

Planning, Taxi Licensing & Rights of Way Committee

Meeting Venue
**Council Chamber - County Hall,
Llandrindod Wells, Powys**

Meeting Date
Thursday, 23 August 2018

Meeting Time
9.30 am



County Hall
Llandrindod Wells
Powys
LD1 5LG

For further information please contact
Carol Johnson
01597826206
carol.johnson@powys.gov.uk

16 August, 2018

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

AGENDA

1.	APOLOGIES
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To receive apologies for absence.

2.	MINUTES OF THE PREVIOUS MEETING
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To authorise the Chair to sign the minutes of the previous meetings of the Committee held on 5 July, 2018 and 2 August, 2018 as correct records.

(Pages 5 - 12)

Planning

3.	DECLARATIONS OF INTEREST
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- a) To receive any declarations of interest from Members relating to items to be considered on the agenda.
- b) To receive Members' requests that a record be made of their membership of town or community councils where discussion has taken place of matters for the consideration of this Committee.
- c) To receive declarations from Members of the Committee that they will be acting as 'Local Representative' in respect of an individual application being considered by the Committee.

- d) To note the details of Members of the County Council (who are not Members of the Committee) who will be acting as 'Local Representative' in respect of an individual application being considered by the Committee.

4.	PLANNING APPLICATIONS FOR CONSIDERATION BY THE COMMITTEE
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To consider the reports of the Head of Regeneration and Regulatory Services and to make any necessary decisions thereon.

(Pages 13 - 14)

4.1. Updates

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

(To Follow)

4.2. P/2017/0218 Ystym Colwyn, Meifod, Powys, SY22 6XT

(Pages 15 - 46)

**4.3. P/2016/0509 Land in former Walled Garden at Glanhafren Hall
Glanrhyd Llanidloes Road Newtown Powys SY16 4HZ**

(Pages 47 - 78)

**4.4. P/2018/0610 Land Adjacent to The Old Rectory, Newchurch, Powys,
HR5 3QF**

(Pages 79 - 96)

4.5. P/2018/0509 Dyffryn, Meifod, Powys, SY22 6HL

(Pages 97 - 108)

4.6. P/2018/0651 Community Centre, Meifod, Powys, SY22 6DF

(Pages 109 - 116)

5.	DECISIONS OF THE HEAD OF REGENERATION AND REGULATORY SERVICES ON DELEGATED APPLICATIONS
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To receive for information a list of decisions made by the Head of Regeneration and Regulatory Services under delegated powers.

(Pages 117 - 128)

Taxi and other licensing

6.	MINUTES OF TAXI REVIEW PANELS
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To authorise the Chair presiding at the Taxi Review Panel on 1 May, 2018 to sign the minutes as a correct record.

(Pages 129 - 132)

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MINUTES OF A MEETING OF THE PLANNING, TAXI LICENSING & RIGHTS OF WAY COMMITTEE HELD AT COUNCIL CHAMBER - COUNTY HALL, LLANDRINDOD WELLS, POWYS ON THURSDAY, 5 JULY 2018

PRESENT

County Councillor K Lewis (Chair)

County Councillors E M Jones, L V Corfield, L George, H Hulme, M J Jones, F H Jump, K Laurie-Parry, I McIntosh, D R Price, G Pugh, K S Silk, E Vaughan, G I S Williams, D H Williams, J Williams and R Williams

1.	APOLOGIES
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Apologies for absence were received from County Councillors H Lewis, D Selby, J Wilkinson and from H Williams who was on other Council business.

2.	MINUTES OF THE PREVIOUS MEETING
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The Chair was authorised to sign as a correct record the minutes of the meeting held on 19 June 2018 as a correct record.

County Councillor Jump pointed out that she had not attended the last meeting because she had not been trained at the time of it.

Planning

3.	DECLARATIONS OF INTEREST
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- (a) County Councillors F Jump and MJ Jones declared personal non prejudicial interests in application P/2018/0337 as LEA appointed governors at the school. The Standards Committee had granted a dispensation for LEA governors to speak and vote.

County Councillor DR Price declared a prejudicial interest in application P/2018/0581 as the applicant.

County Councillor K Laurie-Parry declared a personal non prejudicial interest in application Tree/2018/0012 as an LEA appointed governor at the school. The Standards Committee had granted a dispensation for LEA governors to speak and vote.

- (b) County Councillor H Hulme requested that a record be made of her membership of Tregynon Community Council where discussion had taken place of matters for the consideration of this Committee. She advised that she had left the meeting when the matter was discussed.

County Councillor DR Price requested that a record be made of his membership of Tregynon Community Council where discussion had taken place of matters for the consideration of this Committee. He advised that he had left the meeting when the matter was discussed.

- (c) The following County Councillors (who are not members of the Committee) declared that they would be speaking as 'local representative' in respect of the following applications:

County Councillor TJ Van-Rees – application P/2018/0315

County Councillor A Jenner – application P/2018/0330

4.	PLANNING APPLICATIONS FOR CONSIDERATION BY THE COMMITTEE
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The Committee considered the report of the Head of Regeneration, Property and Commissioning (copies filed with the signed minutes).

4.1 Updates

The Members confirmed that they had received and had time to read the update circulated the previous day and prior to the meeting.

4.2 P/2018/0315 Land at Cefn Llan, Llangammarch Wells, Powys

Grid Ref: 293712.51 247588.69

Valid Date: 21/03/2018

Officer: Thomas Goodman

Community Council: Llangammarch Wells Community Council

Applicant: Mr Parry, Buter Wall Homes, Polo Ground Industrial Estate, Unit 19, Pontypool, NP4 0TW

Location: Land at Cefn Llan, Llangammarch Wells, Powys

Proposal: Application for reserved matters following outline approval P/2017/0823 for the erection of 25 dwellings, 7 garages, access road and all associated works

Application Type: Application for Approval of Reserved Matters

Councillor A Woods Chair of Llangammarch Wells Community Council, Mr S Fraser, Mr R Birchall and County Councillor TJ Van-Rees spoke against the application.

Mr B Davies spoke as the agent.

Several Members queried why approval was being recommended when 25 dwellings were proposed for the site when the UDP and the LDP referred to 16 dwellings on the site. Officer advised that these figures were for guidance only. It was moved and duly seconded that the application be refused on the grounds that number of dwellings proposed meant that the scale of development was too big for Llangammarch Wells.

RESOLVED:	Reason for decision:
That the application be refused and that the wording of the reason for refusal be delegated to the Professional Lead for Development Management.	The scale of the proposed development at is considered unacceptable. The proposed development therefore does not comply with planning policy including DM13 of the Powys Local Development Plan (2018) and Planning Policy Wales (9th Edition, 2016).

The Committee adjourned at 11.39 and reconvened at 11.55. Councillor J Williams left the meeting.

- 4.3 P/2018/0330 Land adjoining Ivy House, Middletown, Welshpool, Powys, SY21 8EL

Grid Ref: 330174.56 312559.09

Valid Date: 14/03/2018

Officer: Gemma Bufton

Community Council: Trewern Community Council

Applicant: Trimwright Homes Ltd, Red Bank, Croft House, Welshpool, Powys, SY21 7PL.

Location: Land adjoining Ivy House, Middletown, Welshpool, Powys, SY21 8EL.

Proposal: Full: Erection of 3 no. dwellinghouses, formation of new vehicular access including partial demolition / alterations of existing stone wall together with construction of new 1.8m high boundary wall and all associated works

Application Type: Application for Full Planning Permission

County Councillor A Jenner spoke as the local Member.
Mr M Lloyd spoke as the agent.

The Committee noted the comments of the local Member asking for material removed from the curtilage wall to be used in the construction of the dwellings. Officers advised that Committee had to determine the application based on the application submitted. It was proposed and duly seconded that there should be additional conditions on the style of doors to be used and permitted development rights relating to extensions in respect of the dwellings shall be removed.

RESOLVED:	Reason for decision:
that the application be granted consent, subject to the	As officers recommendation as set out in the report which is

conditions set out in the report which is filed with the signed minutes and additional conditions on the style of doors to be used and permitted development rights on extensions.	filed with the signed minutes. In order to safeguard the character and appearance of the area.
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4.4 P/2017/1048 Land adj Bryn Afal, Tregynon, Newtown, Powys, SY16 3EP

Grid Ref: 309727.65 298804.98

Valid Date: 21/09/2017

Officer: Sara Robinson

Community Council: Tregynon Community Council

Applicant: Mr Malcolm Brown, Bryn Afal, Tregynon, Newtown, Powys, SY16 3EP.

Location: Land adj Bryn Afal, Tregynon, Newtown, Powys, SY16 3EP.

Proposal: Full: Erection of 1 no. affordable dwelling, creation of pedestrian footway and all associated works

Application Type: Application for Full Planning Permission

County Councillor Hulme declared an interest in this item and left the meeting whilst it was being considered.

RESOLVED: that the application be granted consent, subject to the conditions set out in the report which is filed with the signed minutes.	Reason for decision: As officers recommendation as set out in the report which is filed with the signed minutes.
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County Councillor Hulme returned to the Chamber.

4.5 P/2017/0812 Development at Brynygroes Farm, Ystradgynlais, SA9 1LF

Grid Ref: 278740.62 210906.61

Valid Date: 13/07/2017

Officer: Tamsin Law

Community Council: Ystradgynlais Town Council

Applicant: CME Developments Limited, Brynygroes Farm, Ystradgynlais, SA9 1LF

Location: Development at Brynygroes Farm, Ystradgynlais, SA9 1LF

Proposal: Section 73 application to remove Condition 19 of approved Outline Consent P/2014/1133 relating to affordable local needs housing

Application Type: Application for Removal or Variation of a Condition

The Committee was reminded that this matter had been deferred under the Protocol in order to obtain legal advice. The legal advice was that the most recent viability assessment that had set the percentage of affordable houses at nil must be taken into account. Members were also reminded that the LDP had now been adopted which re-inforced this position.

RESOLVED:	Reason for decision:
that the application be granted consent, subject to the conditions set out in the report which is filed with the signed minutes.	As officers recommendation as set out in the report which is filed with the signed minutes.

4.6 P/2018/0337 Land at Salop Road, Welshpool, Powys

Grid Ref: 323676.01 308174.36

Valid Date: 03/04/2018

Officer: Gemma Bufton

Community Council: Welshpool Town Council

Applicant: Powys County Council

Location: Land at Salop Road, Welshpool, Powys

Proposal: FULL: Construction of 360 place English Medium Primary School and 55 place Early Years Nursery with new dedicated vehicular access works, ancillary car parking, landscaping, recreational space and associated infrastructure works

Application Type: Application for Full Planning Permission

RESOLVED:	Reason for decision:
that the application be granted consent, subject to the conditions set out in the report which is filed with the signed minutes.	As officers recommendation as set out in the report which is filed with the signed minutes.

4.7 P/2018/0581 Noyadd Farm Caravan & Campsite, Llanddewi'r Cwm, Builth Wells, Powys, LD2 3RX

Grid Ref:	303391.52 248672.46
Valid Date:	04/06/2018
Officer:	Gemma Bufton
Community Council:	Duhonw Community Council
Applicant:	David & Elaine Price, Noyadd Farm, Llanddewi'r Cwm, Builth Wells, Powys, LD2 3RX.
Location:	Noyadd Farm Caravan & Campsite, Llanddewi'r Cwm, Builth Wells, Powys, LD2 3RX
Proposal:	Section 191 application for a certificate of lawfulness for the existing use of Noyadd Farm Caravan and Campsite
Application Type:	App. Existing - Certificate Lawful Development for an Existing use or operation or activity

County Councillor DR Price declared a prejudicial interest in this item and left the meeting whilst it was being considered.

The Committee was advised that evidence had been provided to demonstrate the lawful use of the site over a number of years. The Principal Solicitor confirmed that in accordance with the protocol he had looked at the file and found that it had been processed normally. Several members asked if another authority could be asked to consider the application and the Solicitor to the Council advised that only the full Council could do this and that the Committee would have to make a recommendation to Council. The recommendation in the report was moved and duly seconded.

RESOLVED:	Reason for decision:
To approve the Section 191 application for a certificate of lawfulness for the existing use of Noyadd Farm Caravan and	As officers recommendation as set out in the report which is filed with the signed minutes.

Campsite.	
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County Councillor DR Price returned to the meeting.

County Councillors K Laurie-Parry and G Williams left the meeting at 13.17.

4.8 Tree/2018/0012 Gwernyfed High School, Three Cocks, Brecon, Powys, LD3 0SG

Grid Ref: 317179.69 237426.33

Valid Date: 01/06/2018

Officer: Thomas Goodman

Community Council: Gwernyfed Community Council

Applicant: Powys County Council

Location: Gwernyfed High School, Three Cocks, Brecon, Powys, LD3 0SG

Proposal: Works to trees subject to a TPO

Application Type: Works to trees subject to a TPO and/or Notification of proposed works to trees in conservation areas

RESOLVED:	Reason for decision:
that the application be granted consent, subject to the conditions set out in the report which is filed with the signed minutes.	As officers recommendation as set out in the report which is filed with the signed minutes.

5.	DECISIONS OF THE HEAD OF REGENERATION AND REGULATORY SERVICES ON DELEGATED APPLICATIONS
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The Committee received for information a list of decisions made by the Head of Regeneration and Regulatory Services during the period between 7 June and 28 June 2018 but noted that the second application on the list had been considered by the Committee.

The Committee received a copy of the Planning Inspectorate's letter regarding the appeal in respect of an application at Wyeside, Rhayader. The Committee noted that the Inspector had upheld the appeal and had awarded costs against the Council.

The Committee was advised that a new Planning computer system was being introduced. The current system would be retained whilst outstanding applications were dealt with.

County Councillor K Lewis (Chair)

Planning, Taxi Licensing and Rights of Way Committee
23rd August, 2018

For the purpose of the Government (Access to Information) Act 1985, the background papers relating to each individual planning application constitute all the correspondence on the file as numbered in the left hand column.

Applications for consideration by Committee:

Application No:
 Community:
 O.S. Grid Reference:
 Date Received:

Nature of Development:
 Location of Development:
 Applicant:
 Recommendation of Head of Planning:

<p>P/2017/0218</p> <p>Meifod</p> <p>319179.76 316429.3</p> <p>02.03.2017</p>	<p>Section 73 application to vary condition 2 attached to planning permission P/2015/1083 to allow change in size of poultry unit</p> <p>Ystym Colwyn, Meifod, Powys, SY22 6XT</p> <p>Mr. Gittins, Ystym Colwyn Farms, Ystym Colwyn, Meifod, Powys, SY22 6XT</p> <p>Recommendation: Conditional Consent</p>
<p>P/2016/0509</p> <p>Mochdre</p> <p>308349.2 290482.49</p> <p>09.05.2016</p>	<p>Full: Erection of a dwellinghouse, installation of septic tank and all associated works including demolition of two storage buildings</p> <p>Land in former Walled Garden at Glanhafren Hall Glanrhyd Llanidloes Road Newtown Powys SY16 4HZ</p> <p>Paolo Re Llanidloes Road Glanrhyd Newtown Powys SY16 4HZ</p> <p>Recommendation: Conditional Consent</p>

<p>P/2018/0610</p> <p>Gladestry</p> <p>321495.67 250766.04</p> <p>03.07.2018</p>	<p>Full: Erection of 2 dwellings, installation of a package treatment plant, construction of 2 accesses and all associated works</p> <p>Land Adjacent to The Old Rectory, Newchurch, Powys, HR5 3QF</p> <p>Xafinity Pension Trustees Ltd, The Elisabeth Barker SIPP, Castle Business Park, Scotia House, Stirling, FK9 4TZ</p> <p>Recommendation: Conditional Consent</p>
<p>P/2018/0590</p> <p>Meifod</p> <p>314892.67 312699.42</p> <p>18.05.2018</p>	<p>Full: Erection of an agricultural building and associated works</p> <p>Dyffryn, Meifod, Powys, SY22 6HL</p> <p>J R Wilkinson & Son, Dyffryn, Meifod, Powys, SY22 6HL</p> <p>Recommendation: Conditional Consent</p>
<p>P/2018/0651</p> <p>Meifod</p> <p>315294.97 313358.91</p> <p>18.06.2018</p>	<p>Full: Erection of a porch and extension to provide disabled entrance lobby to meeting room and DDA WC</p> <p>Community Centre, Meifod, Powys, SY22 6DF</p> <p>Mr Nigel Baldwin, Meifod Village Hall Committee, 5 Pentre Barog, Meifod, SY22 6DU</p> <p>Recommendation: Conditional Consent</p>

4.2

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2017/0218	Grid Ref:	319179.76 316429.83
Community Council:	Meifod Com	Valid Date:	Officer: 02/03/2017 Tamsin Law
Applicant:	Mr. Gittins, Ystym Colwyn Farms, Ystym Colwyn, Meifod, Powys, SY22 6XT		
Location:	Ystym Colwyn, Meifod, Powys, SY22 6XT		
Proposal:	Section 73 application to vary condition 2 attached to planning permission P/2015/1083 to allow change in size of poultry unit		
Application Type:	Application for Removal or Variation of a Condition		

The reason for Committee determination

The application is required to be determined by the Committee because it is accompanied by an Environmental Statement.

Site Location and Description

Ystym Colwyn is located within open countryside, approximately 4km to the north east of the settlement boundary of Meifod. The application site extends to approximately 6.895 hectares of agricultural land and is bounded by agricultural land to the north, east and south. Located to the west is the existing Ystym Colwyn farm complex and farmhouse.

Consent is sought in to amend the design of two broiler units which were granted consent under P/2015/1083. The application granted consent for the construction of two broiler units and associated works to include six feed bins, generator store, office, shower room, control room, tool room, w.c., hardstanding to front of sheds for turning, loading and unloading, a new vehicular access and landscaping proposals. The consented broiler units would have the potential to accommodate 100,000 birds in total and each measure approximately 115 metres by 18.5 metres with a building measuring 6.4 metres by 10 metres located in between the two poultry units. The total floor area for each shed would be 2,127.5 square metres. Eaves and ridge height would be 2.59 metres and 5.17 metres respectively. The units would be finished using box profile metal sheeting on the walls with box profile metal sheeting with a 20 degree pitch for the roof. The building between the units would measure approximately 10m by 5.40m and 3.4 metres in height to the ridge. The feed bins measure approximately 8.4 metres in height.

It is proposed to vary condition 2 of the consent to change the size of the two broiler units. The units are now proposed to measure approximately 109.73 metres by 25.38 metres. The total floor area for each unit would measure 2,784.94 square metres. Eaves and ridge height would be 2.59 metres and 5.17 metres respectively. It is still proposed that each unit house 50,000 boilers and that the entire scheme is for 100,000 broilers.

The proposed access would be constructed off the A490 highway via a new access track which measures approximately 310 metres in length.

The application is retrospective with the buildings having already been constructed.

Consultee Response

Meifod Community Council

Members of Meifod Community Council have already agreed to support this application, and did not feel that any further comments are required.

PCC - Highways

The County Council as Highway Authority for the County Class I Highway, A490

Does not wish to comment on the application

Wales & West Utilities

According to our mains records Wales & West Utilities has no apparatus in the area of your enquiry. However Gas pipes owned by other GT's and also privately owned may be present in this area. Information with regard to such pipes should be obtained from the owners.

Safe digging practices, in accordance with HS(G)47, must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all persons (either direct labour or contractors) working for you on or near gas apparatus.

Please note that the plans are only valid for 28 days from the date of issue and updated plans must be requested before any work commences on site if this period has expired.

Severn Trent

Thank you for the opportunity to comment on this planning application. Please find our response noted below:

With Reference to the above planning application the company's observations regarding sewerage are as follows:

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

To help us provide an efficient response please could you send all responses to welshplanning@severntrent.co.uk rather than to named individuals, including the STW ref within the email/subject.

PCC - Environmental Health

1st Response

I have no objection to the variation of this condition.

2nd Response

I have no objection to the application.

PCC - Built Heritage

Thank you for consulting me on the above application.

I note that the application is a section 73 Application to vary condition 2 and results in changes to the size of the proposed poultry unit.

The approved poultry units measures 115m long by 18.5m wide and the proposed changes would result in the length of 109.73m and a width of 25.38m.

I would not consider that the proposed change in size would result in a change to my previous comments and I would not wish to object to the proposed poultry units on the grounds of setting of the listed buildings.

I am attaching my previous comments as an appendix for ease of reference.

Thank you for consulting me on the above application.

Ystum Colwyn contains a range of 4 listed buildings;

Cruck Framed barn Grade II* Cadw ID 83068 listed on 19th August 2004

Stable Building Grade II Cadw ID 15993 listed on 26th May 1995

Brewhouse Range Grade II Cadw ID 15994 listed on 26th May 1995

Wheelhouse including barn Grade II Cadw ID 15995 listed on 26th May 1995

In addition there is a listed milepost Grade II Cadw ID 15992 listed on 26th May 1995 on the A490.

Ystum Colwyn is an important group of dated farmbuildings associated with a gentry house with (1) brick-built stable (1721); (2) brewhouse, dairy and cheese-room (1719); cruck-framed barn modified in 1770. Source NPRN 43544

I am mindful of the advise in Sections 16 and 66 of the Planning (Listed Buildings and Conservation areas) Act 1990, and paragraph 11 of Welsh Office Circular 61/96 which states *“Sections 16 and 66 of the Act require authorities considering applications for planning permission or listed building consent for works which affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of the building. The setting is often an essential part of a building's character especially if a park, garden or grounds have been laid out to complement its design or function. Also, the economic viability as well as the character of historic buildings may suffer and they can be robbed of much of their interest and of the contribution they make to townscape or the countryside if they become isolated from their surroundings, e.g. by new traffic routes, car parks, or other development.”*

However, I would also refer to more recent guidance in paragraph 6.5.9 of Planning Policy Wales 8th edition 2016 which states, “Where a development proposal affects a listed building or its setting, the primary material consideration is the statutory requirement to 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.”

I would also draw your attention to the recent document from Cadw document “Conservation Principles” which has recently been adopted.

Paragraph .5.4 states when considering change, public authorities will give due importance of the heritage values of a site when considering the sustainability of proposals submitted to them.

The document continues with the following advice on page 15.

“Every reasonable effort should be made to eliminate or minimize adverse impacts on historic assets. Ultimately, however, it may be necessary to balance the benefit of the proposed change against the harm to the asset. If so, the weight given to heritage values should be proportionate to the importance of the assets and the impact of the change upon them. The historic environment is constantly changing, but each significant part of it represents a finite resource. If it is not sustained, its heritage values will be eroded or lost. In addition, its potential to give distinctiveness, meaning and quality to the places in which people live, and provide people with a sense of continuity and a source of identity will be diminished. The historic environment is a social and economic asset and a cultural resource for learning and enjoyment”.

“Conservation principles” establishes Values which should be attributed to heritage assets including;

- Evidential Value,
- Historical Value,
- Aesthetic Value,
- Communal value.

Conservation Principles identifies principles that have to be addressed when considering the above values.

Evidential Value

There are 5 listed buildings in close proximity of the proposed poultry unit, four grade II listed buildings listed on 26/05/1995 and one grade II* listed building included on the statutory list on 19th August 2004.

- Cruck Framed barn Grade II* Cadw ID 83068 listed on 19th August 2004
- Stable Building Grade II Cadw ID 15993 listed on 26th May 1995
- Brewhouse Range Grade II Cadw ID 15994 listed on 26th May 1995
- Wheelhouse including barn Grade II Cadw ID 15995 listed on 26th May 1995
- Milepost on the A490 Grade II Cadw ID 15992 listed on 26th May 1995

The listed buildings at Ystum Colwyn have been surveyed and recorded by Clwyd Powys Archaeological Trust as part of a previous planning process.

Historical Value

Ystum Colwyn is an important group of C18th farmbuildings associated with a gentry house.

Aesthetic Value

The aesthetic value of the site is that of farmland that contributes towards the setting of the historic farmstead.

Communal Value

The third principle contained within Conservation Principles is that heritage assets are a shared resource, valued by people as part of their cultural and natural heritage, and gives distinctiveness, meaning and quality to the places where we live providing a sense of continuity and a source of identity.

It is noted that the four barns are included on the statutory list of buildings of historic and architectural interest, and the value placed on the setting of listed buildings in terms of national legislation and guidance.

Paragraph 5.4 of Conservation Principles states when considering change, public authorities will give due importance of the heritage values of a site when considering the sustainability of proposals submitted to them.

Paragraph 39 states Changes which would harm the heritage values of an historic asset will be unacceptable unless:

- a. the changes are demonstrably necessary either to make that asset sustainable, or to meet an overriding public policy objective or need; and
- b. there is no reasonably practicable alternative means of doing so without harm; and
- c. that harm has been reduced to the minimum consistent with achieving the objective; and
- d. it has been demonstrated that the predicted benefit decisively outweighs the harm to the values of the asset, considering
 - its comparative significance;
 - the impact on that significance; and
 - the benefits to the asset itself and/or the wider community or society as a whole.

The document continues with the following advice on page 15.

“Every reasonable effort should be made to eliminate or minimize adverse impacts on historic assets. Ultimately, however, it may be necessary to balance the benefit of the proposed change against the harm to the asset. If so, the weight given to heritage values should be proportionate to the importance of the assets and the impact of the change upon them. The historic environment is constantly changing, but each significant part of it represents a finite resource. If it is not sustained, its heritage values will be eroded or lost. In addition, its potential to give distinctiveness, meaning and quality to the places in which people live, and provide people with a sense of continuity and a source of identity will be diminished. The historic environment is a social and economic asset and a cultural resource for learning and enjoyment”.

Analysis of the site.

The proposed poultry units are to be sited to the east of the farmstead, and will be visible from the A495. However given the distance of the proposed units from the A495 and the

modern farm buildings currently sited between the proposed poultry units and the older listed farm buildings, I would not consider that the proposed poultry units would have an impact on the listed farm buildings when viewed from the A495 to the east of the proposed poultry units.

When the listed buildings are directly adjacent to the viewer and on the A495 or the A490 and highly visible, the proposed poultry units would be to the rear of the modern agricultural buildings and as such I would not consider that the proposed poultry units would affect the setting of the listed buildings.

I note that there are scheduled ancient monuments in close proximity to the site and note that Cadw have been consulted and have commented in that regard.

Whilst noting the proximity of the proposed units to this historic farmstead, I would not wish to object to the proposed poultry units on the grounds of setting of the listed buildings.

PCC - Ecologist

1st Response

Ecological Topic		Observations
EIA Screening Requirement	No	<p>The development as a whole is consistent with Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999 as it will accommodate in excess of 85,000 broiler chickens and EIA is therefore mandatory. An Environmental Statement has been completed and was submitted with the initial planning application (P/2015/1083).</p> <p>The variation to condition 2 of planning permission P/2015/1083 would involve an increase in the total area of the installation from 115m x 18.5m to 109.73m x 25.38m giving a revised, increased floor space area of 657.45 square metres. I recommend that the Environmental Statement is reviewed and updated, if necessary, to consider the potential significant environmental impacts associated with the proposed variation, including consideration of the results of any revised Ammonia/Nitrogen modelling that may be required.</p>
Ecological Information included with application	No	No ecological information has been submitted with this application. I have therefore based these observations on the current information regarding the proposed development (P/2015/1083).

Protected Species & Habitats¹	European Species <input checked="" type="checkbox"/>	The submitted ES concluded that no significant ecological impacts were likely from the original proposal. However, considering the proposed increase in size I recommend that the ecological impact assessment completed for the ES is reviewed and revised, if necessary, by a competent ecologist.
	UK Species <input checked="" type="checkbox"/>	See comments above.
	Section 7 Species & Habitat <input checked="" type="checkbox"/>	See comments above.
	LBAP Species & Habitat <input checked="" type="checkbox"/>	See comments above.
Protected Sites	International Sites ² <input checked="" type="checkbox"/>	<p>No revised ammonia/nitrogen calculations based on the proposed revised unit size have been provided. It is not clear whether the number of birds held in the unit, the length of time for which the manure is allowed to collect before it is removed from the unit and also the position and height of the extractor fans would change as a result of this proposed variation. I recommend that the developer confirms whether any of these variables are likely to change as a result of the variation; if so the previous Ammonia/Nitrogen modelling assessment would need to be revised to establish if there is a potential significant effect on designated sensitive habitats.</p> <p>The following European protected sites would need to be considered by any updated Ammonia/Nitrogen modelling:</p> <ul style="list-style-type: none"> • Montgomery Canal SAC located 6.2km from the proposal • Granllyn SAC located 5.5km from the proposal • Tanat and Vyrnwy SAC located 2km from the proposal <p>I recommend that NRW are consulted regarding the proposals and scope of any updated Ammonia/Nitrogen modelling that may be required, and potential significant effects on protected sites, in accordance with the Environmental Permitting (England and Wales) Regulations 2010.</p> <p>The Habitats Regulations Assessment that was previously completed for each relevant SAC should also be reviewed and revised, if necessary, to account for the proposed</p>

¹ Species records within 1km (minimum). Change distance dependant on project type, scale, etc.

² Identify International designated site within 2km of the proposals. Consider International sites within 15km of proposals with bats as qualifying features, and 10km with otters as qualifying features if the proposal is likely to affect these features.

		variation.
	National Sites ³ ☒	<p>The comments above regarding the potential need for updated Ammonia /Nitrogen modelling and consultation with NRW also apply to the following four SSSI'S within 5km of the site:</p> <ul style="list-style-type: none"> • Gwern-y-Brain Dingle, • Glascoed (Meifod) , • Granllyn • Gweunydd Ty- Brith.
	Local Sites (within 500m) ☒	<p>There are several ancient woodlands within 2km of the site, including one within 300m. It is not clear whether the number of birds held in the unit, the length of time for which the manure is allowed to collect before it is removed from the unit and also the position and height of the extractor fans would change as a result of this proposed variation. I recommend that the developer confirms whether any of these variables are likely to change as a result of the variation; if so the previous Ammonia/Nitrogen modelling assessment would need to be revised to establish if there is a potential significant effect on designated sensitive habitats.</p> <p>Any updated Ammonia/Nitrogen modelling should consider the impact of Ammonia/Nitrogen on the ancient woodland 300m from the revised proposal and the other ancient woodland within 2km.</p>
Invasive Non-Native Species	Unknown	No ecological information has been submitted with this application.
Summary of recommendations / further assessment or work		<p>The following should be confirmed before the ecological impact of the proposal can be determined:</p> <p>It is not clear whether the number of birds held in the unit, the length of time for which the manure is allowed to collect before it is removed from the unit and also the position and height of the extractor fans would change as a result of this proposed variation. I recommend that the developer confirms whether any of these variables are likely to change as a result of the variation; if so the previous Ammonia/Nitrogen modelling assessment would need to be revised to establish if there is a potential significant effect on designated sensitive habitats (e.g. water resources and ancient woodland). Any updated Ammonia/Nitrogen modelling should consider the impact of Ammonia/Nitrogen on the ancient woodland 300m from the revised proposal</p>

³ Any designated sites within 500m of the proposal, extending to 2km dependant on features of interest i.e. wetlands (Powys LDP)

	<p>and other ancient woodland within 2km. SACs and SSSI's within 10km and 5km respectively should also be included in any updated assessment.</p> <p>I recommend that NRW are consulted regarding the proposals and scope of any updated Ammonia/Nitrogen modelling that may be required, and potential significant effects on protected sites, in accordance with the Environmental Permitting (England and Wales) Regulations 2010.</p> <p>The Habitats Regulations Assessment that was previously completed for each relevant SAC should also be reviewed and revised, if necessary, to account for the proposed variation.</p> <p>I recommend that the Environmental Statement is reviewed and updated, if necessary, to consider the potential significant environmental impacts associated with the proposed variation, including significant ecological impacts and consideration of the results of any revised Ammonia/Nitrogen modelling that may be required.</p>
Recommended Conditions	There is insufficient information available at present to determine the potential ecological impact of the proposal.
Relevant UDP Policies	N/A
Comments on Additional Information	N/A

2nd Response

Ecological Topic	Observations
Additional Information	<p>We provided ecological observations on this application on 24/03/17. Additional information provided subsequent to these comments includes an Environmental Statement (Roger Parry and Partners LLP, July 2017) and a supporting statement providing information specific to the proposed development.</p> <p>Comments made following receipt of this information are included in bold text below. Otherwise the original observations remain valid.</p>

EIA Screening Requirement	No	<p>The development as a whole is consistent with Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 as it will accommodate in excess of 85,000 broiler chickens and EIA is therefore mandatory. An Environmental Statement has been completed and was submitted with the initial planning application (P/2015/1083).</p> <p>The variation to condition 2 of planning permission P/2015/1083 would involve an increase in the total area of the installation from 115m x 18.5m to 109.73m x 25.38m giving a revised, increased floor space area of 657.45 square metres.</p> <p>The Environmental Statement submitted with application P/2015/1083 has been updated and re-submitted with the current application. Although it doesn't appear as if all areas of the document have been updated to take full account of the current proposals, there is sufficient information to determine the effects upon ecology and nature conservation as a result of the works.</p>
Ecological Information included with application	No	<p>The Environmental Statement submitted with application P/2015/1083 has been updated and re-submitted with the current application.</p> <p>The discussion in Chapter 10: Ecology is mainly focussed on potential impacts associated with the footprint of the current units rather than the proposed development. As the general location, number of birds, manure application areas and ventilation systems are expected to be similar the wider ecological effects associated with the proposal are not expected to differ from the current situation.</p> <p>The ES doesn't appear to address the impacts associated with the land take for the proposed units; however it appears from aerial imagery that the proposed location is within the boundaries of a large improved agricultural field and therefore direct impacts associated with the proposal are expected to be limited.</p>
Protected Species & Habitats⁴	European Species <input checked="" type="checkbox"/>	<p>The submitted ES concluded that no significant ecological impacts were likely from the original proposal.</p> <p>Considering that the proposed development is situated within an improved agricultural field currently used for grazing with no vegetation loss or removal of marginal habitat expected, the direct effects associated with the proposed development are likely to be minimal.</p>

⁴ Species records within 1km (minimum). Change distance dependant on project type, scale, etc.

		Conditions are recommended below to minimise impacts upon adjacent habitats during the construction and operation of the proposed development.
	UK Species <input checked="" type="checkbox"/>	See comments above.
	Section 7 Species & Habitat <input checked="" type="checkbox"/>	<p>The applicant should be mindful that, in accordance with Powys County Council's duty under Section 7 of the Environment (Wales) Act 2016, TAN 5, UDP policies and biodiversity SPG, as part of the planning process PCC should ensure that there is no net loss of biodiversity or unacceptable damage to a biodiversity feature.</p> <p>As described above the habitat losses associated with the proposed development are not expected to generate significant ecological effects, and measures are recommended to minimise disturbance of adjacent habitat during the construction and operation phases.</p> <p>The detailed location plan shows that landscape planting is proposed surrounding the proposed units for screening, and this is also welcomed as a biodiversity enhancement. It is recommended that the planting mix is made up of locally sourced native species where possible.</p>
	LBAP Species & Habitat <input checked="" type="checkbox"/>	See comments above.
Protected Sites	International Sites ⁵ <input checked="" type="checkbox"/>	<p>The nearest European protected sites to the proposal are as follows:</p> <ul style="list-style-type: none"> • Montgomery Canal SAC located 6.2km from the proposal • Granllyn SAC located 5.5km from the proposal • Tanat and Vyrnwy SAC located 2km from the proposal <p>A change in the ammonia and nitrogen levels at these sites is not expected as the general location, number of birds held and ventilation system are similar between the current units and the proposed development. NRW have not asked for further modelling to be undertaken specific to the proposed development.</p>

⁵ Identify International designated site within 2km of the proposals. Consider International sites within 15km of proposals with bats as qualifying features, and 10km with otters as qualifying features if the proposal is likely to affect these features.

	National Sites ⁶ ☒	<p>The nearest Nationally protected sites to the proposal are as follows:</p> <ul style="list-style-type: none"> • Gwern-y-Brain Dingle SSSI, • Glascoed (Meifod) SSSI, • Granllyn SSSI, • Gweunydd Ty- Brith SSSI. <p>A change in the ammonia and nitrogen levels at these sites is not expected as the general location, number of birds held and ventilation system are similar between the current units and the proposed development. NRW have not asked for further modelling to be undertaken specific to the proposed development.</p>
	Local Sites (within 500m) ☒	<p>A number of ancient semi-natural woodland sites are located surrounding the proposed development. As described above a change in the ammonia and nitrogen levels at these sites is not expected as the general location, number of birds held and ventilation system are similar between the current units and the proposed development.</p>
Invasive Non-Native Species	Unknown	No discussion of invasive species in Environmental Statement submitted with the application.
Summary of recommendations / further assessment or work	<p>The existing boundary hedgerows surrounding the proposed site could provide commuting and foraging habitat for bat species and other nocturnal wildlife. If external lighting is required for this development I recommend that an external lighting scheme sensitive to bats and other nocturnal wildlife, including low-powered and short-timed PIR lighting sensitive to large objects only, is used.</p> <p>Measures should be applied to protect retained vegetation in accordance with <i>BS:5837:2012</i>.</p> <p>I recommend that a pollution prevention plan is prepared to minimise pollution risks during construction and operation of the proposed units.</p> <p>Details of landscape planting should be provided to the LPA to ensure suitability of species mix for the area.</p>	
Recommended Conditions	<p>Should you be minded to approve this application I recommend the inclusion of the following conditions:</p> <p><i>1) Manure shall be applied to the land strictly in accordance with the previously agreed Manure Management Plan</i></p>	

⁶ Any designated sites within 500m of the proposal, extending to 2km dependant on features of interest i.e. wetlands (Powys LDP)

submitted in support of planning application P/2015/1083 as approved by the LPA.

Reason: To comply with Powys County Council's UDP Policies ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 7, July 2014), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.

2) The storage and spreading of manure will be undertaken in accordance with the DEFRA Code of Good Agricultural Practice for the Protection of Air, Water and Soil.

Reason: To comply with Powys County Council's UDP Policies ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 7, July 2014), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.

3) Vehicles used for the movement of manure shall be sheeted to prevent spillage of manure.

Reason: To comply with Powys County Council's UDP Policies ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 7, July 2014), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.

4) Prior to commencement of development a Pollution Prevention Plan shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

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

5) A lighting design scheme to take any impacts on nocturnal wildlife into consideration shall be submitted for written LPA approval.

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

	<p><i>6) Prior to commencement of development a Tree and Hedgerow Protection Plan in accordance with BS:5837:2012 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.</i></p> <p>Reason: To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and the Environment (Wales) Act 2016.</p> <p><i>6) Prior to commencement of development, a Species List for the Landscape Planting shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.</i></p> <p>Reason: To comply with Powys County Council's UDP Policies SP3 and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 7, July 2014), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.</p>
Relevant UDP Policies	<p>UDP SP 3 - Natural, Historic And Built Heritage</p> <p>Policy Env 2 - Safeguarding the Landscape</p> <p>Policy Env 3 - Safeguarding Biodiversity and Natural Habitats</p> <p>Policy Env 6 - Sites of Regional and Local Importance</p>

NRW

1st Response

Thank you for your email of 23/3/17. It is our understanding that the number of birds farmed will not increase as a consequence of the proposed enlargement, we therefore do not have any additional comments to make on this application.

2nd Response

I have no comments to make in addition to my previous email dated 24/3/2017.

3rd Response

In our previous response we have already stated that provided the numbers of chickens do not increase we would have no additional comments to make. If there is anything in particular that is raising any concerns amongst the submitted information, could you please point it out to me and explain which aspects of the proposal would benefit of any additional comments from NRW?

If there is nothing specific you are seeking our advice about, we would have no additional comments to make.

4th Response

NRW has no additional comments to make on this application.

CADW

1st Response

Thank you for your letter of 8 March 2017 inviting our comments on the planning application for the proposed development as described above.

The statutory role of Historic Environment Service (Cadw) in the planning process is to provide the local planning authority with an assessment concerned with the likely impact that the proposal will have on scheduled monuments, registered historic parks and gardens, registered historic landscapes where an Environmental Impact Assessment is required and development likely to have an impact on the outstanding universal value of a World Heritage Site. It is a matter for the local planning authority to then weigh our assessment against all the other material considerations in determining whether to approve planning permission, including any issues concerned with listed buildings and conservation areas.

Applications for planning permission are considered in light of the Welsh Government's land use planning policy and guidance contained in Planning Policy Wales (PPW), technical advice notes and circular guidance. PPW explains that the desirability of preserving an ancient monument and its setting is a material consideration in determining a planning application whether that monument is scheduled or not. Furthermore, it explains that where nationally important archaeological remains, whether scheduled or not, and their settings are likely to be affected by proposed development, there should be a presumption in favour of their physical preservation in situ. Paragraph 17 of Circular 60/96, *Planning and the Historic Environment: Archaeology*, elaborates by explaining that this means a presumption against proposals which would involve significant alteration or cause damage, or which would have a significant impact on the setting of visible remains. PPW also explains that local authorities should protect parks and gardens and their settings included in the first part of the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales.

Planning consent was granted to this application in August 2016 but the applicant wishes to change the size of the poultry unit from one of 115m long by 18.5m wide to one 109.73m long by 25.38m wide. This amendment requires condition 2 attached to the consent to be changed. In our opinion the amended design will have a similar impact on the setting of the monument as the original one.

2nd Response

Thank you for your letter of 13 April 2017 inviting our comments on the planning application for the proposed development as described above.

Additional information in support to the application to amend condition 2 of the consent has been submitted to the LPA. None of the additional information changes our previous advice.

3rd Response

Thank you for your letter of 21 July 2017 inviting our comments on the consultation accompanied by an Environmental Statement submitted for the above mentioned proposal. We have no change to our previous advice given on 29 March 2017 and 24 April 2017.

CPAT

1st Reponse

While we have no issues with the revised size of the poultry unit we noted on the layout plans that the access road has moved back to its old location which would potentially have a direct impact on the house site that we mentioned in the P/2015/1083 consultation reply. I also noticed that the access construction works were underway when I passed through there a couple of weeks back. Condition 14 of the previous consent was for a watching brief in the area of the proposed house site to ensure the access fully avoided it. This does not seem to have been done, or at least no one has contacted me to say that an archaeological contractor has been engaged. It would be worth checking with the applicant whether they have complied with this condition and whether the formerly agreed access route, which curved around the former house site, is still going to be used.

2nd Response

Thank you for the consultation on this application.

While we have no issues with the revised size of the poultry unit we note on the layout plan that the access road has now moved back to a position which should avoid the recorded former house site near the entrance.

I noticed that the access construction works were underway when I passed through there a couple of months back and they did not seem to be curving around this house site. Condition 14 of the previous consent was for a watching brief in the area of the proposed house site to ensure the access route fully avoided it. This does not seem to have been done, or at least no one has contacted me to say that an archaeological contractor has been engaged. It would be worth checking with the applicant whether they have complied with this condition.

3rd Response

Thank you for the consultation on this variation of condition application.

We have no additional comments to make in this case.

Representations

The application was advertised through the display of a site notice and press advertisement. No representations or objections have been received.

Planning History

P/2015/1083 - Erection of intensive poultry unit (2 buildings), construction of vehicular access and all associated works. Conditional Consent

P/2012/1228 - Erection of an agricultural building and formation of hard standing. Conditional consent 26/02/2013

P/2011/1499 - Erection of an agricultural building. Conditional consent 08/02/2012

P/2011/0755 - Erection of an agricultural building. Conditional consent 13/08/2011

P/2011/0518 - Erection of an agricultural building (Retrospective). Conditional consent 09/06/2011

AGRI/2011/0020 - Erection of an agricultural building. Planning permission required 31/03/2011

M/2007/1033 - Listed building consent for conversion of barn to form dwelling. Conditional consent 04/10/2011

M/2007/1032 - Conversion of barn to dwelling, installation of a septic tank and alterations to vehicular access. Conditional consent 16/02/2010 27

M/2006/0738 - Listed building consent for conversion of barn to form a dwelling. Application withdrawn

M/2006/0737 - Conversion of barn to a dwelling, alterations to vehicular access and installation of a septic tank. Withdrawn 19/09/2006

Principal Planning Constraints

- The following Listed Buildings are situated at the Ystym Colwyn complex:
 - Brewhouse Range (grade II);
 - Wheelhouse including bar (grade II);
 - Cruck framed farm building (grade II*); and
 - Stable building (grade II).
- In addition there is a listed milepost (grade II) on the A490.
- Application site located approximately 500m south east of the nearest section of the scheduled monument known as Bwlch-y-Cibau Dyke MG077.
- Public right of way (reference 249/57/1) located to the north west of application site.
- A490 class 1 highway.
- A495 class 1 highway.

Principal Planning Policies

National planning policy

Planning Policy Wales (Edition 9, 2016)

Technical Advice Note 5 – Nature Conservation and Planning (2009)

Technical Advice Note 11 – Noise (1997)

Technical Advice Note 12 – Design (2016)

Technical Advice Note 13 – Tourism (1997)
Technical Advice Note 15 – Development and Flood Risk (2004)
Technical Advice Note 18 – Transport (2007)
Technical Advice Note 23 – Economic Development (2014)
Technical Advice Note 24 – The Historic Environment (2017)

Welsh Office Circular 11/99 – Environmental Impact Assessment

Local planning policies

Powys County Council Local Development Plan (2018)

SP7 - Safeguarding of Strategic Resources and Assets
DM2 – The Natural Environment
DM4 – Landscape
DM6 – Flood Prevention and Land Drainage
DM7 – Dark Skies and External Lighting
DM13 – Design and Resources
DM14 – Air Quality Management
E2 – Employment Proposals on Non-allocated Employment Sites
E6 – Farm Diversification
T1 – Travel, Traffic and Transport Infrastructure

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

Other Legislative Considerations

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

Officer Appraisal

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

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

Environmental Impact Assessment Regulations 2017

Part 2 of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016 reference lists of development and thresholds defining where a development proposal is EIA development. These are contained in Schedule 1 and 2 of the Regulations. Schedule 1 of the regulations lists where EIA is mandatory and Schedule 2 where development must be screened to determine if it is EIA development.

Schedule 1 of the Regulations states that the threshold for the “intensive rearing of poultry is 85,000 places for broilers or 60,000 for hens”. An Environmental Statement was submitted with the application.

Environmental Permitting Regulations (EPR 2010)

The operations at the site will require an environmental permit issued by Natural Resources Wales under the Environmental Permitting (England & Wales) Regulations 2010 (as amended). This is required on the basis that the amount of broilers to be reared on site passes the threshold for an environmental permit. It is Natural Resources Wales’ role to determine if the operation can be managed on an ongoing basis to prevent or minimise pollution. Planning Policy Wales states that Local Planning Authorities and Natural Resources Wales should work closely to ensure that conditions attached to planning consents and those attached to Environmental Permits are complementary however should not duplicate one another. Planning Authorities need to be satisfied that proposals are capable of effective regulations and Natural Resources Wales should assist in establishing this position. Good practice suggests that the parallel tracking of planning and environmental permitting and a planning application should be encouraged.

The permit will address relevant issues relating to air, water and land and including management and operations Inc. Noise and Odour.

Emissions of noise that are generated outside of the environmental permit such as construction noise does fall within the remit of Environmental Protection.

Introduction

The application seeks to vary an existing consent to allow for modifications to the design of the boiler units. Having considered the details submitted in respect of the proposed broiler meat production unit, the principal matters considered relevant to determination are as follows;

- The effect of the proposed development on the character and appearance of the area;
- The effect of the proposed development on heritage assets;
- The effect of the proposed development on the local amenity;
- The effect of the proposal on nature conservation interests;
- The effect of the proposal upon highway safety; and
- The effect of other considerations on the overall planning balance.

Principle of Development

Policy E2 and E6 of the Powys Local Development Plan and Technical Advice Notes 6 and 23 accept the principle of appropriate agricultural development within the open countryside.

Policy E2 supports proposals for the limited expansion, extension or environmental improvement of existing employment sites and buildings within the open countryside such as this proposal. Policy E6 states that development proposals for farm diversification will be permitted where the proposed diversification will be of an intensity of use appropriate to the location and setting as well as not having a significant detrimental effect on the vitality and viability of any adjacent land uses. The proposed development provides an extension to an existing poultry building which serves the existing rural enterprise.

In light of the above, Officers are satisfied that the principle of the proposed development at this location is generally supported by planning policy.

Farm Diversification

Rural enterprises play a vital role in promoting healthy economic activity within rural areas. Planning Policy Wales (2016) and Technical Advice Note 23 (2014) emphasise the need to support diversification and sustainability in such areas, recognising that new businesses are key to this objective and essential to sustain rural communities. Local Authorities should therefore look to facilitate appropriate rural developments. This support should be balanced against other material considerations, such as impact of proposals on the quality of the landscape and environment.

The application, being a section 73 application, seeks consent for an amended design to that which was originally granted consent. The amended design does provide an additional 1,313 square metres of floorspace. However confirmation has been received within the supporting documentation that the buildings would still be used for 100,00 birds and would not house a larger volume of broilers.

Landscape Impact

Policy DM4 of the Powys Local Development Plan indicates that development proposals will only be permitted where they would not have an unacceptable impact on the environment and would be sited and designed to be sympathetic to the character and appearance of its surroundings.

The application site comprises of agricultural land located immediately to the north east of the existing Ystym Colwyn farm complex. It is proposed to site the poultry units on the south eastern side of the A495, below the level of the highway and partly adjacent to an existing hedgerow. The topography of the application site is generally flat and the land is scattered with broken hedgerows and trees. The proposed plans indicate the implementation of tree planting to the north west, north, east and south east. The proposal, involves the construction of two poultry sheds, feed bins, hardstanding and access works and would clearly represent a significant change to the application site. The development would result in the loss of the central part of a larger field, and the encroachment of built development into the open countryside.

The application site is located within the River Severn Flood Plain aspect area (MNTGMVS650) as defined by Landmap and is characterised by 'a significant open valley / vale with a patchwork of medium to large field parcels many displaying established field boundaries of managed and overgrown hedgerows with numerous hedgerow trees. Predominantly arable farming with some lowland dairy farming. Settlements of varying sizes

are prevalent from farmsteads to significant urban areas such as Welshpool and Newtown. Open skies dominate with wooded valley sides fringing the valley bottom'. The visual and sensory landscape value is recorded as moderate.

The proposed poultry buildings are of a large scale, they are grouped within the context of the existing building complex and as such, potential landscape and visual impact is considered to be minimised. Furthermore, given the height of the proposed buildings and topography of the land, their profile is reduced and thus further reduces potential landscape impact. Proposed landscaping together with the use of appropriate colours and materials are considered to help the proposal integrate into the landscape. There would be a loss of the central part of the field, but, taking account of the mitigation measures, the location close to the existing farm complex and the character and sensitivity of the landscape it is considered that the development would not have a significant adverse effect on the site and the landscape character of the area. Given that the plans do not indicate the exact tree species and numbers, it is recommended that conditions are attached to any consent to require further details and implementation of the planting.

The proposed development is considered to be in accordance with policies E2, E6, DM4 and DM13 of the Powys Local Development Plan and Planning Policy Wales.

Visual Impact

The A490 and A495 highways are busy main roads to the south west and north of the site. The A490 highway is separated from the proposal by the existing farm complex and intervening agricultural land. The proposal would be closer to the A495 highway, although the highway is situated at a higher level than the application site. The broken hedgerows within the landscape and the roadside hedgerows further restrict views into the site. Mitigation in the 32 form of tree planting would also assist. It is possible that users of the highways may be aware of the presence of the poultry units and feed bins but it is not considered that there would be significant views of the proposed poultry development for users of the roads. Views would also be in the context of the existing buildings at the site. It would seem likely that most users of the identified roads would be travelling between destinations and would not be highly sensitive to the limited visual impacts identified.

The nearest residential properties not associated with the Ystym Colwyn farm complex, Y Parc and Biddfald are located more than 420 metres distant from the application site and there are other dispersed properties in the locality. The dwellings and proposed barn conversions which are involved in the enterprise or within the ownership of the enterprise are considered to have occupiers of low sensitivity to any visual impact. There may be the opportunity to see the development from other properties whose occupiers would be more sensitive to visual impacts. In particular it is possible that the upper parts of the buildings and feed bins would be discernible. But at the distance between the proposal and nearby properties, together with the trees and hedgerows on intervening land and the close relationship to the existing farm, it is not considered that there would be a significant impact on residential receptors.

There are public rights of way in the locality, in particular a right of way two public right of way located approximately 200 metres to the north west of the application site and another located approximately 200 metres to the south east of the application site. The public rights of way to the north west travel in a south/easterly direction and climb towards Bwlch y Cibau

Dyke (Scheduled Ancient Monument). Based on a site visit it is probable that users of the public rights of way may have some intermittent views of the proposed development. Users are quite likely to be using these routes recreationally and it is likely that they would be sensitive to changes in the established rural setting of these routes. However, given the distance involved, the intervening highway and farm complex and the trees on boundaries along the rights of way and the proposed measures to mitigate the visual impact (the proposed planting and the use of appropriate recessive colours), it is considered that all of these factors would serve to adequately mitigate the view from these rights of way. In respect of the public right of way to the south east, the right of way travels from the A490 highway towards the A495 highway, across agricultural land. It is possible that users of this right of way would be able to see the proposed development. However, it is considered that given the distance involved, together with the grouping with the existing farm complex and the proposed tree planting that these factors would adequately mitigate the views from this right of way. From other public rights of way in the locality which are more distant, it is considered that the effect on visual amenity would be of minor significance.

Whilst the proposed development will be visible from sensitive receptors including highways, public rights of way, residential properties in the locality, listed buildings within the farm complex and Bwlch y Cibau Dyke scheduled ancient monument given the agricultural grouping, proposed landscaping together with observed distances, it is not considered that the proposed poultry development will have an unacceptable adverse visual impact.

The buildings are in proximity to the existing farm complex and considered to be acceptable in terms of its grouping with buildings, its landscape impact and its visual impact and to comply with relevant policies SP7, E2, E6, DM4 and DM13 of the Powys Local Development Plan.

Built Heritage

Listed Buildings

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 noted that the application site is located within proximity of a number of listed buildings within the Ystym Colwyn farm complex. Acknowledgment of the listed building together with potential impacts is considered below.

There are 5 listed buildings in close proximity of the proposed poultry unit, four grade II listed buildings listed on 26/05/1995 and one grade II* listed building included on the statutory list on 19th August 2004:

- Cruck Framed barn Grade II* Cadw ID 83068 listed on 19th August 2004
- Stable Building Grade II Cadw ID 15993 listed on 26th May 1995
- Brewhouse Range Grade II Cadw ID 15994 listed on 26th May 1995
- Wheelhouse including barn Grade II Cadw ID 15995 listed on 26th May 1995
- Milepost on the A490 Grade II Cadw ID 15992 listed on 26th May 1995

Ystum Colwyn is an important group of C18th farmbuildings associated with a gentry house. Given the distance of the proposed units from the A495 and the modern farm buildings currently sited between the proposed poultry units and the older listed farm buildings, it is not considered that the proposed poultry units would have an impact on the listed farm buildings when viewed from the A495 to the east of the proposed poultry units. The wider setting of these buildings is of a rural agricultural landscape with dispersed farms and other individual widely dispersed buildings. On this basis and in regard to the comments received from the Built Heritage Officer, it is not considered that proposed development would have an unacceptable adverse impact on the identified listed buildings together with their wider setting. The proposed development is therefore considered to be in accordance with the relevant policy SP7 and DM13 of the Powys Local Development Plan, Planning Policy Wales and Technical Advice Note 24: The Historic Environment.

Scheduled Ancient Monument

Policy SP7 of the Powys Local Development Plan and Technical Advice Note 24: The Historic Environment states that there is a presumption in favour of safeguarding Scheduled Ancient Monuments and their settings. The proposed development is located within the vicinity of the scheduled monument known as Bwlch-y-Cibau Dyke MG077. The proposed development is to be located approximately 500m south east of the nearest section of the above listed scheduled monument. The dyke comprises a complex and well-preserved linear earthwork comprising a single and sometimes double or treble line of bank and southern ditch utilising the natural scarps of a low ridge. This faces along the Vyrnwy valley towards the Severn and overlooks the development site. It is assumed to be a boundary marker of broadly early medieval date.

Cadw has advised that the proposed development is likely to share some degree of intervisibility with the dyke and subsequently some degree of impact on its setting. The present setting of the monument is one of rolling agricultural land significant views from the dyke being south across and east / west along the line of the Vyrnwy broad floodplain, presumably facing another former territorial holding. The northern and western sections of the dyke are likely to be effectively screened from views of the proposed buildings by a combination of topography, intervening boundaries and the existing farm buildings, although the proposed units are likely to be at least partially visible in key views across the valley from the southeastern angle of the dyke and the sections to either side, screening from existing boundaries being more limited here. However, Cadw has concluded that whilst the buildings would represent a substantial addition to the predominantly rural landscape viewed from the monument, this will be at distances of 500m or more and the proximity of the proposed structures to an existing large scale agricultural holding dictates that they are unlikely to significantly alter such views or the overall character of this landscape. Therefore, whilst the

proposed development will have a localised adverse impact on the setting of MG077, this will in Cadw's opinion not be a significant one.

In light of the comments received from Cadw, Development Management do not consider that the proposed development would have a significant impact on the identified Scheduled Ancient Monument and therefore consider that the proposal accords with policies SP7 and DM13 of the Powys Local Development Plan, Planning Policy Wales and Technical Advice Note 24: The Historic Environment.

Other Archaeological Interest

In the original application Clwyd Powys Archaeological Trust (CPAT) advised that no currently recorded archaeological sites will be impacted by the proposed development. However, there is a previously unrecorded house and well site lying 130 metres south of Ystym Colwyn Farm, which may be directly impacted by the proposed access route. The house site seems to be represented on the ground by some low earthworks representing the collapsed walls and there are a number of hawthorn bushes growing on the remains. The house and well are undated, but probably represent a timber-framed structure of late medieval or post medieval date. These building remains should preferably be preserved in situ and avoided by the proposed access road.

Following receipt of this information, the route of the access road was amended on revised plans submitted in support of the original application. CPAT advised that under the current scheme the access road has reverted back to that originally submitted and raised concern about its location. Following this a revised access scheme was submitted which alleviated the concerns raised by CPAT and they removed their objection to the proposed development.

Conclusion

Having considered the potential impact of the proposed development on built heritage assets, it is not considered that the proposed will have an unacceptable adverse impact on the setting of listed buildings, scheduled ancient monument or upon archaeology, subject to the use of conditions. In light of the above, Development Management considers the proposed development to be in accordance with policies SP7 and DM13 of the Powys Local Development Plan, Technical Advice Note 24: The Historic Environment and Planning Policy Wales.

Impact on Amenity, Living Conditions and health of Local Residents

Broiler units have the potential to impact on the living conditions of residents living nearby through a number of factors in particular emissions of noise, odour and dust. The application is supported by an Environmental Statement, this contains chapters assessing the significant likely impacts on amenity and the living conditions of local residents. The statement contains a noise and vibration assessment and an assessment of the impacts upon amenity in terms of odour, dust, flies and vermin. In addition, an Odour Management Plan and Noise Management Plan have been included. Other elements of the submission including the Ammonia Assessment, and chapters within the Environmental Statement consider air quality, health and climate, water resources, traffic also contain information on the proposal relevant to assessing its impact on those who will have to live nearest to the development.

Noise

As stated above, the submission is accompanied by a Noise Management Plan and the Environmental Statement includes information on noise and vibration. The noise and vibration assessment considers the operation of the fans on the poultry house and the potential for noise from their operation to harm amenity. It is noted that properties not associated with Ystym Colwyn are located more than 420 metres distant. The assessment estimates that the estimated noise levels from the ventilation fans would be 0.4dBA at the nearest sensitive noise receptor (Ystym Colwyn farmhouse) after subtracting distance decay this amounts to at least 10dBA measured during both the day and night.

The Council's Environmental Health department initially raised concern on the original submission in that the submission does not consider that the planning permissions for the conversion of the traditional brans within the Ystym Colwyn farm complex. It is understood that the barns have not been converted and as such are not occupied. The applicants' agent responded to the concerns by confirming that the barns subject to the planning consent for residential conversion remain under their clients' ownership and as such should be treated the same way as the farm house as they remain totally within their clients' control.

Following consultation with Environmental Health on the section 73 application no further comments or concerns are raised with regards to noise.

Lorry movements to and from the site (in association with construction and operation) have the potential to impact on residential amenity. The supporting highways Information submitted indicates that the operational development would generate an estimated 172 tractor and trailer movements relating to manure disposal, 434 lorry movements per annum for bird collections, chick deliveries, feed deliveries etc and 60 movement of other vehicles such as mini bus and cars for the labour force and bird collections.

Given that the Environmental Health department has not raised any objection to the proposal, it is considered unlikely that the proposed development will have an unacceptable adverse impact on the amenities enjoyed by occupants of neighbouring properties by reasons of noise. Therefore, Development Management considers the proposal to be in accordance with policy DM13 of the Powys Local Development Plan.

Odour

The application is supported by an Odour Management Plan and the submission identifies that there are no non associated properties within 400 metres of the application site. The submission also identifies the most likely source of odour arising from manure disposal as well as other potential sources such as manufacture and selection of feed, feed storage, inadequate ventilation, litter management, carcass disposal, cleaning out and dirty water management.

Given that the Council's Environmental Health department have not objected to the proposal and that the proposal is supported by an odour management plan, Development Management considers the proposal to be in accordance with policy DM13 of the Powys Local Development Plan.

Dust

It is acknowledged that the process of rearing broiler chickens has the potential to affect air quality through the generation of dust (including fine particles known as PM10s). The applicant has included an assessment of dust impacts which notes that the proposal will be sufficiently distant from sensitive residential properties to prevent significant impact. Dust would form an emission from the site which would be controlled by the Environmental Permit.

Conclusion

It is considered that the comments made by Environmental Health and the environmental permitting regime provides reassurance that the poultry development should not be incompatible with a good standard of living conditions in the surrounding area. It is concluded that the proposed development would not unacceptably worsen the amenities of local residents or visitors to the area, and that it would not conflict with the objectives of Policy DM13 of the Local Development Plan.

Transport

The proposed development includes the creation of a new access off the A490 with an access track to the proposed buildings. Information submitted indicates that the proposed development would generate an estimated 172 tractor and trailer movements relating to manure disposal, 434 lorry movements per annum for bird collections, chick deliveries, feed deliveries etc and 60 movement of other vehicles such as mini bus and cars for the labour force and bird collections. No alterations to the access are proposed under the current application.

The Highway Authority has not objected to the current application.

Given the comments received from the Highways Authority, it is not considered that the proposed development will have an unacceptable adverse impact on highway safety and movement. Development Management is therefore satisfied that the proposed development is in accordance with policies T1 and DM13 of the Powys Local Development Plan, Technical Advice Note 18 – Transport and Planning Policy Wales.

The Natural Environment

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

Both Natural Resources Wales and Powys Ecology have been consulted on the application. NRW have offered no further comment on the application as there is no intention to increase the numbers of birds within the development.

The application site is within 10km of the following sites;

- Montgomery Canal SAC – located 6.2km from the proposal
- Granllyn SAC – located 5.5 km from the proposal
- Tanat and Vyrnwy SAC – located 2km from the proposal

Powys Ecology raised initial concerns regarding the level of information submitted in support of the application. Following receipt of additional information Powys Ecology confirmed that a change in ammonia and nitrogen levels at these sites is not expected as the general location, number of birds held and ventilation system are similar between the current units and the proposed development. They also advise that NRW have not asked for further modelling to be undertaken for the proposed development. As such it is considered that there would be no likely significant effect on the SACs.

With regards to protected species the Powys Ecologist and Natural Resources Wales were consulted on the application.

Mitigation measures were proposed in the original application and included:

- All existing natural features including hedgerows, trees and water bodies will be protected from accidental damage through protective fencing or other indicative measures as appropriate.
- Creation of woodland planting and conservation strips surrounding the site
- Create new species-rich hedgerows to west of development.
- Allow surrounding boundary hedgerows to grow up to 3.5metres and maintain at 2 metres width.

NRW offered no further comment on the application and the Powys Ecologist stated that as the proposed development is situated within an improved agricultural field currently used for grazing with no vegetation loss or removal of marginal habitat expected, the direct effects associated with the development are likely to be minimal. As such they offer no objection to the amended design subject to conditions being attached to any grant of consent.

In light of the comments received from the Powys Ecologist on the application it is considered that the application is in accordance with policies SP7, DM2, DM4 and DM13 of the Powys Local Development Plan, Technical Advice Note 5: Nature Conservation and Planning and Planning Policy Wales.

Tourism Assets

The LDP within policies SP7 and DM13 seek to ensure that proposals which would have an unacceptable adverse effect upon the environmental setting of established tourist attractions will be opposed. The high quality landscapes of Powys, public rights of ways and scheduled ancient monuments are noted to be of interest to tourists and a wide interpretation should be given to what can legitimately be considered a tourist asset.

It is noted that there is guest accommodation located within the surrounding area, however there are no known facilities within close proximity to the site. The impact upon public rights of way and the scheduled ancient monument in the locality has been considered above. As discussed above, the visual and landscape impacts are considered acceptable subject to landscaping measures and as such it is considered that the environmental setting of established tourist attractions would not be unacceptably adversely affected by the proposal in accordance with policies SP7 and DM13 of the Powys Local Development Plan.

RECOMMENDATION

For the reasons outlined above it is considered that the proposed amendments to the original design are acceptable and would not have an unacceptable impact on the locality. The recommendation is one of conditional consent.

The Environmental Information has been taken into account in reaching the above recommendation.

Conditions

1. This permission being retrospective as prescribed by Section 73(a) of the Town and Country Planning Act 1990 (as amended) shall be deemed to take effect from 02/03/2017.
2. The development shall be carried out strictly in accordance with the approved plans and documents (drawing no's: RJC/RB/2764, RJC-MZ-4685-03 and RJC-MZ-4685-01 and documents: Environmental Statement dated July 2017, Environmental Statement: Supporting Statement dated April 2017, Odour Management Plan dated July 2017, Noise Management Plan dated July 2017, Design and Access Statement dated July 2017, Ammonia Report dated December 2015 and Report of the finding of ecology surveys undertaken in the vicinity of a proposed poultry unit produced by Chris F. Brown).
3. Notwithstanding the details submitted, a detailed landscaping scheme, including landscape phasing and implementations scheme, shall be submitted to and approved in writing by the Local Planning Authority within 2 months of the date of this decision. The submitted landscaping scheme shall include a scaled drawing and a written specification clearly describing the species, sizes, densities and planting numbers proposed. Drawings must include accurate details of all existing trees and hedgerows to be retained with their location, species, size and condition.
4. The approved landscaping scheme as implemented by the landscape phasing scheme shall thereafter be maintained for a period of five years. Such maintenance is to include the replacement of any plant/tree/shrub/hedge that is removed, significantly damaged, diseased or dying, with plants/trees/shrubs/hedges of the same species and size within the next planting season.
5. Within 2 months from the date of this decision a Pollution Prevention Plan shall be submitted to the Local Planning Authority and implemented as approved and maintained in perpetuity for as long as the development remains in existence.
6. No external lighting shall be installed unless a detailed external lighting design scheme has been submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall identify measures to avoid impacts on nocturnal wildlife. The development shall be carried out in accordance with the approved details.
7. Within 2 months from the date of this decision a manure management scheme shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be undertaken other than in full accordance with the manure management

scheme as approved. The manure management scheme shall be fully implemented as approved in perpetuity.

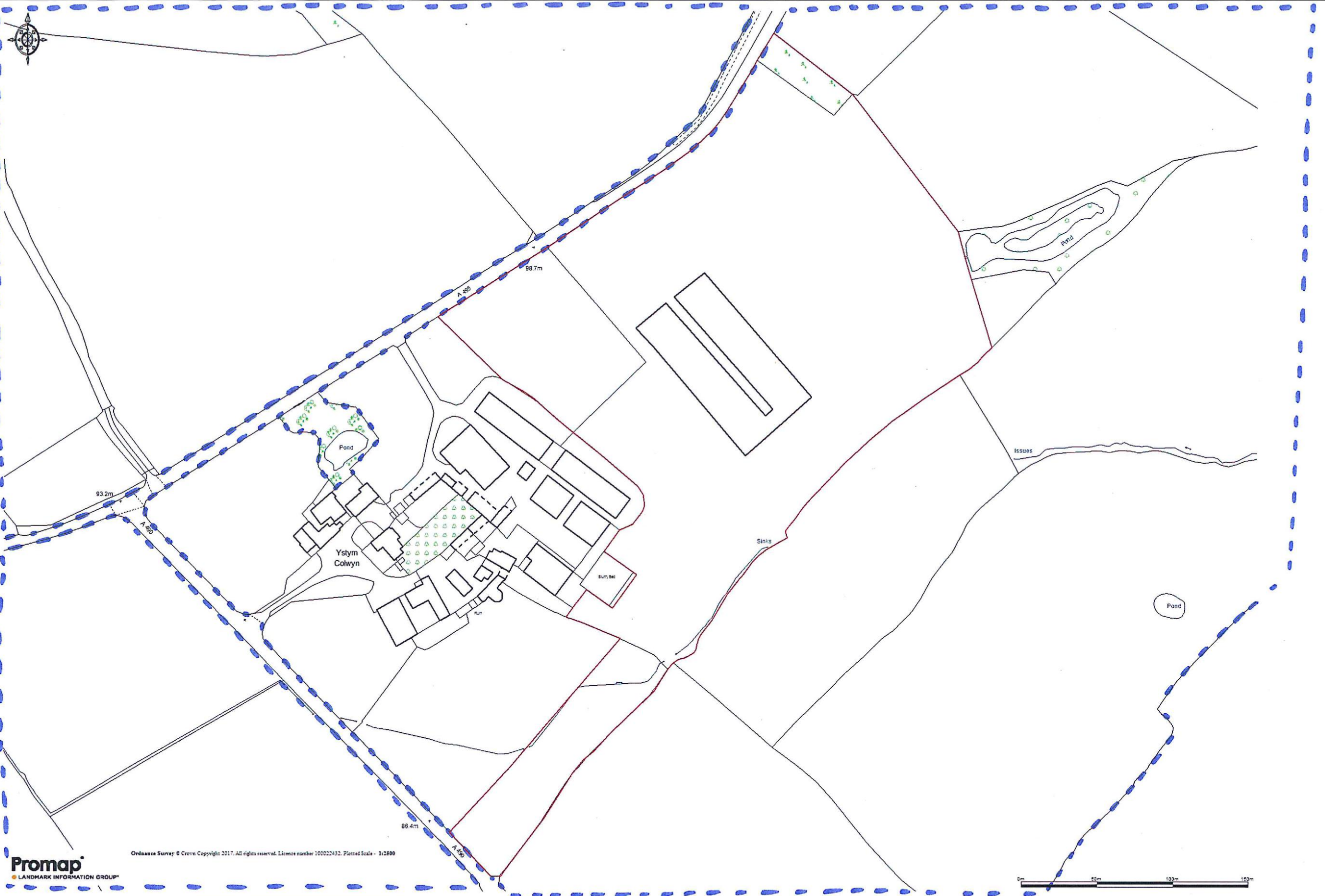
8. The storage and spreading of manure will be undertaken in accordance with the DEFRA Code of Good Agricultural Practice for the Protection of Air, Water and Soil.
9. Vehicles used for the movement of manure shall be sheeted to prevent spillage of manure.
10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions or alterations to the unit shall be erected without the consent of the Local Planning Authority.
11. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 and the Town and Country Planning (General Permitted Development) Order 1995 as amended or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, the premises shall not be used for any purpose other than that hereby authorised.
12. The poultry units hereby approved shall be limited to occupation by 100,000 broilers.
13. Any entrance gates shall be set back at least 20 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway.

Reasons

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
3. To comply with Powys County Council's Local Development Plan Policies SP7 and DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, July 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.
4. To comply with Powys County Council's Local Development Plan Policies SP7 and DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, July 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.
5. To comply with Powys County Council's Local Development Plan Policies SP7 and DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy

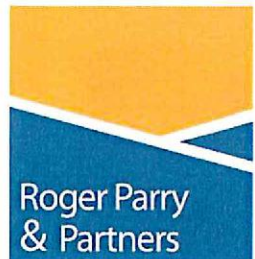
Wales (Edition 9, July 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.

6. To comply with Powys County Council's Policies LDP DM2 and DM7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
7. To comply with Powys County Council's Local Development Plan Policies SP7 and DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, July 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.
8. To comply with Powys County Council's Local Development Plan Policies SP7 and DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, July 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.
9. To comply with Powys County Council's Local Development Plan Policies SP7 and DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, July 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.
10. In order to control development which has the potential to have adversely affect the amenity of the area in contradiction to policy E2, E6, DM4 and DM13 of the Powys Local Development Plan (April 2018) and Planning Policy Wales (2016).
11. In order that the Local Planning Authority may control the use of the premises in the interests of the protection and preservation of the amenity of the area in accordance with policies DM4 and DM13 of the Powys Local Development Plan (2018) and Planning Policy Wales (2016).
12. In order to control the number of broilers accommodated within the buildings in the interest of the local amenity. This condition is imposed in accordance with policies DM13 and E6 of the Powys Local Development Plan (2018) and Planning Policy Wales (2016).
13. In the interests of highway safety and in accordance with the provisions of Powys Local Development Plan policies T1 and DM13.



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www.rogerparry.net
mail@rogerparry.net
Tel: 01691 655334
Fax: 01691 657798

Roger Parry & Partners LLP
The Property Experts

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JOB:	Erection of an intensive poultry installation
CLIENT:	Ystym Colwyn Farms
TITLE:	Location plan
LOCATION:	Ystym Colwyn, Meifod, Powys, SY22 6BN
SCALE:	1:2500
DATE:	Mar-17
DRAWING NO:	RJC/RB/2764
DRAWN BY:	RB

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4.3

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2016/0509	Grid Ref:	308349.2 290482.49
Community Council:	Mochdre Co	Valid Date:	Officer: 09/05/2016 Tamsin Law
Applicant:	Paolo Re Llanidloes Road Glanrhyd Newtown Powys SY16 4HZ		
Location:	Land in former Walled Garden at Glanhafren Hall Glanrhyd Llanidloes Road Newtown Powys SY16 4HZ		
Proposal:	Erection of a dwellinghouse, installation of septic tank and all associated works including demolition of two storage buildings		
Application Type:	Application for Full Planning Permission		

The reason for Committee determination

The application seeks consent for an open market dwelling in the open countryside and is therefore considered to be a departure from the development plan

Site Location and Description

The application site is located within an area of open countryside within the community of Mochdre. The application site lies approximately 305 metres from the development boundary of Newtown as defined within the Powys Local Development Plan (2018).

The application site comprises a listed walled garden, however the garden itself has been removed and has been used as a commercial yard for a number of years with two steel portal style buildings located within the walls.

The application seeks full planning permission for the construction of a single open market dwelling within a listed walled garden at Glanhafren Hall. The proposed dwelling would be located in the northern corner of the walled garden and would measure at its longest 18 metres and at its widest 26 metres, with a maximum height of 9.4 metres falling to 5.6 metres at the eaves. The dwelling would be finished with stone walls, timber effect windows and doors and a natural slate roof.

Consultee Response

Mochdre CC

I have been instructed by the Council to let you know that it has no objection to this application and is happy for it to proceed to determination.

STW

With reference to the above planning application the company's observations regarding sewerage are as follows.

I can confirm that we have no objection to the proposals subject to the inclusion of the following condition:

- The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and
- The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to reduce or exacerbate a flooding problem and to minimise the risk of pollution.

Environmental Health

1st Response

As the proposal is to utilise the public sewer, I have no objection to this application.

2nd Response

Further to my previous email, the additional information provided by the applicant now shows a proposal for a septic tank and drainage field.

Please can the applicant provide the results of percolation tests in order to confirm that the ground conditions are suitable for such a system, and to determine the required area for the drainage field? I cannot support the application without this information.

Built Heritage Officer

1st Response

Thank you for consulting me on the above application, and I note the revised drawings recently submitted by Hughes Architects .

I am aware of the heritage assets within the immediate locality namely;
Glanhafren Hall Cadw ID 17327 included on the statutory list on 26th September 1996
Apple House at Glanhafren Hall Cadw ID 17329 inc on the statutory list on 26th September 1996
Glanhafren Hall gateway Cadw ID 17328 included on the statutory list on 26th September 1996

The walled garden would be considered as a curtilage listed building as defined by Section 1(5) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as;

- (a) any object or structure fixed to the building,
- (b) any object or structure within the curtilage of the building, which although not fixed to the building, forms part of the land and has done so since 1st July 1948

However, case law suggests to also consider the following matters as to whether a building is curtilage listed.

1. the physical layout of the listed buildings and the structure,
2. their ownership, past and present, and

3. their use or function, past and present

I note that the list description does not refer to the walled garden, however that is not uncommon with curtilage features rarely included on the list description, and the absence of a feature from the list does not mean that it is excluded from the legal protection of the statutory list. Section 93 of Welsh Office Circular advises that “ The listing of a building confers protection not only on the building but also on any object or structure fixed to the building and which is ancillary to it and, if built before 1 July 1948, within its curtilage”

The condition of the wall is noted, and a listed building consent application for the proposed works would be required, and it would have been preferable for the works to the walled garden to have accompanied this application.

I am mindful of the advice contained within section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority,....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 Powys Unitary Development Plan reflects National Guidance with policy ENV 14, stating that “Proposals for development unacceptably adversely affecting a listed building or its setting will be refused, and policy UDP SP3 b which states that “Proposals for development should seek to protect, conserve and wherever possible enhance sites and features of historic and built heritage importance including those of archaeological, architectural and, heritage conservation and historic interest”.

I would also refer to more recent guidance in paragraph 6.5.11 of Planning Policy Wales 9th edition 2016 which states, “ Where a development proposal affects a listed building or its setting, the primary material consideration is the statutory requirement to 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.”

Powys Unitary Plan policies reflect national legislation and guidance; Powys Unitary Development Plan Policy Env14 (Listed Buildings) states that “proposals for development unacceptably adversely affecting a listed building or its setting will be refused”. UDP Policy SP3b states that “proposals for development should seek to protect, conserve and wherever possible enhance sites and features of historic and built heritage importance including those of archaeological, architectural and heritage conservation and historic interest”. UDP Policy GP1 states “development proposals will only be permitted if they take into account the following – the design, layout, size, scale, mass and materials of the development shall complement and where possible enhance the character of the surrounding area”.

Cadw have prepared guidance on the setting of historic assets that is currently out for consultation, and whilst still out for consultation and not adopted the advice on how to assess the setting of listed buildings could be referred to in terms of advise on how to assess the setting of listed building, with the caveat that there may potentially be changes as a result of the consultation process. In addition to advice on how to assess the visual setting of listed buildings, advice on less tangible elements, including sensory perceptions such as noise and smell are included in the guidance.

<http://cadw.gov.wales/historicenvironment/policy/historicenvironmentbill/guidancedocuments/?lang=en>

This emerging document outlines the principles used to assess the potential impact of development or land management proposals on the settings of all heritage assets but is not intended to cover the impact on the setting of the historic environment at a landscape scale.

The document advises that “Setting is the surroundings in which a historic asset is understood, experienced and appreciated, embracing present and past relationships to the surrounding landscape.....The setting of a historic asset is not fixed and can change through time as the asset and its surroundings evolve. These changes may have a negative impact on the significance of an asset; for example, the loss of the surrounding physical elements that allow an asset to be understood, or the introduction of an adjacent new development that has a major visual impact. But changes can also have a positive impact that may enhance the setting, such as the removal of traffic from part of a historic town, or the opening up of views, or the return of a sense of enclosure to sites where it has been lost”

The document provides advice on how to assess the setting

This section outlines the general principles that both assessors and decision makers should consider when assessing the impact of a proposed change or development on the setting of historic assets. There are four stages.

Stage 1: Identify the historic assets that might be affected by a proposed change or development and their significance.

Stage 2: Define and analyse the settings to understand how they contribute to the ways in which the historic assets are understood, appreciated and experienced.

Stage 3: Evaluate the potential impact of a proposed change or development on those settings.

Stage 4: Consider options to mitigate the potential impact of a proposed change or development on those settings.

The heritage assets have been identified as;

Glanhafren Hall Gateway grade II Cadw ID 17328 included on the statutory list on 26/09/1996

Glanhafren Hall grade II Cadw ID 17327 included on the statutory list on 26/09/1996

Apple House at Glanhafren grade II Cadw ID 17329 included on the statutory list on 26/09/1996

Glanhafren Hall is a C17th house with a new front added in c1810 and is listed as a well preserved early C19th house in a prominent rural location. The rear range has been converted to flats and the front element is currently for sale.

http://www.mccartneys.co.uk/Property/Property_Details/5-bedroom-property-for-sale-in-Llanidloes-Road-SY16-mccrps-NEW130005

The house is imposing gentry/country house and has other listed buildings in the grouping, formally associated with Glanhafren, The Apple House is to the north of the principal house and is listed as an ornate and distinctive dovecote of the later C19th and for group value with Glanhafren Hall, and the listed gate piers. However the property had a garden befitting the large gentry house as detailed in Coflein as depicted on the Second Edition Ordnance Survey 25-inch map of Montgomeryshire XLIII, sheet 2 (1902). Its main elements on that map include sundial, carriage drive, isolated geometric copses, icehouse, orchard, parkland, pump, river, formal garden, kitchen garden, walled garden and relict hedgelines.

<http://coflein.gov.uk/en/site/265611/details/glan-hafren-garden-newtown>

Glanhafren Hall is a large three storey house that is in a prominent rural location within the former estate. . I note the description of the house and its garden in the accompanying Heritage Impact Assessment October 2016, Mercia Heritage Series No 776.

Cadw draft document Setting of Historic Assets in Wales advises on how to consider the setting of listed buildings. "Setting is the surroundings in which a historic asset is understood, experienced and appreciated, embracing present and past relationships to the surrounding landscape. It often extends beyond the property boundary or 'curtilage' and into the surrounding landscape or townscape. Although many historic assets are visible and their settings are obvious, those that are buried also have a setting. "

"The setting of a historic asset can include physical elements of its surroundings. These may be boundary walls, adjacent fields or functional and physical relationships with other historic assets or natural features."

The Cadw document advises on steps to be undertaken to define and analyse the setting with a series of questions.

•How do the present surroundings contribute to our understanding and appreciation of the historic asset today?

•Thinking about when the historic asset was first built and developed:

○ what were its physical, functional and visual relationships with other structures/historic assets and natural features? ○ what topographic features influenced its location? ○ what was its relationship to the surrounding landscape?

○ was it constructed to take advantage of significant views? Although there may be a 360 degree view, some areas of the view may be more significant than others.

•Thinking about changes since the historic asset was built:

○ has its function changed?

○ what changes have happened to the surrounding landscape? ○ have changes happened because of changes to the historic asset?

○ has the presence of the historic asset influenced changes to the landscape, for example, where a monument has been used as a marker in the layout of a field enclosure?

○ have historic and designed views to and from the historic asset changed?

•Thinking about the original layout of the historic asset and its relationship to its associated landscape:

O were these relationships designed or accidental? o how did these relationships change over time?

O how do these relationships appear in the current landscape; are they visual or buried features?

•Are there other significant factors, such as historical, artistic, literary, place name or scenic associations, intellectual relationships (for example, to a theory, plan or design), or sensory factors that can be vital to understand the historic asset and its setting?

Stage 2 should also identify the viewpoints from which the impact of the proposed change or development should be assessed, taking into account, for example:

- views that were designed and developed to overlook the historic asset and its setting
- incidental views to and from the historic asset which contribute(d) to its significance
- important modern views to and from the historic asset
- important modern views over and across the historic asset.”

Glanhafren Hall was built as a large country house for the area, and had the associated outbuildings, ice house, drive and walled garden appropriate for a house of its size. The grouping of the former estate buildings around Glanhafren contribute greatly to its setting, both visually and historically providing evidence of the past occupation of the building, i.e. the ice house, the walled garden and the Apple House which is listed as an ornate and distinct dovecote of the later C19.

A house of this size was constructed to have views out and to be viewed as an exhibition of the wealth and taste of the occupiers. The walled garden is visible from the A489 and forms part of the setting of Glanhafren Hall and The Apple House.

The proposal is for a large house that is designed to have views over the wall, and as such will be visible from the A489. I note the condition of the curtilage listed walled garden, and can see the merit of an appropriately size and designed development to facilitate the repairs of the walled garden, accompanied by a listed building consent application. However I would consider that the size of the proposal is wholly inappropriate in its scale and design to be sited in the walled garden. Whilst noting in the Design and Access statement submitted with the application *“that houses that benefitted from walled gardens would be commanding dwellings. The proposed dwelling is therefore an imposing dwelling being designed in a Georgian/Palladian style. The Georgian/Palladian style of architecture was the prevalent architectural style for county houses around the time of the walled gardens construction during the 18th century. The proposed dwelling style is therefore appropriate to the walled garden”*. I would agree with the first part of that statement and point out that the walled garden did serve an imposing country house, that is Glanhafren Hall itself. I would also question whether a Palladian style would be appropriate in any regard for a house of this size, and would question whether the style is in fact Palladian.

However irrespective of the Palladian qualities of the design I would disagree that design and size are appropriate for the walled garden, and would suggest that if the principle of a house in the open countryside is considered acceptable that a more appropriate design would be a bothy or gardeners cottage.

I have taken the opportunity to briefly view the information available on Coflien and note that there a large number of walled gardens in Wales that had no associated gardeners cottage or bothy, however a fewer number of walled gardens albeit usually larger walled gardens did have a gardeners cottage or bothy. Most of these are small simply designed to blend in with the estate cottages. I would suggest that a smaller simpler design of a gardeners cottage or bothy be considered in this location, with a height that would not project above the walled garden. The design could contain some contemporary elements rather than be a pure pastiche, however the size and scale of the proposal along with its character should be subordinate to the main house.

I would consider that the proposed dwelling that is a comparable size with the front wing of Glanhafren Hall would be wholly inappropriate in this location, and would adversely affect the setting of Glanhafren Hall when viewed from the A489, and would adversely affect the legibility of the history of this group of listed buildings.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have due regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Paragraph 11 of Welsh Officer Circular 61- 96 reinforces the need to preserve the setting of a listed building and that the setting is often an essential part of a buildings character.

Paragraph 6.5.11 of Planning Policy Wales 9th edition 2016 which states, “ Where a development proposal affects a listed building or its setting, the primary material consideration is the statutory requirement to 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.”

Powys Unitary Development Plan Policy Env14 (Listed Buildings) states that “proposals for development unacceptably adversely affecting a listed building or its setting will be refused”. UDP Policy SP3b states that “proposals for development should seek to protect, conserve and wherever possible enhance sites and features of historic and built heritage importance including those of archaeological, architectural and heritage conservation and historic interest”. UDP Policy GP1 states “development proposals will only be permitted if they take into account the following – the design, layout, size, scale, mass and materials of the development shall complement and where possible enhance the character of the surrounding area”.

I am aware of recent appeal decisions in Herefordshire and Gloucestershire where the balance of achieving housing land supply was considered against the legal requirements to have special regard to the desirability of preserving listed buildings, or their setting which were subsequently dismissed in part because of the impact on the setting of the heritage assets.

Whilst noting the condition of this curtilage listed building and noting the large building sited within the walled garden, I also note that there are other means available to secure the repair of this curtilage listed building and that the existing buildings within the walled garden are not readily visible from the A489. Whilst supportive of the repair and reuse of this walled garden,

I would not consider that the erection of such a large property within the walled garden would be appropriate and would not outweigh local plan policies or national guidance and legislation in terms of the preservation of a listed building or its setting.

If the proposal is considered acceptable in principle I would suggest that the application be withdrawn and an alternative smaller more appropriate design put forward in addition to the listed building consent for the repairs to the wall.

Should amended plans not be forthcoming I would wish to object to the proposal on the following grounds.

I would therefore wish to OBJECT to P/2016/0509 and would recommend refusal for the following reason.

The development would adversely affect the setting of the designated heritage asset Glanhafren Hall Farmhouse which lies to the south of the application site. The proposal would also adversely affect the setting and legibility of the curtilage listed walled garden. Glanhafren Hall is a country house prominently sited to view its estate and is the most dominant building within the cluster of estate buildings that surround Glanhafren Hall. The existing setting to this listed building has a rural character and appearance appropriate for a small estate but is also part of the setting when travelling along the A439. It is considered that the proposed dwelling by virtue of its scale and design would fundamentally change the character and appearance of this group of buildings associated with and included Glanhafren Hall in a manner that would adversely affect the setting of Glanhafren Hall by introducing a second very large dwelling on the site. As a result of the significant and demonstrable adverse impacts outlined above, it is considered that the proposal is contrary to national legislation and policy in terms of Sections 16 and 66 of the Planning (Listed Buildings and Conservation areas) Act 1990, and paragraph 11 of Welsh Office Circular 61/96, Paragraph 6.5.11 of Planning Policy Wales 9th edition 2016, and Local Plan Policies Policy SP3b, ENV14 and GP1

2nd Response

The revised house is still very large and I had understood that discussions were for a gardeners style sottage/bothy and this would be very large for a house within a walled garden. It would be preferable for it to be substantially smaller. The house will be visible above the walled garden, not just the roof by the first floor, and the “enabling development” could be considered to affect the setting of the historic asset it is intended to protect. This would be contrary to national guidance in terms of setting of the historic assets and enabling development. A smaller footprint and ridge height is still requested.

Ignoring the footprint and just looking at the design and materials. Firstly materials, the use of stone at the base is good as it mirrors the Apple House, and the choice of a mix of stone and render break up the visual appearance of the volume. However I would question the use of render in that location and suggest a brick to match the Apple House may be more appropriate.

Whilst not supportive of the height proposed the breaking up of the roof with valleys and gables is welcomed as it reduces the visual impact with the opportunity for the pitches of the gables to replicate the outbuildings at Glanhafren. Whilst not supporting the size, I would question whether the treatment of the front elevation and the extent of glazing which will be

the most visible from a wider area especially with the by pass would be appropriate and whether a simpler frontage at a lower height would be more appropriate on the front with the potential for views to be afforded to the rear subject to the roof height not affecting the setting of the historic assets.

Whilst not wishing to extend the footprint, I would still consider that the height and the potential for the dwelling to be viewed over the garden wall would still be a concern and noting the enabling development to the repairs of the walled garden, a large dwelling that is visible above the garden wall would impact on the setting of both the walled garden and the principal listed buildings on the site.

However the change from classical design to a more “vernacular style” and the mix of materials taking inspiration from the outbuildings to Glanhafren is welcomed.

3rd Response

I have previously detailed the policy considerations to this proposal in my comments dated 28 November 2016 and as such I shall not repeat them here, but would be grateful if you could consider the previous memo as an appendix to these comments. Please note that since the time of the previous comments the legislation and guidance has changed with TAN24 and its annexes and as such some of the legislation and guidance has been superseded. However the assessment of the proposal would remain the same.

I note that some of the design concerns raised in my e-mail of 30th October 2017 have been addressed but not all. There have been a number of e-mails exchanged on this proposal, however for clarity the comments provided are in respect of the amended plans on the planning portal R0B3/SY.31, and R0B3/SY.32 dated 11:17, Document number 4486855 dated 04/12/17.

The building is still larger than was initially anticipated for a gardeners cottage and I still have some concerns regarding the size.

I note with thanks the introduction of hips which I would consider does reduce the visual mass of the roof and also ties it into Glanhafren Hall. However I note that the suggestion of omitting the luthern style dormer on the south east elevation has not been taken into consideration and that the dormer is not indicated on the front elevation so it is not clear of the roof if pitched or gabled. I would still consider that the dormer would not be appropriate. However if the dormer is considered acceptable I would request that it be hipped to follow the pitch of the gables on the front elevation.

The front elevation would be most visible and I had previously expressed concern with the 2 gables on the front elevation, as the roof will be visible above the wall and in the wider landscape and as such the roof design is very important in this instance and it would be preferable to have straight eaves in place of the gables especially given the simplicity of Glanhafren Hall in its external design.

I note the revised design of the front elevation and the front projection having a hipped roof does reduce the visual impact of the fenestration on the front elevation.

I would still consider that a simpler style of front elevation reflecting Glanhafren Hall may be preferable. However, noting the changes that have occurred in the design to address various

issues, the design has moved away from its former Palladian grandeur to a more organic almost vernacular design. As such it could be considered that appropriate materials may address many concerns. Given its location in the Severn Valley which is famed for its timber framed buildings and the 2 storey porches associated with Montgomery, the amended plans could potentially reinforce that vernacular tradition and as such I would be grateful if consideration could be given to the appropriate treatment of the timber in the fenestration especially on the front elevation to reflect that vernacular tradition. The use of oak or similar left to weather naturally and silver would reflect that tradition and be most attractive against the brick background. However painted timbers especially white or off white which would enhance the visual impact of the property and its size and I would still have to express concern with the size and location of the gablets being on the front elevation.

Whilst still raising concern with the size of the property I would be pleased if consideration could be given to the timber treatment with weathered oak left to silver being the obvious choice, however there may be other equally appropriate materials and solutions.

One further and relatively small point, as such care has been taken in the design of the property it would be preferable to either omit the external chimney breast and have an internal chimney breast, as external chimney breasts are not a traditional feature commonly found in Powys and especially the Severn Valley area. Alternatively to slightly increase the size of the lateral chimney in order that it reflects the proportions of traditional lateral chimneys.

I would be grateful if consideration could be given to the suggestions made above especially the fenestration treatment, and given the prominent location of the proposed property, I would be grateful if appropriate conditions in respect of materials were imposed.

4th Response

Thank you for consulting me on the latest amended plans dated on the portal as January 29th 2018 (Document number 4537403) to the above application.

The application site lies within a cluster of historic assets namely;

Listed Buildings

Cadw ID 17328 Glanhafren Hall Gateway included on the statutory list on 26 September 1996

Cadw ID 17327 Glanhafren Hall included on the statutory list on 26 September 1996

Cadw ID 17329 Apple House at Glanhafren Hall included on the statutory list on 26 September 1996

TAN 24 advises (section 1.10) that Conservation Principles for the Sustainable Management of the Historic Environment in Wales (Conservation Principles) were published in 2011 and provide the basis upon which Cadw discharges certain statutory duties on behalf of the Welsh Ministers. Conservation Principles should be used by others (including owners, developers and other public bodies) to assess the potential impacts of a development proposal on the significance of any historic asset/assets and to assist in decision making where the historic environment is affected by the planning process.

There are six principles.

1. Historic assets will be managed to sustain their values.
2. Understanding the significance of historic assets is vital.
3. The historic environment is a shared resource.
4. Everyone will be able to participate in sustaining the historic environment.
5. Decisions about change must be reasonable, transparent and consistent.
6. Documenting and learning from decisions is essential.

Applicants and other organisations are strongly encouraged to make use of these Conservation Principles when considering development proposals and other works to historic assets. It is important for those responsible to understand the heritage values and assess the significance of the historic assets that will be affected.

There are four heritage values which need to be understood before the significance of the asset can be assessed.

- Evidential value
- Historical value
- Aesthetic value
- Communal value

Evidential Value

This derives from those elements of an historic asset that can provide evidence about past human activity.

Glanhafren Hall is a C17th house with a new front added in c1810 and is listed as a well preserved early C19th house in a prominent rural location . The rear range was converted to flats in the mid C20th. The three storey house faces south towards its gateway onto the A486.

The Apple House is to the north of the principal house and is listed as an ornate and distinctive dovecote of the later C19th and for group value with Glanhafren Hall. The building is 2 storey and square in plan of random rubble to the lower storey, brick upper, with pyramidal slate roof, and wooden lantern. Lantern is square with cusped openings under a tile roof.

The gateway is a cast iron gateway and railings on a stone plinth. The main gates are now missing. Gateway is framed by two S-curved plinths in snecked stone with moulded copings. Four panelled cast iron posts standing on stone bases, one of which is replaced in concrete. The posts have star-shaped finials. Railings with alternate spiked and fleur-de-lys finials. Kissing gate to left.

The group of buildings is attractive and has a number of associated buildings appropriate for a building of its age and scale including a walled garden.

Historical Value

An historic asset might illustrate a particular aspect of past life or it may be associated with a notable family, person, event or movement. These illustrative or associated values of an historic asset may be less tangible than its evidential value but will often connect past people, events and aspects of life with the present and are not so easily diminished by change as evidential values and are harmed only to the extent that adaption has obliterated them or concealed them.

Glanhafren Hall and its associated outbuildings whether listed in their own right or potentially curtilage listed are an important group of buildings illustrating the aspirations and the social and architectural history of the person responsible for its construction.

Old Maps indicate the previous history of the land with the garden layout illustrating the layout within the walled garden and the planting in the area around the house. The 1901 OS map has a colour depiction on the area of land most commonly used to illustrate formal gardens to larger houses to differentiate this land from agricultural land. This colour shading still remains in the 1938 map however is not included on the 1948 map when presumably the land was used for agriculture.

<http://maps.nls.uk/view/102187607>

<http://maps.nls.uk/view/102187604>

Aesthetic Value

This derives from the way in which people draw sensory and intellectual stimulation from an historic asset through its form, external appearance or setting.

Glanhafren Hall is included on the statutory list as being an early C19th house in a prominent rural location.

The Apple House is listed as an ornate and distinctive dovecote of the later C19, and for group value with Glanhafren Hall.

The gateway is listed as a good quality decorative C19 gateway and railings in a prominent location, and for its association with Glanhafren Hall.

Communal Value

The fourth principle contained within Conservation Principles is that heritage assets are a shared resource, valued by people as part of their cultural and natural heritage, and gives distinctiveness, meaning and quality to the places where we live providing a sense of continuity and a source of identity. The Conservation Principles identify heritage assets as having the potential to give distinctiveness, meaning and quality to the places in which people live, and provide people with a sense of continuity and a source of identity will be diminished. The historic environment is a social and economic asset and a cultural resource for learning and enjoyment.

The grouping of the buildings and their obvious former uses illustrates the social history of the area and is a valuable academic resource into the social and architectural history of the polite vernacular of the County and illustrate both the aspirations of the home owner and the garden movements at the time.

I am mindful of the advice in Sections 16 and 66 of the Planning (Listed Buildings and Conservation areas) Act 1990, which require authorities to have special regard to certain matters, including the desirability of preserving the setting of the building. The setting is often an essential part of a building's character especially if a park, garden or grounds have been laid out to complement its design or function. Also, the economic viability as well as the character of historic buildings may suffer and they can be robbed of much of their interest and of the contribution they make to townscape or the countryside if they become isolated from their surroundings, e.g. by new traffic routes, car parks, or other development.”

However, I would also refer to more recent guidance in paragraph 6.5.11 of Planning Policy Wales 9th edition 2016 where, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, or its setting.

TAN24 which was issued and came into effect on 31 May 2017 addresses setting with some of the factors to consider and weigh in the assessment including,

- the prominence of the historic asset
- the expected lifespan of the proposed development
- the extent of tree cover and its likely longevity
- non-visual factors affecting the setting of the historic asset

Cadw have prepared guidance on the setting of historic assets that in an annexe to TAN24 that came into effect on 31 May with advice on how to assess the setting of listed buildings. This document outlines the principles used to assess the potential impact of development or land management proposals on the settings of all historic assets but is not intended to cover the impact on the setting of the historic environment at a landscape scale.

The document advises that “Setting is the surroundings in which a historic asset is understood, experienced and appreciated, embracing present and past relationships to the surrounding landscape.....The setting of a historic asset is not fixed and can change through time as the asset and its surroundings evolve. These changes may have a negative impact on the significance of an asset; for example, the loss of the surrounding physical elements that allow an asset to be understood, or the introduction of an adjacent new development that has a major visual impact. But changes can also have a positive impact that may enhance the setting, such as the removal of traffic from part of a historic town, or the opening up of views, or the return of a sense of enclosure to sites where it has been lost”

The document provides advice on how to assess the setting

This section outlines the general principles that both assessors and decision makers should consider when assessing the impact of a proposed change or development on the setting of historic assets. There are four stages.

Stage 1: Identify the historic assets that might be affected by a proposed change or development and their significance.

Stage 2: Define and analyse the settings to understand how they contribute to the ways in which the historic assets are understood, appreciated and experienced.

Stage 3: Evaluate the potential impact of a proposed change or development on those settings.

Stage 4: Consider options to mitigate the potential impact of a proposed change or development on those settings.

The historic assets have been identified as;

Glanhafren Hall Gateway grade II Cadw ID 17328 included on the statutory list on 26/09/1996

Glanhafren Hall grade II Cadw ID 17327 included on the statutory list on 26/09/1996

Apple House at Glanhafren grade II Cadw ID 17329 included on the statutory list on 26/09/1996

Stage 2 of the Cadw document is to consider the location of the historic assets, its original location the views into and out of the site at that time and how more recent changes have affected the original layout of the historic asset and its relationship to its associated landscape. Stage 2 should also identify the viewpoints from which the impact of the proposed change or development should be assessed.

I would also refer to LDP policies that reflect national legislation and takes into account new guidance and provisions issued under the Historic Environment (Wales) Act 2016.

Strategic Policy SP7 which seeks to safeguard strategic resources and assets in the County which includes listed buildings and their settings.

DM4 – landscapes

DM13 Design and Resources which requires new development to complement and or enhance the character of the surrounding area in terms of siting, appearance, height massing and design detailing and to incorporate and/or enhance any historic assets of special local interest.

Local Development Plan Themes and Objectives;

Theme 4 – Guardianship of natural, built and historic assets

LDP Objective 13 – Landscape and the Historic Environment

I would also refer to Policy DM13 which identifies a number of criteria to be met including; the development to be designed to complement and/or enhance the character of the surrounding area in terms of siting, appearance, integration, scale, height, massing, and design detailing, to preserve local distinctiveness and sense of place, to incorporate or enhance and historic assets of special local interest.

I would also draw attention to LDP objective 13 which seeks to protect, preserve and/or enhance the distinctive historic environment, heritage and cultural assets of Powys.

It is acknowledged that the walled garden currently houses a number of industrial style buildings that are visible in parts above the walled garden and are of a metal construction differing from the brick building on site. I am also aware of a recently approved application P2017/1191 for the repairs to the walled garden which is considered as curtilage listed to Glanhafren Hall, and I understand that the proposed dwelling and the loss of the industrial

style buildings and uses within the walled garden are being considered as material considerations to enable the repairs of the walled garden and improve the overall setting of Glanhafren Hall.

I acknowledge how the design and scale have evolved since the original submission and the building is still larger than was initially anticipated for a gardeners cottage and I still have some concerns regarding the size.

However I also acknowledge that whilst the size is still large, efforts have been made in the design to minimise its visual impact such as the loss of gables on the front elevation to provide a simpler roofscape more in keeping with Glanhafren Hall as the roof will be visible above the walled garden. The introduction of hips and different roof pitches with simple eaves detailing, will break up the visual mass of the building, and also tie the roofscape in with the other outbuildings at Glanhafren Hall, again minimising its impact.

The changes to the fenestration treatment is also acknowledged and provides a more vernacular appearance to the property, which is considered more appropriate given the grandeur of Glanhafren Hall and the siting of this building adjacent to the outbuildings of Glanhafren Hall.

Whilst still having some concerns with the size of the proposed dwelling, I acknowledge the design solutions that have been put forward to minimise the visual impact, and the loss of the existing building and uses from the walled garden and the intention to repair the walled garden.

As such I would not object to the proposal on principle subject to an appropriate condition being imposed in respect of the repairs to the walled garden being implemented and undertaken in accordance with the application for repairs.

I would however express regret given the care taken in the design that the proposed windows are to be timber effect, and would request that consideration be given to appropriately finished and detailed timber windows if possible.

Taking into account the repair works to the walled garden and the proposed enhancement to the setting of Glanhafren Hall and its outbuildings by the loss of the industrial buildings and use within the walled garden, if the principle of a single dwelling is considered acceptable in this location I would **not raise any objections** on built heritage grounds to the current proposal subject to appropriate conditions in terms of materials, and the repair works to the walled garden.

CPAT

Although the proposed development is located within the former walled garden the original layout has been substantially erased due to later development and use as a builders yard. We support the partial renovation of the original Victorian layout and the rebuild of the original walled boundary to improve the setting of the listed building and enhance the landscape features within the curtilage of the listed building. There is no archaeological potential within the walled garden now and we would not require any sub-surface intervention or other recording on this occasion.

NRW

NRW does not object to the application subject to the advice provided below being taken into consideration.

Protected Species

Bats and their roosts are strictly protected under the Conservation of Habitats and Species Regulations 2010.

The application description includes the demolition of two storage units. We are able to identify from the submission the construction make-up of these structures and whether or not they offer potential for use as a bat roost.

We confirm that we have records of bats adjacent to the application site.

We therefore recommend that your Authority screens the application to see if there is a reasonable likelihood of bats being present and whether a bat survey is required to support the application determination process in accordance with Technical Advice Note 5: Nature Conservation and Planning (paragraph 6.2.2).

Bats and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2010 (as amended). Any development that would contravene the protection afforded to bats under the Regulations would require a derogation licence from Natural Resources Wales. A licence may only be authorised if;

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

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

Please consult us again if the survey finds that bats are present at the site. In the meantime, we cannot confirm that the proposal would not harm or disturb bats, or a breeding site or resting place used by bats. Therefore, nor can we confirm that the proposal would not be detrimental to the maintenance of a population of bats at a favourable conservation status in its natural range.

Drainage

The application description notes that the proposal involves the installation of a new septic tank while the application form identifies that foul sewage will be disposed to main infrastructure.

We are not aware that main connection is available to supply the application site and therefore having assessed the proposal as connecting to a new septic tank.

The private foul drainage system associated with this development will require an Environmental Permit under the Environmental Permitting Regulations 2010, from Natural Resources Wales, unless an exemption applies. The applicant is advised to contact Natural Resources Wales on 0300 065 3000 for further advice and to discuss the issues likely to be raised. The applicant should be aware that a permit may not be granted. Additional guidance on 'Environmental Permitting' can be accessed: <https://www.gov.uk/environmental-permit-check-if-you-need-one>.

Waste Disposal

Any waste, excavation material or building waste generated in the course of the development must be disposed of satisfactorily in accordance with duty of care requirements under section 34 of the Environmental Protection Act 1990. The waste shall be transported using registered waste carriers to suitably permitted sites or exempt sites. Transfer notes shall be kept for each load of a minimum of 2 years.

Pollution Prevention

We remind the applicant that the responsibility for preventing pollution lies with those in control of the site. Pollution Prevention Guidance should be read by those carrying out the work and the method of working to adhere with the guidance.

If a pollution incident does arise NRW must be informed immediately by contacting our incident hotline on 0800 80 70 60.

The Natural Environment and Rural Communities (NERC) Act (2006)

Please note that we have not considered possible effects on all species and habitats (including nesting birds) listed in section 42 of the Natural Environment and Rural Communities (NERC) Act 2006, or on Local Biodiversity Action Plan or other local natural heritage interests. To comply with your authority's duty under section 40 of the NERC Act, to have regard to conserving biodiversity, your decision should take account of possible adverse effects on such interests. We recommend that you seek further advice from your authority's internal ecological advisor and/or nature conservation organisations such as the local Wildlife Trust, RSPB etc. The Wales Biodiversity Partnership's website has guidance for assessing proposals that have implications for section 42 habitats and species (www.biodiversitywales.org.uk).

Welsh Government Transport

1st Response

I refer to your consultation of 12 May 2016 regarding the above application and advise that the Welsh Government as highway authority for the A489 trunk road directs that permission be withheld until further notice whilst additional information is sought from the applicant and/or information provided by the applicant is analysed to enable appropriate highway observations to be made;

1. The applicant must forward a suitably scaled drawing detailing the proposed access off the A489 trunk road, which must incorporate the following aspects:-

- a) Visibility splays in either direction from a suitable set back
- b) Gradient of the access and the A489 trunk road carriageway
- c) Access width and radii dimensions
- d) Access surfacing type along with depth and width dimensions
- e) Parking areas
- f) If a gate is to be installed on the access

The above aspects must conform to the Design Manual for Roads and Bridges (DMRB)

2. The applicant must also forward the previous and proposed traffic movements values for the above site.

2nd Response

I refer to your consultation of 13 December 2016 regarding the above application and advise that the Welsh Government as highway authority for the A489 trunk road directs that permission be withheld until further notice while additional information is sought from the applicant and/or information provided by the applicant is analysed to enable appropriate highway observations to be made;

1. The information provided in drawings 125/D/001, 125/D/002 and 125/D/004 does not demonstrate compliance with Clause 2.25 of Volum 6, Section 2, Part 7 TD 41/95 of the Design Manual for Roads and Bridges, therefore the applicant must provide a suitably scales 'Long Section' drawing to demonstrate compliance with Clause 2.25

If you have any further queries, please forward to the following Welsh Government Mailbox NorthandMidWalesDevelopmentControlMailbox@Wales.GSI.Gov.UK.

3rd Response

I refer to your consultation of regarding the above application and advise that the Welsh Government as highway authority for the A489 trunk road does not issue a direction in respect of this application.

If you have any further queries, please forward to the following Welsh Government Mailbox NorthandMidWalesDevelopmentControlMailbox@Wales.GSI.Gov.UK.

Powys Property

1st Response

As per our telephone conversation I am not entirely satisfied with the figure which have been provided by Mr Hughes. It appears that not only would this development make the minimum required to required works but it would more than likely fall somewhat short. As a result I do not see how they would obtain finance for such a project and in turn be unable to repair the listed Wall.

Before this application can move forward I would certainly require more information regarding the build cost figure of £600,000.00. At present I have seen no information to support this figure making it almost impossible to understand how the finished property would achieve £800,000.00.

2nd Response

I think it should be pointed out that whilst the agent has proposed that the site is currently worth £100,000, and that repairs to the listed wall will cost another £100,000, whilst the new build house will cost £500,000 to construct, these three elements do not in themselves indicate that the completed development will be worth £700,000: rather, this is simply the total of all the figures quoted and without significant substantiation. The only firm valuation here is the current land value. Your comment regarding comparables is fine.

With regards to the comparables, I firstly would insist the agent uses sold properties rather than those still on the market. I would also note that these comparables are in a suburban area rather than one in close proximity to a farm or generally rural location.

Powys Ecology

Thank you for consulting me with regards to planning application P/2016/0509 which concerns an application for the Erection of a dwelling house, installation of septic tank and all associated works including demolition of two storage buildings at Land in former Walled Garden at Glanhafren Hall, Glanrhyd, Llanidloes Road, Newtown, Powys.

I have reviewed the proposed plans submitted with the application as well as local records of protected and priority species and designated sites within 500m of the proposed development.

The data search identified 51 records of protected and priority species within 500m of the proposed development, a number of records of bats were identified for Glanhafren Hall, however these were not associated with the area affected by the proposed development. Species recorded within 500m of the proposed development include bat species – pipistrelle, brown long-eared, noctule and lesser horseshoe, dormice, otter and slow worm.

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

The proposed development involves the construction of a new dwelling within an area referred to as the former Walled garden, having reviewed photographs taken during site visit it is noted that this area comprises majority bare ground with occasional areas of scatter scrub and semi mature trees. The area appears to be used for storage and there are areas of piled up materials and two large storage buildings. The nature of the habitats present and affected by the proposed development is considered to be of low ecological value.

NRW noted in their response dated 01/06/2016 that the LPA ecologist screened the application to determine whether there is a reasonable likelihood of bats being present and affected by the proposed development. It is noted that whilst the application description refers to the demolition of two storage units having reviewed the amended plans uploaded to the Powys LPA Planning Portal on the 4th December 2017 and 29th January 2018 it appears that it is now the intention to only demolish one of the two storage units. Having reviewed photographs of the storage units one of which is required to be demolished as part of the proposed development it is considered the nature and construction of these structures provides negligible potential for bats to utilise them for roosting purposes the structures lack features suitable to provide the conditions required by bats for roosting purposes, as such it is considered that there is negligible potential for bat roosts to be damaged or destroyed as a

result of the proposed development and no bat surveys are necessary to inform the application.

Whilst it is considered that there would be negligible potential for bat roosts to be impacted by the proposed development it is considered that given the identification of bat roosts at Glanhafren Hall, particular attention will need to be given to any external lighting proposed through the development. Lesser horseshoe bats have been recorded at Glanhafren Hall, this species is particularly sensitive to the effects of artificial lighting and studies have found that inappropriate artificial lighting can significantly affect the foraging and commuting behaviour of this species. As such it is recommended that a planning condition is included to secure the submission of a wildlife sensitive external lighting scheme.

The Landscaping & Biodiversity section of the submitted Supporting Statement states that the proposed development will reinstate part of the garden area and would therefore represent an enhancement of the ecological value of the site. Whilst this provision of landscaping is welcomed and would serve to provide biodiversity enhancements in accordance with the requirements of Section 6 of the Environment (Wales) Act 2016 it is noted that limited information has been provided with regards to any landscaping details as such it is recommended that a planning condition requiring the submission of a detailed Landscaping and appropriate aftercare scheme is included.

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

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

Reason: To comply with Powys County Council's LDP Policies DM2 and DM7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

Prior to first beneficial use of the development a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted landscaping scheme shall include a scaled drawing and a written specification clearly describing the species, sizes, densities and planting numbers proposed as well as aftercare measures. Drawings must include accurate details of any existing trees and hedgerows to be retained with their location, species, size and condition. The development shall be carried out in accordance with the approved details.

Reason: To comply with Powys County Council's LDP Policy DM4 in relation to ecological qualities of the landscape and meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016

Representations

The application was advertised through the display of a site notice and press advertisement. No representations or objections have been received.

Planning History

P/2011/1233 - Installation of a 10kw solar array on existing building - CC

M/2006/0231 - Erection of a residential dwelling & installation of a private treatment plant - WITHDRAWN

1G(3)38/12 - Agricultural building

P/2014/0401 - Full: Conversion of upper floor of garage block into 2.no residential units together with installation of sewage treatment plant - CC

P/2013/0155 - FULL: Conversion of Barn 1 and Barn 2 from agricultural buildings to 3.no residential units and change of use of agricultural land to residential curtilage (resubmission) - CC

Principal Planning Constraints

Listed Buildings

Principal Planning Policies

National planning policy

Planning Policy Wales (Edition 9, November 2016)

Technical Advice Note (TAN) 1: Joint Housing Land Availability Studies (2015)

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

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

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

Technical Advice Note (TAN) 11: Noise (1997)

Technical Advice Note (TAN) 12: Design (2016)

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

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

Technical Advice Note (TAN) 24: The Historic Environment (2017)

Local planning policies

Powys Local Development Plan (2018)

SP1 – Housing Growth

SP3 – Affordable Housing Target

SP5 – Settlement Hierarchy

SP7 – Safeguarding of Strategic Resources and Assets

DM2 – The Natural Environment

DM4 – Landscape

DM7 – Dark Skies and External Lighting

DM13 – Design and Resources

H1 – Housing Development Proposals

H2 – Housing Sites

H3 – Housing Delivery

H4 – Housing Density

H5 – Affordable Housing Contributions
H6 – Affordable Housing Exception Sites

Powys Residential Design Guide (October 2004)

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

Other Legislative Considerations

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

Officer Appraisal

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

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

Principle of Development

Policy H1 of the Powys Local Development Plan (2018) states that housing development will only be permitted in rural settlements for either affordable housing in accordance with Policy H6 or where the development meets national policy on housing in the open countryside (rural workers dwelling), a conversion or a renovation of an abandoned dwelling.

In this instance the proposed development seeks consent for an open market dwelling contrary to policy H1. However, the development has been submitted as an enabling development. Cadw's document 'Conservation Principles for the sustainable management of the historic environment in Wales' defines enabling development as follows;

"Enabling development is development that would deliver substantial benefits, but which would be contrary to other objectives of national, regional or local planning policy. It is an established planning principle that such development may be appropriate if the public benefit of rescuing, enhancing or even endowing an important historic asset decisively outweighs the harm to other material interests. Enabling development must always be proportion to the public benefit it offers."

This is considered further within Technical Advice Note 24: The Historic Environment (2017) and Planning Policy Wales (9th Edition 2017). Planning Policy Wales stated that planning permission for enabling development should only be granted if;

- The impact of the development was precisely defined in the application at the outset, and normally through the granting of full, rather than outline, planning permission;
- The achievement of the heritage objective is securely and enforceable linked to the enabling development;
- The place concerned is repaired to an agreed standard, or the funds to do so are made available, as early as possible in the course of the enabling development, ideally at the outset and certainly before completion or occupation of the enabling development;
- The local planning authority closely monitors implementation, if necessary acting promptly to ensure that obligations are fulfilled.

The application has been submitted in full with detailed drawings and designs submitted. As such it is considered that the impact of the development was precisely defined.

Information has been received from the agent acting on the application to support the enabling development. This includes value of the land as currently used for commercial purposes, costs of repairing the listed wall and build costs for the proposed development. This information was passed to Powys Valuation who raised some concerns that the final market value attributed to the proposed dwelling was high and therefore the developer may not be able to make the development economically viable. Upon discussion with the agent further information was received demonstrating comparables in the area of a higher value and confirmed that they would be content to require the work on the listed wall to be undertaken prior to that on the proposed development.

An application for listed building consent for the restorative works to the listed garden wall has already been granted consent and the applicant has confirmed that they are willing to undertake the works to the wall prior to works on the dwelling. This will be conditioned as part of any consent.

As such, subject to other planning considerations the proposed development is considered to meet the requirements of enabling development.

Design, Character and Appearance

The Powys Local Development Plan policy DM13, TAN 12 and Planning Policy Wales (PPW) all refer to good design and how development proposals should be of a good design and have consideration to its surroundings. PPW refers to good design as having a relationship between all elements of the natural and built environment. Policy DM13 of the Powys Local Development Plan states that proposals must demonstrate a good quality design and shall have regard to the qualities and amenity of the surrounding area.

The dwellings would be finished in larch stone and brick walls, natural slate roof and timber effect windows and doors. It is noted that the development site is located in an area of open countryside within a walled garden to the east of a group of dwellings and buildings converted into dwellings. The dwelling will measure a maximum of 26 metres in width and 18 metres in depth with a maximum height of 9.4 metres falling to 5.6 metres at the eaves. It is

considered that the proposed dwelling is relatively large in scale; however, seeks to utilise materials and design to ensure that the dwelling complements the surrounding buildings. It is worth noting that the dwelling is located in the area of an existing large agricultural style building. It is considered that the proposed development is acceptable to its rural surroundings and would not have a detrimental impact upon the character and appearance of the area.

In light of the above it is considered that the proposed development fundamentally complies with policies SP7 and DM13 of the Powys LDP (2018) as well as TAN 12.

Highway Safety

Policy DM13 part 11 states that development proposals should meet all highway access requirements (for transport users) and parking standards.

The proposed development seeks to utilise an existing access from the A483 trunk road. Initial concerns were raised by Welsh Government, the highway authority for the road, regarding the level of detail submitted with the application. Following the submission of additional information, including visibility splays and traffic movements of the existing business operating from the site, they removed their objection to the proposed development.

In light of the above it is considered that the proposed development would not have a detrimental impact upon highway safety. The proposed development therefore complies with policies T1 and DM13 of the Powys Local Development Plan.

Natural Environment

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

Powys County Council's Ecologist and Natural Resources Wales have been consulted on the proposed development as it has potential to impact upon a natural environment asset. Natural Resources Wales offered no objection to the proposed development subject to the demolition of the existing buildings on site being reviewed by the Powys Ecologist. Following consultation with the Powys Ecologist they stated that it is considered the nature and construction of these structures provides negligible potential for bats to utilise them for roosting purposes the structure lack features suitable to provide the conditions required by bats for roosting purposes , as such it is considered that there is negligible potential for bat roosts to be damaged or destroyed as a result of the proposed development and no bat surveys are necessary to inform the application. They have requested conditions in relation to landscaping and external lighting be imposed on any grant of consent.

In light of the above and subject to the attachment of appropriately worded conditions it is considered that the proposed development would not have a detrimental impact upon protected species and any natural environment asset. The proposed development therefore complies with policy DM2 of the Powys Local Development Plan (2018), Technical Advice Note 5: Nature Conservation and Planning and Planning Policy Wales.

Environmental Health

Policy DM13 of the Powys Local Development Plan (2018) part 11 states that development proposals will only be permitted where the amenities enjoyed by the occupants or users of nearby or proposed properties shall not be unacceptably affected by levels of noise, hours of operation, dust or overlooking.

Powys County Council's Environmental Health Officer has been consulted on the proposed development. The Officer has stated that they have no objection to the principle of the development however have requested additional information in the form of porosity tests to ensure that there is adequate drainage for the septic tank. This information has been provided and Environmental Health reconsulted and their response will be provided in the update report.

Built Heritage

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

TAN24 which was issued and came into effect on 31 May 2017 addresses setting with some of the factors to consider and weigh in the assessment including,

- the prominence of the historic asset
- the expected lifespan of the proposed development
- the extent of tree cover and its likely longevity
- non-visual factors affecting the setting of the historic asset

Cadw have prepared guidance on the setting of historic assets that in an annexe to TAN24 that came into effect on 31 May with advice on how to assess the setting of listed buildings. This document outlines the principles used to assess the potential impact of development or land management proposals on the settings of all historic assets but is not intended to cover the impact on the setting of the historic environment at a landscape scale.

The document advises that "Setting is the surroundings in which a historic asset is understood, experienced and appreciated, embracing present and past relationships to the surrounding landscape.....The setting of a historic asset is not fixed and can change through time as the asset and its surroundings evolve. These changes may have a negative impact on the significance of an asset; for example, the loss of the surrounding physical elements that allow an asset to be understood, or the introduction of an adjacent new development that has a major visual impact. But changes can also have a positive impact that may enhance

the setting, such as the removal of traffic from part of a historic town, or the opening up of views, or the return of a sense of enclosure to sites where it has been lost”

Policy SP7 of the Powys Local Development Plan identifies listed buildings and their curtilages as strategic resources and assets which must not be unacceptably impacted upon by a development.

The application site lies within a cluster of historic assets namely;

Listed Buildings

Cadw ID 17328 Glanhafren Hall Gateway included on the statutory list on 26 September 1996

Cadw ID 17327 Glanhafren Hall included on the statutory list on 26 September 1996

Cadw ID 17329 Apple House at Glanhafren Hall included on the statutory list on 26 September 1996

Following consultation with the Built Heritage Officer the originally submitted scheme was objected to on the basis that the development would negatively impact upon the listed buildings and their setting. Following this a number of amendments were received in order to overcome the concerns raised by Built Heritage with regards to the impact of the development on the adjacent listed buildings and the listed wall in which the dwelling would be located.

Following a number of discussions regarding the scale of the building and the materials to be used in the development the final set of plans were submitted. In the response to these plans Built Heritage commented that whilst the size is still large, efforts have been made in the design to minimise its visual impact such as the loss of gablets on the front elevation to provide a simpler roofscape more in keeping with Glanhafren Hall as the roof will be visible above the walled garden. The introduction of hips and different roof pitches with simple eaves detailing, will break up the visual mass of the building, and also tie the roofscape in with the other outbuildings at Glanhafren Hall, again minimising its impact.

Built Heritage conclude that taking into account the repair works to the walled garden and the proposed enhancement to the setting of Glanhafren Hall and its outbuildings by the loss of the industrial buildings and use within the walled garden, if the principle of a single dwelling is considered acceptable in this location they would not raise any objections on built heritage grounds to the current proposal subject to appropriate conditions in terms of materials, and the repair works to the walled garden.

The Officer has raised concern regarding the use of timber effect upvc within the dwelling and as such a condition will be imposed requiring the windows to be finished in timber.

It is considered that the proposed development of a single dwelling, removing existing substandard commercial buildings and operations from within a listed walled garden, and repairing the walled garden, would not harm the setting of any listed buildings and would enhance the setting of the listed wall and adjacent listed buildings to the benefit of the wider area.

As such it is considered that the proposed development is in accordance with Policy SP7 of the Powys Local Development Plan, Technical Advice Note 24: The Historic Environment and Planning Policy Wales.

Recommendation

In light of the above it is considered that although the proposed development is a departure from the Local Development Plan (2018) it is considered a betterment in terms of the design and use of the site within the walled garden and is considered acceptable with regards to built heritage, highways and other material considerations. The recommendation is therefore one of consent subject to the conditions set out below:

Conditions

1. The development to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.
2. The development shall be carried out strictly in accordance with the approved plans (drawing no's: SA1371/01, SA13711/05, R083 1.0.100, R083 1.0.101, R083/SK.29, R083/SK.30, R083/SK.31 and R083/SK.32 and document Heritage Impact Statement dated October 2014).
3. Prior to the commencement of development a schedule of works, including timeframe for repairs to the listed wall, reinstatement of walled garden and construction of the dwelling, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in strict accordance with the approved scheme.
4. Prior to the commencement of development details and/or samples of the material to be used in the walls, roof, windows and doors of the dwelling shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in strict accordance with the approved details.
5. Notwithstanding the approved plans the windows shall be of timber construction.
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013, (or any Order revoking and re-enacting that Order) no extensions to the dwelling, construction of outbuildings or alterations to the roof (including the introduction of roof lights or dormers), or the erection of garages or sheds shall be undertaken without the prior express consent of the local planning authority.
7. No development shall take place until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
 - i) A statement setting out the design objectives and how these will be delivered;
 - ii) earthworks showing existing and proposed finished levels or contours;
 - iii) means of enclosure and retaining structures;
 - iv) hard surfacing materials;
 - vi) minor artefacts and structures

Soft landscape works shall include planting plans; written specifications; schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate; an implementation programme (including phasing of work where relevant).

8. The landscaping works shall be carried out in accordance with the approved details during the first planting season immediately following completion of the development. 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.

9. No external lighting shall be installed unless a detailed external lighting design scheme has been submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall identify measures to avoid impacts on nocturnal wildlife. The development shall be carried out in accordance with the approved details.

Reasons

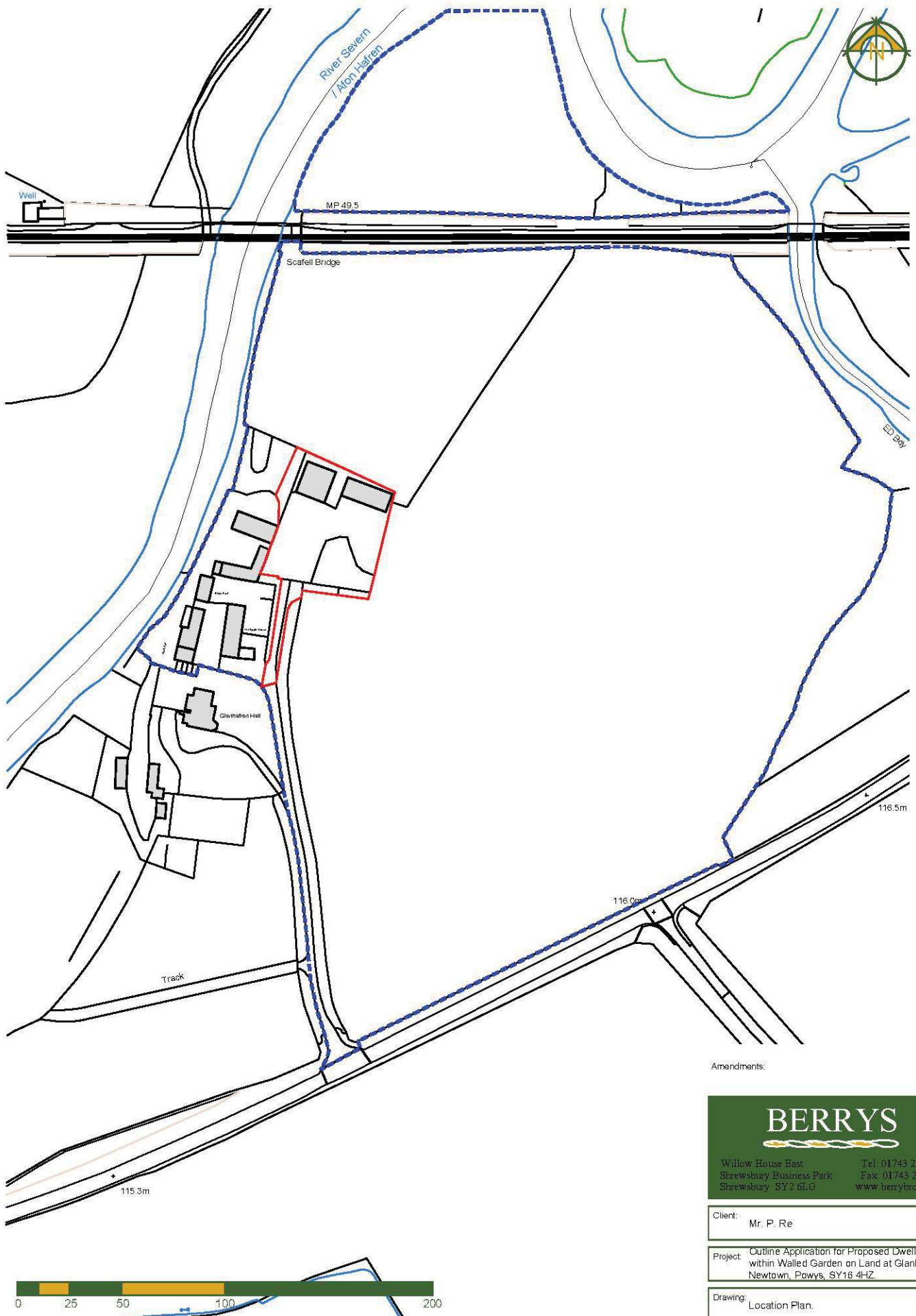
1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
3. In order to ensure that the development is completed in accordance with the principles of enabling development in accordance with Technical Advice Note 24 and Planning Policy Wales.
4. To safeguard the amenities of the locality in accordance with policy DM13 and SP7 of the Powys Local Development Plan.
5. To safeguard the amenities of the locality in accordance with policy DM13 and SP7 of the Powys Local Development Plan.
6. In order to control further development which has the potential to have adverse effects on the character and appearance of the area in contradiction to policy DM13 and SP7 of the Powys Local Development Plan.
7. To comply with Powys County Council's LDP policies DM2, DM4 and DM13 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and Part 1 Section 6 of the Environment (Wales) Act and to ensure that the development is satisfactorily landscaped in accordance with policies DM13, SP7 and DM4 of the Powys Local Development Plan.
8. To comply with Powys County Council's LDP policies DM2, DM4 and DM13 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and Part 1 Section 6 of the Environment (Wales) Act and to ensure that the development is satisfactorily landscaped in accordance with policies DM13, SP7 and DM4 of the Powys Local Development Plan.

9. To comply with Powys County Council's LDP Policies DM2 and DM7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

Informative Notes

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

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Amendments:

BERRYS

Willow House East
Shrewsbury Business Park
Shrewsbury SY2 6LG

Tel: 01743 271697
Fax: 01743 271753
www.berrytros.com

Client: Mr. P. Re

Project: Outline Application for Proposed Dwelling
within Walled Garden on Land at Glanhafren,
Newtown, Powys, SY16 4HZ

Drawing: Location Plan.

Drawing Number: SA13711/01	Rev.	Scale 1:2500	Paper A4	Drawn By: RC Date: Oct 2015
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4.4

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2018/0610	Grid Ref:	321495.67 250766.04
Community Council:	Gladestry	Valid Date:	Officer: 03/07/2018 Thomas Goodman
Applicant:	Xafinity Pension Trustees Ltd, The Elisabeth Barker SIPP, Castle Business Park, Scotia House, Stirling, FK9 4TZ		
Location:	Land Adjacent to The Old Rectory, Newchurch, Powys, HR5 3QF		
Proposal:	Full: Erection of 2 dwellings, installation of a package treatment plant, construction of 2 accesses and all associated works		
Application Type:	Application for Full Planning Permission		

The reason for Committee determination

The proposed development is a departure from the adopted Local Development Plan (2018).

Site Location and Description

The proposed development is not located within a settlement development boundary, however, the proposed development is located within the rural settlement of Newchurch as defined by the Powys Local Development Plan (2018). To the north east of the application site runs the C1336 and residential dwellings which are also located to the east of the development site. To the south and west of the development site is agricultural land.

Consent is sought in full for the erection of 2 dwellings, the installation of a package treatment plant and the construction of 2 accesses. The two dwellings will measure approximately:

Dwelling 1:

20 metres in length, 9.8 metres in width, 8.6 metres to ridge height and 4.6 metres to the eaves. The dwelling will be finished in larch faced timber cladding under a black corrugated steel roof.

Dwelling 2:

17.6 metres in length, 9.5 metres in width, 8.3 metres to ridge height and 4.5 metres to the eaves. The dwelling will be finished in larch faced timber cladding under a black corrugated steel roof.

Consultee Response

Gladestry Community Council

No response received at the time of writing this report.

PCC - Building Control

Building Regulations approval will be required for this proposal.

PCC - Highways

The County Council as Highway Authority for the County Class III Highway, C1336

Wish the following recommendations/Observations be applied
Recommendations/Observations

Any vehicular entrance gates installed within the application site shall be set back at least 5.5 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.

The gradient of the accesses shall be constructed so as not to exceed 1 in 15 for the first 5.5 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.

The centre line of the first 5.5 metres of the access roads measured from the edge of the adjoining carriageway shall be constructed at right angles to that edge of the said carriageway and be retained at that angle for as long as the development remains in existence.

No other development shall commence until the accesses have been constructed so that there is a clear visibility splay 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 40 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 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.

Before any other development is commenced the area of the accesses 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 5.5 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.

Prior to the occupation of any dwelling, provision shall be made within the curtilage of the site for the parking of not less than 3 cars excluding any garage space provided 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 areas shall be retained for their designated use in perpetuity.

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 0.400 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.

Prior to the occupation of any dwelling the area of the accesses to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 5.5 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence,

All surface water run-off is to be collected and discharged via a piped system to a soakaway located within the site no less than 6 metres from the highway. This system shall be retained and maintained for as long as the development remains in existence.

Consultation response received 09/08/2018:

I am not adverse to what Barrie says, so am content for the wording to be amended. I would say though that this is more the exception rather than the rule and in most situations it will remain to the edge of carriageway.

Wales & West Utilities

No response received at the time of writing this report.

Welsh Water

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

There is no public sewerage system in this area. Any new development will require the provision of satisfactory alternative facilities for sewage disposal.

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

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

Please quote our reference number in all communications and correspondence.

PCC - Environmental Health

Consulation response received 06/07/2018:

Are you to ask if the porosity test holes are still open as need to look at them please. I would hope to visit at some point next week when in area.

Consultation response received 18/07/2018:

Following a site visit to check the test holes I can confirm that Environmental Protection does not have any objections however, given the close proximity to other residential properties I would suggest the following be attached should permission be granted.

Due to the residential nature of the setting, Environmental Protection will require that measures are in place to control the level of noise disturbance to neighbouring properties during the construction phase of the development.

This department would recommend that the construction period working hours and delivery times be restricted as follows:

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

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

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

PCC - Ecologist

Thank you for consulting me with regards to planning application P/2018/0610 which concerns a full planning application for erection of 2 dwellings, installation of a package treatment plant, construction of 2 accesses and all associated works at Land Adjacent to The Old Rectory, Newchurch, Powys.

I have reviewed the proposed plans, aerial images as well as local records of protected and priority species and designated sites within 500m of the proposed development.

The data search identified 84 records of protected and priority species within 500m of the proposed development - no records were for the site itself.

There are no statutory or non-statutory designated sites within 500m of the proposed development.

Reptile Reasonable Avoidance Measure

Reviewing photographs taken during the onsite visit the proposed development site appears to be an area of poor semi improved grassland with tall ruderal vegetation, bracken and areas of hardstanding. It is considered that the structure of the habitat at the proposed development site has potential to be suitable to support reptiles.

All species of reptiles known to occur within Powys are protected against killing and injuring under the Wildlife and Countryside Act 1981 (as amended) in addition these species of reptiles are also listed in Part 1 Section 7 of the Environment (Wales) Act 2016 – which is a list of the living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales. Species of reptiles known to occur in Powys are also listed as Species of Conservation Concern on the Powys LBAP.

The impact of the proposed development on reptiles is considered to be low as the area is reasonable small with improved grassland surrounding the plot. Therefore alternatively to a reptile survey being undertaken - it is recommended that a Reasonable Avoidance Method Statement (RAMS) should be submitted to minimise the impact to reptiles present on site and in the wider area. It is therefore recommended that a Reasonable Avoidance Method statement is secured through an appropriately worded condition.

External Lighting

Careful consideration will need to be given to any external lighting design provided through the proposed development, measures will need to be identified to minimise impacts to nocturnal wildlife commuting and foraging in the local area. It is therefore recommended that a Wildlife Sensitive Lighting Plan is secured through an appropriately worded condition.

Hedgerow Planting

Reviewing the proposed Hedgerow Planting detailed in the Native hedgerow planting plan which was uploaded onto Powys planning portal on the 21 June 18 – it is considered to be appropriate and acceptable. Therefore I recommended that the hedgerow Planting Scheme is secured through an appropriately worded condition.

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

Prior to the commencement of development a reasonable avoidance measures method statement regarding reptiles shall be submitted to and approved in writing by the Local Planning Authority the approved measures shall be implemented and adhered to in full unless otherwise agreed in writing with the LPA.

Reason: 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 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

The Hedgerow Planting Scheme produced detailed in the Native hedgerow planting plan which was uploaded onto Powys planning portal on the 21 June 18 shall be adhered to and implemented in full and maintained thereafter unless otherwise agreed in writing by the LPA.

Reason: To comply with Powys County Council's LDP policies DM2, DM4 and DM13 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and Part 1 Section 6 of the Environment (Wales) Act.

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

Reason: 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 9, November

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

In addition I recommend inclusion of the following informative:

Birds - Wildlife and Countryside Act 1981 (as amended)

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

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

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

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

PCC - Land Drainage

Just a quick email to confirm that your soakaway calculations and proposals are satisfactory for the surface water drainage disposal.

PCC - Rights of Way

Thank you for the opportunity to comment on this planning application.

The route of footpath NC1508 passes through the development site, and is directly affected by the ground works associated with House 2. As such the route of the footpath must be diverted by legal order, and that legal order confirmed prior to any works on the current legal line of the footpath being carried out.

The applicant and agent are aware of the need to divert the footpath having attended a site meeting with PCC Rights of Way, where the proposed new route was discussed and this is shown on drawing 036-101-P05.

No public rights of way should be obstructed during the development process and at no time should any materials be placed or stored on the line of any public right of way; any damage caused to the surface of any public right of way must be made good to at least its current condition or better.

If the safety of the public cannot be guaranteed at all times during construction, consideration should be given to applying for a temporary closure of the footpath. This is a separate procedure for which a fee applies. 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.

Countryside Services therefore has no objections to the proposed application at this time, subject to the confirmation of a legal order to divert the footpath from its current location.

Cllr E Michael Jones

As the local member I wish to call the application in.

Due to the history of the site, and local concern.

Representations

Following the erection of a site notice and press advertisement, two public representations had been received at the time of writing this report which objected to the proposed development. In summary the objection was in relation to the following:

- Size and scale of the proposed dwellings;
- Location of the 2nd entrance;
- Sewage disposal concerns
- Concerns over the timber cladding

Planning History

P/2011/0689 - Variation of Condition: Condition 2 of P/2008/0789 (change in design) – Conditional Consent – 30/09/2011

P/2017/1011 - Application for lawful development certificate (Section 191) in respect of lawful commencement for erection of 3 dwellings, new access and installation of septic tank – Approved – 12/10/2017

P/2008/0789 - Reserved Matters: Erection of 3 detached houses, new vehicular access and installation of septic tank – Conditional Consent – 08/07/2008

PR6295 – Series – Outline: Erection of 3 dwellings, new vehicular access and installation of septic tank – Approved – 16/01/2006

Principal Planning Constraints

Public Right of Way

Open Countryside

Principal Planning Policies

National planning policy

Planning Policy Wales (Edition 9, November 2016)

Technical Advice Note (TAN) 1: Joint Housing Land Availability Studies (2015)
Technical Advice Note (TAN) 2: Planning and Affordable Housing (2006)
Technical Advice Note (TAN) 5: Nature Conservation and Planning (2009)
Technical Advice Note (TAN) 6: Planning for Sustainable Rural Communities (2010)
Technical Advice Note (TAN) 11: Noise (1997)
Technical Advice Note (TAN) 12: Design (2016)
Technical Advice Note (TAN) 18: Transport (2007)
Technical Advice Note (TAN) 23: Economic Development (2014)

Local planning policies

Powys Local Development Plan (2018)

SP1 – Housing Growth
SP3 – Affordable Housing Target
SP5 – Settlement Hierarchy
SP7 – Safeguarding of Strategic Resources and Assets
DM2 – The Natural Environment
DM4 – Landscape
DM7 – Dark Skies and External Lighting
DM13 – Design and Resources
H1 – Housing Development Proposals
H2 – Housing Sites
H3 – Housing Delivery
H4 – Housing Density
H5 – Affordable Housing Contributions
H6 – Affordable Housing Exception Sites

Powys Residential Design Guide (October 2004)

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

Other Legislative Considerations

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

Officer Appraisal

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

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

Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

History

Consent has been granted (outline and reserved matters) on the development site for the erection of 3 detached dwellings. A certificate of lawfulness has been applied for under the reference number P/2017/1011 to establish whether the development of the 3 dwellings would be extant. Permission was granted and as such it is considered that the fall-back position would be that three open market dwelling could be constructed at the site.

Principle of Development

Policy H1 of the Powys Local Development Plan (2018) states that housing development will only be permitted in rural settlements for either affordable housing in accordance with Policy H6 or where the development meets national policy on housing in the open countryside (rural workers dwelling), a conversion or a renovation of an abandoned dwelling.

In this instance the proposed development seeks consent for 2 open market dwellings contrary to policy H1. However, as outlined above the application site benefits from extant consent for the erection of three open market detached dwellings and this consent seeks to reduce the number of dwellings from three to two dwellings. Although this consent is contrary to policy H1 it is considered that the fall-back position would be to develop three dwellings should this application be refused and therefore in this instance it is considered that the proposed development would be acceptable subject to the following:

Design, Character and Appearance

The Powys Local Development Plan policy DM13, TAN 12 and Planning Policy Wales (PPW) all refer to good design and how development proposals should be of a good design and have consideration to its surroundings. PPW refers to good design as having a relationship between all elements of the natural and built environment. Policy DM13 of the Powys Local Development Plan states that proposals must demonstrate a good quality design and shall have regard to the qualities and amenity of the surrounding area.

The dwellings would be finished in larch timber cladding under a black galvanized roof to mimic rural barns. It is noted that the development site is located to the edge of the rural settlement of Newchurch and backs onto agricultural land. The dwellings to the north and east of the development site are constructed from a range of materials including stone and render. There are a number of barns located within the rural settlement of Newchurch and it is noted that they are constructed from a range of materials including stone, timber and galvanised steel. The 2 open market dwellings will measure approximately 17.6 – 20 metres in length, 9.5 – 9.8 metres in width and 8.3 – 8.6 metres in height. It is considered that the proposed dwellings are relatively large in scale, however, seek to mimic a rural barn in terms of its scale and design. It is considered that the proposed development is tasteful to its rural surroundings and would not have a detrimental impact upon the character and appearance of the area.

It is worth noting that the extant scheme for three dwellings proposed three detached dwelling of a standard design finished in white stucco render. It is considered that the

application currently being considered is an improvement on the design of the extant consent to the benefit of the character and appearance of the area.

In light of the above it is considered that the proposed development fundamentally complies with policies DM4 and DM13 of the Powys LDP (2018) as well as TAN 12.

Highway Safety

Policy DM13 part 11 states that development proposals should meet all highway access requirements (for transport users) and parking standards.

The proposed development seeks to create 2 accesses to serve the development site and provides a separate access for each dwelling. Powys County Council's Highway Authority has been consulted on the proposed development and has stated that they have no objection to the proposed development subject to a number of appropriately worded conditions. The conditions will ensure that the proposed accesses, parking areas and visibility splays are appropriately constructed. It is noted that one of the initial conditions which relates to the visibility splays being 2.4m X 40m is to be amended following consultation between the agent and the Highway Authority. The visibility splays will remain as 2.4m x 40m, however will be measured from a point 1m into the carriageway instead of along the edge of the adjoining carriageway as initially conditioned. This has been agreed by the Highway Authority as it is deemed to meet Manual for Streets 2 as the development is located upon lightly trafficked, narrow road which vehicles would not travel tight to the edge of the carriageway.

In light of the above and subject to the attachment of appropriately worded conditions it is considered that the proposed development would not have a detrimental impact upon highway safety. The proposed development therefore complies with relevant highway related policy.

Natural Environment

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

Powys County Council's Ecologist has been consulted on the proposed development as it has potential to impact upon a natural environment asset. The Ecologist has carried out a data search which identified 84 records of protected and priority species within 500 metres of the proposed development, however, no records were received for the site itself. The Ecologist has reviewed photographs from the site and has stated that the site appears to be an area of poor semi-improved grassland with tall ruderal vegetation, bracken and areas of hardstanding. The Ecologist has stated that the site does have potential to be suitable to support reptiles. It is noted that the impact of the proposed development on reptiles would be low as the area is reasonably small. Therefore the Ecologist has recommended that a Reasonable Avoidance Method Statement (RAMS) should be submitted to minimise the impact to reptiles present on site and in the wider area. The Ecologist has also stated that careful consideration will be required to be given to any external lighting proposed to minimise impacts to nocturnal wildlife commuting and foraging in the area. Furthermore it is

noted that in support of the application a Hedgerow Planting plan has been submitted, the Ecologist considers the native planting plan to be appropriate and acceptable.

In light of the above and subject to the attachment of appropriately worded conditions it is considered that the proposed development would not have a detrimental impact upon protected species and any natural environment asset. The proposed development therefore complies with policy DM2 of the Powys Local Development Plan (2018).

Environmental Health and Land Drainage

Policy DM13 of the Powys Local Development Plan (2018) part 11 states that development proposals will only be permitted where the amenities enjoyed by the occupants or users of nearby or proposed properties shall not be unacceptably affected by levels of noise, hours of operation, dust or overlooking.

Powys County Council's Environmental Health Officer has been consulted on the proposed development. The Officer has stated that having considered the proposed development and taking into consideration the surrounding residential environment an appropriately worded condition would be required in order to restrict the construction period working hours and delivery times be restricted to a set period of time during the day. The Officer has also taken into consideration the method of foul drainage and has inspected the porosity test holes and has confirmed that they are acceptable and an appropriate method of drainage can be achieved at the development site.

Powys County Council's Land Drainage Officer has also been consulted and has stated that the soakaway calculations and proposals are satisfactory for the surface water drainage disposal.

In light of the above and subject to an appropriately worded condition to secure the construction period working hours it is considered that the proposed development would not detrimentally impact upon the amenities enjoyed by the occupants or users of nearby properties.

Rights of Way

It is noted that a public right of way crosses through the development site. Powys County Council's Rights of Way department has been consulted on the proposed development and has noted that the route of footpath NC1508 passes through the development site and is directly affected by the ground works associated with House 2. Therefore the Officer has stated that the route of the footpath must be diverted by a legal order. It is noted that the applicants are aware of the need to divert the footpath and have already begun the process with Powys County Council's Rights of Way department to re-direct the footpath. The Rights of Way department have stated that no public rights of way should be obstructed during the development process and at no time should any materials be placed or stored on the line of the public right of way.

Given that the developers have already begun discussions to re-direct the public rights of way the department has stated that they have no objections to the proposed development.

Recommendation

In light of the above it is considered that although the proposed development is a departure from the Local Development Plan (2018) it is considered a betterment in terms of its scale and design as well as the impact the development would have upon the character and appearance of the surrounding area when considering the fall-back position. The recommendation is therefore one of consent subject to the conditions set out below:

Conditions

1. The development to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.
2. The development shall be carried out strictly in accordance with the plans stamped as approved on XX/XX/XX (drawing no's: 036-101-P05, 036-104-P02, 036-103-P02, 036-102-P01, Site Location Plan and 180029 1 of 1).
3. Any vehicular entrance gates installed within the application site shall be set back at least 5.5 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.
4. The gradient of the accesses shall be constructed so as not to exceed 1 in 15 for the first 5.5 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.
5. The centre line of the first 5.5 metres of the access roads measured from the edge of the adjoining carriageway shall be constructed at right angles to that edge of the said carriageway and be retained at that angle for as long as the development remains in existence.
6. No other development shall commence until the accesses have been constructed so that there is a clear visibility splay 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 40 metres distant in each direction measured from the centre of the access to a point 1 metre into the carriageway. Nothing shall be planted, erected or allowed to grow on the area 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. Before any other development is commenced the area of the accesses 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 5.5 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.
8. Prior to the occupation of any dwelling, provision shall be made within the curtilage of the site for the parking of not less than 3 cars excluding any garage space provided 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 areas shall be retained for their designated use in perpetuity.
9. Before any other development commences provision shall be 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 0.400 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.

10. Prior to the occupation of any dwelling the area of the accesses to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 5.5 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.

11. All surface water run-off is to be collected and discharged via a piped system to a soakaway located within the site no less than 6 metres from the highway. This system shall be retained and maintained for as long as the development remains in existence.

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

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

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

13. Prior to the commencement of development a reasonable avoidance measures method statement regarding reptiles shall be submitted to and approved in writing by the Local Planning Authority the approved measures shall be implemented and adhered to in full.

14. The Hedgerow Planting Scheme produced detailed in the Native hedgerow planting plan which was uploaded onto Powys planning portal on the 21 June 18 shall be adhered to and implemented in full and maintained thereafter.

15. No external lighting shall be installed unless a detailed external lighting design scheme has been submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall identify measures to avoid impacts on nocturnal wildlife. The development shall be carried out in accordance with the approved details.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013, (or any Order revoking and re-enacting that Order) no extensions to the dwelling, construction of outbuildings or alterations to the roof (including the introduction of roof lights or dormers), or the erection of garages or sheds shall be undertaken without the prior express consent of the local planning authority.

Reasons

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
3. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13.
4. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13.
5. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13.
6. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13.
7. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13.

8. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13.
9. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13.
10. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13.
11. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13.
12. To safeguard the amenities of the locality in accordance with policy DM13 of the Powys Local Development Plan.
13. 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 9, November 2016), 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 and DM13 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and Part 1 Section 6 of the Environment (Wales) Act.
15. 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 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
16. In order to control further development which has the potential to have adverse effects on privacy and/or amenity in contradiction to policy DM13 of the Powys Local Development Plan.

Informative Notes

Birds - Wildlife and Countryside Act 1981 (as amended)

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

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

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

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

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Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2018/0509	Grid Ref:	314892.67 312699.42
Community Council:	Meifod	Valid Date:	Officer: 18/05/2018 Louise Evans
Applicant:	J R Wilkinson & Son, Dyffryn, Meifod, Powys, SY22 6HL		
Location:	Dyffryn, Meifod, Powys, SY22 6HL		
Proposal:	Full: Erection of an agricultural building and associated works		
Application Type:	Application for Full Planning Permission		

The reason for Committee determination

The applicant is a County Councillor (Cllr Jonathan Wilkinson)

Site Location and Description

Dyffryn farmstead is located on either side of the A495 highway, approximately 400 metres to the south west of the development boundary of Meifod within the community council area of Meifod.

It is proposed to construct an agricultural building to the south east of the existing modern agricultural buildings. The building would have a footprint of approximately 18m x 30m and be 7.3m in height to the ridge. It is proposed to use box profile sheeting on the walls and roof; however the colour has not been specified.

Consultee Response

Meifod CC

Members agreed to support the application.

Local Highway Authority

Does not wish to comment on the application

Wales & West Utilities

No response received.

Severn Trent Water

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

Environmental Health

I have no objection to this application.

Built Heritage Officer

1.0 Recommendation

1.1 no objections

Reason: It is considered that the proposal is in accordance with the policies and Guidance in PPW and Tan 24 including setting of historic assets with its annexes and the adopted Powys Local Development Plan

2.0 Background to Recommendation

2.1 Designations

In close proximity to 4 listed buildings included on the statutory list on 26/05/1995

Cadw ID 15968 Dyffryn Farmhouse including railings dwarf walls and gate piers

Cadw ID 15969 Cowhouse and granary on w side of farmyard at Dyffryn

Cadw ID 15970 Cowhouse forming N side of farmyard at Dyffryn Farm

Cadw ID 15971 Stone Building and Calf House, at the E side of the Farmyard at Dyffryn Farm

2.2 Policy Background

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

The Planning (Listed Buildings and Conservation Areas) Act 1990

Planning Policy Wales 9th edition 2016

Conservation Principles published by Cadw

TAN24

Setting of Historic Assets in Wales – Annexe to TAN24

Heritage Impact Assessments – Annexe to TAN24

Historic Environment Records

Local Development Plan

Strategic Policy SP7

DM13 Design and Resources Local Development Plan Themes and Objectives;

Theme 4 – Guardianship of natural, built and historic assets

LDP Objective 13 – Landscape and the Historic Environment

3.0 Comments

3.1 The proposal relates to the erection of an agricultural building south east of the A495 and to be sited to the rear (south east) of a range of modern agricultural buildings. The farm house and listed barns are sited to the north west of the A495.

3.2 The listed barns and farmhouse are a very attractive grouping of buildings, and it is noted that a few more modern buildings have been erected on that side of the road, the larger buildings are on the opposite side of the road, which has enabled the historic farmstead to be easily legible.

3.3 The proposed building will be largely obscured from view within the historic farmstead by the adjacent modern building, although there will be views of it when travelling westwards on the A495. However the alignment of the road results in the listed buildings not being viewed

from a distance when travelling westwards from Meifod on that road. The flat valley bottom and hedges make the existing modern farm buildings at Dyffryn not readily visible when travelling eastwards towards Meifod on the A495, until they are in the near distance. Any medium to long term glimpses of the modern buildings that do occur do not afford views of the listed buildings.

3.4 I have taken into account the guidance in section 16 and 66 of The Planning (Listed Buildings and Conservation Areas) Act 1990, Conservation Principles, section 6.5.11 of PPW, TAN24 and its annexes, and given the siting of the proposed building away from the listed group of buildings behind existing modern building I would have no objections to the proposal on the grounds of the setting of listed buildings.

NRW

First response

We recommend that that you should only grant planning permission if the scheme can meet the following requirement. This would address significant concerns that we have identified. Therefore, we would not object provided the requirements are met and you attach the conditions to the planning permission.

Requirement: Flood Risk: A Flood Consequence Assessment (FCA) to be produced to demonstrate that the site can be developed in accordance with TAN15 over the lifetime of the development.

Flood Risk

The application site lies within Zone C2, as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). Our Flood Map information, which is updated on a quarterly basis, confirms the site to be within the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the River Vyrnwy, designated as a main river.

Requirement: Flood Risk: A Flood Consequence Assessment (FCA) to be produced to demonstrate that the site can be developed in accordance with TAN15 over the lifetime of the development.

Should the applicant wish to pursue the application as submitted then an assessment of flooding consequences will be required. The criteria for the assessment is given under Section 7 and Appendix 1 of Technical Advice Note (TAN) 15. In consideration of the nature of the development proposed, however, we advise, in this instance, that the flood consequences assessment (FCA) should address, as a minimum, the acceptability criteria identified within the relevant part of Section 9 of the TAN.

The planning application form, however, has not acknowledged that flood risk is a constraint and so it is unclear whether the design has taken account of flood risk. This reach of the River Vyrnwy benefits from detailed hydraulic modelling. The outputs of this modelling should be sourced from the NRW Data Distribution team via a Product 4 data request. Further details are available here: <http://naturalresourceswales.gov.uk/evidence-and-data/access-our-data/?lang=en>. If

the building is shown to flood during events up to and including a predicted 0.1% flood event, the FCA should propose suitable and appropriate mitigation measures to reduce the effects and consequences of flooding, relative to the nature of use. This should include the floor level and placement of electrical items.

The FCA must also demonstrate that the development will not lead to an increase in flooding elsewhere. The attached photograph taken during the February 2002 flood event (not during flood peak) shows how the site is located in relation to an indicative flood extent. It also shows the remoteness in relation to other properties. In isolation, loss of floodplain storage may not be considered to be significant in this instance, but the Planning Authority should consider cumulative impact and any undesirable precedent that could be set.

The applicant should ensure that anyone using the barn is aware of the flood risk and is advised to visit the following Natural Resources Wales webpage:

What to do before a flood - <http://www.naturalresources.wales/flooding/what-to-dobefore-a-flood/?lang=en>

They should also ensure that they sign up for NRW's flood warning service. This can be done by calling Floodline Warnings Direct on 0345 9881188 or visiting <https://naturalresources.wales/flooding/sign-up-to-receive-flood-warnings/?lang=en>

Our comments above only relate specifically to matters that are included on our checklist "Natural Resources Wales and Planning Consultations" (March 2015) which is published on our website:

(<https://naturalresources.wales/media/5271/150302-natural-resources-wales-andplanning-consultations-final-eng.pdf>). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance.

Advice for the Developer

Pollution Prevention

All works at the site must be carried out in accordance with Pollution Prevention Guidance 6 (PPG6): '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/>

Please do not hesitate to contact us if we can be of any further assistance to you or if you wish clarification on the above.

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

Second response

NRW does not object to the proposal. In our opinion the proposal is not likely to adversely affect any of the interests listed. We have the following advice for your information.

Flood Risk

The application site lies within Zone C2, as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN15) (July

2004). Our Flood Map information, which is updated on a quarterly basis, confirms the site to be within the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the River Vyrnwy, designated as a main river.

In our response dated 14th of June (Reference CAS-63421-T7M2), we requested that a requirement for a Flood Consequence Assessment (FCA) be submitted.

An FCA was submitted to us on the 3rd of July. We are satisfied that this FCA is sufficient for this less vulnerable, small scale development and do not require further information.

The developer should be made aware, however, as the proposed development is in Wales, it is Natural Resources Wales; rather than the Environment Agency (as advised in the FCA); with whom the developer needs to register for flood alerts. This can be done by calling Floodline Warnings Direct on 0345 9881188 or visiting <https://naturalresources.wales/flooding/sign-up-to-receive-flood-warnings/?lang=en>

The applicant should ensure that anyone using the barn is aware of the flood risk and is advised to visit the following Natural Resources Wales webpage:

What to do before a flood - <http://www.naturalresources.wales/flooding/what-to-do-before-a-flood/?lang=en>

Our comments above only relate specifically to matters that are included on our checklist "Natural Resources Wales and Planning Consultations" (March 2015) which is published on our website: (<https://naturalresources.wales/media/5271/150302-natural-resources-wales->). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance. The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

Advice for the Developer

Pollution Prevention

During the works, the developer should take precautions 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 check "Working at construction and Demolition Sites, Pollution Prevention Guidance 6":

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

Construction Waste

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. These notes must be kept for at least two years.

Representations

Following the display of a site notice on 19/06/2018 no public representations have been received.

Planning History

M/2007/0946 Erection of an agricultural building to be used as a dairy, parlour and collecting yard – Consent - 26/03/2008

AGRI/2017/0042

Principal Planning Constraints

Flood Zone

Class one highway (A495)

Four listed buildings on north western side of the A495 highway

Public right of way located to north east of the site at a distance of approximately 160 metres

Principal Planning Policies

National Policies

Planning Policy Wales (Edition 9, November 2016)

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

Technical Advice Note 12 – Design (2016)

Technical Advice Note 15 – Development and Flood Risk (2004)

Technical Advice Note 18 – Transport (2007)

Technical Advice Note 24 - The Historic Environment (2017)

Local Policies

Powys Local Development Plan (2018):

SP7 – Safeguarding of Strategic Resources and Assets

DM4 - Landscape

DM5 – Development and Flood Risk

DM6 – Flood Prevention Measures and Land Drainage

DM13 – Design and Resources

T1 – Travel, Traffic and Transport Infrastructure

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

Other Legislative Considerations

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

Officer Appraisal

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

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

Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Principle of Development

There is no specific Powys Local Development Plan (2018) policy which deals with agricultural development as it is considered that this matter is adequately covered within national planning policy, specifically Technical Advice Note (TAN) 6. The TAN sets out that the overall goal for the planning system is to support living and working rural communities in order that they are economically, socially and environmentally sustainable. The construction of agricultural buildings is therefore supported subject to the material considerations set out below.

Landscape Impact

Policy DM4 of the Powys Local Development Plan indicates that development proposals will only be permitted where they would not have an unacceptable impact on the environment and would be sited and designed to be sympathetic to the character and appearance of its surroundings. Policy DM4 requires a Landscape and Visual Impact Assessment to be undertaken where impacts are likely on the landscape and proposals should have regard to LANDMAP, Registered Historic Parks and Gardens, protected landscapes and the visual amenities enjoyed by users of the Powys landscape and adjoining areas.

The proposed site is located within the River Severn Flood Plain aspect area which is characterised as a significant open valley. LANDMAP recognises its scenic quality as moderate suggesting that it has 'generally high quality views but lessened by the association with urban areas and a heavily used road corridor'. Its overall visual and sensory evaluation is considered to be of moderate value.

The proposed building is sited directly adjacent to existing farm buildings on the main farm complex. The proposed building is designed so as to complement the character and appearance of the existing buildings. It is considered that the proposed siting and scale of the agricultural building will not have an unacceptable adverse impact upon the wider landscape.

In light of the above observations, it is considered that the proposed development is in accordance with planning policy DM4 of the Powys Local Development Plan.

Design

With respect to design, specific reference is made to LDP Policy DM13 which indicates that development proposals must be able to demonstrate a good quality design and shall have regard to the qualities and amenity of the surrounding area, local infrastructure and resources.

The proposed agricultural building is of a standard construction and appearance for modern agricultural buildings. The scale and materials complement those used within the existing farmstead.

The building would be closely grouped with existing agricultural buildings and although would be visible to users of the A495 highway and a public right of way located to the north east of the application site, it is not considered that the building would have an unacceptable adverse effect on the Powys landscape. Given the open nature of the valley and the visibility of the development, it is considered that the proposal would benefit from some form of landscaping to break up the appearance of the proposed structure, and a condition is recommended to agree the details of this together with a control on implementation.

Subject to the use of the suggested condition, it is considered that the proposal complies with the relevant criteria of LDP Policy DM13.

Built Heritage

It is the responsibility of the Local Planning Authority when considering planning applications to have special regard to the desirability of preserving listed buildings or their settings as set out under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. In addition, national planning policy and guidance contained within PPW and TAN24 further detail this responsibility and LDP Policy SP7 seeks to safeguards such assets from unacceptable development.

Four listed buildings, including the farmhouse and farm buildings associated with the farmstead, are located on the north western side of the A495 highway at a distance of over 100 metres. As noted by the Council's Built Heritage Officer, the proposed building would be largely obscured from view within the historic farmstead by the adjacent existing modern buildings and would not be seen in conjunction with the historic buildings when travelling along the A495 highway. On this basis and the comments received from the Built Heritage Officer, it is considered that the proposal would not have an unacceptable impact upon the identified listed buildings.

Highway access and parking

Part 10 of LDP Policy DM13 requires development proposals to meet all highway access requirements, vehicular parking standards and demonstrate that the strategic and local highway network can absorb the traffic impacts of the development.

Given that the proposed building does not propose alterations to the existing means of access onto the A495 highway, it is considered that compliance with Part 10 of LDP Policy DM13 would be achieved. In addition, the Council's Highway Authority has not objected to the proposal.

Amenities enjoyed by occupiers of neighbouring properties

Part 11 of LDP Policy DM13 requires protection of the amenities enjoyed by occupants or users of nearby or proposed properties. In the case of agricultural buildings, amenity can be affected by factors such as noise, odour, dust and pests.

The agricultural building would be located over 200 metres to the south west of the nearest residential dwelling (other than that associated with the farmstead) and given that the proposed building would be located beyond other agricultural buildings associated with the farmstead, it is considered that the amenities enjoyed by users of nearby properties would

not be unacceptably affected by the proposal in compliance with Part 11 of LDP Policy DM13. In addition, the Council's Environmental Health section has not objected to the proposal.

Flood risk

LDP Policy DM5 requires development proposals to be located away from tidal or fluvial flood plains unless it can be demonstrated that the site is justified in line with national guidance and an appropriate detailed technical assessment has been undertaken to ensure that the development is designed to reduce/avoid the threat and alleviate the consequences of flooding.

The application site lies within Zone C2 associated with the River Vyrnwy, as defined by the Development Advice Map referred to under Technical Advice Note 15: Development and Flood Risk. At the request of Natural Resources Wales (NRW) a Flood Consequence Assessment (FCA) has been submitted and NRW has confirmed that the FCA is sufficient for this less vulnerable, small scale development and do not require further information.

Taking into account that the FCA has satisfied NRW and the scale of the development, it is considered that the development has been designed to reduce/avoid and alleviate the consequences of flooding in compliance with LDP Policy DM5.

Surface water drainage

LDP Policy DM6 requires satisfactory provision to be made for land drainage in all developments, including the consideration of the use of Sustainable Drainage Systems (SUDS).

It is proposed that surface water would be disposed of via soakaway. Whilst this is not a SUD system, it is a recognised form of land drainage. Therefore it is considered that the proposal would make satisfactory provision for land drainage in accordance with LDP Policy DM6.

Pollution prevention and construction waste

NRW have also advised that the developer should take precautions to prevent contamination of surface water drains and local watercourses and that any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily. It is recommended that this advice should be attached to any consent granted.

RECOMMENDATION

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

Conditions

1. The development to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.

2. The development shall be carried out strictly in accordance with the plans stamped as received on 26/04/2018 (drawing no's: RJC-AZ144A-01, RJC-AZ144-02, RJC-AZ144A-03).

3. Within six months from the commencement of development, a native species landscaping plan and aftercare scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include a scaled drawing identifying the location of new planting and a written specification clearly describing the species, sizes, densities and planting numbers proposed as well as aftercare measures. The development must be carried out in accordance with the agreed details.

Reasons

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

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

3. 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 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

Informative Notes

Advice for the Developer from NRW

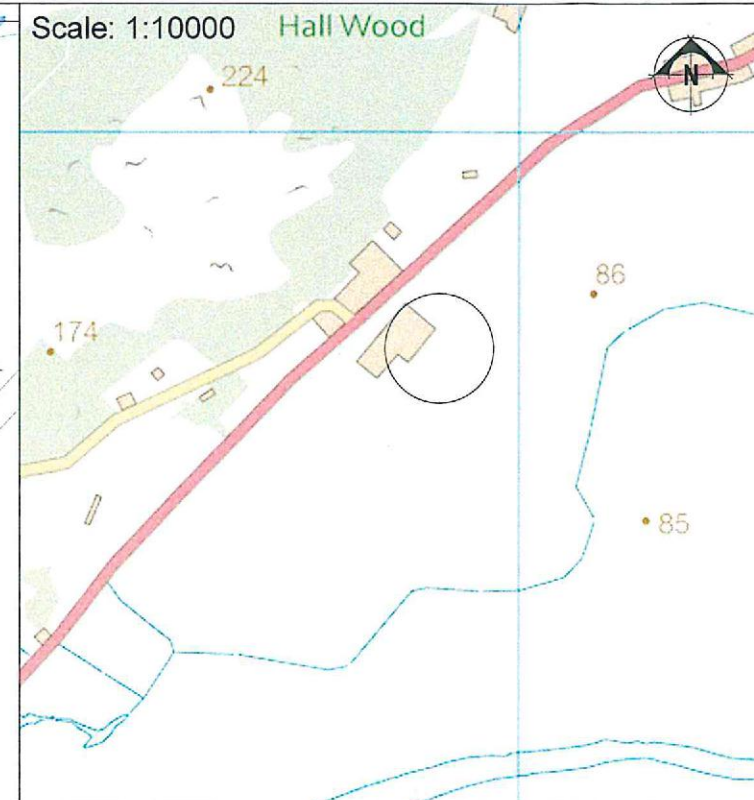
Pollution Prevention

During the works, the developer should take precautions 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 check "Working at construction and Demolition Sites, Pollution Prevention Guidance 6":

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

Construction Waste

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. These notes must be kept for at least two years.



THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL RELATED DRAWINGS. ALL DIMENSIONS MUST BE CHECKED AND VERIFIED ON SITE BEFORE COMMENCING ANY WORK OR PRODUCING SHOP DRAWINGS. THE ORIGINATOR SHOULD BE NOTIFIED IMMEDIATELY OF ANY DISCREPANCY. THIS DRAWING IS COPYRIGHT AND REMAINS THE PROPERTY ROGER PARRY & PARTNERS.

Rev	Description	Date	Dr by	App by
Original				

Roger Parry & Partners

Residential - Agricultural - Commercial

Job	Proposed agricultural building		
Title	Location Plan		
Location	J R Wilkinson and Son Dyffryn Meifod Welshpool SY22 6HL		
Client	J R Wilkinson and Son		
Scales	1:1250 @ A3		
Drawing No.	RJC-AZ144A-01		
Drawn by	AZ	Date	13/04/2018

HOGSTOW HALL, MINSTERLEY
SHREWSBURY, SHROPSHIRE, SY5 0HZ
Tel: 01743 791336 Fax: 01743 792770
email: mail@rogerparry.net
Web address: www.rogerparry.net

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4.6

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2018/0651	Grid Ref:	315294.97 313358.91
Community Council:	Meifod	Valid Date:	Officer: 18/06/2018 Louise Evans
Applicant:	Mr Nigel Baldwin, Meifod Village Hall Committee, 5 Pentre Barog, Meifod, SY22 6DU		
Location:	Community Centre, Meifod, Powys, SY22 6DF		
Proposal:	Full: Erection of a porch and extension to provide disabled entrance lobby to meeting room and DDA WC		
Application Type:	Application for Full Planning Permission		

The reason for Committee determination

The village hall building is owned by Meifod Recreation Association but it is built on land owned by Powys County Council on a 99 year lease.

Site Location and Description

Meifod Community Centre is located within the development boundary of the village and on the north east side of the C2030 highway in the centre of the village. The community centre is of brick construction with a tiled roof and timber framed windows.

It is proposed to construct a single storey extension on the north western corner of the building (currently laid to grass) to provide a porch, entrance lobby, wc and baby change area. The footprint of the proposed extension measures a maximum of 4.5m x 3.2m and the highest part of the hipped roof measures 4.7m. It is proposed to use brick to match the existing building with timber posts for the porch, glazed entrance doors with a tiled roof to match the existing building.

Consultee Response

Meifod CC

Members of Meifod Community Council have agreed to fully support this application, which will enhance the use of this very important, well used building.

Highways Dept north

Does not wish to comment on the application.

Building Control

Building Regulations application required.

Wales & West Utilities

No response received.

Severn Trent Water

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

NRW

NRW does not object to the proposal. In our opinion the proposal is not likely to adversely affect any of the interests listed. We have the following advice for your information.

Flood Risk

The application site lies entirely within Zone C1 as defined by the Development Advice Map referred to under TAN 15 Development and Flood Risk (July 2004).

The planning application has not been supported by a Flood Consequence Assessment, however given the scale of the proposed development, and in the absence of a flood consequence assessment, we consider the risk to be acceptable.

The applicant is therefore advised to visit the following Natural Resources Wales webpages:

- • What to do before a flood - <http://www.naturalresources.wales/flooding/what-to-do-before-a-flood/?lang=en>
- • Flood warnings <https://naturalresources.wales/flooding/sign-up-to-receive-flood-warnings/?lang=en>

Our comments above only relate specifically to matters that are included on our checklist “Natural Resources Wales and Planning Consultations” (March 2015) which is published on our website: (<https://naturalresources.wales/media/5271/150302-natural-resources-wales-and-planning-consultations-final-eng.pdf>). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance. The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

Advice for the Developer

We would advise the applicant to review and update their management plan to reflect the flood risk or introduce a management plan which includes flood risk if they do not already have one. Should they require flood level information for this or for insurance purposes, this can be provided by Natural Resources Wales’ Data Distribution service. See here for more information <http://naturalresourceswales.gov.uk/evidence-and-data/access-our-data/?lang=en> or email datadistribution@naturalresourceswales.gov.uk.

Pollution Prevention

During the works, the developer should take precautions 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 check “Working at construction and Demolition Sites, Pollution Prevention Guidance”: <http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>

Representations

Following the display of a site notice on 18/07/2018 no public representations have been received.

Planning History

Principal Planning Constraints

Flood Zone C1

Principal Planning Policies

National Policies

Planning Policy Wales (Edition 9, November 2016)

Technical Advice Note 12 – Design (2016)

Technical Advice Note 15 – Development and Flood Risk (2004)

Technical Advice Note 18 – Transport (2007)

Local Policies

Powys Local Development Plan (2018):

DM5 – Development and Flood Risk

DM13 – Design and Resources

T1 – Travel, Traffic and Transport Infrastructure

C1 – Community Facilities and Indoor Recreation Facilities

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

Other Legislative Considerations

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

Officer Appraisal

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

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

Principle of Development

The Local Development Plan supports the improvement of access to existing community facilities such as community centres and given that the application proposes improved access arrangements and disabled wc facilities/baby change area, it is considered that the principle of development complies with the objectives of the Powys LDP (2018), specifically policies C1 and DM13 criterion 7, subject to the following material considerations.

Design

With respect to design, specific reference is made to LDP policy DM13 which indicates that development proposals must be able to demonstrate a good quality design and shall have regard to the qualities and amenity of the surrounding area, local infrastructure and resources.

Taking into account the design, size, location and proposed materials, the proposed extension is considered to complement the existing building and the surrounding area in terms of siting, appearance, scale, height, massing and design detailing. In addition, the proposed extension seeks to improve access to users of the community centre and as such is inclusive to all, making full provision for people with disabilities. Therefore, it is considered that the proposal complies with the relevant criteria of LDP Policy DM13.

Highway access and parking

Part 10 of LDP Policy DM13 requires development proposals to meet all highway access requirements, vehicular parking standards and demonstrate that the strategic and local highway network can absorb the traffic impacts of the development.

Given that the extension would not directly lead to an increase in the number of traffic movements, does not propose alterations to the existing means of access and would not result in the loss of any existing vehicular parking spaces, it is considered that compliance with Part 10 of LDP Policy DM13 would be achieved.

Amenities enjoyed by occupiers of neighbouring properties

Part 11 of LDP Policy DM13 requires protection of the amenities enjoyed by occupants or users of nearby or proposed properties. The extension would be constructed on the north eastern corner of the village hall in the direction of residential properties. Given that the nearest residential property is located in excess of 30 metres and that the extension would not protrude any further than the existing single storey section of the existing building in terms of width or height, it is considered that the amenities enjoyed by users of nearby properties would not be unacceptably affected by the proposal in compliance with Part 11 of LDP Policy DM13.

Flood risk

LDP Policy DM5 requires development proposals to be located away from tidal or fluvial flood plains unless it can be demonstrated that the site is justified in line with national guidance and an appropriate detailed technical assessment has been undertaken to ensure that the development is designed to reduce/avoid the threat and alleviate the consequences of flooding.

The site lies entirely within Flood Zone C1 as defined by the Development Advice Map referred to by TAN 15. The planning application has not been supported by a Flood Consequence Assessment however Natural Resources Wales (NRW) consider the risk to be acceptable and have issued advice for the developer which is recommended to be attached to any consent granted. In consideration of the advice from NRW and that the development is of a minor nature and in connection with a non-residential public use, it is concluded that the proposal would adequately avoid the threat of the consequences of flooding in compliance with LDP Policy DM5.

Pollution prevention

NRW have also advised that the developer should take precautions to prevent contamination of surface water drains and local watercourses and it is recommended that this advice should be attached to any consent granted.

RECOMMENDATION

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 to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.
2. The development shall be carried out strictly in accordance with the plans stamped as received on 13/06/2018 (drawing no's: MFD01.1.3.02, MFD01.1.3.03, MFD01.1.3.04, MFD01.1.3.05).

Reasons

1. Required to be imposed by section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans approved by the Local Planning Authority in the interests of clarity and a satisfactory development.

Informative Notes

Advice for the Developer from NRW

We would advise the applicant to review and update their management plan to reflect the flood risk or introduce a management plan which includes flood risk if they do not already have one. Should they require flood level information for this or for insurance purposes, this can be provided by Natural Resources Wales' Data Distribution service. See here for more information <http://naturalresourceswales.gov.uk/evidence-and-data/access-our-data/?lang=en> or email datadistribution@naturalresourceswales.gov.uk.

Pollution Prevention

During the works, the developer should take precautions 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 check "Working at construction and Demolition Sites, Pollution Prevention Guidance":

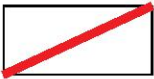
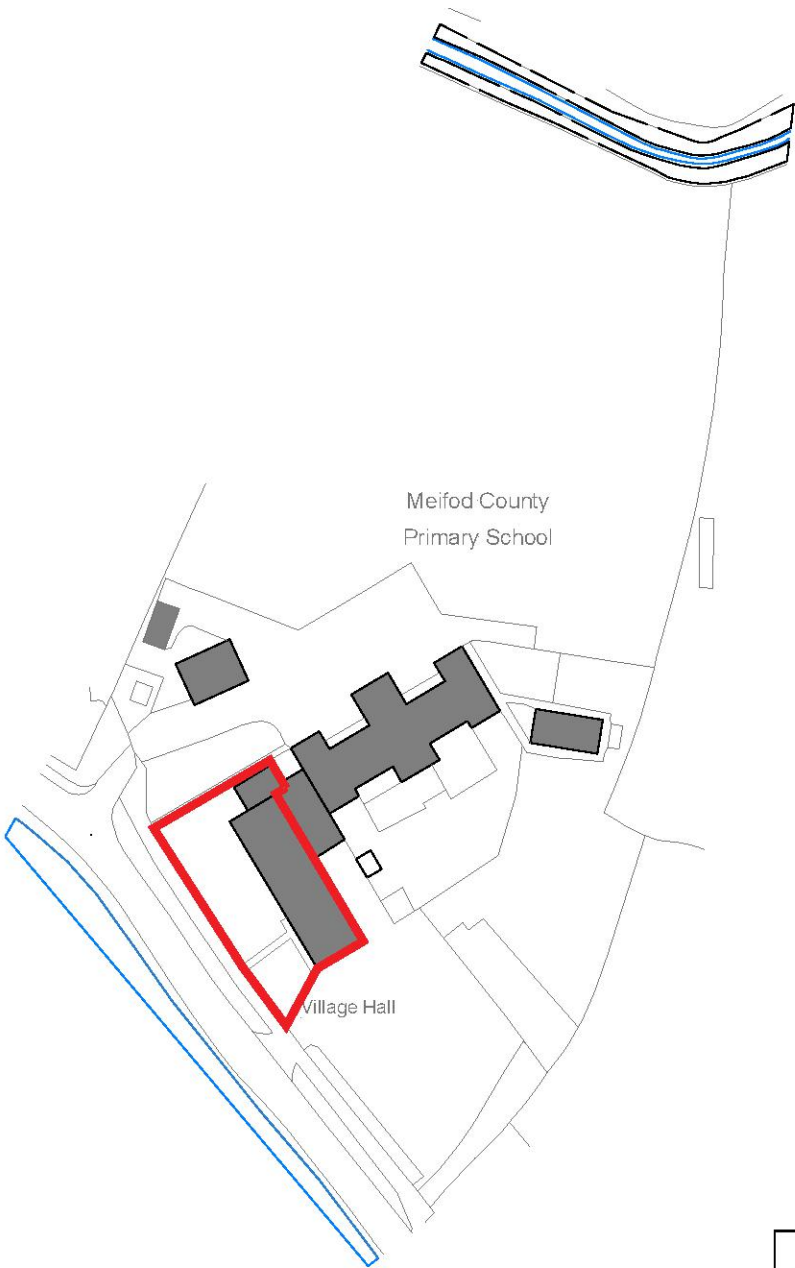
<http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>

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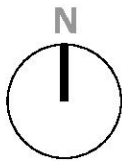
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Any discrepancies should be reported immediately.

Any surveyed information incorporated within this drawing cannot be guaranteed as accurate unless confirmed by a fixed dimension. All dimensions are in millimeters unless noted otherwise.



Application Site Boundary



Drawing Status : Planning Application	Drawing Title : Location Plan	Scale : 1:1250 @A3	Date : April 2018	Drawing No : MFD01.1.3.04	Rev
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Delegated List

01/08/2018

16/08/2018

For the purpose of the Local Government (Access to Information) Act 1985, the background papers relating to each individual planning application constitute all the correspondence on the file as numbered in the left hand column.

FOR INFORMATION

Decisions of the Head of Regeneration, Property & Commissioning on Delegated Applications

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/1468 FULL	18/12/2017	CONSENT	02/08/2018	Full - Erection of an extension to the existing free range egg unit	Cerrigroes Llanyre Llandrindod Wells LD1 6EU

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2018/0449 HOUS	08/05/2018	CONSENT	02/08/2018	Householder: Proposed groundworks including new retaining walls. landscaping and associated engineering works	Mount Severn Glan-y-Nant Llanidloes SY18 6PQ
P/2018/0511 FULL	04/06/2018	CONSENT	02/08/2018	Full: Erection of a dwelling and garage, and all associated works	Land adjacent to The Woodlands Pontrobert Meifod SY22 6HY
P/2018/0525 HOUS	17/05/2018	CONSENT	02/08/2018	Householder: Erection of a second storey extension over the existing ground floor, extension to the existing dormer windows, removal of the conservatory and internal alterations	Bralorne Newtown SY16 2ND
P/2018/0554 FULL	05/06/2018	REFUSE	02/08/2018	Full: Change of use of land for the siting of a key worker residential mobile home and all associated work	The Fold Presteigne LD8 2AF
P/2018/0562 HOUS	24/05/2018	CONSENT	02/08/2018	Householder: Erection of an extension to the existing dwelling	Cobblers Cottage Llawr-Y-Glyn Caersws SY17 5RJ

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2018/0611 FULL	15/06/2018	REFUSE	02/08/2018	Full: Erection of a holiday let, demolition of shed and all associated works	Land at Pen Craig Old Radnor Presteigne LD8 2RH
P/2018/0655 FULL	19/06/2018	CONSENT	02/08/2018	Full: Conversion of shop and alterations to building to create 3 flats	20 Market Street Builth Wells LD2 3EA
P/2018/0476 FULL	04/05/2018	REFUSE	03/08/2018	Full: Installation of an electronic barrier (retrospective)	The Bear's Head East Street Rhayader LD6 5DN

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2018/0613 FULL	08/06/2018	CONSENT	03/08/2018	Full: Erection of an agricultural building for the housing of cattle	Gwystre Farm Gwystre Llandrindod Wells LD1 6RN
P/2018/0622 HOUS	19/06/2018	CONSENT	03/08/2018	Householder: Demolition of the existing conservatory and erection of an extension including internal alterations	Pentre Corris Machynlleth SY20 9TF
P/2018/0665 FULL	20/06/2018	CONSENT	03/08/2018	Conversion of holiday let units to form additional residential accommodation attached to Nantyrarion together with erection of a single storey extension	Nantyrarion Talachddu Brecon LD3 ONS
P/2018/0269 HOUS	07/03/2018	CONSENT	06/08/2018	Householder: Demolition of existing conservatory and boiler room. Erection of replacement conservatory, boiler room and shower room.	Heale Hall School Bank Montgomery SY15 6QA
P/2018/0526 FULL	14/05/2018	CONSENT	06/08/2018	Full: Construction of a crushed stone / hardcore track to service agricultural land	Bitfal Van Llanidloes SY18 6NG

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/1390 FULL	27/11/2017	CONSENT	07/08/2018	Full: Erection of a replacement dwelling (demolition of existing dwelling) , formation of new vehicular access, change of use of land to form additional domestic curtilage and all associated works (revised proposal)	Troedyrhiw Gaufron Rhayader LD6 5PB
P/2018/0367 CLA2	27/04/2018	APPROVE	07/08/2018	Section 192 application in respect of certificate of lawfulness for proposed use for commencement of development	Barn 2 Gwernhusman Barns Bettws, Hundred House Llandrindod Wells LD1 5RW
P/2018/0551 HOUS	15/06/2018	CONSENT	07/08/2018	Householder: Erection of an extension to the existing bungalow	3 Cilmery Cae Llewelyn Builth Wells LD2 3FA
P/2017/1308 OUT	01/12/2017	REFUSE	08/08/2018	Outline - Outline application for residential development (1x dwelling)	Land adj Gorof Cottages Ystradgynlais
P/2018/0219 FULL	16/02/2018	CONSENT	08/08/2018	Full: Erection of a poultry unit and associated feed bins, formation of access track and all associated works	land at Brynrhug Llanfair Caereinion Welshpool SY21 0DG

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2018/0226 FULL	19/02/2018	CONSENT	08/08/2018	Full: Conversion and extension of game keepers lodge to a holiday chalet, formation of an access and all associated works	Tredurn Llandefalle Brecon LD3 0UW
P/2018/0299 FULL	16/03/2018	CONSENT	08/08/2018	Full: Demolition of the dwelling 'Caeglas' and erection of replacement dwelling.	Cae Glas Llangammarch Wells LD4 4EL
P/2018/0549 FULL	21/05/2018	CONSENT	08/08/2018	Full: Change of use of land for the siting of 2 no. holiday log cabins. Installation of a package treatment plant and all associated works	Bryn Meadows Nantmel Llandrindod Wells LD1 6EG
P/2018/0636 FULL	14/06/2018	CONSENT	08/08/2018	Full: Erection of a two bedroom dwelling and all associated works	Land adj to Queens Court Old Kerry Road Newtown SY16 1BL
P/2018/0639 HOUS	13/06/2018	CONSENT	08/08/2018	Householder: Demolition of the existing conservatory, erection of a single storey extension and canopy to the rear, dormer window in the loft and external alterations	Coed Lan Llys Ynyscedwyn Ystradgynlais SA9 1EN

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2018/0650 FULL	18/06/2018	CONSENT	08/08/2018	Full: Erection of an agricultural building for storage of implements and machinery	Llwyn Celyn Rhosgoch Clyro Builth Wells HR3 5SG
P/2018/0657 HOUS	20/06/2018	CONSENT	08/08/2018	Householder: New driveway adjacent to existing one	Golwg Y Bannau Neath Road Ystradgynlais SA9 1PR
P/2017/1405 LBC	28/12/2017	CONSENT	09/08/2018	LBC: Internal alterations and rearrangement of rooms with new external door opening and all associated works	Ystrad House 1 Church Road Knighton LD7 1EB
P/2018/0576 REM	30/05/2018	CONSENT	09/08/2018	Section 73 application to vary condition no. 1 of planning approval P/2013/0367 to allow further time for commencement of development	Spa Residential Home Temple Street Llandrindod Wells LD1 5HG
P/2018/0614 CLA2	07/06/2018	LAWFUL USE	09/08/2018	Section 192 application for a lawful development certificate for a proposed development to demolish existing rear conservatory and the erection of a single storey extension	49 Lon Glanyrafon Newtown SY16 1QU

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2018/0372 FULL	06/04/2018	CONSENT	10/08/2018	Full: Siting of 1 no. holiday cabins and all associated works	Land adj. Barn at Upper House Fa Burlingjobb Presteigne LD8 2PW
P/2018/0598 RES	13/06/2018	CONSENT	13/08/2018	Application for reserved matters following the approval of P/2016/0256 for the erection of an affordable dwelling at site adjacent to Blaenheol	Site Adjacent to Blaenrheol Newbridge-On-Wye Llandrindod Wells LD1 6HS
P/2017/0093 FULL	20/01/2017	CONSENT	14/08/2018	Erection of a dwellinghouse, formation of vehicular access and all associated works	Plot 1 Land adj Van Terrace Y Fan Llanidloes SY18 6NA
P/2017/0094 FULL	20/01/2017	CONSENT	14/08/2018	Erection of a dwellinghouse, formation of vehicular access and all associated works	Plot 2 Land adj Van Terrace Y Fan Llanidloes SY18 6NA
P/2017/0804 FULL	19/07/2017	CONSENT	14/08/2018	Change of use from commercial to residential to create single dwelling unit. Internal alterations to create bathroom at first floor.	Richard George and Jenkins 11 Severn Street Welshpool SY21 7AG

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/0805 LBC	19/07/2017	CONSENT	14/08/2018	Listed building consent: change of use from commercial to residential to create single dwelling unit. Internal alterations to create bathroom at first floor.	Richard George and Jenkins 11 Severn Street Welshpool SY21 7AG
TEL/2017/0012 TELE	20/11/2017	PP NOTNEEDED	14/08/2018	TELE: Application for prior notification under Schedule 2, part 24 of the GPO 1995 for the installation of a 15m high lattice mast accomodating 3 no. antennas and 2 no. 600m transmission dishes and all associated works	Land at Upper Crug Llanbister Road LD1 5UT
P/2017/1456 LBC	14/12/2017	APPROVE	14/08/2018	LBC: Internal and external renovation works to building to include reroofing, installation of lateral restraining anchors and DCPs, relaying of central lead box, reinstate lime torching, and replacement of cement mortar and	Building A Leighton Centre Leighton Welshpool SY21 8HJ
P/2018/0227 OUT	22/02/2018	CONSENT	14/08/2018	Outline - Erection of 2 affordable dwellings (all matters reserved)	Land off Joe Deakins Road Presteigne
P/2018/0479 FULL	09/05/2018	CONSENT	14/08/2018	Full: Installation of a 25m telecommunications mast and compound to include all associated equipment	Land at Nantyrhwch Forestry Tregaron SY25 6NR

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2018/0673 HOUS	25/06/2018	CONSENT	14/08/2018	Replacement storage shed and car port	Well House Glasbury Hereford HR3 5LX
P/2018/0343 FULL	12/04/2018	CONSENT	15/08/2018	Full: Erection of a warehouse and office building, construction of a boundary fence, and all associated works	Land at Broadaxe Presteigne LD8 2UH
P/2018/0402 FULL	04/04/2018	CONSENT	15/08/2018	Full: Erection of a dwellinghouse with integral garage, formation of vehicular access and all associated works	Plot 1 Llanwnog Maes y Cwm Caersws SY17 5JL
P/2018/0533 FULL	25/05/2018	CONSENT	15/08/2018	Full: Erection of a single storey store on side of existing house and erection of single storey Shedpheard's hut	Top Y Cae Dylife Llanbrynmair SY19 7BW
P/2018/0541 FULL	21/05/2018	CONSENT	15/08/2018	Full: Erection of a covered manure store on farm and all associated works	Cwm Bwlch-Y-Ffridd Newtown SY16 3JD

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2018/0565 HOUS	20/06/2018	CONSENT	15/08/2018	Full: Erection of a steel portal agricultural building for storage of straw/hay bales	Pantycaragle Farm Beguildy Knighton LD7 1YD
P/2018/0578 FULL	22/05/2018	CONSENT	15/08/2018	Full: Erection of an agricultural building for use as feed store and all associated works	Cwm Farm Bwlch-Y-Ffridd Newtown SY16 3JG
P/2018/0603 FULL	25/06/2018	CONSENT	15/08/2018	Erection of an extension to existing building for use as storage of tools and vehicles	Tregarden Funeral Parlour Tregarden Gladestry HR5 3NY
P/2018/0626 FULL	20/06/2018	CONSENT	15/08/2018	Full: Extension and enclosure of covered areas to create additional cafe and shop space	Llanfair Station Welshpool and Llanfair Caereinion Pool Road Welshpool SY21 0SF
P/2018/0633 RES	20/06/2018	CONSENT	15/08/2018	Application for reserved matters following the approval of P/2017/0383 for the erection of an affordable dwelling	Plot 1 Land at Brynllwarch Garden Kerry SY16 4PD

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2018/0634 RES	20/06/2018	CONSENT	15/08/2018	Application for reserved matters following the approval of P/2016/0937 for the erection of an affordable dwelling	Plot 2 Kerry Land at Brynllwarch Garden Newtown SY16 4PD
P/2018/0643 FULL	15/06/2018	CONSENT	15/08/2018	Full: Change of use of land from agricultural to mixed use (Agricultural & Equestrian) and erection of a stable block	Land at Old New Inn Pen-Y-Bont Oswestry SY10 9JJ
P/2018/0647 FULL	03/07/2018	CONSENT	15/08/2018	Full: Demolition of a dutch barn and erection of a replacement agricultural building	Fforddfawr Glasbury HR3 5PT
P/2018/0676 FULL	27/06/2018	CONSENT	15/08/2018	Full: Erection of a building to cover a muck store	Grove Farm Knighton LD7 1LN
P/2018/0689 HOUS	04/07/2018	CONSENT	15/08/2018	Householder: Alterations to fenestrations	2 Staff Houses Three Cocks Gwernfyed School Brecon LD3 0SG

**MINUTES OF A MEETING OF THE TAXI LICENSING SUB-COMMITTEE HELD AT
COUNCIL CHAMBER - NEUADD MALDWYN, WELSHPOOL, POWYS ON
TUESDAY, 1 MAY 2018**

PRESENT

County Councillor L George (Chair)

County Councillors H. Hulme and K Lewis

1.	RESOLUTION TO EXCLUDE THE PUBLIC AND THE PRESS
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RESOLVED that in accordance with Section 100(a)(4) of the Local Government Act 1972 the public and press were excluded from the meeting on the grounds that there would be disclosure to them of exempt information under Paragraphs 12 and 18 of Schedule 12a Part 7 of the above Act in respect of the following item[s].

2.	REVIEW OF A JOINT HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE
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2.1. Sub-Committee procedures

The Chair introduced the Sub-Committee and its Clerk.

The Clerk to the Sub-Committee on behalf of the Solicitor to the Council explained the procedures to be followed by the Sub-Committee.

2.2. Review of a licence

Licence holder – M.R.E.

The Licensing Officer presented the licensing authority's position as outlined in the report [copy filed with the signed minutes].

The Children's Manager for north Powys attended the meeting and explained that the disclosure of inappropriate behavior was made by a vulnerable 16 year old to her case work support officers.

The Licensing Officer explained that MREs licence had been suspended based on allegations concerning the above matter and previous convictions. The Licensing Officer referred to the recommendations in a Safeguarding Report of a Professional Strategy Meeting held on the 13th April 2018. The Sub-Committee also considered written representations from MRE and three references supplied by him.

The Sub-Committee withdrew to consider, in private, the review and the evidence they had heard, with the support of the Clerk.

On their return the Chair announced their decision. In reaching the decision members took into account the relevant written and verbal representations.

RESOLVED	Reason for decision
To revoke the Hackney Carriage and Private Hire Driver's Licence held by M.R.E.	That he is not a fit and proper person to hold a hackney Carriage and Private Hire Driver's Licence.

The Clerk to the Sub-Committee advised that he would confirm the decision in writing and reminded parties of their right to appeal.

The Chair thanked all for attending.

3.	THE SUB-COMMITTEE TO AGREE TO MOVE INTO OPEN SESSION
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The Sub-Committee agreed to move into public session for the remainder of the meeting.

4.	APPLICATION FOR A PLATE EXEMPTION ON PRIVATE HIRE LICENSED VEHICLE
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4.1. Sub-Committee procedures

The Chair introduced the Sub-Committee and its Clerk.

The Clerk to the Sub-Committee on behalf of the Solicitor to the Council explained the procedures to be followed by the Sub-Committee.

4.2. Application for a plate exemption

Applicant – Silver Service

The Licensing Officer presented the licensing authority's position as outlined in the report [copy filed with the signed minutes].

All parties confirmed that they had been able to make their representations.

The Sub-Committee withdrew to consider, in private, the application and the evidence they had heard, with the support of the Clerk.

On their return the Chair announced their decision. In reaching the decision members took into account the relevant written and verbal representations.

RESOLVED	Reason for decision
To grant Silver Service its application for a licence plate exemption (including for a replacement vehicle of a similar or improved standard as the vehicle being replaced).	The applicant has made out a justifiable business case for claiming the exemption and such an exemption would not be detrimental to public safety.

The Clerk to the Sub-Committee advised that he would confirm the decision in writing and reminded parties of their right to appeal.

The Chair thanked all for attending.

5.	APPLICATION FOR A PLATE EXEMPTION ON PRIVATE HIRE LICENSED VEHICLES
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5.1. Sub-Committee's procedures

The Chair introduced the Sub-Committee and its Clerk.

The Clerk to the Sub-Committee on behalf of the Solicitor to the Council explained the procedures to be followed by the Sub-Committee.

5.2. Application for a plate exemption

Applicant – Mid Wales Limousines

The Licensing Officer presented the licensing authority's position as outlined in the report [copy filed with the signed minutes].

All parties confirmed that they had been able to make their representations.

The Sub-Committee withdrew to consider, in private, the application and the evidence they had heard, with the support of the Clerk.

On their return the Chair announced their decision. In reaching the decision members took into account the relevant written and verbal representations.

RESOLVED	Reason for decision
To grant Mid Wales Limousines its application for a licence plate exemption.	The applicant has made out a justifiable business case for claiming the exemption and such an exemption would not be detrimental to public safety.

The Clerk to the Sub-Committee advised that he would confirm the decision in writing and reminded parties of their right to appeal.

The Chair thanked all for attending.

6.	APPLICATION FOR A PLATE EXEMPTION ON PRIVATE HIRE LICENSED VEHICLES
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6.1. Sub-Committee procedures

The Chair introduced the Sub-Committee and its Clerk.

The Clerk to the Sub-Committee on behalf of the Solicitor to the Council explained the procedures to be followed by the Sub-Committee.

6.2. Application for plate exemption

Applicant – Tiny's Limo

The Licensing Officer presented the licensing authority's position as outlined in the report [copy filed with the signed minutes].

All parties confirmed that they had been able to make their representations.

The Sub-Committee withdrew to consider, in private, the application and the evidence they had heard, with the support of the Clerk.

On their return the Chair announced their decision. In reaching the decision members took into account the relevant written and verbal representations.

RESOLVED	Reason for decision
To grant Tiny's Limo its application for a licence plate exemption.	The applicant has made out a justifiable business case for claiming the exemption and such an exemption would not be detrimental to public safety.

The Clerk to the Sub-Committee advised that he would confirm the decision in writing and reminded parties of their right to appeal.

The Chair thanked all for attending.

County Councillor L George (Chair)