

# Public Document Pack



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

Os yn galw gofynnwch am - If calling please ask for  
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## PLANNING, TAXI LICENSING & RIGHTS OF WAY COMMITTEE

Thursday, 3rd February, 2022

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The use of Welsh by participants is welcomed. If you wish to use Welsh please inform us by noon, two working days before the meeting

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### SUPPLEMENTARY PACK

#### 1.1. **Updates**

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

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

**Application Number:** 21/1660/FUL                      **Grid Ref:** E: 309990  
N: 290353  
**Community Council:** Newtown And Llanllwchaiarn                      **Valid Date:** 02.11.2021

**Applicant:** Powys County Council

**Location:** Cedewain School, Plantation Lane, Newtown, SY16 1LH,

**Proposal:** Demolition of all buildings currently associated with the existing Ysgol Cedewain Additional Learning Need (ALN) School site. Erection of a new 2 Storey Additional Learning Need School, formation of Multi Use Games Area, external services yard compound, sports pitch, new 45 space car parking area including 4 electric charging bays, new vehicular access off Plantation Lane, landscaping works and all associated works

**Application Type:** Full Application

## REPORT UPDATE

### Consultee Responses

Consultee	Received
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#### Contaminated Land

Yes. I am satisfied with the submissions. As you will be aware the issue lies in them commencing development on one half of the site, then occupying the new school and then starting work demolishing/investigating/remediating the other part of the site. I am satisfied with the proposed way forward that they can proceed.

#### Hafren Dyfrydwy

thank you for the additional information. I can advise we have no objections to the proposals with surface water restricted to 6.5litres/second.

Based upon these proposals I can confirm we have no objections to the discharge of the drainage related condition.

Please note for the use or reuse of sewer connections either direct or indirect to the public sewerage system the applicant will be required to make a formal application to the Company under Section 106 of the Water Industry Act 1991. They may obtain

copies of our current guidance notes and application form from either our website ([www.hdcymru.co.uk](http://www.hdcymru.co.uk)) or by contact our Development Services Team (Tel: 0800 707 6600). Please provide a copy of this email when making your application.

As a reminder, attention is drawn to the fact that it is a legal requirement in most cases for a developer to apply for a Section 104 sewer/lateral drain adoption agreement alongside any application to connect directly or indirectly to public sewers. Further details can be found at [www.hdcymru.co.uk](http://www.hdcymru.co.uk).

I trust you find the above in order, however, if you have any further enquiries then please do not hesitate to contact us.

### Principal Planning Policies

Policy	Policy Description	Year	Local Plan
NATPLA	Future Wales - The National Plan 2040		National Development Plan 2021
PPW	Planning Policy Wales (Edition 10, December 2021)		National Policy
TAN5	Nature Conservation and Planning		National Policy
TAN6	Planning for Sustainable Rural Community		National Policy
TAN11	Noise		National Policy
TAN12	Design		National Policy
TAN16	Sport, Recreation and Open Space		National Policy
TAN18	Transport		National Policy
TAN24	The Historic Environment		National Policy
SP7	Safeguarding of Strategic Resources and Assets		Local Development Plan 2011-2026
DM2	The Natural Environment		Local Development

		Plan 2011-2026
DM3	Public Open Space	Local Development Plan 2011-2026
DM4	Landscape	Local Development Plan 2011-2026
DM6	Flood Prevention Measures and Land Drainage	Local Development Plan 2011-2026
DM7	Dark Skies and External Lighting	Local Development Plan 2011-2026
DM8	Mineral Safeguarding	Local Development Plan 2011-2026
DM10	Contaminated and Unstable Land	Local Development Plan 2011-2026
DM13	Design and Resources	Local Development Plan 2011-2026
DM14	Air Quality Management	Local Development Plan 2011-2026
DM15	Waste	
C1	Community Facilities and Indoor Recreation Facilities	Local Development Plan 2011-2026
T1	Travel, Traffic and Transport Infrastructure	Local Development Plan 2011-2026
SPGBIO	Biodiversity and Geodiversity SPG (2018)	
SPG	Landscape	

## **Other Legislative Considerations**

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

Marine and Coastal Access Act 2009

## **Officer Appraisal**

### Contaminated Land

Contamination and land instability can present risks to human health, property and the environment, and long term limitations on the use of soils. Development proposals therefore need to be carefully assessed to ensure that any risks from hazards such as subsidence, mine and landfill gas and leachate emissions, landslips or rockfalls are acceptable and addressed. Similarly development should not harm the environment through pollution or contamination.

Policy DM10 confirms that development proposals on contaminated or unstable land will be permitted where they do not:

1. Result in any additional problems of ground instability or contamination either on or off site and shall remediate the contamination / instability.
2. Unacceptably adversely affect public health and safety, nature conservation, historic or archaeological interests.

It is the applicant's intention to phase development at the site to enable the erection of the new ALN facility and retention of the existing facility whilst the build is completed. Thereafter, the existing facility will be demolished. In order to address potential contaminated land risks posed by this approach, discussions between the applicant's agent and Council's Contaminated Land Officer have been ongoing. In order to inform this assessment, additional information comprising of the following was submitted;

- 077622.301-CUR-XX-XX-RP-GE-001-P02 | Post Demolition Ground Investigation Scoping Document
- 077622.303-CUR-XX-XX-RP-GE-001-P02 | Remediation Strategy and Verification Strategy

- Method Statement-Wynne Construction-Newtown-25.01.2022-R3 | Updated Construction Method Statement

Having carefully considered the information received, the Contaminated Land Officer has advised that sufficient information has been to enable development to proceed subject to appropriate conditions being attached in order to manage associated risks as the build programme progresses. In light of the comments, received, Officers are satisfied that the proposed development is compliant with planning policy.

### Surface Water Drainage

Following further consultation with Hafren Dyfrydwy, additional correspondence has been received which confirms that they are satisfied with the proposed discharge rate of 6.5l/s which is consistent with the SAB approval, already obtained by the applicants. Based upon the response received together with the Drainage Strategy submitted, Officers are satisfied that the discharge of surface water will be managed appropriately.

### **Recommendation**

On the basis of the additional comments presented in the update report together with the considerations as published in the Committee Report, the recommendation is one of approval subject to the conditions detailed below.

### **Conditions**

1. The development shall begin not later than five years from the date of decision.
2. The development shall be carried out in accordance with the following approved plans;

CED-LST-XX-XX-DR-L-0101 P3  
CED-LST-A1-XX-DR-L-0200 P3  
CED-CUR-XX-XX-DR-C-5500 Rev P4  
CED-LST-XX-XX-DR-L-0600 Rev P2  
CED-CUR-XX-XX-DR-C-2001 Rev P5  
CED-CUR-XX-XX-DR-C-2002 Rev P5  
CED-LST-XX-XX-DR-L-0601 Rev P2  
CED-KMA-02-ZZ-DR-A-7100 Rev P2  
CED-KMA-02-ZZ-DR-A-7101 Rev P2  
CED-KMA-02-ZZ-DR-A-7102 Rev P2  
CED-KMA-02-ZZ-DR-A-7103 Rev P2  
CED-KMA-02-00-DR-A-7000 Rev P2  
CED-KMA-02-01-DR-A-7001 Rev P2  
CED-KMA-02-ZZ-R1-DR-A-7002 Rev P2  
CED-KMA-02-ZZ-R2-DR-A-7003 Rev P2

3. No development shall commence until provision is made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. The parking and turning area shall be constructed to a depth of 0.4 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.
4. No other development shall commence until the access has been constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 34 metres distant in an easterly direction and 14 metres distant in a westerly direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.
5. Upon formation of the visibility splays as detailed above the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.
6. Before any other development is commenced the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 15 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.
7. Prior to the first operational use of the development, provision shall be made within the corresponding site for the parking and turning of vehicles as detailed on the approved site plan CED-LST-A1-XX-DR-L-0102 Rev P47. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.
8. Prior to the first operational use of the development the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course material for a distance of 15 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.



9. The gradient of the access shall be constructed so as not to exceed 1 in 20 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.
10. Any vehicular entrance gates installed within the application site shall be set back at least 15 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.
11. No surface water drainage from the site shall be allowed to discharge onto the county highway.
12. The development shall be undertaken in strict accordance with the recommendations in Ecological Walkover Survey - Cedewain School, Newtown, Powys, Ref: RT-MME-156080-01, by Middlemarch Environmental, dated 8th September 2021. The measures identified shall be adhered to and implemented in full.
13. The development shall be undertaken in strict accordance with the Arboricultural Impact Assessment & Method Statement, Ysgol Cedewain School, Newtown, by Tree Solutions Ltd, dated July 2021, including Appendix Four - Tree Protection Plan and Appendix 5 - Tree Protective Measures/Method Statement. The measures identified shall be adhered to and implemented in full.
14. The development shall be undertaken in strict accordance with PLANTING PLAN PLANTING DESIGN, Drawing no. CED-LST-XX-XX-DR-L-0501 Rev. P2 and PLANTING PLAN TREE PLANTING, Drawing no. CED-LST-XX-XX-DR-L-0500 Rev. P2. The measures identified shall be adhered to and implemented in full and maintained thereafter.
15. The planting scheme (condition 14) shall be fully implemented as approved in the planting season applicable to the relevant phase of development as identified on the Phasing Strategy received on 2/2/2022.
16. External lighting shall be implemented strictly in accordance with drawing no. CED-ESD-XX-XX-DR-E-6900 Rev P4 and maintained as approved in perpetuity.
17. Access points to facilitate movement of hedgehog and small mammals shall be incorporated into all fencing forming any part of the site boundary. A minimum of one access point comprising gaps of 130mm x 130mm (5" x 5") shall be installed along each interior fenced aspect of the boundary. A minimum of one access point shall be installed every 25m along the length of the site's perimeter boundary. If gravel boards are to be used, hedgehog friendly designs shall be

used. The access points shall be fully implemented following first erection of the boundary treatment and maintained thereafter.

18. The development hereby approved shall be undertaken strictly in accordance with the Construction Phase Plan (Including Environmental) dated February 2019.
19. No development shall take place within Phase 2 (Completion of External Works) as identified on the Phasing Strategy until a site investigation of the nature and extent of contamination has been carried out, by a suitably qualified competent person, in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. A written report of the findings of the site investigation shall be made available to the local planning authority before any development begins.

The written report should include an appraisal of remedial options and identification of the most appropriate remediation option(s) for each relevant pollutant linkage. The report is subject to the written approval of the local planning authority.

20. No development shall take place within Phase 2 (Completion of External Works) as identified on the Phasing Strategy until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 and The Contaminated Land (Wales) Regulations 2006, as amended by The Contaminated Land (Wales) (Amendment) Regulations 2012, in relation to the intended use of the land after remediation. The detailed remediation scheme should not be submitted until written approval for Condition 19 has been received from the local planning authority.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the WLGA document 'Development of Land Affected by Contamination: A Guide for Developers' (2012).

21. The approved remediation scheme (condition 20) must be carried out in accordance with its terms prior to the commencement of development (within Phase 2) other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority

must be given two weeks written notification of commencement of the remediation scheme works.

If during the course of development any contamination is found that has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures before the development is occupied.

Following completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the local planning authority. The verification report contents must be agreed with the local planning authority before commencement of the remediation scheme.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the WLGA document 'Development of Land Affected by Contamination: A Guide for Developers' (2012).

22. No occupation of the proposed development in Phase 1 shall take place until the approved gas protection measures are installed and verified in accordance with the Geoshield Verification Plan presented in the Curtins Remediation Strategy ref: 077622.303-CUR-XX-XX-RP-GE-001. Evidence of the completed measures shall be submitted to and approved in writing by the local planning authority prior to first occupation.

## 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 movement in accordance with policies SP7, DM13 and T1 of the Powys Local Development Plan (2018), Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2021).
4. In the interests of highway safety and movement in accordance with policies SP7, DM13 and T1 of the Powys Local Development Plan (2018), Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2021).
5. In the interests of highway safety and movement in accordance with policies SP7, DM13 and T1 of the Powys Local Development Plan (2018), Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2021).
6. In the interests of highway safety and movement in accordance with policies

- SP7, DM13 and T1 of the Powys Local Development Plan (2018), Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2021).
7. In the interests of highway safety and movement in accordance with policies SP7, DM13 and T1 of the Powys Local Development Plan (2018), Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2021).
8. In the interests of highway safety and movement in accordance with policies SP7, DM13 and T1 of the Powys Local Development Plan (2018), Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2021).
9. In the interests of highway safety and movement in accordance with policies SP7, DM13 and T1 of the Powys Local Development Plan (2018), Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2021).
10. In the interests of highway safety and movement in accordance with policies SP7, DM13 and T1 of the Powys Local Development Plan (2018), Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2021).
11. In the interests of highway safety and movement in accordance with policies SP7, DM13 and T1 of the Powys Local Development Plan (2018), Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2021).
12. To comply with Powys County Council's LDP Policies DM2, DM4 and DM7 and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning (2009), Planning Policy Wales (2021) and Part1 Section 6 of the Environment (Wales) Act 2016.
13. To comply with Powys County Council's LDP Policies DM2, DM4 and DM7 and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning (2009), Planning Policy Wales (2021) and Part1 Section 6 of the Environment (Wales) Act 2016.
14. To comply with Powys County Council's LDP Policies DM2, DM4 and DM7 and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning (2009), Planning Policy Wales (2021) and Part1 Section 6 of the Environment (Wales) Act 2016.
15. To comply with Powys County Council's LDP Policies DM2, DM4 and DM7 and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning (2009), Planning Policy Wales (2021) and Part1 Section 6 of the Environment (Wales) Act 2016.
16. To comply with Powys County Council's LDP Policies DM2, DM4 and DM7 and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning (2009), Planning Policy Wales (2021) and Part1 Section 6 of the Environment (Wales) Act 2016.
17. To comply with Powys County Council's LDP Policies DM2, DM4 and DM7 and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning (2009), Planning Policy Wales (2021) and Part1 Section 6 of the Environment (Wales) Act 2016.
18. In order to safeguard local amenity by reasons of noise, dust and vibration in accordance with policy DM13 of the Powys Local Development Plan (2018) and Planning Policy Wales (2021).
19. To ensure that risks from land contamination to the future users of the land and

neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy DM10 of the Local Development Plan (2018) and Planning Policy Wales (2021).

20. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy DM10 of the Local Development Plan (2018) and Planning Policy Wales (2021).

21. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy DM10 of the Local Development Plan (2018) and Planning Policy Wales (2021).

22. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy DM10 of the Local Development Plan (2018) and Planning Policy Wales (2021).

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

**Application Number:** 20/1314/FUL                      **Grid Ref:** E: 299115  
N: 267747  
**Community Council:** Ystradgynlais Community                      **Valid Date:** 21.08.2020

**Applicant:** Mr Matthew Morgan

**Location:** Land At Brynygroes Farm , Ystradgynlais, SA9 1LF

**Proposal:** Full planning application for residential development and associated works

**Application Type:** Full Application

### REPORT UPDATE

#### PCC-(S) Highways – 27<sup>th</sup> January, 2022

The County Council as Highway Authority for the County Class I Highway, A4067

Wish the following recommendations/Observations be applied  
Recommendations/Observations

Thank you for again re-consulting the Highway Authority (HA) on this planning application on land at Brynygroes Farm, Ystradgynlais.

This process follows the decision taken by members of the PROW Committee during its December 2<sup>nd</sup> meeting, to defer the application in order to allow the applicant further opportunity to address a number of unresolved planning issues, which included matters relating to highway provision. Such highway matters predominantly related to the inadequate levels of off-street parking provision within the site, and a number of other internal layout matters.

The HA notes and welcomes the additional highway information submitted by the applicant since the meeting, which includes amended detail that seeks to address the issues noted by members. In response the HA would comment on each matter as follows.

#### Parking Provision

The original layout considered by members, showed off-street parking provision to be 26 spaces below the recommended levels set out within the adopted CSS Wales Parking

Standards, although it was noted that the shortfall associated with plots 2 & 3 would have little effect on the main spine road.

In order to address this issue, the applicant has submitted a revised layout for the site, as shown on drawing R491P-03 Rev M, together with a revised parking schedule. The amended detail includes a number of subtle site layout changes, which have enabled an additional 16 off-street parking spaces to be provided. The changes now leaves the site, just 8 spaces below the recommended allocation. To further mitigate this relatively minor 8 space shortfall, the applicant has adjusted the house layouts and further improved the visitor allocation, so that the visitor spaces are largely, sited in close proximity to the affected plots. This arrangement provides compensatory parking for the affected plots, which should reduce any need to park on street.

The revised and improved parking allocation is therefore welcomed by the HA. The amended proposals are considered to largely accord with adopted policy, and as such, the previous highway concerns raised in regards to this matter, have been adequately addressed.

Moving on to the remaining highway issues that were previously raised, the HA comments as follows.

Vehicular access from existing Haul Road.

Whilst no additional information has been received in respect to this item at the time of writing this response, the HA has been advised that additional detail is being prepared and that revised drawings will likely be available before the matter is considered by the PROW Committee.

Notwithstanding the above, the HA has previously confirmed that this matter can be adequately controlled by the imposition of an appropriately worded highway condition. As such, an appropriate condition (condition 4) has been included in the attached list of highway conditions which is appended to this report.

Internal Layout

The revised site layout, as shown on drawing R491P-03 Rev M, now includes an appropriate vehicular turning head on the private road which serves plots 98-102. This feature is welcomed by the HA, as it allows vehicles to both enter and leave the road in a forward gear which reduces the need for vehicles having to reverse significant distances.

Whilst no additional information has been received to date in respect of the turning head provision for Roads 2 & 5 (at present refuse vehicles would be unable to turn if the adjacent car parking spaces are occupied), the HA has been advised that additional detail is being prepared and that revised drawings will likely be available before the matter is considered by the PROW Committee.



Notwithstanding the above, the HA has previously confirmed that this relatively minor matter can be controlled by the imposition of an appropriately worded highway condition. As such, an appropriate condition (condition 1) has been included in the attached list of highway conditions which is appended to this report.

## Conclusion

The HA acknowledges and welcomes the revised site layout provided by the developer. The changes, clearly address the most fundamental parking concerns raised by the HA, which were also shared by members of the PROW Committee. As such, the HA is now satisfied that the amended proposals are acceptable, from a highway perspective, subject to the inclusion of the following highway conditions.

## Suggested Conditions

1. Notwithstanding the submitted details, within 10 days from the commencement of the development a detailed suite of highway engineering drawings covering the highway works within the site, including those relating to the new culvert, provision of traffic calming measures, appropriate signing and turning head provision shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details of construction.
2. Notwithstanding the submitted details, within 30 days from the commencement of the development a detailed suite of highway engineering drawings and a completed independent Stage 1 & 2 Safety Audit covering the off-site highway works along the frontage of the A4067 county highway, including the realigned access from the A4067, the active travel link from the A4067 into the site & the Toucan Crossing installation, shall be submitted to and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved details of construction.
3. The gradient of the access from the A4067 shall be constructed so as not to 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.
4. The gradient of the internal haul road shall be constructed so as not to exceed 1 in 20 for the first 10 metres measured from edge of the adjoining estate road along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.
5. No dwelling hereby approved shall be occupied before the off-site highway works detailed in condition 2 above, have been fully constructed to an adoptable standard to the written satisfaction of the LPA. Such works shall include the commissioning of the Toucan Crossing, completion of the realigned access and widened footway links alongside the A4067 and the construction of the active travel footway link from the A4067.
6. Prior to the occupation of each of the dwellings hereby approved, provision shall be made within the corresponding plot for the parking of vehicles as detailed on

the approved drawing R491P-03 Rev M. The parking areas shall be retained for their designated use for as long as the development hereby permitted remains in existence

7. No dwelling hereby approved shall be occupied before the estate road carriageway and footways are constructed to binder course level to an adoptable standard, including the provision of any salt bins, surface water drainage and street lighting in front of that dwelling, and to the junction with the existing county highway.
8. No dwelling hereby approved shall be occupied until the vehicular access is finished in a 40mm bituminous surface course material for a distance of 15 metres from the edge of the adjoining A4067 carriageway. The area will be maintained to this standard for as long as the development remains in existence.
9. The estate road carriageway and all footways shall be fully completed, in accordance with the details 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.
10. The gradient from the back of the footway/verge to the vehicle parking areas shall be constructed so as not to exceed 1 in 15 and shall be retained at this gradient for as long as the dwellings remain in existence.
11. Each private drive shall be surfaced in a suitably bound material, prior to the occupation of each respective dwelling and retained as such for as long as the development remains in existence.

#### Advisory Notes

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

Note:

All major off-site highway works shall be subject to an agreement (supported by a road bond) under Section 278 of the Highways Act 1980. The design and detail required as part of a Section 278 Agreement shall be prepared by the applicant and approved by Powys County Council. Implementation of the approved scheme shall be at the expense of the developer. Further information relating to Section 278 requirements can be found in Section 1.5 of the Powys County Council Highway Design Guide.

Note:

Where development results in (or retains the potential to) the creation of a private street (typically development in excess of 5 dwellings) Powys County Council has a statutory duty to issue and enforce an Advance Payment Code Notice (APC) under the provisions of Sections 219/220 of the Highways Act 1980. The Notice requires the applicant to secure a sum or bond with the local highway authority that covers the estimated costs of the identified street works. Applicants/developers may choose to discharge their private street works obligations by entering into a formal road adoption agreement with the local highway authority under Section 38 of the Highways Act 1980. Further information relating to the APC procedure and Section 38 road adoption agreements can be found in

Sections 2.1 & 2.2 of the Powys County Council Highway Design Guide.

PCC-(S) Highways – 28<sup>th</sup> January, 2022

The following is an updated highway response which should be read in conjunction with the previous, more comprehensive response provided by the HA, dated January 27<sup>th</sup>, 2022.

The HA has today received additional updated layout drawings and supporting information from the applicant. The submitted detail seeks to address an issue raised by the HA, in relation to the provision of adequate turning provision within the site, specifically those outside plots 43/44 and plots 77/78.

A revised layout drawing R491 P-03 Rev N has been submitted which includes modified turning head provision at the locations referred to above. The turning arms have been elongated and supplementary “Tracking Drawings” have also been provided to demonstrate that a refuse vehicle would now be able to turn freely, without causing conflict with any site features or allocated parking spaces. Whilst the revision has necessitated the relocation of 2 parking spaces, these have been satisfactorily accommodated elsewhere, without any reduction in parking provision.

The HA welcomes the additional detail, and duly advises that this matter is no longer a concern.

Whilst this is a relatively minor matter, two of the previously recommended highway conditions (1 & 6) will need to be amended to reflect the changes and updated drawing number. As such, it is recommended that the following conditions be updated accordingly.

1. Notwithstanding the submitted details, within 10 days from the commencement of the development a detailed suite of highway engineering drawings covering the highway works within the site, including those relating to the new culvert, provision of traffic calming measures and appropriate signing shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details of construction.
6. Prior to the occupation of each of the dwellings hereby approved, provision shall be made within the corresponding plot for the parking of vehicles as detailed on the approved drawing R491P-03 Rev N. The parking areas shall be retained for their designated use for as long as the development hereby permitted remains in existence

All other previously recommended highway conditions remain unaffected.

## **Officer Appraisal**

### Highway Authority's Response consideration

A safe access and parking are fundamental requirements of any development and LDP policy DM13 deals with highways issues.

The application was deferred at the 2<sup>nd</sup> December 2021 Planning Committee due to a number of issues, the majority of which have been addressed in the full committee report. The only outstanding issues included highways issues, and in particular the shortfall in off-street parking and inadequate turning heads within the internal road layout. A number of revised plans were submitted and therefore the above issues have been addressed as follows:

#### Off-street Parking

At the time of the previous committee, there was a shortfall of parking of 26 spaces as per the guidance given in the CSS Parking Standards.

Further amended plans were submitted, and additional off-street parking spaces (including visitor spaces) have been provided, which the Highway Authority is satisfied with and has recommended revised conditions to accommodate the amendments. Overall, this leaves just a shortfall of eight spaces which is considered by the Highway Authority to be acceptable. It is therefore considered that the off-street parking issue has been adequately addressed and is now in accordance with LDP policy DM13.

#### Internal road layout

At the time of the previous committee, the Highway Authority had concerns about the internal road layout, in particular because there were inadequate turning heads. Whilst these issues could have been dealt with post-determination via condition, the Highway Authority's would have preferred the issues to have been resolved prior to determination.

Amended plans were submitted and these have since been considered by the Highway Authority to be acceptable and the issues of the internal road layout are now considered to be satisfactory and in accordance with LDP policy DM13. Revised conditions have also been requested.

### RECOMMENDATION

In light of the above, it is considered that the proposed application would result in a well-designed development that responds to local needs and is assimilated well within the locality. It is considered that all the elements that concerned members at the previous committee have now been resolved to the satisfaction of the consultees.

It is therefore considered on balance that the proposed development is in accordance with relevant planning policies and the recommendation is therefore one of conditional consent.

## Conditions

1 The development shall begin not later than five years from the date of this decision.

2. The development shall be carried out in accordance with the following approved plans and documents: R491 P-01, R491 P-02, R491 P-03 N, R491 P-04, R491 P-05, R491 P-06, R491 P-07, R491 P-08, R491 P-09, R491 P-10, R491 P-12, R491 P-13, R491 P-14, , R491 P-15, R491 P-16, R491 P-17, R491 P-18, R491 P-19, R491 P-20, R491 P-21, R491 P-23, R491 P-24, R491 P-25, R491 P-26, R491 P-27, R491 P-28, R491 P-29, R491 P-30, R491, R491 -Schedule of Accommodation, RDS Landscape Plan, Topographic Survey (MW Surveys), C1537\_C-SK07 Highway Long Sections Sheet 1 of 2 Rev A, C1537\_C-SK08 Highway Long Sections Sheet 2 of 2 Rev B, Toucan Crossing v2-AT05, R491 POS Plan, Tree Survey by ArbTS LTD, Tree Protection Plan, Arboricultural Method Statement, Updated Ecological Survey by Fiona Elphick (21st July, 2019), Ecological Construction Method Statement.

3 No surface water from any increase in the roof area of the building /or impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to the public sewerage system.

4 Prior to commencement of development, a detailed Construction Method Statement in respect of the control of noise and dust during the construction shall be submitted to the Local Planning Authority and shall be implemented thereafter as approved.

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

- o 0800 - 1800 hrs Monday to Friday
- o 0800 - 1300 hrs Saturday
- o At no time on Sunday and Bank Holidays

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

6 No development shall commence until a preliminary investigation and assessment of the nature and extent of contamination affecting the application site area has been submitted to and approved in writing by the local planning authority. This investigation and assessment must be carried out by or under the direction of a suitably qualified competent person, in accordance with current guidance and best practice, and shall assess any contamination on the site, whether or not it originates on the site.

The report of the findings shall include:

- A desk study
- A site reconnaissance
- Formulation of an initial conceptual model
- A preliminary risk assessment

If the preliminary risk assessment identifies there are potentially unacceptable risks a detailed scope of works for an intrusive investigation, including details of the risk assessment methodologies, must be prepared by a suitably qualified competent person. The contents of the scheme and scope of works are subject to the approval in writing of the local planning authority.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Land Contamination Risk Management (LCRM)' guidance and the WLGA document 'Development of Land Affected by Contamination: A Guide for Developers' (2017).

7 No development shall take place until a site investigation of the nature and extent of contamination has been carried out, by a suitably qualified competent person, in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. A written report of the findings of the site investigation shall be made available to the local planning authority before any development begins. The written report should include an appraisal of remedial options and identification of the most appropriate remediation option(s) for each relevant pollutant linkage. The report is subject to the written approval of the local planning authority.

8 No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures.

The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 and The Contaminated Land (Wales) Regulations 2006, as amended by The Contaminated Land (Wales) (Amendment) Regulations 2012, in relation to the intended use of the land after remediation. The detailed remediation scheme should not be submitted until written approval for Condition 7 has been received from the local planning authority. All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the WLGA document 'Development of Land Affected by Contamination: A Guide for Developers' (2017).

9 The subject site is located in a former coal mining area and ground gas protection measures which meet, as a minimum, Characteristic Situation 2 (CS2)

specifications, as prescribed in BS8485:2015+A1:2019 'Code of Practice for the Design of Protective Measures for Methane and Carbon Dioxide Ground Gases for New Buildings', must be installed.

Appropriately qualified personnel as described in Ciria C735 must verify the installation and qualify the installer. The specification and verification methodologies, for the installation of the ground gas protection measures, must be provided in a Verification Plan (as described in Ciria C735) that is part of the Remediation Strategy and must be approved in writing, by the local planning authority, prior to the commencement of the development.

10 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works.

If during the course of development any contamination is found that has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures before the development is occupied.

Following completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the local planning authority. The verification report contents must be agreed with the local planning authority before commencement of the remediation scheme. All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the WLGA document 'Development of Land Affected by Contamination: A Guide for Developers' (2017).

11 A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of duration to be agreed in writing with the local planning authority and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the local planning authority. Within six months following the completion of the measures identified in that scheme and the achievement of the remediation objectives, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the local planning authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

12 The development shall be undertaken in strict accordance with the following  
i) Section 6 (Recommendations) and Ecological Construction Method Statement, Updated Ecological Survey, Land at Brynygroes, by Fiona Elphick, dated 21st July 2019

- ii) Landscape Masterplan, Drawing no. RS200613-01-03
- iii) Section 6.0 (Arboricultural Method Statement) and Appendix 4 (Tree Protection Plan), Arboricultural Report, by ArbTS Ltd, dated 21st June 2021
- iv) Proposed Access Arrangement & Culvert Works, Drawing no. C-SK13

The measures identified shall be adhered to and implemented in full and maintained thereafter.

13 Prior to commencement of development (including ground works and vegetation clearance), a Construction Environment Management Plan shall be submitted to the Local Planning Authority and approved in writing. The CEMP shall include but not be limited to the following:

- o Ecological Construction Method Statement
- o Pollution prevention plan
- o Biosecurity risk assessment
- o Tree protection plan
- o Lighting during construction phase
- o Ecological enhancement plan to include number, location and timing of implementation of reptile refugia; and timing of planting, site preparation and aftercare measures.
- o Roles and responsibilities

The approved measures shall be adhered to and implemented in full.

14 Prior to any works being undertaken to trees, a bat survey of affected trees shall be undertaken by a suitably qualified ecologist. The survey shall be undertaken in accordance with Collins, J. (ed) (2016) Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd edn.) The Bat Conservation Trust, London. Any works shall be undertaken in accordance with expert ecologist and arborist advice and European Protected Species license requirements where appropriate.

15 Access points to facilitate movement of hedgehog and small mammals shall be incorporated into all fencing forming any part of the site boundary or boundary between individual plots. A minimum of one access point comprising gaps of 130mm x 130mm (5" x 5") shall be installed along each fenced aspect of the boundary. If gravel boards are to be used, hedgehog friendly designs shall be used. The access points shall be maintained thereafter.

16 Prior to occupation of any dwelling a Welsh Language and Culture mitigation plan including details of mitigation measures and their implementation of measures shall be submitted to and approved in writing by the local planning authority. The measures to support the Welsh Language and Culture shall be implemented as approved.

17 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 4 of housing units; 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.

18 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013, (or any Order revoking and re-enacting that Order) no development for the Affordable Dwellings identified in Condition 18 above under Schedule 2, Part 1, Classes A to E other than that hereby permitted shall be carried out without the written permission of the Local Planning Authority.

19 Prior to the commencement of development a phasing scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details for the phasing of all housing and infrastructure including (but not limited to) phasing of open market/affordable dwellings, provision of public open space, provision of visitor car parking areas, landscaping/ biodiversity enhancements and associated infrastructure. Development must thereafter be completed in full accordance with the details as approved.

20. Prior to commencement of development a plan for the provision of children's play equipment in the play area shall be submitted for approval in writing by the local planning authority. Thereafter the scheme shall be implemented in accordance with the approved details.

21. Notwithstanding the submitted details, within 10 days from the commencement of the development a detailed suite of highway engineering drawings covering the highway works within the site, including those relating to the new culvert, provision of traffic calming measures and appropriate signing shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details of construction.

22. Notwithstanding the submitted details, within 30 days from the commencement of the development a detailed suite of highway engineering drawings and a completed independent Stage 1 & 2 Safety Audit covering the off-site highway works along the frontage of the A4067 county highway, including the realigned access from the A4067, the active travel link from the A4067 into the site & the Toucan Crossing installation, shall be submitted to and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved details of construction.

23. The gradient of the access from the A4067 shall be constructed so as not to 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.

24. The gradient of the internal haul road shall be constructed so as not to exceed 1 in 20 for the first 10 metres measured from edge of the adjoining estate road along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.

25. No dwelling hereby approved shall be occupied before the off-site highway works detailed in condition 22 above, have been fully constructed to an adoptable standard to the written satisfaction of the LPA. Such works shall include the commissioning of the Toucan Crossing, completion of the realigned access and widened footway links alongside the A4067 and the construction of the active travel footway link from the A4067.

26. Prior to the occupation of each of the dwellings hereby approved, provision shall be made within the corresponding plot for the parking of vehicles as detailed on the approved drawing R491P-03 Rev N. The parking areas shall be retained for their designated use for as long as the development hereby permitted remains in existence

27. No dwelling hereby approved shall be occupied before the estate road carriageway and footways are constructed to binder course level to an adoptable standard, including the provision of any salt bins, surface water drainage and street lighting in front of that dwelling, and to the junction with the existing county highway.

28. No dwelling hereby approved shall be occupied until the vehicular access is finished in a 40mm bituminous surface course material for a distance of 15 metres from the edge of the adjoining A4067 carriageway. The area will be maintained to this standard for as long as the development remains in existence.

29. The estate road carriageway and all footways shall be fully completed, in accordance with the details 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.

30. The gradient from the back of the footway/verge to the vehicle parking areas shall be constructed so as not to exceed 1 in 15 and shall be retained at this gradient for as long as the dwellings remain in existence.

31. Each private drive shall be surfaced in a suitably bound material, prior to the occupation of each respective dwelling and retained as such for as long as the development remains in existence.

## Reasons

- 1 Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
- 2 Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
- 3 To 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.
- 4 To safeguard the amenities of the locality in accordance with policy DM13, section 13 of the Powys Local Development Plan.
- 5 To safeguard the amenities of the locality in accordance with policy DM13, section 13 of the Powys Local Development Plan.
- 6 In the interests of land contamination and in order to accord with Local Development Plan policy DM 10.
- 7 In the interests of land contamination and in order to accord with Local Development Plan policy DM 10.
- 8 In the interests of land contamination and in order to accord with Local Development Plan policy DM 10.
- 9 In the interests of land contamination and in order to accord with Local Development Plan policy DM 10.
- 10 In the interests of land contamination and in order to accord with Local Development Plan policy DM 10.
- 11 In the interests of land contamination and in order to accord with Local Development Plan policy DM 10.
- 12 To comply with Powys County Council's LDP Policies DM2, DM4, DM13 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 11, 2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
- 13 To comply with Powys County Council's LDP Policies DM2, DM4, DM13 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 11, 2021), TAN 5: Nature Conservation and Planning and Part 1 Section

6 of the Environment (Wales) Act 2016.

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

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

16 In the interests of the Welsh language and culture in accordance with Powys Local Development Plan (2018) policy DM12.

17 In order to control further development which has the potential to have adverse effects on the affordable nature of the dwellings hereby approved in line with policy H5 of the Local Development Plan and Planning Policy Wales.

18 In order to control further development which has the potential to have adverse effects on the affordable nature of the dwellings hereby approved in line with policy H5 of the Local Development Plan and Planning Policy Wales.

19 To safeguard the amenities of the locality in accordance with policy DM13, section 13 of the Powys Local Development Plan.

20. To safeguard the amenities of the locality in accordance with policy DM3 of the Powys Local Development Plan.

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

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

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

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

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

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

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

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

## **Informatives**

### **1.Dwr Cymru**

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition.

Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com). The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

2. During construction (including soil movement and landscaping activities) the contractor shall take all reasonable steps to prevent dust formation from dusty activities and any dust formed shall be prevented leaving the site by continuous watering down.

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

#### 4. Protected Species

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

#### Birds - Wildlife and Countryside Act 1981 (as amended)

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

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

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

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

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

It is an offence for any person to:

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

Under the Habitats Regulations it is an offence to:

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

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

## 5. Rights of way

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

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

## 6. Groundwater

We refer you to the Environment Agency (2017) 'Approach to groundwater protection' position statements which have been adopted by NRW. In particular, Position Statement

G13 (Sustainable drainage systems) which applies to this development.

Advice on environmental considerations and the assessments needed to support your planning application can be found on our external website.

For advice on how to deal with possible land contamination on your development visit:  
[http://naturalresources.wales/guidance-and-advice/business-sectors/planning-anddevelopment/](http://naturalresources.wales/guidance-and-advice/business-sectors/planning-anddevelopment/advice-for-developers/land-contamination/?lang=en)

[advice-for-developers/land-contamination/?lang=en](http://naturalresources.wales/guidance-and-advice/business-sectors/planning-anddevelopment/advice-for-developers/land-contamination/?lang=en)

For advice on how to protect groundwater at your development visit:

<http://naturalresources.wales/guidance-and-advice/business-sectors/planning-anddevelopment/>

[advice-for-developers/protecting-groundwater/?lang=en](#)

## Pollution Prevention

Responsibility for preventing pollution rests with those in control of the development. Pollution Prevention Guidance should be read by those carrying out the work. All works at the site must be carried out in accordance with the Guidance for Pollution Prevention and of particular importance to this application is GPP5 'Works in, near or over

watercourses' which is available at:

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

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

## 7.Common Land

Please note Powys County Council is not the determining authority, the Planning Inspectorate in Wales is responsible for determining applications on behalf of the Welsh Minister. Application forms and guidance about how to make an application under Section 16 of the Commons Act 2006 are available on the Welsh Government website:

<https://gov.wales/commons-act-2006-apply-under-section-16>

The Registration Authority also recommends the reading of the Welsh Government 'Common Land Consents Guidance' that was published in August 2014. This document is available at the following link:

<https://gov.wales/common-land-consents-guidance>

## Land Drainage Advisory

Any proposed alterations, interference or erection of any structure that affects an ordinary watercourse will require prior consent from Powys CC (as Lead Local Flood Authority), in accordance with Section 23 of the Land Drainage Act 1991 (as amended by the Flood & Water Management Act 2010). Further information can be sought at: <https://customer.powys.gov.uk/article/4661/Ordinary-Watercourses-Applying-for-consent-for-works>

## Highways

All major off-site highway works shall be subject to an agreement (supported by a road bond) under Section 278 of the Highways Act 1980. The design and detail required as part of a Section 278 Agreement shall be prepared by the applicant and approved by Powys County Council. Implementation of the approved scheme shall be at the expense of the developer. Further information relating to Section 278 requirements can be found



in Section 1.5 of the Powys County Council Highway Design Guide.

**Note:**

Where development results in (or retains the potential to) the creation of a private street (typically development in excess of 5 dwellings) Powys County Council has a statutory duty to issue and enforce an Advance Payment Code Notice (APC) under the provisions of Sections 219/220 of the Highways Act 1980. The Notice requires the applicant to secure a sum or bond with the local highway authority that covers the estimated costs of the identified street works. Applicants/developers may choose to discharge their private street works obligations by entering into a formal road adoption agreement with the local highway authority under Section 38 of the Highways Act 1980. Further information relating to the APC procedure and Section 38 road adoption agreements can be found in Sections 2.1 & 2.2 of the Powys County Council Highway Design Guide.

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Case Officer: Lorraine Jenkin, Senior Planning Officer  
Tel: 01597 827527 E-mail: [lorraine.jenkin@powys.gov.uk](mailto:lorraine.jenkin@powys.gov.uk)

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

**Application Number:** 21/0422/FUL

**Grid Ref:** E: 326265  
N: 303958

**Community Council:** Forden With Leighton & Trelystan

**Valid Date:** 17.03.2021

**Applicant:** Mrs J Jones

**Location:** Land Near To St Mary The Virgin Church, Trelystan , Welshpool, SY21 8LD,

**Proposal:** Erection of a temporary marquee for wedding receptions (between April and October each year), creation of access, installation of infrastructure and siting of a temporary toilet unit

**Application Type:** Full Application

### Report Update

This report forms an update to the previous report circulated to Members.

### Public Representation

Two additional letters of public representation have been received raising a number of concerns regarding the proposed development, with the planning issues raised listed below:

- Activities at this location have gone well beyond simple weddings to large scale events with the operators already advertising Glamping facilities and fireworks.
- Glamping activities lasted for up to 4 days over the course of the wedding
- Highway infrastructure concerns and the proposed development will not be able to deal with additional traffic
- The operators web site indicate firework displays as an option for events, which would be very disruptive to the local community, wildlife, and livestock
- Incorrect financial information provided regarding the Economic Impact report

**RECOMMENDATION – Conditional Consent Subject to S106**

In line with previous Officer's recommendation it is therefore considered that the proposed development fundamentally complies with relevant planning policy and subject to the below updated conditions the recommendation is one of conditional consent subject to a S106 Legal agreement.

## Conditions

- 1 The development shall begin not later than five years from the date of this decision.
- 2 The development shall be carried out in accordance with the following approved plans and documents: Site Location Plan 20 1107a (90) 10 rev A; Marquee Plan 20 1107a (03) 12; Site Layout 20 1107a (03) 11, 20 1107A (03) 11 & 20 1107A (90) 10 Rev A, Economic Impact Statement, Planning Statement dated March 2021, Landscape Impact Assessment dated March 2021, Bespoke Wooden Bollards, Highway Statement Report Hurlstone Partnership Ltd (22/2/2021), Noise Impact Assessment by TGS Acoustic
- 3 External lighting at the site shall be undertaken strictly in accordance with the details identified in section 5.23 of the submitted planning statement and illustrated on drawing number (03) 11 produced by Green Planning Studios. The measures identified shall be adhered to and implemented in full and maintained thereafter.
- 4 Prior to commencement of development, a detailed Biodiversity Enhancement Plan shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.
5. All planting, seeding or turfing comprised in the approved landscaping plan drawing no: (20 1107A) (03)11 shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
6. Prior to the first beneficial use of the development the access has been constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2 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 25 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. Upon formation of the visibility splays as detailed above the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.

8. Prior to the first beneficial use 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, 60mm of bituminous macadam binder course material and be finished in a 40mm bituminous surface course material for a distance of 10 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

9. Prior to the first beneficial use of the development, provision shall be made within the curtilage of the site for the parking of not less than 60 cars and two heavy goods vehicles together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

10. The gradient of the access shall be constructed so as not to exceed 1 in 20 for the first 10 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.

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

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

13. The marquee hereby approved shall only be erected on site between 1st April and 31<sup>st</sup> October each year. The marquee shall be taken down and removed from site on/or before 31<sup>st</sup> October in any calendar year.

14. The level of noise emitted from the site shall not exceed  $L_{Aeq(15\text{ min})}$  30 dB at any time as measured at Church House Farm. (All measurements shall be taken using a type 1 sound level meter with a microphone height between 1.2m and 1.5m in free field conditions, 3.5 m from a reflective surface.)

15. All live and recorded music at the site shall finish no later than midnight.

16. Prior to the first beneficial use of the site, a Noise Management Plan shall be

submitted to and approved in writing by the Local Planning Authority and shall be implemented as approved throughout the lifetime of the development. The Plan shall include details of how events will be managed and monitored to control the impact of noise. This should include a provision for record-keeping in relation to noise monitoring and a protocol for how the applicant(s) can be contacted directly by anyone affected by noise

## **Reasons**

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

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

3 To comply with Powys County Council's LDP DM2 and DM7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

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

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

6 In the interests of highway safety in accordance with Policies T1 and DM13 of the Powys Local Development Plan (2018), Planning Policy Wales (2018) and Technical Advice Note (TAN) 18: Transport (2007).

7 In the interests of highway safety in accordance with Policies T1 and DM13 of the Powys Local Development Plan (2018), Planning Policy Wales (2018) and Technical Advice Note (TAN) 18: Transport (2007).

8. In the interests of highway safety in accordance with Policies T1 and DM13 of the Powys Local Development Plan (2018), Planning Policy Wales (2018) and Technical Advice Note (TAN) 18: Transport (2007).

9. In the interests of highway safety in accordance with Policies T1 and DM13 of the Powys Local Development Plan (2018), Planning Policy Wales (2018) and Technical Advice Note (TAN) 18: Transport (2007).

10. In the interests of highway safety in accordance with Policies T1 and DM13 of the Powys Local Development Plan (2018), Planning Policy Wales (2018) and Technical Advice Note (TAN) 18: Transport (2007).

11. In the interests of highway safety in accordance with Policies T1 and DM13 of the Powys Local Development Plan (2018), Planning Policy Wales (2018) and Technical Advice Note (TAN) 18: Transport (2007).

12. In the interests of highway safety in accordance with Policies T1 and DM13 of the Powys Local Development Plan (2018), Planning Policy Wales (2018) and Technical Advice Note (TAN) 18: Transport (2007).

13. In order to ensure control of the use as a temporary marquee and to prevent the establishment of permanent structure.

14. In order to control the level of noise associated with the development and to ensure the proposal does not have a detrimental impact on the neighbouring amenities of neighbouring properties in accordance with policy DM13 of the Powys Local Development Plan and TAN 11.

15. In order to control the level of noise associated with the development and to ensure the proposal does not have a detrimental impact on the neighbouring amenities of neighbouring properties in accordance with policy DM13 of the Powys Local Development Plan and TAN 11

16. In order to control the level of noise associated with the development and to ensure the proposal does not have a detrimental impact on the neighbouring amenities of neighbouring properties in accordance with policy DM13 of the Powys Local Development Plan and TAN 11

## **Informative Notes**

- 1 The only structures hereby approved by this permission are the structures included in the application and as such any camping or other such temporary structures on the site or the adjacent site may require planning permission
- 2 Birds - Wildlife and Countryside Act 1981 (as amended)

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

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

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

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

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

### Protected Species

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

### PCC – Highways

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

1. Under Section 184 of the Highways Act 1980, it is a requirement that a licence is obtained from the Highway Authority, in addition to Planning Permission, for vehicular access works.
  - a. The need to avoid interference with and to make provision for the carrying of existing highway drainage under the access to the satisfaction of the Highway Authority.
  - b. The requirement of the Highway Authority for the Developer to ensure that no surface water is discharged onto the County Highway or, without prior approval, into the highway drainage system.
2. Under Section 50 of the New Roads & Street Works Act 1991 it is a requirement that a Streetworks licence is obtained from the Highway Authority to place, or to



retain, apparatus in the highway and thereafter to inspect, maintain, adjust, repair, alter or renew the apparatus, change its position or remove it.

3. The need to inform and obtain the consent of Statuary Undertakers (Electricity, Water, Gas, BT), Land Drainage Authority, etc. to the works.
4. The New Roads & Street Works Act 1991 requires that all works, be properly notified and approved prior to commencement.

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

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

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

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Case Officer: Luke Jones, Principal Planning Officer  
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## Planning, Taxi Licensing and Rights of Way Committee Report

**Application Number:** 20/1241/FUL      **Grid Ref:** E: 294486  
N: 299084  
**Community Council:** Carno Community Council      **Valid Date:** 30.09.2020

**Applicant:** Corrine Adlington

**Location:** Glanhanog Isaf Barns, Glanhanog Isaf, Carno, Caersws, Powys SY17 5JU

**Proposal:** Conversion of existing barn to 5 holiday let units, the change of use of an agricultural building to a communal recreational area and all associated works.

**Application Type:** Full Application

### UPDATE REPORT

This report forms an update to the previous report circulated to Members of the Committee.

### Principal Planning Constraints

Right of Way  
Trunk Road  
Open Countryside  
Surface Water Flooding  
Grade II Listed Milestone

### Principal Planning Policies

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

TAN 6	Planning for Sustainable Rural Communities	National Policy
TAN11	Noise	National Policy
TAN12	Design	National Policy
TAN13	Tourism	National Policy
TAN15	Development and Flood Risk	National Policy
TAN18	Transport	National Policy
TAN23	Economic Development	National Policy
TAN24	The Historic Environment	National Policy
SP1	Housing Growth	Local Development Plan 2011-2026
SP5	Settlement Hierarchy	Local Development Plan 2011-2026
SP6	Distribution of Growth across the Settlement Hierarchy	Local Development Plan 2011-2026
SP7	Safeguarding of Strategic Resources and Assets	Local Development Plan 2011-2026
DM2	The Natural Environment	Local Development Plan 2011-2026
DM4	Landscape	Local Development Plan 2011-2026
DM5	Development and Flood Risk	Local Development Plan 2011-2026
DM6	Flood Prevention Measures and Land Drainage	Local Development Plan 2011-2026

DM7	Dark Skies and External Lighting	Local Development Plan 2011-2026
DM10	Contaminated and Unstable Land	Local Development Plan 2011-2026
DM12	Development in Welsh Speaking Strongholds	Local Development Plan 2011-2026
DM13	Design and Resources	Local Development Plan 2011-2026
DM15	Waste within Development	Local Development Plan 2011-2026
T1	Travel, Traffic and Transport Infrastructure	Local Development Plan 2011-2026
TD1	Tourism Development	Local Development Plan 2011-2026
SPG	Landscape	Local Development Plan 2011-2026
SPG	Biodiversity and Geodiversity	Local Development Plan 2011-2026
SPG	The Historic Environment	Local Development Plan 2011-2026

### **Other Legislative Considerations**

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

Marine and Coastal Access Act 2009

### **Officer Appraisal**

#### Built Heritage

Local Development Plan (2018) policy SP7 seeks to safeguard strategic resources and assets in the County, whilst development proposals must not have an unacceptable adverse impact on the resource or asset and its operation.

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

It is acknowledged that grade II listed milestone exists on the A470 approximately 160 metres from the application site. Having considered the distance between the listed milestone and the application site and the intervening built development and screening in the form of trees, it is not considered the proposed development is visible from the listed milestone. It is therefore considered that the proposed development will not harm the setting of this listed milestone.

It is therefore considered that the proposed development would not detrimentally harm the setting of the listed building and is in accordance with relevant planning policy and in particular LDP Policy SP7.

## **RECOMMENDATION – Conditional Consent**

In light of the above it is considered that the proposed development complies with relevant planning policy and the recommendation is one of conditional consent.

### **Conditions**

1. The development shall begin not later than five years from the date of this decision.
2. The development shall be carried out in accordance with the following approved plans and documents: PL03C, PL01A, PL02A, Glanhanog Isaf Long Barn, Carno Out-building Conversion Protected Species Survey, by Cambrian Ecology Ltd, dated 26th June 2020, Flood Consequence Assessment JN:1132, by Flume Consulting Engineers, dated October 2021, L01A, Structural Condition Report
3. Prior to commencement of development the new access / junction and visibility

requirements (approved under planning application P/2018/0050) shall be completed and available for use to the written satisfaction of the local planning authority in consultation with the Welsh Government (Transport).

4. The development shall be undertaken in strict accordance with the Proposed Plan, Drawing PL01A (floor plan showing bat roost). The measures identified shall be adhered to and implemented in full and maintained thereafter.

5. The development shall be undertaken in strict accordance with the bat mitigation and enhancement measures identified in section 9 of Glanhanog Isaf Long Barn, Carno Out-building Conversion Protected Species Survey, by Cambrian Ecology Ltd, dated 26th June 2020. The measures identified shall be adhered to and implemented in full and maintained thereafter.

6. Prior to commencement of development, an External Lighting Design Scheme to avoid and reduce potential impacts on nocturnal wildlife shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate compliance with the recommendations outlined in the BCT and ILP Guidance Note 8 Bats and Artificial Lighting (12th September 2018). Full details can be found at <https://theilp.org.uk/publication/guidance-note-8-bats-and-artificial-lighting/>. The approved scheme shall be adhered to and be implemented in full.

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

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

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

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

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

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013, (or any Order revoking and re-enacting that Order) no development under Schedule 2, Part 1, Classes A to E other than that hereby permitted shall be carried out without the written permission of the Local Planning Authority.

10. 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. An up to date register shall be kept at the holiday accommodation hereby permitted and be made available for inspection by the local planning authority upon request. The register shall contain details of the names of all of the occupiers of the accommodation, their main home addresses and their date of arrival and departure from the accommodation.

11. The development shall be undertaken in strict accordance with the Flood Mitigation Measures outlined on page 12 of the Flood Consequence Assessment JN:1132, by Flume Consulting Engineers, dated October 2021. The measures identified shall be adhered to and implemented in full.

## **Reasons**

1. Required to be imposed by section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the approved plans in the interests of clarity and a satisfactory development
3. To maintain the safety and free flow of trunk road traffic In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales (Edition 11, February 2021).
4. To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.
5. To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part1 Section 6 of



the Environment (Wales) Act 2016.

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

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

8.To allow an adequate analytical record of the buildings to be made, before they are converted, to ensure that the buildings origins, use and development are understood and the main features, character and state of preservation are recorded in accordance with LDP Policy SP7 and TAN24: The Historic Environment 2017 and Planning Policy Wales (Edition 11, February 2021),

9. To protect the character and appearance of the building and the landscape in accordance with Policies DM4 and DM13 of the Powys Local Development Plan (2018), Technical Advice Note (TAN) 23: Economic Development (2014) and Planning Policy Wales (2018)

10. To prevent the establishment of permanent dwellings in open countryside locations and retention of tourist facilities in accordance with Powys Local Development Plan policy TD1, Technical Advice Note 6 (2010) and Planning Policy Wales (2018).

11. To comply with Powys County Council's LDP policy DM5 and DM6 in relation to Flood Risk and to meet the requirements of Planning Policy Wales (Edition 11,2021), TAN 15: Development and Flood Risk (2004).

## **Informative Notes**

### Biodiversity

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

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

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

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

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

It is an offence for any person to:

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

Under the Habitats Regulations it is an offence to:

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

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

Birds - Wildlife and Countryside Act 1981 (as amended)

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

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

o intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young on such a bird.

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

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

### Sustainable Drainage Body

All: Having assessed the Planning Application Ref 20/1241/FUL, the SuDS Approval Body (SAB) deem that the construction area is greater than 100m<sup>2</sup> and therefore this proposed development will require SAB approval prior to any construction works commencing onsite.

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

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

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

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

### Natural Resources Wales

#### Works Near Watercourse and Pollution Prevention

NRW maps indicate that a watercourse is immediately adjacent to the application site. Due to the proximity of the site to watercourses, all works at the site must be carried out in accordance with GPP5 and relevant PPGs. The developer should also take any

precaution to prevent contamination of surface water drains and local watercourses. Oils and chemicals should be stored in bunded areas and spill kits should be readily available in case of accidental spillages. For further guidance please refer to GPP 5 and relevant PPGs at the following link:

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

### Environmental Management

All works at the site must be carried out in accordance with relevant PPGs: 'Working at construction and demolition sites' which are available on the following website:

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

The activity of importing waste into the site for use as, for example hardcore, must be registered with Natural Resources Wales as an exempt/permittable activity under the Environmental Permitting Regulations 2016. The developer should contact Natural Resources Wales to discuss the necessity for an exemption/permit for any material imported to and exported from the site.

If during construction/excavation works any contaminated material is revealed, then the movement of such material either on or off site should be done in consultation with Natural Resources Wales. Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily and in accordance with Section 34 of the Environmental Protection Act 1990. Carriers transporting waste from the site must be registered waste carriers and movement of any Hazardous Waste from the site must be accompanied by Hazardous waste consignment notes

### PCC – Countryside Services

- Development over, or illegal interference with, a public right of way, is a criminal offence and enforcement action will be taken against a developer who ignores the presence of affected public rights of way.

This includes temporary obstructions such as rubble mounds, building materials, parked vehicles etc...

- Landscaping & Surfacing – Please seek advice before interfering or surfacing a public right of way.
- New fencing or boundaries – If intending to create a boundary across a public footpath or bridleway, advice must be sought. A section 147 Highways Act 1980 license is required for a structure to be installed.

We cannot authorise a structure across a Restricted Byway or Byway Open to All Traffic.

- Temporary closures – If the safety of the public cannot be guaranteed during construction, consideration should be given to applying for a temporary closure of the public right of way.

The process can take a couple of months to put into place so early consultation with Countryside Services is recommended if a temporary closure is required. This is a separate procedure for which a fee applies.

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

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

For advice, please contact Powys County Council Countryside Services with details of the development at:

[rights.of.way@powys.gov.uk](mailto:rights.of.way@powys.gov.uk)

01874 614057

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Case Officer: Luke Jones, Senior Planning Officer  
Tel: 01597 827115 E-mail: [luke.jones@powys.gov.uk](mailto:luke.jones@powys.gov.uk)

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