

Public Document Pack



Neuadd y Sir / County Hall, Llandrindod, Powys, LD1 5LG

Os yn galw gofynnwch am - If calling please ask for
Carol Johnson

Ffôn / Tel: 01597826206

Ffôn Symudol / Mobile:

Llythyru Electronig / E-mail: carol.johnson@powys.gov.uk

PLANNING, TAXI LICENSING & RIGHTS OF WAY COMMITTEE

Thursday, 16th November, 2017

S U P P L E M E N T A R Y P A C K

1.1. **Updates**

Any Updates will be added to the Agenda, as a Supplementary Pack, wherever possible, prior to the meeting.

(Pages 1 - 48)

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Planning, Taxi Licensing and Rights of Way Committee Report

Update Report – 16/11/17 Planning Committee meeting

Application No:	P/2017/0119	Grid Ref:	296834.02 268416.04
Community Council:	Rhayader	Valid Date:	Officer: 07/02/2017 Karen Probert
Applicant:	Mr Nathan Goodyear, The Camping And Caravanning Club.		
Location:	Wyeside Caravan Park, Rhayader, Powys, LD6 5LB.		
Proposal:	Full: Upgrade of existing pitches to gravel hardstandings, replacement of site access road and stone car park and other associated works.		
Application Type:	Application for Full Planning Permission		

Deferment reason:

This application was considered at the Planning, Taxi Licensing and Rights of Way Committee Report on the 24th August 2017 where it was resolved to defer the decision to enable Officers to ask Natural Resources Wales (NRW) to provide comments regarding the potential flooding impact due to the proposed hardstanding's.

An update report was taken to the Planning, Taxi Licensing and Rights of Way Committee Report on the 26th October 2017. It was advised that the Committee was not quorate and therefore could not consider the application. It was resolved that the application be deferred and considered as a new application at a future meeting to ensure that the Committee is quorate.

Representations

Since the last update report was issued on the 26th October 2017, three further objections have been received (two letters received from Rhayader Town Council and one from Councillor David Evans) together with one third party representation (Rhayader Bowling Club) which is summarised below:

- Camping field was left to the Town and people of Rhayader for camping with tents only by Miss Evans. The plans submitted contravene these instructions.
- The plans submitted do not leave any space for tents or provide an area for large groups and families.
- If they plan to use the lower river side for tents we would draw your attention to the fact that this area is prone to flooding after heavy falls of rain. Two years ago, the whole field was under water, at its lowest point it was 2 feet deep.

- We ask Powys County Council to refuse this Planning Application and encourage The Camping & Caravan Club to engage in dialogue with the local population of Rhayader and discuss the possibility of promoting the current camping arrangements with not only their members but seasonal visitors to Rhayader.

Councillor David Evans

Received 25th October 2017

I refer to the above Planning Application which is to be considered tomorrow Thursday 26th October 2017 by the Powys Planning Committee.

As a local Powys County Councillor I write to inform you that I wish to again convey my opposition to this Planning Application and would like to re-iterate the valid planning reasons for doing so as outlined in my previous email dated 23rd August 2017.

In addition I would like to make the following comments :-

To recommend granting approval for further development in a highly vulnerable flood zone cannot be acceptable. As you will know the camping field lies entirely within a Flood Zone C 2 which is the most extreme zone of the floodplain. The application must therefore be refused - to do otherwise would be irresponsible and negligent and could have serious consequences for the County Council and indeed the tenants of the site in the future. To deliberately expose persons to additional dangers which the Planning Authority are fully aware cannot be the way forward. Everyone knows that this site floods on a regular basis and you have been presented with recent photographic evidence which proves this fact. Please remember that YOU HAVE BEEN WARNED.

The site is situated in a particularly beautiful area adjoining the upper River Wye in a cherished landscape. To agree to cover this lovely green field with gravel and tarmac would destroy the landscape and would be an act of vandalism.

To plant a hedge alongside the River Wye to hide the gorgeous views over the river which people come to enjoy would be crazy and demonstrate what little respect the applicants have for our countryside.

I cannot see how this application can be considered tomorrow because there is no indication of the exact location of the 30 tented pitches. The existing plan shows no provision for tented pitches. You will be aware that I emailed you recently requesting this information but I, and indeed others who have asked for the same information, have received neither a reply nor an acknowledgement. This is very disappointing.

There are no caravan pitches on the site at present and there never have been so the description on the application could be considered to be misleading for the NRW and others.

The Flood Management and Evacuation Plan should be produced before consideration of the application. It is also interesting to note that this has to be approved by Powys CC who owns the land!

I am very concerned that Powys County Council should be deciding a major application for development on land owned by the Council and leased out to the Council's tenants, who are the applicants, on very favourable terms. There has to be a conflict of interest there somewhere which needs to be investigated.

I have doubts about the way the application has been processed in that the Rhayader Town Council, as a statutory consultee, has not been consulted on the revised/amended application and given the normal 21 day period to respond.

The proposal to extend the season is a big issue that has been buried within the present application and should be the subject of a separate application.

I am fast coming to the view that the procedure adopted in this case should be a matter for a special scrutiny review.

In conclusion I wish to support entirely the representations made to you and members of the Planning Committee by the Rhayader Town Council in their email dated 25th October 2017.

Please ensure that members of the Planning Committee receive a copy of this email today so that they have sufficient time to consider the issues raised.

Rhayader Town Council

Received 25th October 2017

Please see Appendix 1. for Rhayader Town Council letter of objection.

Received 13th November 2017

Please see Appendix 2. for Rhayader Town Council letter of objection.

Officer Appraisal

An update report was taken to the Planning, Taxi Licensing and Rights of Way Committee Report on the 26th October 2017. It was advised that the Committee was not quorate and therefore could not consider the application. The application is now to be considered in full at the 16th November 2017 meeting.

Recommendation

Whilst this report forms an update to the original report and the update report prepared for the 26th October 2017 meeting, it is considered that the recommendation remains the same.

It is recommended that an amendment is made to Condition 3 to state "*Within a month of the implementation of this consent, a Flood Management and Evacuation Plan shall be submitted to and approved in writing by the Local Planning Authority and to be fully implemented thereafter*".

In addition, the former Condition 11 has been removed which read:

11. Notwithstanding the approved drawings, full details (including design and materials) of the following shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any works:-

- (a) The proposed hardstanding areas**
- (b) The new road**

The proposed hardstanding areas and new road details have already been submitted as part of the full application and are therefore approved under Condition 2.

As outlined in the previous update report (dated 26th October 2017), Officers consider that the proposal broadly complies with planning policy and therefore recommendation is one of conditional approval subject to the inclusion of appropriately worded conditions.

Conditions

1. The development to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.
2. The development shall be carried out strictly in accordance with the plans and supporting documents stamped as approved on **XXXX**, Amended Layout Plan Drawing No. WYE/000/17 Rev C (received 13th October 2017), Hardstanding detail STD.15, Tarmacadam Road / Pathway Detail STAND/0009, Bin Store STAND/010, Site manager pitch STAND/016/CED, Service Area STD.04, Motorhome service point combined with service area STAND/030, Hook up bollard and plinth detail STAND/028, Construction Method Statement (May 2017), Information to support an Assessment of Likely Significant Effects under the Habitat Regulations (June 2017), Flood Procedure and Policy (as amended) received 14th March 2017, Biodiversity Enhancement Report (June 2017), Flood Risk Consequences Assessment (January 2017), Clarification Statement (received on 12th September 2017).
3. Within a month of the implementation of this consent, a Flood Management and Evacuation Plan shall be submitted to and approved in writing by the Local Planning Authority and to be fully implemented thereafter.
4. The development shall be carried out strictly in accordance with the measures identified regarding Pollution Prevention within the Construction Method Statement produced by Camping and Caravanning Club date May 2017 and maintained thereafter unless otherwise agreed in writing by the Local Planning Authority.
5. The development shall be carried out strictly in accordance with the measures identified in Section 4.0 - Retention and Enhancement: Habitats and Section 5.0 - Mitigation and Enhancement: Protected Species of the Biodiversity Enhancement Report produced by WYG dated June 2017 and maintained thereafter unless otherwise agreed in writing by the LPA.
6. Prior to the occupation of the development a detailed Landscaping and Management Plan shall be submitted to and agreed with the Local Planning Authority and shall be implemented in the first planting season following occupation of the development. The Plan shall include the use of native species, details of the planting specification – the species, sizes and

planting densities – and a timetable for implementation and future management to ensure good establishment and long-term retention

7. No external lighting, with the exception of electric hook-up bollards, shall be installed unless a detailed external lighting design scheme has been submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall identify measures to avoid impacts on nocturnal wildlife. The development shall be carried out in accordance with the approved details.

8. The site manager's pitch is to be a temporary residential pitch for a time period of three years from the implementation of this planning permission. Upon the expiry of temporary time period, the pitch shall cease to be occupied and the land shall be restored to its former condition.

9. The development shall be occupied as holiday accommodation only and shall not be occupied as a person's sole or main place of residence or by any persons exceeding a period of 28 days in any calendar year. An up to date register shall be kept at the Wyeside Caravan Park as shown on site layout plan drawing No. WYE/000/17 Rev C. 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 tourers, tented camping and motorhome accommodation, their main home addresses and their date of arrival and departure from the site.

10. Prior to the commencement of development contoured plans of the site and immediately adjoining land and cross sections through the site itself sufficient to demonstrate the existing and proposed levels including finished levels of the proposed road shall be submitted to and approved in writing by the Local Planning Authority and to be fully implemented thereafter.

Reasons

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

2. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.

3. To ensure all occupants of the park are aware and informed of the measures to take prior to a possible flood event.

4. To comply with Powys County Council's UDP Policies SP3, ENV2, ENV3, ENV4, ENV5, ENV6 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

5. To comply with Powys County Council's UDP Policies SP3, ENV2, ENV3, ENV4, ENV5, ENV6 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

6. To comply with Powys County Council's UDP Policies SP3 and ENV2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9,

November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

7. To comply with Powys County Council's UDP Policies SP3, ENV3, ENV4, ENV5 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

8. In order to ensure that residential development in the open countryside is justified, in accordance with policy HP4 of the Powys Unitary Development Plan (2010).

9. In order to ensure proper control of the use of the site and to prevent the establishment of permanent residency, in accordance with policy TR7 of the Powys Unitary development Plan (2010).

10. In order to ensure the tarmac access road does not involve land raising, in accordance with policies DC13 and DC14 of the Powys Unitary Development Plan (2010).

Informative Notes

Recreation and Countryside Services:

- The public access 'on foot' granted by the Countryside and Rights of Way Act 2000 must not be impeded or prevented at any time.
- There is no encroachment onto the common during the construction phase of the improvements i.e. building materials must not be stored on the common.
- Any inadvertent damage caused is made good as soon as possible.

Countryside Services – Rights of Way

The applicant must be advised that at no time during the development phase should any public right of way be obstructed. No materials should be placed or stored on the line of any public right of way and any damage caused to the surface of any public right of way must be made good to at least its current condition or better. Any unlawful disturbance, damage or obstruction to any public right of way could have legal repercussions.

Dwr Cymru / Welsh Water

The proposed development site is crossed by a public sewer with the approximate position being marked on the attached record plan. No development (including the raising or lowering of ground levels) will be permitted within the safety zone which is measured either side of the centre line. For details of the safety zone please contact Developer Services 0800 917 2652. The developer must contact us if a sewer connection is required under Section 106 of the Water Industry Act 1991 or any alteration to our apparatus is proposed prior to any development being undertaken.

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

Wales and West

The applicant's attention is drawn to the comments of Wales and West Utilities which are attached to this decision notice for attention.

Appendix 1 - Rhayader Town Council (Received 25th October 2017)
Appendix 2 – Rhayader Town Council (Received 13th November 2017)

Case Officer: Karen Probert- Planning Officer
Tel: 01597827372 E-mail:karen.probert1@powys.gov.uk

RHAYADER TOWN COUNCIL

Glennydd, South Street, Rhayader, LD6 5BH Clerk: Mr C Baker 01597 810405



25th October 2017

Ms K Probert,
Planning Officer,
The Gwalia,
Ithon Road,
Llandrindod Wells,
Powys, LD1 6AA

Dear Ms Probert,

P/2017/0119 for Full: Wyeseide Caravan Park Rhayader Powys

Rhayader Town Council writes to formally register its objection to the above planning application which has been determined for decision by Powys County Council's Planning Committee on Thursday 26th October 2017.

The Town Council is disappointed not to have been advised of the revised application form and additional documents. It is further surprised that its comments have not been sought by PCC to inform the planning officer's Update Report. Without explanation, the Town Council has not been afforded the usual 21 day notice period for it to undertake its role as a statutory consultee on the revised application form submitted by the Caravan and Camping Club (C&CC). In the same vein the comments of the local County Councillor have also not been sought. The report therefore fails to reflect the real level of **objection** and **local concern** raised by this planning application.

Much confusion surrounds this application. Local people have felt unable to formally register their objections with Powys County Council (PCC) as the information available on the PCC website is at best incorrect and at worst misleading:

Application details			
Reference number	P/2017/0119	Received Date	26/01/2017
Site address	Wyeseide Caravan Park Rhayader Powys LD6 5LB	Proposed Development	Full: Upgrade of existing pitches to gravel hardstandings, replacement of site access road and stone car park and other associated works.
Eastings	296834.02	Northings	268416.04
Valid date	07/02/2017	Community Council	No description.
Decision		Decision date	
Committee Type	Delegated	Committee Date	
Handling officer	Karen Probert	Agent name	Miss Sarah Butterfield

Source: <http://planning.powys.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=147472>

As can be seen from the above screenshot, the information provided is inaccurate. It

- 1) **Fails** to advise the reader of the local Council in which the application falls;
- 2) **Incorrectly advises** that the application is 'delegated'; and
- 3) **Omits** to supply a Committee date for a decision.

Rhayader Town Council Objections, Comments and Questions

The revised planning application should be **rejected** for several material considerations such as the negative effect the development will have on the special character and amenity value of the Upper Wye Valley, the adjoining the River Wye SAC (Special Area of Conservation) and River Wye (Upper Wye) SSSI (Site of Special Scientific Interest). It lies below Rhayader's Conservation Area, is located at the northern entrance to the town, and is the gateway to the spectacular Wye side Waun Capel Park, one of the jewels in Rhayader's crown. There is huge opposition to the inevitable consequential change of use and appearance of the open green field campsite to a formal caravan park/caravan car park covered by permanent gravelled hardstandings.

Following considerable public concern, Rhayader Town Council wishes to highlight the following reasons for objection to the Planning Committee:

1. The Application mis-represents the current and future proposed situation at the Wyeside Campsite

This is a about a **conversion** of an informal grass field to regimented hardstandings that will swallow up the usual grass camp site. There are NOT 31 existing pitches that are 'simply' being 'upgraded' or 'formalised'. The current campsite is a 2.9 acre level camping field with no designated pitches whatsoever. The River Wye lies on its Western boundary and its beauty is that camping pitch arrangements can taper to suit the needs of the visitors dependent on group size, privacy requirements or desired location (eg option to pitch near to the river or away from the river).

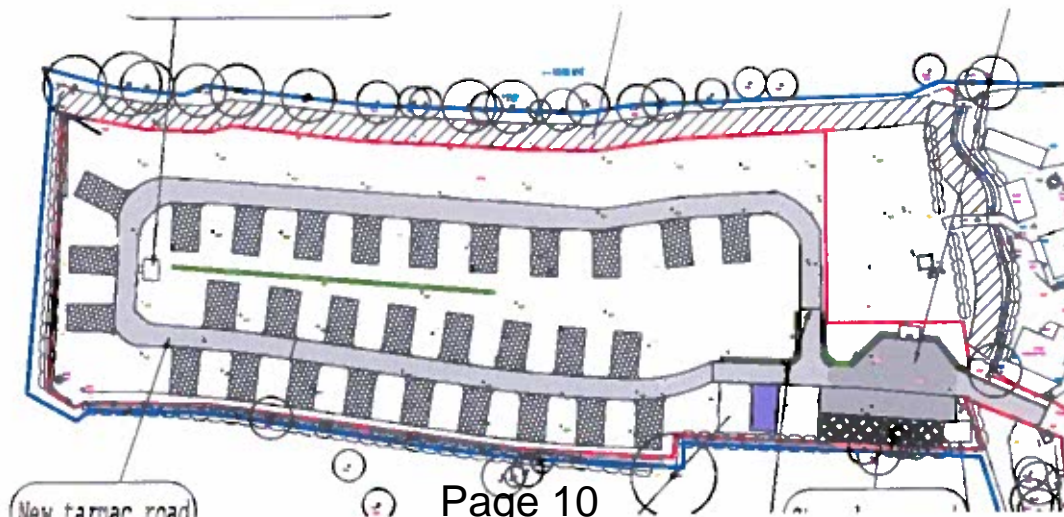
2. The proposed application will result in a change of EXISTING use FROM 'camping' TO 'caravanning' and as such will lead to the preclusion of traditional tented camping on the Wyeside Campsite

There is no doubt that the application will change the existing use from 'camping' to 'caravanning'. It only needs a glance at the plans to see that, if approved, the proposed 'car park' layout (see figure below) will stop low cost, camping on-grass and under-canvas available to all and for which Rhayader is well known.

3. The supposed 30 grass pitches in addition to the 30 hardstandings CANNOT BE IDENTIFIED on the revised plan

The proposed layout (below) advises that revised proposals are for 30 hardstanding pitches and 30 grass pitches yet the grass pitches cannot be seen or identified on the revised site plan:

Source: PCC



The 30 hardstanding pitches are easily identifiable by their top coating of 14m angular stone chippings, yet the grass pitches appear virtually non-existent, except for the undulating area alongside the fast flowing River Wye, the area most liable to flood.

When asked, the Planning Department were unable to advise of the location of the 30 grass pitches within the revised plans. Information has since been sought on multiple occasions but neither the Town Council, nor the two county councillors have received any acknowledgement, answer or further information in this regard. **If the Planning Department do not even know where the grass pitches are, then how can they recommend this application for approval?**

4. Caravan Parks in the most highly vulnerable flood zones (such as Wyeside Campsite) 'Should NOT be permitted' (TAN 15 Guidance)

The site lies entirely within Flood Zone C2, the most extreme zone of the floodplain. Planning guidance note TAN 15 states that: **'new development should be directed away from zone C ...highly vulnerable development such as caravan parks in zone C2 should NOT be permitted.'** **Why is Powys's advice going against the national planning guidance? No rationale is provided.**



5. Overt lack of flooding awareness and of flooding history of the site

The lack of awareness of, and research in to, the flooding history of the site by the applicant is hugely concerning. It is a FACT that the site floods to some extent EVERY year. Some of these floods can be very serious and attracting further use and extending the season for more vulnerable caravans cannot be justified. **Local knowledge** must be acknowledged and the subsequent risks properly recognised/addressed by both the applicant and the authority.

6. Flood Consequence Assessment (FCA) and Flooding Evacuation Policy is factually incorrect and not fit-for-purpose

The FCA was written for 43 pitches yet 60 are now proposed. It continually refers to the Environment Agency for getting flood warning information, flood alerts yet the Environment Agency DOES NOT OPERATE IN WALES! The Report even fails to mention Powys County Council which is the Lead Local Flood Authority (LLFA) for the area. The FCA goes on to cite the upper area of the holiday home site as the Flood Evacuation Point. It fails to recognise that this area is ALSO a HIGHLY VULNERABLE ZONE for flooding and adjoins a major trunk road (A470).

NRW advise **"We consider that the FCA does not appropriately address the issues with this application in a flood plain"**. Despite all the references to the need for a Flood Evacuation Procedure (not least by the NRW), Powys County Council has not even been consulted as the Flood Authority. **Why has the Planning Department not picked up this major error?**

As NRW have confirmed that the area should be deemed a Highly Vulnerable Area, why has the local authority not requested a renewed FCA to take account of this?

If an Emergency Evacuation Plan is seen as being so important by NRW, the Applicant and the Local Authority, why has one not been prepared for consideration by the local community and Planning Committee now?

7. Allowing residential accommodation in a C2 Flood Zone is CONTRARY to National Policy

The suggested temporary permission for a Warden's Accommodation is not understood. There is nothing temporary about flood risk, nor is it clear how a temporary provision would be overcome after the initial three year period. Town Councillors cannot agree with the Planning Officer's assertion that

'Officers consider that the proposal broadly complies with planning policy' when national planning guidance note TAN 15 clearly states that: 'new development should be directed away from zone C ...highly vulnerable development in zone C2 should NOT be permitted.'

8. Fishing Rights

The Rhayader Angling Club owns the fishing rights along the River Wye and yet has not been contacted by the applicant about the proposals. The Angling Club **objects** to the application. The application states that a new hedge will be grown along the 'western boundary' which, to use the compass correctly, is along the River Wye.

How can this be acceptable in an area of such high amenity value?

9. The C&CC is already ALREADY advertising 'Wyeside Ready Camp' which comprises of semi-permanent camping pods and tents, yet the application makes no mention of this additional, planned further intensification of the site.

The current C&CC website advertises:

"Our Glamping Tents

The ultimate in glamping – Ready Camp tents offer a great balance between contemporary and outdoor living. With stylish features, full beds, sofa and dining



The image is a screenshot of a website for 'Ready Camp'. It features a navigation bar with 'READY Camp', 'ACCOMMODATION', 'LOCATIONS', and 'INSPIRE'. The main content area is titled 'Our Glamping Tents' and includes a detailed description of the tent's amenities. A central image shows a floor plan of the tent with a dining table and chairs, a sofa, and a bed. A 'View layout' button is visible at the bottom left of the image.

facilities, you will find all that you need whether you choose to stay with us for a short break or longer holiday. There is plenty of storage in the living area and bedroom, giving you space to enjoy your stay – and a fully stocked crockery cupboard with all you will need to produce some lovely meals in your tent. The pretty decked terrace is perfectly lit for night time relaxation too. Just bring your bedding and essentials to get your holiday started"

Source: <https://campingandcaravanningclub.co.uk/readycamp/locations/glamping-wales/south-wales/wyeside/#our-tents>

Is it any wonder that the local population predicts the preclusion of traditional tented camping on grass?

10. Open Municipal Use to Restricted Membership Access?

The C&CC operate as a Club. There are minimum stay requirements and booking in restrictions (between 1pm and 8pm only). It is virtually impossible to get access information/prices for non members. This is at odds with the spirit in which the campsite was LEFT to PCC by a LOCAL RESIDENT for the BENEFIT of LOCAL PEOPLE. Several local people will swear affidavits to this effect. Tax payers money has been invested in to the site over a great many years and now access will effectively be restricted to those in a Club. Town Councillors are aware of a number of potential users of the site (and not in insignificant numbers) who have been refused entry/booking, much to the detriment to the local economy as a whole. This must not be allowed to continue. **As a local authority asset, the campsite should be for the many, not for the few.**

Season Dates & Price Guide

See details below of minimum booking periods on Club Sites and the latest season dates in our downloadable price insert cards.

Please note that arrival and pitching times are between 1pm and 8pm

UK Club Site Standard Minimum Booking Periods		
Dates/Periods	Pitch Types	Minimum Stay
High Season	All pitch types	2 nights
Fridays and Saturdays	All service pitches	2 nights

Source: C&CC website

11. Clarification of the non-planning nature of the covenant on the Wyeside Camping Field

The Town Council recognises that the covenant placed on the Camping Field by the local Resident (Miss Evans) when she left it to the local authority, is NOT a planning consideration. It will, however, be an issue for the Local Authority to consider should any implementation of any planning permission emanating from this application occur. County Councillors should be aware of correspondence between PCC Legal Services and Cllr K Curry which states that **'if the Caravan and Camping Club implemented the permission** (which is sought within the revised application) they **"would be in contravention with the permitted used contained within the lease'**.

(The Town Council is aware of discussions between the applicant and the County Council concerning the use of the site which did not refer to the existing covenant. The 'Site Works' document annexed to the Lease has not had ANY member scrutiny or involvement whatsoever and as such will be challenged if seen as a form of blueprint for development. The Town Council wishes to affirm its view that implementation of any permission arising from this revised application would be a material breach of the covenant and as such must not be allowed to happen. The Town Council is considering the preparation of sworn affidavits and intend to seek legal advice on this issue. We will look for County Councillors to support our stance should this situation arise.)

The risk to occupants of all touring caravans and motorhomes encouraged to use the flood plain should not, and must not, be underestimated. Converting grass to gravel, and restricting grass pitches to the most vulnerable part of the flood plain will preclude the use of the site by campers, a pastime much favoured by families and groups (often on a budget) visiting Rhayader, and, if approved, we will not only lose sight of the river, we will no doubt see the eventual demolition of tented camping in the centre of Rhayader altogether.

In summary, the Town Council and Community of Rhayader want a successful Caravan and Camping Site, but not at any cost. Not at a cost to the community or to the good intentions of a previous owner who left the land to benefit the local people, nor to the safety of those we welcome and who we encourage to holiday with us. We want a continuation of a site available to and used by ALL types of tourist, not one where you may need to book before arrival and where a minimum stay of five nights in high season is required.

We want a site that is accessible to all and which endangers no-one.

In view of all the above, Councillors were unanimous in their decision to recommend that the application be refused. At the very least the failure of the relevant parties to provide the Town Council with the necessary and requested information, and not to have followed the usual 21 day consultation protocol causes our members great concern and casts grave doubt on the decision making process.

Yours sincerely,



Carl Baker
Clerk to Rhayader Town Council

Cc
Powys County Council Planning Committee Members
Cllr P Davies, Portfolio Members for Property
Cllr M Weale, Portfolio Member for Regeneration and Planning
Cllr K Curry, County Councillor for Rhayader

RHAYADER TOWN COUNCIL

Glennydd, South Street, Rhayader, LD6 5BH Clerk: Mr C Baker 01597 810405



13 November 2017

Ms K Probert,
 Planning Officer,
 The Gwalla,
 Ithon Road,
 Llandrindod Wells,
 Powys, LD1 6AA

Dear Ms Probert,

P/2017/0119 for Full: Wyaside Caravan Park Rhayader Powys

Rhayader Town Council writes to formally register its objection to the above planning application which is to be considered by Powys County Council's Planning Committee on Thursday 16th November 2017.

The Town Council is disappointed at the procedure adopted throughout this process with information requested by ourselves and via local County Councillors not having been forthcoming. The Council is further surprised that its comments have not been formally sought again – via the usual 21 day notice procedure - after the application was revised, in to inform the planning officer's Update Report. We understand that the comments of the local County Councillor were also not sought when the matter came to last month's planning committee. The PCC website information regarding this application remains incorrect (further details below) despite the planning department being advised several weeks ago so the report therefore fails to reflect the real level of **objection** and **local concern** raised by this planning application.

Much confusion surrounds this application. Local people have felt unable to formally register their objections with Powys County Council (PCC) as the information available on the PCC website is at best incorrect and at worst misleading:

Application details			
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As can be seen from the above screenshot, the information provided is inaccurate. It

- 1) **Fails** to advise the reader of the local Council in which the application falls;
- 2) **Incorrectly advises** that the application is 'delegated';
- 3) **Omits** to supply a Committee date for a decision; and
- 4) This application is not about 'upgrading pitches'. It is about **conversion** of a grass field to hardstandings.

Despite being advised of the above three weeks ago, nothing has yet been updated by PCC.

Rhayader Town Council Objections, Comments and Questions

The revised planning application should be **rejected** for several material planning considerations such as the **negative effect on the special character and amenity value of the Upper Wye Valley**, adjoining the River Wye SAC (Special Area of Conservation) and River Wye SSSI (Site of Special Scientific Interest). It lies below Rhayader's Conservation Area, is overlooked by the site of Rhayader Castle a scheduled monument (ref SAMRadnor132), is located at the northern entrance to the town, and is the gateway to the spectacular river side Waun Capel Park, one of the jewels in Rhayader's crown. There is huge opposition to the inevitable consequential change of use and change in appearance of the open green field campsite to a formal caravan park/caravan car park covered by permanent gravelled hardstandings and dissected by tarmac roads.

Following considerable public concern, Rhayader Town Council wishes to highlight the following reasons for objection to the Planning Committee:

1. The Application mis-represents the current and future proposed situation at the Wyeside Campsite

This is not an application to upgrade existing pitches. Rather, it seeks the **conversion** of an informal grass field to regimented hardstandings that will swallow up the usual grass camp site. There are NOT 31 existing pitches that are 'simply' being 'upgraded' or 'formalised'. The current campsite is a 2.9 acre level camping **field** with no designated pitches whatsoever.

The River Wye lies on its Western boundary and its beauty is that camping pitch arrangements can taper to suit the needs of the visitors dependent on group size, privacy requirements or desired location (eg option to pitch near to the river or away from the river).

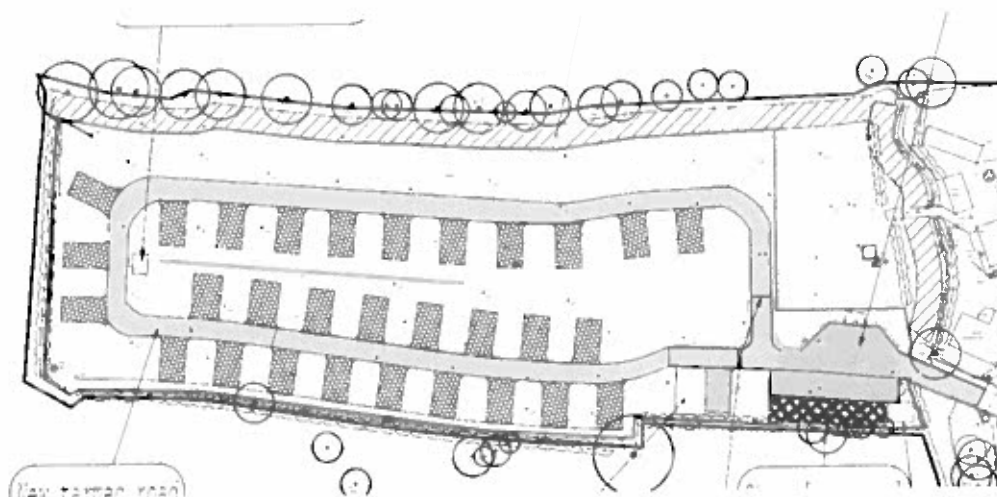
2. The proposed application will result in a change of EXISTING use FROM 'camping' TO 'caravanning' and as such will lead to the preclusion of traditional tented camping on the Wyeside Campsite

There is no doubt that the application will change the existing use from 'camping' to 'caravanning'. It only needs a glance at the plans to see that, if approved, the proposed 'car park' layout (see figure below) will stop low cost, camping on-grass and under-canvas available to all and for which Rhayader is well known.

3. The supposed 30 grass pitches in addition to the 30 hardstandings CANNOT BE IDENTIFIED on the revised plan despite repeated requests to PCC.

The proposed layout (below) advises that revised proposals are for 30 hardstanding pitches and 30 grass pitches yet the grass pitches cannot be seen or identified on the revised site plan:

Source: PCC

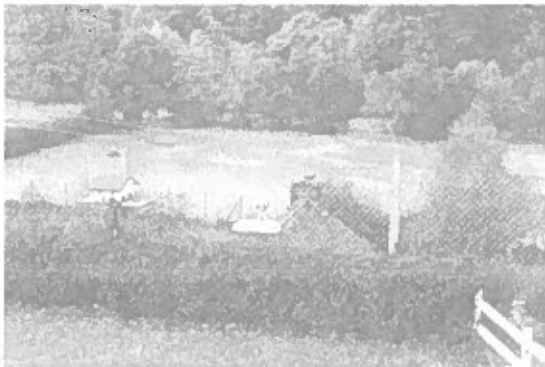


The 30 hardstanding pitches are easily identifiable by their top coating of 14m angular stone chippings, yet the grass pitches appear virtually non-existent, except for the undulating area alongside the fast flowing River Wye, the area most liable to flood.

When asked, the Planning Department were unable to advise of the location of the 30 grass pitches within the revised plans. Information been sought on multiple occasions but neither the Town Council, nor the two county councillors have received any acknowledgement, answer or further information in this regard. *If the Planning Department does not even know where the grass pitches are, then how can they recommend this application for approval? If the applicant takes months to work out where the grass pitches are, we can be sure they are unimportant to them.*

4. Caravan Parks in the most highly vulnerable flood zones (such as Wyese Campsite) 'Should NOT be permitted' (TAN 15 Guidance)

The site lies entirely within Flood Zone C2, the most extreme zone of the floodplain. Planning guidance note TAN 15 states that: **'new development should be directed away from zone C ...highly vulnerable development such as caravan parks in zone C2 should NOT be permitted.'** *Why is Powys's advice going against the national planning guidance? No rationale is provided.*



5. Overt lack of flooding awareness and of flooding history of the site by applicant

The lack of awareness of, and research in to, the flooding history of the site by the applicant is hugely concerning. It is a FACT that the site floods to some extent EVERY year. Some of these floods can be very serious and attracting further use and extending the season for more vulnerable caravans cannot be justified. **Local knowledge** must be acknowledged and the subsequent risks properly recognised/addressed by both the applicant and the authority.

6. Flood Consequence Assessment (FCA) and Flooding Evacuation Policy is factually incorrect and not fit-for-purpose

The FCA was written for 43 pitches yet 60 are now proposed. It continually refers to the Environment Agency for getting flood warning/alert information yet the Environment Agency DOES NOT OPERATE IN WALES! The Report even fails to mention Powys County Council which is the Lead Local Flood Authority (LLFA) for the area.

Worryingly, the FCA goes on to cite the upper area of the holiday home site as the Flood Evacuation Point. It fails to recognise that this area is ALSO a HIGHLY VULNERABLE ZONE (C2) for flooding and also adjoins a major trunk road (A470).

NRW advise **"We consider that the FCA does not appropriately address the issues with this application in a flood plain"**. Despite all the references to the need for a Flood Evacuation

Procedure (not least by the NRW), Powys County Council has not even been consulted as the Flood Authority. *Why has the Planning Department not picked up this major error?*

As NRW have confirmed that the area should be deemed a Highly Vulnerable Area, why has the local authority not requested a renewed FCA to take account of this?

If an Emergency Evacuation Plan is seen as being so important by NRW, the Applicant and the Local Authority, why has one not been prepared for consideration by the local community and Planning Committee now?

The Local Authority's Emergency Planning Department has not even commented greatly on this application, unlike others of a very similar nature. Why?

7. Allowing residential accommodation in a C2 Flood Zone is CONTRARY to National Policy

There is already a Warden's Cabin on site. The suggested temporary permission for a(nother) Warden's Accommodation is not understood. There is nothing temporary about flood risk, nor is it clear how a temporary permission would be overcome after the initial three year period. Town Councillors cannot agree with the Planning Officer's assertion that

'Officers consider that the proposal broadly complies with planning policy' when national planning guidance note **TAN 15** clearly states that: **'new development should be directed away from zone C ...highly vulnerable development in zone C2 should NOT be permitted.'**

Given the very real flood risk why has the local authority as the Lead Local Flood Authority (Powys) nor provided comments in that capacity?

Why has emergency planning not given careful consideration to this application as it has with a similar application that was recently rejected by the Planning Committee on 26 October 2017?

8. Fishing Rights

The Rhayader Angling Club owns the fishing rights along the River Wye and yet has not been contacted by the applicant or the Planning Department about the proposals. The Angling Club **objects** to the application. The application states that a new hedge will be grown along the 'western boundary' which, to use the compass correctly, is along the River Wye.

How can this be acceptable in an area of such high amenity value?

9. The site has received no amended Planning Permission to allow for year round use

The Site has always operated on a restricted year basis – as advised in the Council's particulars for the site, 'Wyeside Caravan Park is an established holiday park with an **operating season of 1 February to 31 November**'. This application assumes year round use. No planning permission has been sought or approved by Powys County Council for an extension to the season.

We are concerned that the roles of the local authority as a landlord and as a planning authority are not be clear and transparent.

Can the Planning Department advise the Planning Committee how the site now seems able to operate on a year round basis **WITHOUT** any planning application for the extension of the season having being submitted?

10. The C&CC is already **ALREADY** advertising 'Wyeside Ready Camp' which comprises of semi-permanent camping pods and tents, yet the application makes no mention of this additional, planned further intensification of the site.

With reference to the Wyeside Site in Rhayader, the applicant's website advertises the availability of:



"Our Glamping Tents - The ultimate in glamping – Ready Camp tents offer a great balance between contemporary and outdoor living. With stylish features, full beds, sofa and dining facilities, you will find all that you need [...] There is plenty of storage in the living area and bedroom, giving you space to enjoy your stay – and a fully stocked crockery cupboard with all you will need to produce some lovely meals in your tent. The pretty decked terrace is perfectly lit for night time relaxation too. Just bring your bedding and essentials to get your holiday started"

Source:

<https://campingandcaravanningclub.co.uk/readycamp/locations/glamping-wales/south-wales/wyeside/#our-tents> 24/10/11

Is it any wonder that the local population predicts the preclusion of traditional tented camping on grass?

11. From Open Municipal Use to Restricted Membership Access?

The C&CC operate as a Club. There are minimum stay requirements and booking in restrictions (between 1pm and 8pm only). It is virtually impossible to get access information/prices for non members. This is at odds with the spirit in which the campsite was LEFT to PCC by a LOCAL RESIDENT for the BENEFIT of LOCAL PEOPLE. Several local people will **swear affidavits** to this effect to arrest any development. Council tax payers' money has been invested in to the site over a great many years and now access will effectively be restricted to those in a Club. Town Councillors are aware of a number of potential users of the site (and not in insignificant numbers) who have been refused entry/booking, much to the detriment to the local economy as a whole. This must not be allowed to continue. **As a local authority asset, the campsite should be for the many, not for the few.**

Season Dates & Price Guide

See details below of minimum booking periods on Club Sites and the latest season dates in our downloadable price insert cards.

Please note that arrival and pitching times are between 1pm and 8pm

UK Club Site Standard Minimum Booking Periods		
Dates/Periods	Pitch Types	Minimum Stay
High Season	All pitch types	2 nights
Fr days and Saturdays	All service pitches	2 nights

Source: C&CC website

12. Similar application rejected by PCC's Planning Committee at its last Planning Meeting on 26 October 2017

An application for the 'Siting of 40 touring caravans and 13 static caravans for holiday use between 1st March through to 3rd January of the following year and the winter storage of 42 caravans Riverside Caravan Park Llangammarch Wells' was recently refused permission by PCC as **'The proposal will lead to an increase of the occupation period of highly vulnerable development within Zone C2 as defined by the development advice maps referred to under TAN15 Development and Flood Risk (2004). The development is contrary to policy SP14 of the Powys Unitary Development Plan (adopted 2010), Technical Advice Note 15 TAN 15 Development and Flood Risk (2004) and Planning Policy Wales (2016).'**

Given the similarities between the two applications why is the officer's treatment of the Wyeside application significantly different?

13. Clarification of the non-planning nature of the covenant on the Wyeside Camping Field

The Town Council recognises that the covenant placed on the Camping Field by the local Resident (Miss Evans) when she left it to the local authority, is NOT a planning consideration. It will, however, be an issue for the Local Authority to consider should the implementation of any planning permission emanating from this application occur. County Councillors should be aware of correspondence between PCC Legal Services and Cllr K Curry which states that **'if the Caravan and Camping Club implemented the permission (which is sought within the revised application) they "would be in contravention with the permitted used contained within the lease'.**

(The Town Council is aware of discussions between the applicant and the County Council concerning the use of the site which did not refer to the existing covenant. The 'Site Works' document annexed to the Lease has not had ANY member scrutiny or involvement whatsoever and as such will be challenged if seen as a form of blueprint for development. The Town Council wishes to affirm its view that implementation of any permission arising from this revised application would be a material breach of the covenant and as such must not be allowed to

happen. The Town Council is considering the preparation of sworn affidavits and intends to seek legal advice on this issue. We will look for County Councillors to support our stance should this situation arise.)

The risk to occupants of all touring caravans and motorhomes encouraged to use the flood plain should not, and must not, be underestimated. Converting grass to gravel, and restricting grass pitches to the most vulnerable part of the flood plain will preclude the use of the site by campers, a pastime much favoured by families and groups (often on a budget) visiting Rhayader, and, if approved, we will not only lose sight of the river, we will no doubt see the eventual demise of tented camping in the centre of Rhayader altogether.

In summary, the Town Council and Community of Rhayader want a successful Caravan and Camping Site, but not at any cost. Not at a cost to the community or to the good intentions of a previous owner who left the land to benefit the local people, nor to the safety of those we welcome and who we encourage to holiday with us. We want a continuation of a site available to and used by ALL types of tourist, not one where you may need to book before arrival and where a minimum stay of five nights in high season is required.

We want a site that is accessible to all and which endangers no-one.

On sound planning grounds and in view of all the above, Councillors are unanimous in their decision to recommend that the application be refused. At the very least the failure of the relevant parties to provide the Town Council with the necessary and requested information causes our members great concern and casts grave doubt on the decision making process.

Yours sincerely,



Carl Baker
Clerk to Rhayader Town Council

Cc
Powys County Council Planning Committee Members
Cllr P Davies, Portfolio Members for Property
Cllr M Weale, Portfolio Member for Regeneration and Planning
Cllr K Curry, County Councillor for Rhayader

Planning, Taxi Licensing and Rights of Way Committee Report

UPDATE REPORT

Application No: P/2017/0530 **Grid Ref:** 326880.85 318533.03

Community Council: Llandysilio **Valid Date:** 19/05/2017 **Officer:** Tamsin Law

Applicant: Mr Mervyn Jones

Location: Land West of the Street, Four Crosses, Powys, SY22 6RE

Proposal: Outline: Residential development, formation of vehicular access and estate roadway together with all associated works

Application Type: Application for Outline Planning Permission

The reason for the update

A statement has been provided by the agent which is copied below.

When objecting to planning applications, people will often say that they do not believe there is demand or need for new houses. This is absolutely not the case.

Since the housing crash in 2007, very few new homes have been delivered against successive Governments' targets. There is now huge pent-up demand. People in their mid-to-late teens in 2007 are now at the stage where they are looking to purchase their first home. New homes are therefore urgently needed to make up this backlog in delivery.

The Applicant can confirm that agreement has been reached in principle for a local developer, Primesave Properties (based in Shrewsbury), to acquire the site, should planning permission be granted. A formal Option Agreement is currently being prepared.

Should Outline planning permission be granted, it is anticipated that a Reserved Matters application will be submitted within approximately 6-8 weeks. Development will commence as soon as possible after the necessary approvals. Primesave do not bank land - they deliver houses for sale quickly, in response to very high demand at the moment, on all sites.

Primesave also specialise in properties at the lower end of the market, and have several developments planned and already under way in the area. Their experience is that there is substantial unmet demand in the area for smaller more affordable 2 and 3-bedroom properties.

They are currently developing a site in Llanymynech – just a few miles up the road. Phase 1 of this development (11 homes) was recently released. Construction had barely got out of the ground when all but 1 of the properties were sold.

Primesave therefore had to bring phase 2 forward for a further 13 homes. These have not been officially released yet, but they already have 50% reservations. An increasing percentage are local buyers.

Primesave offer a no-deposit reservation for first-time buyers, with additional time allowed for buyers to save for the contractual deposit.

At their recent development in Penley near Wrexham, Primesave were offering 2-bed semi-detached houses at £119,500. These were all reserved before work had barely got under way. If approved, prices at Four Crosses will be the same.

Their small 3-bedroom detached homes are always competitively priced (similar to other developers' 3 bed semi-detached prices). This allows allow young families and first-time buyers the chance to get a detached home straight away.

Primesave are based nearby, and all of their labour force for this development will be Powys-based.

Case Officer: Tamsin Law- Principal Planning Officer
Tel: 01597 82 7230 E-mail:tamsin.law@powys.gov.uk

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2016/0819	Grid Ref:	332156.74 263845.56
Community Council:	Presteigne	Valid Date:	Officer: 29/07/2016 Gemma Bufton
Applicant:	Micharon Homes Ltd, c/o Agent.		
Location:	Land Opposite Kings Court, Presteigne, Powys, LD8 2AJ.		
Proposal:	Outline: Proposed residential development to include creation of new access		
Application Type:	Application for Outline Planning Permission		

REPORT UPDATE

Following my previous report circulated to Members the recommended conditions have been updated to include a condition securing the affordable dwellings to 130 square meters and also removing permitted development rights (now Condition 24). The recommendation therefore remains one as per my previous report.

RECOMMENDATION

Although it is noted that the proposed development is a departure from the adopted development plan, considerable weight must be given to the need to increasing housing land supply. It is considered that the need to increase housing land supply within the county warrants the approval of this development contrary to the provisions of the development plan.

The recommendation is one of conditional approval subject to a Section 106 agreement to secure amenity space provision within the application site in accordance with fields in trust standards within 3 months from date of the committee meeting. If an agreement is not signed within the specified time period, it is recommended that delegation be given to the Lead Professional for Development Management to determine the application.

Conditions

1. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

4. The gradient of the access shall not exceed 1 in 30 for the first 15 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.
5. The centre line of the first 15 metres of the access road measured from the edge of the adjoining carriageway shall be at right angles to that edge of the said carriageway and be retained at that angle for as long as the development remains in existence.
6. Prior to the commencement of the development the access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 90 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.
7. Prior to the commencement of the development the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 15 metres from the edge of the adjoining carriageway.
8. Prior to the occupation of the development, provision shall be made within the curtilage of each dwelling for the parking of vehicles in line with CSS Wales 2008 Parking Standards. The parking areas shall be retained for their designated use in perpetuity.
9. The gradient from the back of the footway/verge to the vehicle parking areas shall not exceed 1 in 15 and shall be retained at this gradient for as long as the dwellings remain in existence.
10. Prior to the commencement of the development provision shall be made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of 0.3 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the -site may park within the site and both enter and leave the site in a forward gear.
11. No building shall be occupied before the estate road carriageway and one footway are constructed to and including binder course level to an adoptable standard including the provision of any salt bins, surface water drainage and street lighting in front of that building and to the junction with the county highway.
12. The estate road carriageway and all footways shall be fully completed, to a standard to be agreed in writing by the Local Planning Authority, upon the issuing of the Building Regulations Completion Certificate for the last house or within two years from the commencement of the development, whichever is the sooner. The agreed standard of completion shall be maintained for as long as the development remains in existence.
13. Prior to the first use of the new access provided any existing means of access shall be stopped up, in materials to be agreed in writing by the Local Planning Authority and this shall be retained for as long as the development is in existence.
14. Upon formation of the visibility splays as detailed in 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.
15. The area of each private drive and any turning area is to be metalled and surfaced in bituminous macadam, concrete or block pavements, prior to the occupation of that dwelling and retained for as long as the development remains in existence.

16. The mitigation described in section 4.3.2 habitats, 4.4.2 badgers and 4.4.3 bats as outlined in the Ecological Assessment completed by Turnstone Ecology shall be implemented and completed in full accordance with the details as approved.

17. Prior to the commencement of development a pollution prevention plan shall be submitted to and approved in writing by the Local Development Plan. Development shall thereafter be completed in full accordance with the details as approved.

18. Prior to commencement of development the development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of TAN 2 or any future guidance that replaces it. The scheme shall include:

- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 30% of housing units/bed spaces;
- ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii) the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing (if no RSL involved)];
- iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

19. Prior to the commencement of development a phasing scheme for the provision of housing and affordable housing shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in strict accordance with the approved scheme.

20. No development shall commence until a scheme, including an implementation scheme, for the connection with the public foul sewerage system has been submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details.

21. Prior to the commencement of development a scheme for the disposal of surface water shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details prior to the first beneficial use of the development.

22. Prior to the first occupation of the any dwelling on site Section 4.5 Residual Risks and in particular options 1 and 3 of the Flood Consequence Assessment (Ref K0795/2 Rev) (July 2017) shall be completed and implemented in full in accordance with the details as approved.

23. No permission is hereby granted for any ground raising within the southern section of the red line boundary.

24. The affordable dwellings shall have a maximum gross floor area of 130 square metres (measured internally and including garages where designed as an integral part of the dwelling) and notwithstanding the provisions of schedule 2, part 1, classes A, B, C and E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), the affordable dwelling shall not be subject to extensions, roof alterations and buildings other than those expressly authorised by the reserved matters approval.

Reasons

1. To enable the Local Planning Authority to exercise proper control over the development in accordance with Section 92 of the Town and Country Planning Act 1990.
2. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
3. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
4. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
5. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
6. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
7. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
8. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
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12. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
13. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
14. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
15. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
16. In the interest of the protection and preservation of biodiversity in accordance with policy ENV3 of the Powys Unitary Development Plan.
17. In the interest of the protection and preservation of biodiversity in accordance with policy ENV3 of the Powys Unitary Development Plan.
18. In the interest of the protection and preservation of biodiversity in accordance with policy ENV3 of the Powys Unitary Development Plan.
19. In the interest of the protection and preservation of biodiversity in accordance with policy ENV3 of the Powys Unitary Development Plan.
20. To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment in accordance with Policy DC10 of the Powys Unitary Development Plan (2010).
21. In order to ensure adequate land drainage is provided in line with policy DC13 of the Powys Unitary Development Plan (2010).
22. To protect the development from flooding in accordance with policies GP1 and DC14 of the Powys Unitary Development Plan.
23. To protect the development from flooding in accordance with policies GP1 and DC14 of the Powys Unitary Development Plan.
24. In order to control further development which has the potential to have adverse effects on privacy and/or amenity in contradiction to policy GP1 of the Powys Unitary Development Plan.

Case Officer: Gemma Bufton- Principal Planning Officer
Tel: 01597 827505 E-mail: gemma.bufton1@powys.gov.uk

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Planning, Taxi Licensing and Rights of Way Committee Report

UPDATE REPORT

Application No:	P/2017/0201	Grid Ref:	302253.35 266821.44
Community Council:	Nantmel	Valid Date:	Officer: 20/02/2017 Thomas Goodman
Applicant:	Mr Steve Rowlands, Dan-y-Graig, Llanyre, Llandrindod Wells, Powys, LD1 6EF		
Location:	Cae Llwyn Poultry, Nantmel, Rhayader, Powys, LD6 5PE		
Proposal:	Full: Erection of an agricultural workers dwelling to include a garage, installation of sewage treatment plant and all associated works		
Application Type:	Application for Full Planning Permission		

Reason for Update

The update report is to provide additional comments from Ecologists and an additional objection to the proposed development.

Consultee Response

PCC – Ecologist

Consultation response received 08/11/17

Having looked at the site plans and PEA report for the site, I don't consider that an impact on the Afon Gwy SAC is likely due to the ephemeral nature of the stream (which appears to act as a grassy swale), the grass buffer between the construction site and the stream and the distance of 750m between the site and the SAC with no discernible permanent water pollution pathways present. I therefore don't consider that an HRA is required in this case.

Representations

A further letter of objection has been received from a member of the public: the following points have all been raised:

- Who will live in the dwelling?
- Disagreement with the functional test statements regarding the water systems, ventilation and temperature monitoring – believe that there is not a need to be on site for these purposes.
- Protection of livestock is questioned, stating that there are no records of thefts.
- Located on a flood plain.
- Can be seen from the A44.

Principal Planning Policies

Planning Policy Wales (Edition 9, November 2016)

Technical Advice Note (TAN) 2: Planning and Affordable Housing (2006)

Technical Advice Note (TAN) 5: Nature Conservation and Planning (2009)

Technical Advice Note (TAN) 6: Planning for Sustainable Rural Communities (2010)

Technical Advice Note (TAN) 12 Design (2016)

Technical Advice Note (TAN) 18: Transport (2007)

Technical Advice Note (TAN) 23: Economic Development (2014)

Local planning policies

Powys Unitary Development Plan (2010)

SP5 – Housing Developments

SP14 – Development in Flood Risk Areas

GP1 – Development Control

GP2 – Planning Obligations

GP3 – Design and Energy Conservation

GP4 – Highway and Parking Requirements

ENV1 – Agricultural Land

ENV2 – Safeguarding the Landscape

ENV3 – Safeguarding Biodiversity and Natural Habitats

HP4 – Settlement Development Boundaries and Capacities

HP6 – Dwellings in the Open Countryside

HP10 – Affordability Criteria

HP14 – Sustainable Housing

DC11 – Non Mains Sewerage Treatment

DC13 – Surface Water Drainage

Powys Residential Design Guide (October 2004)

RDG=Powys Residential Design Guide NAW=National Assembly for Wales TAN= Technical Advice Note UDP=Powys Unitary Development Plan, MIPPS=Ministerial Interim Planning Policy Statement

RDG=Powys Residential Design Guide NAW=National Assembly for Wales TAN= Technical Advice Note UDP=Powys Unitary Development Plan, MIPPS=Ministerial Interim Planning Policy Statement

Officer Appraisal

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.

This update report is to provide additional comments received from the Ecologist and to consider the points raised within the letter of objection.

Biodiversity

Additional information has been received from Powys County Council's Ecologist which confirms that there would not be an impact on the Afon Gwy SAC. The Ecologist confirmed that there would not be a likely impact due to the ephemeral nature of the stream (which appears to act as a grassy swale), the grass buffer between the construction site and the stream as well as the distance of 750m between the site and the SAC with no discernible permanent water pollution pathways present. The Ecologist confirmed that in this instance it was considered that there would not be a requirement to undertake a HRA.

In light of the above the proposed development complies with policies ENV3 and ENV7 of the Powys Unitary Development Plan, Technical Advice Note (TAN) 5 and Planning Policy Wales (Edition 9, November 2016).

Concerns raised by members of the Public

Functional Test – It is considered that sufficient evidence has been submitted with the application to prove that there is a functional requirement for a dwelling in this location. The applicants have indicated that a residential accommodation adjacent to the business is essential for its continued running and expansion as it will enable the applicant to invest more time in the running of the business. The functional need is principally determined by the nature and scale of the enterprise operated and the agricultural systems employed. This business operates a free range egg enterprise of some 12 000 free range eggs which has a labour requirement of 2.4 full time workers, based on standard data from Poultry Farm Management Information. The availability of supervision is necessary to ensure that the business regulations 1994 and in the case of Poultry Enterprise, the Code of Recommendation for the Welfare of Laying Hens and adhered to.

In light of the above it is considered that there is a functional requirement for a dwelling in this location within close proximity to the current enterprise.

Flooding – The issue regarding flooding has been considered within the original report. For ease of reference it is repeated below:

Policy SP14 of the Powys UDP refers to development in flood risk areas. The proposed development is within the C2 flood zone and is considered as highly vulnerable development. Policy SP14 states that highly vulnerable development and emergency services will not be permitted in C2 flood zones. Natural Resources Wales (NRW) been consulted on the proposed development. NRW initially stated that they required an updated hydrological model and an updated FCA in order to determine the depth of flooding so as to advise on the finished floor levels and confirmed from the outset that there is not a problem with flood storage in this location. NRW confirmed that the site lies partially within the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the River Dulas within the C2 flood zone as defined by the Development Advice Map (DAM) referred to in Technical Advice Note 15: Development and Flood Risk.

Following the submission of a Flood Consequence Assessment (FCA) NRW were re-consulted and confirmed that they would no longer object to the proposed development subject to the attachment of an appropriately worded condition to address their concerns. The condition will ensure that the finished floor levels are set at a minimum of 218.37 metres

AOD. NRW have stated that there are no significant concerns with the outputs from the modelling exercise and are considered acceptable to support the development. NRW have recommended that the applicant register to the NRW flood warning service.

In light of the above advice received from NRW and the submitted FCA it is considered that the proposed development fundamentally complies with policy SP14 of the Powys UDP and TAN15 subject to the attachment of an appropriately worded condition.

Site Location – Given that the proposed development would replace the existing temporary mobile home and would be located to the south of the existing poultry unit. The dwelling will be finished using oak timbers and brick under a natural slate roof and therefore complement the existing character and appearance of the surrounding area and rural setting. The dwelling will lie to the south of the existing poultry unit and provide an additional screening effect to the existing poultry unit and will tie into the surrounding landscape and residential properties.

In light of the above it is therefore considered that the proposed development fundamentally complies with relevant planning policy with regards to design.

Other Legislative Considerations

Crime and Disorder Act 1998

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

Equality Act 2010

The Equality Act 2010 identifies a number of ‘protected characteristics’, namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership.

Having due regard to advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these differ from the need of other people; and
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

The above duty has been given due consideration in the determination of this application. It is considered that there would be no unacceptable impact upon persons who share a protected characteristic, over and above any other person, as a result of the proposed decision.

Planning (Wales) Act 2015 (Welsh language)

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. This duty has been given due consideration in the determination of this application. It is considered that there would be no material unacceptable effect upon the use of the Welsh language in Powys as a result of the proposed decision.

Wellbeing of Future Generations (Wales) Act 2015

Section 3 of the Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5). This duty has been considered in the evaluation of this application. It is considered that the proposed development is in accordance with the sustainable development principle through its contribution towards the well-being objectives.

Recommendation

Whilst this report forms an update to the original report, it is considered that the recommendation remains the same which is one of conditional consent.

Conditions

1. The development to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.
2. The development shall be carried out strictly in accordance with the plans stamped as approved on XX/XX/XX (drawing no's: 2016/03/07, 2016/03/08, 2016/03/06, 2016/03/05, 2016/03/02, 2016/03/01, 2016/03/09 & 2016/03/03).
3. Prior to the occupation of the dwelling, provision shall be made within the curtilage of the site for the parking of not less than 3 cars. The parking areas shall be retained for their designated use in perpetuity.
4. The mitigation and enhancement regarding bats, otters, badgers, reptiles, amphibians and nesting birds in Section 8 of the ecological report by Mid Wales Ecology dated April 2017 shall be adhered to and implemented in full.
5. A lighting design scheme to take any impacts on nocturnal wildlife into consideration shall be submitted for written Local Planning Authority approval.
6. Prior to commencement of development a Tree and Hedgerow Protection Plan in accordance with BS:5837:2012 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.
7. The Species List for the Landscape Planting contained within Section 8 of the ecological report by Mid Wales Ecology (April 2017) shall be implemented as approved and maintained thereafter.
8. Finished floor levels should be set at a minimum of 218.37 meters above Ordnance Datum.
9. The occupancy of the dwelling shall be restricted to:
 - a) a person solely or mainly working, or last working on a rural enterprise in the locality, or a widow, widower or surviving civil partner of such a person, and to any resident dependants; or if it can be demonstrated that there are no such eligible occupiers,

b) a person or persons who would be eligible for consideration for affordable housing under the local authority's housing policies, or a widow, widower or surviving civil partner of such a person, and to any resident dependants.

10. 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 extensions to the dwelling or alterations to the roof (including the introduction of roof lights or dormers), or the erection of garages or sheds shall be undertaken without the prior express consent of the local planning authority.

11. Within two months of occupation of the new dwelling hereby approved, the existing temporary mobile home on the site, shall be removed.

Reasons

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

2. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.

3. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.

4. To comply with Powys County Council's UDP policies SP3, ENV2 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.

5. To comply with Powys County Council's UDP policies SP3, ENV2 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.

6. To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 in relation to the Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh Government strategies, and the Environment (Wales) Act 2016.

7. To comply with Powys County Council's UDP Policies SP3 and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.

8. To protect the development from flooding in accordance with policies GP1 and DC14 of the Powys Unitary Development Plan.

9. The dwelling is proposed for a site which would not normally be permitted other than for the running of the defined rural enterprise in accordance with the requirements of policy HP6 of the Powys Unitary Development Plan.

10. In order to control further development which has the potential to have adverse effects on privacy and/or amenity in contradiction to policy GP1 of the Powys Unitary Development Plan.

11. To prevent the establishment of separate use in the interests of privacy and amenity in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan.

Informative Notes

Birds - Wildlife and Countryside Act 1981 (as amended)

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

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

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

Otters – Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended)

Otters are known to be present on the majority of watercourses in Powys. The otter is fully protected under schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of The Conservation of Habitats and Species Regulations 2010 (as amended).

It is therefore an offence to:

- Deliberately capture, injure or kill an otter;
- Deliberately disturb an otter in such a way as to be likely to significantly affect the local distribution or abundance of otters or the ability of any significant group of otters to survive, breed, rear or nurture their young;
- Damage or destroy an otter holt;
- Intentionally or recklessly disturb any otter whilst it is occupying a holt; or
- Intentionally or recklessly obstruct access to a holt.

Reasonable avoidance measures need to be implemented to ensure minimal impact to otter activity in the local area. These will include:

- No night working or lighting of the works area;
- Ensuring that no barriers to movement of otters along the river are created;
- Keep unnecessary noise to a minimum during the works; and
- Do not light any fires close to areas of vegetation.

Case Officer: Thomas Goodman- Planning Officer
Tel: 01597 827655 E-mail:thomas.goodman@powys.gov.uk

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Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2017/0815	Grid Ref:	311728.83 263867.71
Community Council:	Penybont	Valid Date:	Officer: 13/07/2017 Kevin Straw
Applicant:	Brightwells Ltd, 33 High Street, Builth Wells, Powys, LD2 3DL.		
Location:	Land off Old Market Meadows, Penybont, Llandrindod Wells, Powys, LD1 5US.		
Proposal:	Outline: Residential development for up to 5 dwellings with garages, formation of access road and all associated works.		
Application Type:	Application for Outline Planning Permission.		

REPORT UPDATE

Following my previous report circulated to Members the recommended conditions have been updated to include a condition securing the affordable dwellings to 130 square meters and also removing permitted development rights (now Condition 9). The recommendation therefore remains one as per my previous report.

RECOMMENDATION

Whilst a departure from the development plan, in this instance, the provision of housing is considered to outweigh the plan and therefore justifies the grant of consent as an exception to normal housing policies. The recommendation is therefore one of conditional approval.

Conditions

1. Details of the access, appearance, landscaping, layout, and scale, (hereinafter called ""the reserved matters"") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. A scheme for sound insulation and noise control measures shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site.

The sound insulation and noise control measures shall achieve the following internal noise targets (in line with BS 8233:2014):

Bedrooms (23.00-07.00 hrs) 30dB LAeq, 8 hour and 45dB Lmax (fast)
Living/dining Rooms (07.00-23.00 hrs) 35dB LAeq, 16 hour and
Living/Dining Rooms (23.00-07.00 hrs) 30dB LAeq, 16 hour.

The sound insulation and noise control measures shall be carried out strictly in accordance with the details so approved. They shall be implemented prior to the first occupation of the development hereby approved and shall be maintained as such thereafter.

5. The Pollution Prevention Plan produced by Asbri Planning dated September 2017 shall be adhered to and implemented in full and maintained thereafter.

6. Prior to commencement of development a Tree and Hedgerow Protection Plan in accordance with BS:5837:2012 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.

7. Prior to the first installation of any external lighting a detailed lighting design scheme to take into account any impacts on nocturnal wildlife into consideration shall be submitted for written Local Planning Authority approval and implemented as approved and maintained thereafter.

8. Prior to commencement of development the development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of TAN 2 or any future guidance that replaces it. The scheme shall include:

- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 30% of housing units/bed spaces;
- ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii) the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing (if no RSL involved)];
- iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

9. The affordable dwellings shall have a maximum gross floor area of 130 square metres (measured internally and including garages where designed as an integral part of the dwelling) and notwithstanding the provisions of schedule 2, part 1, classes A, B, C and E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), the affordable dwelling shall not be subject to extensions, roof alterations and buildings other than those expressly authorised by the reserved matters approval.

Reasons

1. To enable the Local Planning Authority to exercise proper control over the development in accordance with Section 92 of the Town and Country Planning Act 1990.
2. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
3. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
4. To ensure appropriate internal acoustic amenity levels for future residents.
5. To comply with Powys County Council's UDP Policies ENV3, ENV4, ENV5 and ENV6 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act.
6. To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and Part 1 Section 6 of the Environment (Wales) Act.
7. To comply with Powys County Council's UDP Policies SP3, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act.
8. In accordance with policy HP7 and HP10 of the Unitary Development Plan (March 2010)
9. In order to control further development which has the potential to have adverse effects on privacy and/or amenity in contradiction to policy GP1 of the Powys Unitary Development Plan.

Informative Notes

Common Land

The Applicant should therefore ensure that:

- The public access 'on foot' granted by the Countryside and Rights of Way Act 2000 must not be impeded or prevented at any time.
- There is no encroachment onto the common during the construction phase of the development i.e. building materials must not be stored on the common.
- Any inadvertent damage caused is made good as soon as possible.

NRW

The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

Case Officer: Kevin Straw - Planning Officer
Tel: 01597 827092 E-mail:kevin.straw@powys.gov.uk

Planning, Taxi Licensing and Rights of Way Committee Report

Application No: P/2017/0874 **Grid Ref:** 303420.03 309647.81

Community Council: Llanerfyl **Valid Date:** 31/07/2017 **Officer:** Steve Packer

Applicant: Mrs Sioned Roberts, Llangadfan Parc, Welshpool, Powys, SY21 0PJ

Location: Land adjacent to Derwen, Talerddig Road, Llanerfyl, Powys, SY21 0EG

Proposal: Outline application (with some matters reserved) for erection of 7 no. detached dwellings with detached garages, formation of vehicular access, access road and all associated works (amended from 9 dwellings).

Application Type: Application for Outline Planning Permission

UPDATE REPORT

Rights of Way Officer

We still wish to maintain our objection to the proposal as the amended plans may not protect the public right of way adequately. It needs to be established what the Reserved Matters are, and whether you believe these could accommodate and protect the public right of way at that stage.

Applicant's Agent

See attached representation.

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Committee Update – P2017 0874

Erection of 7 dwellings and
associated works at Land
adjacent to Derwen, Llanerfyl.

Prepared for Mrs S Roberts



land & property
professionals

Roger Parry & Partners LLP
www.rogerparry.net
welshpool@rogerparry.net
Tel: 01938 554499

Update Statement

This update statement is in connection with the application P2017 0874 for 7 dwellings and associated works at Land opposite Llanerfyl Village Hall, Llanerfyl.

In order to be open and transparent, I confirm I'm an existing resident in the heart of the village, living opposite this development site and have strong family ties in the village and therefore I have in depth knowledge of this village. I was fortunate enough of finding a small one-bedroom property in the village to rent over 3 years ago of which I was lucky enough to be given the opportunity to purchase last year. These opportunities do not come around often enough in this village for young local people as per myself.

In the past, the applicant has attempted to support young local people in selling discounted plots to them adjacent to the development boundary, of with no less than 4 young local couples (including the one objector to this scheme) acquiring land from the applicant to build their own houses in the 90's and early 2000's. These are depicted on the attached plan.

We commend the officer's report on its detail, which sets out the considerations well, and which ultimately recommends approval for this minor housing scheme. We also note that the Community Council have confirmed that there are not against development on this land, as stipulated on their first response.

Having said this, we feel the need to clarify and address some points raised by the Community Council and 3 representations submitted as part of the planning process, and offer some updates to the planning committee.

Housing Land & Sales

The Community Council and one representor have commented that the village has a NUMBER of properties on the market, which shows the lack of demand.

Out of approximately 80 properties within the Development limits of Llanerfyl, and on the day of writing this statement, there are only 3 properties for sale within the village. One being a Chapel Conversion, which is overpriced at £200,000, the other a barn conversion again overpriced at £199,950 and situated a metre from the trunk road, and the last one a grade 2 listed building again a metre from the trunk road and priced at £150,000.

In light of the above, there is not 'sufficient' available properties which are suitable for young local people to purchase in the village and this proposed application can provide much needed available plots or houses.

Less than a handful of young local people have been lucky enough in the past 5 years to purchase properties here, as once good properties are marketed, they are purchased quickly. This application in itself has raised interest from local people, with 4 parties requesting information on the proposed development, and if successful requesting if they could talk to the landowner in selling a plot. All 4 parties were local, welsh speaking and 3 of the parties had young children which looked to go to the local primary school.

In terms of housing land availability, again comments have been raised that there is sufficient land within the development boundary for infill developments. Again, this comment is strictly not true, as shown on the map attached, which shows the development boundary, and the lack of infill opportunities in the village. We can confirm there has been no individual plots been for sale in the village for over 10 years and no housing developments within the village for over 10 years and given the Housing Land Supply shortage, a housing development in Llanerfyl is able to significantly contribute to that.

Sustainability and Capacity

We note that sustainability and capacity of villages in respect of these technical departures are a major consideration for the committee in past months, and therefore would like to touch on these considerations within this update.

The sustainability of the village is unquestionable, with a successful primary school, garage and petrol station, designated employment land with workshops, Chapel and Church and a village hall, which always has activities on such as choirs, fitness classes, fayre's and so on. The village has also regular public transport links to Welshpool and Oswestry. In light of this, the village of Llanerfyl should be considered much more sustainable than other villages within Powys which has been subject to housing proposals of 10 or more dwellings and subsequently approved by the planning authority when they have less facilities and services than Llanerfyl.

In relation to capacity, Llanerfyl has not been subject to any housing development for over 10 years, and therefore this proposal cannot be considered to be over capacity of Llanerfyl. To reiterate, the number of residential properties in the confines of the village boundary is approximately 80, and this proposal is only for 7 (8%) properties (including 2 affordable) which is considered well proportionate to the village.

This again is consistent with previous approvals for housing developments in Powys, whereby a cumulative of 10 houses were approved in some villages which only had an existing number of 40 and 60 properties respectively.

In light of this, this proposal in Llanerfyl is considered sustainable and proportionate to the existing village.

Welsh Language

As specified throughout our submission, the Welsh Language is an important consideration in Llanerfyl. As the Council will appreciate, the applicant and family are actively supporting the Welsh Language in the community, therefore the last thing the applicant would want is to detrimentally impact the Welsh language.

It is important when considering the Welsh Language not to be too embroiled with getting houses accommodated by existing Welsh speakers. A whole host of examples are within the area, whereby non- Welsh speaking families have come into the area, and embraced the language and community wholeheartedly. An example has just been shown early this year, when a property was sold to a family of non-Welsh speakers, but now 2 of their children are receiving full Welsh education in Llanerfyl Primary School.

The updated TAN20 is important to note, especially the Development Management section, which this proposal should be considered against. It is clear that the Welsh Government has put the onus on Local Plans to have a plan led system on Welsh Language considerations, and large developments (10 or more dwellings) on windfall sites are the only sites that should be subject to a Welsh Language Impact Assessment.

This proposal is for 7 dwellings, and due consideration has been given to the potential impact on the Welsh Language and Culture within the submission and the officer has detailed the consideration within their report. It is clear that the Welsh Language and Culture between 2001 & 2011 has remained stable and therefore is not in severe decline. Young local people want to move to the village because of the Welsh Primary School and also the young active population within the village, and therefore this development will only increase the chances of the Welsh Language and culture of the village improving.

Potential mitigation measures

The applicant is willing to accept additional mitigation measures, if they are considered reasonably necessary by the Committee.

These include measures that will assist in sustaining the Welsh Language in the village and the development of affordable housing.

- We are happy to accept an additional condition on the scheme, which includes mitigation measures to assist the Welsh Language in the Village – For example that if the land/plots are put on the market, that marketing should be bilingual.
- A phasing condition to ensure the development is completed in a satisfactory fashion, and the affordable housing is completed before the whole development completes.

Conclusion

I hope this update provides even further clarity on some of the considerations, and illustrates that this housing proposal in the village of Llanerfyl is consistent with other approved schemes in Powys, and ask that the committee follows the officer recommendation of approval.

Datganiad Atodol

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