

Planning, Taxi Licensing and Rights of Way Committee Report

Application Number: 18/1086/FUL
Grid Ref: E: 309018
N: 307095
Community Council: Llanfair Caereinion
Valid Date: 08.01.2019

Applicant: Mr & Mrs Pryce

Location: Banwy Mill Caravan Park, Melin-y-ddol, Llanfair Caereinion, Powys, SY21 0ED

Proposal: Re-development of Banwy Mill Caravan Park to include the change of use of land to accommodate the re-siting of 23 static caravans, associated infrastructure and new vehicular access

Application Type: Full Application

The reason for Committee determination

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

Consultee Responses

Consultee

Received

Community Council

4th Feb 2019

At the meeting of Llanfair Town Council on Monday 28th Jan 2019 the members voted to NOT SUPPORT the above application for the re-siting of 26 caravans at Banwy Mill Caravan Park, in Melin y Ddol, near Llanfair Caerenion.

The reasons were as follows:

1.The Ecology report is wholly inadequate both in length and detail. A much more detailed and lengthy report would be needed to give a true representation of the species which inhabit the site and the impact such a development will have on them.

2.The Town Council do not accept that this is a 're-development' of the site but is an entirely new planning application. Although previously used as a caravan park the site has not been used as such for a number of years. Google images clearly show that the site has been not been grazed in the interim years and has, in fact, been left to become over grown. This in

itself would encourage the return of wildlife which has not been adequately addressed in the Ecology report.

3.The effect on the village of Melin y Ddol would be highly detrimental to residents due to the size of the development. It is disproportionate to the size of the hamlet of Melin y Ddol and will alter the amenity of the area significantly. Issues such as light pollution, noise nuisance and an increase in traffic have not been adequately or satisfactorily addressed.

4.The Melin Y Ddol road is narrow in places and an area near Neuadd Bridge Caravan Park already has significant subsidence. An increase in traffic would cause further serious damage to this road.

5.There is no footpath into the village of Llanfiar Caereinion from the site. This poses a considerable safety risk to any one walking to and from the proposed site.

A number of the issues stated above were raised in the Town Council's letter of 9th November 2018 as a response to the pre planning consultation. The Town Council does not believe that these issues have been addressed in the planning application and remain extant. Therefore they cannot therefore support it.

Wales & West Utilities - Plant Protection
Team

1st Feb 2019

Wales & West Utilities acknowledge receipt of your notice received on 18.01.2019, advising us of the proposals for:

Banway Mill Caravan Park, Melinddol, Llanfair Caereinion, WELSHPOOL, Powys, SY21 0ED

According to our mains records Wales & West Utilities has no apparatus in the area of your enquiry. However Gas pipes owned by other GT's and also privately owned may be present in this area. Information with regard to such pipes should be obtained from the owners.

Safe digging practices, in accordance with HS(G)47, must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all persons (either direct labour or contractors) working for you on or near gas apparatus.

Please note that the plans are only valid for 28 days from the date of issue and updated plans must be requested before any work commences on site if this period has expired.

Councillor Gareth Jones – Local Member

As the local member for Llanfair Caereinion I wish to call in the above planning application due to public opposition. I would welcome a conversation with you about the application whenever it suits you. I reserve the right to withdraw the call in.

Hafren Dyfrdwy

28th Jan 2019

Thank you for the opportunity to comment on this planning application. Please find our response noted below:

With Reference to the above planning application the company's observations regarding sewerage are as follows:

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

Highway Authority

30th Apr 2019

Prior to the first beneficial use of the development, a scheme for a 40mph speed restriction, along the County Class II B4385 and schedule for the implementation of the scheme shall be submitted and approved in writing by the local planning authority

No development shall commence, until a Traffic Management Plan (TMP) has been submitted to, and approved in writing by the Local Planning Authority. The approved TMP shall be adhered to throughout the construction period.

HC1 Prior to the first beneficial use of the development any entrance gates shall be set back at least 10 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.

HC2 The gradient of the access shall be constructed so as not to exceed 1 in 15 for the first 10 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.

HC3 The centre line of the first 10 metres of the access road measured from the edge of the adjoining carriageway shall be constructed at right angles to that edge of the said carriageway and be retained at that angle for as long as the development remains in existence.

HC4 Prior to the first beneficial use of the development, the access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 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 area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

HC7 Prior to the first beneficial use of the development the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material, 60mm of bituminous macadam binder course material and to be finished in a 40mm bituminous surface course for a distance of 10 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

HC8 Prior to the occupation of any caravan provision shall be made within the curtilage of the site for the parking of not less than one car per bedroom in together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

HC11 Prior to the commencement of the development provision shall be made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of 0.4 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.

HC12 The width of the access carriageway, constructed as Condition HC7 above, shall be not less than 5.5 metres for a minimum distance of 10 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.

HC13 Prior to the first beneficial use of the developmental radius of 9 metres shall be provided from the carriageway of the county highway on each side of the access to the

development site and shall be maintained for as long as the development remains in existence.

HC16 There shall only be a single vehicular and pedestrian access to serve the development hereby permitted.

HC22 Prior to the first beneficial use of the development, any existing means of access shall be stopped up, in materials to be agreed in writing by the Local Planning Authority and this shall be retained for as long as the development is in existence.

HC30 Upon formation of the visibility splays as detailed in HC4 above the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.

HC32 No surface water drainage from the site shall be allowed to discharge onto the county highway.

Environmental Health

24th Jan 2019

I note that the intention to install a Private Treatment Plant. Is the discharge to the watercourse?

I would recommend that the planning authority confirm that the NRW confirm the “consent to discharge” prior to the commencement of building work.

Environmental Health – Licensing

This department has no objection to the planning application for re-development of Banwy Mill Caravan Park to include the change of use of land to accommodate re-siting of 26 static caravans along with associated infrastructure so long as it complies with the conditions set out in the Caravan Sites and Control of Development Act 1960.

Builth Heritage Officer

Correspondence received 6th March 2019 –

Recommendation - Object

The development as proposed in this location would adversely affect the setting of the designated heritage assets; Cadw ID 8660 Melin-y-ddol included on the statutory list on 10/05/1980 and Cadw ID 17583 Cottages (4) at Melin-y-Ddol adjoining Ty Gwyn to the South included on the statutory list on 10/11/1980, by virtue of the proximity of the

proposed caravans to the listed buildings and the height of the land in comparison to the previous caravan park. The site would severely and adversely harm the setting of Cadw ID 8660 Melin-y-ddol and Cadw ID 17583 Cottages (4) at Melin-y-Ddol when viewed across the river from the A458, and the proximity of the caravans and the required access would affect the setting of Cadw ID 17583 Cottages (4) at Melin-y-Ddol when viewed from the B4385 and to a lesser extent the setting of Cadw ID 8660 Melin-y-ddol when viewed from the B4385. The caravans by their proximity and relative ground levels would effectively obscure the views of Cadw ID 17583 Cottages (4) at Melin-y-Ddol when viewed from the A458 and would introduce a form of development encompassing the listed buildings in a manner which the previous caravan park did not. The relative height of the land for the caravan park when viewed against the backdrop of Cadw ID 8660 Melin-y-ddol would result in caravans being visible on land higher than Melin Y Ddol introducing an incongruous relationship between the historic mill and the new development which would harm the setting of Melin y Ddol. As a result of the significant and demonstrable adverse impacts outlined above, it is considered that the proposal is contrary to national legislation and policy in terms of Sections 16 and 66 of the Planning (Listed Buildings and Conservation areas) Act 1990, Paragraph 6.1.10 of Planning Policy Wales 20th edition 2018, TAN24 and its annexe Setting of Historic Assets in Wales and Local Development Plan Policies SP7 and Local Development Plan Objective 13.

Background to Recommendation

Designations in proximity to;

Cadw ID 8660 Melin-y-ddol included on the statutory list on 10 /05/1980

Cadw ID 17583 Cottages (4) at Melin-y-Ddol adjoining Ty Gwyn to the South included on the statutory list on 10/11/1980

Cadw ID 17400 Detached outbuildings to south of Melin-y-ddol (former mill and millers house) included on the statutory list on 01/04/1996

Policy Background

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

The Planning (Listed Buildings and Conservation Areas) Act 1990

Planning Policy Wales 10th edition 2018

Conservation Principles published by Cadw

TAN24

Managing 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

TD1 – Tourism Development

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

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

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

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

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

Firstly I would seek clarification on the description of the development which is identified as *the Re-development of Banwy Mill Caravan Park to include the change of use of land to accommodate the re-siting of 26 static caravans*. It appears from the documentation provided that the application is for the development of a new caravan park on land adjacent to a previously approved and developed caravan park, which has not been operational since the 1990's. As such I would consider the description misleading as it suggests that the site of the previous caravan park is being redeveloped which appears not to be the case. I note that the reason for the new siting of the caravans is the proximity to the river and the risk of flooding which means that caravans are not able to be insured. However if the permission is indeed extant, could this new site be in addition

to the site previously granted permission ? It is noted that in the submitted pre-application consultation report and the submitted Design and Access Statement that it is maintained that *the lawful planning context is planning permission for 51 caravans that could be resurrected and developed at any time (page 7 of pre-application consultation report) and the permission applying this land adjacent the river remains live and could be resurrected at any time (page 8 of pre-application consultation report)*

I will leave consideration as to whether the caravan park has an extant permission or if that permission has been abandoned to yourself, however, I am providing comments on the basis of the land being a new site for caravans with new access albeit adjacent to a previous/extant caravan park which may or may not be resurrected at any time.

The site is in very close proximity to a number of listed buildings. I note the reference to the listed buildings in section 10 of the Design and Access Statement, however I would not agree with the conclusion that the setting on the mill without any mitigation would be neutral and with the proposed planting would be moderately beneficial, nor on the impact on the cottages would be neutral.

Melin y Ddol is visible from 2 roads the B4385 and the A458, however the main assessment appears to be from the B4385. When viewed from the A458, Melin y Ddol and the 4 listed cottages are visible across the river.

The siting of the caravans in the location proposed would be directly in front of Cadw ID 17583 Cottages (4) at Melin-y-Ddol and Cadw ID 17400 Detached outbuildings to south of Melin-y-ddol . The view of the cottages from the A458 would be severely harmed by the location of the static caravans between the viewer on the A458 and the listed building. These cottages are low in height being one and a half storey and their setting would be harmed by the proposed caravans in the location proposed.

Setting is defined in Managing Change to Historic Assets as including the surroundings in which it is understood, experienced and appreciated, embracing present and past relationships to the surrounding landscape.... The setting can include physical elements of its surroundings. These may be boundary fields, adjacent fields or functional and physical relationships with other historic assets or natural features.

There are many factors that contribute towards the setting of a historic asset including views to, from and across the historic asset or place and the prominence of the historic asset in views throughout the surrounding area. The location of the proposed caravans is on higher ground than the previous site of the caravans and on a flat field adjacent to the listed cottages and as such it could be concluded that the previous siting of the caravans permitted views above the caravans to the flat field in front of the listed buildings and as such the previous siting did not affect the setting of the listed cottages to any significant degree, however the same could not be said for the current proposal that would harm the setting of the listed cottages when viewed from the A 458, and this impact would be compounded by the introduction of decking etc.

I note the provision of an access and the necessary visibility splays and could not conclude that the setting of the listed cottages would not be affected when viewed from the B4385.

In respect of Melin y Ddol itself, the mill is at a low level close to the river and the proposed caravans would be on higher ground when viewed from the A458. I would consider that the introduction of caravans as proposed would have a negative and harmful impact on the setting of the mill, by their proximity, relative ground levels and the grain of the development. Again the previous caravans being on much lower ground did not affect the setting of Melin y Ddol to the same degree. It is also noted that the building was listed after the development of the caravan park and as such a consideration of the setting of historic assets was not afforded to the caravan park at the time of permission being granted.

However the current proposal would need to be assessed against current national guidance and policies. I would remind you of section 6.1.10 of Planning Policy Wales 10th edition 2018 which advises that *For any development proposal affecting a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses.*

Notwithstanding the planning history on the site which is a consideration and I am assuming relates to the lower ground as identified on Job No 5053 DRG NO 100 and Job No 5053 DRG NO 101, the current proposal is for the location of caravans on a different site on higher land than the previous caravans and as such significant weight should be afforded to the setting of the listed buildings.

As such I would have to object to the proposal on the grounds of the impact on the setting of the listed buildings.

Correspondence received 4th April 2019 –

Recommendation – no objection to amended plans subject to appropriate conditions regarding the future use of this section of the site from development, and appropriate and robust landscaping conditions.

Background to Recommendation

Designation

In proximity to

Cadw ID 8660 Melin-y-ddol included on the statutory list on 10 /05/1980

Cadw ID 17583 Cottages (4) at Melin-y-Ddol adjoining Ty Gwyn to the South included on the statutory list on 10/11/1980

Cadw ID 17400 Detached outbuildings to south of Melin-y-ddol (former mill and millers house) included on the statutory list on 01/04/1996

Policy Background

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

The Planning (Listed Buildings and Conservation Areas) Act 1990

Planning Policy Wales 10th edition 2018

Conservation Principles published by Cadw

TAN24

Managing 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

TD1 – Tourism Development

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

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

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

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

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

I note the amended plans drawing number P100a. I previously objected to the proposal on 6th march 2019 on the impact on the setting of the listed Melin y Ddol and I understand that the amended plans seek to address these concerns.

I also sought clarification on the description of the development and I will leave consideration as to whether the caravan park has an extant permission or if that permission has been abandoned to yourself, however, I am providing comments on the basis of the land being a new site for caravans with new access albeit adjacent to a previous/extant caravan park.

The revised plans have omitted three caravans from the area of the site in closest proximity to Melin y Ddol and proposed further planting to supplement the existing trees on the site.

I note the views of Melin-y-Ddol and to a lesser extent the Cottages (4) at Melin-y-Ddol adjoining Ty Gwyn when viewed from the A458, however acknowledge that this view is predominantly for northbound traffic. It is considered that the exclusion of this section of the land from development and robust planting would address those concerns. Subject to appropriate landscaping conditions in terms of the amended plans only and the exclusion of any development on that site coupled with robust planting I would consider that my concerns in this regard have been met.

I also expressed concern in respect of 4 Cottages at Melin-y-Ddol adjoining Ty Gwyn and to a lesser extent Melin y Ddol when viewed when travelling in either direction on the B4385. Again it is considered that the exclusion of this section of the land from development and robust planting would address those concerns. Subject to appropriate landscaping conditions in terms of the amended plans only and the exclusion of any development on that site coupled with robust planting I would consider that my concerns in this regard have been met.

Subject to appropriate conditions regarding the future use of this section of the site from development, and appropriate and robust landscaping conditions I would wish to withdraw my previous objections to this development on built heritage grounds.

Powys Ecologist

13th Feb 2019

Thank you for consulting me with regards to the planning application 18/1086/FUL which concerns a full planning application for the re-development of Banwy Mill Caravan Park to include the change of use of land to accommodate the re-siting of 26 static caravans,

associated infrastructure and new vehicular access at Banwy Mill Caravan Park, Melin-y-ddol, Llanfair Caereinion.

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 61 records of protected and priority species within 500m of the proposed development - no record were for the site itself.

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

A Preliminary Ecological Survey has been undertaken to assess the potential of the development to impact to any protected species presence or habitats of ecological value.

I have reviewed the submitted Ecological Assessment (including for protected species) and method statement Report produced by Mid Wales Ecology Ecological Consultants dated April 2018, I consider that the survey effort employed was in accordance with National Guidelines.

A site visit was carried out by the Ecologist on the 4th April 2018. The habitats identified within and adjacent to the proposed development are;

The habitats located within the proposed work area are existing woodland, trees, hedgerows, running water of high biodiversity value, and improved grassland of low biodiversity value.

Therefore, the habitats that will be directly impacted by the proposed developments will be the improved grassland and a small section of hedgerow to create the new access. It is anticipated that the other habitats identified will not be affected by the proposals.

The hedgerow on site are not considered to be 'important' under the hedgerow regulations. However, the hedgerow that will be impacted by the creation of the new access is considered to be of high biodiversity value, particularly for nesting birds. Therefore, where the hedgerow will be impacted by the creation of the new access it is recommended that the 10m of hedgerow is translocated rather than removed to minimise the impacted to this feature of high biodiversity.

The habitats immediately surrounding the Site including the river, and within the Site including the leat, woodland, trees and most of the hedgerow habitats will not be affected by the proposal and will be retained in situ as existing.

Assessment of the potential for protected species to be present was evaluated.

The trees within and adjacent to the development boundary are considered to be suitable to support roosting bats. The surrounding habitats including waterbodies and hedgerows were considered to be suitable commuting and foraging habitats for bats.

Evidence of breeding amphibians (frog spawn) was noted within the development boundary. However, where the frog spawn was noted there it is likely to dry rapidly and not a constant water body. The woodland is considered to be suitable for terrestrial habitat for amphibians. The woodland area is not foreseen to be impacted by the proposed development.

The proposed development site is considered to be unsuitable to support reptile species.

No evidence of badger was observed during the assessment; however, the habitats present does provide suitable foraging habitat for badgers.

Although no signs of otter were found during the survey, the Afon Banwy which runs adjacent to the proposed development site does hold high potential for otter, and the data search revealed that otter do occur along the river.

The habitats within the Site do offer high potential shelter, nesting and foraging opportunities for common bird species. However, as habitat loss is mainly restricted to the improved fields which have provide negligible potential for nesting birds, and the fact that all woodland, trees and most hedgerow habitats within the Site will be retained as existing, it is assessed that the development will cause low impact on nesting birds in that the section of hedgerow that is proposed to be removed, will be translocated rather than lost.

No field signs or potential habitat for other protected or priority species were recorded at the Site or within the adjacent area.

Following the preliminary ecological assessment of the site the ecologist concludes that; Overall, due to the retention of all mature trees, woodland, and all hedgerow (excluding new access gateway) habitat within the Site area, with all works to be carried out strictly within the Site boundary itself, it is considered that the loss of the Site area mostly within the improved western fields, would cause limited impact on local wildlife. Therefore, it is not considered that further survey is required at the Site for protected species or habitats. However, a Method Statement will be followed during construction works.

Within section 8 of the ecological report a Method Statement, Avoidance and Mitigation Measures is recommended - in order to ensure there is no negative impact to biodiversity on site from the proposed development. Avoidance measures to be adhered to, to ensure there is no disturbance or displacement of bats during the construction phase; referring to external lighting. All work should be undertaken outside the bird breeding season (which is March to August inclusive). Tree and hedgerow protection plan to be implemented to ensure there will be no detrimental impact to the hedgerows or trees during construction. A water

course protection zone to be implemented during construction - the zone distance being 5m along the length of the water course. The creation of a new small pond. Precautionary working methods to avoid impacts to otter and badger which include; only daytime working hour, no fires on site, no external lighting, no open excavation to be left over night, no barriers erected along the watercourse. It is also recommended that provision of bat boxes and bird nesting boxes are included within the final development of the site as well as additional tree planting.

Given the identified Method Statement, Avoidance and Mitigation Measures in section 8 of the Preliminary ecological assessment (including for protected species) and method statement report produced by Mid Wales Ecology Ecological Consultants dated April 2018 - I consider that the proposed developments will not result in the loss of any features of ecological importance and it is considered the proposed works are unlikely to have a negative impact to biodiversity in the wider area. I therefore recommend that implantation and adherence of the method statement, avoidance and mitigation measures are secured though an appropriately worded condition.

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

The Method Statement, Avoidance and mitigation Measures regarding amphibians, reptiles, otter, badger, nesting birds and bats detailed in section 8 of the Preliminary Ecological Assessment (including for protected species) and Method Statement report produced by Mid Wales Ecology Ecological Consultants dated April 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, 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 External Lighting Plan detailed in section 8 of the Preliminary Ecological Assessment (including for protected species) and Method Statement report produced by Mid Wales Ecology Ecological Consultants dated April 2018 and illustrated on plans drawing number P105 dated 12/05/18 produced by Collins Design & Build & Project Management 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, 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.

The Tree and Hedgerow Protection Plan in accordance with BS: 5837:2012 detailed in section 8 of the Preliminary Ecological Assessment (including for protected species) and Method Statement report produced by Mid Wales Ecology Ecological Consultants dated April 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 TAN 5: Nature Conservation and Planning, Welsh government strategies, and Part 1 Section 6 of the Environment (Wales) Act.

The Pollution Prevention Plan and Watercourse Protection Plan detailed in section detailed in section 8 of the Preliminary Ecological Assessment (including for protected species) and Method Statement report produced by Mid Wales Ecology Ecological Consultants dated April 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 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 Hedgerow Translocation Plan detailed in section detailed in section 8 of the Preliminary Ecological Assessment (including for protected species) and Method Statement report produced by Mid Wales Ecology Ecological Consultants dated April 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 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 Tree Planting Scheme detailed in section 8 of the Preliminary Ecological Assessment (including for protected species) and Method Statement report produced by Mid Wales Ecology Ecological Consultants dated April 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 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.

Land Drainage

18th Jan 2019

Having assessed the Planning Application Ref 18/1086/FUL, the SuDS Approval Body (SAB) deem that the construction area is greater than 100m² and therefore this proposed development will require SAB approval prior to any construction works commencing onsite.

For further information on the requirements of SAB and where relevant application forms/guidance can be accessed, please visit the following website <https://en.powys.gov.uk/article/5578/Sustainable-Drainage-Approval-Body-SAB>

Natural Resources Wales

30th Jan 2019

Thank you for consulting Natural Resources Wales (letter dated 18/10/2018) regarding the above.

NRW commented on this proposal at pre-application stage. Our advice and position on the proposed scheme has not changed as the scheme has not been modified, and we are not aware of changes to planning policy or relevant legislation that may affect our advice/position.

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

Summary of Conditions

Condition 1- EPS: All avoidance and mitigation measures described in section 8 of the Preliminary Ecological Assessment dated April 2018 by Mid Wales Ecology are secured through planning conditions and/or a Section 106 agreement.

Protected Species

We note that the Preliminary Ecological Assessment dated April 2018 by Mid Wales Ecology submitted in support of the above application has identified that bats and otters are likely to be present at the application site. NRW holds record of bats and otter in the vicinity of the site. From the information contained in the ecological report, we consider that

the proposed development represents a lower risk for bats and otters, provided appropriate reasonable avoidance measures are adopted during the construction phase and a wildlife friendly exterior lighting scheme is adopted to avoid light spillages onto the river corridor and surrounding trees / hedgerows.

Bats, otters and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2010 (as amended). Any development that would contravene the protection afforded to bats under the Regulations would require a derogation licence from Natural Resources Wales. A licence may only be authorised if:

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

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

Because the development represents a lower risk for bats and otters in this case, we do not consider that the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range provided all the recommendations made in the mitigation section 8 of the report are implemented.

Condition 1- EPS: All avoidance and mitigation measures described in section 8 of the Preliminary Ecological Assessment dated April 2018 by Mid Wales Ecology are secured through planning conditions and/or a Section 106 agreement.

At pre-application stage we suggested that a detailed lighting scheme, illustrating the location and type of proposed lighting devices needed to be submitted at planning stage to demonstrate the proposal will not lead to disturbance of bat flight lines.

A plan has been submitted in support of this application (drawing no. P105). NRW is satisfied that the proposed exterior lighting plan will retain dark flight lines along the area of vegetation between the river and the site itself.

Flood Risk

The application site is adjacent to Zone C2 as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). Our Flood Map, which is updated on a quarterly basis, confirms the site to be within the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the river Banwy.

The published flood map, whilst generalised, is considered adequate to determine that the proposed will be out of the extreme flood extent. Lidar topographic information indicates that the proposed will be on elevated ground with adequate freeboard above the flood extent.

Our advice is that the following points should be considered within any formal application:

- o o There must be no ground raising, other than tree planting, within the recognised/published 0.1% flood extent. This is to minimise impact on flood flow routes and flood storage.
- o o Any surplus, excavated material must be disposed of outside of the floodplain.

The River Banwy is designated as an ordinary watercourse, as such, the Lead Local Flood Authority is Powys County Council. The drainage team should be consulted regarding historic flood events and operational issues. This also refers to the mill leat that runs through the site, it's integrity, state of service of the upstream sluice and whether flooding is considered a risk from this source.

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 listed in our 'Consultation Topics' document (September 2018) which is published on our website: (<https://cdn.naturalresources.wales/media/686847/dpas-consultation-topics-august-2018-eng.pdf?mode=pad&rnd=13181925684000000>). 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

The proposal is for 26 static caravans to be connected to a package treatment plant, that means the total volume of discharge is likely to be above 2 cubic metres a day which suggests the discharge would require an Environmental Permit from NRW.

Government 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. You should also have regard to Welsh Office Circular 10/99 in respect of planning requirements for non mains sewerage.

The applicant will need to apply for a Permit or Exemption, if they wish to discharge anything apart from uncontaminated surface water to a watercourse/ditch. They may also need to apply for a Permit from our National Permitting Team to allow certain discharges into ground.

They must obtain any necessary Permit prior to works starting on site. The Welsh Government has also advised that all septic tanks and small sewage treatment plant discharges in Wales will need to be registered. More information, including a step by step guide to registering, is available on our website www.naturalresourceswales.gov.uk / www.cyfoethnaturiolcymru.gov.uk

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

All works at the site must be carried out in accordance with GPP5 and PPG6 'Works in, near or over watercourses' and 'Working at construction and demolition sites' which is available at:

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

Cadw

No Cadw comments received at the time of writing this report.

Clwyd Powys Archaeological Trust

21st Jan 2019

Correspondence received 16:16 -

Thank you for the consultation on this application.

While the intended caravan site is located immediately east of the Grade II listed Melin y Ddol Cottages and approx. 60 metres north of the Grade II listed Melin y Ddol Mill these structures will be adequately screened by existing and proposed tree and hedge foliage screening. The caravans will be located on the lower slopes east of the Melin y Ddol cottages and will therefore largely be obscured by topography as well as the hedge foliage.

There will be no direct impact to any recorded archaeology. The former mill headrace channel from the weir to the north is preserved within the line of trees bordering the river and will not be affected.

We would therefore have no objection to this development proposal.

Correspondence received 16:29 -

On further review of this application site and its topography it is clear that the caravan site plot does not slope away from the frontage opposite the Grade II listed Melin y Ddol Cottages to the degree that we previously thought. The upper tier of caravans will therefore be partly within the view of the listed buildings when the foliage on the roadside hedges

and any additional screening planting is depleted in winter. The immediate setting of Melin y Ddol cottages is the roadside frontage and road where the buildings are most clearly visible and appreciated from. The cottages would have been built with a view to the east across the Banwy valley in mind and this view may be partly obstructed by the upper tier of caravans and the sewage treatment buildings located directly opposite the listed buildings.

To mitigate the visual and setting impact on the listed Melin y Ddol Cottages we would advise that the area marked blue in the attached plan is excluded from the caravan park layout and retained as green space. This will have the added benefit of also removing the caravan and sewage structures further from the setting of the listed Melin y Ddol Mill.

There will be no other direct impacts to any recorded archaeology. The former mill headrace channel from the weir to the north is preserved within the line of trees bordering the river and will not be affected.

I would be grateful if the applicant could get back to me on the maintenance of the outlined exclusion zone and provide a revised layout plan

Representations

The proposed development has been advertised by site display and within the local press. At the time of writing this report, 29 third party representations have been received comprising of 21 letters of objection and 8 letters of support. The comments expressed therein can be summarised as follows;

Objections

- Should not be considered as a re-development of an existing site as no caravan site currently operates;
- Proposal is contrary to policy TD1;
- Proposal would have an unacceptable impact on the settlement and its current scale;
- The proposed development would not integrate into the landscape;
- Unacceptable impact on highway network and safety of road users;
- Adverse impact upon the setting of a Listed Building;
- Unacceptable impact on wildlife including Protected Species;
- Adverse impact on the landscape through light pollution;
- Adverse impact on residential amenity;
- Proposed landscaping will have an overbearing impact upon neighbouring properties;
- Oversupply of caravans within the surrounding area may compromise viability of the proposed scheme.

Support

- Caravan parks bring holiday makers to the area – support for local shops;
- Local employment opportunities;

- Supports local communities and businesses;
- Enhance maintenance of the area;
- Improvement of the existing park;
- Local family business;
- High demand for high quality developments in the area;
- Applicants currently run a successful caravan park which is of a high standard.

Planning History

M649

M3439

Principal Planning Constraints

- Listed Building within close proximity of the application site;
- River Banwy located within close proximity of the application site – adjoining field located within the C2 Flood Zone.

Principal Planning Policies

Policy	Policy Description	Year	Local Plan
PPW	Planning Policy Wales (Edition 10, December 2018)		National Policy
TAN5	Nature Conservation and Planning		Local Development Plan 2011-2026
TAN6	Planning for Sustainable Rural Community		Local Development Plan 2011-2026
TAN11	Noise		Local Development Plan 2011-2026
TAN12	Design		Local Development Plan 2011-2026
TAN13	Tourism		Local Development Plan 2011-2026
TAN15	Development and Flood Risk		Local Development Plan 2011-2026

TAN23	Economic Development	Local Development Plan 2011-2026
TAN24	The Historic Environment	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
DM13	Design and Resources	Local Development Plan 2011-2026
TD1	Tourism Development	Local Development Plan 2011-2026
T1	Travel, Traffic and Transport Infrastructure	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

Planning (Listed Buildings and Conservation Areas) Act 1990

Officer Appraisal

Site Location and Description

The site subject to this application is located within the open countryside, approximately one kilometre north-west of Llanfair Caereinion. The application site extends to approximately 1.47 hectares and runs parallel to the B4285, enclosed by mature hedging and trees. The site is bound by the River Banwy to the north and east. Located to the south and west is the public highway with residential properties beyond.

The application site is served by an existing access off the B4385 located opposite a bungalow known as 'Glanaber'.

Consent is sought in full for the change of use of land to include the siting of 23 static caravans, creation of a new vehicular access and installation of a sewage treatment plant.

Planning History

Banwy Mill Caravan Park was formerly known as Riverside Caravan Park and was first established in the mid 1960's. On reviewing the planning history, it is understood that the park was initially granted a five year temporary planning permission on 13th July 1964 for both static and touring caravans and this was subsequently renewed for a further five years.

On the 30th October 1974, permanent planning permission was granted for the extension of the existing park for the siting of 20 additional static caravans (M649) on land to the north west of the existing park, adjacent to the river. In September 1977, planning permission for the siting of 25 static caravans and 6 touring caravans was granted on a permanent basis effectively replacing the previous temporary consent (M3439). On the basis of the above history, it is understood that the total number of pitches permitted on the adjacent site is 45 static caravans together with 6 touring caravans.

It is understood that the park successfully operated in accordance with the aforementioned consents during the 1960's, 70's and 80's however ceased trading in the early 1990's. Nevertheless, it is considered that these permissions remain extant.

Principle of Development

The Powys LDP recognises the high quality, beauty and variety of the Powys landscape, which creates an area of great attractiveness and potential for high value tourism. The LDP further notes that tourism is one of the County's main employment sectors. It is an important component of the rural economy and can help to provide new jobs and it is therefore desirable to support appropriate tourism related developments in principle, whilst sustaining the outstanding natural beauty.

New tourist development is encouraged because of its contribution to the economy in terms of visitor spending, supporting local business and employment generation. However, the Council seeks to ensure that developments are sustainable and do not have

an unacceptably adverse impact and effect upon the character and appearance of an area, the natural and historic environment or existing amenities, assets or designations.

LDP policy TD1 (Tourism Developments) confirms that development proposals for tourist accommodation, facilities and attractions, including extensions to existing development, will be permitted as follows:

1. Within settlements, where commensurate in scale and size to the settlement.
2. In the open countryside, where compatible in terms of location, siting, design and scale and well integrated into the landscape so that it would not detract from the overall character and appearance of the area and in particular where:
 - i. It is part of a farm diversification scheme; or
 - ii. It re-uses a suitable rural building in accordance with TAN 6; or
 - iii. It complements an existing tourist development or asset, without causing unacceptable adverse harm to the enjoyment of that development or asset; or
 - iv. It is not permanent in its nature.
3. Accommodation shall not be used for permanent residential accommodation.

The proposed development proposes the siting of 23 static caravans on land adjacent to the Banwy River and effectively seeks to replace an extant planning permission as outlined above. Officers consider that the proposed exchange will result in a reduction in the potential scale of development (45 static units to 23) and also remove a development defined as highly vulnerable for the purposes of TAN15 outside of a C2 flood zone.

In the event that Members are minded to grant planning permission, it is recommended that a Section 106 agreement be prepared to restrict the use of the adjoining site as permitted by planning permission and in doing so, prevent the use of both the application site and adjoining land for the siting of static caravans.

On reviewing the proposed development and notwithstanding the concerns expressed, Officers are satisfied that the proposal is fundamentally in accordance with policy TD1 as above.

Landscape and Visual Impact

The character and quality of Powys' landscape is one of its most important assets being a combination of its natural history and geology and the influence of human activity on these natural assets. Maintaining the distinctiveness of Powys' landscape is an important factor in safeguarding the quality of its environment and ensuring the social, cultural and economic well-being of the area. It is important for the tourism industry and also provides an attractive setting and sense of place in which local people can live and work.

LDP policy DM4 confirms that proposals for new development outside the Towns, Large Villages, Small Villages and Rural Settlements defined in the Settlement Hierarchy must not, individually or cumulatively, have an unacceptable adverse effect, on the valued characteristics and qualities of the Powys landscape. All proposals will need to:

1. Be appropriate and sensitive in terms of integration, siting, scale and design to the characteristics and qualities of the landscape including its: topography; development pattern and features; historical and ecological qualities; open views; and tranquillity; and
2. Have regard to LANDMAP, Registered Historic Landscapes, adjacent protected landscapes (National Parks and Areas of Outstanding Natural Beauty) and the visual amenity enjoyed by users of both Powys landscapes and adjoining areas.

Proposals which are likely to have a significant impact on the landscape and/or visual amenity will require a Landscape and Visual Impact Assessment to be undertaken.

For the purposes of LANDMAP, the application site is located within the Banwy Floodplain visual and sensory aspect area which is defined as a relatively narrow and steep sided valley system with an open valley floor of well defined small to medium scale field pattern associated with the Afon Banwy. The area comprises predominantly of semi improved grassland with a proportion of damp pasture land associated with the river course. Damp woodland is also a strong characteristic of the area. The A458 transport corridor is the principal east to west route between Welshpool and Snowdonia National Park linking with the A470 trunk road. LANDMAP notes that there is caravan development in the valley floor at Y Foel, Llangadfan and north-west of Llanfair Caereinion (Dolgead Hall) however acknowledges that these are not widely visible behind trees and hedges. Whilst recognising the sheltered and settled sensory qualities of the host landscape, the overall evaluation of the aspect area is moderate.

Guidance within the recently adopted Landscape SPG indicates that outside of settlements, applications for new tourism development where the site exceeds 1 hectare should be supported by a Landscape and Visual Impact Appraisal together with details within the Design and Access Statement confirming how the proposal accords with policy DM4. The potential Landscape and Visual Impact is considered within Section 9 of the submitted Design, Access and Planning Statement submitted by the applicant.

The application site comprises of two paddocks extending to approximately 1.47 hectares which runs parallel to the B4385. The paddocks are further subdivided centrally with a native hedge running north eastwards from the road. Running along the north eastern site boundary is a small stream which is bound by mature trees and vegetation. To the east of the stream is a further area of land at a lower level adjacent to the River Banwy which benefits from an extant planning permission. Levels falls eastwards away from the road towards the river and to a lesser extent, southwards towards the Mill. The main part of the site area sits an average of between seven and ten metres above the river level.

The application site is enclosed by mature vegetation which offers screening potential from sensitive receptors including highway users and existing residents whilst internally

existing hedgerows are to be retained. Whilst it is accepted by Officers that the proposed development will represent a substantial development in a rural location, given the topography of the land together with existing and proposed screening, it is not considered that the visual impact will be unacceptable.

Furthermore, whilst noting the relatively remote location of the application site, it is noted that Neuadd Bridge Caravan Park is located approximately 0.9 miles to the north west of the application site. Given the proximity of the application site to the established tourism facility, it is not considered that the proposed static caravans would be read as alien features within the landscape. Indeed, LANDMAP recognises that caravan park developments are a feature of the aspect area. Whilst it is acknowledged that the use of the existing site is contested, Officers would emphasise that there is an extant planning permission for the siting of 45 static caravans on land adjacent to the application site, the fallback position of which is a material planning consideration.

On reviewing the proposal, Officers do not consider that the proposed development will have an unacceptable impact on the character and appearance of the area. Nevertheless, in the event that Members resolve to grant consent, it is recommended that suitable conditions requiring details of existing and proposed site levels, external finish of the proposed statics together with a detailed landscaping scheme including an implementation and maintenance strategy are imposed. Subject to the above, it is considered that the proposed development accords with planning policy, particularly policies SP7, DM4, DM13 and TD1 of the Powys LDP.

Siting, Design and Layout

Policy DM13 indicates that development proposals must be able to demonstrate a good quality design and shall have regard to the qualities and amenity of the surrounding area, local infrastructure and resources. Proposals will only be permitted where the scheme has been designed to complement and/or enhance the character of the surrounding area in terms of siting, appearance, integration, scale, height, massing, and design detailing.

The submitted plans indicate that the proposed static caravans will be located in a linear layout that follows the contours of the site. Whilst the layout is relatively structured, the positioning reflects the subtle curves of the river and responds to the location of existing landscaping which is to be retained. The application details indicate that the size and appearance of the proposed units are characteristic of static caravans. As indicated previously, in the event that planning permission is granted, a condition will be attached requiring details of the proposed finish/colour to be provided prior to siting.

Whilst Officers appreciate the concerns expressed in relation to the impact of the development on the surrounding area, given the scale, layout and appearance of the proposed static caravans together with the characteristics of the application site and surrounding area, Officers do not consider that the proposal will be an incongruous feature within the landscape, compliant with policy DM13.

Highway Safety and Movement

In accordance with policies DM13 and T1, development must demonstrate that they have been designed and located to minimise the impacts on the transport network - journey times, resilience and efficient operation - whilst ensuring that highway safety for all transport users is not detrimentally impacted upon.

Development proposals should meet all highway access requirements, (for all transport users), vehicular parking standards and demonstrate that the strategic and local highway network can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network or that traffic impacts can be managed to acceptable levels to reduce and mitigate any adverse impacts from the development.

The site is currently served by a vehicular access located opposite the property known as Glanaber (within the applicants' ownership). As part of the proposed development, it is proposed to create a new access off the public highway (B4385) in order to maximise visibility and reduce potential impact on residential amenity. Within the site, the caravans will be accessed by tarmac roads whilst parking and turning provision will be provided for each units.

The submission confirms that traffic surveys have been undertaken to establish the average traffic speeds in proximity to the proposed new access which have since informed proposed visibility. The speed survey have also informed the case for a reduction in the speed limit to 40mph which has been agreed by the Highway Authority.

Following consultation, the Highway Authority has offered no objection to the proposed development subject to a series of conditions being attached to any planning permission granted. Although Officers are understanding of the third party concerns expressed, given the Highway Authority's comments, it is not considered that sufficient weight can be given to these to justify a refusal of planning permission. Subject to the imposition of the recommended conditions, it is considered that an acceptable means of access is capable of being provided whilst the proposal will not unacceptably adversely affect highway safety and movement at this location.

On the basis of the above, it is considered that the proposed development is in accordance with planning policy, particularly policies DM13 and T1 of the Powys LDP.

Cultural Heritage

Section 66 of the Planning (Listed Buildings and Conservation areas) Act 1990, requires Local Planning Authorities considering applications for planning permission 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.”

Setting is defined in Managing Change to Historic Assets as including the surroundings in which it is understood, experienced and appreciated, embracing present and past relationships to the surrounding landscape. The setting can include physical elements of its surroundings. These may be boundary fields, adjacent fields or functional and physical relationships with other historic assets or natural features. There are many factors that contribute towards the setting of a historic asset including views to, from and across the historic asset or place and the prominence of the historic asset in views throughout the surrounding area.

The application site is located within immediate proximity of the following listed buildings;

- Melin-y-ddol;
- Cottages (4) at Melin-y-Ddol adjoining Ty Gwyn to the south;
- Detached outbuildings to the south of Melin-y-ddol (former mill and millers house).

Following initial review of the application, the Built Heritage Officer confirmed that the proposal would adversely affect the setting of the aforementioned listed buildings by virtue of proximity to the listed buildings, location of the access and relative ground levels. In particular, the caravans by virtue of proximity and relative ground levels would effectively obscure the views of Melin-y-ddol Cottages when viewed from the A458 and would introduce a form of development encompassing the listed buildings in a manner which the previous caravan park did not. The relative height of the land for the caravan park when viewed against the backdrop of Melin-y-ddol would result in caravans being visible on land higher than Melin Y ddol thereafter introducing an incongruous relationship between the historic mill and the new development which would harm its setting. As a result of the adverse impacts outlined above, the Built Heritage Officer indicated that the proposal was considered contrary to planning policy.

In response to the above, an amended plan was received by Officers which removed 3 static caravans located in the area of inter-visibility (eastern area of the site), maintaining the immediate open setting to the listed cottages and mill. In commenting on the amended plans, the Built Heritage Officer noted the exclusion of this section of the land from development and considered that together with substantial planting, the initial concerns had been addressed. This opinion however was given on the understanding that the use of the adjoining site (extant planning permission) would be controlled.

In light of the above observations and on the basis of the Built Heritage comments received, it is not considered that the proposed development will have an unacceptable adverse impact on the setting of the identified listed buildings compliant with policies SP7 and DM13 of the Powys LDP, Technical Advice Note 24 and Planning Policy Wales.

Ecology and Biodiversity

Development proposals shall demonstrate how they protect, positively manage and enhance biodiversity and geodiversity interests including improving the resilience of biodiversity through the enhanced connectivity of habitats within, and beyond the site. In accordance with policy DM2, development proposals will only be permitted where they do not unacceptably adversely affect designated sites, protected species and their habitats together.

Having reviewed the application details, the County Ecologist has confirmed that there are no statutory or non-statutory designated sites present within 500m of the proposed development. Whilst the data search identified 61 records of protected and priority species within 500m of the proposed development - no records were for the site itself.

The application is accompanied by a Preliminary Ecological Survey which assesses the potential of the development to impact any protected species presence or habitats of ecological value. The report confirms that the habitats located within the proposed work area are existing woodland, trees, hedgerows, running water of high biodiversity value, and improved grassland of low biodiversity value. The habitats that will be directly impacted by the proposed developments will be the improved grassland and a small section of hedgerow required to facilitate the new access. It is anticipated that the other habitats identified will not be affected by the proposals.

In commenting on the application, the County Ecologist notes that the hedgerow on site is not considered to be 'important' under the hedgerow regulations. However, the hedgerow that will be impacted by the creation of the new access is considered to be of high biodiversity value, particularly for nesting birds. Therefore, where the hedgerow will be impacted by the creation of the new access, it has been recommended that hedgerow (10 metres) is translocated rather than removed to minimise potential impact.

The habitats immediately surrounding the Site including the river, and within the Site including the woodland, trees and most of the hedgerow habitats will not be affected by the proposal and will be retained in situ as existing.

In respect of Protected Species, trees within and adjacent to the development boundary are considered to be suitable to support roosting bats. The surrounding habitats including waterbodies and hedgerows were considered to be suitable commuting and foraging habitats for bats. Although no signs of Otter were found during the survey, the Afon Banwy which runs adjacent to the proposed development site does hold high potential for Otter, and the data search revealed that Otter do occur along the river.

Having reviewed the ecological information submitted, the County Ecologist confirmed that the proposed development will not result in the loss of any features of ecological importance. Furthermore, the Ecologist does not consider that the proposed works will have a negative impact on biodiversity in the wider area. On the basis of the comments received and subject to the recommended conditions being attached to any planning permission granted, it is considered that the proposal complies with policies DM2 and DM13, Technical Advice Note 5 and Planning Policy Wales.

Agricultural Land

Planning Policy Wales confirms that agricultural land of grades 1, 2 and 3a of the Agricultural Land Classification system (ALC) is the best and most versatile, and should be conserved as a finite resource for the future. When considering the search sequence and in development plan policies and development management decisions considerable weight should be given to protecting such land from development, because of its special importance. Land in grades 1, 2 and 3a should only be developed if there is an overriding need for the development.

Members are advised that the application site is classified as grade 3b and therefore is not considered to be the best and most versatile of land for the purpose of the ALC. In light of the above, it is considered that the proposal is in accordance with Planning Policy Wales.

Impact on Residential Amenity

Guidance with policy DM13 seeks to safeguard the amenities of existing residents by reasons of noise, odour and overlooking. Having reviewed the third party representations received, it is noted that concern has been expressed regarding the potential impact on the amenities enjoyed by the residents of neighbouring properties.

The application is accompanied by a lighting plan which indicates the installation of two street lamps (approximately 6 metres in height) at the entrance to the site whilst low level lighting will be implemented within the site. Whilst the principle of lighting is considered to be acceptable given the existence of street lighting with the surrounding area, Officers would question the suitability of the proposed street lamps in terms of appearance and scale given the relatively rural location of the development. Nevertheless, it is considered that a suitable lighting condition would address the concerns of Officers and would ensure that any lighting is compatible with the character of the surrounding area whilst also safeguarding residential amenity.

In respect of the noise, Members are advised that no adverse comment have been received from Environmental Health following consultation. Whilst Officers acknowledge the third party concerns expressed, given the extant planning permission and potential numbers, it is not considered that sufficient weight can be given to this to sustain a reason for refusal.

Although it is accepted that the development of the site has the potential to affect neighbouring properties, it is noted that the site is bound by established landscaping which Officers consider will seek to mitigate any unacceptable visual impact whilst also providing a natural buffer between existing properties located on the opposite side of the public highway. It is further noted that this landscaping is to be enhanced with additional planting across the proposed caravan park.

Notwithstanding the concerns expressed, in light of the above observations together with the consultation responses received, it is not considered that the proposed development will unacceptably adversely affect the amenities enjoyed by the residents of neighbouring

properties. As such, Officers consider the proposal to be compliant with planning policy, particularly policy DM13 of the Powys LDP and Technical Advice Note 11.

Flood Risk and Drainage

Development proposals must avoid unnecessary flood risk by assessing the implications of development within areas susceptible to all types of flooding; any development that unacceptably increases risk will be refused.

The area of land subject to the extant planning permission (adjoining land) is located within the C2 flood zone. Information accompanying the submission indicates that one of the key objectives of the proposed development is to remove vulnerable development from land susceptible to flooding.

The application site is adjacent to Zone C2 as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). In responding to the application, NRW indicate that their flood map, which is updated on a quarterly basis, confirms the adjoining site to be within the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the river Banwy.

Thereafter the response confirms that the published flood map, whilst generalised, is considered adequate to determine that the proposed will be out of the extreme flood extent. Lidar topographic information indicates that the proposed development will be on elevated ground with adequate freeboard above the flood extent. On the basis of the above, it is not considered that the proposed development is an unacceptable flood risk. The informatives recommended by NRW however will be attached to any planning permission should Members be minded to grant consent.

Whilst not key to the determination of the current proposal, it is noted that the proposal will result in highly vulnerable development being removed from a C2 flood zone together with a reduction in the scale of development overall which in the opinion of Officers is a favourable alternative within the context of Technical Advice Note 15. In light of the above and consultee comments received, it is considered that the proposal is in accordance with policies DM5 and DM6 of the Powys LDP, Technical Advice Note 15 and Planning Policy Wales.

RECOMMENDATION

Having carefully considered the proposed development, Officers are satisfied that the proposed tourism scheme is in accordance with planning policy. The proposed development will positively contribute to tourism within the County whilst safeguarding the character and appearance of the landscape, highway safety, biodiversity and amenities enjoyed by Powys residents. As such, the recommendation is one of consent subject to the conditions detailed below together with a Section 106 agreement restricting the use of the neighbouring site which at present benefits from an extant planning permission.

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 (P100a, P101P102a, P103a, P104a, P105a and P106) and documents (Design and Access Statement and Preliminary Ecological Assessment).
3. Notwithstanding the approved plans, prior to first siting details and/or samples of the materials including finish/colour palette used in the construction of the external surfaces of the static caravans hereby approved shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details thereafter.
4. Prior to the commencement of development, a detailed landscaping and implementation scheme together with a maintenance strategy shall be submitted to and approved in writing by the Local Planning Authority. The submitted landscaping and implementation scheme shall include a scaled drawing and a written specification clearly describing the species, sizes, densities and planting numbers proposed as well as aftercare measures. Drawings must include accurate details of any existing trees and hedgerows to be retained with their location, species, size and condition. The development shall thereafter be undertaken strictly in accordance with the landscaping scheme as approved.
5. The development shall be occupied as holiday accommodation only and shall not be occupied as a person's sole or main place of residence. An up to date register shall be kept at the holiday accommodation hereby permitted and be made available for inspection by the Local Planning Authority upon request. The register shall contain details of the names of all of the occupiers of the accommodation, their main home addresses and their date of arrival and departure from the accommodation.
6. Notwithstanding the provisions of schedule 2, part 1, of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), no buildings or structures shall be erected other than those expressly authorised by this permission.
7. Prior to the first beneficial use of the development, a scheme for a 40mph speed restriction, along the County Class II B4385 and schedule for the implementation of the scheme shall be submitted and approved in writing by the local planning authority. The development shall thereafter be undertaken strictly in accordance with the details as approved.
8. No development shall commence, until a Traffic Management Plan (TMP) has been submitted to, and approved in writing by the Local Planning Authority. The

development shall thereafter be undertaken strictly in accordance with the Traffic Management Plan as approved.

9. Prior to the first beneficial use of the development any entrance gates shall be set back at least 10 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.
10. The gradient of the access shall be constructed so as not to exceed 1 in 15 for the first 10 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.
11. The centre line of the first 10 metres of the access road measured from the edge of the adjoining carriageway shall be constructed at right angles to that edge of the said carriageway and be retained at that angle for as long as the development remains in existence.
12. Prior to the first beneficial use of the development, the access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 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 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.
13. Prior to the first beneficial use of the development the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material, 60mm of bituminous macadam binder course material and to be finished in a 40mm bituminous surface course for a distance of 10 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.
14. Prior to the occupation of any caravan provision shall be made within the curtilage of the site for the parking of not less than one car per bedroom in 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.

15. Prior to the commencement of the development provision shall be made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of 0.4 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.
16. The width of the access carriageway, constructed as condition 13 above, shall be not less than 5.5 metres for a minimum distance of 10 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.
17. Prior to the first beneficial use of the development a radius of 9 metres shall be provided from the carriageway of the county highway on each side of the access to the development site and shall be maintained for as long as the development remains in existence.
18. There shall only be a single vehicular and pedestrian access to serve the development hereby permitted.
19. Prior to the first beneficial use of the development, any existing means of access shall be stopped up, in materials to be agreed in writing by the Local Planning Authority and this shall be retained for as long as the development is in existence.
20. Upon formation of the visibility splays as detailed in condition 12 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.
21. No surface water drainage from the site shall be allowed to discharge onto the county highway.
22. The development hereby approved shall be undertaken strictly in accordance with The Method Statement, Avoidance and mitigation Measures regarding amphibians, reptiles, otter, badger, nesting birds and bats detailed in section 8 of the Preliminary Ecological Assessment (including for protected species) and

Method Statement report produced by Mid Wales Ecology Ecological Consultants dated April 2018 and maintained thereafter unless otherwise agreed in writing by the LPA.

23. Notwithstanding the submitted external lighting plan, prior to the first installation of any external lighting, full details of the proposed street lighting shall be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall reflect the measures detailed within section 8 of the Preliminary Ecological Assessment (including for protected species) and Method Statement report produced by Mid Wales Ecology Ecological Consultants dated April 2018 and illustrated on plans drawing number P105 dated 12/05/18 produced by Collins Design & Build & Project Management. The development shall thereafter be undertaken strictly in accordance with the external lighting plan as approved.
24. The Tree and Hedgerow Protection Plan in accordance with BS: 5837:2012 detailed in section 8 of the Preliminary Ecological Assessment (including for protected species) and Method Statement report produced by Mid Wales Ecology Ecological Consultants dated April 2018 shall be adhered to and implemented in full and maintained thereafter unless otherwise agreed in writing by the LPA.
25. The Pollution Prevention Plan and Watercourse Protection Plan detailed in section detailed in section 8 of the Preliminary Ecological Assessment (including for protected species) and Method Statement report produced by Mid Wales Ecology Ecological Consultants dated April 2018 shall be adhered to and implemented in full and maintained thereafter unless otherwise agreed in writing by the LPA.
26. The Hedgerow Translocation Plan detailed in section detailed in section 8 of the Preliminary Ecological Assessment (including for protected species) and Method Statement report produced by Mid Wales Ecology Ecological Consultants dated April 2018 shall be adhered to and implemented in full and maintained thereafter unless otherwise agreed in writing by the LPA.
27. The Tree Planting Scheme detailed in section 8 of the Preliminary Ecological Assessment (including for protected species) and Method Statement report produced by Mid Wales Ecology Ecological Consultants dated April 2018 shall be adhered to and implemented in full and maintained thereafter unless otherwise agreed in writing by the LPA.

Reasons

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
3. In accordance with policy DM13 of the Powys Local Development Plan, Planning Policy Wales (9th edition, 2016) and Technical Advice Note (TAN) 12 (2016).
4. 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 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
5. In order to ensure proper control of the use of the static holiday units and to prevent the establishment of permanent residency in accordance with policy TD1 of the Powys Local Development Plan.
6. To protect the character and appearance of the surrounding area in accordance with Planning Policy Wales (Edition 9, November 2016), Technical Advice Note (TAN) 12 (2016) and policy DM13 of the Powys Local Development Plan.
7. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13 and T1.
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20. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13 and T1.
21. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13 and T1.
22. To comply with Powys County Council's LDP Policies SP7 and DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act.
23. To comply with Powys County Council's LDP Policies SP7 and DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act.
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26. To comply with Powys County Council's LDP Policies SP7 and DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act.

27. To comply with Powys County Council's LDP Policies SP7 and DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act.

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