

Planning, Taxi Licensing and Rights of Way Committee Report

Application Number: P/2018/0392

Grid Ref: E: 294265
N: 254335

Community Council: Llanafan-Fawr Community
Valid Date: 16.04.2018

Applicant: A & M Jones, Rhysgog Bungalow, Llanafanfawr, Builth Wells, LD2 3LY

Location: Land Opposite Rhysgog Bungalow, Llanafanfawr, Builth Wells, Powys, LD2 3LY

Proposal: Full: Erection of an agricultural worker's dwelling, alterations to existing agricultural access, installation of sewage treatment plant, formation of 2 no. passing bays and siting of temporary caravan and all associated works.

Application Type: Full application

The reason for Committee determination

At the request of the Lead Professional for Development Management

Consultee Responses

Consultee

Received

Llanafan Fawr Community Council

No response received.

Local Highway Authority

22nd May 2018

The Highway Authority has no fundamental objection to the provision of a dwelling of this nature at this location.

Notwithstanding this, it is felt that the location of the proposed passing bays are shown at locations that would not provide the greatest level of benefit for existing users of the C0008 county highway which serves the site. It is however considered that appropriate areas of land are available within the existing highway limits in which to better site the passing bays, and are therefore satisfied that this particular

matter can be adequately covered by the imposition of an appropriately worded condition.

Accordingly the Highway authority recommends that the following conditions be attached to any consent granted.

- No development shall commence on the site until the applicant constructs 2 passing bays along the C0008 county highway, in locations to be agreed in writing by the Local Planning Authority. The passing bays shall be constructed to an adoptable standard prior to any works being commenced on the development site
- No other development shall commence until the access has been constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 59 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the areas 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.
- Upon formation of the visibility splays as conditioned above the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.
- No further development shall commence until the area of the access to be used by vehicles is constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 5.5 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.
- Before any other development is commenced provision shall be made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of 0.35 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.
- Prior to the occupation of the dwelling, provision shall be made within the curtilage of the site for the parking of not less than 3 cars together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward

gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

- Prior to the occupation of the dwelling the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 5.5 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.
- Any entrance gates installed shall be set back at least 5.5 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling hereby permitted remains in existence.
- The gradient of the access shall be constructed so as not to exceed 1 in 15 for the first 5.5 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.
- No storm water drainage from the site shall be permitted to discharge onto the county highway.

Building Control

23rd Apr 2018

Building Regulations approval will be required for this proposal.

Welsh Water

1st May 2018

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

As the applicant intends utilising a private treatment works we would advise that the applicant contacts Natural Resources Wales who may have an input in the regulation of this method of drainage disposal.

However, should circumstances change and a connection to the public sewerage system/public sewerage treatment works is preferred we must be re-consulted on this application.

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

PCC Ecologist

22nd May 2018

Thank you for consulting me with regards to planning application P/2018/0392 which concerns the full application for erection of an agricultural worker's dwelling, alterations to existing agricultural access, installation of sewage treatment plant, formation of 2 no. passing bays and siting of temporary caravan and all associated works at Land opposite Rhysgog Bungalow, Llanafanfawr, Builth wells.

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

The data search identified 52 records of protected and priority species within 500m of the proposed development - no records were for the site itself.

There is three statutory designated sites within 500m of the proposed development;

- River Wye – SAC
- Afon Irfon – SSSI
- Coed Y Ciliau - SSSI

There are four non-statutory designated sites within 500m of the proposed development;

- Rhysgog – Roadside Verge Nature Reserve
- Tynllwyn Rough Pastures - SINC
- Tynllwyn, Bluebell Wood and Stream Wood - SINC
- Tynllwyn Wood Pasture - SINC

Having reviewed the plans, in order to accommodate the proposed access to the development the proposed visibility splays will result in direct impact to the Rhysgog Roadside Verge Nature Reserve which has been designated due to supporting a diverse range of vascular plants indicative of a 'good quality' verge in Powys.

LDP policy DM2 identifies that development proposals which would impact on the following natural environment assets will only be permitted where they do not unacceptable adversely affect:

2.C. Habitats and Species of principal importance for the purpose of maintaining and enhancing biodiversity conservation in Wales as listed in Section 7 of the Environment (Wales) Act 2016

Development proposals likely to have an adverse effect on the conservation value of nationally protected sites, habitats or species, either directly, indirectly or in combination, will only be permitted where it can be demonstrated that:

- i. The proposal contributes to the protection, enhancement or positive management of the site, habitat or species; or*
- ii. There is no suitable alternative to the proposed development; and*
 - a) It can be demonstrated that the benefits from the development clearly outweigh the special interest of the site, habitat or species; and*
 - b) Appropriate compensatory measures are secured; and*
 - c) The population or range and distribution of the habitat or species will not be adversely impacted.*

3.B. Local Biodiversity Action Plan Habitats and Species;

Development proposals likely to have an adverse impact upon these sites, habitats or species will only be permitted where it can be demonstrated that:

- i. They conserve and where possible enhance the natural heritage importance of the site, habitat or species; or*
- ii. The development could not reasonably be located elsewhere; and*
 - a) The benefits of the development outweigh the natural heritage importance of the site, habitat or species; and*
 - b) Mitigation and/or compensation measures are provided where adverse effects are unavoidable.*

No information has been provided with the application to demonstrate that the development complies with the requirements of planning policy DM2.

Therefore it is considered that insufficient information has been provided to demonstrate that the application complies with the requirements of LDP policy DM2.

Further information is required to be submitted in order to demonstrate that there is no satisfactory alternative that would avoid impact to the RVNR and associated habitats. If there is no satisfactory alternative further information will be required regarding the impact of the development and any measures to mitigate or compensate for the potential impacts. Then a habitat survey will be required in order to assess the potential impact to the Roadside Verge Nature Reserve. This assessment needs to be undertaken by an appropriately experienced ecological consultant.

Details of ecological consultants working in Powys can be found at <http://www.cieem.net/members-directory> (please note this is not a Powys County Council approved list of ecological consultants but lists ecological consultants who are members of the Chartered Institute of Ecology and Environmental Management). I have also

attached some guidance notes regarding commissioning ecological consultants to undertake survey work.

6th Sept 2018

The additional information submitted has been provided in response to a request for further survey to enable the LPA to assess the potential impacts of the proposed development to biodiversity. In that the proposed access to the development and the proposed visibility splays may result in direct impact to the Rhysgog Roadside Verge Nature Reserve which has been designated due to supporting a diverse range of vascular plants indicative of a 'good quality' verge in Powys.

I have reviewed the submitted Preliminary Ecological Impact Assessment Report produced by Churton Ecology dated August 2018, I consider that the survey effort employed was in accordance with National Guidelines.

The Ecological Impact Assessment consisted of a combination of desktop searches and a site visit which took place in 27 July 2018 to carry out an extended phase 1 habitat survey. An Extended Phase 1 Habitat Survey has been undertaken to assess the potential of the development to impact any protected species presence or habitats of ecological value and taking into account potential impacts to the Roadside verge nature reserve.

The proposed development include erection of a dwelling, with a sewage treatment plant, and a soakaway. The proposed new access to the dwelling will be via an existing field gateway; however this will require some removal and translocation of hedgerow to allow visibility. There will also be siting of a temporary caravan.

Following the site visit to carry out the extended phase 1 survey, it was concluded that the proposed development will be in the main impacting a habitat of improved grassland which is considered to be a habitat of low ecological value. However, the improved grassland has a hedgerow boundary on three aspects. The hedgerow line on the eastern boundary was considered to be classed as 'important' hedgerow under the hedgerow regulations. Therefore the eastern hedgerow is considered to be an important ecological feature.

The hedgerow along the eastern boundary is approximately 275m in length, which support the western roadside verge which is proposed to be impacted by the development; the western verge was found to be narrow and species poor, with no woodland or grassland species of interest for at least 50m from the proposed access/field gateway.

Approximately 50m of the hedgerow along the eastern boundary will be removed for access and visibility, and translocated further into the field.

Therefore it is suggested that minimal removal is to be implemented and subsequent translocation of up to 50m of lane-side hedgerow is planned, to ensure will be no or minimal permanent loss of 'important' hedgerow flanking the access.

Disturbance of 15m of the western verge (which will be within the Rhysgog Roadside Nature Reserve that is designated for its diverse range of vascular plant), to the north of the field access. The section of verge that will be impacted by the development was considered to support no woodland or grassland species of interest for at least 50m from the gateway, therefore it is considered the proposed developments will not have a significant effect on biodiversity.

During the site evaluation it was considered that bats and breeding birds have potential to be present and supported due to the habitats present; In that the habitats present are suitable to provide nesting and foraging habitat for birds and commuting and foraging habitat for bats.

Following the results of the extended phase 1 habitat survey regarding bats; It is considered that the proposed development will lead to a loss of poor foraging habitat (grassland) with no loss of potential commuting habitat along the boundaries. However illumination of flight lines along the hedgerow could result in the disturbance of foraging and commuting habitats.

It was considered the potential impact and loss of the improved grassland, will not have a significant effect on birds in any phase of the development provided that removal and

translocation of any hedgerow in the construction phase that may remove, damage or destroy a nest is avoided. Therefore it is considered necessary that removal or translocation of the hedgerow must take place outside of the bird nesting season. It is therefore recommended that a method statement should be adhered to for translocation of the hedgerow, to ensure that there will be no significant effect on the biodiversity.

Due to the proposed removal of a section of hedgerow, the ecological report recommends to compensate for the loss of the hedgerow - a native hedgerow will be planted around the boundaries of the proposed garden as well as bird boxes erected on the proposed dwelling.

Section 5 of the ecological report provides details of avoidance measures and mitigation to be implemented for the proposed development in order to ensure that the proposed development does not cause an adverse effect on biodiversity at the site. The avoidance and mitigation measures include; lighting plan, works affecting nesting birds such as tree felling or lopping/shrub removal / hedgerow removal or translocation to be carried out outside the bird nesting season (31st August - 1st March). That if any trenches/excavation left open overnight then means of escape for animals must be provided as well as large diameter pipes left open must be capped. New native hedgerow to be planted around three sides of the development site and the provisions of bird nesting boxes on the final design of the dwelling.

Appendix 3 of the ecological report provides details of the Method Statement for the translocation of hedgerow. Reviewing the method statement I consider the method statement to be appropriate and acceptable.

Having considered the results of the Ecological Impact Assessment report and the recommended avoidance and mitigation measures to be adhered to and implemented in section 5 of the ecological report - I consider that the proposed development will not result in the loss of any features of ecological importance and it is considered the proposed works are unlikely to have a negative impact to biodiversity in the wider area.

I therefore recommend that implementation of the avoidance measures and mitigation measures within the Ecological report are secured through an appropriately worded

condition.

I also note within the design and access statement that as part of the final design of the development - it is proposed to install habitat bug boxes, installation of a bat tube and installation of bird boxes - these proposals are considered to be appropriate and acceptable.

Therefore further to the previous ecology responses dated 22nd May 2018, should you be minded to approve the application I recommend inclusion of the following conditions:

The recommended mitigation measures in section 5 of the Ecological Impact Assessment Report produced by Churton Ecology dated 1st August 2018 shall be adhered to and implemented in full and maintained thereafter unless otherwise agreed in writing with the LPA.

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

The Hedgerow Translocation Method Statement detailed in appendix 3 of the Ecological Impact Assessment Report produced by Churton Ecology dated 1st August 2018 shall be adhered to and implemented in full and maintained thereafter unless otherwise agreed in writing by the LPA.

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

The Compensation Hedgerow Planting Plan detailed in section 5 of the Ecological Impact Assessment Report produced by Churton Ecology dated 1st August 2018 shall be adhered to and implemented in full and maintained thereafter unless otherwise agreed in writing with the LPA

Reason: To comply with Powys County Council's LDP policies DM2 and DM4 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and Part 1 Section 6 of the Environment (Wales) Act.

Prior to the commencement of development a detailed lighting design scheme to take into account any impacts on nocturnal wildlife into consideration shall be submitted for written LPA approval and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's LDP Policies DM2, DM7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act.

Prior to the commencement of development a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted landscaping scheme shall include a scaled drawing and a written specification clearly describing the species, sizes, densities and planting numbers proposed as well as aftercare measures. Drawings must include accurate details of any existing trees and hedgerows to be retained with their location, species, size and condition.

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

Natural Resources Wales

23rd Aug 2018

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above with additional information, which was received on 07/08/2018.

NRW does not object to the proposal. In our opinion, as explained below, the proposal is not likely to adversely affect any of the interests listed.

European Protected Species

Protected Species are protected under the Wildlife and Countryside act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017.

NRW note that the ecological assessment submitted in support of the above application (Thorne, R.G. and Thorne, Dr A.K. (2018) Ecological Impact Assessment Land opposite Rhysgog Bungalow. Churton Ecology. (Unpublished)) did not find evidence of protected species using the site.

NRW concur with the assessment, conclusions and recommendations in respect of the protected species. We consider the proposal is not likely to be detrimental to the maintenance of the Favourable Conservation Status of any local populations of European protected species.

The applicant should be advised that should protected species be discovered at any stage during the works, all work should stop immediately and NRW contacted for further advice.

Protected Sites

From the information provided, we consider that the proposal is not likely to have a significant effect on a River Wye SAC, Afon Irfon SSSI, Coed y Ciliau SSSI and Caeau Llwyn Gwrgan SSSI.

The development on this site is of a size and type that is unlikely to have any impact on the special sites in the surrounds.

Our advice may change should modifications be made to the proposed development prior to the determination of the application. If there are any changes to the proposed development which may affect the consideration of potential environmental impacts, please consult us again before you determine the application.

Please do not hesitate to contact us if you require further information or clarification of any of the above.

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

(<https://naturalresources.wales/media/5271/150302-natural-resources-wales-and-planning-consultations-final-eng.pdf>). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance.

Advice for the Developer:

- Foul Drainage

With respect to the discharge of effluent to ground or surface water, the Applicant will need to apply for an environmental permit or register an exemption with us. The Applicant must obtain any necessary permit or exemption prior to commencement of work on site. Septic tanks and small sewage treatment works may be registered as exempt from the requirement to obtain an environmental permit if certain criteria is met. Please note, should a permit be required, further information may be required as part of that application and the Applicant is therefore advised to hold pre-application discussions with our Permitting Team on 0300 065 3000, at the earliest opportunity, to try to ensure that there is no conflict between any planning permission granted and the permit requirements. More information, including a step by step guide to registering and the relevant application forms are available on our website. Where private sewage treatment/disposal facilities are utilised, they must be installed and maintained in accordance with British Standards 6297 and Approved Document H of the Building Regulations. We also refer the Applicant to Pollution Prevention Guideline 4 which provides further information

- Waste

Waste produced during the construction phase of your development must be dealt with appropriately and be in line with all relevant waste legislation including Duty of Care Regulations and Hazardous Waste Regulations. As part of your waste duty of care you must classify the waste produced:

- o before it is collected, disposed of or recovered
- o to identify the controls that apply to the movement of the waste
- o to complete waste documents and records
- o to identify suitably authorised waste management options
- o to prevent harm to people and the environment.

Any waste removed from site will be subject to waste management controls. The links below provided information on how to classify waste and register as a waste carrier or hazardous waste producer:

<http://naturalresources.wales/waste/how-to-classify-and-assess-waste/?lang=en>

<http://naturalresources.wales/apply-for-a-permit/waste/?lang=en>

Further guidance can be found on the GOV website here:

<https://www.gov.uk/managing-your-waste-an-overview/duty-of-care>

- Pollution Prevention

Suitable pollution prevention measures will need to be in place during construction to minimise any risk of pollution, in particular giving the close proximity of watercourses.

In particular, we refer you to the Pollution Prevention Guidelines

PPG1: Understanding Your Environmental Responsibilities - Good Environmental Practices

GPP5: Works in, near or over watercourses

PPG6: Working at construction and demolition sites

The Guidance are available at the following link:

<http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>

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

Powys Conservation Officer

21st Nov 2018

Policy Background

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

The Planning (Listed Buildings and Conservation Areas) Act 1990

Planning Policy Wales 9th edition 2016

Conservation Principles published by Cadw

TAN24

Managing Change to Listed Buildings in Wales – Annexe to TAN24

Setting of Historic Assets in Wales – Annexe to TAN24

Heritage Impact Assessments – Annexe to TAN24

Historic Environment Records

Local Development Plan

Strategic Policy SP7

DM13 Design and Resources Local Development Plan Themes and Objectives;

Theme 4 – Guardianship of natural, built and historic assets

LDP Objective 13 – Landscape and the Historic Environment

Comments

Thank you for consulting me on this application. I have provided full comments to the previous application P 2017/0940 which I have attached as an appendix for ease of reference.

I am mindful of the advice in Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which require authorities considering applications for planning permission or listed building consent for works which affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of the building. The setting is often an essential part of a building's character especially if a park, garden or grounds have been laid out to complement its design or function. Also, the economic viability as well as the character of historic buildings may suffer and they can be robbed of much of their interest and of the contribution they make to townscape or the countryside if they become isolated from their surroundings, e.g. by new traffic routes, car parks, or other development.”

However, I would also refer to more recent guidance in paragraph 6.5.11 of Planning Policy Wales 9th edition 2016 which states, “ Where a development proposal affects a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses.”

I note that in the current application the proposed dwelling has been slightly resisted to the north of the previous location, I also acknowledge the change in design and materials.

However my previous concerns were principally in respect of the long distance views of the listed Rhysgog from public viewpoints such as Abergwesyn Common.

I note the reference in the current application submission to the listed Rhysgog, however I would not agree with the conclusion that the revised site proposed in the current application would not affect the long distance views of Rhysgog from Abergwesyn Common. I note the advice given previously, in terms of the previous application and at subsequent pre-application stage following the withdrawal of the previous application, that is to re-site the proposed additional farm dwelling on the other side of the road to the north of the current farm dwelling, was not considered appropriate in the Location and Landscaping Statement October 2018, for several reasons, including it will be in visual distance from the listed building, and will have an impact on the setting of the listed building. I would not agree with this conclusion as the short term views (from the roadside) of Rhysgog are extremely limited and to cluster a second building adjacent to the existing farm house, I would consider not to have an impact on the listed building from short distance views, or I from long distance views as

the new dwelling would be nestled with other buildings. Whilst I note the photograph on page 7 of the Location and Landscaping Statement October 2018 to support this claim, however I note that the photograph viewpoint is from what appears to be private land and not from the public vantage point, and as such would not consider that the proposed dwelling in that location would affect the setting of the listed building when viewed from public vantage points. However there may be other considerations in terms of neighbour amenity that you may need to consider.

I note that the Location and Landscaping Statement October 2018 identifies that the reason for the location of the application was chosen due to topography and to lessen the impact on the setting of the listed building, however I would not agree with that conclusion for the reasons previously stated in my comments relating to the previous application. I would consider that the proposed site would be more visible in the landscape than the alternative sites suggested previously and as I would consider that the such the long distance views of the proposed dwelling would have an impact on the listed Rhysgog.

As such I would wish to maintain my objections to the proposal for the reasons given in respect of the previous application which I have attached as an appendix.

APPENDIX

Our ref / Ein cyf:

Your ref / Eich cyf: P/2017/0940

Date / Dyddiad: 20 November 2017

Re Full: Erection of an agricultural workers dwelling, formation of new vehicular access and 2 passing bays, installation of a package treatment plant and all associated works at Rhysgog Bungalow Llanafanfawr Builth Wells

Thank you for consulting me on the above application.

I can confirm that Rhysgog is a listed building Cadw ID 24514 included on the statutory list on 1 December 2001.

The proposed new dwelling would be sited to the south west of Rhysgog on the western side of the public road that runs north from the B4358.

I am mindful of the advise in Sections 16 and 66 of the Planning (Listed Buildings and Conservation areas) Act 1990, which require authorities considering applications for planning permission or listed building consent for works which affect a listed building to

have special regard to certain matters, including the desirability of preserving the setting of the building.

However, I would also refer to more recent guidance in paragraph 6.5.11 of Planning Policy Wales 9th edition 2016 which states, “ Where a development proposal affects a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses.”

The adopted document Conservation Principles prepared by Cadw in paragraph 5.4 advises that when considering change, public authorities will give due importance of the heritage values of a site when considering the sustainability of proposals submitted to them.

Paragraph 39 states Changes which would harm the heritage values of an historic asset will be unacceptable unless:

- a..the changes are demonstrably necessary either to make that asset sustainable, or to meet an overriding public policy objective or need; and
- b. there is no reasonably practicable alternative means of doing so without harm; and
- c. that harm has been reduced to the minimum consistent with achieving the objective; and
- d. it has been demonstrated that the predicted benefit decisively outweighs the harm to the values of the asset, considering;
 - its comparative significance;
 - the impact on that significance; and
 - the benefits to the asset itself and/or the wider community or society as a whole.

The historic environment is defined in the document as an environment made up of individual historic features, archaeological sites and historic buildings as well as the landscapes in which they are found. Any part of the historic environment to which people have given a distinctive historical association or identity is considered here to be an historic asset. The document continues with the following advice on page 15. Every reasonable effort should be made to eliminate or minimize adverse impacts on historic assets. Ultimately, however, it may be necessary to balance the benefit of the proposed change against the harm to the asset. If so, the weight given to heritage values should be proportionate to the importance of the assets and the impact of the change upon them. The historic environment is constantly changing, but each significant part of it represents a finite resource. If it is not sustained, its heritage values will be eroded or lost. In addition, its potential to give distinctiveness, meaning and quality to the places in which people live, and provide people with a sense of continuity and a source of identity will be diminished. The historic environment is a social and economic asset and a cultural resource for learning and enjoyment.

“Conservation principles” establishes Values which should be attributed to heritage assets including;

- Evidential Value,
- Historical Value,

- Aesthetic Value,
- Communal value.

Conservation Principles identifies principles that have to be addressed when considering the above values.

Evidential Value

This derives from those elements of an historic asset that can provide evidence about past human activity.

Rhysgog is a 2 storey house and barn range that dates from c1800 with a contemporary byre to one end and a late C19th cart shed and granary to the other.

Historical Value

An historic asset might illustrate a particular aspect of past life or it may be associated with a notable family, person, event or movement. These illustrative or associated values of an historic asset may be less tangible than its evidential value but will often connect past people, events and aspects of life with the present and are not so easily diminished by change as evidential values and are harmed only to the extent that adaption has obliterated them or concealed them.

Rhysgog is listed as a C1800 farmhouse retaining its plan-form and with exceptional preservation of internal and external detail

Aesthetic Value

This derives from the way in which people draw sensory and intellectual stimulation from an historic asset through its form, external appearance or setting.

Rhysgog has exceptional preservation of internal and external detail which reflects the architectural capabilities of the period. In addition the centralised plan reflects the social aspirations of the owner at the time of construction.

Communal Value

The fourth principle contained within Conservation Principles is that heritage assets are a shared resource, valued by people as part of their cultural and natural heritage, and gives distinctiveness, meaning and quality to the places where we live providing a sense of continuity and a source of identity. The Conservation Principles identify heritage assets as having the potential to give distinctiveness, meaning and quality to the places in which people live, and provide people with a sense of continuity and a

source of identity will be diminished. The historic environment is a social and economic asset and a cultural resource for learning and enjoyment.

The house and its outbuildings including illustrate the farming history of the area.

Cadw have prepared guidance on the setting of historic assets to accompany TAN24 issued on 31 May. The guidance provides advice on how to assess the setting of listed buildings could be referred to, with the caveat that there may potentially be changes as a result of the consultation process. In addition to advice on how to assess the visual setting of listed buildings, advice on less tangible elements, including sensory perceptions such as noise and smell are included in the guidance.

The document advises that “Setting is the surroundings in which a historic asset is understood, experienced and appreciated, embracing present and past relationships to the surrounding landscape.....The setting of a historic asset is not fixed and can change through time as the asset and its surroundings evolve. These changes may have a negative impact on the significance of an asset; for example, the loss of the surrounding physical elements that allow an asset to be understood, or the introduction of an adjacent new development that has a major visual impact. But changes can also have a positive impact that may enhance the setting, such as the removal of traffic from part of a historic town, or the opening up of views, or the return of a sense of enclosure to sites where it has been lost”

The document provides advice on how to assess the setting

This section outlines the general principles that both assessors and decision makers should consider when assessing the impact of a proposed change or development on the setting of historic assets. There are four stages.

Stage 1: Identify the historic assets that might be affected by a proposed change or development and their significance.

Stage 2: Define and analyse the settings to understand how they contribute to the ways in which the historic assets are understood, appreciated and experienced.

Stage 3: Evaluate the potential impact of a proposed change or development on those settings.

Stage 4: Consider options to mitigate the potential impact of a proposed change or development on those settings.

The proposed new house would be sited in open countryside to the west of the public road and the farm holding to which it relates it on the eastern side of the road and comprises of a relatively modern bungalow and a number of non-traditional farm buildings.

It is understood that Rhysgog was the original farmstead on the land and was sold excluding the farmland many years ago. The location of Rhysgog was sited due to considerations at that time, and is sited some little distance down a farm track that leads between Rhysgog bungalow and the farm buildings. The site is well screened and the listed building is not readily viewed from the public road directly at the entrance to the private access lane. A mature hedge along the roadside also screens the listed building from view from the application site.

However I note the proximity of the site to land in public ownership namely The National Trust land to the north at Abergwesyn Common which affords at its highest points to Snowdon and Bardsey Island, the Brecon Beacons, the Black Mountains and Plynlimon.

I note the landscape photographs submitted as representations (Document Numbers 4449236 and 4420189) indicate the location of the new dwelling within the landscape and quality of the landscape is duly noted along with the apparent sparsity of development which is in turn due to traditional forms of building location and orientation in addition to the physical numbers.

The photographs submitted indicate that the farm buildings at Rhysgog are visible in the wider landscape and that the location of the proposed dwelling east of Rhysgog farm buildings will result in the building in that location proposed being visible from a wide area and especially Abergwesyn Common. I would suggest that the location chosen for the dwelling is not well sited as it will be visible over some distance and the tree line at Coed Erwddol would accentuate the development.

As such I could not conclude that the long term setting of Rhysgog would not be affected by the proposed development as the new house will be clearly visible from some distance from Abergwesyn Common and footpaths and other rights of way.

I am aware that Section 66 of The Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on Local Planning Authorities have special regard to the desirability of preserving the setting of a listed building. "Preserving" has been interpreted by the courts as doing no harm. Given the view afforded of the site from Abergwesyn Common I could not conclude that no harm would be afforded to the setting of Rhysgog by the proposed development.

I am also aware of other cases where the significance of a heritage asset is not just its physical presence but also from its setting which is especially relevant in rural farmsteads.

I note the reference to the listed building in the Design and Access Statement, however this does not address the requirements of section 2.2 of Cadw document Managing Setting of Listed Buildings which came into effect on 31 May and advises that applicants for planning permission should provide the local planning with sufficient, but proportionate, information to allow the assessment of the likely impact of proposal for development on a historic asset and its setting.

I could not support the proposed location of the dwelling. However should there be a need for the dwelling on the farm and support in principle for a dwelling to maintain the farm, the siting of the proposed dwelling should be carefully chosen, I note the comments from CPRW and would not disagree with their concerns in respect of siting, size and design. I would suggest that a site on the same side as the road as the barns and current farm bungalow would enable the new dwelling to be tightly grouped with the existing buildings that may alleviate some of the issues in respect of the long term views. However given the principal windows of Rhysgog face SSW, it is recommended that the proposed new dwelling be sited to the north of Rhysgog bungalow to avoid affecting the setting of Rhysgog and to incorporate the new dwelling within the farmstead.

I would also agree with CPRW's concerns in respect of the size and design of the proposed dwelling that does not reflect the local vernacular.

The Design and Access Statement states that the external appearance of the dwelling represents the local area and I cannot agree with this statement as the dominant architectural characteristic of the area is traditionally designed buildings whereas the proposed dwelling has few traditional features in its design or siting. I would question whether the scale and design of the property is appropriate in this location I would refer to TAN12 and section 2.1 The design of our villages, towns, cities and the urban and rural landscape is important in articulating our nation and our culture. Design is important to our quality of life, and the quality of Wales' varied landscape and townscapes - helping to sustain a positive image for Wales.

Good design is also inclusive design. The principles of inclusive design are that it places people at the heart of the design process, acknowledges diversity and difference, offers choice where a single design solution cannot accommodate all users, provides for flexibility in use, and, provides buildings and environments that are convenient and enjoyable to use for everyone."

2.5 Good design is not inevitable. It requires a collaborative, creative, inclusive, process of problem solving and innovation - embracing sustainability, architecture, place making, public realm, landscape, and infrastructure.

2.6 Design which is inappropriate in its context, or which fails to grasp opportunities to enhance the character, quality and function of an area, should not be accepted, as these have detrimental effects on existing communities.

4.3 The local context comprises the characteristics and setting of an area in which a development is located. This includes the area's natural and human history, the forms of settlements, buildings and spaces; its ecology and archaeology; its location and the routes and waterways that pass through it. Understanding the site and its immediate and wider context is the basis for a meaningful and sustainable design response, and is the responsibility of all those involved in the design process, particularly planning applicants and their agents and those formulating and implementing design policy and guidance.

4.8 Appraising “character” involves attention to topography; historic street patterns, archaeological features, waterways, hierarchy of development and spaces, prevalent materials in buildings or floorscape, architecture and historic quality, landscape character, field patterns and land use patterns, distinctive views (in and out of the site), skylines and vistas, prevailing uses and plan forms, boundary treatments, local biodiversity, natural and cultural resources and locally distinctive features and traditions (also known as vernacular elements).

I would not consider that the proposed design has addressed the guidance in TAN12 in that the character or quality of the area has not been enhanced, nor the characteristic and setting of an area in terms of its form of settlements, buildings and spaces, prevalent materials, distinctive views in and locally distinctive building features and traditions.

Should the principle of the development be considered acceptable I would raise concern with the scale and design of the proposed dwelling.

I understand that the application may be withdrawn and resubmitted and as such I offer these comments to assist in the resubmission of the application in term of its siting, and design. I would draw attention to section 2.2 of Cadw document Managing Setting of Listed Buildings which would need to be addressed in any future application.

Should the application be resubmitted and would be happy to comment further or offer pre-application advice if that would be helpful.

PCC Environmental Health

25th Apr 2018

Having taken a look at the location area where the proposed development will be sited and given consideration to noise creation, I would firstly recommended that during the landscaping and construction period working hours and delivery times be restricted as follows:

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

0800 – 1300 hrs Saturday

At no time on Sunday and Bank Holidays

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

Secondly I would require further information regards the intended foul drainage system for the proposed development.

It is Government policy that, where practical, foul drainage should be discharged to the mains sewer. If this is not possible and the applicant proposes to install a packaged treatment plant then subject to a consent being obtained from NRW for the sewage discharge to a watercourse then there would be no objection.

However if the sewage treatment plant is to discharge to a drainage field or should a septic tank be utilised then prior to any planning permission being granted the applicant/agent should submit percolation test results (including calculations) which demonstrate that the septic tank and soakaway are sufficiently sized and ground conditions are suitable for the foul drainage soakaway. Please see attached percolation test form. This test should be carried out in accordance with document H2 of the Building Regulations. Also we would like to be advised when the percolation testing is carried out so a site visit can be made to look at the exposed ground.

In addition, Welsh Government has advised that, all septic tanks and small sewage treatment plant discharges in Wales will need to be registered with Natural Resources Wales. More information, including a step by step guide to registering can be found at the following link <http://www.naturalresources.wales/media/2879/septic-tank-registration-guidance.pdf?lang=en> .

Thirdly can the applicant confirm a borehole will still be used for the water supply? and supply a diagram showing its location and distance from foul drainage scheme.

Representations

Objections have been received from 12 individuals, the Country Land and Business Association (CLA) and the Campaign for the Protection of Rural Wales (CPRW). The grounds for objection are as follows:

- Inappropriate design
- Inappropriate scale
- Inappropriate siting
- Unacceptable impact on high quality landscape – development prominent in the landscape
- Dwellings could not be considered as an affordable dwelling
- Proposal fails to comply with planning policy
- Development is not justified in accordance with planning policy

Planning History

P/2017/0940 Full: Erection of an agricultural workers dwelling, formation of new vehicular access and 2 passing bays, installation of a package treatment plant and all associated works Withdrawn 09.11.2018

PPAE/2017/0051 Proposed Dwelling. 11.04.2017

Principal Planning Constraints

Class 3 highway (C0008)

Mineral Safeguarding area

Listed Building Rhysgog located nearby

Principal Planning Policies

Planning Policy Wales (Edition 9, 2016)

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

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

Technical Advice Note (TAN) 23: Economic Development (2014)

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

Practice Guidance - Rural Enterprise Dwellings - Technical Advice Note 6 Planning for Sustainable Rural Communities December 2011

Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management

Welsh Government Circular 008/2018: Planning requirement in respect of the use of private sewerage in new development, incorporating septic tanks and small sewage treatment plants

Local Policies

Powys Local Development Plan (2018)

DM1 – Planning Obligations

DM2 – The Natural Environment

DM4 – Landscape

DM7 – Dark Skies and External Lighting

DM8 – Minerals Safeguarding

DM13 – Design and Resources

H1 – Housing Development proposals

SP1 – Housing Growth

SP5 – Settlement Hierarchy

SP6 – Distribution of Growth across the Settlement Hierarchy
SP7 - Safeguarding of Strategic Resources and Assets
T1 – Travel, Traffic and Transport Infrastructure

Powys Residential Design Guide (2004)

Powys Supplementary Planning Guidance for Affordable Housing (2018)

Other Legislative Considerations

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

Officer Appraisal

Site location and description

The scheme is in respect of the erection of a rural enterprise dwelling and garage together with the formation of two passing bays and the siting of a temporary caravan at Rhysgog, Llanafan Fawr.

The site is located between the settlements of Newbridge on Wye and Beulah. To the north of the application site lies Abergwesyn Common which is National Trust owned access land stretching between the Nant Irfon Valley in the west and Llanwrthwl in the east.

The proposed site is located to the west of C0008 county highway with an existing dwelling and farm buildings associated with the rural enterprise located to the east of the highway. The application site is currently part of an agricultural field.

Principle of development

The application seeks consent for a new enterprise dwelling to support the existing farm business which according to the submission is well established and comprises of a 233-acre sheep farm, 175 acres of which is at Rhysgog and the remainder being at Llanyre Farm. The enterprise currently comprises 550 breeding ewes and sells approximately 150 Welsh breeding ewe lambs, 120 Welsh mule ewe lambs and 25 Welsh breeding rams in the autumn. In the spring, 30 ewes with lambs at foot are sold and 100 Welsh ewes are retained as replacements with the remainder of the lambs not suitable for breeding being finished and sold during the autumn and winter. The submission indicates that a dwelling would enable the enterprise to be managed more effectively to

enable constant supervision of the livestock and to attend to emergencies. There is already one dwelling associated with the holding, the bungalow at Rhysgog.

Under the Powys Local Development Plan (2018) Policy H1, dwellings in the open countryside will only be permitted for where development relates to a need for housing which meets current national policy on housing in the open countryside. Planning Policy Wales permits dwellings in the open countryside in accordance with the more detailed advice provided in TAN6.

The first key determinant in deciding if a proposal falls within the scope of the rural enterprise dwelling policy in TAN6 is whether an enterprise is directly related to the management of rural land-related businesses, or has a character such that it can only be located in the open countryside, or has very particular reasons for a location in the open countryside rather than in an existing settlement. Given the nature of the business, it clearly falls within the definition of a rural enterprise as set out within TAN 6, and as such the proposal can be assessed under the remainder of the requirements set out within TAN 6.

Given that the proposed dwelling is required to meet the needs of additional workers on an established farm where there is a functional need, and a requirement for an additional 0.5 or more of a full-time worker earning at least 50% of a farmworker's salary (second or further dwelling on a farm only), TAN 6 provides support for such dwellings subject to the following criteria:

- the enterprise concerned has been established for at least three years, profitable for at least one of them and both the enterprise and the business need for the job, is currently financially sound, and has a clear prospect of remaining so;
- the functional need could not be fulfilled by another dwelling or by converting an existing suitable building already on the land holding comprising the enterprise, or any other existing accommodation in the locality which is suitable and available for occupation by the worker concerned; and
- other normal planning requirements, for example siting and access, are satisfied.

The submission indicates that the proposed dwelling is proposed to meet the needs of additional workers on the established farm to provide essential care for livestock at short notice and at all times of the day and night. Given the amount of land which is farmed by the enterprise and the stock levels, it is accepted that there is a functional need for additional readily available workers on site.

The submission indicates that the business has been established for a number of years and financial information for the enterprise have been submitted for the years ending 2014, 2015 and 2016 which sets out the business' income, expenditure, finance costs, depreciation and profit. The submission demonstrates that the business has been profitable for the last three years and on this basis it is considered that the enterprise is financially sound. The financial information complies with the requirements of TAN6 in that it demonstrates that the business has been established for at least three years, has

been profitable for all three, is currently financially sound and has a clear prospect of remaining so.

The existing dwelling (Rhysgog Bungalow) that serves the business is considered to be sufficient to serve the full time worker of the farm, however the time test set out within the appraisal demonstrates that the business has an essential need for 2.72 full time workers on the enterprise. Although it is noted that the standard labour requirement includes 22.5% for maintenance and management whereas TAN 6 and the Practice Guidance suggests that the standard labour assessment should be 15-20% for maintenance, repairs and management, upon recalculation of the labour requirement using the standard guidance set out within TAN 6 and the Practice Guidance, the existing enterprise still provides a need in excess of 1.5 workers and as such complies with the time test within TAN6.

In terms of other dwellings or buildings which could be converted to residential use, the submission indicates that all agricultural buildings on the enterprise are modern farm buildings and are fully utilised by the enterprise. Therefore, it is accepted that the functional need could not be fulfilled by these. In addition, the agent has detailed three dwellings that are on the market in the locality that far exceed the affordability of the business and could not fulfil the requirements of the enterprise in the same way. It is also noted that a dwelling that neighbours the enterprise has come onto the market with 21 hectares of land (Erwddol). It is to be sold at auction on the 7th December 2018 but with a guide price of £500,000 it is accepted that the property would be out of reach of the enterprise to fund. It is therefore accepted that there isn't any other existing accommodation in the locality which is suitable and available for occupation by the worker concerned.

In light of the above, it is considered that the submission sufficiently demonstrates the need for an additional dwelling in line with policy requirements set out within TAN6 and the Practice Guidance. However, although the principle of development is considered to be acceptable in this instance, rural enterprise dwellings should also satisfy the usual planning requirements and these aspects will be considered in the sections below.

Control of occupancy

TAN 6 advises that any new rural enterprise dwelling shall be subject to a condition which controls the occupancy of the dwelling and their potential transfer to meet general affordable housing needs. Therefore, any consent granted should include the recommended occupancy condition.

Scale

Welsh Government guidance advises that the size of the proposed dwelling should be related to the ability of the enterprise to fund and sustain a dwelling. The size of the dwelling should reflect the needs of the enterprise but with the extension of potential

occupancy to those eligible for affordable housing, there should also be regard to this consideration.

The Local Authority's affordable housing policy and guidance restricts the floor space of proposed affordable homes to a maximum of 115 square metres in order to ensure they are affordable in nature and perpetuity. In addition, the restriction on the plot size to 1000 square metres is encouraged to assist in limiting the value of the eventual dwelling, and for the same reason, the scale of outbuildings is limited to 15sq.m.

The current proposal relates to a dwelling of 158sq.m of internal floor space, a garage with 38.4sq.m internal floor area and a plot size of 990sq.m.

Given the financial information submitted in support of the application, it is not considered that business can provide for a realistic minimum return to unpaid labour and fund a dwelling of this scale. Furthermore, the application fails to demonstrate why the business would require a dwelling, the scale of which is far in excess of that permitted as affordable housing. The personal aspirations of the applicant are not a material consideration in this instance.

Therefore, based on the financial information submitted in support of the application combined with the emphasis within national policy for the provision of such dwellings to also meet affordable housing needs, it is considered that the dwelling is of a scale that cannot reasonably be justified in line with current planning policy.

Design

The appearance of a development, its scale and its relationship to its surroundings are key considerations when determining a planning application. National Policy on design is set out in Technical Advice Note 12 and applications are also assessed against policy DM13 of the Local Development Plan. The council aims to promote and reinforce local distinctiveness within Powys and proposals are expected to be designed to respect and enhance local distinctiveness of the area, especially in areas noted for their landscape value and where there is an established design character.

The design of the scheme has altered significantly from that proposed within the previous application and has even altered from first submission of the current application.

The dwelling proposed is designed as a one and a half storey building, extending to a height of 7.5 metres to ridge. The plans indicate the use of dormer windows, an external brick chimney and single storey additions to the front, side and rear. The scheme includes brick quoins and a stone plinth with the overall finish of the dwelling to be render. The roofing material will be slate.

Although it is considered that the design has improved and the use of features such as dormer windows is in keeping with the character of the area, the remainder of the scheme fails to capture the best of residential design in the locality. The dwelling is located in a sparsely populated upland, rural area. It is not unusual, therefore, that the majority of the housing seen in the locality are small, simple properties reflecting the wealth of traditional workers (farmers). The oldest of the properties are stone (painted white), with the more modern dwellings being render (again painted white).

The current proposal, however, is for a large dwelling, the design of which is more akin to a modern residential estate in an urban setting. It is also noted that the proposal includes a double garage to be sited adjacent to the highway. It is noted within the Residential Design Guide (paragraph 6.41) that garages are not a prerequisite of all housing schemes and are not always consistent with the character of the surrounding area. It goes on to state that garages should be located so that they do not dominate the overall design. In this instance, it is considered that the provision of the double garage is not in keeping with the character of the area and exacerbates the urban design of the scheme.

Overall, the design of the scheme is not considered to be acceptable in the context of the locality and fails to comply with policy DM13 of the Powys Unitary Development Plan.

Siting

With respect to siting, reference is made to Powys Local Development Plan (2018) policy DM4 – Landscape which states that proposals for new developments outside designated and defined settlements must not, individually or cumulatively, have an unacceptable adverse effect, on the valued characteristics and qualities of the Powys landscape.

The Residential Design Guide sets out that for dwellings in the countryside, the scope for damaging local distinctiveness through inappropriate development may be even greater than in densely developed areas. It is therefore vital that isolated dwellings fully respect their landscape setting and avoid impacting on distinctive rural landscapes. The guide goes on to state that the main issues to consider are the positioning of the building in the context of the topography, the relationship of the building with natural features such as trees and hedgerows and the colours and materials of the building.

TAN 6 states that the siting of the proposed dwelling should relate closely to the activities for which there is a need. In most cases this will mean that the new dwelling should be sited in close proximity to existing buildings and in the case of dwellings for agricultural enterprises, should not be isolated from the farmstead or in locations that could encourage farm fragmentation. Local planning authorities should resist planning applications for rural enterprise dwellings that are prominent in the landscape.

The siting of the dwelling is a particular issue in this instance with a number of constraints to consider. The siting should not sterilise future plans for expansion of the farm buildings and cannot unacceptably impact on the setting of the nearby listed building but the dwelling needs to be in close proximity to the farm to appropriately fulfil its purpose. The site has been chosen with these aspects in mind. However, the proposed site is located across the road from the existing dwelling and farm buildings and would be prominent within the landscape.

The landscape is undulating upland terrain and the application site falls within the Cambrian Mountains southern fringes aspect area within visual and sensory layer of Landmap. The landscape is described as having a varied and interesting topography with steep sided hills and valleys. It is given added drama and texture by the woodland cover and watercourses in valley bottoms. Overall the area has a very high scenic quality and a strong sense of place. The area is unspoilt and is rare as a landscape type in the county.

The site is on a gently rising plateau leading up to Garth Hill between two valleys. Other dwellings in the locality are set within hollows in the landscape but the proposed dwelling will be more prominent. The agent has sought to justify the siting on the grounds that the dwelling, from most vantage points, would be back dropped by the existing farm buildings. Whilst not disputing that the dwelling would be closely grouped, given the size and scale combined with the proposed siting, it is considered that the dwelling would be visually prominent within the landscape, even at longer distances.

Given the need to be closely grouped with the existing buildings, the dwelling is proposed to be located at a central point within an agricultural field which has no features other than the hedgerow that runs parallel to the road. Although it is acknowledged that the application site is proposed to be bound by a native hedgerow with additional tree planting, it is considered that the development would appear particularly artificial and would not have good integration into the landscape at this site.

The applicant has been advised that siting a dwelling adjacent to the existing bungalow would allow for better integration into the landscape and would enable better grouping with the existing buildings. The agent has responded and indicates that the site would widen the view of the built form, would unacceptably affect the setting of the listed building and would be more prominent as it is on higher ground. The Conservation Officer has responded and refutes the claims regarding the listed building. It is also considered that a development of the right scale and design in this location would have a significantly reduced landscape harm. The applicant has been advised of this since the pre application stage.

Impact upon heritage assets

The planning authority is required to have special regard to the desirability of preserving listed buildings and their settings under section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Furthermore, section 6.5.11 of Planning Policy Wales

(9th edition, 2016) states, “Where a development proposal affects a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses”.

To the east of the application site lies Rhysgog Cottage, a grade II listed property noted as a c1800 farmhouse retaining its planform and for its exceptional preservation of internal and external detail. There is a byre to the one end of the property and cart shed with granary to the other. Like many of the rural dwellings in the area, the property is set down in a hollow and there would not be direct visibility between the application site and the listed building.

The Conservation Officer has been consulted on the application and does have concerns over the effect of the proposal from longer range views, such as Abergwesyn Common, and the detrimental impact it would have on the setting of the listed building from such locations. The concern being that the dwelling is proposed to be sited in a prominent location, which combined with the large scale and incongruous design, would detract from the setting of the listed building.

Highways Safety and Movement

LDP policy DM13 part 10 indicates that development proposals should meet all highway access requirements, vehicular parking standards and demonstrate that the strategic and local highway network can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network or that traffic impacts can be managed to acceptable levels to reduce and mitigate any adverse impacts from the development.

The application demonstrates that access will be gained onto the C0008 via an improved existing field access and that two passing bay will be provided in order to improve the county highway to support the additional traffic generated by the development. The Highway Authority has not objected to the proposal but does consider that the passing bays could be provided in more beneficial locations than those shown on the supporting plans. It is considered that the agreement of such details can be controlled via an appropriately worded condition.

Therefore, subject to the use of a conditions, it is considered that the development can be made acceptable in accordance with policies DM13 and T1 of the Powys Local Development Plan.

Ecological impact

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

The dwelling will be located on an area of improved grassland which is considered to have low ecological value. The proposal will involve the removal of a small section of hedgerow and translocation of further hedgerow to facilitate appropriate visibility splays at the access. There was a concern that this would have a direct impact to the Rhysgog Roadside Verge Nature Reserve which has been designated due to its supporting of a diverse range of vascular plants indicative of a 'good quality' verge in Powys. The application has been supported by a preliminary ecological impact assessment report which has been subject to review by the county ecologist. Subject to the development taking place in accordance with the recommendations in the report, it has been concluded that the development will not result in the loss of any features of ecological importance and that the proposed works are unlikely to have a negative impact to biodiversity in the wider area.

Therefore, subject to the use of planning conditions to control the development in accordance with the recommendations of the report, it is considered that the proposed development would be in accordance with policy DM2 of the Powys Local Development Plan, Technical Advice Note 5 and Planning Policy Wales.

Foul drainage

Planning policy states that, where practicable, foul drainage should be discharged to the mains sewer. Where this is not possible and private sewage treatment / disposal facilities are utilised, they must be installed and maintained in accordance with British Standard 6297 and Approved Document H of the Building Regulations 2000. The planning authority is also required to have regard to Welsh Government Circular 008/2018: Planning requirement in respect of the use of private sewerage in new development, incorporating septic tanks and small sewage treatment plants

It is proposed to connect to a package treatment plant with an outfall to the field. There is no objection in principle to this solution but the application has not been accompanied with percolation test results to demonstrate that the land is suitable to absorb the discharge. Officers are therefore unable to confirm that the development would not give rise to pollution problems in accordance with LDP Policy DM13.

Minerals safeguarding

Policy DM8 seeks to ensure that mineral resources are not needlessly sterilised by other development, so that they remain accessible to future generations in accordance with PPW and MTANs. The identified mineral safeguarding areas carry no presumption that the resource will be worked, merely that the location is known and that the presence of the resource should be adequately addressed and effectively considered within planning decisions.

In this instance, the development site is within the mineral safeguarding area for sandstone with potential for high specification aggregate (category 1). Whilst this is

acknowledged by the Planning Authority, it is considered that the built development is not of a significant scale (in so far as it relates to this policy) and is for residential use adjacent to an existing residential use suggesting that the development is unlikely to sterilise extraction to any greater extent than the current situation. Overall, the development is considered to be acceptable in accordance with the provisions of policy DM8.

Recommendation

Overall, it is considered that the principle of development can be supported in line with planning policy, but the detail of the application is not acceptable particularly in relation to the siting, design and scale of the scheme. The development as currently proposed would represent an incongruous and conspicuous addition to the landscape and would fail to comply with policies DM4 and DM13 of the Local Development Plan, Technical Advice Note 6 and the associated practice guidance as well as Planning Policy Wales. Due to the landscape harm caused by the development in such close proximity to a listed building, it is also considered that the development would cause unacceptable harm to the setting of a listed building (Rhysgog). Finally, it has been highlighted that the development has not been supported with sufficient detail in relation to foul water disposal. It is for these reasons that the development cannot be supported and is recommended for refusal.

Reasons

1. The dwelling is proposed at a location where it would be visually prominent in a landscape of high visual and sensory quality. The proposed siting, combined with the incongruous design and large scale would unacceptably harm landscape quality contrary to policies DM4 and DM13 of the Powys Local Development Plan (2018), Powys Residential Design Guide (2004), Technical Advice Note 6 (2010) and Planning Policy Wales (Edition 9, 2016).
2. The application fails to demonstrate that the scale of the dwelling reflects the needs of the enterprise or its ability to fund such a property. The proposal therefore fails to comply with Technical Advice Note 6 (2010) and the associated Practice Guidance for Rural Enterprise Dwellings (2011).
3. The design of the proposal by reason of its appearance, scale, height, massing and design detailing fails to complement or enhance the character of the surrounding area and fails to contribute towards the preservation of local distinctiveness and sense of place contrary to policy DM13 of the Powys Local Development Plan (2018), Technical Advice Note 12 (2016) and Planning Policy Wales (Edition 9, 2016).
4. The proposed dwelling is to be sited in a prominent location, which combined with the large scale and incongruous design, would detract from the setting of Rhysgog, a grade II listed farmhouse, contrary to policy SP7 of the Powys Local

Development Plan (2018), the local planning authority's duty under section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Technical Advice Note 24 (2017) and Planning Policy Wales (Edition 9, 2016).

5. Insufficient information has been submitted with the application to demonstrate that the treatment plant soakaway is sufficiently sized and that ground conditions are suitable for drainage so that the quality of surface and ground waters will not be adversely affected in accordance with Policy DM13 of the Powys Local Development Plan (2018), Welsh Government Circular 008/2018 and Planning Policy Wales (Edition 9, 2016).

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