

Planning, Taxi Licensing and Rights of Way Committee Report

Application Number: 20/1276/FUL **Grid Ref:** E: 290301
N: 243476
Community Council: Llangammarch Community **Valid Date:** 11.09.2020

Applicant: Michael Atack and Georgina Taylor

Location: Maesyron Farm, Cefn Gorwydd, Llangammarch Wells, LD4 4DW.

Proposal: The erection of 3 no. glamping silos, reception, orangery, tool workshop and conversion of a pole barn for use as a facilities space for guests

Application Type: Full Application

The reason for Committee determination

The application has been called in by the Local Ward Member (full representation below).

Consultee Responses

Consultee

Received

Welsh Water

21st Sep 2020

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

We would request that if you are minded to grant Planning Consent for the above development that the Conditions and Advisory Notes provided below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

SEWERAGE

It appears the applicant does not propose to connect to the public sewer, and therefore Dwr Cymru Welsh Water has no further comments. However, should circumstances change and a connection to the public sewerage system/public sewage treatment works is preferred we must be re-consulted on this application. Since the proposal intends utilising an alternative to mains drainage we would advise that the applicant seek advice

from Natural Resources Wales and or the Building Regulations Authority / Approved Building Inspector as both are responsible to regulate alternative methods of drainage. However, should circumstances change and a connection to the public sewerage system/public sewerage treatment works is preferred we must be re-consulted on this application.

Surface Water Drainage

The proposed development may be subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore may require approval of Sustainable Drainage Systems (SuDS) features, in accordance with national standards, and is strongly recommended that the developer engage in pre-application consultation with the Local Authority, as the relevant SuDS Approval Body (SAB). Should it be determined that SAB consent is not required, we request that if you are minded to grant Planning Consent for the above development that the following Conditions and Advisory Notes listed below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

Advisory Notes

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

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

If you have any queries please contact the undersigned on 0800 917 2652 or via email at developer.services@dwrwymru.com

Please quote our reference number in all communications and correspondence.

PCC-(S) Highways

21st Oct 2020

Thank you for consulting with the Highway Authority (HA) on this planning application, which covers the erection of 5 glamping silos, the conversion of barns to provide 3 holiday lets and communal buildings, together with associated infrastructure works, at Maesyron Farm, Cefn Gorwydd, Llangammarch Wells.

The development site is located approximately 2 miles south of Cefn-Gorwydd. The main vehicular route to the site is provided by the U0068 & U0067 county highways, which extend south from Cefn Gorwydd via the Cynala Crossroads junction, which is sited some 0.6 miles south of the site.

The surrounding area is predominantly agricultural which gives it an inherently rural character. This is reflected in the surrounding highway network, with the roads being single vehicle width along their entire length to the site and without formal passing bays, for a considerable distances. Opportunities for traffic to pass are therefore limited, and largely rely on a small number of private property and field access points being used as informal places for vehicles to pull in; ongoing reliance on these facilities cannot therefore be relied upon. Further, the limited verge widths and elevated hedgerows, offer very limited opportunity to provide additional passing bays without the adjoining land being within the applicants ownership.

As a result, vehicles meeting along these stretches of highway are forced to reverse considerable distances in order to pass. These stretches of highway also have poor horizontal and vertical alignment resulting in restricted forward visibility. The Cynala Crossroads is also significantly constrained, by its narrow road width and negligible levels of visibility available in either direction.

HA Comments in Respect of Transport Statement (TS).

Whilst the submitted Automated Traffic Count (ATC) data provides appropriate detail in respect of the types of vehicles using the roads and the 85% speeds in the vicinity of the site entrance, the HA contends that their siting does not accurately reflect the likely level of traffic utilising the route from Cefn Gorwydd to the site. Maesyron is effectively the southernmost property on the route, however there are a significant number of additional properties/farms sited along the relatively short 0.6mile length between the site and Cynala Crossroads alone. Given that the majority of traffic emanating from these

properties is likely to head north in the direction of Cefn Gorwydd, very few of these daily movements would have been recorded by the ATC. Further, no study has been undertaken to assess the levels of traffic utilising the Cynala Crossroads and the U0068 northwest towards Cefn Gorwydd.

Given the relatively unique nature of this development, likely traffic generation has been based on the "first principles" approach. The HA is generally satisfied that the figures (32 daily vehicle movements) arising from the development, represents a robust assessment of the likely traffic generated by the development.

The HA acknowledges that the provision of additional formal passing bays along the route would not only provide a level of mitigation for the development, they would also provide benefit for all existing road users. Whilst the provision of the 2 proposed bays (Figure 3.2) would provide some benefit, they are sited in close proximity to each other and will not therefore mitigate vehicular conflict along much of the route. The provision of additional bays at appropriate locations is considered essential by the HA, particularly given the high proportion of OGV1 vehicles utilising the route (recorded as being 30%+ by the ATC)

In light of the above, the HA contends that the "Propensity for Conflict" exercise (Section 2.7) undertaken is flawed and does not represent a robust analysis of the likely conflict that would arise from such a development.

Conclusion

In summary, the proposal would represent a significant intensification of use of the site from its existing lawful agricultural use to a commercial use that would allow a significant increase in vehicles using the sub-standard roads and junctions in the immediate area. This would result in an increase in conflicting vehicle movements and vehicles reversing along the highway in order to pass, which would negatively affect the efficient operation of the highway network and increase the risk of collision.

I therefore conclude that the proposal would cause significant harm to highway safety and would not comply with Policies T1 and DM13 of the Powys Local Development Plan 2011-2026 (LDP) which, amongst other things, require developments to avoid detrimental impacts on highway safety and to ensure the safe and efficient flow of traffic for all users.

Environmental Health

30th Sep 2020

Subject to consent from the NRW to discharge from the drainage system into the brook, Environmental Protection have no comments to make

In relation to planning application, the following advice is provided for the consideration of Development Control.

Advice

1. The application proposal involves the conversion of an agricultural building to form a residential/holiday unit. Agricultural buildings and land could contain potential sources of contamination, depending on what they were used for in the past, such as: pesticides, fuels and oils, slurry tanks and pits, fire sites, animal burial pits or other buried waste, fertiliser, sheep dip pits, asbestos, old machinery, waste chemical drums and ammunition. Any building constructed before 2000 may have asbestos products which should be considered.

2. Paragraph 6.9.14, of Chapter 6 'Distinctive and Natural Places', of the Welsh Government document 'Planning Policy Wales' (2018) states: "Responsibility for determining the extent and effects of surface and subsurface risks remains with the developer. It is for the developer to ensure that the land is suitable for the development proposed, as a planning authority does not have a duty of care to landowners."

3. In respect of contaminated land paragraph 5.55, of the Welsh Government (WG) circular 'The Use of Planning Conditions for Development Management' (ref: WGC 016/2014), states that: "Conditions might also be imposed requiring the developer to draw to the attention of the planning authority the presence of significant unsuspected contamination encountered during redevelopment".

Furthermore, in paragraph 5.56 of the WG circular (ref: WGC 016/2014) it is stated: "The level of work required must be proportionate to the problems that are envisaged and the more onerous conditions should not be imposed as a matter of course."

4. Based on the available information and current planning guidance, it is recommended that the following condition and note, to the applicant, are attached to any permission granted for planning application:

Potential Contamination

In the event that the presence of contamination is encountered when carrying out the approved development immediate contact must be made with the local planning authority and works must cease in that area. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the local planning authority.

Following completion of the remedial works identified in the approved remediation

scheme, a verification report that demonstrates compliance with the agreed remediation objectives and criteria shall be produced, and is subject to the written approval of the local planning authority, prior to commencement of use of the development.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with policy ____ of the adopted Local Plan (date)].

Note to Applicant

Potential Contamination

The Council's guidance leaflet on the development of sites with potential land contamination is attached. Further advice on compliance with this condition may be obtained by contacting the Environmental Health Service on 01597 827645.

PCC-Countryside Services Manager

13th Oct 2020

It is noted that FP 12 joins the county road close to the development line of the access road splay. The applicant is reminded that it is an offence to obstruct or interfere with the surface of a PROW without the consent of the local Highway Authority.

Natural Resources Wales (Mid Wales)
DPAS

5th Oct 2020

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales (NRW) about the above, which we received on 20/09/2020.

NRW was consulted at pre application stage. Our advice on the proposed scheme has changed because new information has been provided in support of the application, and the scheme has been modified.

We continue to have significant concerns with the proposed development as submitted. We recommend you should only grant planning permission if you include the following documents within the condition identifying approved plans and documents on the decision notice:

- o James Johnston Ecology, 25th June 2020, Ecology and Protected Species Appraisal, Section 5 (Mitigation);

- o Nothing is Not Nothing Design, Drawing PL-205, 12th August 2020, Stone Barn Proposed Elevations A,B;
- o Nothing is Not Nothing Design, Drawing PL-206, 12th August 2020, Stone Barn Proposed Elevations C, D;
- o Nothing is Not Nothing Design, Drawing PL-208, 12th August 2020, Stone Barn Proposed Sections;
- o Nothing is Not Nothing Design, Drawing PL-122, 12th August 2020, Ecology and Planning Strategy;
- o Nothing is Not Nothing Design, Drawing PL-123, 12th August 2020, Ecology Mitigation Strategy for Stone Barn Protected Species

We note that the ecological report submitted in support of the above application (Ecology and Protected Species Appraisal dated June 2020 by James Johnston Ecology) has identified that bats are present at the application site.

In this case, the bat report concludes that the proposal is likely to harm or disturb the bats or their breeding sites and resting places at this site and will, therefore, require a licence. Bats and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended). Where bats are present and a development proposal is likely to contravene the legal protection they are afforded, the development may only proceed under licence issued by Natural Resources Wales, having satisfied the three requirements set out in the legislation. A licence may only be authorised if:

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

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

likely to be satisfied.

We note the recommendations we made at pre-application stage with regards to bat and barn owl mitigation have been addressed in the ecological report. We are pleased to see that the barn owl nest box has been removed from the dedicated bat loft.

We note the proposed access point into the main bat attic at the north gable end of the barn is a 30 x 40 cm opening which would allow direct flight into the attic space. The need for this type of bat access is unclear as the species identified to roost within the barns do not require open flight access provisions. If this type of access is to be retained to encourage other species to use this space, we would strongly recommend that a dormer style or letter box access is installed to discourage use by predatory birds. Details of access provisions will be required at licensing stage.

We also note that plan PL-123 locates a concrete crevice bat box on the wall top of the south east gable end adjacent to the barn owl box. For the reasons mentioned in our pre application advice letter, we recommend the bat box is relocated to a more suitable location, away from potential predators such as barn owls.

Provided the above concerns are addressed at licensing stage, and the recommended mitigation is incorporated within the development, we do not consider that the proposal is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

We recommend you include the bat report within the condition identifying approved plans and documents on the decision notice.

In line with the letter issued by Welsh Government on 1st March 2018, we request that the following informative is attached to any planning permission granted by your Authority:

Warning: An European protected species (EPS) Licence is required for this development.

This planning permission does not provide consent to undertake works that require an EPS licence.

It is an offence to deliberately capture, kill or disturb EPS or to damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine.

To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at

<https://naturalresources.wales/conservation-biodiversity-and-wildlife/european-protectedspecies/?lang=en>

Development should not be commenced until the Applicant has been granted a licence by Natural Resources Wales pursuant to Regulation 55 of the Conservation of Habitats and Species Regulations 2017 (as amended), authorising the specified activity/development

to go ahead.

Protected Sites

From the information provided, the scale and nature of the proposal, we consider that the proposal is not likely to have a significant effect on the River Wye Special Conservation Area (SAC).

We also consider that the proposed development is not likely to damage the features for which the Afon Irfon and Caeau Ty'n Llwyni Sites of Special Scientific Interest (SSSI) are of special interest.

Our advice may change should modifications be made to the proposed development.

Other Matters

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

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

Advice for the developer:

Foul Drainage

We note the proposal is to connect the foul drainage to a package treatment plant with discharge to an existing ditch. We would like to draw your attention to the guidance for pollution prevention 4 (GPP 4) which stipulates the following: Package Sewage Treatment Plants (PSTPs) are appropriate for incoming wastewater with a steady flow. If the flow is variable, an additional balancing system is required. They usually require a power supply to operate. While the system operates, sludge accumulates in it. The site where a PSTP is installed must allow access by tanker, to regularly remove excess sludge.

With respect to the discharge of effluent to ground or surface water, the Applicant will need to apply for an environmental permit or register an exemption with us. If the total volume of discharge is above 2 cubic metres a day the discharge would require an Environmental Permit from NRW.

Septic tanks and small sewage treatment works may be registered as exempt from the requirement to obtain an environmental permit if certain criteria are met. Please note, should a permit be required, further information may be required as part of that application and the

Applicant is therefore advised to hold pre-application discussions with our Permitting

Team on 0300 065 3000, at the earliest opportunity, to try to ensure that there is no conflict between any planning permission granted and the permit requirements. 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 should ensure that they have all the required permissions, consents, permits and any other approvals in place prior to commencement of works on the site.

More information, including a step by step guide to registering and the relevant application forms are available on our website. Where private sewage treatment/disposal facilities are utilised, they must be installed and maintained in accordance with British Standards 6297 and Approved Document H of the Building Regulations. We also refer the Applicant to the Guidance for Pollution Prevention 4 on the NetRegs website, which provides further information.

Pollution Prevention

Responsibility for preventing pollution rests with those in control of the site. Pollution Prevention Guidance should be read by those carrying out the work.

All works at the site must be carried out in accordance with the Guidance for Pollution

Prevention and of particular importance to this application is GPP5 'Works in, near or overwatercourses' which is available at:

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

If a pollution incident does arise the site must inform us immediately via our incident hotline 03000653000

Ordinary Watercourse Consent

Powys County Council drainage department in their capacity as lead local flood authority may be able to advise on any local problems in relation to surface water disposal.

Installation of a new soakaway/drainage system with an outfall to an ordinary watercourse may require a Flood Defence Consent from Powys County Council, as the Lead Local Flood Authority in this area. Please see <https://en.powys.gov.uk/article/4661/Ordinary-Watercourses-Appling-for-consent-for-works> for more information or contactland.drainage@Powys.gov.uk for more details.

PCC-(S) Highways

20th Jan 2021

Thank you for re-consulting the Highway Authority (HA) on this planning application at Maesyron Farm, Cefn Gorwydd, Llangammarch Wells.

Following the original HA response to this application (dated 21st October 2020), the agent has sought to undertake further analysis of the highway network to address some of the issues that were raised. Specifically, two 12 hour junction turning counts of traffic volume through the Cynala Cross-roads junction have been undertaken and the results arising from such, are further considered and incorporated within the submitted revised Transport Statement, Rev C.

HA Comments in Respect of Revised Transport Statement (TS) Rev C.

Junction Turning Count Data - Cynala Cross-roads (12 hour period)

- o The submitted data shows that there were 74 recorded vehicle movements through the Cynala Cross-roads on Tuesday 24th November 2020 (07:00-19:00) and 70 recorded movements over the same period on Wednesday 25th November 2020.
- o The majority of those movements were recorded as being between the route to the site and Cefn Gorwydd (arms C-D and D-C). There were 25 movements recorded along these arms on Tuesday 24th (35% of total movements) and 40 (57% of total movements) on Wednesday 25th.
- o The recorded data also shows that there were 48 movements along arm C (Cynala Cross-roads to site) during the 12-hr period on Tuesday 24th and 50 movements along arm C on Wednesday 25th.

Matters Arising from Junction Count Survey

- o Based on the previously agreed traffic movements that are likely arise from the development (32), the proposal will likely result in a circa 45% increase in traffic movements through the Cynala Crossroad junction.
- o Based on the previously agreed traffic movements that are likely arise from the development (32), the proposal will likely result in a circa 70% increase in traffic movements along arm D (Cynala crossroad junction to Cefn Gorwyd).
- o Whilst the current Covid 19 restrictions are likely to have influenced the junction turning count figures (reduced travel), it is nonetheless noted that the recorded movements along Arm C (Cynala junction to site) are considerably greater than the recorded figures collected by the original ATC, which was located near to site entrance.
- o Over a similar time frame, the original ATC recorded 23 movements on Tuesday 03rd December 2019 and 21 movements on Wednesday 03rd December 2019. These figures are circa 45% below the number recorded during the recent Cynala Cross-road

junction count.

- o Based on the previously agreed traffic movements that are likely arise from the development (32), the proposal will therefore likely result in a circa 145% increase in traffic movements along arm C (Cynala Cross-road to the site), based on the original ATC figures, or a 66% increase in traffic movements based on the more recent Cynala Cross-roads junction count figures.

Impact on Highway Safety

- o The Cynala Cross-road junction is significantly constrained, by its narrow road widths and negligible levels of visibility available in all directions. Whilst there are no Personal Injury Collisions recorded in the vicinity of the site, a circa 45%, increase in traffic utilising the junction will result a significant increased risk to highway safety.

- o There are no proposals submitted to improve the Cynala Cross-road junction as recommended within TAN 18.

- o There are very few formal passing bays available along the entire route, particularly along the most constrained 0.6m length of arm C (Cynala Cross-roads to the site).

- o The informal passing opportunities which do exist along the route cannot be relied upon to accommodate the traffic that this development will generate, and the HA has received third party representation to advise that measures will be put in place to restrict their use, should consent be granted for this development.

- o There is a high proportion of OGV1 type vehicles utilising the route (recorded as being 30%+ by the ATC along arm C). This figure is likely to increase during busy farming periods (harvesting etc) and that is likely to coincide with the busier occupancy periods for developments of this nature. Reversing manoeuvres associated with such vehicles pose a significant risk to all highway users and the space required for such vehicles to pass, is not readily available.

- o The "Propensity for Conflict" exercise undertaken within Section 2.7 of the Transport Statement is considered flawed as it does not represent a robust analysis of the likely conflict that would arise from such a development. The projected levels of traffic used within the calculation are not representative of the figures collected during the most recent junction survey and the use of the 85% speed along the entire 0.6mile length is not considered reflective of the road alignments along the route.

Conclusion

The HA does acknowledge that the recorded volumes of traffic along the entire 2-mile

route to the site from Cefn Gorwydd are very low, however, it is clear that the development would result in a significant increase in vehicles using the sub-standard roads and junctions in the immediate area.

Highway capacity and peak hour flows are not the main concern in this instance. The overriding highway concern is the ability of the network to absorb the increased flows of traffic and for that traffic to be able to flow safely without significantly increasing the requirement for opposing vehicles having to reverse significant distances in order to pass.

Whilst the provision of the 2 proposed passing bays (shown in figure 3.2 of the T.S) would provide some benefit in that respect, the HA contends that they would not adequately mitigate the increased levels of vehicular conflict along much of the route, particularly the most constrained section between the Cynala Cross-roads and the site entrance.

The development would therefore inevitably result in an increased number of conflicting vehicle movements through the severely constrained Cynala Cross-roads junction and increased occurrences of vehicles reversing along the highway in order to pass, which would negatively affect the efficient operation of the highway network and increase the risk of collision.

The HA therefore maintains that the proposal would cause significant harm to highway safety and would not comply with Policies T1 and DM13 of the Powys Local Development Plan 2011-2026 (LDP) which, amongst other things, require developments to avoid detrimental impacts on highway safety and to ensure the safe and efficient flow of traffic for all users.

CPAT

24th Sep 2020

The Maesyron Farm buildings are recorded on the Historic Environment Record as PRN 68212 (Maesyron Farmstead). It is clear from early OS maps and photos in the ecological report that this is a group of traditional farm outbuildings of local vernacular interest which date to the late 18th and 19th century with later additions. As elements of the historic layout, function, fixtures and fittings will inevitably be lost through the conversion and extension process it is important that a record of the buildings in their current form is made.

We would therefore recommend that suitable building recording is completed prior to the conversion works commencing to obtain a permanent record of the buildings in their present form. In this case we would advise that a Level 2 survey is completed in accordance with the Planning Policy Wales (Dec 2018) and TAN 24 (May 2017) guidance and an appropriate condition is supplied below. The Level 2 survey would include a

detailed photographic survey, written descriptive survey and a measured survey using annotated architects plans.

The condition in this case would be:

Suggested planning condition to facilitate a programme of historic building recording, the equivalent of an Historic England Level 2 building survey, in order to allow an adequate analytical record of the buildings to be made prior to alteration

No development shall take place until a programme of building recording and analysis, equivalent to an Historic England Level 2 building survey, has been secured and implemented, in accordance with a brief issued by the local planning authority and a written scheme of investigation which has been submitted and approved in writing by the local planning authority.

The survey will be completed by a professional archaeological contractor. The programme of building analysis and recording must meet the standards laid down by the Chartered Institute for Archaeologists in their Standard and Guidance for the archaeological investigation and recording of standing buildings or structures.

A copy of the resulting report should be submitted to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust (The Offices, Coed y Dinas, Welshpool, Powys, SY21 8RP Email: mark.walters@cpat.org.uk Tel: 01938 553670). After approval by the Local Planning Authority, a copy of the report and resulting archive should also be sent to the Historic Environment Record Officer, Clwyd-Powys Archaeological Trust for inclusion in the regional Historic Environment Record.

Reason:

To allow an adequate analytical record of the buildings to be made, before they are converted, to ensure that the buildings origins, use and development are understood and the main features, character and state of preservation are recorded.

I have attached a brief for the Level 2 survey and guidance on sources of archaeological contractors who may wish to tender for this work. The chosen archaeological contractor will need to submit a WSI (written scheme of investigation) document to me for approval before they can commence works on site.

Community Council

9th Oct 2020

Following a meeting of the Llangammarch Community Council Planning Committee

where residents in the Cynala and surrounding area, the applicants and their agent also attended, the council would like to raise the following serious concerns about the application:

1. The state of the road from the Cynala T-junction along to the entrance of the property is insufficient for increased traffic. The road has steep gullies on either side of it and it is very narrow. Any increase in traffic is also likely to make this degradation worse.
2. Although new passing places are included in the application, they are quite narrow and may be insufficient to hold farm traffic to allow other traffic to pass, and vice versa.
3. There will be an increase in traffic at the Cefn Gorwydd crossroads. This has long been an accident blackspot and is not considered in the application, even though it is close by and the main route to Cynala and the property.
4. Many residents spoke about their concerns at the meeting and have submitted them to yourselves as objections. We feel these require further investigation, attention and consideration.

PCC-Building Control

21st Sep 2020

20/1276/FUL - Building Regulations approval will be required for this proposal.

Ward Councillor

21st Sep 2020

I wish to call in this planning application for consideration by the Planning Committee on the following grounds.

1. The proposed development is out of proportion to the facilities in the area.
2. The roads serving Maesyron Cefngorwydd are very narrow with no passing places and are inadequate to serve such a development
3. Mobile phones suffer from very poor reception in this area
4. I have recently to the question as to whether the Fire Authority should be notified of significant developments. I feel that were they a consultee in connection proposal the fire authority may well have reservations.
5. The community council have not yet had the opportunity of examining the application in detail and it is important that their views are aired before the committee.

Thank you for re-consulting the Highway Authority (HA) on this planning application at Maesyron Farm, Cefn Gorwydd, Llangammarch Wells.

It is noted that the latest documentation submitted in support of this scheme, includes proposals that seek to reduce the scale of the original application significantly. The removal of 5 of the proposed letting units from the original scheme, will effectively serve to reduce the projected daily traffic movements to and from the site, by circa 62.5% (32movements to 12).

Clearly such proposals would significantly reduce the likely level of conflict along the constrained route to the site and on balance, if the applicant were to provide 2 passing bays along the route, the HA would be satisfied that the provision of such, alongside the access improvement to the site entrance, would provide adequate mitigation for the scheme, whilst also providing an element of betterment for all other highway users who regularly utilise the route.

In consideration of the above, the HA recommends that the following highway conditions be attached to any consent granted. The suggested conditions do however rely upon confirmation on the following matters.

- o The applicant will provide 2 passing bays along the route to the site from Cefn Gorwydd, at locations to be agreed with the HA.
- o Sufficient land is retained by the applicant to provide the access improvement shown in Figure 3.1 of the Transport Statement.
- o The ancillary facilities within the site will be for the sole benefit of visitors staying within the accommodation only.

Conditions

1. No development shall commence until the access has been constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 43 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.

2. 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.
3. Prior to the first operational use of the development the area of the access to be used by vehicles is to be finished in a suitably bound material for a distance of 5.5 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.
4. Prior to the first operational use of the development the applicant shall construct two passing bays along the U0068 & U0067 county highways in locations to be agreed in writing by the Local Planning Authority.

PCC-Ecologist

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 521 records of protected and priority species within 500m of the proposed development. Species recorded within 500m of the proposed development include bat species: soprano pipistrelle, whiskered bat, noctule, brown long-eared bat, and common lizard, smooth newt, barn owl, brambling, grasshopper warbler, red crossbill, goshawk, fragrant orchid, witches' whiskers lichen and a number of Environment (Wales) Act 2016 moth species.

One statutory designated site was identified within 500m of the proposed development:

- o Caeau Ty'n-Llwyni Site of Special Scientific Interest (SSSI - approximately 230m north of the proposed development

One non-statutory designated site was identified within 500m of the proposed development:

- o Cwm Dyfnant Road Verge Nature Reserve (RVNR) - approximately 260m from the proposed development

One or more Ancient Woodland (AW) sites were identified within 500m of the proposed development. PCC Highways (22/06/2021) have identified the requirement for installation of vehicle passing places on the U0068 and U0067. Cwm Dyfnant RVNR is located along the U0067 where it passes through an area of AW. It is considered that that there would be no likely negative impacts directly or indirectly to the RVNR, AW and/or any associated features subject to sensitive siting of the required highway passing bays.

I have reviewed the Preliminary Ecological Appraisal produced by James Johnston Ecology dated 25th June 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 23/07/2019 as well as the results of an associated desk-based study. Habitats identified within and immediately adjacent to the proposed development site include:

- o Buildings
- o Amenity grassland
- o Improved grassland
- o Semi-improved grassland
- o Ruderal grassland
- o Marshy grassland
- o Trees and hedgerows
- o Ditch

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

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

The site was also inspected for presence of non-native invasive species (none reported). A preliminary bat roost assessment (PRA) was undertaken of the buildings on site. The PRA consisted of an internal and external inspection of the buildings to identify potential bat access points, roost features and evidence of the presence of bats. The pole barn was confirmed as having negligible potential for roosting bats. The interior of the stone barn, initially proposed to be converted into three holiday lets, was confirmed as supporting a maternity roost of whiskered bats. Several potential access points and

roosting locations were identified on the building exterior. Three activity surveys (two dusk, one dawn) identified the presence of low numbers of roosting common pipistrelles and brown long-eared bats using the stone barn, in addition to the whiskered bats. Common pipistrelle and brown long-eared bats were also identified emerging from the farmhouse roof. No works are proposed to the farmhouse and these roosts will be unaffected by the revised proposals. The revised proposals will still impact roosting bats within the stone barn and a European Protected Species licence will be required for the development.

No priority habitats will be affected by the revised proposals, except for a section of roadside hedgerow that will be translocated to accommodate required highway visibility splays. The hedgerow was considered not to be 'ecologically important' in terms of species diversity as defined by the Hedgerow Regulations 1997. Evidence of nesting barn owl was confirmed from the stone barn and the building was considered suitable for supporting other nesting birds. The habitats on site were considered unsuitable for supporting other protected and priority species and no evidence of their presence was detected on site.

Mitigation for loss of bat roosts and potential disturbance/killing/injury of bats has been proposed. A dedicated bat loft will be installed in the eastern wing of the stone barn. This is to be retained above the proposed reception area in the revised proposals. Sufficient details of mitigation measures are included on the originally submitted Ecology Mitigation Strategy for Stone Barn plan, which is clearly referenced by the revised Ecology and Planting Strategy. NRW's comments regarding the proposed access into the bat loft are noted and I concur that such an opening is not necessary for the species identified from the site. However, NRW are content that the precise design of the access point(s) into the bat loft can be confirmed at the EPS licensing stage and consider that the proposed development can be undertaken without detrimental impact to bats.

It is, therefore, recommended that adherence to the identified bat mitigation measures is secured through an appropriately worded planning condition.

The revised Ecology and Planting Strategy identifies that biodiversity enhancements could be achieved through provision of further roosting opportunities for bats by installing bat boxes on trees at the site, improving the condition of an existing length of hedgerow, creating/reinstating a pond, planting of specimen trees and hedgerow lengths and creation of barn owl foraging habitat. All of the proposed enhancements are welcome. New barn owl boxes are also proposed to be installed on trees at the site. 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 measures are secured through an appropriately worded planning condition. Submission of a Landscaping Plan is also recommended to confirm precise details of species numbers, locations, planting specification and aftercare measures.

Hedgerows will be impacted to accommodate the proposed access to the site.

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. It has been confirmed that the existing hedgerow will be relocated to behind the new visibility splays. A translocation method statement will be required to ensure that the hedgerow relocation is undertaken appropriately to maximise the chances of successful retention. The method statement should include details of the timing of work, translocation methodology (including preparation of the recipient site and of the existing hedgerow), and aftercare measures.

It is, therefore, recommended that a Hedgerow Translocation Method Statement is secured through an appropriately worded planning condition.

I have reviewed the submitted Lighting Strategy and consider the identified measures to be generally appropriate and sufficient to avoid significant adverse impact to nocturnal wildlife in the local area. However, it is recommended that the Strategy identifies the use of LED bulbs of the warm-white spectrum only, i.e. <4,000oK, preferably with a peak wavelength of >550nm (~3000°K).

An amendment to the submitted Lighting Strategy is required to minimise impact to bats and other wildlife using the site.

The proposed development is located within the catchment of the River Wye Special Area for Conservation (SAC). In accordance with NRW's current planning advice, it is necessary to demonstrate that all proposed developments within the River Wye SAC catchment will not result in an adverse effect on the integrity of the River Wye SAC through further addition of phosphate to the SAC, either directly or indirectly. With regard to the current proposal, consideration has been given to the potential for additional phosphate associated with foul drainage to enter the River Wye SAC catchment.

The revised Planning Statement confirms that the proposal is located outside of a sewered area and the choice of a private sewage treatment plant (PSTP) is in accordance with Planning Circular 008/2018. The revised Water and Drainage Strategy identifies the location of the PSTP in the southwest corner of the site with discharge to an existing ditch. In contrast the Planning Statement states that treated effluent will be discharged to a swale for tertiary treatment before discharge to a soakaway. Subsequent paragraphs refer to tertiary treatment via a reed-bed system before then stating that the swale has an acceptable infiltration rate. It is not clear from the information exactly how foul drainage from the proposal will be dealt with. The proposed daily discharge rate is 1.35m³ based on three 2-bedroom dwellings. However, the amenities centre identifies four additional toilets plus a kitchen area. There are four additional parking places allocated to the centre plus three at the reception centre. This indicates that there will be additional users of the site (including presumably the proposed workshop and orangery (with craft space)) and these have not been accounted for in the discharge rate calculations. No information has been provided regarding the design and effectiveness of the reed-bed system.

Current NRW guidance states that

'... to ensure that there is no significant in combination effect, the discharge to ground should be at least 200m from any other discharge to ground. The density of discharges to ground should also not be greater than 1 for every 4ha (or 25 per km²).

NRW's public register of registered permit exemptions identifies that Maesyron Farm has three registered exemptions for a daily discharge to ground of less than 2m³ (dated 11/06/2012, 18/01/2018 and 13/05/2021). It is not clear whether these relate to a single or multiple discharges to ground. These are within 200m of the proposed PSTP and potentially to a proposed discharge to ground.

Having reviewed the information provided by the applicant and reviewing OS map and aerial images of the area, it is considered that there is potential for the proposed development to impact the River Wye SAC. Pollution (phosphate) from operation activities could result in a Significant Effect. Therefore, to demonstrate that the proposed development would not result in a Likely Significant Effect on the River Wye SAC and/or its associated features during construction activities or during operation of the site the following information is required:

i) An accurate daily discharge rate (m³) calculation reflecting the use of the site and based on British Water Code of Practice. Flows and Loads - 4. Sizing Criteria, Treatment Capacity for Sewage Treatment Systems

ii) A revised Drainage Plan clearly how foul drainage will be managed. The location of drainage fields, reed-beds, etc. must be identified. Clean and foul waters must be kept separate.

iii) Where drainage fields are proposed for a discharge to ground, submitted plans should identify that the drainage field will be constructed in accordance with BS 6297:2007+A1:2008 Code of practice for the design and installation of drainage fields for use in wastewater treatment and Building Regulations 2010 Approved Document H.

iii) Where a discharge to ground is proposed, soil percolation test results and drainage field area calculations must be provided. Details of the existing discharges to ground at Maesyron Farm must be provided.

iv) If a reed-bed system is proposed sufficient evidence must be provided to demonstrate that it will be nutrient neutral in terms of phosphate, including during the establishment phase. The discharge location must be identified. Additional details will be required regarding maintenance of the system for the duration of the development.

This information is required to be submitted prior to determination of the application to enable a Habitats Regulations Screening to be undertaken.

It is considered that further information is required to enable the Local Planning Authority to assess the potential impacts of the proposed development on the River Wye SAC, part of the national site network, in accordance with Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended). This information is required to be submitted prior to determination of the application.

Our advice on the proposed scheme has changed because new information has been provided in support of the application, the scheme has been modified and our position on proposals that have the potential to increase the level of phosphorus discharge into River SAC catchments has changed.

We continue to have significant concerns with the proposed development as submitted. We recommend you should only grant planning permission if you include the following documents within the condition identifying approved plans and documents on the decision notice:

- o James Johnston Ecology, 25th June 2020, Ecology and Protected Species Appraisal, Section 5 (Mitigation);

- o Nothing is Not Nothing Design, Drawing PL-100 A, 12th May 2021, Proposed block plan;

- o Nothing is Not Nothing Design, Drawing PL-120 A, 12th May 2021, Lighting strategy;

- o Nothing is Not Nothing Design, Drawing PL-201 A, 12th May 2021, Stone Barn First Floor Existing and Proposed;

- o Nothing is Not Nothing Design, Drawing PL-205 A, 12th May 2021, Stone Barn Proposed Elevations A, B;

- o Nothing is Not Nothing Design, Drawing PL-208 A, 12th May 2021, Stone Barn Proposed Sections;

- o Nothing is Not Nothing Design, Drawing PL-122 A, 12th May 2021, Ecology and Planting Strategy;

- o Nothing is Not Nothing Design, Drawing PL-123, 12th August 2020, Ecology Mitigation Strategy for Stone Barn

Protected Sites

We note the application site is within the catchment of the River Wye Special Area of Conservation (SAC). As you are aware, on the 21st January 2021, we published an

evidence package outlining phosphorus levels for all river SACs across Wales. As part of this package, we issued a Planning Position Statement, in which we advised that any proposed development that might increase the amount of phosphate within a river SAC catchment could lead to damaging effects to the SAC. Therefore, such proposals should be screened through a Habitats Regulations Assessment (HRA), to determine whether they are likely to have a significant effect on the SAC. We have also issued Planning Advice, (May 2021) which gives specific advice in respect of foul drainage arrangements for new developments.

We note from the information submitted that a new package treatment plant with discharge to watercourse is to be installed to provide foul drainage for the glamping silos and the shared facilities building. Therefore, the development has the potential to increase the volume or concentration of wastewater and associated phosphate levels being discharged from the site.

As such, we refer you to our Planning Advice, and advise you to seek further information from the applicant. We note that information has already been submitted in respect of the Water and Drainage Strategy plan PL-121-A. However, we advise you to seek further information as identified in the bullet point list given in the section titled 'What does this mean for development proposals involving private sewage treatment systems' of that advice.

Provided this advice is followed and you are able to conclude that the development is not likely to have a significant effect on the SAC, we would have no objection to the proposal.

However, should you conclude that the proposed development is likely to have a significant effect on the SAC, please consult us on your Appropriate Assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).

Protected Species

We note that the ecological report submitted in support of the above application (Ecology and Protected Species Appraisal dated June 2020 by James Johnston Ecology) has identified that bats are present at the application site.

In this case, the bat report concludes that the proposal is likely to harm or disturb the bats or their breeding sites and resting places at this site and will, therefore, require a licence.

Bats and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended). Where bats are present and a development proposal is likely to contravene the legal protection they are afforded, the development may only proceed under licence issued by Natural Resources Wales,

having satisfied the three requirements set out in the legislation. A licence may only be authorised

if:

i. the development works to be authorised are for the purpose of preserving public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.

ii. There is no satisfactory alternative and

iii. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

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

We note the recommendations we made at pre-application stage with regards to bat and barn owl mitigation have been addressed in the ecological report. We are pleased to see that the barn owl nest box has been removed from the dedicated bat loft.

We note the proposed access point into the main bat attic at the north gable end of the barn is a 30 x 40 cm opening which would allow direct flight into the attic space. The need for this type of bat access is unclear as the species identified to roost within the barns do not require open flight access provisions. If this type of access is to be retained to encourage other species to use this space, we would strongly recommend that a dormer style or letter box access is installed to discourage use by predatory birds. Details of access provisions will be required at licensing stage.

Provided the above concerns are addressed at licensing stage, and the recommended mitigation is incorporated within the development, we do not consider that the proposal is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

We recommend you include the bat report within the condition identifying approved plans and documents on the decision notice.

In line with the letter issued by Welsh Government on 1st March 2018, we request that the following informative is attached to any planning permission granted by your

Authority:

Warning: An European protected species (EPS) Licence is required for this development.

This planning permission does not provide consent to undertake works that require an EPS licence.

It is an offence to deliberately capture, kill or disturb EPS or to damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine.

To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at <https://naturalresources.wales/conservation-biodiversity-and-wildlife/european-protectedspecies/?lang=en>

Development should not be commenced until the Applicant has been granted a licence by Natural Resources Wales pursuant to Regulation 55 of the Conservation of Habitats and Species Regulations 2017 (as amended), authorising the specified activity/development to go ahead.

Other Matters

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

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

Representations

11 members of the public have made representations against the application, with 1 in support. The concerns raised can be identified as follows:

- change the peaceful rural location
- causing issues with traffic on very small lanes with limited passing places
- traffic information should be re-considered (counts during lockdowns)
- noise which would carry all across the valley and disturb the neighbouring properties.
- Security for vulnerable residents

- Increased rubbish
- Impacts to watercourses
- Impacts to wildlife
- visually unappealing and out of character with the surrounding countryside
- Does not meet local or national policy
- Lighting impact on dark skies
- Loss of privacy- public asking for directions
- Pole barn alterations out of character with the existing character

The comments in support of the application be summarised as following:

We have no objection whatsoever with this proposal. We own all the surrounding land and have a full view of Maesyron from our farm. We believe that Mick and Georgie will be respectful to the environment and have no problems with this application.

Powys ramblers also commented as follows:

There is a right of way near to the proposed development but it would not appear to be adversely affected by it. In the event of permission being granted can the applicant please be advised of the importance of making sure that the right of way is not obstructed during any development works and is kept open throughout.

Planning History

App Ref	Description	Decision	Date
N/A			

Principal Planning Constraints

Right of Way

Principal Planning Policies

Policy	Policy Description	Year	Local Plan
NATPLA	Future Wales - The National Plan 2040		National Development Plan 2021
PPW	Planning Policy Wales (Edition 11, February 2021)		National Policy
TAN5	Nature Conservation and		National Policy

	Planning	
TAN6	Planning for Sustainable Rural Community	National Policy
TAN11	Noise	National Policy
TAN12	Design	National Policy
TAN13	Tourism	National Policy
TAN18	Transport	National Policy
TAN23	Economic Development	National Policy
TAN24	The Historic Environment	National Policy
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
DM6	Flood Prevention Measures and Land Drainage	Local Development Plan 2011-2026
DM7	Dark Skies and External Lighting	Local Development Plan 2011-2026
DM13	Design and Resources	Local Development Plan 2011-2026
TD1	Tourism Development	Local Development Plan 2011-2026
T1	Travel, Traffic and Transport Infrastructure	Local Development Plan 2011-2026
SPGBIO	Biodiversity and Geodiversity SPG (2018)	Local Development Plan 2011-2026
SPGLAN	Landscape SPG	Local Development

		Plan 2011-2026
SPGRE	Renewable Energy SPG	Local Development Plan 2011-2026
SPGRES	Residential Design Guide SPG (2020)	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 for Llangammarch Wells and for the purposes of the Local Development Plan is identified as being within the open countryside.

The application site is known as Maesyron and benefits from a farmhouse, a range of agricultural buildings and associated land. The site is entirely bound by agricultural land and neighbouring holdings and access is gained from the unclassified county highway the U0067 which is to the east of the application site.

Consent is sought for the erection of 3 no. glamping silos, reception, orangery, tool workshop and conversion of a pole barn for use as a facilities space for guests.

The proposed glamping silos/ holiday units will be circular in design measuring a height of approximately of 5.2 metres.

The proposed workshop will measure approximately 4.6 metres in width by 16.2 metres in length which includes an external covered yard area. The building itself will be 3.2 metres in height with some ground levelling required to create a flat plateau (max 2m increase to rear of building)

The proposed pavilion/timer pergola will measure 6 metres in circumference reaching a

height of approximately 4 metres.

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

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

Principle of Development

Future Wales: the national plan 2040 identifies that foundational economic activities remain the backbone of the rural economy. In particular, tourism and leisure is recognised as a major and growing employer and contributor to the Welsh rural economy.

Technical Advice Note 13 (Tourism) (TAN13) and Future Wales identifies the importance of tourism and its major contribution to the Welsh economy, Future Wales states specific to Mid Wales that “Tourism is an important sector to the Mid Wales economy”.

Technical Advice Note 6: Planning for Sustainable rural communities (TAN6) and Technical Advice Note 23: Economic Development (TAN23) support the re-use and adaptation of existing rural buildings which are identified as having an important role in meeting the needs of rural areas for commercial and industrial development, and tourism, sport and recreation.

Policy TD1 of the Local Development Plan (LDP) seeks to ensure that development proposals for tourist accommodation, facilities and attractions, including extensions to existing development, will be permitted as follows:

*1. Within settlements, where commensurate in scale and size to the settlement.
2. In the open countryside, where compatible in terms of location, siting, design and scale and well integrated into the landscape so that it would not detract from the overall character and appearance of the area and in particular where:*

- i. It is part of a farm diversification scheme; or*
- ii. It re-uses a suitable rural building in accordance with TAN 6; or*
- iii. It complements an existing tourist development or asset, without causing unacceptable adverse harm to the enjoyment of that development or asset; or*
- iv. It is not permanent in its nature.*

3. Accommodation shall not be used for permanent residential accommodation.

The application site is located within the open countryside as defined by the LDP,

consent is sought for the erection of three holiday units and change of use of existing agricultural barns on the holding known as Maesyron. The site also benefits from an existing residential dwelling.

The LDP confirms that new tourist developments are encouraged because of their contribution to the economy in terms of visitor spending, supporting local business and employment generation. Developments however, should be sustainable and not have an unacceptable adverse impact and effect upon the character and appearance of an area, the natural and historic environment or existing amenities, assets or designations.

The application site is located within the community council area for Llangammarch Wells. Surrounding the application site there are a number of public right of ways and bridleways. The Town of Llanwrtyd Wells is located to the north-west of the application site which hosts a number of events throughout the year attracting worldwide visitors.

The Brecon Beacons National Park is located within 12km from the application site and is recognised in Future Wales which states that *“Tourism is central to the area’s economy with visitors from around the world drawn to the stunning natural landscape which includes the Black Mountains and Brecon Beacons.”*

Policy 25 (regional growth areas- Mid Wales) of Future Wales confirms that Mid Wales is a large and predominantly rural area comprising 39% of the land mass of Wales but only around 7% of the population. Mid Wales has a wealth of outstanding natural assets from harbours and waterways to mountains and designated landscapes, all of which contribute to an outstanding tourism offer.

Given therefore, that the units will complement several existing tourist assets and located within the recognised regional growth area of Mid Wales which supports tourism to this area and its landscape assets it is considered that the proposed units would not have an unacceptable adverse impact on any existing and established tourism assets and attractions and would support the economic and regional growth of the area.

The proposed development is therefore considered in principle to fundamentally comply with relevant planning policy.

Design and External Appearance

Policy DM13 of the Local Development Plan (LDP) seeks to ensure that development proposals must be able to demonstrate a good quality design and shall have regard to the qualities and amenity of the surrounding area, local infrastructure and resources.

Proposals will only be permitted where the 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.

Consent is sought for the erection of three holiday units and the conversion and

alteration to existing barns on site. The holiday units will be created from disused grain stores creating a unique holiday experience, whilst the barns will be used ancillary to this use and conditioned as such.

Concerns have been raised from public representations over the design of the proposed holiday units and pole barn conversion. These will be discussed individually below:

- Proposed holiday units

The proposed three holiday units will be created from disused grain stores, reaching a height of approximately 6.2 metres and clad with reclaimed metal cladding, left unpainted. A small timber clad bathroom will then be installed to one side of the elevation with a small decking area to the front.

It is appreciated that the proposal offers a very unique proposal in re-using a grain store, a design that is not traditionally seen throughout Powys for tourism developments. Concerns have been raised locally that the design is not traditional to the Powys landscape and I would disagree with those concerns as grain stores/feed mills are often seen throughout many farmsteads utilising similar materials albeit usually with a painted finish. Where however, this development is in contrast would be the detached nature of the units and the number present on site.

In terms of the scale of the units I do not consider the height would be overbearing and indeed we often see holiday units (cabins, chalets etc) of similar if not higher throughout Powys. Generally, the scale is considered to be acceptable therefore.

Of concern however is the proposed finish to the holiday units which is stated as being *“reclaimed metal grain silo, the existing metal patina will be preserved”*. The metal is confirmed that it will have a ‘patina’ finish which is when over time metals develop a thin coloured film on their surface called a patina and gives the metal an aged look. Box profile or corrugated sheeting are commonly used throughout Powys in agricultural sheds and therefore this material is common throughout the existing landscape.

The LPA would not however support any proposal which would result in a reflective material which may increase any visual impact from the development and therefore a condition will be attached to any grant of consent requesting full details and preservation details for the metal are to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

Subject to the condition which will ensure the materials assimilates the units within the landscape setting, it is considered that the cabins and their design and scale could be managed to an acceptable level and in keeping with the character and appearance of the surrounding area and therefore fundamentally complies with relevant planning policy.

- Proposed Barn Conversions

To the proposed stone barn which will include the required bat loft, minimal external works are proposed and only works to Elevation A are proposed which would involve a new opening for access to the proposed bat loft. Otherwise, all windows and door openings are to be retained. Timber doors and shutters are to be installed to existing openings across this elevation.

The works therefore are very minimal and to retain the agricultural character of the stone barn in accordance with Technical Advice Note 6.

CPAT have commented given the historic character of the stone barn and they request a photographic survey of the building is completed prior to any works. A condition will be attached to secure the photographic survey.

The proposed amenities barn is currently a modern designed agricultural building with corrugated metal roof and walls with a large central doorway on the front elevation. This barn is more modern in construction than the previously referred to stone barn which is a traditional stone farm building.

The amenities building will be significantly altered to include a glass atrium style roof feature to provide much needed light to the building. The atrium roof feature whilst higher than the existing ridge will be glass in construction and therefore lightweight in structure, reaching a height of 5.6 metres which is not considered to be out of keeping with the existing agricultural buildings/farmhouse also present and grouped with the building.

Concerns have been raised over these proposed design features, however given that the existing building is of low architectural importance in terms of character it is not considered that the works proposed would justify a refusal on those grounds.

A condition will be attached to any grant of consent ensuring the use is for ancillary purposes only and is not at any time used for accommodation purposes.

- Further structures

Additional works include a timber garden pavilion/ pergola, workshop with solar panel roof shed and an orangery infill between the barn and the farmhouse where an existing structure once stood.

These works have all been sensitively designed and located grouped with existing buildings and ancillary to the main buildings located within and surrounding the application site.

In light of the above it is therefore considered that the works proposed have been sensitively designed in keeping with the character and appearance of the surrounding area.

Landscape and Visual Impact

Policy DM4 seeks to ensure that proposals for new development outside the Towns, Large Villages, Small Villages and Rural Settlements defined in the Settlement Hierarchy must not, individually or cumulatively, have an unacceptable adverse effect, on the valued characteristics and qualities of the Powys landscape.

LANDMAP identifies the area as being characterised as the following:

Geological Landscape- Moderate
Landscape Habitat- High
Visual and Sensory- Moderate
Historic Landscape- High

The Visual and Sensory evaluates the area as being *“Gentle undulating pastoral landscape cut through by the Rivers of Irfon, Cammarch and Dulas creating substantial areas of low lying marshy pasture and some wetland. The area runs down from the Mynydd Eppynt scarp slope to the south. The low hills reach 282mAOD while the valley bottom of the Irfon lies at 160mAOD to the east. Fields are generally of medium size and are enclosed by a combination of outgrown and trimmed hedges. Mature trees in the hedgerows create enclosure and structure in the landscape. The wetter areas are fringed with birch in gappy hedgerows. Deciduous woodland is found particularly to the south and east of the area on steep slopes and hillsides, often associated with watercourses, where it is most attractive. The odd small coniferous plantation reinforces the upland character of the area. This is a settled landscape. The pleasant settlements of Llanwrtyd Wells and Llangamarch Wells straddle the River Irfon. Farmsteads are scattered across the area. The A483 runs along the northern fringes with some associated linear development, reducing the tranquillity of the corridor of land adjacent.*

LANDMAP recognises that the principal management recommendation for the area is to manage deciduous woodlands and improve hedgerows.

Policy DM4 seeks to ensure that development proposals are appropriate and sensitive in terms of integration, siting, scale and design to the characteristics and qualities of the landscape including its: topography; development pattern and features; historical and ecological qualities; open views; and tranquillity. Policy TD1 also supports this by confirming that sites should be *“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”*

The application site features Maesyron farmhouse and two existing agricultural buildings. The area of land to the west of the existing built development is to host the three holiday units. The wider application site is surrounded entirely by agricultural land with a neighbouring farm holding including farmhouse being located directly to the north.

There is a gradual slope throughout the site from the site access down to the proposed area for the holiday lets with them being at a lower level than the farmhouse and buildings which are on a level gradient.

The holiday units are unique in design and therefore careful consideration has been given to the visual impact of the units on the surrounding landscape. The application site is located within a valley on the northern slope rising up to the Mynydd Epynt. Views whilst travelling the U0067 to the application site are considered to be low due to the high hedgerows which line the highway and also due to the topography of the land. Wide-range views of the site would be from a number of public right of ways and the C0028 county highway to the west of the application site. These public vantage points are at a distance however, on the opposite side of the Afon Irfon with the C0028 county highway located approximately 1.6km from the application site. There are then some scattered farmsteads also within landscape.

When considering the scale of the units proposed along with the grouping of the units with existing agricultural buildings it is considered that the proposed holiday units would not detract from the overall character and appearance of the surrounding area.

The application site is located within an area of 'high' historic landscape.

The nearest listed building is located approximately 1.5 km to the north-east of the application site (Cefn Grade II listed building Cadw ID 6716) with the nearest Scheduled Ancient Monument (BR100 Round Barrows N & NE of Ffynnon Dafydd-Bevan) located over 2km east of the application site. As considered above the holiday units are considered to have been sensitively designed and located to reduce visual impact on the surrounding area. Whilst therefore the historic nature of landscape is noted it is not considered that this proposal would have any further unacceptable impact to its outstanding evaluation by nature of its location and scale.

In light of the above it is therefore considered that the proposed development fundamentally complies with relevant planning policy and would not be seen as having a significant impact on the landscape and/or visual amenity.

Highway Safety

A safe access, parking and visibility splays are a fundamental requirement of any development (LDP: DM13, Part 10), LDP: T1 and Technical Advice Note 18.

A number of concerns have been received in relation to highway safety in respect to increased traffic movements along the unclassified county highway, this includes objections from the Powys County Council Highway Authority.

As a result of the concerns raised an amended scheme was received which reduced the number of holiday units to just 3 silos, reduced from the previously proposed 8 units. This has reduced the projected daily traffic movements to and from the site, by circa

62.5% (32 movements to 12).

Proposed Access

It has been brought to Powys County Council's attention that access to the application site and the works proposed to improve it may involve third party land. Discussions have been held with the agent who has confirmed that sufficient land is owned by the applicant/highway verge to complete the works proposed to the improved access. The LPA therefore have no information which would contradict this assurance received.

The Highway Authority have recommended conditions to ensure that the appropriate visibility splays will be ensured.

In light of the above, and subject to appropriately worded conditions it is considered that the access to the site can be managed to an acceptable level.

Proposed Passing Bays

The Highway Authority have noted the amendments to the proposal which significantly reduce the likely level of conflict along the constrained route to the site. The Officer considers that on balance, if the applicant were to provide 2 passing bays along the route, the HA would be satisfied that the provision of such, alongside the access improvement to the site entrance, would provide adequate mitigation for the scheme, whilst also providing an element of betterment for all other highway users who regularly utilise the route.

It is therefore considered that the proposed development subject to appropriately worded conditions will not be seen as having an unacceptable impact to the existing highway network. The proposed development therefore fundamentally complies with relevant planning policy.

Biodiversity

Policy DM2 states that proposals shall demonstrate how they protect, positively manage and enhance biodiversity and geodiversity interests. Proposals which would impact on natural environment assets will only be permitted where they do not unacceptably adversely affect those assets. This is further emphasised within Technical Advice Note (TAN) 5.

An Ecology and Protected Species Appraisal was submitted in support of the application by James Johnston Ecology dated 25th June 2020.

The data search identified 521 records of protected and priority species within 500m of the proposed development. Species recorded within 500m of the proposed development include bat species: soprano pipistrelle, whiskered bat, noctule, brown long-eared bat, and common lizard, smooth newt, barn owl, brambling, grasshopper

warbler, red crossbill, goshawk, fragrant orchid, witches' whiskers lichen and a number of Environment (Wales) Act 2016 moth species.

One statutory designated site was identified within 500m of the proposed development:

- Caeau Ty'n-Llwyni Site of Special Scientific Interest (SSSI - approximately 230m north of the proposed development

One non-statutory designated site was identified within 500m of the proposed development:

- Cwm Dyfnant Road Verge Nature Reserve (RVNR) - approximately 260m from the proposed development

One or more Ancient Woodland (AW) sites were identified within 500m of the proposed development. PCC Highways (22/06/2021) have identified the requirement for installation of vehicle passing places on the U0068 and U0067. Cwm Dyfnant RVNR is located along the U0067 where it passes through an area of AW. It is considered that that there would be no likely negative impacts directly or indirectly to the RVNR, AW and/or any associated features subject to sensitive siting of the required highway passing bays which can be appropriately secured during the discharge of condition application process.

- Protected Species

A preliminary bat roost assessment (PRA) was undertaken of the buildings on site. The pole barn was confirmed as having negligible potential for roosting bats. The interior of the stone barn, initially proposed to be converted into three holiday lets, was confirmed as supporting a maternity roost of whiskered bats. Several potential access points and roosting locations were identified on the building exterior. Three activity surveys (two dusk, one dawn) identified the presence of low numbers of roosting common pipistrelles and brown long-eared bats using the stone barn, in addition to the whiskered bats. Common pipistrelle and brown long-eared bats were also identified emerging from the farmhouse roof. No works are proposed to the farmhouse and these roosts will be unaffected by the revised proposals. The revised proposals will still impact roosting bats within the stone barn and therefore a European Protected Species licence will be required for the development as confirmed by NRW and the Powys Ecologist. An informative will be attached to any grant of consent.

Mitigation for loss of bat roosts and potential disturbance/killing/injury of bats has been proposed. A dedicated bat loft will be installed in the eastern wing of the stone barn. This is to be retained above the proposed reception area in the revised proposals. Sufficient details of mitigation measures are included on the originally submitted Ecology Mitigation Strategy for Stone Barn plan, which is clearly referenced by the revised Ecology and Planting Strategy. NRW's comments regarding the proposed access into the bat loft are noted and I concur that such an opening is not necessary for

the species identified from the site. However, NRW are content that the precise design of the access point(s) into the bat loft can be confirmed at the EPS licensing stage and consider that the proposed development can be undertaken without detrimental impact to bats.

- Hedgerow Translocation

No priority habitats will be affected by the revised proposals, except for a section of roadside hedgerow that will be translocated to accommodate required highway visibility splays. The hedgerow was considered not to be 'ecologically important' in terms of species diversity as defined by the Hedgerow Regulations 1997.

Due however to the proposed impacts to hedgerows are identified and cannot be avoided, an appropriate compensation strategy will be required. It has been confirmed that the existing hedgerow will be relocated to behind the new visibility splays. A translocation method statement will be required to ensure that the hedgerow relocation is undertaken appropriately to maximise the chances of successful retention.

It is, therefore, recommended that a Hedgerow Translocation Method Statement is secured through an appropriately worded planning condition.

- Proposed Lighting

A Lighting Strategy has been proposed as part of the development. The measures proposed are considered to generally be appropriate and sufficient to avoid significant adverse impact to nocturnal wildlife in the local area. However, it is recommended that the Strategy identifies the use of LED bulbs of the warm-white spectrum only, i.e. <4,000°K, preferably with a peak wavelength of >550nm (~3000°K).

A condition will be attached to any grant of consent ensuring the above requirement is appropriately conditioned as part of any consent granted.

- Biodiversity Enhancement

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.

The revised Ecology and Planting Strategy identifies that biodiversity enhancements could be achieved through provision of further roosting opportunities for bats by installing bat boxes on trees at the site, improving the condition of an existing length of hedgerow, creating/reinstating a pond, planting of specimen trees and hedgerow lengths and creation of barn owl foraging habitat. New barn owl boxes are also proposed to be installed on trees at the site. 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 measures are secured through an appropriately worded planning condition.

- River Wye Phosphate Sensitive Catchment Area

The proposed development is located within the catchment of the River Wye Special Area for Conservation (SAC). In accordance with NRW's current planning advice, it is necessary to demonstrate that all proposed developments within the River Wye SAC catchment will not result in an adverse effect on the integrity of the River Wye SAC through further addition of phosphate to the SAC, either directly or indirectly. With regard to the current proposal, consideration has been given to the potential for additional phosphate associated with foul drainage to enter the River Wye SAC catchment.

Information has been provided that the proposed development for the three holiday units would result in a daily discharge rate of less than 2 cubic metres (m³).

Further information is currently being clarified in relation to discharge points within the area in order to enable for a Habitat Regulation Assessment (HRA) to be completed. An update will therefore be provided to Members prior to/at the Committee meeting.

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.

Policy SP7 of the LDP seeks to ensure that listed buildings and their curtilages are safeguarded and therefore development proposals must not have an unacceptable adverse impact on the resource or asset and its operation. Which is also supported by Technical Advice Note 24: The Historic Environment (2017).

The nearest listed building is located approximately 1.5 km to the north-east of the application site (Cefn Grade II listed building Cadw ID 6716) with the nearest Scheduled Ancient Monument (BR100 Round Barrows N & NE of Ffynnon Dafydd-Bevan) located

over 2km east of the application site.

Given the distances involved, the topography of the land and the scale of the development proposed it is considered that the proposed development would not harm any of the assets surrounding the application site.

Contaminated Land

The application proposal involves the conversion of an agricultural buildings, Agricultural buildings and land could contain potential sources of contamination, depending on what they were used for in the past, such as: pesticides, fuels and oils, slurry tanks and pits, fire sites, animal burial pits or other buried waste, fertiliser, sheep dip pits, asbestos, old machinery, waste chemical drums and ammunition.

It is noted therefore that any building constructed before 2000 may have asbestos products which should be considered.

The Contaminated Land officer has been consulted and has recommended a condition which ensures that in the event of contamination being found that it is dealt with adequately and details submitted to the Local Planning Authority.

Subject to a condition it is therefore considered that the proposed development can be managed to an acceptable level.

Public Representations

Whilst several of the concerns raised have already been considered above in the relevant consultee sections, it is noted that there are a number of concerns outstanding, some of the concerns raised are not material planning considerations (person(s) asking for directions) however the remaining outstanding concerns can be addressed as follows:

- *Privacy/ Noise impact to Neighbouring residential properties*

The nearest non-associated residential properties to the application site is:

- o Tynllwyni (approximately 500 metres north)
- o Cwmfynnon (approximately 570 metres north-east)

Environmental Health were consulted on the proposed development and no comments or objections have been received in respect to the proposed development on neighbouring amenities. Whilst the concerns have been noted there is no evidence to suggest that the three holiday units proposed within this location would have any unacceptable impact to the amenities of neighbouring residential properties.

- *Public Right of Way*

Concerns were raised regarding the potential impact to adjoining public right of ways.

The Powys Countryside Services team have been consulted and have confirmed that subject to an informative being attached to any grant of consent ensuring that the right of ways remain open and un-obstructed at all times then they have no objections to the proposed development.

RECOMMENDATION

Subject to the information being received to successfully complete the HRA as identified above, the proposed recommendation will be one of conditional consent in that the proposed development fundamentally complies with relevant planning policy and the recommendation is one of conditional consent.

Conditions

- 1 The development shall begin not later than five years from the date of this decision.
- 2 The development shall be carried out in accordance with the following approved plans and documents PL-242-A, PL-241-, PL-240-A, PL-225-A, PL-208-A, PL-206-A, PL-205-A, PL-202-A, PL-201-A, PL-200-A, PL-100-A, PL-101-A, PL-120-A, PL-220, PL-221, PL-222, PL-223, PL-224, PL-260, PL-261, PL-280, PL-281.
- 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. 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 In the event that the presence of contamination is encountered when carrying out the approved development immediate contact must be made with the local planning authority and works must cease in that area. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the local planning authority. Following completion of the remedial works identified in the approved remediation scheme, a verification report that demonstrates compliance with the agreed remediation objectives and criteria shall be produced, and is subject to the written approval of the local planning authority, prior to commencement of use of the development.
- 6 No development shall take place until a programme of building recording and analysis, equivalent to an Historic England Level 2 building survey, has been secured and implemented, in accordance with a brief issued by the local planning authority and a written scheme of

investigation which has been submitted and approved in writing by the local planning authority. The survey will be completed by a professional archaeological contractor. The programme of building analysis and recording must meet the standards laid down by the Chartered Institute for Archaeologists in their Standard and Guidance for the archaeological investigation and recording of standing buildings or structures.

A copy of the resulting report should be submitted to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust (The Offices, Coed y Dinas, Welshpool, Powys, SY21 8RP Email: mark.walters@cpat.org.uk Tel: 01938 553670). After approval by the Local Planning Authority, a copy of the report and resulting archive should also be sent to the Historic Environment Record Officer, Clwyd-Powys Archaeological Trust for inclusion in the regional Historic Environment

7 No development shall commence until the access has been constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 43 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.

8 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.

9 Prior to the first operational use of the development the area of the access to be used by vehicles is to be finished in a suitably bound material for a distance of 5.5 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.

10 Prior to the first operational use of the development the applicant shall construct two passing bays along the U0068 & U0067 county highways in locations and scale to be agreed in writing by the Local Planning Authority.

11 Prior to the commencement of development a scheme of landscaping and biodiversity enhancement shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include indications of all existing and proposed trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development. All planting, seeding or turving comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

12 All external lighting shall be installed in full accordance with the lighting strategy (drawing ref: PL-120 A) and shall use LED bulbs of the warm-white spectrum only, i.e. <4,000oK, with a peak wavelength of >550nm (~3000°K) only. the lighting as installed she thereafter be retained in perpetuity.

13 Prior to the commencement of development a Hedgerow Translocation Method

Statement shall be submitted to and approved in writing by the Local Planning Authority. Works must thereafter be completed in full accordance with the details as approved.

14 All works must be completed in full accordance with Section 5 (Mitigation) of the Ecology and Protected Species Appraisal by James Johnston Ecology dated 25th June 2020.

15 Prior to the construction of the holiday units hereby approved details and/or samples of the materials to be used in the construction of the external surfaces of the holiday units shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reasons

1 Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2 Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

3 To ensure the future occupancy of the holiday units hereby approved in line with policy TD1 of the Local Development Plan, Technical Advice Note 13 and Planning Policy Wales (Ed11:2021).

4 In order to control further development which has the potential to have adverse effects on privacy and/or amenity in contradiction to policy DM13 of the Powys Local Development Plan and Technical Advice Note 6.

5 To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with policy DM10 of the adopted Local Development Plan (2018).

6 To allow an adequate analytical record of the buildings to be made, before they are converted, to ensure that the buildings origins, use and development are understood and the main features, character and state of preservation are recorded.

7 In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales.

8 In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales.

9 In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales.

10 In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales.

11 To comply with Powys County Council's LDP Policies DM2, DM4, DM13 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 11, 2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

12 To comply with Powys County Council's LDP Policies DM2, DM4, DM13 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 11, 2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

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14 To comply with Powys County Council's LDP Policies DM2, DM4, DM13 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 11, 2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

15 To ensure an appropriately designed development in accordance with policy TD1 and DM13 of the Local Development Plan (2018), Technical Advice Note 12: Design and Planning Policy Wales (2021).

Informative Notes

- 1 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 Statutory 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.

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

<http://www.powys.gov.uk/en/roads-transport-parking/street.works@powys.gov.uk>

Street Works
Powys County Hall
Spa Road East
Llandrindod Wells
Powys
LD1 5LG
0845 6027035

- 2 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 2010 (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 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 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.

3 Warning: An European protected species (EPS) Licence is required for this development.

This planning permission does not provide consent to undertake works that require an EPS licence.

It is an offence to deliberately capture, kill or disturb EPS or to damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine.

To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at

<https://naturalresources.wales/conservation-biodiversity-and-wildlife/european-protectedspecies/?lang=en>

Development should not be commenced until the Applicant has been granted a licence by Natural Resources Wales pursuant to Regulation 55 of the Conservation of Habitats and Species Regulations 2017 (as amended), authorising the specified activity/development to go ahead.