

Planning, Taxi Licensing & Rights of Way Committee

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



Meeting Date
Thursday, 24 October 2019

County Hall
Llandrindod Wells
Powys
LD1 5LG

Meeting Time
10.00 am

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

17 October, 2019

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.

AGENDA

1.	APOLOGIES
-----------	------------------

To receive apologies for absence.

2.	MINUTES OF THE PREVIOUS MEETING
-----------	--

To authorise the Chair to sign the minutes of the previous meeting of the Committee held on 3 October, 2019 as a correct record.
(Pages 5 - 14)

Planning

3.	DECLARATIONS OF INTEREST
-----------	---------------------------------

- a) To receive any declarations of interest from Members relating to items to be considered on the agenda.
- b) To receive Members' requests that a record be made of their membership of town or community councils where discussion has taken place of matters for the consideration of this Committee.

c) To receive declarations from Members of the Committee that they will be acting as 'Local Representative' in respect of an individual application being considered by the Committee.

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

4.	PLANNING APPLICATIONS FOR CONSIDERATION BY THE COMMITTEE
-----------	---

To consider the reports of the Head of Property, Planning and Public Protection and to make any necessary decisions thereon.

(Pages 15 - 18)

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. 19/1059/FUL Former Radio Hafren Building, Wesley Street, Newtown, Powys, SY16 2NZ

(Pages 19 - 56)

4.3. 19/0558/FUL Library, Brook Street, Welshpool, SY21 7PH

(Pages 57 - 74)

4.4. 18/0805/FUL Tyn Yr Wtra, Brooks, Welshpool, Powys, SY21 8QN

(Pages 75 - 118)

4.5. 18/0461/LBC Dyffryn, Meifod, Powys, SY22 6HL

(Pages 119 - 130)

4.6. 18/0467/HH Dyffryn, Meifod, Powys, SY22 6HL

(Pages 131 - 138)

4.7. 19/1539/DEM Bodynfoel Farm, Llanfechain, Powys, SY22 6XF

(Pages 139 - 150)

4.8. **19/1541/DEM The Willows, Pool Quay, Welshpool, Powys, SY21 9LA**
(Pages 151 - 160)

4.9. **19/1386/TRE Temple Avenue & Alexandra Terrace, Llandrindod Wells, Powys, LD1 5HW**
(Pages 161 - 168)

5.	DECISIONS OF THE HEAD OF PROPERTY, PLANNING AND PUBLIC PROTECTION ON DELEGATED APPLICATIONS
-----------	--

To receive for information a list of decisions made by the Head of Property, Planning and Public Protection under delegated powers.
(Pages 169 - 190)

6.	APPEAL DECISION
-----------	------------------------

To receive the Planning Inspector's decisions regarding appeals and an application for costs.
(Pages 191 - 200)

Rights of Way

7.	DECLARATIONS OF INTEREST
-----------	---------------------------------

To receive declarations of interest from Members in respect of the next item.

8.	TOWN AND COUNTRY PLANNING ACT 1990, SECTION 257 PUBLIC PATH ORDER PROPOSAL
-----------	---

To consider a proposal to divert Footpath CF22, at land East of Ithon Road, Llandrindod Wells (Community of Llandrindod Wells).
(Pages 201 - 220)

This page is intentionally left blank

MINUTES OF A MEETING OF THE PLANNING, TAXI LICENSING & RIGHTS OF WAY COMMITTEE HELD AT COUNCIL CHAMBER, COUNTY HALL - COUNTY HALL ON THURSDAY, 3 OCTOBER 2019

PRESENT

County Councillor K Lewis (Chair)

County Councillors E M Jones, L V Corfield, G Jones, M J Jones, H Lewis, I McIntosh, D R Price, G Pugh, D Selby, K S Silk, E Vaughan, J Wilkinson, G I S Williams, D H Williams, J Williams and R Williams

1.	APOLOGIES
-----------	------------------

Apologies for absence were received from County Councillors L George, F H Jump and P C Pritchard.

2.	MINUTES OF THE PREVIOUS MEETING
-----------	--

The Chair was authorised to sign as a correct record the minutes of the meeting held on 12 September, 2019.

Planning

3.	DECLARATIONS OF INTEREST
-----------	---------------------------------

(a) County Councillor G Pugh declared a prejudicial interest in applications 19/1236/DIS and 19/1356/DIS because he had been involved in discussions regarding the applications.

(b) County Councillor L Corfield requested that a record be made of her membership of Forden with Leighton and Trelystan Community Council where discussion had taken place of matters for the consideration of this Committee, but she had not taken part in those discussions.

(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 the following Members (who are not members of the Committee) would be speaking as the 'local representative' in respect of applications:

Councillor D Jones – 19/0050/FUL

Councillor L Roberts – 18/0532/RES

Councillor K Roberts-Jones – P/2017/1144 and 19/1374/NMA

Councillor B Baynham – 19/0963/FUL [noted when application considered].

4.	PLANNING APPLICATIONS FOR CONSIDERATION BY THE COMMITTEE
-----------	---

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 update circulated the previous day and prior to the meeting.

4.2 19/0050/FUL Llidiart Wood, Laundry Lane, Moelygarth, Welshpool, SY21 9JF

Grid Ref:	E: 319608 N: 310036
Valid Date:	21/01/2019
Community Council:	Guilfield Community Council
Applicant:	Ms Sophia Perkins
Location:	Llidiart Wood, Laundry Lane, Moelygarth, Welshpool, SY21 9JF
Proposal:	Erection of a holiday cabin, improvements to the existing vehicle access and formalisation of a parking space and turning area
Application Type:	Full Application

County Councillor D Jones spoke as the local representative.
Mrs M Blackburn spoke against the application.
Mrs M Wellsford spoke against the application.
Mr P Bartley spoke on behalf of the applicant.

The Committee noted the letter from Welsh Government on behalf of the Welsh Minister regarding the request to call-in the application. In response to questions, the Solicitor explained that the Committee was able to consider the application. If it was minded to approve the application, it would only be prevented from granting the planning permission and would need to await the Welsh Minister's decision regarding the call-in.

The Principal Planning Officer advised that the recommendation was as contained in the Update, amended to read: Should Members be minded to approve the application then no planning permission shall be issued until confirmation of no call-in has been received from the Welsh Minister. It be delegated to the Professional Lead in consultation with the Chair and Vice Chair to issue the decision in the event that the Welsh Minister does not call-in the application.

The Highways Authority confirmed that it was content with the application and that the new passing bay could be accommodated within the existing highway verge. The Principal Planning Officer advised that Natural Resources Wales [NRW] had been consulted on the application and no objections had been received from it. If a third party prevented the applicant from improving the visibility splays at the access to the site, the applicant would not be able to

comply with the recommended conditions and the development would need to stop. The applicant would then need to come back to Development Management.

In response to questions about the ancient woodland and trees the Principal Planning Officer advised that ancient woodland and trees were protected from development which would result in their loss or deterioration. She considered that the proposed development would not have such an impact and in addition the applicant proposed a management scheme for the woodland which would have a positive impact on the area. She advised that under the Forestry Act 1967 woodland owners are allowed to carry out exempted works to manage and clear woods.

Comments were made about the application being acceptable under Policy TD1. The Professional Lead Development Management advised that support would be approved for developments in the open countryside, where applications would not detract from the overall character and appearance of the area. In response to questions the Principal Planning Officer advised that the building currently on site was ancillary to the main dwelling. If the applicant wished to change the use of this, planning permission may be required. The Committee was advised that the existing stone access track did not require any upgrading.

It was moved and duly seconded to approve the application as recommended by the officer, as amended.

RESOLVED:	Reason for decision:
<p>That the Committee be minded to approve the application subject to the conditions set out in the report which is filed with the signed minutes and that no planning permission shall be issued until confirmation of no call-in has been received from the Welsh Minister. It be delegated to the Professional Lead in consultation with the Chair and Vice Chair to issue the decision in the event that the Welsh Minister does not call-in the application.</p>	<p>As officer's recommendation as set out in the update report which is filed with the signed minutes.</p> <p>To comply with the Welsh Minister's letter.</p>

Councillor D Price left the meeting.

4.3 18/0532/RES Land Near Plas Foxen, Foxen Manor Road, Four Crosses, Llanymynech, Powys SY22 6RG

Grid Ref: E: 327624 N: 318306

Valid Date: 03/10/2018

Community Council: Llandrinio and Arddleen Community Council

Applicant: Messrs W.R, J. R & T.J. Bowker

Location: Land near Plas Foxen, Foxen Manor Road, Four Crosses, Llanymynech, Powys SY22 6RG

Proposal: Reserved matters application for details of access, appearance, landscaping, layout and scale in connection with proposed 49 dwellings, garages, access road, footpaths, public open space and associated works

Application Type: Reserved Matters

The Principal Planning Officer advised that the proposal description was incorrect and should not refer to access, as this had been considered as part of the outline planning permission.

County Councillor L Roberts spoke as the local representative.
Mrs C Davies, Clerk spoke on behalf of Llandrinio and Arddleen Community Council.
Mr P Richards spoke as the Agent.

In response to questions the Principal Planning Officer advised that the proposed layout of the site was considered acceptable. In response to questions regarding flooding she advised that NRW had considered the application at the Outline Planning stage and was satisfied with the application. The ditch would be accessible for dredging purposes over the proposed fence.

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

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

Councillor J Wilkinson left the meeting.

4.4 P/2017/1144 Land adj Uchel Dre, Common Road, Kerry, Powys, SY16 4PS.

Grid Ref: E: 314882 N: 289543

Valid Date: 03/10/2017

Community Council: Kerry Community Council

Applicant: Mr M Evans

Location: Land adj Uchel Dre, Common Road, Kerry, Powys, SY16 4PS

Proposal: Outline: Proposed residential development of 5 no. dwellings, formation of a vehicular access and all associated works (some matters reserved)

Application Type: Outline Planning

County Councillor K Roberts-Jones spoke as the local representative.

Mr A Kirk spoke as an objector.

Mr T Watkin spoke as the agent.

In response to questions the Principal Planning Officer advised that the proposed calming measures would not use third party or private land. The Highway Authority advised that although the road was tight in places, this was a small development of five dwellings and with the mitigation measures proposed by the applicant the development was acceptable with the appropriate conditions. The Highway Authority confirmed that if these conditions could not be met the development would not be able to continue.

In response to questions the Principal Planning Officer advised that a larger site for 17 dwellings was considered as a Candidate Site in the Local Development Plan [LDP]. However, due to the size and the associated highways issues the site was not included in the LDP. The Committee was advised that there was a proven need in the area for affordable housing. The Principal Planning Officer confirmed that condition 5 referred to affordable housing and the need to retain the dwellings as affordable housing in perpetuity.

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

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

The Committee adjourned for lunch at 13.35 hrs and reconvened at 13.55 hrs.

County Councillor E Vaughan left the meeting.

4.5 19/0963/FUL Land North Of Clatterbrune, Clatterbrune, Presteigne, Powys, LD8 2LB

Grid Ref: E: 332056 N: 264116

Valid Date: 20/06/2019

Community Council: Presteigne Town Council

Applicant: Mr & Mrs Griffiths
Location: Land North of Clatterbrune, Clatterbrune, Presteigne, Powys, LD8 2LB
Proposal: Erection of a dwelling and all associated works
Application Type: Full application

County Councillor B Baynham spoke as the local representative.
Mrs J Charlton spoke against the application.
Mr A Crow spoke against the application.
Mr A Carr spoke as the Agent.

In response to questions the Planning Officer advised that due to the topography of the site the ridge height of the proposed dwelling would be at the same height as the nearest bungalow. He also advised that the footprint for the dwelling had been turned 90 degrees from the previous application, so no windows would be overlooking other properties. The Highways Authority confirmed that the road was not a public highway and did not oppose the application subject to conditions being agreed.

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

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

The Chair brought the following application forward.

4.6 19/1374/NMA Village Hall, Sarn, Newtown, SY16 4EJ

Grid Ref: E: 320376 N: 290839
Valid Date: 27/08/2019
Community Council: Kerry Community Council
Applicant: Powys County Council
Location: Village Hall, Sarn, Newtown, SY16 4EJ
Proposal: Application for a non-material amendment to planning permission 18/0922/RES / P/2017/1489 in respect of previously approved plans
Application Type: Non-Material Amendment

County Councillor K Roberts-Jones spoke as the local representative.

It was moved and duly seconded to approve the application as recommended in the officer's report.

RESOLVED:	Reason for decision:
that the application be granted consent.	As officer's recommendation as set out in the report which is filed with the signed minutes.

County Councillor G Pugh having declared an interest left the meeting room for the next two applications.

4.7 19/1356/DIS : Abermule Business Park, Abermule, Montgomery, Powys

Grid Ref: E: 315775 N: 294250

Valid Date: 08/08/2019

Community Council: Abermule and Llandyssil Community Council

Applicant: Powys County Council

Location: Abermule Business Park, Abermule, Montgomery, Powys

Proposal: Application to discharge condition 17 of planning approval P/2018/0587

Application Type: Discharge of Condition

It was moved and duly seconded to approve the application as recommended in the officer's report.

RESOLVED:	Reason for decision:
that the condition be discharged.	As officer's recommendation as set out in the report which is filed with the signed minutes.

4.8 19/1236/DIS Abermule Business Park, Abermule, Newtown, Powys, SY15 6NU

Grid Ref: E: 315775 N: 294250

Valid Date: 08/08/2019

Community Council: Abermule and Llandyssil Community Council

Applicant: Powys County Council

Location: Abermule Business Park, Abermule, Newtown, Powys, SY15 6NU

Proposal: Discharge of conditions 8 and 19 (full) and 12 (outline) from planning consent P/2018/0587 in relation to contaminated land and the external colour of the bulking facility

Application Type: Discharge of Condition

It was moved and duly seconded to approve the application as recommended in the officer's update report.

RESOLVED:	Reason for decision:
that the conditions be discharged.	As officer's recommendation as set out in the update report which is filed with the signed minutes.

County Councillor G Pugh returned to the meeting room.

The Professional Lead Development Management left the meeting room due to a prejudicial interest, as he knew a relative of the applicant.

4.9 19/1497/DIS Rock House, Rock House Farm, Trelystan, Leighton, Powys SY21 8HZ

Grid Ref: E: 327675 N: 304186

Valid Date: 09/09/2019

Community Council: Forden with Leighton & Trelystan Community Council

Applicant: Mr Richard Dearing

Location: Rock House, Rock House Farm, Trelystan, Leighton, Powys SY21 8HZ

Proposal: Discharge of condition 4 of planning consent P/2018/0713 (18/0043/FUL) (photographic survey)

Application Type: Discharge of Condition

It was moved and duly seconded to approve the application as recommended in the officer's report.

RESOLVED:	Reason for decision:
that the condition be discharged.	As officer's recommendation as

	set out in the report which is filed with the signed minutes.
--	--

The Professional Lead Development Management returned to the meeting room.

5.	DECISIONS OF THE HEAD OF PROPERTY, PLANNING AND PUBLIC PROTECTION ON DELEGATED APPLICATIONS
-----------	--

The Committee received for information a list of decisions made by the Head of Property, Planning and Public Protection during the period between 5 to 24 September, 2019.

County Councillor K Lewis (Chair)

This page is intentionally left blank

Planning, Taxi Licensing and Rights of Way Committee
24th October 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:

<p>19/1059/FUL</p> <p>Newtown and Llanllwchaiarn Community</p> <p>E: 310576 N: 291580</p> <p>12.07.2019</p>	<p>Full: Demolition of former 'Radio Hafren' building and construction of two storey community building with associated paddle sport/cycle hiring facilities, and landscaping</p> <p>Former Radio Hafren Building, Wesley Street, Newtown, Powys, SY16 2NZ</p> <p>Open Newtown</p> <p>Recommendation: Conditional Consent</p>
<p>19/0558/FUL</p> <p>Welshpool Community</p> <p>E: 322392 N: 307712</p> <p>29.07.2019</p>	<p>Full: Change of Use from Library (D1) to Offices (B1)</p> <p>Library, Brook Street, Welshpool, SY21 7PH</p> <p>Powys County Council</p> <p>Recommendation: Conditonal Consent</p>

<p>18/0805/FUL</p> <p>Bettws Community</p> <p>E: 311448 N:298627</p> <p>07.11.2018</p>	<p>Full: Change of use of agricultural land to form a campsite, demolition of existing agricultural outbuilding and erection of building for toilets & washing facilities</p> <p>Tyn Yr Wtra, Brooks, Welshpool, Powys SA21 8QN</p> <p>Ms Sarah Whitley</p> <p>Recommendation: Conditional Consent</p>
<p>18/0461/LBC</p> <p>Meifod Community</p> <p>E: 314827 N: 312864</p> <p>07.09.2018</p>	<p>Listed Building Consent: Construction of open porch, construction of garden room and internal alterations</p> <p>Dyffryn, Meifod, Powys, SY22 6HL</p> <p>Mr and Mrs Wilkinson</p> <p>Recommendation: Conditional Consent subject to consultation with CADW</p>
<p>18/0467/HH</p> <p>Meifod Community</p> <p>E:314827 N:312864</p> <p>13.08.2018</p>	<p>Householder: Construction of open porch and garden room</p> <p>Dyffryn, Meifod, Powys SY22 6HL</p> <p>Mr and Mrs Wilkinson</p> <p>Recommendation: Conditional Consent</p>
<p>19/1539/DEM</p> <p>Llanfechain Community</p> <p>E:318232 N:321434</p> <p>03.10.2019</p>	<p>Demolition of stone building</p> <p>Bodynfoel Farm, Llanfechain, Powys SY22 6XF</p> <p>Powys County Council (Estates Department)</p> <p>Recommendation: Approve</p>

<p>19/1541/DEM</p> <p>Llandrinio and Arddleen Community</p> <p>E:326510 N:313517</p> <p>03.10.2019</p>	<p>Demolition of agricultural building</p> <p>The Willows, Pool Quay, Welshpool, Powys, SY21 9LA</p> <p>Powys County Council</p> <p>Recommendation:</p> <p>Prior Approval would not be required</p>
<p>19/1386/TRE</p> <p>Llandrindod Wells Community</p> <p>E:305918 N:260702</p> <p>03.09.2019</p>	<p>Works to trees in a conservation area</p> <p>Temple Avenue & Alexandra Terrace, Llandrindod Wells, Powys, LD1 5HW.</p> <p>Powys County Council</p> <p>Recommendation:</p> <p>Approve</p>

This page is intentionally left blank

4.2

Planning, Taxi Licensing and Rights of Way Committee Report

Application Number:	19/1059/FUL	Grid Ref:	E: 310576 N: 291580
Community Council:	Newtown And Llanllwchaearn Community	Valid Date:	12.07.2019

Applicant: Open Newtown

Location: Former Radio Hafren Building, Wesley Street, Newtown, Powys, SY16 2NZ

Proposal: Demolition of former 'Radio Hafren' building and construction of two storey community building with associated paddle sport/cycle hiring facilities, and landscaping

Application Type: Full Application

The reason for Committee determination

The Local Member has requested that this application be determined by Members of the Planning, Taxi Licensing and Rights of Way Committee. Members are also advised that the application site is leased from Powys County Council.

Consultee Responses

Consultee	Received
-----------	----------

Community Council

8th Aug 2019

On the Town Clerk's advice on the 'Principles of Public Life' in regard to the closeness of association and involvement by the Town Council in Open Newtown and its application, Committee notes the application without further comment or debate.

Building Control

17th Jul 2019

Please be aware that the proposed building will require Building Regulations approval.

Wales & West Utilities - Plant Protection Team

16th Jul 2019

We enclose an extract from our mains records of the area covered by your proposals together with a comprehensive list of General Conditions for your guidance. This plan shows only those pipes owned by Wales & West Utilities in its role as a Licensed Gas Transporter (GT). 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. The information shown on this plan is given without obligation, or warranty, the accuracy thereof cannot be guaranteed, service pipes, valves, syphons, stub connections, etc., are not shown but their presence should be anticipated. No liability of any kind whatsoever is accepted by Wales and West Utilities, its agents or servants for any error or omission. 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.

Ward Councillor

5th Aug 2019

Please could planning application Ref: 19/1059/FUL be called into committee due to the wider public interest of it being potentially controversial

I have included a copy of the letter I have received from the chamber of trade asking me to call in the planning application

I have also had various conversations and email from other traders in the town centre who have raised concerns.

Highway Authority

6th Aug 2019

Does not wish to comment on the application

Hafren Dyfrdwy

19th Jul 2019

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

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

Hafren Dyfrdwy advise that there may be a public sewer located within the application site. Although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under the Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with

Hafren Dyfrdwy to discuss the proposals. Hafren Dyfrdwy will seek to assist in obtaining a solution which protects both the public sewer and the building.

The developer's attention is also drawn to the legal requirement for all sites to enter into a Section 104 sewer adoption agreement with Hafren Dyfrdwy before any sewer connection can be approved, in line with the implementation Schedule 3 of the Floods and Water Management Act 2010. Full details of this are provided on our website www.hdcymru.co.uk under the 'New Site Developments' section.

Environmental Protection

24th Jul 2019

Environmental Protection has no objection to the application.

Ecologist

13th Aug 2019

Thank you for consulting me with regards to planning application 19/1059/FUL which concerns an application for the demolition of former 'Radio Hafren' building and construction of two storey community building with associated paddle sport/cycle hiring facilities, and landscaping at Former Radio Hafren Building, Wesley Street, Newtown.

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 104 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, noctule and brown long-eared, otter, grass snake, tree sparrow and house sparrow.

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

Ecological Assessment

I have reviewed the Ecological Assessment Report produced by Marches Ecology dated June 2019 - I consider that the survey methods and effort employed were in accordance with current National Guidelines.

The report details the findings of a phase 1 habitat survey and protected fauna and habitat suitability assessment undertaken in April and May 2019 as well as the results of an associated desk based study. Habitats identified within and immediately adjacent to the proposed development site include;

- o Ornamental shrubs

- o Trees and woodland
- o 3 semi mature trees
- o 2 mature trees
- o Amenity grassland
- o Buildings
- o Hard-standing
- o Watercourse

Bats - European Protected Species

The proposed development requires the demolition of an existing building, 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.

Therefore a Bat Roost Assessment has been undertaken as part of the Ecological Assessment and submitted to support the application and enable the LPA to assess the potential impact of the development to roosting bats.

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 roost assessment undertaken on the 3rd April 2019 assessed the existing building as having moderate potential to support roosting bats due to the presence of access points into the building including a gap in the soffits.

Two activity surveys were undertaken on 12th May 2019 (dusk emergence) and 5th June 2019 (dawn re-entry). No bats were seen emerging or re-entering the building during the activity surveys.

Following the finding of the bat roost assessment and subsequent surveys - the report identifies that the proposed development will not result in the disturbance, loss of roost locations or destruction of resting places, as such no European Protected Species Development Licence will be required.

However I note that reasonable avoidance measures and enhancement measures have been identified in section 4 of the Ecological Appraisal Report. Measures include;

- o Inclusion of a tool-box talk for all contractors
- o Installation of a number of bat boxes as part of the new development to include 4 on the building and 4 to be erected on surrounding trees
- o Inclusion of a wildlife friendly lighting scheme

I also note that if the building is not demolished by 2020 then the report has identified that updated surveys will be required prior to demolition.

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 the identified mitigation measures to minimise impacts to bats are secured through an appropriately worded planning condition.

Otters - European Protected Species

Given the proximity of the proposed development to the River Severn the site was assessed for its potential to support otter. No evidence of otter was identified during the survey. However it is noted that precautionary measures to reduce any potential negative impact on otters have been suggested. Measures include;

- o The erection of protective fencing around the development site

It is therefore recommended that the identified precautionary measures to minimise impacts to otter are secured through an appropriately worded planning condition.

Nesting Birds

No evidence of nesting birds was identified during the Preliminary Roost Assessment however given the potential for the site to support nesting birds mitigation measures have been outlined in section 4 of the Ecological Assessment Report. Measures include;

- o Timing of works - works to take place OUTSIDE of the nesting season (March to August inclusive)
- o Should this not be possible then the sight is to be checked for presence or absence by a suitably qualified ecologist
- o Inclusion of 8 new bird boxes as part of the new development with the locations to be determined by a suitably qualified ecologist

It is therefore recommended that the identified mitigation measures to minimise impacts to nesting birds are secured through an appropriately worded planning condition.

Other Protected Species

Two hedgehogs were observed on the proposed development site during the bat activity surveys. Given the presence of hedgehogs on the development site a 'watching brief' has been proposed; workers are to remain vigilant for the presence of hedgehogs during the development of the site. It is noted that the report recommends that if clearance works are to take place during the winter then further advice will need to be sought from an ecologist to avoid disturbing hibernating hedgehogs and two hedgehog next boxes are to be provided as part of the new development.

Given the records of grass snake in the proximity of the proposed development a 'watching brief' has also been proposed. If any reptiles are observed during clearance or construction works then all works must cease and a suitably qualified ecologist contacted for advice.

Pollution Prevention

Given the proximity of the works to the River Severn section 4 of the Ecological Assessment indicates that works will comply with the following Environment Agency/Natural Resources Wales Pollution Prevention Guidance (PPG) specifically PPG1, PPG5, PPG6 and PPG7.

It is recommended that adherence to the identified Pollution Prevention measures is secured through an appropriately worded planning condition.

Biosecurity

Two invasive non-native (plant) species (INNS) were recorded during the site survey, the Ecological Assessment also acknowledges the presence of other INNS are known along the River Sever corridor. Therefore the report identifies that a precautionary Biosecurity Method Statement (risk assessment) will be required in order to prevent the ingress of INNS onto the site from elsewhere.

As such, it is recommended that the submission of a Biosecurity Method Statement (Risk Assessment) is secured through an appropriately worded planning condition.

Tree Protection

Submitted plans and documents indicate the presence of a number of mature trees within or directly adjacent to the proposed development boundary. I have reviewed the Arboricultural Survey and Impact Assessment Report and subsequent Tree Protection Plan Drawing - the details provided and measures proposed are considered to be appropriate and acceptable.

It is recommended that adherence to the identified Tree Protection measures is secured through an appropriately worded planning condition.

Landscape Planting Scheme

It is noted that a Landscape Concept Plan drawing no. 3010-002 Rev B produced by Lingard-Farrow-Styles dated 22nd May 2019 has been submitted with the application, whilst the plan provides broad details of the proposed landscaping limited detail has been provided with regards to species proposed to be used and associated aftercare measures etc. in accordance with the recommendations in the Ecological Assessment Report where appropriate consideration should be given to the development of a native landscape planting scheme.

In order to ensure that the detailed proposals for landscaping of the proposed development are appropriate it is recommended that submission of a detailed Landscape Planting Scheme including proposed species mixes, planting and aftercare schedules is secured through an appropriately worded planning condition.

Wildlife Sensitive Lighting Plan

Given the proximity to the watercourse of the proposed development careful consideration will need to be given to any external lighting proposed to be erected on the proposed extensions. 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.

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, pollution prevention and enhancement measures identified in Section 4 of the Ecological Appraisal Report produced by Marches Ecology dated June 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 development shall take place (including ground works and vegetation clearance) until a Biosecurity Risk Assessment has been submitted for the approval of the Local Planning Authority. The scheme 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 recommendations and protection measures identified in the Arboricultural Survey and Impact Assessment Report and illustrated on drawing number 3015-002A produced by Lingard Farrow Styles dated June 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 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.

Notwithstanding the details submitted, prior to first beneficial use of the development a detailed Landscaping Planting and Management Scheme shall be submitted to and agreed with the Local Planning Authority. The approved scheme shall be implemented in the first planting season of the following occupation of the development. The submitted Landscaping and Management Planting Scheme shall include the use of native species, details of the planting specification - the species, sizes and planting densities - and a timetable for implementation and future management to ensure good establishment and long term retention. 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

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 Policies 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.

In addition I recommend inclusion of the following informative:

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.

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

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

It is therefore an offence to:

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

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

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

Reptiles - Wildlife & Countryside Act 1981 (as amended)

All species of reptiles known to occur within Powys, namely the common lizard, slow-worm, grass snake and adder, are protected under the Wildlife and Countryside Act 1981 (as amended).

It is therefore an offence to:

- o Intentionally kill or injure these species of reptiles,
- o Trade (live or dead animals) i.e. sale, barter, exchange, transporting for sale and advertising to sell or to buy.

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

In addition these species of reptiles are also listed in Part 1 Section 7 of the Environment (Wales) Act 2016 - which is a list of the living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales. Species of reptiles known to occur in Powys are also listed as Species of Conservation Concern on the Powys LBAP.

If reptiles are discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and/or 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

Land Drainage

17th Jul 2019

Having assessed the Planning Application Ref 19/1059/FUL, the SuDS Approval Body (SAB) deem that the construction area is greater than 100m² and therefore this proposed development will require SAB approval prior to any construction works commencing onsite

Clwyd Powys Archaeological Trust

18th Jul 2019

Thank you for the consultation on this application.

We have discussed these proposals in detail with the applicants at the pre-application stage and the existing earthwork bank immediately south of the Radio Hafren building,

which is thought to be associated with the Newtown Hall garden boundary (PRN 149081) will not be impacted by the proposals and lies outside the red boundary area.

We would therefore have no objection to the proposed development at this location.

Cadw

1st Aug 2019

Thank you for your letter of 16 July 2019 inviting our comments on the information submitted for the above planning application.

Advice

Having carefully considered the information provided with this planning application, we have no objections to the impact of the proposed development on the scheduled monument described in our assessment given below.

Our role

Our statutory role in the planning process is to provide the local planning authority with an assessment concerned with the likely impact that the proposal will have on scheduled monuments, registered historic parks and gardens, registered historic landscapes, where an Environmental Impact Assessment is required and development likely to have an impact on the outstanding universal value of a World Heritage Site. We do not provide an assessment of the likely impact of the development on listed buildings or conservation areas, as these are matters for the local authority.

It is for the local planning authority to weigh our assessment against all the other material considerations in determining whether to approve planning permission.

National Policy

Applications for planning permission are considered in light of the Welsh Government's land use planning policy and guidance contained in Planning Policy Wales (PPW), Technical Advice Notes and related guidance.

PPW (Chapter 6 - The Historic Environment) explains 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 or its setting should be managed in a sensitive and sustainable way.

The conservation of archaeological remains and their settings is a material consideration in determining a planning application, whether those remains are a scheduled monument or not. Where nationally important archaeological remains are likely to be affected by proposed development, there should be a presumption in favour of their physical

protection in situ. It will only be in exceptional circumstances that planning permission will be granted if development would result in a direct adverse impact on a scheduled monument (or an archaeological site shown to be of national importance).

Technical Advice Note 24: The Historic Environment elaborates by explaining that when considering development proposals that affect scheduled monuments or other nationally important archaeological remains, there should be a presumption in favour of their physical preservation in situ, i.e. a presumption against proposals which would involve significant alteration or cause damage, or would have a significant adverse impact causing harm within the setting of the remains.

Assessment

The application area is located some 165m north-north-west of scheduled monument Newtown Hall Castle Mound (MG160). The monument comprises the remains of a medieval earthwork castle and consists of a 'D'-shaped mound, measuring overall 55m (north-west to south-east) by 35m, with its flat top 40m by 15m. The height of mound is about 4m above the bottom of a broad ditch that encircles the mound, except on the north-west. The mound has been transformed into an ornamental feature of the grounds surrounding Newtown Hall. There are possible traces of a bailey to the north-west.

The major Welsh castle and town of Dolforwyn was located some 5.5km to the north-east. After the fall of Dolforwyn, the local market was shifted from that site, down to the valley, where Roger Mortimer created Newtown in 1280. There may have been an earlier settlement at this site, and the motte may predate the foundation of Mortimer's new borough. The site was refortified by Sir John Price during the English Civil War. When constructed the castle, would have had all-round views. However, the most significant would have been to the crossing of the River Severn on the site of the Long Bridge, and the medieval town to the north and eastward along the Severn Valley towards Dolforwyn.

The proposed development will see the demolition of the current Radio Hafren building, a single storey structure with hipped roof, and the construction of a two-storey flat roofed building containing a café, tourist information, canoe and bicycle hire, along with a play park.

The proposed building will be visible from the scheduled monument, although it will be screened - especially in the summer by existing vegetation. The new building is aligned north to south and is only slightly higher than the existing roof of the existing building. Consequently, the proposed building will not appear to be much larger than the existing one when viewed from the scheduled monument. It will be seen in the periphery of the identified significant view northwards towards the Long Bridge. But will not alter the way that the scheduled monument is experienced, understood and appreciated. Consequently,

the proposed development will not have any impact on the setting of scheduled monument MG160.

Sports Council For Wales

5th Aug 2019

I confirm that Sport Wales has no objection.

Natural Resources Wales

25th Jul 2019

Thank you for consulting Natural Resources Wales (letter dated 16/07/2019) 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.

Summary of Conditions

Condition 1 - CEMP: No development shall take place, including site clearance, until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority.

Protected Species

We note that the ecological report submitted in support of the above application (Ecological Appraisal report dated 18th June 2019 by Marches Ecology) has identified that bats use the site for foraging and there is also potential for presence of other species such as otter.

Bats, otters and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2017. Where these European Protected Species (EPS) 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:

Ein cyf/Our ref: CAS-94575-L5T2

Eich cyf/Your ref: 19/1059/FUL

Swyddfa Llywodraeth Cymru/Welsh

Government Building,

Rhodfa Padarn,

Llanbadarn Fawr,

Aberystwyth

SY23 3UR

northplanning@cyfoethnaturiolcymru.gov.uk

03000 654696

www.naturalresourceswales.gov.uk

www.cyfoethnaturiolcymru.gov.uk Page 2 of 5

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.

On the basis of the above report, 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 ecological report are implemented.

Some of the trees scheduled for removal have bat roosting potential, Section 4 of the report makes several recommendations with regards to minimising disturbance to EPS and damage to the habitats that support them. These recommendations should be implemented and secured via appropriately worded conditions.

Condition 1 - CEMP: No development shall take place, including site clearance, until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority.

The CEMP should include:

- o Construction methods: details of materials, how waste generated will be managed;
- o General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.
- o Biodiversity Management: details of tree protection including a root protection plan; biosecurity risk assessment; species and habitats protection, avoidance and mitigation measures.
- o Lighting scheme
- o Details of required pre-commencement of works tree surveys to demonstrate no detrimental impact on bats.
- o Soil Management: details of topsoil strip, storage and amelioration for re-use.
- o Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
- o Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details

www.naturalresourceswales.gov.uk

www.cyfoethnaturiolcymru.gov.uk Page 3 of 5

- o Ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.

The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

Please note we consider the biosecurity risk assessment must include

- (i) appropriate measures to control any invasive non-native species (INNS) on site, if present; and
- (ii) measures or actions that aim to prevent INNS being introduced to /allowed to disperse from the site for the duration of construction and operational phases of the scheme.

We refer you to the GB non-native species secretariat 'Check, Clean, Dry' guidelines which also apply to the use of machinery on construction sites: <http://www.nonnativespecies.org/checkcleandry/index.cfm>.

Flood Risk

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

Given the scale of the proposed development (and in the absence of a flood consequence assessment) we consider the risk could be acceptable subject to the developer being made aware of the potential flood risks, and advised to install flood-proofing measures as part of the development.

The proposed built development is not considered to be at risk of predicted fluvial flooding either now or with the impacts of climate change (excluding impacts of reservoir failure).

The proposed natural play area could be affected during extreme events. The design should take flood risk into consideration, ensuring items are fixed where possible.

There should be no ground raising in the play area to ensure any impacts on flood flows are minimised.

The developer can access advice and information on protection from flooding from the ODPM publication 'Preparing for Floods: Interim Guidance for Improving the Flood Resistance of Domestic and Small Business Properties', can be found by following the link:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/11485/2187544.pdf

www.naturalresourceswales.gov.uk

www.cyfoethnaturiolcymru.gov.uk Page 4 of 5

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 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:

www.naturalresourceswales.gov.uk

<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.

Flood Risk Activity Permit

The Applicant should be aware that the Environmental Permitting Regulations (2016) require them to obtain a bespoke Flood Risk Activity Permit for any works or structures located in, under, over or within 8 metres of the bank top of the River Severn, a designated "main river". Further advice and guidance is available on our website at:

<http://www.naturalresources.wales/permits-and-permissions/flood-risk-activities/flood-risk-activity-permits-information/?lang=en>

Representations

Following the display of a site notice on 18/07/2019, 20 public representations have been received with 6 in support of the proposal whilst 14 have raised objections.

A summation of points raised is detailed below:

Support

- Revitalisation of an empty building and creation of jobs;
- Boost Newtown's tourism;
- Base for activities and benefit the town.

Object

- No part of the car park which does not form part of the lease to the town council is available to redevelop the former Radio Hafren building;
- General dislike of proposal;
- No need for another café;
- Close to adjoining properties;
- Impact on existing towns cafes;
- Overdevelopment;
- Strain on existing community facilities.

Planning History

App Ref	Description	Decision	Date
19/0048/RE M	Section 73 application to vary condition 2 and remove condition 23 of planning approval P/2017/1274 to allow a variation of the plans to include phase 2 of the hub building with the consent	Pending Consideration	
P/2017/1274	Full: Proposed Green Infrastructure Project to include Site A - Change of use of land to form a play park / amenity area and erection of play equipment; Site B - Construction of a BMX pump track; Site C - Erection of hub building & formation of storage compound, formation of car park, new entrance and all associated works	Approve	02/08/2018
M/2007/0419	Erection of a club house, with Steward's flat, construction of bowling greens and equipment store and formation of vehicular access together with associated works	Withdrawn	13/10/2008

Principal Planning Constraints

- Scheduled Ancient Monument within approximately 165 metres of the application site;
- C2 Flood zone;
- C1 Flood zone.

Principal Planning Policies

Policy	Policy Description	Year	Local Plan
PPW	Planning Policy Wales (Edition 10, December 2018)		National Policy
TAN4	Retail and Commercial Development		National Policy
TAN5	Nature Conservation and Planning		National Policy
TAN11	Noise		National Policy
TAN12	Design		National Policy
TAN13	Tourism		National Policy
TAN15	Development and Flood Risk		National Policy
TAN16	Sport, Recreation and Open Space		National Policy
TAN18	Transport		National Policy
TAN23	Economic Development		National Policy
TAN24	The Historic Environment		National Policy
SP2	Employment Growth		Local Development Plan 2011-2026
SP5	Settlement Hierarchy		Local Development Plan 2011-2026
SP6	Distribution of Growth across the Settlement Hierarchy		Local Development Plan 2011-2026
SP4	Retail Growth		Local Development Plan 2011-2026

SP7	Safeguarding of Strategic Resources and Assets	Local Development Plan 2011-2026
DM2	The Natural Environment	Local Development Plan 2011-2026
DM3	Public Open Space	Local Development Plan 2011-2026
DM4	Landscape	Local Development Plan 2011-2026
DM5	Development and Flood Risk	Local Development Plan 2011-2026
DM6	Flood Prevention Measures and Land Drainage	Local Development Plan 2011-2026
DM7	Dark Skies and External Lighting	Local Development Plan 2011-2026
DM11	Protection of Existing Community Facilities & Services	Local Development Plan 2011-2026
DM13	Design & Resources	Local Development Plan 2011-2026
T1	Travel, Traffic and Transport Infrastructure	Local Development Plan 2011-2026
R1	New Retail Development	Local Development Plan 2011-2026
R4	Neighbourhood and Village Shops and Services	Local Development Plan 2011-2026
TD1	Tourism Development	Local Development Plan 2011-2026
RE1	Renewable Energy	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

Site Location and Description

The application site is located within the settlement development boundary of Newtown as defined by the Powys Local Development Plan (2018). The proposed development is located to the rear of Back Lane carpark on the site of the former Radio Hafren Building, with the River Severn and National Cycle Route 81 to the rear of the proposed site. The proposed site is fronted by the car park and has close links to commercial properties and travel options with it being in close proximity to Newtown's town centre.

The application seeks consent for the demolition of the former 'Radio Hafren' building and construction of a two storey community building with associated paddle sport/cycle hiring facilities and landscaping. The proposed building's roof will measure approximately 43.5 metres in length at the longest point and 35 metres at the shortest point, whilst being 13 metres in width at the widest point and 11 metres at the narrowest point. The height of the two storey building will be approximately 7 metres to the ridge.

Principle of Development

Full planning permission was granted in respect of a Green Infrastructure Project comprising of a change of use of land to form a play park / amenity area and erection of play equipment (Site A); construction of a BMX pump track (Site B) together with the erection of a hub building & formation of storage compound, formation of car park, new entrance and all associated works (Site C) under planning reference P/2017/1274.

This application seeks consent for the demolition of the former 'Radio Hafren' building and construction of a two storey community building with associated paddle sport/cycle hiring facilities and landscaping which will be located within proximity of Site C as above. The proposed building will also accommodate a Community kitchen, Community Café, toilet

facilities and tourist information centre/associated retail. Multi purpose accommodation will be provided at first floor level.

In considering the principle of the proposed development, consideration is given to both policies TD1 (Tourism Development) and C1 (Community Facilities and Indoor Recreation Facilities).

In accordance with LDP Policy TD1, new tourist development is encouraged due to its contribution to the economy in terms of visitor spending, supporting local business and employment generation. Consideration however needs to be given to ensure that developments are sustainable and do not have an unacceptable adverse impact and effect upon the character and appearance of the area.

The proposed development seeks to replace an existing building within Newtown which has close links to sustainable transport options whilst being sited at a location that will make best use of the recreational facilities offered. The redevelopment of the area would be considered to enhance the existing character and appearance of the area whilst providing an asset to the town of Newtown.

It is therefore considered that the proposed development is compliant with criterion 1 of LDP Policy TD1

LDP Policy C1 supports the provision of community facilities such as community centres, youth centres, libraries, leisure centres, public swimming pools, other indoor recreational facilities, museums and art galleries. Facilities however should be appropriate in scale and nature to their location. Where multi-use is appropriate, consideration should be given to the use of the facility for other types of community use including multiple or shared use of the building for public or commercial purposes.

The proposed development is located within the settlement development limits of Newtown as defined by the Powys Local Development Plan (2018) and is accessible by car and foot. The proposed building will complement the recreational facility whilst also providing multi-functional accommodation at first floor level. Given the location and nature of the accommodation proposed, Officers are satisfied that the proposal fundamentally complies with Policy C1 of the Powys LDP.

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 building measures approximately 43.5 metres in length at its longest point and 35 metres at its shortest point. The width of the proposed building ranges between

13 metres at the widest point and 11 metres at the narrowest point. The two storey building height will measure approximately 7 metres to the ridge. The proposed materials include corten steel rainscreen cladding with horizontal timber cladding (thermally modified) and long format brick walls with a biodiverse green roof and high performance windows and doors (powder coated aluminium). The roof will also have photovoltaic panels.

Landscaping has also been proposed for the surrounding area which will include a natural play circuit fenced by steel railing, sculpture and the creation of new hard and soft areas.

The proposed building is considered to be of an innovative design and has been sympathetically designed to complement and enhance the character of the surrounding area. Whilst it is acknowledged that the proposed building and development site is greater in extent than that of the former Radio Hafren building, it is not considered that the proposed scale of the building will detrimentally impact the character and amenity of the surrounding area. The proposed building is located away from residential properties and would therefore not be considered to detrimentally impact upon amenity by loss of light or privacy.

In light of the above, it is considered that the proposed development fundamentally complies with Policy DM13. Should permission be granted, it is recommended that a suitable condition is attached to any grant of consent to secure the maintenance of the proposed green roof.

Impact on an existing tourist facilities, Newtown retail centre and amenity

Powys Local Development Plan Policy DM13 requires that developments have regard to the significant importance to the existing tourism facilities in the area. The policy seeks to safeguard established attractions and businesses (including accommodation) from development proposals that could have an unacceptable adverse impact.

Public representations identified concern regarding the potential impact of the proposed development on existing businesses within Newtown, particularly eating establishments. Representations have requested that a condition be attached to any granting of planning permission that would limit the amount of covers provided. However, Officers would consider such a condition to be unenforceable as there would be no mechanism to effectively monitor and enforce the requirements of said condition and would therefore not meet the circular tests, WGC 016/2014.

These concerns were noted by the applicants' agent who subsequently submitted revised drawings detailing a reduction in the A3 floor space provided within the proposed building and the proposed A3 use now amounts to only 20% of the building's internal floor space.

Whilst Officers note the third party concerns expressed, it is not considered that the proposed development will unacceptably affect the viability of existing commercial

premises within the Town. Indeed, it is considered that the proposal will provide an additional asset within the Town serving both existing residents and visitors.

The proposed development seeks to enhance the local tourism of the area by providing services and equipment that will help residents and tourists utilise the natural and existing facilities within the settlement of Newtown which will support the local economy through spending and employment.

Powys Local Development Plan Policies R1 and R4 seek to ensure that retail development is located within existing Town Centre Areas where possible, which Newtown is. The proposed development is not considered to undermine the retail hierarchy of Newtown and would not be considered to have an unacceptable adverse impact on the vitality and viability of the Retail Centre.

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

Highways Safety and Movement

Policies DM13 and T1 of the Powys Local Development Plan 2018 indicate 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.

In responding to the consultation, the Highway Authority has confirmed that they do not have any comments to make.

In light of the above, it is considered that the proposed development fundamentally complies with relevant planning policy and in particular LDP Policy DM13 (Part 1).

Environmental Protection

As part of the application process Powys County Council's Environmental Protection Officer has been consulted on the application, however no objection has been raised regarding the application. The proposed development and activities to be undertaken are not considered to detrimentally impact the amenity of the area or other properties within the vicinity.

In light of the above, it is considered that the proposed development fundamentally complies with relevant planning policy and in particular LDP Policy DM13 (Part 11).

Land Drainage

As part of the application process Powys County Council's Land Drainage Officer has been consulted on the application. As the construction area is greater than 100m², the Land Drainage Authority has confirmed that the scheme will require SAB approval prior to any construction works commencing on site

In light of the above, it is considered that a suitable drainage scheme will be secured and therefore the proposed development is considered to be compliant with LDP Policy DM6.

Cultural Heritage

TAN 24 outlines that the conservation of archaeological remains are a material consideration in determining a planning application and that there should be a presumption in favour of their physical preservation *in situ*. Therefore, there is a presumption against proposals which would involve significant alteration or cause damage, or would have a significant adverse impact causing harm within the setting of the remains.

Due to the development site being approximately 165 metres from a scheduled ancient monument, Clwyd Powys Archaeological Trust has been consulted on the application and has raised no objection to the proposed development. They noted that discussions between the applicant has previously been undertaken at the pre-application stage and the existing earthwork bank immediately south of the Radio Hafren building, which is thought to be associated with the Newtown Hall garden boundary (PRN 149081) will not be impacted by the proposals and lies outside the red boundary area.

Cadw has also been consulted due to the site proximity to a scheduled ancient monument which is located approximately 165m north-north-west of scheduled monument Newtown Hall Castle Mound (MG160).

Cadw notes that the proposed building will be visible from the scheduled monument, although it will be screened - especially in the summer by existing vegetation. The new building is aligned north to south and is only slightly higher than the existing roof of the existing building. Consequently, the proposed building will not appear to be much larger than the existing one when viewed from the scheduled monument. Whilst the building will be seen in the periphery of the identified significant view northwards towards the Long Bridge, it will not alter the way that the scheduled monument is experienced, understood and appreciated. Consequently, Cadw considers that the proposed development will not have any impact on the setting of scheduled monument MG160.

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

Biodiversity

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.

As part of the application process, the County Ecologist and Natural Resources Wales have been consulted and reviewed the proposed plans, aerial images along with local

records or protected and priority species and designated sites within 500m of the proposed development. This data search has identified 104 records of protected and priority species with 500m of the proposed development with no records found for the site itself. Species recorded within 500m of the proposed site include bat species; pipistrelle, noctule and brown long-eared, otter, grass snake, tree sparrow and house sparrow. However no statutory or non-statutory designated sites were identified within 500m of the proposed development.

The Ecologist notes the submission of the Ecological Assessment Report produced by Marches Ecology dated June 2019 and considers the survey methods and effort employed were in accordance with current National Guidelines. The Ecologist notes that following the findings of the bat roost assessment and subsequent surveys, the development will not result in the disturbance, loss of roost locations or destruction of resting places and therefore no European Protected Species Development License will be required.

The Ecologist notes the proposed mitigation measures identified within the report and recommends that these measures are secured by condition to minimise the impact to bats. Furthermore, if the building is not demolished by 2020 then the report has identified that updated surveys will be required prior to demolition.

Furthermore, the Ecologist has also recommended conditions in respect of otters and pollution prevention due to the developments proximity to the River Severn, whilst conditions in respect of mitigation for nesting birds, Biosecurity Method Statement (Risk Assessment), Tree Protection, Landscape Planting Scheme and Wildlife Sensitive Lighting Plan be secured by appropriately worded conditions attached to any granting of planning permission. Upon review of the proposed conditions in respect of the proposed development, Officers consider it to be both reasonable and appropriate to attach these conditions to any granting of planning permission.

NRW has also requested that a Construction Environment Management Plan be submitted and approved by the Local Planning Authority prior to development taking place.

In light of the above and subject to the recommendations, it is considered that the proposed development is in accordance with Policy DM2 of the Powys Local Development Plan, Technical Advice Note 5 and Planning Policy Wales.

Flood Risk

The application site lies partially with a C2 Flood Zone and therefore Natural Resources Wales has been consulted on the proposal. Given the scale of the proposal and absence of a flood consequence assessment, NRW considers the risk to be acceptable subject to the developers being made aware of potential flood risks. However, the proposed development is not considered to be at risk of predicted fluvial flooding either now or with the impacts of climate change. Due to the proposed location of the natural play area it is

considered this could be affected in extreme events, therefore NRW recommends no ground raising in the play area should take place.

Activities proposed from the development necessitate being within close proximity to the River Severn and its subsequent flood zones. Officers consider that the proposed location of the development, on the site of an existing building which falls outside of the C2 Floodzone, has taken into consideration the issues relating to the flood zone and that a considered development has been put forward. However, officers would consider it to be appropriate to attach an informative directing the applicant to advice and information on protection from flooding due to parts of the site being within the C2 Floodzone.

In light of the above and subject to the recommendations, it is considered that the proposed development is in accordance with Policies DM5 and DM6 of the Powys Local Development Plan, Technical Advice Note 15 and Planning Policy Wales.

Conclusion

Having carefully considered the proposed development, officers are satisfied that the proposal is in accordance with planning policy. The proposed development is considered to be of a modest scale, the design of which is in keeping with the site's surroundings. For the reasons stated above, the recommendation is therefore one of approval subject to the conditions detailed.

RECOMMENDATION

Approve

Conditions

1. The development shall begin not later than five years from the date of decision.
2. The development shall be carried out in accordance with the following approved plans and documents (Drawing no's: 10108 PL001 Rev A, 10108 PL002 REV A, 10108 PL003 REV A, 10108 PL005 REV B, 10108 PL006 REV B, 10108 PL007 REV B, 10108 PL008 REV A, 9440 PL010, 010 022 REV E, 3015-001 REV A & 3015-002 REV A).
3. Prior to the construction of the building, an implementation and upkeep strategy regarding the green roof of the building shall be submitted to and approved in writing by the local planning authority. The identified measures shall be adhered to and implemented in full and maintained thereafter.
4. The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is

to ensure that the development is provided with a satisfactory means of drainage as well as to reduce or exacerbate a flooding problem and to minimise the risk of pollution

5. The development shall be carried out strictly in accordance with the mitigation, pollution prevention and enhancement measures identified in Section 4 of the Ecological Appraisal Report produced by Marches Ecology dated June 2019. The identified measures shall be adhered to and implemented in full and maintained thereafter.
6. No development shall take place (including ground works and vegetation clearance) until a Biosecurity Risk Assessment has been submitted for the approval of the Local Planning Authority. The scheme shall be implemented as approved.
7. The development shall be carried out strictly in accordance with the recommendations and protection measures identified in the Arboricultural Survey and Impact Assessment Report, illustrated on drawing number 3015-002A produced by Lingard Farrow Styles dated June 2019. The identified measures shall be adhered to and implemented in full and maintained thereafter.
8. Notwithstanding the details submitted, prior to first beneficial use of the development a detailed Landscaping Planting and Management Scheme shall be submitted to and agreed with the Local Planning Authority. The approved scheme shall be implemented in the first planting season following first occupation of the development. The submitted Landscaping and Management Planting Scheme shall include the use of native species, details of the planting specification - the species, sizes and planting densities - and a timetable future management to ensure good establishment and long term retention. The measures identified shall be adhered to and implemented in full and maintained thereafter.
9. No external lighting shall be installed unless a detailed external lighting design scheme has been submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall identify measures to avoid impacts on nocturnal wildlife 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.
10. No development shall take place, including site clearance, until a Construction Environmental Management Plan has been 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. To safeguard the character and appearance of the dwelling and surrounding area in accordance with policy DM13 of the Powys Local Development Plan (2018).
4. To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water and foul disposal in accordance with policies DM5 and DM6 of the Local Development Plan (2018).
5. 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.
6. 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.
7. 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.
8. 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.
9. To comply with Powys County Council's LDP Policies DM2 and DM7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
10. 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.

Informative

Biodiversity

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.

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

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

It is therefore an offence to:

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

Intentionally or recklessly disturb any otter whilst it is occupying a holt; or

- o Intentionally or recklessly obstruct access to a holt.

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

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

Reptiles - Wildlife & Countryside Act 1981 (as amended)

All species of reptiles known to occur within Powys, namely the common lizard, slow-worm, grass snake and adder, are protected under the Wildlife and Countryside Act 1981 (as amended).

It is therefore an offence to:

- o Intentionally kill or injure these species of reptiles,
- o Trade (live or dead animals) i.e. sale, barter, exchange, transporting for sale and advertising to sell or to buy.

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

In addition these species of reptiles are also listed in Part 1 Section 7 of the Environment (Wales) Act 2016 - which is a list of the living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales. Species of reptiles known to occur in Powys are also listed as Species of Conservation Concern on the Powys LBAP.

If reptiles are discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and/or 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

Land Drainage

Having assessed the Planning Application Ref 19/1059/FUL, the SuDS Approval Body (SAB) deem that the construction area is greater than 100m² and therefore this proposed development will require SAB approval prior to any construction works commencing onsite

Flooding

Flood Risk Activity Permit

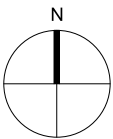
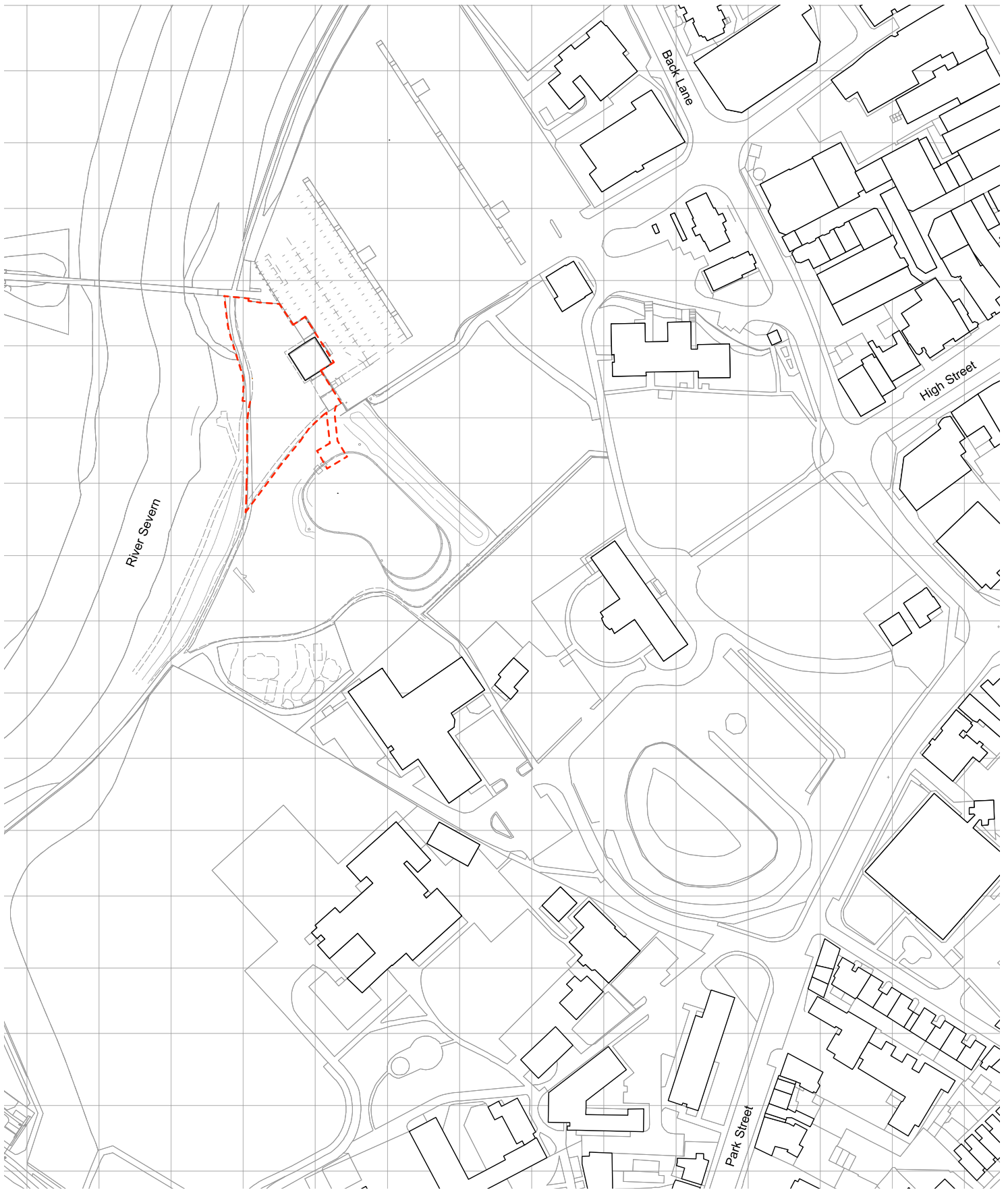
The Applicant should be aware that the Environmental Permitting Regulations (2016) require them to obtain a bespoke Flood Risk Activity Permit for any works or structures

located in, under, over or within 8 metres of the bank top of the River Severn, a designated "main river". Further advice and guidance is available on our website at:

<http://www.naturalresources.wales/permits-and-permissions/flood-risk-activities/flood-risk-activity-permits-information/?lang=en>


Case Officer: Richard Edwards, Planning Officer
Tel: 01597 827218 E-mail: richard.edwards2@powys.gov.uk

This page is intentionally left blank



A	Minor amendments	05.09.19	GM	MB
Rev.	Note	Date	By	Checked

PLANNING APPLICATION

 Archtype, Upper Twyford, Hereford, HR2 8AD t01981 542111 e herefordoffice@archtype.co.uk www.archtype.co.uk	Project Newtown Riverside Venue	Dwg Title Site Location Plan	
	Client Open Newtown	Dwg No. 10108 PL001	Revision A
	Drawn by CR	Checked by GM	Scales 1:1250 @ A3

This page is intentionally left blank

4.3

Planning, Taxi Licensing and Rights of Way Committee Report

Application Number: 19/0558/FUL

Grid Ref: E: 322392
N: 307712

Community Council: Welshpool Community

Valid Date: 29.07.2019

Applicant: Powys County Council

Location: Library, Brook Street, Welshpool, SY21 7PH.

Proposal: Change of use from Library (D1) to Offices (B1)

Application Type: Full Application

The reason for Committee determination

The applicant is Powys County Council.

Consultee Responses

Consultee	Received
------------------	-----------------

PCC-(N) Highways

The County Council as Highway Authority for the County Class II Highway, B4381

Wish the following recommendations/Observations be applied

Recommendations/Observations

Prior to the first use of the offices, provision shall be made within the curtilage of the site for the parking of not less than 11 cars together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence

Hafren Dyfrdwy

13th Aug 2019

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-Built Heritage Officer

24th Sep 2019

19/0558/FUL Change of use from Library (D1) to Offices (B1) Library Brook Street
Welshpool SY21 7PH

Recommendation No Objection

Background to Recommendation

Designation

Within Welshpool Conservation Area

In proximity to

Cadw ID 7782 5 Hall Street included on the statutory list on 11/03/1981

Cadw ID 7783 6 Hall Street included on the statutory list on 11/03/1981

Cadw ID 7784 The Crown Hotel Hall Street included on the statutory list on 11/03/1981

Cadw ID 7757 6 Union Street included on the statutory list on 11/03/1981

Cadw ID 16735 7 Union Street included on the statutory list on 11/03/1981

Cadw ID 16736 8 Union Street included on the statutory list on 11/03/1981

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

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"

In addition Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 states that " special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area", which is repeated in Planning Policy Wales 9th edition 2016 and TAN24.

Section 6.1.14 of Planning Policy Wales 10th edition advises that there should be a general presumption in favour of the preservation or enhancement of the conservation area. Section 6.1.15 advises that there is a strong presumption against the granting of planning permission which damage the character and appearance of a conservation area or its setting to an unacceptable level. Section 6.1.16 advises that preservation or enhancement of a conservation area can be achieved by a development which either makes a positive contribution to the areas character or appearance or leaves them unharmed.

The proposal relates to the conversion of an existing library building to offices. It is noted that There are no external changes with the exception of improved signage to indicate the location of the car park.

As there are no external changes proposed it is considered that the proposal preserves the character and appearance of the conservation in line with section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 and that there will be no detriment to the conservation area as a result of the development proposed. As such I can confirm that I would have no objections to the proposal.

Natural Resources Wales (North) DPAS

8th Aug 2019

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which was received on 07/08/2019.

NRW does not object to the proposal. We have the following advice to provide.

Flood Risk

Our Flood Risk Map, which is updated on a quarterly basis confirms the application site lies on the edge of the C2 flood map of the Development Advice Maps (DAM) as contained in TAN15 and within the 1% (1 in 100 year) annual probability fluvial flood outlines.

Given the nature of the proposed development (low vulnerability development to low vulnerability development) and in the absence of a flood consequences assessment we

consider the proposals could be acceptable, subject to the developer being made aware of the potential flood risks and advised to install flood-proofing measures as part of the development.

In areas at risk of flooding, we recommend that consideration be given to the incorporation of flood resistance/resilience measures into the design and construction of the development. These could include flood barriers on ground floor doors, windows and access points, implementation of suitable flood proofing measures to the internal fabric of the ground floor and locating electrical sockets/components at a higher level above possible flood levels.

We refer the applicant to our website for further advice and guidance available. Additional guidance including the leaflet "Prepare your Property for flooding" can be found here.

The developer can also access advice and information on protection from flooding from the ODPM publication 'Preparing for Floods: Interim Guidance for Improving the Flood Resistance of Domestic and Small Business Properties'

Protected Species

Bats 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.

We note that there is no information about protected species with the application and, therefore, are assuming that your Authority has screened the application and concluded that there is not a reasonable likelihood of protected species being present.

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.

Advice for the Developer:

Bats

Should bats be discovered at any stage during the works, all work should stop immediately

and NRW contacted for further advice.

Pollution Prevention

All works at the site must be carried out in accordance with PPG6: 'Working at construction and demolition sites: PPG6' which is available at the Gov.uk website:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/485215/pmh_o0412bwfe-e-e.pdf

Waste

Waste arising from the development must be disposed of in an appropriate way i.e. to a waste management facility, and where possible it should be recycled. Certain wastes, for example asbestos, are classed as Hazardous Wastes and shall only be disposed of by registered waste carriers to an appropriate facility, licensed to take such wastes.

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.

PCC-Contaminated Land Officer

28th Aug 2019

The proposed development is adjacent a former petrol filling station and garage which have the potential to cause contamination.

Therefore, the following condition should be applied to this development.

Potential Contamination

In the event that contamination is encountered at any time when undertaking the approved development immediate contact must be made with the Local Planning Authority.

The development must not proceed until an investigation and risk assessment has been undertaken by a qualified and experienced environmental consultant, and where remediation is necessary a Remediation Strategy must be prepared, which is the subject to the approval in writing of the Local Planning Authority.

Following completion of the remedial works identified in the approved Remediation Strategy a Verification Report that demonstrates compliance with the agreed remediation objectives must be produced by a qualified and experienced environmental consultant, and is subject to the approval in writing of the Local Planning Authority, prior to

commencement of use of the development.

PCC-Building Control

7th Aug 2019

Building Regulations application required.

Wales & West Utilities - Plant Protection
Team

8th Aug 2019

Library, Brook Street, Welshpool, Powys, SY21 7PH

We enclose an extract from our mains records of the area covered by your proposals together with a comprehensive list of General Conditions for your guidance. This plan shows only those pipes owned by Wales & West Utilities in its role as a Licensed Gas Transporter (GT). 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. The information shown on this plan is given without obligation, or warranty, the accuracy thereof cannot be guaranteed, service pipes, valves, syphons, stub connections, etc., are not shown but their presence should be anticipated. No liability of any kind whatsoever is accepted by Wales and West Utilities, its agents or servants for any error or omission.

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.

If you have requested a new connection or diversion of our apparatus, information will be sent under a separate letter.

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.

If you have any queries please contact Sara Silva on 02920 278912 who will be happy to assist you.

Any information you provide as part of this application process for our services will only be used in accordance with our privacy notice statement which can be found on our website www.wwutilities.co.uk. Alternatively a paper copy can be provided to you on your

request by contacting our Data protection Officer at DataProtection@wwutilities.co.uk.

Representations

20 letters of public representations have been received at the time of writing this report. The letters can be summarised as follows:

- Concern over new building for the library
- Not financially viable
- The library is vibrant, healthy and great for the local community
- Purpose built building
- Disregard to residents' opinions
- Does not comply with building regulations regarding layout of desks etc
- Increased traffic/ loss of parking
- Security of building inappropriate
- Concerns over biodiversity

Planning History

App Ref	Description	Decision	Date
---------	-------------	----------	------

N/A

Principal Planning Constraints

Within 50m of Listed Building

C2 Floodzone

Principal Planning Policies

Policy	Policy Description	Year	Local Plan
PPW	Planning Policy Wales (Edition 10, December 2018)		National Policy
TAN5	Nature Conservation and Planning		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	Local Development Plan 2011-2026
DM2	The Natural Environment	Local Development Plan 2011-2026
DM5	Development and Flood Risk	Local Development Plan 2011-2026
DM6	Flood Prevention Measures and Land Drainage	Local Development Plan 2011-2026
DM10	Contaminated and Unstable Land	Local Development Plan 2011-2026
DM13	Design and Resources	Local Development Plan 2011-2026
E2	Employment Proposals on Non-Allocated Employment Sites	Local Development Plan 2011-2026
DM11	Protection of Existing Community Facilities and Services	Local Development Plan 2011-2026
SPGBIO	Biodiversity and Geodiversity SPG (2018)	Local Development Plan 2011-2026
T1	Travel, Traffic and Transport Infrastructure	Local Development Plan 2011-2026

Other Legislative Considerations

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Officer Appraisal

Site Location and Description

The Library Welshpool is located within the settlement development boundary for the town of Welshpool. The application site is located adjacent to Brook Street the B4381 which runs to the south of the application site. To the north and west are neighbouring residential properties whilst to the east are office and commercial buildings.

Consent is sought for the change of use of the Welshpool Library building (D1 use class) to an office space (B1 use class) and will consist of:

- An access point for Housing and Social Services;
- Private interview/contact rooms;
- An accessible W.C for staff and visitors; and
- Agile office space for Powys Council workers.

Principle of Development

The application site is located within the Town Centre Area for Welshpool as designated under the Local Development Plan. Policy R3 states that proposals for new development will be permitted where:

- 1. It enhances the vitality and viability of the existing town centre and accords with Policy R1;*
- 2. It does not propose a residential (C3) use on a ground floor in a Primary Frontage; and*
- 3. It would not result in less than 75% of units within the Primary Frontage, or less than 66% of units within the Secondary Frontage being used for A1 and A3 uses, unless:*
 - i. The shop has been vacant for a prolonged period and it has been demonstrated to have been actively marketed for a minimum of six months; or*
 - ii. The proposal is for a community use which is of wider public benefit and in need of a town centre location.*

Whilst located within the town centre area and within the retail centre area as identified within Policy R1, the site does not fall under a primary or secondary frontage. Policy R3 allows and encourages a diversity of uses in Town Centres to increase their overall attractiveness for shopping, leisure and business purposes.

As identified previously the application site is not located within a primary or secondary frontage and would not result in the loss of an A1 or A3 use class. It is considered that the change of use still involves a business use class which encourages members of the public to visit the area. It is therefore considered that the application would not be seen as having an impact on the vitality or viability of this town centre area.

Protection of Existing Community Facilities

Policy DM11 of the Local Development states that the loss of community facilities (such as libraries as identified within the LDP) will only be permitted 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.*

It is noted that the Library is to be re-located to the Powysland Museum building located also within the settlement boundary for Welshpool Town. It is therefore considered that appropriate alternative provision is to be made available within this community. The building is proposed to be office space to staff within Powys County Council which will include a residents' access point for Housing, Social Services and other services this is in replacement to an existing facility which is also due to close. It is therefore considered that the building is still to be utilised by visiting members of the public providing a contact location for Powys County Council staff within the Welshpool area and therefore allowing the Council to provide a facility and service within this location.

In order to ensure that the Library is not closed within this location prior to the alternative provision is made, a condition will be attached to any grant of consent ensuring that this consent is not implemented until that point. Therefore, ensuring a Library facility is provided in line with policy DM11.

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

Highway Safety

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

The Highway Authority have been consulted and have confirmed that they have no objection to the proposed development subject to ensuring that 11 parking spaces are to be provided within the curtilage of the site. There are also a number of public car parks located within close proximity to the application site.

It is considered that the change of use would not result in any significant increase in traffic movements and therefore subject to the conditions ensuring parking within the curtilage of the site that the proposed development fundamentally complies with relevant planning policy.

Contaminated Land

It is noted that in close proximity to the application site is a petrol station which has the potential to be a contaminative land use. Whilst it is noted that the application is for change of use only, should at any time during the conversion works any contamination be encountered then works must stop immediately.

A condition as recommended by the Contaminated Land officer as a precautionary measure will be attached to any grant of consent.

Flood Zone

NRW have confirmed that the application site lies on the boundary of the C2 floodzone. Further clarification and advice have been sought from NRW's Development Advice Maps and it is noted that the building itself and access/parking areas are fully located outside of the C2 floodzone.

Given that the proposed development is for a low vulnerable development and in light of the building and parking areas all being located outside of the C2 floodzone an informative will be attached to any grant of consent, making the developer aware of the development to the proximity of the C2 floodzone.

Conservation Area

Sections 66 of the Planning (Listed Buildings and Conservation areas) Act 1990, requires 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.

The application site is located adjacent to the Conservation Area for Welshpool and is located within close proximity to a number of listed properties.

As there are no external changes proposed it is considered that the proposal preserves the character and appearance of the conservation in line with section 72 of The Town and Planning (Listed Buildings and Conservation Areas) Act 1990 and that there will be no detrimental impact or harm to the conservation or setting to any listed building. The Built Heritage officer therefore confirmed that she has no objections to make in relation to the development.

Public Representations

Whilst it is noted that a number of public representations have been received it is considered that the majority of concerns raised relate to the loss of the Library. As discussed above subject to an appropriately worded condition it is therefore considered that appropriate alternative provision is to be made within the Town. The other issues can be addressed as follows:

- Proposed Library Location

A majority raised concern over the new location of the Library provision at the Museum. This is not for consideration as part of this application, but it is noted that alternative provision is being provided within the Community and therefore this development would not result in the loss of the facility. On this basis, it is considered that the development fundamentally complies with relevant planning policy.

- Building Regulations

Additionally, concerns were also raised regarding compliance with Building Regulations Part M. However, this would be separate legislation and consideration would have to be given by the developers to ensure compliance with all other relevant regulations.

- Biodiversity

This application is for the change of use only and utilises an existing parking area. It is therefore considered that no works are proposed or required in the change of use of the building that would have the potential to impact on protected species or areas of biodiversity.

Subject to an informative the proposed development is therefore considered to fundamentally comply with relevant planning policy.

RECOMMENDATION

In light with the comments received in respect to the proposed development not having any harm to the setting of the conservation area or nearby listed building the recommendation is one of conditional consent.

Conditions

- 1 The development shall begin no later than five years from the date of this decision
- 2 The development shall be carried out in accordance with the following approved plans and documents Site Location Plan titled *Welshpool Library-1.411 sqm* and P6285/20/A03/FPP.

3 Prior to the first use of the offices, provision shall be made within the curtilage of the site for the parking of not less than 11 cars together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

4 In the event that contamination is encountered at any time when undertaking the approved development immediate contact must be made with the Local Planning Authority. The development must not proceed until an investigation and risk assessment has been undertaken by a qualified and experienced environmental consultant, and where remediation is necessary a Remediation Strategy must be prepared, which is the subject to the approval in writing of the Local Planning Authority.

Following completion of the remedial works identified in the approved Remediation Strategy a Verification Report that demonstrates compliance with the agreed remediation objectives must be produced by a qualified and experienced environmental consultant, and is subject to the approval in writing of the Local Planning Authority, prior to commencement of use of the development.

5 No development hereby approved shall commence until an appropriate alternative Library provision has been provided within the Town of Welshpool.

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

4 To ensure contaminated land is adequately dealt with in accordance with policy DM10 of the Local Development Plan (2018).

5 To ensure appropriate alternative provision is made within the community in line with policy DM11 of the Local Development Plan (2018)

Informative

Bats

Should bats be discovered at any stage during the works, all work should stop immediately and NRW contacted for further advice.

Pollution Prevention

All works at the site must be carried out in accordance with PPG6: 'Working at construction and demolition sites: PPG6' which is available at the Gov.uk website: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/485215/pmh_o0412bwfe-e-e.pdf

Waste

Waste arising from the development must be disposed of in an appropriate way i.e. to a waste management facility, and where possible it should be recycled. Certain wastes, for example asbestos, are classed as Hazardous Wastes and shall only be disposed of by registered waste carriers to an appropriate facility, licensed to take such wastes.

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.

Flood Zone

Our Flood Risk Map, which is updated on a quarterly basis confirms the application site lies on the edge of the C2 flood map of the Development Advice Maps (DAM) as contained in TAN15 and within the 1% (1 in 100 year) annual probability fluvial flood outlines.

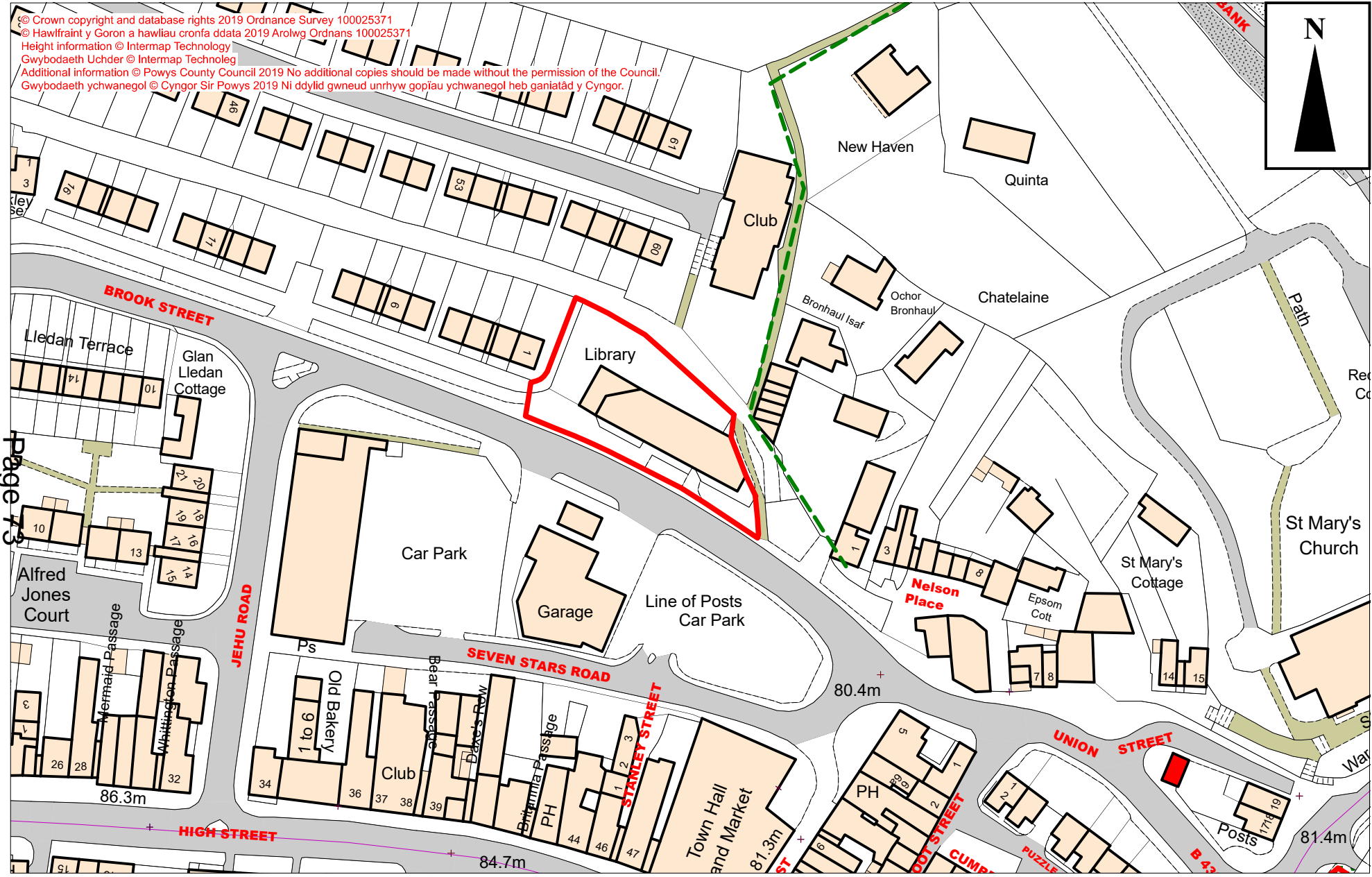
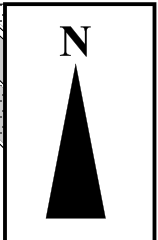
We refer the applicant to our website for further advice and guidance available. Additional guidance including the leaflet "Prepare your Property for flooding" can be found here.

The developer can also access advice and information on protection from flooding from the ODPM publication 'Preparing for Floods: Interim Guidance for Improving the Flood Resistance of Domestic and Small Business Properties'

Case Officer: Gemma Bufton, Principal Planning Officer
Tel: 01587 827505 E-mail: gemma.bufton1@powys.gov.uk

This page is intentionally left blank

© Crown copyright and database rights 2019 Ordnance Survey 100025371
 © Hawlfraint y Goron a hawliau cronfa ddata 2019 Arolwg Ordnans 100025371
 Height information © Intermap Technology
 Gwybodaeth Uchder © Intermap Technology
 Additional information © Powys County Council 2019 No additional copies should be made without the permission of the Council.
 Gwybodaeth ychwanegol © Cyngor Sir Powys 2019 Ni ddylid gwneud unrhyw gopïau ychwanegol heb ganiatâd y Cyngor.



This page is intentionally left blank

4.4

Planning, Taxi Licensing and Rights of Way Committee Report

Application Number: 18/0805/FUL **Grid Ref:** E: 314448
N: 298627
Community Council: Bettws Community **Valid Date:** 07.11.2018

Applicant: Ms Sarah Whitley

Location: Tyn Yr Wtra, Brooks, Welshpool, Powys, SY21 8QN

Proposal: Change of use of agricultural land to form a campsite, demolition of existing agricultural outbuilding and erection of building for toilets & washing facilities

Application Type: Full Application

The reason for Committee determination

The application has been called in by the Local Member.

Consultee Responses

Consultee	Received
Community Council	21st Nov 2018

I would like to make you aware that there are concerns with regards to planning 18/0805/FUL of which Bettws Community Council will be having a discussion with members of the community regards this issue. I will be in touch within a week, but I wanted to make you aware that there are objections to this.

Community Council

28th Nov 2018

We would like to object to the recent planning application 18/0805/FUL, on the basis of the following issues which have been raised by the local community at a public meeting on Monday 26th November.

Health & Safety

This was the main topic of concern amongst the community; 17 bell tents could potentially accommodate 68 people within an area. The guests are likely to be travelling from afar,

and are being drawn to the area through the marketing that the applicant wishes to promote which is local walks and bike rides.

1. The cycle route 81 has recently been moved from the Brooks area due to the dangers and maintenance of the route. If guests wanted to join the route, they would need to travel by car (increasing traffic on small lanes) or bike along the roads (again increasing the likelihood of accidents in the area). Therefore, marketing such activity from the proposed campsite is reckless.

2. The foot path which guests could walk, is based within large cattle herds in the area, which can cause a major accident to someone if the animals are not respected. It is not just bulls people should be aware of, but also cows and in particular when they have a calf at foot. Locals do use the footpaths; however, they have the knowledge and they take into consideration all farming activities going around them to ensure there is no detriment to this thriving Mid Wales industry.

3. Not only the footpaths are a danger to the guests, the small narrow roads leading to the proposed campsite are unsafe with tractors, lorries and more and more cars travelling them on a regular basis. Accepting the planning of this campsite, will potentially increase the traffic on that road by; 17 cars a day travelling in and out of Brooks whether it be arriving at the camp site or going sight seeing for the day. Along with the cars you would have all the garbage from an additional 68 people which will need to be collected, therefore an increase in lorries travelling the road. With this in mind, if a family was to walk along that road, there is barely any room in certain areas for people to get on the ditch if a lorry, tractor, or even a car is passing. Travelling that road at 40-60mph is dangerous, and potentially doubling the traffic would increase risk of accidents, never mind the risk that is involved when you bring walkers, cyclists and traffic together on small narrow lanes.

With all of this in mind, we as a council have taken on the community's thoughts and feel we must object to this planning application. The main concern, being the dangers not only to local people but guests travelling to the proposed campsite. We feel it is not a viable project, due to the proportion of guests the applicant is looking to invite into a small area, with no real activity on site for guests, therefore they have to travel or walk or cycle from the site. With this in mind, the applicants are asking the neighbouring farmers, to take on the risk of greatly increasing the amount of people using the footpaths and roads in the Brooks area, which we feel is very unfair and irresponsible and shows little consideration for existing residents who have built their livelihood in the area.

We understand that this planning application will be going to the committee to vote, we feel that this planning application is extremely high risk when it comes to the welfare of locals and potential guests and therefore hope you object to it too. If, for some reason this

planning application is approved we would like to be consulted to discuss the conditions for the planning as it is not a safe planning application as it currently stands.

Berriew Community Council

2nd Dec 2018

Berriew Community Council objects to Planning application ref 18/0805/FUL and supports the objections received from members of the Community -

Highway issues - The access road is an unclassified road (C2049) with very little passing places. Additional farming traffic in the summer months when farmers are making silage / harvesting increase the danger on the single lane.

Health & Safety - There is no public footpath for walkers and a number of OS footpaths in the area are not currently open and need proper signage. The single lane road is also not suitable for cyclists.

Environmental Health

I require the details and specification for the foul drainage system, including the percolation test results for the soakaway and its location.

I will also require details regarding the management/arrangements for the composting toilets.

PCC-Building Control

13th Nov 2018

Building Regulations application required.

Wales & West Utilities - Plant Protection Team 20th Nov 2018

Wales & West Utilities acknowledge receipt of your notice received on 13.11.2018, advising us of the proposals for:

Tyn yr Wtra, Brooks, WELSHPOOL, Powys, SY21 8QN

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.

PCC-(N) Highways

12th Mar 2019

The highway network from which the site gains access is sub-standard in terms of width, horizontal and vertical alignment, with a lack of passing bays. Furthermore, the junction of the C2049/C2006 is severely sub-standard in terms of visibility in both directions.

The access to the proposed development is off the C2049 and is sub-standard in terms of visibility and width.

It is noted that the applicant wishes to address the above points, however, no drawings have been submitted in support of the proposed improvements and therefore the Highway Authority are unable to assess the proposals.

The dimensions of the proposed passing bays are somewhat smaller than a 'standard' sized passing bay, which would normally measure 5.5m wide for 12m long with 30o tapers. A standard sized bay allows for a HGV/tractor and a car/van to pass, whereas, the proposed passing bay are of insufficient width to add much if any improvement over the existing situation.

There is no consistency in relation to the staff numbers and level of accommodation in Application Form, Public Consultation Summary and the Supporting Statement.

Should the applicant wish to submit revised drawings, we shall certainly review any such revisions.

Hafren Dyfrdwy

26th Nov 2018

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

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

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

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

PCC-Rights Of Way Senior Manager 0th Nov 2018

The developer is advised that a public footpath 10B and byway open to all traffic 10A exists within/ near to the planning boundary.

In the event of a successful planning permission please include a note advising that:

- o Development over, or illegal interference with, a public right of way, is a criminal offence and enforcement action will be taken against a developer who ignores the presence of affected public rights of way. This includes temporary obstructions such as rubble mounds, building materials, parked vehicles etc...

- o Landscaping & Surfacing - .Advice will need to be sought before interfering or surfacing a public right of way.
 - o New fencing or boundaries - The developer will need to seek a licence for a new structure if intending to create a boundary across a public footpath or bridleway. We cannot authorise a structure across a Restricted Byway or Byway Open to All Traffic.

- o Temporary closures - The developer can seek a temporary closure of a public right of way from the council if they feel the public may be at risk during development.

- o Legal Diversion - If development directly affects a public right of way, the developer will need to seek advice and apply for a legal diversion from the Council. No development

can take place on a public right of way until a legal order is confirmed and the process may take at least 6 months.

For more information, please discuss with Countryside Services at the earliest available opportunity.

PCC-Ecologist

6th Dec 2018

Thank you for consulting me with regards to planning application 18/0805/FUL which concerns a full planning application for change of use of agricultural land to form a campsite, demolition of existing agricultural outbuilding and erection of building for toilets & washing facilities at Tyn Yr Wtra, Brooks, Welshpool.

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

The data search identified 5 records of protected and priority species within 500m of the proposed development - no records were for the site itself.

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

A preliminary ecological assessment was carried out by Turnstone Ecology Ltd and a lighting and biodiversity plan report dated January 2018 has been submitted to inform the planning application. The site inspection was carried out to assess the potential of the development to impact any protected species present or habitats of ecological value.

The ecological assessment found that the proposed development will be located within a grass field - the assessment concluded that the grassland habitats affected comprise a mixture of improved grassland and amenity grassland; other habitats noted within and adjacent to the developments include patchy scrub (dominated by common gorse), hedgerow, scattered trees and fence line (post and wire) along the boundary and a pond located at the eastern side of the site.

Recorded adjacent to the development boundary was Glyn Wood, a broadleaved woodland, extends to the south western corner of the site and further woodland strip borders the site to the north. Extensive grass fields border the site on the north, south and east. Tributaries to the Llifior Brook are located approximately 40m north of the site and 100m south of the site.

A spring is located at the north-eastern edge of the woodland where a shallow stream of water regularly flows south from, however the spring was dry at the time of the survey.

The ecological assessment report took into consideration the potential for protected and priority species to be present and affected by the proposed developments.

Following the on site assessment it was considered that the grassland, hedgerow bases and woodlands provide suitable habitat for sett creation and foraging by badger. It is recommended that prior to commencement of works a walk over inspection of the site is carried out by a suitable qualified ecologist. It also recommended that for the proposed works a safe working measures approach (reasonable avoidance method statement (RAMS)) is implemented and adhered to during the construction phase of the development.

The building that is proposed to be demolished to accommodate the construction of the welfare building for the campsite was assessed as having negligible roosting potential for bats. However, it is recommended that a precautionary approach will be adopted in that a pre demolition inspection of the building will be undertaken for bats. It was also taken into consideration that Tyn Yr Wtra the property adjacent to the proposed development has a pipistrelle maternity bat roost present.

With regards to hazel dormouse - there are no records of hazel dormouse within 2km of the proposed development. The ecological assessment concluded that as no suitable habitat will be directly affected by the proposals there will be no impacts on this species.

However, I note from reviewing the proposed plans that the creation of two passing bays is proposed as part of the development. From reviewing the ecological assessment no information has been provided with regards to the potential impact to protected species if existing hedgerows or verges are to be removed or translocated in order to create the passing bays.

Therefore, I recommend that further information is requested with regards to the impacts of the creation of the proposed passing bays and the impacts to potential protected and priority species and habitats - including hazel dormice.

It was considered that there was no suitable habitat within the development boundary to support otter or water voles. Therefore, it was considered that otter or water voles would not be impacted by the proposed developments.

Taking into consideration the current grazing regimes of the improved grassland, the proposed development area was considered to be unsuitable for ground nesting birds. However, the trees, hedgerow and agricultural outbuilding are suitable habitats to support nesting birds. An old swallows nest was recorded within the agricultural building. It is then

recommended that the demolition of the agricultural building is undertaken outside of the bird nesting season.

A pond is located in the centre of the improved grassland field and contains a variety of aquatic and marginal vegetation, the ecology report identifies that no other ponds were located within 250m. As there is a pond within the proposed development site a Habitat Suitability Index (HSI) assessment was undertaken. The HSI assesses and calculates the likely presence of great crested newts in pond by examining the aquatic habitat features. The HSI score of the pond indicated that the pond has excellent suitability to support great crested newts. However, taking into consideration that the pond will not be directly impacted by the proposed developments, that there are no other ponds within 250m of the site and no records of great crested newts within 2km of the site the ecological assessment concluded that great crested newts will not be impacted by the proposed developments.

However, as the pond has score a habitat suitability index score of 'excellent' as well as suitable terrestrial habitat for great crested newts noted on the boundaries of the site, it is considered that should great crested newts be present whilst a safe working method statement could be implemented and adhered to during the construction phase to ensure no negative impacts to the favourable conservation status of the species, during operation of the development there is potential for the development to negatively impact great crested newts as a result of impacts to their dispersal to terrestrial habitat, creation of barrier and or disturbance if they are present. Therefore, it is considered that further information is required in order to assess the potential of development on GCN to determine the application.

Great crested newts are a European protected species and biodiversity is a material consideration in the planning process therefore PCC need to ensure they have sufficient and appropriate information to assess potential impacts and the requirement for any mitigation.

It is therefore considered that further information is required to be submitted prior to determination of the application to enable the LPA to assess the potential for the proposed development to impact great crested newts - in the absence of this information it is considered that the application has insufficient information to demonstrate that the proposed development would not result in negative impacts to the favourable conservation status of the local great crested newt population.

Great crested newts are European protected species the animals and their resting and breeding habitats are fully protected under European law, where impacts to EPS are identified, the LPA have to apply the three tests of the Habitats Regulations to ensure that there will be no adverse impact on the favourable conservation status of the EPS. In order

for the LPA to satisfy this requirement, full details of the potential impacts and proposed mitigation, are required to be submitted for approval prior to determination.

The three tests that must be satisfied are:

1. That the development is "in the interests of public health and public 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".
2. That there is "no satisfactory alternative"
3. That the derogation is "not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range"

Appropriate surveys in line with national guidelines will need to be undertaken by a suitably qualified and licensed ecologist at the correct time of year. Further details regarding likely survey effort and timings can be found at <https://www.gov.uk/guidance/great-crested-newts-surveys-and-mitigation-for-development-projects#survey-effort-required>

The recommended survey season for Great Crested Newts is between March and June, therefore the survey seasons for 2018 has now passed and the next optimal time will be Mar-June 2019 to obtain survey data in order to determine the likely hood of the development to impact on great crested newts. Alternatively, e DNA testing analysis to identify the species within the waterbody could be carried out to confirm absence or presence. Pond samples taken for e DNA testing analysis must can be carried out during the breeding season mid-April until June (15th April - 30th June).

From reviewing information submitted with the planning application composting toilets are proposed to be used on site. Within the supporting statement it states that;

Solid toilet waste will be treated via compost toilets and used appropriately.

However, no further details have been provided with regards to the management of waste from the composting toilets. Where and how long the solid waste will be stored and where it will be disposed of has not been detailed. Given the close proximity of the site the ancient woodland as well as the proposal for a wildflower meadow management further details must be provided regarding the spread of the waste. If it is proposed to spread the solid waste at the site or within the applicants land holding, then a map identifying both spreading and no-spread areas must be provided. This information can be provided within a waste management plan.

The increase of nutrients from the solid waste material has potential to compromise the establishment of the proposed wildflower meadow. Consideration must also be given to the location of the spring, running water and pond on site - in accordance with government guidance specific distance must be maintained with regards to the spreading of solid waste from composting toilets.

The waste management plan must be provided prior to determination of the application as the information is required order to demonstrate that there will be no adverse effect caused by the composting toilet waste to the surrounding ancient woodlands and associated flora and fauna.

Within section 3 of the ecological report mitigation measures have been proposed regarding the proposed development and potential impacts to habitats of ecological value and protected species.

However, given that further ecological information has been requested regarding;

- o The impacts to roadside verges and hedgerow for the creation of passing bays - including potential impacts to protected species
- o Confirmation of presence or absence of great crested newts
- o Solid waste management plan regarding the composing toilets

Therefore, it cannot be determined at this stage whether the mitigation measures proposed are appropriate or accurate. Once this additional information has been provided it - the submitted information can be reviewed to ensure that the proposed developments will not result in the loss of any features of ecological importance and consideration given that the proposed works and operation of the site will be unlikely to have a negative impact to biodiversity in the wider area.

C P A T

13th Nov 2018

Thank you for the consultation on this application.

I can confirm that there are no archaeological implications for the proposed development at this location.

The scheduled Ucheldre Camp (SM MG 156) to the north will be screened by intervening topography and foliage and there will be no significant impact to its setting. No recorded archaeological sites within the development area are significantly impacted by the proposals.

Change of use of agricultural land to form a campsite, demolition of existing agricultural outbuilding and erection of building for toilets & washing facilities, Tyn Yr Wtra, Brooks, Welshpool Powys SY21 8QN

Thank you for your letter of 13 November 2018 inviting our comments on the information submitted for the above planning application.

Advice

Having carefully considered the information provided with this planning application, we have no objections to the impact of the proposed development on the scheduled monuments listed in our assessment of the application below.

Our role

Our statutory role in the planning process is to provide the local planning authority with an assessment concerned with the likely impact that the proposal will have on scheduled monuments, registered historic parks and gardens, registered historic landscapes where an Environmental Impact Assessment is required and development likely to have an impact on the outstanding universal value of a World Heritage Site. We do not provide an assessment of the likely impact of the development on listed buildings or conservation areas, as these are matters for the local authority.

It is for the local planning authority to weigh our assessment against all the other material considerations in determining whether to approve planning permission.

National Policy

Applications for planning permission are considered in light of the Welsh Government's land use planning policy and guidance contained in Planning Policy Wales (PPW), Technical Advice Notes and related guidance.

PPW (Chapter 6 - The Historic Environment) explains that the conservation of archaeological remains is a material consideration in determining a planning application, whether those remains are a scheduled monument or not. Where nationally important archaeological remains, whether scheduled or not, and their settings are likely to be affected by proposed development, there should be a presumption in favour of their physical protection in situ. It will only be in exceptional circumstances that planning

permission will be granted if development would result in an adverse impact on a scheduled monument (or an archaeological site shown to be of national importance) or has a significantly damaging effect upon its setting. Technical Advice Note 24: The Historic Environment elaborates by explaining that there is a presumption against proposals which would involve significant alteration or cause damage, or which would have a significant impact on the setting of remains.

PPW also explains that local authorities should protect parks and gardens and their settings included in the first part of the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales, and that the effect of a proposed development on a registered park or garden or its setting should be a material consideration in the determination of a planning application.

Assessment

MG155 Pen-y-Gaer Camp

MG156 Ucheldre Camp

Scheduled monument MG156 a small defended Iron Age enclosure located on small natural ridge some 30m north of the application area. However intervening forestry will block views of the application area from the monument, and given that the tents will be temporary structures, the proposed change in use will not have any impact on the setting of scheduled monument MG156.

Scheduled monument MG155 Pen-y-Gaer Camp is located some 845m south of the application area. It comprises the remains of an Iron Age hillfort, located on a prominent hilltop summit with 360 degree views of the surrounding landscape. The enclosure at Ucheldre Camp (MG156 above) is visible from the hillfort about 860m to the north; it may have been contemporaneous with Pen-y-Gaer, serving a subsidiary function or having a recognised territorial association and therefore this link is a significant view from the hillfort.

The application area is located in the identified significant view, but only the most northerly tents are likely to be visible. This will create a distraction in the significant but given that the tents are of a temporary nature. This is considered to have a slight but not significant, adverse impact on the setting of scheduled monument MG155.

PCC-Contaminated Land Officer

28th Nov 2018

In relation to planning application 18/0805/FUL, the following advice is provided for the consideration of Development Control.

Advice

1. The application proposal involves the change of use of agricultural land to form a campsite, and the demolition of an existing agricultural building and erection of detached building for toilets and washing facilities.

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

2. Paragraph 13.5.1, of Chapter 13 'Minimising and Managing Environmental Risks and Pollution', of the Welsh Government document 'Planning Policy Wales' (2016) states: "responsibility for determining the extent and effects of instability or other risks remains that of the developer. It is for the developer to ensure that the land is suitable for the development proposed, as a planning authority does not have a duty of care to landowners".

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

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

4. Based on the available information and in consideration of the application proposal (change of use), it is recommended that the following condition and note, to the applicant, are attached to any permission granted for planning application 18/0805/FUL:

Potential Contamination

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

Following completion of the remedial works identified in the approved remediation scheme, a verification report that demonstrates compliance with the agreed remediation objectives

and criteria shall be produced, and is subject to the written approval of the local planning authority, prior to commencement of use of the development.

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

Note to Applicant

Potential Contamination

The Council's guidance leaflet on the development of sites with potential land contamination is attached. Further advice on compliance with this condition may be obtained by contacting the Environmental Health Service on 0870 1923757.

PCC-(N) Highways

30th Jul 2019

The development shall be carried out in accordance with drawing numbers R108.1.3.103 Rev D, R108.1.3.105 Rev C, R108.1.3.104 Rev A & R108.1.3.106.

Notwithstanding the submitted details on drawing numbers R108.1.3.103 Rev D, R108.1.3.105 Rev C, R108.1.3.104 Rev A & R108.1.3.106 the Highway Authority wish the following conditions to be applied to any consent given.

1. No other development shall commence until the access has been constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 43 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.
2. Upon formation of the visibility splays as detailed above the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.
3. Before any other development is commenced the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and

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

4. Prior to the first beneficial use of the development, provision shall be made within the curtilage of the site for the parking of (vehicles in accordance with the requirements of CSS Wales Parking Standards) not less than one car per bedroom together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

5. Prior to the first beneficial use of the development the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course material (or a suitably bound material which is to be approved in writing by the LPA) for a distance of 10 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.

6. Prior to any other works commencing on the development site, detailed engineering drawings for a widening and visibility improvement to the junction of the C2049/C2066 and associated works, shall be submitted to and approved in writing by the Local Planning Authority.

7. Prior to the first beneficial use of the development, all Highway Improvements, referred to above, shall be fully completed to the written satisfaction of the Local Planning Authority and shall be retained for their designated use for as long as the development hereby permitted remains in existence.

8. Prior to the first beneficial use of the development the applicant shall construct 3 passing bays shown on the approved drawing R108.1.3.105 Rev C.

9. The passing bays referred to above shall be constructed to adoptable standard prior first beneficial/operational use of the development hereby approved.

10. The gradient of the access shall be constructed so as not to exceed 1 in 15 for the first 10 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.

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

12. Any vehicular entrance gates installed within the application site shall be set back at least 10 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position

and form of construction for as long as the dwelling/development hereby permitted remains in existence.

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 171 of the Highways Act 1980 it is a requirement that a licence is obtained from the Highway Authority, in addition to Planning Permission, for the creation of passing bays or highway re-alignment works.

3. The need to inform and obtain the consent of Statuary Undertakers (Electricity, Water, Gas, BT), Land Drainage Authority, etc. to the works.

4. The New Roads & Street Works Act 1991 requires that all works, be properly notified and approved prior to commencement.

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

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

street.works@powys.gov.uk

Street Works

Powys County Hall

Spa Road East

Llandrindod Wells

Powys

LD1 5LG

0845 6027035

PCC-Ecologist

9th Jul 2019

Thank you for re-consulting me with regards to the submission of amended plans relating to planning application 18/0805/FUL.

Having reviewed the amended plans submitted - it is considered that my previous response submitted 6th December 2018 remains valid.

Natural Resources Wales (North) DPAS

18th Jul 2019

Thank you for consulting Natural Resources Wales (letter dated 01/07/2019) 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.

Summary of Conditions

Condition 1 - GCN: Prior to commencement of works, the submission and implementation of a detailed Site Ecological Management Plan for great crested newt. This shall include reasonable avoidance measures outlined within the ecological submission together with details concerning the relocation of any individuals that may be found, the removal or modification of features that have the potential to cause incidental capture/killing of individuals and long term habitat management.

Condition 2 - Biosecurity: the submission and implementation of a Biosecurity Risk Assessment to the satisfaction of the LPA.

Protected Species

The results of surveys commissioned by the applicant confirmed that the pond within the application site supports a population of the great crested newt (*Triturus cristatus*).

In our view, the overall proposal has the potential to cause disturbance to this species and/or loss or damage to its resting places. Great crested newts (GCN) and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017 and they classed as a material consideration for planning under the provisions of Technical Advice Note 5: Nature Conservation and Planning (TAN5).

Where GCN 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 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 consider the species utilises the site for foraging, dispersal or sheltering purposes. In our view, we consider that the construction and operational phases of the proposal have the potential to adversely affect GCN. If individuals are subsequently found to be present, we advise that works be carried out under derogation licence. A license will also be needed for future habitat management operations within the 2m fenced buffer around the pond and adjacent hedgerows.

We have reviewed the reasonable avoidance measures (RAMs) listed within the letter dated 22/5/2019 by Turnstone Ecology in response to the request for further information by your authority. We are in agreement with the proposed RAMs, but would like to make the following observations:

- o o Although GCN are less likely to use short grass during day hours, there may be cracks in the ground that could be used by individuals for shelter. The installation of raised wooden platforms for the bell tents also has the potential to attract GCN. We therefore

consider that further information is required for the purposes of ensuring the appropriate construction and operation of the proposal. Information requirements include the details of clearing of individuals from working areas during construction and during the operational phase.

o It will also be important to make sure no fish is introduced to the pond and the vegetation within the fenced 2m buffer around the pond must also be managed in a

o way that will not allow tree samplings to grow to maturity and cast shade over 50% or more of the pond.

We consider that the development and its subsequent operation is not be likely to be detrimental to the maintenance of the favourable conservation status of the GCN populations provided that a subsequent consent is subject to the imposition of the following planning conditions:

Condition 1 - GCN: Prior to commencement of works, the submission and implementation of a detailed Site Ecological Management Plan for great crested newt. This shall include reasonable avoidance measures outlined within the ecological submission together with details concerning the relocation of any individuals that may be found, the removal or modification of features that have the potential to cause incidental capture/killing of individuals and long-term habitat management.

This advice applies to the proposal in its present form and on the assumption that no tracks will be required within the tent field and no significant excavations will take place. If the plans are changed in ways that may affect GCN on this site, you would need a revised ecology report that takes account of such changes.

Biosecurity

We consider biosecurity to be a material consideration owing to the nature and location of the proposal. In this case, biosecurity issues concern invasive non native species (INNS) and diseases. We therefore advise that any consent includes the imposition of Condition 2 - Biosecurity: the submission and implementation of a Biosecurity Risk Assessment to the satisfaction of the LPA.

We consider that this assessment must include

- i (i) appropriate measures to control any INNS on site, if present; and
- ii (ii) measures or actions that aim to prevent INNS being introduced to /allowed to disperse from the site for the duration of construction and operational phases of the scheme.

We refer you to the GB non-native species secretariat 'Check, Clean, Dry' guidelines which also apply to the use of machinery on construction sites. <http://www.nonnativespecies.org/checkcleandry/index.cfm>

Foul Drainage

We understand that the development is not served by the public foul sewer and that the application form indicates that foul drainage is to be discharged to an existing private sewerage system. In these circumstances WG Circular 008/2018 advises that a full and detailed consideration be given to the environmental criteria listed under paragraph 2.6 of the Circular, in order to justify the use of private sewerage. In this instance, no detailed information has been given with regards to disposal of solid waste.

Reference is made to connecting the grey water and urine discharge to the existing septic tank and soakaway. The developer has not submitted any porosity/percolation testing results. Nor are there calculations for the specific size of the soakaway(s) required to cope with increased levels of discharge.

The applicant must ensure that there is sufficient capacity within the existing plant to deal with any increase in discharge arising from the proposed planning.

The scale and nature of the planning application suggests that the total volume of discharge is likely to be above 2 cubic metres a day which is likely to require a reduced-fee bespoke Environmental Permit from NRW.

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.

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>

Pollution Prevention

All works at the site must be carried out in accordance with PPG6 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.

o 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

17th September 2019

With regards to the email received by Montgomeryshire Wildlife Trust dated 31 August 2019 I would like to recommend that further information is sought from the applicant in respect to the grassland habitat present and impacted by the proposed developments.

Concerns have been raised by the local wildlife trust and local community that the proposed development site is *rich in wildflowers*.

From reviewing the Lighting and Biodiversity Plan Report produced by Turnstone Ecology Ltd dated February 2018. A walk over assessment of the site was conducted to inform the ecological report where grassland present was noted to be improved grassland which is considered to be of low ecological value.

It has been highlighted by Montgomeryshire Wildlife Trust that the botanical species list of the grassland is more *indicative of species poor semi improved grassland*. Whilst I do agree that the species list is suggestive of poor semi improved grassland rather than improved grassland – poor semi improved grassland is considered to be of low ecological low.

Concern have been raised with Montgomeryshire wildlife trust that the grassland area is an area rich in wildflowers. Whilst the grassland species that were identified does not indicate

this I do appreciate that the botanical assessment of the grassland was undertaken in January which not an optimal time of year to undertaken such an assessment.

It is recognised that the optimal season to carry out an habitat assessment would be April-October.

Therefore it is considered that there maybe potential for the grassland to qualify as Environment (Wales) Act 2016 Section 7 Habitat of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales as well as a Powys LBAP habitat.

Powys LDP Policy DM2 states that:

Development proposals likely to have an adverse effect on the conservation value of nationally protected sites, habitats or species, either directly, indirectly or in combination, 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.

LDP policy DM2 part 2 identified the need to protect habitats afforded protection under National policy and legislation including those listed as a "habitats of principal importance for the purposes of conserving biodiversity" as identified in on Section 7 of the Environment (Wales) Act 2016.

Therefore, it is considered that further information is required to clarify if the grassland present is species rich or qualifies as Environment (Wales) Act 2016 Section 7 Habitat of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales as well as a Powys LBAP habitat.

Turnstone Ecology Ltd were present on site during the month of May 2019 to undertaken great crested newt surveys. I therefore recommend that a statement be obtained from the ecologist on site during this month in 2019 to confirm if there were any flora on site to

indicate that the grassland habitat present is not poor semi improved grassland or improved grassland.

I would also recommend that further information be sought from the applicant and/or landowner regarding the management of the land, which would give further indication of the likely hood of species rich grassland and wildflower meadow to be present.

Once this information has been provided, I will be able to provide an ecology consultation response regarding this application.

Representations

The application was advertised through the erection of a site notice. 29 objectors have commented on the application and their comments are summarised below;

- Concerns regarding the viability of the enterprise
- Inadequate facilities to serve the development at the site
- Detrimental impact on the character and appearance of the area
- Doesn't complement an existing tourist asset
- Inadequate and unsafe access
- Lack of passing bays to facilitate such a development
- Misleading information submitted with the application
- Doesn't encourage the use of public transport
- Inadequate services in the local area to serve such a development
- Concerns regarding the impact of the development on biodiversity and especially on great crested newts
- The area is peaceful and sound will carry
- Concerns regarding noise impact and impact from log burners
- Mobile phone signal in the area is very weak
- Control of vermin
- Livestock may be on adjacent fields and rights of way
- Detract from the quality of life of residents of Brooks

Planning History

App Ref	Description	Decision	Date
P/2018/0257	Full: Change of use of land from agricultural to tourism (for small scale campsite), demolition of existing agricultural building and erection of detached building for washing facilities to serve the campsite	Withdrawn	

Principal Planning Constraints

Scheduled Monuments
Open Countryside

Principal Planning Policies

Policy	Policy Description	Year	Local Plan
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
TAN13	Tourism		National Policy
TAN18	Transport		National Policy
TAN23	Economic Development		National Policy
TAN24	The Historic Environment		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
DM13	Design and Resources		Local Development Plan 2011-2026

T1	Travel, Traffic and Transport Infrastructure	Local Development Plan 2011-2026
TD1	Tourism Development	Local Development Plan 2011-2026
SP2	Employment Growth	Local Development Plan 2011-2026
SP7	Safeguarding of Strategic Resources and Assets	Local Development Plan 2011-2026
SPGBIO	Biodiversity and Geodiversity SPG (2018)	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

Site Location and Description

The application site is located within the community council area for Bettws. The application is located within an area of agricultural land to the west of Tyn yr Wtra. Access to the site is located off County Class III Highway, C2049. Tyn yr Wtra is located in the open countryside with agricultural land located to the north, east, south and west. The access is located to the east of the site. A public right of way runs along the north of the site.

Consent is sought for the change of use of agricultural land to form a campsite comprising 17 camping/glamping pitches, the demolition of an existing agricultural building and construction of an amenity building. The development will provide 19 parking spaces, 3

disabled parking spaces along with parking for 10 bicycles. All parking will be located to the east of the site near the main buildings at Tyn yr Wtra where the amenity block will be located. The proposed amenity block will measure 7.7 metres in length, 6.1 metres in width, with a maximum height of 4.4 metres. The amenity building will provide three toilets, 3 showers and washing area. The building will be finished in timber cladding with a corrugated roof. The application seeks consent for 17 pitches for the purposes of camping and will provide bell tents or allow customers to pitch their own tent on the designated pitch. The proposed bell tents have a 6 metre circumference and measure approximately 3.6 metres in height. The bell tents will be finished in a breathable canvas. Any tent that a customer will bring on to the site will need to be located on one of the 17 pitches applied for under this application.

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.

Planning History Background

By way of background to the application site, consent was previously sought under planning application P/2018/0257 for a similar scheme however concerns were raised regarding impacts on highways. That application was later withdrawn by the applicants which then resulted in the resubmission of this application.

Principle of Development

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

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

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

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

The application site is located within the open countryside as defined by the LDP, the bell tents and associated infrastructure are to be located within an area of agricultural land to the west of the property known as Tyn yr Wtra.

There are a number of local tourist assets all located under 5 miles from the application site. These are:

- Bettws Cedewain (which benefits from a public house and shop).
- Berriew (which benefits from a number of services, recreational facilities and cultural activities such as Museums).
- Rights of Way and associated promoted walks (including the Severn Way).
- National cycle routes.
- Gregynog Hall.
- Montgomery Canal.

Given therefore that the unit will complement existing tourism assets it is considered that the development is sympathetic to the surrounding area and would not have any unacceptable adverse harm to the enjoyment on any of the existing and established tourism assets and attractions and could in fact enhance visitors to these assets. It is also considered that a development comprising bell tents is not considered to be permanent in its nature.

Subject therefore to appropriate conditions securing the holiday use of the site as recommended by policy TD1, the proposed development is considered in principle to fundamentally comply with relevant planning policy.

Design and External Appearance

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

Proposals will only be permitted where the development has been designed to complement and/or enhance the character of the surrounding area in terms of siting, appearance, integration, scale, height, massing, and design detailing.

Consent is sought for the erection of an amenity building and provision of 17 camping/glamping pitches for holiday purposes. The proposed amenity building will replace an existing agricultural building and is of a contemporary design finished with timber cladding and corrugated roof. The building will be located adjacent to existing buildings at Tyn yr Wtra and will therefore be seen in the context of the existing building complex. It is considered that the amenity building has been suitably designed to complement its surroundings.

The proposed camping/glamping pitches are located through the site, mainly to the north and south of the site. The pitches are approximately 6.2 metres in circumference and

provide space for the erection of bell tents and allow space for tents provided by customers. It is considered the design and appearance of the bell tents is acceptable and the use of customers tents will be temporary and will have limited impact.

It is therefore considered that the development has been designed to be in keeping with the character and appearance of the surrounding area and therefore fundamentally complies with relevant planning policy.

Landscape and Visual Impact

Policy DM4 seeks to ensure that proposals for new development outside the Towns, Large Villages, Small Villages and Rural Settlements defined in the Settlement Hierarchy must not, individually or cumulatively, have an unacceptable adverse effect, on the valued characteristics and qualities of the Powys landscape. It is noted that concerns have been raised from third parties regarding the impact of the development on the character and appearance of the area.

LANDMAP identifies the area as being characterised as the following:

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

The Visual and Sensory evaluates the area as being, *“An extensive area of rolling hillsides and pasture land with gently sloping sides and rounded tops. Views across the area are generally from a succession of rolling ridges and due to the size of the area long distance views are limited / insignificant to far distant ridgelines of upland areas. Sense of place is settled, safe and relatively intimate. Vegetation is predominantly Oak/mixed broadleaf woodland patched with a strong field pattern defined by hedgerows. General landscape character is defined strongly by the rolling farmed landscape with traditional farming techniques common ie hedge laying and few intensive farming practices employed.”*

Policy DM4 seeks to ensure that development proposals are appropriate and sensitive in terms of integration, siting, scale and design to the characteristics and qualities of the landscape including its: topography; development pattern and features; historical and ecological qualities; open views; and tranquillity. Policy TD1 also supports this by confirming that sites should be, *“compatible in terms of location, siting, design and scale and well integrated into the landscape so that it would not detract from the overall character and appearance of the area.”*

The application site is located within an area of agricultural land that benefits from scattered trees and mature boundaries in the form of hedgerows and treelines. An area of woodland is located to the east of the site. The amenity building is located on the site of an existing barn adjacent to the existing buildings associated with Tyn yr Wtra. Whilst

its design is contemporary, it is considered that its use of timber cladding and corrugated roof takes hints from traditional agricultural buildings whilst providing a modern focal point for the development. It is considered that the careful design, siting and use of materials ensures that the amenity building does not detract from the overall character and appearance of the surrounding area.

The camping/glamping pitches do not propose any alteration to the existing site with pathways and pitches being laid out via mowed grass providing a natural camp site. Whilst it is acknowledged that the land will be utilised for bell tents or customers' own tents, the site is sloped with little viewpoints into the development ensuring that the proposal is not overbearing on the landscape and does not detract from its character and appearance.

The application site is located within an area of 'Outstanding' historic landscape. LANDMAP identifies that the overall justification for the area as:

“Mixed fieldscapes on the ridges and low hills north of the Severn valley, between Berriew and Bettws Cedewain. The more irregular field patterns appear to represent early piecemeal clearance and enclosure from medieval and earlier times whilst areas of more regular, straight-sided fields appear to represent late 18th and 19th-century enclosure of former commons. Strips of 20th-century conifer plantation and some residual ancient broadleaved woodland on the steeper ridge slopes. Early settlement and land use is indicated by later prehistoric and later defended hillforts and ridge-top enclosed farmsteads. Small nucleated church settlements of early medieval or medieval origin at Berriew, Bettws Cedewain and Manafon, the latter associated with a medieval earthen castle. Substantial later 13th-century stone castle at Dolforwyn. Dispersed farms and cottages of medieval and later date. The country houses at Vaynor, Garthmyl Hall and Glansevern Hall and their associated registered gardens formed the focus of later 18th to 20th-century landed estates. Former, post-medieval water corn and woollen mill sites.”

The nearest Scheduled Ancient Monument is located approximately 30 metres to the north of the application site. The development is considered to have been sensitively designed and located to reduce visual impact on the surrounding area. Whilst therefore the historic nature of landscape is noted it is not considered that this proposal would have any further unacceptable impact to its outstanding evaluation by nature of its location and scale.

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

Highway Safety

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

A number of concerns have been received in relation to highway safety and also regarding the area of land in which access is sought over.

Following consultation with the Highways Authority concerns were raised regarding the impact of the proposed development on highway safety. Following these concerns amended plans were received which detailed junction improvements between the C2049 and C2006, junction improvements between the C2049 and the access to Tyn yr Wtra and the provision of 3 passing bays.

Following consultation on the amended highway drawings and improvements the Highways Authority confirmed that, subject to the imposition of conditions securing the improvements, that they had no objection to the proposed development.

It is noted that third party concerns have been raised regarding the highway improvements and whether these improvements could be accommodated within the highway verge. Discussion was undertaken with the Highways Authority and confirmation was received from the applicant's agent that all works would be contained to the highway verge and that no third party land would be required for the improvements.

Given the works proposed it is therefore considered that the provision of 3 passing bays, localised widening and junction improvements will appropriately satisfy highway concerns in relation to the increased number of traffic movements in association with this holiday unit as proposed. It is therefore considered that the proposed development subject to appropriately worded conditions will not be seen as having an unacceptable impact to the existing highway network. The proposed development therefore fundamentally complies with relevant planning policy.

Natural Environment

Powys LDP policy DM2 states that:

Development proposals likely to have an adverse effect on the conservation value of nationally protected sites, habitats or species, either directly, indirectly or in combination, 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.*

- ***Protected Species***

An Ecological Assessment was submitted in support of the proposed development and considered the potential for protected and priority species to be present and affected by the proposal. The assessment detailed that parts of the site provide a suitable habitat for sett creation and foraging by badger.

The building to be demolished was assessed for its roosting potential for bats. The assessment concluded that the building has negligible roosting potential. The assessment did recommend that a precautionary approach be adopted in that a pre-demolition inspection of the building will be undertaken.

With regards to hazel dormice, no records are noted within 2km of the site. The assessment concludes that as no suitable habitat will be affected by the development and therefore there will be no impacts on this species. It was however noted in consultation with the Powys Ecologist that the development also involved the creation of passing bays and the ecological assessment did not assess the impacts of this on protected species, including hazel dormice. As such additional information relating to this was requested.

It was also noted by the Powys Ecologist that a pond was located in the centre of the site. The Ecological Assessment submitted detailed that the pond scored 'excellent' on the habitat suitability index as well as suitable terrestrial habitat for great crested newts. Little information was provided with the application regarding great crested newts and the Powys Ecologist requested that information be submitted to assess the impact of the development on these protected species. Natural Resources Wales were consulted on the additional information and advised that they offered no objection to the proposed development subject to conditions being attached to any grant of consent securing a site ecological management plan for great crested newts and a biodiversity risk assessment. In their response NRW state that they consider that the development and its subsequent operation is not likely to be detrimental to the maintenance of the favourable conservation status of GCN populations.

Additional information was submitted and the Powys Ecologist reconsulted. Their response will form part of an update report to Committee.

- ***Ancient Woodland***

Whilst it is noted that an area of ancient woodland is located within the centre of the field that the application site surrounds, no development as part of this application will occur on the ancient woodland. As such there is no impact to the ancient woodland.

- ***Wildflowers***

Concern has been raised by a third party that the site is an area which is rich in wildflowers. Whilst the grassland species that were identified in the submitted assessment did not indicate this, the Powys Ecologist advised that the botanical assessment was

undertaken in January which is not an optimal time of year for such an assessment to be undertaken. As such grassland has the potential to qualify as a Section 7 habitat of principle importance additional information was requested. This information was submitted and the Powys Ecologist response will be provided as part of an update to Committee.

Foul Drainage

The proposal involves the use of a composting toilet. The toilets will be self-contained units with a hard piped link for urine and grey water outfall to the existing foul water treatment plant and soakaway system which services the existing house. A Discharge Exemption Permit from NRW will be required. Additional information was requested by Environmental Health and this information submitted. No additional response has been provided by Environmental Health however the previous withdrawn application proposed the same foul drainage system and following the submission of the information which was provided as part of this current application Environmental Health were content and offered no objection to the proposed development. Following consultation with Ecology and NRW no objection has been raised to the proposed development.

Built Heritage

The application site is located approximately 30 metres to the south of the Scheduled Monument known as MG156 Ucheldre Camp and approximately 845 metres to the north of the Scheduled Monument known as MG155 Pen y Gaer Camp.

The Ancient Monuments and Archaeological Areas Act 1979 and Historic Environment (Wales) Act 2016 provide the legislative framework for the protection and sustainable management of the historic environment in Wales. Planning Policy Wales (10th Edition) states that it is the planning system's role 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.

Technical Advice Note 24 states the following regarding the setting of historic assets;

The setting of an historic asset includes the surroundings in which it is understood, experienced, and appreciated embracing present and past relationships to the surrounding landscape. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral. Setting is not a historic asset in its own right but has value derived from how different elements may contribute to the significance of a historic asset.

Policy SP7 of the LDP seeks to ensure that listed buildings and their curtilages are safeguarded and therefore development proposals must not have an unacceptable adverse impact on the resource or asset and its operation.

Due to the proximity of the site to Scheduled Monuments, Cadw were consulted on the application. In their response Cadw state that intervening forestry will block views of the application area from the Ucheldre Camp monument and given that tents are temporary structures, the proposed change will not have any impact on the setting of this Scheduled Monument.

With regards to Pen y Gaer Camp, Cadw detail that this monument comprises an Iron Age hillfort located on a prominent hillfort with 360 degree views of the surrounding landscape. Cadw state that the application site is located within an identified significant view but that only the most northerly tents are likely to be visible. Whilst Cadw state that this will create a distraction in this view, it is considered to have a slight but not significant impact on the setting of the Scheduled Monument.

Based on the comments from Cadw it is considered that whilst the development will have an impact on the setting of the Pen y Gaer Camp Scheduled Monument it will be a slight and not significant impact. As such it is considered that the proposed development will not have a detrimental impact on the setting of these historic assets.

Agricultural Land

Planning Policy Wales states that agricultural land of grades 1, 2 and 3a of the Agricultural Land Classification system is the best and most versatile and should be conserved as a finite resource for the future. PPW states that land in this grade should only be developed if there is an overriding need for the development and either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations.

From reviewing the predictive Agricultural Land Classification maps the site is graded as 3b and 4 and therefore its change of use is not contrary to PPW.

Public Rights of Way

A public right of way is located to the north of the application site. Public rights of way are considered to be a strategic resource and asset as defined by policy SP7 of the Powys LDP.

Following consultation with the Powys Countryside Services, no objection was received subject to informatives relating to the blocking, diverting or amending the rights of way. It is not considered that the development as applied for would have any detrimental impact on the rights of users of the right of way.

Neighbour Amenity

Concerns have been raised by third parties regarding the impact of the proposed development on nearby residents.

The nearest non-associated residential properties to the application site for the proposed development are noted as being the following:

- White House (approximately 341 metres from the proposed development)
- Lower Ucheldre (approximately 359 metres from the proposed development)
- Old Parsonage (approximately 390 metres from the proposed development)
- Old Glyn (approximately 326 metres from the proposed development)
- Brookfield (approximately 428 metres from the proposed development)

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

RECOMMENDATION

Whilst the concerns raised from third party representations have been carefully considered, it is concluded that the proposed development in light of the considerations above, fundamentally complies with relevant planning policy and the recommendation is one of conditional consent.

Conditions

- 1 The development shall begin not later than five years from the date of this decision.
- 2 The development shall be carried out in accordance with the following approved plans and documents R108.1.3.02, R108.1.3.08 Rev A, R108.1.3.09, R108.1.3.10 Rev B, R108.1.1.15 Rev C, R108.1.1.117, R108.1.3.103 Rev D, R108.1.3.118, R108.1.3.106, R108.1.3.105 Rev C, R108.1.3.104 Rev A, Lighting and Biodiversity Plan dated February 2018, Response to further information requested by Powys County Council with regard to ecological impacts associated with the proposed Carpley Campsite dated 22nd May 2019.
- 3 No other development shall commence until the access has been constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 43 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

- 4 Upon formation of the visibility splays as detailed above the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.
- 5 Before any other development is commenced the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 10 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.
- 6 Prior to the first beneficial use of the development, provision shall be made within the curtilage of the site for the parking of (vehicles in accordance with the requirements of CSS Wales Parking Standards) not less than one car per pitch together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.
- 7 Prior to the first beneficial use of the development the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course material (or a suitably bound material which is to be approved in writing by the LPA) for a distance of 10 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.
- 8 Prior to any other works commencing on the development site, detailed engineering drawings for a widening and visibility improvement to the junction of the C2049/C2066 and associated works, shall be submitted to and approved in writing by the Local Planning Authority.
- 9 Prior to the first beneficial use of the development, all Highway Improvements, referred to above, shall be fully completed to the written satisfaction of the Local Planning Authority and shall be retained for their designated use for as long as the development hereby permitted remains in existence.
- 10 Prior to the first beneficial use of the development the applicant shall construct 3 passing bays shown on the approved drawing R108.1.3.105 Rev C.
- 11 The passing bays referred to above shall be constructed to adoptable standard prior first beneficial/operational use of the development hereby approved.

- 12 The gradient of the access shall be constructed so as not to exceed 1 in 15 for the first 10 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.
- 13 No surface water drainage from the site shall be allowed to discharge onto the county highway.
- 14 Any vehicular entrance gates installed within the application site shall be set back at least 10 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.
- 15 The development shall be occupied as holiday accommodation only and shall not be occupied as a person's sole or main place of residence. An up to date register shall be kept at the holiday accommodation hereby permitted and be made available for inspection by the local planning authority upon request. The register shall contain details of the names of all of the occupiers of the accommodation, their main home addresses and their date of arrival and departure from the accommodation.
- 16 The site shall only be occupied by a maximum of 17 tents at any one time. The site shall not be used for touring caravans, static caravans, chalets, shepherd huts or any other form of holiday accommodation.
- 17 Prior to commencement of works, the submission and implementation of a detailed Site Ecological Management Plan for great crested newt submitted to and approved in writing by the Local Planning Authority. This shall include reasonable avoidance measures outlined within the ecological submission together with details concerning the relocation of any individuals that may be found, the removal or modification of features that have the potential to cause incidental capture/killing of individuals and long term habitat management.
- 18 Prior to commencement of development a Biosecurity Risk Assessment shall be submitted to and approved in writing by the Local Planning Authority. The Biosecurity Risk Assessment shall be implemented in full as approved.
- 19 In the event that the presence of contamination is encountered when carrying out the approved development immediate contact must be made with the local planning authority and works must cease in that area. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the local planning authority. Following completion of the remedial works identified in the approved remediation scheme, a verification report that demonstrates compliance with the agreed remediation objectives and criteria

shall be produced, and is subject to the written approval of the local planning authority, prior to commencement of use of the development.

Reasons

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
3. In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales.
4. In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales.
5. In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales.
6. In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales.
7. In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales.
8. In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales.
9. In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales.
10. In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales.
11. In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales.
12. In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales.
13. In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales.
14. In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales.

15. To ensure occupation of the holiday unit hereby approved in accordance with policy TD1 of the Local Development Plan, Technical Advice Note 13: Tourism and Planning Policy Wales (Edition 10, 2010).
16. In the interest of protecting the landscape in accordance with policy DM4 of the Powys Local Development Plan and Planning Policy Wales.
17. 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 10, 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
18. 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 10, 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
19. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy DM10 of the adopted Local Development Plan 2018.

Informative

Highways

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

1. Under Section 184 of the Highways Act 1980, it is a requirement that a licence is obtained from the Highway Authority, in addition to Planning Permission, for vehicular access works.
 - a. The need to avoid interference with and to make provision for the carrying of existing highway drainage under the access to the satisfaction of the Highway Authority.
 - b. The requirement of the Highway Authority for the Developer to ensure that no surface water is discharged onto the County Highway or, without prior approval, into the highway drainage system.
2. Under section 171 of the Highways Act 1980 it is a requirement that a licence is obtained from the Highway Authority, in addition to Planning Permission, for the creation of passing bays or highway re-alignment works.

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

Street Works

Powys County Hall

Spa Road East

Llandrindod Wells

Powys

LD1 5LG

0845 6027035

Rights of Way

- **Development** over, or illegal interference with, a public right of way, is a criminal offence and enforcement action will be taken against a developer who ignores the presence of affected public rights of way. This includes temporary obstructions such as rubble mounds, building materials, parked vehicles etc...
- **Landscaping & Surfacing** - .Advice will need to be sought before interfering or surfacing a public right of way.
- **New fencing or boundaries** – The developer will need to seek a licence for a new structure if intending to create a boundary across a public footpath or bridleway. We cannot authorise a structure across a Restricted Byway or Byway Open to All Traffic.
- **Temporary closures** – The developer can seek a temporary closure of a public right of way from the council if they feel the public may be at risk during development.
- **Legal Diversion** – If development directly affects a public right of way, the developer will need to seek advice and apply for a legal diversion from the Council. No development can take place on a public right of way until a legal order is confirmed and the process may take at least 6 months.

For more information, please discuss with Countryside Services at the earliest available opportunity.

Natural Resources Wales

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>

Pollution Prevention

All works at the site must be carried out in accordance with PPG6 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/permissible 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.

- o 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

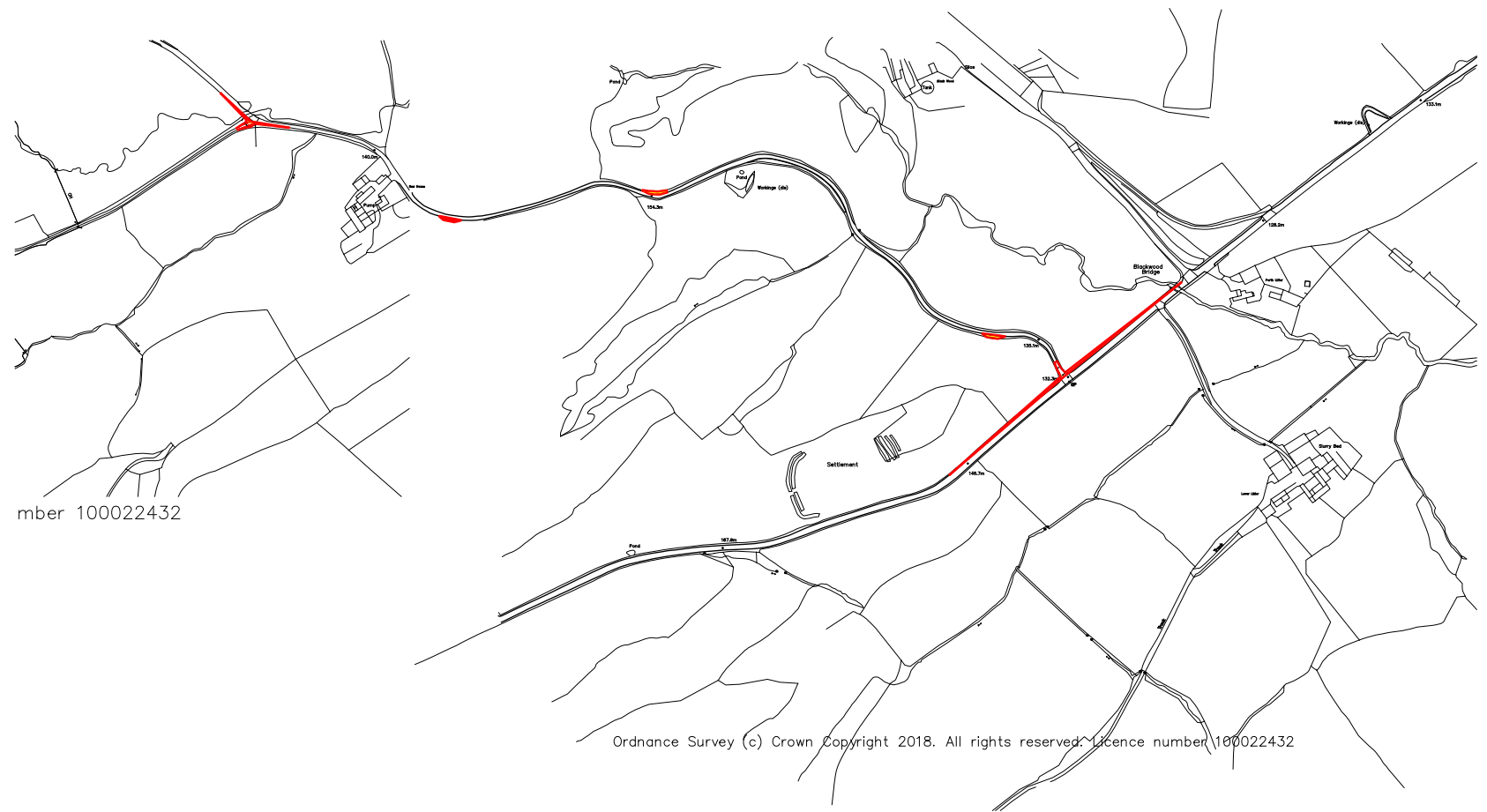
Case Officer: Tamsin Law, Principal Planning Officer
Tel: 01597 827230 E-mail: tamsin.law@powys.gov.uk

This page is intentionally left blank

This drawing is COPYRIGHT. It must not be reproduced or disclosed to third parties without our prior permission. Do not scale from this drawing or, interrogate and use electronic information.

Any discrepancies should be reported immediately.

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



number 100022432

Ordnance Survey (c) Crown Copyright 2018. All rights reserved. Licence number 100022432



- Application Site Boundary
- Land in Applicant's Ownership



Head Office:
27 Broad Street
Newtown
Plymouth
PL1 2BQ
t + 01896 610311
e + www.hughesarchitects.co.uk

To be read in conjunction with Location Plan/Visibility splay drawing no. I.3.103 C and I.1.15 D

Project :- Change of Use of Existing Agricultural Land for Camping & Erection of New Building for Washing Facilities at Tyn Yr Wera.			
Drawing Status :- Stage 3A		Drawing Title :- Location Plan	
Scale :- 1:2500 @ A1	Date :- 28.05.19	Drawing No :- R108.1.1-117	Rev :-
Drawn by :- SG	Checked :- DH		

This page is intentionally left blank

4.5

Planning, Taxi Licensing and Rights of Way Committee Report

Application Number: 18/0461/LBC

Grid Ref: E: 314827
N: 312864

Community Council: Meifod Community

Valid Date: 07.09.2018

Applicant: Mr and Mrs Wilkinson

Location: Dyffryn, Meifod, Powys, SY22 6HL,

Proposal: Construction of open porch, construction of garden room and internal alterations

Application Type: Listed Building Consent

The reason for Committee determination

The applicant is a County Councillor.

Consultee Responses

Consultee

Received

PCC-Built Heritage Officer

8th Oct 2019

1.0 Recommendation - No objection subject to conditions

Recommended conditions

The proposal shall be undertaken in accordance with the letter dated 18th July 2019 and drawing numbers; CCCXCV11+17 – Proposed section B, CCCXCV11+19 – Details of Proposed Roof Lantern, CCCXCV11+6 Proposed Ground Floor Plan Rev A, CCCXCV11+18 – Proposed Section C, CCCXCV11+16 – proposed Section A, and CCCXCV11+9 Proposed Elevations Revision A.

Reason: For the avoidance of doubt as to the approved plans pursuant to the provisions of Section 17(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Prior to the removal of the ground floor window to the existing south west elevation being removed, details as to how the window will be removed, and if necessary repaired, and reinstalled to the window opening above, including a date(s) for its removal and reinstatement shall be submitted to and approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt as to the approved plans pursuant to the provisions of Section 17(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Prior to works commencing on site, samples of all the external materials to be used on the walls, and roof to be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved materials.

Reason: To safeguard the character and appearance of this grade II listed building in accordance with national legislation policy and guidance and policy SP7 of the Powys Local Development Plan.

Prior to the installation of any fenestration as part of the development hereby approved, drawings indicating details of all windows and external doors, including cross sections of glazing bars and trickle vents, to a scale of not less than 1:20 shall be submitted to and approved in writing by the Local Planning Authority. The details which are approved shall be carried out in full and shall be retained in accordance with the approved details thereafter.

Reason: To safeguard the character and appearance of this grade II listed building in accordance with national legislation policy and guidance and policy SP7 of the Powys Local Development Plan.

Prior to the introduction of a cowl to the chimney or any flue liner to the chimney, details of the flue liner and proposed cowl including colour shall be submitted to and approved in writing by the Local Planning Authority

Reason: To safeguard the character and appearance of this grade II listed building in accordance with national legislation policy and guidance and policy SP7 of the Powys Local Development Plan.

2.0 Background to Recommendation

2.1 Designations

Cadw ID 15968 Dyffryn included on the statutory list on 26/05/1995

Adjacent to

Cadw ID 15971 Stone Building and Calf House, at the E side of the Farmyard at Dyffryn Farm included on the statutory list on 26/05/1995

Cadw ID 15970 Cowhouse forming N side of Farmyard at Dyffryn Farm included on the statutory list on 26/05/1995

Cadw ID 15969 Cowhouse and Granary on W side of Farmyard at Dyffryn Farm included on the statutory list on 26/05/1995

2.2 Policy Background

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

The Planning (Listed Buildings and Conservation Areas) Act 1990

Planning Policy Wales 9th edition 2016

Conservation Principles published by Cadw

TAN24

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

DM13 Design and Resources Local Development Plan Themes and Objectives;

Theme 4 – Guardianship of natural, built and historic assets

LDP Objective 13 – Landscape and the Historic Environment

3.0 Comments

Dyffryn is a listed building Located to the S of the village of Meifod , lying back from the road at the back of a large circular driveway with a splayed entrance to the road. Dyffryn is listed as a significant, well preserved, farmhouse, of two periods. The house dates from the C17 and early C19. Rendered stone, timber framing and slate roofs. The earlier farmhouse is now at the rear, a low 1 storey and attic earlier building of 3 bays, set parallel to road, with a jettied and close-studded timber framed upper floor over, underbuilt with rendered masonry on the ground floor and rendered stone gable end. The E gable is painted reflecting the internal decorative framing, but original decorative apex panel with convex braces.

The proposal relates to;

- The opening of a doorway from the existing snug to the proposed garden room
- The enlargement of a window from the snug to the proposed porch
- The alteration to the fireplace in the snug to block it up internally and expose it in the proposed garden room.
- The enlargement of the window to form a doorway from the kitchen to the proposed garden room.
- The formation of a new garden room,
- The formation of a porch
- The loss of a porch canopy

I had previously requested further information in respect of;

Whilst no objection in principle to the size, design or materials of the proposed sunroom further details as to how and where the wall plate of the proposed sunroom would attach to the timber framed wall.

No objection to the removal of the modern wall between the study and the entrance hall, however further details were requested in respect of the detailing and positioning of the new wall.

Details of the reinstated wall within the dining room to create an Inner Hall/utility room.

Concern was raised in respect of the opening to be created to form an access into the proposed sunroom, which would have resulted in the loss of an historic fireplace.

As some historic windows would be removed the request was made that the displaced windows be considered for reuse in the openings that had modern windows

I note with thanks that the above has been considered and I note the amended plans that indicate both the above revisions and the above requested clarification.

The opening of a doorway from the snug to the proposed garden room

The doorway would be created in a wall to the side of an existing fireplace. The room is relatively small and has 2 doorways in opposite walls effectively resulting in this room being used as a passageway. There is no objection to this element of the application.

The enlargement of a window from the snug to the proposed porch

The existing window will be enlarged to form a doorway. This section of the house is effectively a link between the older (C17th) rear house and the newer (earlyC19th) house at the front. The earlier farmhouse is now at the rear, a low 1 storey and attic earlier building of 3 bays, set parallel to road, with a jettied and close-studded timber framed upper floor over, underbuilt with rendered masonry on the ground floor and rendered stone gable end. This window is of historic note, however the reasons for the modifications to the layout are understood. A request was made for this window to be carefully removed for re-use in the window opening above which appears to be of the same size. It is noted that this element now forms part of the applications. As such in that regard the loss of the historic window has to be balanced against the replacement of the more modern window above. On balance it is considered that any perceived harm by the introduction of a doorway will be more than offset by the replacement of the window above. As such this element of the works is supported.

The alteration to the fireplace in the snug to block it up internally and expose it in the proposed garden room.

I note with thanks that amended plans have been received in light of my previous concerns in respect of the loss of the fireplace. The proposal is now to retain the existing fireplace in the former snug/proposed entrance hall, and create a new fireplace in the proposed garden room extension to the rear of the existing fireplace. The new fireplace will house a log burner and the log burner will utilise the existing chimney and as such there will be an opening and a flue in the existing chimney. The retention of the existing fireplace is welcomed, and there are no objections to the amended plans. Details of the door should have been included in the application, however in this instance it could be conditioned.

The enlargement of the window to form a doorway from the kitchen to the proposed garden room.

It is noted that the existing three light casement window will be widened and lengthened to form an opening into the garden room. The widening of original window openings to listed buildings should be carefully considered. However in this instance, the windows appear to be part of the C19th remodelling when the front element of the house was constructed. As such this is not an original opening and also the original timber framing in this section of wall has already been compromised. As such there is no objection to this element of the works.

The formation of a new garden room.

The house is essentially an “I” shaped building with the old house at the rear and the new part of the house at the front with a link between. The proposed garden room will be between the old and newer elements of the house accessed via the “link”. The proposed garden room will not be

completely screened by the newer element of the house and some element of the proposed garden room will be visible from the front elevation.

The garden room will have a flat roof with central lantern, and confirmation was sought in respect of the fixings of the roof structure, that is will they be attached to the timber framing or the relatively newer masonry below. I note with thanks the confirmation that the timber framing will not be cut to accommodate the roof structure.

The principle of a garden room is not always acceptable on listed buildings and care has to be taken in order that the character and appearance of the listed building is not affected by the garden room, which is a now a common feature on houses, but traditionally was only found on the larger non vernacular and polite properties.

Having said that the size of Dyffryn is noted, along with the aspirations of the early C19th owner who built a symmetrical house of 2 storeys, 3 bays in the polite tradition with gates gatepiers and driveway from the A490.

In this instance I would have no objection to the proposed garden room as it is not considered that in this instance the garden room would adversely affect the character and appearance of this property.

The formation of an open porch

The proposed open porch would be on essentially the “link” between the older and newer elements of the house. The open porch would be of three bays, the central bay being an open doorway and the 2 side bays having a dwarf wall and timber framing above in a arched window.

The porch is simple in its construction having a simple lean-to roof of matching slate, however the timber framing above the dwarf wall is relatively ornate, and follows neither the detailing of the older element of the house nor the newer element, but rather a form of “hybrid” with timber framing details that were common in the C16th and c17th and again revived by the Victorians. It is considered that this approach is appropriate rather than dating it to one period or another, and given the grandeur of the house, this approach is welcomed.

There is no objection to this element of the works.

The loss of a porch canopy

This is a modern porch canopy and its removal is not opposed.

Conclusion

I note the amended plans and further information received. The house is complex in that it is of 2 distinct phases of construction and the proposal seeks to utilise the space between the 2 build elements, which is a preferred location for an extension.

The porch and garden room are relatively simple in their design, which is welcomed given the architectural detail of the house(s), however there are sufficient design elements for the proposals to be readily absorbed into the house.

Whilst noting the details contained in the amended plans, I have suggested a number of conditions that will address the information not provided in the application either minor details such as the new door to be created, and as yet unknowns.

As such I can confirm that I would have no objections to the proposal.

Community Council

No response received.

Representations

A site notice was displayed from 3.10.2018 but no representations have been received.

Planning History

App Ref	Description	Decision	Date
18/0467/HH	Construction of an open porch and garden room	Pending	

Principal Planning Policies

Planning (Listed Buildings and Conservation Areas) Act 1990
Planning Policy Wales (edition 10, 2018)
Technical Advice Note 24 – The Historic Environment (2017)

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

The Planning (Listed Buildings and Conservation Areas) Act 1990 requires any works of demolition, alteration and/or extension which would affect the character of a listed building to be authorised through the process of listed building consent. As outlined within sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, it is the local planning authority's duty in considering listed building consent applications 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. This duty is reinforced within Planning Policy Wales (2018) and Technical Advice Note 24.

Dyffryn is grade II listed as a significant, well preserved, farmhouse, of two periods. The house is set back from the A495 highway, approximately quarter of a mile south west of Meifod. The earlier 17th century house is now set at the rear and is attached via a link extension to the 19th century structure at the front of the property. The current dwelling is effectively 'I' shape in form.

The proposal relates to:

- The formation of a new garden room
- The formation of a porch
- The loss of a porch canopy
- The opening of a doorway from the existing snug to the proposed garden room
- The enlargement of a window from the snug to the proposed porch
- The alteration to the fireplace in the snug to block it up internally and expose it in the proposed garden room
- The enlargement of the window to form a doorway from the kitchen to the proposed garden room.
- Relocation of a modern partition wall, reinstatement of an internal wall and the removal of an internal wall.

The scheme proposes two extensions, both within the recesses between the two building phases of the property. The garden room will be created by a single glazed wall with a flat lead roof containing a glazed lantern. An existing porch canopy will be removed to make way for the garden room extension. The existing porch canopy is a later addition to the property and its removal is not opposed. This extension will also include the creation of a new doorway from the 'link' as well as a removal of a section wall from the kitchen to create an opening. The principle of this extension is not opposed as it is considered that, given the status of the property, a conservatory would not be out of character. Additional details have been secured to ensure that the fixings of the roof do not damage the timber work of the existing property. A new fireplace will also be created within this room which will vent to an existing chimney.

The open porch on the opposite side of the dwelling is simple in its form and appropriate in its design for the host dwelling. It will involve the enlargement of an existing window opening to create a doorway and the existing window will be re-sited on the property in place of a modern addition (directly above).

Internally there are also proposals for the relocation of a modern partition wall to create a larger study, no objection is raised to this proposal as it would result in a room with more appropriate proportions around the inglenook. The repositioned wall would be directly under an existing beam which is considered the most suitable location. Adjacent to this, there would also be the removal of an older section of wall into the newly formed wc (formally the utility), although not welcomed, the alteration is understandable and a condition will be attached to ensure a recording of the wall is made prior to removal. Finally there are proposals to reinstate a post and partition wall between the proposed utility and inner hall. The existing beam shows evidence of this wall construction in this location and as such its reinstatement is considered to be justified.

The proposed scheme is considered to preserve the character of the listed building and is considered to comply with the objectives of the 1990 Act, Planning Policy Wales and Technical Advice Note 24. Therefore, it is recommended that the application be granted approval subject to the conditions below.

Section 13 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Planning Authority to notify Welsh Ministers (Cadw) of any application for listed building consent which they propose to grant. Should members resolve to grant this permission, Officers will issue consultation to Cadw to allow the opportunity for call in. Permission will not be issued until the relevant documentation has been received from Cadw confirming that the Local Planning Authority can issue the decision.

RECOMMENDATION

Conditional Consent subject to consultation with Cadw.

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 in accordance with the following approved plans and documents: The letter dated 18th July 2019 from Tony Rowland to Debra Lewis and drawing numbers; Proposed Block Plan Dyffryn, Meifod, CCCXCV11+6 Proposed Ground Floor Plan Rev B, CCCXCV11+8 Proposed Elevations Sheet 1-A, CCCXCV11+9 Proposed Elevations Sheet 2-A RevA, CCCXCV11+10 Proposed Elevations Sheet 3-A, CCCXCV11+16 – proposed Section A, CCCXCV11+17 – Proposed section B, CCCXCV11+18 – Proposed Section C and CCCXCV11+19 – Details of Proposed Roof Lantern.
3. Prior to the removal of the ground floor window to the existing south west elevation, details as to how the window will be removed, and if necessary repaired, and reinstalled to the window opening above, including a date(s) for its removal and reinstatement shall be submitted to and approved in writing by the Local Planning Authority.
4. Prior to works commencing on site, samples of all the external materials to be used on the walls, and roof to be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved materials.
5. Prior to the installation of any fenestration as part of the development hereby approved, drawings indicating details of all windows and external doors, including cross sections of glazing bars and trickle vents, to a scale of not less than 1:20 shall be submitted to and approved in writing by the Local Planning Authority. The details which are approved shall be carried out in full and shall be retained in accordance with the approved details thereafter.
6. Prior to the introduction of a cowl to the chimney or any flue liner to the chimney, details of the flue liner and proposed cowl including colour shall be submitted to and approved in writing by the Local Planning Authority
7. During the removal of the wall detailed on plan CCCXCV11+6 Proposed Ground Floor Plan Rev B serving the WC and on plan CCCXCV11+1 Existing Ground Floor Plan serving the WC and utility, a photographic record of the wall, including its construction, must be made and subsequently submitted to the Local Planning Authority prior to its replacement.

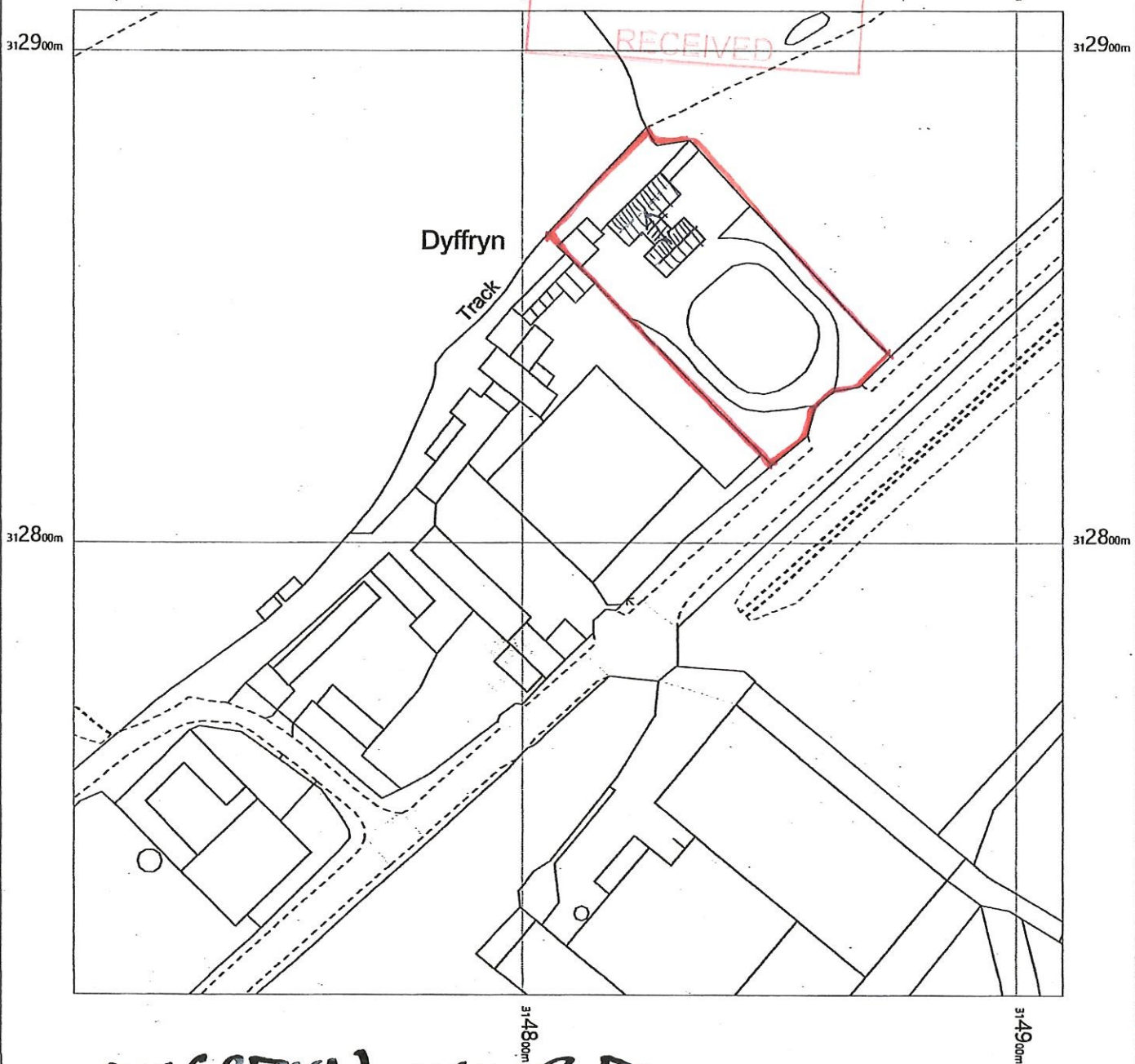
Reasons

1. Required to be imposed by Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
 2. For the avoidance of doubt as to the approved plans pursuant to the provisions of Section 17(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 3 to 7. To safeguard the character and appearance of this grade II listed building in accordance with national legislation policy and guidance and policy SP7 of the Powys Local Development Plan.

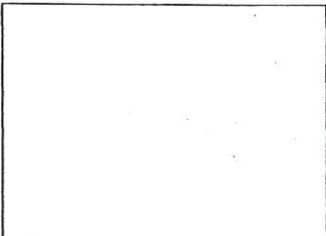
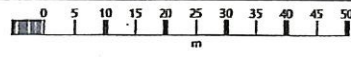
Case Officer: Louise Evans, Principal Planning Officer
Tel: 01938 551127 E-mail: louise.evans1@powys.gov.uk

This page is intentionally left blank

PCC/ECR PLANNING
13 AUG 2018
RECEIVED



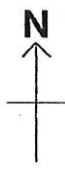
DYFFRYN. MEIFOD
SITE LOCATION PLAN @ 1:1250



OS MasterMap 1250/2500/10000 scale
Wednesday, August 8, 2018, ID: HMC-00733142
www.themapcentre.com

1:1250 scale print at A4, Centre: 314809 E, 312808 N

©Crown Copyright Ordnance Survey, Licence No. 100019971



This page is intentionally left blank

4.6

Planning, Taxi Licensing and Rights of Way Committee Report

Application Number: 18/0467/HH

Grid Ref: E: 314827
N: 312864

Community Council: Meifod Community

Valid Date: 13.08.2018

Applicant: Mr and Mrs Wilkinson

Location: Dyffryn, Meifod, Powys, SY22 6HL

Proposal: Construction of open porch and garden room.

Application Type: Householder

The reason for Committee determination

The applicant is a County Councillor.

Consultee Responses

Consultee

Received

Community Council
Meifod Community Council discussed this application at a recent meeting and have no objections. 1st Oct 2018

PCC-Building Control
No response received.

Wales & West Utilities - Plant Protection
No response received.

Hafren Dyfrdwy
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. 10th Sep 2018

PCC-(N) Highways
Does not wish to comment on the application 3rd Sep 2018

Representations

A site notice was displayed from 3.10.2018 but no representations have been received.

Planning History

App Ref	Description	Decision	Date
---------	-------------	----------	------

18/0461/FUL	Construction of an open porch, construction of garden room and internal alterations	Pending
-------------	---	---------

Principal Planning Constraints

Listed building and adjacent listed buildings

Principal Planning Policies

National Policies

Planning Policy Wales (Edition 10, 2018)

Technical Advice Note 12 – Design (2016)

Technical Advice Note 18 – Transport (2007)

Technical Advice Note 24 – The Historic Environment (2017)

Local Policies

Powys Local Development Plan (2018):

SP7 – Safeguarding of Strategic Resources and Assets

DM2 – The Natural Environment

DM13 – Design and Resources

T1 – Travel, Traffic and Transport Infrastructure

H7 – Householder Development

Powys Residential Design Guide (2004)

Biodiversity and Geodiversity SPG (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

Dyffryn is grade II listed as a significant, well preserved, farmhouse, of two periods. The house is set back from the A495 highway, approximately quarter of a mile south west of Meifod. The earlier 17th century house is now set at the rear and is attached via a link extension to the 19th century structure at the front of the property. The current dwelling is effectively ‘I’ shape in form.

The proposal relates to the provision of an open porch and garden room within the recesses on either side of the property.

Principle of Development

The Local Development Plan Policy H7 supports residential extensions where attached to the host dwelling. It is therefore considered that the principle of development complies with the Powys LDP (2018) subject to the material considerations below.

Impact on Heritage Assets

A concurrent listed building consent application has been submitted for the proposed development. Under section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the LPA has given special regard to the desirability of preserving the building and any features of special architectural interest which it possesses in the determination of the listed building consent.

Under section 66 of the 1990 Act, the same regard has been given in the consideration of the planning application with respect of the impact on the setting of the listed building and also on the setting of the adjacent listed barns.

The proposal is not considered to cause harm to the listed building or its setting, or upon the setting of the adjacent listed buildings. Overall, it is concluded that the development will be in keeping with the host structure.

Design

The appearance of a development, its scale and its impact on its surroundings are key considerations when dealing with any planning application and Policy DM13 sets out the main material considerations for assessing the acceptability of a scheme in regard to these matters. In addition, further guidance is provided by the Powys Residential Design Guide. Policy advises 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.

With regards to design, it is noted that the scheme involves subordinate additions to the property both in height and proportions. Furthermore, the use of matching and complementary materials is noted and welcomed as is the siting of the developments within existing recesses of the building. It is noted that the garden room will have a flat lead roof which is not generally encouraged within extensions for aesthetic reasons, however, it is proposed in this instance as a design response to avoid interference with the existing exposed timbers on this element of the building. The development has been considered by the Conservation Officer as part of the concurrent listed building consent application who raises no objections to the principle of the development or the design of the proposal.

Overall, the proposed design is considered to be acceptable and accords with the provision of the policy DM13 and the Residential Design Guide.

Highway Safety

A safe access, parking and visibility splays are a fundamental requirement of any development (LDP: DM13, Part 10 and TD1).

The application does not seek alterations to the existing means of access to the property off the A495 highway and the proposal would not affect the existing parking area in terms of reducing the number of parking spaces to an unacceptable level. The Council's Highway Authority has not objected to the proposal and taking all factors into consideration it is not considered that the proposal would unacceptably affect highway safety in accordance with the relevant LDP policies.

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 2004 & LDP: DM13 (Part 11).

The property is a detached and isolated dwelling located within the open countryside. Given the scale and nature of the proposal, it is not considered to have an unacceptable impact on neighbouring uses or the surrounding landscape in accordance with LDP Policy DM13.

Ecological Impacts

The Powys Local Development Plan (2018) 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 policy is echoed within Technical Advice Note 5 and PPW.

In this instance, Officers consider that the potential for protected species to be affected by this development is very low based on the construction and lack of roosting opportunities within the affected walls and that only existing hardstanding areas are to be affected without the presence of suitable features for protected species within the locality.

In light of the above it is considered that the proposed development does not require the submission of additional surveys, it is unlikely to impact upon protected species or habitats and as such complies with relevant planning policy.

Conclusion

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

RECOMMENDATION

Conditional Consent

Conditions

- 1 The development shall begin not later than five years from the date of this decision
- 2 The development shall be carried out in accordance with the following approved plans and documents: Proposed Block Plan Dyffryn, Meifod, CCCXCV11+6 Proposed Ground Floor Plan Rev B, CCCXCV11+8 Proposed Elevations Sheet 1-A, CCCXCV11+9 Proposed Elevations Sheet 2-A RevA, CCCXCV11+10 Proposed Elevations Sheet 3-A, CCCXCV11+16 – proposed Section A, CCCXCV11+17 – Proposed section B, CCCXCV11+18 – Proposed Section C and CCCXCV11+19 – Details of Proposed Roof Lantern.

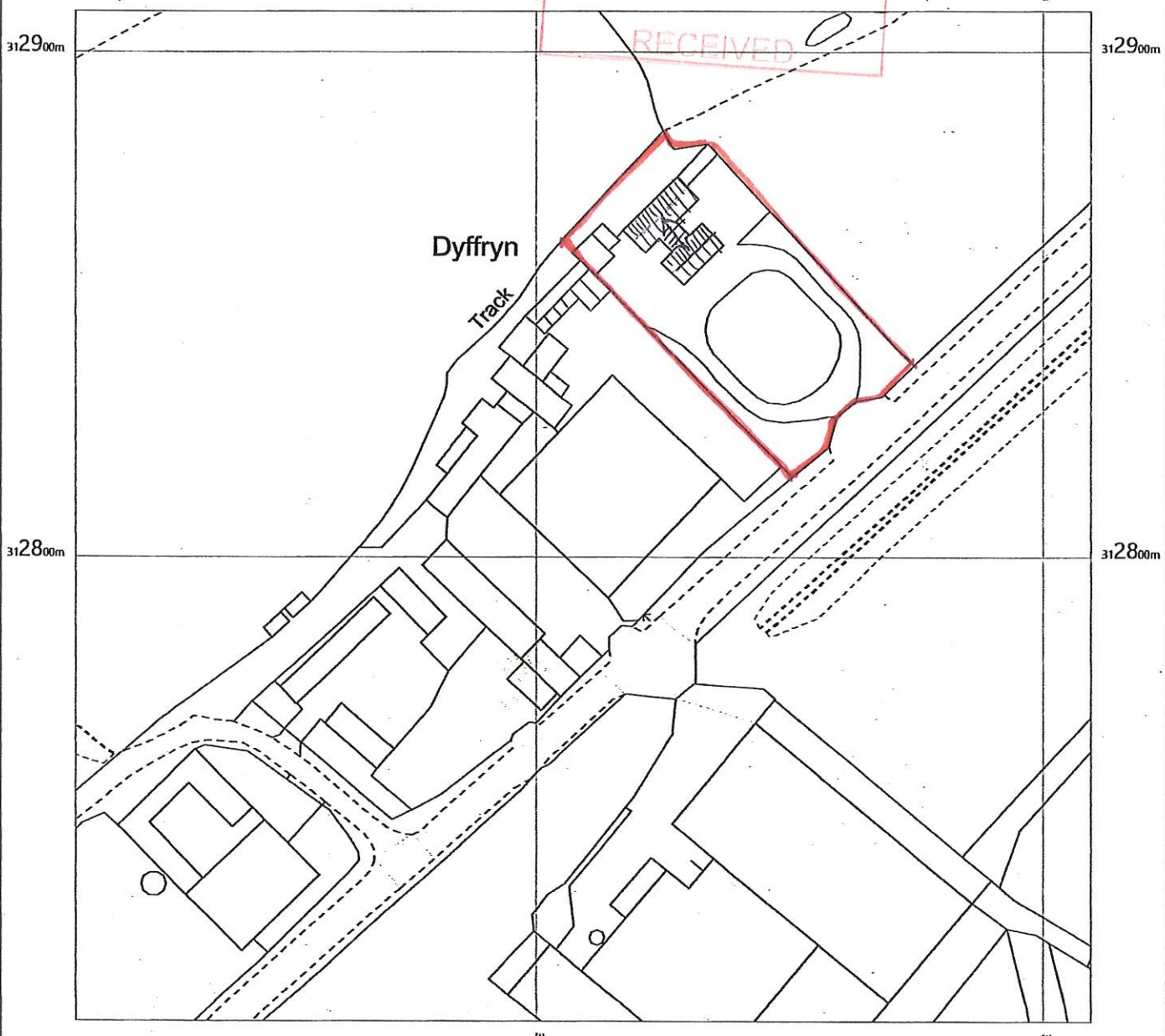
Reasons

- 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.

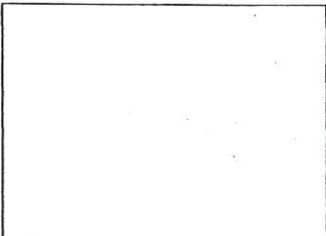
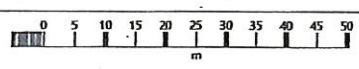
Case Officer: Louise Evans, Principal Planning Officer
Tel: 01938 551127 E-mail: louise.evans1@powys.gov.uk

This page is intentionally left blank

PCC/ECR PLANNING
13 AUG 2018
RECEIVED



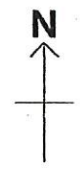
DYFFRYN. MEIFOD
SITE LOCATION PLAN @ 1:1250



OS MasterMap 1250/2500/10000 scale
Wednesday, August 8, 2018, ID: HMC-00733142
www.themapcentre.com

1:1250 scale print at A4, Centre: 314809 E, 312808 N

©Crown Copyright Ordnance Survey. Licence No. 100016971



This page is intentionally left blank

4.7

Planning, Taxi Licensing and Rights of Way Committee Report

Application Number: 19/1539/DEM **Grid Ref:** E: 318232
N: 321434
Community Council: Llanfechain Community **Valid Date:** 03.10.2019

Applicant: Powys County Council (Estates Department)

Location: Bodynfoel Farm, Llanfechain, Powys, SY22 6XF,

Proposal: Demolition of stone outbuilding

Application Type: Demolition Notification

The reason for Committee determination

The applicant is Powys County Council (Estates Department)

Consultee Responses

Consultee	Received
-----------	----------

Community Council

No comments were received at the time of writing this report.

Ward Councillor

No comments were received at the time of writing this report.

PCC-Building Control

No comments were received at the time of writing this report.

PCC-Ecologist

11th Oct 2019

Thank you for consulting me with regards to application 19/1539/DEM which concerns an application for prior notification of proposed demolition of stone outbuilding at Bodynfoel Farm, Llanfechain, Powys.

As the application concerns the demolition of an existing structure a bat survey has been undertaken to inform the application, I have reviewed the Ecological Survey Report produced by Jon Sloan Ecological Consultants dated September 2019, I consider that the survey effort and methods used were in accordance with current best practice and guidelines and that the information provided is appropriate and sufficient to enable the LPA to assess the impact of the proposed demolition to biodiversity.

Surveys including day time inspection and dusk/dawn activity surveys were undertaken to determine the presence or absence of roosting bats and to establish the nature and size of any roosts identified to be present. The daytime inspection was conducted in May 2019, the surveyors noted locations where bats main gain access to the structure proposed to be demolished and identified several area of foraging and flight lines surrounding the property. No evidence of bat use was observed during the internal inspection of the building. Three activity surveys were undertaken, two dusk bat emergence/activity observations were carried out in May and June 2019 and a single dawn observation was carried out in August 2018.

The activity surveys established that the building proposed for demolition is a bat roost. During the first dusk observation a single common pipistrelle bat was observed emerging from a crevice in stonework of the south eastern gable. During the second observation a brown long eared bat was observed emerging from a gap in the roof at the south eastern aspect of the south western elevation and myotis bat was observed flying inside of the building at 22:45hrs. During the dawn re-entry observation a brown long eared bat and a common pipistrelle were observed flying around inside the building – no further bats were seen to emerge or access the building during the survey. The activity surveys were supplemented with static detectors positioned inside and outside the building these picked up low levels of bat activity and recorded the same species that had been observed during the manned activity surveys as well as brief passes by soprano pipistrelle bats. The report concludes that based on the number of bats and levels of activity the building supports a summer non-breeding females and/or solitary males roost for brown long eared and common pipistrelle bats.

The report identifies that a European Protected Species (EPS) licence will be required from Natural Resources Wales (NRW), prior to any works commencing on the building.

The report identifies a scheme of mitigation which includes the following principles:

- Provision of 3 double crevice boxes erected on suitable trees/buildings prior to any demolition works commencing;
- Provision of internal wooden cladding on the interior gable end of the adjacent agricultural building with bat access into the batten void;
- Timing of works to minimise risk of disturbing roosting bats;
- Supervision of roof removal works by licensed ecologist;
- Provision of toolbox talk to all contractors in relation to bat legislation and guidelines and associated mitigation strategy

The proposed measures and identified mitigation are considered to be appropriate and achievable. Subject to adherence to the identified mitigation strategy it is considered that the proposed demolition would not result in negative impacts to the favourable conservation status of bat species identified as roosting in the building.

In addition to bats consideration was given to the potential for the proposed demolition to impact nesting birds, a thorough search for evidence of barn owl activity or other nesting birds was undertaken. No evidence of barn owl or other nesting birds was observed within the building.

Subject to the measures identified within the Ecological Survey Report produced by Jon Sloan Ecological Consultants dated September 2019 being adhered to it is considered that there would be no likely detrimental impacts to the favourable conservation status of bat species identified as roosting at the site.

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

The demolition shall be carried out strictly in accordance with the measures identified in Section 12. Mitigation of the Ecological Survey Report produced by Jon Sloan Ecological Consultants dated September 2019. 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.

In addition I recommend 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/conservation-biodiversity-and-wildlife/european-protected-species/?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.

Environmental Health

No comments were received at the time of writing this report.

PCC-Rights Of Way Senior Manager

No comments were received at the time of writing this report.

Natural Resources Wales (North) DPAS

No comments were received at the time of writing this report.

Representations

No public representations were received at the time of writing this report.

Planning History

App Ref	Description	Decision	Date
----------------	--------------------	-----------------	-------------

None

Principal Planning Constraints

Near a Right of Way

Principal Planning Policies

Policy	Policy Description	Year	Local Plan
PPW	Planning Policy Wales (Edition 10, December 2018)		National Policy

Schedule 2, Part 31, Class A of the Town and Country Planning (General Permitted Development) Order 1995 – demolition of Buildings

Other Legislative Considerations

Policy DM2 The Natural Environment, Powys Local Development Plan (2018)

Environment Wales Act 2016

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Officer Appraisal

Site Location and Description

The proposed demolition is located within the farm holding known as Bodynfoel which is located in the open countryside as defined by Powys Local Development Plan (2018).

The notification proposes the demolition of a stone barn. The building to be demolished is to the north east of the holding and is accessed off the C2026 to the east.

Introduction

Schedule 2, Part 31, Class A of the Town and Country Planning (General Permitted Development) Order 1995 permits the demolition of a building providing that the developer applies to the Local Planning Authority for a determination as to whether the prior approval to the Authority will be required with respect to the method of demolition and any proposed restoration of the site.

In instances where the Local Planning Authority considered that additional information is required in respect of the above, they are required to confirm to the applicant that prior approval is required. Where the information submitted is acceptable, the Local Planning Authority will confirm that prior approval is not required and therefore permits the developer to exercise permitted development rights under Class A as above. In every instance, consideration must be limited to the method of demolition and proposed site restoration. It is not for the Local Planning Authority to consider the general acceptability of the proposal or the loss of specific structure/building.

The method of demolition is stated within the application form and states that a soft strip will be undertaken to the interior and mechanical demolition will be undertaken for the super structure. It is also stated that the site will be cleared and left in a safe condition.

The notification is accompanied by an Ecological Survey Report (September 2019) by Jon Sloan which states that a European Protected Species (EPS) Licence will need to be obtained from NRW and at a method statement would be required to provide details of how works can take place to minimise disturbance to bats and nesting birds. The ecological report has been assessed by the PCC Ecologist and is considered to be acceptable.

The report identifies a scheme of mitigation which includes the following principles:

- Provision of 3 double crevice boxes erected on suitable trees/buildings prior to any demolition works commencing;
- Provision of internal wooden cladding on the interior gable end of the adjacent agricultural building with bat access into the batten void;
- Timing of works to minimise risk of disturbing roosting bats;
- Supervision of roof removal works by licensed ecologist;
- Provision of toolbox talk to all contractors in relation to bat legislation and guidelines and associated mitigation strategy

The proposed measures and identified mitigation are considered to be appropriate and achievable by the PCC Ecologist. Subject to adherence to the identified mitigation strategy it is considered that the proposed demolition would not result in negative impacts to the favourable conservation status of bat species identified as roosting in the building.

In light of the above and in accordance with Class A, it is considered that the prior approval of the Local Planning Authority is not required.

RECOMMENDATION – Approve

The submitted notification is in accordance with Schedule 2, Part 31, Class A of the Town and Country Planning (General Permitted Development) Order 1995 – Demolition of Buildings

Conditions

1 The demolition shall be carried out strictly in accordance with the measures identified in Section 12. Mitigation of the Ecological Survey Report produced by Jon Sloan Ecological Consultants dated September 2019. The measures identified shall be adhered to and implemented in full and maintained thereafter.

Reasons

1 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.

Informative Notes

1 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/conservation-biodiversity-and-wildlife/european-protected-species/?lang=en>

2 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.

3 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.

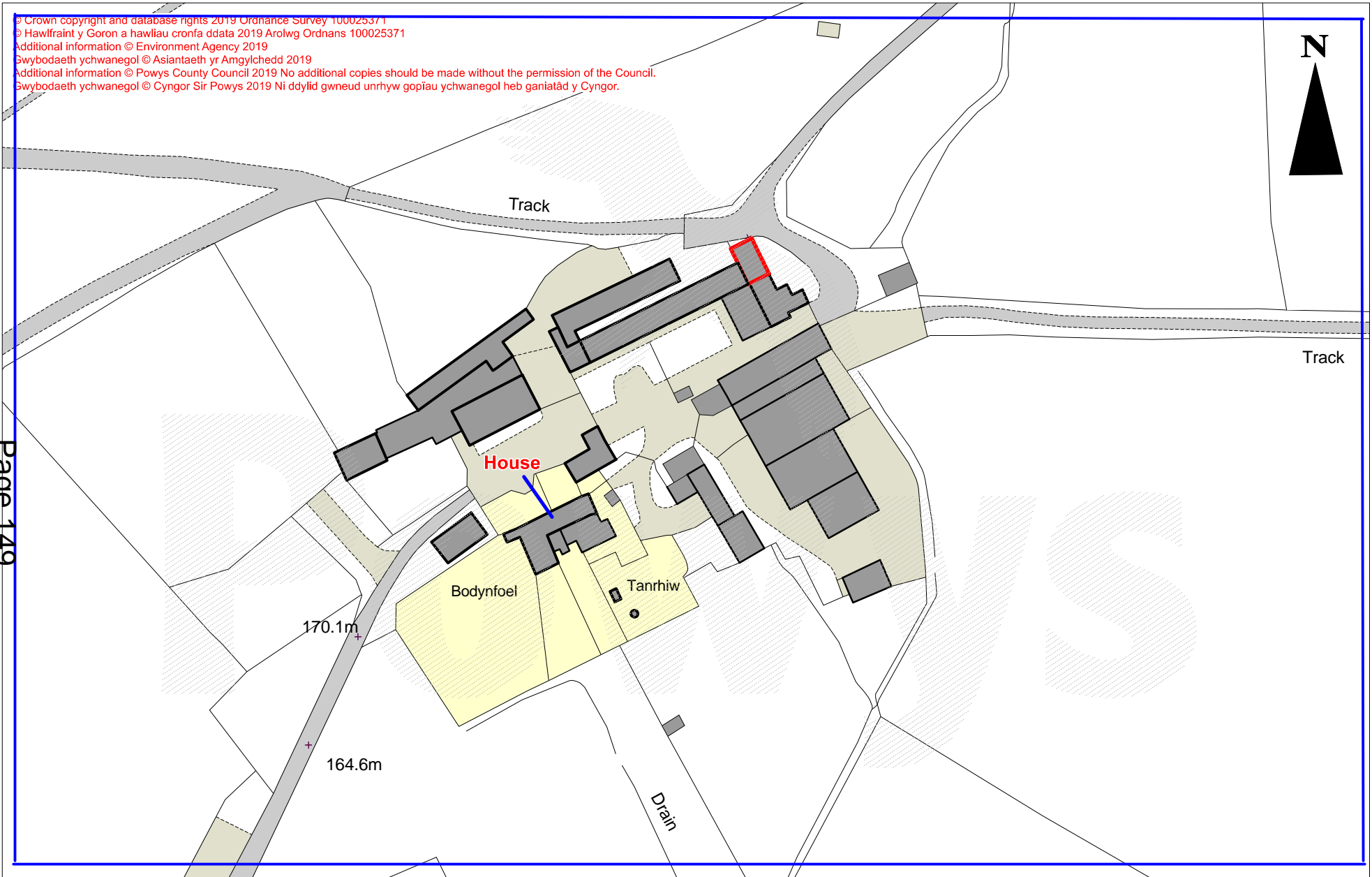
The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built (usually 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.

This page is intentionally left blank

© Crown copyright and database rights 2019 Ordnance Survey 100025371
© Hawlfraint y Goron a hawlau cronfa ddata 2019 Arolwg Ordans 100025371
Additional information © Environment Agency 2019
Gwybodaeth ychwanegol © Asiantaeth yr Amgylchedd 2019
Additional information © Powys County Council 2019 No additional copies should be made without the permission of the Council.
Gwybodaeth ychwanegol © Cyngor Sir Powys 2019 Ni ddylid gwneud unrhyw gopïau ychwanegol heb ganiatâd y Cyngor.



Page 149



This page is intentionally left blank

Planning, Taxi Licensing and Rights of Way Committee Report

Application Number:	19/1541/DEM	Grid Ref:	E: 326510 N: 313517
Community Council:	Llandrinio and Arddleen Community	Valid Date:	03.10.2019

Applicant: Powys County Council (Estates Department)

Location: The Willows, Pool Quay, Welshpool, Powys, SY21 9LA

Proposal: Demolition of agricultural building

Application Type: Demolition Notification

The reason for Committee determination

The applicant is Powys County Council (Estates Department)

Consultee Responses

Community Council

No response received in time of writing this report.

PCC-Ecologist

Thank you for consulting me with regards to application 19/1541/DEM which concerns an application for prior notification of proposed demolition of agricultural building at The Willows, Pool Quay, Welshpool, Powys.

As the application concerns the demolition of an existing structure a bat survey has been undertaken to inform the application, I have reviewed the Ecological Survey Report produced by Jon Sloan Ecological Consultants dated August 2019, I consider that the survey effort and methods used were in accordance with current best practice and

guidelines and that the information provided is appropriate and sufficient to enable the LPA to assess the impact of the proposed demolition to biodiversity.

Surveys including day time inspection and dusk/dawn activity surveys were undertaken to determine the presence or absence of roosting bats and to establish the nature and size of any roosts identified to be present. The daytime inspection was conducted in May 2019, the surveyors noted locations where bats main gain access to the structure proposed to be demolished and identified several area of foraging and flight lines surrounding the property. No evidence of bat use was observed during the internal inspection of the building. Three activity surveys were undertaken, two dusk bat emergence/activity observations were carried out in May and June 2019 and a single dawn observation was carried out in July 2019.

The activity surveys established that the building proposed for demolition is a bat roost. During the first dusk observation two common pipistrelle bats were observed emerging from an open door in the eastern elevation of the barn. During the second dusk observation no bats were observed emerging from or accessing the barn. During the dawn re-entry observation two common pipistrelle bats were observed accessing beneath a gable end slate at the western aspect of the northern gable of the barn – no further bats were seen to emerge or access the barn during the survey however two common pipistrelle were noted accessing the gable of the agricultural building to the west of the surveyed barn. The activity surveys were supplemented with static detectors positioned inside and outside the building these picked up relatively low levels of bat activity and recorded the same species that had been observed during the manned activity surveys as well as brief passes by myotis, brown long eared and noctule bats. The report concludes that based on the number of bats observed roosting in the barn and levels of activity the building supports an occasional summer non-breeding females and/or solitary males roost for common pipistrelle bats.

The report identifies that a European Protected Species (EPS) licence will be required from Natural Resources Wales (NRW), prior to any works commencing on the building.

The report identifies a scheme of mitigation which includes the following principles:

- Provision of 3 double crevice boxes erected on suitable trees/buildings prior to any demolition works commencing;
- Timing of works to minimise risk of disturbing roosting bats;
- Supervision of roof removal works by licensed ecologist;
- Provision of toolbox talk to all contractors in relation to bat legislation and guidelines and associated mitigation strategy

The proposed measures and identified mitigation are considered to be appropriate and achievable. Subject to adherence to the identified mitigation strategy it is considered that the proposed demolition would not result in negative impacts to the favourable conservation status of bat species identified as roosting in the building.

In addition to bats consideration was given to the potential for the proposed demolition to impact nesting birds, a thorough search for evidence of barn owl activity or other nesting birds was undertaken. No evidence of barn owl was observed within the barn however a number of swallow nests were observed within the roof structure of the barn.

Subject to the measures identified within the Ecological Survey Report produced by Jon Sloan Ecological Consultants dated August 2019 being adhered to it is considered that there would be no likely detrimental impacts to the favourable conservation status of bat species identified as roosting at the site.

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

The demolition shall be carried out strictly in accordance with the measures identified in Section 12. Mitigation of the Ecological Survey Report produced by Jon Sloan Ecological Consultants dated August 2019. 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.

In addition I recommend 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/conservation-biodiversity-and-wildlife/european-protected-species/?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.

Environmental Health

No response received in time of writing this report.

PCC-Rights Of Way Senior Manager

No response received in time of writing this report.

Natural Resources Wales (North) DPAS

No response received in time of writing this report.

Public Responses

No public responses have been received in time of writing this report.

Planning History

None identified

Principal Planning Constraints

None

Principal Planning Policies

Planning Policy Wales (10th edition, 2018)

Part 31 of Schedule 2 of the Town and County Planning (general Permitted Development) Order – Demolition of Buildings

TAN 5 (2009): Nature Conservation and Planning

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 building subject of this application is located at the Willows which is a Powys County Council tenanted farm, situated approximately 2km north west of the village of Pool Quay. The farm holding is accessed off a council maintained road from a junction of the A483 Welshpool – Oswestry trunk road.

The barn is an L shaped, part two storey building, constructed on a concrete/brick base with the upper floor area accessed via an external wooden staircase. The elevations are part brick/part shiplap/part block, with a slate roof. The structure of the barn is in poor condition with structural cracks throughout.

Principle of the Development

Schedule 2, Part 31, Class A of the Town and Country Planning (General Permitted Development) Order 1995 permits the demolition of a building providing that the developer applies to the Local Planning Authority for a determination as to whether the prior approval to the Authority will be required with respect to the method of demolition and any proposed restoration of the site.

In instances where the Local Planning Authority considered that additional information is required in respect of the above, they are required to confirm to the applicant that prior approval is required. Where the information submitted is acceptable, the Local Planning Authority will confirm that prior approval is not required and therefore permits the developer to exercise permitted development rights under Class A as above. In every instance, consideration must be limited to the method of demolition and proposed site restoration. It is not for the Local Planning Authority to consider the general acceptability of the proposal or the loss of specific structure/building.

The notification details the method of demolition and indicates that the site will be levelled with the use of land remaining as agricultural. Furthermore, the application is also accompanied by a comprehensive Ecological Survey Report (dated August 2019) by Jon Sloan Ecological Consultants.

The County Ecologist notes that subject to the measures identified within the Ecological Survey Report produced by Jon Sloan Ecological Consultants dated August 2019 being adhered to it is considered that there would be no likely detrimental impacts to the

favourable conservation status of bat species identified as roosting at the site. The ecologist has suggested a relevant condition and an informative to be included in the final decision notice.

In the light of the above comments the Officers can confirm that in accordance with the provisions of Schedule 2, Part 31, Class A of the Town and Country Planning (General Permitted Development) Order 1995 it is considered the works are permitted. Therefore, the prior approval of the Local Planning Authority would not be required.

Recommendation - Prior Approval would not be required

Condition

1. The demolition shall be carried out strictly in accordance with the measures identified in Section 12 Mitigation of the Ecological Survey Report produced by Jon Sloan Ecological Consultants dated August 2019. The measures identified shall be adhered to and implemented in full and maintained thereafter.

Reason

1. 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.

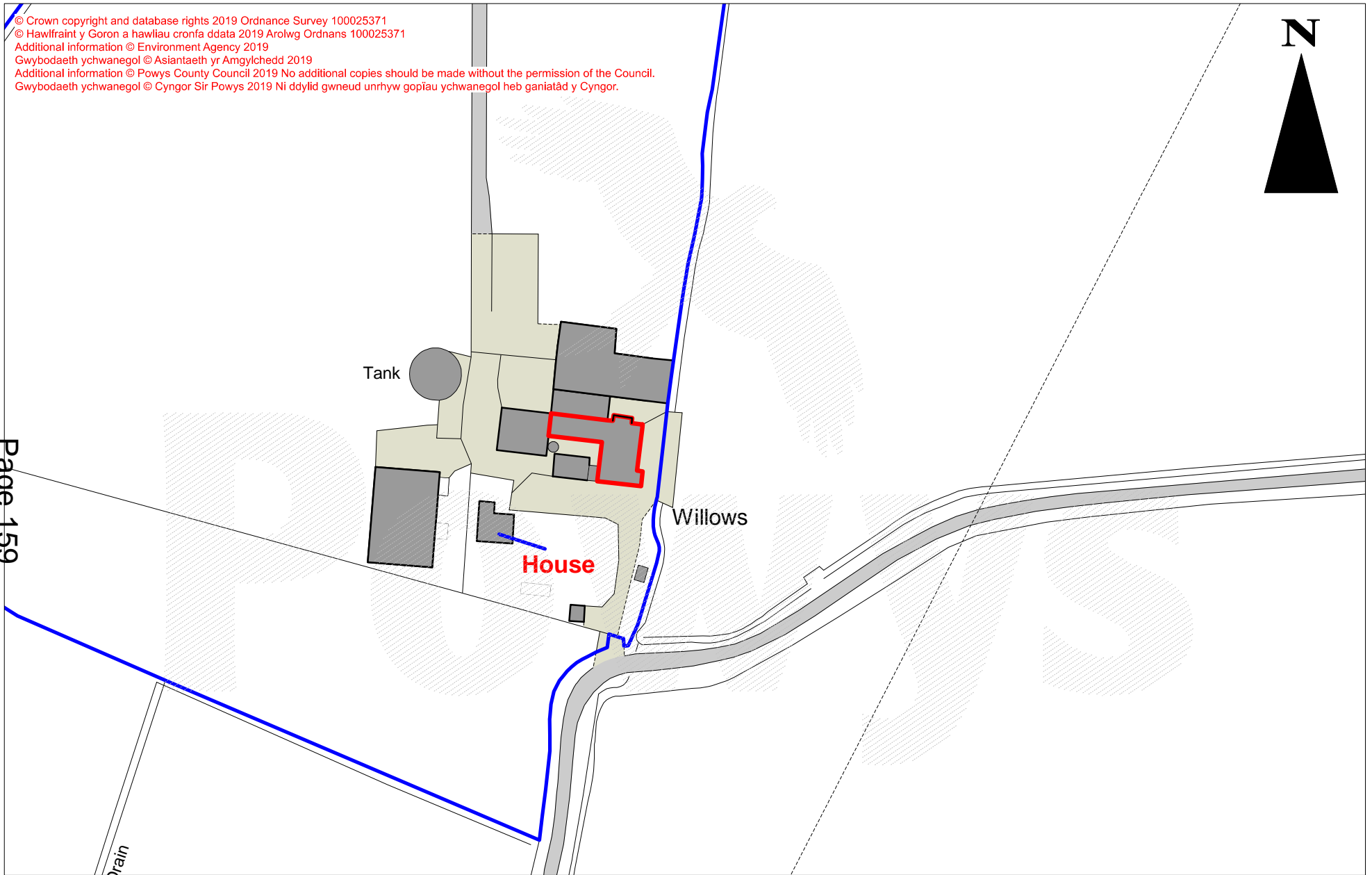
Case Officer: Edin Hrustanovic, Planning Officer
Tel: 01938 551231 E-mail: edin.hrustanovic@powys.gov.uk

This page is intentionally left blank

© Crown copyright and database rights 2019 Ordnance Survey 100025371
© Hawlfraint y Goron a hawliau cronfa ddata 2019 Arolwg Ordians 100025371
Additional information © Environment Agency 2019
Gwybodaeth ychwanegol © Asiantaeth yr Amgylchedd 2019
Additional information © Powys County Council 2019 No additional copies should be made without the permission of the Council.
Gwybodaeth ychwanegol © Cyngor Sir Powys 2019 Ni ddylid gwneud unrhyw gopïau ychwanegol heb ganiatâd y Cyngor.



Page 159



This page is intentionally left blank

4.9

Planning, Taxi Licensing and Rights of Way Committee Report

Application Number: 19/1386/TRE

Grid Ref: E: 305918
N: 260702

Community Council: Llandrindod Wells
Community

Valid Date: 03.09.2019

Applicant: Powys County Council

Location: Temple Avenue & Alexandra Terrace, Llandrindod Wells, Powys, LD1 5HW.

Proposal: Works to trees in a conservation area

Application Type: Works to trees in Conservation Area

The reason for Committee determination

The applicant is Powys County Council

Consultee Responses

Consultee

Received

Community Council

18th Sep 2019

The above application was placed before my Council at its meeting held on 17th September 2019.

No objections were made.

Public Responses

No public consultation is required

Planning History

App Ref	Description	Decision	Date
---------	-------------	----------	------

Not applicable

Principal Planning Constraints

Llandrindod Wells Conservation Area

Principal Planning Policies

Policy	Policy Description	Year	Local Plan
PPW	Planning Policy Wales (Edition 10)	2010	National Policy
TAN 10	Tree Preservation Orders	1997	National Policy
SP7	Safeguarding of Strategic Resources and Assets	2018	Local Development Plan 2011-2026
DM2	The Natural Environment	2018	Local Development Plan 2011-2026
DM13	Design and Resources	2018	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 two trees that are the subject of this application are both located in urban residential streets in the southern half of Llandrindod Wells.

Tree 3 is a Lime tree and is situated on Temple Avenue approximately 12 metres up from the junction with Temple Street on the right hand, northern, side of the road. The tree grows out of the road surface immediately adjacent to the kerb and has no protection to it and is tarmacked right up to the trunk. Tree 3 lies within the Llandrindod Wells Conservation Area.

Tree 8 is also a Lime tree and is situated on Alexandra Terrace approximately 8 metres east of the junction with Alexandra Road, and approximately 38 metres west of the

junction with Temple Drive and Temple Street. This tree also grows out of the road surface immediately adjacent to the kerb and has no protection to it and is tarmacked right up to the trunk. Tree 8 lies on the boundary of the Llandrindod Wells Conservation Area.

Assessment of Tree Condition

The application for works to the trees is being made by Powys County Council following a Tree Survey, carried out by a qualified Arboriculturalist, of a number of street trees in Llandrindod Wells that was carried out in December 2018.

The survey found that Tree 3 remains in good condition with no trace of any ground heave. Previous pruning has seen significant growth. The report concludes that Tree 3 should be re-pollarded within 2 years and then re-surveyed.

Tree 8 however, was found to be failing. The survey specifies that it is in poor condition, displays epicormic growth throughout the stem, has wounds from having been worked on previously using climbing spikes, and further bulges and wounds are evident at various heights on the south side. The report concludes that Tree 8 should be felled and the stump ground out.

Principle of Development

TAN 10 sets out the general requirements applied to all proposals relating to works to trees within a Conservation Area and trees with Tree Preservation Orders (TPO's) placed upon them. Trees, groups of trees and woodlands of amenity value that make a particular contribution to the landscape or that are noted for their beauty or local rarity will be protected. Proposals for development that unacceptably adversely affect trees that are the subject of a TPO or within a Conservation Area will be refused. Applications to fell or carry out works on trees which are the subject of a TPO or within a Conservation Area will be approved if the work is necessary for public safety or to secure the future of the trees themselves by appropriate management measures.

The Arboriculturalist describes the condition of the two trees and identifies that Tree 3 requires pollarding in order to control its size and Tree 8, due to its poor condition, presents a risk to both pedestrians and motorists and private property and is therefore required to be felled completely.

It is not considered that either tree is of a high amenity value within the landscape being located to the edge of the Conservation Area and being of poor shape and form. Upon undertaking a site visit it was clear that tree 8 is in poor condition and presents a Health and Safety issue.

Whilst it is noted that the application proposed to re-plant Tree 8, consideration has been given to its current location within a highway, surrounded by tarmac with damage previously caused by the parking of vehicles. On this basis it is therefore considered

that the location is not considered appropriate and therefore the planting of a new tree would not be required in this instance only.

In light of the above, it is therefore considered that the trees would not be worthy of a Tree Preservation Order and the proposed works would not impact on the character and appearance of the Conservation Area. It is therefore considered that the proposed works would be acceptable and comply with TAN 10.

RECOMMENDATION - Approve

Upon consideration of the notification, it is recommended that the proposed works shall be allowed to go ahead as specified below:

- Removal of Tree 8 as identified
- Pollarding of Tree 3 as identified

The works shall be carried out within 2 years from the date of the application.

Informative Notes

PCC - Ecology

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

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 2010 (as amended) that works to trees or buildings where that work involves the disturbance of a bat is an offence if a licence has not been obtained from Natural Resources Wales. If a bat is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. You can also call the National Bat helpline on 0345 1300 228 or email enquiries@bats.org.uk

Birds - Wildlife and Countryside Act 1981 (as amended)

The site of the proposed tree works is considered to have potential to support nesting birds during the breeding season. All nesting birds, their nests, eggs and young are protected under the Wildlife and Countryside Act 1981 (as amended).

It is therefore 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.

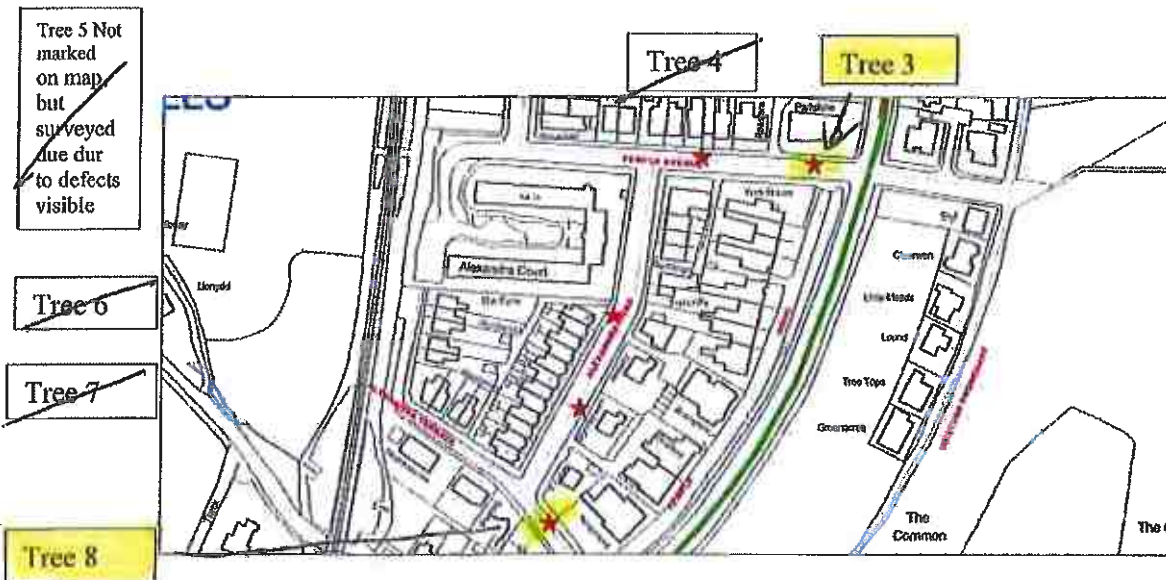
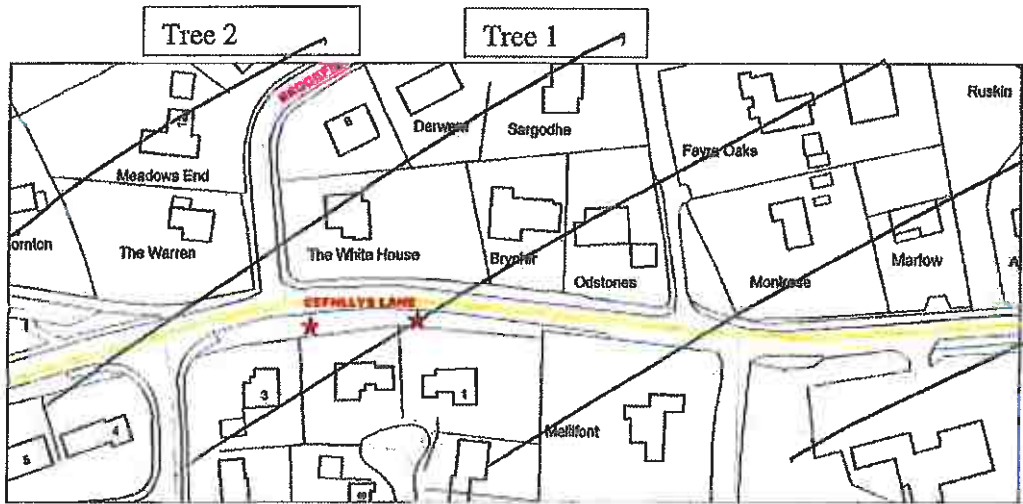
The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built, (usually 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.

Case Officer: Richard Pitts, Planning Officer - Planning Policy
Tel: 01597 827243 E-mail: richard.pitts2@powys.gov.uk

This page is intentionally left blank

1. Introduction

- a. The following report was commissioned by Allun Jones and its purpose is to identify potential hazards from 2 no. individual trees (Tree 1 and Tree 2) situated at Cefnlllys Road, Llandrindod Wells, Powys. The grid reference for the site is SO 06628 61174. Also, at Alexandra Road Llandrindod Wells, grid reference for Tree 3 SO059606 to Tree 7 SO058605.



- b. The report is based on a ground based visual tree inspection carried out on the 14 and 15th December 2018. The weather conditions were fine and bright. The inspection was intended to identify defects and other failure prone characteristics of the trees and what hazards may arise in the future because of these defects. It must be recognised that no tree is entirely safe, given bad weather or other 'act of god'.

This page is intentionally left blank



Planning Decision Notices

97 Applications

[← Go Back](#)

[Excel Version](#)

Parish Name	Application No.	Application Type	Proposal	Address	Decision	Decision Notice Sent
Abbey Cwm-Hir Community	18/1087/FUL	Full Application	Erection of a rural workers dwelling and all associated works	Land At Cwmverdy Abbey Cwm-Hir Llandrindod Wells LD1 6PG	Approve	03/10/2019
Aberedw Community	19/1239/HH	Householder	Installation of a door, and construction of raised verandah at house floor level and glazed canopy roof over	Woodlands Llanbadarn-y-garreg Builth Wells Powys LD2 3UT	Approve	27/09/2019
Aberhafesp Community	19/1182/DIS	Discharge of Condition	Discharge of conditions 4 and 6 from planning consent 18/0803/FUL in respect of a landscaping scheme and tree and hedgerow protection plan	Sunny View Caravan Park Bwlch-y-ffridd Newtown Powys SY16 3JF	Approve	25/09/2019
Abermule And Llandyssil Community	19/1530/AGR	Agricultural Notification	Erection of 2x agricultural buildings	Lletty Maengwyn Abermule Montgomery Powys SY15 6JJ	Permitted Development	01/10/2019

5

Page 169



Planning Decision Notices

97 Applications

Banwy Community	19/0691/VAR	Discharge/Modification of S106	Modification of S106 agreement attached to permission M/2007/0685 relating to occupancy restrictions to properties 1, 2, 3, 7, 8 & 16	1, 2, 3, 7, 8 & 16 Maes Y Ddawns Llangadfan Welshpool Powys SY21 0GA	S106 Modified	11/10/2019
	19/1439/ELE	Electricity Overhead Line	Application made under Electricity Act 1989: Overhead Lines (exemption) (England & Wales) Regulations 2009 to extend an existing low voltage overhead line, erect a pole and stay and lay low voltage underground cable	Plot Opposite Hen Efail Llangadfan Welshpool Powys SY21 0PU	Permitted Development	11/10/2019
Bausley With Criggion Community	18/0129/FUL	Full Application	Erection of a poultry rearing unit including silos and all associated works	Pentre Farm Coedway Crew Green SY5 9AW	Approve	11/10/2019
Beguily Community	19/1369/HDG	Hedgerow Removal Notice	Application for hedgerow removal notice	Upper Forest Bwlch-y-plain Knighton Powys LD7 1RE	Approve	30/09/2019
Berriew Community	19/0179/AGR	Agricultural Notification	Erection of a forestry building	Maeswood Aberriw Y Trallwng Powys	Permitted Development	03/10/2019

Page 1 of 10

CODE: IDOX.PL.REP.04

17/10/2019 11:06:21 POWYSCC\sandraf

[← Go Back](#)



Planning Decision Notices

97 Applications

	19/1289/FUL	Full Application	Erection of a replacement agricultural building and erection of an extension to an existing building	The Ffridd Berriew Welshpool Powys SY21 8AT	Approve	15/10/2019
Bronllys Community	19/1327/FUL	Full Application	Change of use from outbuilding to holiday accommodation and associated works (resubmission)	Bronllys Court Bronllys Brecon LD3 0LF	Approve	11/10/2019
Cadfarch Community	19/0559/FUL	Full Application	Erection of 1x rural enterprise dwelling	Ty Coch U2513 From End North West Of Road To Ty Coch To Junction With C2085 Melin-Byrhedyn	Approve	01/10/2019
Caersws Community	19/1438/ELE	Electricity Overhead Line	Application made under Electricity Act 1989 : Overhead Lines (exemption) (England & Wales) Regulations 2009 for installation of additional wooden pole within existing overhead line	Land Near Coed Y Parc Caersws Newtown SY17 5HR	Approve	15/10/2019
Carno Community Council	19/0263/OUT	Outline planning	Outline application for erection of an affordable dwelling, formation of vehicular access and all associated works	Land Adjoining Soar Chapel Carno Caersws Powys	Refused	11/10/2019

Page 171



Planning Decision Notices

97 Applications

Castle Caereinion Community	19/1136/DIS	Discharge of Condition	Discharge of conditions 6, 9, 11 - 16 attached to permission 18/0102/REM	Land Off Swallows Court Swallows Meadow Castle Caereinion Welshpool Powys SY21 9EF	Approve	25/09/2019
	19/0444/NMA	Non-Material Amendment	Application for a non material amendment to planning permission 18/0102/REM in respect of external materials and FFL's on plots 1, 2, 5 and 6	Development Off Swallows Meadow Castle Caereinion Welshpool Powys	Approve	10/10/2019
Churchstoke Community	19/0993/OUT	Outline planning	Erection of 4 dwellings with garages (all matters reserved)	Land Adjacent To Hollydene Hall Bank Churchstoke Montgomery Powys SY15 6EN	Approve	27/09/2019
	DIS/2018/0065	Discharge of condition	Discharge of conditions no's 3, 13, 14, 15, 17, 18, 19, 20, 21, 22, 23 & 24 of planning consent P/2017/1076	Orchard Close Churchstoke Montgomery Powys SY15 6JR	Approve	30/09/2019

Page 172



Planning Decision Notices

97 Applications

Disserth And Trecoed Community	19/1052/FUL	Full Application	Installation of bio mass heating and wood chip storage area (retrospective)	Graig-Goch Fawr, Garage Newbridge-On-Wye Builth Wells LD2 3RU	Approve	26/09/2019
Erwood Community	19/1271/HH	Householder	Formation of a new vehicular access and private off-road parking + demolition of existing corrugated iron lean to and replacing with new build to existing	Brooklands Erwood Builth Wells LD2 3EX	Approve	04/10/2019
Felin-Fach Community	19/1324/HH	Householder	Two-storey extension to rear	2 Brynhaul Pont-Y-Wal Lane Bronllys Brecon LD3 0NA	Approve	30/09/2019
Fordeon With Leighton & Trelystan Com	19/1524/NMA	Non-Material Amendment	Application for non-material amendments to permission M96/091 to alter the design	Land Adjacent To Oaklands Fordeon Welshpool Powys SY21 8NA	Approve	09/10/2019
	19/1510/DIS	Discharge of Condition	Application to discharge condition no.3 attached to planning permission 19/0837/HH (external materials)	1 The Pentre Leighton Welshpool SY21 8HW	Approve	15/10/2019
Glasbury Community	19/1268/HH	Householder	Erection of a two-storey extension to provide annex accommodation	3 Church Close Station Road Boughrood Brecon LD3 0DJ	Approve	01/10/2019

CODE: IDOX.PL.REP.04

17/10/2019 11:06:21 POWYSCC\sandraf

[← Go Back](#)



Planning Decision Notices

97 Applications

	19/1465/TRE	Works to trees in Conservation Area	Application to fell a tree in a conservation area	Belever Glasbury Hereford Powys HR3 5LL	Approve	01/10/2019
	19/1427/TPO	Works to Trees subject to a TPO	Application for works to a TPO tree within a conservation area	Behind No. 8 The Birches Glasbury Hereford Powys HR3 5NW	Approve	04/10/2019
Glascwm Community	19/0390/HH	Householder	Demolition of existing extension and porch, and erection of 2 storey Side Extension and Rear Extension with front porch as well as internal alterations	The Green Bettws Disserth Llandrindod Wells Powys LD1 5RP	Approve	07/10/2019
Gwernyfed Community	19/1301/RES	Reserved Matters	Reserved matters application following outline approval P/2018/0521 for the erection of 1x dwelling	Plot 9 Black Mountain View Felindre Brecon LD3 0SZ	Approve	26/09/2019

Page 174

[CODE: IDOX.PL.REP.04](#)

[17/10/2019 11:06:21 POWYSCC\sandraf](#)

[← Go Back](#)



Planning Decision Notices

97 Applications

	19/0189/DIS	Discharge of Condition	Discharge of conditions 6, 7 and 8 of planning approval P/2018/0317 in relation to environmental site assessment	Unit 7 Javel Industrial Estate Aberllynfi Aberhonddu Powys LD3 0SL	Approve	07/10/2019
	19/1377/HH	Householder	Proposed annex accommodation	Orchard View Felindre Brecon LD3 0TA	Approve	07/10/2019
	P/2018/0481	Removal or Variation of Condition	VAR: Section 73 application to modify condition 5 of planning permission B/02/0010 relating to operating hours	Outdoor Pursuits Centre Three Cocks Brecon Powys LD3 0SD	Approve	15/10/2019
	P/2018/0497	Removal or Variation of Condition	VAR: Section 73 application to modify condition 4 of planning permission B/00/0093 relating to operating hours	Outdoor Pursuits Centre Three Cocks Brecon Powys LD3 0SD	Approve	15/10/2019
Kerry Community	19/1329/DIS	Discharge of Condition	Discharge of conditions 8, 9, 10, 11 and 13 of planning approval 18/0272/FUL in relation to site plans and statement of materials / lighting/ hedgerow translocation and levels	Lomond Common Road Kerry Newtown SY16 4NY	Approve	16/10/2019

Page 175

97 Applications

Page 176	Knighton Community	19/1516/AGR	Agricultural Notification	Erection of a tool storage shed	Cwmgilla Wood Knighton Powys	Prior Approval Approved	30/09/2019
		19/1222/FUL	Full Application	Erection of an open market bungalow, together with formation of vehicular accesses and parking and all associated works	Land Adj To The The Meadows Hatfield Meadows Knighton Powys LD7 1RY	Approve	07/10/2019
		19/1561/TRE	Works to trees in Conservation Area	Removal of a tree in a conservation area	12 Church Street Knighton Powys LD7 1AG	Approve	07/10/2019
		19/1411/HH	Householder	Removal of gable chimneys & replacement with new chimneys	Bamboo Garden 50 Market Street Knighton LD7 1BB	Approve	16/10/2019



Planning Decision Notices

97 Applications

Llanbadarn Fynydd Community	19/0718/REM	Removal or Variation of Condition	Section 73 application to vary planning condition no. 4 attached to planning approval 18/0127/REM to allow access realignment/ relocation including minor increase to red line application site boundary (in connection with proposed development of 9 dwellings - outline)	Land Adj. To Brynhafod Llanbadarn Fynydd Llandrindod Wells Powys	Approve	25/09/2019
Llanbryn-mair Community	19/1050/LBC	Listed Building Consent	Replacement of 2 windows in the front elevation	The Old Chapel Bontdolgadfan Llanbryn-mair SY19 7BB	Refused	25/09/2019
Llanbryn-mair Community	19/1557/DIS	Discharge of Condition	Discharge of condition 3 of permission 19/0416/FUL	Pennant Uchaf Pennant Llanbryn-mair Powys SY19 7BJ	Approve	11/10/2019
Llandrindod Wells Community	19/1349/NMA	Non-Material Amendment	Non-Material amendment to planning consent P/2018/0128 (outline P/2016/1145) in respect of external materials and openings	Plot 2 Adjacent To Cae Eithin Llandrindod Wells Powys LD1 5LE	Approve	11/10/2019

CODE: IDOX.PL.REP.04

17/10/2019 11:06:21 POWYSCC\sandraf

[← Go Back](#)



Planning Decision Notices

97 Applications

	19/0964/DIS	Discharge of Condition	Application to discharge conditions 3 and 27 of planning approval 19/0021/FUL	Land East Of Ithon Road Ithon Road Llandrindod Powys LD1 6AS	Approve	16/10/2019
Llandrinio And Arddleen Community	19/1179/HH	Householder	Demolition of conservatory and store, and erection of a double garage, two storey extension and sun-room	Oakfields Gwernowddy Lane Llandrinio Llanymynech Powys SY22 6SE	Approve	10/10/2019
	19/0920/DECC	DECC overhead line	Application under section 37 of the Electricity Act 1989 to replace existing 11kV overhead line	Overhead Power Line Courthouse Lane Four Crosses Llanymynech Powys	Permitted Development	15/10/2019
	19/1210/FUL	Full Application	Change of use of agricultural land and building for equestrian use, construction of a menage with hard standing	Cynefin Pen-rhos Llanymynech Powys SY22 6QB	Consent	16/10/2019

Page 178



Planning Decision Notices

97 Applications

Llandysilio Community	19/1206/VAR	Discharge/Modification of S106	Application to vary the section 106 legal agreement attached to planning permission M2007 0873 (occupancy restriction)	4 Hafod Cottages Parc Hafod Four Crosses Llanymynech Powys SY22 6NX	Approve	16/10/2019
Llanelwedd Community	19/1294/DIS	Discharge of Condition	Application to discharge condition 3 of planning approval 18/1194/LBC	Capel Hope Llanfaredd Builth Wells LD2 3TE	Approve	03/10/2019
	19/1488/AGR	Agricultural Notification	Erection of a covered manure store	Tremaen Farm Llanfaredd Builth Wells Powys LD2 3TE	Permitted Development	03/10/2019
	19/1345/HH	Householder	Erection of extensions	Cider House Disserth Builth Wells LD2 3TF	Approve	15/10/2019
Llanerfyl Community	19/0984/VAR	Discharge/Modification of S106	Application to discharge the Section 106 legal agreement attached to planning consent M/2001/0698	Disgwylfa Llanerfyl Welshpool Powys SY21 0EG	Approve	04/10/2019

Page 179



Planning Decision Notices

97 Applications

Llanfair Caereinion Community	19/0982/LBC	Listed Building Consent	Lining of 2 chimneys and attachment of 2 cowls	Bethlehem Chapel House Llanfair Caereinion Welshpool Powys SY21 0HT	Approve	03/10/2019
Llanfihangel Community	19/1293/REM	Removal or Variation of Condition	Section 73 application to vary condition no. 2 attached to planning permission 18/0652/FUL (revised design)	Cyfie Farm Llanfihangel Llanfyllin Powys SY22 5JE	Approve	08/10/2019
Llanfyllin Community	18/1079/FUL	Full Application	Part retrospective application for an erection of a single storey rear extension.	Llwyn Y Gan 9 Penybryn Llanfyllin Powys SY22 5AP	Approve	04/10/2019
	19/1108/REM	Removal or Variation of Condition	Section 73 application to vary condition 10 of permission P/2015/0256 relating to occupancy	Barn At Coed-Oer-Le Llanfyllin Powys SY22 5LX	Approve	08/10/2019

Page 180



Planning Decision Notices

97 Applications

	19/1575/AGR	Agricultural Notification	Application for prior notification for erection of an agricultural storage building	Land Near Drws Y Coed Llanfyllin Powys SY22 5ET	Permitted Development	15/10/2019
Llangedwyn Community	19/1257/DIS	Discharge of Condition	Discharge of condition 3, 10 and 12 of planning approval 18/0550/FUL	The Smithy Llangedwyn Oswestry Powys SY10 9JR	Approve	30/09/2019
Llanunllo Community	19/1433/DIS	Discharge of Condition	Discharge of conditions 4 and 5 from planning consent P/2017/1045 in respect of a Tree and Hedgerow Protection Plan and an External Lighting Design Scheme	The Granary House Penyclawdd Llanbister Road Llandrindod Wells Powys LD1 5UR	Approve	16/10/2019
Llangurig Community	19/0746/FUL	Full Application	Demolition of a dwelling, erection of a replacement dwelling and all associated works	Malgwyn Pantmawr Llanidloes Powys SY18 6PP	Approve	09/10/2019

CODE: IDOX.PL.REP.04

17/10/2019 11:06:21 POWYSCC\sandraf

[← Go Back](#)



Planning Decision Notices

97 Applications

Llangyniew Community	19/1208/FUL	Full Application	Erection of two single storey dwellings and all associated works	Land Between 8 And 11 Lon Yr Ywen Pont Robert Meifod Powys SY22 6JT	Approve	03/10/2019
Llangynog Community	19/1482/AGR	Agricultural Notification	Erection of a timber clad storage building for agricultural implements	Land Near Rhydyfelin Llangynog Oswestry Powys SY10 0HH	Refused	02/10/2019
Llanidloes Community	19/1395/DIS	Discharge of Condition	Application to discharge conditions 3 & 4 of planning approval P/2017/1446 (LBC)	The Coach House Maenol Llanidloes Powys SY18 6RE	Approve	01/10/2019
	19/1419/DIS	Discharge of Condition	Application to discharge 3 and 5 of planning approval P/2017/1448	The Coach House Maenol Llanidloes Powys SY18 6RE	Approve	11/10/2019
Llanrhaeadr-Ym-Mochant Community	P/2018/0539	Listed Building Consent	LBC: Demolition of single storey lean to and erection of a 2 storey extension. Internal works to Listed Building and replacement of windows on front elevation	Y Bwthyn Market Square Llanrhaeadr Ym Mochnant Powys SY10 0JN	Approve	30/09/2019

Page 192

CODE: IDOX.PL.REP.04

17/10/2019 11:06:21 POWYSCC\sandraf

[← Go Back](#)

Planning Decision Notices

97 Applications

	19/1512/NMA	Non-Material Amendment	Application for a non-material amendment to planning approval 18/0855/FUL in respect of changing the material from yellow brick to stone	Spar Shop Market Square Llanrhaeadr-ym-mochnant Croesoswallt Powys SY10 0JG	Approve	04/10/2019
	19/1253/NMA	Non-Material Amendment	Non-material amendment to planning consent P/2017/0487 (outline P/2015/1228) to allow for the widening of the highway in replace of a footpath	Land Adjacent To Brynderw Park Street Llanrhaeadr-ym-mochnant Welshpool Powys SY10 0JG	Approve	10/10/2019
	19/1074/HH	Householder	Erection of an extension, to include some demolition and all associated works	Ty Nant 3 Hafan Y Dorlan Llanrhaeadr-ym-Mochnant Powys SY10 0LW	Approve	14/10/2019
Llanwrthwl Community	18/0938/FUL	Full Application	Extensions and alterations to existing farmhouse, including associated external works and extension of residential curtilage	Cwmbach Farm Llanwrthwl Llandrindod Wells Powys LD1 6NU	Approve	25/09/2019
Llanwrtyd Wells Community	19/1435/NMA	Non-Material Amendment	Application for a non-material amendment to planning approval P/2017/0701 to change the conservatory	7 Tai Cae Mawr Llanwrtyd Wells LD5 4RJ	NMA Approved	04/10/2019

97 Applications

Llanyre Community	19/1126/HH	Householder	Removal of existing conservatory/porch, and re-building a new 2 storey extension.	Wye View Newbridge-on-wye Llandrindod Wells Powys LD1 6LY	Approve	11/10/2019
Machynlleth Community	19/1336/HH	Householder	Renovation works to outbuilding including insertion of roof-light to west elevation (resubmission of 18/0709/HH)	36 Penrallt Street Machynlleth Powys SY20 8AJ	Approve	08/10/2019
	19/1337/LBC	Listed Building Consent	Listed building consent for replacement of roof rafters & slates, repair brick & slate wall & insert roof light on outbuilding (resubmission of 18/0710/LBC)	36 Penrallt Street Machynlleth Powys SY20 8AJ	Approve	08/10/2019
Meifod Community	19/0267/HH	Householder	Erection of a porch, erection of boundary wall and railings and change of use of land to residential curtilage (part retrospective)	Corner House Meifod Powys SY22 6BZ	Approve	02/10/2019
	19/0679/LBC	Listed Building Consent	Retention of the demolition of boundary wall, and proposed erection of new boundary wall, gate and fence, and rear porch	Corner House Meifod Powys SY22 6BZ	Approve	02/10/2019
	19/1230/HH	Householder	Installation of ground mounted solar panels (9 m wide x 2.4 m high)	Peniarth Uchaf Meifod Powys SY22 6DS	Approve	02/10/2019



Planning Decision Notices

97 Applications

Merthyr Cynog Community	19/1201/HH	Householder	Erection of an extension, to include some demolition and all associated works	Glanyrafon Merthyr Cynog Brecon LD3 9SA	Approve	04/10/2019
	19/1323/FUL	Full Application	Installation of a 20m telecommunications mast accommodating three no. antennas, two no. microwaves dishes, pole mounted satellite dish, ancillary equipment cabinets within a fenced compound together with 3m access track	Land At Alltcerrig Merthyr Cynog Brecon Powys LD3 9RY	Approve	14/10/2019
Mochdre Community	19/1445/ELE	Electricity Overhead Line	Application made under Electricity Act 1989: Overhead Lines (exemption) (England & Wales) Regulations 2009 to erect an additional pole within existing low voltage electricity line	Land Near New Bungalow Kincoed Mochdre SY16 4JN	Approve	15/10/2019
Montgomery Community	19/0341/HH	Householder	Erection of a two storey rear extension	4 Tan-y-mur Montgomery Powys SY15 6PR	Approve	26/09/2019
Nantmel Community	19/0560/FUL	Full Application	Erection of agricultural general purpose building, creation of new field gate access and blocking up of existing field gate access	Cae Henfron South Street Rhayader Powys LD6 5BH	Approve	09/10/2019



Planning Decision Notices

97 Applications

New Radnor Community	P/2018/0116	Listed Building Consent	LBC: Replace ridge tiles and mopstick, secondary and timber glazing to windows, installation of 2 no. roof lights and various external and internal works	8 Broad Street New Radnor Presteigne Powys LD8 2SP	Approve	09/10/2019
	P/2018/0258	Listed Building Consent	LBC: Repairs to a domer window roof, including replacing and repairing tiles. Replacement of domer window glass with Slimlite (or similar).	6 Broad Street New Radnor Presteigne Powys LD8 2SP	Approve	09/10/2019
Newtown And Llanllwchaiarn Community	19/1162/REM	Removal or Variation of Condition	Section 73 application to remove condition 6 of permission P/2010/1134	Land At Bedwgwilym Bryn Lane Aberhafesp Newtown Powys SY16 3LX	Approve	25/09/2019
	19/1278/DIS	Discharge of Condition	Discharge of planning condition no. 12 (tree & hedgerow protection plan) attached to planning permission P/2017/0740 (new access)	Blaen Y Cwm Upper Gwestydd Lane Cefn Mawr Newtown SY16 3LA	Approve	25/09/2019
	19/1441/NMA	Non-Material Amendment	Application for non material amendments to planning permission P/2017/1263 in respect of position of treatment plant	4 Church House Orchard Aberbechan Newtown SY16 3BH	Approve	02/10/2019

Page 18 of 95



Planning Decision Notices

97 Applications

Painscastle Community	19/1450/HH	Householder	Erection of a single storey extension and formation of a turning area for cars	Penrhos Rhosgoch Builth Wells Powys LD2 3JU	Approve	07/10/2019
	19/0227/FUL	Full Application	Conversion of redundant farmhouse and barn into 3 holiday lets, installation of package treatment plant and associated works.	The Rhyn Llandeilo Graban Llanfair-ym-muallt Powys	Approve	11/10/2019
Penybont Community	19/1368/NMA	Non-Material Amendment	Application for a non-material amendment to planning approval PR63000 in respect of making minor alterations to the approved elevations	Penybont Cattle Market Old Market Meadows Penybont Llandrindod Wells LD1 5UA	Approve	04/10/2019
	19/0917/FUL	Full Application	Proposed siting of movable stabling, exercise ring, store building, laying of hardstanding and associated works	Land To The South Side Of A44 Llandegley Llandrindod Wells Powys	Approve	16/10/2019
Presteigne Community	19/1258/FUL	Full Application	Change of use of land to form additional domestic curtilage	Land Rear Of 23 & 24 Jack's View Norton Presteigne Powys LD8 2EQ	Approve	11/10/2019



Planning Decision Notices

97 Applications

St. Harmon Community	19/1288/HH	Householder	Installation of a sewage treatment plant	Ael Y Bryn St Harmon Rhayader Powys LD6 5LG	Approve	27/09/2019
Tregynon Community	19/0814/RES	Reserved Matters	Application for reserve matters following the approval of P/2017/0580 for the erection of 5 dwellings (including 1 affordable dwelling), garages and all associated works	Land Adjacent To Tyn Y Ddol Tregynon Newtown Powys SY16 3LP	Approve	02/10/2019
Trewern Community	19/0968/HH	Householder	Erection of detached garage & roadside wall	Plas Cefn, Wisteria Cottage Heldre Lane Buttington Welshpool	Approve	10/10/2019
Welshpool Community	19/0827/REM	Removal or Variation of Condition	Section 73 application to remove conditions 2 & 3 from permission M8968 (relating to occupancy)	Berwyn View Trelydan Welshpool Powys SY21 9HL	Approve	04/10/2019
	19/0880/DECC	DECC overhead line	Application under section 37 of the Electricity Act 1989 to upgrade existing HV overhead line from single phase to three phase to allow for 2nd underground	Gungrog Farm Welshpool Powys SY21 NU	Permitted Development	15/10/2019

Page 188



Planning Decision Notices

97 Applications

Ystradgynlais Community	19/0688/HH	Householder	First floor rear extension with three flat rooflights and a glazed roof lantern within a new flat roof and parapet.	16 College Row Ystradgynlais SA9 1BJ	Approve	26/09/2019
	19/1029/DIS	Discharge of Condition	Discharge of condition 3 of planning permission 19/0373/HH with regards to external lighting	23 Brecon Road Ystradgynlais Powys SA9 1HE	Approve	26/09/2019
	19/0929/HH	Householder	Construction of first floor to bungalow and erection of single storey extensions to side and rear	Troed Y Rhiw Bungalow Heol Giedd Ystradgynlais Powys SA9 1NB	Approve	09/10/2019

Application Total

97

Page 189

This page is intentionally left blank

Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 29/08/19

gan Iwan Lloyd BA BTP MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 27.09.2019

Appeal Decision

Site visit made on 29/08/19

by Iwan Lloyd BA BTP MRTPI

an Inspector appointed by the Welsh Ministers

Date: 27.09.2019

Appeal Ref: APP/T6850/Q/19/3231513

Site address: Pen-y-Cae, Greenfields Farm, Four Crosses, Llanymynech SY22 6RF

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under Section 106B of the Town and Country Planning Act 1990 against a refusal to discharge a planning obligation.
- The appeal is made by Philip Michael Pryce against the decision of Powys County Council.
- The development to which the planning obligation relates is erection of a dwelling.
- The planning obligation, dated 13/05/2008, was made between Powys County Council and Philip Michael Pryce.
- The application Ref 19/0202/VAR, dated 31/01/2019, was refused by notice dated 3/06/2019.
- The application sought to have the planning obligation discharged.

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Philip Michael Pryce against Powys County Council. This application is the subject of a separate decision.

The obligation

3. The obligation says that any dwelling built on the land shall initially be occupied by the applicant as his only dwelling. The subsequent disposal of the dwelling shall be to a resident living or employed in the District of Montgomeryshire for not less than three years or was last employed within the District or has come to the District to take-up full employment. This is with the proviso that the subsequent disposal of the dwelling would be to an occupier or their spouse or cohabitees that have not owned or were leaseholders of a dwelling for a term exceeding 7 years at the date before their first occupation of the dwelling. The subsequent disposal of the dwelling would be to an occupier or their spouse or cohabitees that have not owned a dwelling at any time during the period of five years before their first occupation of the dwelling. The dwelling size is limited by the obligation so that as constructed it does not exceed a gross floor space of 130 square meters.

Main Issue

4. The main issue in this case is whether or not the obligation continues to serve a useful purpose.

Reasons

5. The constructed property the subject of this appeal is a detached two-storey dwelling with three bedrooms, kitchen, dining and living rooms on the ground floor. The dwelling has its own driveway which connects to a private road which in turn exits onto the county highway. The dwelling is situated close to commercial workshops and yard associated with a family run enterprise of selling and servicing of agricultural machinery/vehicles. The access to the yard/buildings exits onto the private drive and then the county road and the property driveway connects to the same shared track. To the south of the commercial yard is Greenfields Farm House which is occupied by the appellant's parents. This property has its own access to the south connecting to the A483.
6. The appellant seeks to discharge the obligation because it restricts any possible improvement/extension to the property for the appellant's family who wish to continue to reside there and run the associated enterprise. The appellant's case is that the dwelling is inappropriate as an affordable dwelling for qualifying occupants given the proximity to the commercial yard, the shared private access in which future occupants would be required to contribute towards its upkeep, and that future occupants would not tolerate the effects of the commercial business in terms of its impact on living conditions in relation to noise, disturbance, odour and fumes. The appellant argues that the proximity of the property to the business is self-regulating and that the obligation does not continue to have a useful purpose because the dwelling is unsuitable as an affordable dwelling for persons unconnected to the business. The appellant refers to the difficulty subsequent occupants would encounter in selling the property or acquiring a mortgage to purchase it from the appellant.
7. The access is used by lorries connected to the business and lorries turn into the driveway of the property in order to exit the enterprise. The appellant refers to issues of safety because vehicles entering the private drive may encounter lorries and as the appellant is aware of the delivery times the potential traffic conflict is usually avoided whereas this might not be the situation if the dwelling is occupied by a person unconnected to the business. The appellant also cites issues with pedestrian safety with children using the private drive and the associated conflict of lorries using the road which future occupants of the dwelling unrelated to the business may not tolerate.
8. It is not disputed that the planning policy applicable in 2008 was relevant and that the appellant complied with the local need/affordable housing criteria at that time. The Council sought to control the occupancy of the dwelling given that it was a dwelling which was located outside the settlement boundary and the appellant was willing to sign the planning obligation which controlled the subsequent sale of the dwelling.
9. The Powys Local Development Plan 2011-2026 (LDP) Policy H1 permits housing development in rural settlements for affordable housing in accordance with Policy H6 or where the development relates to a need for housing in the open countryside. Policy H6 considers affordable housing exception sites to meet a proven, unmet local need where the size of the development is commensurate with the defined need and that adequate arrangements are in place to ensure the benefits of affordable housing are secured for initial and subsequent occupiers in accordance with the requirements of Policy SP3. These policies refer to further guidance contained in adopted Supplementary Planning Guidance (SPG) on Affordable Housing and Planning Obligations. The SPG on Affordable Housing provides guidance on affordability, plot size and qualifying occupiers through the local need assessment process.

10. The appellant refers to the concern that the obligation states that subsequent occupiers require to qualify to be resident or working locally, and that the 'disposal or demise' of Pen-y-Cae does not restrict to whom the appellant can let or lease the property to, or control the sale price, rental cost or lease of the property.
11. The obligation states that 'Upon any subsequent disposal or demise of the said dwelling occupation thereof shall at all times be limited to a person (the occupier) who', followed by the restrictions on local occupancy and without formerly owning or leasing a property within a given period. In my view, the words 'shall at all times be limited to a person' who qualifies with the requirements precludes the appellant from renting or leasing the property to a person whom fails to meet the obligation restrictions on occupancy. Furthermore, I consider that when each obligation is read together this would result in a reduction in the value of the property below open market valuations such that it could be regarded as within the intermediate affordable housing category as defined by TAN2¹.
12. Whilst no evidence has been presented on valuations the restrictions on the size of the dwelling and the occupancy restrictions and that subsequent occupiers would not normally hold equity in another dwelling has the effect of limiting the value of the property and the occupancy such that the obligation's purpose has a similar effect to the broad objectives of the LDP and SPG on Affordable Housing.
13. The obligation makes no reference to affordable housing, and I accept the obligation has no reference to affordability, the valuation of the property, a local need cascading arrangement and the size of the dwelling is above affordable housing thresholds as set out in the SPG. However, the suite of obligations when read together serves to restrict the property from becoming an open market dwelling in an area where open market housing is unacceptable in planning terms.
14. The obligation does not relate to the enterprise since it makes no mention of it. The obligation also has the effect of giving protection to local people and those who come to the area with full employment but does not differentiate from those who are less affluent and those who are affluent unless the occupant failed on the second and third proviso of paragraph 2 of the Second Schedule in relation to previous home ownership and leasehold interests. There could be circumstances where the subsequent occupant had owned/leased a property up to 7 years in duration, but not within 5 years of their occupation of the dwelling. These circumstances may be few, but it serves to illustrate that the obligation is not entirely consistent with the affordable housing provision in the LDP/SPG.
15. Nevertheless, the main provision when the obligation was instigated, and now, when it is sought to be discharged, is to prevent open market housing in an area where such housing would be unacceptable in planning terms, and it serves to restrict the value of the property below open market valuations. The obligation therefore continues to serve a useful purpose in the context of the LDP. In my view this is a legitimate aim in accordance with the adopted planning policy for the area.
16. The location of the dwelling does not preclude subsequent qualifying occupants to take residency such that the impact on them due to the proximity of the enterprise would be so severe as to be considered unacceptable in relation to their living conditions. The workshop building is separate from the dwelling and there is established landscaping on the boundaries of the site. Whilst there would be some impact in relation to deliveries and working on plant and machinery, qualifying occupants would

¹ Planning Policy Wales Technical Advice Note 2: Planning and Affordable Housing Annex B

be aware of the situation before buying, and in any event the restrictions which are in place have not been tested in a meaningful way to demonstrate that the obligation has no useful purpose.

17. The size of the dwelling is regulated by the obligation and I note the appellant does not want to sell the property but rather to extend and alter it. These aspirations are entirely appropriate subject to general planning considerations but in this context the dwelling was granted as a justified exception to restrictive policies of building in the countryside, and to extend beyond the maximum threshold could make it an unaffordable dwelling. No evidence has been presented to indicate the cost and potential uplift in value of such an extension and no valuations have been made on the current property relative to the Council's affordability criteria as shown in the SPG. However, the maximum permitted size of the dwelling is above the plot size maximum of the adopted SPG, I therefore consider that the obligation serves a useful purpose.
18. I also note the appellant's argument over the difficulties of obtaining a mortgage although no evidence has been presented to demonstrate the point.
19. I am satisfied that the obligation continues to serve a useful purpose and does not conflict with the tests set out in The Community Infrastructure Levy Regulations 2010 and the tests in Circular 13/97 on Planning Obligations. The application sought to discharge the obligation, and for the reasons I have outlined above, I conclude that the appeal should be dismissed.

Iwan Lloyd

INSPECTOR



Penderfyniad ar gostau

Ymweliad â safle a wnaed ar 29/08/19

gan Iwan Lloyd BA BTP MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 27.09.2019

Costs Decision

Site visit made on 29/08/19

by Iwan Lloyd BA BTP MRTPI

an Inspector appointed by the Welsh Ministers

Date: 27.09.2019

Costs application in relation to Appeal Ref: APP/T6850/Q/19/3231513

Site address: Pen-y-Cae, Greenfields Farm, Four Crosses, Llanymynech SY22 6RF

The Welsh Ministers have transferred the authority to decide this application for costs to me as the appointed Inspector.

- The application is made under the Town and Country Planning Act 1990, section 322C and Schedule 6.
 - The application is made by Philip Michael Pryce for a full award of costs against Powys County Council.
 - The appeal was against the refusal to discharge a planning obligation relating to the erection of a dwelling.
-

Decision

1. The application for an award of costs is refused.

Reasons

2. The application for costs and the Council's response were made in writing. These documents are presented as the parties' submissions for and against costs and are fully considered.
3. The Annex at Section 12 of the Development Management Manual Award of Costs, advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
4. The applicant asserts that the Council failed to determine the application within the statutory time limit and had not explained the delay in deciding the application or requested an extension of time. The applicant had written three times without a response, and the fourth email indicated that an appeal would be lodged. The Council refused the application following receipt of the latest communication. The applicant contends that the Council had failed to fully assess the reasons for the application, had not sought a meeting with the applicant and had not submitted a statement of case to address issues and questions raised by the applicant.
5. The Council concedes that the application had not been determined within the statutory time limits but asserts that the outcome of the application would have been the same had it done so, and the applicant has therefore failed to demonstrate that he has incurred unnecessary or wasted expense in the appeal process. The Council also indicates that whilst it indicated that a statement of case would be provided after

consideration it chose to rely on the delegated report, which considered the reasons for the application.

6. One example of unreasonable behaviour in paragraph 3.10 of the Annex at Section 12 of the Development Management Manual is the procedural failure to determine the application within the statutory time limit where there was no substantive reason to justify delaying the determination of the application. Whilst this is regarded as unreasonable behaviour it has not directly caused the applicant to incur unnecessary or wasted expense in the appeal process since the application was refused and the appeal was unavoidable.
7. I was not persuaded by the applicant's case in this appeal, and the Council's case had sufficient substance from the information provided in the delegated report to indicate that it had properly considered the applicant's submissions.
8. In all, I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Annex at Section 12 of the Development Management Manual, has not been demonstrated. A full or partial award of costs is therefore not justified in this case.

Iwan Lloyd

INSPECTOR

Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 02/09/19

gan Richard E. Jenkins BA (Hons) MSc
MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 15.10.2019

Appeal Decision

Site visit made on 02/09/19

by Richard E. Jenkins BA (Hons) MSc
MRTPI

an Inspector appointed by the Welsh Ministers

Date: 15.10.2019

Appeal Ref: APP/T6850/A/19/3232823

Site address: Gnoll House, Neath Road, Ystradgynlais, SA9 1PR

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 Davies against the decision of Powys County Council.
 - The application Ref: P/2018/0606, dated 16 April 2018, was refused by notice dated 5 June 2019.
 - The development proposed is the erection of a boarding kennel establishment, formation of access road, parking and turning area.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. I have taken the description of development from the Council's Notice of Decision as it provides a more accurate description than that outlined on the planning application form. As the amended description is broadly consistent with that outlined on the Appeal Form, I am satisfied that there would be no prejudice in this respect.

Main Issue

3. This is the effect of the proposed development upon the living conditions of the occupiers of neighbouring residential properties, having particular regard to levels of noise and general disturbance.

Reasons

4. The appeal relates to an irregular shaped parcel of land located to the side and rear of an existing residential dwelling known as Gnoll House which is sited off Neath Road near Ystradgynlais. The proposed development represents a revised scheme for a boarding kennel establishment with a new access. The previous scheme was refused planning permission by the Local Planning Authority (LPA), under Ref: P/2017/0104, and that decision was subsequently upheld at appeal¹. The Council's sole objection to the current proposal relates to an alleged lack of information to adequately assess

¹ Appeal Ref: APP/T6850/A/17/3189572

whether the amenity of local residents would be unacceptably affected by reason of noise impact. I shall confine my reasoning to this principle matter of dispute.

5. The appeal documents indicate that the proposed kennels would be capable of accommodating up to 12 dogs at any one time. A Noise Impact Assessment (NIA) prepared by qualified acoustic specialists has been submitted in support of the proposal. That document focusses on the effect of the development upon a number of nearby residential dwellings that are unconnected to the appeal proposal. Those dwellings are sited in differing directions relative to the appeal site and range from between approximately 70 and 135 metres distant. In the absence of a standardised methodology for considering such proposals, the NIA considers an absolute criterion of 45dB L^{AFMAX} as the level above which an impact would occur. Within this context, it is notable that the NIA concludes that a maximum noise level of 43dB L^{AFMAX} would be attributable during daytime hours, with night-time impacts being described as 'effectively inaudible' from the bedrooms of the nearest properties. A management plan is proposed to limit the frequency and duration of the noise impacts and a two metre high acoustic fence is also proposed as a noise mitigation measure.
6. The Council objects to the proposed development on the basis that the available evidence does not enable it to adequately assess the impact upon the living conditions of neighbouring residents. Amongst other things, the Council is concerned that the NIA results are based upon a single dog barking, despite the fact that the proposal is for up to 12 dogs to be housed at any one time. It is also concerned that noise events are assumed to principally comprise a small number of discrete events. Whilst I recognise that there is no standard methodology for assessing such proposals, I share the Council's concerns. I have fully considered the fact that the World Health Organisation's document entitled '*Guidelines for Community Noise*' states that the use of L_{Amax} or SEL is recommended for noise principally composed of a small number of discrete events. However, even taking into account the proposed management plan arrangements, I have not seen anything to indicate that the cumulative impact of the noise generated by up to 12 dogs should in fact be defined as a small number of discrete events.
7. In addition to such matters, there is limited information available regarding the baseline noise data for the area and the effect of the proposed acoustic fence is largely unexplained. The assumption that all windows will be closed at the kennels is also a concern, not least because I have not been provided with any cogent evidence, or a suggested planning condition, to demonstrate that mechanical ventilation and/ or air conditioning could safely be used during the summer months. I have had full regard to the proposed management arrangements and note the potential for a management plan to be agreed through a planning condition. However, it is notable that, despite forming an integral part of the suggested noise management plan, no facilities are provided within the appeal site for the isolation of barking dogs. Furthermore, there is little evidence to indicate that the methods identified to stop dogs from barking would in fact be sufficient to prevent material harm.
8. On the basis of the foregoing, I concur with the Council's assessment that the proposed development would have potential to cause material harm to the living conditions of the occupiers of neighbouring residential properties by reason of increased levels of noise and general disturbance. I therefore find that the development would conflict with Policy DM13 of the adopted Powys County Council Local Development Plan (2018) (LDP) which, amongst other things, states that the amenities enjoyed by the occupants of nearby properties shall not be unacceptably

affected by levels of noise. For the same reasons, the development would also be contrary to the general thrust of the advice set out in national planning policy². For these reasons, and having considered all matters raised, I conclude that the appeal should be dismissed.

9. In coming to this conclusion, I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (WBFG Act). I have taken into account the ways of working set out at section 5 of the WBFG Act and consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives, as required by section 8 of the WBFG Act.

Richard E. Jenkins

INSPECTOR

² Planning Policy Wales (Edition 10) and Technical Advice Note 11 (1997).

This page is intentionally left blank

CYNGOR SIR POWYS COUNTY COUNCIL

PLANNING, TAXI LICENSING AND RIGHTS OF WAY COMMITTEE

24th October 2019

REPORT BY: HEAD OF HOUSING AND COMMUNITY
DEVELOPMENT

SUBJECT: Town and Country Planning Act 1990, section 257
Public path Order proposal

REPORT FOR: DECISION

**Proposal to divert Footpath CF22, at land East of Ithon Road,
Llandrindod Wells (Community of Llandrindod Wells.)**

Background:

The need for a diversion of footpath CF22 has arisen because the development subject of planning permission 19/0021/FUL would lie on the line of the path.

The planning permission, which was granted on 5th April 2019, is for the erection of a residential development comprising of 55 units at Land East of Ithon Road, Ithon Road, Llandrindod Wells, LD1 6AS. The applicant's plan, as submitted during the planning permission process showing the development and the footpath diversion is at Appendix B.

The applicant for the proposed diversion of the footpaths is J G Hale Construction Ltd. The diversion proposals affect land owned by two private landowners and Powys County Council Schools Service.

There is a proposed creation agreement associated with this diversion application. This has been put forward to facilitate pedestrian movement to and from the development if the diversion is successful and is shown on the plan at appendix A as line D-F. The path creation would come into effect if the diversion Order were confirmed. However, it is legally a separate procedure to the making of a diversion Order and is not subject of statutory opportunities for objection.

Current Definitive route:

Footpath CF22 commences at a junction with Ithon Road public highway, adjacent to the south-western corner of Llandrindod Wells cemetery at OSGR SO 0548, 6215 (point A) and runs in a generally south-easterly direction for approximately 105 metres, terminating on land to the north of the pumping station, situated to the west of Holcombe Drive at OSGR SO 0557, 6208 (point B).

Footpath CF22 is a cul-de-sac footpath as it does not connect to any other public right of way or highways at the eastern end. The statement records the path as travelling from the road near to the cemetery to the Old Isolation

Hospital. The total length to be diverted is approximately 69 metres; the width is undefined in the Statement.

Proposed alternative route:

The proposed alternative route commences from Ithon Road at a point approximately 295 metres south of point A and opposite the entrance into the farmstead at Ty Canol at OSGR SO 0545, 6185 (point C). It follows in an east south-easterly direction for approximately 125 metres to connect with footpath CF20 at OSGR SO 0557,6182 (point E). The total length of the proposed new path is approximately 125 metres. The proposed width is 3 metres to allow for pedestrian and cyclist use along the path.

Works required:

The proposed path construction plan can be found at Appendix C.

Consultation:

Asbri Planning carried out pre-Order Consultation on behalf of the applicant in April 2019 and consultees were given 28 days to respond. Responses to the proposals have been received from:

- Llandrindod Wells Town Council, who support the proposals;
- The Open Spaces Society, whose response is described below;
- Dwr Cymru Welsh Water, whose response is described below
- Wales and West Utilities, BT Openreach, Natural Resources Wales, National Grid, CADW, none of whom objected to the proposals.
- The affected landowners, who have given their written consent to the proposals.

The local members (Cllr Gary Price and Cllr Jon Williams) were consulted and no objections were received.

Dwr Cymru Welsh Water objected to the proposals, as they have apparatus in the vicinity of the proposed footpath. However, the construction of the public right of way would be done sympathetically thus avoiding any detrimental impact on their apparatus or Dwr Cymru's capacity to maintain.

Comments on the proposal were received from Mr Peter Newman of the Open Spaces Society on the 25th April 2019. In his response, Mr Newman stated that he was looking for a dedicated footpath connection from the hammerhead at the northern end of the development, west to Ithon Road and east to Holcombe Drive. The agent for the applicant responded to Mr Newman's comments. The email exchange can be found at Appendix D. In the course of communication Mr Newman stated that he was objecting to the proposal. This was confirmed in an email to Countryside Services. A copy of this can be found at Appendix E.

Options:

This application has been made under section 257 of the Town and Country Planning Act 1990. The legal criteria for the making of a diversion Order under this legislation is that it is necessary to do so, in order to enable development to be carried out in accordance with planning permission that has been granted.

Planning permission 19/0021/FUL has been granted for the erection of a residential development comprising of 55 units that will lie on the line of footpath CF22. As such, and as the development is not 'substantially complete', it is considered that the legal criteria for the making of a diversion Order are met.

If a diversion Order is made, opposed and submitted to the Planning Inspectorate, the Inspector could consider wider issues, including the suitability of the proposed new route, in deciding whether the Order should be confirmed or not. However, they will not re-open the matter of the planning merits of the development itself.

The Committee could:

1. Decide not to make a diversion Order in respect of this application; in that event, the applicant would not be able to implement the development subject of the planning permission that has been granted, as to do so would obstruct the line of footpath CF22.
2. Approve the making of a diversion Order. Given the outstanding objection, there is a significant risk that the Order may then be formally opposed.

If a diversion Order is made and opposed, it could be formally abandoned. Alternatively, the Order could be submitted to the Planning Inspectorate for determination.

If a diversion Order is made, opposed, and submitted to the Planning Inspectorate, the Council can decide to support, remain neutral with respect to, or oppose the confirmation of the Order.

If the Council decides to support the Order, then it must make a case as to why the Order should be confirmed. If the Council chooses to remain neutral or oppose the confirmation of the Order, that responsibility lies with the applicant.

This diversion is considered to be primarily in the interest of the applicant, as the diversion is needed to allow them to implement the planning permission that has been granted.

Given that and as the proposal meets the legal criteria for the making of a diversion Order, it is proposed that a diversion Order be made. If it is opposed, then unless significant new information comes to light, it is proposed that the Order should be submitted to the Planning Inspectorate for determination, but that the Council should remain neutral with respect to its confirmation.

RECOMMENDATIONS:

1. That an Order be made to divert footpath CF22, on land to the East of Ithon Road, Llandrindod Wells as shown on the plan at appendix A;
2. That if the Order is made and opposed, unless significant new information comes to light, it is submitted to the Planning Inspectorate for determination;

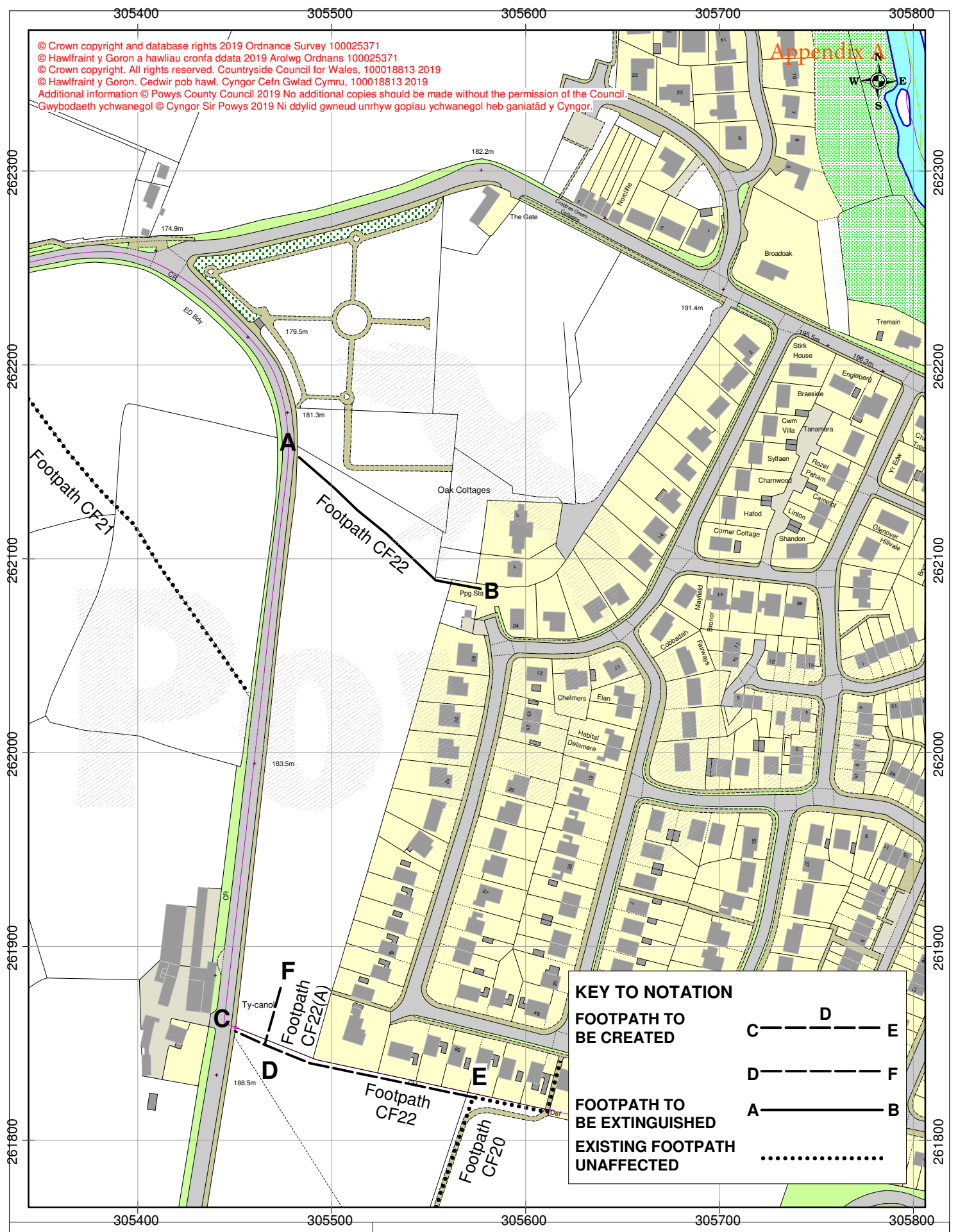
3. That the Council takes a neutral stance with respect to confirmation of the Order, if it is submitted to the Planning Inspectorate for determination.

APPENDICES:

- Appendix A Plan of proposed diversion and path creation
- Appendix B 19/0021/FUL Applicant's Site Plan showing location of proposed development
- Appendix C Applicant's Path Construction Plan
- Appendix D Email Correspondence between Mr Newman, Open Spaces Society and Aspri Planning
- Appendix E Email Correspondence between Mr Newman, Open Spaces Society and Countryside Services

© Crown copyright and database rights 2019 Ordnance Survey 100025371
 © Hawlfraint y Goron a hawliau cronfa ddata 2019 Arolwg Ordnans 100025371
 © Crown copyright. All rights reserved. Countryside Council for Wales, 100018813 2019
 © Hawlfraint y Goron. Cedwir pob hawl. Cyngor Cefn Gwlad Cymru, 100018813 2019
 Additional information © Powys County Council 2019 No additional copies should be made without the permission of the Council.
 Gwybodaeth ychwanegol © Cyngor Sir Powys 2019 Ni ddylid gwneud unrhyw gopïau ychwanegol heb ganiatâd y Cyngor.

Appendix A



KEY TO NOTATION

FOOTPATH TO BE CREATED

C ——— D ——— E

D ——— F

FOOTPATH TO BE EXTINGUISHED

A ——— B

EXISTING FOOTPATH

.....

UNAFFECTED

.....

Proposed public path diversion Order and creation agreement:
Public footpath CF22 and new footpath CF22(A)
Community of Llandrindod Wells
 Scale 1:2500 OSGR SO 055,620



This page is intentionally left blank

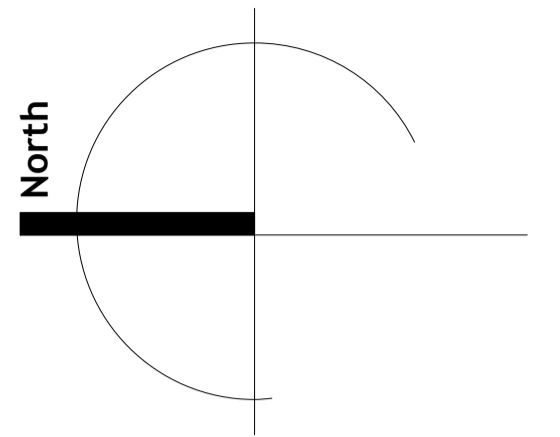
5 0 5 10 15 20 25 m
1:500

Appendix B

Copyright © 2018

Notes:

Do not scale this drawing. Check all dimensions on site. Any discrepancies to be reported back to the Architect for clarity.



KEY

EXISTING RIGHT OF WAY

DIVERTED RIGHT OF WAY

F	Right of way amended	PC	06.02.19
E	Minor amendments	PC	23.01.19
D	plots 50 & 51 unit ref amended	PC	04.01.19
C	Field Access gates added, red line boundary amended	PC	19.12.18
B	Drainage design incorporated in scheme, issued for planning	PC	10.12.18
A	Diverted right way route amended	PC	05.09.18
Rev	Revision	By	Date



Project:

LAND OFF ITHON ROAD,
LLANDRINDOD WELLS

Job Number: L648

Date: 10.12.18

Drawn by: PC

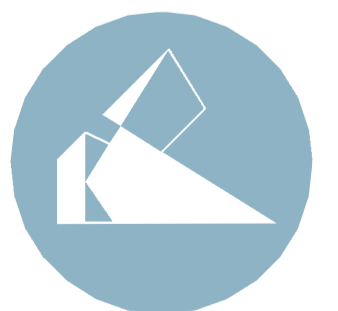
Dwg No: A152

RIGHT OF WAY DIVERSION PLAN

Revision: F

Scale: 1 : 500 @ A1

Drawing Status:
PLANNING



TONY KING
ARCHITECTS LTD
97a Glebe Street, Penarth
Vale of Glamorgan CF64 1EE
T: 02920 306400
www.tonykingarchitects.co.uk

CEMETERY

HOLCOMBE DRIVE

LOCAL AREA
OF PLAY

ITHON ROAD

TY CANOL

Page 207

01 RIGHT OF WAY DIVERSION PLAN
1 : 500

06/02/2019 12:16:02

This page is intentionally left blank

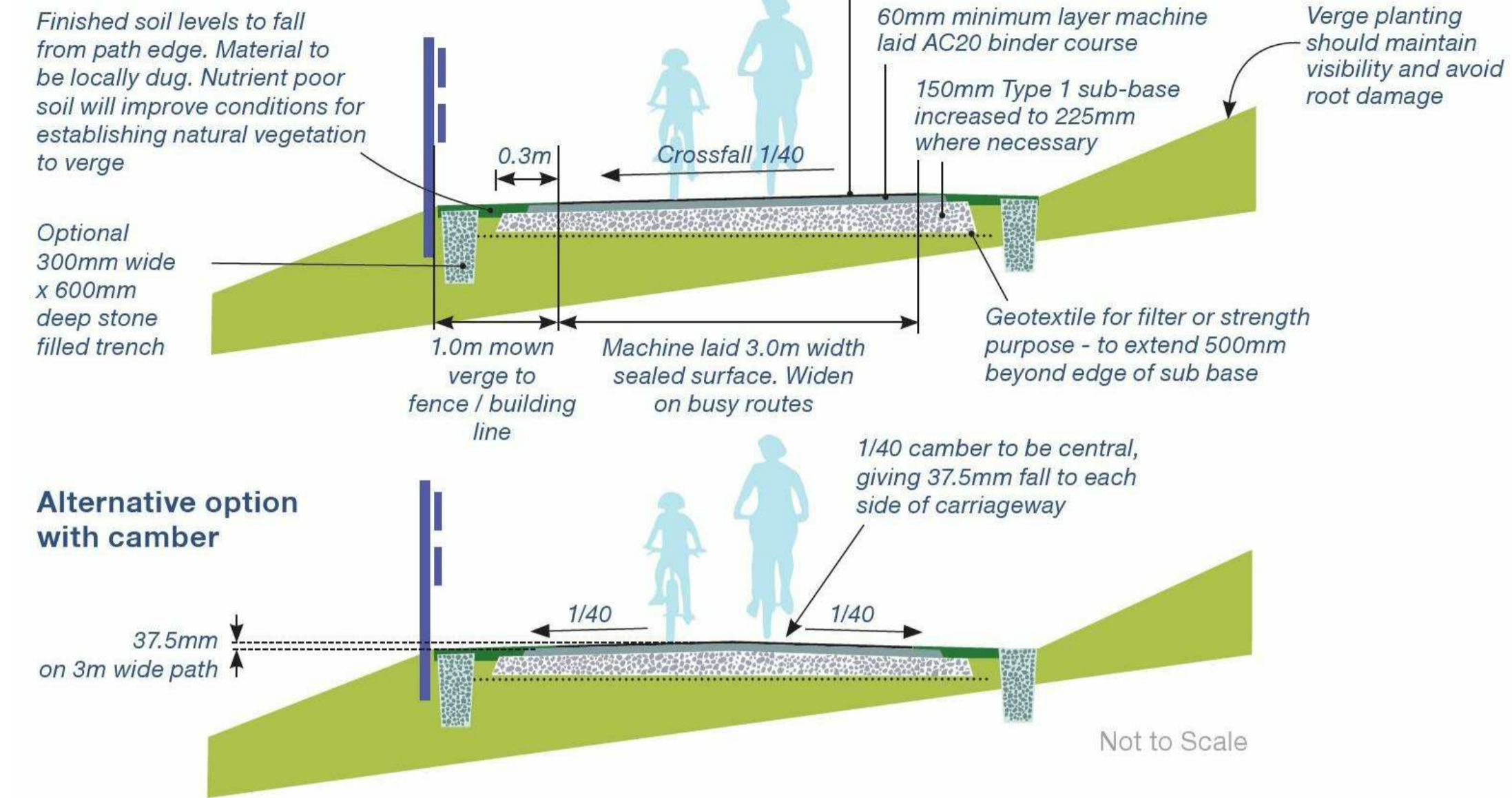
Appendix C

Notes:
Do not scale this drawing. Check all dimensions on site. Any discrepancies to be reported back to the Architect for clarity.

Rev	Revision	By	Date
A	Field Access gates added, red line boundary amended	PC	19.12.18
B	Bollards re-positioned to cycle path design guide	PC	20.02.19



Path construction



03 PERSPECTIVE VIEW - CYCLE PATH

01 SITE LAYOUT - CYCLE PATH
1 : 250

02 CYCLE PATH CONSTRUCTION - N.T.S.
1 : 250

03 PERSPECTIVE VIEW - CYCLE PATH

	Dwg No:	A153	
	PROPOSED CYCLE PATH		
Project:	LAND OFF ITHON ROAD, LLANDRINDOD WELLS	Date:	10.12.18
Job Number:	L648	Revision:	B
		Drawn by:	PC
		Scale:	1 : 250 @ A1
		Drawing Status:	PLANNING
			TONY KING ARCHITECTS LTD 97a Glebe Street, Penarth Vale of Glamorgan CF64 1EE T: 02920 306400 www.tonykingarchitects.co.uk

This page is intentionally left blank

Claire Lewis

Subject: FW: Proposed Public Path Order at Footpath CF22 - Land off Ithon Road, Llandrindod Wells, Powys, LD1 6AS

From: [REDACTED]

Sent: 13 August 2019 17:00

To: [REDACTED]

Cc: Jill Exton [REDACTED]; Sian Barnes [REDACTED]; Claire Lewis [REDACTED]

Subject: RE: Proposed Public Path Order at Footpath CF22 - Land off Ithon Road, Llandrindod Wells, Powys, LD1 6AS

Hi Peter,

As I've made clear in the below email correspondence, it is simply not possible to link up footpath CF22 at its eastern end with Holcombe Drive. This is a historic route which has never connected Ithon Road with Holcombe Drive – it terminates in a resident's rear garden and they have confirmed they have no objection to the proposal, as submitted. As previously stated, public footpath CF22 was previously associated with the former Isolation Hospital that was located nearby but is no longer in existence.

I have copied in the PROW officers to this email and I reiterate below the reasons as to why there is no possible way to divert the public footpath to connect with Holcombe Drive (along its eastern boundary):

- The land required is in third party ownership and there is no prospect of it being available for purchase;
- The difference in gradient between the development site and land adjacent to Holcombe Drive would necessitate stepped pedestrian access which could lead to management and health and safety concerns;
- The proposed connection would require residents to traverse around Dŵr Cymru Welsh Water's existing asset and would require engineering works over a sewer easement. Your suggestion to re-direct the route closer to Dŵr Cymru's apparatus would be resisted by Dŵr Cymru and would result in further health and safety issues for users of the footpath. Again, this land would not become available for purchase;
- There are alternative, better connections elsewhere (as proposed) to facilitate pedestrian movement from Ithon road through the development site to Holcombe Drive and Llandrindod Wells. This is in accordance with Active Travel principles and has been agreed in principle as a better solution to promote pedestrian movement from Ithon Road and the development with Holcombe Drive and Llandrindod Town Council.

On the basis of all of the above, I trust I've made it clear how it is not physically possible to connect with Holcombe Drive along its eastern boundary. I hope I've also demonstrated how the current proposals would allow residents to connect with Holcombe Drive (which is not the case, at present).

I will liaise with the Public Right of Way department on how to progress this application.

Kind regards,

Dylan Green – Senior Planner

Asbri Planning Ltd | T: [REDACTED] | M: [REDACTED] W: <http://www.asbriplanning.co.uk>

-----Original Message-----

From: Peter Newman [REDACTED]

Sent: 13 August 2019 16:19

To: Dylan Green <[REDACTED]>

Subject: Re: Proposed Public Path Order at Footpath CF22 - Land off Ithon Road, Llandrindod Wells, Powys, LD1 6AS

Dear Dylan

Thank you for your email.

The critical thing for me is to link up Footpath CF22 at its eastern end with Holcombe Drive - the exact link is open to suggestion, adjacent to the pumping station compound looks possible.

Peter Newman
Open Spaces Society Local Correspondent
The Old Vicarage
DOLAU
POWYS LD15TH

[REDACTED]

[REDACTED]

On 13/08/2019 15:16, Dylan Green wrote:

Thanks Peter,

In order to avoid lodging an official objection, could you please provide a solution to the proposal to divert the right of way, taking into consideration the reasons provided in the below email correspondence? If we were to apply for the path from the hammerhead to Ithon road to be designated as a public footpath, would this allow you to support the application?

Kind regards,

Dylan Green – Senior Planner

Asbri Planning Ltd | T: [REDACTED] | M: [REDACTED]
<http://www.asbriplanning.co.uk>

> -----Original Message-----

From: Peter Newman <[REDACTED]>
Sent: 13 August 2019 12:07

To: Dylan Green <[REDACTED]>
Subject: Re: Proposed Public Path Order at Footpath CF22 - Land off Ithon Road, Llandrindod Wells, Powys, LD1 6AS

Dear Dylan, Thank you for your email.

I regret that should an Order be made to divert this path in the way you are suggesting my Society will have no option other than to lodge an official objection.

I am however hopeful that we can reach an agreement at this early stage to sort out the long standing problem on this path without affecting your proposals for the new development.

>

> Regards

>

> Peter Newman

> Open Spaces Society Local Correspondent The Old Vicarage DOLAU POWYS

> LD15TH

>

> [REDACTED]

>

> [REDACTED]

>

> On 13/08/2019 11:39, Dylan Green wrote:

>> Good morning Peter,

>>

>> Again, thanks very much for the response. In response to your latest email, having looked at the various options available, we believe the landowner would benefit more from removing the footpath altogether, instead of our client purchasing a strip of their land. This is outside of the applicant's control and we consider the current solution as being a more than acceptable proposal without having to purchase neighbouring land. The adjacent landowners have already confirmed in writing they do not object to the proposals. The application would still provide a connection between Ithon Road and Holcombe Drive, albeit in a more suitable position than the current route.

>>

>> In regards to the need for the existing obstacles be removed, as mentioned in my original email, this is a historic route and the public right of way has not provided a connection between Ithon Road and Holcombe Drive for many years. Notwithstanding, we will liaise with the Public Right of Way department in Powys on the preferred method to re-open the existing route prior to any diversion being agreed.

>>

>> Finally, we have been in regular discussions with the Public Right of Way department at Powys and based on these discussions, we consider that the current proposals to divert the PROW have consciously considered all future movement and we consider it to be acceptable and more appropriate than the current route. The new route allows increased connectivity with the wider public footpath network i.e. facilitating better connection with CF21 to the west and CF20, to the east. It also provides a more direct route for future occupants of the housing development to walk to local facilities within Llandrindod Wells town centre thus promoting Active Travel. The pavement from the hammerhead to Ithon Road would be formally adopted, however, there would be no requirement for it to be recognised as a formal public footpath.

>>

>> If you could please confirm you're happy with the proposed diversion, that would be appreciated. Thanks.

>>

>> Kind regards,

>>

>>

>> Dylan Green – Senior Planner

>>

>> Asbri Planning Ltd | T: [REDACTED] :

>> <http://www.asbriplanning.co.uk>

>>

>> -----Original Message-----

>> From: Peter Newman <[REDACTED]>

>> Sent: 01 August 2019 10:36

>> To: Dylan Green [REDACTED]

>> Subject: Re: Proposed Public Path Order at Footpath CF22 - Land off

>> Ithon Road, Llandrindod Wells, Powys, LD1 6AS

>>

>> Dear Dylan,

>> Thank you for your email of 30/7/

>> The route we are suggesting could connect with Holcombe Drive adjacent to the Welsh Water building on its northern side. This would probably necessitate you purchasing a strip of land from the adjacent householder, but this should suit him as the path will then be in a better location for him away from the main garden.

>> With regard to the 2 obstructions on the existing path, my Society expects any route the subject of a Diversion to be clear and usable before any diversion is considered.

>> This means that a gap needs to be made in each of the 2 obstructing fences, gates could be installed if needed for stock control.

>> The applicant for a Diversion Order has to sign to the effect that no obstructions exist on the path to be diverted. This would be on Powys County Council's application form.

>> Lastly the pavement we were referring to is the route south from the new hammerhead linking up with Ithon Road. This appears to be a stand alone route not running adjacent to a road so public footpath status would seem to be more appropriate.

>>

>> regards

>>

>> Peter Newman

>> Open Spaces Society Local Correspondent The Old Vicarage DOLAU POWYS

>> LD15TH

>>

>> [REDACTED]

>>

>> [REDACTED]

>>

>> On 30/07/2019 16:02, Dylan Green wrote:

>>> Good afternoon Peter,

>>>

Thanks very much for providing the below comments in relation to the diversion of right of way CF22 on land off Ithon Road in Llandrindod Wells.

We are in discussions with the Public Rights Of Way team at Powys County Council in order to formalise the diversions and we considered it prudent to write back to you to clarify the proposals, focussing on the points raised in your email.

At present, the public right of way does not provide a connection between Ithon Road and Halcombe Drive; it was previously associated with the former Isolation Hospital that was located nearby but is no longer in existence. The current route, therefore, is unused because it is blocked by fences and hedgerows. You'll notice from the attached plan that the application to divert the right of way proposals does not include for a dedicated footpath from the development site to Holcombe Drive for the following reasons:

- * Part of this land is out of our clients control and it is unlikely that the owners of a private dwelling will be agreeable to a connection through their property/their garden;
- * The difference in gradient between the development site and land adjacent to Halcombe Drive would necessitate stepped pedestrian access which could lead to management and health and safety concerns;
- * The proposed connection would require residents to traverse around Dŵr Cymru Welsh Water's existing asset and would require engineering works over a sewer easement;
- * There are alternative connections elsewhere to facilitate pedestrian movement from Ithon road through the development site to Halcombe Drive and Llandrindod Wells.

It is for these reasons why the diversion does not promote this connection.

Furthermore, the pavement along Ithon Road will be adopted by the Highway Authority. As such, this does not need to be formally designated as a public footpath. The public footpath would relate to the route identified as point C-E

If you could please confirm receipt of this email and confirm you have no objections to the diversion, as proposed, that would be very much appreciated. We can then proceed with the next steps in the diversion process. Thanks.

Kind regards,

Dylan Green – Senior Planner

>>>

>>> Asbri Planning Ltd | T: [REDACTED] :

>>> <http://www.asbriplanning.co.uk>

>>>

>>> -----Original Message-----

>>>

>>> From: Peter Newman <[REDACTED]>

>>> <mailto:[REDACTED]>

>>>

>>> Sent: 25 April 2019 12:39

>>>

>>> To: Kate Stevens <[REDACTED]>

>>> <mailto: [REDACTED]>>

>>>

>>> Subject: Re: Proposed Public Path Order at Footpath CF22 - Land off

>>> Ithon Road, Llandrindod Wells, Powys, LD1 6AS

>>>

>>> Dear Mr Green

>>>

>>> Thank you for consulting us on the above.

>>>

>>> We shall be looking for a dedicated footpath connection from the Hammerhead at the northern end of the development, west to Ithon

>>> Road and East to Holcombe Drive.

>>>

>>> You appear to be showing a pavement to Ithon Road if I have correctly understood your plan. This will need to be upgraded to public footpath status to allow it to be added to the Definitive Map and signposted.

>>>

>>> I look forward to your response.

>>>

Peter Newman

Open Spaces Society Local Correspondent

The Old Vicarage

DOLAU

POWYS LD15TH

[REDACTED]

This page is intentionally left blank

Claire Lewis

From: Peter Newman <[REDACTED]>
Sent: 20 September 2019 17:29
To: Claire Lewis
Subject: Re: FW: Proposed Public Path Order at Footpath CF22 - Land off Ithon Road, Llandrindod Wells

Dear Claire,
 thank you for your email of 4/9 and subsequent follow up.
 So far as I am aware the developer has made no effort to obtain land for the short link needed or to agree and wayleave with the owner.
 I would have thought that the owner would be pleased to move the path from across the centre of his plot to the edge where he could possibly fence it off.
 I do not see that the new route proposed by the developer is in any acceptable as an alternative for the current route being so far away.
 This seems to me an opportunity to turn the cul de sac path into a through route and this is what I am hoping to achieve.
 I would confirm that should an Order be made along the lines set out, I shall be lodging an official objection and pressing for an acceptable alternative path.

Yours Sincerely

Peter Newman
 Open Spaces Society Local Correspondent
 The Old Vicarage
 DOLAU
 POWYS LD15TH

On 18/09/2019 16:38, Claire Lewis wrote:

> Dear Mr Newman
 >
 > I write further to my email of the 4th September. As you will
 > appreciate I need to be able to move this forward and if necessary
 > schedule an agenda item for the Planning, Rights of Way and Taxi
 > Licencing Committee. Can you therefore confirm in writing if you wish
 > to maintain your objection to the proposals and if so, confirm your
 > reasons for doing so by the end of Wednesday 25th September 2019.
 >
 > Kind Regards
 >
 > Claire Lewis
 >
 > Swyddog Cynorthwyol Cofrestru Tir Comin a Mapiau Diffiniol
 >
 > Assistant Commons Registration and Definitive Map Officer
 >
 > Ffon/Tel: 01597 827625 Ffacs/Fax: 01597 829062
 >
 > Mae Gwasanaethau Cefn Gwlad a'r Gwasanaeth Hamdden Awyr Agored yn

> prosesu'ch data personol er mwyn bodloni ein dyletswyddau statudol,
> ein pwerau a'n cyfrifoldebau mewn perthynas â hawliau tramwy cyhoeddus
> a'r
> canlynol: Y Map Diffiniol, Y Gofrestr Tir Comin, parciau, lleoedd
> chwarae, a'r lleoedd agored rydym yn eu rheoli. Pe ddymunech wybod mwy
> am sut rydym yn defnyddio data personol, ewch i:
> <https://customer.powys.gov.uk/article/3792/Privacy-Notice-for-Countrys>
> ide-Service

>
> Countryside Services and Outdoor Recreation are processing your
> personal data for the purpose of meeting our statutory duties, powers
> and responsibilities in relation to public rights of way, the
> Definitive Map, Commons Register, parks, playgrounds and open spaces
> that we manage. If you would like to know more about how we use
> personal data, please see
> <https://customer.powys.gov.uk/article/3792/Privacy-Notice-for-Countrys>
> ide-Service

> Footer

>
> *From:* Claire Lewis
> *Sent:* 04 September 2019 18:19
> *To:* Peter Newman <[REDACTED]>
> *Subject:* Proposed Public Path Order at Footpath CF22 - Land off
> Ithon Road, Llandrindod Wells

> Dear Mr Newman

>
> I have been forwarded your email dated 27th August to Aspri Planning-
> the agent for the Ithon Road Development as they are keen to resolve
> your objection in order to avoid delay and the need for me present a
> report for the Planning, Taxi Licensing and Rights of Way committee.
> Given this, I'd like to make you aware of the following points:

>
> 1. Countryside Services will not be creating a public footpath from
> point A alongside Ithon Road for the full length of the
> development. Members of the public will be able to use the footways
> alongside the estate roads within the development that will be
> adopted by PCC highways. The proposal plan is attached.

>
> 2. You state that the proposed route is very long compared to the
> existing however I would argue that this is minimal as CF 22 (A to B
> on the GIS plan) is approximately 116 metres in length whilst the
> diversion route C to E is approximately 128 metres long. It is not
> accurate to consider the distance taken from point A to the Holcombe
> Drive estate since CF 22 never did connect to Holcombe Drive.

>
> 3. Footpath CF22 is a cul-de-sac footpath, it was originally claimed
> from Ithon Road to the Old Isolation Hospital, with no onward
> connection, probably due to it being the isolation hospital. The
> statement (as attached) confirms this. On viewing historic mapping
> it appears that the isolation hospital was located on the site of 1
> oak Cottages, North Avenue with the footpath travelling over what
> was originally a field to get to it, but now the garden of 24
> Holcombe Drive. The main reason for your objection appears to be
> your request to connect the existing line of CF22 with an adopted

> road within Holcombe Drive, yet the agent has made it clear it is
> not possible to acquire the land required. Whilst such a connection
> is aspirational it should not be considered as a criticism of the
> proposed diversion route.
>
> 4. The proposed diversion route will provide a benefit to the network
> by connecting Ithon Road (A4081) to footpath CF 20 which leads to
> Holcombe Drive and Dyffryn Road via the high school grounds. In
> addition Footpath CF22a will connect with the new estate development
> with the diversion route of CF22.
>
> Please be assured that Aspri Planning have been working with
> Countryside services to present a workable and beneficial diversion
> package. I would be grateful if you could re-consider your position
> and confirm whether you maintain your objection, and if so, confirm your reasons for doing so.
>
> I look forward to hearing from you.
>
> Kind Regards
>
> Claire Lewis
>
> Swydddog Cynorthwyol Cofrestru Tir Comin a Mapiau Diffiniol
>
> Assistant Commons Registration and Definitive Map Officer
>
> Ffon/Tel: 01597 827625 Ffacs/Fax: 01597 829062
>
> Mae Gwasanaethau Cefn Gwlad a'r Gwasanaeth Hamdden Awyr Agored yn
> prosesu'ch data personol er mwyn bodloni ein dyletswyddau statudol,
> ein pwerau a'n cyfrifoldebau mewn perthynas â hawliau tramwy cyhoeddus
> a'r
> canlynol: Y Map Diffiniol, Y Gofrestr Tir Comin, parciau, lleoedd
> chwarae, a'r lleoedd agored rydym yn eu rheoli. Pe ddymunech wybod mwy
> am sut rydym yn defnyddio data personol, ewch i:
> <https://customer.powys.gov.uk/article/3792/Privacy-Notice-for-Countryside-Service>
>
> Countryside Services and Outdoor Recreation are processing your
> personal data for the purpose of meeting our statutory duties, powers
> and responsibilities in relation to public rights of way, the
> Definitive Map, Commons Register, parks, playgrounds and open spaces
> that we manage. If you would like to know more about how we use
> personal data, please see
> <https://customer.powys.gov.uk/article/3792/Privacy-Notice-for-Countryside-Service>
>
> Footer
>
> -----
> --
>
> Mae'r e bost hwn ac unrhyw atodiad iddo yn gyfrinachol ac fe'i
> bwriedir ar gyfer y sawl a enwir arno yn unig. Gall gynnwys gwybodaeth
> freintiedig. Os yw wedi eich cyrraedd trwy gamgymeriad ni ellwch ei
> gopio, ei ddsbarthu na'i ddangos i unrhyw un arall a dylech gysylltu

> gyda Cyngor Sir Powys ar unwaith. Mae unrhyw gynnwys nad yw'n ymwneud
> gyda busnes swyddogol Cyngor Sir Powys yn bersonol i'r awdur ac nid
> yw'n awdurdodedig gan y Cyngor.
>
> This e mail and any attachments are confidential and intended for the
> named recipient only. The content may contain privileged information.
> If it has reached you by mistake, you should not copy, distribute or
> show the content to anyone but should contact Powys County Council at once.
> Any content that is not pertinent to Powys County Council business is
> personal to the author, and is not necessarily the view of the Council.
>
> -----
> --