

Planning, Taxi Licensing and Rights of Way Committee Report

Application Number: 20/2128/FUL

Grid Ref: E: 328442
N: 307357

Community Council: Trewern Community

Valid Date: 15.01.2021

Applicant: Cambrian Birds Ltd

Location: Rhos Farm, Trelystan, Leighton, SY21 8JB.

Proposal: Erection of 3 holiday lodges, including improvements to existing access road network (C2162 & U2475) including junction improvements and the provision of 1 passing bay, installation of a package treatment plant and other associated works.

Application Type: Full Application

The reason for Committee determination

The application has been 'called-in' to be determined by the Planning Committee by the Local Member due to concerns over highway safety, landscape and visual impact and neighbouring residential amenity concerns.

Consultee Responses

Consultee

Received

Community Council

18th Mar 2021

Trewern Community Council have considered this application.

We would like to object to this application from a highways point of view, as the access to this site would be along extremely narrow roads and due to the current COVID-19 crisis, we are unable to undertake a site visit with the applicants to discuss this application.

We are also unsure of the impact the Chalets would have on the landscape, which is again a cause for concern.

Therefore we would like to object to this application.

Additional Comments Received 4th May 2021;

Trewern Community Council have discussed this application.

We would like to object to this application from a highways point of view, as the access to this site would be along extremely narrow roads and due to the current COVID-19 crisis, we are unable to undertake a site visit with the applicants to discuss this application.

We are also unsure of the impact the holiday lodges would have on the landscape, which is again a cause for concern. Therefore, we would like to object to this application.

Please can you confirm receipt of this email as of today's date?

PCC-Building Control

21st Jan 2021

Building Regulations application required.

Ward Councillor

1st Feb 2021

I would like to call in the attached planning application for decision by the planning committee. This is due to the concerns by residents raised with me to date regarding the following:

- Landscape impact
- Highways access including during the construction phase

Please can you let me know whether a site notice has been placed at this site and also when you would expect to carry out a site visit? I am aware that the previous planning officer went to the site and may have spoken with a nearby resident impacted.

Additional Comments Received 17th Feb 2021;

I write as the County Councillor for the ward where this planning application is proposed. I would like to confirm my objection to this application based on the following:

The impact to the landscape

The concerns about highways access, including during the construction phase

The number of locals concerned about this development

The proximity of the chalets to neighbouring boundaries and the potential for residents to be overlooked.

I look forward to hearing further from you once you have carried out a site visit.

Additional Comments Received 25th Apr 2021;

I would like to re-iterate my call in request based on the ongoing concerns of residents regarding the access, road infrastructure and land scape impact.

PCC-(N) Highways

16th Feb 2021

The Highway Authority (HA) have reviewed the submission and consider that the highway elements of the proposed development are in line with the conditions which the HA recommended be attached to the previous application at the site (20/0554/FUL). Therefore, the HA suggest that the following conditions be attached to any consent given.

The development shall be carried out in accordance with drawing numbers KI 5598 2E, KI 5598 3E, KI 5598 6D, KI 5598 7A & KI 5598 8.

Notwithstanding the submitted details on drawing numbers KI 5598 2E, KI 5598 3E, KI 5598 6D, KI 5598 7A & KI 5598 8 the Highway Authority wish the following conditions to be applied to any consent given.

1. Prior to any works commencing on the development site, detailed engineering drawings for improvements to the junctions of the C2162/C2043 & C2162/U2475 and all associated works, shall be submitted to and approved in writing by the Local Planning Authority.
2. Prior to the first beneficial use of the development, all Highway Improvements, referred to above, shall be fully completed to the written satisfaction of the Local Planning Authority and shall be retained for their designated use for as long as the development hereby permitted remains in existence.
3. No development shall commence until provision is made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. The parking and turning area shall be constructed to a depth of 0.4 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.
4. No other development shall commence until the site access has been constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 34 metres distant in each direction measured from the centre of the access along the edge of the

adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

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

6. The width of the site access carriageway, constructed as Condition 4 above, shall be not less than 5.5 metres for a minimum distance of 10 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.

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

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

9. Prior to the first beneficial use of the development the area of the site access to be used by vehicles is to be finished in a 40mm bituminous surface course material or (a suitably bound material which is to be approved in writing by the LPA) for a distance of 10 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.

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

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

12. Prior to any works being commenced on the development site the applicant shall construct one passing along the C2162 county highway in a location to be agreed in

writing by the Local Planning Authority.

13. The passing bay referred to above shall be constructed to adoptable standard prior first beneficial/operational use of the development hereby approved.

Hafren Dyfrdwy

3rd Feb 2021

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

Environmental Protection

10th Feb 2021

In respect of planning application 20/2128/FUL, the following advice is provided on behalf of Environmental Protection:

1. Under the section 'Sustainable Development' of the McCartneys Planning & Survey 'Planning, Design & Access Statement: Proposed Holiday Challets', dated December 2020, it is stated: "Foul waste will be drained to a package treatment plant as shown on the proposed site plan." The McCartneys Planning & Survey drawing 'Proposed Block Plan' (ref: KI5598 3 E), dated Jan 2020, displays the proposed location of the package treatment plant, with discharge to a surface watercourse.

Based on the submitted information, Environmental Protection would not have any requirements in respect of the proposed 'Package Treatment Plant', with discharge to the nearby watercourse, subject to the following:

- o The appropriate exemption being registered with, or environmental permit/discharge consent being obtained from Natural Resources Wales (NRW). Prior to commencement of the development, Environmental Protection recommend that Development Control verify that NRW will allow the proposed discharge, from the package treatment plant, to surface water.

- o The siting, marking, design, construction and installation of the proposed sewage treatment plant must comply with Approved Document H 2010 (Wales), Section H2 of the Building Regulations. As advised in paragraph 1.57, of document H2 of the Building Regulations, the owner (of the property) is legally responsible to ensure that the system does not cause pollution, a health hazard, or a nuisance.

2. Under section 6 'Existing Use' of the 'Application for Planning Permission' (ref: PP-09380186), dated 29/12/2020, the existing use of the application site is described as 'Agricultural'. Furthermore, under the section 'Site Features' of the McCartneys Planning

& Survey 'Planning, Design & Access Statement: Proposed Holiday Challets', dated December 2020, it is stated: "The site comprises a portion of an existing agricultural field. The current land is classed as semi-improved grassland for grazing purposes."

Records also identify that the surrounding land use is predominantly agricultural. Therefore, to prevent any future nuisance potential (e.g. associated with noise and odour), it is recommended that an appropriate land use tie be employed between the existing and proposed land uses i.e. agriculture and tourism.

PCC-(N) Land Drainage

16th Feb 2021

All: Having assessed the Planning Application Ref 20/2128/FUL, the SuDS Approval Body (SAB) deem that the construction area is greater than 100m² and therefore this proposed development will require SAB approval prior to any construction works commencing onsite.

Please contact the SAB Team on 01597 826000 or via email sab@powys.gov.uk

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

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

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

PCC-Ecologist

18th Mar 2021

Thank you for the opportunity to comment on planning application 20/2128/FUL which concerns an application for erection of 4 holiday chalets, including improvements to existing access road network (C2162 & U2475) including junction improvements and the provision of 1 passing bay, installation of a package treatment plant and other associated works at Rhos Farm, Trelystan, Leighton, SY21 8JB.

I have reviewed the proposed plans, aerial images as well as records of protected and

priority species and designated sites within 500m of the proposed development.

The data search identified 8 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: brown long-eared bat, common pipistrelle and soprano pipistrelle; and bluebell.

No statutory designated sites and non-statutory designated sites were identified within 500m of the proposed development. One or more Ancient Woodland (AW) sites were identified within 500m of the proposed development. Having taken into account the location of the AW 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 AW and/or any associated features.

I have reviewed the Preliminary Ecological Appraisal produced by Salopian Consultancy dated 30/12/2020 and consider that the survey methods and effort employed were in accordance with current National Guidelines.

The report details the findings of a phase 1 habitat survey and a protected species habitat suitability assessment undertaken on 8th December 2020, as well as the results of an associated desk-based study. Habitats identified within and immediately adjacent to the proposed development site include:

- o Improved grassland
- o Broadleaved trees
- o Coniferous plantation
- o Amenity grassland
- o Building
- o Hardstanding

The proposed development site was surveyed for its ability to support a number of protected and priority species including

- o Amphibians (including great crested newt)
- o Bats
- o Nesting birds
- o Badger

- o Hazel dormice
- o Reptiles

The vegetation survey identified species common to and typical of similar areas of improved grassland in the locality, which is considered to be of relatively low ecological value. The site supported habitat features identified as suitable for nesting birds and roosting bats due to the presence of trees along the site boundaries and adjacent to the site. Five trees were identified as having potential for supporting roosting bats. All trees are to be retained within the proposed development. The site was considered unsuitable for dormouse, amphibians and reptiles due to a lack of suitable habitat features. No evidence of badger activity or sett were detected but it was considered that there was potential for badger to be present. A precautionary site check for badger excavation activity was recommended prior to commencement of works. External lighting recommendations have been made to avoid potential disturbance of roosting, commuting and foraging bats, as well as other nocturnal animals in the area.

It is, therefore, recommended that submission of an External Lighting Design Scheme is secured through an appropriately worded planning condition.

Negative impacts to priority or protected species and habitats are not expected as a result of the proposal subject to the lighting recommendations being followed.

It was identified that biodiversity enhancements could be achieved through provision of additional nesting and roosting opportunities for birds and bats respectively. Proposed landscape planting will also provide biodiversity benefits. It is considered that the enhancements are appropriate to the proposed development and are in accordance with the requirements of Part 1 Section 6 of the Environment (Wales) Act 2016.

It is, therefore, recommended that the identified biodiversity enhancement and landscaping measures are secured through an appropriately worded planning condition.

A report of a Arboricultural Appraisal produced by Salopian Consultancy has been submitted to inform the application. The tree survey was conducted in accordance with BS5837:2012 Trees in relation to design, demolition and construction - Recommendations. The assessment was undertaken on 8th December 2020 and identified a number of trees around the perimeter of the site and adjacent to it. The tree stock comprised three goat willow trees considered to be in poor condition with a proposed life expectancy of less than 10 years, multiple trees assessed as being of low and moderate value, and an overmature ash tree considered to be of high quality. It was identified that the proposed siting of Lodge 1 would impact only slightly on the root zone of a Goat Willow (low quality) and any damage would be within acceptable limits for the tree. Measures to minimise damage to the tree and protect the root zones of all other

trees during construction were identified and are considered appropriate. As stated above, all trees will be retained within the proposed development.

It is, therefore, recommended that the identified tree protection measures are secured through an appropriately worded planning condition.

Several trees were identified as requiring works to enable trees to be retained for ecological benefit and/or to maintain tree health. Although no tree works are required to accommodate the development, it is advised that recommended works are undertaken outside of bird nesting season with further prior assessment of potential bat roosts being undertaken by a suitably licensed ecologist in accordance with national guidelines.

It is not clear if any trees or hedgerows will be required to be removed or impacted to accommodate the proposed passing bay to be located along the C2162.

Powys LDP Policy DM2 states that

Development proposals which would impact on the following natural environment assets will only be permitted where they do not unacceptably adversely affect:

2C. Habitats and Species of principal importance for the purposes of maintaining and enhancing biodiversity' as identified by Section 7 of the Environment (Wales) Act 2016. Hedgerows are included on this list and are beneficial to a wide range of biodiversity including bats, nesting birds, small mammals, lichen and fungi.

3B. Local Biodiversity Action Plan Habitats and Species. Powys LBAP includes hedgerows under the Linear Habitats Action Plan: 'Linear habitats are important to a wide variety of species as refuges, breeding and feeding sites and as links between habitats of high biodiversity value'.

5. Trees, woodlands and hedgerows of significant public amenity, natural or cultural heritage.

Where impacts to hedgerows are identified and cannot be avoided, an appropriate compensation strategy will be required. Where possible, translocation of the existing hedgerow should be considered. However, it is acknowledged that translocation is not possible in some cases. Where this is the case, replacement hedgerow planting of a minimum length equivalent to the section of hedgerow to be lost, or improvement of retained hedgerows, will need to be identified to ensure that there is no loss of biodiversity as a result of the development. The translocation plan should include details of the timing of work, preparation works to the new site and of the existing hedgerow, translocation methodology and aftercare measures. The compensation plan should include details of the hedgerow(s) location, length and species. Species should be native and reflect the hedgerows present in the local area in accordance with the requirements

of LDP policy DM4 and include an appropriate aftercare scheme.

It is, therefore, recommended that a Tree and Hedgerow Compensation Planting Scheme is secured through an appropriately worded planning condition.

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

The development shall be undertaken in strict accordance with the Arboricultural Appraisal, by Salopian Consultancy, dated 31/12/2020 and all identified tree protection measures. The measures identified shall be adhered to and implemented in full.

Reason: To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and DM4 in relation to Landscape to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.

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

Reason: To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and DM4 in relation to Landscape, and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016

Prior to commencement of development, an External Lighting Design Scheme to avoid and reduce potential impacts on nocturnal wildlife shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall 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://theilp.org.uk/publication/guidance-note-8-bats-and-artificial-lighting/>. The approved scheme shall be adhered to and be implemented in full.

Reason: To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and DM7 in relation to Dark Skies and External Lighting, and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.

Prior to the commencement of construction of the passing bay on the C2162, if it is identified that the roadside hedgerow must be removed to accommodate the construction, a Hedgerow Replacement and Aftercare Scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include a scaled drawing identifying the location of hedgerow translocation or replacement planting and a written specification clearly describing the translocation method and/or species, sizes, densities and planting numbers proposed, as well as aftercare measures. The approved scheme shall be implemented in full and maintained thereafter.

Reason: To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and DM4 in relation to Landscape, and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.

In addition, I consider it would be appropriate to include the following informatives:

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

It is an offence for any person to:

- o Intentionally kill, injure or take any bats.
- o 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:

- o 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 (as amended) 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.

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:

- o intentionally kill, injure or take any wild bird
- o intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built
- o intentionally take or destroy the egg of any wild bird
- o 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 on 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 pounds, 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.

Badgers - The Protection of Badgers Act 1992

Badgers and their setts are fully protected. It is therefore an offence to:

- o Kill, injure or take a badger, or to attempt any of these
- o Damage a badger sett or any part of a sett
- o Destroy a badger sett
- o Obstruct access to, or the entrance of, a badger sett
- o Disturb a badger whilst occupying a sett

Care must be taken when carrying out works near setts as offences can result from both reckless and intentional damage, disturbance or destruction. This includes seasonally used or outlier setts.

If a badger sett is located within 30m of the development site, all works should cease immediately and Natural Resources Wales should be contacted for further advice. A licence may be required to allow lawful development to proceed. NRW can be contacted

by phone at 0300 065 3000.

Public Representations

Following the display of a site notice on 29th January 2021, and an additional site notice on 13th April 2021 following the receipt of amended plans, a total of 15 public representations have been received at the time of writing this report, and can be summarised as follows;

- Access road unsuitable to transport accommodation to site
- Affect local ecology damaging wildlife and trees
- Close to adjoining properties
- Concern over foul drainage arrangements causing pollution
- Conflict with local plan
- Detrimental impact to amenities of nearby properties
- Detriment to highway safety
- Detrimental impact upon character and appearance of surrounding landscape
- Development too high
- General dislike of proposal
- Inadequate access
- Increase in traffic
- Increase of pollution
- Information missing from plans
- Lack of demand
- Loss of privacy
- No benefits to area
- Noise Nuisance
- Out of keeping with character of area
- Over development
- Potential to be used as permanent address
- Precedent set for further development in future
- Public rights of way should not be obstructed during the undertaking of the development

Planning History

App Ref	Description	Decision	Date
20/0554/FUL	Erection of 4 holiday chalets, formation of new access roadway, improvements to access U2475, installation of sewage treatment plant and all	Refused	1st Dec 2020

associated works.

Principal Planning Constraints

Mineral Safeguarding
Public Right of Way

Principal Planning Policies

Policy	Policy Description	Year	Local Plan
PPW	Planning Policy Wales (Edition 11, 2021)		National Policy
NATPLA	Future Wales – The National Plan 2040		National Policy
TAN5	Nature Conservation and Planning		National Policy
TAN6	Planning for Sustainable Rural Community		National Policy
TAN12	Design		National Policy
TAN13	Tourism		National Policy
TAN18	Transport		National Policy
TAN23	Economic Development		National Policy
DM2	The Natural Environment		Local Development Plan 2011-2026
DM4	Landscape		Local Development Plan 2011-2026
DM7	Dark Skies and External Lighting		Local Development Plan 2011-2026
DM8	Minerals Safeguarding		Local Development Plan 2011-2026
DM13	Design and Resources		Local Development Plan 2011-2026

SP7	Safeguarding of Strategic Resources and Assets	Local Development Plan 2011-2026
TD1	Tourism Development	Local Development Plan 2011-2026
T1	Travel, Traffic and Transport Infrastructure	Local Development Plan 2011-2026
RES	SPG Residential Design Guide (2020)	Local Development Plan 2011-2026
SPGBIO	Biodiversity and Geodiversity SPG (2018)	Local Development Plan 2011-2026
SPGLAN	Landscape 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 and Description

The application site is located within the Community Council area of Trewern and is located within the open countryside as defined by the Powys Local Development Plan (2018). The site is surrounded by agricultural land to the north, the C2162 County Highway to the south, the dwelling known as Rhos Farm to the east, and an area of woodland and further agricultural land to the west.

This application seeks consent for the following: "Erection of 3 holiday lodges, including improvements to existing access road network (C2162 & U2475) including junction improvements and the provision of 1 passing bay, installation of a package treatment plant and other associated works". It is noted that amended plans received on 13th April 2021 reduced the number of lodges proposed from 4 to 3 and have significantly reduced the scale of the lodges.

Lodge type 'A' will measure approximately 12.3 metres in length by 6.9 metres in width, with a height to the eaves of approximately 2.2 metres and a height to the ridge of approximately 3.9 metres.

Lodge types 'B' and 'C' will each measure approximately 15.3 metres in length by 6.9 metres in width, with a height to the eaves of approximately 2.2 metres and a height to the ridge of approximately 3.9 metres.

The selected materials for the proposed lodges will be timber boarding walls under a natural slate roof, with timber windows and doors. The parking and access road will be finished using compacted hardcore and permeable paving. The proposed development also proposes significant additional soft landscaping in the form of additional tree and hedgerow planting throughout the application site.

Background

Application reference 20/0554/FUL was previously refused on 1st December 2020 which sought consent for the following: "Erection of 4 holiday chalets, formation of new access roadway, improvements to access U2475, installation of sewage treatment plant and all associated works". This application site was located adjacent to the current site in a northerly direction. In addition, amended plans have been received as part of this current application, reducing the scale and number of proposed lodges from 4 to 3.

Principle of Development

Policy TD1 states that development proposals for tourist accommodation, facilities and attractions, including extensions to existing development, will be permitted as follows:

- 1. Within settlements, where commensurate in scale and size to the settlement.*
- 2. In the open countryside, where compatible in terms of location, siting, design and scale and well integrated into the landscape so that it would not detract from the overall character and appearance of the area and in particular where:
 - i. It is part of a farm diversification scheme; or*
 - ii. It re-uses a suitable rural building in accordance with TAN6; or*
 - iii. It complements an existing tourist development or asset, without causing unacceptable adverse harm to the enjoyment of that development or asset; or*
 - iv. It is not permanent in its nature.**
- 3. Accommodation shall not be used for permanent residential accommodation".*

LDP Policy TD1 states that tourism development proposals in the open countryside will be permitted where they are compatible in terms of location, siting, design and scale and well integrated into the landscape so that it would not detract from the overall character or appearance of the area. The proposed development is located in the open countryside in what is considered to be a suitable location, as will be addressed in the scale, design and landscaping section below. Therefore, the principle of development is considered acceptable, subject to a review of the scale, design and landscape impact of the proposed development below.

It is noted that within 3rd party correspondence received, concern has been raised that the proposed development would be in conflict with the Powys Local Development Plan (2018). Policy TD1 of the Powys LDP is the relevant policy when assessing all proposals for tourism development. The 3rd party correspondence received has also raised concern that the proposed development will be used for permanent residential occupation, however a condition will be attached to the granting of any consent which ensures this must be occupied for tourism purposes.

The proposed developments compliance with LDP Policy TD1 is considered to address 3rd party concerns raised that the proposal would be in conflict with the Powys LDP.

Scale, Design and Landscape Impact

It is noted within 3rd party correspondence and comments from the Ward Councillor and the Community Council received, the following concerns have been raised in relation to the proposed development: detrimental impact upon character and appearance of surrounding landscape, development too high, general dislike of proposal, out of keeping with character of area and over development.

Policy DM4 of the Powys Local Development Plan states that for proposals in the open countryside such as this one, they must not individually or cumulatively, have an unacceptable adverse effect on the valued characteristics and qualities of the Powys landscape. All proposals should therefore be appropriate and sensitive in terms of integration, siting, scale and design to the characteristics and qualities of the landscape. Policy DM13 of the Powys LDP indicates that development proposals will only be permitted where they have 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.

A visual and sensory evaluation of the site using LANDMAP classifies the area of the application site as being of high value, with the area described as follows; "Area of managed upland grazing the area is distinct from its surrounding in its low incidence of individual or hedgerow trees and rectilinear field pattern. Tree cover is limited to a few significant blocks of mixed woodland on lower slopes. Exposed skies and open views dominate". It is noted that the previously refused application (20/0554/FUL) was refused for the following reasons: "Reason 2: The development is considered unacceptable in terms of siting and is contrary to the standards expected in LDP policy DM13, and PPW" and "Reason 3: The development would create an unacceptable adverse impact on landscape and is therefore contrary to the standards expected in LDP policy DM4".

Lodge type 'A' will measure approximately 12.3 metres in length by 6.9 metres in width, with a height to the eaves of approximately 2.2 metres and a height to the ridge of approximately 3.9 metres. Lodge types 'B' and 'C' will each measure approximately 15.3 metres in length by 6.9 metres in width, with a height to the eaves of approximately 2.2 metres and a height to the ridge of approximately 3.9 metres. The selected materials for the proposed lodges will be timber boarding walls under a natural slate

roof, with timber windows and doors. The parking and access road will be finished using compacted hardcore and permeable paving.

The amended plans received seek consent for 3 lodges which have been set back within the field closer to established boundaries of trees and hedgerow, and have been reduced to single storey in nature, at a height of approximately 3.9 metres, a significant reduction from 6.5 metres as originally proposed.

The revised scale and location for the 3 lodges is considered to be an acceptable and appropriate location for the proposed development. There is existing, established vegetation present to both the south and west elevations of the site, with the proposed development also located adjacent to an existing residential property, Rhos Farm, which is under the control of the applicant. The only elevation which there is considered potential for the proposal to be highly visible within the surrounding landscape is the north. When viewed from the north, the 3 lodges will be viewed in the foreground of a tall area of trees and will also be viewed as a continuation of the existing built development at Rhos Farm. Furthermore, extensive additional tree planting is proposed to further integrate the proposed development into its local setting, which is welcomed and will further reduce any potential landscaping impacts. This additional landscaping shall be secured through an appropriately worded condition.

It is considered that the selected materials for the lodges are typical for a development of this nature and will ensure the lodges will not have an unacceptable landscape impact at this location. The revised layout of the parking and internal road arrangements are considered acceptable, appearing more natural in nature and not having the appearance of a residential development, which is not encouraged in the open countryside. The design of the development is considered acceptable, and has been enhanced through the reductions made in the scale of the development as detailed above.

Given the significant reduction in the height of the units, relocation adjacent to existing built development and established tree and hedgerows, the reduction in the number of units and the additional landscaping proposed, it is considered these amendments have addressed the previous concerns raised by officers, Ward Councillor, the Community Council and in public representation. The revised scheme is considered to be acceptable in terms of its scale, design and landscape impact. A condition will be attached to the granting of any consent which removes permitted development rights in order for the Local Planning Authority to retain control over the appearance of the development, to ensure there is no unacceptable landscape impact.

In light of the above, and subject to the inclusion of appropriately worded conditions, it is considered that the proposed development complies with relevant planning policy, and the principle of development for tourism development at this location is acceptable.

Amenities enjoyed by occupiers of neighbouring properties

It is noted within 3rd party correspondence and comments from the Ward Councillor

received, the following concerns have been raised in relation to the proposed development: close to adjoining properties, detrimental impact to amenities of nearby properties, loss of privacy and noise nuisance. In considering the amenities enjoyed by the occupiers of neighbouring properties consideration has been given to the Powys Residential Design Guide SPG (2020) & LDP: DM13 (Part 11).

Following the alterations made to the scheme, the distance from the proposed lodges to the curtilage of Brookfield, located to the north-east, is approximately 100 metres, whereas this was previously 82 metres. In addition, the height of the lodges has been reduced from 6.5 metres to 3.9 metres. Given the alterations to the scheme, and the distance to Brookfield, it is not considered the amenities of this property would be detrimentally impacted.

It is noted the dwelling at Rhos Farm is located immediately adjacent to the application site, however this dwelling is owned by the applicant. There is also a property located to the south of the application site at a distance of approximately 25 metres to the curtilage, namely Rhos Old Farm, however given this distance, topography of the landscape, and intervening established vegetation and highway, it is not considered the amenities of this property would be adversely impacted by the proposed development. It is further noted that PCC – Environmental Health were consulted on the proposed development and raised no concerns in relation to the amenities enjoyed by occupiers of neighbouring properties, subject to a land use tie ensuring the area of the application site is to be used for tourism purposes.

In addition to the above, the proposed development has been assessed against the Powys Residential Design Guide SPG. The proposed development is not considered to offer any impact upon loss of daylight to any neighbouring dwellings, there are no properties that would be adversely affected when considering the 25 degree rule, which prohibits development that would exceed a line of 25 degrees taken from the nearest habitable room of adjoining existing properties. The proposal also complies with the 45 degree rule, where an angle of 45 degrees is measured in a horizontal plane and taken from the middle of the window of the nearest habitable room in any adjacent rooms. The proposed development is considered to be acceptable when considered against the above criteria.

The proposed development is also not considered to offer any adverse impacts to any neighbouring properties in terms of loss of privacy. The Powys Residential Design Guide SPG states that there should be a minimum of 21 metres between directly facing habitable rooms on rear elevations. There are no properties directly facing the rear elevation within 21 metres of the property and therefore the proposal complies with this criterion. As stated above, the proposed development is considered to comply with the 45 degree rule and therefore the proposed development is considered acceptable when considered against the above criteria.

Given the proposed developments compliance with the criteria contained within the Residential Design Guide SPG, the comments of PCC - Environmental Health and the

amendments made to the scale, height and location of the lodges, it is considered these amendments have addressed the previous concerns raised by officers, the Ward Councillor and in public representation.

In light of the above, and subject to the inclusion of an appropriately worded condition, it is considered that the proposed development complies with relevant planning policy.

Highway Safety

It is noted within 3rd party correspondence and comments from the Ward Councillor and the Community Council received, the following concerns have been raised in relation to the proposed development: access road unsuitable to transport accommodation to site, detriment to highway safety, inadequate access and increase in traffic. Technical Advice Note 18: Transport and LDP Policy DM13 (Part 10) seek to maintain Highway Safety and ensure development proposals meet all highway access requirements (for transport users) and parking standards.

The proposed development seeks to amend the existing access at the junction of the C2162 and U2474 Highways providing visibility improvements in each direction, access widening and stopping up of existing access, as well as providing the provision of an additional passing bay. The Local Highway Authority were consulted on the proposed development and have raised no objection to the proposed development, subject to the inclusion of a number of appropriately worded conditions, regarding engineering drawings for the proposed junction improvement, parking arrangements, visibility, access width, access surfacing, access gradient, surface water drainage and the provision of 1 passing bay. All of these conditions as recommended by the Local Highway Authority will be included with the granting of any consent, and it is considered these will ensure highway safety is maintained at the site, and address the concerns raised in 3rd party representation regarding the proposed development being detrimental to highway safety, causing an unacceptable increase in traffic and having an inadequate access.

In terms of the concerns raised regarding the surrounding highway network being unsuitable to deliver the accommodation to site, it is likely this would be a 'one off' journey and given the nature of the development this may be assembled on site and not wholly transported to site. The surrounding highway network is unrestricted and can be used by any vehicle at any time and therefore a 'one off' journey potentially by a HGV, is not considered a valid reason to oppose the application, given that a vehicle of this nature could travel around this highway network at any time, unrestricted. Furthermore, the Local Highway Authority have raised no concerns of this nature, and subject to the inclusion of the recommended conditions by the Local Highway Authority, it is not considered the proposed development would have a detrimental impact upon highway safety.

Based on the comments of the Local Highway Authority, and subject to the inclusion of the conditions as recommended by the Local Highway Authority, it is not considered the proposed development would cause a detrimental impact upon highway safety, and this

is considered to satisfy the concerns raised within 3rd party representation, and comments from the Ward Councillor and the Community Council. In light of the above, and subject to the inclusion of appropriately worded conditions, it is considered that the proposed development complies with relevant planning policy.

The Natural Environment

It is noted within 3rd party correspondence received, the following concerns have been raised in relation to the proposed development: affect local ecology damaging wildlife and trees, and increase of pollution. With respect to biodiversity specific reference is made to LDP policy DM2 which seeks to maintain biodiversity and safeguard protected important sites.

The PCC – Ecologist was consulted on the proposed development and undertook a search for records of protected and priority species within 500m of the proposed development. This search identified 8 records of protected and priority species within 500m of the proposed development, however no records were identified relating to the site itself. No statutory designated sites and non-statutory designated sites were identified within 500m of the proposed development. Several Ancient Woodland (AW) sites were identified within 500m of the proposed development. Having taken into account the location of the AW 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 AW and/or any associated features.

A Preliminary Ecological Appraisal has been submitted in support of the application. The vegetation survey identified species common to and typical of similar areas of improved grassland in the locality, which is considered to be of relatively low ecological value. The site supported habitat features identified as suitable for nesting birds and roosting bats due to the presence of trees along the site boundaries and adjacent to the site. Five trees were identified as having potential for supporting roosting bats. All trees are to be retained within the proposed development. The site was considered unsuitable for dormouse, amphibians and reptiles due to a lack of suitable habitat features. No evidence of badger activity or setts were detected but it was considered that there was potential for badgers to be present. A precautionary site check for badger excavation activity was recommended prior to commencement of works.

An Arboricultural Appraisal produced by Salopian Consultancy has been submitted to inform the application. The tree stock comprised three goat willow trees considered to be in poor condition with a proposed life expectancy of less than 10 years, multiple trees assessed as being of low and moderate value, and an overmature ash tree considered to be of high quality. Measures to minimise damage to the tree and protect the root zones of all other trees during construction were identified and are considered appropriate and will be secured through the inclusion of an appropriately worded condition. In addition, it is not clear if any trees or hedgerows will be required to be removed or impacted to accommodate the proposed passing bay to be located along the C2162, therefore a condition requiring a Tree and Hedgerow Compensation

Planting Scheme shall be secured through an appropriately worded condition. External lighting recommendations have been made to avoid potential disturbance of roosting, commuting and foraging bats, as well as other nocturnal animals in the area.

Subject to the inclusion of conditions as follows: adherence to the Arboricultural Appraisal, landscaping scheme, external lighting design scheme, tree protection measures and tree and hedgerow compensation planting scheme, the Ecologist has raised no objection to the proposed development going ahead. Based on the Ecologists' observations, and subject to the inclusion of the recommended conditions, it is not considered there would be any adverse impacts to biodiversity as a result of the proposed development, and this is considered to satisfy the concerns raised within 3rd party representations. It is therefore considered that the proposed development complies with relevant planning policy.

Future Wales, Place-making, Well-being Goals, Climate Change

The recently adopted 'Future Wales: The National Plan 2040' document sets out guidelines for new development proposals and their contribution towards a green infrastructure. Policy 9 – Resilient Ecological Networks and Green Infrastructure, sets out the following guidelines in terms of new development proposals;

"In all cases, action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated as part of development proposals through innovative, nature-based approaches to site planning and the design of the built environment".

Policy 15 – National Forest, reads as follows;

"The Welsh Government is committed to developing a national forest through the identification of appropriate sites and mechanisms. Action to safeguard proposed locations for the national forest will be supported".

Welsh Government, through the above document and policies, wishes to see biodiversity enhanced and improve the resilience of ecosystems across Mid Wales, in order to address biodiversity decline. Welsh Government has set a target to increase woodland cover in Wales by at least 2,000 hectares per annum from 2020. This development would make a contribution to increasing woodland cover in Wales in accordance with the above, through the provision of additional tree planting, as indicated on the submitted landscaping plan. In addition, biodiversity enhancement has been proposed in connection with the proposed development, in the form of bat boxes, bird nesting boxes and tree and hedgerow planting as indicated within the Preliminary Ecological Appraisal, which shall be included within the list of approved plans and documents as part of the granting of any consent.

It is therefore considered that the proposed development will make a positive contribution towards the sustainability goals as indicated above and complies with

relevant planning policy.

Foul Drainage

It is noted within 3rd party correspondence received, the following concerns have been raised in relation to the proposed development: concern over foul drainage arrangements causing pollution. Welsh Government Circular 008/2018 – ‘Planning requirement in respect of the use of private sewerage in new development, incorporating septic tanks and small sewage treatment plants (2018)’, ensures that all new developments are served by an adequate means of foul drainage arrangement.

The development proposes to connect to a package treatment plant as a means of foul drainage. Environmental Health have advised they have no objection to the use of a package treatment plant at this location, subject to the appropriate exemption or environmental permit being obtained from Natural Resources Wales (NRW) prior to the commencement of development. It is noted that the grant of planning permission does not guarantee that an Environmental Permit will be granted, with this method of drainage requiring an Environmental Permit to be obtained from NRW. An informative note will therefore be attached to the granting of any consent highlighting to the applicant they will need to apply for an Environmental Permit with NRW.

As confirmed by Environmental Health, the proposed method of drainage is therefore acceptable, subject to the applicant obtaining an Environmental Permit from NRW. This information shall be included as an informative note. Based on the comments from PCC – Environmental Health, and subject to an Environmental Permit being obtained from NRW, this is considered to satisfy the concerns raised within 3rd party representations. It is therefore considered the proposed development complies with relevant planning policy.

Public Rights of Way

It is noted within 3rd party correspondence received, the following concerns have been raised in relation to the proposed development: public rights of way should not be obstructed during the undertaking of the development. It is noted that there are two public rights of way which run within close proximity of the application site, although not within the site itself. Therefore, consideration has been given to LDP Policy SP7 – Safeguarding of Strategic Resources and Assets.

Whilst the public rights of way referred to above are not located within the extent of the application site, and therefore will not be impacted by the built development, there is potential for them to be impacted during the construction phase, particularly the access improvements. Therefore, an informative note will be attached reminding the applicant of their responsibilities regarding the public right of way. Subject to the applicant being made aware of their responsibilities regarding maintaining the right of way, it is considered this addresses the points raised in public representations.

In light of the above, and subject to the inclusion of an informative note, it is considered

that the proposed development complies with relevant planning policy.

Mineral Safeguarding

It is noted that the application site does fall within a mineral safeguarding area and therefore will need to comply with policy DM8 of the Powys LDP.

Given the proximity of the application site adjacent to an existing residential property it is considered unlikely that the proposed development would impact on the extraction of the resource given the proximity to adjacent built development. In addition, the cabins are of temporary nature and therefore would not jeopardise the resource should future extraction be proposed.

The proposed development is therefore considered to fundamentally comply with the relevant planning policy given above and is deemed acceptable at this location.

Other Matters

Several public representations have been received objecting to the proposed development. Most of the comments received have informed the consideration as outlined above. The remainder of the outstanding comments will be addressed as follows:

Missing Information:

Concerns have been raised over missing information from plans. It is considered the Local Planning Authority have all the necessary information available to make an informed decision on the application. Furthermore, no objections to the development have been received from statutory consultees.

Lack of demand/need:

Regarding lack of demand and no benefits for the area, National planning policy, namely Planning Policy Wales and Future Wales: The National Plan (2040) are supportive of new tourist developments. Policy TD1, part 4.8.5 further supports this by stating the following: *“New tourist development is encouraged because of its contribution to the economy in terms of visitor spending, supporting local business and employment generation. However, the Council seeks to ensure that developments are sustainable and do not have an unacceptably adverse impact and effect upon the character and appearance of an area”*. It is considered the introduction of tourism development at this location would make a positive contribution towards the local economy and would not adversely impact the local area for the reasons discussed above in this report.

Precedent for Future Development:

Regarding a precedent being set for further development in the future, each planning

application is assessed on its own merits and any plans for the further proposed tourism development at this site would need to be assessed by the Local Planning Authority in the same way as this application has been.

Conclusion

Based on the significant amendments made to the scheme through the submission of amended plans, it is considered that the concerns previously raised by officers, Ward Councillor, Community Council and within 3rd party representation have been addressed. Statutory consultees have raised no objection to the proposed development subject to the inclusion of appropriately worded conditions. In light of the above, it is considered the proposed development complies with relevant planning policy and the recommendation is conditional consent.

RECOMMENDATION – 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: KI 5598 2G; KI 5598 3F; KI 5598 6D; KI 5598 7A; KI 5598 8; KI 5598 9C; KI 5598 11; KI 5598 12; KI 5598 13; Planning, Design & Access Statement; Preliminary Ecological Appraisal; Arboricultural Appraisal.
3. The development shall be occupied as holiday accommodation only and shall not be occupied as a person's sole or main place of residence by any persons. An up to date register shall be kept at the holiday accommodation hereby permitted and be made available for inspection by the local planning authority upon request. The register shall contain details of the names of all of the occupiers of the accommodation, their main home addresses and their date of arrival and departure from the accommodation.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013, (or any Order revoking and re-enacting that Order) no development under Schedule 2, Part 1, Classes A to E other than that hereby permitted shall be carried out without the written permission of the Local Planning Authority.
5. 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 occupation of the first holiday unit on site 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.

6. Prior to any works commencing on the development site, detailed engineering drawings for improvements to the junctions of the C2162/C2043 & C2162/U2475 and all associated works, shall be submitted to and approved in writing by the Local Planning Authority.
7. Prior to the first beneficial use of the development, all Highway Improvements, referred to above, shall be fully completed to the written satisfaction of the Local Planning Authority and shall be retained for their designated use for as long as the development hereby permitted remains in existence.
8. No development shall commence until provision is made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. The parking and turning area shall be constructed to a depth of 0.4 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.
9. No other development shall commence until the site access has been constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 34 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.
10. Upon formation of the visibility splays as detailed above the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.
11. The width of the site access carriageway, constructed as Condition 9 above, shall be not less than 5.5 metres for a minimum distance of 10 metres along the access measured from the adjoining edge of carriageway of the county highway

and shall be maintained at this width for as long as the development remains in existence.

12. Before any other development is commenced the area of the site access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 10 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.
13. Prior to the first beneficial use of the development, provision shall be made within the curtilage of the site for the parking of not less than one parking bay per bedroom together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.
14. Prior to the first beneficial use of the development the area of the site access to be used by vehicles is to be finished in a 40mm bituminous surface course material for a distance of 10 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.
15. The gradient of the site access shall be constructed so as not to exceed 1 in 15 for the first 10 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.
16. No surface water drainage from the site shall be allowed to discharge onto the county highway.
17. Prior to any works being commenced on the development site the applicant shall construct one passing along the C2162 county highway in a location to be agreed in writing by the Local Planning Authority. The passing bay shall be constructed to adoptable standard prior first beneficial/operational use of the development hereby approved.
18. The development shall be undertaken in strict accordance with the Arboricultural Appraisal, by Salopian Consultancy, dated 31/12/2020 and all identified tree protection measures. The measures identified shall be adhered to and implemented in full for as long as the development hereby approved remains in existence.

19. Prior to commencement of development, an External Lighting Design Scheme to avoid and reduce potential impacts on nocturnal wildlife shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be adhered to and be implemented in full.
20. Prior to the commencement of construction of the passing bay on the C2162, if it is identified that the roadside hedgerow must be removed to accommodate the construction, a Hedgerow Replacement and Aftercare Scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include a scaled drawing identifying the location of hedgerow translocation or replacement planting and a written specification clearly describing the translocation method and/or species, sizes, densities and planting numbers proposed. The approved scheme shall be implemented in the first planting season following the occupation of the first holiday unit on site 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.

Reasons

1. Required to be imposed by section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans approved by the Local Planning Authority in the interests of clarity and a satisfactory development.
3. In order to ensure control of the use of the holiday unit and to prevent the establishment of permanent residency in accordance with Powys Local Development Plan Policy TD1.
4. In order to control further development which has the potential to have adverse effect on the visual amenity of the area and to ensure the satisfactory appearance of the development in accordance with Powys LDP Policies DM4 and DM13 (Part 1).
5. To comply with Powys County Council's LDP Policies DM2, DM4 and DM13 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 11, 2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
6. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13 (Part 10).

7. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13 (Part 10).
8. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13 (Part 10).
9. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13 (Part 10).
10. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13 (Part 10).
11. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13 (Part 10).
12. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13 (Part 10).
13. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13 (Part 10).
14. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13 (Part 10).
15. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13 (Part 10).
16. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13 (Part 10).
17. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13 (Part 10).
18. To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and DM4 in relation to Landscape to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
19. To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and DM7 in relation to Dark Skies and External Lighting,

and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

20. To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and DM4 in relation to Landscape, and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

Informative Notes

PCC – Ecology

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

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 (as amended) 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.

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 on 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 pounds, 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.

Badgers – The Protection of Badgers Act 1992

Badgers and their setts are fully protected. It is therefore an offence to:

- Kill, injure or take a badger, or to attempt any of these
- Damage a badger sett or any part of a sett
- Destroy a badger sett
- Obstruct access to, or the entrance of, a badger sett
- Disturb a badger whilst occupying a sett

Care must be taken when carrying out works near setts as offences can result from both reckless and intentional damage, disturbance or destruction. This includes seasonally used or outlier setts.

If a badger sett is located within 30m of the development site, all works should cease immediately and Natural Resources Wales should be contacted for further advice. A licence may be required to allow lawful development to proceed. NRW can be contacted by phone at 0300 065 3000.

PCC – Rights of Way

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.

PCC – Land Drainage

Having assessed the Planning Application Ref 20/2128/FUL, the SuDS Approval Body (SAB) deem that the construction area is greater than 100m² and therefore this proposed development will require SAB approval prior to any construction works commencing onsite.

Please contact the SAB Team on 01597 826000 or via email sab@powys.gov.uk

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

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

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

Natural Resources Wales

With respect to the discharge of effluent to either ground or surface water, if a private drainage solution is to be progressed, the Applicant will need to apply for an Environmental Permit from us.

It is important to note that a grant of planning permission does not guarantee that a permit will be granted, should a proposal be deemed to be unacceptable (either because of environmental risk or because upon further investigation, a connection to mains sewer was feasible).

The Applicant is therefore advised to hold pre-application discussions with our Permitting Team on 0300 065 3000, at the earliest opportunity, to try to ensure that there is no conflict between any planning permission granted and the permit requirements.

PCC – Highways

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

1. Under Section 184 of the Highways Act 1980, it is a requirement that a licence is obtained from the Highway Authority, in addition to Planning Permission, for vehicular access works.
 - a. The need to avoid interference with and to make provision for the carrying of existing highway drainage under the access to the satisfaction of the Highway Authority.
 - b. The requirement of the Highway Authority for the Developer to ensure that no surface water is discharged onto the County Highway or, without prior approval, into the highway drainage system.
2. Under Section 50 of the New Roads & Street Works Act 1991 it is a requirement that a Streetworks licence is obtained from the Highway Authority to place, or to retain, apparatus in the highway and thereafter to inspect, maintain, adjust, repair, alter or renew the apparatus, change its position or remove it.
3. Under section 171 of the Highways Act 1980 it is a requirement that a licence is obtained from the Highway Authority, in addition to Planning Permission, for the creation of passing bays or highway re-alignment works.
4. The need to inform and obtain the consent of Statuary Undertakers (Electricity, Water, Gas, BT), Land Drainage Authority, etc. to the works.
5. The New Roads & Street Works Act 1991 requires that all works, be properly notified and approved prior to commencement.

Case Officer: Rhys Evans, Senior Planning Officer
Tel: 01597 827235 E-mail: rhys.evans@powys.gov.uk