined in the statement.

The length of footpath 3 to be diverted commences at a point where it meets footpath 51 and bridleway 75 at OSGR SN 7868, 1070 (point J) and continues in a generally north north-westerly direction adjacent to the farm access track and a watercourse for 197 metres to OSGR SN7864,1088 (point H). The total

length of the footpath 51 and 3 combined to be diverted is approximately 433 metres. The width is undefined in the statement.

**Proposed alternative route:**

The proposed alternative route for footpath 51 commences on the track leading from coronation park at OS Grid Reference SN 7860, 1048 (point A as shown on plan at appendix C) and continues in a generally north north-easterly direction for approximately 51 metres to OSGR SN 9179, 5136 (point B). It then exits the track to run in a north-eastwardly direction across “The Patch” common (woodland area) for approximately 109 metres to OSGR SN 7869,1061 (point C). It continues in a north-northeasterly direction for approximately 15 metres to cross the haul road to OSGR SN 7870,1062 (point D). It continues in a generally northerly direction along a footway adjacent to the main access road to the residential development for approximately 80 metres to meet bridleway 75 that crosses the site at OSGR SN 7869, 1071 (point E).

The proposed alternative route for footpath 3 continues from OSGR SN 7869, 1071 (point E) in a generally north north-westerly direction for approximately 152 metres to follow a footway to OSGR SN 7866,1084 (point G). It follows in a north-westerly direction for approximately 48 metres to cross the entrance road to the residential development and continues to OSGR SN7864,1088 (point H). The total length of the proposed new footpaths 51 and 3 combined is approximately 455 metres. The proposed width is 2 metres.

**Works required:**

The works to make the new route ready for use will be undertaken by the applicant. The length between points A-B-C will be stoned and the length running between points D-E-F-G-H adjacent to the residential development will be finished in tarmacadam.

**Consultation:**

Aspri Planning on behalf of the applicant carried out pre-Order Consultation in October 2022 based on the proposal plan shown in appendix B. Following initial concerns expressed by consultees, a revised proposal was put forward and this can be viewed at appendix C. The full list of consultation responses and replies made by Aspri Planning can be found at appendix D. The representatives for the Ramblers Association and The Open Spaces Society have stated that they would object to the order.

**Options:**

This application has been made under section 257 of the Town and Country Planning Act 1990. The legal criteria for the making of a diversion Order under this legislation is that it is necessary to do so, in order to enable development to be carried out in accordance with planning permission that has been granted.

Planning permission 20/1314/FUL has been granted for a residential development and associated works that will lie on the line of footpath 3. As

such, and as the development is not 'substantially complete', it is considered that the legal criteria for the making of a diversion Order are met.

If a diversion Order is made, opposed and submitted to the Planning and Environment Decisions Wales (PEDW), the Inspector could consider wider issues, including the suitability of the proposed new route, in deciding whether the Order should be confirmed or not. However, they will not re-open the matter of the planning merits of the development itself.

The Committee could:

1. Decide not to make a diversion Order in respect of this application; in that event, the applicant would not be able to implement the development subject of the planning permission that has been granted, as to do so would obstruct the line of footpath 3.
2. Approve the making of a diversion Order. Given the outstanding objections, there is a significant risk that the Order may then be formally opposed.

If a diversion Order is made and opposed, it could be formally abandoned. Alternatively, the Order could be submitted to PEDW for determination.

If a diversion Order is made, opposed, and submitted to the PEDW, the Council can decide to support, remain neutral with respect to, or oppose the confirmation of the Order.

If the Council decides to support the Order, then it must make a case as to why the Order should be confirmed. If the Council chooses to remain neutral or oppose the confirmation of the Order, that responsibility lies with the applicant.

This diversion is considered to be primarily in the interest of the applicant, as the diversion is needed to allow them to implement the planning permission that has been granted.

Given that and as the proposal meets the legal criteria for the making of a diversion Order, it is proposed that a diversion Order be made. If it is opposed, then unless significant new information comes to light, it is proposed that the Order should be submitted to PEDW for determination, but that the Council should remain neutral with respect to its confirmation.

**RECOMMENDATIONS:**

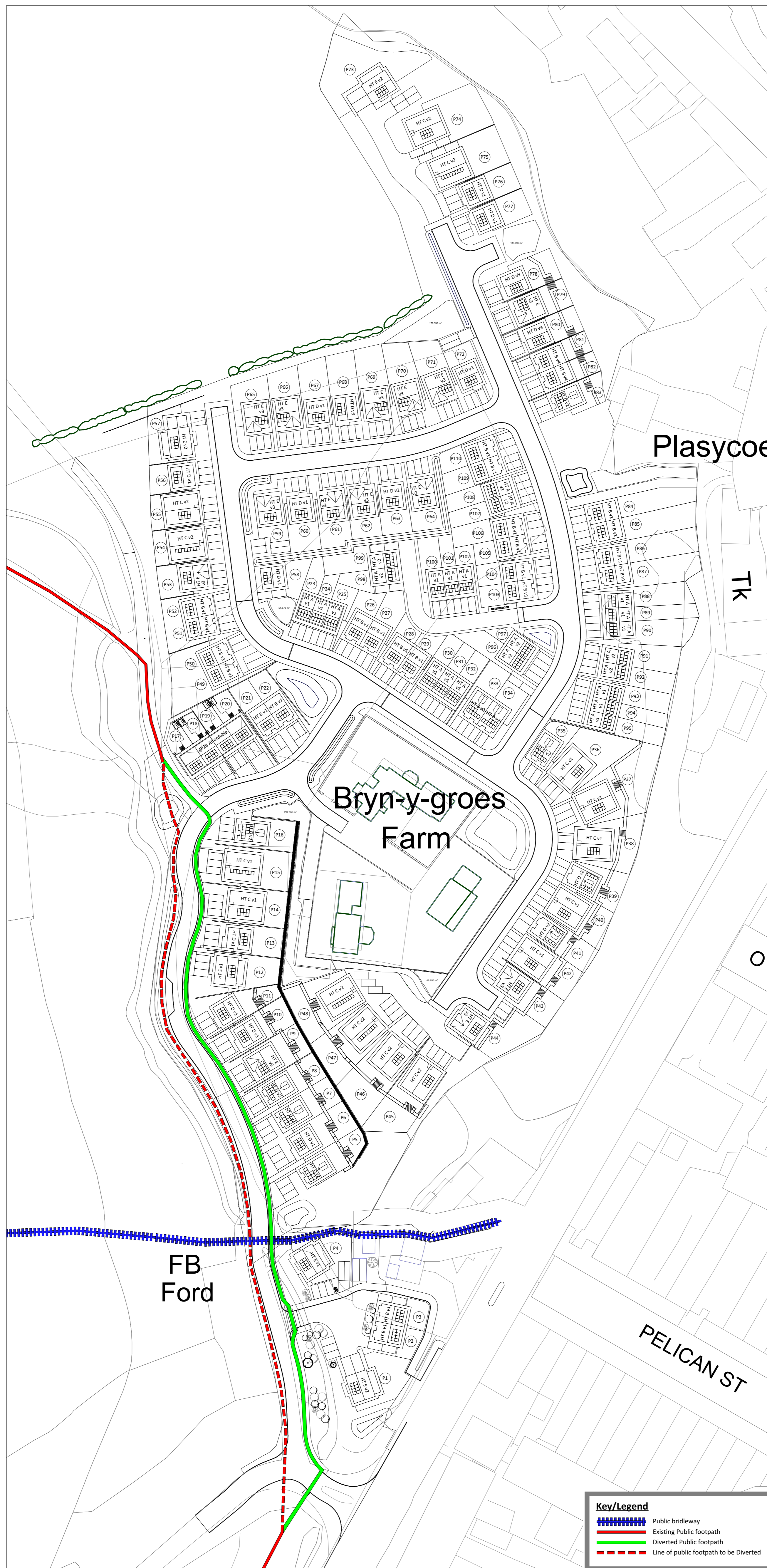
1. That an Order be made to divert footpaths 3 and 51, at land at Brynygroes in the community of Ystragynlais as shown on the plan at appendix C;
2. That if the Order is made and opposed, unless significant new information comes to light, it is submitted to Planning and Environment Decisions Wales for determination;

3. That the Council takes a neutral stance with respect to confirmation of the Order, if it is submitted to the Planning and Environment Decisions Wales for determination.

**APPENDICES:**

- Appendix A 20/1314/FUL Applicant's PROW Diversion Plan
- Appendix B Plan of diversion route for proposed Order\_v1
- Appendix C Plan of diversion route for proposed Order\_v2
- Appendix D Summary of consultation responses



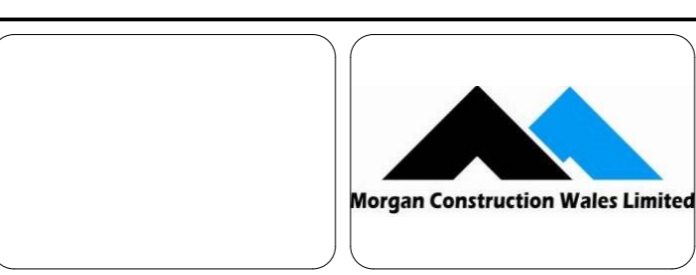
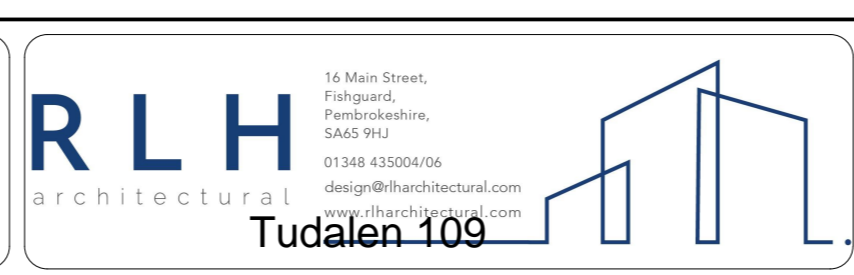


Rights of Way Diversion Plan

1:750

Revision:	Date:	By:
Issue for Formal Planning Application.	21st May 2021	SE
REV A - Planning Updates	21st May 2021	SE
REV B - Planning Updates	8th July 2021	SE
REV C - Drawing updates to PROW following comments from PROW Officer	15th September 2021	SE
REV D - Planning Updates	24th September 2021	SE
REV E - Planning Updates	28th September 2021	SE

Notes:  
**Planning Issue**



Client:  
Morgan Construction  
Wales Ltd

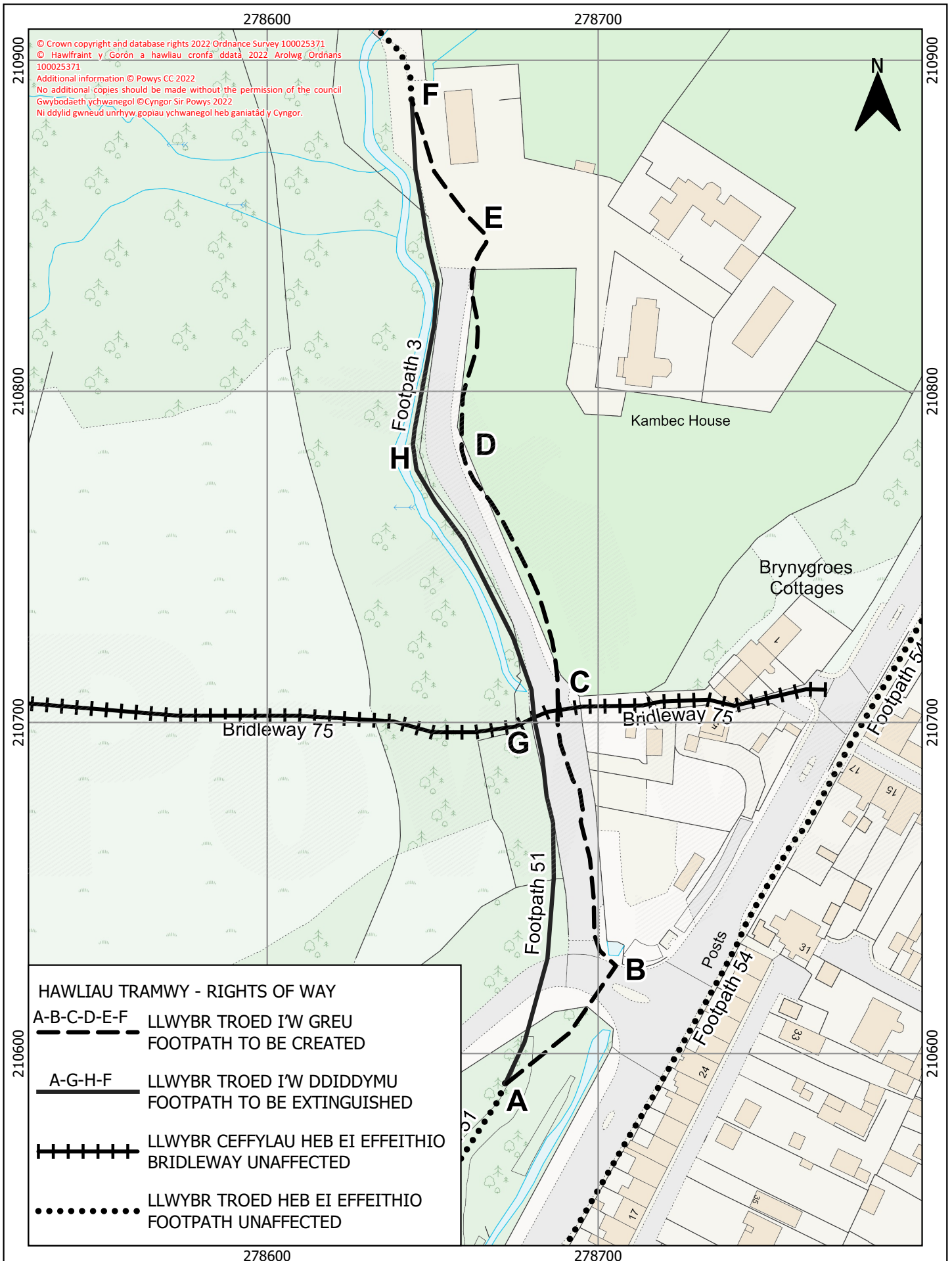
Scale: Noted  
Date: May 2020  
Drawn: SE/RH


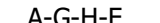


Job Title:  
Proposed Development, Bryn Y Groes Farm,  
Ystradgynlais, Swansea, SA9 1LF

Drawing Title:  
PLANNING DRAWINGS -  
Public Rights of Way  
Diversion Plan

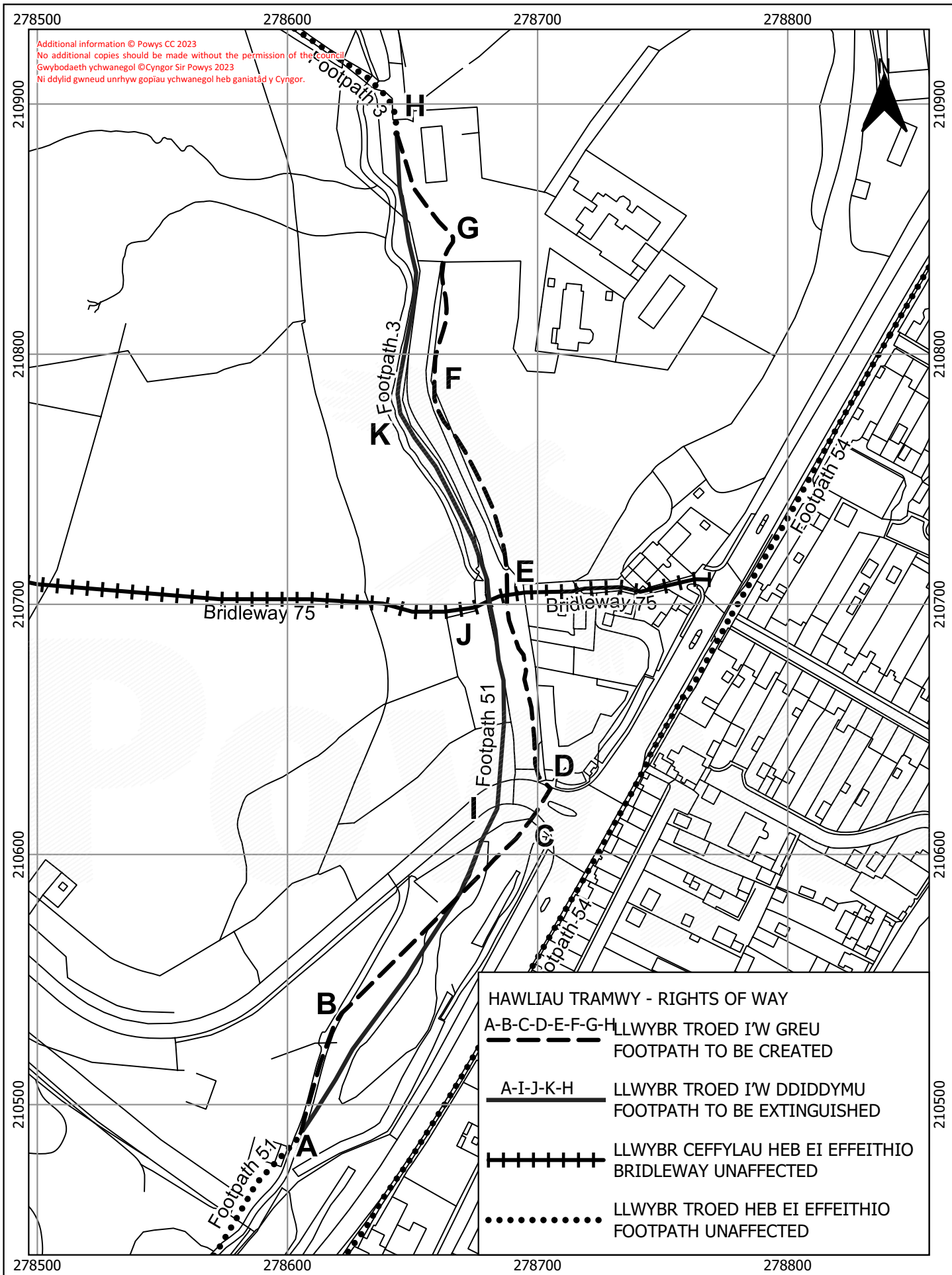
**R491 P-29 E**

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



HAWLIAU TRAMWY - RIGHTS OF WAY	
	A-B-C-D-E-F LLWYBR TROED I'W GREU FOOTPATH TO BE CREATED
	A-G-H-F LLWYBR TROED I'W DDIDDYMU FOOTPATH TO BE EXTINGUISHED
	LLWYBR CEFFYLAU HEB EI EFFEITHIO BRIDLEWAY UNAFFECTED
	LLWYBR TROED HEB EI EFFEITHIO FOOTPATH UNAFFECTED

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



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<b>HAWLIAU TRAMWY - RIGHTS OF WAY</b>	
A-B-C-D-E-F-G-H	LLWYBR TROED IW GREU FOOTPATH TO BE CREATED
A-I-J-K-H	LLWYBR TROED IW DDIDDYMU FOOTPATH TO BE EXTINGUISHED
+++++	LLWYBR CEFFYLAU HEB EI EFFEITHIO BRIDLEWAY UNAFFECTED
.....	LLWYBR TROED HEB EI EFFEITHIO FOOTPATH UNAFFECTED

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

**PROPOSED PUBLIC PATH ORDER AT FOOTPATHS 3 AND 51 AT BRYNYGROES FARM, YSTRADGYNLAIS, POWYS**

Consultee	Support?	Comments
Cadent Gas	No objection	Thank you for your enquiry which was received on 20.10.2022 Based on the information you provided, we have carried out an investigation and identified that there is no record of gas apparatus in the immediate vicinity of your enquiry. Therefore, we have no objection to the proposed application.
Cllr Huw Williams	No objection	Thank you for the notification. There are individual voices who have expressed concern but generally I believe this to be a reasonable proposal. However, my worry is the timescale for the re-opening of the footpath network.
Powys Planning	No objection	The Local Planning Authority has no comments to make.
Wales and West Utilities	No objection	Please find enclosed a letter relating to your request. Based on the information given and the address provided, Wales & West Utilities have no apparatus in the area of your enquiry.  Our records show those pipes owned by Wales & West Utilities (WWU) in its role as a Licensed Gas Transporter (GT). Service pipes, valves, syphons, stub connections, etc. may not be shown but their presence should be anticipated. No warranties are therefore given in respect of it. They also provide indications of gas pipes owned by other GTs, or otherwise privately owned, which may be present in this area. This information is not information of WWU and WWU is unable to verify this information or to confirm whether it is accurate or complete.  Please let me know if you require any further assistance.
Clwyd Powys Archaeological Trust	No objection	I have checked the Historic Environment Record and other available resources, and can confirm that we have no concerns about this application.
Cadw	No objection	Thank you for your consultation. Having considered the information provided, our records show there are no scheduled monuments or registered parks and gardens that would be affected by the proposal. We therefore have no comments to make.
Active Travel David Allday	No objection	We (active travel dept) have no comments or objections to make on this proposed Public Path Order.

Cllr Sarah Williams	No objection	I have no comments to add to the path changes.
Ystradgynlais Town Council	Initial Concerns	We do not feel that the proposed route would be wheelchair or pushchair friendly. Whilst we appreciate the offer of the developer to put the path in, we strongly feel that the path should follow the existing well used, flat and level route from the gate on the Haul Road.
	No objection	<p>The new path proposals were considered by the Town Council last night and it was resolved to submit no objection and note the proposals. The Council was pleased with the outcome of the site meeting that took place a short time ago in that location.</p> <p>Thank you for your patience in waiting for this response following last night's meeting.</p>
Ramblers Association Graham Taylor	Objection	<p>Further to the email string below here are the comments of Powys Ramblers which is based on the knowledge of two of our Members who know the area well:</p> <p>As it stands the Powys Ramblers would object to the proposal.</p> <p>1) The proposed route from B to A on your supplied map climbs a very steep bank which passes through dense vegetation on the tree covered slope. Whilst it could be graded and have steps installed it seems to introduce an unnecessary obstacle when there are better routes available.</p> <p>2) The proposed route crosses the entrance road to the new estate just south of point B very near to where it joins the A4067. This is likely to be quite a busy junction when all phases of the development are complete. We believe that a marked out crossing is needed.</p> <p>3) It would appear that it is the intention for the B to A footpath to actually be installed further to the south-east than is shown on the supplied map. Whilst this is not as steep it crosses a transverse slope immediately above the substantial water course where it exits from the large culvert. We consider this to be potentially dangerous, where a slip could be fatal.</p> <p>4) We are happy for the route F-E-D-C-B to be routed alongside the new estate road on a pavement.</p>



	<p>5) We believe that people living on the new estate will want an easy and safe route through to Coronation Park that can be undertaken with children and possibly push chairs and mobility scooters for the disabled. The most obvious solution is to use the route already in use. From point B this route would cross the road then head for a short distance west up the haul road to locked gates at approximate grid reference SN 7865 1060 where it passes through a usable gate onto a pleasant path to the park.</p> <p>As previously indicated we would be happy to meet you on site to discuss our concerns.</p>
<p><u>Asbri Response</u>  <u>[Following a site meeting with two members of the Ramblers association]</u></p>	<p><i>With regards to the proposed public path order at footpaths 3 and 51 at Brynygroes Farm, Ystradgynlais, Powys we have met with the Town Council and Martin Davies from Powys County Council to discuss the diversion route and we have agreed an alignment for footpath 51, that follows – as close as is practicable – the original defined route. Please see attached the updated proposal ref no: 090-3&amp;51 Rev A.</i></p> <p><i>In addition to this, the applicant has confirmed that to provide a community benefit to the existing area and new development, they would re-introduce a stoned footpath from the Brynygroes site entrance to Coronation Park as close as practical to the previous defined route. The applicant will improve the footpath (drainage where required and new sub-base) to the entrance gate at Coronation Park and will work with their supply chain to provide 3-4 Picnic Benches (similar scale to existing) to create a picnic area within Coronation Park. This will enhance the public right of way provision in Ystradgynlais, provide a more sustainable route, in accordance with Government guidance, and will enable a more user-friendly route to the wider network of footpaths.</i></p> <p><i>The link up the haul road as far as Common Land will remain so anybody could still go that way, but the official Footpath 51 will follow the path we will construct, close to the line of the defined route. On this basis, the Town Council are happy and have declared they will review and will remove their objection.</i></p> <p><i>You mention in your email below it is rare for the Ramblers to object to diversions and this is done when it is clear to those with local knowledge that there is a better way of doing it. On the basis that the Town Council have agreed a way forwards and they are happy that the alternative route we discussed out on-site could still be used, if needed, could you please confirm that you are happy with the public path order and the route shown in the attached plan (as agreed with Ystradgynlais Town Council and PCC Public Rights of Way Officer)? Thanks.</i></p>

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	Follow-up response	<p>If there are any further discussions or site meetings needed, X and X would be happy to get involved. Powys Ramblers' formal position is that we will object to the proposal which was the subject of consultation as we are firmly of the belief that the revised diversion discussed at the site meeting in November is a much better option. We are conscious that the Council hold a different view.</p> <p>It is rare for us to object to diversions; we only do so when it is clear to those with local knowledge that there is a better way of doing it.</p>
	<u>Asbri response</u>	<p><i>Thank you for your response. Your initial response advised it is rare for the Ramblers to object to diversions and this is done when it is clear to those with local knowledge that there is a better way of doing it. On the basis that the Town Council have confirmed they have no objection and they are happy that the alternative route up the haul road could still be used, if needed, could you please advise why you are maintaining your objection?</i></p> <p><i>We have also received no objection from councillors so locally, there is an agreement that the diversion will be acceptable and a positive asset.</i></p>
	Objection maintained	<p>Thanks for the update.</p> <p>Our position remains the same. Powys Ramblers will object to the proposal which was the subject of consultation as we are firmly of the belief that the revised diversion discussed at the site meeting in November is a much better option and would provide a long-term solution not liable to change following any new ownership. This is based on local knowledge, and we recognise that the Town Council has a different view. That does not mean we have to pull back on our view which needs to be considered during the formal consultation on the application.</p>
Open Spaces Society Mr Peter Newman	Objection	<p>Your Application under Section 257 of the TCPA 1990 can only be made if it is necessary to divert these paths in order to enable development to be carried out in accordance with planning permission. [see Calder v Sec of State for Environment 1995].</p> <p>From the plans you have provided it seems the paths do not cross the site to be developed, so cannot be the subject of an application to Divert.</p> <p>We would also point out the government advice states that paths should not be diverted so as to follow estate roads or footways.</p>

	<p>In this case I assume that this new road and footway will be adopted by the Highway Authority so will become publicly maintainable.</p> <p>It is not possible to divert one public highway to run along another public highway.</p> <p>Should the Order be made as proposed the Society will officially object</p>
<p><u>Asbri response</u></p>	<p><i>Hope all's well. Thanks for your comments to the proposed public path order at footpaths 3 and 51 at Brynygroes farm, Ystradgynlais, Powys. Please see below a response in red to the comments made:</i></p> <ol style="list-style-type: none"> <li><i>Your Application under Section 257 of the TCPA 1990 can only be made if it is necessary to divert these paths in order to enable development to be carried out in accordance with planning permission. [see Calder v Sec of State for Environment 1995]. The new, diverted route was approved at the time that planning permission 20/1314/FUL was granted. Please see attached the Public Right of Way Diversion Plan (Ref: R491-P-29E) that accompanied the planning application.</i></li> </ol> <p><i>Planning Permission 20/1314/FUL has accounted for the diversion of the existing public rights of way to allow walkers to walk along the new estate road. The proposed route will be a betterment in that it will be finished in tarmacadam and will be designed to a suitable gradient. It will also be safer than the current route as walkers will be separated from vehicles (as walkers currently walk up the road which is used by lorries). This diversion application is therefore submitted to ensure the construction of planning permission 20/1314/FUL can proceed, in line with the approved plans and to provide a safer route for walkers.</i></p> <p><i>It is necessary to divert the current route as the surface water drainage infrastructure for the proposed residential development is designed on the alignment of the path, therefore, it is incompatible with the route of the current footpath(s).</i></p> <p><i>In light of the above, this application meets the legislative tests under s257 of the Town and Country Planning Act 1990 as it will enable development to be carried out in accordance with the planning permission, as granted.</i></p> <ol style="list-style-type: none"> <li><i>From the plans you have provided it seems the paths do not cross the site to be developed, so cannot be the subject of an application to Divert. Both public rights of way 3 and 51 crosses the application</i></li> </ol>

*boundary. Please see attached the Site Location Plan (Ref: R491 S-01E) which accompanied the planning application. The alignment of the current public rights of way need to be diverted to allow 20/1314/FUL to proceed, in accordance with the approved plans.*

3. *We would also point out the government advice states that paths should not be diverted so as to follow estate roads or footways. Government advice states that when an existing right of way needs to be revised to accommodate the planned development, any alternative alignment should avoid the use of estate roads, drives, gardens or other private areas **wherever possible** and **preference should be given** to the use of made-up estate paths through landscaped or open space areas away from vehicular traffic. The potential of alternative routes to encourage sustainable transport and active travel should also be considered. In this case, it is not possible to provide made-up estate paths as the surface water drainage infrastructure has been designed to the west of the estate road, as such, it is necessary to re-align the path to the eastern side of the estate road along the footpath.*

*Furthermore, the applicant has confirmed that to provide a community benefit to the existing area and to encourage sustainable travel, they would re-introduce a stoned footpath from the Brynygroes site entrance to Coronation Park as close as practical to the previous defined route. The applicant will improve the footpath (drainage where required and new sub-base) to the entrance gate at Coronation Park and will work with their supply chain to provide 3-4 Picnic Benches (similar scale to existing) to create a picnic area within Coronation Park. This will enhance the public right of way provision in Ystradgynlais, provide a more sustainable route, in accordance with Government guidance, and will enable a more user-friendly route to the wider network of footpaths.*

4. *In this case I assume that this new road and footway will be adopted by the Highway Authority so will become publicly maintainable. It is the intention that the roads will eventually be adopted, however adoption is not guaranteed and may take some years to happen, hence it is important that there is no break in public access.*
5. *It is not possible to divert one public highway to run along another public highway. Planning Permission 20/1314/FUL has accounted for the diversion of the existing public rights of way to allow walkers to walk along the new access road. This application meets the legislative tests under s257 of the Town and Country Planning Act 1990 as it will enable development to be carried out in accordance with the planning permission, as granted.*


	<p>6. <i>Should the Order be made as proposed the Society will officially object. We would welcome your further comments before objecting and would like to make you aware of some recent developments following a site meeting between the applicant, Morgan Construction Wales, Mark Evans (landowner) Martin Davies (Powys County Council Rights of Way Officer) and Ystradgynlais Town Council. Following constructive discussions on-site, the applicant has agreed an alignment for footpath 51, that follows – as close as is practicable – the original defined route. Please see attached plan ref <b>090-3&amp;51 Rev A</b>. You'll note from the above the applicant has agreed to carry out additional works to upgrade this facility all the way through to Coronation Park, therefore, this represents a better route than was initially proposed and is now shown under A-D. The Diversion order will, therefore, be made on the basis of this new route, as shown in plan ref: <b>090-3&amp;51 Rev A</b>.</i></p> <p><i>With regards to the location between Points D-H, I would reiterate the route used by walkers is currently an agricultural track serving Brynygroes Farm and is not safe given the road is used frequently by lorries associated with the haulage business operating from Brynygroes Farm. The proposed route will be a betterment in that it will be finished in tarmacadam as part of the construction of the residential development and it will clearly separate walkers from vehicles with safe areas to cross. On this basis, we are of the view that the proposed diversion (A-H) will offer a much better route and will allow the development of much needed houses to be built on a site that has been allocated within the UDP and the LDP without compromising on the availability for walkers to connect to the network of footpaths in the area.</i></p> <p><i>It would be appreciated if you could please review the position and confirm that you are happy for the order to be made. If you could please provide a response within 14 days of this email that would be appreciated. Thanks in advance.</i></p>
Follow-up Response	<p>Thank you for your emails.</p> <ol style="list-style-type: none"> <li>1. You refer to surface water drainage infrastructure which would follow the current line of FP 51 - is this an open ditch or a covered pipe?</li> <li>2. You advise that a stoned path will be provided from the Brynygroes site entrance to Coronation Park. Could you kindly send a plan showing its exact line.</li> </ol>

Asbri response:

*In response to the below queries, the drainage infrastructure which follows the current alignment will be a detention basin providing attenuation and roadside conveyance channel/open ditch to collect highway run-off. Please see below a screenshot of the Drainage Plan that has been approved (the areas in green are on the alignment of the current route):*



*With regards to the path over the common, the attached plan shows the proposed route from the Brynygroes entrance to Coronation Park and the below images shows the current status of this area:*

	 <p><i>I've copied Matthew Morgan, the applicant into this email should he wish to provide any further information on this. We want to work with all parties on this application in order to ensure all matters have been resolved constructively.</i></p>
<p>Follow-up response</p>	<p>Is there any reason why footpath 3/51 could not be realigned adjacent to the new water course?</p> <p>This would maintain the present countryside aspect</p>
<p><u>Asbri response</u></p>	<p><i>Due to topography, size and the engineering of the site to ensure level access, the layout has been designed with a footpath running along the north-eastern part of the carriageway only. This footpath will provide access to the properties and will allow residents to walk down towards the A4067 and the wider public right of way network available in Ystradgynlais. In order to ensure Sustainable Drainage Systems (SuDS) have been designed to an acceptable standard and approved by Powys County Council's drainage officers, we have to provide a detention basin providing attenuation and roadside conveyance channel/open ditch to collect highway run-off as this will allow surface water to be captured above ground which will help with any localised flooding. Unfortunately, due to the engineering of these drainage features, it is not possible to use these areas as a public right of way and there is no available space to provide a footpath on either side of the carriageway (nor would we want to if the space was available as it would be seen as an over-engineered design). The space available is dictated by the need to ensure adequate internal and external space for residents, the carriageway, the surface water drainage infrastructure and the retaining wall features to work with the difficult topography of the site.</i></p>

		<p><i>The area of land to the west of the carriageway will be landscaped and will maintain the present countryside aspect in this part of the site and walkers would still be able to enjoy this from the route provided.</i></p> <p><i>I trust this provides a response to your query and explains the strategy for the slight deviation of the right of way through the site from its current alignment. If you could respond with your views and your position on the diversion application that would be appreciated. We would be more than happy to meet to discuss further if needed.</i></p>
	Objection maintained	The situation is that we are not willing to accept this rural footpath being redirected along the proposed built-up areas. If you could find a route which would maintain the rural aspect, I would be happy to look at this.
Highways Area Manager	No comments	You want to get one of your team to look at this.



**MINUTES OF A MEETING OF THE TAXI LICENSING SUB-COMMITTEE HELD AT  
BY TEAMS ON THURSDAY, 30 MARCH 2023**

**PRESENT**

County Councillor I McIntosh (Chair)

County Councillors A Davies and H Hulme

County Councillor G D Jones - observer

<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>REVIEW OF A JOINT HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE</b>
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**2.1. 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.

**2.2. Review of a licence - JD/02/03**

Applicant – JD/02/03

Mr R Hanratty, Solicitor for Applicant

Applicant's employer

Mr R Bowen, Licensing Officer, Dyfed-Powys Police

Prior to consideration of the review Mr Hanratty made the following representations on behalf of his client:

- he and his client had not had sufficient time to consider the issues raised,
- he objected to the hearing being held remotely, with him, his client and his client's employer being the only ones in a room together,
- transcripts of interviews by the Police were not available and no transcript of the interview with the Police Licensing Officer and Powys Licensing Officer were available.

Mr Hanratty asked that the Sub-committee be adjourned in light of the above.

The Police Licensing Officer advised that transcripts of the two interviews by the Police could be made available on request. He advised that the interview conducted by himself and the Powys Licensing Officer was not recorded but he confirmed he could provide a summary of what happened and he could ask the Powys Licensing Officer to do the same.

The Sub-committee considered the requests.

<b>RESOLVED</b>	<b>Reason for decision</b>
<b>To adjourn the meeting and to reconvene as a face-to-face meeting as soon as all parties have had time to consider the further information requested.</b>	<b>To enable JD/02/03 to obtain and consider the transcripts of the two Police interviews, the summary statements from the Licensing Officer, Dyfed-Powys Police and Powys Licensing Officer.</b>

The Chair thanked all for attending.

**County Councillor I McIntosh (Chair)**