

# Planning, Taxi Licensing & Rights of Way Committee

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Meeting Venue  
**Council Chamber, County Hall -  
County Hall**

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Meeting Date  
**Thursday, 1 August 2019**

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Meeting Time  
**11.15 am or on the later arrival of the  
Committee.**

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County Hall  
Llandrindod Wells  
Powys  
LD1 5LG

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

25 July, 2019

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Mae croeso i chi siarad yn Gymraeg neu yn Saesneg yn y cyfarfod, a bydd gwasanaeth cyfieithu ar y pryd ar gael.  
You are welcome to speak Welsh or English in the meeting, and a simultaneous translation service will be provided.

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## AGENDA

<b>1.</b>	<b>APOLOGIES</b>
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To receive apologies for absence.

<b>2.</b>	<b>MINUTES OF THE PREVIOUS MEETING</b>
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To authorise the Chair to sign the minutes of the previous meeting of the Committee held on 4 July, 2019 as a correct record.

(Pages 5 - 12)

<b>Planning</b>
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<b>3.</b>	<b>DECLARATIONS OF INTEREST</b>
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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.

<b>4.</b>	<b>PLANNING APPLICATIONS FOR CONSIDERATION BY THE COMMITTEE</b>
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To consider the reports of the Head of Property, Planning and Public Protection and to make any necessary decisions thereon.

(Pages 13 - 16)

**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. 18/0779/FUL Old Impton Farm , Mynd Road, Norton, Presteigne, LD8 2EN**

(Pages 17 - 62)

**4.3. 19/0519/FUL Corndon Manor, White Grit, Minsterley, Shropshire, SY5 0JL**

(Pages 63 - 74)

**4.4. 19/0633/FUL Nantmel C In W School, Nantmel, Llandrindod Wells, LD1 6EL**

(Pages 75 - 106)

**4.5. 19/0537/FUL Land at Moelygarth Pumping Station, Laundry Lane, Moelygarth, Y Trallwng, Powys**

(Pages 107 - 140)

**4.6. 19/0745/DIS Village Hall, Sarn, Newtown, SY16 4EJ**

(Pages 141 - 146)

**4.7. 19/0812/FUL Trevithel Court, Three Cocks, Brecon, Powys, LD3 0RY**

(Pages 147 - 160)

4.8. **19/0815/CLP Welshpool High School, Gallowstree Bank, Welshpool, Powys, SY21 7RE**

(Pages 161 - 166)

4.9. **DIS/2018/0067 Llyswen, Powys, LD3 0YB.**

(Pages 167 - 172)

<b>5.</b>	<b>DECISIONS OF THE HEAD OF PROPERTY, PLANNING AND PUBLIC PROTECTION ON DELEGATED APPLICATIONS</b>
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To receive for information a list of decisions made by the Head of Property, Planning and Public Protection under delegated powers.

(Pages 173 - 190)

<b>6.</b>	<b>APPEAL DECISION</b>
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To receive the Planning Inspector's decision regarding an appeal.

(Pages 191 - 194)

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**MINUTES OF A MEETING OF THE PLANNING, TAXI LICENSING & RIGHTS OF WAY COMMITTEE HELD AT COUNCIL CHAMBER, COUNTY HALL - COUNTY HALL ON THURSDAY, 4 JULY 2019**

## PRESENT

County Councillor K Lewis (Chair)

County Councillors E M Jones, L V Corfield, L George, H Hulme, G Jones, M J Jones, F H Jump, H Lewis, I McIntosh, D R Price, P C Pritchard, G Pugh, D Selby, K S Silk, E Vaughan, J Wilkinson, G I S Williams, D H Williams, J Williams and R Williams

<b>1.</b>	<b>APOLOGIES</b>
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There were no apologies for absence. Councillor D Price advised that he would need to leave at midday for other Council business.

<b>2.</b>	<b>MINUTES OF THE PREVIOUS MEETING</b>
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The Chair was authorised to sign as a correct record the minutes of the meeting held on 13 June, 2019.

<b>Planning</b>
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<b>3.</b>	<b>DECLARATIONS OF INTEREST</b>
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(a) County Councillor J. Williams declared a prejudicial interest in the following applications:  
P/0505/FUL because his late father was a tenant of the applicant and he knows the applicant.

19/0506/FUL because he knows the applicant and has had discussions about this site in the past, although not about this application.

County Councillor G Jones declared a prejudicial interest in application 18/0779/FUL as he has a similar "live" planning application with the same agent.

(b) The Committee noted that no Member requested that a record be made of their membership of a Community Council where discussion had taken place of matters for the consideration of this Committee.

(c) The Committee noted that no Member (who is a member of the Committee) would be acting as 'local representative' in respect of any application on the agenda.

(d) The Committee noted that no Member (who is not a member of the Committee) would be speaking as the 'local representative' in respect of any application on the agenda.

<b>4.</b>	<b>PLANNING APPLICATIONS FOR CONSIDERATION BY THE COMMITTEE</b>
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The Committee considered the report of the Head of Property, Planning and Public Protection (copies filed with the signed minutes).

#### 4.1 Updates

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

County Councillor G Jones having declared an interest left the meeting room for the next application.

#### 4.2 18/0779/FUL Old Impton Farm , Mynd Road, Norton, Presteigne, LD8 2EN

**Grid Ref:** E: 329203 N: 267049

**Valid Date:** 17/10/2018

**Community Council:** Presteigne Town Council

**Applicant:** Mr Wilding

**Location:** Old Impton Farm , Mynd Road, Norton, Presteigne, LD8 2EN

**Proposal:** Erection of a poultry unit and associated works

**Application Type:** Full Application

Mrs L Thomas spoke as an objector.

Mr G Davies [Agent] and Mr R Wilding [applicant] spoke for the application.

The Principal Planning Officer advised that if the Committee was minded to approve the application the conditions were those contained in the update report.

In response to a question, the Built Heritage Officer advised that she considered that the removal of the incongruous conifers from the location and the replacement with native species would benefit the landscape. In respect of the typography of the site, the Principal Planning Officer advised that the consultees had information about the site and none had raised any issues regarding drainage.

The Highways Authority confirmed that the visibility splays from the farm track to the highway were adequate. The Principal Planning Officer advised that in respect of the bridleway, the applicant had been advised that the right of way could not legally be obstructed until an application for a temporary closure had been processed and approved.

In response to questions, the Principal Planning Officer advised that in the officer's judgement, sufficient information had been provided to consider the application and photomontages were not required. Members considered that photomontages would provide information about the impact of the proposed development and the cumulative effect of such developments on the countryside.

The Built Heritage Officer confirmed that with the mitigation agreed by the applicant and the recommended conditions she had changed her position and considered that there was no harm to the setting of the historic building.

The Principal Planning Officer in response to questions advised that the manure management plan had identified private water supplies and buffer zones were identified around these. She advised that the topography of the land was such that the spring at Norton Residential Park was at a lower level to the development site and there were buildings and a woodland between these.

It was proposed and duly seconded to defer the application for photomontages of the development and the visual impact on the area to be provided.

Further concerns were raised regarding the impact on water supplies and the visual impact.

An amendment was moved and duly seconded to defer the application to undertake a site visit.

<b>RESOLVED:</b>	<b>Reason for decision:</b>
<b>that the application be deferred to undertake a site visit.</b>	<b>To enable the Committee to view the site and the potential impact of the development.</b>

County Councillor G Jones returned to the meeting room and resumed his seat in the Committee.

County Councillor J Wilkinson arrived.

County Councillor J Williams having declared an interest left the meeting room for the next application.

4.3 19/0508/FUL Penpound, Newbridge-on-wye, Llandrindod Wells, Powys, LD1 6HP

**Grid Ref:** E: 302241 N: 259619

**Valid Date:** 22/03/2019

**Community Council:** Llanyre Community Council

**Applicant:** Mr R Powell

**Location:** Penpound, Newbridge-on-Wye, Llandrindod Wells, Powys, LD1 6HP

**Proposal:** Erection of 2 No. agricultural buildings for poultry rearing, together with associated infrastructure including a package treatment plant

**Application Type:** Full Application

The Committee noted that the application was accompanied by an Environmental Statement and it had regard to this in its determination of the application. The Highways Authority confirmed that the applicant had agreed to move the access and therefore it had no objections subject to conditions.

It was moved and duly seconded to accept the officer's recommendation.

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

Concern was raised that the Committee needed to be consistent when considering applications as photomontages had not been requested in respect of the last application. The Professional Lead – Development Management advised that the Landscape Supplementary Planning Guidance [SPG] did not require the provision of photomontages.

County Councillor J Williams returned to the meeting room and resumed his seat in the Committee.

4.4 18/0663/OUT Ysgol Gynradd Gymunedol Penrhos, Brecon Road, Ystradgynlais, Powys, SA9 1PX

**Grid Ref:** E: 279602 N: 211156

**Valid Date:** 06/09/2018

**Community Council:** Ystradgynlais Town Council

**Applicant:** Penrhos School Developments

**Location:** Ysgol Gynradd Gymunedol Penrhos, Brecon Road, Ystradgynlais, Powys, SA9 1PX

**Proposal:** Proposed residential development and associated works (some matters reserved)

**Application Type:** Outline planning

In response to questions, the Principal Planning Officer confirmed that the Local Development Plan [LDP] does not require any affordable housing provision in the Ystradgynlais area, based on the evidence collected during the Strategic / LDP Viability Assessment. She advised that the S106 agreement for the open space contribution had been agreed by the Countryside & Outdoor Recreation Service in order to upgrade an existing playing facility. Some Members voiced concern as to the adequacy of the amount proposed.

The Highway Authority advised that a safety audit had been undertaken and the proposed road layout and mini roundabout was acceptable. In respect of

contaminated land, the Principal Planning Officer advised that test holes had been dug and conditions were recommended requiring further investigations to be undertaken.

County Councillor D Price left the meeting to attend other Council business.

It was moved and duly seconded to defer the application for officers to review the S106 contribution to the upgrade of the playing field. This was put to the vote and lost.

It was moved and duly seconded to approve the application as recommended by officers.

<b>RESOLVED:</b>	<b>Reason for decision:</b>
<b>that the application be granted consent, subject to the conditions and a S106 Agreement to secure the open space contribution, as set out in the report, which is filed with the signed minutes.</b>	<b>As officers recommendation as set out in the report which is filed with the signed minutes.</b>

County Councillor J Williams having declared a prejudicial interest left the meeting room for the next application.

4.5 19/0506/FUL Mellowcroft, Llandegley, Llandrindod Wells, Powys, LD1 5UF

**Grid Ref:** E: 314095 N: 261613

**Valid Date:** 04/04/2019

**Community Council:** Penybont Community Council

**Applicant:** Mr Eddie McIntosh

**Location:** Mellowcroft, Llandegley, Llandrindod Wells, Powys, LD1 5UF

**Proposal:** Erection of five agricultural buildings and associated works (retrospective)

**Application Type:** Full application

The Principal Planning Officer advised that there was an Enforcement Notice on the land. She advised that if the Committee was minded to approve the application the conditions were those contained in the Update report.

In response to questions, the Principal Planning Officer advised that the Committee had to consider the application as presented. She advised that conditions were recommended limiting the use of the buildings and removing permitted development rights. The Solicitor reminded the Committee that it had

to consider the application as received and that there was no strict definition of what an agricultural building should look like. He also advised that this was a separate application to the enforcement issue and the Committee had to determine this application in its planning merits. In response to questions, the Principal Planning Officer advised that the Welsh Government's One Planning Development policy related to dwellings and not agricultural buildings. She advised the Committee that an application could not be refused on the grounds of potential use.

It was moved and duly seconded that the officer's recommendation as contained in the update report be approved.

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

County Councillor J Williams returned to the meeting room and resumed his seat in the Committee.

The Chair moved the agenda to consider the following item next.

The following Councillors moved to the public seating area as they were not able to consider the following application:

Councillors F Jump and J Wilkinson as they were not at the meeting where the application had previously been considered and Councillors G Jones and P Pritchard who were not members of the Committee at that time.

4.6 18/1053/AGR Maes Y Nant, Berriew, Welshpool, Powys, SY21 8BG

**Grid Ref:** E: 315759 N: 301953

**Valid Date:** 11/12/2018

**Community Council:** Berriew Community Council

**Applicant:** Mr D Davies

**Location:** Maes Y Nant, Berriew, Welshpool, Powys, SY21 8BG

**Proposal:** Erection of an agricultural building

**Application Type:** Agricultural Notification

The Solicitor advised that as the applicant was a Councillor he had reviewed the application file and confirmed that it had been processed "normally", as required under the Planning Protocol.

Concerns were raised that the proposed building was 470 metres from the existing buildings and that it was in the open countryside.

It was moved and duly seconded to refuse the application as the development was outside the curtilage of the farm buildings, was in the open countryside and would have a detrimental impact on the landscape and that it be delegated to the Professional Lead Development Management in consultation with the Chair and Vice Chair to agree the wording of the reason for refusal.

<b>RESOLVED:</b>	<b>Reason for decision:</b>
<b>that the application be refused and that the wording be delegated to the Professional Lead – Development Management in consultation with the Chair and Vice Chair.</b>	<b>The siting of the proposed development was outside the curtilage of the farm buildings, was in the open countryside and was considered to have an unacceptable landscape impact.</b>

The Committee adjourned for lunch at 13.35hrs and reconvened at 13.50hrs.

The following Members had left the meeting:

Councillors F Jump, H Hulme, M.J. Jones, I McIntosh, P Pritchard, K Silk and J Williams.

4.7 19/0947/AGR Glanogeu, Rhiwlas, Oswestry, Powys, SY10 7JJ

**Grid Ref:** E: 320156 N: 331945

**Valid Date:** 07/06/2019

**Community Council:** Llansilin Community Council

**Applicant:** Mr Aled Davies

**Location:** Glanogeu, Rhiwlas, Oswestry, Powys, SY10 7JJ

**Proposal:** Application for prior notification of agricultural development - proposed storage building

**Application Type:** Agricultural Notification

The Solicitor advised that as the applicant was a Councillor he had reviewed the application file and confirmed that it had been processed “normally”, as required under the Planning Protocol.

<b>RESOLVED:</b>	<b>Reason for decision:</b>
<b>that the application be granted consent.</b>	<b>As officers recommendation as set out in the report which is filed with the signed minutes.</b>

4.8 19/0992/AGR Nant Hirwen, Moelfre, Croesoswallt, Powys, SY10 7QW

**Grid Ref:** E: 317874 N: 329184

**Valid Date:** 20/06/2019

**Community Council:** Llansilin Community Council

**Applicant:** Mr Bryn Davies

**Location:** Nant Hirwen, Moelfre, Croesoswallt, Powys, SY10 7QW

**Proposal:** Agricultural Notification for the erection of an extension

**Application Type:** Agricultural Notification

The Solicitor advised that as the applicant was a Councillor he had reviewed the application file and confirmed that it had been processed “normally”, as required under the Planning Protocol.

<b>RESOLVED:</b>	<b>Reason for decision:</b>
that the application be granted consent.	As officers recommendation as set out in the report which is filed with the signed minutes.

<b>5.</b>	<b>DECISIONS OF THE HEAD OF PROPERTY, PLANNING AND PUBLIC PROTECTION ON DELEGATED APPLICATIONS</b>
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The Committee received for information a list of decisions made by the Head of Property, Planning and Public Protection during the period between 5 June 2019 and 25 June, 2019.

**County Councillor K Lewis (Chair)**

**Planning, Taxi Licensing and Rights of Way Committee**  
**1<sup>st</sup> August 2019**

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:	Nature of Development:
Community:	Location of Development:
O.S. Grid Reference:	Applicant:
Date Received:	Recommendation of Head of Planning:

<b>1.</b>	<p><b>18/0779/FUL</b></p> <p>Presteigne Community</p> <p>E: 329203 N: 267049</p> <p>17/10/2018</p>	<p>Erection of a poultry unit and associated works</p> <p>Old Impton Farm, Mynd Road, Norton Presteigne, LD8 2EN</p> <p>Mr Wilding</p> <p><b>Update</b></p>
<b>2.</b>	<p><b>19/0519/FUL</b></p> <p>Churchstoke Community</p> <p>E: 331772 N: 297412</p> <p>29/04/2019</p>	<p>Change of use of a dwelling C3a to a care home C2</p> <p>Corndon Manor, White Grit, Minsterley</p> <p>Miss Bethan Davies</p> <p><b>Recommendation:</b> Conditional Consent</p>
<b>3.</b>	<p><b>19/0633/FUL</b></p> <p>Nantmel Community</p> <p>E: 303467 N: 266183</p> <p>16/04/2019</p>	<p>Conversion of school to form a single dwelling, to include alterations to existing access and associated works</p> <p>Nantmel C In W School, Nantmel, Llandrindod Wells, LD1 6EL</p> <p><b>Recommendation:</b> Conditional Consent</p>

4.	<p><b>19/0537/FUL</b></p> <p>Guilsfield Community</p> <p>E: 319866 N: 309680</p> <p>26/03/2019</p>	<p>Installation of a replacement booster pumping station kiosk and parking/access area</p> <p>Land At Moelygarth Pumping Station Laundry Lane, Moelygarth, Welshpool</p> <p>Severn Trent Ltd</p> <p><b>Recommendation:</b> Conditional Consent</p>
5.	<p><b>19/0745/DIS</b></p> <p>Kerry Community</p> <p>E: 320376 N : 290839</p> <p>03/05/2019</p>	<p>Full: Change of use of outbuilding into an engineering workshop (class B2), alterations to access and associated works</p> <p>Village Hall, Sarn, Newtown, SY16 4EJ</p> <p>Powys County Council</p> <p><b>Recommendation:</b> Approval</p>
6.	<p><b>19/0812/FUL</b></p> <p>Bronllys Community</p> <p>E: 315769 N: 236702</p> <p>24/05/2019</p>	<p>Erection of agricultural building for storage of silage</p> <p>Trevithel Court, Three Cocks, Brecon LD3 0RY</p> <p>Mr David James</p> <p><b>Recommendation:</b> Conditional Consent</p>

7.	<p><b>19/0815/CLP</b></p> <p>Welshpool Community</p> <p>E: 323223 N: 308147</p> <p>07/05/2019</p>	<p>Section 192 application for a lawful development certificate for a proposed development: external window replacement</p> <p>Welshpool High School, Gallowstree Bank, Welshpool, SY21 7RE</p> <p>Powys County Council</p> <p><b>Recommendation:</b> Permitted Development</p>
8.	<p><b>DIS/2018/0067</b></p> <p>Bronllys Community</p> <p>E: 312840 N:238466</p> <p>09/04/2018</p>	<p>Discharge of conditions 8, 9, 10 and 11 of planning approval P/2016/0801</p> <p>Archdeacon Griffiths CIW Primary School Llyswen, Llyswen, LD3 0YB</p> <p>Powys County Council</p> <p><b>Recommendation:</b> Approval</p>

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# 4.2

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

<b>Application Number:</b>	18/0779/FUL	<b>Grid Ref:</b>	E: 329203 N: 267049
<b>Community Council:</b>	Presteigne Community	<b>Valid Date:</b>	17.10.2018

**Applicant:** Mr Wilding

**Location:** Old Impton Farm , Mynd Road, Norton, Presteigne, LD8 2EN

**Proposal:** Erection of a poultry unit and associated works

**Application Type:** Full Application

### Note:

**The following is the report which was considered by the Committee on 4 July, 2019. The Committee agreed to defer consideration of the application to undertake a site visit.**

**An update report will be provided next week.**



Wales & West Utilities - Plant Protection  
Team

9th Nov 2018

With regards to your below request, LD8 is not Wales & West Utilities area. This falls within Cadent's area, contact details for them below:

Email: [plantprotection@cadentgas.com](mailto:plantprotection@cadentgas.com)

Telephone: 0800 688588

If you have any further questions please don't hesitate to contact me.

Ward Councillor

Please accept this written request for Planning Application 2018/0779 to be determined by the planning committee as opposed to being delegated to an officer within the department.

The reason for my calling in the application are the significant local concerns. I have been contacted by numerous local residents stating a number of concerns these include noise, highways, increase in vehicle movements and a nearby water course that provides drinking water.

I trust my request will be actioned. Please advise.

Highway Authority

5th Nov 2018

The details, submitted with the application, indicate that only 28 HGV will be generated by the development over the course of the year. Accordingly, the Highway Authority consider that the existing network can easily accommodate the traffic that will be generated by the development and we have no further comments to make.

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.

## SEWERAGE

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

## CATCHMENT

The purpose of DCWW reviewing and commenting on this application is to make the applicant aware that their development is within a drinking water catchment under Article 7 of the Water Framework Directive, and that Article 7.3 requires the avoidance of deterioration in water quality where this may lead to additional purification treatment being required. We ask the developer to be mindful of this, and to refer to best practice when operating such facility to ensure water quality is not compromised

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.

County Ecologist

19th Apr 2019

Thank you for consulting me with regards to planning application 18/0779/FUL which concerns an application for the erection of a poultry unit and associated works at Old Impton Farm, Mynd Road, Norton, Presteigne.

I have reviewed the proposed plans and supporting information submitted with the application as well as aerial photographs of the site and surrounding habitats and local records of protected and priority species and designated sites within 500m of the proposed development.

The data search identified 22 records of protected and priority species within 500m of the proposed development, no records were for the site itself. Records identified within 500m of the proposed development included amphibians - great crested newt and palmate newt; mammals - hedgehog, badger, weasel, polecat and pipistrelle bat species and bluebell. A record of the lichen *Xanthoria polycarpa* (Environment (Wales) Act 2016 Section 7 species and Red Data Book species) was identified within 500m of the proposed development, this species of lichen is a nitrophile and therefore would not be negatively impacted by the proposed development.

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

The site of the proposed development appears to be an area of improved grassland a habitat considered to be relatively low ecological value due to its lack of species and structural diversity and limited potential to support protected or priority species. Given the identification of the presence of great crested newts within 500m of the consideration has been given to the potential for the proposed development to result in negative impacts to this species and whether an EPS licence would be likely to be required. There are no ponds present on the site of the proposed development and the nearest ponds are over 300m from the proposed development. Habitats directly impacted by the development comprise improved grassland a habitat generally unfavourable to support this species. Given the nature of the development and low favourability of the habitats directly affected it is considered that potential for impacts to great crested newts would be limited to the construction phase and that as per NRW's recommendations implementation of an appropriate Reasonable Avoidance Method Statement would ensure that there were no negative impacts. I therefore recommend that

should you be minded to approve the application an appropriately worded planning condition to secure submission of a detailed Construction Phase Great Crested Newt Reasonable Avoidance Method Statement prior to commencement of any development is included.

Having reviewed the nature of the habitats present and affected by the proposed development, records of protected and priority species in the wider environment and subject to inclusion of an appropriate condition to secure submission and adherence to an appropriate great crested newt RAMS it is considered that the proposed development would not result in the loss of or negative impacts to biodiversity at the site.

NRW have reviewed the information provided within the Report on the Modelling of the Dispersion and Deposition of Ammonia from the Proposed Pullet Rearing House at Old Impton Farm, near Norton in Powys produced by AS Modelling & Data Ltd dated 4th of May 2018 submitted to inform the application with regards to statutory designated sites. NRW have confirmed that the predicted process contributions are below the thresholds applied to determine potential impacts to statutory protected sites under which the application has been considered and are therefore considered to be acceptable.

With regards to Ancient woodland the detailed modelling provided within the Report on the Modelling of the Dispersion and Deposition of Ammonia from the Proposed Pullet Rearing House at Old Impton Farm, near Norton in Powys produced by AS Modelling & Data Ltd dated 4th of May 2018 indicates that that the predicted process contributions to ammonia concentrations and nitrogen deposition rates as a result of the proposed development would not exceed the Environment Agency's lower threshold (100% for non-statutory sites) of the precautionary Critical Level of  $1.0 \mu\text{g}/\text{m}^3$  and the Critical Load of 10.0 kg/ha.

A Manure Management Plan produced by Roger Parry & Partners and associated maps have been submitted to inform the application. The MMP identifies that there are sufficient land holdings available at the site to accommodate the spreading of all of the manure produced by the unit (in addition to manure for existing livestock numbers at the farm) in accordance with DEFRA's CoGAP recommended upper limit of 250kg N/ha The MMP includes details of 'no-spread' zones in accordance with the CoGAP recommendations i.e. buffers of 10m have been provided to all watercourses, 50m buffer from wells and boreholes and no spreading will take place in these buffers, the 'no-spread' zones are considered to be in line with current guidelines. The plan includes details of contingency measures when spreading of manure is not possible i.e. wet, waterlogged or frozen conditions; in these instances, manure, slurry and dirty water will be stored in the existing manure store on the farm. Wash water will be stored in a dirty water tank below ground which will be compliant with SSAFO Regulations (Wales) 2010 standards and will either be spread on the land or taken off site by an approved waste contractor. During and after a potential disease outbreak, the wash water from the unit will be collected by a specified waste services company, which would take the 'hazardous waste' off the farm for appropriate disposal. Subject to the site

being operated in accordance with this manure management plan, it is considered unlikely that the proposed development would cause pollution to the wider environment, NRW have also confirmed that they are satisfied with the identified MMP and associated contingency measures. It is therefore recommended that an appropriately worded condition is included to secure adherence to the identified Manure Management Plan to ensure compliance with the requirements of Powys LDP policy DM2.

Details of drainage arrangements for the site have been provided on Location Plan drawing no. GD-MZ254-01 produced by Roger Parry & Partners LLP dated 02/05/2018, these identify that dirty and clean water will be kept separate. Dirty water e.g. from wash down will be collected in an underground sealed tank (compliant with SSAFO Regulations (Wales) 2010 Standards), before being tankered out as necessary and applied to the land in accordance with the MMP. Clean water from roof and clean surfaces will be drained to stone infiltration trenches either side of the building which is discharged to a soakaway. Having reviewed the clean and dirty water drainage proposals it is considered that the principles identified are acceptable to ensure that management of dirty and clean water at the site would prevent adverse impacts to the surrounding environment. NRW have also identified that they consider the proposed drainage plans to be acceptable. It is therefore recommended that an appropriately worded condition is included to secure adherence to the identified drainage plan to ensure compliance with the requirements of Powys LDP policy DM2.

A Method Statement Pollution Prevention Plan for Land at Old Impton Farm, Norton document produced by Roger Parry & Partners LLP has been submitted with the application. I have reviewed the submitted information and consider that the measures identified are appropriate and in line with current guidelines - it should be noted that PPG5 has now been replaced by GPP5 which can be found at [https://www.netregs.org.uk/media/1418/gpp-5-works-and-maintenance-in-or-near-water.pdf?utm\\_source=website&utm\\_medium=social&utm\\_campaign=GPP5%2027112017](https://www.netregs.org.uk/media/1418/gpp-5-works-and-maintenance-in-or-near-water.pdf?utm_source=website&utm_medium=social&utm_campaign=GPP5%2027112017) In addition, NRW have reviewed the information and have stated that they consider that if the construction works and site operations are undertaken in accordance with this plan, the proposal would be unlikely to adversely impact the surrounding environment. It is therefore recommended that an appropriately worded condition is included to secure adherence to the identified Pollution Prevention Plan to ensure compliance with the requirements of Powys LDP policy DM2.

The Design and Access statement section 3.42 states that 'The poultry unit will not include any external or perimeter lighting'. Whilst it is recognised that at this time there may be no intention to install exterior lighting, in the future it may be deemed necessary to install external lighting e.g. for safety reasons. In order to ensure that any proposed external lighting at the site would not have a negative impact on local wildlife, I recommend that if planning permission is granted a planning condition is included requiring that any external lighting

identified as required at the site is approved by the LPA prior to installation to ensure the development complies with the requirements of LDP policies DM2 and DM7 - should external lighting be proposed it will need to be demonstrated that the plan complies with the recommendations identified in the Bat Conservation Trust and Institution of Lighting Professionals Guidance Note 08/18 Bats and artificial lighting in the UK Bats and the Built Environment series. It is therefore recommended that an appropriately worded condition is included to secure submission of a lighting design scheme to ensure compliance with the requirements of Powys LDP policies DM2 and DM7.

I note that a Landscaping Site Plan drawing no. RPP/GD-JOB64-03 produced by Roger Parry & Partners LLP dated March 2019 has been submitted to support the application. It is understood that the landscaping measures have been proposed primarily to provide screening of the proposed poultry unit. I have reviewed the proposed landscaping proposals with regards to their ecological suitability and consider the species and planting specifications to be appropriate, it should also be noted that in addition to providing screening of the proposed development the new tree and hedgerow planting and proposed management of existing hedgerows would be likely to provide additional benefits to biodiversity - biodiversity enhancements - in accordance with the requirements of Section 6 of the Environment (Wales) Act 2016. It is therefore recommended that an appropriately worded condition is included to secure adherence to the Landscaping Scheme to ensure compliance with the requirements of Powys LDP policies DM2 and DM4.

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

Prior to commencement of development a detailed Construction Phase Great Crested Newt Reasonable Avoidance Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The RAMS shall be implemented as approved.

Reason: To comply with Powys County Council's LDP Policies DM2 in relation to the Natural Environment and DM4 in relation to ecological qualities of the landscape and meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016

The development shall be carried out strictly in accordance with the details and measures identified in the following documents:

- i. Method Statement Pollution Prevention Plan for Land at Old Impton Farm, Norton document produced by Roger Parry & Partners LLP;
- ii. Manure Management Plan Erection of a pullet rearing unit at land at Old Impton Farm, Norton, Presteigne produced by Roger Parry & Partners LLP;

iii. Drainage Plan shown on Location Plan drawing no. GD-MZ254-01 produced by Roger Parry & Partners LLP dated 02/05/2018

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

Reason: To comply with Powys County Council's LDP Policy DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

No external lighting shall be installed unless an external lighting plan is submitted to and approved in writing by the Local Planning Authority. The scheme shall be produced in accordance with the recommendations of Bat Conservation Trust and Institution of Lighting Professionals Guidance Note 08/18 Bats and artificial lighting in the UK Bats and the Built Environment series corridors and shall be implemented as approved.

Reason: To comply with Powys County Council's LDP Policy DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

The development shall be carried out strictly in accordance with the details and measures identified in the Landscaping Site Plan drawing no. RPP/GD-JOB64-03 produced by Roger Parry & Partners LLP dated March 2019. The measures identified shall be adhered to and implemented in full and maintained thereafter.

Reason: To comply with Powys County Council's LDP Policies DM2 in relation to the Natural Environment and DM4 in relation to ecological qualities of the landscape and meet the requirements of Planning Policy Wales (Edition 10, December 2018), 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 informatives:

Great Crested Newts - Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017

Great Crested Newts are known to be present in the vicinity of the proposed development site. The great crested newt is fully protected under schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of The Conservation of Habitats and Species Regulations 2017.

It is therefore an offence to:

- o Deliberately capture, injure or kill a great crested newt;
- o Deliberately disturb a great crested newt in such a way as to be likely to significantly affect the local distribution, abundance or the ability of any significant group of great crested newts to survive, breed, rear or nurture their young;
- o Damage or destroy a great crested newt breeding site or resting place;
- o Intentionally or recklessly disturb a great crested newt; or
- o Intentionally or recklessly obstruct access to a breeding site or resting place.

If a great crested newt is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. This advice may include that a European protected species licence is sought.

Birds - Wildlife and Countryside Act 1981 (as amended)

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

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

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

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

## Protected Species

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

## Environmental Health

I trust that this email finds you well.

I have been made aware of concerns with regards to the Private Water Supplies in the area of the site, I have taken advice from our specialist team concerning these concerns and below I submit their response, I feel that the issues stated below should be addressed prior to moving on.

I hope that this is self-explanatory

Kind Regards

Kevin

*"I've had a look at this application; mainly the intended manure spreading areas in relation to private water supplies that we are aware of and have the following comments.*

*The attached map shows the PWSs that we are aware of or have been made aware of in the maps (amended) of Manure Management Plan associated with this application. Please also refer to the 4 manure management maps amended that form part of the application.*

- 1. What do the boreholes at Nos. 2 and 4 serve? Whose are they? Are they owned by the applicant? If not, further comment on the proximity of the intended manure application area to them may be appropriate, depending on the topology of the land.*
- 2. According to records Old Impton Farm is served by a spring (No. 3). Is this still used and if so, where is the exact location of the spring collection chamber?*
- 3. According to records, Norton Manor Cottage is served by a spring supply (No. 8). The applicant should determine the exact location of the spring collection chamber so we can compare it's proximity to the intended manure application areas.*
- 4. Nos. 6 and 7 are boreholes that serve Norton Manor and The Stables, respectively.*

5. *The applicant has marked a well on the first manure management map (No. 9); what does this well serve and whose is it?*
6. *No. 1 on the attached map is the location of the spring catch pit for the PWS that serves Norton Manor Park; No. 5 is a storage tank and treatment facility for this supply. I am aware that the field immediately to the north of the spring source is excluded from intended manure application; however, field SO2867 8409 is included (Map 4 in maps of Amended Manure Management Plan). The nearest boundary of this field appears to be ~200m from the Norton Manor Park spring source. However, you should check the topology of the land here; does it slope steeply so that run-off from it is directed towards the catchment area for the Norton Manor spring source? If so, could the boundary for spreading be moved so that it is further away from the spring source or and/or field SO2867 8409 be excluded from intended manure application? "*

Natural Resources Wales

14th Nov 2018

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which was received on 25/10/2018.

We recommend that you should only grant planning permission if you attach the following conditions. These conditions would address the significant concerns that we have identified, and we would not object provided you attach them to the planning permission.

Condition 1 - Great Crested Newt Reasonable Avoidance Measures scheme

Condition 2 - To prevent pollution to watercourses during the construction and operational phases of the proposal, the development shall be carried out in accordance with the:

- i) Pollution Prevention Plan ('Method Statement Pollution Prevention' by Roger Parry & Partners)
- ii) Drainage Plan ('Location Plan', Drawing No. GD-MZ254-01 dated 02/05/2018 by Roger Parry & Partners)
- iii) Manure Management Plan ('Manure Management Plan', prepared for R Wilding by Roger Parry & Partners).

Protected Species

Great Crested Newts (GCN) and their breeding and resting places are protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and

Species Regulations 2017 (SI 2017 No.1012), and they are a material consideration for planning.

Our database suggests GCN are present within 500m of the proposal location. There are also several ponds nearby. The nearest pond is some 280m to the development site, and there is suitable terrestrial habitat between the site and the ponds. The proposed building is to be located close to an existing hedgerow and forestry block.

In our view, the proposal is not likely to be detrimental to the maintenance of the favourable conservation status of any populations of GCN that may be present at the application site, provided Reasonable Avoidance Measures are implemented before and during construction works, and the existing hedgerow to the south of the proposal location and forestry plantation to the north west remain unaffected by the works.

#### Condition 1 - Great Crested Newt Reasonable Avoidance Measures scheme

NRW would have no objection to the proposal on the grounds of GCN subject to the imposition of a condition regarding the submission and implementation of an amphibian Reasonable Avoidance Measures (RAM) scheme with any permission that the LPA is minded to grant. RAMs will address all potential issues of the development including associated works and following their implementation the proposal will not be detrimental to the maintenance of the favourable conservation status of any GCN populations present within 250m of the application site.

#### Manure Management Plan

We have reviewed the Manure Management Plan ('Manure Management Plan', prepared for R Wilding by Roger Parry & Partners) submitted in support of this proposal. The plan calculates the quantity manure and Nitrogen in Kg produced using the Welsh Government guidance and concludes there is sufficient land on the farm for the manure to be spread.

The plan includes a contingency plan for the storage of manure when spreading to land is not possible, and states contaminated wash water will be stored in containers separate from other manures and will be disposed of by a specialist contractor licensed to deal with such wastes.

A map has been provided titled 'Manure Management Plan' which shows the land available for spreading manure and includes buffers to sensitive receptors.

All wash water and manures arising from poultry units must be collected and stored in accordance with The Water Resources (Code of Pollution) (Silage, Slurry and Agricultural

Fuel Oil) (Wales) Regulations 2010, and spread according to the Welsh Government's Code of Good Agricultural Practice.

#### Drainage Plan

We have reviewed the drainage plan submitted in support of this proposal ('Location Plan', Drawing No. GD-MZ254-01 dated 02/05/2018 by Roger Parry & Partners).

The drainage plan shows the surface water being drained to an underground tank, and any surplus water being drained to existing soakaways on the farm. The dirty water shall be drained separately to an underground tank built to SSAFO standards.

Provided the drainage system is built in accordance with this plan, it is unlikely the proposal will cause pollution to the wider environment.

#### Pollution Prevention Plan

We have reviewed the pollution prevention plan ('Method Statement Pollution Prevention' by Roger Parry & Partners) submitted in support of the proposal.

Provided the construction works and site operations take place in accordance with this plan, the proposal is unlikely to adversely impact the surrounding environment.

#### Protected Sites and Aerial Emissions

Intensive agricultural units have the potential to impact protected sites through aerial emissions (ammonia and nitrogen deposition). We have assessed the proposal using the thresholds introduced in April 2017. NRW assesses the air quality impact a unit may have on European sites and Sites of Special Scientific Interest (SSSIs) within a screening distance of 5km of the unit.

Detailed aerial emissions modelling has been submitted ('A Report on the Modelling of the Dispersion and Deposition of Ammonia from the Proposed Pullet Rearing House at Old Impton Farm, near Norton in Powys' by AS Modelling & Data Ltd. dated 4th of May 2018).

The report states there are 2 SSSIs within 5km of the proposal, which are:

- o River Lugg SSSI
- o Gwernaffel Dingle SSSI

The background ammonia concentration (annual mean) in the area around the site of the proposed poultry unit and the wildlife sites is 1.58  $\mu\text{gNH}_3/\text{m}^3$ . The background nitrogen deposition rate to woodland is 31.08kgN/ha/yr and to short vegetation is 19.32kgN/ha/yr.

The ammonia critical levels and nitrogen critical loads used for the sites are considered correct. The report has assessed both protected sites using the 1\_5lg threshold.

The report predicts the process contributions to ammonia concentration and nitrogen deposition are below the thresholds we apply in our assessment of potential impacts on protected sites.

#### Advice for the Developer

#### Environmental Permitting Regulations

The current advice relates to a proposed unit for a 37,000 pullet rearing unit.

Should the number of birds subsequently increase within the holding to over 40,000 birds an Environmental Permit under the Environmental Permitting Regulations 2016 would be required from Natural Resources Wales.

The grant of planning permission does not permit activities that require consent, licence or permit under other legislation. It is the applicant's responsibility to ensure that all relevant authorisations are obtained prior to any works commencing on site.

The written consent of NRW or registration for exemption by the developer will be required for any discharge (e.g. foul drainage to watercourse/ditch etc.) from the site and may also be required for certain discharges to land. All necessary NRW consents or exemptions will need to be obtained prior to works progressing on site.

#### Advice on Poultry Units

Advice on poultry units can be found in NRW's guidance document 'GN020 Assessing the impact of ammonia and nitrogen on designated sites from new and expanding intensive livestock units' and 'GN021 Poultry Units: planning permission and environmental assessment' available on our website: <https://naturalresources.wales/guidance-and-advice/business-sectors/farming/good-farming-practice/?lang=en>

#### Abstractions

Applicants intending to supply new units from ground or surface waters are advised to check the abstraction limits and apply for a permit to abstract if required.

<https://naturalresources.wales/apply-for-a-permit/water-abstraction-licences-and-impoundment-licences/?lang=en>

#### Discharges

The written consent of NRW or registration for exemption by the developer will be required for any discharge from the site (e.g. foul drainage to a watercourse) and may also be

required for certain categories of discharges to land. All necessary NRW consents, or exemptions must be obtained prior to works progressing on site.

<https://naturalresources.wales/apply-for-a-permit/water-discharges/discharges-to-surface-water-and-groundwater/environmental-permitting-for-discharges-to-surface-water-and-groundwater/?lang=en>

Please do not hesitate to contact us if you require further information or clarification of any of the above.

Our comments above only relate specifically to matters that are included on our consultation topics list (September 2018) which is published on our website:

(<https://cdn.naturalresources.wales/media/686847/dpas-consultation-topics-august-2018-eng.pdf?mode=pad&rnd=131819256840000000>). 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.

Clwyd Powys Archaeological Trust

31st Oct 2018

Thank you for the consultation on this application.

There are no recorded archaeological sites on the Historic Environment record that are within, or immediately adjacent to, this development area.

The Grade II and II\* listed building at Old Impton Farm lie further down the slope to the south east of the proposed development and the primary views of these buildings and their setting would be unaffected due to intervening slope topography, existing agricultural buildings and tree screening. Offa's Dyke is located approximately 600 metres to the north west and would be screened by woodland and intervening slope topography.

The addition of a tree screen and/or soil bund planted with a hedge to the south of the poultry unit would further blend the structure into the hillside and reduce distant views of the building and the already limited views from the nearby listed buildings. The addition of these screening options to a revised plan should be considered.

Cadw

7th Nov 2018

Thank you for your consultation. Having considered the information provided our records show there are no scheduled monuments or registered parks and gardens that would be affected by the proposed development. We therefore have no comments to make.

Rights Of Way

30th Oct 2018

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

Bridleway NR1112 runs through the development area and will be directly affected by the proposed development. The applicant has acknowledged that the bridleway will need to be diverted in order to accommodate the development. The applicant needs to understand that a public path diversion is a separate legal process to planning permission, and this will have to be processed and confirmed before any development on the definitive line can take place.

On the proposed new route of the bridleway the applicant needs to ensure that all gates meet BS5709:2018 and that there are no cattle grids on the route. As such PCC Countryside Services recommends that the applicant contact PCC Countryside Service to carry out a site visit.

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. Should the public bridleway be required to be temporarily closed for development purposes then the applicant should make contact with Countryside Services directly to discuss, prior to any works taking place. Any application for a temporary closure needs to be processed and approved before the bridleway can be legally stopped-up for a defined period.

We would therefore advise that advice is sought from Countryside Services before any development begins.

## Built Heritage Officer

*Correspondence received 29<sup>th</sup> November 2019*

Recommendation - Object to current location

The development as proposed in this location would adversely affect the setting of the designated heritage assets Cadw ID 8941 Old Impton Farmhouse grade II\* included on statutory list on 24/10/51 by virtue of its location on land to the north of Old Impton and on higher ground than Old Impton which in addition to the other farm buildings on the site would encompass this very significant listed building by new agricultural buildings on ground higher than Old Impton. 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, Paragraph 6.5.11 of Planning Policy Wales 9th edition 2016, TAN24 and its annexe Setting of Historic Assets in Wales and Local Development Plan Policies SP7 and Local Development Plan Objective 13.

## Background to Recommendation

### Designation

Cadw ID 8941 Old Impton Farmhouse grade II\* included on statutory list on 24/10/51

Cadw Id 8942 Long Barn and attached Byre Range at Old Impton Farm grade II (26/03/1985)

### 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 9<sup>th</sup> edition 2016

Conservation Principles published by Cadw

TAN24

Managing Change to Listed Buildings in Wales – Annexe to TAN24

Managing Conservation Areas in Wales – Annexe to TAN 24

Setting of Historic Assets in Wales – Annexe to TAN24

Registered Historic Parks and Gardens – 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

### Comments

I am mindful of the advice in Sections 66 of the Planning (Listed Buildings and Conservation areas) Act 1990, which 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.”

Section 6.1.4 of Planning Policy Wales 9th edition requires that “Decisions on planning applications and listed building and conservation area consents must be based on adequate information provided by the applicant and any action must be in proportion to the impact of the proposals, and the effects on the significance of the assets and their heritage values.” Section 1.26 of TAN 24 advises that “It is for the applicant to provide the local planning authority with sufficient information to allow the assessment of their proposals in respect of scheduled monuments, listed buildings, conservation areas, registered historic parks and gardens, World Heritage Sites, or other sites of national importance and their settings” I note the reference in paragraph 2.8 of the Design and Access Statement however would not consider that this adequately assess the impact of such a large development on such a significant building.

The proposal relates to the erection of a poultry unit on land to the north of Old Impton Farmhouse on higher land than Old Impton. The proposed building will be 96m long by 21m wide, 3m to eaves, 5.8 m to the ridge excluding the higher 13 vents and grain silos which will be higher than the ridge.

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 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

Paragraph 1.26 identifies the other factors that may affect the setting of an historic asset to include inter-visibility with other historic or natural features, tranquillity, noise or other potentially polluting development though it may have little visual impact. Cadw have prepared guidance on the setting of historic assets that in an annexe to TAN24 with advice on how to assess the setting of historic assets . Section 1 of the guidance on Setting of Historic Assets identifies that setting often extends beyond the property boundary of an historic asset and in to the surrounding landscape or townscape. The setting of a historic asset can include physical elements of its surroundings, for instance the setting of a listed farmhouse might be its physical agricultural surroundings, both built and landscape features such as buildings, boundaries or fields.

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.

Old Impton is listed as grade II\* and is described in the listing as late medieval with early C17 porch, parlour wing added to rear over looking Presteigne believed to have been undertaken by Richard Flower about 1625 when he was High Sheriff. 2 storey timber framed porch to centre and 1 storey plus attic returned range on right with massive C16 stone stack in centre roof, later casement windows. The building is particularly known for its splendid jettied porch with close studding to sides, oriel treatment to 1st floor casement windows with moulded cill beam and diagonally studded apron. Carved bressemers supported by timber piers with 4 centred arch enriched by Gothic tracery patterns, carved angle braces with roses and carpenters' tools, moulded intersecting ceiling ribs with feathered stop chamfers, boarded inner door. 2 storey parlour range with S front partly overlaps the earlier gable end to right (purlin of the older roof supports the later gable).

There are 3927 listed buildings within Powys outside the Brecon Beacons National Park, of which only 241 are listed grade II\* (6%) . Of that 241 only 125 are domestic properties, (3%). The domestic properties that are II\* range from medieval houses to Victorian properties of different size, scale and architecture. There are only 24 half timbered domestic properties listed grade II\* within Powys that is just 0.5% of the listed building stock .

The quality and historic interest of the architecture at Old Impton is well known and documented appearing in many publications including 3 books by the Royal Commission of Ancient and Historic Monuments in Wales; Houses and History in the March of Wales Radnorshire 1400-1800, Houses in the Welsh Countryside and Hidden Histories.

<https://books.google.co.uk/books?id=SaNs0bByeXYC&pg=PA139&lpg=PA139&dq=old+impton+norton+history&source=bl&ots=YYN3fPik7f&sig=4wfXr-wZYHs8WZ-egzUIIAsOpuQ&hl=en&sa=X&ved=2ahUKewjpit25yffeAhWk34UKHShRAj8Q6AEwDXoECAQQAQ#v=onepage&q=old%20impton%20norton%20history&f=false>

<https://radnorshiresociety.org/field-section-reports/old-impton/>

The proposed poultry unit will be sited on land to the north of the house and on higher land. Whilst the presence of trees in the landscape are noted it is not considered that they would screen the building. Old Impton is unusual in that it does not have farm buildings adjacent, possibly reflecting its original high status. There are older farm buildings which are listed and sited some distance away again on higher land. The listed barns at Old Impton are attributed to the C18th and are more recent than the house and are not readily visible from the house. There are modern farm buildings adjacent to the listed barns which are visible, however it is not considered that they impact on the setting of Old Impton to a significant degree, and in any event they have been in place some several years.

However the proposed poultry unit would be a large building sited in the field to the north and whilst noting the existing tree cover, I would still have grave concerns in respect of such a large building being erected on land above Old Impton.

When viewed from the access to Old Impton which is a footpath, the listed property would be in the foreground, the existing farm buildings to the south west and the proposed building to the north west, thereby surrounding the listed building with large buildings on higher ground. Whilst acknowledging the trees in the area, many are deciduous and as such will offer no screening in winter.

Whilst acknowledging the fact that the site has been chosen away from Old Impton and that there were closer sites that have not been chosen that would have had a significantly greater impact on the setting of Old Impton, I would still raise concern in respect of the proposed site and would request that an alternative location be considered. One possible solution would be by reorientating the building by 90 degrees and siting the building to the west of the belt of trees currently to the north west of the proposed site, which would still be accessed the same way be considered as an alternative. This may also have the advantage in that it will not be over the definitive footpath as the current proposed building.

I would refer to the recent document from Cadw document "Conservation Principles" and Paragraph 39 which advises that 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.

It is not considered that the proposal would satisfy this criteria in that it is not clear that the benefits would outweigh the harm to the values, to the contrary the cumulative encroachment of the listed buildings could be considered to have adverse and significant harm to the setting of this very important listed building.

I would therefore object to the current application and would request consideration be given to its re siting.

*Correspondence received 1<sup>st</sup> February 2019*

Recommendation - Object to current location

The development as proposed in this location would adversely affect the setting of the designated heritage assets Cadw ID 8941 Old Impton Farmhouse grade II\* included on statutory list on 24/10/51 by virtue of its location on land to the north of Old Impton and on higher ground than Old Impton which in addition to the other farm buildings on the site would encompass this very significant listed building by new agricultural buildings on ground higher than Old Impton. 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, Paragraph 6.5.11 of Planning Policy Wales 9th edition 2016, TAN24 and its annexe Setting of Historic Assets in Wales and Local Development Plan Policies SP7 and Local Development Plan Objective 13.

#### Background to Recommendation

##### Designation

Cadw ID 8941 Old Impton Farmhouse grade II\* included on statutory list on 24/10/51

Cadw Id 8942 Long Barn and attached Byre Range at Old Impton Farm grade II (26/03/1985)

## 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 10<sup>h</sup> edition 2018

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

## Comments

Further to my comments dated 27 November 2018, and following the e-mail from the agent dated 06/12/2018 I would wish to make the following observations. I would request that my comments of 27 November are attached as an appendix to these comments.

Firstly I would wish to update the reference to Planning Policy Wales, as a new edition was issued in December 2018 – Planning Policy Wales edition 10 . The new references to historic assets in Planning Policy Wales edition 10 reflect and add to the guidance in Planning Policy Wales 9<sup>th</sup> edition 2016.

Paragraph 6.1.10 of Planning Policy Wales 10th edition 2018 which states, “ *For any development proposal affecting 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.*”

Section 6.1.9 of PPW 10 advises that “ *Any decisions made through the planning system must fully consider the impact of the historic environment and on the significance and heritage values of individual historic assets and their contribution to the character of place*”

Section 6.1.7 of Planning Policy Wales 10th edition requires that “ *it is important that the planning system looks to protect, conserve and enhance the significance of historic assets. This will include consideration of the setting of an historic asset which might extend beyond its curtilage. Any change that impacts on an historic asset should be managed in a sensitive and sustainable way*”

To clarify the role of Cadw in terms of their consultation in respect of heritage impact. I would refer to TAN24 and section 1.24 which advises that Local Planning Authorities are to consult the Welsh Ministers through Cadw on certain development proposals which affect scheduled ancient monuments, registered historic parks, gardens and landscapes, World Heritage Site's and their settings. It is for the local planning authority to consider the effects of a proposed development within the settings of listed buildings, conservation areas, unscheduled monuments and other undesignated assets. I note the Cadw consultation response to the application that confirms that there are no scheduled ancient monuments or registered parks and gardens that would be affected by the proposed development and therefore they have no comments to make. However the impact on the setting of listed buildings is for the local planning authority to consider.

I would therefore maintain my previous objections to the proposal both in terms of the information submitted in terms of the assessment of the setting of historic assets in the submitted application and the impact of the proposed building on the setting of this significant grade II\* listed building for the reasons detailed in my response of 27 November 2018.

I would disagree with the statement that the building would not be seen from the lower confines of the yard or footpath and therefore could not be seen as a backdrop to the listed building from any vantage point. It is considered that it will be visible from the public footpath FP 153/1112/1 that crosses adjacent to the site, and I note the consultation response from Powys Ramblers in respect of that footpath. However the site is visible from the access drive and public footpath that leads to Norton Manor with Old Impton clearly visible on the higher land above Norton Manor land. This access drive is long and relatively straight and does afford views of Old Impton and the proposed site. However I acknowledge that the existing range of barns at Old Impton both listed and unlisted are not visible from this viewpoint.

I would therefore repeat my concerns to the proposed siting of the building but not to the principle of a building on the site and would again request that an alternative less damaging

site be chosen. I also acknowledge that there were closer sites that have not been chosen that would have had a significantly greater impact on the setting of Old Impton,

I acknowledge that a different site would have different constraints and that the site suggested it understood to be the only site that NRW would accept. However I would not consider that this is sufficient ground for approval of a development that would affect the setting of such a significant building, in that all constraints need to be considered and addressed.

Nevertheless I would remind you of section 6.1.10 of Planning Policy Wales 10th edition 2018 which advises that For any development proposal affecting 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.

Whilst mindful of the other constraints on the site – which also have to be addressed, I would consider that given the grade II\* status of the listed building, the advice in section 6.1.10 of Planning Policy Wales 10th edition 2018 that significant weight should be given to the setting of the listed building, however it would appear that the submission has not afforded the setting of the listed building even equal weight to the other constraints.

I would therefore wish to maintain my objections to the siting of the proposed building in this location, however would be happy to discuss alternative sites where the setting of the listed building would not be affected if that would be useful.

*Correspondence received 4<sup>th</sup> April 2019 -*

Comments attached - withdrawing previous objection - subject to conditions

Recommendation - No objection – subject to colour of building and appropriate and robust landscaping conditions.

### Background to Recommendation

Designation

Cadw ID 8941 Old Impton Farmhouse grade II\* included on statutory list on 24/10/51

Cadw Id 8942 Long Barn and attached Byre Range at Old Impton Farm grade II (26/03/1985)

### 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 10<sup>th</sup> edition 2018  
Conservation Principles published by Cadw  
TAN24  
Managing Change to Listed Buildings in Wales – Annexe to 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  
TD1 – Tourism Development  
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

### Comments

I am mindful of the advice in Sections 66 of the Planning (Listed Buildings and Conservation areas) Act 1990, which 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 6.1.10 of Planning Policy Wales 10<sup>th</sup> edition 2018 which states, “ *For any development proposal affecting 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.*”

Section 6.1.9 of PPW 10 advises that “ *Any decisions made through the planning system must fully consider the impact of the historic environment and on the significance and heritage values of individual historic assets and their contribution to the character of place*”

Section 6.1.7 of Planning Policy Wales 10<sup>th</sup> edition requires that “ *it is important that the planning system looks to protect, conserve and enhance the significance of historic assets. This will include consideration of the setting of an historic asset which might extend beyond its curtilage. Any change that impacts on an historic asset should be managed in a sensitive and sustainable way*”

Thank you for consulting me on the amended plans drawing number RPP/GD-JOB64-03 dated Mar 2019.

I note the constraints of the site in respect of the surrounding woodland, which in addition to being a significant landscape feature is also of ecological importance. I also note the topography of the site and acknowledge that there are limited alternative locations, and also other locations that would be more damaging to the historic environment.

I objected to the application previously on the grounds that the proposed building will be visible from the access road to Norton Manor and on land elevated above Old Impton. I would still consider that this is an important vantage point to view Old Impton, which was built with the principal windows looking over what is now Norton Manor Park towards Presteigne, and no doubt to also be viewed from those vantage points.

Luckily the topography is such that Old Impton is sited in effectively a “funnel” with a narrow viewpoint out and in, and there are areas around Old Impton such as their current farm buildings that are not readily viewed from outside the site. Ideally it would have been preferable for the new building to be sited in one of those locations, however I acknowledge the reasons why it is not possible to do so. The significance in the landscape of the native species woodlands around the site is also acknowledged, as are the more modern conifer belts that have previously been planted for shelter, which are somewhat incongruous in this historic landscape.

I acknowledge the lengths the applicant has gone to find an appropriate site and the constraints of the holding, and that this is the only practical site on the holding given; the listed buildings on site, ecology, topography and neighbouring residential units. As such mitigation has been put forward to screen the development.

Cadw document “Conservation Principles” advises that “Every reasonable effort should be made to eliminate or minimize adverse impacts on historic assets” and in this instance we are fortunate that there are limited views of Old Impton in the landscape and as such mitigation can be considered as a way forward. The site is elevated above Old Impton, which is nestled beneath hills predominantly covered by mature native woodland, however there is a modern conifer belt that draws the eye and is it unfortunate that the proposed building is to the east of this tree belt so rather than screen the development it draws attention to it.

Section 4.4 of Cadw guidance Setting of Historic Assets in Wales addresses trees whereby a screen of trees could be an alien form in an otherwise treeless landscape. Whilst the landscape here is far from treeless, nonetheless the conifers are an alien form. Section 6 of the guidance suggest enhancement measures could include the removal of trees to open up an intended view.

I note that the mitigation landscaping plans have sought to address the issue of screening and mitigation from the most important viewpoint that is from Norton Manor Road, and to consider the landscape improvements on a wider scale. As such I note that it is proposed

to remove the conifers and replace them with indigenous species similar to the native woodland adjacent and to plant additional tree planting to the south west of the building to screen the building.

The removal of the conifers and the addition of new indigenous planting, in addition to letting the hedgerow grow to a height of 3m will screen the building in to a significant degree, in addition the loss of the conifer belt will enable the site to be more readily absorbed visually when viewed from Norton Manor Road into the surrounding landscape and woodland which would again assist greatly with mitigation in this regard.

However in addition to the landscaping shown on drawing number RPP/GD-JOB64-03 I would have preferred to see a “clump” of trees at the vulnerable eastern end of the building in addition to the line of trees to provide additional screening at the most crucial viewpoint and also a more natural landscaping scheme in this sensitive site.

I would therefore suggest that some additional planting be provided at the eastern end of the building, wither by an amended plan or by condition whichever is the more appropriate.

I would also suggest that the colour of the roof and possibly the walls of the building be dark blue grey (BS 18B29) as this colour regresses into the landscape particularly when screened by trees, and replicates the large slate grey roof of Old Impton.

With those 2 caveats above, and subject to robust conditions in respect of landscaping I would wish to withdraw my previous objection to the proposal.

## **Representations**

The proposed development has been advertised by site display and within the local press. At the time of writing this report, 32 third party representations have been received by Development Management comprising of 26 letters of objection and 6 of support. The comments expressed therein can be summarised as follows;

Objections;

- Land and Visual Impact;
- Odour impact;
- Noise impact;
- Dust;
- Increased traffic movements and impact on highway safety;
- Pollution of private water supplies;
- Impact on the environment and ecology;
- Impact on a listed buildings;
- Incorrect screening opinion;
- Adverse impact on local area and amenity;
- Insufficient information to assess the proposal.

Support;

- Need to encourage and support farm diversification;
- Brexit constraints;
- Sustainability – reduction of movements of reared birds to egg laying units.

### **Principal Planning Constraints**

- Grade II\* and Grade II listed building and within close proximity of the application site;
- SSSI's within 5km of the application site.

### **Principal Planning Policies**

PPW	Planning Policy Wales (Edition 10, December 2018)	National Policy
TAN5	Nature Conservation and Planning	National Policy
TAN6	Planning for Sustainable Rural Community	National Policy
TAN11	Noise	National Policy
TAN12	Design	National Policy
TAN15	Development and Flood Risk	National Policy
TAN18	Transport	National Policy
TAN23	Economic Development	National Policy
TAN24	The Historic Environment	National Policy
SP7	Safeguarding of Strategic Resources and Assets	Local Development Plan 2011-2026
DM2	The Natural Environment	Local Development Plan 2011-2026
DM4	Landscape	Local Development Plan 2011-2026

DM6	Flood Prevention Measures and Land Drainage	Local Development Plan 2011-2026
DM7	Dark Skies and External Lighting	Local Development Plan 2011-2026
DM13	Design and Resources	Local Development Plan 2011-2026
DM14	Air Quality Management	Local Development Plan 2011-2026
E6	Farm Diversification	Local Development Plan 2011-2026
T1	Travel, Traffic and Transport Infrastructure	Local Development Plan 2011-2026
SPGBIO	Biodiversity and Geodiversity SPG (2018)	
SPG	Landscape	

### **Other Legislative Considerations**

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

Planning (Listed Buildings and Conservation Area) Act 1990

### **Officer Appraisal**

#### Introduction

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.

## Site Location and Description

Old Impton Farm is located within the open countryside, approximately 0.94km to the west of Norton. The proposed site of development is bound by agricultural land to north, east, south and west. The existing agricultural complex and associated farmhouse is located a distance of approximately 125 metres to the south of the proposed poultry unit. Access to the proposed building will be facilitated via an existing track which currently serves Old Impton.

Consent is sought in full for the erection of a poultry unit measuring approximately 96 metres by 21 metres. The ridge (including vents) and eaves height measure approximately 6.7 metres and 3 metres respectively. The proposed building will be clad in box profile sheeting. Two feed bins are also proposed which reach a height of 6.6 metres above ground level. An area of hardstanding is to be provided around the perimeter of the building to facilitate the parking and turning of associated vehicles.

The proposed pullet rearing unit will accommodate a maximum of 37,000 birds which will remain within the building for 14-16 weeks, after which time the birds will be removed and the building cleaned internally prior to the introduction of a new flock.

## Environmental Impact Assessment Regulations 2017

Part 2 of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 identifies a list of development types 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”.

As the proposed number of birds (37,000) does not exceed the applicable thresholds, the proposed poultry development does not constitute Schedule 1 development. The relevant extract from Schedule 2 is ‘agriculture’ specifically ‘intensive livestock installations’, the applicable threshold being 500 square metres of new floor space. On the basis of the information provided, it is understood that the new floor space will amount to approximately 2016 square metres and therefore the proposed development constitutes Schedule 2 development.

Taking into account the proposed siting of the unit and characteristics of the potential impact, it was considered by Officers that the proposed poultry development as outlined would unlikely have a significant effect upon the surrounding environment within the meaning of the regulations. As such, the Local Planning Authority concluded that the development does not constitute EIA development.

## Principle of Development

Planning Policy Wales confirms that local planning authorities should adopt a constructive approach towards agricultural development proposals, especially those which are designed to meet the needs of changing farming practices or are necessary to achieve compliance with new environmental, hygiene or welfare legislation. Technical Advice Notes 6 and 23 also accept the principle of appropriate agricultural development within the open countryside.

The submitted Design and Access statement indicates that the applicants are hoping to expand their existing beef and sheep enterprise and develop a pullet rearing unit in an effort to introduce a new income stream, supporting the existing farm financially.

On the basis of the above and in considering LDP policy E2, Officers are satisfied that the principle of the proposed development at this location is generally supported by planning policy.

### Landscape and Visual Impact

The character and quality of Powys' landscape is one of its most important assets being a combination of its natural history and geology and the influence of human activity on these natural assets. Maintaining the distinctiveness of Powys' landscape is an important factor in safeguarding the quality of its environment and ensuring the social, cultural and economic well-being of the area. It is important for the tourism industry and also provides an attractive setting and sense of place in which local people can live and work.

LDP policy DM4 confirms that proposals for new development outside the Towns, Large Villages, Small Villages and Rural Settlements defined in the Settlement Hierarchy must not, individually or cumulatively, have an unacceptable adverse effect, on the valued characteristics and qualities of the Powys landscape. All proposals will need to:

1. Be appropriate and sensitive in terms of integration, siting, scale and design to the characteristics and qualities of the landscape including its: topography; development pattern and features; historical and ecological qualities; open views; and tranquillity; and
2. Have regard to LANDMAP, Registered Historic Landscapes, adjacent protected landscapes (National Parks and Areas of Outstanding Natural Beauty) and the visual amenity enjoyed by users of both Powys landscapes and adjoining areas.

Proposals which are likely to have a significant impact on the landscape and/or visual amenity will require a Landscape and Visual Impact Assessment to be undertaken.

Further guidance with the Landscape SPG indicates that outside of the settlements, agricultural development proposals where the floor space exceeds 1000 square metres have potential to result in landscape impacts. In such instances, the expectation of Officers is that the agent provides a baseline assessment indicating how the proposal has been sited and designed to integrate into the landscape as required by policy DM4. An assessment of the likely impacts together with mitigation measures are considered within

the Design and Assessment Statement accompanying the application whilst a statement regarding alternative locations considered has also been received.

For the purposes of LANDMAP the application site is located within the 'Rolling Hills, east' aspect area which is characterised as two extensive areas, either side of Lugg Valley, across to Teme Valley in the east of county. The aspect area is recognised as being more hilly and steep compared to areas to south and west. Rolling hills & valleys with strong pastoral field patterns define the area with wooded watercourses, scattered trees, small woodlands and scattered farms being common features within the landscape. Whilst LANDMAP acknowledges the attractive, settled and sheltered sensory qualities, the overall Visual and Sensory value of the aspect area is moderate.

The proposed building is to be located on agricultural land to the north of the existing farmyard. Large areas of woodland are located to the north, east, south and west whilst the immediate site boundaries comprise of established vegetation. A landscaping scheme accompanies the application which indicates the implementation of new coppice tree planting to the west and south of the proposed building whilst it is understood that existing vegetation is to be retained and re-stocked where required.

Whilst acknowledging the scale of the proposed poultry unit in terms of floor area, the building is considered to have a relatively low profile reaching a maximum height of the approximately 6.7 metres. Given the location of the building to the north of the existing complex (125 metres approximately), undulating character of the surrounding landscape together with existing and proposed landscaping, it is not considered that the siting of the proposed building and associated infrastructure will adversely affect the character and appearance of the landscape. LANDMAP acknowledges that farmsteads are a common feature of the aspect area and whilst Officers accept that a large scale agricultural development is proposed, it is considered that its siting within the landscape given the agricultural grouping will not detract from the noted landscape qualities.

Notwithstanding the above, in order to manage the associated landscape impacts, Members are advised that conditions will be attached to any grant of consent securing the implementation and maintenance of the existing and proposed landscaping whilst details of site levels will also be secured. Subject to the above, it is not considered that the proposed development will have an unacceptable adverse impact on the Powys landscape, compliant with policies SP7 and DM4 of the Powys LDP.

### Cultural Heritage

Section 66 of the Planning (Listed Buildings and Conservation areas) Act 1990, requires Local Planning Authorities considering applications for planning permission 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.”

Setting is defined in Managing Change to Historic Assets as including the surroundings in which it is understood, experienced and appreciated, embracing present and past relationships to the surrounding landscape. The setting can include physical elements of its surroundings. These may be boundary fields, adjacent fields or functional and physical relationships with other historic assets or natural features. There are many factors that contribute towards the setting of a historic asset including views to, from and across the historic asset or place and the prominence of the historic asset in views throughout the surrounding area.

The application site is located within immediate proximity of the following listed buildings;

- Old Impton Farmhouse - Grade II\*
- Long Barn and attached Byre Range at Old Impton Farm - Grade II listed

Following an initial review of the proposed development, the Built Heritage Officer confirmed that the proposal would adversely affect the setting of Old Impton given its elevated position to the north of the identified asset. In effect, the proposed building together with the existing farm buildings would encompass Old Impton resulting in significant and demonstrable adverse impacts contrary to Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

In response to the above, a site meeting was arranged. Alternative locations were discussed however due to the topography of the land, existing landscape features and potential ecological implications, it was accepted that alternative siting options were limited and indeed were potentially more damaging to the historic environment. Following the on site discussion, a detailed landscaping plan was submitted which sought to address the issue of screening from a key viewpoint (Norton Manor Road) and also consider landscape improvements on a wider scale. The submitted scheme proposes to remove an area of conifers and replace them with indigenous species similar to the native woodland adjacent together with the implementation of additional tree planting to the south west of the building.

In responding to the amended plans, the Built Heritage Officer confirms that subject to the implementation of the proposed landscaping together with additional planting at the eastern end of the building, it is not considered that the proposed development would harm the setting of Old Impton. In addition to the above, the Built Heritage Officer has recommended that a suitable condition is attached requiring details of the proposed external finish (colour) to be provided. In order to replicate and enhance the large slate roof of Old Impton, it has been suggested that a dark grey/blue would be preferable.

Notwithstanding the initial objection, following a further site visit and receipt of additional information, it is not considered that the proposed development will unacceptably adversely affect or harm the setting of the identified heritage assets. As such, it is

considered that the proposed development is in accordance with policy SP7, Technical Advice Note 24 and Planning Policy Wales.

### Highway Safety and Movement

Policy DM13 confirms that applications must demonstrate that the development has been designed and located to minimise the impacts on the transport network - journey times, resilience and efficient operation - whilst ensuring that highway safety for all transport users is not detrimentally impacted upon.

In accordance with policy DM13, development proposals are expected to meet all highway access requirements, (for all transport users), vehicular parking standards and demonstrate that the strategic and local highway network can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network or that traffic impacts can be managed to acceptable levels to reduce and mitigate any adverse impacts from the development.

Vehicular access to the proposed poultry unit will be via the existing farm access whilst a concrete apron will be implemented around the perimeter of the building providing parking and turning provision for delivery vehicles. Movements associated with the proposed pullet rearing unit include the initial bird delivery, 2 feed deliveries a month and removal of the birds at the end of the cycle (14-16 weeks).

In commenting on the proposed development, Members are advised that the Highway Authority has indicated that the existing network can accommodate the traffic generated by the proposed development. As such, no conditions have been recommended. Whilst Development Management acknowledges the third party concerns expressed in relation to highway safety, in light of the consultation comments received, it is not considered that sufficient weight can be given to these concerns to justify a refusal.

On the basis of the above observations, Officers do not consider that the proposed development will have an unacceptable adverse impact on the highway network, the safety of its users or movement, compliant with policies DM13 and T1 of the Powys LDP.

### Residential Amenity

LDP policy DM13 states that development proposals will only be permitted where the amenities enjoyed by the occupants of nearby or proposed properties are not unacceptably affected. Officers acknowledge that intensive livestock units have potential to generate noise impact from plant/equipment (roof mounted extractor fans) and general operational activities whilst odour impact may potential arise from the spreading of manure and cleaning of the unit at the end of the bird cycle. Indeed, concerns have been expressed by interested third parties regarding the potential impact of the proposed development on residential amenity.

In order to inform the assessment of potential impact on local amenity, the planning application is accompanied by the following documents;

- Manure Management Plan;
- A Report on the Modelling of the Dispersion and Deposition of Ammonia;
- Clarification regarding private water supplies.

### *Noise*

The proposed poultry unit incorporates the use of mechanical ventilator extractor fans which thermostatically control the building temperature. The nearest non associated residential property (Norton Manor Cottage) is located in excess of 440 metres away from the proposed poultry unit.

In commenting on potential noise impact, the Environmental Health Officer has indicated that the main noise source is from the roof-mounted fans of which there are 10. Taking a worse-case scenario of all 10 fans operating the applicant has calculated that noise at the nearest noise sensitive receptor will be 27dB(A). The Environmental Health response confirms that this level is below the World Health Organisation guideline level for sleep disturbance and therefore on this basis, it is not considered that the proposed development will have an unacceptable impact by reasons of noise.

### *Odour*

A Manure Management Plan (MMP) accompanies the planning application and identifies that there is sufficient land available at the site to accommodate the spreading of all of the manure produced by the unit (in addition to manure for existing livestock numbers at the farm) on the applicants holding.

The MMP indicates that poultry manure will be removed from the proposed building at the end of each cycle and spread on the applicant's holding. Manure spreading will only occur on a piece of land every 12 months and therefore limiting manure spreading to between 1-3 times a year, on different fields. The MMP includes details of 'no-spread' zones in accordance with the CoGAP recommendations i.e. buffers of 10m have been provided to all watercourses whilst 50m buffer zones will be implemented around wells and boreholes. The plan also includes details of contingency measures when spreading of manure is not possible i.e. wet, waterlogged or frozen conditions; in these instances, manure, slurry and dirty water will be stored in the existing manure store on the farm.

Members are advised that the potential impacts of manure spreading both on and off the applicants' land is a material planning consideration. The fact that manure spreading for agricultural purposes does not require planning permission is also a material consideration in the planning balance but cannot be a substitute for a proper assessment of the impacts of manure spreading.

Following review of the submitted MMP, whilst acknowledging the proximity of the spreading area to both Norton Manor Park and the settlement of Norton, it is considered that the frequency of spreading is relatively low. Fields will only be spread once per annum which although odorous during this period, given the frequency, it is not considered that this will result in unacceptable impacts on the amenity enjoyed by existing residents.

In respect of private water supplies, following initial consultation, clarification was sought by Officers regarding existing supplies which was duly provided by the applicants' agent. Following review of the information submitted together with the MMP, Environmental Health has confirmed that subject to compliance with the MMP, it is not considered that the proposed development will have an adverse impact on private water supplies within the surrounding area.

Members are advised that a number of third party objections have been received by Officers which express concern regarding manure spreading, specifically the associated odour impact and potential pollution of private water supplies. Although Officers are understanding of the concerns outlined, in light of the Environmental Health comments received, it is not considered that sufficient weight can be given to sustain a reason for refusal on such grounds.

#### *Dust*

Environmental Health Officer has confirmed no objection to the proposed development in respect of dust.

#### *Residential Amenity Conclusion*

In light of the above, it is considered that the proposed development will not have an unacceptable adverse impact on the amenities enjoyed by occupants of nearby properties by reasons of noise, odour and dust. Therefore, Development Management considers the proposal to be in accordance with planning policy, in particular LDP policy DM13 and DM14.

#### Biodiversity, Ecology & The Environment

Policy DM2 of the Powys Local Development Plan seeks to maintain biodiversity and safeguard protected important sites. Policy DM2 states that proposed development should not unacceptably adversely affect any designated site, habitat of species including locally important site designations.

In order to inform the assessment of potential impact on the environment, the planning application is accompanied by the following documents;

- Manure Management Plan;
- Method Statement Pollution Plan;
- Drainage Plan;

- A Report on the Modelling of the Dispersion and Deposition of Ammonia.

### *SSSI's and SAC*

Intensive livestock installations have the potential to impact protected sites through aerial emissions (ammonia and nitrogen deposition). In their consultation response, Natural Resources Wales (NRW) confirm that an assessment of the potential air quality impact of a unit on a European site and Sites of Special Scientific Interest (SSSI's) is undertaken in accordance with 2017 thresholds within a screening distance of 5km of the proposed unit.

The application is accompanied by an ammonia dispersion and deposition modelling report which identifies two SSSI's within 5km of the proposal, namely;

- River Lugg;
- Gwernaffel Dingle

It is understood that the background ammonia concentration (annual mean) in the area around the site of the proposed poultry unit and the wildlife sites is 1.58µgNH<sub>3</sub>/m<sup>3</sup>. The background nitrogen deposition rate to woodland is 31.08kgN/ha/yr and to short vegetation is 19.32kgN/ha/yr.

It is acknowledged by NRW that the ammonia critical levels and nitrogen critical loads used for the sites are correct. Thereafter, their response confirms that the submitted report predicts the process contributions to ammonia concentration and nitrogen deposition are below the thresholds applied in their assessment of potential impacts on protected sites and therefore no objection is offered in respect of individual or cumulative impact.

On the basis of the response received and notwithstanding the third party concerns expressed, it is not considered that the proposed development will have an unacceptable impact on designated and protected sites. The proposal is therefore considered to be compliant with policy DM2 of the Powys LDP, Technical Advice Note 5 and Planning Policy Wales.

### *Protected Species*

Policy DM2 of the Powys Local Development Plan, TAN5 and PPW seek to safeguard protected species and their habitats. Policy DM2 states that proposed development should not unacceptably adversely affect any habitat or protected species.

Great Crested Newts (GCN) and their breeding and resting places are protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (SI 2017 No.1012). In commenting on the proposed development, NRW indicate that their database suggests that GCN are present within 500 metres of the application site whilst there are also several ponds located within the

surrounding area, the nearest pond being located within approximately 280 metres. Furthermore, NRW note that there is suitable terrestrial habitat between the application site and the ponds.

Whilst highlighting the potential presence of GCN, NRW confirm that the proposal is unlikely to be detrimental to the maintenance of the favourable conservation status of the GCN population provided that Reasonable Avoidance Measures (RAMs) are secured by condition and that the existing hedgerow located to the south of the site together with the forestry plantation to the north west is unaffected by the proposed poultry development.

On this basis, Officers do not consider that the proposed development will adversely affect any habitat or protected species in compliance with the aforementioned policy.

#### *Ancient Woodland*

With regards to Ancient woodland, the detailed modelling provided indicates that the predicted process contributions to ammonia concentrations and nitrogen deposition rates as a result of the proposed development would not exceed the Environment Agency's lower threshold (100% for non-statutory sites) of the precautionary Critical Level of 1.0 µg/m<sup>3</sup> and the Critical Load of 10.0 kg/ha.

In light of the above, it is not considered that the proposed development will have an unacceptable impact on Ancient Woodland.

#### *Pollution Control*

Officers acknowledge that the proposal has the potential to pollute the environment through the spreading of manure, surface water run off together with associated construction and operational activities unless suitable control/mitigation measures are implemented.

The application is accompanied by a Manure Management Plan which confirms both spreading practices and contingency measures.

Details of the proposed site drainage are identified on drawing no. GD-MZ254-01 and indicates that dirty and clean water will be kept separate. Dirty water e.g. from wash down will be collected in an underground sealed tank (compliant with SSAFO Regulations (Wales) 2010 Standards), before being tankered out as necessary and applied to the land in accordance with the MMP. Clean water from roof and clean surfaces will be drained to stone infiltration trenches either side of the building which is discharged to a soakaway.

A Method Statement Pollution Prevention Plan accompanies the application and indicates mitigation measures that will be implemented during the construction and operation of the proposed pullet rearing unit. It is understood that the recommended measures are in accordance with the relevant guidelines.

Having carefully reviewed the information submitted, both NRW and the County Ecologist have confirmed that subject to appropriate conditions being attached securing adherence to the submitted documents, it is not considered that the proposed development would have an unacceptable adverse impact on the surrounding environment by reasons of pollution.

### *Biodiversity, Ecology & the Environment Conclusion*

Having carefully considered the proposed development and notwithstanding the concerns raised, Development Management does not consider that the proposed development will have an unacceptable adverse impact on designated sites, protected species or the environment both in terms of individual and cumulative impact. As such, the proposal is considered to be in accordance with policies DM2 and DM13 of the Powys LDP, Technical Advice Note 5 and Planning Policy Wales.

### Public Rights of Way

In order to safeguard strategic resources and assets in the County, development proposals must not have an unacceptable adverse impact on the resource or asset and its operation. For the purposes of policy SP7, strategic assets include national trails, public rights of way network, recreational trails and the national cycle network.

The definitive map indicates that a bridleway crosses the application site. The submitted block plan indicates that the intention is to divert the existing right of way and implement an alternative route to the south of the proposed poultry unit. Members are advised that any proposal to divert the public right of way will be subject to consideration by Countryside Services under separate legislation as outlined within the Countryside Services response above.

In considering the proposed development, Officers are satisfied that an alternative route is capable of being provided and therefore the proposal will not compromise the desire to safeguard existing assets and resources. The proposal is therefore considered to be in accordance with LDP policy SP7.

### **RECOMMENDATION**

Having carefully considered the details submitted together with all statutory consultee responses and third party representations, Officers are satisfied that the proposed development complies with the relevant policies within the Powys Local Development Plan, Technical Advice Notes and Planning Policy Wales. As such, the recommendation is one of consent subject to the conditions detailed 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 and documents (drawing no's: GD-MZ254-01 Location Plan, GD-MZ254-01 Drainage Plan, GD-MZ254-02 and RPP/GD-JO864-03 and documents; Design, Access and Planning Statement, A Report on the Modelling of the Dispersion and Deposition of Ammonia, Manure Management Plan and Method Statement Pollution Prevention).

3. 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.

4. 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.

5. Notwithstanding the approved plans, prior to the commencement of development, a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a scaled plan identifying the location of planting, species, sizes and planting numbers together with an implementation and maintenance strategy. Thereafter, the development shall be undertaken strictly in accordance with the detailed landscaping scheme as approved.

6. Prior to the commencement of development, a Reasonable Avoidance Method Statement – Construction Phase in respect of Great Crested Newts shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken strictly in accordance with the details as approved.

7. 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.

8. No development shall commence until details of existing and proposed ground levels together with finished floor levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

9. Prior to first use, full details of the external finish of the proposed poultry unit shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken strictly in accordance with the details as approved.

#### **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 control development which has the potential to have adversely affect the amenity of the area in contradiction to Policy DM13 of the Powys Local Development Plan and Planning Policy Wales (2018).

4. In order to control development which has the potential to have adversely affect the amenity of the area in contradiction to Policy DM13 of the Powys Local Development Plan and Planning Policy Wales (2018).
5. To comply with Powys County Council's LDP Policies DM2, DM4 & DM13 in relation to the landscape and the Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Planning Policy Wales (2018)
6. In order to safeguard European Protected Species in accordance with policies SP7 and DM2 of the Powys Local Development Plan, Technical Advice Note 5 – Nature Conservation and Planning (2009) and Planning Policy Wales (2018).
7. To comply with Powys County Council's LDP Policies DM2 & DM13 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Planning Policy Wales (2018).
8. In order to control development which has the potential to have adversely affect the amenity of the area in contradiction to policy DM4 of the Powys Local Development Plan (April 2018) and Planning Policy Wales (2018).
9. In order to control development which has the potential to have adversely affect the amenity of the area in contradiction to policy DM4 of the Powys Local Development Plan (April 2018) and Planning Policy Wales (2018).

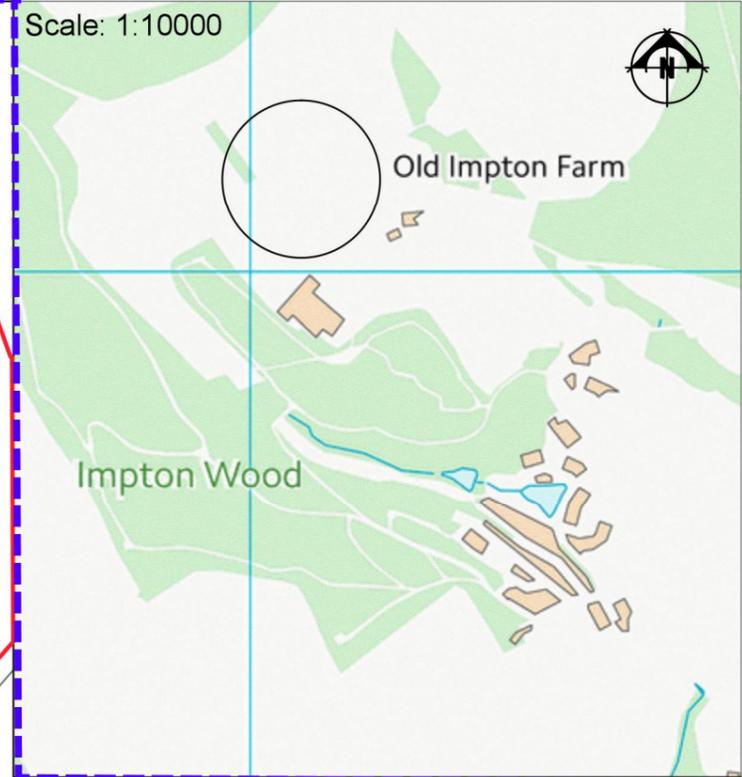
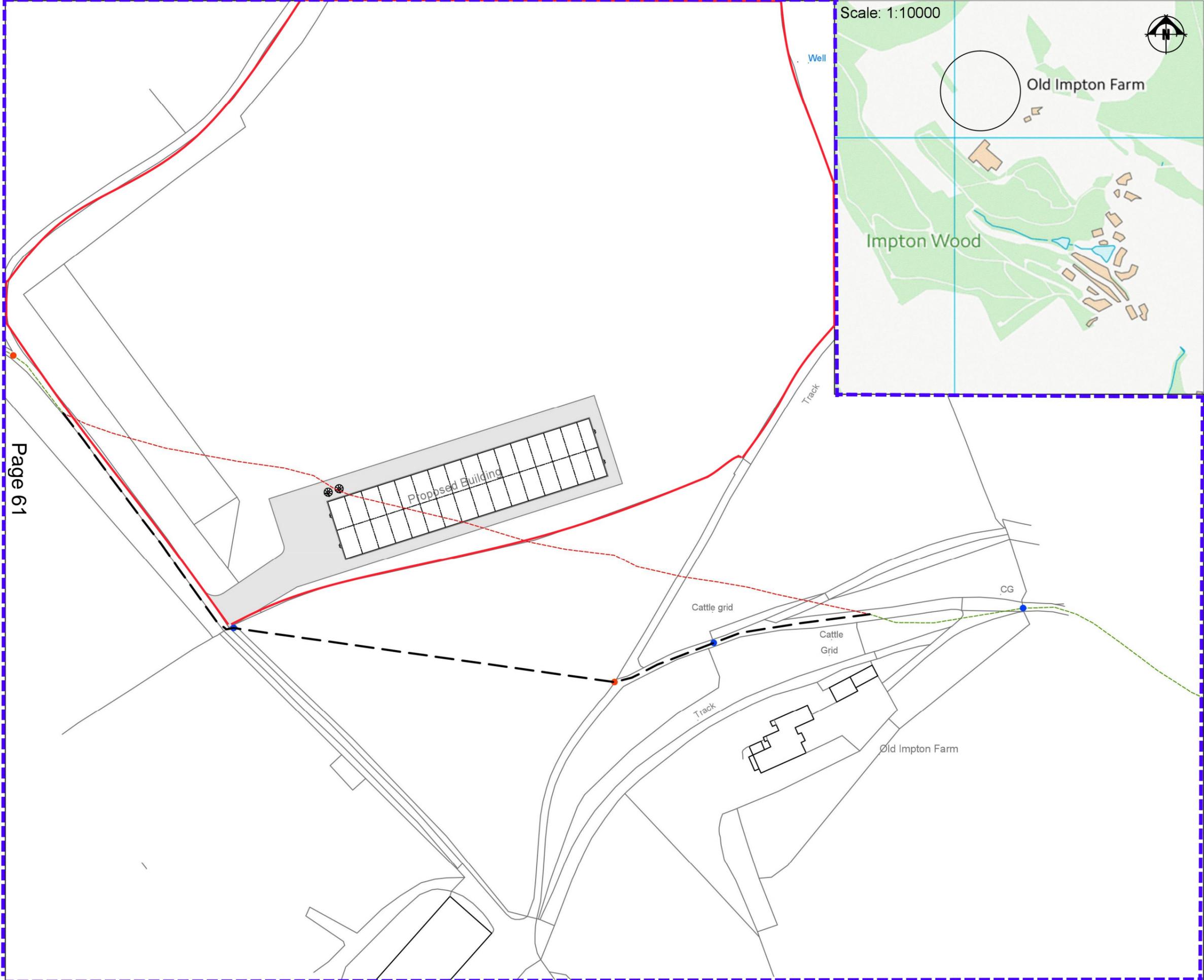
**Informatives:**

Advisory notes as recommended by the relevant consultees will be attached to any planning permission granted.

---

Case Officer: Holly Hobbs, Principal Planning Officer  
Tel: 01597 827319 E-mail: holly.hobbs@powys.gov.uk

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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.

- - - - - Definitive map route but not used for decades
- - - - - Right of way
- Gates
- Finger Posts
- - - - - Existing and proposed route

Page 61

Rev	Description	Date	Dr by	App by
Original	by			



Residential - Agricultural - Commercial	
Job	Proposed Pullet Rearing Unit
Title	Location Plan
Location	Old Impton Farm LD8 2EN
Client	Mr Wilding
Scales	1:1250 @ A3
Drawing No.	GD-MZ254-01
Drawn by	AZ
Date	15/10/2018

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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Therefore, I have no objection to the application.

Community Council

24th May 2019

\*CCC objects to the application on the following grounds

a) Environmental Impact: the business development will be an unacceptable strain on the sewerage, drainage and flooding capacity of the area which is already problematic in these aspects. CCC notes the absence of an environmental impact assessment in the application and would like to see an assessment which demonstrates capacity of infrastructure to cope

b) Traffic Impact: the business development will bring unacceptable client, staff and service traffic to an area accessible only by narrow single-track lanes. CCC notes the absence of a traffic impact assessment in the application and would like to see a traffic impact assessment which demonstrates adequate capacity of infrastructure to cope

c) Emergency Services: the business development is in an isolate rural area at considerable distance and time from emergency services, with insufficient highways capacity to facilitate rapid attendance.

For those reasons CCC is of the view that the location is unsuitable for such a business in a rural location, and therefore objects to such a change of use.

PCC-Building Control

9th May 2019

Please be aware that Building Regulations approval will be required

Wales & West Utilities - Plant Protection  
Team

9th May 2019

With regards to your below request, this is not Wales & West Utilities area. This falls within Cadent's area, contact details for them below:

Highway Authority

16th Jul 2019

Please be advised that the Highway Authority do not wish to comment on the above named application.

Hafren Dyfrdwy

13th May 2019

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.

Natural Resources Wales

14th May 2019

Thank you for consulting Natural Resources Wales on the above application.

We have reviewed the planning application submitted to us, and from the information provided we do not consider that the proposed development affects a matter listed on our Consultation Topics, Development Planning Advisory Service: Consultation Topics (September 2018): <https://naturalresources.wales/guidance-and-advice/business-sectors/planning-and-development/our-role-in-planning-and-development/our-role-in-planning-and-development/?lang=en>. We therefore do not have any comment to make on the proposed development.

Please note that our decision not to comment does 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.

We trust that the above comments are of assistance however, should you have any queries, please do not hesitate to contact me.

## Representations

A public site notice was erected at the site on the 13<sup>th</sup> May 2019. At the time of writing this report, 31 letters of objection have been received from third parties. The concerns and comments raised are summarised below:

- Inappropriate location for a care home
- Poor access to properties for emergency services
- Potential increase in traffic in local area
- Insufficient infrastructure/service in the area
- Lack of public transport
- Local security concerns
- Poor access to and from the dwelling
- Potential noise generation from occupants
- Effect on local property prices if grant consent
- Sewerage capacity in the area and for this dwelling
- Potential flooding problems

## Principal Planning Policies

Policy	Policy Description	Year	Local Plan
PPW	Planning Policy Wales (Edition 10, December 2018)		National Policy
TAN12	Design		National Policy
TAN23	Economic Development		National Policy
SP7	Safeguarding of Strategic Resources and Assets		Local Development Plan 2011-2026
DM2	The Natural Environment		Local Development Plan 2011-2026
DM4	Landscape		Local Development Plan 2011-2026
DM13	Design and Resources		Local Development Plan 2011-2026
T1	Travel, Traffic and Transport Infrastructure		Local Development Plan 2011-2026

SPGBIO	Biodiversity and Geodiversity SPG (2018)	Local Development Plan 2011-2026
SPGLAN	Landscape SPG	Local Development Plan 2011-2026

### **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**

#### Principle of Development

The development relates to C2 use (residential institution) as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended). There is not a specific policy for C2 uses within the Local Development Plan but the thrust of both local and national planning policy is to locate new development, be it residential, employment or leisure uses, within or adjacent to settlements as this is the most sustainable option for service and infrastructure provision. However, there are occasions where development in the open countryside can be acceptable in principle; and one of those instances is the reuse of previously developed land.

Planning Policy Wales (PPW) defines 'previously developed land' as 'land that is or was occupied by a permanent structure and associated fixed surface infrastructure to include its curtilage, defence buildings and land used for mineral extraction and waste disposal. Paragraph 3.51 of PPW states that previously development land should wherever possible be used in preference to greenfield sites where it is suitable for development.

The proposed development seeks to change the use of an existing residential dwelling including existing outbuildings, associated residential curtilage and access. Officers are satisfied that the proposal would constitute the re-use of previously developed land within open countryside as encouraged by the aforementioned policies.

In considering the principle of the proposed development, regard is also given to TAN6 and TAN 23 which encourage the reuse of existing buildings for commercial, industrial, tourism, sport and recreational uses but also permit residential uses where the Local Authority has not identified the creation of local employment as a priority (which is the case within Powys). TAN23 sets out that an economic land use is an activity which

directly generates wealth, jobs and income, so as well as being a residential use; it could also be argued that this development is an economic or commercial use for the purposes of determining this planning application.

Therefore, based on the policy context, the proposed development is considered to be acceptable in principle, subject to material considerations which are considered in detail below.

### Sustainability

Planning Policy Wales (PPW) promotes the location of new development in sustainable locations such as town centres and edge of settlement locations. The sequential test highlighted within PPW however states that some education, healthcare and community uses may have specific requirements which mean they need to be located close to the communities they serve. PPW also actively seeks to reduce the need to travel by private means however also recognises that the opportunities for reducing car use are more limited in rural areas.

Members are advised that concerns have been raised regarding the sustainability of the proposed development given the rural location, nature of the proposed use, age of residents and the associated dependence upon private vehicles.

Although the Care Inspectorate Wales (CIW) does not have any specific locational requirements, supporting information confirms the care providers desire to provide a normal home environment for the children who would occupy the property. The proposed dwelling is located within a large curtilage and is detached from existing properties which is understood to be a desirable quality as it enables the children access to outdoor space whilst under supervision but also limits the potential for distraction from other children.

The siting of the development must take into account that the proposal relates to the reuse of existing buildings, which is encouraged within policy, and that the site in its former use also generated traffic by private means only. On balance, it is considered that the proposed use would not compromise the sustainability objectives of planning policy. Officers consider that any harm caused by the siting of the development in the open countryside and away from public transport is offset by the benefits of the reuse of existing buildings.

### Highways Safety and Movement

Policies DM13 and T1 of the Powys Local Development Plan 2018 states that development proposals should incorporate safe and efficient means of access to and from the site for all transport users, manage any impact upon the network and mitigate adverse impacts.

As part of this application process, the Highway Authority has been consulted and offered no objection to the proposed development. The application is accompanied by details of the anticipated traffic movements which indicates that the proposed use would not result in a significant increase in the number of movements to and from the property over and above that of the existing residential use of the dwelling. Based upon the evidence provided and despite the third party concerns expressed, Officers consider that the proposed use of the site would not result in a significant intensification of use or traffic movements to and from the site and therefore are satisfied that the proposed development complies with policies DM13 and T1 of the Powys Local Development Plan, Technical Advice Note 18 and Planning Policy Wales.

### Ecology and Biodiversity

LDP policy DM2 indicates that development proposals should demonstrate how they protect, positively manage and enhance biodiversity and geodiversity interests including improving the resilience of biodiversity through the enhanced connectivity of habitats within, and beyond the site. Proposals which unacceptably affect protected species or designated sites will not be supported. This is echoed within Technical Advice Note 5 and PPW.

Given the nature of the application being a direct change of use of the building with limited alterations to the internal structures of the existing buildings, no further information in respect of protected species has been requested

Officers consider that the proposed development is in compliance with policies DM2 and DM13 of the Powys LDP, Technical Advice Note 5 and PPW.

### Scale, Design and Appearance

Policy DM13 of the Powys Local Development Plan seeks to ensure that development is designed to complement and/or enhance the character of the surrounding area in terms of siting, appearance, integration, scale, height, massing and design detail. Developments should not have an unacceptable detrimental impact upon the amenities enjoyed by the occupants or users of nearby properties by means of noise, dust, air pollution, litter, odour, hours of operation, overlooking or any other planning matter.

The proposed change of use will not alter the external appearance of the existing building on the site and the appearance of the property will have no different impact upon the character and appearance of the surrounding area. As such, the proposal is considered to be in accordance with policy DM13 of the Powys LDP.

### Residential Amenity

Policy DM13 seeks to safeguard the amenities enjoyed by occupants of neighbouring properties by reasons of noise and overlooking.

As part of this application process Environmental Health has been consulted and no objection has been raised in respect of noise.

Notwithstanding the concerns expressed, Officers consider that the proposed development is sited as such that the proposal would not have any unacceptable adverse impact upon the amenities enjoyed by the occupants of the nearest residential neighbouring properties. The proposed development is considered to be of a scale that complements the character and appearance of the existing buildings and of the surrounding area.

In light of the above observations, Officers consider that the proposed development is in accordance with Planning Policy Wales (10<sup>th</sup> edition, 2018), Technical Advice Note TAN) 23 and policies, DM2, DM4 and DM13 of the Powys Local Development Plan.

### Foul Drainage

Planning policy seeks to utilise the public sewerage system where practical. Mains sewerage is not available at this location and therefore the proposed development seeks to connect to the existing septic. Concerns have been expressed by third parties in relation to the proposed drainage method and its ability to accommodate the additional waste.

Environmental Health has been consulted and raised no objection to the proposed development. The response indicates that as the plans do not include the addition of further bathrooms or other facilities, it is considered that there is sufficient capacity within the existing system to accommodate the proposed development.

In light of the above, it is considered that the proposed development includes sufficient provision for the disposal of foul waste and therefore will not compromise residential amenity or the environment. The proposed development is therefore considered to be compliant with planning policy.

## **RECOMMENDATION**

Officers are satisfied that the proposed development complies with the relevant policies within the Powys County Council Local Development Plan. The recommendation is therefore one of consent subject to the conditions set out below.

### **Conditions**

1. The development shall begin not later than five years from the date of this decision.
2. The development shall be carried out in accordance with the following approved plans and documents (Ground floor existing layout, ground floor proposed layout,

first floor existing layout, first floor proposed layout, outbuilding existing layout, outbuilding proposed layout).

### **Reasons**

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

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Case Officer: Bryn Pryce, Planning Officer  
Tel: 01597 827126 E-mail: bryn.pryce@powys.gov.uk

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# Corndon Manor SY5 0JL



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0m 20m 40m 60m 80m 100m

Scale: 1:1250, paper size: A4



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# 4.4

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

**Application Number:** 19/0633/FUL

**Grid Ref:** E: 303467  
N: 266183

**Community Council:** Nantmel Community

**Valid Date:** 16.04.2019

**Applicant:** Mrs L Pearson

**Location:** Nantmel C In W School, Nantmel, Llandrindod Wells, LD1 6EL,

**Proposal:** Conversion of school to form a single dwelling, to include alterations to existing access and associated works

**Application Type:** Full Application

### The reason for Committee determination

The application has been called in by the local member.

### Consultee Responses

Consultee	Received
C P A T	1st May 2019

Thank you for the consultation on this application.

The original stone school building is 19th century in date and appears on the OS first and second edition mapping.

We have no record of the structure on the Historic Environment Record other than the mapping evidence.

It would be unfortunate if this buildings are now permanently converted without a record of its current form and layout being retained. I would therefore ask that the applicant is required to carry out a Photographic Survey before development commences, in order to preserve a record of this building. To facilitate this I would ask that an appropriate planning condition is attached to any permission granted, and I include below a suggested condition which you may wish to consider using:

Suggested planning condition to facilitate a photographic survey prior to development:

Development shall not begin until an appropriate photographic survey, (equivalent to an Historic England Photographic Survey - Understanding Historic Buildings, 2016) of the existing buildings has been carried out in accordance with details to be submitted to, and approved by, the Local Planning Authority. The photographic survey will be completed by an archaeological contractor. The resulting digital photographs should be forwarded on appropriate digital media to the Local Planning Authority and the Development Control Archaeologist (Clwyd-Powys Archaeological Trust, 41 Broad Street, Welshpool, Powys, SY21 7RR. Email: mark.walters@cpat.otg.uk Tel: 01938 553670/552045). After approval by the Local Planning Authority, a copy of the photographs should also be sent to the Historic Environment Record Officer, Clwyd-Powys Archaeological Trust, 41 Broad Street, Welshpool, Powys, SY21 7RR for inclusion in the regional Historic Environment Record.

Reason: To secure a full photographic record of the original building prior to alteration, conversion or demolition.

I have attached a guidance note on completing photo surveys together with information on sources of archaeological contractors who would be able to complete the survey on behalf of the applicant. These documents should be forwarded to the applicant so that they are fully informed of the process.

PCC-(M) Highways

1st May 2019

The proposed development shall be constructed in accordance with the details on drawing number Ki 5402 4 dated April 2019.

Welsh Water

7th May 2019

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.

PCC-Rights Of Way Senior Manager

8th May 2019

The proposed development directly effects the above bridleway, which runs along the south eastern edge of the site to the road. In the applicants plans it is proposed to plant a hedge along the southern boundary, and this would further obstruct the bridleway. Countryside Services therefore wishes to submit a holding objection, and advises the landowner to amend their plans to accommodate the bridleway through the development area.

The applicants can apply to the Authority to temporarily close the public footpath during development if they feel that they need the space and cannot guarantee the safety of the public.

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 public right of way. 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.

We would therefore advise that advice is sought from Countryside Services before any development begins.

Environmental Protection

9th May 2019

Clarification is sought with regards to foul drainage.

The applicant states that they intend to utilise the mains sewers however a response from Welsh Water states that there are no sewers in the area and they need to arrange alternative solutions.

Natural Resources Wales (North) DPAS

17th Jun 2019

Thank you for consulting Natural Resources Wales (letter dated 29/05/2019) regarding the above.

We recommend that you should only grant planning permission if you attach the following conditions. These conditions would address significant concerns that we have identified and we would not object provided you attach them to the planning permission.

We have significant concerns with the proposed development as submitted. We recommend that you should only grant planning permission if the scheme can meet the following requirements. We would object if the scheme does not meet these requirements.

We have significant concerns with the proposed development as submitted. We recommend that you should only grant planning permission if the scheme can meet the following requirements and you attach the conditions listed below. Otherwise, we would object to this planning application.

#### Summary of Requirements and Conditions

Requirement 1 - Bats: The submission of a landscape plan to demonstrate the proposal will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

Condition 1- bats: All avoidance and mitigation measures described in section 12 of the bat report are secured through planning conditions and/or a Section 106 agreement.

#### Protected Species

We note that the bat report submitted in support of the above application (Ecological Survey report dated August 2018 by Jon Sloan Ecological Consultants) has identified that multiple species of bats are present at the application site.

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

Bats and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2017. Where bats are present and a development proposal is likely to contravene the legal protection they are afforded, the development may only proceed under licence issued by Natural Resources Wales, having satisfied the three requirements set out in the legislation. A licence may only be authorised if:

- i i. the development works to be authorised are for the purpose of preserving public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.
- ii There is no satisfactory alternative and

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

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

We note that mitigation measures, as described in section 12, have been suggested within the bat report and they have been included on the proposed plan, however it is not clear if the ground works will result in the removal of existing vegetation/trees on the eastern side of the school. Vegetation plays an important role in bat behaviour as it provides shelter and direction for emerging bats. It will therefore be important to consider any landscape proposals to make sure these will not adversely affect the way bats use this building.

All trees to be retained must be clearly incorporated into the block plan prior to determining the proposal.

Requirement 1 - Bats: The submission of a landscape plan to demonstrate the proposal will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

We also note that the report refers to the requirement for a bat license to re-roof the building, however it is not clear from the planning application what is the proposed extent of works affecting the roof. If re-roofing is indeed required, then the recommendations of the report must be implemented and an NRW derogation license will be required.

We would be able to provide more specific advice on this matter if clarification on this matter is provided. More information on the type of material and roof design to be used will be required at licensing stage.

Condition 1- bats: All avoidance and mitigation measures described in section 12 of the bat report are secured through planning conditions and/or a Section 106 agreement.

Please note that any changes to plans between planning consent and the licence application may affect the outcome of a licence application.

We are currently unable to confirm the proposal will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range. We advise that additional details on the proposed landscape plan are submitted to your authority.

Please do not hesitate to contact us if you require further information or clarification of any of the above.

Our comments above only relate specifically to matters that are listed in our 'Consultation Topics' document (September 2018) which is published on our website: (<https://cdn.naturalresources.wales/media/686847/dpas-consultation-topics-august-2018-eng.pdf?mode=pad&rnd=131819256840000000>). 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:

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.

#### Foul Drainage

It is not known at this stage what is the proposed method of foul water discharge for this proposal. Government policy states that, where practicable, foul drainage should be discharged to the mains sewer. Where this is not possible and discharge of effluent to ground or surface water is required, the Applicant will need to apply for an environmental permit or register an exemption with us. The Applicant must obtain any necessary permit or exemption prior to commencement of work on site. Septic tanks and small sewage treatment works may be registered as exempt from the requirement to obtain an environmental permit if certain criteria is met. Please note, should a permit be required, further information may be required as part of that application and the Applicant is therefore advised to hold pre-application discussions with our Permitting Team on 0300 065 3000, at the earliest opportunity, to try to ensure that there is no conflict between any planning permission granted and the permit requirements. More information, including a step by step guide to registering and the relevant application forms are available on our website. Where private sewage treatment/disposal facilities are utilised, they must be installed and maintained in accordance with British Standards 6297 and Approved Document H of the Building Regulations. We also refer the Applicant to Pollution Prevention Guideline 4 which provides further information.

#### Ordinary Watercourse Consent

Our records indicate that a culverted stream runs underneath this property. Any excavation works have therefore the potential to affect an ordinary watercourse.

Works in or near an ordinary watercourse may require a Flood Defence Consent from Powys County Council, as the Lead Local Flood Authority in this area. Please see

<https://en.powys.gov.uk/article/4661/Ordinary-Watercourses-Appling-for-consent-for-works> for more information or contact [land.drainage@Powys.gov.uk](mailto:land.drainage@Powys.gov.uk) for more details.

## Waste

Waste produced during the construction phase of your development must be dealt with appropriately, and be in line with all relevant waste legislation including Duty of Care Regulations and Hazardous Waste Regulations. As part of your waste duty of care you must classify the waste produced:

- o before it is collected, disposed of or recovered
- o to identify the controls that apply to the movement of the waste
- o to complete waste documents and records
- o to identify suitably authorised waste management options
- o to prevent harm to people and the environment.

Any waste removed from site will be subject to waste management controls. The links below provided information on how to classify waste and register as a waste carrier or hazardous waste producer:

<http://naturalresources.wales/waste/how-to-classify-and-assess-waste/?lang=en>

<http://naturalresources.wales/apply-for-a-permit/waste/?lang=en>

Further guidance can be found on the GOV website here:

<https://www.gov.uk/managing-your-waste-an-overview/duty-of-care>

## Pollution Prevention

All works at the site must be carried out in accordance with GPP5 and PPG6 'Works in, near or over watercourses' and 'Working at construction and demolition sites' which is available at:

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

## Environmental Management

The activity of importing waste into the site for use as, for example hardcore, must be registered with Natural Resources Wales as an exempt/permittable activity under the Environmental Permitting Regulations 2016. The developer should contact Natural

Resources Wales to discuss the necessity for an exemption/permit for any material imported to and exported from the site.

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

PCC-Ecologist

26th Jun 2019

Thank you for consulting me with regards to planning application 19/0633/FUL which concerns an application for the conversion of school to form a single dwelling, to include alterations to existing access and associated works at Nantmel C In W School , Nantmel, Llandrindod Wells.

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 71 records of protected and priority species within 500m of the proposed development with no records found for the site itself. Species recorded within 500m of the proposed development include bat species; pipistrelle and noctule, house sparrow and otter.

Two statutory designated sites were identified within 500m of the proposed development;

- o SAC - River Wye approximately 163m from the proposed development
- o SSSI - River Ithon approximately 163m from the proposed development

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

Having reviewed the location and nature of the proposed development in relation to the designated sites it is considered that the proposed development would not result in a negative impact to the designated sites and/or their associated features.

The proposed development is located on the site of an existing school and is likely to impact areas of amenity planting and hard standing, habitats considered to be of relatively low ecological value.

## Bats - European Protected Species

Given that the proposed development impacts an existing property, consideration therefore has been given to the potential for the building to support roosting bats - bats being a European protected species - and for the proposed development to impact roosting bats.

I have reviewed the Full Ecological Report produced by Jon Sloan Ecological Consultants dated August 2018 - I consider that the survey effort employed is in accordance with recognised current guidelines.

The survey undertaken included internal and external inspections of the building affected by the proposed development to identify any potential features suitable to provide access into the structure and/or to support roosting bats.

The preliminary survey which was undertaken on 4th July 2018 identified a number of potential bat access and roosting points including gaps in the stonework, gaps beneath ridge tiles at both gable ends and gaps beneath the bargeboard on the western gable. Evidence of bats in the form of droppings was also identified within the roof voids of the school building.

Three activity surveys were undertaken on 4th July 2018 (dusk emergence), 23rd July 2018 (dusk emergence) and 7th August 2018 (dawn re-entry). Survey's confirmed that the building affected by the proposed development was being utilised for the roosting purposes of common pipistrelle and myotis bat species.

Following the findings of the activity surveys - the report identifies that the proposed development will result in the disturbance, loss of roost locations and destruction of resting places, as such a European Protected Species Development Licence will be required.

Necessary mitigation measures have been suggested in section 12 of the Ecological Survey Report. Measures include;

- o Retention of all three roof voids
- o Bat access into the roof voids is to be created by the means of dormer style slots and lead bat flashing and a bat slate positioned on the northern elevation
- o Erection of four double crevice bat boxes prior to commencement of works
- o Creation of four bat slits in all gable ends
- o All gable end ridge tiles are to be mortar free
- o Timing of works - any roofing works are to take place between mid-September and April

- o Removal of roof coverings are to be supervised by a suitably qualified ecologist

The identified mitigation measures have been detailed on the submitted plans. Subject to the identified mitigation measures being implemented it is considered that the proposed development would not result in a negative impact to the favourable conservation status of bats roosting at the site. It is therefore recommended that adherence to the identified mitigation measures to minimise impacts to bats is secured through an appropriately worded planning condition.

#### Wildlife Sensitive Lighting Plan

Careful consideration will need to be given to any external lighting proposed to be erected on the building. If external lighting is proposed then 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.

#### Landscape Planting Scheme

If it is proposed to provide landscaping as part of the potential development consideration should be given to the development of a native landscape planting scheme. It is recommended that details of any landscaping proposed are submitted in a detailed Landscape Planting Scheme including proposed species mixes, planting and aftercare schedules. It is therefore recommended that a landscape 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:

The development shall be carried out strictly in accordance with the mitigation measures and recommendations identified in the Ecological Survey Report produced by Jon Sloan Ecological Consultants dated August 2018 and illustrated on drawing number Ki5402 2 produced by McCartney's Planning & Survey dated January 2019 . The identified measures shall be adhered to and implemented in full and maintained thereafter.

Reason: To comply with Powys County Council's LDP Policies DM2 and DM4 in relation to ecological qualities of the landscape and meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

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 in accordance with the recommendations outlined in the BCT and ILP Guidance Note 8 Bats and Artificial

Lighting (12th September 2018). The development shall be carried out in accordance with the approved details.

Reason: To comply with Powys County Council's LDP DM2 and DM7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

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

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 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

In addition I recommend the inclusion of the following informatives;

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

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

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

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

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

It is an offence for any person to:

- o Intentionally kill, injure or take any bats.

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

Under the Habitats Regulations it is an offence to:

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

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

Birds - Wildlife and Countryside Act 1981 (as amended)

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

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

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

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

Protected Species

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

PCC-Countryside Services Manager

30th May 2019

Following the submission of additional information to the planning application, Countryside Services wishes to amend its comments.

The provision of a gap in the proposed hedge to allow access for the bridleway through is welcome, and the applicant should be aware that it will be their responsibility to ensure that this gap is maintained in the future, by keeping the hedge trimmed back. In order to allow full access for the bridleway the current fence will also need to be removed.

On the plan's there is reference to changing an area from the existing tarmac to a garden, this would be acceptable, provided that the surface of the bridleway remains firm and no plants are planted in the surface of the full width of the bridleway, or in positions where they may encroach and obstruct the bridleway.

The applicants can apply to the Authority to temporarily close the public footpath during development if they feel that they need the space and cannot guarantee the safety of the public.

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 public right of way. 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.

Subject to the comments made above Countryside Services would not object to the revised plans for the proposed development. However we would advise that applicant speak to Countryside Services before any development begins.

Community Council

23rd May 2019

The Community Council wish to strongly object to this application on the following grounds:

1. The applicant states that they intend to utilise the mains sewers however a response from Welsh Water states that there are no sewers in the area and they need to arrange alternative solutions. There has been a long standing issue with sewage which has not been resolved over many years. The Council concur with the comments of the Environmental Health Officer
2. There is no public sewerage system in this area. Any new development will require the provision of satisfactory alternative facilities for sewage disposal. The Council concurs with the Welsh Water comments.
3. The loss of the only local community amenity
4. There is a question with regard to the ownership of the land and building which is ongoing.
5. The Council supports the request from Cty Cllr David Evans in calling this application in for decision by the Full Planning Committee.

The Council would request that its comments are forwarded to all members of the Planning Committee.

Wales & West Utilities - Plant Protection  
Team

3rd May 2019

Wales & West Utilities acknowledge receipt of your notice received on 30.04.2019, advising us of the proposals for: Nantmel, Llandrindod Wells, Powys, LD1 6EL

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.

Ward Councillor

14th May 2019

Thank you for your notification of the above application relating to the former Nantmel School.

In view of the very considerable interest which this application has already attracted I wish, as the local County Councillor, to call the application in for it to be decided upon by the Powys County Planning Committee

Natural Resources Wales (North) DPAS

16th Jul 2019

Thank you for consulting Natural Resources Wales (letter dated 03/07/2019) regarding additional information on the above.

In our previous response letter of 17/06/2019 (CAS-88852-V3T0), we had significant concerns with the proposed development as submitted. We recommended that you should only grant planning permission if the scheme can meet Requirement 1 – Bats: The submission of a landscape plan to demonstrate the proposal will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

We have reviewed the amended landscape plan and information submitted by the agent and we recommend that you should only grant planning permission if you attach the following conditions. These conditions would address significant concerns that we have identified and we would not object provided you attach them to the planning permission.

#### Summary of Conditions

Condition 1– bats: All avoidance and mitigation measures described in section 12 of the bat report/plans are secured through planning conditions and/or a Section 106 agreement.

Protected Species We have reviewed the additional information received which states there will be no re-roofing work as part of the proposal, however the extent of works affecting the roof is not clear. We advise the applicant to liaise with the appointed ecologist and contact NRW to establish the requirement for a derogation license. Prior to contact NRW the ecologist must be fully aware of the extent of works affecting the roof of the school.

We are satisfied that the proposed landscape plan (drawing Ki 5402 5B) illustrates the retention of existing trees, which will continue to provide shelter and foraging opportunities for the bats using the property. On the basis of the report and amended block plan, we do not consider that the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range

provided all the recommendations made in the bat report are implemented and secured via appropriately worded condition.

Condition 1– bats: All avoidance and mitigation measures described in section 12 of the bat report are secured through planning conditions and/or a Section 106 agreement.

Please do not hesitate to contact us if you require further information or clarification of any of the above.

Our comments above only relate specifically to matters that are listed in our 'Consultation Topics' document (September 2018) which is published on our website: (<https://cdn.naturalresources.wales/media/686847/dpas-consultation-topicsaugust-2018-eng.pdf?mode=pad&rnd=131819256840000000>). 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: 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. Please refer to our previous letter for advice on foul drainage, waste, pollution prevention, environmental management and ordinary watercourse consent.

## **Representations**

Following the display of a site notice for the period of 21 days three public representations of objection were received at the time of writing this report. The reasons for objection are as follows;

- The applicant states that they intend to utilise the mains sewers however a response from Welsh Water states that there are no sewers in the area and they need to arrange alternative solutions. There has been a long standing issue with sewage which has not been resolved over many years. The Council concur with the comments of the Environmental Health Officer
- The loss of the only local community amenity
- There is a question with regard to the ownership of the land and building which is ongoing.
- Rights of way is incorrect and will be obstructed
- General dislike for the proposal
- Information missing from plans and application

## Planning History

<b>App Ref</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
RAD/2002/023 1	Erection of replacement of existing storage shed SO 06 NW	Conditional Consent	26th Jun 2002
RAD/2001/021 0	Erection of an extension to nursery classroom SO 06 NW	Conditional Consent	27th Jul 2001
RAD/1998/035 9	Erection of extension to headmasters office SO 06 NW	Conditional Consent	21st Oct 1998

## Principal Planning Constraints

Rights of Way

## Principal Planning Policies

<b>Policy</b>	<b>Policy Description</b>	<b>Year</b>	<b>Local Plan</b>
TAN5	Nature Conservation and Planning		National Policy
TAN12	Design		National Policy
TAN18	Transport		National Policy
TAN24	The Historic Environment		National Policy
PPW	Planning Policy Wales		National Policy
DM2	The Natural Environment		Local Development Plan 2011-2026
DM4	Landscape		Local Development Plan 2011-2026
DM7	Dark Skies and External Lighting		Local Development Plan 2011-2026

DM11	Protection of Existing Community Facilities and Services	Local Development Plan 2011-2026
DM13	Design and Resources	Local Development Plan 2011-2026
SP5	Settlement Hierarchy	Local Development Plan 2011-2026
SP7	Safeguarding of Strategic Resources and Assets	Local Development Plan 2011-2026
T1	Travel, Traffic and Transport Infrastructure	Local Development Plan 2011-2026
H1	Housing Development Proposals	Local Development Plan 2011-2026

### **Other Legislative Considerations**

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

### **Officer Appraisal**

#### Site Location and description

The site is located within Nantmel which is identified as a small village within the Powys Local Development Plan (2018).

The site is located off the U1272 unclassified highway to the south and west. To the north east is woodland whilst to the north west are neighbouring residential dwellings. To the east is agricultural land used for the purposes of grazing.

This application seeks consent for the conversion of school to form a single dwelling, to include alterations to existing access and associated works.

## Principle of Development

The site is located within the small village of Nantmel as identified within the LDP, the development has been considered in line with policy H1. Policy H1 seeks for residential development to be located between existing buildings in an otherwise built up frontage which are capable of accommodating no more than 2 open market dwellings; or on sites located between existing buildings in an otherwise built up frontage or which form logical extension to the settlement, and which are capable of accommodating no more than 5 dwellings for affordable housing in accordance with Policy H6. It would be considered that the development would appear contrary to policy H1, however as the proposal is for a conversion of a rural building, consideration is also given to Technical Advice Note 6 and 23. TAN 6 and 23 allow for the conversion rural buildings for residential use and therefore is considered to comply subject to consideration to the following policies;

Policy DM11 of the Powys LDP states the loss of the following existing Community Facilities and Services will only be permitted in respect of:

1. *An existing community or indoor recreation facility where it can be demonstrated that:*
  - i. *Appropriate alternative provision is to be made available or the potential for continued use is no longer viable; and*
  - ii. *Alternative solutions to support the long term use of the facility for the community have been adequately explored.*
2. *An existing neighbourhood shop, village shop, public house or service where it can be demonstrated that:*
  - i. *The premises have been for sale and/or vacant for a minimum of 6 months and attempts at actively marketing the existing use during that time have been unsuccessful.*
  - ii. *Alternative solutions to support the long-term economic viability of the business have been demonstrated to be adequately explored.*

The feasibility of the school was assessed by the Council. The school was closed because there were too many surplus spaces within the school. Analysis was undertaken in 2015 to understand the impact on pupil travel if Nantmel C in W School was closed. It was found that of the 32 pupils attending, Nantmel School was the closest school for only 19 of the pupils. As an appropriate alternative provision, the Council's report recommended that Rhayader Church in Wales School could be used as an alternative. This is approximately 5 miles to the north east of Nantmel along the A44. There is another primary school option in Crossgates, Crossgates Primary School, which is 3.7 miles away. There are also two primary school within Llandrindod Wells including Llandrindod Wells County Primary School and Ysgol Trefonnen.

In the Cabinet Executive meeting on 23rd June 2016, it was recommended to close Nantmel C in W School in order to provide a sustainable model of primary school education. Nantmel Church in Wales School was closed because the school was not economically viable. The funding generated by pupil numbers also did not provide

sufficient funding for the school in order for the school to employ the minimum number of teachers and staff.

In light of the above it is considered that the development has complied with part 1 of DM11.

The property previously operated as a school which closed on the 31<sup>st</sup> of December 2016. The property has been vacant since its closure in 2016 and alternative solutions have been considered. No evidence has been submitted demonstrating that the building was actively marketed in association with the existing use or other community use, however the building has been vacant well in excess of 6 months.

It has been brought to the authority's attention that the Community Council wished to purchase the site for a community facility, however there is no evidence that this was actively pursued. A justification statement has been submitted alongside the application demonstrating that there are a number of alternative community facilities within close proximity of Nantmel.

The application site is located within a residential area of the village with surrounding properties consisting of residential dwellings. The proposed conversion to residential accommodation is seen as a logical change of use given the property's location.

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

### Design

With respect to design, specific reference is made to LDP policy DM13 (Part 1). This policy indicates that development proposals will only be permitted where the development has been designed to complement and/or enhance the character of the surrounding area in terms of siting, appearance, integration, scale, height, massing, and design detailing.

Consent is sought for the conversion of the school to form a single dwelling, to include alterations to existing access and associated works. The Primary School closed in 2016 and has remained vacant ever since. The external appearance of the elevations and roof will remain as existing, the only external alteration to the property includes the blocking up of a number of window openings and doorway on the north elevation and replace with 3 windows, the insertion of patio doors and alteration of window design on the east elevation, change of a window and door on the south elevation and replacement of a window to form a doorway and change to design of window and door to the western elevation. The openings to be blocked up will be bricked up using bricks to match the existing building. The minor amendments to the external appearance of the building are considered to be acceptable.

In light of the above, it is therefore considered that the proposed development complies with relevant planning policy.

## Highways

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

The application does seek some minor alterations to the existing means of access to the site and the proposal seeks to provide 4 parking spaces. The local Highway Authority has been consulted on the development and raised no objection subject to the inclusion a condition ensuring the access is constructed in accordance with drawing no. Ki 5402 dated April 2019. An amended plan has since been submitted (Ki 5402 4B), however this plan demonstrates the same highways details as per the previous plan which was considered acceptable by the highways authority.

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

## Amenities enjoyed by occupiers of neighbouring properties

In considering the amenities enjoyed by the occupiers of neighbouring properties consideration has been given to the Powys Residential Design Guide (October 2004) & LDP: DM13 (Part 11).

The nearest neighbouring dwelling are Pont Ffordd which is located approximately 7 metres to the north west of the site, Vale House located approximately 12.1 metres to the north of the application site and Ashbrook located approximately 34.8 metres to the south west.

The proposal does not seek any extensions, in light of this it is considered that the proposed development will not impact the right to light afforded to the neighbouring dwellings.

The building subject to this application is offset to the dwelling known as Pont Ffordd, Vale House and Ashbrook, in light of this it is considered that the proposed development will not impact the privacy afforded to either neighbouring dwelling and suitable privacy will be afforded to the proposed dwelling. It is also proposed to provide landscaping to the north which will assist in providing privacy to the proposed dwelling and Vale House.

The proposed development is not considered to offer any additional impact upon loss of daylight or loss of privacy to any other neighbouring dwellings based on the distances between.

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

## Rights of Way

In considering impacts of development upon the rights of way networks consideration is given to policy SP7.

Countryside services have been consulted on the proposed development. Countryside services have raised objection to the proposed development due to the proposal to a hedgerow which would obstruct the rights of way.

Following the concerns raised by Countryside services amended plans have been submitted which provide a gap in the hedgerow to allow free access along the bridal way. Following re-consultation with countryside services they have now withdrawn their objection subject to the applicant being made aware that the right of way should not be obstructed and the applicant may require to apply to the countryside services to temporarily close the bridal way during work.

In light of the above and subject to the inclusion of an informative, it is therefore considered that the proposed development fundamentally complies with relevant planning policy.

## Biodiversity

Policy DM2 of the Powys Local Development Plan seeks to ensure that protected species and their habitats are not impacted upon by development and seeks to improve habitats wherever possible. This is further emphasised within Technical Advice Note (TAN) 5.

An Ecological report has been submitted alongside the application and therefore PCC Ecology and NRW have been consulted on the proposed development.

The Ecologist 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. Species recorded within 500m of the proposed development include bat species; pipistrelle and noctule, house sparrow and otter.

Two statutory designated sites were identified within 500 metres of the proposed development; SAC – River Wye approximately 163m from the proposed development, SSSI – River Ithon approximately 163m from the proposed development from the proposed development.

Having taken into account the location of the designated sites in relation to the proposed development and the nature of the works proposed the Ecologist considered that there would be no likely negative impacts directly or indirectly to the designated sites and/or their associated features.

The Ecologist noted the proposed development is located on the site of an existing dwelling and is likely to impact areas of hard standing and amenity planting which are habitats considered to be of relatively low ecological value.

The Ecologist noted a Full Ecological Report has been undertaken and submitted to support the application and enable the Local Planning Authority to assess the potential impact of the development roosting bats. The Ecologist reviewed the Ecological Survey produced by Jon Sloan Ecology dated July 2018 and considered that the survey methods and effort employed were in accordance with current National Guidelines.

PCC Ecology are satisfied with the proposed development subject to the inclusion of a number of conditions to secure the development to be carried out in line with the mitigation outlined within the ecological report, an external lighting scheme and landscaping scheme.

Natural Resources Wales were also consulted regarding the proposed development, NRW have requested a landscaping scheme and requested a condition to secure the development to be undertaken in accordance with the mitigation within the ecological report. A landscaping plan has been submitted and NRW re-consulted, NRW have stated that they are satisfied with the proposed landscape plan. However, having spoken with the PCC Ecologist they have stated that a landscaping condition will be required in this instance as details are still required in relation to the landscaping.

In light of the above and subject to the recommended conditions it is therefore considered that the propose development complies with relevant planning policy.

#### Archaeology

CPAT have provided comments on the proposed development in relation to archaeology, it is stated that the original stone building is 19<sup>th</sup> century. CPAT have no record of the structure on the Historic Environment Record other than the mapping evidence. In light of this CPAT have requested the inclusion of an appropriately worded condition to secure a photographic survey prior to commencement of development.

In light of the above and subject to the recommended condition it is therefore considered that the proposed development complies with relevant planning policy.

#### Environmental Health

Environmental Health have been consulted on the proposed development. Environmental Health have raised concerns as it is proposed for the development to connect to the mains sewerage system, however it has been noted that there are no public sewerage systems within close proximity to the site.

Confirmation has been sought from the agent. The agent has stated that there is an existing septic tank on site which was utilised by the school and it is considered that this

would far exceed the requirement for a dwelling of this size. Comments have not yet been provided by the environmental health officer in relation to the additional information.

## **RECOMMENDATION - Approval**

In light of the above it is therefore considered that the proposed development complies with relevant planning policy and it is recommended for approval subject to the following conditions.

### **Conditions**

- 1 The development shall begin not later than five years from the date of this decision
- 2 The development shall be carried out in accordance with the following approved plans and documents; Ki 5402 2, Ki 5402 3B, Ki 5402 4B, Ki 5402 5B, Ki 5402 6A
- 3 The development shall be carried out strictly in accordance with the mitigation measures and recommendations identified in the Ecological Survey Report produced by Jon Sloan Ecological Consultants dated August 2018 and illustrated on drawing number Ki5402 2 produced by McCartneys Planning & Survey dated January 2019. The identified measures shall be adhered to and implemented in full and maintained thereafter.
- 4 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 in accordance with the recommendations outlined in the BCT and ILP Guidance Note 8 Bats and Artificial Lighting (12th September 2018). The development shall be carried out in accordance with the approved details.
- 5 No development or site clearance shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
- 6 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 7 Development shall not begin until an appropriate photographic survey, (equivalent to an Historic England Photographic Survey - Understanding Historic Buildings, 2016) of the existing buildings has been carried out in accordance with details to be submitted to, and approved by, the Local Planning Authority. The photographic survey will be completed by an archaeological contractor. The resulting

digital photographs should be forwarded on appropriate digital media to the Local Planning Authority and the Development Control Archaeologist (Clwyd-Powys Archaeological Trust, 41 Broad Street, Welshpool, Powys, SY21 7RR. Email: mark.walters@cpat.otg.uk Tel: 01938 553670/552045). After approval by the Local Planning Authority, a copy of the photographs should also be sent to the Historic Environment Record Officer, Clwyd-Powys Archaeological Trust, 41 Broad Street, Welshpool, Powys, SY21 7RR for inclusion in the regional Historic Environment Record.

## Reasons

- 1 Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
- 2 To ensure adherence to the approved plans in the interests of clarity and a satisfactory development.
- 3 To comply with Powys County Council's LDP Policies DM2 and DM4 in relation to ecological qualities of the landscape and meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
- 4 To comply with Powys County Council's LDP DM2 and DM7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
- 5 To comply with Powys County Council's LDP Policy DM4 in relation to ecological qualities of the landscape and meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
- 6 To comply with Powys County Council's LDP Policy DM4 in relation to ecological qualities of the landscape and meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
- 7 To secure a full photographic record of the original building prior to alteration, conversion or demolition.

## Informative Notes

### 1 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.

## 2 Rights of Way

On the plan's there is reference to changing an area from the existing tarmac to a garden, this would be acceptable, provided that the surface of the bridleway remains firm and no plants are planted in the surface of the full width of the bridleway, or in position's where they may encroach and obstruct the bridleway.

The applicants can apply to the Authority to temporarily close the public footpath during development if they feel that they need the space and cannot guarantee the safety of the public.

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 public right of way. 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.

It is advise that applicant speak to Countryside Services before any development begins.

## 3 Natural Resources Wales Guidance

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.

### Foul Drainage

It is not known at this stage what is the proposed method of foul water discharge for this proposal. Government policy states that, where practicable, foul drainage should be discharged to the mains sewer. Where this is not possible and discharge of effluent to ground or surface water is required, the Applicant will need to apply for an environmental permit or register an exemption with us. The Applicant must obtain any necessary permit or exemption prior to commencement of work on site.

Septic tanks and small sewage treatment works may be registered as exempt from the requirement to obtain an environmental permit if certain criteria is met. Please note, should a permit be required, further information may be required as part of that application and the Applicant is therefore advised to hold pre-application discussions with our Permitting Team on 0300 065 3000, at the earliest opportunity, to try to ensure that there is no conflict between any planning permission granted and the permit requirements. More information, including a step by step guide to registering and the relevant application forms are available on our website. Where private sewage treatment/disposal facilities are utilised, they must be installed and maintained in accordance with British Standards 6297 and Approved Document H of the Building Regulations. We also refer the Applicant to Pollution Prevention Guideline 4 which provides further information.

#### Ordinary Watercourse Consent

Our records indicate that a culverted stream runs underneath this property. Any excavation works have therefore the potential to affect an ordinary watercourse. Works in or near an ordinary watercourse may require a Flood Defence Consent from Powys County Council, as the Lead Local Flood Authority in this area. Please see <https://en.powys.gov.uk/article/4661/Ordinary-Watercourses-Applying-for-consent-forworks> for more information or contact [land.drainage@Powys.gov.uk](mailto:land.drainage@Powys.gov.uk) for more details.

#### Waste

Waste produced during the construction phase of your development must be dealt with appropriately, and be in line with all relevant waste legislation including Duty of Care Regulations and Hazardous Waste Regulations. As part of your waste duty of care you must classify the waste produced:

before it is collected, disposed of or recovered to identify the controls that apply to the movement of the waste to complete waste documents and records to identify suitably authorised waste management options to prevent harm to people and the environment.

Any waste removed from site will be subject to waste management controls. The links below provided information on how to classify waste and register as a waste carrier or hazardous waste producer:

<http://naturalresources.wales/waste/how-to-classify-and-assess-waste/?lang=en>

<http://naturalresources.wales/apply-for-a-permit/waste/?lang=en>

Further guidance can be found on the GOV website here:

<https://www.gov.uk/managing-your-waste-an-overview/duty-of-care>

#### Pollution Prevention

All works at the site must be carried out in accordance with GPP5 and PPG6 'Works in, near or over Working at construction and demolition sites which is available at: <http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-andreplacement-series/guidance-for-pollution-prevention-gpps-full-list/>

#### Environmental Management

The activity of importing waste into the site for use as, for example hardcore, must be registered with Natural Resources Wales as an exempt/permittable activity under the Environmental Permitting Regulations 2016. The developer should contact Natural Resources Wales to discuss the necessity for an exemption/permit for any material imported to and exported from the site. If during construction/excavation works any contaminated material is revealed, then the movement of such material either on or off site should be done in consultation with Natural Resources Wales. Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily and in accordance with Section 34 of the Environmental Protection Act 1990. Carriers transporting waste from the site must be registered waste carriers and movement of any Hazardous Waste from the site must be accompanied by Hazardous waste consignment notes.

#### 4 Biodiversity

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

This planning permission does not provide consent to undertake works that require an EPS licence. It is an offence to deliberately capture, kill or disturb EPS or to recklessly damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine.

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

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

It is an offence for any person to:

Intentionally kill, injure or take any bats.

Intentionally or recklessly damage, destroy or obstruct access to any place that a bat uses for shelter or protection. This is taken to mean all bat roosts whether bats are present or not. Under the Habitats Regulations it is an offence to:

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

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 that works to trees or buildings where that work involves the disturbance of a bat is an offence if a licence has not been obtained from Natural Resources Wales. If a bat is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's

Ecologist. You can also call the National Bat helpline on 0345 1300 228 or email enquiries@bats.org.uk.

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

All nesting birds, their nests, eggs and young are protected by law and it is an offence to:  
intentionally kill, injure or take any wild bird  
intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built  
intentionally take or destroy the egg of any wild bird  
intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird.

The maximum penalty that can be imposed - in respect of a single bird, nest or egg - is a fine of up to 5,000 pounds, six months imprisonment or both. The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built (usually between late February and late August or late September in the case of swifts, swallows or house martins). If a nest is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.

### Protected Species

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

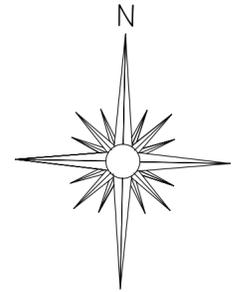
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Case Officer: Sara Robinson, Planning Officer  
Tel: 01597 827229 E-mail: sara.robinson@powys.gov.uk

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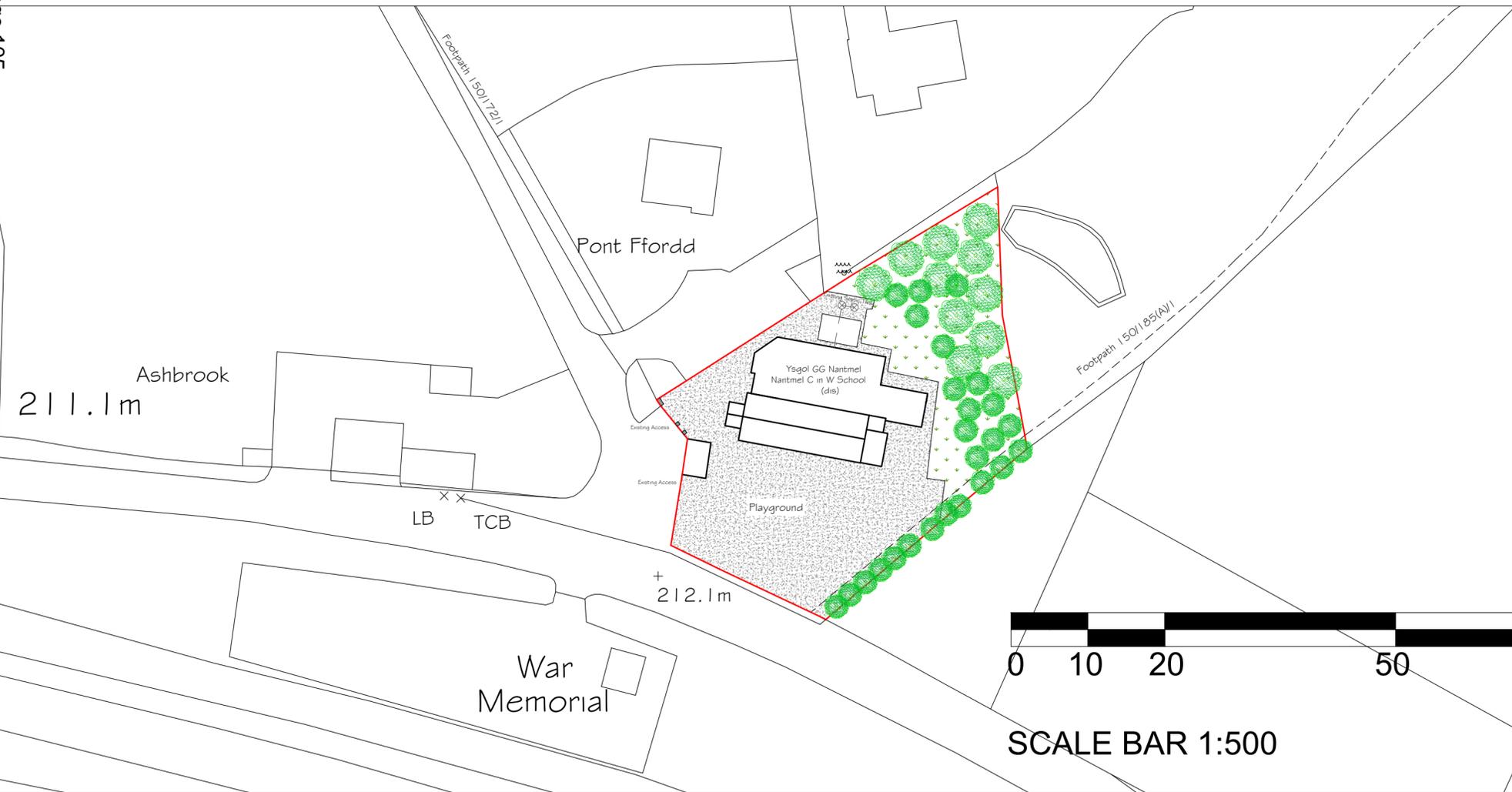


SCALE BAR 1:1250



**GENERAL NOTES & SPECIFICATIONS**  
 MATERIALS, WORKMANSHIP AND CONSTRUCTION ARE TO CONFORM WITH CURRENT STANDARDS, CODES OF PRACTICE, AGREEMENT CERTIFICATES AND MANUFACTURERS RECOMMENDED SPECIFICATIONS AND ARE TO FULLY COMPLY WITH THE BUILDING REGULATIONS 1991, RELATED APPROVED DOCUMENTS AND LEGISLATION.  
 ALL SERVICES ARE TO BE INSTALLED IN ACCORDANCE WITH STATUTORY AUTHORITY REGULATIONS AND BY-LAWS.  
**SAFETY**  
 STATUTORY INSTRUMENT 2015 No 61 - THE CONSTRUCTION (DESIGN AND MANAGEMENT) REGULATIONS 2015  
 THE CONTRACTOR IS TO COMPLY WITH THE DUTIES IMPOSED ON HIM BY THE ABOVE REGULATIONS AND LIAISE DIRECTLY WITH THE CDM COORDINATOR AS APPOINTED BY THE CLIENT.  
**IMPORTANT**  
 DO NOT SCALE FROM THIS DRAWING. WRITTEN DIMENSIONS ARE IN ALL CASES TO BE REFERRED TO SCALED DIMENSIONS. ANY DISCREPANCIES ARE TO BE NOTIFIED TO THE DESIGNER AT ONCE.  
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**LICENCES**  
 Ordnance Survey  
 LICENCE No: 10004109. REPRODUCED FROM THE ORDNANCE SURVEY MAP WITH PERMISSION OF THE CONTROLLER OF H.M. STATIONERY OFFICE. PUBLISHED FOR THE PURPOSES OF IDENTIFICATION ONLY AND ALTHOUGH BELIEVED TO BE CORRECT ITS ACCURACY IS NOT GUARANTEED. CROWN COPYRIGHT RESERVED  
 PROMAP  
 LICENCE No: 10020449

Page 105



SCALE BAR 1:500



54 HIGH STREET  
 KINGTON  
 HEREFORDSHIRE  
 HR5 3BJ

**JOB:**  
 Conversion of Nantmel Church in Wales Primary School into a single dwelling  
 Nantmel  
 Llandrindod Wells  
 Powys  
 LD1 6EL

**CLIENT:**  
 Diocesan Trust  
 The Diocesan Centre  
 Cathedral Close  
 Brecon  
 LD3 9DP

**TITLE:**  
 Existing Block & Location Plan

<b>REVISIONS:</b> A - Footpath / Septic Tank	<b>DATE:</b> 29/05/2019
B - Existing Landscaping	25/06/2019

<b>SCALES:</b> Block 1:500 Location 1:1250	<b>DATE:</b> APRIL 2019
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<b>DRAWN BY:</b> LP	<b>ORIGINAL SHEET SIZE:</b> A2
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<b>DRAWING NUMBER:</b> Ki 5402	<b>3B</b>
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# 4.5

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

**Application Number:** 19/0537/FUL

**Grid Ref:** E: 319866  
N: 309680

**Community Council:** Guilsfield Community

**Valid Date:** 26.03.2019

**Applicant:** Severn Trent Water Ltd

**Location:** Land at Moelygarth Pumping Station, Laundry Lane, Moelygarth, Y Trallwng, Powys

**Proposal:** Installation of a replacement booster pumping station kiosk and parking/access area

**Application Type:** Full Application

### Reason for Committee determination

The application site is within the ownership of Powys County Council (Highway Authority).

### Consultee Responses

#### Consultee

#### Received

Natural Resources Wales (North) DPAS

12th Apr 2019

We recommend that you should only grant planning permission if you attach the following conditions. These conditions would address significant concerns that we have identified and we would not object provided you attach them to the planning permission.

#### Summary of Conditions

Condition 1 - Dormouse: No ground clearance shall take place until a Reasonable Avoidance Measures Scheme (RAMS) for Dormice and other protected species, has been submitted to and approved in writing by the local Planning authority.

#### European Protected Species (EPS)

The Ecological Constraints Report dated 2nd November 2016 by MottMac, submitted in

support of the above has identified the presence of dormice in the area and we can confirm that we also have records of this species at the site. The report also stated that trees potentially affected by the proposal presented no roosting potential for bats, of which we have multiple records in the area.

Bats, dormice and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2017. Where bats are present, and a development proposal is likely to contravene the legal protection they are afforded, the development may only proceed under licence issued by Natural Resources Wales, having satisfied the three requirements set out in the legislation. A licence may only be authorised if:

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

ii ii. There is no satisfactory alternative and

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

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

It is our understanding that 3 trees will need to be felled to accommodate the new pumping station and that the recommendations made in the ecological report to re-locate the proposal further north to avoid direct impact on vegetation is not possible.

Whilst we agree with the recommendation for general reasonable avoidance measures (RAM) within the ecological constraints report (section 3.2), this document fails to provide specific RAM for dormice. It is therefore our opinion that in order to make sure this protected species is not detrimentally impacted by the proposal, a comprehensive method statement will need to be submitted prior to commencement of works.

Condition 1 - Dormouse: No ground clearance shall take place until a Reasonable Avoidance Measures Scheme (RAMS) for Dormice and other protected species has been submitted to and approved in writing by the local Planning authority.

If bats/dormice are found or seen during works, all work must stop immediately, and

advice sought from NRW before works can restart.

Please do not hesitate to contact us if you require further information or clarification of any of the above.

Our comments above only relate specifically to matters that are listed in our 'Consultation Topics' document (September 2018) which is published on our website: (<https://cdn.naturalresources.wales/media/686847/dpas-consultation-topics-august-2018-eng.pdf?mode=pad&rnd=131819256840000000>). 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:

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.

Waste

Waste produced during the construction phase of your development must be dealt with appropriately, and be in line with all relevant waste legislation including Duty of Care Regulations and Hazardous Waste Regulations. As part of your waste duty of care you must classify the waste produced:

- o o before it is collected, disposed of or recovered
- o o to identify the controls that apply to the movement of the waste
- o o to complete waste documents and records
- o o to identify suitably authorised waste management options
- o o to prevent harm to people and the environment.

Any waste removed from site will be subject to waste management controls. The links below provided information on how to classify waste and register as a waste carrier or hazardous waste producer:

<http://naturalresources.wales/waste/how-to-classify-and-assess-waste/?lang=en>

<http://naturalresources.wales/apply-for-a-permit/waste/?lang=en>

Further guidance can be found on the GOV website here:

<https://www.gov.uk/managing-your-waste-an-overview/duty-of-care>

## Environmental Management

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

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

Natural Resources Wales (North) DPAS

20th May 2019

Thank you for consulting Natural Resources Wales (letter dated 02/04/2019) regarding additional information on the above.

In our response letter of 12/04/2019 (CAS-83692-C0P6) we recommended that you should only grant planning permission if you attached a condition to secure the implementation of reasonable avoidance measures for dormouse.

Condition 1 - Dormouse: No ground clearance shall take place until a Reasonable Avoidance Measures Scheme (RAMS) for Dormice and other protected species, has been submitted to and approved in writing by the local Planning authority.

New information has been received, namely:

- o o Technical Note 380854DH64 dated 18/04/2019 by MMB including a method statement for dormice.
- o o Additional information with regards to the presence of Great crested Newts (GCN) in the proximity of the proposal.

Having reviewed the above, we still have significant concerns with the proposed development as submitted. We recommend that you should only grant planning permission if the scheme can meet the following requirements. We would object if the scheme does not

meet these requirements.

## Summary of Requirements

Requirement 1 - EPS: The applicant submits an updated method statement to include an assessment of the potential impact the proposal is likely to have on Dormice and Great Crested Newts (GCN) and appropriate reasonable avoidance measures.

## Protected Species

We have reviewed the method statement included within Technical Note 380854DH64 dated 18/04/2019 by MMB and we are satisfied that this is appropriately address the concerns we expressed in our previous response, however the presence of GCN was not considered in the Ecological Constraints Report dated 2nd November 2016 by MottMac, as information about the presence of this species in the area has only recently come available.

GCN are afforded the same protection as bats, dormice under the Conservation of Habitats and Species Regulations 2017. Whilst we do not envisage GCN surveys will be required, it is our opinion that the ecological submission needs to be updated to include the potential effect works can have on GCN and the method statement document must also include reasonable measures to avoid impacting on GCN and not only dormice. It is also important to make sure the kerb design and surface drainage scheme is amphibian friendly.

It is therefore our opinion that in order to make sure european protected species (EPS) are not detrimentally impacted by the proposal, a comprehensive method statement will need to be submitted prior to commencement of works.

Requirement 1 - EPS: The applicant submits an updated method statement to include an assessment of the potential impact the proposal is likely to have on Dormice and Great Crested Newts (GCN) and appropriate reasonable avoidance measures.

If any EPS are found or seen during works, all work must stop immediately, and advice sought from NRW before works can restart.

Please do not hesitate to contact us if you require further information or clarification of any of the above.

Our comments above only relate specifically to matters that are listed in our 'Consultation Topics' document (September 2018) which is published on our website: (<https://cdn.naturalresources.wales/media/686847/dpas-consultation-topics-august-2018-eng.pdf?mode=pad&rnd=131819256840000000>). 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.

Thank you for consulting Natural Resources Wales (letter dated 17/06/2019) regarding additional information on the above.

In our response letter of 20/05/2019 we recommended that you should only grant planning permission if the scheme met Requirement 1 - EPS: The applicant submits an updated method statement to include an assessment of the potential impact the proposal is likely to have on Dormice and Great Crested Newts (GCN) and appropriate reasonable avoidance measures.

We have reviewed the additional information received and we recommend that you should only grant planning permission if you attach the following conditions. These conditions would address significant concerns that we have identified and we would not object provided you attach them to the planning permission.

#### Summary of Conditions

Condition 1- EPS: All avoidance measures described in sections 4.2.1 and 4.2.2 of the technical note document dated 13/06/2019 by J Latchford are secured through planning conditions.

#### Protected Species

We have reviewed the technical note document dated 13/06/2019 by J Latchford which addresses the ecological constraints for the site and we are satisfied that this appropriately address the concerns we expressed in our previous responses.

Provided all the recommended avoidance measures in the above mentioned report are implemented, we do not consider that the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range. We recommend you secure their implementation via appropriately worded conditions.

Condition 1- EPS: All avoidance measures described in sections 4.2.1 and 4.2.2 of the technical note document dated 13/06/2019 by J Latchford are secured through planning conditions.

If any EPS are found or seen during works, all work must stop immediately, and advice sought from NRW before works can restart.

Please do not hesitate to contact us if you require further information or clarification of any of the above.

Our comments above only relate specifically to matters that are listed in our 'Consultation

Topics' document (September 2018) which is published on our website: (<https://cdn.naturalresources.wales/media/686847/dpas-consultation-topics-august-2018-eng.pdf?mode=pad&rnd=131819256840000000>). 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.

PCC-Ecologist

8th May 2019

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

The data search identified 345 records of protected and priority species within 500m of the proposed development - which include records of hazel dormice and great crested newts.

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

An Ecological Survey has been undertaken to assess the potential of the development to affect any protected species presence or habitats of ecological value.

I have reviewed the Ecological Constraints Report produced by Mott Macdonald dated 2 November 2016.

The survey consisted of a combination of desktop searches and a site visit which was undertaken on the 22nd September 2016 to carry out an extended phase 1 habitat survey. The site was surveyed to identify specific habitats and potential opportunities for protected species.

Habitats noted on site are bare ground, broadleaved scattered trees, broad-leaved semi-natural woodland, hardstanding, hedgerow, improved grassland and tall ruderal vegetation.

No non-native invasive flora was identified during the assessment.

The location of the new pumping station and associated parking will be impacting an area of bare ground and woodland edge which will result in the removal of a number of trees (these trees at the time of the survey were noted to be young). It is also identified that scraping away the area of hardstanding and all tall ruderal and encroaching vegetation will be required to accommodate the proposed development.

The report identifies that the habitats present and affected by the proposed works are

suitable to support nesting birds and dormice - dormice have been recorded in the area and it has been assumed that they are present. Therefore it is has been recommended that these works will need to be carried out under a Reasonable Avoidance Method Statement to avoid any negative impacts to nesting birds or hazel dormice.

A mature oak tree is located within the development boundary. Works will be carried out within the root protection zone of the mature oak tree. It has been recommended within the Arboricultural Report produced by MWA Arboriculture dated 20 March 2019 that the crown of the mature oak tree should be raised in order to facilitate the proposed developments. Two and a half years have passed since the ecological assessment has been carried out. At the time of the assessment the tree was considered to have no potential features to support roosting bats.

The assessment to raise the crown of the oak tree was carried out in 2019, therefore the ecological survey did not take into account the works proposed to the mature oak tree at the time.

Therefore, due to the time that has passed since the previous ecological survey and the proposed work to raise the crown height of the mature tree it is recommended that the ecological value of the mature oak tree is re-assessed for its potential to support protected or priority species in order to inform the current planning application.

I note from the data search that since the previous ecological survey was carried out that approximately 80 records of different bat species within 100m of the proposed development have been recorded.

Section 3.2 of the Ecological report recommends Reasonable Avoidance Methods to be adhered to during construction in order to avoid negative impact to Bat, Badger, Nesting Birds and Hazel Dormice.

However, no specific details regarding the reasonable avoidance method statement for Hazel Dormice has been submitted. From reviewing the NRW consultation response dated 12 April 2019 I agree with the recommended condition that the submission of a detailed reasonable avoidance method statement regarding hazel dormice is submitted prior to commencement of works. However, as further information has been required provision of this document at this stage would avoid the requirement of a pre-commencement condition.

In November 2016 when the preliminary ecological assessment was undertaken; some suitable terrestrial habitat for amphibians within the proposed development site boundary was identified. However, as no pond were identified within 500m of the proposed works it was considered that there was no potential for amphibians to be impacted by the

proposed works.

The data search has produced as record of great crested newt within 60m of the proposed developments -the record being submitted in March 2019.

Taking into consideration proximity of a known recent record of great crested newts, the nature of the works proposed and suitable terrestrial habitat identified it is considered that the developments may have potential to negatively impact great crested newts. In that, the proposed development may lead to the loss of potential terrestrial habitat for this species or as the result of creation of a barrier to their dispersal to surrounding suitable habitat.

Therefore, it is considered that there is insufficient information with regard to potential impacts to Great Crested Newts, a European protected species, to determine this application. Further information is required to be submitted prior to determination of the application.

It is recommended that the applicant submits an update ecological report to include an assessment of the proposed works to impact great crested newts and additional mitigation to demonstrate the proposal is not detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

The identified hedgerow is to be retained. However, given the proximity of the works to the hedgerow, it is considered prudent to require information from the applicant as to how this feature of biodiversity importance for wildlife will be protected during the construction period of works. It is therefore recommended that a Hedgerow Protection Plan is secured through an appropriately worded condition. However, as further information has been requested the provision of a hedgerow protection plan at this stage would avoid the requirement of a pre-commencement condition.

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. A wildlife sensitive lighting plan could be secured through a planning condition, however the provisions of an external lighting scheme at this stage would avoid the need for a pre-commencement condition requiring this information.

#### Maintaining Biodiversity

In accordance with Part 1 Section 6 of the Environment (Wales) Act 2016 Local Authorities are required to Maintain and Enhance biodiversity through all of its functions - this includes the planning process. It is therefore recommended that consideration is

given to opportunities to incorporate biodiversity enhancements to ensure net biodiversity benefits through the proposed development. These measure could include:

- oProvision of bird and bat boxes including the details of the number, type and location of these boxes;

- oProvision of wildlife friendly landscape planting.

Should biodiversity enhancement measures such as the bird nesting boxes - be proposed as part of the development details of these features identified will need to be specific and detailed on submitted plans (i.e. details regarding locations, dimensions and numbers will need to be provided) and achievable.

PCC-Ecologist

4th Jun 2019

I have reviewed the additional information along with NRW's consultation response letter dated 20 May 2019.

I agree that the recommended requirements by NRW regarding great crested newts are necessary to be submitted prior to determination of the application.

PCC Ecologist

8<sup>th</sup> July 2019

I have reviewed the submitted Technical Note produced by J Latchford dated 13 June 2019.

The survey consisted of a combination of desktop searches and a site visit which was undertaken on the 16th May 2019 to carry out a preliminary ecological assessment - to identify specific habitats and potential opportunities for protected species.

Habitats identified on and adjacent to the proposed development site include; tall ruderal vegetation, scrub, broadleaf semi natural woodland, buildings, species poor hedgerow with scattered trees, hardstanding and bare ground.

The ecological assessment considered that the proposed works to install a new pumping station kiosk and adjacent concreted parking area are anticipated to impact approximately 40m<sup>2</sup> of vegetation on the edge of semi-natural broadleaved woodland, including the

removal of two ash trees and clearance of surrounding scrub and ruderal vegetation.

The two trees that are to be removed to accommodate the proposed development are considered to be unsuitable to support roosting bats as no potential roosting features were identified.

Following the assessment of the habitats present and evaluation of the results of the data search it is considered that the proposed works may impact the following species; dormice, nesting birds, amphibians including great crested newts, badger and small mammals.

Therefore section 4.2 of the ecological report identifies that the following measures should be implemented and adhered to in order to avoid any potential impacts on any protected or priority species likely to utilise the habitats.

Recommended mitigation and avoidance measures include;

- Reasonable Avoidance Method Statement with regards to Dormice
- Reasonable Avoidance Method Statement with regards to Great Crested Newts including design of the drainage system
- Check of the site for active nesting birds 48hrs prior to commencement of works
- Provision of two bat boxes on the large oak tree
- No night time works to be carried out
- Noise to be kept to a minimum
- Ensure that any open excavations are covered overnight, or a suitable egress is provided for potential animals, such as mammals that may fall into them
- Ensure that all spoil material is fully compacted when stock-piled

I considered the recommendation within the ecological technical note report to be appropriate and acceptable. Therefore I recommend that implementation and adherence to these avoidance, mitigation and compensation measure to be secured through an appropriately worded document.

Careful consideration will need to be given to any external lighting given the presence of surrounding habitat features including trees or hedgerows. 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.

If it is proposed to provide landscaping as part of the potential development consideration should be given to the development of a native landscape planting scheme. It is recommended that details of any landscaping proposed are submitted in a detailed Landscape Planting Scheme including proposed species mixes (%), planting and aftercare schedules. It is therefore recommended that a landscape 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:

The Reasonable Avoidance Method Statement regarding Dormice identified in section 4.2 and Appendix B of the Technical Note Document reference number 380854PH64 by J Latchford dated 13 June 2019 shall be adhered to, 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, in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

The Reasonable Avoidance Method Statement regarding great crested newts identified in section 4.2 and Appendix B of the Technical Note Document reference number 380854PH64 by J Latchford dated 13 June 2019 shall be adhered to, 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, in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

The Reasonable Avoidance Method Statement regarding nesting birds, bats, badgers and other mammals identified in section 4.2 of the Technical Note Document reference number 380854PH64 by J Latchford dated 13 June 2019 shall be adhered to, 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, in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

Prior to commencement of development a Tree 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.

Reason: To comply with Powys County Council's LDP policies DM2 and DM4 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.

The Hedgerow Protection Plan illustrated within drawing number A6W12095-PA13030 shall be adhered to, 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 and DM4 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 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, 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.

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

Reason: 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.

Wales & West Utilities 5<sup>th</sup> April 2019

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.

Wales & West Utilities - Plant Protection  
Team

14th May 2019

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.

Wales & West Utilities - Plant Protection  
Team

17th Jun 2019

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.

Community Council

30th Apr 2019

Guilsfield Community Council at their meeting on Wednesday 17 April resolved to support the above application.

Community Council

20<sup>th</sup> June 2019

Guilsfield Community Council at their meeting on Monday 17 June discussed the above application.

Council agreed to support the application.

Hafren Dyfrdwy

16th Apr 2019

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.

PCC Highways

4<sup>th</sup> Jul 2019

The County Council as Highway Authority for the County Unclassified Highway, U2432

**Wish the following recommendations/Observations be applied  
Recommendations/Observations**

The development shall be carried out in accordance with drawing numbers A6W12095-PA13020 Rev F & MMB004 Rev E.

### Advisory Notes

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

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

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

[http://www.powys.gov.uk/en/roads-transport-parking/  
street.works@powys.gov.uk](http://www.powys.gov.uk/en/roads-transport-parking/street.works@powys.gov.uk)

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

### Representations

Following the display of a site notice, one public representation has been received and is summarised as follows:

I wish to bring to your attention the presence of Great Crested Newts in my garden, which is the property 60m to the north of the proposal. Given the nature of the proposal and the fact that Great Crested Newts were not recorded here until this Spring, so not considered by the ecological report submitted with the application, I thought it was a good idea to let you know, as the species is a European Protected Species and so may affect determination.

I have submitted three biological records of Great Crested Newts via iRecord. One for a single male GCN found in my lawn meadow on 22nd March 2019. The other two records are of individuals in my pond, which was dug in Autumn 2017; two males on 11th April 2019 and one male and one female on 16th April 2019.

In addition, a representation has been received from the Woodland Trust which is summarised as follows:

#### Loss of ancient woodland

The Woodland Trust objects to the above planning application on the basis of damage and loss to Tybrith wood (grid ref: SJ1985809656), an Ancient Semi Natural Woodland designated on the Ancient Woodland Inventory (AWI).

#### Ancient Woodland

The Ancient Woodland Inventory places woodland into one of four categories:

Ancient Semi-Natural Woodland (ASNW) – broadleaf woodlands comprising mainly native tree and shrub species which are believed to have been in existence for over 400 years

Plantation on Ancient Woodland Sites (PAWS) – sites which are believed to have been continuously wooded for over 400 years and currently have a canopy cover of more than 50 percent non-native conifer tree species

Restored Ancient Woodland Sites (RAWS) – woodlands which are predominately broadleaves now and are believed to have been continually wooded for over 400 years. These woodlands will have gone through a phase when canopy cover was more than 50% non-native conifer tree species and now have a canopy cover of more than 50 percent broadleaf.

Ancient Woodland Site of Unknown Category (AWSU) – woodlands which may be ASNW, RAWS or PAWS. These areas are predominantly in transition and existing tree cover is described as 'shrubs', 'young trees', 'felled' or 'ground prepared for planting'

#### Policy

The Welsh Government has recognised that areas of ancient woodland are declining and becoming increasingly fragmented and emphasises the importance of conserving ancient woodland and its value as a biodiversity resource through the publication of Planning Policy Wales version 10 (2018) (PPW 10).

Paragraph 6.4.26 states *“Ancient woodland and semi-natural woodlands and individual ancient, veteran and heritage trees are irreplaceable natural resources, and have significant landscape, biodiversity and cultural value. Such trees and woodlands should be afforded protection from development which would result in their loss or deterioration unless there are significant and clearly defined public benefits; this protection should prevent potentially damaging operations and their unnecessary loss. In the case of a site recorded on the Ancient Woodland Inventory, authorities should consider the advice of NRW. Planning authorities should also have regard to the Ancient Tree Inventory.”*

Paragraph 4.2.12 (Trees, Woodlands and Hedgerows of Significant Public Amenity, Natural or Cultural Heritage) of Powys County Council's Local Development Plan (2018) states: *“Trees are the largest and longest living organisms in Powys. Trees, woodlands and hedgerows offer multiple benefits, including visual amenity, defining a sense of place, providing places for relaxation and recreation, habitats for wildlife, improved health and wellbeing and mitigating the effects of climate change. To maintain these benefits, the protection and enhancement of existing tree and woodland cover is essential. Development will not be permitted that would cause unacceptable harm to trees, woodlands and hedgerows of significant public amenity, natural or cultural heritage value.”*

4.2.13: *“Ancient woodlands and hedgerows and veteran trees are irreplaceable habitats of high biodiversity value that cannot be recreated once lost. This policy will protect them from development that would result in significant damage and developments will be expected to retain them. Where appropriate, Tree Preservation Orders will be served to protect significant trees from removal or harm. The amenity value of trees will be assessed in accordance with government guidance and nationally recognised systems of amenity evaluation.”*

#### Impacts to ancient woodland

The Woodland Trust is concerned about the following impacts:

- Direct loss of ancient woodland to facilitate the proposed development.
- Detrimental impacts of noise, light and dust pollution during construction to the remaining woodland.
- Damage to the roots of trees which form the boundary to the ancient woodland.

The Arboricultural Report provided for this application does not recognise that ancient woodland is to be impacted as part of this development. As ancient woodland is a material planning consideration, the document should be revised to reflect this.

In addition, the Trust is concerned that the applicants have not sought to determine if the large pedunculate oak tree on site is subject to a Tree Preservation Order (Ecological Constraints Report) which is again, a material planning consideration. The Council should ensure that due diligence has been undertaken by the applicants before determining this application.

### Mitigation

This development should be relocated outside of the ancient woodland and allow for a buffer zone of at least 15 metres to avoid root damage and to prevent disturbance. The Council should ensure that it is satisfied the width of the proposed buffer is adequate to protect the adjacent ancient woodland. A fence should also be put in place during construction to ensure that the buffer area does not suffer from encroachment of construction vehicles/stockpiles etc.

### Conclusion

Ancient woodland is an irreplaceable habitat, once lost it is gone forever. The Woodland Trust objects to this proposal due to the direct loss of this irreplaceable habitat.

### **Planning History**

No planning history noted.

### **Principal Planning Constraints**

- Open countryside
- Ancient semi natural woodland (known as Tybrith)
- Mineral Safeguarding Area (category 2 safeguarding for other sandstone)
- U2432 unclassified highway

### **Principal Planning Policies**

#### National Policy

Planning Policy Wales (2018)

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

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

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

Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management (2014)

#### Local Policy

Powys Local Development Plan (2018)

SP7 – Safeguarding of Strategic Resources and Assets

DM2 – The Natural Environment

DM4 – Landscape

DM7 – Dark Skies and External Lighting

DM8 – Minerals Safeguarding

DM13 – Design and Resources  
T1 – Travel, Traffic and Transport Infrastructure

Powys Local Development Plan (2011 to 2026) Supplementary Planning Guidance  
Biodiversity and Geodiversity (Adopted October 2018)

### **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**

#### Site Location and Description

The application site is located approximately 4km northwest of Welshpool and approximately 3km southwest of Guilsfield. The proposed development would be located within the western verge of Laundry Lane (U2432 highway) to the south east of a property known as Two Acres. The proposal involves the following works:

- Installation of a new reinforced plastic holly green pumping station kiosk (approximately 3.5m x 3.5m x 2.6m high);
- Infill of the ground immediately surrounding the new pumping station kiosk with type-1 aggregate;
- Conversion of the existing hardstanding area to a larger parking area of fibre reinforced concrete with flat kerb edging; and
- Removal of two Ash trees and one Sycamore tree (already occurred during the processing of the application) and clearance of surrounding scrub vegetation immediately behind the proposed location of the new pumping station kiosk (approximately 40m<sup>2</sup> of vegetation clearance expected).

#### Principle

Planning Policy Wales, edition 10 (2018) recognises that adequate and efficient infrastructure is crucial for economic, social and environmental sustainability and the Local Development Plan (2018) sets out that *'Utility companies serving Powys are encouraged to undertake necessary improvement and operational developments throughout the plan area. Where the Council is consulted on operational works or planning permission is required by the Council, it will emphasise the need to safeguard and protect both the built and natural environment ... These developments need to*

*balance service provision needs with the protection of the environment and area subject to the relevant Development Management Policies of this plan*' (paragraph 4.2.87).

The application details that the scheme is part of the Asset Management Plan for Severn Trent Water and the submission states that the proposed works are necessary to maintain water supply to customers in the surrounding area, whilst enabling workers to safely conduct maintenance on the existing and proposed infrastructure. In principle, the development is acceptable and accords with the objectives of Planning Policy Wales and the Local Development Plan subject to the material considerations below.

### Design and Landscape Impact

All development proposals are required to demonstrate a good quality of design which will complement or enhance the character of the surrounding area in terms of siting, appearance, integration, scale, height, massing and design detailing in accordance with Criterion 1 of Policy DM13 of the Powys Local Development Plan.

The proposal is in respect of a replacement kiosk that would be green in colour and would be sited on highways 'verge' land which is a woodland edge being grassy with scrub. The development has a functional design, typical of such utility equipment seen widely and given its scale and the use of green, it is not considered that the proposal would undermine LDP Policy DM13.

In terms of landscape impact, LDP Policies DM4 and SP7 require that proposals for new development in the open countryside must not individually or cumulatively have an unacceptable adverse effect on the valued characteristics and qualities of the Powys landscape. All proposals will need to be appropriate and sensitive in terms of integration, siting, scale and design to the characteristics of the landscape and for this site shall have regard to LANDMAP and the visual amenity enjoyed by users of Powys landscapes and adjoining areas.

The LANDMAP System classifies the aspect areas as follows:

Geological Landscape – Outstanding  
Landscape Habitat – Moderate  
Visual and Sensory – High  
Historic Landscape – Outstanding  
Cultural Landscape – High

The site sits within a rural landscape with the Visual and Sensory aspect area summarised by the LANDMAP system as *'An extensive area of rolling hillsides and pasture land with rounded hill tops. Vegetation is predominantly oak/mixed broadleaf woodland patches with well defined small field parcels with a high incidence of overgrown/mature hedgerow trees. Strong sense of place with settled, domestic quality to the setting and displaying a traditional farmed landscape. Traditional farming*

*techniques are evident ie hedge laying and general farming practice is extensive rather than intensive’.*

The application site is located within an area which is typical of the abovementioned landscape being in the open countryside amongst rolling hills and pasture land and located on the edge of a semi-natural broadleaf woodland. The development would be a new feature in the landscape and would be visible to users of the public highway in close proximity as well as users of the public rights of way in the locality, the closest of which is approximately 65 metres distant in a northerly direction. In addition, the proposal has involved the removal of some scrub, two Ash trees and one Sycamore tree located within the semi-natural broadleaf woodland. However given the siting on highways verge and adjacent to an area of woodland together with the scale and design of the proposal, in particular the colour, it is not considered that the proposal would have an unacceptable landscape impact in accordance with LDP Policies SP7 and DM4.

#### Impact upon neighbouring uses

Criterion 11 of LDP Policy DM13 states that the amenities enjoyed by the occupants or users of nearby or proposed properties shall not be unacceptably affect by levels of noise, dust, air pollution, litter, odour, hours of operation, overlooking or any other planning matter.

The proposed development would be sited approximately 45 metres to the south east of a residential dwelling known as Two Acres. Occupants of the dwelling are likely to be able to see the development from the south eastern window of the property, however taking into account the scale and siting of the proposal, it is not considered that there would be any unacceptable impact with regards to amenity. Therefore, the proposal is considered to comply with Part 11 of LDP Policy DM13.

#### Ecology

##### *Protected Species*

LDP Policy DM2 states that development proposals shall demonstrate how they protect, positively manage and enhance biodiversity interests. In terms of protected species in particular, Criterion 1B of policy DM2 states that development proposals which would impact on the identified natural environment assets will only be permitted where they do not unacceptably adversely affect European Protected Species. Development proposals likely to have an adverse effect on a European Protected Species will only be permitted where it can be demonstrated that:

- i. The proposal is for the purposes of preserving public health or public safety or there are imperative reasons of over-riding public interest; and
- ii. There is no satisfactory alternative; and
- iii. The action authorised will not be detrimental to the maintenance of the habitat or

population of the species concerned at a favourable conservation status in their natural range.

A public representation has alerted attention to the presence of Great Crested Newts in their garden. Ecological information supports the submission and following the assessment of the habitats present and evaluation of the results of the data search it is considered that the proposed works may impact the following species; dormice, nesting birds, amphibians including great crested newts, badger and small mammals. The ecological information recommends mitigation and avoidance measures to avoid any potential impacts on any protected or priority species likely to utilise the habitats.

The Council's Ecologist and NRW considers the recommendations within the ecological information to be appropriate and acceptable and recommends the implementation and adherence to these avoidance, mitigation and compensation measures should be secured through an appropriately worded condition. Natural Resources Wales have also advised that provided that all the recommended avoidance measures in the above mentioned report are implemented, they do not consider that the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

In terms of the three tests set out above and contained within LDP Policy DM2, it is considered that the proposed development would preserve public health by maintaining water supply and comply with Criterion i. The agents have confirmed that the booster pump station is required to replace the existing booster pump station which is old and deteriorating. Severn Trent require the new kiosk to meet current design standards, which needs to allow space in the kiosk for a generator switchover panel for a standby generator – this is not currently available within the existing kiosk. The new pump kiosk design is therefore larger than the existing kiosk but will provide more resilience, securing water supply to customers.

In terms of Criterion ii (alternatives to the development) the agents have also advised that there is not enough space in the highway verge near the position of the existing kiosk to provide the new kiosk and layby. It is also not possible to replace the existing kiosk with the new kiosk (on the same footprint) as the existing kiosk needs to remain in operation whilst the new kiosk is being constructed to continue the supply of water to the nearby reservoir. The kiosk cannot be located in the highway verge to the north west of the existing kiosk as this has a rising ground profile. This will reduce the suction pressure available to the pump and has an impact on the hydraulics. The flow direction is from south to north. To avoid blocking the entrance to the field to the north west of the proposed site, the new kiosk and layby have been sited to the south of the field gate, in an area of highway verge big enough to accommodate the new kiosk and layby. The positioning of the proposed kiosk is as close as possible to the existing chlorination dosing kiosk, which is where chlorine is dosed into the pipework prior to the new pumps, which will be inside the new kiosk, to ensure safe drinking water. By locating the new pump kiosk close to the existing chlorination kiosk, it enables the control system to work properly. If the two kiosks were sited further away from one another, the chlorination

kiosk would need to be re-sited alongside the proposed pump kiosk. The proposed solution therefore minimises the amount of development required. On the basis of this information, it is considered that this is sufficient justification in relation to Criterion ii of LDP Policy DM2 Criterion 1B.

Natural Resources Wales have confirmed that subject to the use of conditions in terms of reasonable avoidance measures that the proposed development would not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range in compliance with Criterion iii of LDP Policy DM2 Criterion 1B.

On the basis of the advice from the Council's Ecologist and NRW, subject to the use of conditions it is concluded that the proposed development would comply with all three requirements of Criterion 1B of LDP Policy DM2 in respect of protected species.

#### *Ancient woodland*

The site is located within an area designated as an Ancient Semi-Natural Woodland which are generally broadleaf woodlands comprising mainly native tree and shrub species which are believed to have been in existence for over 400 years.

An Arboricultural Report accompanies the application which identifies that three trees would be removed to accommodate the development; two Ash trees and one Sycamore tree. The agent has confirmed that these three trees have already been removed following the submission of the application. The Arboricultural Report also identifies that trees overhanging the access route from the north will require target pruning to ensure clearance for the mobile crane during construction. The trees to the north are not located within the ancient woodland designation. The report concludes that the impact upon the woodland trees is negligible but in order to safeguard an identified further Ash tree, it is advised that mitigation measures including excavation undertaken within the Root Protection Area to be supervised by a competent arboriculturalist, any root pruning is undertaken appropriately and that the storage of materials, the site compound and welfare facilities are set up using a location outside of the Root Protection Area. A revised Tree Protection Plan has been submitted which indicates that temporary fencing would be used to protect the root protection area of the Oak tree to the north of the existing kiosk and the Ash tree to the south of the proposed kiosk.

Natural Resources Wales have not provided advice on the impact of the development on the ancient woodland, however the Council's Ecologist has provided advice. In addition, the Woodland Trust has objected to the proposal due to the direct loss of this irreplaceable habitat with the following concerns:

- Direct loss of ancient woodland to facilitate the proposed development.
- Detrimental impacts of noise, light and dust pollution during construction to the remaining woodland.
- Damage to the roots of trees which form the boundary to the ancient woodland.

Criterion 2 of LDP Policy DM2 states that important habitats afforded levels of protection in line with national policy and legislation and which are likely to have an adverse effect on the conservation value of nationally protected habitats (including broadleaved woodland) will only be permitted where it can be demonstrated that:

- i. The proposal contributes to the protection, enhancement or positive management of the site, habitat or species; or
- ii. There is no suitable alternative to the proposed development; and
  - a) It can be demonstrated that the benefits from the development clearly outweigh the special interest of the site, habitat or species; and
  - b) Appropriate compensatory measures are secured; and
  - c) The population or range and distribution of the habitat or species will not be adversely impacted.

In addition, Criterion 5 of LDP Policy DM2 includes protection for individual trees, woodlands and hedgerows of significant public amenity, natural or cultural heritage. This includes ancient woodland and veteran trees. Paragraph 6.4.26 of Planning Policy Wales (Edition 10) states '*Ancient woodland and semi-natural woodlands and individual ancient, veteran and heritage trees are irreplaceable natural resources, and have significant landscape, biodiversity and cultural value. Such trees and woodlands should be afforded protection from development which would result in their loss or deterioration unless there are significant and clearly defined public benefits; this protection should prevent potentially damaging operations and their unnecessary loss. In the case of a site recorded on the Ancient Woodland Inventory, authorities should consider the advice of NRW. Planning authorities should also have regard to the Ancient Tree Inventory.*'

Whilst the woodland is identified on the Ancient Woodland Inventory, none of the individual trees affected by the proposal are identified on the Ancient Tree Inventory and none are the subject of a Tree Preservation Order.

Given that trees have been lost as a result of the proposed development it could be considered that the proposal has had a direct adverse effect on the conservation value of nationally protected sites, habitats or species contrary to Criterion 2 of LDP Policy DM2. This section of the policy states that such proposals will only be permitted where they comply with Criteria i or ii above. The justification provided for the proposal, as discussed above is considered sufficient to demonstrate that the site is the only possible place for the proposal. The size of woodland area and location in terms of the loss of three trees (one being a Sycamore) on the edge of the woodland and being a highway verge are also considered to be other contributing factors to its acceptability. Hedgerow and tree protection plans also accompany the application which provide measures to protect the hedgerow which is connected to the woodland and the remaining Ash tree within the Ancient Woodland and within the vicinity of the development. Access to the woodland would not increase significantly as a result of the proposal. In addition the impacts upon biodiversity and protected species are known as ecological reports have accompanied the application and have been assessed as acceptable by NRW and the

Council's Ecologist with conditions recommended in relation to protected species, lighting and hedgerow and tree protection.

Taking into account the factors discussed above and the advice received from the Council's Ecologist, whilst three trees from an ancient woodland have already been lost, subject to the use of conditions, it is not considered that the proposal would lead to the further significant deterioration of the ancient woodland. The comments from the Woodland Trust are noted, however it is considered that such impacts have been addressed via the submission of the hedgerow and tree protection plans, adherence to which is recommended to be conditioned. Overall, it is concluded that the proposal would not conflict with Criterion 2 of LDP Policy DM2.

### *Lighting*

LDP Policy DM7 states that development proposals involving external lighting will only be permitted when a lighting scheme has been provided that demonstrates that the lighting will not individually or cumulatively cause an unacceptable disturbance to protected species.

As noted above, the Woodland Trust have raised concern over the impact of lighting upon the remaining woodland during the construction phase. The Council's Ecologist has advised that careful consideration will need to be given to any external lighting design provided through the proposed development given the presence of surrounding habitat features including trees or hedgerows. 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 in accordance with LDP Policy DM7.

### *Landscaping*

The Council's Ecologist has advised that if it is proposed to provide landscaping as part of the potential development, consideration should be given to the development of a native landscape planting scheme. Whilst trees have been lost as a result of the development, given the discussion above in respect of design and particularly in terms of the scale of the proposed development, it is considered that there is sufficient remaining tree and hedgerow cover remaining (potential damage to which would be mitigated against by the recommended conditions) such that no further landscape planting is required.

### Highways

Criterion 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 without adversely affecting the safe and efficient flow of traffic on the network or that traffic impacts can be managed to acceptable levels to reduce and mitigate any adverse

impacts from the development. In addition LDP Policy T1 requires development proposals to incorporate safe and efficient flow of traffic for all transport users, management of any impacts to the network and minimisation of demand for travel by private transport and encourage sustainable forms of travel.

Following the receipt of amended plans which demonstrate that vehicles would be able to pull off the public highway when attending the kiosk, the Highway Authority has advised that they have no objection to the application. Taking into account the amended plans and the comments from the Highway Authority, subject to the suggested informative being attached to any consent granted, it is considered that the proposed development meets the highways criteria contained within LDP Policies DM13 and T1.

### Minerals Safeguarding

The application site is located within a Minerals Safeguarding Area designated as a category 2 safeguarding for other sandstone. LDP Policy DM8 states that non-mineral developments proposals within Mineral Safeguarding Areas will only be permitted where it can be demonstrated that the development is of a very minor nature. The supporting text to Policy DM8 states that the policy is to ensure that mineral resources are not needlessly sterilised by other development, so that they remain accessible to future generations in accordance with Planning Policy Wales and the Minerals Technical Advice Notes. It does not give a presumption that the mineral will be worked. Rather, the Mineral Safeguarding Areas should be considered as a form of constraint area to ensure that the presence of mineral resources is adequately and effectively considered in planning decisions.

Given the scale of the development which is considered to be of a very minor nature and that the mineral is classified as category 2, it is considered that the proposed development would not prejudice mineral extraction and therefore would not conflict with LDP Policy DM8.

### **RECOMMENDATION**

The proposal relates to the installation of a replacement pump station kiosk and hardstanding for Severn Trent Water. The development is considered acceptable in principle and on the basis of the above discussion and subject to the use of conditions and informatives, it is concluded that the proposal would not have any unacceptable detrimental design, landscape, amenity, highways or ecology impacts. The application is therefore recommended for approval subject to the conditions below

### **Conditions**

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

2. The development shall be carried out in accordance with the following approved plans and documents: Planning, Design & Access Statement revision 001 dated March 2019, Ecological Constraints Report by Mott Macdonald dated 2 November 2016, Arboricultural Report by MWA Arboriculture Ltd dated 20.03.2019, Technical Note prepared by J Latchford dated 13 June 2019 reference number 380854PH64, Technical Note prepared by Laura Boggeln dated 18/4/19, Arboricultural Report by MWA Arboriculture DEV190227-361 dated 20.03.2019, MWA TPP 001 Tree Constraints Plan, MWA TPP 001 Tree Protection Plan dated 15/07/2019, A6W12095-PA13000 Rev C, A6W12095-PA13030 Rev B, A6W12095-XA13000 Rev C, A6W12095-PA13020 Rev F, MMB004 Rev E.

3. The construction of the development hereby permitted shall be carried out full in accordance with the Tree Protection Plan illustrated within drawing number MWA TPP 001 dated 15/07/2019.

4. No external lighting shall be installed unless a detailed external lighting 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.

5. The Reasonable Avoidance Method Statement regarding Dormice identified in section 4.2 and Appendix B of the Technical Note Document reference number 380854PH64 by J Latchford dated 13 June 2019 shall be adhered to, implemented in full, and maintained thereafter.

6. The Reasonable Avoidance Method Statement regarding great crested newts identified in section 4.2 and Appendix B of the Technical Note Document reference number 380854PH64 by J Latchford dated 13 June 2019 shall be adhered to, implemented in full, and maintained thereafter.

7. The Reasonable Avoidance Method Statement regarding nesting birds, bats, badgers and other mammals identified in section 4.2 of the Technical Note Document reference number 380854PH64 by J Latchford dated 13 June 2019 shall be adhered to, implemented in full, and maintained thereafter.

8. The Hedgerow Protection Plan illustrated within drawing number A6W12095-PA13030 Rev B shall be adhered to, implemented in full, and maintained thereafter.

## **Reasons**

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

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

3. To comply with Policies DM2 and DM4 of the Powys Local Development Plan (2018) in relation to The Natural Environment and to meet the requirements of Technical Advice Note (TAN) 5: Nature Conservation and Planning (2009), Welsh government strategies, and Part 1 Section 6 of the Environment (Wales) Act.
4. To comply with Policies DM2, DM7 of the Powys Local Development Plan (2018) in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, November 2018), Technical Advice Note (TAN) 5: Nature Conservation and Planning (2009) and Part 1 Section 6 of the Environment (Wales) Act.
5. To comply with Policy DM2 of the Powys Local Development Plan (2018) in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, 2018), Technical Advice Note (TAN) 5: Nature Conservation and Planning (2009) and Part 1 Section 6 of the Environment (Wales) Act 2016.
6. To comply with Policy DM2 of the Powys Local Development Plan (2018) in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, 2018), Technical Advice Note (TAN) 5: Nature Conservation and Planning (2009) and Part 1 Section 6 of the Environment (Wales) Act 2016.
7. To comply with Policy DM2 of the Powys Local Development Plan (2018) in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, 2018), Technical Advice Note (TAN) 5: Nature Conservation and Planning (2009) and Part 1 Section 6 of the Environment (Wales) Act 2016.
8. To comply with Policies DM2 and DM4 of the Powys Local Development Plan (2018) in relation to The Natural Environment and to meet the requirements of Technical Advice Note (TAN) 5: Nature Conservation and Planning (2009), Welsh government strategies, and Part 1 Section 6 of the Environment (Wales) Act.

## **Informatives**

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

1. Under Section 184 of the Highways Act 1980, it is a requirement that a licence is obtained from the Highway Authority, in addition to Planning Permission, for vehicular access works.
  - a. The need to avoid interference with and to make provision for the carrying of existing highway drainage under the access to the satisfaction of the Highway Authority.

- b. The requirement of the Highway Authority for the Developer to ensure that no surface water is discharged onto the County Highway or, without prior approval, into the highway drainage system.
2. Under Section 50 of the New Roads & Street Works Act 1991 it is a requirement that a Streetworks licence is obtained from the Highway Authority to place, or to retain, apparatus in the highway and thereafter to inspect, maintain, adjust, repair, alter or renew the apparatus, change its position or remove it.
3. The need to inform and obtain the consent of Statutory Undertakers (Electricity, Water, Gas, BT), Land Drainage Authority, etc. to the works.
4. The New Roads & Street Works Act 1991 requires that all works, be properly notified and approved prior to commencement.

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

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

[street.works@powys.gov.uk](mailto:street.works@powys.gov.uk)

Street Works

Powys County Hall

Spa Road East

Llandrindod Wells

Powys

LD1 5LG

0845 6027035

Please note the advice from Wales and 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.

Please note the advice from Natural Resources Wales (NRW):

If any European Protected Species (EPS) are found or seen during works, all work must stop immediately, and advice sought from NRW before works can restart.

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.

## Waste

Waste produced during the construction phase of your development must be dealt with appropriately, and be in line with all relevant waste legislation including Duty of Care Regulations and Hazardous Waste Regulations. As part of your waste duty of care you must classify the waste produced:

- o o before it is collected, disposed of or recovered
- o o to identify the controls that apply to the movement of the waste
- o o to complete waste documents and records
- o o to identify suitably authorised waste management options
- o o to prevent harm to people and the environment.

Any waste removed from site will be subject to waste management controls. The links below provided information on how to classify waste and register as a waste carrier or hazardous waste producer:

<http://naturalresources.wales/waste/how-to-classify-and-assess-waste/?lang=en>

<http://naturalresources.wales/apply-for-a-permit/waste/?lang=en>

Further guidance can be found on the GOV website here:

<https://www.gov.uk/managing-your-waste-an-overview/duty-of-care>

## Environmental Management

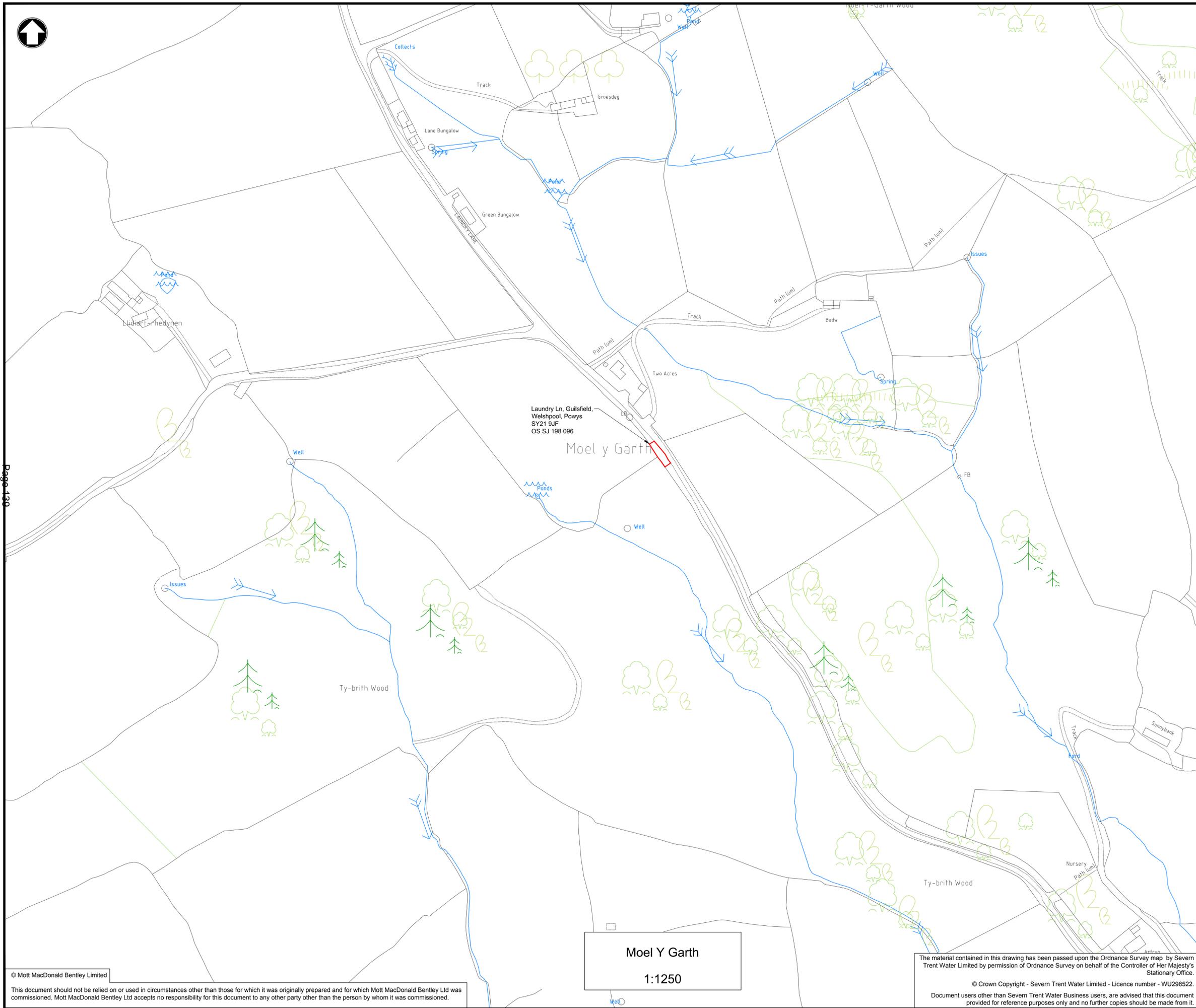
The activity of importing waste into the site for use as, for example hardcore, must be registered with Natural Resources Wales as an exempt/permittable activity under the Environmental Permitting Regulations 2016. The developer should contact Natural Resources Wales to discuss the necessity for an exemption/permit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

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

from the site must be registered waste carriers and movement of any Hazardous Waste from the site must be accompanied by Hazardous waste consignment notes.

---

Case Officer: Kate Bowen, Planning Officer  
Tel: 01938 551268 E-mail: [kate.bowen@powys.gov.uk](mailto:kate.bowen@powys.gov.uk)



Page 120

Purpose of issue		For Information	
Significant risks (Health, Safety and Environmental)			
<b>RESIDUAL RISK ASSESSMENT</b> Wherever possible, risk is designed-out of this proposal during the design process. Where this is not possible, the risk will be minimised and any residual risk will be noted and indicated by the symbol.			
Notes			
<ol style="list-style-type: none"> <li>1. This drawing to be read in conjunction with all relevant drawings as listed below.</li> <li>2. All dimensions are shown in millimetres (mm), unless noted otherwise.</li> <li>3. All levels are shown in metres (m) relative to AOD, unless noted otherwise.</li> <li>4. No dimensions are to be scaled from this drawing.</li> <li>5. Concrete shall comply with the MMB/STW AMP5 Standard Concrete Specification.</li> <li>6. All exposed concrete corners and arrises have 25mm 45° chamfers.</li> <li>7. Concrete for precast units shall have a minimum compressive strength class of C32/40 as defined in BS 8500.</li> <li>8. Mesh reinforcement shall comply with BS 4483. Mesh laps shall be 380mm minimum.</li> <li>9. Refer to QES summary, Design Hazard Elimination and Management Record (DHEMR) and Environmental Risk Assessment for further details of residual risks.</li> </ol>			
Key to symbols			
Reference drawings			
Scale reference			
1:1250    0    62.5m    125m			
B	Second Issue		
A	06/06/16	First Issue	MA AB RW
Rev	Date	Description	Author T. Chk B.Chk App'd
		<b>One Supply Chain - Non-Infrastructure Delivery Team</b> Telephone - 01952 468210    Lamlodge Lane, Shifnal, Shropshire, TF11 8SD Facsimile - 01952 468211 E-mail - info@mm-b.co.uk Website - www.mm-b.co.uk	
Title			
<b>Moel Y Garth</b> <b>Site Location Plan</b>			
Site Address : Laundry Ln, Guilsfield, Welshpool, Powys SY21 9JF			
OS Grid Ref : SJ 198 096		Site FLOC ID : 12088	
Scale at A1		MMB File Ref: A6W12095-XA13000 Moel Y Garth Site Location Plan	
<b>1:1250</b>		File Location: pw\...\PH64 - Moel Y Garth	
Drawing No		Rev	Status
<b>A6W12095-XA13000</b>		<b>B</b>	<b>INF</b>

**Moel Y Garth**  
 1:1250

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# 4.6

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

**Application Number:** 19/0745/DIS

**Grid Ref:** E: 320376  
N: 290839

**Community Council:** Kerry Community

**Valid Date:** 03.05.2019

**Applicant:** Powys County Council

**Location:** Village Hall, Sarn, Newtown, SY16 4EJ,

**Proposal:** Discharge of conditions 14 and 15 of planning consent 18/0922/RES in respect of a tree specification and hedgerow translocation method

**Application Type:** Discharge of Condition

### The reason for Committee determination

The application subject to consideration has been submitted Powys County Council.

### Consultee Responses

Consultee	Received
-----------	----------

County Ecologist

24th Jun 2019

Thank you for consulting me with regards to application 19/0745/DIS submitted to discharge condition 14 & 15 of planning permission 18/0922/RES which concerns development of 7 no. affordable dwellings and all associated works at Land Adjacent To Southeast Of Village Hall Sarn Newtown Powys.

Condition 14 requires that:

Notwithstanding the submitted plans, prior to commencement of development a detailed list of the standard tree species to be planted shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the details so approved.

Condition 15 requires that:

Prior to commencement of development a Hedgerow Translocation Method Statement including details regarding timings of works and aftercare scheme shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter

be undertaken in accordance with the details so approved.

I have reviewed the information submitted as part of the application this includes the following documents:

- Landscaping Plan drawing no. T057.2.0.104 Revision C produced by Hughes Architects dated 28/05/2019
- Hedgerow Translocation Method Statement produced by Hughes Architects

Having reviewed the submitted information, I consider that sufficient detail has been provided and the information and measures identified are appropriate and sufficient to comply with the requirements of conditions 14 & 15.

I therefore consider that sufficient information has been submitted to enable discharge of conditions 14 & 15 from planning permission 18/0922/RES.

### Planning History

App Ref	Description	Decision	Date
P/2017/1489	Outline: Erection of 7x affordable dwellings, alterations to road, provision of footpath, formation of access to agricultural land and associated works (all matters reserved)	Consent	15/03/2018
18/0922/RES	Reserved matters for details of access, appearance, landscaping, layout and scale in connection with proposed development of 7 no. affordable dwellings and all associated works	Approve	25/03/2019

### Principal Planning Policies

Policy	Policy Description	Year	Local Plan
PPW	Planning Policy Wales (Edition 10, December 2018)		National Policy
TAN5	Nature Conservation and		National Policy

	Planning	
TAN23	Economic Development	National Policy
SP7	Safeguarding of Strategic Resources and Assets	Local Development Plan 2011-2026
DM2	The Natural Environment	Local Development Plan 2011-2026
DM4	Landscape	Local Development Plan 2011-2026
DM13	Design and Resources	Local Development Plan 2011-2026

### **Other Legislative Considerations**

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

### **Officer Appraisal**

#### Introduction

*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.

#### Site Location and Description

The application site is located off the classified highway (C2053) opposite Sarn School and adjacent to the Village Hall. The site comprises of an agricultural field used for the purposes of grazing. The site is bound by agricultural land to the south east and south west. The classified highway bounds the site to the north east.

This application seeks approval in respect of conditions 14 and 15 attached to a reserved matters approval (18/0922/RES). Members are advised that the outline and

reserved matters approvals relate to an affordable housing scheme comprising of 7 dwellings.

Condition 14 states;

*Notwithstanding the submitted plans, prior to commencement of development a detailed list of the standard tree species to be planted shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the details so approved.*

In accordance with the above, a Landscaping Plan (drawing no. T057.2.0.104 Revision C) has been submitted and reviewed by the County Ecologist. Following consideration, the County Ecologist has confirmed that the information and measures identified are appropriate and sufficient to comply with the requirements of the condition.

Condition 15 states;

*Prior to commencement of development a Hedgerow Translocation Method Statement including details regarding timings of works and aftercare scheme shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the details so approved.*

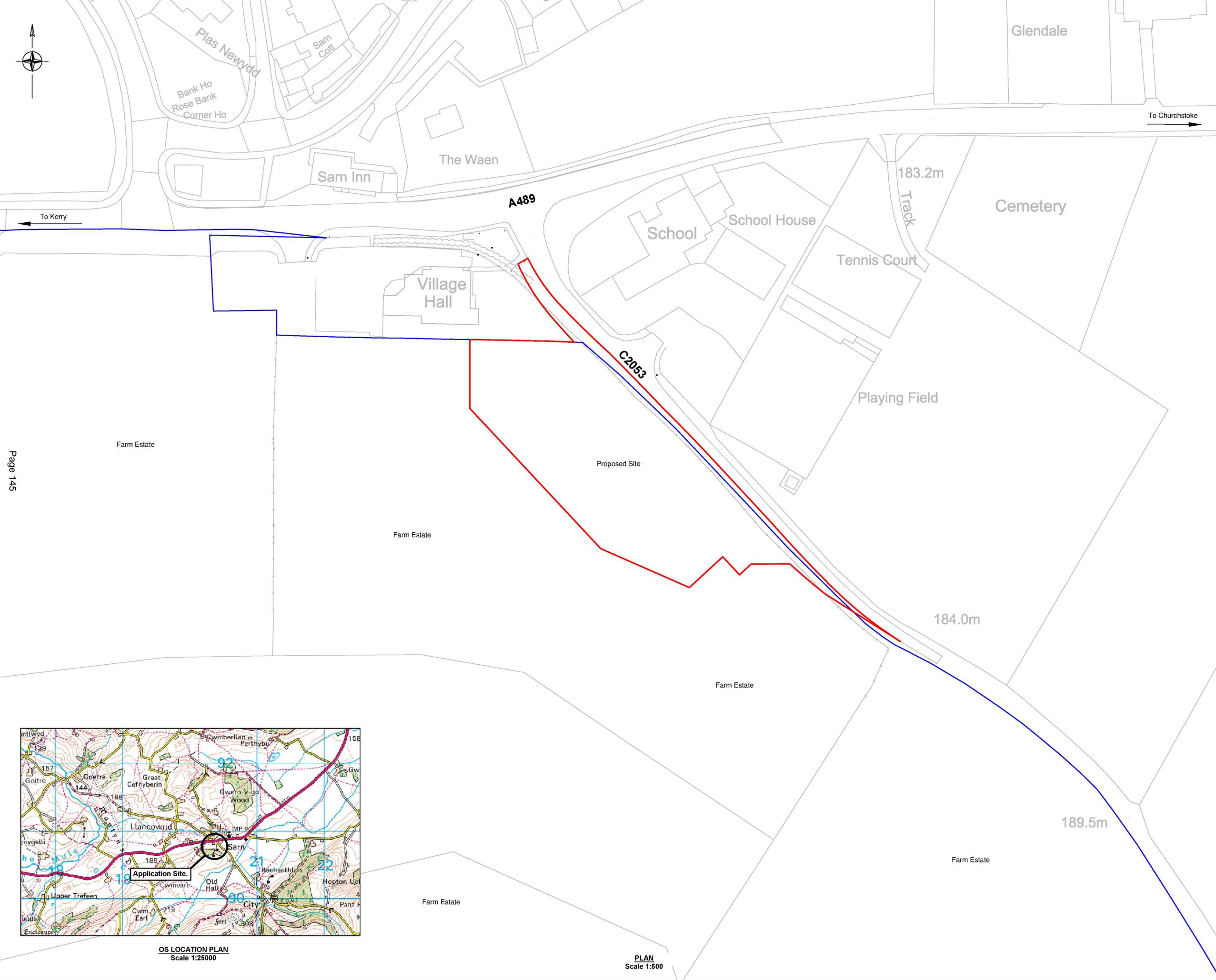
A Hedgerow Translocation Method Statement produced by Hughes Architects accompanies the application. The County Ecologist, having reviewed the submitted information has confirmed that sufficient detail has been provided to comply with the requirements of the condition.

## **RECOMMENDATION**

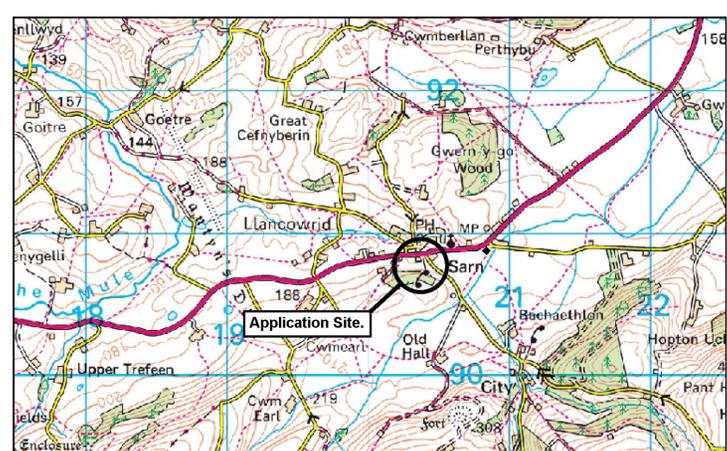
In light of the above, Officers consider that sufficient information has been submitted to satisfy the requirements of conditions 14 & 15 of reserved matters approval 18/0922/RES.

---

Case Officer: Bryn Pryce, Planning Officer  
Tel: 01597 827126 E-mail: bryn.pryce@powys.gov.uk



Page 145



OS LOCATION PLAN  
Scale 1:25000

PLAN  
Scale 1:500

This drawing should not be scaled and any dimensions verified on site.  
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103024419 (Ceredigion County Council) & 103025371 (Powys County Council)

Notes

KEY

- Application Boundary.
- Ownership Boundary.

**ISSUED FOR PLANNING**

Amendments

Rev	Date	Description	By	Chkd

**Engineering Design Services**

EDS West Manager : Steve Hallows (01545 572513) [hpw@ceredigion.gov.uk](mailto:hpw@ceredigion.gov.uk)  
West: Penmorfa, Aberystwyth, Ceredigion, SY23 3PA

EDS East Manager : Gareth Price (01453 607 6060) [gs.price@powys.gov.uk](mailto:gs.price@powys.gov.uk)  
Powys: Powys County Council, Powys House, Powys, SY18 2AF  
Mail: County Hall, Six Road East, Llanidloes, Powys, LD1 5JG  
Scale: National Grid, Ordnance Survey, British National Grid, UTM, WGS 84

**Powys County Council**  
Housing Development Sites

**Land Behind Sarn Community Centre**  
Location and Boundary Plan.

By: LMC	Checked: SK	Scale: A1
Date: 23/10/17	1:500	

Project Number: 2647/21	Drawing Number: 2647/P21/001	Revision:
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19/0812/FUL Erection of agricultural building for storage of silage Trevithel Court Three Cocks Brecon Powys LD3 0RY

No objection

Background to Recommendation

Designation

Cadw ID 16842 Trefithel Farmhouse included on the statutory list on 08/02/1996

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 10th edition 2018

Conservation Principles published by Cadw

TAN24

Managing Change to Listed Buildings in Wales - Annexe to TAN24

Conservation Areas in Wales - Annexe to 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

## Comments

I am mindful of the advice in Sections 66 of the Planning (Listed Buildings and Conservation areas) Act 1990, which 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 6.1.10 of Planning Policy Wales 10th edition 2018 which states, " For any development proposal affecting 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."

Section 6.1.9 of PPW 10 advises that " Any decisions made through the planning system must fully consider the impact of the historic environment and on the significance and heritage values of individual historic assets and their contribution to the character of place"

Section 6.1.7 of Planning Policy Wales 10th edition requires that " it is important that the planning system looks to protect, conserve and enhance the significance of historic assets. This will include consideration of the setting of an historic asset which might extend beyond its curtilage. Any change that impacts on an historic asset should be managed in a sensitive and sustainable way"

Trefithel Farmhouse is located at the end of a farm road, at the top of a hill, facing W with the farm yard and buildings to the rear. The property is a gentry farmhouse of first half of the C17, refronted in the early C18. The building is squared stone, with slate and asbestos slate roof. Two storeys and attic. The building is included as fine C17 and C18 gentry farmhouse with architectural sophistication.

The proposal relates to the erection of an agricultural building for the storage of silage.

There is a range of farm buildings currently sited to the west of Trevithel, and the proposed silage building will be to the west of those buildings. Trevithel

The farm is sited off the main road and not readily visible from the A438. It is noted that the front elevation of Trevithel looks to the west over the existing farm buildings. Trevithel is

served via a road from the A438 and it is considered that the proposed building will be screened by the existing farm buildings.

Taking the above into account I can confirm that I have no objections to the proposal.

Community Council

No reply received in time of writing this report

Wales & West Utilities - Plant Protection Team

30th May 2019

Wales & West Utilities acknowledge receipt of your notice received on 29.05.2019, advising us of the proposals for: Trevithel Court, Three Cocks, BRECON, Powys, LD3 0RY

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.

### **Representations**

None received in time of writing this report

### **Planning History**

AGRI/2010/0054 - Erection of an agricultural storage building. Approved

### **Principal Planning Constraints**

- Grade II listed building
- Landscape of Outstanding Historic Interest (Middle Wye Valley)

## Principal Planning Policies

PPW	Planning Policy Wales (Edition 10, December 2018)	National Policy
TAN5	Nature Conservation and Planning	National Policy
TAN6	Planning for Sustainable Rural Community	National Policy
TAN11	Noise	National Policy
TAN12	Design	National Policy
TAN18	Transport	National Policy
TAN23	Economic Development	National Policy
TAN24	The Historic Environment	National Policy
SP7	Safeguarding of Strategic Resources and Assets	National Policy
DM2	The Natural Environment	Local Development Plan 2011-2026
DM4	Landscape	Local Development Plan 2011-2026
DM6	Flood Prevention Measures and Land Drainage	Local Development Plan 2011-2026
DM7	Dark Skies and External Lighting	Local Development Plan 2011-2026
DM13	Design and Resources	Local Development Plan 2011-2026
DM14	Air Quality Management	Local Development Plan 2011-2026
E6	Farm Diversification	Local Development Plan 2011-2026

SPGBIO      Biodiversity                      and  
                    Geodiversity SPG (2018)

SPGLAN      Landscape SPG

## **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**

### Procedural Matters

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.

### Site Location

The application site is located within an area of open countryside approximately 1km west of Three Cocks. The application site forms part of the farming complex at Trevithel Court and it is located on the western side of the farm. The site is adjacent to the existing range of buildings and it would be accessed off the existing farmyard. The proposed building will be located in an adjacent orchard, which will involve removal of a small amount of trees. The site is screened in all directions by mature vegetation to the perimeters of the farm complex.

### The Scheme

The proposal is for a new agricultural building which is to be used for silage storage. The proposed building is to be located on the western part of the farm complex and it will be adjacent to the existing silage buildings at the holding. The proposed building will measure 30m in length, 24m in width, and 8.5m in height. It will be open fronted with a total floor space of 592m<sup>2</sup>. The proposed building will match the adjacent buildings in size and design, being constructed of pre-cast concrete panels with slate blue box profile

sheeting above, while the roof will be constructed of natural grey profile fibre cement sheets. The access to the building is via the existing yard.

### Principle of Development

Agricultural development is generally supported within national planning and local policy and LDP Policy E2 of the Powys Local Development Plan and Technical Advice Notes 6 and 23 accept the principle of appropriate agricultural development within the open countryside, subject to the usual considerations of design, landscape impact, amenity, highway safety and ecology. Therefore the principle of agricultural development such as that proposed is acceptable at this location.

### Design and Landscape impact

With respect to design, specific reference is made to UDP policies DM13 and DM4. This indicates that development proposals will be required to demonstrate good quality design that complements and/or enhances the character of the surrounding area in terms of siting, appearance, integration, scale, height, massing, and design detailing. Development proposals must not have an unacceptable adverse effect, on the valued characteristics and qualities of the Powys landscape.

The current proposal involves construction of an additional building located west of the existing building complex at the holding. The proposed building will match the existing buildings at the holding and it will be seen in the context of those buildings. It is considered, therefore, that the selected materials are acceptable in their use at this location and that the visual impact is acceptable.

Guidance within policy DM4 of the Powys Local Development Plan (2018), 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 application site comprises of agricultural land and orchard located on the western part of the farm complex. The proposed site is adjacent to the existing agricultural building.

LANDMAP defines the site as follows;

Geological Landscape - Moderate  
Landscape Habitats - Moderate  
Visual and Sensory - Moderate  
Historic Landscape - Outstanding

## Cultural Landscape – Outstanding

The Visual and Sensory designation is summarised as lowland undulating settled farmland between 170mAOD and 100mAOD with gentle hills and valleys adjoining the Wye valley to the north and upland hills and valleys to the south. The farmland is mixed arable/pastoral with medium sized fields and generally cut hedges with mature standard trees. The hedges are replaced by fences in places. Occasional deciduous and coniferous copses are scattered across the area. The watercourses are lined by riparian woodland. Settlement is scattered farmsteads between the settlements, which are concentrated on the A438 such as Treble Hill. The main roads including the A470 Bronllys bypass disturb the tranquillity of the area although away from the roads the area is quiet. The low hedges allow views across the landscape to the uplands beyond.

The ‘outstanding’ classifications within the historic and cultural landscape layers are attributed towards extensive area of mixed field systems occupying good quality raised land to the south of the Wye valley. The area contains a vast array of relict medieval earthworks including moated sites and relict field systems, a number of important but small medieval settlements. The landscape as it appears today is largely a product of the extensive medieval settlement of the wider Usk around Brecon. Taking into account data within HER records, the building would not directly affect any known historical features.

The site is also located within the Middle Wye Valley Landscape of Outstanding Historic Interest. The landscape is summarised as a river valley and dissected foothills situated on the north side of the Black Mountains, containing diverse archaeological remains and historic interests spanning the prehistoric to recent periods.

The building is functional in design and whilst it would be a new feature in the landscape, it would be well grouped with existing buildings and is commensurate in scale and type to the existing development at the site.

Taking the above factors into account, it is not considered that the proposal would have an unacceptable adverse effect on the Powys landscape. Therefore, it is considered that the proposal complies with the relevant criteria of LDP Policies DM4 and DM13.

### Amenities enjoyed by occupiers of neighbouring properties

In considering the amenities enjoyed by the occupiers of neighbouring properties consideration has been given to the Powys Residential Design Guide (October 2004) and LDP policy DM13 on agricultural development. For developments of this nature considerations of impact on neighbour amenities should include odour, flies, dust and noise.

The nearest neighbouring properties (not associated with an agricultural holding) are identified as 1 & 2 Bronmynydd at the distance of approximately 310m south east of the application site. Agricultural buildings have the potential to impact upon the amenities enjoyed by occupiers of neighbouring residential properties from noise, odour, dust and

insects. The Council's Environmental Health department have not raised concern over the proposal and given the intervening distances between and that the proposed development seeks to supplement the existing enterprise, it is considered that the proposal would not cause any unacceptable adverse impacts upon the amenities enjoyed by occupiers of residential properties.

### Highways and Access

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.

Access would be gained via the existing access from the county highway. No alterations are proposed and the Highway Authority have not commented on the application. As such it is considered that compliance with Part 10 of LDP Policy DM13 would be achieved.

In light of the above it is considered that the proposed development complies with relevant planning policy, namely Powys Local Development Plan (2018) Policy DM13.

### Impact upon heritage assets

#### *Listed building*

The planning authority is required have special regard to the desirability of preserving listed buildings or their settings under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and as set out in Planning Policy Wales and TAN24.

Trefithel Farmhouse is a grade II listed building and it is located at the end of a farm road, at the top of a hill, facing west with the farm yard and buildings to the rear. The property is a gentry farmhouse of first half of the C17, refronted in the early C18. The building is squared stone, with slate and asbestos slate roof. Two storeys and attic. The building is included as fine C17 and C18 gentry farmhouse with architectural sophistication.

The proposed agricultural building will be located west of the listed farmhouse at the distance of approximately 160m, and it will be adjacent to the existing agricultural buildings at the site.

Therefore, given the distances involved and intervening existing buildings between the listed buildings and the proposed building, the Officers consider that the setting of the identified listed buildings would not be unacceptably adversely affected by the proposal in accordance with the provisions of Powys Local Development Plan (2018) Policy SP7.

#### *Middle Wye Valley Landscape of Outstanding Historic Interest*

The site is also located within the Middle Wye Valley Landscape of Outstanding Historic Interest. Paragraphs 6.1.20 and 6.1.21 of Planning Policy Wales advise that Planning

authorities should protect those assets included on the register of historic landscapes in Wales. LDP Policy SP7 states that to safeguard strategic resources and assets (including Registered Historic Landscapes) in the county, development proposals must not have an unacceptable adverse impact on the resource or asset and its operation.

The landscape is summarised as a river valley and dissected foothills situated on the north side of the Black Mountains, containing diverse archaeological remains and historic interests spanning the prehistoric to recent periods.

Given the scale and character of the proposal as discussed above, it is considered that the proposal would not have an unacceptable adverse impact on the Registered Historic Landscape in compliance with LDP Policy SP7.

### Biodiversity

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

The Officers acknowledge that the proposed building will be located within the existing orchard and to that effect, a small amount of commercial trees will be removed. However, given the nature and the age of the trees, it is unlikely that they would support any protected habitats or species.

### Conclusion

The development relates to the provision of an agricultural building in connection with an existing farming enterprise. The proposal is located adjacent to existing buildings and is considered to have a negligible landscape impact. The development is considered to be compliant with relevant local and national policy subject to the conditions and informative below.

### Conditions

1. The development shall begin not later than five years from the date of this decision.
2. The development shall be carried out in accordance with the approved plans (DJ.04.05.2019, DJ.05.05.2019, DJ.06.05.2019).

### 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.

### **Advice for the developer/applicant**

#### ***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.

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.

#### **SuDS Approval Body (SAB)**

Deem that the construction area is greater than 100m<sup>2</sup> and therefore this proposed development will require SAB approval prior to any construction works commencing onsite. Please contact the SAB Team on 01597 826000 or via email [sab@powys.gov.uk](mailto:sab@powys.gov.uk). For further information on the requirements of SAB and where relevant application forms/guidance can be accessed, please visit the following website <https://en.powys.gov.uk/article/5578/Sustainable-Drainage-Approval-Body-SAB>

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# BLOCK PLAN

PROJECT PLANNING  
21 MAY 2019  
RECEIVED



Page 159

Promap  
LANDMARK INFORMATION GROUP

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1:1250 AT A3

MR D. JAMES, TREVITHEL COURT : PROPOSED SILAGE STORE

DJ.04.05.2019

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- Replacement of single pane glazed metal windows with white powder coated aluminium windows with double glazed units in order to improve thermal efficiency of the school building.

#### Consideration of proposed works

Under Schedule 2, Part 32, Class A of The Town and Country Planning (General Permitted Development) Order (Amendment) (Wales) 2014 schools are permitted to undertake alterations to school premises without applying for planning permission subject to a number of criteria which are detailed as an annex to this report.

Officers have assessed the development against the relevant parts of the Order and consider that the development constitutes permitted development.

#### **RECOMMENDATION**

The proposal constitutes permitted development under Schedule 2, Part 32, Class A of The Town and Country Planning (General Permitted Development) Order (Amendment) (Wales) 2014. Therefore, it is recommended that a Certificate of Lawfulness is granted under Section 192 of The Town and Country Planning Act 1990 for the proposed works as specified in the application.

#### **Annex**

#### **PART 32 SCHOOLS, COLLEGES, UNIVERSITIES AND HOSPITALS Class A**

Permitted development

**A. The erection, extension or alteration of a school, college, university or hospital building.**

Development not permitted

**A.1.** Development is not permitted by Class A—

(a) if the cumulative gross floor space of any buildings erected, extended or altered would exceed—

(i) 25% of the gross floor space of the original school, college, university or hospital buildings; or

(ii) 100 square metres,

whichever is the lesser;

(b) if any part of the development would be within 5 metres of a boundary of the curtilage of the premises;

(c) if, as a result of the development, any land used as a playing field at any time in the 5 years before the development commenced and remaining in this use could no longer be so used;

(d) if the height of any new building erected would exceed 5 metres;

(e) if the height of the building as extended or altered would exceed—

- (i) if within 10 metres of a boundary of the curtilage of the premises, 5 metres; or
- (ii) in all other cases, the height of the building being extended or altered;
- (f) if the development would be within the curtilage of a listed building;
- (g) the development would lead to a reduction in the space available for the parking or turning of vehicles; or
- (h) unless—
  - (i) in the case of school, college or university buildings, the predominant use of the existing buildings on the premises is for the provision of education; or
  - (ii) in the case of hospital buildings, the predominant use of the existing buildings on the premises is for the provision of any medical or health services.

### Conditions

**A.2.** Development is permitted by Class A subject to the following conditions—

- (a) the development must be within the curtilage of an existing school, college, university or hospital;
- (b) the development may only be used as part of, or for a purpose incidental to, the use of that school, college, university or hospital;
- (c) any new building erected must, in the case of article 1(5) land or land within a World Heritage Site, be constructed using materials which have a similar external appearance to those used for the original school, college, university or hospital buildings; and
- (d) any extension or alteration must, in the case of article 1(5) land or land within a World Heritage Site be constructed using materials which have a similar external appearance to those used for the building being extended or altered.

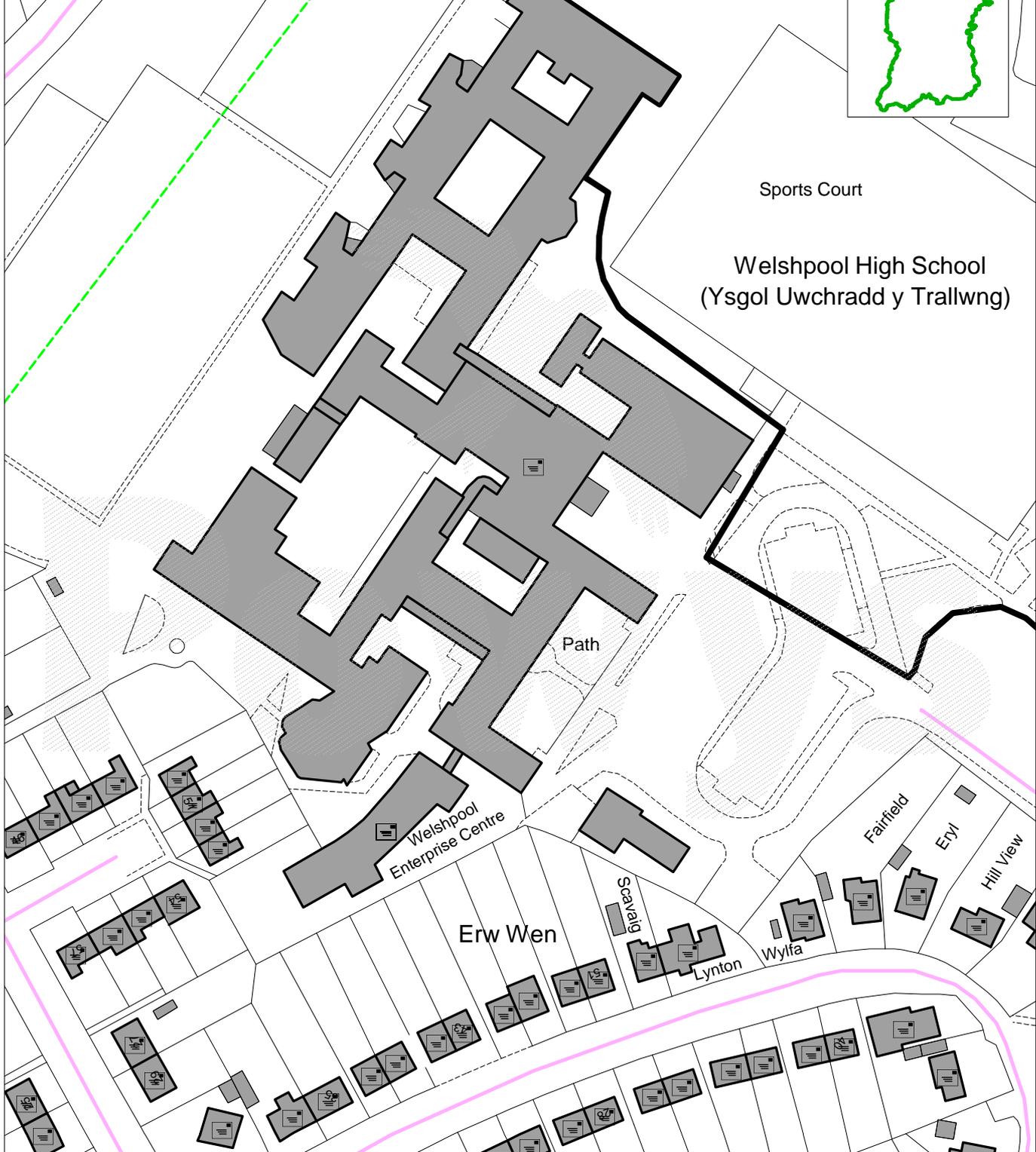
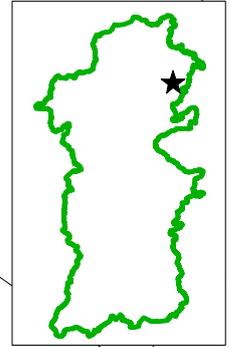
### Interpretation

**A.3.** For the purposes of Class A—

- (a) where two or more original buildings are within the same curtilage and are used for the same institution, they are to be treated as a single original building in making any measurement; and
- (b) “original school, college, university or hospital building” means any original building which is a school, college, university or hospital building, as the case may be, other than any building erected at any time under Class A.

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# 4.9

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

**Application Number:** DIS/2018/0067

**Grid Ref:** E: 312840  
N: 238466

**Community Council:** Bronllys Community

**Valid Date:** 09.04.2018

**Applicant:** Powys County Council

**Location:** Llyswen, Powys, LD3 0YB.

**Proposal:** Discharge of conditions 8, 9, 10 and 11 of planning approval P/2016/0801

**Application Type:** Discharge of condition

### The reason for Committee determination

The applicant is Powys County Council

### Consultee Responses

#### Consultee

#### Received

PCC-Contaminated Land Officer

17<sup>th</sup> June 2018 & 13<sup>th</sup> April 2019

Conditions 8, 9 and 11 have not been satisfied for the reasons specified below.

1. The Implementation Plan has been changed since the original document. This appears to be to reflect changes the contractor has decided to implement at the time rather than what they had originally intended to? No discussion of changes has taken place with this officer until the works have been completed. The report is not signed or dated.

2. Letter report Ian Farmers Associates, 8th March 2018. This letter outlines an investigation undertaken in the demolished school area of the site. A number of issues arise:

- No comparison tables have been presented to demonstrate contaminants against assessment criteria;
- The specific assessment criteria has not been stated?
- A 'residential without plant' uptake has been adopted despite a 'with plant uptake'

being adopted in previous (phase 2) investigations?

- It highlights exceedances at several locations for total TPH including 2850 mg/kg at TP12. However, there is no recognised assessment criteria for total TPH? Speciated TPH tests should have been undertaken, and certainly once total tests had shown elevated values;
- BaP has also been identified at possible elevated levels;
- Asbestos was recorded in TP15 – no explanation for its presence has been suggested?;
- No explanation of why the contamination is present has been explained? Where have the materials in this area come from – has it been imported or from elsewhere on site (site won)? Has the same material been used elsewhere?
- Despite numerous requests for validation proposals in the tank area none were forthcoming other than a method statement. The requirement for speciated TPH tests would have been raised at that point.
- The method of excavation of the TPs has not been stated?

3. Condition 10 of the decision notice states that if unexpected contamination is encountered development works will cease immediately? In this case it appears that development continued and the area of concern has been covered by the sports pitch. Clarification is required why works did not stop and re-consultation take place? As unexpected contamination has been encountered I would expect further testing to be undertaken in the area to fully characterise the site.

PCC-Contaminated Land Officer

4th Jul 2019

I can confirm, on the basis of the information provided by the applicant, that conditions 8, 9 and 11 can be discharged. Condition 10 can only be discharged at the conclusion of the development.

### Planning History

App Ref	Description	Decision	Date
P/2016/0801	Demolition of existing primary school and construction of new primary school and all associated works	Approved	13 Oct 16

## Principal Planning Constraints

Flood zone  
Historic Landscapes Register

## Principal Planning Policies

Policy	Policy Description	Year	Local Plan
DM10 PPW	Contaminated and Unstable Land Planning Policy Wales (Edition 8, 2018)		LDP

## 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

### Site Location and Description

The application site is located within the Community Council area for Bronllys. Consent was granted under planning application P/2016/0801 for the demolition and erection of a new primary school at Archdeacon Griffiths Primary School, Llyswen.

Consent was granted subject to the following conditions which were required for discharge. The Conditions are identified as follows:

*8. Prior to the commencement of development, an investigation and risk assessment, shall be undertaken to assess the nature and extent of any contamination within the application site. The contents of the contamination report shall be submitted to and approved in writing by the Local Planning Authority. The contamination report must include: (i) A survey of the extent, scale and nature of contamination; (ii) An assessment of the potential risks to (a) Human health (b) Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes (c) Adjoining land (d) Groundwaters and surface waters (e) Ecological systems (f) Archaeological sites and ancient monuments (iii) A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment.*

*9. The approved remediation scheme shall be fully implemented as approved prior to the commencement of development, unless otherwise agreed in writing by the Local Planning Authority. Upon the completion of the remediation scheme a verification report (validation report) that demonstrates the effectiveness of the remediation undertaken shall be submitted to and approved in writing by the Local Planning Authority.*

*10. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, development works shall cease immediately. An investigation and risk assessment, remediate implementation shall be undertaken in accordance with the requirements detailed within the contamination conditions attached to this grant of consent.*

## **Officer Appraisal**

### *Contaminated Land*

Concerns were initially received from the Contaminated Land Officer who considered that there was insufficient information provided to enable Condition 8 and 9 to be formerly discharged. Additional information was provided which included an updated *Implementation Plan for Management of Land Contamination* document.

The Contaminated Land Officer has been consulted and has confirmed that the information as now provided is considered to be acceptable and Conditions 8 and 9 can be formerly discharged.

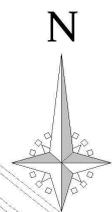
In relation to Condition 10, it is noted that this condition is for compliance purposes only and therefore no official discharge is required in connection with this Condition.

## **RECOMMENDATION**

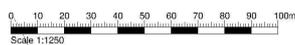
In light of the above the recommendation is therefore for Conditions 8 and 9 of planning consent P/2016/0801 to be discharged.

---

Case Officer: Gemma Bufton, Principal Planning Officer  
Tel: 01587 827505 E-mail: gemma.bufton1@powys.gov.uk



— Application Boundary  
— Adjacent land in the ownership of the applicant



**1** Site Location Plan  
 1 : 1250

This drawing must not be used for any other purpose without the written consent of Powell Dobson Architects. All dimensions and levels are as shown on the drawing unless otherwise stated. Drawings and large scale drawings take precedence over smaller drawings.  
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PRELIMINARY	
PLANNING	<input checked="" type="checkbox"/>
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TENDER	
CONSTRUCTION	

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DWG NO.	PDA	LLY	00	PL	A	(05)100	REV
SITE	010	YOL	0200	03/10/16	05		

Job Ref: 15126  
 Client: Gwynedd Primary for Powys County Council  
 Title: Site Location Plan  
 Scale: As indicated  
 Date: 22/07/16  
 Drawn: OS  
 Checked: JT

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## Delegated List

91 Applications

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Parish Name	Decision	Date Application	Application No.	Application Type	Date Decision	Proposal	Location
Abermule And Llandyssil Community	Approve	06/04/2018	DIS/2018/0066	Discharge of condition	05/07/2019	Discharge of conditions 15, 18, 24 & 25 of planning approval P/2017/1264	Upper Bryn Abermule Newtown Powys SY15 6JW
	Approve	15/01/2019	19/0028/FUL	Full Application	02/07/2019	Conversion of existing agricultural barn to residential use in connection with the existing dwelling and installation of Septic tank (part retrospective)	Cloddiau Aberbechan Newtown Powys SY16 3AS
	Approve	25/02/2019	19/0283/CLE	Certificate of Lawfulness - Existing	05/07/2019	Section 191 application for a Certificate of Lawfulness for an Existing Use in relation to the use of former agricultural buildings as B2 industrial	Maeshafren Abermule Newtown Powys SY15 6NT
	Approve	17/05/2019	19/0850/TRE	Works to trees in Conservation Area	26/06/2019	Application for works to 2 no. wild cherry trees in a conservation area	Land 35M SSE Of Coach House Llandyssil Montgomery Powys SY15 6LQ

Page 173

5

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[← Go Back](#)



## Delegated List

### 91 Applications

Permitted Development	01/05/2019	19/0802/ELE	Electricity Overhead Line	26/06/2019	Section 37 application under the Electricity Act 1989 Overhead Lines (exemption) (England and Wales) Regulations 2009 to erect an additional pole	5 Brynderwen Abermule Montgomery Powys SY15 6JX
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Berriew Community	Approve	24/07/2018	18/0390/REM	Removal or Variation of Condition	28/06/2019	Section 73 application to remove planning condition no. 3 attached to planning permission M2004/0930 (occupancy restriction)	Maes Y Nant Berriew Welshpool Powys SY21 8BG
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Builth Wells Community	Approve	12/04/2019	19/0630/DIS	Discharge of Condition	12/07/2019	Discharge of condition 19 and 20 of planning approval P/2017/0635	Hay Road Garage Hay Road Builth Wells LD2 3BP
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	Approve	17/04/2019	19/0570/FUL	Full Application	02/07/2019	Conversion of dwelling into 2 separate dwellings, formation of parking space, demolition of bin store and all associated works	45 Castle Road Builth Wells Powys LD2 3EG
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	Approve	03/06/2019	19/0914/HH	Householder	18/07/2019	Erection of an extension	Bryntirion 5 North Road Builth Wells LD2 3BU
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Caersws Community	Approve	28/09/2018	18/0645/FUL	Full Application	27/06/2019	Full: Erection of an agricultural building to house pullets, creation of vehicular access and all associated works	Tynyrwtra Llanwnog Caersws Powys SY17 5JG
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[← Go Back](#)



## Delegated List

### 91 Applications

	Approve	21/06/2019	19/1064/ELE	Electricity Overhead Line	17/07/2019	Section 37 application under the Electricity Act 1989 Overhead Lines (exemption) (England and Wales) Regulations 2009 to erect an additional pole	Crossgates Clatter Caersws Powys SY17 5NN
Carno Community	Approve	04/06/2019	19/0821/FUL	Full Application	18/07/2019	Erection of an agricultural building and all associated works	Rallt Carno Caersws SY17 5JX
Castle Caereinion Community	Approve	09/05/2019	19/0626/RES	Reserved Matters	12/07/2019	Reserved Matters application for appearance, layout, landscaping and scale in connection with proposed 5 dwelling houses approved under outline approval P/2016/0893	Land Opposite Tynllan Farm Castle Caereinion Welshpool Powys SY21 9AL
Churchstoke Community	Approve	17/12/2018	18/1107/DIS	Discharge of Condition	05/07/2019	Discharge of conditions 13, 16, 22, 23 and 24 of planning approval P/2018/0538	Lynwood Churchstoke Montgomery SY15 6TD
	Approve	22/03/2019	19/0318/FUL	Full Application	23/07/2019	Change of use of land for the siting of 2no glamping pods and associated works	Meadow Place Weston Road Minsterley Shrewsbury Powys SY5 0JJ

Page 175

CODE: IDOX.PL.REP.05

24/07/2019 13:48:43 POWYSCC\sandraf

[← Go Back](#)



## Delegated List

### 91 Applications

	Approve	09/05/2019	19/0695/HH	Householder	11/07/2019	Erection of a garage	Larkin Cottage Churchstoke Powys SY15 6TH
	Approve	10/05/2019	19/0735/HH	Householder	02/07/2019	Loft conversion including insertion of 3 front facing rooflights.	1 Hill View Chirbury Rd Churchstoke Powys SY15 6AE
	Refused	24/05/2019	19/0863/TPO	Works to Trees subject to a TPO	16/07/2019	Proposed crown reduction to a tree subject to a TPO	Fir Court Fir Court Avenue Churchstoke Montgomery Powys SY15 6BA
Clyro Community	Approve	29/04/2019	19/0701/HH	Householder	17/07/2019	Erection of a two storey side extension to provide additional living accommodation	Clyro Hill Farm Clyro Hereford HR3 6JU
Dwyrw Community	Approve	29/08/2018	18/0114/FUL	Full Application	08/07/2019	Change of use for the siting of 3x glamping pods on hardstanding pads, and the installation of a sewage treatment plant	Lletty Ann Wynne Adfa Newtown SY16 3DB
Forden With Leighton & Trelystan Com	Approve	11/04/2019	19/0606/DIS	Discharge of Condition	17/07/2019	Discharge of condition 30 of permission P/2017/0703	Land Adjoining Oaklands Forden Welshpool SY21 8NA

Page 176

CODE: IDOX.PL.REP.05

24/07/2019 13:48:43 POWYSCC\sandraf

[← Go Back](#)



## Delegated List

### 91 Applications

	Approve	03/05/2019	19/0800/DIS	Discharge of Condition	26/06/2019	Discharge of condition 6 from planning consent 18/0856/FUL in respect of a programme of building recording and analysis	Pentre Lodge Leighton Welshpool Powys SY21 8HN
	Refused	12/04/2019	19/0144/LBC	Listed Building Consent	12/07/2019	Replacement and repair of windows	Lower Leighton Buttington Welshpool Powys SY21 8HH
Glantwymyn Community	Approve	29/03/2019	19/0541/FUL	Full Application	28/06/2019	Installation and operation of a ground mounted solar photovoltaic (PV) array up to 200kw installed capacity and associated works	Land On Mynydd Glandulas By Glandulas Mawr Farm Pantperthog Machynlleth Powys
Glasbury Community	Approve	30/04/2019	19/0785/DIS	Discharge of Condition	27/06/2019	Discharge of conditions 3 and 5 of planning consent P/2018/0553 in respect of sample details	The Dead House St Cynog's Church Station Road Bochrwyd Brecon Powys



## Delegated List

### 91 Applications

Page 178	Glascwm Community	Approve	03/05/2019	19/0659/CLE	Certificate of Lawfulness - Existing	28/06/2019	Application for a Certificate of Lawfulness (Section 191) to establish the residential occupation of a dwelling, in breach of restrictive occupancy conditions attached to planning approvals R1313 and R1313A, is lawful	Valley View Llanfaredd Builth Wells LD2 3TE
		Approve	07/06/2019	19/0939/NMA	Non-Material Amendment	26/06/2019	Application for non-material amendments to planning permission P/2016/0876 to amend conditions 1 and 3 and imposition of a new condition 3a in relation to phasing conditions	Land Adj Tyn Wern Franksbridge Llandrindod Wells Powys LD1 5SA
	Guilsfield Community	Approve	16/04/2019	19/0663/LBC	Listed Building Consent	02/07/2019	Internal alterations to allow the properties to be used as a single dwelling	7 & 8 The Porches Park Road Guilsfield Welshpool Powys SY21 9NN
	Gwernyfed Community	Approve	20/11/2018	18/0881/FUL	Full Application	17/07/2019	Change of use of former school buildings into 2 dwellings, to include 1st floor and ground floor extension and demolition works. Renovation of school masters dwelling and all associated works.	Glasbury CP School Glasbury Hereford Powys HR3 5NU

CODE: IDOX.PL.REP.05

24/07/2019 13:48:43 POWYSCC\sandraf

[← Go Back](#)



## Delegated List

### 91 Applications

Llanafan-Fawr Community	Approve	29/01/2019	19/0154/REM	Removal or Variation of Condition	09/07/2019	Section 73 application to remove planning condition no. 3 attached to planning permission ref: B2314 (agricultural occupancy restriction)	Cwmchwefru Farm Llanafanfawr Builth Wells LD2 3PW
Llanbrynmair Community	Approve	24/06/2019	19/1018/NMA	Non-Material Amendment	25/06/2019	Non-Material Amendment to planning consent 19/0334/HH in respect of the removal of conditions 3, 4 and 5	Ty Gwyn Bontdolgadfan Llanbrynmair Powys SY19 7BB
Llandinam Community	Refused	24/08/2018	18/0078/FUL	Full Application	27/06/2019	Erection of Rural Enterprise Dwelling and Associated Landscaping	Slate House Lodges Llandinam Powys SY17 5AF
Llandrindod Wells Community	Approve	22/05/2019	19/0753/FUL	Full Application	17/07/2019	Conversion of a single ground floor flat into 2 flats (internal alterations only)	1 South Court Park Terrace Llandrindod Wells LD1 6AU
	Approve	22/05/2019	19/0844/FUL	Full Application	10/07/2019	Change of use of shop and flat to form a single residential dwelling	3 Craig Road Llandrindod Wells Powys LD1 5HS
Llandrinio And Arddleen Community	Approve	20/05/2019	19/0860/HH	Householder	01/07/2019	Erection of a first floor rear extension	Cedars Llandrinio Llanymynech Powys SY22 6SB
	Approve	04/06/2019	19/0918/FUL	Full Application	19/07/2019	Erection of an agricultural building and all associated works	Y Maesydd Pool Quay Welshpool SY21 9LA

CODE: IDOX.PL.REP.05

24/07/2019 13:48:43 POWYSCC\sandraf

[← Go Back](#)



## Delegated List

### 91 Applications

	Approve	04/06/2019	19/0919/FUL	Full Application	19/07/2019	Erection of an agricultural building and all associated works	Y Maesydd Pool Quay Welshpool SY21 9LA
	Refused	23/10/2018	18/0689/FUL	Full Application	16/07/2019	Erection of a free range egg production unit including silos, access and all associated works	Trederwen Hall Trederwen Lane Arddleen Llanymynech Powys SY22 6RZ
Llandysilio Community	Approve	22/02/2018	P/2018/0241	Full application	03/07/2019	Full: Alterations to existing access for domestic use, formation of hardstanding access and parking area	Plas Newydd The Street Llandysilio Llanymynech Powys SY22 6QZ
	Approve	28/05/2019	19/0878/HH	Householder	19/07/2019	Erection of an extension	5 Birch Close Four Crosses Llanymynech Powys SY22 6NH
Llanfair Caereinion Community	Consent Section 106	04/06/2003	M/2003/0613	Full application	15/07/2019	Erection of 10 dwellings, conversion of existing building into 2 self contained residential units, erection of a building to form 10 self contained residential units, construction of vehicular access and car parking	Former Morgan Bros Depot Bridge Street Llanfair Caereinion Welshpool Powys SY210SA

Page 180

CODE: IDOX.PL.REP.05

24/07/2019 13:48:43 POWYSCC\sandraf

[← Go Back](#)



## Delegated List

### 91 Applications

Llanfihangel Rhydithon Community	Approve	14/05/2019	19/0769/DIS	Discharge of Condition	08/07/2019	Discharge of conditions 4 and 5 of planning permission P/2018/0160 in relation to a building recording survey and an updated ecological statement	Dolau Baptist Chapel Dolau Llandrindod Powys LD1 6UP
	Approve	21/05/2019	19/0864/VAR	Discharge/Modification of S106	08/07/2019	Application to discharge planning obligation attached to planning permission R4305 (occupancy restriction)	Maesnewydd Maes View Dolau Llandrindod Wells Powys LD1 5TW
Llangammarch Community	Approve	13/05/2019	19/0640/FUL	Full Application	02/07/2019	Erection of an agricultural building and all associated works	Poityn Farm Llangammarch Wells LD4 4DG
	Approve	29/05/2019	19/0862/DIS	Discharge of Condition	16/07/2019	Application to discharge condition 5 of planning approval P/2018/0004	Land West Of Bivvy 4 Sennybridge Training Estate Tirabad, Brecon LD4 4DR
Llangurig Community	Approve	31/07/2018	18/0064/FUL	Full Application	19/07/2019	Erection of 10 no. Glamping pods and car parking and conversion of agricultural building into 2 holiday let units	The Foel Llangurig Llanidloes SY18 6RN
Llangynog Community	Refused	06/03/2019	19/0389/DIS	Discharge of Condition	25/06/2019	Discharge of conditions 3, 4, 5 and 7 of planning approval 18/0781/ful in relation to contamination, remediation, monitoring and maintenance schemes	Revolution Bike Park Llangynog Powys SY10 0HA

Page 181

[CODE: IDOX.PL.REP.05](#)

[24/07/2019 13:48:43 POWYSCC\sandraf](#)

[← Go Back](#)



## Delegated List

### 91 Applications

Llanidloes Community	Approve	01/07/2019	19/1097/ELE	Electricity Overhead Line	23/07/2019	Application under Section 37 of the Electricity Act 1989 to upgrade an existing service line to a main line	Land Adjacent To Dyfnant Llanidloes Powys
Llanidloes Without Community	Approve	16/04/2019	19/0584/FUL	Full Application	27/06/2019	Construction of a vehicular access road to serve proposed residential development	Belan Land Y Fan Llanidloes Powys SY18 6NL
Llanrhaeadr-Ym-Mochnant Community	Approve	18/05/2018	P/2018/0542	Householder	15/07/2019	Householder: Demolition of a single storey lean to, replaced with a two storey extension and internal alterations	Y Bwthyn Market Square Llanrhaeadr Ym Mochnant Oswestry Powys SY10 0JN
	Approve	18/03/2019	19/0432/FUL	Full Application	09/07/2019	Formation of new vehicular access and improvements to existing vehicular access	Gardden Fawr Waterfall Road Llanrhaeadr-ym-mochnant Powys SY10 0BZ
Llansantffraid Community	Approve	13/03/2019	19/0366/FUL	Full Application	02/07/2019	Erection of a general purpose agricultural building, formation of vehicular access road, hardstanding and associated works	Land Adjoining Gwernolau Reservoir Winllan Lane Llansantffraid Powys

Page 182

CODE: IDOX.PL.REP.05

24/07/2019 13:48:43 POWYSCC\sandraf

[← Go Back](#)



## Delegated List

### 91 Applications

	Approve	20/05/2019	19/0637/REM	Removal or Variation of Condition	04/07/2019	Section 73 application to vary condition no. 2 attached to planning permission M/2005/0782 (design changes)	Plas Gwyn, Troutbeck Barn Llansantffraid-Ym-Mechain SY10 9JJ
Llansilin Community	Approve	18/03/2019	19/0511/FUL	Full Application	09/07/2019	Erection of roofed slurry storage and associated works	Nant Ucha Rhiwlas Nr Oswestry Powys SY10 7JJ
	Approve	18/03/2019	19/0528/FUL	Full Application	15/07/2019	Erection of a silage pit and associated works	Ty Mawr Llansilin Oswestry Powys SY10 7JW
Llanwddyn Community	Approve	29/05/2019	19/0890/DIS	Discharge of Condition	23/07/2019	Application to discharge condition 3 of planning approval 18/0402/LBC (Listed Building)	Bryn Vyrnwy Llanwddyn Oswestry SY10 0LZ
Llanwrtyd Wells Community	Approve	20/12/2018	18/1176/FUL	Full Application	19/07/2019	Erection of 3 dwellings and construction of private access road.	Tai Cae Mawr Station Road Llanwrtyd Wells Powys

Page 183

CODE: IDOX.PL.REP.05

24/07/2019 13:48:43 POWYSCC\sandraf

[← Go Back](#)



## Delegated List

### 91 Applications

	Approve	18/04/2019	19/0681/REM	Removal or Variation of Condition	28/06/2019	Variation of condition 1 of permission P/2014/0474 to allow an extension of time to implement the permission	War Memorial Institute Irfon Terrace Llanwrtyd Wells LD5 4RH
	Approve	23/04/2019	19/0682/REM	Removal or Variation of Condition	28/06/2019	Section 73 application for variation of condition 1 of permission P/2014/0473 to allow an extension of time to implement the permission	War Memorial Institute Irfon Terrace Llanwrtyd Wells LD5 4RH
Llanymyneon Community	Approve	22/03/2019	19/0508/FUL	Full Application	05/07/2019	Erection of 2 No. agricultural buildings for poultry rearing, together with associated infrastructure including a package treatment plant	Penpound Newbridge-on-wye Llandrindod Wells Powys LD1 6HP
Llywel Community	Approve	29/05/2019	19/0804/FUL	Full Application	23/07/2019	Replacement of existing slurry pit with a new covered slurry store	Bailea Farm Llywel Brecon Powys LD3 8RH
Machynlleth Community	Approve	24/04/2019	19/0677/LBC	Listed Building Consent	11/07/2019	Conservation of war memorial	War Memorial Penrallt Street Machynlleth Powys

Page 184

CODE: IDOX.PL.REP.05

24/07/2019 13:48:43 POWYSCC\sandraf

[← Go Back](#)



## Delegated List

### 91 Applications

	Approve	14/06/2019	19/0971/NMA	Non-Material Amendment	18/07/2019	Application for a non-material amendment to planning approval P/2017/1342 in respect of altering the approved plans (Plot 4)	Land Between 14 And 15 Ffordd Mynydd Griffith Machynlleth SY20 8DD
Meifod Community	Approve	20/03/2019	19/0406/FUL	Full Application	04/07/2019	Erection of a side and rear two storey extension to provide annexe accommodation	The Street Geuffordd Guilsfield Powys SY21 9DR
Page 185	Approve	03/06/2019	19/0944/TPO	Works to Trees subject to a TPO	04/07/2019	Application for works to a tree subject to a TPO	The Vicarage Bwlch-y-Cibau Powys SY22 5LL
	Approve	03/06/2019	19/0945/TPO	Works to Trees subject to a TPO	04/07/2019	Works to tree covered b a TPO, including removal of deadwood and removal of branch end weight	Pen Y Bryn Bwlch-y-cibau Llanfyllin Powys SY22 5LL
Merthyr Cynog Community	Approve	17/05/2019	19/0776/FUL	Full Application	05/07/2019	Proposed extensions to agricultural sheds	Pentre Farm House Brecon Powys LD3 9SD
Nantmel Community	Approve	12/04/2019	19/0329/AGR	Full Application	23/07/2019	Erection of an agricultural storage building	Land At Upper Dolau Nantmel Llandrindod Wells Powys LD6 5PE

CODE: IDOX.PL.REP.05

24/07/2019 13:48:43 POWYSCC\sandraf

[← Go Back](#)



## Delegated List

### 91 Applications

	Approve	22/05/2019	19/0881/RES	Reserved Matters	12/07/2019	Application for reserve matters following the approval of P/2016/0289 for the erection of 3 dwellings and all associated works	Land Directly Adjacent To Star Villas Nantmel Llandrindod Wells Powys LD1 6EN
Newtown And Llanllwchaearn Community	Approve	26/02/2019	19/0364/DIS	Discharge of Condition	11/07/2019	Discharge of condition 6, 7, 8, 13, 15, 16 17 of planning approval P/2017/1037	Land Off Glandwr Garth Owen Newtown Powys SY16 1JP
	Approve	25/04/2019	19/0683/HH	Householder	04/07/2019	Erection of an extension to dwelling to replace existing second storey conservatory	Pen Y Cwm Upper Dolfor Road Newtown SY16 3AB
	Approve	20/05/2019	19/0810/DIS	Discharge of Condition	04/07/2019	Application to discharge conditions 3 and 4 of planning approval 19/0339/LBC	8 Severn Street Newtown SY16 2AQ
	Approve	12/06/2019	19/0961/DIS	Discharge of Condition	12/07/2019	Discharge of condition 4 from planning consent 18/0571/FUL in respect of foul water drainage	Supermarket And Premises Ladywell Shopping Centre New Church Street Newtown Powys SY16 1AF
	Approve	27/06/2019	19/1030/NMA	Non-Material Amendment	12/07/2019	Application for a non-material amendment to planning approval P/2013/0896 in relation to a minor alteration to the approved elevations	Former Flying Shuttle Site Llanidloes Road Newtown Powys SY16 1HL

Page 186

[CODE: IDOX.PL.REP.05](#)

[24/07/2019 13:48:43 POWYSCC\sandraf](#)

[← Go Back](#)



## Delegated List

### 91 Applications

Old Radnor Community	Approve	11/03/2019	19/0463/VAR	Discharge/Modification of S106	22/07/2019	Application to discharge the Section 106 legal agreement associated with planning consent PR616900 in relation to occupancy	Meadow View Evenjobb Presteigne Powys LD8 2SB
Paincastle Community	Approve	24/05/2019	19/0703/DIS	Discharge of Condition	18/07/2019	Discharge of conditions 3, 22 and 23 from planning consent P/2014/1116 in respect of a lighting scheme and ecological monitoring programme	Development Cwm Henllan Barns Llandeilo Graban Builth Wells LD2 3YQ
Penybont Community	Approve	01/10/2018	18/0639/FUL	Full Application	23/07/2019	Full: Conversion of agricultural building to create two holiday units and all associated works	Llwyn Farm Crossgates Llandrindod Wells Powys LD1 5SU
	Approve	04/04/2019	19/0506/FUL	Full Application	04/07/2019	Erection of five agricultural buildings and associated works (retrospective)	Mellowcroft Llandegley Llandrindod Wells Powys LD1 5UF
	Refused	05/06/2018	P/2018/0602	Removal or Variation of Condition	19/07/2019	Section 73 application to vary condition 19 (time restrictions) of planning approval P/2012/0937	Bryn Thomas Penybont Llandrindod Wells Powys LD1 5SY
	Refused	05/06/2018	P/2018/0607	Removal or Variation of Condition	23/07/2019	Section 73 application to vary condition 7 (time restrictions) of planning approval P/2008/0095	Bryn Thomas Penybont Llandrindod Llandrindod Wells LD1 5SY

CODE: IDOX.PL.REP.05

24/07/2019 13:48:43 POWYSCC\sandraf

[← Go Back](#)

## Delegated List

### 91 Applications

Pen-y-bont Fawr Community	Refused	30/04/2019	19/0636/FUL	Full Application	25/06/2019	Conversion of a barn to a dwelling and all associated works	Barn At Ty Brith Hirnant Pen-Y-Bont-Fawr SY10 0HP
Presteigne Community	Approve	28/03/2019	19/0550/FUL	Full Application	12/07/2019	Installation of an external entrance ramp with hand rail	Lloyds Bank House 52 Hereford Street Presteigne Powys LD8 2AT
	Approve	28/03/2019	19/0551/LBC	Listed Building Consent	12/07/2019	Installation of an external entrance ramp with hand rail, alterations to internal lobby door and all associated works	Lloyds Bank House 52 Hereford Street Presteigne LD8 2AT
	Approve	30/04/2019	19/0619/RES	Reserved Matters	12/07/2019	Reserved matters application for details of appearance, landscaping, layout and scale in relation to planning permission P/2017/0498	Land West Of Sunnydale Knighton Road Presteigne Powys LD8 2ET
Trewern Community	Approve	13/03/2019	19/0437/HH	Householder	01/07/2019	Erection of a rear conservatory	Hawthorns Middletown Welshpool Powys SY21 8DQ
Welshpool Community	Approve	05/11/2018	18/0846/FUL	Full Application	02/07/2019	Conversion of a dwelling in to 2 (1 bedroom) flats (first and second floors)	18A-19 Berriew Street Welshpool SY21 7SQ



## Delegated List

### 91 Applications

	Approve	20/03/2019	19/0475/HH	Householder	11/07/2019	Erection of a two storey rear extension	Gungrog Fawr Gungrog Fawr Lane Trelydan Welshpool Powys SY21 9HS
Whitton Community	Approve	07/06/2019	19/0940/DIS	Discharge of Condition	04/07/2019	Discharge of condition 7 from planning permission P/2016/0984 in relation to passing bays	Twiscob Top Cascoob Presteigne Powys LD8 2NT
Ystradgynlais Community	Approve	12/11/2018	18/0921/DIS	Discharge of Condition	04/07/2019	Discharge of conditons 12 and 15 from planning permission P/2017/1077	Land Adj To Wharf Cottage Gurnos Road Ystradgynlais Powys
	Approve	08/04/2019	19/0596/HH	Householder	05/07/2019	Demolition of existing extensions and erection of a replacement extension, garage, shed and all associated works	44 Cwmphil Road Lower Cwmtwrch Swansea SA9 2QA
	Approve	25/06/2019	19/0936/NMA	Non-Material Amendment	11/07/2019	Application for a non-material amendment to planning approval P/2018/0077 in respect of a revised scheme	20 Gorof Road Lower Cwmtwrch Ystradgynlais Powys SA9 1DS

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91

CODE: IDOX.PL.REP.05

24/07/2019 13:48:43 POWYSCC\sandraf

[← Go Back](#)

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## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 18/06/19

gan K Sheffield BA(Hons) DipTP  
MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 10.07.2019

## Appeal Decision

Site visit made on 18/06/19

by K Sheffield BA(Hons) DipTP MRTPI

an Inspector appointed by the Welsh Ministers

Date: 10.07.2019

**Appeal Ref: APP/T6850/A/19/3225076**

**Site address: Penrhos Farm, Penrhos, Llansantffraid-ym-mechain, SY22 6QH**

**The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr J Owen against the decision of Powys County Council.
- The application Ref 18/0345/FUL, dated 17/07/2018, was refused by notice dated 14/03/2019.
- The development proposed is change of use of agricultural building to B1/B8 use, erection of gates and associated works.

### Decision

1. The appeal is dismissed.

### Procedural Matters

2. As part of the appeal the Appellant submitted a Noise Report and a Transport Study. The Noise Report addressed the effect of the development on neighbouring residential properties whereas the Transport Study was in response to the concerns raised by the Council in respect of both the appeal building and another larger building on the site. The report included details of alterations to the access, introduction of passing places on the approach roads, improvements to a local road junction and a routing plan. It has been confirmed that neither report was before the Council when the planning application was determined.
3. According to current regulations concerning appeals the Appellant may not raise any matter which was not before the local planning authority at the time when the decision appealed against was made unless the Appellant can demonstrate that the matter could not be raised before that time, or that its not being raised before that time was a consequence of exceptional circumstances<sup>1</sup>. Further clarification is given in the Development Management Manual which confirms that there is no ability to make amendments to an application following a notice of an appeal against a decision except where the amendment corrects an error in the application and which does not affect the substance of an application<sup>2</sup>.

<sup>1</sup> Section 11 of the Town and Country Planning (Referred Applications and Appeals Procedure) (Wales) Regulations 2017

<sup>2</sup> Paragraph 12.2.4

4. A previous application for a development of the same description as the appeal was refused by the Council on similar grounds in May 2018<sup>3</sup>. Therefore the Council's concerns regarding highway safety and noise were known before the submission of the application subject of the appeal. It is noted that the Noise Report, dated 16 August 2018, was written during the time the application was under consideration by the Council. Whilst the Transport Report post-dates the Council's decision, it is clear from the evidence that the Council's highway advisors raised concerns at an early stage in the application process. I do not consider that the reports correct an error in the application but rather provide a substantial amount of additional information not before the Council when it determined the application. Furthermore, I am not satisfied that the failure to provide the information prior to the appeal was due to exceptional circumstances. I therefore consider that to accept the reports would be contrary to current regulations.
5. It is also necessary for me to consider whether the development is so changed by the additional information that to grant it would deprive those who should have been consulted on the changed development of the opportunity of such consultation. Whilst in drafting its appeal submission the Council sought comments from its Highway and Environmental Health advisers, I am not aware that other consultees and interested parties have been officially notified of the reports and the proposed changes to the scheme. At the application stage there was significant interest from interested parties who supported and opposed the scheme in almost equal numbers. There has also been a significant number of representations in response to the appeal. Although some objectors refer to the reports it is not clear that all with an interest in the scheme are aware of the proposed changes to it. I am concerned that to take the additional information into account in determining the appeal would prejudice the rights of interested parties and in the interests of natural justice I have had no regard to it in reaching my decision.

### **Main Issues**

6. The main issues are the effect of the development on highway safety and the residential living conditions of the occupants of neighbouring properties by reason of noise and light.

### **Reasons**

7. The appeal site lies within open countryside. It forms part of a larger area of land and buildings within the control of the Appellant which is bounded to the east by the class C highway C2034, to the south and west by agricultural land and to the north by an existing haulage business and associated buildings with a licence to operate 15 HGV and 11 trailers.
8. The building subject of the appeal is one of several agricultural buildings and a farm house associated with the previous use of the land as a dairy farm. The proposed change of use of the building subject of the appeal has already taken place and it is being used for storage in association with the Appellant's toy supply business which specialises in large pieces of equipment for outside use such as climbing frames.
9. Several buildings and structures have been removed from the land and those to the west of the appeal building have been replaced by a large warehouse also used as storage for the business. It is this building which is covered in the Noise Report and is the subject of a planning application currently before the Council. The farm house is

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<sup>3</sup> Application Ref: P/2018/0326

occupied by the site manager and a portacabin acts as an office. There is an extant permission for the conversion of the barns to the east of the appeal building to a single dwelling<sup>4</sup>.

10. The Council has also served two Enforcement Notices in respect of the construction of a building for B1/B8 use and a material change of use of the land from agriculture to storage and distribution. Together these notices require the use of the site for B1/B8 use to cease, the large new building to be demolished and the land to be reinstated. Whilst I am aware of the planning history of the site and the outstanding application and enforcement notices, my determination is restricted to the appeal against the refusal of planning permission for the change of use of the existing building.

#### *Highway Safety*

11. Policy T1 of the adopted Powys Local Development Plan 2011-2026 (the LDP) requires development proposals to "*manage any impacts to the network and the local environment to acceptable levels and mitigate any adverse impacts*". Policy DM13 only permits proposals where "*the development has been designed and located to minimise the impacts on the transport network – journey times, resilience and efficient operation – whilst ensuring that highway safety for all transport users is not detrimentally impacted upon*". It also requires development proposals to "*meet all highway access requirements, (for all transport users), vehicular parking standards and demonstrate that the strategic and local highway network can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network or that traffic impacts can be managed to acceptable levels to reduce and mitigate any adverse impacts from the development*".
12. The scheme subject of the planning application would fail to provide acceptable visibility splays at the entrance to the site. The splay to the south is crossed by close boarded fencing and to the north it crosses third party land. Whilst there is no information regarding the routing of the vehicles from and to the A483 trunk road, the junction of the C2034 and the C2035 is extremely sub-standard with poor visibility and alignment making it potentially unsuitable for any increase in movements of larger vehicles. This route is also of insufficient width to allow the free flow of two-way HGV traffic and there are no formal passing bays to accommodate such vehicles.
13. No data confirming current traffic flows has been submitted and although there is open space for the parking and manoeuvring of vehicles available within the site, this has not been demonstrated in the submissions.
14. It is acknowledged that HGVs originating from the existing haulage business which adjoins the site use the local highway network and it is accepted that a mix of vehicle sizes are used in association with the Appellant's business and some may not use the route described above. Notwithstanding this, on the evidence before me, I consider that the nature of the development is such that it would result in the potential for additional vehicular movements by a variety of vehicles some of which would use the route described. I find that this would result in an unacceptable risk to highway safety, contrary to Policies T1 and DM13 of the LDP.

#### *Living Conditions*

15. The Council has raised concerns regarding the effect of the development on residential amenity regarding noise and artificial light. It has confirmed that no information

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<sup>4</sup> Planning application ref: P/2009/0956

accompanied the planning application regarding lighting or noise emitting activity in association with the appeal building. Although the occupation of the farm house is in association with the business, there are other dwellings a short distance away and in view of the extant planning permission there is a need to consider the potential occupation of the barns as a residential unit.

16. Whilst the Appellant has indicated that he would be content to forego the permission on the barn, he has not submitted a legal agreement to this effect. Furthermore, the building does not fall within the application site and the submitted drawing does not identify the land on which it sits as being within the control of the Appellant. There is therefore no mechanism available to me by which the permission on the barn could be revoked.
17. Notwithstanding this, I remain of the opinion that the evidence before me fails to confirm that the development would not cause harm to the living conditions of local residents by reason of noise and artificial light, contrary to Policies DM7 and DM13 of the LDP which seek to ensure that the living conditions of local residents are not unacceptably affected by noise, dust, air pollution, litter, odour, hours of operation, overlooking or any other planning matter.

### **Conclusions**

18. It is apparent from the evidence that the change of use of the appeal building is an integral part of the wider proposals required to facilitate the operation of the Appellant's business from the wider site. Taking a piecemeal approach in respect of the individual buildings rather than a comprehensive scheme for the whole site has complicated the situation. Nevertheless on the evidence before me I find that the development would be detrimental to highway safety and the residential living conditions of the occupants of neighbouring properties by reason of noise and light.
19. In reaching my decision I have taken into account the requirements of sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015 (the WCFG Act). I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards one or more of the Welsh Minister's well-being objectives as required by section 8 of the WCFG Act.
20. For the reasons given above, and having had regard to all other matters raised, the appeal is dismissed.

*K. Sheffield*

INSPECTOR