



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

**Application Number:** 20/1354/FUL      **Grid Ref:** E: 322398  
N: 307332  
**Community Council:** Welshpool Community      **Valid Date:** 27.08.2020

**Applicant:** Mr Jack Tavernor

**Location:** Oldford Cottage, Oldford Lane, Welshpool, SY21 7TE

**Proposal:** Erection of 1 no. residential dwelling and construction of vehicular access and parking

**Application Type:** Full Application

### The reason for Committee determination

The application was called-in by the Local Member.

### Consultee Responses

Consultee	Received
<u>PCC-(N) Highways</u>	9th Oct 2020

Powys County Council as Highway Authority do not wish to comment on this application as the access is onto a trunk road which comes under the jurisdiction of the Welsh Government.

*Additional comments received 24/12/2020;*

The Local Planning Authority have informed the Highway Authority that access to the application site is now from a Private Road off the U4400, on that basis, we wish the following condition to be attached to any consent given.

Prior to the occupation of each of the dwellings hereby approved, provision shall be made

within the corresponding plot for the parking of vehicles as detailed on the approved site plan U014.3a.3.002 Rev E. The parking areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

Hafren Dyfrdwy

24th Sep 2020

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.

Hafren Dyfrdwy advise that there may be a public sewer located within the application site. Although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under the Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with 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.

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.

Natural Resources Wales (Mid Wales)

2nd Oct 2020

DPAS

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 07/09/2020.

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

Flood Risk

Our Flood Risk Map confirms the application site lies adjacent to the C2 floodzone of the Development Advice Maps (DAM) as contained in TAN15. Having considered the information provided within The Flood Consequence Assessment produced by Geosmart dated 25/08/2020, we consider that given the layout of the proposed site the flood risk

can be managed.

We advise that the Local Planning Authority consult with the Lead Local Flood Authority (LLFA) on the proposed development to confirm that there are no historic records of the site flooding from the Lledan Brook. Subject to no objection being received from the LLFA, we advise that if the proposal is granted planning consent the approval should be subject to a condition that states that finished floor levels are set at a minimum of 300mm above the adjacent ground level.

#### Protected Sites - Special Area of Conservation (SAC)

From the information provided, we consider that the proposal is not likely to have a significant effect on a SAC, SPA or Ramsar.

The proposed development is not hydrologically connected to the Montgomery Canal SAC and therefore unlikely to have a significant effect upon the designated site.

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

#### Protected Sites - Sites of Special Scientific Interest (SSSI)

NRW consider the proposals have the potential to impact upon the Montgomery Canal SSSI. Providing the impact pathways referenced above for the SAC are adequately addressed, NRW consider the features of the SSSI will also be adequately safeguarded.

#### Protected Species

We recommend you seek the advice of your in-house ecologist to determine if there is a reasonable likelihood any European Protected Species (EPS), being present within the application site. If so, in accordance with Technical Advice Note 5: Nature Conservation and Planning (paragraph 6.2.2) a ecological survey may be required.

NRW therefore has no comments to make in respect of protected species on this application, as submitted. Please consult us again if any survey undertaken finds that EPS are present at the site and you require further advice from us.

#### Other Matters

Our comments above only relate specifically to matters included on our checklist, Development Planning Advisory Service: Consultation Topics (September 2018), which is published on our website. We have not considered potential effects on other matters and

do not rule out the potential for the proposed development to affect other interests.

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

#### Advice for the Developer

##### Pollution Prevention

During the construction phase you should take any precaution to prevent contamination of surface water drains and local watercourses. Oils and chemicals should be stored in bunded areas and spill kits should be readily available in case of accidental spillages.

For further guidance please refer to GPP 5 and PPG 6 at the following link:

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

##### Waste produced during construction

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 provide information on how to classify waste and register as a waste carrier or hazardous waste producer:

<https://naturalresources.wales/permits-and-permissions/waste/?lang=en>

<https://naturalresources.wales/permits-and-permissions/waste/waste-permits/?lang=en>

Further guidance can be found on the GOV website here:

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

PCC-Ecologist

8th Feb 2021

Thank you for consulting me with regards to planning application 20/1354/FUL which concerns an application for the erection of 1 no. residential dwelling and construction of vehicular access and parking at Oldford Cottage, Oldford Lane, Welshpool.

I have reviewed the proposed plans for the developments and surrounding habitats as well as local records of protected and priority species and designated sites within 500m of the proposed development.

The data search identified 213 records of protected and priority species within 500m of the proposed development with no records found for the site itself. Species recorded within 500m of the proposed development include bat species; pipistrelle, Daubenton's, brown long eared, noctule and whiskered, grass snake, house sparrow and song thrush.

Two statutory designated sites were identified within 500m of the proposed development;

- o SAC - Montgomery Canal approximately 181m from the proposed development
- o SSSI - Montgomery Canal approximately 181m from the proposed development

No non-statutory designated sites were identified within 500m of the proposed development.

Having taken into account the location of the designated sites in relation to the proposed development and the nature of the works proposed it is considered that there would be no likely negative impacts directly or indirectly to the designated sites and/or their associated features.

The proposed development is located adjacent to an existing dwelling and is likely to impact areas of amenity planting and hard standing, habitats considered to be of relatively low ecological value.

Bats - European Protected Species

Submitted plans look to show that a small building located on the eastern boundary of the site will be removed as part of the proposed development, consideration therefore has been given to the potential for the building to support roosting bats - bats being a European protected species - and for the proposed development to impact roosting bats.

Given the lack of information provided, extent of works, proximity of trees and hedgerows to the building it is considered that there is a reasonable level of likelihood that bats could be using the site for roosting purposes and that the proposed development therefore has potential to impact roosting bats.

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

Therefore, it is considered that there is insufficient information with regard to potential impacts to bats, a European protected species, to determine this application.

In order to assess the potential impacts to roosting bats, as a minimum a preliminary assessment of the existing structure for its bat roost potential and the potential for any impacts as a result of the proposed development is required. This assessment needs to be undertaken by an appropriately experienced and licensed bat consultant. If this preliminary bat roost assessment identifies potential bat roosting opportunities and/or actual bat roosts that will be affected by the proposals then further bat survey work will be required. If bat accesses or roosts are found that will not be affected by the proposals a method statement must be submitted to demonstrate how the proposed works will avoid any impacts to bats.

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

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

If the preliminary bat roost assessment identifies the need to undertake bat activity surveys will need to be undertaken in accordance with the Bat Conservation Trust's Bat Surveys for Professional Ecologists - Good Practice Guidelines 3rd Edition (2016). Therefore, the survey should be undertaken by suitably licensed and qualified ecologists and comprise a thorough internal and external inspection and activity surveys during the

recognised activity season May - September, the surveys should be spread throughout the activity season (as far as reasonably possible to do so) to allow a broad picture of any bat roost use of the site to be developed. Where deviations from the standard guidelines are considered to be necessary, full justifications for the methods used will be required.

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

The three tests that must be satisfied are:

1. That the development is "in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment".
2. That there is "no satisfactory alternative"
3. That the derogation is "not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range"

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

### Tree and Hedgerow Protection Plan

I note from reviewing the proposed plans and aerial images that there are a number of mature trees and hedgerows along the northeast boundary of the proposed development. It is considered that there may be potential for construction works including use of machinery or storage of materials to take place within the root protection area (RPA) and canopy of the mature hedgerows and trees identified.

Given the proximity of the proposed development and associated works to the identified trees, it is considered prudent to require information from the applicant as to how this

feature of biodiversity importance for wildlife will be protected during the construction period of works.

A Construction Phase Tree and Hedgerow Protection Plan could be secured through a planning condition, however as further information has been requested the provisions of details submitted at this stage would avoid the need for a pre-commencement condition requiring this information.

#### Wildlife Sensitive Lighting Plan

Careful consideration will need to be given to any external lighting design provided through the proposed development, measures will need to be identified to minimise impacts to nocturnal wildlife commuting and foraging in the local area.

This information could be secured through a planning condition, however the submission of a Wildlife Sensitive Lighting Plan with a planning application would avoid the need for a pre-commencement condition requiring this information. Any external lighting proposed will need to demonstrate compliance with the recommendations outlined in the BCT and ILP Guidance Note 8 Bats and Artificial Lighting (12th September 2018) full details can be found at <https://www.theilp.org.uk/documents/guidance-note-8-bats-and-artificial-lighting/>.

#### Landscape Planting Scheme

Submitted plans illustrate some landscape planting however limited details have been provided. As landscaping has been proposed as part of the potential development consideration should be given to the development of a native landscape planting scheme. It is recommended that details of any landscaping proposed are submitted in a detailed Landscape Planting Scheme including proposed species mixes, planting and aftercare schedules.

A Landscaping Plan could be secured through a planning condition, however as further information has been requested the provisions of details submitted at this stage would avoid the need for a pre-commencement condition requiring this information.

#### Biodiversity Enhancements

In accordance with Part 1 Section 6 of the Environment (Wales) Act 2016 Local Authorities are required to Maintain and Enhance biodiversity through all of its functions - this includes the planning process. It will therefore need to be demonstrated as to how the



proposed development will incorporate biodiversity enhancements to ensure net biodiversity benefits through the proposed development. These measure could include:

- oProvision of bird and bat boxes including the details of the number, type and location of these boxes;

- oA wildlife buffer strip and a scheme of appropriate management of these areas, hedgerows should be retained within buffer strips and should be unlit or lighting to be directed away from the hedgerows to create dark movement corridors for nocturnal wildlife through the site;

- oProvision of wildlife friendly landscape planting.

Details of any proposed biodiversity enhancements will need to be included with any submitted application, the features proposed will need to be specific (i.e. details regarding locations, dimensions and numbers will need to be provided) and achievable.

Further details regarding biodiversity and requirements associated with planning applications can be found in the Powys Local Development Plan (2011 to 2026) Supplementary Planning Guidance Biodiversity and Geodiversity (Adopted October 2018) which can be found at <https://en.powys.gov.uk/article/4907/LDP-Supplementary-Planning-Guidance-SPG>

Environmental Protection

22nd Sep 2020

In respect of planning application 20/1354/FUL, Environmental Protection would advise as follows:

As the application site is located in a residential area, Environmental Protection will require that measures are in place to control the level of noise disturbance to neighbouring properties during the construction phase of the development. Therefore, it is recommend that the construction period working hours and delivery times be restricted as follows:

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

0800-1800 hrs Monday to Friday

0800-1300 hrs Saturday

At no time on Sundays and Bank Holidays

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

### PCC-(N) Land Drainage

No comments received at the time of writing this report.

### PCC-Rights of Way Senior Manager

19th Jan 2021

As noted on the block plan, a public footpath C1 runs along the length of the lane.

LDP Policy SP7 of the Local Development Plan recognises public rights of way as a strategic asset and development must not have an adverse impact on the asset or its operation.

LDP Policy DM13, criterion 9 is concerned that public rights of way or other recreation assets listed in Policy SP7 (3) are enhanced and integrated within the layout of the development proposal; or appropriate mitigation measures are put in place where necessary.

Countryside Services has several concerns around the proposed access along the south western section of lane. At the moment, the lane is tarmacked to width of 2m for pedestrian use. If this section of lane is to be used as vehicular access, then the surface is not really adequate.

Whilst it is usual for the local authority to be responsible for a surface of a public right of way, we would not be responsible for any use above and beyond the public rights status it currently has. Therefore, there is a question of who is responsible for maintaining the lane.

We would be concerned that no parking takes place on the lane itself.

In addition to the above, Powys County Council has a duty to 'assert and protect' public rights of way under the Highways Act 1980. The developer should note:

- o Development over, or illegal interference with, a public right of way, is a criminal offence and enforcement action will be taken against a developer who ignores the presence of affected public rights of way. This includes temporary obstructions such as rubble mounds, building materials, parked vehicles etc...

- o Landscaping & Surfacing - Please seek advice before interfering or surfacing a

public right of way.

o New fencing or boundaries - If intending to create a boundary across a public footpath or bridleway, advice must be sought. A section 147 Highways Act 1980 license is required for a structure to be installed. We cannot authorise a structure across a Restricted Byway or Byway Open to All Traffic.

o Temporary closures - If the safety of the public cannot be guaranteed at all times during construction, consideration should be given to applying for a temporary closure of the public right of way. The process can take a couple of months to put into place so early consultation with Countryside Services is recommended if a temporary closure is required. This is a separate procedure for which a fee applies.

o Legal Diversion - If development will directly affect a public right of way and the affected public right of way cannot be appropriately incorporated into the development, the developer will need to seek advice from the council. No development can take place on a public right of way until a legal order is confirmed by the council.

A legal public path order process typically takes at least 6 months. This is a separate procedure for which a fee applies. For more information please discuss with Countryside Services at the earliest available opportunity.

WG - Highways Directorate

24th Sep 2020

I refer to your consultation of 08/09/2020 regarding the above planning application and advise that the Welsh Government as highway authority for the A458 trunk road directs that any permission granted by your authority shall include the following conditions:

1) There shall be no vehicular access whatsoever to the trunk road

The above conditions are included to maintain the safety and free flow of trunk road traffic.

PCC-Built Heritage Officer

30th Sep 2020

Recommendation

20/1142/LBC - further details required preferable to condition

20/1354/FUL - will await the HIA before responding

Background to Recommendation

Designation

Welshpool Conservation Area

Listed Buildings

Oldford Cottage Cadw ID 7825 included on the statutory list on 25/04/1950

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 Listed Buildings in Wales - Annexe to TAN24

Heritage Impact Assessments in Wales - Annexe to TAN24

Managing Conservation Areas in Wales - Annexe to TAN24

Setting of Historic Assets in Wales - Annexe to TAN24

Heritage Impact Assessments - Annexe to TAN24

Historic Environment Records

Local Development Plan

Strategic Policy SP7

DM13 Design and Resources Local Development Plan Themes and Objectives;

Theme 4 - Guardianship of natural, built and historic assets

LDP Objective 13 - Landscape and the Historic Environment

## Comments

I note that there are 2 applications, the first a LBC application for the demolition of a stone wall to facilitate vehicular access into the site and for the erection of a dwelling on the site. Usually a LBC and full application should be considered concurrently as each is dependant on the other. However in this instance the LBC relates to an access that would serve both the proposed house and the existing listed building and as such I would consider that it is acceptable to consider the LBC independently. I understand that a Heritage Impact Assessment is due to be prepared to accompany the applications, and I shall await that document to provide a full response on 20/1354/FUL, however as I am requesting further information in respect of the listed wall, I am forwarding these comments at this stage as hopefully the HIA will answer these enquiries.

Nevertheless I shall comment on each application individually.

20/1142/LBC Listed building consent for alterations to a stone wall involving removal of section of low stone wall, concrete post and fence and rebuild remaining wall Oldford Cottage Oldford Lane Welshpool SY21 7TE

Demolition of the curtilage listed wall is required to enable access to the site.

Section 5.14 of TAN 24 advises that an application for the demolition of a listed building should be made in exceptional circumstances and only as an option of last resort. Consent for demolition should not be given simply because redevelopment is economically more attractive than the repair and re-use of a historic building.

The demolition of a listed building or buildings within a conservation area should be assessed against the criteria identified in TAN 24 (section 5.15) in respect of demolition is as follows.

1. The condition of the building, the cost of repair and maintenance in relation to its importance and the value derived from its continued use. Where a building has been deliberately neglected, less weight will be given to these costs.
2. The efforts made to keep the building in use or to secure a new use, including the offer of the unrestricted freehold of the building for sale at a fair market price that reflects its condition and situation.
3. The merit of the alternative proposal for the site, including where the replacement buildings would meet the objectives of good design and whether or not there are substantial benefits for the community that would outweigh the loss resulting from demolition.

It is noted that part of the wall has collapsed and a fence has been erected atop the

collapsed wall. The proposal is to demolish a section of the wall and to rebuild the wall on the remaining wall where it has collapsed.

The wall to be rebuilt would not be of the same height as the area of wall remaining at its perceived original height that is 2.1m. The wall to be rebuilt is 1.8m in height. However it is noted that the section of higher wall has a shed attached to the wall and it appears that the wall has been raised to accommodate the shed. Further details in respect of this increase in height would be useful, as would the proposed future of the shed which appears to be proposed for demolition, however this is not clear and if this is the case it should be clearly referenced in the application.

The submitted Planning and Heritage Impact Statement with Design and Access Statement does not address the requirements of a Heritage Impact Assessment which differs from a D&A or planning statement.

Whilst not objecting to the application, it is recommended that further information be received prior to the application being determined namely;

Confirmation of the coursing of the wall.

Confirmation as to the topping of the wall

I would recommend that these details be received and agreed prior to referral to Welsh Government.

However should you wish to determine the application prior to the receipt of this information I would recommend the following conditions be attached to the granting of any consent. NB conditions 2 and 3 should be attached even following the receipt of the information in line with guidance on demolition of heritage assets.

Prior to any works commencing on site, full details of the wall to be rebuilt, including, details of the proposed coursing, and coping or method of finishing the top shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with those details.

The demolition of any part of the curtilage listed wall identified on application 20/1142/LBC shall not be undertaken before a contract for the carrying out of the works for redevelopment of the site has been made in accordance with the proposals which have received planning permission and all prior to works commencing conditions attached to 20/1354/FUL having been discharged. The Local Planning Authority shall be advised as to the completion of such a contract prior to any demolition taking place. The written approval of the phasing and timing of works involved shall be secured before any part of the demolition hereby approved first commences. All works shall then be carried out in accordance with the approved timetable, unless otherwise agreed in writing by the

Local Planning Authority.

Reason: Pursuant to section 74 and section 17(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Prior to any work being undertaken in pursuance of the consent to demolish any part of the building, details shall be submitted to and approved in writing by the Local Planning Authority of any works to be undertaken during the progress of the development hereby permitted to secure the safety and stability of that part of the building which is to be retained in accordance with any terms of conditions of this consent.

Reason: To minimise the risk of damage to the elements of the building to be retained, and pursuant to section 74 and section 17(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

20/1354/FUL Erection of 1 no. residential dwelling and construction of vehicular access and parking Oldford Cottage Oldford Lane Welshpool SY21 7TE

I note that the application is a resubmission of application 20/0102/FUL for which I raised objections on;

- 1.The Heritage Impact Statement did not address stages 2,3 or 4 of the Setting Assessment laid out in Welsh Government guidance in lines with section 1.26 of TAN24.
- 2.The impact on the Character or Appearance of the Welshpool Conservation Area.
- 3.The Design of the Proposed dwelling in line with LDP Policy DM13.
- 4.The setting of Oldford Cottage Cadw ID 7825

I acknowledge that a revised design has been submitted, however I note that a Heritage Impact Assessment is due to be prepared. As such it would seem prudent to await receipt of that assessment before providing a response on the full application.

*Additional comments received 03/12/2020;*

Recommendation

20/1142/LBC - No Objection

20/1354/FUL - No Objection

Background to Recommendation

Designation

Welshpool Conservation Area

Listed Buildings

Oldford Cottage Cadw ID 7825 included on the statutory list on 25/04/1950

Policy Background

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

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Theme 4 - Guardianship of natural, built and historic assets

LDP Objective 13 - Landscape and the Historic Environment



## Comments

I note that there are 2 applications, the first a LBC application for the demolition of a stone wall to facilitate vehicular access into the site and for the erection of a dwelling on the site.

I shall comment on each application individually.

Following my previous comments dated 30 September 2020, I note the additional information in respect of a Heritage Impact Assessment and setting assessment and further information in respect of the works to the wall, and it is on the additional information and plans that I am providing comments.

20/1142/LBC Listed building consent for alterations to a stone wall involving removal of section of low stone wall, concrete post and fence and rebuild remaining wall Oldford Cottage Oldford Lane Welshpool SY21 7TE

Demolition of the curtilage listed wall is required to enable access to the site.

Section 5.14 of TAN 24 advises that an application for the demolition of a listed building should be made in exceptional circumstances and only as an option of last resort. Consent for demolition should not be given simply because redevelopment is economically more attractive than the repair and re-use of a historic building.

The demolition of a listed building or buildings within a conservation area should be assessed against the criteria identified in TAN 24 (section 5.15) in respect of demolition is as follows.

1. The condition of the building, the cost of repair and maintenance in relation to its importance and the value derived from its continued use. Where a building has been deliberately neglected, less weight will be given to these costs.
2. The efforts made to keep the building in use or to secure a new use, including the offer of the unrestricted freehold of the building for sale at a fair market price that reflects its condition and situation.
3. The merit of the alternative proposal for the site, including where the replacement buildings would meet the objectives of good design and whether or not there are substantial benefits for the community that would outweigh the loss resulting from demolition.

It is not considered that criteria 2 and 3 are applicable in this instance. However in respect of criteria 1, the condition of the wall is noted and the collapse, and that the current proposal would retain part of the wall, demolish a section to enable access to the

site and to rebuilt a section that has collapsed. Whilst noting the section of wall to be demolished, it is also noted that sections would be rebuilt, and as such it is considered that the proposal would be acceptable in that the legibility of the wall would be better understood with a wall more akin to its original size with an easy to read access point than the current wall which has partially collapsed.

The wall to be rebuilt would not be of the same height as the area of wall remaining at its perceived original height that is 2.1m. I note the plan U014.3a.3.007 Rev B which shows the proposed wall as rebuilt and note the existing shed that has been built up against the wall. I note the most recent plans U014.3a.3.003 Rev b which clarifies that this small lean to shed is to remain and as such the extent of demolition has been clarified.

I note the details in respect of the wall to be rebuilt and I can confirm that I would raise no objections to the proposal. I would however recommend the following conditions.

The development shall be undertaken strictly in accordance with the amended plans drawing numbers; U014.3a.3.007 Rev B and U014.3a.3.003 Rev b.

Reason: For the avoidance of doubt as to the approved plans.

As much of the original stone shall be salvaged as possible and any deficit shall be made up using new or good quality second hand stone to exactly match the original in terms of geology, colour, finish and size. New stonework shall be laid to exactly match the original bond and joint size, and all stone shall be laid in the bedding plain. Re-pointing shall be kept to the minimum structurally necessary and mortar joints shall be carefully raked out by hand. The use of a mechanical disc cutter or grinder is not acceptable for removal of mortar.

Reason: To safeguard the character and appearance of this grade II listed building in accordance with national legislation policy and guidance and policy SP7 of the Powys Local Development Plan.

The stonework shall be laid using a mortar mix which is slightly weaker than the bricks/stone, and which contains washed, well graded sharp sand and lime (lime putty or weak hydraulic lime, not hydrated lime). Details of the exact mix shall be submitted to and approved by the Local Planning Authority prior to the commencement of the work. The mortar shall match the colour and texture of the original mortar before weathering. The use of cement, proprietary coloured mixes or colouring additives is not acceptable. In certain circumstances new mortar may be required to be matched from samples of original mortar.

Reason: To safeguard the character and appearance of this grade II listed building in accordance with national legislation policy and guidance and policy SP7 of the Powys

Local Development Plan.

The demolition of any part of the curtilage listed wall identified on application 20/1142/LBC shall not be undertaken before a contract for the carrying out of the works for redevelopment of the site has been made in accordance with the proposals which have received planning permission and all prior to works commencing conditions attached to 20/1354/FUL having been discharged. The Local Planning Authority shall be advised as to the completion of such a contract prior to any demolition taking place. The written approval of the phasing and timing of works to the rebuilding of the wall shall be secured before any part of the demolition hereby approved first commences. All works shall then be carried out in accordance with the approved timetable, unless otherwise agreed in writing by the Local Planning Authority.

Reason: Pursuant to section 74 and section 17(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Prior to any work being undertaken in pursuance of the consent to demolish any part of the building, details shall be submitted to and approved in writing by the Local Planning Authority of any works to be undertaken during the progress of the development hereby permitted to secure the safety and stability of that part of the building which is to be retained in accordance with any terms of conditions of this consent.

Reason: To minimise the risk of damage to the elements of the building to be retained, and pursuant to section 74 and section 17(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

20/1354/FUL Erection of 1 no. residential dwelling and construction of vehicular access and parking Oldford Cottage, Oldford Lane, Welshpool, SY21 7TE

I note that the application is a resubmission of application 20/0102/FUL for which I raised objections on;

- 1.The Heritage Impact Statement did not address stages 2,3 or 4 of the Setting Assessment laid out in Welsh Government guidance in lines with section 1.26 of TAN24.
- 2.The impact on the Character or Appearance of the Welshpool Conservation Area.
- 3.The Design of the Proposed dwelling in line with LDP Policy DM13.
- 4.The setting of Oldford Cottage Cadw ID 7825

I note the Heritage Impact Assessment by Richard Morris that has been produced and would not disagree with his findings in respect of the setting of historic assets.

I previously raised some concerns with the design and requested amendments and I note that they have been taken on board in this latest submission, most notably the reduction in ridge line and the introduction of true dormers and changes to the fenestration that faces Oldford Cottage.

Given the differences in height and the fact that only one elevation will be visible from Oldford Lane, I would not raise objections to the proposed dwelling in terms of design.

However that is not to say that there would be no harm to the setting of Oldford Cottage by the proposed development. Previously the car parking adjacent to Oldford Cottage were three spaces to serve Oldford Cottage only with an element of landscaping adjacent to the existing wall.

However the current proposal, presumably to remove the proposed car parking spaces for the new dwelling have also been moved to this location. This would result in an expanse of car parking visible from Oldford Lane. It is considered that this will have an impact on the setting of the listed building, however this could be mitigated against with appropriate materials. The use of paviers or similar would not be considered appropriate being a modern suburban character and grass crete, gravel or similar being preferred. I would be grateful if this could be conditioned.

I would raise no objections to the proposal, however would request that the standard conditions in respect of materials including windows be attached and in addition full details of the hard landscaping that is the car parking surface to be conditioned.

CPAT

9th Sep 2020

The proposed new house and access will lie within the curtilage and setting of the Grade II listed Oldford Cottage (30711) and will also lie within the Welshpool Conservation Area. The Built Heritage Conservation Officer must be consulted in this case for her specialist comments. The Built Heritage Conservation Officer raised an objection to the previous application and none of the matters raised in this objection appear to have been addressed.

The HIA report presented mentions the completion of an appropriate setting impact assessment for this development proposal, but then fails to present any setting impact assessment report completed by a heritage specialist in accordance with guidance in TAN 24 (May 2017). As the new house will be placed within the garden curtilage of the Grade II listed Oldford Cottage it will remove part of the stone wall boundary and the

current natural garden screening to the north. It is difficult to assess how imposing the new building will be in relation to the listed cottage and the impact on the cottage setting and curtilage is unquantified, but likely to be substantial.

We would therefore request that a formal setting assessment is completed by a heritage consultant and submitted with the application so that the impact can be quantified. The setting assessment should follow guidelines in the Cadw Best Practice Guidance attached and the Cadw Conservation Principles 2011. Richard K Morriss Assoc have been used on numerous setting and HIA assessments in Powys (Richard K Morriss & Associates, Historic Buildings Consultants, Bromlow House, Bromlow, Shropshire SY5 0EA rkmbromlowhouse@gmail.com ) as have the CPAT Field Services section via Nigel Jones nigel.jones@cpat.org.uk I have also attached info. on other sources of contractors who may wish to tender for the setting assessment work.

*Additional comments received 10/11/2020;*

Thank you for the consultation on the above applications for works at Oldfield Cottage, Welshpool. Mark Walters had provided advice on the previous applications at the site requesting that a setting impact assessment was undertaken for the proposed works. This has now been completed by Richard K Morriss & Associates and we broadly agree that there will be no harm to the character or significance of the listed building, or to the significance of its setting. Furthermore, there are not considered to be any archaeological impacts for the proposals.

With regards the application for listed building consent, you should also contact the Built Heritage Conservation Officer Debra Lewis.

#### Welshpool Town Council

No comments received at the time of writing this report.

#### PCC-Building Control

No comments received at the time of writing this report.

Ward Councillor – Cllr Pritchard

10th Sep 2020

Can you please be aware that I have asked for the applications on this site to be called in and considered by committee on ground of Highways dangers, and Listed Building considerations.

## Representations

Following the display of a site notice on 10/09/2020 and a press notice published on 18/09/2020, a total of 87 public representations have been received at the time of writing this report; with 1 in support and 85 in objection. A summary of the comments received is provided below;

- The proposed development would not appear to adversely affect the right of way at this location. It could however lead to a slight increase in traffic and it would therefore be important to make sure that the right of way is adequately signed
- The use of the lane is very important for local residents
- Parking on the lane would block people using mobility scooters, wheelchairs and pushchairs from using the route
- The lane is not in a well-maintained state and is often muddy
- An additional vehicular access on the lane will increase conflict between pedestrians and cars
- The access onto Berriew Street is narrow and inadequate
- The lane is an historic route from the town to the Powis Estate, and the wall forms a part of that heritage
- The proposed development would be unsafe
- Access to the site could be gained from the Berriew Street Car Park

## Planning History

<b>App Ref</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
20/0102/FUL	Erection of a dwelling, creation of vehicular access and parking and all associated works	Refused	1 <sup>st</sup> Jun 2020
20/0103/CAC	Conservation area consent for the demolition of a wall and fence	Application Withdrawn	10th Jul 2020
20/1142/LBC	Listed building consent for alterations to a stone wall involving removal of section of low stone wall, concrete post and fence and rebuild remaining wall	Pending Consideration	

## Principal Planning Constraints

- Site partially within Welshpool Conservation Area
- Grade II Listed Building
- Public Right of Way C1 – along Oldford Lane
- Outside of, but adjacent to C2 Flood Zone
- Montgomery Canal SSSI & SAC – approx. 180 metres south-east
- Bron y Buckley Wood SSSI – approx. 600 metres north-west

## Principal Planning Policies

<b>Policy</b>	<b>Policy Description</b>	<b>Year</b>	<b>Local Plan</b>
PPW	Planning Policy Wales (Edition 10, December 2018)		National Policy
TAN5	Nature Conservation and Planning		National Policy
TAN11	Noise		National Policy
TAN12	Design		National Policy
TAN15	Development and Flood Risk		National Policy
TAN18	Transport		National Policy
TAN23	Economic Development		National Policy
TAN24	The Historic Environment		National Policy
SP1	Housing Growth		Local Development Plan 2011-2026
SP5	Settlement Hierarchy		Local Development Plan 2011-2026
SP6	Distribution of Growth across the Settlement Hierarchy		Local Development Plan 2011-2026
SP7	Safeguarding of Strategic Resources and Assets		Local Development Plan 2011-2026
DM2	The Natural Environment		Local Development

		Plan 2011-2026
DM4	Landscape	Local Development Plan 2011-2026
DM5	Development and Flood Risk	Local Development Plan 2011-2026
DM7	Dark Skies and External Lighting	Local Development Plan 2011-2026
DM13	Design and Resources	Local Development Plan 2011-2026
T1	Travel, Traffic and Transport Infrastructure	Local Development Plan 2011-2026
H1	Housing Development Proposals	Local Development Plan 2011-2026
H3	Housing Delivery	Local Development Plan 2011-2026
H4	Housing Density	Local Development Plan 2011-2026
SPGBIO	Biodiversity and Geodiversity SPG	Local Development Plan 2011-2026
SPGRES	Residential Design SPG	Local Development Plan 2011-2026
SPGCON	Conservation Areas SPG	Local Development Plan 2011-2026

### **Other Legislative Considerations**

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

Marine and Coastal Access Act 2009



## **Officer Appraisal**

### Site Location & Description of Development

The application site is located within the Town Council area and settlement development boundary for Welshpool, which is identified as a 'Town' by Policy SP5 of the adopted Powys Local Development Plan (2011-2026). The site comprises a portion of the existing garden area serving Oldford Cottage, which is a Grade II Listed Building (CADW reference: 7825), and which is accessed via the unadopted Oldford Lane, which is also a public footpath. The site is located immediately to the north of the housing estate known as Oldford, to the immediate west of the Poundland store, and to the south and south-east of Berriew Street public car park. The site is partially located within Welshpool Conservation Area.

This application seeks full planning permission for the construction of a new, two storey, detached, open-market dwelling house at the site. The proposed dwelling would have an internal floor area of approximately 150 sq metres and would measure approximately 12.7 metres in width and approximately 9.6 metres in depth. It would have a height to the eaves of approximately 4 metres and a height to the ridge of approximately 7.4 metres above ground-level. The dwelling would utilise a relatively simplistic design, with gabled roof elements and pitched roof dormers set within the front and side roof planes. Exterior materials would comprise of brickwork and stonework along the elevations and a slate roof, whilst timber windows and doors painted black are proposed, along with black timber fascias and black uPVC rainwater goods.

A new vehicular access is proposed to the east of Oldford Cottage, off Oldford Lane and the proposed site layout indicates parking and turning for vehicles associated with both the new dwelling and Oldford Cottage. This element of the works would involve the partial demolition of a curtilage listed wall to create the proposed access. This aspect of the development is subject to a separate application for Listed Building Consent (application reference 20/1142/LBC).

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

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

### Principle of Development

As aforementioned, the application site is located within the settlement development boundary for Welshpool, which is identified as a 'Town' by Policy SP5 of the adopted Powys Local Development Plan (2011-2026). Policy H1 of the Powys LDP sets out the following criteria in respect of housing development proposals in towns;

*“To ensure that housing development is appropriately located and suitable in scale and type to meet Strategic Policies SP1, SP3, SP5 and SP6, housing development proposals will only be permitted:*

*1. In Towns and Large Villages:*

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

The site is not allocated for residential development, however in-line with the above policy considerations, the application site is considered to be one which lends itself to residential development, given that there are several neighbouring residential properties within the vicinity; most notably the adjacent Oldford Cottage and the dwellings which form a part of Oldford Estate, to the south. As such, given the site’s location within the town’s settlement development boundary, within a plot which is generally considered to be suitable for development of this nature, officers consider the proposal would be compliant with the above policy.

In light of the above, officers consider the principle of the proposed development in this location is fundamentally compliant with relevant planning policy, and the proposal would therefore be acceptable in-principle. However, this is subject to a review of the broader planning issues, which are addressed in-turn below.

### Density

LDP Policy DM4 (Housing Density) recommends that in Towns and Large Villages there should be a housing density of 27 plus units per hectare, which equates to a plot size of approximately 370 sq metres per dwelling.

The plot size of the proposed development measures approximately 400 sq metres in area. Whilst the proposal therefore has a slightly lower density than is recommended by Policy DM4, officers do note the location of the site partially within the Welshpool Conservation Area and within the context of the Grade II Listed Building. Noting these constraints, officers consider the density of development would be acceptable in this instance.

The proposal is therefore considered to be acceptable in this regard by officers.

### Design, Siting, Scale & Visual Impact

With respect to design, specific reference is made to Policy DM13 of the Powys Local Development Plan (2011-2026). This policy 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. It states that, in terms of design, proposals will only be permitted where the following criteria are

satisfied;

1. *“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.*
2. *The development contributes towards the preservation of local distinctiveness and sense of place.”*

Further design-specific guidance is set-out within the adopted Residential Design SPG.

The site is located within an area of Welshpool which is generally mixed in character, with no consistent design or architectural style being evident within the vicinity. To the north and north-west of the application site is a public car park (beyond which is Powis Castle parkland), to the east is a retail unit and to the south, on the opposite side of Oldford Lane, is a housing estate which is typical of Local Authority design of the 1960s, 1970s and 1980s. According to the topographical survey, the site descends in height to the north.

Officers note the design of the proposed dwelling has taken into account the site's location within the garden of the Grade II Listed Building at Oldford Cottage, with several design details such as the one-and-a-half storey height and the pitched-roof dormers being incorporated into its design. Given the sloping topography of the application site, it is also noted that the dwelling at Oldford Cottage is set at a higher level than the site of the proposed new dwelling. The result of this would be a dwelling which would appear visually subservient to the scale and height of the existing dwelling; with the proposed dwelling being set below the ridge of Oldford Cottage.

The proposed dwelling house is 'L' shaped in design, with the smaller element of the 'L' facing towards Oldford Lane. This would present a stonework plinth along the lower sections of the elevations, with brickwork above, two small pitched-roof dormers and a slate roof. Windows within this elevation would comprise five black timber casement windows split between the ground and first floors. Overall, whilst further consideration of the heritage assets will be set out below, officers consider the design and scale of the proposed dwelling to be acceptable.

Given the presence of the public car park to the north and north-west of the site, and the public right of way to the south of the site, it is acknowledged that the proposed new dwelling house would be visible from nearby public vantage points. However, as only one elevation would be visible from Oldford Lane, with this view being largely obscured by the repaired stone boundary wall, officers consider the overall impact upon the character of the 'street scene' would be acceptable. Furthermore, it is noted the dwelling would be set-back from the lane by a distance of approximately 14 metres. As a consequence, it is considered its prominence from this viewpoint would be lessened, and the development would thus, have a reduced visual impact upon the surrounding area and the adjacent listed building. With regard to the potential views from the public

car park, to the north, officers note that these views would be within the context of the existing large retail unit which lies to the east of the application site. Given the proximity of this premises to the application site, it is considered the proposed new dwelling would result in an enhancement of the character of the area from this direction. Whilst a Juliet balcony is proposed within the northern (side) elevation, it is not considered this detail would adversely impact upon the character of the dwelling house, nor the setting of the wider street scene, to an extent as to warrant a refusal of the application.

Given that the application site is located wholly within the Welshpool settlement, it is not considered the proposal would have any impact upon the surrounding landscape, in-line with LDP Policy DM4, as the proposal would be read in-conjunction with existing surrounding built development.

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

#### Impact upon Neighbouring Privacy & Amenity

In considering the impact upon amenities enjoyed by occupiers of neighbouring properties, consideration has been given to the adopted Residential Design SPG and LDP Policy DM13 (Criterion 11).

The proposed dwelling would be sited approximately 7.4 metres to the north-east of the existing dwelling at Oldford Cottage. However, whilst the development would inevitably impact upon the amenity of these neighbours to an extent compared to the existing situation, officers do not consider the impacts would be unacceptable. Indeed, due to the subservient scale of the proposed dwelling and its siting to the north-east of the existing dwelling at the site, it is considered there would be no large-scale overshadowing effects; with any overshadowing being limited to a small time period within the morning. However, officers note that within town centre locations such as this, built development within close proximity to dwellings is a common feature, and given the context of the site, the resulting limited level of overshadowing would be acceptable in this instance. With regard to possible overbearing impacts, it is noted that the main outlooks from Oldford Cottage, to the north and south, would remain unaffected by the proposal. Whilst the proposed dwelling would be located adjacent to the garden, given that the new dwelling would be set at a lower level, it is similarly considered there would be no adverse impacts in terms of overbearing. As a whole, officers consider the proposed development would be in compliance with both the 25 and 45 degree rules, as outlined within the adopted Residential Design SPG.

In terms of the potential for overlooking, the south-eastern and south-western elevations of the proposed dwelling would not directly face the northern elevation of Oldford Cottage and therefore there would not be any directly facing elevations between the two dwellings. As a consequence, it is concluded that the proposed development would be acceptable in this regard, and would not prejudice the privacy levels currently experienced by these neighbouring residential occupiers.

PCC – Environmental Health have been consulted on the proposed development, and noting the residential nature of the site, have recommended that a condition is attached to any planning permission granted regarding noise disturbance during the construction phase of the development. Having reviewed the suggested condition, officers consider this to be acceptable.

It is noted the proposed new dwelling would be sited within the garden currently serving Oldford Cottage. However, a garden area of approximately 180 sq metres would remain to serve the existing dwelling, which is considered to be of sufficient scale to meet the needs of its occupants.

In light of the above assessment, and subject to the recommended condition, officers consider that the proposed development would comply with relevant planning policy and guidance, and would therefore be acceptable in this regard.

### Highway Safety & Parking

LDP Policy DM13 confirms that applications must demonstrate the development has been designed and located to minimise the impacts on the transport network - journey times, resilience and efficient operation - whilst ensuring that highway safety for all transport users is not detrimentally impacted upon. In accordance with Policies DM13 and T1 of the LDP, development proposals are expected to 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 application proposes to gain access into the site via the U4400 County Highway (Oldford Close) and then via the unadopted Oldford Lane. A section of the existing boundary wall to the east of Oldford Cottage would be removed in order facilitate vehicular access into the site for the occupants of the new dwelling, and the existing dwelling at Oldford Cottage.

The Welsh Government have been consulted due to the close proximity of the A458 Trunk Road (Berriew Street) to the site, and have directed that any permission granted shall include a condition which prohibits vehicular access to the trunk road from Oldford Lane. It is noted that the proposed site plan indicates that an existing bollard along Oldford Lane would be relocated to prevent access directly onto the trunk road, and officers also consider it necessary, in-line with the Welsh Government's comments, for the recommended condition to be included with any grant of consent.

The Local Highway Authority have also been consulted and have noted that access is to be gained into the site from a private road off the U4400. A condition has been recommended with regard to parking areas on-site.

Officers note that the proposed access into the site is along Oldford Lane, which is an unadopted route which is under the ownership of the Applicant. It is noted the current occupiers of Oldford Cottage already access this lane and currently park along the verge of the lane outside the cottage. The proposed development, whilst intensifying the use of the lane with the introduction of a second dwelling, would nevertheless result in an improvement of the existing situation with regard to parking. Indeed, the proposal would see the creation of four on-site parking spaces, with three to serve the new dwelling house and one to serve the existing cottage. Sufficient turning areas have been shown on the proposed plans to allow these vehicles to manoeuvre within the site's limits.

Whilst there is no separate footway along Oldford Lane, given the low daily movements which would be associated with two dwellings accessing the site along the lane, officers consider that there would be no detrimental impact upon pedestrian safety, particularly given the betterment which would be seen with regard to parking. It should be acknowledged that there are existing verges along the western sections of the lane, and furthermore, shared surfaces such as these, where pedestrians and motorists share the surface at low speeds, are commonplace within urban environments, and it is considered this is an acceptable approach in this instance.

In light of the above, and subject to the inclusion of suitably worded conditions, it is considered the proposal is acceptable in this regard and compliant with policy.

### Biodiversity

With respect to biodiversity, specific reference is made to LDP Policy DM2 which seeks to protect, positively manage and enhance biodiversity and geodiversity interests, and safeguard protected important sites. This is supported by TAN 5 (Nature Conservation and Planning) and Planning Policy Wales (Edition 10).

The PCC – Ecologist has reviewed the proposed plans and surrounding habitats, as well as local records of protected and priority species and designated sites within 500m of the proposed development. The data search identified 213 records of protected and priority species within 500m of the proposed development, with no records found for the site itself. Species recorded within 500m of the proposed development include bat species; pipistrelle, Daubenton's, brown long eared, noctule and whiskered, grass snake, house sparrow and song thrush. Two statutory designated sites were identified within 500m of the proposed development;

- SAC – Montgomery Canal approximately 181m from the proposed development
- SSSI - Montgomery Canal approximately 181m from the proposed development

However, no non-statutory designated sites were identified within 500m of the proposed development.

Having taken into account the location of the designated sites in relation to the proposed development and the nature of the works proposed, the PCC – Ecologist considers that there would be no likely negative impacts directly or indirectly to the designated sites and/or their associated features. Furthermore, the Ecologist noted the proposed development is located adjacent to an existing dwelling and would impact upon areas of existing amenity planting and hard standing. As these habitats are considered to be of relatively low ecological value, it is considered there would be no impact upon protected species in this regard.

Officers note the Ecologist's comments with regard to the demolition of an existing outbuilding at the application site, and the consequent requirement for a preliminary assessment to be submitted for consideration in relation to bats. However, the only existing outbuilding at the site is attached to the existing curtilage listed boundary wall and would be retained as part of the development as outlined within the proposed site plan. Given that this building would remain unaffected by the proposed development, officers consider that there would be no negative potential impacts upon bats as a result of the proposal, and no preliminary assessment is required.

The PCC – Ecologist recommends the inclusion of several conditions with any grant of consent with regard to a tree and hedgerow protection plan, a wildlife sensitive lighting plan and a landscaping plan. Officers consider these suggested conditions to be reasonable and necessary, and as such will form part of the recommendation.

The application proposes biodiversity enhancement with the erection of two double crested bird boxes on the exterior of the dwelling, whilst further landscaping will also be required by the conditions outlined above. It is considered the proposed measures are acceptable and would help to achieve biodiversity enhancement within the application site itself, as well as within the surrounding area. The implementation of these measures will be secured with the inclusion of a suitably worded condition.

In light of the above, and subject to the inclusion of appropriately worded conditions, officers consider the proposal to be fundamentally compliant with planning policy.

### C2 Flood Zone

LDP Policy DM5 states that development proposals must be located away from tidal or fluvial flood plains unless it can be demonstrated that the site is justified in line with national guidance and an appropriate detailed technical assessment has been undertaken to ensure that the development is designed to reduce/avoid the threat and alleviate the consequences of flooding over its lifetime. In addition, the development must not increase flood risk elsewhere.

TAN 15 is accompanied by a series of Development Advice Maps (DAMs) which are based on the best available information considered sufficient to determine when flood risk issues need to be taken into account. The application site is located adjacent to, but outside of, the C2 Flood Zone, which lies to the north of the site. NRW have been

consulted on the proposed development and consider that given the layout of the proposed site, the flood risk can be managed, in-line with the contents of the Flood Consequences Assessment which has accompanied the application.

NRW have recommended that the Lead Local Flood Authority is consulted, however no comments have been received at the time of writing this report. Given the proximity of the flood zone to the proposed new dwelling, in-line with NRW's advice, a condition will be attached to any planning permission granted which states that finished floor levels are set at a minimum of 300mm above the adjacent ground level within the dwelling.

In light of the above, and subject to the inclusion of an appropriately worded condition, officers consider the proposed development to be acceptable in this regard.

### Built Heritage

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, *'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'*. The Barnwell Manor case the Court of Appeal made it clear that in enacting s.66 (1), Parliament had intended that the desirability of preserving the settings of listed buildings should not simply be given careful consideration by the decision-maker for the purpose of deciding whether there would be some harm, but should be given "considerable importance and weight" when the decision-maker carried out the balancing exercise. Therefore, special regard must be given to the desirability of preserving listed buildings and their setting and any harm caused should be given considerable weight within the planning balance.

Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990, in relation to development proposals within conservation areas, states that *"special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area"*, which is repeated in section 61.14 of Planning Policy Wales (Edition 10) and TAN 24. Further guidance has been provided in TAN 24 and its annexe *Managing Conservation Areas in Wales* which came into effect on 31 May 2017 and advises in section 6.4 that, *"Local planning authorities are involved in the management of conservation areas on a day-to-day basis through their duty to advise on, consider and respond to planning applications for new development. Because Local Planning Authorities must aim to preserve or enhance the character or appearance of conservation areas, they should scrutinise planning applications closely with these objectives in mind."*

Due to the application site being located partially within the Welshpool Conservation Area and being located within the curtilage of a Grade II Listed Building (CADW reference: 7825), consideration has been given to LDP Policies SP7 and DM13 (Criterion 3), and TAN 24 (The Historic Environment).



The proposed development would be located within the garden area of Oldford Cottage, a Grade II Listed Building. The list description for Oldford Cottage states, '*Oldford Cottage is Timber framed with painted brick infill slate roof with brick gable end stacks. Box-framed with regular square panels with some arch bracing. Queen post and cambered collar truss visible in gable end. 2-unit plan with doorway towards centre: a plank door with moulded canopy hood. Flanking windows are small-paned iron casements, with similar windows in gabled dormers above. To the left, an outbuilding extension is timber-framed to the rear, and brick (painted in imitation of timber framing) to the front elevation, with some rubble in gable end. It was probably built as an agricultural outbuilding, though now forms part of the house. Listed as a good surviving example of a typical vernacular timber-framed cottage, unusual in the context of the town, and retaining much of its early character*'.

The application has been accompanied by a full Heritage Impact Assessment (HIA), undertaken by Richard K Morriss & Associates, which is available to view in-full on the planning file. Within the HIA, it is noted that there will be a degree of change to the visual setting of Oldford Cottage through the new development. However, it is argued that the setting of the listed building has been so altered and compromised through 20th century developments that the significance of that setting has been significantly eroded. The HIA concludes that, "*the visual change that would occur through the proposal for the new dwelling does not equate to any harm to the significance of the setting of the listed building.*"

The Council's Built Heritage Officer has been consulted on the proposed development and does not disagree with the findings of the submitted HIA. Indeed, the officer notes that several improvements to the design of proposed dwelling have been made following the refusal of application reference 20/0102/FUL on these grounds; most notably the lowering of the ridge line and the introduction of true dormers.

Similarly to the conclusions of the HIA, the Built Heritage Officer considers there would be an impact upon the setting of the listed building, however this impact could be mitigated against with the use of appropriate materials and finishes. As such, officers consider it necessary to require the submission of further materials details by way of a condition attached to any consent.

CPAT have also been consulted and consider that there will be no harm to the character or significance of the listed building, or to the significance of its setting. Furthermore, CPAT consider there will not be any archaeological impacts for the proposals.

With regard to the potential impact upon the character of Welshpool Conservation Area, officers do note that almost all views into the site are from locations outside of the conservation area itself. Furthermore, it is considered that the potential visual impact on the conservation area is the same as the potential visual impact on the listed building, and it is the listed building which is the primary built heritage asset in this instance. As

such, officers note the proposed development would not have any impact of significance upon the core of Welshpool Conservation Area.

Officers do note that an existing section of the curtilage listed boundary wall would be demolished as part of the development, in order to facilitate access into the site. However, this is subject to a separate application for Listed Building Consent (application reference: 20/1142/LBC) which will be assessed separately.

In light of the above, officers consider that the proposed development complies with relevant planning policy and legislation in this regard.

### Public Right of Way

There is a public right of way (Public Footpath C1) that travels along Oldford Lane, in close proximity to the application site. Therefore consideration has been given to LDP Policy SP7 (Safeguarding of Strategic Resources and Assets).

PCC – Countryside Services have been consulted on the proposed development and have expressed a concern regarding the surface of the proposed access, to the south-west of the site. Indeed, whilst acknowledging the lane is currently hard surfaced, concern has been raised over the ongoing maintenance of the lane should it be used for vehicles entering and accessing the application site. Concern has also been raised with regard to any future parking along the lane itself.

However, it is noted that the length of Oldford Lane is under the ownership of the Applicant, and furthermore officers note that the lane is already used by the occupants of Oldford Cottage and that they commonly park their vehicles along the lane. Whilst the concerns of PCC – Countryside Services, the Local Member and the issues raised within the public representations are therefore acknowledged, officers do not consider that this would warrant a refusal of the planning application. Indeed, the proposed development would only result in a slight intensification of the use of the lane by vehicles, and as part of the proposal, on-site parking provision would be provided for both the new dwelling and the existing dwelling, thus, improving the existing situation in this regard.

Noting the proximity of the right of way to the development site, PCC – Countryside Services have also recommended the inclusion of an informative note, should any consent be granted.

In light of the above assessment, and subject to the inclusion of the recommended informative note, on balance, officers consider the proposal to be acceptable in this regard and in-line with LDP Policy SP7.

### Placemaking & Wellbeing Goals

Placemaking and Wellbeing Goals Planning Policy Wales (10th 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;

- It would make efficient use of an existing infill plot located within the Welshpool settlement development boundary, in what is a sustainable location for new residential development.
- The development is located within close proximity to existing transport networks, as well as shops and services.
- The development would help to sustain Welshpool's role as a 'Service Centre' settlement and would maintain the vibrancy of the local community.

## **RECOMMENDATION – Conditional Consent**

In light of the above assessment, officers consider that the proposed development complies with relevant planning policy and legislation, and the recommendation is therefore one of conditional consent.

### **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 following approved plans and documents:

Application Form;

U014.3a.3.001 REV A – Location Plan;

U014.3a.3.102 REV C – Elevations;

U014.3a.3.100 REV B – Floor Plans;

U014.3a.3.002 REV E – Block Plans;

U014.3a.3.003 REV E – Proposed Site Plan;

U014.3a.3.101 – Proposed Roof Plan;

U014.3a.3.301 REV A – Block Plans – Wall;

HUGHES/HAJ021/01 – Topographical Survey;

Heritage Impact Assessment, Dated: October 2020, By: Richard K Morriss & Associates;

Planning Statement, Ref: U014 REV B, Dated: August 2020, By: Hughes Architects;

Floodsmart Pro Report, Ref: /1982R2, Dated: 25/08/2020, By: Geosmart Information

3. Prior to works commencing on site, further details/samples of all the external materials to be used on the walls and roof are to be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved materials and details.
4. Prior to works commencing on site details of the brick bond and proposed mortar, including material, colour, texture, and application, 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.
5. Prior to the installation of any fenestration as part of the development hereby approved, drawings indicating details of all windows and external doors, including cross sections of glazing bars and trickle vents, to a scale of not less than 1:20 shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of the proposed paintwork, and the windows shall be painted and shall remain painted as consented in perpetuity. The details which are approved shall be carried out in full and shall be retained in accordance with the approved details thereafter.
6. No new plumbing, pipes, soil stacks, flues, vents, ductwork, grilles, security alarms, lighting, cameras or other fixtures shall be attached to the external faces of the building other than those shown on the approved drawings or otherwise first approved in writing by the Local Planning Authority.
7. The car parking and turning areas, as detailed on plan no: U014.3a.3.003 REV E (Proposed Site Plan) shall be laid out with grass crete, gravel or a similar material. Details of which shall first have been submitted to and approved in writing by the Planning Authority. The development shall be carried out in accordance with the approved details.
8. The bollard at the eastern end of Oldford Lane, as detailed on plan no: U014.3a.3.003 REV E (Proposed Site Plan) shall be installed prior to the commencement of development, and shall remain in-situ in perpetuity. No vehicular access, whatsoever, from the application site shall be permitted directly onto the A458 Trunk Road.
9. No development shall take place (including ground works and vegetation clearance) until a detailed Tree and Hedgerow Protection Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include details and locations of protective measures including fencing and

exclusion Zones. The approved details shall be implemented in full and maintained thereafter.

10. No external lighting shall be installed unless a detailed external lighting design scheme has been submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall identify measures to avoid impacts on nocturnal wildlife in accordance with the recommendations outlined in the BCT and ILP Guidance Note 8 Bats and Artificial Lighting (12th September 2018). The development shall be carried out in accordance with the approved details.
  11. No development shall take place until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The submitted landscaping scheme shall include a scaled drawing and a written specification clearly describing the species, sizes, densities and planting numbers proposed as well as aftercare measures. The approved scheme shall be implemented in the first planting season following the first occupation of the dwelling house hereby approved, 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. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year defects period.
  12. The biodiversity enhancements as shown on plan no: U014.3a.3.102 REV C (Elevations) shall be implemented as approved prior to the first occupation of the dwelling house hereby approved, and shall be maintained thereafter for as long as the development remains in existence.
  13. All works and ancillary operations which are audible at the site boundary shall be carried out only between the following hours:
    - 0800-1800 hrs Monday to Friday
    - 0800-1300 hrs Saturday
    - At no time on Sundays and Bank Holidays
- Deliveries to and removal of plant, equipment, machinery and waste from the site must also only take place within the permitted hours detailed above.
14. Finished floor levels within the dwelling house hereby approved are to be set at a minimum of 300mm above adjacent ground levels.
  15. Prior to the occupation of the dwelling hereby approved, provision shall be made within the plot for the parking of vehicles as detailed on the approved site plan U014.3a.3.002 Rev E. The parking areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

## Reasons

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt as to the proposed development and to accord with Circular 016:2014 on The Use of Planning Conditions for Development Management.
3. To safeguard the setting of the listed building and the character and appearance of the Welshpool Conservation Area in accordance with national legislation, Policies SP7 and DM13 of the Powys LDP, PPW and TAN 24.
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8. In the interests of highway safety and in accordance with the provisions of Powys LDP Policies DM13 (Part 10) and T1.
9. To comply with Policies DM2, DM4 and DM13 of the Powys Local Development Plan in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
10. To comply with Policies DM2, DM4 and DM13 of the Powys Local Development Plan in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
11. To comply with Policies DM2, DM4 and DM13 of the Powys Local Development Plan in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, 2018), TAN 5: Nature Conservation and

Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

12. To comply with Policies DM2, DM4 and DM13 of the Powys Local Development Plan in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
13. In order to safeguard neighbouring amenity, in accordance with the requirements of Policy DM13 (Criterion 11) of the Powys LDP.
14. To protect the development from fluvial flood risk and to avoid impacts on flood flow routes which could affect third parties in accordance with Technical Advice Note 15 (TAN15) and LDP Policy DM5: Development and Flood Risk.
15. In the interests of highway safety and in accordance with the provisions of Powys LDP Policies DM13 (Part 10) and T1.

## **Informative Notes**

### PCC – Ecology

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

It is an offence for any person to:

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

Under the Habitats Regulations it is an offence to:

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

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

Birds - Wildlife and Countryside Act 1981 (as amended)



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

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

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

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built (usually between late February and late August or late September in the case of swifts, swallows or house martins). If a nest is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.

### Protected Species

Work should halt immediately and Natural Resources Wales (NRW) contacted for advice in the event that protected species are discovered during the course of the development. To proceed without seeking the advice of NRW may result in an offence under the Conservation of Habitats and Species Regulations 2017 and/or the Wildlife & Countryside Act 1981 (as amended) being committed. NRW can be contacted at: Tel: 0300 065 3000.

### PCC - Rights of Way

- Development over, or illegal interference with, a public right of way, is a criminal offence and enforcement action will be taken against a developer who ignores the presence of affected public rights of way. This includes temporary obstructions such as rubble mounds, building materials, parked vehicles etc...
- Landscaping & Surfacing - Advice will need to be sought before interfering or surfacing a public right of way.
- New fencing or boundaries - The developer will need to seek a licence for a new structure if intending to create a boundary across a public footpath or bridleway. We cannot authorise a structure across a Restricted Byway or Byway Open to All Traffic.

- Temporary closures - The developer can seek a temporary closure of a public right of way from the council if they feel the public may be at risk during development.
- Legal Diversion - If development directly affects a public right of way, the developer will need to seek advice and apply for a legal diversion from the Council. No development can take place on a public right of way until a legal order is confirmed and the process may take at least 6 months. For more information please discuss with Countryside Services at the earliest available opportunity.

## NRW

### Pollution Prevention

During the construction phase you should take any precaution to prevent contamination of surface water drains and local watercourses. Oils and chemicals should be stored in bunded areas and spill kits should be readily available in case of accidental spillages. For further guidance please refer to GPP 5 and PPG 6 at the following link:

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

### Waste produced during construction

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:

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

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

<https://naturalresources.wales/permits-and-permissions/waste/?lang=en>

<https://naturalresources.wales/permits-and-permissions/waste/waste-permits/?lang=en>

Further guidance can be found on the GOV website here:

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

## PCC – Land Drainage

The 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 for 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.

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