

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

**Application Number:** 20/1820/FUL                      **Grid Ref:** E: 315775  
N: 294250

**Community Council:** Abermule And Llandyssil   **Valid Date:** 06.11.2020  
Community

**Applicant:** Powys County Council

**Location:** Business Park, Abermule, Powys, SY15 6NT

**Proposal:** Erection of 9 business units (B1/ B2 & B8 use) and all associated works

**Application Type:** Full Application

### The reason for Committee determination

The applications is submitted by Powys County Council and is a major development.

### Consultee Responses

<b>Consultee</b>	<b>Received</b>
<b>Community Council</b>	6th Jan 2021

Abermule with Llandyssil Community Council strongly objects to the above application on the following grounds:

1) Powys County Council have once again moved with great haste following a poorly conducted consultation, which showed total disregard for the residents of Abermule, the Community Council and the Welsh Government consultation process. We appreciate the consultation was carried out during Covid restrictions; however, Councillors and the Public were denied the opportunity to ask questions or raise concerns when such a meeting could so easily have been arranged virtually.

2) The majority of the conclusion praises the applicant's efforts for modifying the design in accordance with consultee's wishes, but fails to mention that most of the feedback has been totally ignored. There is only one paragraph in the Design section recognising the objections to the design, with a token effort to improve the visual aspect by including a small section of masonry on the building running adjacent to the road and changing the colour of some cladding. The addition of the masonry wall may improve the appearance the road side, but does nothing to enhance the appearance of the building on the

customer facing front of the units.

3) In the LDP written statement page 74/75 Refers to 'Abermule Business Park' as a high quality local site of regional significance, offering small to medium sized employment opportunities for B1, B2 and B8 uses in high quality surroundings, that are well positioned in relation to the county's main road and transport infrastructure. Outline planning was granted for six units across the whole site, this application proposes nine units on only half the site. The density and design of the units is industrial than business units and sacrifices quality for quantity, fewer units of a better design, would create a better working environment, a more attractive prospect for potential businesses, at the same time improving the visual impact on the entrance to Abermule village.

4) Double door entries if provided at the rear of the units to provide access for larger deliveries, would greatly enhance the frontage of the units. Access to the rear of the units could easily be achieved with fewer units, less depth and wider to maintain the floor space, with the added advantage of allowing more natural light into the units.

5) A roller shutter door on such small units makes absolutely no sense at all. If you have a unit of only 120m<sup>2</sup>, why would you ever want to leave spare space to reverse a truck into the unit?

6) There are very few windows in the units, requiring artificial light all the year around. The roller shutter doors should be removed and replaced with a frontage with windows allowing natural light for a better working environment appealing to a variety of businesses.

7) Thirty two car parking spaces for nine operational units are totally inadequate at less than 4 cars per. unit.

8) The coloured North East elevation is totally misleading in that it indicates a blue sky above the roof line, where in reality there is a 14m high bulk recycling facility behind the units. It would be nice to see what the proposed blue cladding looks like against the green of the BRF.

9) Recent installation of lighting along the footpath on the entrance to the Business Park is far beyond what is required and has actually been noted as a nuisance to the village, especially as street lights in the centre of the village have been turned off; which begs the question whether Powys County Council takes into account the guidelines referred to in the Ecological Mitigation Strategy (section 4.3.2) of this application? Powys County Council are a strong advocate of the 'Dark Skies Initiative' — indeed a specific Policy (DM7) is included within the Written Statement of the Local Development Plan, which states : Policy DM7 - Dark Skies and External Lighting Development proposals involving external lighting will only be permitted when a lighting scheme has been provided that

demonstrates that the lighting will not individually or cumulatively cause: 1. Unacceptable levels of light pollution especially in the countryside. 2. An unacceptable adverse effect on the visibility of the night sky. 3. A nuisance or hazard to highway users including pedestrians, and local residents. 4. An unacceptable disturbance to protected species. Condition (8) in the 'Outline' part of the Business Park planning application P/2018/0587 requires a detailed lighting scheme (including measures to avoid impacting nocturnal wildlife) to be submitted to and approved in writing by the LPA. These details have NOT been provided.

10) In the landscaping plan it indicates that planting will take place the first planting season after occupation, this should be on completion of development, in order to make the site look presentable to prospective tenants.

11) It has been noted that trees have already been removed from the site which is in conflict with the conditions of the outline planning permission granted by your own planning committee.

12) The Contaminated Land Officer has stated "there is no contamination issues associated with the subject site". Serious asbestos contamination is recorded in numerous documents for this application site. The application must provide a full audit trail and the present status of this known area of contamination.

The Council also wishes to speak to the Committee meeting

### **PCC-Building Control**

**16th Nov 2020**

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

### **Ward Councillor**

No comments received at the time of writing this report

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

**27th Nov 2020**

The development shall be carried out in accordance with drawing number 20-117-SP03 Rev D.

Notwithstanding the submitted details on drawing number 20-117-SP03 Rev D the Highway Authority wish the following conditions to be applied to any consent given.

1. No development shall commence until provision is made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. The 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.

2. Before any other development is commenced the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 20 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.

3. Prior to the first operational use of the development clear visibility shall be maintained above a height of 0.6 metres above carriageway level over the full frontage of the developed site to the estate road effective over a bandwidth of 2.4 metres measured from the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

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

5. Prior to the first operational use of the development hereby approved, provision shall be made within the site for the parking of vehicles, and operational area[s] as

detailed on the approved site plan 20-117-SP03 Rev D. The parking and operational areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

6. Prior to the first operational use of the development the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course material for a distance of 20 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.

7. The gradient of the access shall be constructed so as not to exceed 1 in 20 for the first 20 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.

8. Any vehicular entrance gates installed within the application site shall be set back at least 20 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.

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

**WG - Highways Directorate**

**21st Dec 2020**

I refer to your consultation of 11 November 2020 regarding the above application, and advise that the Welsh Government as highway authority for the A483 trunk road directs that planning permission is not granted at this time as the applicant has provided insufficient information to determine the application.

The applicant must provide the following information to support this application or resubmit the application with the following details;

1) The applicant is required to provide drainage details for the proposed development to

Welsh Government for review.

2) The applicant is required to provide both existing and proposed AADT figures at the B4386 junction with the A487 trunk road, identifying any percentage increase in traffic flow generated

by the proposed development.

## **Environmental Protection**

**20th Nov 2020**

Re: Erection of 9 business units (B1/ B2 & B8 use) and all associated works | Business Park Abermule Powys SY15 6NT.

Noise

The following is stated in the Design and Access Statement:

"The noise assessment for the previous scheme concluded that the principle of development is acceptable but in order to ensure that amenity of existing and nearby residents is protected, a safeguarding planning condition was attached to the planning consent. It is suggested that the same condition is applied to the proposed development which will require the submission of noise information to the LPA prior to the occupation of the units by any individual business. The assessments will ensure accurate information relating directly to the business operations/machinery can be assessed and appropriately mitigated for. It is the strongest condition that could be applied to ensure that residential amenity is protected."

I am in agreement with this approach. Therefore, I would recommend the inclusion of the following planning condition:

Prior to occupation of the business/employments units on the development, a noise impact assessment shall be submitted to and approved in writing by the Local Planning Authority to demonstrate how the proposed use, design and any required mitigation measures will ensure that the amenity of nearby noise-sensitive properties shall not be unacceptably affected by levels of noise. The assessment will include an implementation for any mitigation. The assessment will consider the potential combined impacts of noise from all permitted uses on the Abermule Business Park development site (i.e. including the Recycling Bulking Facility), and will be conducted in accordance with the method set out in BS 4142:2014, and must demonstrate that the combined noise impact from the development site will be no greater than indicated in the Abermule Business Park Noise Impact Assessment report ref 70032991-NV1-02-R1.

**PCC-Contaminated Land Officer**

**19th Nov 2020**

There are no recorded contamination issues associated with the subject site.

**PCC-(N) Land Drainage**

**8th Dec 2020**

Planning Department: Could the following be added as a recommendation for the application.

All: Having assessed the Planning Application Ref 20/1820/FUL, the SuDS Approval Body (SAB) deem that the construction area is greater than 100m<sup>2</sup> and therefore this proposed development will require SAB approval prior to any construction works commencing onsite.

Please contact the SAB Team on 01597 826000 or via email [sab@powys.gov.uk](mailto:sab@powys.gov.uk)

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>

If for any reason you believe your works are exempt from the requirement for SAB approval, we would be grateful if you would inform us so we can update our records accordingly.

The requirement to obtain SAB consent sits outside of the planning process but is enforceable in a similar manner to planning law. It is a requirement to obtain SAB consent in addition to planning consent. Failure to engage with compliant SuDS design at an early stage may lead to significant un-necessary redesign costs.

**Natural Resources Wales (Mid Wales) 1st Dec 2020**

**DPAS**

NRW made comments on this proposed scheme at pre application stage. Our advice and position has not changed as no new information has been provided, and the scheme has

not been modified since we provided comments to the pre planning application consultation on 26/10/2020.

We have no objection to the proposed development and provide the following advice.

#### European Protected Species (EPS)

We have reviewed the Ecological Mitigation Strategy submitted in support of the above application dated September 2020 by Middlemarch Environmental.

We acknowledge that this development (phase 2) was granted outline planning permission under consent P/2018/0587, and that site preparation works associated with this phase of the overall proposal have started under Great Crested Newt (GCN) Development Licence No: S085108/7.

The ecological submission states that works will continue to be undertaken in accordance with the GCN license and in line with the Ecological Compliance Schedule & Habitat Management Plan (Report RT-MME-127496 Rev A). The implementation of the latter was secured via Condition 7 in the outline section of planning consent P/2018/0587 (version 4).

We note Section 3.5 of the Ecological Mitigation Strategy concerns Surface Water Compensation and Ecology Mitigation Area which is currently being created as part of the wider site development and will comprise a range of suitable aquatic and terrestrial habitats for GCN.

Through our involvement with the working group we are aware that details of longterm management responsibility and methods for delivery have not yet been finalised. We therefore advise you that details of tenure and long-term surveillance and reporting must be agreed as part of the GCN development license issued by NRW under Reg 55 of the Conservation of Habitats and Species Regs 2017 (as amended). We advise the applicant ensures compliance with the existing development license is maintained and discusses the need for any amendment with our Species Permitting Team via the following email address: [specieslicence@naturalresourceswales.gov.uk](mailto:specieslicence@naturalresourceswales.gov.uk)

#### Other Matters

Our comments above only relate specifically to matters included on our consultation topic list, Development Planning Advisory Service: Consultation Topics (September 2018), which is published on our website. We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other environmental interests.

We advise the applicant that, in addition to planning permission, it is their responsibility to



ensure they secure all other permits/consents/licences relevant to their development. Please refer to our website for further details.

**Network Rail**

**2nd Dec 2020**

Thank you for your email dated 11 November 2020 together with the opportunity to comment on this proposal.

Network Rail has no objection in principle to the above proposal but due to the proposal being next to Network Rail land and our infrastructure and to ensure that no part of the development adversely impacts the safety, operation and integrity of the operational railway we have included asset protection comments which the applicant is strongly recommended to action should the proposal be granted planning permission.

Any works on this land will need to be undertaken following engagement with Asset Protection to determine the interface with Network Rail assets, buried or otherwise and by entering into a Basis Asset Protection Agreement, if required, with a minimum of 3months notice before works start. Initially the outside party should contact [assetprotectionwales@networkrail.co.uk](mailto:assetprotectionwales@networkrail.co.uk) .

The design and access statement states that the scheme will be subject to a Sustainable Urban Drainage Scheme, although the documents/plans for this are not yet available online. Any drainage elements proposed as part of the scheme must be adopted within the design to ensure satisfactory drainage.

Network Rail wishes to review the drainage scheme before it is implemented.

## **DRAINAGE**

Soakaways / attenuation ponds / septic tanks etc, as a means of storm/surface water disposal must not be constructed near/within 5 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property/infrastructure. Storm/surface water must not be discharged onto Network Rail's

property or into Network Rail's culverts or drains. Network Rail's drainage system(s) are not to be compromised by any work(s). Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property / infrastructure. Ground levels - if altered, to be such that water flows away from the railway. Drainage is not to show up on Buried service checks.

## FOUNDATIONS

Network Rail offers no right of support to the development. Where foundation works penetrate Network Rail's support zone or ground displacement techniques are used the works will require specific approval and careful monitoring by Network Rail. There should be no additional loading placed on the cutting and no deep continuous excavations parallel to the boundary without prior approval.

## GROUND DISTURBANCE

The works involve disturbing the ground on or adjacent to Network Rail's land it is likely/possible that the Network Rail and the utility companies have buried services in the area in which there is a need to excavate. Network Rail's ground disturbance regulations applies. The developer should seek specific advice from Network Rail on any significant raising or lowering of the levels of the site.

## SITE LAYOUT

It is recommended that all buildings be situated at least 2 metres from the boundary fence, to allow construction and any future maintenance work to be carried out without involving entry onto Network Rail's infrastructure. Where trees exist on Network Rail land the design of foundations close to the boundary must take into account the effects of root penetration in accordance with the Building Research Establishment's guidelines.

## PILING

Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

## EXCAVATIONS/EARTHWORKS

All excavations / earthworks carried out in the vicinity of Network Rail's property / structures must be designed and executed such that no interference with the integrity of that property / structure can occur. If temporary compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken.

#### **PLANT, SCAFFOLDING AND CRANES**

Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that, at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land.

#### **LIGHTING**

Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. Following occupation of the development, if within three months Network Rail or a Train Operating Company has identified that lighting from the development is interfering with driver's vision, signal sighting, alteration/mitigation will be required to remove the conflict at the applicant's expense.

**Hafren Dyfrdwy**

**16th Nov 2020**

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.

I can confirm that we have no objections to the proposals subject to the inclusion of the following condition:

- o The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and
- o The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to reduce or exacerbate a flooding problem and to minimise the risk of pollution

Hafren Dyfrdwy advise that there is a public pressurised foul sewer located within this site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. You are advised to contact Hafren Dyfrdwy to discuss the proposals. Hafren Dyfrdwy will seek to assist in obtaining a solution which protects both the public sewer and the building. Please note, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 meters of a public sewer.

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

#### Clean Water Comments

We have apparatus in the area of the planned development, the developer will need to contact Severn Trent Water, New Connections team as detailed below to assess their proposed plans for diversion requirements.

To request a water map please follow the link, <https://www.stwater.co.uk/building-and-developing/estimators-and-maps/request-a-water-sewer-map/> scroll down the page to view the link:

Please visit [www.digdat.co.uk](http://www.digdat.co.uk)

You will need to register on the website and then you will be able to search for your chosen location and get an instant quote online. For more information you can view Digdat's user guide([opens in a new window](#)).

Please look at the district area supply plan (PDF)([opens in a new window](#)) to check that your site is within the Severn Trent boundary before requesting an underground asset map.

Any correspondence and diversion applications are to be submitted through New Connections the relevant form can be found on the Severn Trent website, please complete the form as fully as possible.

[https://www.stwater.co.uk/content/dam/stw/stw\\_buildinganddeveloping/Diversion-of-a-Severn-Trent-Water-main.pdf](https://www.stwater.co.uk/content/dam/stw/stw_buildinganddeveloping/Diversion-of-a-Severn-Trent-Water-main.pdf)

Information on diversion application charges can be found at:

[https://www.stwater.co.uk/content/dam/stw/stw\\_buildinganddeveloping/new-connections/new-connections-charging-arrangement-2019-2020.pdf](https://www.stwater.co.uk/content/dam/stw/stw_buildinganddeveloping/new-connections/new-connections-charging-arrangement-2019-2020.pdf)

**WG - Highways Directorate**

**18th Jan 2021**

I refer to your consultation of 23/12/2020 regarding the above planning application and

advise that the Welsh Government as highway authority for the A483 trunk road does not issue a direction in respect of this application.

## Representations

The application was advertised through the display of a site notice, neighbour notification letter and press advertisement. 10 objections have been received and are summarised below;

- Objections raised with regards to the poor design of the proposed development
- Objections raised to the scale of the proposed development
- Objections raised to the type of buildings proposed
- Proposed development not in keeping with the area
- Overdevelopment of the site
- Concern over natural light into the buildings
- Design is more akin to an industrial estate rather a prestigious business park
- Proposed units are too tall
- The colour does not allow the buildings to harmonise with its surroundings
- Trees have already been felled at the site
- Negative impact on amenity of neighbouring properties
- Contamination concerns
- Negative impact of development to users of nearby rights of way

## Planning History

App Ref	Description	Decision	Date
19/1236/DIS	Discharge of conditions 8 and 19 (full) and 12 (outline) from planning consent P/2018/0587 in relation to contaminated land and the external colour of the bulking facility	Approve	3rd Oct 2019
18/1019/DIS	Discharge of conditions 8 and 12 of planning approval P/2018/0587	Approve	2nd Jan 2019
19/1161/NM A	Application for a non-material amendment to permission P/2018/0587 to alter the wording of conditions 9, 10, 13 & 14	Approve	22nd Aug 2019
19/1356/DIS	Application to discharge condition 17 of planning approval P/2018/0587	Approve	3rd Oct 2019

P/2018/0587	Hybrid application comprising of a full application for a proposed recycling bulking facility and associated works and an outline application for the erection of business units (B1/B2/B8) and all associated works	Approve	2nd Aug 2018
P/2009/1353	Outline planning application for a prestige business park.	Approve	21st Apr 2010
P/2009/1162	Formation of vehicular access, estate road, footway and associated works in connections with proposed business site	Approve	15th Dec 2009

## **Principal Planning Constraints**

Nat Floodzone 2  
 Rail line nearby  
 Mineral Safeguarding Sand\_Gravel  
 Cat 1

## **Principal Planning Policies**

### National Planning Policy

Planning Policy Wales (10<sup>th</sup> Edition, 2018)

Technical Advice Note 5: Nature Conservation and Planning (2009)  
 Technical Advice Note 11: Noise (1997)  
 Technical Advice Note 12: Design (2016)  
 Technical Advice Note 13: Tourism (1997)  
 Technical Advice Note 15: Development and Flood Risk (2004)  
 Technical Advice Note 18: Transport (2007)  
 Technical Advice Note 20: Planning and the Welsh Language (2017)  
 Technical Advice Note 21: Waste (2014)  
 Technical Advice Note 23: Economic Development (2014)  
 Technical Advice Note 24: The Historic Environment (2017)

### Local planning policies

Powys Local Development Plan 2018

SP2 – Employment Growth  
SP5 – Settlement Hierarchy  
SP6 – Distribution of Growth across the Settlement Hierarchy  
SP7 – Safeguarding of Strategic Resources and Assets  
DM2 – The Natural Environment  
DM4 – Landscape  
DM5 – Development and Flood Risk  
DM6 – Flood Prevention Measures and Land Drainage  
DM7 – Dark Skies and External Lighting  
DM10 – Contaminated and Unstable Land  
DM13 – Design and Resources  
DM14 – Air Quality Management  
DM15 – Waste within Developments  
DM16 – Protection of Existing Employment Sites  
E1 – Employment Proposals on Allocated Employment Sites  
T1 – Travel, Traffic and Transport Infrastructure  
W1 – Location of Waste Development  
W2 – Waste Management Proposals

Supplementary Planning Guidance  
Landscape  
Biodiversity and Geodiversity

### **Other Legislative Considerations**

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

Marine and Coastal Access Act 2009

### **Officer Appraisal**

#### Site Location and Description

The application site is located within the development boundary of Abermule as defined by the Powys Local Development Plan 2018.

The application site is accessed through an existing access from the B4386 which leads from the A483 trunk road to Abermule. The site is bound to the north by the B4386 and



to the east and south by a railway line. To the south west of the site is the recycling bulking facility which is currently under construction and the A483.

Full planning permission is sought for the construction of nine B1, B2 and B8 units within two buildings. The proposed development will provide 32 staff parking spaces which include 4 disabled spaces and 3 electric vehicle charging spaces. In addition there will be two motorcycle parking spaces and a cycle store. A bin store is also provided for the development.

The two buildings will house 3 and 6 units. The 3 units, shown on the plans as Block 1, building will measure 45.9 metres in width, 21.8 metres in depth with a maximum height of 8.3 metres falling to 5.9 metres at the eaves. The 6 unit building, shown on the plans as Block 2, will measure approximately 61.3 metres in width, a maximum of 14.6 metres in depth, with a maximum height of 8,3 metres falling to 5.9 metres at the eaves. It is proposed that each unit have the following floorspace;

<b>Proposed units</b>	<b>Floorspace (sq metres)</b>
<b>Unit 1</b>	250
<b>Unit 2</b>	250
<b>Unit 3</b>	500
<b>Unit 4</b>	120
<b>Unit 5</b>	122
<b>Unit 6</b>	139
<b>Unit 7</b>	139
<b>Unit 8</b>	127
<b>Unit 9</b>	178

Block 1 will be finished with grey (Adventura RAL 7000) profile metal clad roof, grey (Moonstone RAL 7035) profile metal clad walls, with blue (RAL 5014) roller shutter doors, and upvc windows and doors. Solar panels will also be provided on the southern elevation of Block 1.

Block 2 will be finished with grey (Adventura RAL 7000) profile metal clad roof, grey (Moonstone RAL 7035) profile metal clad walls, with blue (RAL 5014) roller shutter doors, and upvc windows and doors. The north east and north west elevations will also have a masonry plinth in a slate blue brick and the projecting elevation to the north west will be finished with blue (RAL 5014) cladding.

The site is accessed from an existing access into the site from the B4386.

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

Members are advised to consider this application in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, which requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the

Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

### **Principle of Development**

For the purposes of the Powys Local Development Plan the application site area for the proposed development lies entirely within the development boundary of Abermule. The site is an allocated employment site (P02 EA1). Policy E1 – Employment Proposals on Allocated Employment Sites states that proposals for B1, B2 and B8 employment development will be permitted on allocated sites where they comply with the category of the site and permitted uses of the site.

The site is categorised as a High Quality/Local site which are defined in the LDP as follows;

**High Quality Sites:** Smaller sites of regional significance offering small to medium sized employment opportunities for B1, B2 and B8 Uses in high quality surroundings that are well positioned in relation to the County's main road and transport infrastructure.

**Local Sites:** Sites for B1, B2 and B8 Uses providing a varied industrial and / or employment setting with minimised visual impact (for example, screening) yet located within close proximity to the main road and transport infrastructure as well as centres of population. These sites primarily serve a local market and may include local office developments.

As the application seeks planning permission for the construction of 9 units for B1, B2 and B8 use on a site allocated for economic development and with outline planning permission, it is considered that the principle of the proposed development is acceptable.

### **Landscape and Visual Impact**

Guidance within policy DM4 of the Powys Local Development Plan, indicates that development proposals outside Towns, Large Villages, Small Villages and Rural Settlements must not, individually or cumulatively, have an unacceptable adverse effect on the valued characteristic of the Powys landscape. With regards to the proposed development the scheme will lie entirely within the development boundary of Abermule.

Policy DM13 states that proposals will only be permitted where development has been designed to complement and/or enhance the character of the surrounding area in terms of siting, appearance, integration, scale, height, massing and design detailing.

For the purposes of LANDMAP's Visual and Sensory, the proposed site of development is located within the 'River Severn Flood plain' aspect area which is characterised as a significant open valley / vale with a patchwork of medium to large field parcels many displaying established field boundaries of managed and overgrown hedgerows with

numerous hedgerow trees. Predominantly arable farming with some lowland dairy farming. Settlements of varying sizes are prevalent from farmsteads to significant urban areas such as Welshpool and Newtown. Open skies dominate with wooded valley sides fringing the valley bottom. LANDMAPs evaluation assesses the area of Moderate value.

The application site is a vacant business park with an access and associated road which has been constructed. The site is relatively flat and is bound to the south by railway line. The development will be viewed from the adjoining highway to the north of the site and from surrounding dwellings to the west, north and north-east of the site. A right of way is also located approximately 200 metres to the south of the proposed development, which will be able to view the development. Adjoining the site to the south west is a recycling bulking facility which is currently under construction.

The full application proposes 2 steel portal buildings measuring approximately 45.9 metres in width and 21.8 metres in depth and approximately 61.3 metres in width and a maximum of 14.6 metres in depth. The units will measure a approximately 8.3 metres in height. The proposed buildings are of a steel portal construction finished in grey and blue profile steel sheeting for the walls, with a slate blue brick for one unit, and grey profile steel sheeting for the roof. The buildings will each have the appearance of a steel portal building, which is common in the surrounding landscape. Other steel portal style buildings are also found in Abermule, approximately 300 metres to the north east of the site with others being recently granted consent. Steel portal buildings are also commonly used on employment land as they provide flexible work units for perspective tenants and owners.

Landscaping is provided in the form of retention of existing hedgerows, planting of a new native hedgerow adjoining a parking area and to the rear of block 1; shrub planting; tree planting; and the creation of a wildflower meadow to the rear of Block 2.

Whilst the development will be visible from a number of sensitive receptors it is considered that the development does not have such a detrimental impact on the character and appearance of the area to warrant refusal. Concerns of third parties regarding the building are noted however it is considered that the buildings are located on an employment site, are located in close proximity to a number of similarly designed buildings and as such will be seen as an acceptable part of the wider built form.

In light of the above observations and notwithstanding the scale of the proposed development, given the proposed topography of the area along with the proposed improvement of existing planting and proposed landscaping, it is considered that the proposed development is in accordance with planning policy. Officers consider that the visual and landscape impact associated with the development is in accordance with policies SP7, DM2, DM4, DM7, DM13, E1 and W1 of the Powys Local Development Plan.

## **Transport Impacts**

Policy T1 of the Powys Local Development Plan 2018 states that development proposals should incorporate safe and efficient means of access to and from the site for all transport users, manage any impact upon the network and mitigate adverse impacts. Policy DM13 also states that development proposals should meet all highway access requirements, vehicular parking standards and demonstrate that the strategic and local highway network can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network.

The application seeks to access the site via an existing access from the B4368 which was constructed following the approval of the access scheme in 2009. Following consultation with Powys Highways Authority no objections were received subject to the imposition of conditions. Further information was requested by the Welsh Government Trunk Road agency in relation to drainage details and transport data and once this was received they were satisfied and removed their direction on the application.

With regards to access to the development, the site benefits from close proximity to the A483 Trunk Road which provides access to the wider area. Bus stops are located approximately 100 and 750 metres from the site providing a service to Welshpool, Newtown and Montgomery. Cycle storage is also provided to promote the use of cycling to the site.

As such it is considered that the proposed development is in accordance with policies T1, DM13, TAN 18 and Planning Policy Wales.

## **Biodiversity and Ecology**

### SSSI's and SAC

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

The application site lies approximately 370 metres from the Montgomery Canal SAC and SSSI, however the site is separated from the SAC/SSSI by the A483 Trunk Road, the B4386, agricultural land and the River Severn. Following a review of the submitted plans and information it is considered that due to the distance of the proposed development from the SAC/SSSI, nature of the land and the lack of potential connections between the proposed development site and the designated site that there is no likely potential for the proposed development to result in direct or indirect impacts on the Montgomery Canal SAC/SSSI.

### Protected Species

Policy DM2 of the Powys Local Development Plan, TAN5 and PPW seek to safeguard protected species and their habitats. Policy DM2 states that proposed development

should not unacceptably adversely affect any habitat or protected species.

The application is supported by an Ecological Mitigation Strategy which identifies compensation and enhancement measures. This advises that a surface water compensation and ecology mitigation area is currently being created as part of the wider development site, which includes the adjoining recycling bulking facility. These areas will comprise two permanent areas of standing water planted with native aquatics surrounded by wetland meadow. New native shrubs will be planted, and surrounding plantation woodland enhanced.

Following consultation with NRW no objections were received with regards to impact on protected species. They have advised that the works on this site and the wider site are being undertaken under a Great Crested Newt (GCN) Development Licence that has been issued. NRW are content that the submission states that work will continue to be undertaken in accordance with the GCN license in line with the Ecological Compliance Schedule & Habitat Management plan which was secured under the previous application (P/2018/0587). This condition was attached to the outline consent element of the scheme and as such a condition will be attached to this consent, if approved, securing this scheme.

#### Enhancement

The Council also has a statutory duty under Section 6 of the Environment (Wales) Act (2016) to promote and seek enhancements to biodiversity. The Environment (Wales) Act 2016 emphasises the need for 'building resilience'. This recognises five attributes (sometimes termed 'aspects') as building blocks of resilience which can be summarised as: Diversity; Extent; Condition; Connectivity; and Adaptability.

It is considered that enhancements on the development site itself comprising native hedgerow planting, tree and shrub planting and wildflower meadow creation will positively contribute to the biodiversity of the area. In addition it is proposed that a sparrow terrace is provided at eaves level on the north east elevation of unit 9 and a bird box is to be provided. A condition will secure these enhancement features.

The Powys SPG Biodiversity and Geodiversity identifies planting of a native species hedgerow, tree planting and utilising native flower species as enhancement measures that contribute towards improving the resilience of biodiversity.

In light of the above and subject to the recommendations, it is considered that the proposed development is in accordance with policy DM2 of the Powys Local Development Plan, Technical Advice Note 5 and Planning Policy Wales.

#### **Residential Amenity**

LDP policy DM13 states that development proposals will only be permitted where the amenities enjoyed by the occupants of nearby or proposed properties shall not be

unacceptably affected by development in terms of noise, dust, air pollution, litter, odour, hours of operation, overlooking or any other planning matter.

A number of residential dwellings are within close proximity to the site, the closest being;

- Bryn y Maes
- Maes Derwyn
- The Court
- Court Close, an estate of a number of dwellings is located within close proximity to the development

Environmental Health have offered no objection to the proposed development with regards to residential amenity provided that a condition is attached to the grant of consent requiring a noise impact assessment to be submitted prior to the occupation of the business park units.

As such it is considered that the proposed development is in accordance with policy DM13 of the Powys LDP and TAN 11: Noise.

### **Rights of Way and Tourism**

LDP Policy DM13 seeks to oppose development which would have an unacceptable adverse impact on existing and established tourism assets and attractions.

Whilst concerns raised over the impact of the development on users of the nearby rights of way it is considered that sufficient distance is retained between the proposed development and the public right of way to the south of the application site to not negatively impact upon any users. The buildings will be seen in the wider landscape in close proximity to two farm complexes and Abermule and as part of an employment site.

As such it is considered that the proposed development complies with policy DM13 of the Powys LDP.

### **Placemaking and Wellbeing Goals**

Planning Policy Wales (10<sup>th</sup> Edition) was amended following the Well-being of Future Generations Act. PPW plays a significant contribution to the improvement of well-being in all its aspects as defined by the statutory well-being goals. It embeds the spirit of the Well-being of Future Generations Act, through moving us towards a low carbon, resilient society, of providing secure and well-paid jobs, and of building well-connected environments for everyone in Wales that improves our lives and health and enhances our well-being.

PPW also promotes placemaking and states the following;

Productive and Enterprising places are those which promote our economic, social, environmental and cultural well-being by providing well-connected employment and economic development in pleasant surroundings. These places are designed and sited to promote healthy lifestyles and tackle climate change by making them easy to walk and cycle to and around, access by public transport, minimising the use of non-renewable resources and using renewable and low carbon energy sources.

Ministers advised in June 2019 that placemaking should form part of all decisions and have considered measures to call in applications where strategic placemaking has not been considered.

Placemaking is a holistic approach to the planning and design of development and spaces, focused on positive outcomes. Placemaking considers the context, function and relationships between a development site and its wider surroundings. This will be true for major developments creating new places as well as small developments created within a wider place.

The key principles for ensuring 'Right Development in the Right Place' according to PPW are as follows;

- i. Growing our economy in a sustainable manner – the planning system should enable development which contributed to long term economic well-being, making the best use of existing infrastructure and planning for new supporting infrastructure and services.
- ii. Making the best use of resources - The planning system has a vital role to play in making development resilient to climate change, decarbonising society and developing a circular economy for the benefit of both the built and natural environments and to contribute to the achievement of the well-being goals.
- iii. Facilitating accessible and healthy environments - Our land use choices and the places we create should be accessible for all and support healthy lives. High quality places are barrier-free and inclusive to all members of society. They ensure everyone can live, work, travel and play in a way that supports good physical and mental health.
- iv. Creating and sustaining communities - The planning system must work in an integrated way to maximise its contribution to well-being. It can achieve this by creating well-designed places and cohesive rural and urban communities which can be sustained by ensuring the appropriate balance of uses and density, making places where people want to be and interact with others.
- v. Maximising environmental protection and limiting environmental impact - Natural, historic and cultural assets must be protected, promoted, conserved and enhanced. Negative environmental impacts should be avoided in the wider public interest.

PPW provides guidance on the national sustainable placemaking outcomes and their relationship to PPW themes and Well-being Goals.

It is considered that the proposed development is in accordance with both the placemaking and well-being goals due to the following;

- The development is for business units on land that is allocated within the LDP as employment land.
- The development is located within the development boundary or a Large Village as defined by the Powys LDP.
- The development is located close to existing transport networks; trunk road and bus routes.
- The development utilises solar panels.
- Low carbon emission vehicles are promoted through the provision of 3 charging points.
- Cycling is encouraged and cycle storage is provided.
- Provides flexible and adaptable employment opportunities.
- Enhances the biodiversity and aids in moving towards resilience.

## **Recommendation**

Having carefully considered the proposed development, Officers consider that the proposal complies with planning policy. The recommendation is therefore one of conditional approval subject to the conditions outline below.

## **Conditions**

1. The development to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.
2. The development shall be carried out strictly in accordance with the plans and documents approved on 02/08/2018 (drawing no's; 2395-02/M01/001; BU/500/P/001; P01\_001; 20-117-DT01; 20-117-EL01 Rev C; 20-117-EL02 Rev D; 20-117-EL03 Rev D; 20-117-PL01 Rev C; 20-117-PL02 Rev A; 20-117-SP03 Rev D; 20-117-SP04 Rev A and documents; Design and Access Statement dated November 2020; Landscaping Scheme and Biodiversity Enhancements dated November 2020; Transport Statement dated June 2018 and Preliminary Drainage Strategy dated April 2018).
3. Prior to occupation of the business/employment units on the development, a noise impact assessment shall be submitted to and approved in writing by the Local Planning Authority to demonstrate how the proposed use, design and any required mitigation measures will ensure that the amenity of nearby noise-sensitive properties shall not be unacceptably affected by levels of noise. The assessment will include an implementation plan for the for any mitigation. The assessment will consider the potential combined impacts of noise from all permitted uses on the Abermule Business Park development site (i.e. including the Recycling Bulking Facility), and will be conducted in accordance with the



method set out in BS 4142:2014, and must demonstrate that the combined noise impact from the development site will be no greater than indicated in the Abermule Business Park Noise Impact Assessment report ref 70032991-NV1-02-R1.

4. Prior to its installation in the development details of the location and type of bird box to be provided in the development shall be submitted to and approved in writing by the Local Planning Authority. The bird box shall be installed prior to the beneficial use of the development and shall be implemented in full and maintained thereafter.
5. The enhancements identified in Section 4 of the approved Landscaping Scheme and Biodiversity Enhancements dated November 2020 shall be implemented in full prior to the beneficial use of the development and maintained thereafter.
6. The measures identified in the Ecological Compliance Schedule and Habitat Management Plan Reference RT-MME-127496 Rev A produced by Middlemarch Environmental dated July 2018 approved under P/2018/0587 shall be adhered to and implemented in full and maintained thereafter.
7. All planting, seeding or turfing comprised in Section 3 of the approved Landscaping Scheme and Biodiversity Enhancements dated November 2020 detailed on drawing no. 20-117-SP04 Rev A shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
8. No other development shall commence until provision is made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. The 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.
9. Before any other development is commenced the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 20 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.
10. Prior to the first operational use of the development clear visibility shall be

maintained above a height of 0.6 metres above carriageway level over the full frontage of the developed site to the estate road effective over a bandwidth of 2.4 metres measured from the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

11. Upon formation of the visibility splays as detailed above the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.
12. Prior to the first operational use of the development hereby approved, provision shall be made within the site for the parking of vehicles, and operational area[s] as detailed on the approved site plan 20-117-SP03 Rev D. The parking and operational areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.
13. Prior to the first operational use of the development the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course material for a distance of 20 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.
14. The gradient of the access shall be constructed so as not to exceed 1 in 20 for the first 20 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.
15. Any vehicular entrance gates installed within the application site shall be set back at least 20 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.
16. No surface water drainage from the site shall be allowed to discharge onto the county highway.

## **Reasons**

1. To enable the Local Planning Authority to exercise proper control over the development in accordance with Section 92 of the Town and Country Planning Act 1990.
2. To ensure adherence to the approved plans and documents in the interests of clarity and a satisfactory development.

3. To comply with Powys County Council Local Development Plan policy DM13 'Design and Resources'.
4. 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, the Conservation of Habitats and Species Regulations 2017, the Wildlife & Countryside Act 1981 (as amended) and Section 6 of the Environment (Wales) Act 2016.
5. To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning, the Conservation of Habitats and Species Regulations 2017, the Wildlife & Countryside Act 1981 (as amended) and Section 6 of the Environment (Wales) Act 2016.
6. 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, the Conservation of Habitats and Species Regulations 2017, the Wildlife & Countryside Act 1981 (as amended) and Section 6 of the Environment (Wales) Act 2016.
7. To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning, the Conservation of Habitats and Species Regulations 2017, the Wildlife & Countryside Act 1981 (as amended) and Section 6 of the Environment (Wales) Act 2016.
8. In the interest of highway safety and free flow of traffic in accordance with policy T1 and DM13 of the Powys Local Development Plan and TAN18 and Planning Policy Wales.
9. In the interest of highway safety and free flow of traffic in accordance with policy T1 and DM13 of the Powys Local Development Plan and TAN18 and Planning Policy Wales.
10. In the interest of highway safety and free flow of traffic in accordance with policy T1 and DM13 of the Powys Local Development Plan and TAN18 and Planning Policy Wales.
11. In the interest of highway safety and free flow of traffic in accordance with policy T1 and DM13 of the Powys Local Development Plan and TAN18 and Planning Policy Wales.

12. In the interest of highway safety and free flow of traffic in accordance with policy T1 and DM13 of the Powys Local Development Plan and TAN18 and Planning Policy Wales.
13. In the interest of highway safety and free flow of traffic in accordance with policy T1 and DM13 of the Powys Local Development Plan and TAN18 and Planning Policy Wales.
14. In the interest of highway safety and free flow of traffic in accordance with policy T1 and DM13 of the Powys Local Development Plan and TAN18 and Planning Policy Wales.
15. In the interest of highway safety and free flow of traffic in accordance with policy T1 and DM13 of the Powys Local Development Plan and TAN18 and Planning Policy Wales.
16. In the interest of highway safety and free flow of traffic in accordance with policy T1 and DM13 of the Powys Local Development Plan and TAN18 and Planning Policy Wales.

## **Informatives**

### **Highways**

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

1. Under Section 50 of the New Roads & Street Works Act 1991 it is a requirement that a Streetworks licence is obtained from the Highway Authority to place, or to retain, apparatus in the highway and thereafter to inspect, maintain, adjust, repair, alter or renew the apparatus, change its position or remove it.
2. The need to inform and obtain the consent of Statutory Undertakers (Electricity, Water, Gas, BT), Land Drainage Authority, etc. to the works.
3. The New Roads & Street Works Act 1991 requires that all works, be properly notified and approved prior to commencement.

Further advice on the above highway matters can be obtained from:-

[http://www.powys.gov.uk/en/roads-transport-parking/  
street.works@powys.gov.uk](http://www.powys.gov.uk/en/roads-transport-parking/street.works@powys.gov.uk)  
Street Works  
Powys County Hall

Spa Road East  
Llandrindod Wells  
Powys  
LD1 5LG  
0845 6027035

## **Network Rail**

### **DRAINAGE**

Soakaways / attenuation ponds / septic tanks etc, as a means of storm/surface water disposal must not be constructed near/within 5 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property/infrastructure. Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains. Network Rail's drainage system(s) are not to be compromised by any work(s). Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property / infrastructure. Ground levels – if altered, to be such that water flows away from the railway. Drainage is not to show up on Buried service checks. 2

### **FOUNDATIONS**

Network Rail offers no right of support to the development. Where foundation works penetrate Network Rail's support zone or ground displacement techniques are used the works will require specific approval and careful monitoring by Network Rail. There should be no additional loading placed on the cutting and no deep continuous excavations parallel to the boundary without prior approval.

### **GROUND DISTURBANCE**

The works involve disturbing the ground on or adjacent to Network Rail's land it is likely/possible that the Network Rail and the utility companies have buried services in the area in which there is a need to excavate. Network Rail's ground disturbance regulations applies. The developer should seek specific advice from Network Rail on any significant raising or lowering of the levels of the site.

### **SITE LAYOUT**

It is recommended that all buildings be situated at least 2 metres from the boundary fence, to allow construction and any future maintenance work to be carried out without involving entry onto Network Rail's infrastructure. Where trees exist on Network Rail land the design of foundations close to the boundary must take into account the effects of root penetration in accordance with the Building Research Establishment's guidelines. PILING Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

### **EXCAVATIONS/EARTHWORKS**

All excavations / earthworks carried out in the vicinity of Network Rail's property / structures must be designed and executed such that no interference with the integrity of that property / structure can occur. If temporary compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken.

#### PLANT, SCAFFOLDING AND CRANES

Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that, at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land.

#### LIGHTING

Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. Following occupation of the development, if within three months Network Rail or a Train Operating Company has identified that lighting from the development is interfering with driver's vision, signal sighting, alteration/mitigation will be required to remove the conflict at the applicant's expense.

#### **Land Drainage**

The construction area is greater than 100m<sup>2</sup> and therefore this proposed development will require SAB approval prior to any construction works commencing onsite.

Please contact the SAB Team on 01597 826000 or via email [sab@powys.gov.uk](mailto:sab@powys.gov.uk)  
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-DrainageApproval-Body-SAB>

If for any reason you believe your works are exempt from the requirement for SAB approval, we would be grateful if you would inform us so we can update our records accordingly.

The requirement to obtain SAB consent sits outside of the planning process but is enforceable in a similar manner to planning law. It is a requirement to obtain SAB consent in addition to planning consent. Failure to engage with compliant SuDS design at an early stage may lead to significant un-necessary redesign costs.

## **Hafren Dyfrdwy**

Hafren Dyfrdwy advise that there is a public pressurised foul sewer located within this site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. You are advised to contact Hafren Dyfrdwy to discuss the proposals. Hafren Dyfrdwy will seek to assist in obtaining a solution which protects both the public sewer and the building. Please note, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 meters of a public sewer.

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

### **Clean Water Comments**

We have apparatus in the area of the planned development, the developer will need to contact Severn Trent Water, New Connections team as detailed below to assess their proposed plans for diversion requirements.

To request a water map please follow the link, <https://www.stwater.co.uk/building-and-developing/estimators-and-maps/request-a-water-sewer-map/> scroll down the page to view the link:

Please visit [www.digdat.co.uk](http://www.digdat.co.uk)

You will need to register on the website and then you will be able to search for your chosen location and get an instant quote online. For more information you can view Digdat's user guide([opens in a new window](#)).

Please look at the district area supply plan (PDF)([opens in a new window](#)) to check that your site is within the Severn Trent boundary before requesting an underground asset map.

Any correspondence and diversion applications are to be submitted through New Connections the relevant form can be found on the Severn Trent website, please complete the form as fully as possible.

[https://www.stwater.co.uk/content/dam/stw/stw\\_buildinganddeveloping/Diversion-of-a-Severn-Trent-Water-main.pdf](https://www.stwater.co.uk/content/dam/stw/stw_buildinganddeveloping/Diversion-of-a-Severn-Trent-Water-main.pdf)

Information on diversion application charges can be found at:

[https://www.stwater.co.uk/content/dam/stw/stw\\_buildinganddeveloping/new-connections/new-connections-charging-arrangement-2019-2020.pdf](https://www.stwater.co.uk/content/dam/stw/stw_buildinganddeveloping/new-connections/new-connections-charging-arrangement-2019-2020.pdf)

---

Case Officer: Tamsin Law, Principal Planning Officer  
Tel: 01597 827230 E-mail: [tamsin.law@powys.gov.uk](mailto:tamsin.law@powys.gov.uk)