

Planning, Taxi Licensing & Rights of Way Committee

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

Meeting Date
Thursday, 5 December 2019

Meeting Time
10.00 am

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



County Hall
Llandrindod Wells
Powys
LD1 5LG

28/11/2019

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 24 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. 19/0052/FUL Land at Maes Y Cae, Dissersh, Llanfair-ym-Muallt, Powys

(Pages 19 - 40)

4.3. 19/0200/FUL Land At Abernant Lakeside Cottage , Llanwrtyd Wells, Powys, LD5 4RR

(Pages 41 - 78)

4.4. 19/1241/FUL The Stables, Upper Dan Y Parc, Llandefalle, Brecon, Powys LD3 0UN

(Pages 79 - 114)

4.5. 19/1519/VAR Hesgog, Llangadfan, Welshpool, Powys, SY21 0PU

(Pages 115 - 122)

4.6. 19/1578/FUL Former Livestock Market, Gorn Road, Llanidloes, Powys, SY18 6DE

(Pages 123 - 140)

4.7. 19/1568/FUL Pen Y Gelli, Llanwyddelan, Adfa, Newtown, Powys

SY16 3BX

(Pages 141 - 158)

- 4.8. **19/1234/ADV Brisco House, The Town Council Offices, Severn Street, Newtown, SY16 2BB,**

(Pages 159 - 168)

- 4.9. **19/1003/FUL 3A The Court, Llandrindod Wells, Powys, LD1 5HY.**

(Pages 169 - 182)

- 4.10. **19/1526/FUL Ysgol Calon Cymru, North Road, Builth Wells, Powys, LD2 3BW**

(Pages 183 - 196)

- 4.11. **19/1842/DEM Powys County Council DSO Yard & Archives, County Hall, Spa Road East, Llandrindod Wells, Powys, LD1 5LG**

(Pages 197 - 210)

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 211 - 244)

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

To receive the Planning Inspector's decision regarding appeals.

(Pages 245 - 252)

Taxi and other licensing

7.	TAXI LICENSING FEES
-----------	----------------------------

To consider the report regarding taxi licensing fees.

(Pages 253 - 258)

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, 24 OCTOBER 2019

PRESENT

County Councillor K Lewis (Chair)

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

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

Apologies for absence were received from County Councillors L George and J Wilkinson.

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

The Chair was authorised to sign as a correct record the minutes of the meeting held on 3 October, 2019.

Planning

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

(a) County Councillor D Selby declared an interest in application 19/1059/FUL because he is a member of Newtown Town Council who are a partner in the scheme.

(b) County Councillor D Selby requested that a record be made of his membership of Newtown Town Council where discussion had taken place of matters for the consideration of this Committee.

(c) The following County Councillors (who are members of the Committee) declared that they would be acting as 'local representative' in respect of the following applications:

County Councillor G Pugh – application 18/0805/FUL

County Councillor F Jump – application 19/0558/FUL

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

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.

County Councillor D Selby, having declared an interest, left the meeting room for the next application.

4.2 19/1059/FUL Former Radio Hafren Building, Wesley Street, Newtown, Powys, SY16 2NZ

Grid Ref: E: 310576 N: 291580

Valid Date: 12/07/2019

Community Council: Newtown and Llanllwchaearn Community Council

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

Mr A Finch spoke against the application.

Mr B Davies spoke as the Agent.

The Committee noted the update report. In response to questions regarding the commercial use and the community use of the kitchen facilities the Planning Officer advised that he did not have details of the business model. The Chair agreed to adjourn the meeting to allow the officers to speak to the agent and applicant in the company of the objector, to seek clarification on this point. On reconvening the meeting, the Professional Lead Development Management advised that the community kitchen was a bookable facility and it was hoped that the café would be run on a franchise basis. In response to questions the Planning Officer advised that Planning Policy Wales states that it is not the function of planning to inhibit competition. He advised that where proposed retail facilities are more than 2500 sq. metres a retail impact assessment was required. The proposed development was for an area of 137 sq. metres.

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

The Professional Lead Development Management in response to questions advised that the operation of the proposed development was not a planning consideration. He advised that the size of the café was reduced by the applicant as a result of consultation with the community. Questions were asked whether the size of the retail development could be restricted. The Principal Planning

Officer advised that the floor space allocated to A1 and A3 use could be restricted to 137 sq. metres via condition, if the Committee was minded to approve the application.

The proposer and seconder agreed that they were content with adding a condition restricting the floor space for retail activity to 137 sq. metres and delegating the wording of this condition to the Professional Lead for Development Management in consultation with the Chair and Vice Chair.

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 and that it be delegated to the Professional Lead for Development Management in consultation with the Chair and Vice Chair to add a condition restricting the floor space for retail activity to 137 sq. metres.	As officer's recommendation as set out in the report which is filed with the signed minutes. To ensure that the gross retail floorspace does not exceed 137sqm in order to control the use and any future development of the site.

County Councillor D Selby returned to the meeting room.

County Councillor F Jump moved to the public seating area for the next application.

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

Grid Ref: E: 322392 N: 307712

Valid Date: 29/07/2019

Community Council: Welshpool Town Council

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

Councillor F Jump spoke as the local representative, as the application impacted on her ward.

Mr B Timmis speaking on behalf of objectors.

Mr G Richards representing the applicant.

In response to a question the Principal Planning Officer advised that condition 15 was included to ensure that the current building would not be used for the alternative use until the current library was relocated.

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.

County Councillor F Jump resumed her seat in the Committee.

County Councillor G Pugh moved to the public seating area for the next application.

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

Grid Ref:	E: 314448 N: 298627
Valid Date:	07/11/2018
Community Council:	Bettws Community Council
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 Principal Planning Officer advised that as detailed in her update report the third party landowners had been approached regarding the use of their land for highways improvements.

Councillor G Pugh spoke as the local representative.
Mr N James spoke on behalf of the residents of Brooks.
Mr D Hughes, Agent spoke on behalf of the applicant.

In response to comments made by the objector, the Principal Planning Officer advised the Committee that notice had been served on third parties in October 2018, in respect of the need to use their land to accommodate the road improvements and the amended Certificate B had been received by Development Management in December 2018. She confirmed that all necessary information had been received to enable the planning application to be considered.

In response to questions the Highways Authority confirmed that with the proposed road improvements the proposed development was acceptable. The concerns expressed by the objectors regarding the unsuitability of the road for

such a development was noted and due to these it was moved and duly seconded to defer consideration of the application to allow for a site visit. The motion was put to the vote and duly lost on the Chair's casting vote.

The Principal Planning Officer advised that the Ecologist had no objections to the application. She advised that if the Committee was concerned with the disposal of the waste from the composting toilets a condition requiring the submission of a waste management plan could be added if the Committee was minded to approve the application.

The Principal Planning Officer advised that the health and safety issues in respect of the pond on the site was an operational matter rather than a planning matter. However, she advised that an advisory note could be added if the Committee was minded to approve the application.

In response to questions, the Highways Authority advised that it had taken into account all road users, including walkers and cyclist, when assessing the impact of the development on the roads.

It was moved and duly seconded to approve the application as recommended by the officer and that it be delegated to the Professional Lead for Development Management in consultation with the Chair and Vice Chair to add a condition regarding the submission of a waste management plan and an advisory note in respect of the need to address health and safety issues in respect of the pond on the site.

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 and that it be delegated to the Professional Lead for Development Management in consultation with the Chair and Vice Chair to add a condition regarding the submission of a waste management plan and an advisory note in respect of the need to address health and safety issues in respect of the pond on the site.	<p>As officer's recommendation as set out in the report which is filed with the signed minutes.</p> <p>To ensure the waste is managed correctly with no detriment to amenity or biodiversity and an informative added regarding health and safety in order to draw the applicant's attention to other legislation.</p>

County Councillor G Pugh resumed his seat in the Committee.

County Councillor D Selby left the meeting.

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

Grid Ref: E: 314827 N: 312864

Valid Date: 07/09/2018

Community Council: Meifod Community Council
Applicant: Mr & 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

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 Consultation with Cadw and the conditions set out in the report which is filed with the signed minutes.	As officer's recommendation as set out in the report which is filed with the signed minutes.

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

Grid Ref: E: 314827 N: 312864
Valid Date: 13/08/2018
Community Council: Meifod Community Council
Applicant: Mr & Mrs Wilkinson
Location: Dyffryn, Meifod, Powys, SY22 6HL
Proposal: Construction of open porch and garden room.
Application Type: Householder

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 officer's recommendation as set out in the report which is filed with the signed minutes.

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

Grid Ref: E: 318232 N: 321434

Valid Date: 03/10/2019
Community Council: Llanfechain Community Council
Applicant: Powys County Council (Estates Department)
Location: Bodynfoel Farm, Llanfechain, Powys, SY22 6XF
Proposal: Demolition of stone outbuilding
Application Type: Demolition Notification

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 officer's recommendation as set out in the report which is filed with the signed minutes.

4.8 19/1541/DEM The Willows, Pool Quay, Welshpool, Powys, SY21 9LA

Grid Ref: E: 326510 N: 313517
Valid Date: 03/10/2019
Community Council: Llandrinio and Arddleen Community Council
Applicant: Powys County Council (Estates Department)
Location: The Willows, Pool Quay, Welshpool, Powys, SY21 9LA
Proposal: Demolition of agricultural building
Application Type: Demolition Notification

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 and with the inclusion of an informative to inform the applicants of possible asbestos.	As officer's recommendation as set out in the report which is filed with the signed minutes.

4.9 19/1386/TRE Temple Avenue & Alexandra Terrace, Llandrindod Wells, Powys, LD1 5HW

Grid Ref: E: 305918 N: 260702

Valid Date: 03/09/2019

Community Council: Llandrindod Wells Town Council

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

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 officer's recommendation as set out in the report which is filed with the signed minutes.

The Principal Planning Officer updated the Committee regarding the development at Lower House Farm Clyro [P/2016/0397]. She advised that the development had not been erected in accordance with the approved plans and was subject to enforcement action. She stated that a planning application was pending and would be considered by Committee in due course. The Committee noted this information.

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 25 September and 16 October 2019.

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

The Committee received the Planning Inspectorate's letters regarding the appeal in respect of the following applications:

Pen-y-Cae, Greenfields Farm, Four Crosses, Llanymynech SY22 6RF - The Committee noted that the Inspector had dismissed the appeal and that the application for costs had also been dismissed.

Gnoll House, Neath Road, Ystradgynlais, SA9 1PR - The Committee noted that the appeal had been dismissed.

Rights of Way

7. DECLARATIONS OF INTEREST

There were no declarations of interest in respect of the following item.

County Councillor G Jones moved to the public seating area as he had not received the required training to enable him to consider the next item.

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

The Committee considered the report regarding the application for a diversion of footpath CF22 due to a development receiving planning permission.

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

RESOLVED	Reason for decision
<ol style="list-style-type: none">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 [attached to the report];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.	<p>As officer's recommendation as set out in the report which is filed with the signed minutes.</p>

County Councillor K Lewis (Chair)

This page is intentionally left blank

Planning, Taxi Licensing and Rights of Way Committee
5th December 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>19/0052/FUL</p> <p>Disserth and Trecoed Community</p> <p>E: 306058 N: 256061</p> <p>11.01.2019</p>	<p>Full: Erection of rural enterprise dwelling, installation of sewage treatment plant and all associated works</p> <p>Land at Maes y Cae, Disserth, Bulth Wells, Powys</p> <p>Stuart Bridgewater</p> <p>Recommendation: Refuse</p>
<p>19/0200/FUL</p> <p>Llanwrtyd Wells Community</p> <p>E: 289057 N: 246099</p> <p>21.03.2019</p>	<p>Full: Erection of a holiday let and all associated works</p> <p>Land at Abernant Lakeside Cottage, Llanwrtyd Wells, Powys LD5 4RR</p> <p>Robert Grimes</p> <p>Recommendation: Refuse</p>

<p>191241/FUL</p> <p>Felin Fach Community</p> <p>E: 310393 N:235107</p> <p>02.08.2019</p>	<p>Full: Change of use of stables to one residential three-bedroom dwelling and two one-bedroom holiday units, and associated works</p> <p>The Stables, Upper Dan Y Parc, Llandefalle, Brecon, Powys LD3 0JN SA21 8QN</p> <p>Mr Freer Spreckley</p> <p>Recommendation: Conditional Consent</p>
<p>19/1519/VAR</p> <p>Banwy Community</p> <p>E: 301020 N: 310664</p> <p>10.09.2019</p>	<p>Application to discharge the Section 106 Agreement attached to planning permission M2004/1348</p> <p>Hesgog, Llangadfan, Welshpool, SY21 0PU</p> <p>Mr Huw Morgan</p> <p>Recommendation: Refuse</p>
<p>19/1578/FUL</p> <p>Llanidloes Community</p> <p>E:295613 N:284312</p> <p>10.10.2019</p>	<p>Full: Proposed residential development of 22 affordable dwellings and all associated works, to include some demolition</p> <p>Former Livestock Market, Gorn Road, Llanidloes, Powys, SY18 6DE</p> <p>N/A</p> <p>Recommendation: Conditional Consent</p>
<p>19/1568/FUL</p> <p>Dwyrw Community</p> <p>E:307404 N:300702</p> <p>30.09.2019</p>	<p>Full: Erection of two agricultural buildings, to include the demolition of one existing</p> <p>Pen Y Gelli, Llanwyddelan, Adfa, Newtown, Powys SY16 3BX</p> <p>Powys County Council</p> <p>Recommendation: Conditional Consent</p>

<p>19/1234/ADV</p> <p>Newtown and Llanwchaiarn Community</p> <p>E:310865 N:291648</p> <p>21.08.2019</p>	<p>Display of a freestanding digital tourist information board</p> <p>Brisco House, The Town Council Offices, Severn Street, Newtown, Powys, SY16 2BB</p> <p>Mr Zak Howard</p> <p>Recommendation:</p> <p>Approve</p>
<p>19/1003/FUL</p> <p>Llandrindod Wells Community</p> <p>E:306158 N:261356</p> <p>01.08.2019</p>	<p>Full: Erection of a single storey extension and refurbishment works</p> <p>3a The Court, Llandrindod Wells, Powys LD1 5HY</p> <p>Powys County Council</p> <p>Recommendation:</p> <p>Conditional Consent</p>
<p>19/1526/FUL</p> <p>Builth Wells Community</p> <p>E: 303807 N: 251261</p> <p>11.10.2019</p>	<p>Full: Installation of a goods lift and associated housing</p> <p>Ysgol Calon Cymru, North Road, Builth Wells, Powys LD2 3BW</p> <p>Miss Sarah Stanton</p> <p>Recommendation:</p> <p>Conditional Consent</p>

<p>19/1842/DEM</p> <p>Llandrindod Wells Community</p> <p>E:306306 N:260901</p> <p>11.11.2019</p>	<p>Application for prior notification of proposed demolition of buildings</p> <p>Powys County Council DSO Yard & Archives, County Hall, Spa Road East, Llandrindod Wells, Powys, LD1 5LG.</p> <p>Powys County Council</p> <p>Recommendation:</p> <p>Prior Approval is not required.</p>
---	--

advising us of the proposals for:

Maes y Cae, Howey, Builth Wells, Powys, LD2 3TL

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

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

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

Ward Councillor

21st Jan 2019

I would like to call this Application in 19/0052/ful, because this is different to the one before and would like the planning committee to look at this, Cllr Gwilym Williams.

PCC-(M) Highways

4th Mar 2019

HC1 Prior to the occupation of the dwelling any entrance gates 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.

HC2 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.

HC3 The centre line of the first 10 metres of the access road measured from the edge of the adjoining carriageway shall be constructed at right angles to that edge of the said carriageway and be retained at that angle for as long as the development remains in existence.

HC4 Prior to the commencement of the development the access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 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 areas 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.

HC7 Prior to the commencement of the development the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 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.

HC12 The width of the access carriageway, constructed as Condition HC7 above, shall be not less than 5.5 metres for a minimum distance of 10metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.

HC21 Prior to the occupation of the dwelling the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course 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.

HC9 Prior to the occupation of the dwelling, provision shall be made within the curtilage of the site for the parking of not less than 1 car per bedroom to a maximum of 3, excluding any garage space provided. The parking areas shall be retained for their designated use in perpetuity.

HC32 No storm water drainage from the site shall be allowed to discharge onto the county highway.

HC37 Prior to any works being commenced on the development site the applicant shall construct 3 passing bays, in locations as marked on plans 'Passing Bay 1', 'Passing Bay 2' and 'Passing Bay 3'. The passing bays shall be constructed up to adoptable standard prior to any works being commenced on the development site.

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

As the applicant intends utilising a private treatment works we would advise that the applicant contacts Natural Resources Wales who may have an input in the regulation of this method of drainage disposal. However, should circumstances change and a connection to the public sewerage system/public sewerage treatment works is preferred we must be re-consulted on this application.

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

Environmental Health

22nd Jan 2019

Details of the proposed package treatment plant should be provided and prior to any planning permission being granted. The applicant/agent should submit percolation test results in order to demonstrate that the package plant, its soakaway and the ground conditions are suitable and sufficient for the foul drainage. The percolation test should be carried out in accordance with document H2 of the Building Regulations and calculations to be submitted for approval by completing and returning the attached Percolation Test Calculation Form.

Environmental Protection to be advised, via the Planning Authority, when the testing is carried out, so that a site visit can be made to examine the exposed ground and percolation test holes which must be left undisturbed until inspected.

In addition, Welsh Government has advised that, all septic tanks and small sewage treatment plant discharges in Wales will need to be registered with Natural Resources Wales. More information, including a step by step guide to registering can be found at the following link <http://www.naturalresources.wales/media/2879/septic-tank-registration-guidance.pdf?lang=en>.

Additional Comments Received 19/02/2019;

Having looked at the additional information supplied 15/02/19 and noting a package treatment plant discharging to a watercourse will be used, I confirm Environmental Health would not have any objections.

PCC-Ecologist

19th Feb 2019

Thank you for consulting me with regards to planning application 19/0052/FUL which concerns an application for the erection of a rural enterprise dwelling, installation of sewerage treatment plant and all associated works at land at Maes Y Cae, Howey, Llandrindod Wells.

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

The data search identified 11 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 badger and white clawed crayfish.

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

- o SAC - River Wye approximately 371m from the proposed development
- o SSSI - River Wye Tributaries approximately 371m from the proposed development

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

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

The proposed development is located in an open field and is likely to impact areas of improved grassland with areas of juncus which are habitats considered to be of relatively low ecological value.

Hedgerow Translocation Method Statement

Drawing 4781/4 makes reference to the translocation of the existing hedgerow at the existing site entrance.

Powys LDP Policy DM2 states that:

'Development proposals which would impact on the following natural environment assets will only be permitted where they do not unacceptably adversely affect:

5. Trees, woodlands and hedgerows of significant public amenity, natural or cultural heritage'

LDP Policy DM2 part 3, makes reference to Powys LBAP habitats and species which include hedgerows under the Linear Habitats Action Plan - 'Linear habitats are important to a wide variety of species as refuges, breeding and feeding sites and as links between

habitats of high biodiversity value'.

The identification of hedgerow translocation to achieve the proposed access and associated visibility splays is considered to be appropriate and would ensure that the proposed access improvements retain the hedgerow habitat and associated ground flora. It is recommended that a detailed hedgerow translocation scheme is secured through an appropriately worded condition.

LDP policy DM2 part 2 identifies 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 - Hedgerows are included on this list and are beneficial to a wide range of biodiversity including bats, nesting birds, small mammals, lichens and fungi.

Landscape Planting Scheme

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

Wildlife Sensitive Lighting Plan

Careful consideration will need to be given to any external lighting proposed to be erected as part of the proposed development. 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:

Prior to commencement of development a Hedgerow Translocation Method Statement including details regarding timings of works and aftercare scheme will be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA

Reason: To comply with Powys County Council's LDP Policies DM2, DM4, DM13 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part

1 Section 6 of the Environment (Wales) Act 2016.

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

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

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

Reason: To comply with Powys County Council's LDP Policies DM2, 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.

In addition I recommend inclusion of the following informative:

Birds - Wildlife and Countryside Act 1981 (as amended)

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

- 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.

PCC- (S) Land Drainage

21st Jan 2019

Having assessed the Planning Application Ref 19/0052/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.

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

Representations

Following the display of a site notice on 25/01/2019, a total of 21 public representations have been received at the time of writing this report. With 18 letters of support and 3 letters of objection. The letters of support can be summarised as follows;

- Important to Local Farming Community
- Crucial for repairs in bad weather
- Work needed to be carried out quickly, affordably and safely
- Rural Location ideal to suit this business
- Provide support during high risk times such as lambing
- Dwelling at this site would secure long-term future of the business
- Maintain employment within the area
- Respond quickly so as not to compromise welfare and crops

The letters of objection can be summarised as follows;

- Close to adjoining properties
- Inadequate access
- Increase in traffic
- Loss of privacy
- Noise nuisance

Planning History

App Ref	Description	Decision	Date
P/2017/1133	Full: Proposed rural enterprise dwelling, installation of package treatment plant and all associated works.	Refused	08/12/2017
P/2017/1132	Full: Proposed fodder and timber storage building.	Refused	08/12/2017
P/2010/0554	Full: Erection of an agricultural building.	Conditional Consent	19/07/2010

Principal Planning Policies

Policy	Policy Description	Year	Local Plan
PPW	Planning Policy Wales (Edition 10, December 2018)		National Policy
TAN1	Joint Housing Land Availability Studies		National Policy
TAN2	Planning and Affordable Housing		National Policy
TAN5	Nature Conservation and Planning		National Policy
TAN6	Planning for Sustainable Rural Community		National Policy
TAN12	Design		National Policy
TAN18	Transport		National Policy
TAN23	Economic Development		National Policy
SP1	Housing Growth		Local Development Plan 2011-2026

SP2	Employment Growth	Local Development Plan 2011-2026
SP3	Affordable Housing Target	Local Development Plan 2011-2026
SP5	Settlement Hierarchy	Local Development Plan 2011-2026
SP6	Distribution of Growth across the Settlement Hierarchy	Local Development Plan 2011-2026
SP7	Safeguarding of Strategic Resources and Assets	Local Development Plan 2011-2026
DM2	The Natural Environment	Local Development Plan 2011-2026
DM4	Landscape	Local Development Plan 2011-2026
DM7	Dark Skies and External Lighting	Local Development Plan 2011-2026
DM13	Design and Resources	Local Development Plan 2011-2026
H1	Housing Development Proposals	Local Development Plan 2011-2026
H3	Housing Delivery	Local Development Plan 2011-2026
E2	Employment Proposals on Non-Allocated Employment Sites	Local Development Plan 2011-2026
SPGAH	Affordable Housing SPG (2018)	Local Development Plan 2011-2026
SPGBIO	Biodiversity and	Local Development

	Geodiversity SPG (2018)	Plan 2011-2026
SPGLAN	Landscape SPG	Local Development Plan 2011-2026
TAN 6	Rural Enterprise Dwellings – Practice Guidance	National Policy

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 of Disserth and Trecoed and is located within the open countryside as defined by the Powys Local Development Plan (2018). The application site is surrounded by agricultural land to the north, east and west elevations, with an agricultural building to the south. This application seeks full planning consent for the erection of a detached rural enterprise dwelling, installation of a sewage treatment plant and all associated works.

The proposed dwelling will measure approximately 22.5 metres in length by 6.8 metres in width, including an external terraced area, and will have an internal floor area of approximately 113.9 sqm. Using the topography of the landscape, the dwelling will be built into the slope of the land and will have a maximum ridge height of approximately 5.2 metres. The dwelling will be finished using natural stone walls under a grass roof.

Principle of Development

Policy SP6 of the Powys Local Development Plan states that residential development proposals in the open countryside will only be acceptable where they comply with PPW and Technical Advice Note (TAN) 6: Planning for Sustainable Rural Communities (2010). TAN 6 states that one of the few circumstances where residential development in the open countryside may be justified is when accommodation is required to enable rural enterprise workers to live at, or close to, their place of work.

Applications for planning permission for new rural enterprise dwellings should be carefully assessed to ensure that a departure from the usual policy of restricting development in the open countryside can be fully justified by reference to robust

supporting evidence. The proposal must satisfy both a functional test, to prove that the enterprise requires a worker to be readily available at most times, and a financial test, to establish that the enterprise is economically viable. The Council must also be satisfied that there is no other existing building suitable for conversion on the enterprise or a dwelling within the locality that could meet the identified functional need.

The first key determinant in deciding if a proposal falls within the scope of the rural enterprise dwelling policy is whether an enterprise is directly related to the management of rural land-related businesses, or has a character such that it can only be located in the open countryside, or has very particular reasons for a location in the open countryside rather than in an existing settlement.

This application seeks consent for a dwelling in association with an agricultural contracting business. Under the Practice Guidance for TAN6 it states that the five groups of enterprises which are covered by the new TAN6 policy are:

- *Agricultural and forestry;*
- *Activities which obtain their primary inputs from the site;*
- *Land management related activities;*
- *Land related tourism and leisure; and*
- *Support service related to rural-based activities.*

The practice guidance goes on further to say that the primary sectors of the rural economy depend upon a wide-ranging network of support services for their effective functioning.

Evidence has been provided to confirm that the existing enterprise provides support for the local agricultural community in terms of the repair and maintenance of farm buildings and other structures and systems. It is noted within the practice guidance that more general services relating to the maintenance of buildings and equipment would qualify under TAN 6 as a rural enterprise.

It is noted that the Practice guidance states that the majority of these support services are currently provided from locations in existing settlements, and appropriately so. It is confirmed that it is,

“not the purpose of the new rural enterprise dwelling policy to give all primary sector service providers a free choice to decide whether to select countryside or settlement-based locations for their businesses. Qualifying circumstances will require a countryside location to be justified as being necessary in terms of their land requirements, the nature of the service provided and the absence of suitable alternatives.”

TAN 6 states if it is considered that a new dwelling will be essential to support an established rural enterprise, it should satisfy the following criteria

- a. *there is a clearly established existing functional need;*

b. the need relates to a full-time worker, and does not relate to a part-time requirement;

c. the enterprise concerned has been established for at least three years, profitable for at least one of them and both the enterprise and the business need for the job, is currently financially sound, and has a clear prospect of remaining so;

d. the functional need could not be fulfilled by another dwelling or by converting an existing suitable building already on the land holding comprising the enterprise, or any other existing accommodation in the locality which is suitable and available for occupation by the worker concerned; and

e. other normal planning requirements, for example siting and access, are satisfied.

The application is supported by an appraisal which considers all the tests within TAN 6 for a new dwelling to support an established rural enterprise. Each of these tests and the supporting information submitted will be discussed as below:

Functional Test

An essential functional need relates to a specific management activity or combination of activities which require the ready presence of a worker at most times if the proper functioning of an existing enterprise is not to be prejudiced and which cannot be achieved by any other practical means such as electronic surveillance.

The applicant has submitted evidence which includes job sheets which state that there is a need for a 24-hour presence to be readily available. It is stated that the existing shed on site, which was granted permission as an agricultural building under planning application P/2010/0554, is being used to support the business and is the reason for a dwelling being sited at this location. However, this building was granted permission as being an agricultural building, therefore if this is being used to support the contracting business then this would constitute a change of use of which it does not have relevant planning permission for. Upon undertaking a site visit of the premises, it was apparent that the building on site is being used predominately for agricultural purposes and is not currently being used to support the business. It is therefore questioned the need of the enterprise being in this exact location.

The appraisal notes that the business involves emergency repairs to agricultural buildings and other structures and farming systems at unsocial hours, which require the applicant to be at farms throughout the County at all times. The submitted job sheets support this by highlighting situations including lighting system failures, electricity faults, breakdown of machinery, damage to buildings and failure of water supply.

Technical Advice Note 6 Practical Guidance states the following; *“It is not the purpose of the new rural enterprise dwelling policy to give all primary sector service providers a free choice to decide whether to select countryside or settlement-based locations for their businesses. Qualifying circumstances will require a countryside location to be*

justified as being necessary in terms of their land requirements, the nature of the service provided and the absence of suitable alternatives”.

Considering that it has been established the existing building on site is not being used in connection with the existing business, it is not considered that the location of the proposed dwelling is justified in terms of land requirements and the nature of the service provided. The nature of the land at the site of the proposed rural enterprise dwelling is not directly related to the functioning of the business, therefore there is no evidence or reasoning for a need for the dwelling to be located in this location. The nature of the work as demonstrated by the applicant requires the applicant to be at farms throughout the County, however no evidence provides a need for a dwelling within this exact location. The proposed dwelling is therefore not considered to be justified at this location given that the land is not being used in connection to the business.

The appraisal states that the applicant currently lives in accommodation in Howey, which is approximately 1.8 miles from the application site. This distance is considered acceptable distance for the applicant to travel in order to successfully run the business.

Notwithstanding the information submitted, it is not considered that robust evidence has been submitted to demonstrate a proven need for continuous on-site presence in association with the agricultural contracting business.

Insufficient information has therefore been provided to justify the functional need for a person to be available on site on a full time basis and as such the proposal fails to accord with Technical Advice Note 6 and LDP policies SP6 and H1.

Time Test

TAN 6 states that if a functional requirement is established, it will then be necessary to consider the number of workers needed to meet it.

As has been established previously, the nature of the land at the site of the proposed rural enterprise dwelling is not related to the functioning of the business, instead the functional need is to be at farms all around the county at all hours. Given the land requirements and nature of the business, it is not considered there is a functional requirement for a worker to be readily available at this site. Whilst it is noted that business itself may require 24 hour assistance, no evidence has been provided to confirm why the enterprise has to be run in this location to ensure the future of the business.

Therefore, given that a functional requirement has not been established, the proposed development also does not accord with the Time Test, and is therefore contrary to Technical Advice Note 6 and LDP Policies SP6 and H1.

Financial Test

TAN 6 states that the rural enterprise and the activity concerned should be financially sound and should have good prospects of remaining sustainable for a reasonable period of time, usually at least 5 years.

TAN 6 states a financial test is also necessary to assess the size of the dwelling which the enterprise can afford to build and maintain. Dwellings which are unusually large in relation to the needs of the enterprise, or unusually expensive to construct in relation to the income it can sustain in the long-term, should not be permitted.

Financial information has been submitted as part of this application. From the financial accounts the enterprise clearly shows a sustained profit for 3 financial years from 2015-2018. Having reviewed the financial information and the size and scale of the proposed dwelling it is considered that the submitted accounts justify the size and scale of the dwelling and are considered to be acceptable. It is therefore considered the proposed development satisfies the financial test and accords with TAN 6.

Other Dwelling Test

Technical Advice Note 6 states that evidence must be provided to demonstrate that there are no other dwellings or buildings suitable for conversion, which are available to fulfil the need of the enterprise.

The site is within 3.5 miles of Llandrindod Wells, Howey and Newbridge, with scattered detached dwellings in the intervening area. The appraisal states that there are no buildings available for conversion on the enterprise and there is limited accommodation within the surrounding area. It is noted that the applicant currently resides in Howey, it is not considered that residing here or at any of the above mentioned settlements would have a detrimental impact to the demands of the business.

It is therefore considered that the applicant's current dwelling fulfils the needs of the enterprise, and residing at available accommodation in Llandrindod Wells, Howey or Newbridge would not be detrimental to the functioning of the business. The proposed development therefore fails to comply with the other dwelling test in accordance with TAN6.

Design and Appearance

The Powys Local Development Plan policy H3 and DM13, TAN 2 and Planning Policy Wales (PPW) all refer to good design and how development proposals should be of a good design and have consideration to its surroundings. PPW refers to good design as having a relationship between all elements of the natural and built environment. Policy H3 states that housing development proposals must be of an appropriate scale and shall provide a suitable mix of housing types to meet the range of identified local housing needs and is supported by Policy DM13 of the Powys Local Development Plan which states that proposals must demonstrate a good quality design and shall have regard to the qualities and amenity of the surrounding area.

The proposed dwelling will measure approximately 22.5 metres in length by 6.8 metres in width, including an external terraced area, and have an internal floor area of 113.9 sqm. Using the topography of the landscape, the dwelling will be built into the slope of the land and will have a maximum ridge height of approximately 5.2 metres. The dwelling will be finished using natural stone walls under a grass roof.

The design of the proposed dwelling is considered to be acceptable at this location. Being built into the existing slope of the field to the east elevation, the building will have minimal impact upon the surrounding landscape having a maximum ridge height of approximately 5.2 metres. The dwelling will use a natural stone finish to the external walls which is typical of the character of a rural building and is therefore considered to be acceptable. The proposed dwelling is of a modest scale that is not overbearing on any neighbouring properties, or upon the surrounding area.

In light of the above it is considered that the proposed development complies with relevant planning policy in terms of design and appearance.

Scale and Future Affordability

TAN 6 advises that any new rural enterprise dwelling shall be subject to a condition which controls the occupancy of the dwelling and its potential transfer to meet general affordable housing needs.

Welsh Government guidance advises that the size of the proposed dwelling should be related to the ability of the enterprise to fund and sustain a dwelling. The size of the dwelling should reflect the needs of the enterprise but with the extension of potential occupancy to those eligible for affordable housing, account should also be given to the scale of the property to ensure that it can meet the need of future occupants also.

The Local Authority's affordable housing policy and guidance restricts the floor spaces of proposed affordable homes to 115 square metres in order to ensure they are affordable in nature and in perpetuity, as well as the plot area to 1000sqm. In this instance the proposed development seeks consent for a rural workers dwelling that will have an internal floor area of approximately 113.9 sqm, with the plot size measuring 900 sqm.

The proposed development is in accordance with the above affordability criteria and therefore complies with the requirements of TAN 6 and the LDP Affordable Housing SPG.

Landscape Impact

A visual and sensory evaluation of the site using LANDMAP classifies the area of the application site as being of moderate value, with the area being described as, *“attractive traditional pastoral landscape with strong field pattern, often with well laid hedges*

typifies Radnor - and results in overall moderate values as it is not unusual or particularly distinctive”.

As has been stated above, the proposed dwelling is built into the existing ground at the site given the topography of the landscape to the east elevation and the maximum ridge height of the dwelling is 5.2 metres. For these reasons, and the fact the surrounding landscape is described as being of moderate value, it is not considered the proposed development will have an unacceptable impact upon the landscape.

In light of the above it is therefore considered that the proposed development fundamentally complies with policies DM4 and DM13 of the Powys Local Development Plan (2018).

Amenities enjoyed by occupiers of neighbouring properties

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

The proposed development is not considered to offer any impact upon loss of daylight to any neighbouring dwellings, there are no properties that would be adversely effected when considering the 25 degree rule, which prohibits development that would exceed a line of 25 degrees taken from the nearest habitable room of adjoining existing properties. The proposal also complies with the 45 degree rule, where an angle of 45 degrees is measured in a horizontal plane and taken from the middle of the window of the nearest habitable room in any adjacent rooms. The proposed development is considered to be acceptable when considered against the above criteria.

The proposed development is also not considered to offer any adverse impacts to any neighbouring properties in terms of loss of privacy. The Powys Residential Design Guide states that there should be a minimum of 20 metres between directly facing habitable rooms on rear elevations. There are no properties directly facing the rear elevation within 20 metres of the property and therefore the proposal complies with this criterion. As stated above, the proposed development is considered to comply with the 45 degree rule and therefore the proposed development is considered acceptable when considered against the above criteria.

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

Highways

LDP Policy DM13 part 10 states that development proposals should meet all highway access requirements (for transport users) and parking standards.

The proposed development will use an existing access off the county highway (C), and contains a parking and turning area within the curtilage of the site. The Local Highway Authority have raised no objection to the proposed development going ahead subject to the inclusion of a number of appropriately worded conditions to ensure highway safety. These conditions relate to the access, parking, turning and visibility arrangements being provided in connection with the proposed development.

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

Biodiversity

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

The Ecologist reviewed the proposed plans as well as records of protected and priority species and designated sites within 500m of the proposed development. The data search identified 11 records of protected and priority species within 500m of the proposed development, although no records were found for the site itself. There is also a SAC/SSSI within 500m of the proposed development, namely the River Wye and its tributaries. However, it was considered by the Ecologist that the proposed development would cause no detrimental impacts upon this designated site.

The Ecologist reviewed the submitted Hedgerow Translocation Method statement, which has been proposed in order to achieve the proposed access and visibility splays. This plan will be secured through an appropriately worded condition. Furthermore, the Ecologist recommended the inclusion of a Landscaping Planting Scheme, despite being identified above that the proposal would not create an unacceptable impact upon the landscape, it is considered that some additional landscaping would further enhance the character of the surrounding area and is therefore considered appropriate to include a condition which requests additional landscaping.

In addition, a condition will be attached to the granting of any consent which secures the submission of an external lighting scheme, should any external lighting be proposed as part of the development. This is to prevent any impacts to nocturnal wildlife commuting and foraging in the local area.

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

Foul Drainage

PCC Environmental Health has been consulted regarding the proposed development and noted having viewed the material submitted the officer is satisfied with the provisions for foul drainage and raised no objection to the proposed development.

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

RECOMMENDATION – REFUSE

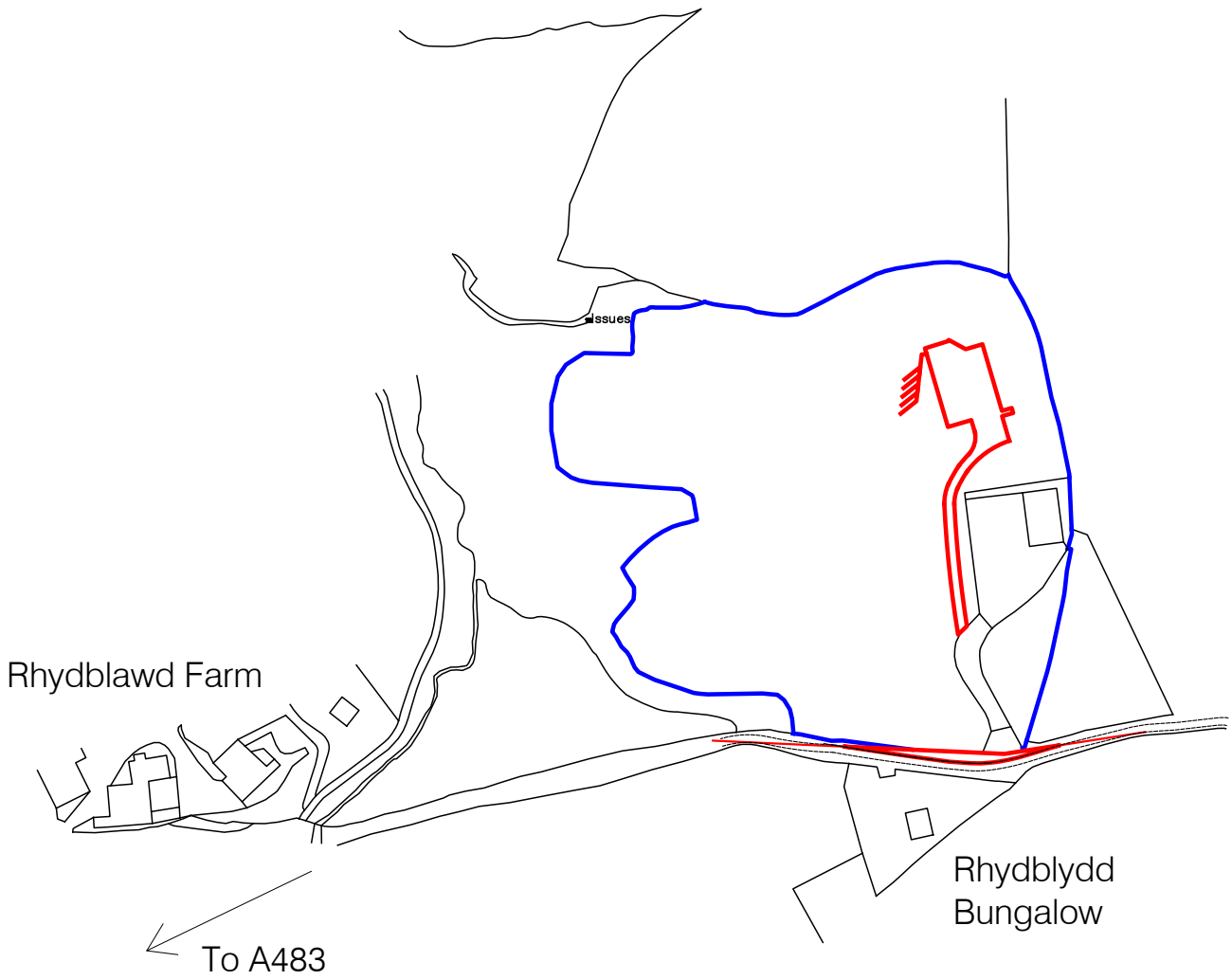
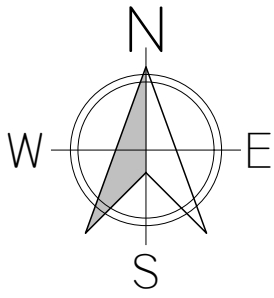
In light of the above it is therefore considered that the proposed development does not comply with relevant planning policy and the recommendation is therefore one of refusal on the following grounds:

Reasons

1. Insufficient information has been submitted to support the principle of a new rural enterprise dwelling in the open countryside and as such the proposal fails to comply with policies SP6 and H1 of the Powys Local Development Plan (2018), Technical Advice Note 6 - Planning for Sustainable Rural Communities (2006) and Planning Policy Wales (10th Edition, December 2018).

Case Officer: Rhys Evans, Planning Officer
Tel: 01597 827235 E-mail: rhys.evans@powys.gov.uk

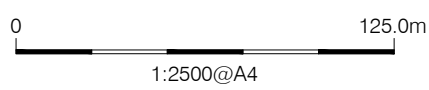
This page is intentionally left blank



Grid Ref
SO 06017 56019

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

Rev.	Note.	Date.
A	DWELLING REDUCED	12-18
.	.	.



Gareth Price
Chartered Building Surveyor
 Garner Southall Group Practice
 Ashby House, Middleton Street,
 Llandrindod Wells, Powys LD1 5ET
 Tel: 01597 822412
 Email: gareth.llandod@garnersouthall.co.uk

Project. PROPOSED RURAL ENTERPRISE DWELLING. HOWEY	
Subject. SITE LOCATION	
Drm. SAB	Scale. 1:2500@A4
Date. 07/17	Ref. 4781/3A
DO NOT SCALE, USE FIGURED DIMS ONLY - COPYRIGHT	

This page is intentionally left blank

4.3

Planning, Taxi Licensing and Rights of Way Committee Report

Application Number: 19/0200/FUL **Grid Ref:** E: 289057
N: 246099
Community Council: Llanwrtyd Wells Community **Valid Date:** 21.03.2019

Applicant: Mr Robert Grimes

Location: Land At Abernant Lakeside Cottage , Llanwrtyd Wells, Powys, LD5 4RR,

Proposal: Erection of a holiday let and all associated works

Application Type: Full Application

The reason for Committee determination

The application has been called in to Committee by the local member for Llanwrtyd Wells.

Consultee Responses

Consultee

Received

Community Council

22nd May 2019

The following objections were raised by the Town Council regarding this proposal.

- 1) There is a query regarding access to the site since this would be through the grounds of the Manor Adventure Centre that operates with children throughout the year. They use the lake for some of their activities and this proposed development could interfere with those activities.
- 2) the vulnerability of children would also be an issue. Should this development go ahead any visitors with children renting the cottage would need to be aware that the lake itself has no boundaries around it and therefore any children (or indeed adults) would be vulnerable to access to open water and all its dangers.

PCC-Building Control

28th Mar 2019

19/0200/FUL - Building Regulations approval will be required for this proposal.

Wales & West Utilities - Plant Protection
Team

27th Mar 2019

Wales & West Utilities acknowledge receipt of your notice received on 27.03.2019, advising us of the proposals for:

Abernant Lakeside Cottage, LLANWRTYD WELLS, Powys, LD5 4RR

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

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

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

Ward Councillor

3rd Apr 2019

I wish to call in this application. The grounds for calling it in are, that I believe it to be in the flood plain and I believe it to be very close to the river Irfon so that in course of construction and subsequently, contamination of the river is likely. I would be grateful to see full details of the application.

Welsh Water

2nd Apr 2019

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

SEWERAGE

It appears the application does not propose to connect to the public sewer, and therefore Dwr Cymru Welsh Water has no further comments. However, should circumstances

change and a connection to the public sewerage system/public sewage treatment works is preferred we must be re-consulted on this application. The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

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

PCC-(S) Highways

4th Apr 2019

Does not wish to comment on the application

Environmental Health

29th Mar 2019

Clarification is sought on the drainage please.

It is Government policy that, where practical, foul drainage should be discharged to the mains sewer. If this is not possible and the applicant proposes to install a sewage treatment plant then subject to a consent being obtained from NRW for the sewage discharge to a watercourse then there would be no objection.

However if the sewage treatment plant is to discharge to a drainage field or should a septic tank be utilised, then prior to any planning permission being granted, the applicant/agent should submit percolation test results (including calculations) which demonstrate that the tank and soakaway are sufficiently sized and ground conditions are suitable for the foul drainage soakaway to accommodate foul effluent from the new development.

Any new system must comply with document H2 of the Building Regulations relating to design and installation of the foul drainage system.

Additional Comments Received 02/04/2019;

Many thanks for this I still need clarification on a couple of items please.

Can the agent/applicant demonstrate that the tank is adequately sized to take extra loadings, I will require the size of the tank and confirm its year of first use please as we don't have records.

Additional Comments Received 01/08/2019;

I can confirm that I have no further concerns.

PCC-Ecologist

16th Apr 2019

Thank you for consulting me with regards to planning application 19/0200/FUL which concerns an application for the erection of a holiday let and all associated works at land at Abernant Lakeside Cottage, Llanwrtyd Wells, Powys.

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

The data search identified 26 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 otter, brown/sea trout, tree sparrow and kingfisher.

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

- o River Wye SAC - the proposed development appears to be located on land immediately adjacent to the SAC boundary
- o Afon Irfon SSSI -the proposed development appears to be located on land immediately adjacent to the SSSI boundary

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

Given the nature of the proposed development and proximity to the River Wye SAC it is considered that there is a potential for the proposed development to impact the River Wye SAC; as such in accordance with the requirements of Regulation 63 of the Conservation of Habitats and Species Regulations 2017 a Habitats Regulations Assessment (HRA) of the development proposals has been carried out. I have completed a HRA Screening of the proposed development (a copy of the screening record is attached to this email for your records) and this has identified that a likely significant

effect cannot be ruled out for the following reasons;

- o Risk of negative impacts as a result of pollution during the construction phase of the proposed development
- o Potential for construction and operation activities to result in disturbance to key features of the River Wye SAC e.g. Otter.
- o Potential for introduction of Invasive Non-native Species to the site through introduction of contaminated materials and improper biosecurity protocols.

(please note in light of the recent ruling of the CJEU it is no longer acceptable to consider mitigation measures included with the proposals during the screening stage of the HRA), as such it has been identified that the development proposals will need to be subject to an Appropriate Assessment to determine whether the proposed development would result in an adverse effect on the integrity of the River Wye SAC.

Where an Appropriate Assessment is required the LPA as the competent Authority can require submission of information considered necessary to inform the assessment.

The following information is therefore required to be submitted to the LPA prior to determination of the application to enable the LPA to undertake an Appropriate Assessment of the proposed development to determine whether there would be an adverse effect to the Integrity of the River Wye SAC;

- o An ecological assessment of the proposed development site is required to be undertaken by a suitably qualified ecologist to determine the potential of the proposed development to result in negative impacts to otter and other features of the River Wye SAC and to identify any mitigation measures required to minimise impacts to an acceptable level. The associated report will need to include sufficient information to enable the LPA to determine the significance of the proposed development to the River Wye SAC.
- o Submission of a detailed Pollution Prevention Plan, details of measures proposed to prevent pollution from entering the canal prior to (i.e. during site clearance or set up) and during construction will need to be provided - where practical a plan showing the location of any features e.g. fencing, storage areas for potentially polluting materials etc. should be included. It is recommended that the pollution prevention plan is produced in accordance with the relevant recommendations made in the current Pollution Prevention Guidelines Series in particular PPG 6 - Working at construction and demolition sites; and GPP5: Works and maintenance in or near water. Full details of these guidelines can be found at

<http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and->

replacement-series/guidance-for-pollution-prevention-gpps-full-list/

- o Submission of a Biosecurity Protocol with regards to Invasive Non-Native Species

Please note that once the Appropriate Assessment has been completed NRW will need to be consulted to confirm that they are in agreement with the results.

Tree Protection Plan

From reviewing aerial images and site photos - there appears to be a number of mature trees in the immediate vicinity of the proposed development site. It is considered that there may be potential for the proposed construction works including, use of machinery or storage of materials to take place within the root protection area (RPA) and canopy of the mature trees identified. Given the proximity of development and works to the trees, it is considered prudent to require information from the applicant as to how these features of biodiversity importance for wildlife will be protected during the construction period of works.

A Tree Protection Plan could be secured through a planning condition; however as further information has been requested the submission of details regarding Tree Protection at this stage would avoid the need for a pre-commencement condition requiring this information.

Landscape Planting Scheme

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

A Landscaping Plan could be secured through a planning condition; however as further information has been requested the submission of details at this stage would avoid the need for a pre-commencement condition requiring this information.

Wildlife Sensitive Lighting Plan

Careful consideration will need to be given to any external lighting design provided through the proposed development, measures will need to be identified to minimise impacts to nocturnal wildlife commuting and foraging in the local area. This information could be secured through a planning condition, however the submission of a Wildlife Sensitive Lighting Plan with a planning application would avoid the need for a pre-commencement condition requiring this information.

Biodiversity Enhancement

In accordance with Part 1 Section 6 of the Environment (Wales) Act 2016 Local Authorities are required to Maintain and Enhance biodiversity through all of its functions - this includes the planning process. It is therefore recommended that consideration is given to opportunities to incorporate biodiversity enhancements to ensure net biodiversity benefits through the proposed development. These measure could include:

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

- o A wildlife buffer strip and a scheme of appropriate management of these areas, hedgerows should be retained within buffer strips and should be unlit or lighting to be directed away from the hedgerows to create dark movement corridors for nocturnal wildlife through the site;

- o Provision of wildlife friendly landscape planting.

Should biodiversity enhancement measures be proposed as part of the development details of these features identified will need to be specific (i.e. details regarding locations, dimensions and numbers will need to be provided) and achievable.

Additional Comments Received 30/07/2019;

Thank you for consulting me with regards to the additional information submitted in relation to planning application 19/0200/FUL which concerns an application for the erection of a holiday let and all associated works at land at Abernant Lakeside Cottage, Llanwrtyd Wells, Powys.

Having reviewed the submitted additional information in the form the Preliminary Ecological Appraisal and subsequent Protected Species Survey and Mitigation produced by DH Ecology dated May 2019 I agree with NRW in their response dated 02/07/2019 that further information is required in order to inform the Appropriate Assessment. Further information is required in the form of;

- o Details of foul water discharge
- o Exterior/interior lighting plan

Additional Comments Received 21/08/2019;

Thank you for consulting me with regards to the additional information submitted in relation to planning application 19/0200/FUL which concerns an application for the erection of a holiday let and all associated works at land at Abernant Lakeside Cottage, Llanwrtyd Wells, Powys.

I have reviewed the Preliminary Ecological Appraisal and subsequent Protected Species Survey and Mitigation produced by DH Ecology dated May 2019 submitted to support the application, I consider that the survey effort employed was in accordance with recognised current guidelines.

The Preliminary Ecological Appraisal and subsequent protected species survey were undertaken to assess presence of species and habitats of significant value within the proposed development site and adjacent riparian and woodland habitats. The proposed development site and habitats directly adjacent were assessed as having potential to support the following protected species;

- Breeding Birds
- Bats
- Otters

No evidence of breeding birds, bats or otters were identified on or adjacent to the development site. However I note that recommendations have also been made within section 7 of the Preliminary Ecological Appraisal and subsequent Protected Species Survey and Mitigation document regarding provision of long term roosting opportunities for bats and nesting opportunities for birds within the proposed development – these measures are welcomed as they would provide additional benefits for biodiversity - 'biodiversity enhancements' – in accordance with the requirements of Part 1 Section 6 of the Environment (Wales) Act 2016.

It is recommended that adherence to the recommendations regarding nesting birds and bats is secured through an appropriately worded planning condition.

Given the proximity of the proposed development to the River Wye SAC and the nature of the proposed development, it is considered that there is a potential for the proposed development to impact the River Wye SAC; and that pollution from construction activities could result in a Likely Significant Effect – I have completed a HRA screening of the proposed development and this has identified that a likely significant effect cannot be ruled out (please note in light of the recent ruling of the CJEU it is no longer acceptable to consider mitigation measures during the screening stage of the HRA).

An Appropriate Assessment of the application has therefore been undertaken to determine whether the proposed development would result in an adverse effect on the integrity of the European site, the report concludes that subject to inclusion of appropriate conditions the proposed development would not result in an adverse effect to the integrity of the River Wye SAC in light of its conservation objectives. I have attached a copy of the Appropriate Assessment Report – in accordance with the

requirements of the Regulations NRW as the Statutory Nature Conservation Body will need to be consulted to confirm that they are in agreement with the conclusion of the Appropriate Assessment.

Wildlife Sensitive Lighting Scheme

I have reviewed the proposed lighting outlined in the Pollution Prevention Plan document produced by DH Ecology dated July 2019. The measures proposed with regards to external lighting at the site are considered to be appropriate and acceptable to minimise impacts to nocturnal wildlife at the site and in the wider environment.

It is recommended that adherence to the identified external lighting scheme is secured through an appropriately worded planning condition.

Landscape Planting Scheme

If it is proposed to provide landscaping as part of the potential development consideration should be given to the development of a native landscape planting scheme, it is noted that the ecology report recommends that any non-native shrubs used in landscaping could be selected to favor wildlife – nectar plants and fruit bearing ones. It is recommended that details of any landscaping proposed are submitted in a detailed Landscape Planting Scheme including proposed species mixes, planting and aftercare schedules. It is therefore recommended that a Landscape Planting Scheme is secured through an appropriately worded condition.

Subject to confirmation from NRW that they are in agreement with the conclusion of the Appropriate Assessment, should you be minded to approve the application I recommend inclusion of the following conditions:

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 recommendations and mitigation measures identified in the Preliminary Ecological Appraisal and subsequent Protected Species Survey and Mitigation and Pollution Prevention Plan produced by DH

Ecology Dated May and July 2019. The identified measures will 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.

External lighting at the site shall be undertaken strictly in accordance with the details identified in the Pollution Prevention Plan Document produced by D H Ecology dated July 2019. The measures identified shall be adhered to and implemented in full and maintained thereafter.

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

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

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

In addition I consider it would be appropriate to include an informatives;

Birds - Wildlife and Countryside Act 1981 (as amended)

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

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

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

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

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

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

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

It is therefore an offence to:

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

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

- No night working or lighting of the works area;
- Ensuring that no barriers to movement of otters along the river are created;
- Keep unnecessary noise to a minimum during the works; and

- Do not light any fires close to areas of vegetation.

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.

Protected Species

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

PCC- (S) Land Drainage

No comments received at the time of writing this report.

Thank you for consulting Natural Resources Wales (letter dated 27/03/2019) regarding the above.

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

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

Summary of Requirements and Conditions

Requirement 1: Protected Sites: Further information is submitted to carry out a Habitat Regulation Assessment (HRA) under regulation 63 of the Conservation of Habitats and Species Regulations 2017 prior to the determination of the planning application

Requirement 2 - Flood Risk: A Flood Consequences Assessment (FCA) is required to demonstrate the risks and consequences of flooding can be managed to an acceptable level.

Condition 1 - Biosecurity: the submission and implementation of a Biosecurity Risk Assessment to the satisfaction of the LPA.

Protected Sites

We have concerns that a significant effect from the proposed development on the River Wye Special Area of Conservation (SAC) cannot be ruled out. The application is located within 25m of the Afon Wye SAC and Afon Irfon Site of Special Scientific Interest. (SSSI).

The following requirements need to be met before allowing the proposed development to proceed. We would object to the planning application if the requirements are not met.

Requirement 1: Protected Sites: Further information is submitted to carry out a Habitat Regulation Assessment (HRA) under regulation 63 of the Conservation of Habitats and Species Regulations 2017 prior to the determination of the planning application

- o Details of foul water discharge: The application refers to the installation of a new septic tank as illustrated on the block plan. The plan states that the septic tank will discharge to the watercourse after tank and soakaway, however no other details of the system have been provided. The proposed discharge will be to the River Wye SAC and therefore there is potential for pollution to the water quality of the designated site. More

detailed explanation of the sewage processing set up is required to enable your authority to make an assessment.

o o Exterior / interior lighting plan: The planning application states that LED downlighters will be installed externally. The design of the cabin also includes large windows that will allow internal light spillages on the surrounding area. Due to the proximity of the SAC it will be necessary to provide the technical specifications of the chosen luminaires as well as the location and number of units, to demonstrate a dark corridor along the river can be retained. This information is needed to demonstrate the proposal will not adversely affect the integrity of the SAC and its features (otter).

Should you also conclude that the proposed development is likely to have a significant effect on the European site, we look forward to being consulted on your appropriate assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017.

Flood Risk

The application site lies entirely 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 Irfon, a designated main river.

Requirement 2 - Flood Risk: A Flood Consequences Assessment (FCA) is required to demonstrate the risks and consequences of flooding can be managed to an acceptable level.

We refer you to Section 6 of TAN15 and the Chief Planning Officer letter from Welsh Government, dated 9 January 2014, which affirms that highly vulnerable development should not be permitted in Zone C2 (paragraph 6.2 of TAN15). The justification tests in paragraph 6.2 of TAN15 do not apply to highly vulnerable development in Zone C2.

Should you grant planning permission contrary to policy, we are unable to give you technical advice on the acceptability of flooding consequences as no FCA has been submitted. If you require this advice, a FCA should be submitted prior to determination of the application. We can advise you whether the FCA is in accordance with the technical criteria in Appendix 1 of TAN15.

If an FCA is not submitted or any subsequent FCA fails to demonstrate that the consequences of flooding can be acceptably managed over the lifetime of the development, then we object to the application. The criteria for the FCA, which should normally be undertaken by a suitably qualified person carrying an appropriate

professional indemnity, are given in Section 7 and Appendix 1 of TAN15. The FCA should be proportionate to the development proposed. We can provide advice to assist the applicant in the preparation of their FCA. If this is required, the applicant should contact us.

Please inform us, in accordance with paragraph 11.7 of TAN15, if you are minded to grant permission for the application contrary to our advice.

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 a Condition 1 - 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>

Protected Species

NRW has not considered European Protected Species(EPS) because the application does not appear to include an EPS report. Please consult NRW again if an EPS report identifies the presence of EPS.

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

Our comments above only relate specifically to matters that are listed in our 'Consultation Topics' document (September 2018) which is published on our website: (<https://cdn.naturalresources.wales/media/686847/dpas-consultation-topics-august-2018-eng.pdf?mode=pad&rnd=131819256840000000>). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance.

Advice for the developer:

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

Foul Drainage

We note the proposal is to connect the foul drainage to a new septic tank. Direct discharge to a SAC will require a bespoke permit from NRW.

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

Pollution Prevention

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

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

Environmental Management

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

imported to and exported from the site.

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

Additional Comments Received 02/07/2019;

Thank you for consulting Natural Resources Wales (letter dated 18/06/2019) regarding additional information on the above.

In our response letter of 11/04/2019 (CAS-83332-S4N2) we expressed significant concerns with the proposed development as submitted. We recommend that you should only grant planning permission if the scheme could meet Requirement 1: Protected Sites: Further information is submitted to carry out a Habitat Regulation Assessment (HRA) under regulation 63 of the Conservation of Habitats and Species Regulations 2017 prior to the determination of the planning application

and

Requirement 2 - Flood Risk: A Flood Consequences Assessment (FCA) is required to demonstrate the risks and consequences of flooding can be managed to an acceptable level.

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

Summary of Requirements and Conditions

Requirement 1: Protected Sites: Further information is submitted to carry out a Habitat Regulation Assessment (HRA) under regulation 63 of the Conservation of Habitats and Species Regulations 2017 prior to the determination of the planning application

Condition 1 - Biosecurity: the submission and implementation of a Biosecurity Risk Assessment to the satisfaction of the LPA.

Condition 2 - Flood risk: Finished floor level to be set at 189.60mAOD to ensure the

building is flood free in accordance with the requirements of TAN15.

Condition 3 - Flood risk: In accordance with the recommendations of the FCA (UNDA, June 2019), the building must be constructed on stilts with a void area maintained beneath the building for conveyance of floodwater. The void must remain free of development and be maintained for the lifetime of the development in line with the requirements of A1.12 in TAN15 (no flooding elsewhere).

Protected Sites

In our previous response we expressed our concerns with regards to potential significant effect from the proposed development on the River Wye Special Area of Conservation (SAC).

The preliminary ecological assessment (PEA) dated May 2019 by DH Ecology refers to the impact of the proposal on the SAC and concludes there will be no significant effect on the integrity of the designated site. The report assesses potential pollution pathways and disturbance to SAC features (otter), we are in agreement with the conclusion that an appropriate lighting plan which will retain a dark riparian corridor will minimise disturbance to otters and other protected species that are likely to utilise the site for foraging and commuting. Details of the plan have not been provided to date.

The PEA fails to refer to the potential impact on the water quality of the SAC as a result of the septic tank installation. The concerns we listed in our previous letter, therefore remain outstanding and require additional consideration.

Requirement 1: Protected Sites: Further information is submitted to carry out a Habitat Regulation Assessment (HRA) under regulation 63 of the Conservation of Habitats and Species Regulations 2017 prior to the determination of the planning application

- o o Details of foul water discharge: The application refers to the installation of a new septic tank as illustrated on the block plan. The plan states that the septic tank will discharge to the watercourse after tank and soakaway, however no other details of the system have been provided. The proposed discharge will be to the River Wye SAC and therefore there is potential for pollution to the water quality of the designated site. More detailed explanation of the sewage processing set up is required to enable your authority to make an assessment.

- o o Exterior / interior lighting plan: The planning application states that LED downlighters will be installed externally. The design of the cabin also includes large windows that will allow internal light spillages on the surrounding area. The PEA makes reference to the use of LCD switchable film glazing.

Due to the proximity of the SAC it will be necessary to provide the technical specifications of the chosen luminaires / LCD films as well as the location and number of units, to demonstrate a dark corridor along the river can be retained. This information is needed to demonstrate the proposal will not adversely affect the integrity of the SAC and its features (otter).

Should you also conclude that the proposed development is likely to have a significant effect on the European site, we look forward to being consulted on your appropriate assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017.

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.

In our previous response we advised that any consent should include the imposition of Condition 1 - 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 note that reference to the presence of INNS (Japanese knotweed, Himalayan balsam and Yellow archangel) has been made in the PEA and that the ecologist recommends the installation of an exclusion fence at the 10m buffer from the last evidence of INNS growth to minimise contact with the above mentioned species during the construction phase. This method would partially satisfy aspect (ii) of the risk assessment, however measures must also focus on preventing INNS from dispersing from the site.

More stringent cleaning procedures will be required for any of the machinery used on site. We refer the applicant to the GB non-native species secretariat 'Check, Clean, Dry' guidelines <http://www.nonnativespecies.org/checkcleandry/index.cfm>.

The biodiversity section of the PEA also refers to the need of appropriate ongoing chemical and manual control measures (i) to reduce/eliminate the presence of INNS from

site. These recommendations within the report must be included within a detailed risk assessment to be submitted to your authority prior to commencement of works. Condition 1 as above is therefore still relevant.

The applicant should be made aware that use of herbicides within or adjacent (5m) a waterbody must be done in agreement with NRW.

We refer you to our website for more information on Japanese knotweed control.

<https://naturalresources.wales/guidance-and-advice/environmental-topics/wildlife-and-biodiversity/japanese-knotweed/?lang=en>

Flood Risk

The application site lies entirely 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 Irfon, a designated main river.

We have reviewed the FCA dated June 2019 by UNDA Consulting Limited which was submitted to address our concerns (requirement 2 - FCA).

We refer you to Section 6 of TAN15 and the Chief Planning Officer letter from Welsh Government, dated 9 January 2014, which affirms that highly vulnerable development should not be permitted in Zone C2 (paragraph 6.2 of TAN15). The justification tests in paragraph 6.2 do not apply to highly vulnerable development in Zone C2.

Notwithstanding this policy position, we have reviewed the FCA submitted in support of the application to provide you with technical advice on the acceptability of flooding consequences in accordance with Appendix 1 of TAN15.

We are satisfied that the risks and consequences of flooding are manageable to an acceptable level, provided (a) planning condition(s) is / are attached to any permission granted;

Condition 2 - Flood risk: Finished floor level to be set at 189.60mAOD to ensure the building is flood free in accordance with the requirements of TAN15.

Condition 3 - Flood risk: In accordance with the recommendations of the FCA (UNDA, June 2019), the building must be constructed on stilts with a void area maintained beneath the building for conveyance of floodwater. The void must remain free of development and be maintained for the lifetime of the development in line with the requirements of A1.12 in TAN15 (no flooding elsewhere).

Please see the attached Annex 1 for further details.

As it is for your Authority to determine whether the risks and consequences of flooding can be managed in accordance with TAN15, we recommend you consider consulting other professional advisors on matters such as emergency plans, procedures and measures to address structural damage that may result from flooding. Please note, we do not normally comment on or grant the adequacy of flood emergency response plans and procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement during a flood emergency would be limited to delivering flood warnings to occupants/users.

Protected Species

A PEA report dated May 2019 by DH Ecology was submitted in support of the above application.

No EPS were found present within the area affected by the proposal however trees and the river Irfon are likely to be used by bats and otters for foraging/commuting.

The PEA does not indicate the extent of the area covered as part of the otter survey, so we cannot comment on the appropriateness of the survey effort, however, based on the size and location of the proposal and the implementation of avoidance measures recommended in the 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.

We would be able to expand on our comments upon satisfaction of requirement 1 above.

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

Our comments above only relate specifically to matters that are listed in our 'Consultation Topics' document (September 2018) which is published on our website: (<https://cdn.naturalresources.wales/media/686847/dpas-consultation-topics-august-2018-eng.pdf?mode=pad&rnd=131819256840000000>). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance.

Advice for the developer:

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

Foul Drainage

We note the proposal is to connect the foul drainage to a new septic tank. Direct discharge to a SAC will require a bespoke permit from NRW.

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

Pollution Prevention

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

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

Environmental Management

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

If during construction/excavation works any contaminated material is revealed, then the movement of such material either on or off site should be done in consultation with Natural Resources Wales. Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily and in accordance with

Section 34 of the Environmental Protection Act 1990. Carriers transporting waste from the site must be registered waste carriers and movement of any Hazardous Waste from the site must be accompanied by Hazardous waste consignment notes.

Annex 1 - Flood Risk

The FCA does not include all required information for comparison with TAN15, however our response also takes consideration of the new modelling undertaken for our FRAW (flood risk assessment wales) data which in time will replace the current flood maps (this data is currently unavailable for distribution to external parties). The FRAW data indicates the site to be flood-free in the 100CC scenario and within tolerable depths during the 1000 year scenario.

No modelling has been undertaken, however the FCA uses a conservative approach to estimate the 1 in 100 year + CC level from the Generalised Jflow information. Given the scale of the proposed development, this approach is considered reasonable.

A1.14 Criteria - A 1 in 100 year flood level of 189.00mAOD has been derived from Lidar data and the floodzone 3 outlines (page 10 FCA). An additional 300mm has been added to account for a climate change increase of 25% (page 11), giving a flood level of 189.30mAOD. Site levels are quoted as between 187.25mAOD and 188.20mAOD, indicating a maximum flood depth on site of 1.35mAOD during the 1 in 100 year + 25%CC scenario. It is proposed to raise the building on stilts and set the floor level of the chalet at 189.60mAOD, 300mm above the predicted 100yr CC level in accordance with the requirements of A1.14 in TAN15.

It should be noted that based on the predicted 1.35m maximum depth of flooding in the FCA, flood depths in external areas of the site will be in exceedance of the 300mm criteria given in our OGN105a flooding to ancillary areas guidance. It is unclear from the planning application if there are any changes to the existing site within the red line boundary which is indicated to be hardstanding with storage sheds/stables.

A1.15 Criteria - The FCA does not include any information on predicted flood depths/velocities or the speed of inundation to enable comparison with Section A1.15 of TAN15. Based on the quoted maximum depth of flooding in the FCA of 189.30mAOD for a 1 in 100CC event, the 1 in 1000 year flood level would exceed the 600mm guidance in Section A1.15 for external site areas. This level would be reduced within the building and it is proposed to include flood resilient measures in the building construction (page 16).

A1.12 Criteria - the FCA indicates that occupants would remain within the building in the event of a flood (Page 17) and does not provide any information on flood risk to the access/egress routes.

The FCA notes the site is within an NRW flood alert area and recommends an emergency plan is implemented for the site. Any evacuation plans should be agreed with the local authorities emergency planners.

It is proposed to raise the building on stilts and maintain flood storage beneath the structure (page 21) to ensure flood risk is not increased elsewhere. As noted in the FCA, NRW do not normally support the use of stilt and void construction due to the difficulty in maintaining the free passage of water beneath the building. We note the comments in the FCA regarding a maintenance plan for the void area and suggest that, if granted, a suitable condition is included in the planning permission to ensure that the space beneath the building is retained for flood storage only and is maintained for the lifetime of the development.

Has the FCA demonstrated the proposal is acceptable and in line with TAN15 criteria? Partially. The building is indicated to be compliant, however the FCA is lacking in data to assess the risk to external site areas.

Additional Comments Received 25/07/2019;

Thank you for sending us the Habitat Regulation Assessment screening report. Your ecologist is in agreement with NRW that significant effect on the SAC cannot be ruled out and therefore an appropriate assessment will be needed. The additional information we requested in our letter of 2/7/2019 is needed to enable us to make additional comments on this proposal and to allow your ecologist to compile the AA.

Additional Comments Received 14/08/2019;

Thank you for consulting Natural Resources Wales (letter dated 31/07/2019) regarding additional information on the above.

In our response letter of 02/07/2019 we expressed significant concerns with the proposed development as submitted. We recommend that you should only grant planning permission if the scheme could meet Requirement 1: Protected Sites: Further information is submitted to carry out a Habitat Regulation Assessment (HRA) under regulation 63 of the Conservation of Habitats and Species Regulations 2017 prior to the determination of the planning application

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

Summary of Requirements and Conditions

Requirement 1: Protected Sites: The Authority should carry out a Habitat Regulation Assessment (HRA) under regulation 63 of the Conservation of Habitats and Species Regulations 2017 prior to the determination of the planning application.

Condition 1 – Biosecurity: No development with potential to impact on invasive species, shall commence until a Biosecurity Risk Assessment has been submitted to and approved in writing by the Local Planning Authority. The risk assessment shall include measures to control, remove or for the long-term management of invasive species both during construction and operation.

Protected Sites

In our previous responses we stated we have concerns that a significant effect from the proposed development on the River Wye Special Area of Conservation (SAC) could not be ruled out.

We identified potential impact pathways to the features of this site:

1. Pollution - Water quality, operational phase, foul drainage.
2. Biosecurity
3. Light pollution

We advised you that additional information is required to enable the LPA to assess the potential impacts of the proposed development on the River Wye SAC – A European Designated Site – in accordance with Regulation 63 of the Conservation of Habitats and Species Regulations 2017. We have reviewed the information within the additional supportive documents:

- An explanatory note of the current foul drainage system further supported by an email dated 05/08/2019 from Robert Grimes (Lakeside Security). The email states that the discharge of the septic tank is to ground and not to water (SAC) and that the registered tank has sufficient capacity to accommodate the connection of the proposed cabin.
- a Pollution Prevention Plan (PPP) dated July 2019 by DH Ecology which addresses biosecurity issues and the need for a risk assessment, as well as providing details of the exterior lighting plan (Appendix A).

You should satisfy yourself that all relevant documents and plans are in line with the latest information available. Both the PPP and the submitted block plan still refer to foul water discharge into the SAC, these documents should be amended to show discharge to ground as stated in Mr Grimes' email of 05/08/2019.

Provided the volumes are within the limits defined in the NRW exemption and that there is no discharge to the river, then we would have no concerns on the septic tank arrangements.

We are also satisfied the pollution prevention measures are appropriate for the type of development and the exterior lighting plan will maintain a dark corridor along the banks of the river, and therefore significant disturbance to otters and other protected species will be unlikely.

Your Authority's HRA screening assessment dated 16/04/2019 by Elen Sian Thomson concluded that a likely significant effect could not be ruled out and therefore an Appropriate Assessment (AA) is required.

We look forward to being consulted on your AA under Regulation 63 of the Conservation of Habitats and Species Regulations 2017. In the absence of this assessment, NRW cannot offer assurances that the proposals would not result in an adverse effect upon the SAC. We will be able to finalise our comments upon receipt of such document.

Biosecurity

The PPP document refers to the production of a biosecurity risk assessment by the contractor in line with our recommendations. We recommend this is secured via appropriately worded condition.

Condition 1 – Biosecurity: No development with potential to impact on invasive species, shall commence until a Biosecurity Risk Assessment has been submitted to and approved in writing by the Local Planning Authority. The risk assessment shall include measures to control, remove or for the long-term management of invasive species both during construction and operation.

Flood risk

The application site lies entirely 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 Irfon, a designated main river.

We refer you to Section 6 of TAN15 and the Chief Planning Officer letter from Welsh Government, dated 9 January 2014, which affirms that highly vulnerable development should not be permitted in Zone C2 (paragraph 6.2 of TAN15). The justification tests in paragraph 6.2 do not apply to highly vulnerable development in Zone C2. Notwithstanding this policy position, we have reviewed the FCA submitted by UNDA

consulting (June 2019) in support of the application to provide you with technical advice on the acceptability of flooding consequences in accordance with Appendix 1 of TAN15.

Ultimately It is for your Authority to determine whether the risks and consequences of flooding can be managed in accordance with TAN15. The FCA does not include all required information for comparison with TAN15, however our response also takes consideration of new modelling we have undertaken. Our data indicates the site to be flood-free in the 100 year plus climate change scenario and within tolerable depths during the 1000 year scenario.

No modelling has been provided as part of the FCA, however the FCA uses a conservative approach to estimate the 1 in 100 year + CC level from the Generalised Jflow information. Given the scale of the proposed development, this approach is considered reasonable.

A1.14 Criteria. A 1 in 100 year flood level of 189.00mAOD has been derived from Lidar data and the floodzone 3 outlines (page 10 FCA). An additional 300mm has been added to account for a climate change increase of 25% (page 11), giving a flood level of 189.30mAOD. Site levels are quoted as between 187.25mAOD and 188.20mAOD, indicating a maximum flood depth on site of 1.35mAOD during the 1 in 100 year + 25%CC scenario. It is proposed to raise the building on stilts and set the floor level of the chalet at 189.60mAOD, 300mm above the predicted 100yr CC level in accordance with the requirements of A1.14 in TAN15. It should be noted that based on the predicted 1.35m maximum depth of flooding in the FCA, flood depths in external areas of the site will be in exceedance of the 300mm.

A1.15 Criteria. The FCA does not include any information on predicted flood depths/velocities or the speed of inundation to enable comparison with Section A1.15 of TAN15. Based on the quoted maximum depth of flooding in the FCA of 189.30mAOD for a 1 in 100CC event, the 1 in 1000 year flood level would exceed the 600mm guidance in Section A1.15 for external site areas. This level would be reduced within the building and it is proposed to include flood resilient measures in the building construction (page 16).

A1.12 Criteria the FCA indicates that occupants would remain within the building in the event of a flood (Page 17) and does not provide any information on flood risk to the access/egress routes.

The FCA notes the site is within an NRW flood alert area and recommends an emergency plan is implemented for the site. Any evacuation plans should be agreed with the local authority's emergency planners.

It is proposed to raise the building on stilts and maintain flood storage beneath the structure (page 21) to ensure flood risk is not increased elsewhere. Your Authority should be aware that we do not normally support the use of stilts and void construction due to the difficulty in maintaining the free passage of water beneath the building.

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

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

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

2018-eng.pdf?mode=pad&rnd=131819256840000000). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance.

Advice for the developer:

The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development. Please refer to our previous letters for detailed advice on foul drainage, pollution prevention and environmental management.

Additional Comments Received 13/09/2019;

Thank you for consulting Natural Resources Wales (letter dated 27/08/2019) regarding additional information on the above.

In our response letter of 09/08/2019 we expressed significant concerns with the proposed development as submitted. We recommend that you should only grant planning permission if the scheme could meet Requirement 1: Protected Sites: The Authority should carry out a Habitat Regulation Assessment (HRA) under regulation 63 of the Conservation of Habitats and Species Regulations 2017 prior to the determination of the planning application.

Condition 1 – Biosecurity: No development with potential to impact on invasive species, shall commence until a Biosecurity Risk Assessment has been submitted to and approved in writing by the Local Planning Authority. The risk assessment shall include measures to control, remove or for the long-term management of invasive species both during construction and operation.

We have reviewed the Appropriate Assessment Report carried out by your authority and we agree with its conclusion and recommendations; Requirement 1 above has therefore been satisfied.

We recommend you should only grant planning permission if you include the following documents within the condition identifying approved plans and documents on the decision notice:

- a Pollution Prevention Plan (PPP) dated July 2019 by DH Ecology

and you attach condition 1 above.

These conditions would address significant concerns that we have identified and we would not object provided you attach them to the planning permission.

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.

Please refer to our previous letters for detailed advice on foul drainage, pollution prevention and environmental management.

PCC-Emergency Planning Officer

24th Sep 2019

Civil Contingencies have no further comment to make on this application except that as it is intended for hiring/renting out they must ensure any clients have a copy of the Flood Emergency Plan on occupation of the property.

Representations

Following the display of a site notice on 04/04/2019, a total of 2 public objections have been received at the time of writing this report and can be summarised as follows;

- Increase in Traffic
- Substandard Access
- Located within C2 Flood Zone
- Increase Flood Risk
- Failed to notify neighbours
- Scope for further development
- Design of building overbearing and out of character with surrounding area
- Septic Tank has inadequate capacity

It is considered that given the fact a site notice was displayed at the application site on 04/04/2019, that this adequately addresses the objection raised concerning the failure to notify neighbours.

Planning History

App Ref	Description	Decision	Date
P/2011/0671	Full: Change of use of residential property and adjoining land to mixed use of residential property and dog breeding facility.	Refused	05/09/2011
P/2010/1164	Full: Change of use of residential property and adjoining land to mixed use of residential property and dog breeding facility.	Refused	11/01/2011

Principal Planning Constraints

C2 Flood Zone
River Wye SAC / SSSI adjacent to application site.

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
TAN12	Design	National Policy
TAN13	Tourism	National Policy
TAN15	Development and Flood Risk	National Policy
TAN18	Transport	National Policy
TAN23	Economic Development	National Policy
DM2	The Natural Environment	Local Development Plan 2011-2026
DM4	Landscape	Local Development Plan 2011-2026
DM5	Development and Flood Risk	Local Development Plan 2011-2026
DM7	Dark Skies and External Lighting	Local Development Plan 2011-2026
T1	Travel, Traffic and Transport Infrastructure	Local Development Plan 2011-2026
TD1	Tourism Development	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 of Llanwrtyd Wells and is located within the open countryside as defined by the Powys Local Development Plan (2018). The application site is surrounded by Abernant Lake to the north, the River Wye to the south, Abernant Lakeside Cottage to the west and agricultural land to the east.

The application seeks consent for the siting of a holiday let, which will measure approximately 10.0 metres in length by 7.3 metres in width, with a height to the eaves of approximately 2.6 metres and a height to the ridge of approximately 5.6 metres. The selected materials for the proposed cabin will be as follows; natural oak timber walls under a brown tile shingle roof, with natural wood windows and doors.

Principle of Development

Policy TD1 of the Powys Local Development Plan states 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 TAN6; 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 and therefore must comply with part 2 of policy TD1 of the Powys Local Development Plan (2018).

It is considered that the holiday unit has been sensitively located and designed to be of a scale and character which complements the surrounding area. It is therefore considered that the proposed holiday unit would not detract from the overall character and appearance of the surrounding area. Furthermore, it is noted that there are tourist assets nearby with several hiking and mountain bike trails located within the Llanwrtyd Wells area. The Abernant Lake Hotel is located within close proximity to the application site. It is therefore considered that the proposed development complements existing tourism developments and assets and as such complies with criterion 2(iii) of LDP Policy TD1. With regards to the objection received regarding this proposal creating a scope for further future development, this application has been proposed as 1 holiday let and will be determined accordingly on this consideration alone.

Scale, Design and Landscape Impact

Policy DM4 of the Powys Local Development Plan states that for proposals in the open countryside such as this one, they must not individually or cumulatively, have an unacceptable adverse effect on the valued characteristics and qualities of the Powys landscape. All proposals should therefore be appropriate and sensitive in terms of integration, siting, scale and design to the characteristics and qualities of the landscape. Policy DM13 of the Powys LDP indicates that development proposals will only be permitted where they have 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.

A visual and sensory evaluation of the site using LANDMAP classifies the area of the application site as being of moderate value, with the area being generally attractive featuring woodland and low-lying marshy areas. The application site is located in an area that is not highly visible, to the south and east elevations there are thick areas of trees which will reduce the impact of the development, furthermore the existing Abernant Lakeside Cottage is located to the west which is of a far larger scale than the proposed holiday let. To the north is the Abernant Lake, however, given the significant scale of trees surrounding the lake, it is not considered the proposal will cause an unacceptable impact upon the surrounding landscape.

In terms of the design of the accommodation, the cabin utilises a design and materials that are typical of a development of this type. The cabin is considered to be of a large scale, however it is considered to have been sensitively designed and located so as to not have any detrimental impact upon the surrounding landscape, for the reasons identified above. The design of the proposal is typical of that of a holiday / chalet development and uses appropriate materials. With regard to the objection received stating that the building is overbearing, the holiday let will be located approximately 60 metres from the nearest dwelling, and approximately 40 metres from the Abernant Lake Hotel. For the reasons stated above, it is considered the proposal is well screened and assimilated into the surrounding landscape and is acceptable at this location.

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

Highway Safety

Policy DM13 Part 10 and T1 states that development proposals should meet all highway access requirements (for transport users) and parking standards.

With regards to access, this will utilise an existing access to the site and the Local Highway Authority have not raised any objection to this access being utilised. It is considered that additional traffic utilising this access will be minimal and will be acceptable. The parking arrangements for the site will utilise an existing area of hardstanding to the west of the holiday let. It is considered there is ample room for the development to comply with CSS parking standards which require 1 parking space per

bedroom up to a maximum of 3. It is considered the existing area of hardstanding has sufficient space to comply with these standards and the Local Highway Authority have raised no objection.

In response to the objections received regarding an increase in traffic and inadequate access. In light of the above observations, and given the fact the Local Highway Authority have raised no objection to the proposed development going ahead, it is considered that the proposed development complies with relevant planning policy.

Amenities enjoyed by occupiers of neighbouring properties

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

Consideration must be given to the amenities enjoyed by the occupiers of neighbouring dwellings. There are no neighbouring dwellings located within close proximity to the application site, with the nearest being approximately 60 metres away. The application site is located in a location that is not highly visible, to the south and east elevations there are thick areas of trees which will reduce the impact of the development. It is therefore considered that the proposed development would not result in any loss of privacy or light for neighbouring residential properties.

In light of the above, it is not considered the proposed development would have a detrimental impact upon the amenities enjoyed by occupants of neighbouring dwellings and the proposed development complies with relevant planning policy.

Biodiversity

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

The Ecologist reviewed the plans as well as records of protected and priority species within 500m of the proposed development. From the search 26 records were identified, although none were for the site itself. There are two statutory designated sites located immediately adjacent to the application site; River Wye SAC / SSSI.

Initial comments received from the Ecologist and Natural Resources Wales stated the following additional information was required to be submitted in support of the application; Habitats Regulations Assessment, Ecological Assessment and Pollution Prevention Plan.

The above information was submitted in the form of additional information. The Preliminary Ecology Appraisal concluded there was no evidence of breeding birds, bats or otters adjacent to or on the development site. However, there have been recommendations identified with Section 7 of the Appraisal regarding provision of long-term roosting opportunities for bats and nesting birds. Adherence to the recommendation regarding nesting birds and bats will be secured through an appropriately worded condition.

In response to the submitted Pollution Prevention Plan, a Habitats Regulations Assessment has been undertaken, which have identified that a likely significant effect upon the River Wye SAC/SSSI cannot be ruled out. Therefore, an Appropriate Assessment has been undertaken, which concludes that subject to the inclusion of appropriately worded conditions the proposed development would not result in an adverse effect to the integrity of the River Wye SAC. NRW have been consulted on the adequacy of the Appropriate Assessment and agree with its findings.

With regard to external lighting, the Pollution Prevention Plan has identified an external lighting scheme to be adopted in order to minimise impacts to nocturnal wildlife commuting and foraging in the local area. Adherence to the identified external lighting scheme will be secured through an appropriately worded condition.

It has also been proposed that a Landscape Planting Scheme is secured through an appropriately worded condition. However as has been mentioned previously, the proposed development is considered to pose no adverse impact upon the surrounding landscape and it is not considered necessary to include the recommended landscaping condition.

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

Drainage

With regards to drainage, Environmental Health commented on the proposed development and initially indicated that more information was required with regard to the foul drainage scheme for the proposed development.

The applicant confirmed that foul drainage will utilise an existing septic tank on site, with the main chamber of the tank having a capacity of approximately 10 cubic metres. Upon receiving this clarification and after undertaking a site visit, the Environmental Health Officer confirmed that they have no objection to the proposed drainage scheme for this development.

Flood Zone

The application site is located entirely within a C2 Flood Zone. Technical Advice Note 15 (TAN 15) part 6.2 advises that highly vulnerable development in zone C2 should not

be permitted. Technical Advice Note 15 part 5.1 states that the following types of development are classified as highly vulnerable; *“all residential premises (including hotels and caravan parks), public buildings (e.g. schools, libraries, leisure centres), especially vulnerable industrial development (e.g. power stations, chemical plants, incinerators), and waste disposal sites”*. The proposed development would therefore be considered as ‘highly vulnerable’ as defined by TAN 15.

Natural Resources Wales have been consulted on the development and have confirmed that the application site lies entirely within a C2 Flood Zone. A Flood Consequence Assessment (FCA) has been submitted in support of the application which NRW have commented upon. NRW have stated that they have significant concerns with the proposed development as it is located entirely within a C2 Flood zone and access to the site would not be possible during large flood events.

Paragraph 6.2 of TAN15 states that “New development should be directed away from zone C” and recognises and confirms that highly vulnerable development and Emergency Services in Zone C2 should not be permitted.

NRW have stated that it is for the Local Planning Authority to determine whether the risks can be managed to an acceptable level, and that a decision of conditional consent would be contrary to the advice given in Technical Advice Note 15. The FCA does not provide any information on flood risk to the access/egress routes to the application site, which are all located within the C2 Flood Zone.

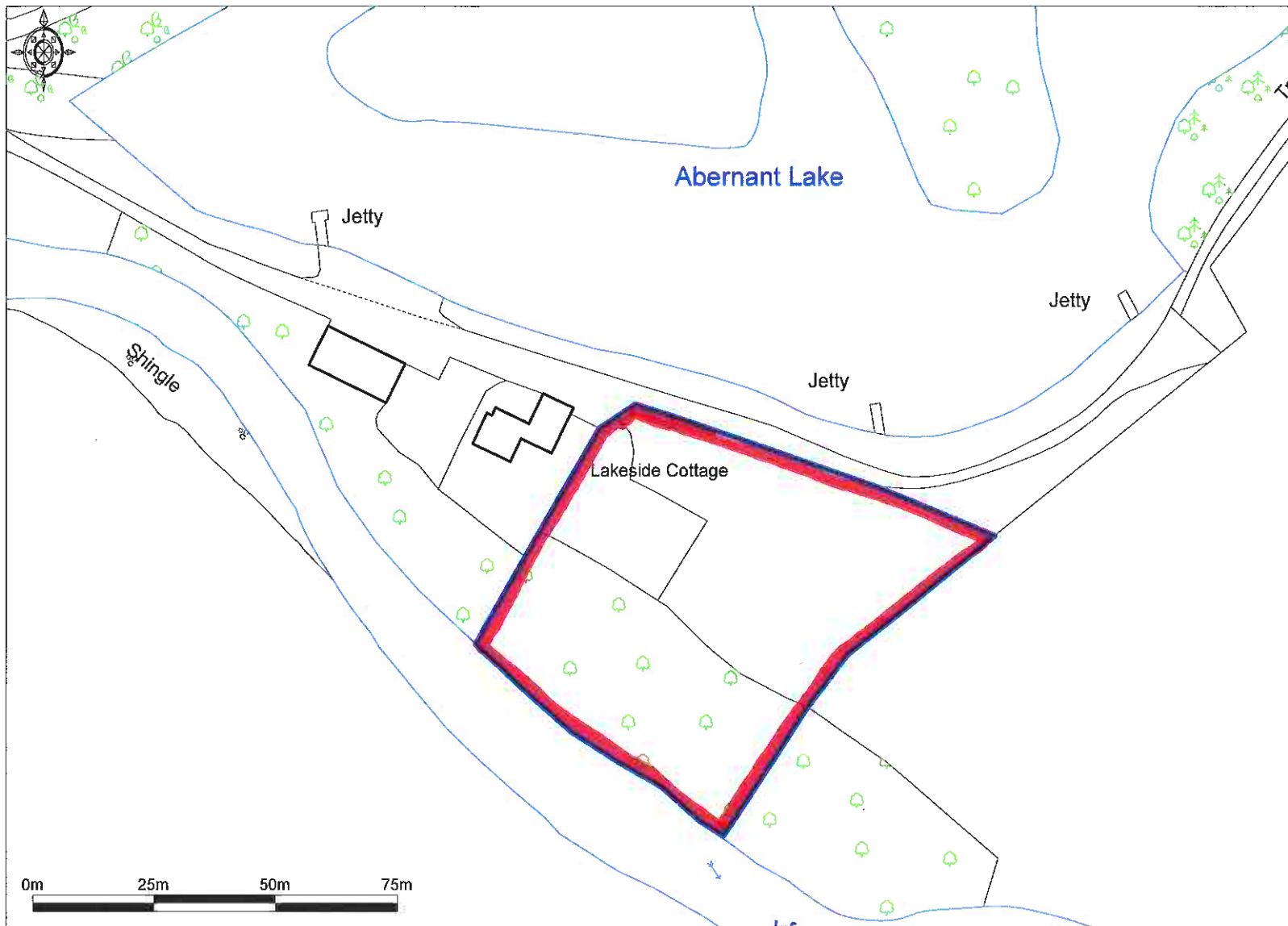
In light of the consultation responses received from NRW and the advice contained with TAN 15, it is considered that the development would result in highly vulnerable development within a C2 Flood Zone which is therefore contrary to TAN 15 and DM5: Development and Flood Risk.

RECOMMENDATION - REFUSE

It is considered the proposed development would result in highly vulnerable development within a C2 Flood Zone, contrary to the guidance given in TAN 15. The recommendation is therefore one of refusal.

Reasons

1. The proposed development would result in highly vulnerable development within a C2 flood zone. The proposed development is therefore contrary to paragraph 6.2 of Technical Advice Note 15: Development and Flood Risk (2004) and Local Development Plan Policy DM5: Development and Flood Risk.



Ordnance Survey © Crown Copyright 2019. All rights reserved. Licence number 100022432. Plotted Scale - 1:1250

This page is intentionally left blank

4.4

Planning, Taxi Licensing and Rights of Way Committee Report

Application Number: 19/1241/FUL **Grid Ref:** E: 310393
N: 235107
Community Council: Felin-Fach Community **Valid Date:** 02.08.2019

Applicant: Mr Freer Spreckley

Location: The Stables, Upper Dan Y Parc, Llandefalle, Brecon, Powys LD3 0UN

Proposal: Change of use of stables to one residential three-bedroom dwelling and two one-bedroom holiday units, and associated works

Application Type: Full Application

The reason for Committee determination

The local member has requested this application be considered by Committee because of the history of the site.

Consultee Responses

Consultee	Received
Welsh Water	14th Aug 2019
<p>We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.</p> <p>As the applicant intends utilising a septic tank facility we would advise that the applicant contacts Natural Resources Wales who may have an input in the regulation of this method of drainage disposal. However, should circumstances change and a connection to the public sewerage system/public sewerage treatment works is preferred we must be re-consulted on this application.</p>	
PCC-(S) Highways	22nd Aug 2019

The current building, the subject of this change of use application, already benefits from an extant planning use as a stables. It is a large building offering six stalls/loose boxes and a tack room, together with a large first floor storage area. It is understood that the stables can be used for commercial purposes as there were no restrictions limiting the uses of the building attached to consent 05/0297. Each stall/loose box could therefore be let on an individual basis. Such use would likely generate significant levels of vehicular movements to and from the site on a daily basis, a certain element of which, would likely include larger agricultural type vehicles associated with the transportation of horses and delivery of feed etc.

In light of the above, the Highway Authority is satisfied that the level and type of traffic movements associated with the proposed change of use, is likely to be considerably lower and smaller in scale, than those that could be generated through the extant planning use. As such the Highway Authority has no objection to the proposal subject to the inclusion of the following conditions.

- o No development shall commence until provision is made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. The parking and turning area shall be constructed to a depth of 0.35 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.
- o 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 25 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.
- o 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.
- o 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 5.5 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

- o Prior to the occupation of the dwellings, provision shall be made within the curtilage of the site for the parking of not less than 5 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.
- o Prior to the occupation of the dwelling any entrance gates shall be set back at least 5.5 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.
- o Prior to the occupation of the dwellings the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 5.5 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.
- o No storm water drainage from the site shall be allowed to discharge onto the county highway.

Environmental Health

28th Aug 2019

Having looked at the above proposed planning application and additional information, I confirm Environmental Health would not have any objections.

Environmental Protection

16th Aug 2019

Thank you for sending the additional information through, unfortunately this is just the discharge consent from Natural Resources Wales, which confirms the current septic tank can discharge to ground via a drainage field.

Environmental Health still require the details relating to the foul drainage arrangements for the development.

I require further detailed information relating to the septic tank with confirmation that it is of suitable size to accommodate the foul effluent from the proposed new development.

The information should demonstrate the size of the existing septic tank and include calculations of its current loading (number of persons who currently use the system) and

the proposed additional loading (No of persons who will use the system if the proposed planning goes ahead).

Environmental Protection

28th Aug 2019

Having looked at the above proposed planning application and additional information, I confirm Environmental Health would not have any objections.

PCC-Ecologist

17th Sep 2019

Thank you for consulting me with regards to planning application 19/1241/FUL which concerns an application for the change of use of stables to one residential three-bedroom dwelling and two one-bedroom holiday units, and associated works at The Stables, Upper Dan Y Parc, Llandefalle, Brecon.

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 75 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; brown long-eared, pipistrelle, lesser horseshoe and Natterere's, hazel dormice, barn owl and slow-worm.

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

One non-statutory designated site was identified within 500m of the proposed development;

- o Site of Importance for Nature Conservation (SINC) - Pont-y-Bat Woods approximately 277m from the proposed development

Having taken into account the location of the SINC in relation to the proposed development and the nature of the works proposed it is considered that there would be no likely negative impacts directly or indirectly to the SINC and/or its associated features.

Bats - European Protected Species

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

I have reviewed the Bat Assessment Report produced by Ecology Planning dated July 2019 - I consider that the survey effort employed is in accordance with recognised current guidelines.

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

The preliminary survey which was undertaken on 23rd April 2019 identified evidence of bats in the form of droppings in the loft. Potential access points were also identified in the form of gaps in the blockwork wall cavity and gaps in the eaves.

Three activity surveys were undertaken in April 2019 (dusk emergence), May 2019 (dawn re-entry) and June 2019 (dusk emergence). These surveys confirmed that the building affected by the proposed development is being utilised by common pipistrelle and brown long-eared bats for roosting purposes. Lesser horseshoe bats were also recorded on the proposed development site.

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

Recommendations for mitigation measures to provide roosting opportunities for pipistrelle and long-eared bats present within the mill building have been identified in section 5 of the Bat Assessment Report. A lesser horseshoe was also recorded on site utilising the existing porch however it has not been clearly specified whether it was considered that the porch is being utilised as a night roost by this species.

Therefore clarification is required from the ecologist to clearly define use of the porch by lesser horseshoe bats. In the absence of this information it is not possible to determine whether the proposed development will result in negative impacts to the favourable conservation status of the species of bats confirmed as roosting in the building and therefore I am unable to confirm that the development would meet the requirements of the 3 Tests of the Conservation of Habitats and Species Regulations 2017 or comply with the requirements of Powys LDP policy DM2.

As such it is considered that insufficient information has been provided to determine the significance of the proposed development on bats.

The following information is required to be submitted to the LPA prior to determination of the application;

- Clarification regarding the use of the porch by lesser horseshoe bats

- Additional bat mitigation measures to compensate for the impact to a night roost for lesser horseshoe bats

Once this additional information has been provided it will ensure that the mitigation measures are appropriate to ensure no negative impacts to the favourable conservation status of the bat species identified as roosting at the site.

PCC- (S) Land Drainage

No comment received at the time of writing this report.

Natural Resources Wales (North) DPAS

4th Sep 2019

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which was received on 14/8/2019

We have no objection to the proposed development as submitted and provide the following advice.

Protected Species

We note that the bat report submitted in support of the above application (Ecology Planning, 3/7/2019) has identified that bats (pipistrelle and brown long-eared) are present at the application site. From the information submitted, we consider that the proposed development represents a lower risk for bats, as defined in our guidance document 'Natural Resources Wales Approach to Bats and Planning (2015)'. Bats and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017.

As this is a lower risk case for bats, we consider that the development is not likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range. However, we advise that the proposed development is likely to harm or disturb the bats or their breeding sites and resting places at this site and, therefore, we advise that all avoidance and mitigation measures described in the bat report must be undertaken.

The report must be included in the 'approved list of plans / documents' condition within the decision notice should consent for the project be granted.

The report also notes that lesser horseshoe bats may use the porch area as a night roost, but that roosting was not confirmed. We consider that the favourable conservation status of the lesser horseshoe bat will not be affected by the proposals, however we would recommend that the applicant provides an alternative open-fronted structure (e.g. log store) that may provide alternative night roosting opportunities.

NRW would refer the Local Authority to the Chief Planning Officer's letter dated 01 March 2018 which advises Local Planning Authorities to attach an informative regarding licence requirements to all consents and notices where European Protected Species are likely to be present on site.

Please consult us again if any further information shows that this is no longer a lower risk case.

Foul drainage

With respect to the discharge of effluent to ground or surface water, the Applicant will need to apply for an environmental permit or register an exemption with us. Septic tanks and small sewage treatment works may be registered as exempt from the requirement to obtain an environmental permit if certain criteria are 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. It is important to note that a grant of planning permission does not guarantee that a permit will be granted, should a proposal be deemed to be unacceptable (either because of environmental risk or because upon further investigation, a connection to mains sewer was feasible). The Applicant should ensure that they have all the required permissions, consents, permits and any other approvals in place prior to commencement of works on the site.

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 the Guidance for Pollution Prevention 4 on the NetRegs website, 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=13181925684000000>). 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:

Environmental Management

All works at the site must be carried out in accordance with PPG6: 'Working at construction and demolition sites' which are available on the following website:

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

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.

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.

Community Council

No comment received at the time of writing this report.

PCC-Building Control

No comment received at the time of writing this report.

Wales & West Utilities - Plant Protection
Team

16th Aug 2019

According to our mains records Wales & West Utilities has no apparatus in the area of your enquiry. However Gas pipes owned by other GT's and also privately owned may be present in this area. Information with regard to such pipes should be obtained from the owners. Safe digging practices, in accordance with HS(G)47, must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all persons (either direct labour or contractors) working for you on or near gas apparatus.

Ward Councillor

29th Aug 2019

Hi, As local member I would be very pleased if this application could be considered by the Planning Committee. The reason is "The planning history of the site."

PCC-Ecologist

17th Oct 2019

Thank you for consulting me with regards to the additional information submitted in relation to planning application 19/1241/FUL which concerns an application for the change of use of stables to one residential three-bedroom dwelling and two one-bedroom holiday units, and associated works at The Stables, Upper Dan Y Parc, Llandefalle, Brecon.

The additional information submitted has been provided in response to a request for further information to enable the LPA to assess the potential impacts of the proposed development to biodiversity, in particular with regards to bats – European protected species – as the proposed development requires alterations to an existing building.

I have reviewed the amended Bat Assessment Produced by Ecology Planning dated 27th September 2019. The report confirms that no bat droppings were identified within the existing porch to indicate significant/regular use by lesser horseshoe or other bat species.

Recommendations for mitigation measures to provide roosting opportunities for pipistrelle and long-eared bats present within the existing building have been identified in section 5 of the Bat Assessment Report. Measures include;

- Workers are to receive a 'Tool Box Talk' prior to commencement of works
- Timing of works
 - Works impacting the cavity walls are not to be undertaken during the winter months (November to March inclusive)
 - New access routes are to be created prior to impacting any existing bat access routes
- Replacement of the existing porch to enable continued use by lesser horseshoe bats
- Retention of cavity wall access by removing the exiting porch
- New cavity wall access to be created below the soffit

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.**

Wildlife Sensitive Lighting Scheme

I have reviewed the proposed lighting outlined illustrated on drawing number 18/4373/5b. The measures proposed with regards to external lighting at the site are considered to be appropriate and acceptable to minimise impacts to nocturnal wildlife at the site and in the wider environment.

It is recommended that adherence to the identified external lighting scheme is secured through an appropriately worded planning condition.

Landscape Planting Scheme

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

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

The development shall be carried out strictly in accordance with the recommendations and mitigation measures identified in the Bat Assessment Report produced by Ecology Planning dated 27th September 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.

External lighting at the site shall be undertaken strictly in accordance with the details identified in drawing 18/4373/5b produced by Barry Tomlinson dated 26th 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 DM2 and DM7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

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

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

In addition I recommend inclusion of the following informatives:

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

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

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

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

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

It is an offence for any person to:

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

Under the Habitats Regulations it is an offence to:

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

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

Birds - Wildlife and Countryside Act 1981 (as amended)

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

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

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

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

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

Protected Species

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

PCC-Ecologist

14th Nov 2019

Thank you for consulting me with regards to the additional information submitted in relation to planning application 19/1241/FUL which concerns an application for the change of use of stables to one residential three-bedroom dwelling and two one-bedroom holiday units, and associated works at The Stables, Upper Dan Y Parc, Llandefalle, Brecon.

The inclusion of hedgerow and shrub planting is welcomed and likely to provide benefits for biodiversity 'biodiversity enhancements' in accordance with the requirements of the Environment (Wales) Act 2016. I have reviewed proposed landscaping scheme document submitted as part of the application. Whilst the document indicates that native fruit trees are to be planted limited details have been provided as to numbers, planting and aftercare schedules. In addition, limited details have been provided regarding proposed species mixes, planting and aftercare schedules of the proposed new hedgerows. **It is therefore**

recommended that a landscape planting scheme is secured through an appropriately worded condition.

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

The development shall be carried out strictly in accordance with the recommendations and mitigation measures identified in the Bat Assessment Report produced by Ecology Planning dated 27th September 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.

External lighting at the site shall be undertaken strictly in accordance with the details identified in drawing 18/4373/5b produced by Barry Tomlinson dated 26th 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 DM2 and DM7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

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

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

In addition I recommend inclusion of the following informatives:

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

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

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

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

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

It is an offence for any person to:

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

Under the Habitats Regulations it is an offence to:

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

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

Birds - Wildlife and Countryside Act 1981 (as amended)

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

- intentionally kill, injure or take any wild bird

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

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

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

Protected Species

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

PCC-Ecologist

27th Nov 2019

Thank you for consulting me with regards to the additional information submitted in relation to planning application 19/1241/FUL which concerns an application for the change of use of stables to one residential three-bedroom dwelling and two one-bedroom holiday units, and associated works at The Stables, Upper Dan Y Parc, Llandefalle, Brecon.

I have reviewed Planting Specifications document submitted as part of the application. The document indicates that six fruit trees are to be planted around the proposed development site in addition to hedgerow and shrub planting. The inclusion of hedgerow and shrub planting is welcomed and likely to provide benefits for biodiversity 'biodiversity enhancements' in accordance with the requirements of the Environment (Wales) Act 2016.

I considered that the broad principles of the proposed landscaping to be acceptable however no scaled drawings of the proposed planting have been submitted and limited details of the proposed hedgerow species have been provided.

It is therefore recommended that notwithstanding the information submitted a landscape planting scheme is secured through an appropriately worded condition.

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

The development shall be carried out strictly in accordance with the recommendations and mitigation measures identified in the Bat Assessment Report produced by Ecology Planning dated 27th September 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.

External lighting at the site shall be undertaken strictly in accordance with the details identified in drawing 18/4373/5b produced by Barry Tomlinson dated 26th 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 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.

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

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

In addition I recommend inclusion of the following informatives:

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

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

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

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

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

It is an offence for any person to:

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

Under the Habitats Regulations it is an offence to:

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

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

Birds - Wildlife and Countryside Act 1981 (as amended)

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

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

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

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

Protected Species

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

Representations

A public site notice was displayed at this site on the 28th August 2019. Three public objections have been received at the time of writing this report and can be summarised as follows:

- Close to adjoining properties
- Development too high
- General dislike of proposal
- Increase in traffic

- Increase in pollution
- Loss of privacy
- Noise nuisance
- Out of keeping with character of the area
- Over development
- Residential amenity
- Traffic or highways
- Should remain as a stable
- Conflict with local plan

Planning History

App Ref	Description	Decision	Date
B/04/0290	Erection of stables	Consent	28 th Sept 2004
B/05/0297	Proposed new stables	Consent	10 th Nov 2005
P/2014/1151	Change of use of stables to include residential conversion as part of a scheme for economic re use	Refused	2 nd Sept 2015
P/2015/0966	Change of use of stables to include residential conversion as part of a scheme for economic re-use	Refused	7 th Apr 2016
P/2017/0219	Full: Change of use of stables to residential dwelling to include removal of lean to, installation of solar panels and ground source heat pump	Refused	25 th Jul 2017
18/0872/FUL	Change of use of stables to one residential three bedroom dwelling and two one bedroom holiday units and all associated works	Withdrawn	28 th Dec 2018

Principal Planning Constraints

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
TAN12	Design	National Policy
TAN13	Tourism	National Policy
TAN23	Economic Development	National Policy
SP6	Distribution of Growth across the Settlement Hierarchy	Local Development Plan 2011-2026
SP7	Safeguarding of Strategic Resources and Assets	Local Development Plan 2011-2026
DM2	The Natural Environment	Local Development Plan 2011-2026
DM4	Landscape	Local Development Plan 2011-2026
DM13	Design and Resources	Local Development Plan 2011-2026
H1	Housing Development Proposals	Local Development Plan 2011-2026
T1	Travel, Traffic and Transport Infrastructure	Local Development Plan 2011-2026
TD1	Tourism Development	Local Development Plan 2011-2026
SPGBIO	Biodiversity and Geodiversity SPG (2018)	Local Development Plan 2011-2026

SPGLAN	Landscape SPG	Local Development Plan 2011-2026
RES	Residential Design Guide (2004)	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 in open countryside as defined by the Powys LDP 2011 - 2026 (2018). It is located some 550m west of Llandefalle church adjacent to on the south side of the classified C0067 road near it's junction with the unclassified U0185 road. The site adjoins a detached residential property to the south west and there is a further dwelling approximately 40m to the north on the opposite side of the road. To the south and east of the site is open agricultural land whilst to the north-east/west is agricultural land and woodland.

The application site comprises a detached, two storey, vacant, unused building sitting in a large plot. The building was originally given planning consent in 2004 as a stables building and was built sometime after 2005 based on amended plans approved in 2005. The building was never completed internally and has been vacant and unused since its construction.

The application seeks consent for the change of use from stables to one residential three-bedroom dwelling and two one-bedroom holiday units together with associated works.

Principle of Development

Since the building has been constructed three planning applications have been made for a change of use to residential plus economic re-use at the site. These three applications were considered under the Powys Unitary Development Plan and were all refused based on insufficient evidence being provided. Since these historic applications have been considered new and revised policy frameworks have been introduced and/or adopted.

In considering the principle of the proposed development, consideration is given to Planning Policy Wales (ed. 10, 2018), Technical Advice Note 6 - Planning for Sustainable Rural Communities (2010) and Technical Advice Note 23 - Economic Development (2014) and the Powys LDP (adopted 2018), in particular policies SP6, H1 and TD1.

The revised PPW (ed. 10) places emphasis on the consideration of sustainability in the planning process and this includes re-use, reducing waste and the efficient use of land. Paragraph 5.11.7 promotes the use of existing buildings wherever possible. Paragraph 3.51 says previously developed land should, wherever possible, be used in preference to greenfield sites where it is suitable for development.

Section 5.6 states that a strong rural economy is essential to support sustainable and vibrant rural communities. The establishment of new enterprises and the expansion of existing business is crucial to the growth and stability of rural areas. Paragraph 5.6.6 encourages planning authorities to adopt a positive approach to the conversion of rural buildings for business re-use.

TAN 6 and TAN 23 support the re-use and adaptation of existing buildings in the rural area. Section 3.2 of TAN 23 says, "The re-use and adaptation of existing rural buildings has an important role in meeting the needs of rural areas for commercial and industrial development, and tourism, sport and recreation". It further says, "local planning authorities are expected to adopt a positive approach to the conversion of rural buildings for business re-use..."

The adopted Powys LDP supports and reflects this national planning policy framework. The LDP identifies in its Key Issues and Considerations at Section 2.4 the importance of tourism to the local economy. Furthermore, in paragraph 3.2.29 it supports the re-use of rural buildings for economic and residential purposes where justified. In addition, paragraph 4.1.5 reiterates the position of the LDP in relation to the national policy framework outlined above saying, "No specific policy is included on the re-use / adaptation of rural buildings, or on agricultural development, because PPW, TAN 6 and TAN 23 provide adequate policy. The Council has not prioritised economic reuses above other uses and supports a flexible approach to re-use and adaptation of rural buildings."

The application under consideration seeks a change of use of an existing building to residential and holiday accommodation - the residential use is intended for the purpose of supporting and managing the holiday use business. TAN 6 in paragraph 3.2.1 says, "the primary consideration should be whether the nature and extent of the new use proposed for the building is acceptable in planning terms. It should not normally be necessary to consider whether a building is no longer needed for its present agricultural or other purposes". It is not necessary therefore, to consider whether the existing building is needed any more as a stable building and it is considered that the proposed use is compliant with the framework set out in PPW, TAN 6 and TAN 23 and so is acceptable in planning terms.

LDP policy TD1 encourages new tourist development due to its contribution to the economy in terms of visitor spending, supporting local business and employment generation. Criterion 2.ii of the policy specifies that a proposed development in the open countryside will be permitted provided that it re-uses a suitable rural building in accordance with TAN 6. It is established above that the proposal is in accordance with TAN 6.

Previous applications at this site have been for residential purposes and have been refused due to insufficient information being provided. This application combines residential use with holiday accommodation and this is considered to be an acceptable arrangement as holiday accommodation often requires a residential element to manage and support the site.

With regard to consideration of the residential element of the application, LDP policy SP6 - Distribution of Growth across the Settlement Hierarchy states that in open countryside, "Development proposals will need to comply with relevant national policy including PPW and TANs including:

TAN6: Planning for Sustainable Rural Communities

TAN 23: Economic Development

AND with relevant development management and topic based policies contained in the Plan".

Specifically with regard to housing it states, "Only housing development that complies with the national exceptions policies as set out in PPW and TAN 6 will be permitted in the Open Countryside."

This is supported by criterion 4.ii of policy H1 which states that in the open countryside housing development will be supported, "where development relates to the conversion of a rural building(s) which accords with the current national policy on the sustainable re-use of rural buildings".

In light of the above therefore, it is considered that the principle of development is compliant with PPW, TAN 6, TAN 23 and the Powys LDP including policy TD1, SP6 and H1.

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 application relates to the change of use of an existing two storey building that is a painted, rendered structure under a slate roof and which already has the appearance of a house. It measures approximately 24m in length and 6.3m wide. It measures approximately 5.3m to the eaves and 8.3m to the ridgeline. The building is T-shaped with the leg of the T at the north-west elevation measuring approximately 4.7m wide and 7.3m long. The existing building has a roofed terrace along the south east elevation and it is proposed to remove this and replace it with a shorter length of roof which is an amendment to the original submitted as bats are seen to use the veranda area. It is also proposed to alter the door and window openings on the south east elevation to replace the original stable doors. It is also proposed to remove the windows at the south west elevation to improve residential amenity. It is proposed to replace the existing uPVC windows with wooden windows to reflect the local vernacular and it is also proposed to timber clad some of the walls to give the building a more rural appearance. A new porch and replacement door is proposed at the south west elevation.

The dwelling part of the proposed change of use will utilise the northern part of the building and be over the two storeys while the holiday units will be self-contained at the southern end - one on the ground floor and one on the first floor.

In terms of siting, scale, height and massing the proposal concerns the change of use of an existing building so the capacity to alter these is limited and therefore, are considered to be acceptable. Objections have been made to the appearance of the existing building as being out of character with the local area. However, there are rendered buildings within the locality and the proposed alterations are intended to further integrate the building into the rural character of the area.

Policy DM13 criterion 13 also requires proposals to demonstrate a sustainable and efficient use of resources. The proposed development will make use solar panels and a ground source heat pump, a ULEV charging point will be installed and a rainwater harvesting system will be included for domestic and garden use.

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

Highway Safety

A safe access, parking and visibility splays are a fundamental requirement of any development (LDP: DM13, criterion 10 and T1).

The Local Highways Authority were consulted on the proposed development and is satisfied that the level and type of traffic movements associated with the proposed change of use, is likely to be considerably lower and smaller in scale, than those that could be generated through the extant planning use. As such the Highway Authority has no objection to the proposal subject to the inclusion of a number of appropriately worded conditions relating to highway standards and safety.

The site already has adequate parking space within the plot for the proposed use so subject to the highway conditions being implemented it is considered to be acceptable.

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

Amenities enjoyed by occupiers of neighbouring properties

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

The existing building is detached and sits in a large plot screened by mature hedges. The neighbouring property is also detached and sits in a large, well-screened plot. The proposed development is not considered to offer any additional adverse impacts to any neighbouring properties due to its orientation. Window openings are to be removed from the south west elevation that faces the neighbouring property so offers an improvement to the existing. The main elevation is south east facing which is away from the road over agricultural ground so there will be no issues of overlooking.

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

Landscape Impact

Policy DM4 of the Powys Local Development Plan, states that development proposals “must not, individually or cumulatively, have an unacceptable adverse effect, on the valued characteristics and qualities of the Powys landscape.”

With regard to Landmap the site lies within the Felinfach Farmlands Aspect Area and is described as:

“This area forms part of the subtle watershed between Usk and Wye valleys. It is gently rolling hills and valleys with well managed pastoral (and some mixed) farmland. The hedges are generally neatly cut and open views are often possible, including to the Black Mountains which the area faces to the south east/east. Mature trees can be found in woodland blocks and some hedges and also associated with settlement. The A470 passes by and through the area and creates noise disturbance in its corridor.”

It is classified as being of being of moderate visual and sensory value. Other evaluations are:

Geological Landscape – Bronllys - moderate
Landscape Habitats – Usk Valley - moderate
Historic Landscape - Llanddew - outstanding
Cultural Landscape – Powys Rural Hinterland- moderate

The proposed development concerns the change of use of an existing building so is already in situ in this location so there will be no additional impact upon the landscape. The proposal includes design alterations to the building that are intended to reduce any adverse impact that the building may already have. A landscaping scheme is also intended that will further reduce any visual impact.

It is considered therefore, that the proposed development in terms of design, scale, integration and location fundamentally accords with relevant planning policy.

Ecology and Biodiversity

With respect to biodiversity, specific reference is made to LDP policy DM2 which seeks to maintain biodiversity and safeguard protected important sites.

The Ecologist reviewed the proposed plans and identified 75 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; brown long-eared, pipistrelle, lesser horseshoe and Natterere's, hazel dormice, barn owl and slow-worm. No statutory designated sites were identified within 500m of the proposed development. One non-statutory designated site was identified within 500m of the proposed development - Site of Importance for Nature Conservation (SINC) – Pont-y-Bat Woods approximately 277m from the proposed development.

A Bat Assessment Report was submitted in support of the application and based on its findings the Ecologist requested additional information relating to the bats' use of the external porch roof. Following submission of this information and the submission of a revised plan that partially retains the external porch roof on the south east elevation the Ecologist is satisfied subject to the identified mitigation measures being implemented 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. Conditions relating to external lighting and landscaping are also recommended.

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

RECOMMENDATION - conditional consent

Having carefully considered the proposed development, officers consider that the proposal complies with relevant planning policy as outlined in PPW, TAN 6, TAN 23 and the Powys LDP including SP6, H1 and TD1. The recommendation is therefore conditional consent.

Conditions

1. The development to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.
2. The development shall be carried out strictly in accordance with the plans approved on XXXX 2019 (Drawing nos.18/4373/1, 18/4373/3, 18/4373/6 and 18/4373/5b)
3. No development shall commence until provision is made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. The parking and turning area shall be constructed to a depth of 0.35 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.
4. No other development shall commence until the access has been constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 25 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.
5. Upon formation of the visibility splays as detailed above the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.
6. Before any other development is commenced the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 5.5 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.
7. Prior to the first beneficial use of the development, provision shall be made within the curtilage of the site for the parking of not less than 5 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.
8. Prior to the first beneficial use of the development any entrance gates shall be set back at least 5.5 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.
9. 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 for a distance of 5.5 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.

10. No storm water drainage from the site shall be allowed to discharge onto the county highway.
11. The development shall be carried out strictly in accordance with the recommendations and mitigation measures identified in the Bat Assessment Report produced by Ecology Planning dated 27th September 2019. The identified measures shall be adhered to and implemented in full and maintained thereafter.
12. External lighting at the site shall be undertaken strictly in accordance with the details identified in drawing 18/4373/5b produced by Barry Tomlinson dated 26th September 2019. The measures identified shall be adhered to and implemented in full and maintained thereafter.
13. Notwithstanding the details submitted, prior to the commencement of development a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted landscaping scheme shall include a scaled drawing and a written specification clearly describing the species, sizes, densities and planting numbers proposed as well as aftercare measures. Drawings must include accurate details of any existing trees and hedgerows to be retained with their location, species, size and condition.
14. Notwithstanding the provisions of schedule 2, part 1, classes A, B, C, D, E, F and G of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), no extensions, alterations, or outbuildings shall be erected other than those expressly authorised by this permission.
15. The two holiday units hereby permitted shall be occupied as holiday accommodation only and shall not be occupied as any 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.

Reasons

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans as approved in the interests of clarity and a satisfactory development.
3. In the interests of highway safety and movement in accordance with policies DM13 and T1 of the Powys Local Development Plan (2018), Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2018).
4. In the interests of highway safety and movement in accordance with policies DM13 and T1 of the Powys Local Development Plan (2018), Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2018).
5. In the interests of highway safety and movement in accordance with policies DM13 and T1 of the Powys Local Development Plan (2018), Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2018).

6. In the interests of highway safety and movement in accordance with policies DM13 and T1 of the Powys Local Development Plan (2018), Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2018).
7. In the interests of highway safety and movement in accordance with policies DM13 and T1 of the Powys Local Development Plan (2018), Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2018).
8. In the interests of highway safety and movement in accordance with policies DM13 and T1 of the Powys Local Development Plan (2018), Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2018).
9. In the interests of highway safety and movement in accordance with policies DM13 and T1 of the Powys Local Development Plan (2018), Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2018).
10. In the interests of highway safety and movement in accordance with policies DM13 and T1 of the Powys Local Development Plan (2018), Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2018).
11. 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.
12. 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.
13. 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.
14. In order to control further development which has the potential to impact upon the affordability of the dwelling in accordance with the Powys Local Development Plan (2011-2026) Supplementary Planning Guidance Affordable Housing (Adopted October 2018) and Technical Advice Note (TAN) 6: Planning for Sustainable Rural Communities and to minimize the impact of the development upon the landscape in accordance with Planning Policy Wales (Edition 10, 2018), Technical Advice Note (TAN) 6: Planning for Sustainable Rural Communities (2010) and Policy DM4 of the Powys Local Development Plan (2018).
15. To prevent the establishment of permanent dwellings in open countryside locations and retention of tourist facilities in accordance with Powys Local Development Plan policy TD1, Technical Advice Note 6 (2010) and Planning Policy Wales (2018).

Informative Notes

1. Highways

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

1. Under Section 184 of the Highways Act 1980, it is a requirement that a licence is obtained from the Highway Authority, in addition to Planning Permission, for vehicular access works.
 - a. The need to avoid interference with and to make provision for the carrying of existing highway drainage under the access to the satisfaction of the Highway Authority.
 - b. The requirement of the Highway Authority for the Developer to ensure that no surface water is discharged onto the County Highway or, without prior approval, into the highway drainage system.
2. Under Section 50 of the New Roads & Street Works Act 1991 it is a requirement that a Streetworks licence is obtained from the Highway Authority to place, or to retain, apparatus in the highway and thereafter to inspect, maintain, adjust, repair, alter or renew the apparatus, change its position or remove it.
3. 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.
4. The need to inform and obtain the consent of Statuary Undertakers (Electricity, Water, Gas, BT), Land Drainage Authority, etc. to the works.
5. 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

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

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

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

To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at

<https://naturalresources.wales/permits-and-permissions/protected-species-licensing/european-protected-species-licensing/?lang=en>

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

It is an offence for any person to:

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

Under the Habitats Regulations it is an offence to:

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

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

Birds - Wildlife and Countryside Act 1981 (as amended)

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

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

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

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

martins). If a nest is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.

Protected Species

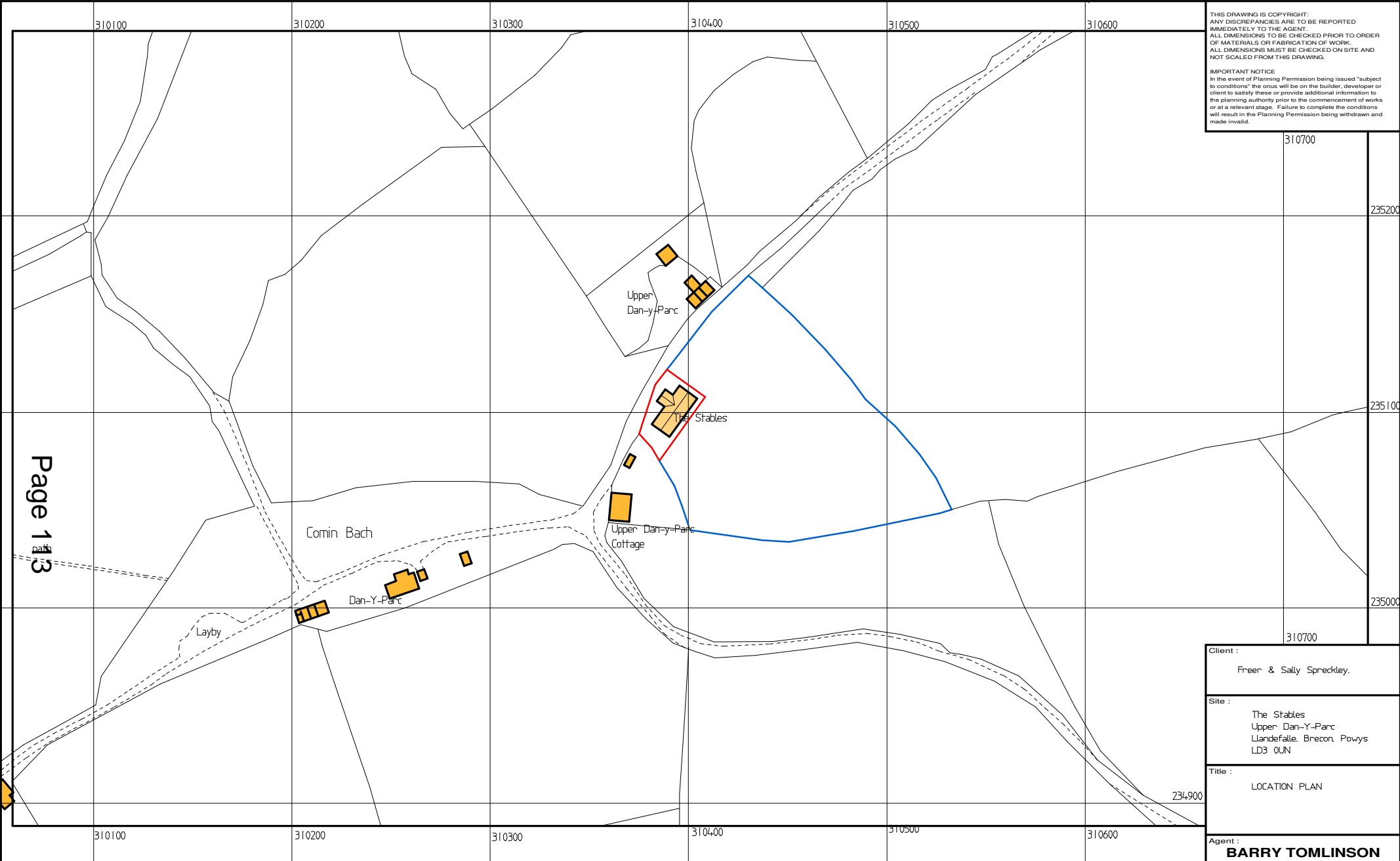
Work should halt immediately and Natural Resources Wales (NRW) contacted for advice in the event that protected species are discovered during the course of the development. To proceed without seeking the advice of NRW may result in an offence under the Conservation of Habitats and Species Regulations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

Case Officer: Catherine James, Planning Officer - Planning Policy
Tel: 01597 827228 E-mail: catherine.james1@powys.gov.uk

This page is intentionally left blank

THIS DRAWING IS COPYRIGHT:
 ANY DISCREPANCIES ARE TO BE REPORTED
 IMMEDIATELY TO THE AGENT.
 ALL DIMENSIONS TO BE CHECKED PRIOR TO ORDER
 OF MATERIALS OR FABRICATION OF WORK.
 ALL DIMENSIONS MUST BE CHECKED ON SITE AND
 NOT SCALED FROM THIS DRAWING.

IMPORTANT NOTICE
 In the event of Planning Permission being issued "subject
 to conditions" the onus will be on the builder, developer or
 client to satisfy these or provide additional information to
 the planning authority prior to the commencement of works
 or at a relevant stage. Failure to complete the conditions
 will result in the Planning Permission being withdrawn and
 made invalid.



Page 1 of 3

Client :		
Freer & Sally Spreckley.		
Site :		
The Stables Upper Dan-Y-Parc Llandefalle, Brecon, Powys LD3 0UN		
Title :		
LOCATION PLAN		
Agent :		
BARRY TOMLINSON ARCHITECTURAL SERVICES LTD 3 Rich Way Brecon, Powys, LD3 7EH Tel: 01874 622848 Email: barrytomlinson_arch@tiscali.co.uk		
Date :	Amended :	Drawn By :
16/9/2015		BT
Scale :	Drawing Number :	
1:2500 on A4	2015/4/13/1	

This page is intentionally left blank

4.5

Planning, Taxi Licensing and Rights of Way Committee Report

Application Number: 19/1519/VAR
Grid Ref: E: 301020
N: 310664
Community Council: Banwy Community
Valid Date: 10.09.2019

Applicant: Mr Huw Morgan

Location: Hesgog, Llangadfan, Welshpool, Powys, SY21 0PU

Proposal: Application to discharge the Section 106 Agreement attached to planning permission M2004 1348

Application Type: Discharge/Modification of S106

The reason for Committee determination

Cllr Myfanwy Alexander has called in the application for a committee determination.

Consultee Responses

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

Community Council	
-------------------	--

No response received.	
-----------------------	--

Representations

None

Planning History

VAR/2018/0014 - VAR: Application to discharge Section 106 legal agreement attached to planning permission M20041348 (occupancy restriction) refused 18th Jun 2018

P/2007/0084 – Reserved matters application for siting, design, appearance, access & landscaping in connection with proposed dwelling. Consent

M/2004/1348 - Erection of a dwelling, garage & alteration to vehicular access (outline). Granted subject to S106

Principal Planning Policies

National Planning Policy

Planning Policy Wales (2018)

Technical Advice Note (TAN) 2 – Affordable Housing (2006)

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

Technical Advice Note (TAN) 20 – Planning and the Welsh Language (2017)

Welsh Office Circular 13/97 – Planning Obligations

Local Planning Policy

Powys Local Development Plan (2018)

DM1 – Planning Obligations

SP3 – Affordable Housing Target

H1 – Housing Development Proposals

H6 – Affordable Housing Exception Sites

DM12 – Development in Welsh Speaking Strongholds

Powys Local Development Plan (2011 to 2026) Supplementary Planning Guidance Planning Obligations Adopted October 2018

Powys Local Development Plan (2011 to 2026) Supplementary Planning Guidance Affordable Housing Adopted October 2018

Other Legislative Considerations

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

Officer Appraisal

This application seeks to discharge a planning obligation that was entered into in order to make the development of this individual dwelling acceptable in planning policy terms.

Background to the Case

The section 106 agreement, dated 20th November 2006, was entered into in connection with the grant of outline planning permission M2004 1348 for the erection of a dwelling, garage & alteration to vehicular access. The property as constructed is a two storey dwelling with integral garage.

The obligation reflected the Council's intention that a proposal of residential development at this particular location, as an exception site, should be retained as an affordable unit for local people in housing need.

The construction of the dwelling and future occupants of this property would be subject to the restrictions in the signed s106 legal agreement. In this instance the relevant obligations in the legal agreement state the following;

SECOND SCHEDULE

1. Any dwelling built on the Land shall (initially) be occupied by the Applicant as his only dwelling.
2. Upon any subsequent disposal or demise of the said dwelling occupation thereof shall at all times be limited to a person (the Occupier) who:
 - (a) At the date of the said disposal or demise have either been resident within the District of Montgomeryshire (the District) (as conclusively defined by the Council) for a period of not less than three years or are employed within the District or coming into the District to take up full employment or were last employed within the District, AND
 - (b) They or their spouses or co-habitees do not own a dwelling in fee simple or a leasehold interest for a term exceeding 7 years at the date immediately before their first occupation of the said dwelling built on the Land, AND
 - (c) They or their spouses or co-habitees have not owned a dwelling as aforesaid at any time during the period of five years immediately before the date of their first occupation of the said dwelling (whether or not subject to a mortgage or legal charge).

THIRD SCHEDULE

1. Any dwelling constructed on the Land shall not exceed a gross floor space of 130 square metres (excluding any garages attached to the proposed dwelling).

A reserved matters application was approved in April 2007 and the submitted plans indicated a two storey dwelling with integral garage. According to the approved plans the internal floor space of the dwelling is 127.7m² (excluding the garage space as required by Third Schedule) and therefore does not exceed 130m² specified in s106 obligation. The applicant has, by his own admission, been using the garage space as habitable accommodation in breach of the obligation.

Main Issues

The main issue is whether the obligation meets the tests specified in Welsh Office Circular 13/97 Planning Obligations (the Circular), particularly the tests of necessity and relevance to planning; and, if it meets the tests, whether the obligation continues to serve a useful planning purpose.

Planning Policy Wales states that there should be secure mechanisms in place to ensure that affordable housing is accessible to those who cannot afford market housing stock, both on first occupation and for subsequent occupiers. The Council sought to control the occupancy of the property 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.

Current planning policy, through the Powys Local Development Plan 2011-2026 (LDP) and the Affordable Housing Supplementary Planning Guidance (2018) has not altered this position in relation to this site. The development is still located outside any defined settlement that would be able to justify open market housing.

The first clause relates to the dwelling being occupied by the applicant in the first instance as it was their circumstances that justified the dwelling against normal housing policy. The dwelling was built and is now occupied by the applicant. It is evident therefore that this clause has been fulfilled and could be discharged. The applicant has made reference to the position that they did not comply with the eligibility criteria at the time the development was granted. Nonetheless, it was their circumstances that justified the construction of the dwelling at this location and a section 106 was drawn up on this basis.

Clause 2 (a) of the second schedule relates to subsequent occupiers and requires them to have been resident of the district of Montgomeryshire for a period of not less than three years, or are employed within the district or coming to the district to take up employment, or were last employed within the district. Officers accept that the clause does not take into account the financial circumstances of occupants or their need for affordable housing. Rather it gives an unfair advantage to local people over people from outside the district in being able to buy a dwelling in this location. The clause is considered to be unreasonable and does not fulfil an aim that is relevant to land use planning. As such, this element of the obligation fails to meet the required tests set out in Circular 13/97 and officers do not seek to defend its retention. There have been successful appeals related to this specific clause which have been removed by Inspectors. However, the removal of this clause alone is not an option here, as the application seeks to discharge the obligation in its entirety and not modify it.

Clause 2 (b) and 2 (c) of the second schedule restrict occupancy to persons who do not own and have not owned a property for over five years from first occupation of the property. People who are in such circumstances are less likely to be able to compete on the housing market because they cannot carry equity from a previous home and therefore these clauses meet the planning policy objective of securing a type of intermediate affordable housing to meet local needs.

The third schedule restricts the gross floor space of the dwelling to 130sq.m (excluding garages). The size restriction imposed by the legal agreement is intended to restrict the value of the dwelling to ensure its affordability.

The restrictions on the size of the dwelling together with the occupancy restrictions 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.

It is accepted that 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 current 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.

Assessment of Continuing Need

In order to test whether or not the obligation continues to serve a useful planning purpose, it is necessary to assess whether there is a continuing need for the retention of this property as an

affordable dwelling. The usual way to test this is to market the dwelling for sale and rent for a period of 12 months at a price that realistically reflects the occupancy restriction. This is set out within the affordable housing SPG. The reason a marketing exercise is requested is because capturing existing need for intermediate forms of housing is difficult and possibly under represented within our current sources of information, especially at a particular local level.

In this instance no evidence of any marketing efforts either for sale or rent have been submitted. The essence of the applicants' argument on this is that the price of the house is far in excess of that which person in need of affordable housing could afford and as such, no useful planning purpose is served by the obligation. The applicant has sought to suggest this through a number of means.

The applicant has submitted a letter from a local estate agent's office which suggests that they would recommend an asking price for the dwelling in the region of £189,950. It is noted that this is not a valuation of the property and has not been undertaken by a chartered surveyor. It is also not clear if this figure takes account of the fact that the gross floor space of the house has been extended in breach of the section 106 agreement and any cost that may be incurred in rectifying the breach. Notwithstanding the above, however, it is noted that the letters suggests that this local company are 'confident in achieving a very satisfactory result' in the sale of the property. Such a statement would suggest that there is a demand and need for such developments if they were offered on the market. Referring to the Acceptable Cost Guidance (ACG) produced by Welsh Government and the updated Annex B from 2018, for a dwelling within Band 2, which the Community Council area of Banwy falls within, dwellings for occupation by families of between 4 and 6 people could have maximum purchase price limits of between £185,000 and £216,000 suggesting that an asking price of £189,950 would be within the realms of affordability.

The applicant has used this valuation combined with the affordability level set out in the SPG to seek to demonstrate that the dwelling no longer serves a purpose. Officers are concerned with the use of this figure for this purpose which it was never intended for and has significant limitations. For instance, the affordability level for the county is £126,676 based on the average wage for a full time worker at £24,884. It is used to calculate a percentage decrease from open market value on our more recent obligations in respect of sales. It certainly does not suggest that any valuation above £126,676 is not affordable. As it is based on averages from across the county, it has no benefit in demonstrating the specifics of a local area.

The applicant has noted that the dwelling does not accord with the restrictions currently placed upon affordable housing with regards to floor size and plot size in respect of the LDP and SPG. This matter is not disputed but it is not, on its own, sufficient to demonstrate that the obligation no longer serves a purpose.

The applicant has referred to previous decisions made by the Council including the number of obligations that have been lifted from individual properties. Members will be aware that there are certain obligations that the Council is unable to defend and thus have resolved to remove the restrictions, taking into account appeal decisions where the same wording is used. There are also decisions where the particular circumstances of the case have warranted the restrictions being removed or that those decision have been made based on the best available information at that time. Members must now consider this application in line with current planning policy and in light of the most up to date appeal decisions. In respect of this case, the Council has the benefit of a very recent appeal decision, where the wording of the obligation is the same and has been dismissed on the basis that the obligation does serve a useful planning purpose in line with the LDP and SPG objectives and in the absence of appropriate marketing, the application has failed

to demonstrate that there is no longer a continuing need for the development. (APP/T6850/Q/19/3231513 dated 27.09.2019)

The applicant has made reference to the presence of over 200 properties that are currently on the market with Rightmove in Montgomeryshire with guide prices ranging from £130,000 to £190,000, with the suggestion that there is an abundance of property available for buyers with affordability credentials without the ties of a section 106. Whilst this may be the case, this property search relates to open market housing with various scales, types and locations, it does not demonstrate a lack of need for this particular house type in this particular locality.

The applicant has suggested that a mortgage could not be secured against their property because of the section 106 restrictions attached to the sale in the event of a repossession. The current SPG states that the Planning Authority would be willing to add mortgagee in possession clauses to section 106 agreement at the request of the applicant. The applicant has been made aware of this provision but has not applied to date.

The applicant has suggested that failure of the Planning Authority to remove the obligation from his property would result in the loss of Welsh speakers from a community which the LDP identifies as an area where the Welsh language is a significant part of the social fabric of the community (more than 25% of the population speak Welsh). Technical Advice Note 20 states that planning decisions should be concerned with the use of land rather than the identity or personal characteristics of the user. It goes on to state that in determining individual planning applications, considerations relating to the use of the Welsh language may be taken into account so far as they are material. Additional weight should not be given to the Welsh language above any other material considerations and decisions on all planning applications must be based on planning grounds only and be reasonable. In this instance, it is considered that the assertion made by the applicant is not a reasonable planning ground and should not be given weight in the determination of this application. A similar argument has been made regarding the loss of the applicant's business which is considered to relate more to the applicant's personal circumstances than it does to a material planning matter.

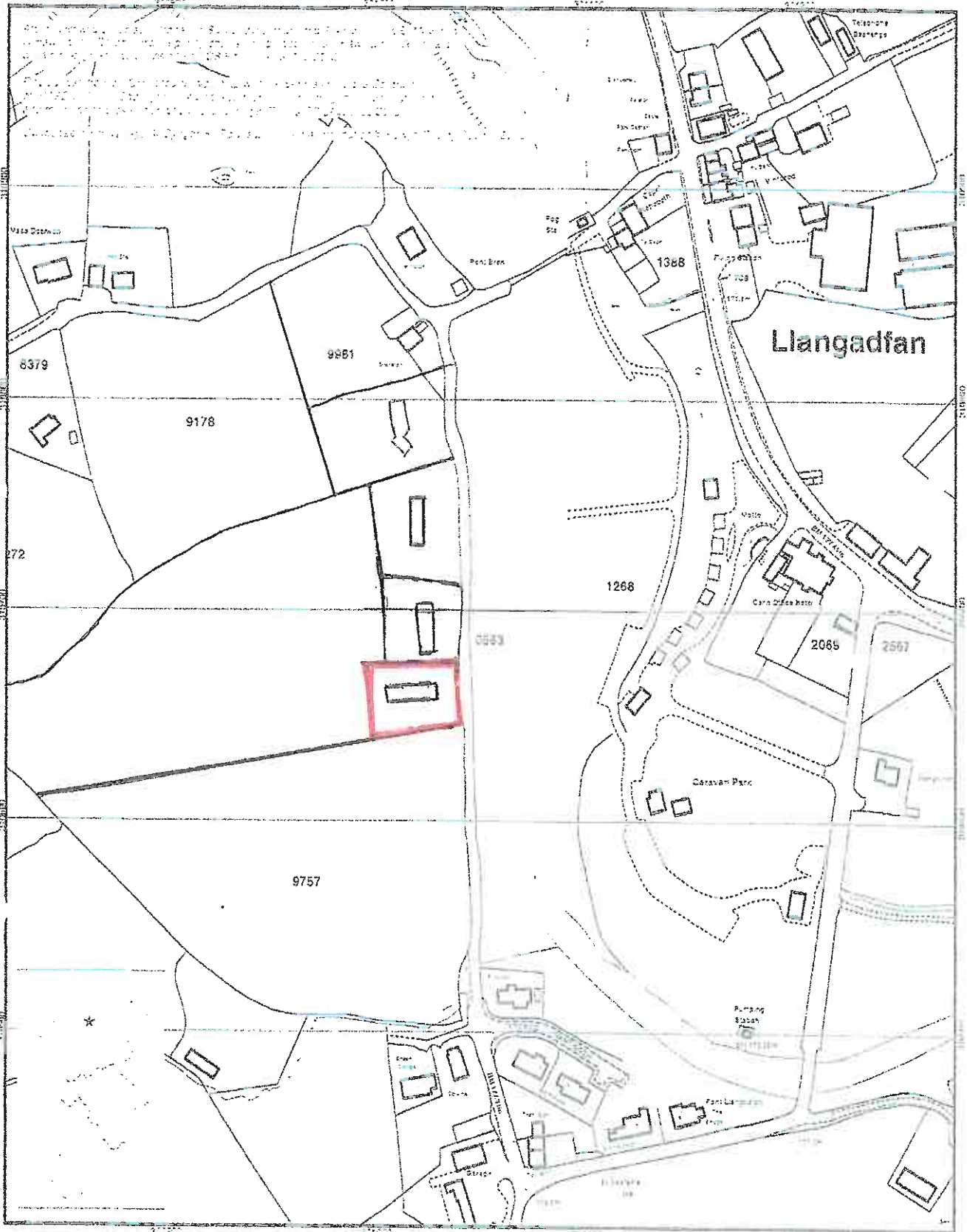
RECOMMENDATION

Officers do not consider that the evidence is sufficient to demonstrate that there is not a continuing need for the retention of the property as a restricted dwelling and the discharge of the agreement to which the application relates has not been justified.

Having taken into account all the matters raised in the submission, Officers conclude that the obligation meets the tests of the Circular and continues to serve a useful planning purpose. As such this application should be refused for the reason specified below.

Refused

The obligations in paragraphs 2(b) and 2(c) of the Second Schedule and paragraph 1 of the Third Schedule of the Planning Obligation dated 20th November 2006 meet the tests of Welsh Office Circular 13/97 and serve a useful planning purpose. The application has failed to demonstrate that there is no longer a continuing need for the obligation to be retained.



Cyngor Sir Powys County Council

Cyfarwyddwr Awdurdod Economaidd a Chymunedol
 Economic and Community Development Director

HESGOG, LLANGADFAN, SY 210PU
 LOCATION PLAN



This page is intentionally left blank

4.6

Planning, Taxi Licensing and Rights of Way Committee Report

Application Number: 19/1568/FUL

Grid Ref: E: 307404
N: 300702

Community Council: Dwyriw Community

Valid Date: 30.09.2019

Applicant: Powys County Council

Location: Pen Y Gelli, Llanwyddelan, Adfa, Newtown, Powys SY16 3BX

Proposal: Erection of two agricultural buildings, to include the demolition of one existing

Application Type: Full Application

The reason for Committee determination

This application is made by Powys County Council in regards to land forming part of the council's farm estate.

Consultee Responses

Consultee

Received

Community Council

28th Oct 2019

The Council is happy to support this application.

Building Control

No comments received at the time of writing this report.

Wales & West Utilities - Plant Protection Team

No comments received at the time of writing this report.

Highway Authority

18th Nov 2019

The County Council as Highway Authority for the County Unclassified Highway, U2381

Does not wish to comment on the application

Hafren Dyfrdwy

11th Oct 2019

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

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

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

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.

If you would like a copy of this in Welsh, please let us know.

County Ecologist

21st Nov 2019

Thank you for consulting me with regards to application 19/1568/FUL which concerns an application for Erection of two agricultural buildings, to include the demolition of one existing at Pen Y Gelli, Llanwyddelan, Adfa, Newtown. Powys.

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

The data search identified 6 records of protected and priority species within 500m of the proposed development, no records were identified for the site itself. Protected and Priority species recorded within 500m include hare, house sparrow, dunnock and starling.

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

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 may gain access to the structure proposed to be demolished and identified several area of foraging and flight lines surrounding the property. No evidence of bats was observed during the internal inspection. 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 no bats were observed emerging or accessing the building. Occasional bat foraging activity – pipistrelle species - was recorded around the site during the survey.

During the second dusk observation three common pipistrelle bats emerged from 3 area of the northern gable and a fourth common pipistrelle emerged from the eastern aspect of the southern gable.

During the dawn re-entry observation two common pipistrelle bats were observed accessing the building beneath the bargeboard on the northern gable. A further common pipistrelle was observed flying at the damaged eastern aspect of the southern gable but did not access the 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 soprano pipistrelle 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 and enhancement which includes the following principles:

- Provision of 3 double crevice boxes erected on the exterior of suitable buildings/trees prior to any demolition works commencing;
- Erection of 3 interior bat boxes positioned within the oak timber framed barn across the lane to the north-east of the farmyard;
- Sensitive design of any external lighting associated with the new barn structures;
- Timing of works to minimise risk of disturbing roosting bats;

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 found during the surveys.

Subject to the mitigation 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 and that the application also provides details of biodiversity enhancements in accordance with the requirements of Part 1 Section 6 of the Environment (Wales) Act 2016.

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

The demolition shall be carried out strictly in accordance with the mitigation and enhancement measures identified with regards to bats 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.

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

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

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>

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

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 Protection

16th Oct 2019

I have no objection to the application.

CPAT

22nd Oct 2019

Thank you for the consultation on this application.

The barn proposed for demolition is unrecorded on the Historic Environment Record but appears from the images in the ecological report to be a traditional stone barn with timber internal fabric that is of at least local architectural importance. The building is clearly in a poor state of preservation with some collapse evident. The demolition will completely remove all components of this building and we would therefore require an appropriate level of recording in advance of demolition to secure a record of its current form and layout.

I would therefore recommend that if planning permission is given a Level 2 building survey is completed of the stone barn structure in accordance with TAN 24 (May 2017) and Planning Policy Wales (Edition 10, Dec 2018) to provide a permanent record of the original buildings. The Level 2 survey in this case would include a detailed photographic survey, descriptive text and annotated architects survey plans. The survey must be completed by an archaeological contractor.

In this case the condition would be:

Suggested planning condition to facilitate a programme of historic building recording, the equivalent of an Historic England Level 2 building survey, in order to allow an adequate analytical record of the buildings to be made prior to alteration

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

planning authority. The programme of building analysis and recording will be completed by an archaeological contractor and must meet the standards laid down by the Chartered Institute for Archaeologists in their Standard and Guidance for the archaeological investigation and recording of standing buildings or structures. A copy of the resulting report should be submitted to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust (41 Broad Street, Welshpool, Powys, SY21 7RR Email: mark.walters@cpat.org.uk Tel: 01938 553670). After approval by the Local Planning Authority, a copy of the report and resulting archive should also be sent to the Historic Environment Record Officer, Clwyd-Powys Archaeological Trust for inclusion in the regional Historic Environment Record.

Reason:

To allow an adequate analytical record of the buildings to be made, before they are converted, to ensure that the buildings origins, use and development are understood and the main features, character and state of preservation are recorded.

I have attached an information sheet providing sources for archaeological contractors who may be able to complete this work. I have also attached a brief for the Level 2 study. Please forward these to the applicant so that they are fully informed about what is required.

Representations

Following the display of a site notice on 21/10/2019, no public representations have been received at the time of writing this report.

Planning History

App Ref	Description	Decision	Date
N/A			

Principal Planning Constraints

N/A

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
TAN6	Planning for Sustainable Rural Communities	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
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
E6	Farm Diversification	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)

Wellbeing of Future Generations (Wales) Act 2015

Officer Appraisal

Site Location and Description

The proposed development is not located within a settlement development boundary and therefore for the purposes of this application is considered as development within the open countryside as defined by the Powys Local Development Plan (2018).

The sites A and B are located adjacent to the U2381 from which access is gained with site A forming part of the agricultural farm yard and site B being situated in the agricultural field, north-east of the farm compound. Site A is situated adjacent to existing agricultural buildings and the main farm dwelling of Pen Y Gelli and on the footprint of an agricultural building to be demolished to accommodate the proposed building. Site B is adjacent to the existing farm compound on agricultural land, in close proximity to the main farm compound. The sites are bound by agricultural land to the north, south, east and west and situated approximately 3km north-west of Tregynon.

The application seeks consent for the construction of two agricultural buildings to include the demolition of an existing agricultural building.

Agricultural building 'A' will measure approximately 9.14 metres in width and 18.28 metres in length with a height to the eaves of 3.65 metres and 4.9 metres to the ridge height. The materials proposed include box profile sheeting walls and a polybox profile roof.

Agricultural building 'B' will measure approximately 18.2 metres in width and 35.5 metres in length with a height to the eaves of 3.65 metres and 5.6 metres to the ridge height. The material proposed include 1.2 metre concrete panels with Yorkshire boarding walls for the sides and box profile sheeting on the front and rear of the building.

Principle of Development

TAN 6 relates to planning for sustainable rural communities and includes agricultural and forestry development as well as rural diversification. TAN 6 states that the siting, design and external appearance of a proposed new agricultural or forestry building and its relationship to its surroundings should be considered.

TAN 6 highlights the scale, form and siting of new agricultural buildings are usually influenced by the operational needs of the enterprise, the standardisation of modern agricultural buildings and economic considerations. However, it should be possible to reconcile proposals for development with the need to conserve and wherever possible enhance the landscape.

Local Development Plan policies DM4 and DM13 set out the general requirements applied to all agricultural developments such as this proposal. The main planning consideration relating to this type of proposal is whether the proposal would cause any unacceptable adverse effect on Powys landscape. Other planning considerations to take into consideration are design and building materials.

In light of the above it is considered that the principle of the proposed development complies with relevant planning policy subject to the following;

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.

Consent is sought for the construction of two agricultural buildings to include the demolition of an existing agricultural building.

The design of the proposed buildings are considered to reflect the agricultural nature of the surrounding area with the proposed scale of each building considered to be appropriate. The materials proposed are considered to be typical in the construction of agricultural buildings.

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

Landscape Impact

Policy DM4 of the Powys Local Development Plan (2018), states that development proposals must not, individually or cumulatively, have an unacceptable adverse effect, on the valued characteristics and qualities of the Powys landscape.

With regards to Landmap, the application site has very similar rolling hills and slopes to the Tregynon Rolling Farmlands with a succession of steeper sided ridgelines rising to higher upland grazing at Esgair Cwmowen in the west. Field boundaries are still very well defined with a lower incidence of wooded areas - tree cover is confined to hedgerow boundaries. Relatively open aspect due to lesser amount of tree cover, settled, traditional farmed landscape. Mynydd y Clogau turbines are visible on the adjacent upland, sometimes on the skyline, from valley sides.

The proposed site is located within the open countryside, however has links to classified roads. The proposed development site is located adjacent to existing agricultural

buildings on an existing farm complex and will be considered as one grouping already present within the landscape.

Therefore, it is not considered that the proposed development will adversely affect the character of the landscape as defined by LANDMAP.

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

Amenities enjoyed by occupier of neighbouring properties

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

The proposed development is not considered to offer any impact upon loss of daylight or considered to offer any adverse impact to any neighbouring properties in terms of loss of privacy. The proposed buildings will be used in the normal course of agriculture i.e. storing of machinery, fodder, cattle and sheep and would not be considered to detrimentally impact the amenity of the area by way of noise or odour other than those associated with normal agricultural practices.

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

Highways

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

As part of the application process the Highway Authority has been consulted however it did not wish to comment on the application.

In light of the above, it is considered that the proposed development is in accordance with policy.

CPAT

As part of the application process, CPAT has been consulted on the application and notes that the proposed barn to be demolished is unrecorded on the Historic Environment Record which may be of some local archaeological importance. Therefore, CPAT has requested that a Level 2 building survey is completed of the stone barn structure to provide a permanent record of the original buildings.

Due to the local archaeological importance of the building, officers consider it would be appropriate to attach a condition to the granting of any planning permission to secure the appropriate surveys are undertaken.

In light of the above, it is considered that the proposed development is in accordance with 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 Ecologist has been consulted and notes that the application concerns the demolition of an existing structure and therefore a bat survey has been undertaken to inform the application. The Ecologist, having reviewed the Ecological Survey Report produced by Jon Sloan Ecological Consultants dated August 2019 considers 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 on biodiversity.

As stated within the Ecological Survey Report, a European Protected Species (EPS) license will be required from Natural Resources Wales (NRW) prior to any works commencing on the building. Furthermore, the Ecologist notes the scheme of mitigation identified with the report and enhancements which are considered to be appropriate and achievable. The Ecologist considers that subject to adherence to the identified mitigation strategy, it is considered that the proposed demolition would not result in a negative impacts to the favourable status of bat species identified as roosting in the building.

The Ecologist has also given consideration to the impact on nesting birds in regards to the proposed demolition, however no evidence of barn owl or other nesting birds was found during surveys.

The Ecologist considers that in light of the evidence presented, conditions in respect of mitigation measures and external lighting should be attached to any granting of planning permission. Based on the location and nature of development which involves the demolition of an existing building, officers consider the proposed conditions to be suitable and should be attached to any granting of planning permission.

In light of the above, it is considered that the proposed development is in accordance with policy.

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:307404/300702, Pengelli – Shed A dated 02/09/2019, Pengelli – Shed B dated 02/09/2019 & Pen Y Gelli – Floor Plan).
3. No development shall take place until a programme of building recording and analysis, equivalent to an Historic England Level 2 building survey, has been secured and implemented, in accordance with a brief issued by the local planning authority and a written scheme of investigation which has been submitted and approved in writing by the local planning authority. The programme of building analysis and recording will be completed by an archaeological contractor and must meet the standards laid down by the Chartered Institute for Archaeologists in their Standard and Guidance for the archaeological investigation and recording of standing buildings or structures. A copy of the resulting report should be submitted to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust (41 Broad Street, Welshpool, Powys, SY21 7RR Email: mark.walters@cpat.org.uk Tel: 01938 553670). After approval by the Local Planning Authority, a copy of the report and resulting archive should also be sent to the Historic Environment Record Officer, Clwyd-Powys Archaeological Trust for inclusion in the regional Historic Environment Record.
4. The demolition shall be carried out strictly in accordance with the mitigation and enhancement measures identified with regards to bats 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.
5. No external lighting shall be installed unless an external lighting plan is submitted to and approved in writing by the Local Planning Authority. The scheme shall be produced in accordance with the recommendations of Bat Conservation Trust and Institution of Lighting Professionals Guidance Note 08/18 Bats and artificial lighting in the UK Bats and the Built Environment series corridors and shall be implemented as approved.
6. The use of the buildings as detailed on plan 307404/300702 to which this permission relates, shall be limited to the information provided in an email dated 22/11/2019 restricting the use to the housing of livestock (sheep and cattle in the normal course of farming – non intensive), machinery and fodder.

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 allow an adequate analytical record of the building to be made, before they are demolished, to ensure that the building's origins, use and development are understood and the main features, character and state of preservation are recorded.
4. 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.
5. 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.
6. In order to safeguard amenity in accordance with policy DM13 of the Powys Local Development Plan (2018).

Informative Notes

Sustainable Drainage

Having assessed the Planning Application Ref 19/1568/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.

Please contact the SAB Team on 01597 826000 or via email sab@powys.gov.uk

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

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

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

Biodiversity

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

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

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

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

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

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

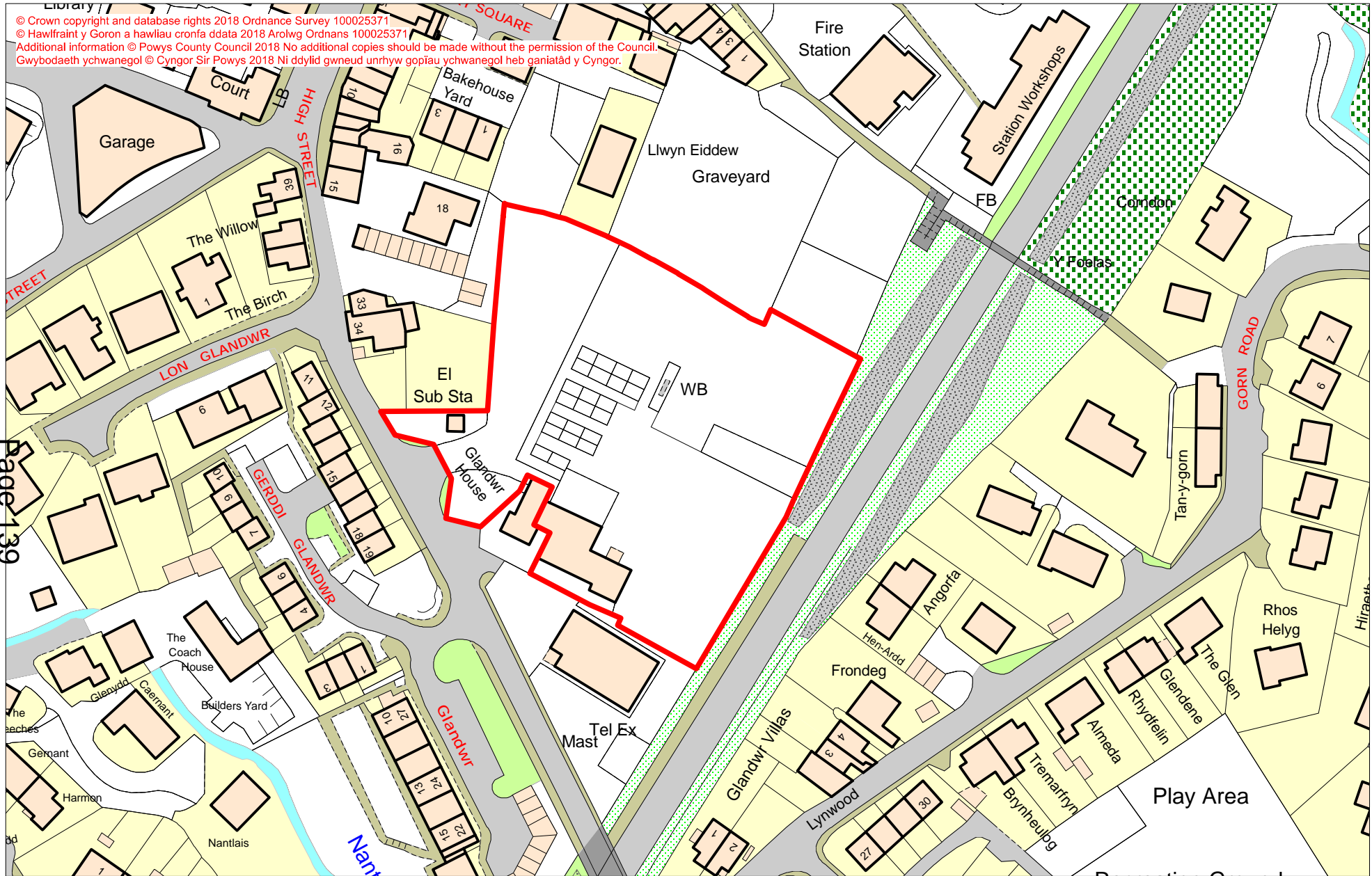
- intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird.

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.

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

© Crown copyright and database rights 2018 Ordnance Survey 100025371
© Hawlfraint y Goron a hawliau cronfa ddata 2018 Arolwg Ordans 100025371
Additional information © Powys County Council 2018 No additional copies should be made without the permission of the Council.
Gwybodaeth ychwanegol © Cyngor Sir Powys 2018 Ni ddylid gwneud unrhyw gopiau ychwanegol heb ganiatâd y Cyngor.



Page 139

This page is intentionally left blank

4.7

Planning, Taxi Licensing and Rights of Way Committee Report

Application Number: 19/1568/FUL **Grid Ref:** E: 307404
N: 300702
Community Council: Dwyriw Community **Valid Date:** 30.09.2019

Applicant: Powys County Council

Location: Pen Y Gelli, Llanwyddelan, Adfa, Newtown, Powys SY16 3BX

Proposal: Erection of two agricultural buildings, to include the demolition of one existing

Application Type: Full Application

The reason for Committee determination

This application is made by Powys County Council in regards to land forming part of the council's farm estate.

Consultee Responses

Consultee	Received
<u>Community Council</u>	28th Oct 2019

The Council is happy to support this application.

Building Control

No comments received at the time of writing this report.

Wales & West Utilities - Plant Protection Team

No comments received at the time of writing this report.

Highway Authority

18th Nov 2019

The County Council as Highway Authority for the County Unclassified Highway, U2381

Does not wish to comment on the application

Hafren Dyfrdwy

11th Oct 2019

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

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

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

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.

If you would like a copy of this in Welsh, please let us know.

County Ecologist

21st Nov 2019

Thank you for consulting me with regards to application 19/1568/FUL which concerns an application for Erection of two agricultural buildings, to include the demolition of one existing at Pen Y Gelli, Llanwyddelan, Adfa, Newtown. Powys.

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

The data search identified 6 records of protected and priority species within 500m of the proposed development, no records were identified for the site itself. Protected and Priority species recorded within 500m include hare, house sparrow, dunnock and starling.

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

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 may gain access to the structure proposed to be demolished and identified several area of foraging and flight lines surrounding the property. No evidence of bats was observed during the internal inspection. 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 no bats were observed emerging or accessing the building. Occasional bat foraging activity – pipistrelle species - was recorded around the site during the survey.

During the second dusk observation three common pipistrelle bats emerged from 3 area of the northern gable and a fourth common pipistrelle emerged from the eastern aspect of the southern gable.

During the dawn re-entry observation two common pipistrelle bats were observed accessing the building beneath the bargeboard on the northern gable. A further common pipistrelle was observed flying at the damaged eastern aspect of the southern gable but did not access the 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 soprano pipistrelle 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 and enhancement which includes the following principles:

- Provision of 3 double crevice boxes erected on the exterior of suitable buildings/trees prior to any demolition works commencing;
- Erection of 3 interior bat boxes positioned within the oak timber framed barn across the lane to the north-east of the farmyard;
- Sensitive design of any external lighting associated with the new barn structures;
- Timing of works to minimise risk of disturbing roosting bats;

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 found during the surveys.

Subject to the mitigation 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 and that the application also provides details of biodiversity enhancements in accordance with the requirements of Part 1 Section 6 of the Environment (Wales) Act 2016.

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

The demolition shall be carried out strictly in accordance with the mitigation and enhancement measures identified with regards to bats 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.

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

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

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>

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

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 Protection

16th Oct 2019

I have no objection to the application.

CPAT

22nd Oct 2019

Thank you for the consultation on this application.

The barn proposed for demolition is unrecorded on the Historic Environment Record but appears from the images in the ecological report to be a traditional stone barn with timber internal fabric that is of at least local architectural importance. The building is clearly in a poor state of preservation with some collapse evident. The demolition will completely remove all components of this building and we would therefore require an appropriate level of recording in advance of demolition to secure a record of its current form and layout.

I would therefore recommend that if planning permission is given a Level 2 building survey is completed of the stone barn structure in accordance with TAN 24 (May 2017) and Planning Policy Wales (Edition 10, Dec 2018) to provide a permanent record of the original buildings. The Level 2 survey in this case would include a detailed photographic survey, descriptive text and annotated architects survey plans. The survey must be completed by an archaeological contractor.

In this case the condition would be:

Suggested planning condition to facilitate a programme of historic building recording, the equivalent of an Historic England Level 2 building survey, in order to allow an adequate analytical record of the buildings to be made prior to alteration

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

planning authority. The programme of building analysis and recording will be completed by an archaeological contractor and must meet the standards laid down by the Chartered Institute for Archaeologists in their Standard and Guidance for the archaeological investigation and recording of standing buildings or structures. A copy of the resulting report should be submitted to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust (41 Broad Street, Welshpool, Powys, SY21 7RR Email: mark.walters@cpat.org.uk Tel: 01938 553670). After approval by the Local Planning Authority, a copy of the report and resulting archive should also be sent to the Historic Environment Record Officer, Clwyd-Powys Archaeological Trust for inclusion in the regional Historic Environment Record.

Reason:

To allow an adequate analytical record of the buildings to be made, before they are converted, to ensure that the buildings origins, use and development are understood and the main features, character and state of preservation are recorded.

I have attached an information sheet providing sources for archaeological contractors who may be able to complete this work. I have also attached a brief for the Level 2 study. Please forward these to the applicant so that they are fully informed about what is required.

Representations

Following the display of a site notice on 21/10/2019, no public representations have been received at the time of writing this report.

Planning History

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

N/A

Principal Planning Constraints

N/A

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
TAN6	Planning for Sustainable Rural Communities	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
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
E6	Farm Diversification	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)

Wellbeing of Future Generations (Wales) Act 2015

Officer Appraisal

Site Location and Description

The proposed development is not located within a settlement development boundary and therefore for the purposes of this application is considered as development within the open countryside as defined by the Powys Local Development Plan (2018).

The sites A and B are located adjacent to the U2381 from which access is gained with site A forming part of the agricultural farm yard and site B being situated in the agricultural field, north-east of the farm compound. Site A is situated adjacent to existing agricultural buildings and the main farm dwelling of Pen Y Gelli and on the footprint of an agricultural building to be demolished to accommodate the proposed building. Site B is adjacent to the existing farm compound on agricultural land, in close proximity to the main farm compound. The sites are bound by agricultural land to the north, south, east and west and situated approximately 3km north-west of Tregynon.

The application seeks consent for the construction of two agricultural buildings to include the demolition of an existing agricultural building.

Agricultural building 'A' will measure approximately 9.14 metres in width and 18.28 metres in length with a height to the eaves of 3.65 metres and 4.9 metres to the ridge height. The materials proposed include box profile sheeting walls and a polybox profile roof.

Agricultural building 'B' will measure approximately 18.2 metres in width and 35.5 metres in length with a height to the eaves of 3.65 metres and 5.6 metres to the ridge height. The material proposed include 1.2 metre concrete panels with Yorkshire boarding walls for the sides and box profile sheeting on the front and rear of the building.

Principle of Development

TAN 6 relates to planning for sustainable rural communities and includes agricultural and forestry development as well as rural diversification. TAN 6 states that the siting, design and external appearance of a proposed new agricultural or forestry building and its relationship to its surroundings should be considered.

TAN 6 highlights the scale, form and siting of new agricultural buildings are usually influenced by the operational needs of the enterprise, the standardisation of modern agricultural buildings and economic considerations. However, it should be possible to reconcile proposals for development with the need to conserve and wherever possible enhance the landscape.

Local Development Plan policies DM4 and DM13 set out the general requirements applied to all agricultural developments such as this proposal. The main planning consideration relating to this type of proposal is whether the proposal would cause any unacceptable adverse effect on Powys landscape. Other planning considerations to take into consideration are design and building materials.

In light of the above it is considered that the principle of the proposed development complies with relevant planning policy subject to the following;

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.

Consent is sought for the construction of two agricultural buildings to include the demolition of an existing agricultural building.

The design of the proposed buildings are considered to reflect the agricultural nature of the surrounding area with the proposed scale of each building considered to be appropriate. The materials proposed are considered to be typical in the construction of agricultural buildings.

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

Landscape Impact

Policy DM4 of the Powys Local Development Plan (2018), states that development proposals must not, individually or cumulatively, have an unacceptable adverse effect, on the valued characteristics and qualities of the Powys landscape.

With regards to Landmap, the application site has very similar rolling hills and slopes to the Tregynon Rolling Farmlands with a succession of steeper sided ridgelines rising to higher upland grazing at Esgair Cwmowen in the west. Field boundaries are still very well defined with a lower incidence of wooded areas - tree cover is confined to hedgerow boundaries. Relatively open aspect due to lesser amount of tree cover, settled, traditional farmed landscape. Mynydd y Clogau turbines are visible on the adjacent upland, sometimes on the skyline, from valley sides.

The proposed site is located within the open countryside, however has links to classified roads. The proposed development site is located adjacent to existing agricultural

buildings on an existing farm complex and will be considered as one grouping already present within the landscape.

Therefore, it is not considered that the proposed development will adversely affect the character of the landscape as defined by LANDMAP.

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

Amenities enjoyed by occupier of neighbouring properties

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

The proposed development is not considered to offer any impact upon loss of daylight or considered to offer any adverse impact to any neighbouring properties in terms of loss of privacy. The proposed buildings will be used in the normal course of agriculture i.e. storing of machinery, fodder, cattle and sheep and would not be considered to detrimentally impact the amenity of the area by way of noise or odour other than those associated with normal agricultural practices.

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

Highways

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

As part of the application process the Highway Authority has been consulted however it did not wish to comment on the application.

In light of the above, it is considered that the proposed development is in accordance with policy.

CPAT

As part of the application process, CPAT has been consulted on the application and notes that the proposed barn to be demolished is unrecorded on the Historic Environment Record which may be of some local archaeological importance. Therefore, CPAT has requested that a Level 2 building survey is completed of the stone barn structure to provide a permanent record of the original buildings.

Due to the local archaeological importance of the building, officers consider it would be appropriate to attach a condition to the granting of any planning permission to secure the appropriate surveys are undertaken.

In light of the above, it is considered that the proposed development is in accordance with 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 Ecologist has been consulted and notes that the application concerns the demolition of an existing structure and therefore a bat survey has been undertaken to inform the application. The Ecologist, having reviewed the Ecological Survey Report produced by Jon Sloan Ecological Consultants dated August 2019 considers 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 on biodiversity.

As stated within the Ecological Survey Report, a European Protected Species (EPS) license will be required from Natural Resources Wales (NRW) prior to any works commencing on the building. Furthermore, the Ecologist notes the scheme of mitigation identified with the report and enhancements which are considered to be appropriate and achievable. The Ecologist considers that subject to adherence to the identified mitigation strategy, it is considered that the proposed demolition would not result in a negative impacts to the favourable status of bat species identified as roosting in the building.

The Ecologist has also given consideration to the impact on nesting birds in regards to the proposed demolition, however no evidence of barn owl or other nesting birds was found during surveys.

The Ecologist considers that in light of the evidence presented, conditions in respect of mitigation measures and external lighting should be attached to any granting of planning permission. Based on the location and nature of development which involves the demolition of an existing building, officers consider the proposed conditions to be suitable and should be attached to any granting of planning permission.

In light of the above, it is considered that the proposed development is in accordance with policy.

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:307404/300702, Pengelli – Shed A dated 02/09/2019, Pengelli – Shed B dated 02/09/2019 & Pen Y Gelli – Floor Plan).
3. No development shall take place until a programme of building recording and analysis, equivalent to an Historic England Level 2 building survey, has been secured and implemented, in accordance with a brief issued by the local planning authority and a written scheme of investigation which has been submitted and approved in writing by the local planning authority. The programme of building analysis and recording will be completed by an archaeological contractor and must meet the standards laid down by the Chartered Institute for Archaeologists in their Standard and Guidance for the archaeological investigation and recording of standing buildings or structures. A copy of the resulting report should be submitted to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust (41 Broad Street, Welshpool, Powys, SY21 7RR Email: mark.walters@cpat.org.uk Tel: 01938 553670). After approval by the Local Planning Authority, a copy of the report and resulting archive should also be sent to the Historic Environment Record Officer, Clwyd-Powys Archaeological Trust for inclusion in the regional Historic Environment Record.
4. The demolition shall be carried out strictly in accordance with the mitigation and enhancement measures identified with regards to bats 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.
5. No external lighting shall be installed unless an external lighting plan is submitted to and approved in writing by the Local Planning Authority. The scheme shall be produced in accordance with the recommendations of Bat Conservation Trust and Institution of Lighting Professionals Guidance Note 08/18 Bats and artificial lighting in the UK Bats and the Built Environment series corridors and shall be implemented as approved.
6. The use of the buildings as detailed on plan 307404/300702 to which this permission relates, shall be limited to the information provided in an email dated 22/11/2019 restricting the use to the housing of livestock (sheep and cattle in the normal course of farming – non intensive), machinery and fodder.

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 allow an adequate analytical record of the building to be made, before they are demolished, to ensure that the building's origins, use and development are understood and the main features, character and state of preservation are recorded.
4. 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.
5. 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.
6. In order to safeguard amenity in accordance with policy DM13 of the Powys Local Development Plan (2018).

Informative Notes

Sustainable Drainage

Having assessed the Planning Application Ref 19/1568/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.

Please contact the SAB Team on 01597 826000 or via email sab@powys.gov.uk

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

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

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

Biodiversity

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

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

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

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

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

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

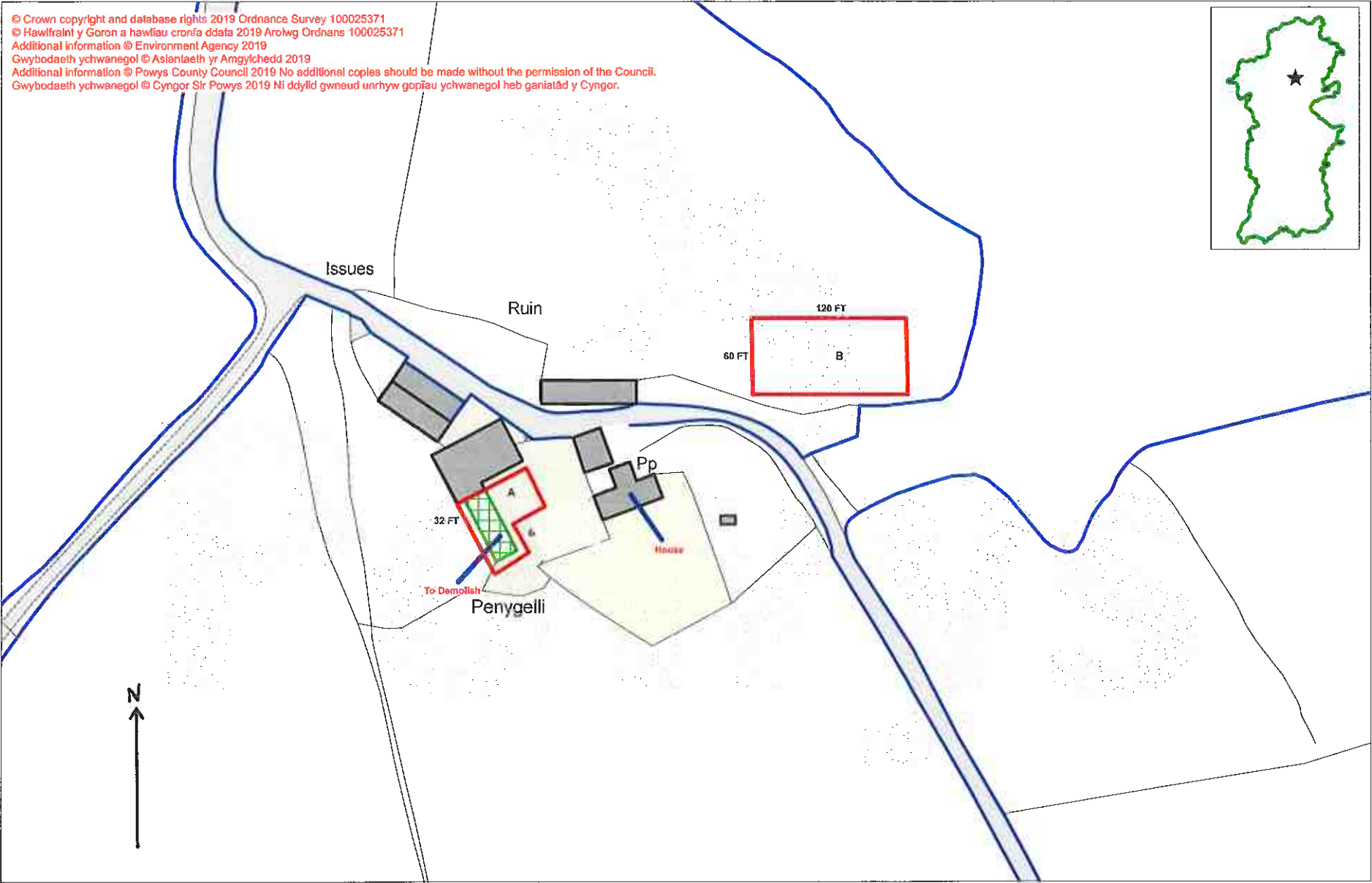
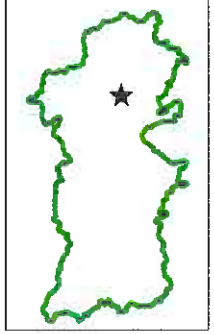
- intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird.

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.

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

© Crown copyright and database rights 2019 Ordnance Survey 100025371
© Hawlfraint y Goron a hawliau cronfa ddata 2019 Arolwg Ordnans 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 157

This page is intentionally left blank

4.8

Planning, Taxi Licensing and Rights of Way Committee Report

Application Number: 19/1234/ADV **Grid Ref:** E: 310865
N: 291648
Community Council: Newtown And Llanllwchaiarn **Valid Date:** 21.08.2019

Applicant: Mr Zak Howard

Location: Brisco House, The Town Council Offices, Severn Street, Newtown, SY16 2BB,

Proposal: Display of a freestanding digital tourist information board

Application Type: Advertisement Consent

The reason for Committee determination

The land to which the application relates is within the ownership of Powys County Council and therefore in accordance with the Planning Protocol, is required to be determined by Members.

Consultee Responses

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

Community Council

No comments received at the time of writing this report.

Building Control

No comments received at the time of writing this report.

Wales & West Utilities - Plant Protection Team

10th Sep 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.

Built Heritage Officer

15th Oct 2019

Could I request some further information in respect of this application please. I note the details on the application form and site plan, however there are no details in respect of the materials or colour of the proposed structure. Could I request that information please.

I note that the application has been submitted as an advertisement under the T&CP (control of Advertisement Regulations 1992, however the description is that of a digital tourist information board to provide residents and visitors with information for events, activities community groups etc. Could I seek clarification as to the nature of the events, activities community groups please as I consider it would be an important distinction between guided walks and history of the town, (which I note are not included in the type of material displayed) and advertisements for local businesses, which would be an interchangeable advertisement board rather than a tourist facility.

Given the prominent location of the proposed digital display within the conservation area and adjacent to listed buildings, could I request clarification on the above prior to providing full comments please.

Additional Consultation Response

24th Oct 2019

That information is great exactly what I was hoping for a digital notice board as opposed to an advert.

Do we have indication in respect of the colour. It could be conditioned but it may be better to avoid a discharge condition and fee. Standard street furniture colour would be my preference, matt black or matt silver (like galvanised street lights).

Additional Consultation Response

29th Oct 2019

Matt black is an appropriate colour

Highway Authority

No comments received at the time of writing this report.

Planning History

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

N/A

Principal Planning Constraints

Conservation Area
Listed Building

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
TAN7	Outdoor Advertisement Control		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
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
R3	Development Within Town Centre Areas	Local Development Plan 2011-2026
SPGBIO	Biodiversity and Geodiversity SPG (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 application site is located within the town and settlement boundary of Newtown as defined by the Powys Local Development Plan (2018). The proposed site is in a prominent location within Newtown Conservation Area and primary shopping frontage bound by commercial and residential properties, some of which are listed buildings.

Consent is sought to display one freestanding digital tourist information board measuring 1.95 metres in height, 0.87 metres in width and 0.197 metres in depth. The screen will measure approximately 49 inches and be a brightness of (cdm²) 2,500.

Principle of Development

TAN7 sets out the general requirements applied to all development such as this proposal. The main planning considerations relating to this type of proposal are design, proportion, scale and materials whilst avoiding any unacceptable impacts on neighbouring properties or the surrounding area.

It is therefore considered that the principle of development fundamentally complies with the Powys Local Development Plan subject to the following;

Design

The application seeks consent to display:

1 x freestanding digital tourist information board measuring 1.95 metres in height, 0.87 metres in width and 0.197 metres in depth

The proposed digital tourist information board will be situated on the pedestrian footway adjacent to a listed building so as to not interrupt the flow of pedestrians. The board is considered to have been sympathetically designed in proportion to the building and would not be considered to impact on neighbouring properties within the surrounding area. The proposed finish of the board will be matt black which is considered suitable for this area.

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

Public Safety

TAN7 states that advertisement consent shall not cause any unacceptable adverse effects on public safety especially for highway users including pedestrians. Given the location of the proposed signage, it is considered that it would not cause an unacceptable adverse effect on public safety especially for the highway users including pedestrians.

As part of the application process the Highway Authority has been consulted however no consultation response has been provided at the time of writing this report. Officers are satisfied that due to the location and nature of the proposed sign it will not detrimentally impact pedestrians or car users. The sign has been sufficiently set back so as to not impede the flow of pedestrian traffic or pose a risk to passing traffic.

In light of the above it is therefore considered that the proposal is acceptable in terms of public safety.

Landscape and Amenity

TAN 7 highlights that advertisements shall no spoil the visual amenity, character and appearance of any building, the surrounding environment, landscape or street scene in terms of its size, proportions, materials, lettering, colours and external finishes.

The electronic tourist information board will display electronic information for residents and visitors to the town via the Town Council. Therefore the contents and design of the information will periodically change. Due to the sign being electronic, it is expected that light will be emitted from the display, however Officers do not consider this to be detrimental to the amenity of the area with other advertisements in the vicinity also being illuminated.

It is considered that the proposed colour and size of text of the advertisement sign are acceptable in this location.

Built Heritage

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

As the application site is located within the Newtown Conservation Area and given its proximity to listed buildings, advice has been sought from the Built Heritage Officer. Additional clarification as to the use of the digital sign and finishing materials was sought in response to the initial consultation and upon review of the additional information, a response has been received which confirms no objection to the proposed development.

In light of the above it is therefore considered that the proposed sign is acceptable in terms of Built Heritage.

Conclusion

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

RECOMMENDATION

Approve

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 (Drawing no's: Location Plan, Block Plan, Technical Drawing, Technical Drawing 2).
- 3 Any advertisement displayed and any site used for display of advertisements shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.

4 Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.

5 Where an advertisement is required to be moved the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.

6 No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

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 Pursuant to the Town and Country Planning (Control of Advertisement) Regulations 1992 and Technical Advice Note 7 - Outdoor advertisement Control (1996).

4 Pursuant to the Town and Country Planning (Control of Advertisement) Regulations 1992 and Technical Advice Note 7 - Outdoor advertisement Control (1996).

5 Pursuant to the Town and Country Planning (Control of Advertisement) Regulations 1992 and Technical Advice Note 7 - Outdoor advertisement Control (1996).

6 Pursuant to the Town and Country Planning (Control of Advertisement) Regulations 1992 and Technical Advice Note 7 - Outdoor advertisement Control (1996).

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

This page is intentionally left blank



46

2

Posts

1

9

7

50

52

4

SEVERN STREET

Museum



4

3

Bank

26

The Cross

81

PH

PAR

Bank

3

2

1

Ashford

This page is intentionally left blank

4.9

Planning, Taxi Licensing and Rights of Way Committee Report

Application Number: 19/1003/FUL

Grid Ref: E: 306158
N: 261356

Community Council: Llandrindod Wells
Community

Valid Date: 01.08.2019

Applicant: Powys County Council

Location: 3A The Court, Llandrindod Wells, Powys, LD1 5HY.

Proposal: Erection of a single storey extension and refurbishment works

Application Type: Full Application

The reason for Committee determination

The applicant is Powys County Council.

Consultee Responses

Consultee

Received

Community Council

2nd Sep 2019

The above application has been considered by my Council and no objections were made, however, the lack of information supplied was commented upon

Wales & West Utilities - Plant Protection
Team

15th Aug 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 pipes 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 and 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 & West Utilities, its agents or servants for any

error or omission.

Welsh Water

14th Aug 2019

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

We would request that if you are minded to grant Planning Consent for the above development that the Advisory Notes provided below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

Some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal we request the applicant contacts us on 0800 917 2652 to establish the location and status of the sewer. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

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

PCC-(M) Highways

16th Aug 2019

Does not wish to comment on this application.

PCC-Ecologist

27th Oct 2019

Thank you for consulting me with regards to planning application 19/1003/FUL which concerns an application for the erection of a single storey extension and refurbishment works at 3A The Court, Llandrindod Wells.

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

The data search identified 178 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; brown long-eared, pipistrelle, Daubenton's, noctule and whiskered, hedgehog, slow worm, house sparrow and redwing.

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

- o SSSI - Llanfawr Quarries approximately 439m from the proposed development
- o Lake Park Local Nature Reserve (LNR) - approximately 423m from the proposed development

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

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

Section J of the submitted Design and Access Statement indicates that an ecological survey will be submitted in order to inform any potential impacts on protected species however no such information has been submitted.

Therefore it is considered that there is insufficient information with regards to potential impacts to biodiversity, to determine this application. Further information is therefore required in the form of:

- o Submission of the described ecological survey

Once this additional information has been provided it will ensure that there will be no negative impact to biodiversity as a result of the proposed development.

Additional Comments Received 21/11/2019

Thank you for consulting me with regards to the additional information submitted in relation to planning application 19/1003/FUL which concerns an application for the erection of a single storey extension and refurbishment works at 3A The Court, Llandrindod Wells.

I have reviewed the Protected Species Survey Report produced by Mid Wales Ecology Ecological Consultants October 2019, I consider that the survey methods and effort employed were in accordance with current National Guidelines.

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

The preliminary survey which was undertaken on the 6th October 2019 identified no evidence of bats or potential roosting features within the existing property. However it is considered likely that bats will forage in the immediate area and therefore biodiversity enhancements are to be incorporated within the design of the extension in the form of bat boxes and raised ridge tiles.

Wildlife Sensitive Lighting Plan

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

Landscape Planting Scheme

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

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

The development shall be undertaken strictly in accordance with the recommendations and enhancement measures identified in Sections 4 of the Protected Species Survey Report produced by Mid Wales Ecology Ecological Consultants October 2019. The identified measures shall be adhered to and implemented in full and maintained thereafter.

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

No external lighting shall be installed unless a detailed external lighting design scheme has been submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall identify measures to avoid impacts on nocturnal wildlife in accordance with the recommendations outlined in the BCT and ILP Guidance Note 8

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

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

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

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

In addition I recommend inclusion of the following informatives:

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

It is an offence for any person to:

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

Under the Habitats Regulations it is an offence to:

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

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

Birds - Wildlife and Countryside Act 1981 (as amended)

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

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

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

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

Protected Species

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

Representations

Following the display of a site notice for the period of 21 days, no public comments were received at the time of writing this report.

Planning History

App Ref	Description	Decision	Date
	Not Applicable		

Principal Planning Constraints

Not Applicable

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
DM2	The Natural Environment		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

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 on Lant Avenue which is within the development boundary of Llandrindod Wells, a settlement categorised in the Powys LDP as a Town.

The site is located with a public highway (Lant Avenue) immediately to the west, with other roads immediately to the north and east. Immediately to the south of the building is a row of single storey residential bungalows, with other residential units to the west, north and east beyond the highways.

The existing building is a two-storey structure which acts as a community centre for supported housing units.

Consent is sought for the erection of a single storey, flat roofed extension to the southern elevation of the existing building. The proposed extension will measure approximately 6.5m by 3.5m and approximately 3m high.

Principle of Development

Policy DM13 of the Local Development Plan (Design and Resources) seeks to ensure that development proposals complement and/or enhance the character of the surrounding area, and the amenities enjoyed by the occupants or users of nearby properties shall not be unacceptably affected by overlooking.

The proposed extension is considered to be small in scale and therefore subservient to the existing building. Consideration has been given to the appropriateness of the flat roof extension which is not an existing feature upon the existing building. However, having reviewed the surrounding area it is noted that there are a number of properties within close proximity to the application site which have flat roof extensions. It is therefore considered that the erection of a flat roof extension within this location would not have a detrimental impact on the character and appearance of the surrounding area nor on the existing building.

It is therefore considered that the proposed extension has been suitably located and designed and therefore fundamentally complies with relevant policy.

Amenity

The nearest neighbouring residential property is located directly to the south of the application site. Whilst the proposed extension will be extending nearer to this property it is noted that there are no windows in the neighbouring property's adjoining elevation.

It is therefore considered that there would be no impact in terms of loss of light or privacy on the adjacent neighbouring residential property.

It is therefore considered that the proposed extension would comply with relevant planning policy in terms of amenity impacts.

Biodiversity

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

A Preliminary Ecological Assessment was carried out and submitted in support of the application. It established that there was no evidence of any bats or birds using the affected part of the building. However, it also detailed a number of measures that, if implemented, would provide opportunities for both bats and birds to benefit.

The applicant has subsequently confirmed that they will incorporate some of these measures into their design, namely the use of Schwegler 1WQ summer and winter bat boxes in a number of locations around the building, as well as a number of bird nest boxes aimed at accommodating house sparrows. A condition will therefore be attached ensuring that the enhancements are completed in accordance with the measure identified within the Ecological Survey. Given that the site will be enhancing biodiversity through the provision of bird/bat boxes it is not considered in this instance that any further landscaping will be required as part of the development.

The applicant has also confirmed that there will be no use of any external lighting which might act as a deterrent to any roosting bats. Therefore, based on the information submitted it is considered that there is no requirement for the condition as recommended by the Ecologist to be attached to any grant of consent.

As a result the application will be incorporating measures aimed at enhancing biodiversity and will therefore satisfy the requirements of policy DM2 and DM7 Dark Skies and External Lighting.

Highway Safety

The proposed extension will have no impact upon the highway, nor will it have any impact on the number of vehicles using, or needing to access the site, and no further parking requirement is necessary.

The proposal therefore has no implications for highway safety and is considered to comply with the requirements of LDP policy T1 Travel, Traffic and Transport Infrastructure.

RECOMMENDATION

In light of the above it is therefore considered that the proposed development complies with relevant planning policies and 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; Floor plan as proposed - T0281-2/HOWPS/XX/DR/FLPRP/0001, Elevations as proposed - T0281-2/HOWPS/XX/DR/EAP/0001,

3 The biodiversity enhancement measures as identified in the Ecological Survey undertaken by Mid Wales Ecology and submitted on the 5th November 2019 shall be implemented and adhered to in full prior to the first use of the extension. The details shall include the erection of 1 no. bat box and 1 no. bird boxes (both as specified in Appendix 4 of the Ecological Survey) upon the extension as hereby approved.

Reasons

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

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

3 To comply with Powys County Council's LDP Policies DM2, 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.

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:

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

Under the Habitats Regulations it is an offence to:

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

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species

Regulations 2017 that works to trees or buildings where that work involves the disturbance of a bat is an offence if a licence has not been obtained from Natural Resources Wales. If a bat is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. You can also call the National Bat helpline on 0345 1300 228 or email enquiries@bats.org.uk.

Birds - Wildlife and Countryside Act 1981 (as amended)

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

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

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

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

Protected Species

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

Wales and West Utilities

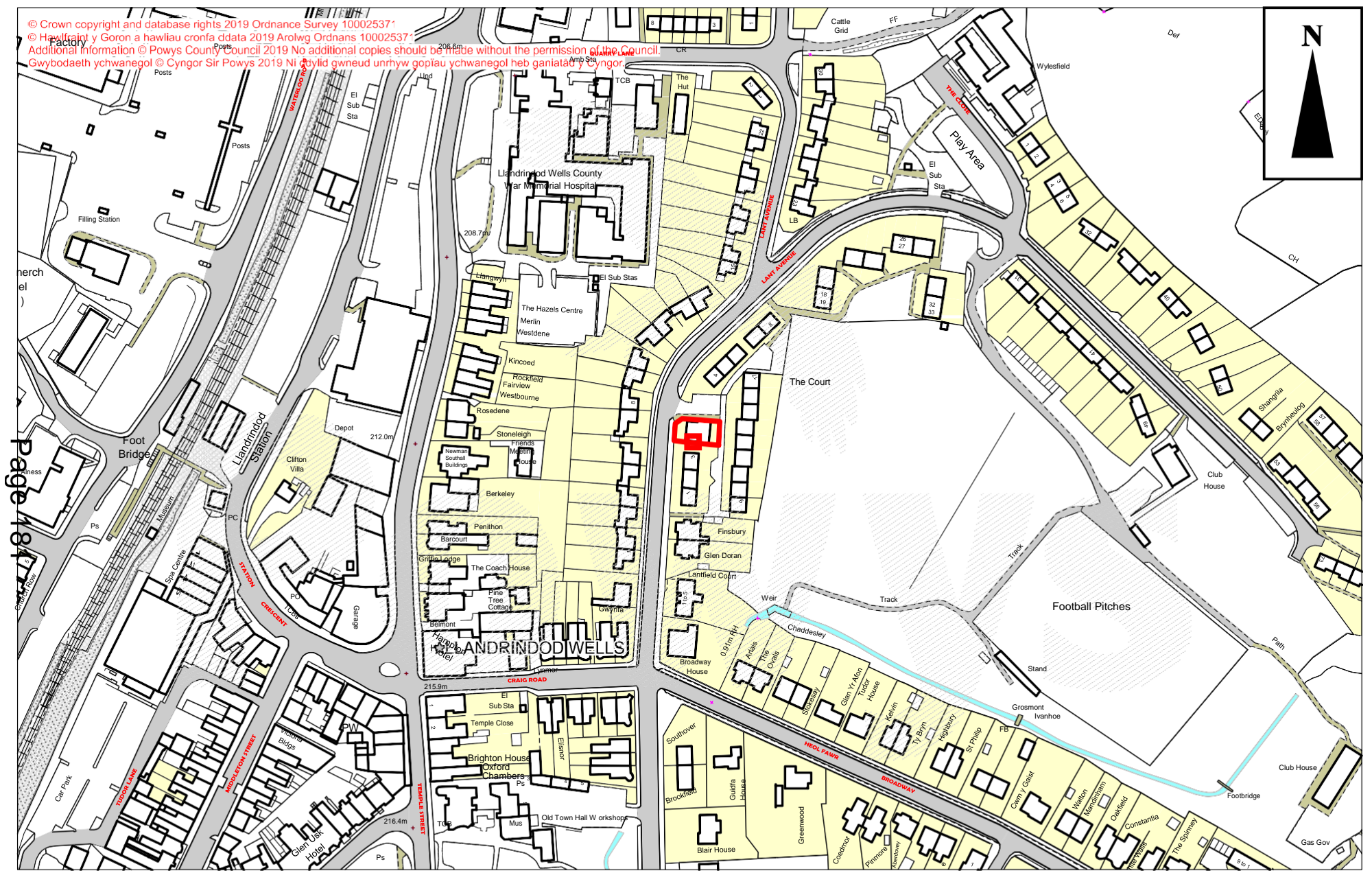
Gas pipes owned by other GT's and also privately owned pipes may be present in this area. Information with regard to such pipes should be obtained from the owners. The information shown on this plan is given without obligation, or warranty and the accuracy thereof cannot be guaranteed. Service pipes, valves, syphons, stub connections, etc., are not shown but their presence should be anticipated. No liability of any kind whatsoever is accepted by Wales & West Utilities, its agents or servants for any error or omission.

Welsh Water

Some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal we request the applicant contacts us on 0800 917 2652 to establish the location and status of the sewer. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

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

© Crown copyright and database rights 2019 Ordnance Survey 100025371
© Hawlprwyd y Goron a hawliau cronfa ddata 2019 Arolwg Ordnans 100025371
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 18/19

This page is intentionally left blank

4.10

Planning, Taxi Licensing and Rights of Way Committee Report

Application Number: 19/1526/FUL **Grid Ref:** E: 303807
N: 251261
Community Council: Builth Wells Community **Valid Date:** 11.10.2019

Applicant: Miss Sarah Stanton

Location: Ysgol Calon Cymru, North Road, Builth Wells, Powys, LD2 3BW

Proposal: Installation of a goods lift and associated housing

Application Type: Full Application

The reason for Committee determination

The application has been submitted on behalf of Powys County Council for works at Council property by Heart of Wales Property Services part-owned by Powys County Council.

Consultee Responses

Consultee

Received

Dyfed Powys Police (Brecon)

No comments received at the time of writing this report.

PCC-Building Control

22nd Oct 2019

Building Regulations approval will be required for this proposal.

Wales & West Utilities - Plant Protection
Team

Ward Councillor

23rd Oct 2019

I fully support this application as the local member.

Welsh Water

21st Oct 2019

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

We would request that if you are minded to grant Planning Consent for the above development that the Conditions and Advisory Notes provided below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

Some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal we request the applicant contacts us on 0800 917 2652 to establish the location and status of the sewer. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

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

PCC-(S) Highways

29th Oct 2019

Does not wish to comment on the application

PCC-Built Heritage Officer

22nd Nov 2019

Recommendation No Objection

Background to Recommendation

Designation

Within Built Wells Conservation Area

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 Conservation Areas in Wales – Annexe to TAN24

Setting of Historic Assets in Wales – Annexe to TAN24

Heritage Impact Assessments – Annexe to TAN24

Historic Environment Records

Local Development Plan

Strategic Policy SP7

DM13 Design and Resources Local Development Plan Themes and Objectives;

Theme 4 – Guardianship of natural, built and historic assets

LDP Objective 13 – Landscape and the Historic Environment

Comments

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.

The application is for a lift shaft at Ysgol Calon Cymru which lies within the Built Wells Conservation Area. The lift shaft would be on the canteen building which is sited to the rear of properties on Park Road. The external lift shaft has been designed to incorporate into the design of the building, which is a modern building and would have matching materials.

Given the limited visibility of the proposed external lift shaft, the size of the modern building in relation to the small lift shaft extension and the matching materials, I would not consider that the proposal would have an impact on the character or appearance of the conservation area. As such it is considered that the proposal satisfied section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 and LDP policy SP7.

PCC-Contaminated Land Officer

29th Oct 2019

In relation to planning application 19/1526/FUL, the following advice is provided for the consideration of Development Control.

Advice

Records identify that the application site is located within 150 metres of a closed landfill site, which is a potential source of land contamination e.g. ground gas.

Paragraph 6.9.14, of Chapter 6 'Distinctive and Natural Places', of the Welsh Government document 'Planning Policy Wales' (2018) states: "Responsibility for determining the extent and effects of surface and subsurface risks remains with 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."

In consideration of the application proposal and current planning guidance it is recommended that the following Informant should be included on any permission granted for Planning Application 19/1526/FUL:

Potential Contamination

The application site is located within 150 metres of a former landfill site. Due to the potential ground gas risks associated with this former land use, the planning applicant is advised to adopt the same specification gas mitigation measures as may be installed in the existing building or to undertake a ground gas risk assessment. Further advice is available from the Contaminated Land team at Powys County Council.

Representations

No third party comments received.

Planning History

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

B/0005/0392	Demolition of existing canteen/construction of new canteen & teaching block with provision of temporary canteen, relocation of 6th form 'mobile'. Extension of hard play area & provision of additional car parking. Internal alterations to school	Approved with conditions	14th Jun 2006
B/0007/0120	Variation of condition 2 - B/05/0392 - amendment to internal layout	Approved with conditions	1st Aug 2007

Principal Planning Constraints

Conservation Area
LDP Development Boundaries
Nat Floodzone 2
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
TAN6	Planning for Sustainable Rural Community		National Policy
TAN12	Design		National Policy
TAN 15	Development and Flood Risk		National Policy
TAN24	The Historic Environment		National Policy
DM2	The Natural Environment		Local Development Plan 2011-2026

DM4	Landscape	Local Development Plan 2011-2026
DM5	Development and Flood Risk	Local Development Plan 2011-2026
DM13	Design and Resources	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
SPGLAN	Landscape SPG	Local Development Plan 2011-2026
RES	Residential Design Guide (2004)	Local Development Plan 2011-2026

Other Legislative Considerations

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

Officer Appraisal

Site Location and Description

The site is located within the town council area of Builth Wells and lies within the development boundary as defined by the Powys LDP 2011-2026. The site is located on the Ysgol Calon Cymru campus north of Park Road and lies within the Builth Wells Conservation Area.

The application seeks consent for the installation of an external goods lift and the associated housing at the canteen building that is situated at the south of the school site.

Principle of Development

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.

The proposed development is the erection of an extension and the installation of a service lift to serve the kitchen at an existing school building. It is to be located at the east elevation. The proposed development has a single storey element providing an entrance to the lift and will measure approximately 2.2 metres in width and 1.9 metres in depth. The lift section will measure approximately 5.1 metres in depth and 2.2m in width. The development will measure approximately 6.4m to the eaves where it will adjoin the existing roof.

It is considered that the principle of development complies with the Powys LDP (2018) subject to the following:

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 application relates to the construction and installation of external lift housing and a service lift at an existing school building to enable deliveries to be made to the school kitchen on the first floor. The proposed construction is situated at the east elevation of the building and is subservient to the existing building as a whole. The proposed development has a single storey element providing an entrance to the lift will measure approximately 2.2 metres in width and 1.9 metres in depth. The lift section will measure approximately 5.1 metres in depth and 2.2m in width. The development will measure approximately 6.4m to the eaves where it will adjoin the existing roof. The structure will be finished in grey render with brick slips to match the existing building. The single pitch roof at the lower level will be slate to match the existing while the high level roof over the housing will be black felt.

The proposed design and materials are considered to be acceptable in this location and are in keeping with the existing building in terms of appearance, integration, design, height and scale.

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

Amenities enjoyed by occupiers of neighbouring properties

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

The school campus is located in a residential area and the building that the new lift will be built onto is at the rear of some residential properties. However, the proposed development will not substantially alter the existing building and the new housing will extend only 2.2m from the existing wall. The properties in question have large rear gardens and there are trees that screen the school and the houses.

Given the nature of this development therefore, it is considered there will be no significant impact upon the residential nature of the area and there will be no change to the current position regarding over-looking or loss of privacy or daylight issues.

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

Safeguarding Strategic Resources and Assets

Policy SP7 of the Powys LDP seeks to protect resources and assets in the County and development proposals must not have an unacceptable, adverse impact on such a resource or asset or its operation. Criterion 2 of the policy lists conservation areas and the setting of such a designation.

The proposed development is located within the Builth Wells Conservation Area. The Built Heritage Officer was consulted and considered that the proposed development has been designed to incorporate it into the design of the building, which is a modern building and would have matching materials. Given the limited visibility of the proposed development, the size of the modern building in relation to the minor extension and the matching materials the proposal would not have an impact on the character or appearance of the conservation area. As such it is considered that the proposal satisfied section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 and LDP policy SP7.

In light of this, it is considered that the proposed development will not have any adverse impact upon the conservation area or its setting and therefore, accords with relevant policy.

Highways

LDP Policies DM13 and T1 indicate that development proposals should meet all highway access requirements, vehicular parking standards and demonstrate that the strategic and local highway network can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network or that traffic impacts can be managed to acceptable levels to reduce and mitigate any adverse impacts from the development.

The Highways Authority have been consulted on the proposed development and have no comments to make.

The proposed lift housing involves no changes to current parking or access arrangements.

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

C2 Flood Zone

The proposed development lies within the C2 flood zone, however will occupy an existing area of hardstanding. However, whilst LDP policy DM5 requires development proposals to be located away from tidal or fluvial plains, it allows development that, "is of a very minor nature... or, there is an over-riding need in the public interest for the development". Given the nature of the proposal, being a minor extension to enable a service lift to an existing non-residential building in this location, it is considered that there will be no increased flood risk as a result of the development.

It is therefore considered that the proposed development fundamentally complies with relevant planning policy.

Landscape Impact

Policy DM4 of the Powys Local Development Plan, states that development proposals "must not, individually or cumulatively, have an unacceptable adverse effect, on the valued characteristics and qualities of the Powys landscape."

With regard to Landmap the site lies within the Builth Wells Aspect Area and is described as:

"The town is set on the banks of the River Wye at an important crossing point. The traditional core of the town runs west from the bridge and from the castle, which sits on the slope to the rear of the High Street. 19th and 20th century expansion has been mainly further west due to the topography above the river floodplain and avoiding the steeper slopes. The relationship with Wye is positive by the bridge, where significant buildings abut the river, although to the west the relationship with the river is interrupted by car parking and the exposure of backs of properties in an untidy and less cohesive part of the town. The most coherent edge of the town is to the east where well built turn of the century houses line the road and the river floodplain is visible and relatively unspoilt. The town cumulatively is creeping up the slopes to the south. The River Irfon forms a natural boundary to the town to the west. The expansion over the Wye (outside the study area) is primarily commercial."

It is classified as being of being of moderate visual and sensory value. Other evaluations are:

Geological Landscape – Wye Valley - moderate
Landscape Habitats – Builth Wells - High
Historic Landscape - Builth Wells - outstanding
Cultural Landscape – Builth Wells - Outstanding

The proposed development is of a minor nature effecting only a minimal change to an existing building and is located with an urban setting. It is considered therefore, there will be no adverse impact on the valued characteristics and qualities of the Powys landscape.

It is considered therefore, that the proposed development in terms of design, scale, integration and location fundamentally accords with relevant planning policy.

Ecology and Biodiversity

With respect to biodiversity, specific reference is made to LDP policy DM2 which seeks to maintain biodiversity and safeguard protected important sites.

The proposed development impacts a building that is considered to have minimal or no likely impacts on any European Protected Species. It is recommended however, that an informative with regard to the likely presence of bats be attached to ensure appropriate steps are taken in the event a species is found.

Subject to the attachment of an appropriate informative, it is considered therefore, the proposed development complies with relevant planning policy.

RECOMMENDATION - conditional approval

Having carefully considered the proposed development, officers consider that the proposal complies with relevant planning policy as outlined in PPW, TAN 15, TAN 24 and the Powys LDP. The recommendation is therefore conditional consent.

Conditions

1. The development to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.
2. The development shall be carried out strictly in accordance with the plans approved on XXXX 2019 (Drawing nos. 5110_42_P1 0, 5110_42_P2 0, 5110_42_01 0, 5110_42_03 0, 5110_42_05, SD39772 01B Changes, SD39772 01B, drawing titled Innovation Lift Scandinavia AB)

Reasons

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

Informative Notes

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.

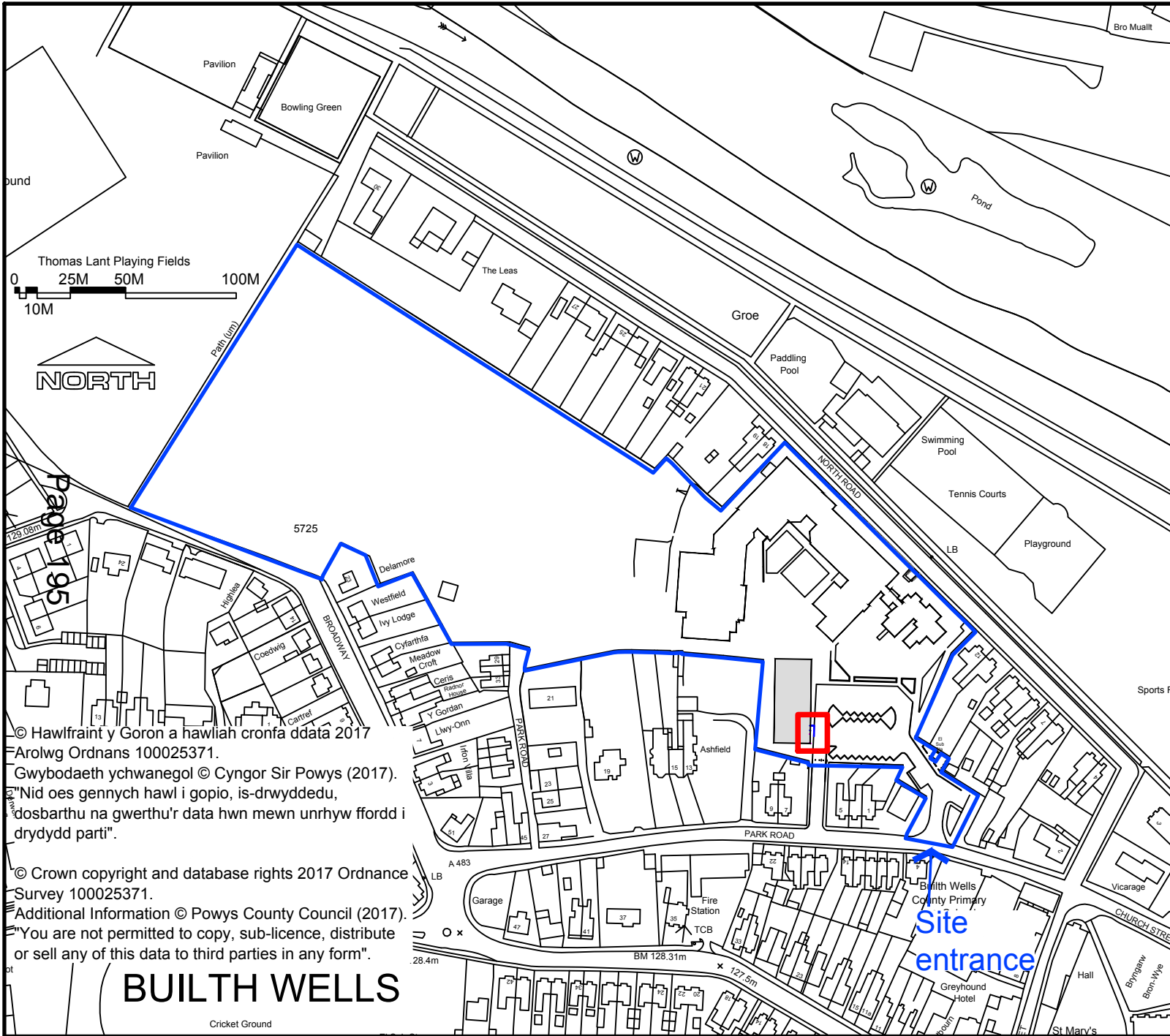
The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 that works to trees or buildings where that work involves the disturbance of a bat is an offence if a licence has not been obtained 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.

Contaminated Land

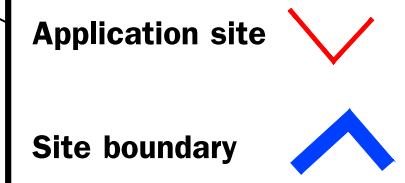
Potential Contamination

The application site is located within 150 metres of a former landfill site. Due to the potential ground gas risks associated with this former land use, the planning applicant is advised to adopt the same specification gas mitigation measures as may be installed in the existing building or to undertake a ground gas risk assessment. Further advice is available from the Contaminated Land team at Powys County Council.

This page is intentionally left blank



Do not scale from drawings, refer only to figured dimensions.
 Check all dimensions on site.
 Report any discrepancies to the Contract Administrator promptly.



C:\Users\jon.parsons\OneDrive - Kier\Goods Lift at Built High School P5110_42\Ysgol Calon Cymru 5110_42A.dwg

Project
Built Wells HS Goods lift

Drawing Title
Location Plan

Drawing Number:
5110_42_P1 Rev: **0**

Drawn by:
JMP

Scale: **1:2500 @A4** Date: **18/9/19**

31 Ddole Road Industrial Estate
 Llandrindod Wells
 Powys
 LD1 6DF
 Tel: 07773076048



Gwasanaethau Eiddo
Calon Cymru Cyf
Heart of Wales
 Property Services Ltd

© Hawlfraint y Goron a hawliah cronfa ddata 2017 Arolwg Ordnans 100025371.
 Gwybodaeth ychwanegol © Cyngor Sir Powys (2017).
 "Nid oes gennych hawl i gopio, is-drwyddedu, dosbarthu na gwerthu'r data hwn mewn unrhyw ffordd i drydydd parti".

© Crown copyright and database rights 2017 Ordnance Survey 100025371.
 Additional Information © Powys County Council (2017).
 "You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form".

BUILT WELLS

Cricket Ground

Page 1 of 95

This page is intentionally left blank

4.11

Planning, Taxi Licensing and Rights of Way Committee Report

Application Number: 19/1842/DEM

Grid Ref: E: 306306
N: 260901

Community Council: Llandrindod Wells
Community

Valid Date: 11.11.2019

Applicant: Powys County Council

Location: Powys County Council DSO Yard & Archives, County Hall, Spa Road East, Llandrindod Wells, Powys, LD1 5LG.

Proposal: Application for prior notification of proposed demolition of buildings

Application Type: Demolition Notification

The reason for Committee determination

Powys County Council is the applicant.

Consultee Responses

Consultee

Received

Community Council

20th Nov 2019

The above application was placed before my Council at its meeting held on 19th November 2019.

No objections were made.

PCC-Ecologist

20th Nov 2019

Thank you for consulting me with regards to application 19/1842/DEM which concerns an application for prior notification of proposed demolition of buildings at Powys County Council DSO Yard & Archives, County Hall, Spa

Road East, Llandrindod Wells, Powys.

As the application concerns the demolition of existing buildings consideration of the potential impacts to ecology has been made and a suite of ecological surveys have been

undertaken to inform the application, I have reviewed the submitted Ecology Survey Reports produced by Middlemarch Environmental, these reports include the following documents:

- o Preliminary Ecological Appraisal - Report No. RT-MME-130473-01 produced by Middlemarch Environmental dated August 2019
- o Bat Surveys Report - Report No. RT-MME-130473-02 Rev A produced by Middlemarch Environmental dated September 2019
- o Great Crested Newt Survey Report - Report N. RT-MME-130473-03 produced by Middlemarch Environmental dated September 2019

I consider that the survey effort and methods used for the various surveys 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.

The preliminary ecological appraisal included an ecological desk study and a walkover survey which was carried out on the 29th March 2019. The survey identified that the site was predominantly occupied by disused buildings, with a hardstanding courtyard and some scattered trees. Two small areas of amenity grassland were identified in the south of the site and a hedgerow delineated the northern section of the eastern site boundary. Consideration was given to the potential for the presence of and likely impact to protected or priority species.

The buildings were subject to a preliminary bat roost assessment which identified high potential for the presence of roosting bats - bat activity surveys were therefore undertaken to determine the presence of and nature of any bat roosts within the buildings proposed to be demolished, the results and recommendations as a result of these surveys are discussed in detail below.

Records of badgers were identified within 1km of the proposed works, the survey of the site did not identify any badger setts on or within 30 m of the survey area, However evidence of badgers using the site for foraging and further evidence of badger activity was noted in the woodland to the west of the site boundary. The PEA report concludes that it is likely that badgers will use the site for commuting and foraging and recommendations have been made with regards to foraging terrestrial mammals to ensure no negative impacts to this species during the proposed demolition works.

The survey identified that the site provides some potential refuge and foraging habitat for hedgehog in the form of the hedgerow, semi-improved grassland and a wood pile. Recommendations have been made with regards to foraging terrestrial mammals to

ensure no negative impacts to this species during the proposed demolition works.

No suitable habitat for water voles was found within or adjacent to the survey site, the report concludes that there is therefore no risk of impact to this species.

No evidence of otter was identified on or adjacent to the survey area and the habitats were considered to be of generally low value to otters as they are dominated by the built environment. However, due to the presence of watercourses in the wider landscape it is possible that otters may commute through the site and recommendations have been made with regards to foraging terrestrial mammals to ensure no negative impacts to this species during the proposed demolition works.

No suitable habitat for brown hare was found within or adjacent to the survey site, the report concludes that there is therefore no risk of impact to this species.

Records of great crested newts were identified within 1km of the proposed development, the report identifies that there are no waterbodies within the site of the proposed demolition works that would provide potential breeding habitat for amphibians however it was identified that there are two waterbodies within 500 m of the site, located approximately 20 m and 250 m south. The PEA report identifies that a number of the great crested newt records identified during the desk study relate to the pond located 250 m south and there is connectivity to the site from this pond in the form of woodland. The report identifies that the habitats on the site of the proposed demolition works are generally considered to be of low value for amphibians as they are dominated by buildings and hardstanding, however small areas of suitable terrestrial habitat were present in the form of woodland, hedgerow and grassland. In light of the identified records of great crested newts in the local area and proximity of ponds to the proposed demolition site a great crested newt survey was undertaken to confirm presence or absence of this European protected species and determine whether there would be any likely negative impacts to this species. The two ponds present within 500m of the proposed demolition works were assessed following current survey guidelines. The assessment included a Habitat Suitability Index assessment and 4 presence absence surveys - utilising a mixture of survey techniques in accordance with the survey guidelines- these surveys were undertaken between 28th March 2019 and 12th May 2019. The great crested newt survey report confirms that during the surveys no great crested newts were located in either of the ponds surveyed and as such this species is not a notable consideration for the proposed demolition and no mitigation measures are required.

The PEA report identifies that several bird species were observed on site during the field survey and evidence of nesting activity within the buildings was also recorded and therefore concludes that if works are undertaken during bird nesting seasons there is the potential to directly impact or disturb nesting birds. Recommendations have therefore

been made with regards to avoidance of impacts to nesting birds to ensure compliance with the relevant legislation.

Section 7 of the PEA identifies recommendations with regards to the proposed works, having reviewed the identified measures it is considered that they are in accordance with current best practice and subject to adherence an implementation of these measures it is considered that the proposed demolition works would not result in any negative impacts to or loss of biodiversity.

In light of the results of the preliminary bat roost assessment which identified that the buildings proposed to be demolished had high potential to support roosting bats, bat activity surveys were undertaken to confirm presence or absence of roosting bats and determine the nature of any roosts present in order to enable assessment of the impact of the proposed development as well identify an appropriate mitigation strategy. The preliminary bat roost assessment was undertaken on the 10th April 2019. Three bat surveys were carried out consisting of two nocturnal emergence bat surveys - undertaken on the 3rd June 2019 and 24th June 2019 - and one dawn re-entry bat survey - undertaken on the 7th August 2019. Having reviewed the survey methodology I am satisfied that the survey effort was appropriate and in accordance with current National Guidelines and sufficient to enable a robust assessment of bat activity at the site and inform an appropriate mitigation strategy..

Five species of bat were recorded during the nocturnal emergence surveys, common pipistrelle, soprano pipistrelle, brown long-eared bat, noctule and Natterer's bat. Three species, common pipistrelle, soprano pipistrelle and brown long-eared bat were identified as roosting within three of the four buildings proposed to be demolished. The remaining species were identified as utilising habitats on/adjacent to the site for foraging and/or commuting purposes.

The report evaluates the finding of the surveys in light of the numbers and associated activity as follows:

- o Due to the observation of one brown long-eared bat emerging from a gap at the ridge of building B2 during the first nocturnal survey it is considered that this building is used as a day roost for low numbers of this species.
- o It is considered that building B3 is used for day roosting purposes by common and soprano pipistrelles due to the observation of low numbers of these species emerging from/re-entering features associated with this building.
- o Due to the observation of low numbers of common pipistrelles emerging from and re-entering features associated with building B4 is it considered that this building is used

as a day roost.

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

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

- o Pre-works survey including a daytime assessment and a dusk emergence survey (where the works are undertaken during the bat activity season).
- o New roost creation through the erection of a minimum of 8 bat boxes on suitable trees or buildings on adjacent land within the applicants ownership
- o Timing of works
- o Supervision of works by an appropriately experienced and licensed Ecological Clerk of Works
- o Use of soft-strip demolition technique

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 buildings proposed to be demolished.

Subject to the mitigation measures identified 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 as a result of the propose demolition.

Having reviewed the submitted survey reports and associated recommendations I am satisfied that sufficient information has been submitted to demonstrate that the proposed demolition works would not result in negative impacts to biodiversity.

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

The demolition shall be carried out strictly in accordance with the mitigation measures identified in Section 7 of the Preliminary Ecological Appraisal - Report No. RT-MME-130473-01 produced by Middlemarch Environmental dated August 2019 and Sections 6 & 7 Of the Bat Surveys Report - Report No. RT-MME-130473-02 Rev A produced by Middlemarch Environmental dated September 2019. The measures identified shall be adhered to and implemented in full and maintained thereafter.

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:

- 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.

PCC-Rights of Way Senior Manager

19th Nov 2019

Countryside Services does not wish to make any comments on this application at this time, as there is no recorded public right of way through the development area.

Representations

Following the display of a site notice on 11/11/2019 no public representations or objections have been received at the time of writing this report.

Principal Planning Policies

Policy	Policy Description	Year	Local Plan
PPW	Planning Policy Wales (Edition 10, December 2018)		National Policy
DM2	The Natural Environment		Local Development Plan 2011-2026

Town and Country Planning (General Permitted Development) Order 1995

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 Town Council area of Llandrindod Wells and is located within the settlement development boundary of Llandrindod Wells as defined by the Powys Local Development Plan (2018). The application site is surrounded by the County Highway (C1339) to the north, the County Hall building to the south, an existing car park to the east, and an area of trees to the west.

This notification seeks consent for the demolition of the former Archive and DSO Buildings at Powys County Hall Offices, Llandrindod Wells.

Principle of 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 of 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 consider that additional information is required in respect of the above, they are required to confirm to the applicant that prior approval will be 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 a specific structure/building.

The sequence of works in support of the application states that all demolition works must be carried out by March 2020 in order to carry out the works outside of the bat roosting season. The proposed method of demolition will be by hand and mechanical plant machinery, and once completed the site will be restored with all excavations being

filled in. Following the completion of these works, a full planning application will be submitted for a proposed car park.

The application is accompanied by a Preliminary Ecology Appraisal (dated August 2019), a Bat Survey Report (dated September 2019) and a Great Crested Newt Survey Report (dated September 2019).

The Ecological Survey Report identifies a scheme of mitigation which includes the following principles:

- Pre-works survey including a daytime assessment and a dusk emergence survey (where the works are undertaken during the bat activity season).
- New roost creation through the erection of a minimum of 8 bat boxes on suitable trees or buildings on adjacent land within the applicants ownership.
- Timing of works.
- Supervision of works by an appropriately experienced and licensed Ecological Clerk of Works.
- Use of soft-strip demolition technique.

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 result in no likely detrimental impacts to the favourable conservation status of bat species identified as roosting at the site as a result of the propose demolition. In addition, having reviewed the submitted survey reports and associated recommendations, the Ecologist is satisfied that sufficient information has been submitted to demonstrate that the proposed demolition works would not result in negative impacts to biodiversity.

In light of the above, and subject to adherence to the informative notes recommended by the Ecologist, it is considered the prior approval of the Local Planning Authority is not required.

RECOMMENDATION – Prior Approval Not Required

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.

Informative Notes

PCC – Ecologist

The demolition shall be carried out strictly in accordance with the mitigation measures identified in Section 7 of the Preliminary Ecological Appraisal - Report No. RT-MME-130473-01 produced by Middlemarch Environmental dated August 2019 and Sections 6 & 7 Of the Bat Surveys Report – Report No. RT-MME-130473-02 Rev A produced by

Middlemarch Environmental dated September 2019. The measures identified shall be adhered to and implemented in full and maintained thereafter.

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.

Case Officer: Rhys Evans, Planning Officer
Tel: 01597 827235 E-mail: rhys.evans@powys.gov.uk

This page is intentionally left blank

Access to County Hall car park

PCC car park

Site access from PCC car park

Page 209



© Hawflraint y Goron a hawllah cronfa ddata 2017 Arolwg Ordians 100025371.
Gwybodaeth ychwanegol © Cyngor Sir Powys (2017).
"Mâd oes genych hawl i gopio, i ddiwydedu, i dosbarthu na gwerthu'r data hwn mewn unrhyw ffordd i drydydd parti".
© Crown copyright and database rights 2017 Ordnance Survey 100025371.
Additional Information © Powys County Council (2017).
"You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form".

Do not scale from drawings, refer only to figured dimensions.
Check all dimensions on site.
Report any discrepancies to the Contract Administrator promptly.

Application site boundary and site access.



Site boundary



Public footpath



Rev. 1 (5/11/19) - Public Footpath added.

C:\Users\jon.parsons\OneDrive - Kier\County Hall demo\CC Demo Planning.dwg

Project

Demolition of Archive & DSO Buildings

Drawing Title

Block Plan

Drawing Number:
5313_P2

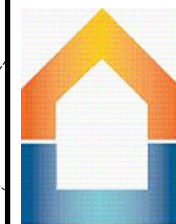
Rev:
1

Drawn by:
JMP

Scale:
1:500 @ A4

Date:
4/11/19

31 Ddole Road Industrial Estate
Llandrindod Wells
Powys
LD1 6DF
Tel: 07773076048



Gwasanaethau Eiddo
Calon Cymru Cyf

Heart of Wales
Property Services Ltd

This page is intentionally left blank



Delegated List

172 Applications

[Excel Version](#)

[← Go Back](#)

Parish Name	Decision	Date Application	Application No.	Application Type	Date Decision	Proposal	Location
Aberhafesp Community	Approve	24/09/2019	19/1500/DIS	Discharge of Condition	31/10/2019	Application to discharge conditions 3 and 4 of planning approval P/2017/0855	Land At The Old Rectory Aberhafesp Newtown SY16 3HL
	Approve	27/09/2019	19/1579/DIS	Discharge of Condition	20/11/2019	Application to discharge conditions 5, 8, 10, 15 and 17 of planning approval 18/0539/FUL	Cwm Bwlch-Y-Ffridd Newtown SY16 3JD
	Approve	18/10/2019	19/1669/NMA	Non-Material Amendment	22/11/2019	Application for a non-material amendment to planning approval 18/0803/FUL to amend the wording of condition 8	Sunny View Caravan Park Bwlch-Y-Ffridd Newtown SY16 3JF
	Consent	02/04/2019	19/0533/FUL	Full Application	25/10/2019	Erection of an affordable dwelling, single garage, formation of a vehicular access and associated works	Land Adjoining Lynwood Aberhafesp Newtown Powys SY16 3HN
Abermule And Llandyssil Community	Approve	11/12/2018	18/1090/OUT	Outline planning	25/11/2019	Residential development of 5 dwellings, formation of access and all associated works	Land Off Of Hawthorn Drive Hawthorn Drive Llandyssil Montgomery Powys SY15 6LQ

Page 211

5

CODE: IDOX.PL.REP.05

27/11/2019 15:59:18 POWYSCC\sandraf

[← Go Back](#)



Delegated List

172 Applications

Banwy Community	Approve	16/01/2019	19/0153/FUL	Full Application	15/11/2019	Change of use of land to site 6 holiday cabins and all associated works	Land Near To Tynllan Llangadfan Welshpool Powys
	Approve	30/10/2019	19/1801/AGR	Agricultural Notification	20/11/2019	Application for prior notification of agricultural development - creation of earth bound slurry lagoon	Earth Bound Slurry Lagoon Llanerfyl Welshpool Powys
						Why necessary for agriculture: It is to provide a SSAFO compliant slurry lagoon for the farm.	
						Why designed for agriculture: It is a slurry lagoon created by excavating the existing ground by the existing buildings	
Bausley With Criggion Community	Approve	28/08/2019	19/1382/HH	Householder	21/10/2019	Erection of an extension and raising of roof height of single storey roofs	Shotton Farm Pecknall Lane Pecknall Halfway House SY5 9DP

Page 212

[CODE: IDOX.PL.REP.05](#)

[27/11/2019 15:59:18 POWYSCC\sandraf](#)

[← Go Back](#)



Delegated List

172 Applications

	Approve	17/09/2019	19/1452/FUL	Full Application	11/11/2019	Installation of Motor Control Centre Kiosk	Bausley Sewage Treatment Works Crew Green Shrewsbury SY5 9BT
Beguildy Community	Approve	07/08/2019	19/1255/DIS	Discharge of Condition	01/11/2019	Application to discharge condition no. 5 (landscaping details), no. 21 (passing bay details) and no. 23 (amended manure management plan -details of water supplies) attached to planning permission P/2018/0023 for poultry rearing unit	Garn Llanbadarn Fynydd Llandrindod Wells LD1 6YE
	Approve	28/08/2019	19/1317/HH	Householder	01/11/2019	Erection of garage and workshop outbuilding	Lower Forest Bwlch-y-plain Knighton Powys LD7 1RB
	Approve	01/10/2019	19/1330/AGR	Full Application	22/11/2019	Agricultural notification for erection of an agricultural building	Land At Killowent Felindre Knighton Powys LD7 1YR

Page 213

CODE: IDOX.PL.REP.05

27/11/2019 15:59:18 POWYSCC\sandraf

[← Go Back](#)



Delegated List

172 Applications

	Approve	15/10/2019	19/1768/FUL	Full Application	22/11/2019	Removal of existing septic tank and installation of waste water treatment plant (Retrospective)	Radnorshire Arms Beguildy Knighton Powys LD7 1YE
Bettws Community	Approve	19/08/2019	19/1143/FUL	Full Application	21/11/2019	Creation of vehicular access and erection of fencing and gates	Land Off C2010 Cefn Mawr Newtown Powys SY16 3LF
	Refused	25/09/2019	19/1545/REM	Removal or Variation of Condition	26/11/2019	Section 73 application for the removal of condition 4 from planning permission M24790 in relation to occupancy	Bron-heulwen Bettws Cedewain Newtown Powys SY16 3LF
Bronllys Community	Approve	05/09/2019	19/1086/HH	Householder	29/10/2019	Demolition of existing garage and erection of extension to include garage, studio and loft space	Plaswye Llyswen Brecon Powys LD3 0YA
	Approve	06/09/2019	19/1413/RES	Reserved Matters	08/11/2019	Application for reserved matters following the outline element of planning approval P/2016/0803 for the erection of a dwelling	Beacons Edge Bronllys Brecon Powys LD3 0RY

Page 214

[CODE: IDOX.PL.REP.05](#)

[27/11/2019 15:59:18 POWYSCC\sandraf](#)

[← Go Back](#)



Delegated List

172 Applications

Builth Wells Community	Approve	09/08/2019	19/1282/HH	Householder	18/10/2019	Demolition of existing double garage and erection of a replacement car port and home office with associated landscaping	9 Church Street Builth Wells Powys LD2 3AP
	Approve	04/09/2019	19/1479/DIS	Discharge of Condition	13/11/2019	Application to discharge condition 13 of planning approval 18/0880/FUL	Plot B Dolnant 117 Hospital Road Builth Wells Powys LD2 3HE
	Approve	25/09/2019	19/1562/FUL	Full Application	18/11/2019	Demolition of dilapidated detached house and rebuilding a new four-bedroom detached house within the existing footprint together with external works	Lower House Hay Road Builth Wells LD2 3BP
Cadfarch Community	Approve	29/07/2019	19/1196/FUL	Full Application	15/11/2019	Erection of 2 dwellings, creation of a vehicular access and all associated works	Plot 1 Pencaemawr Penegoes Machynlleth Powys SY20 8BP
	Approve	30/08/2019	19/1207/HH	Householder	28/10/2019	Extension and alterations to existing dwelling	Ogof Fawr Derwen-las Machynlleth Powys SY20 8TL

Page 215

CODE: IDOX.PL.REP.05

27/11/2019 15:59:18 POWYSCC\sandraf

[← Go Back](#)



Delegated List

172 Applications

Caersws Community	Approve	21/08/2019	19/1353/DIS	Discharge of Condition	11/11/2019	Application to discharge conditions 13, 17 and 19 of planning approval 18/0645/FUL	Tynyrwtra Llanwnog Caersws SY17 5JG
	Approve	25/09/2019	19/1528/HH	Householder	13/11/2019	Demolition of existing conservatory and erection of replacement	Bronhaul Bwlch-Y-Ffridd Newtown SY17 5PB
	Refused	28/10/2019	19/1780/NMA	Non-Material Amendment	13/11/2019	Application for a non-material amendment to planning approval 19/0660/FUL to alter the appearance and site layout on the approved plans	Land At Pontdolgoch Caersws Powys SY17 5NJ
Carn Community Council	Approve	05/08/2019	19/1134/REM	Removal or Variation of Condition	31/10/2019	Section 73 application to vary condition 2 of planning permission P/2016/0746 in relation to amended plans	Peniel Chapel Llanbrynmair SY17 5LG
Carreghofa Community	Permitted Development	29/08/2019	19/1350/CLE	Certificate of Lawfulness - Existing	24/10/2019	Section 191 application for a Lawful Development Certificate for an existing development relating to the replacement of a window & door with a double door	17 Maes Y Berllan Llanymynech Powys SY22 6PJ

Page 216

CODE: IDOX.PL.REP.05

27/11/2019 15:59:18 POWYSCC\sandraf

[← Go Back](#)



Delegated List

172 Applications

Churchstoke Community	Approve	23/05/2019	19/0803/RES	Reserved Matters	25/10/2019	All reserved matters application in connection with proposed 40 dwelling houses approved under outline permission P/2015/0340	Buttercup House Churchstoke Montgomery SY15 6AH
	Approve	07/06/2019	19/0935/FUL	Full Application	13/11/2019	Erection of an extension to a silage clamp and all associated works	Lynwood Churchstoke Montgomery Powys SY15 6TD
	Approve	04/09/2019	19/1022/CLE	Certificate of Lawfulness - Existing	30/10/2019	Section 191 application for a Lawful Development Certificate for an Existing Use in relation to the installation of a biomass boiler to serve two residential properties	Cwm Farm Churchstoke Montgomery SY15 6TH
	Refused	17/06/2019	19/1051/VAR	Discharge/Modification of S106	31/10/2019	Discharge of S106 agreement attached to permission M/2006/1182 relating to occupancy	Buttercup House Churchstoke Montgomery Powys SY15 6AH
Clyro Community	Approve	18/01/2019	19/0114/DIS	Discharge of Condition	30/10/2019	Discharge of conditions 33 and 34 from planning consent P/2016/0397 in respect of a lighting scheme and odour management plan	Lower House Farm Clyro Hereford Powys HR3 5RU

Page 217

CODE: IDOX.PL.REP.05

27/11/2019 15:59:18 POWYSCC\sandraf

[← Go Back](#)



Delegated List

172 Applications

	Approve	10/09/2019	19/1373/FUL	Full Application	22/10/2019	Erection of outbuilding for storing farm machinery and equipment.	Wern Newydd Paincastle Builth Wells Powys LD2 3JW
	Approve	07/10/2019	19/1626/NMA	Non-Material Amendment	18/10/2019	Application for a non-material amendment to planning approval 18/0506/FUL in respect of minor external changes	Farmstead At Lower Lloyney Farm Clyro Hereford Powys HR3 5SG
Disserth And Trecoed Community	Approve	12/08/2019	19/1272/HH	Householder	25/10/2019	Demolition of existing conservatory & corrugated iron lean to store and re-placing with a two storey extension.	Crossways Cottage Howey Llandrindod Wells LD1 5PT
Duhonw Community	Permitted Developm	24/10/2019	19/1805/AGR	Agricultural Notification	15/11/2019	Prior notification of the construction of a forestry track	Sennybridge Training Area Powys
Dwyriv Community	Approve	02/10/2018	18/0499/FUL	Full Application	06/11/2019	Full: Erection of an egg production unit, improvements to existing access and all associated works	Lawnt Uchaf New Mills Newtown Powys SY16 3NP
	Approve	16/09/2019	19/1501/HH	Householder	31/10/2019	Erection of a replacement garden shed	Minffordd Adfa Newtown Powys SY16 3DB

Page 218

CODE: IDOX.PL.REP.05

27/11/2019 15:59:18 POWYSCC\sandraf

[← Go Back](#)



Delegated List

172 Applications

Erwood Community	Permitted Development	20/09/2019	19/1540/AGR	Agricultural Notification	21/10/2019	Erection of an agricultural building	Gyrmos Gwenddwr Builth Wells Powys LD2 3HX
Felin-Fach Community	Approve	30/09/2019	19/1509/FUL	Full Application	25/11/2019	Erection of silage pit	Lower Drostre Llan-Y-Wern Brecon LD3 0RP
Forde With Leighton & Trelystan Community	Approve	27/08/2019	19/1351/HH	Householder	13/11/2019	Erection of a second storey extension, and replacement of windows and doors	Chapel House Trelystan Welshpool Powys SY21 8HX
Glanwern Community	Approve	14/06/2019	19/1021/HH	Householder	06/11/2019	Erection of a detached garage	Ty Capel Commins Coch Machynlleth Powys SY20 8LG
Glasbury Community	Approve	23/04/2019	19/0675/HH	Householder	01/11/2019	Erection of a domestic annexe and a detached 3 bay garage	Radnor Arms Glasbury Hereford HR3 5JA
	Approve	18/09/2019	19/1518/TRE	Works to trees in Conservation Area	22/10/2019	Works to trees in a conservation area	Parc Gwyn Glasbury Hereford Powys HR3 5LL

CODE: IDOX.PL.REP.05

27/11/2019 15:59:18 POWYSCC\sandraf

[← Go Back](#)



Delegated List

172 Applications

	Approve	08/10/2019	19/1612/HH	Householder	22/11/2019	Demolition of lean to conservatory and removal of extension roof. Erection of extension and porch. Construction of dormer windows in place of original dormers	Thorn Cottage Glasbury Hereford Powys HR3 5NZ
Glascwm Community	Approve	02/09/2019	19/1326/FUL	Full Application	18/11/2019	Erection of an agricultural building together with all other associated works.	Garnwen Bettws Disserth Llandrindod Wells LD1 5RP
	Approve	02/09/2019	19/1333/FUL	Full Application	22/11/2019	Erection of an agricultural building for use as a silage pit together and all associated works.	Garnwen Bettws Disserth Llandrindod Wells LD1 5RP
	Approve	02/09/2019	19/1370/FUL	Full Application	21/10/2019	Erection of an agricultural building for use as a covered manure store and all other associated works.	Penarth Cregina Llandrindod Wells LD1 5SF
	Approve	22/10/2019	19/1684/DIS	Discharge of Condition	12/11/2019	Discharge of condition 3 from planning approval 19/1175/FUL in regards to landscaping	Land At Cwm Newydd Hundred House Llandrindod Wells Powys LD1 5RW
Kerry Community	Approve	23/04/2018	P/2018/0385	Full application	21/11/2019	Full: Erection of a broiler unit formation of vehicular access and all associated works	Drefor Farm Kerry Newtown Powys SY16 4PQ

Page 220

CODE: IDOX.PL.REP.05

27/11/2019 15:59:18 POWYSCC\sandraf

[← Go Back](#)



Delegated List

172 Applications

Approve	18/07/2019	19/1138/DIS	Discharge of Condition	17/10/2019	Application to discharge conditions 7, 9, 10 & 12 of permission 19/0152/FUL	Land At Lower Penarran Kerry Newtown Powys SY16 4PW
Approve	27/09/2019	19/1653/TRE	Works to trees in Conservation Area	31/10/2019	Application to fell two yew trees in a conservation area	1 Malt House Cottage Saw Mills Kerry Newtown Powys SY16 4LL
Consent	25/06/2019	19/1026/FUL	Full Application	31/10/2019	Conversion of barn into a dwelling, improvements to existing access and track, installation of sewage treatment plant and other associated works.	Barn At Old Court Dolfor Newtown Powys SY16 4AS
Approve	30/08/2019	19/1204/FUL	Full Application	11/11/2019	Conversion and extension of an agricultural building to offices and a warehouse for the production, storage and distribution of goods	Radnor Hills Heartsease Farm Knighton Powys LD7 1LU
Approve	20/09/2019	19/1310/HH	Householder	01/11/2019	Replacement of windows and doors, replacement of one door with a window, alterations to garage to include raising the roof and replacing door	21-22 West Street Knighton Powys LD7 1EN

Page 221

Knighton
Community

CODE: IDOX.PL.REP.05

27/11/2019 15:59:18 POWYSCC\sandraf

[← Go Back](#)



Delegated List

172 Applications

	Approve	11/10/2019	19/1569/HH	Householder	22/11/2019	Erection of a fence	The White House 9 Castle Road Knighton LD7 1BA
	Refused	15/10/2019	19/1722/CLE	Certificate of Lawfulness - Existing	11/11/2019	Section 191 application for a lawful development certificate of an existing use relating to the breach of an occupancy restriction	Greenlands Reeves Lane Stanage Knighton LD7 1NA
Llanbadarn Fynydd Community	Approve	01/11/2017	DIS/2017/0210	Discharge of condition	30/10/2019	Discharge of conditions no. 13 of planning consent P/2016/0317	Dolau Jenkin Farm Penybont Llandrindod Wells Powys LD1 6UT
	Approve	12/04/2019	19/0553/OUT	Outline planning	22/11/2019	Erection of a rural enterprise dwelling and garage (all matters reserved)	Land At Abergwenlas Farm Llanbadarn Fynydd Llandrindod Wells Powys LD1 6YA
Llanbrynmair Community	Approve	23/09/2019	19/1627/DECC	DECC overhead line	23/10/2019	Application under section 37 of the Electricity Act of 1989 for the erection of an 11kv high voltage overhead line.	Nant Yr Esgairwen Talerddig Llanbrynmair Powys SY19 7AJ
Llanddewi Ystradenni Community	Approve	24/06/2019	19/1076/HH	Householder	11/11/2019	Erection of garage/annex	3 Mill Stream Close Llanddewi Llandrindod Wells Powys LD1 6SJ

Page 222

CODE: IDOX.PL.REP.05

27/11/2019 15:59:18 POWYSCC\sandraf

[← Go Back](#)



Delegated List

172 Applications

Approve	16/07/2019	19/1111/DIS	Discharge of Condition	11/11/2019	Discharge of conditions 5, 6, 15, 18 and 19 of planning approval P/2017/1174 in respect of photographic survey, surface water drainage scheme, provision of passing bays, external lighting scheme, biodiversity enhancement scheme	Penybryn Llanbister Road Llandrindod Powys
---------	------------	-------------	------------------------	------------	---	--

Llandinam Community

Approve	19/06/2019	19/0886/AGR	Full Application	18/10/2019	Erection of a general purpose agricultural building	Fern Hollow Llandinam Llanidloes Powys SY17 5AX
Approve	05/08/2019	19/1165/FUL	Full Application	31/10/2019	Siting of 12 additional static caravans, construction of access track & installation of septic tank	Caerau Caravan Site Dol-wen Llanidloes Powys SY18 6LL

Approve	24/10/2019	19/1790/NMA	Non-Material Amendment	22/11/2019	Application for a non-material amendment to planning approval 18/0484/HH in respect of altering the size of the entrance hall, inclusion of a flue and repositioning of extension	Waen Llwydion Llandinam Powys SY17 5AH
---------	------------	-------------	------------------------	------------	---	--

Llandrindod Wells Community	Approve	10/06/2019	19/0887/FUL	Full Application	08/11/2019	Change of use existing shop to residential care home and associated works	The Manor Lindens Walk Llandrindod Wells LD1 5EA
-----------------------------	---------	------------	-------------	------------------	------------	---	--

CODE: IDOX.PL.REP.05

27/11/2019 15:59:18 POWYSCC\sandraf

[← Go Back](#)



Delegated List

172 Applications

Approve	03/09/2019	19/1386/TRE	Works to trees in Conservation Area	24/10/2019	Works to trees in a conservation area	Temple Avenue & Alexandra Terrace Llandrindod Wells Powys LD1 5HW
Approve	04/09/2019	19/1292/DIS	Discharge of Condition	14/11/2019	Application to discharge conditions 21 and 28 of planning approval 19/0021/FUL	Land East Of Ithon Road Ithon Road Llandrindod Powys LD1 6AS
Approve	17/09/2019	19/1583/FUL	Full Application	12/11/2019	Erection of a detached dwelling and garage	Land At Rear Of Rhoslyn High Street Llandrindod Powys LD1 6AG
Approve	23/09/2019	19/1631/HH	Householder	18/11/2019	Replacement of windows to the rear of the property (Retrospective)	3 The Old Police Station Dyffryn Road Llandrindod Wells Powys LD1 6AN
Approve	25/09/2019	19/1639/TRE	Works to trees in Conservation Area	04/11/2019	Application for works to trees in a conservation area	Cecil Lodge Spa Road Llandrindod Wells Powys LD1 5EY

Page 224



Delegated List

172 Applications

Approve	09/10/2019	19/1592/FUL	Full Application	21/11/2019	Change of use from retail (A1 and B1) to radio studio, recording studio, arts studio, restaurant (A3), offices (B1), storage (B8), conference room (D1), two accommodation units (C3) and all associated works	E M Bradley & Sons Llanfair House Middleton Street Llandrindod Powys LD1 5ET
---------	------------	-------------	------------------	------------	--	---

Llandrinio And Arddleen Community	Approve	29/05/2019	19/0697/FUL	Full Application	18/10/2019	Erection of a rural enterprise dwelling with detached garage, installation of sewage treatment plant and formation of vehicular access	Land At Llwyn Farm Penrhos Llanymynech Powys SY22 6QD
	Consent Section 106	25/08/2017	P/2017/0977	Outline planning	28/10/2019	Outline: Residential development of up to 17 no. dwellings, formation of a vehicular access, formation of a school car park with new access and all associated works (some matters reserved)	Land At Trederwen View Arddleen Powys
Llandysilio Community	Approve	30/09/2019	19/1446/FUL	Full Application	21/11/2019	Change of use of residential annex into a holiday let	Annex Laburnum House Brynmaur Llanymynech Powys SY22 6PQ

Page 225

CODE: IDOX.PL.REP.05

27/11/2019 15:59:18 POWYSCC\sandraf

[← Go Back](#)



Delegated List

172 Applications

Llanelwedd Community	Approve	24/09/2019	19/1521/FUL	Full Application	11/11/2019	Erection of a replacement building	National Sheep Association Building Royal Welsh Showground Llanelwedd Builth Wells Powys LD2 3NJ
	Permitted Development	10/09/2019	19/1463/TEL	Telecommunications notification	04/11/2019	Installation of a telecommunications base station and all associated apparatus and works	RWAS Showground Llanelwedd Builth Wells Powys LD2 3SY
Llanerfyl Community	Approve	27/08/2019	19/1372/FUL	Full Application	23/10/2019	Installation of 4 biomass boilers, erection of 3 buildings to house them and all associated works (retrospective)	Pentre Uchaf Llanerfyl Welshpool Powys SY21 0JB
	Approve	02/09/2019	19/1393/FUL	Full Application	01/11/2019	Formation of a new vehicular access to serve new agricultural buildings	Llyssun Llanerfyl Welshpool SY21 0EL
Llanfair Caereinion Community	Approve	18/07/2019	19/1092/FUL	Full Application	04/11/2019	Change of use of agricultural land to mixed use (equine/agriculture) and the erection of a general purpose building, to include demolition of existing building and associated works.	Land North East Of Peartree Lane Llanfair Caereinion Welshpool Powys SY21 0BH

Page 2/26

CODE: IDOX.PL.REP.05

27/11/2019 15:59:18 POWYSCC\sandraf

[← Go Back](#)



Delegated List

172 Applications

	Approve	31/07/2019	19/1285/DIS	Discharge of Condition	18/10/2019	Discharge of conditions 3, 4 and 6 of planning approval 18/0714/REM in relation to external materials, ecological mitigation and heritage level	Glaslyn Llanfair Caereinion Welshpool Powys SY21 0HB
Llanfechain Community	Approve	14/02/2019	19/0157/FUL	Full Application	21/10/2019	Retrospective application for the change of use of land for the siting of a caravan and the erection of 2 storage sheds as an annexe to the main dwelling	Tanyffridd Llanfechain Powys SY22 6UE
Llanfihangel Community	Approve	27/08/2019	19/1365/FUL	Full Application	21/10/2019	Erection of an agricultural building (part retrospective)	Land Near To The Smithy Llangadfan Welshpool Powys SY21 0QG
	Approve	04/09/2019	19/1414/DIS	Discharge of Condition	22/11/2019	Application to discharge conditions 17, 19 and 24 of planning approval P/2017/0980	Land At Farchwel Llanfihangel Llanfyllin SY22 5JF
	Approve	24/09/2019	19/1553/TRE	Works to trees in Conservation Area	31/10/2019	Application for works to four trees within a conservation area	Ty Efyrrwy Dolanog Welshpool Powys SY21 0LQ

Page 227



Delegated List

172 Applications

	Approve	07/10/2019	19/1594/DIS	Discharge of Condition	06/11/2019	Discharge of condition 8 of permission P/2017/1010	Barn At Gwaelod Llanfihangel Llanfyllin Powys SY22 5JA
Llanfihangel Rhydithon Community	Approve	20/08/2019	19/1338/FUL	Full Application	08/11/2019	Installation of an 995kw biomass boiler within an existing farm building (retrospective)	Farm Building At Dolau House Dolau Llandrindod Powys LD1 6UP
	Refused	17/10/2019	19/1717/NMA	Non-Material Amendment	01/11/2019	Application for a non-material amendment to planning approval P/2017/1389 to allow provision of individual treatment plants and drainage field to each dwelling	Land Adjoining The Manse Tanhouse Dolau Llandrindod Wells Powys LD1 5TW
Llanfyllin Community	Approve	11/04/2019	19/0632/LBC	Listed Building Consent	25/10/2019	Creation of new door using an existing window opening	2 Church Cottages High Street Llanfyllin Powys SY22 5AB

Page 228

CODE: IDOX.PL.REP.05

27/11/2019 15:59:18 POWYSCC\sandraf

[← Go Back](#)



Delegated List

172 Applications

	Approve	26/09/2019	19/1648/ELE	Electricity Overhead Line	31/10/2019	Section 37 application under the Electricity Act 1989: Overhead Lines (Exemption) (England and Wales) Regulation 2009 for the installation of an additional electricity pole and the removal of a section of existing overhead line.	Site Near Maes Y Dderwen Llanfyllin Powys
	Approve	01/10/2019	19/1665/DIS	Discharge of Condition	22/11/2019	Discharge of conditions 3 & 4 of approval 18/0955/LBC	The Workhouse Llanfyllin Powys SY22 5LD
Llangammarch Community	Approve	18/06/2019	19/0972/HH	Householder	25/10/2019	Erection of extensions, to include some demolition	Penrhos Llangammarch Wells Powys LD4 4EL
Llangors Community Council	Approve	02/09/2019	19/1474/HH	Householder	25/10/2019	Erection of an extension and all associated works	Haulfryn Llanfihangel Tal-y-llyn Brecon Powys LD3 7TL
Llangunllo Community	Approve	04/04/2019	19/0563/FUL	Full Application	21/10/2019	Erection of two holiday pods, formation of new vehicular access and associated works	Vronladies Farm Heyope Knighton LD7 1RA
	Approve	12/09/2019	19/1376/FUL	Full Application	21/11/2019	Installation of a biomass boiler with flue, raising of the building roof and all associated works	Lynwood Bleddfa Knighton Powys LD7 1PA

Page 29

CODE: IDOX.PL.REP.05

27/11/2019 15:59:18 POWYSCC\sandraf

[← Go Back](#)



Delegated List

172 Applications

Llangurig Community	Approve	29/04/2019	19/0530/FUL	Full Application	18/11/2019	Extension(s) to existing portal-framed agricultural livestock building	Gwern Tyddyn Llangurig Llanidloes SY18 6QB
	Approve	28/08/2019	19/1380/FUL	Full Application	18/10/2019	Change of use of land and erection of a holiday chalet, formation of vehicular access and parking, installation of a package treatment plan and associated works	Land Adjacent To Roselea Llangurig Llanidloes SY18 6QJ
Llangurig Community	Approve	03/09/2019	19/1408/HH	Householder	30/10/2019	Demolition of existing outbuilding and erection of an extension to dwelling	Brynfedwen Pont Robert Meifod SY22 6JE
Llanidloes Community	Approve	18/05/2017	P/2017/0555	Full application	28/10/2019	Full: Change of use to convert part of existing building to a house and 2 no. flats to include demolition of outbuilding and internal and external alterations	The Old Mill Rear Of 40 High Street Troedyrallt Llanidloes SY18 6BZ
	Approve	18/05/2017	P/2017/0559	Listed Building Consent	28/10/2019	LBC: Works to a listed building to include demolition of an outbuilding, internal and external alterations	The Old Mill Rear Of 40 High Street Troedyrallt Llanidloes SY18 6BZ
	Approve	14/10/2019	19/1747/NMA	Non-Material Amendment	12/11/2019	Application for a non-material amendment to planning approval P/2014/0646 in respect of amendments to the fenestration and cladding	The Old Saw Mills Short Bridge Street Llanidloes Powys SY18 6AD

CODE: IDOX.PL.REP.05

27/11/2019 15:59:18 POWYSCC\sandraf

[← Go Back](#)



Delegated List

172 Applications

Llanidloes Without Community	Permitted Developm ent	09/09/2019	19/1455/TEL	Telecommunications notification	18/10/2019	Installation of a 15m communications mast, antennas and ground based apparatus	Communications Mast Land At Bronheulwen Farm Glyn Brochan Llanidloes Powys
Llanrhaeadr-Ym- Mochant Community	Approve	22/08/2019	19/1304/FUL	Full Application	18/10/2019	Change of use of shop (A1) to mixed; shop (A1) and office (B1)	Powys House Market Square Llanrhaeadr-Ym-Mochnant Oswestry SY10 0JG
	Approve	02/09/2019	19/1481/DIS	Discharge of Condition	30/10/2019	Discharge of condition 4 from planning permission 18/0116/HH in relation to lighting	Isfryn Llanrhaeadr-ym-mochnant Oswestry Powys SY10 0AD
	Planning Permissio n Required	10/10/2019	19/1637/AGR	Agricultural Notification	05/11/2019	Erection of an argicultural building to store manure	Plas Du Cefn Coch Llanrhaeadr-ym-mochnant Powys SY10 0BQ
Llansantffraid Community	Approve	24/06/2019	19/0934/FUL	Full Application	22/10/2019	Erection of a building to be used for a Biomass (225kw thermal) and CHP (220k thermal 90 kw electric) unit and all associated works - retrospective	Rhosddu Farm Meifod Powys SY22 6TH

Page 231

CODE: IDOX.PL.REP.05

27/11/2019 15:59:18 POWYSCC\sandraf

[← Go Back](#)



Delegated List

172 Applications

	Approve	19/08/2019	19/1396/DIS	Discharge of Condition	18/10/2019	Discharge of conditions 4, 5, 7 & 9 of permission P/2014/0872	Trederwen House Llansantffraid-ym-mechain Powys SY22 6SY
	Approve	19/08/2019	19/1397/DIS	Discharge of Condition	18/10/2019	Discharge of conditions 4 & 5 of permission P/2014/0881	Trederwen House Llansantffraid-ym-mechain Powys SY22 6SY
Llansilin Community	Approve	30/06/2019	19/0952/FUL	Full Application	14/11/2019	Alteration and new roof to Barn B. Demolition and rebuilding inc extension of Barn A. Both to house agricultural equipment.	Tynygroes Rhiwlas Oswestry Powys SY10 7JH
	Approve	10/09/2019	19/1466/HDG	Hedgerow Removal Notice	22/10/2019	Hedgerow removal required to facilitate access to Vyrnwy aqueduct to carry out remedial repairs to a section of leaking pipework.	Four Metre Length Of Hedge Four Metre Off B4580 Llansilin Powys
	Refused	11/09/2019	19/1473/FUL	Full Application	06/11/2019	Erection of a replacement dwelling and all associated works.	Glan-Y-Gors Moelfre Oswestry SY10 7QW
Llanyre Community	Permitted Development	08/11/2019	19/1887/AGR	Agricultural Notification	20/11/2019	Erection of an extension to an existing agricultural building for storage	CWM Ceri (Field) Llanyre Llandrindod Wells Powys LD1 6EA

Page 232

CODE: IDOX.PL.REP.05

27/11/2019 15:59:18 POWYSCC\sandraf

[← Go Back](#)



Delegated List

172 Applications

Llywel Community	Approve	24/09/2019	19/1487/HH	Householder	11/11/2019	Two storey side extension to farmhouse, to include the demolition of existing conservatory	Gilfach Sennybridge Brecon Powys LD3 8TY
Machynlleth Community	Approve	15/04/2019	19/0649/FUL	Full Application	29/10/2019	Installation of ATM Cash machine	5 Penrallt Street Machynlleth Powys SY20 8AG
	Approve	15/04/2019	19/0650/LBC	Listed Building Consent	29/10/2019	Installation of ATM Cash machine	5 Penrallt Street Machynlleth Powys SY20 8AG
	Approve	05/09/2019	19/1340/LBC	Listed Building Consent	13/11/2019	Listed building consent for installation of a gas meter box to side elevation	115 Maengwyn Street Machynlleth SY20 8EF
	Approve	08/10/2019	19/1673/TRE	Works to trees in Conservation Area	01/11/2019	Works to trees in a conservation area	Railway Station Heol Y Doll Machynlleth Powys SY20 8BL
	Approve	30/10/2019	19/1796/NMA	Non-Material Amendment	18/11/2019	Application for a non-material amendment to planning approval P/2017/1342 to increase the garage size on plots 2 and 3 from single to double	Land Between 14 And 15 Ffordd Mynydd Griffith Machynlleth Powys SY20 8DD

Page 233

CODE: IDOX.PL.REP.05

27/11/2019 15:59:18 POWYSCC\sandraf

[← Go Back](#)



Delegated List

172 Applications

Maescar Community	Refused	28/08/2019	19/1339/OUT	Outline planning	23/10/2019	Erection of an open market dwelling and garage, together with all associated works (all matters reserved)	Land North Of Abereithrin Pentre-bach Sennybridge Brecon Powys LD3 8UB
Meifod Community	Approve	16/08/2019	19/1233/HH	Householder	29/10/2019	Siting of a bunded oil tank in garden and siting of boiler in connected outbuilding of grade II listed building	Vyrnwy House Meifod Powys SY22 6BY
	Approve	16/08/2019	19/1318/LBC	Listed Building Consent	29/10/2019	Siting of boiler together with the installation of associated pipe works and a flue	Vyrnwy House Meifod Powys SY22 6BY
	Approve	28/08/2019	19/1387/REM	Removal or Variation of Condition	29/10/2019	Section 73 application to vary condition 2 from planning consent P/2017/1382 in respect of varying the approved plans	Twll Farm Pentre'r-Beirdd Guilsfield SY21 9DN
	Planning Permission Required	29/08/2019	19/1444/DECC	DECC overhead line	13/11/2019	Application under Section 37 of the Electricity Act 1989 to erect an 11Kv overhead line 291 metres in length	Overhead Line The Chalet Clawdd Llesg Bron Fedw Meifod SY22 6YF
	Refused	09/09/2019	19/1295/HH	Householder	04/11/2019	Demolition of the existing porch and erection of a two storey side extension	Bron Heulog Meifod Powys SY22 6YF

Page 234

CODE: IDOX.PL.REP.05

27/11/2019 15:59:18 POWYSCC\sandraf

[← Go Back](#)



Delegated List

172 Applications

	Refused	19/09/2019	19/1600/HH	Householder	06/11/2019	Erection of proposed sunroom	Salem Chapel Llanfyllin Powys SY22 5LZ
Merthyr Cynog Community	Approve	04/09/2019	19/1342/FUL	Full Application	25/10/2019	Proposed extensions to agricultural sheds	Pentre Farm House Aberhonddu Powys LD3 9SD
Mochdre Community	Approve	05/09/2019	19/1420/HH	Householder	21/10/2019	Demolition of two existing single storey flat roof porches and erection of two single storey extensions.	Meadow View Bungalow Mochdre Lane Newotwn Powys SY16 4JN
Montgomery Community	Approve	27/09/2019	19/1660/TRE	Works to trees in Conservation Area	31/10/2019	Application to remove a birch tree located within a conservation area	3 Pool Road Montgomery Powys SY15 6QY
	Approve	01/10/2019	19/1614/TRE	Works to trees in Conservation Area	13/11/2019	Application for works to four trees within a conservation area	Plas Trefaldwyn Kerry Road Montgomery Powys SY15 6PE
Nantmel Community	Approve	03/07/2019	19/1012/FUL	Full Application	28/10/2019	Conversion of barn into a dwelling, installation of sewage treatment plant and all associated works	Barn At Cae-llwyn Nantmel Rhayader Powys LD6 5PE

Page 35 of 35

CODE: IDOX.PL.REP.05

27/11/2019 15:59:18 POWYSCC\sandraf

[← Go Back](#)



Delegated List

172 Applications

New Radnor Community	Approve	16/09/2019	19/1555/TRE	Works to trees in Conservation Area	18/10/2019	Works to fell 1x wych elm tree	Briarlea Clawdd Lane New Radnor Presteigne Powys LD8 2TU
Newtown And Llanllwchaearn Community	Approve	15/06/2016	NMA/2016/0042	Non-Material Amendment	30/10/2019	Application for Non material amendments to P/2013/0791 in respect of amendments to drawings, changes to ramped pedestrian access from Dolfor Road & new contractor has been appointed therefore management plans resubmitted	Newtown Pentecostal Church Dolfor Road Newtown Powys SY16 1JD
	Approve	03/06/2019	19/0749/HH	Householder	21/11/2019	Provision of hardstanding and seating area	1 Dinam Terrace Canal Road Newtown Powys SY16 2JX
	Approve	02/07/2019	19/0980/FUL	Full Application	25/10/2019	Extension to hardstanding to extend yard	Dyffryn Industrial Estate, Unit 5 Pool Road Newtown SY16 3BD

Page 236

CODE: IDOX.PL.REP.05

27/11/2019 15:59:18 POWYSCC\sandraf

[← Go Back](#)



Delegated List

172 Applications

Page 237	Approve	15/08/2019	19/1312/FUL	Full Application	31/10/2019	Internal reorganisation of office accommodation, alterations to window and existing air conditioning condensers and installation of new windows and air conditioning condensers.	30 Shortbridge Street Newtown Powys SY16 2LN
	Approve	21/08/2019	19/1192/FUL	Full Application	31/10/2019	Creation of new and improvement to existing boundary wall	Ladywell Shopping Centre New Church Street Newtown SY16 1AF
	Approve	30/09/2019	19/1577/DIS	Discharge of Condition	14/11/2019	Application to discharge conditions 10, 13, 14 and 15 of planning approval P/2013/0896	Former Flying Shuttle Site Newtown Powys SY16 1HL
	Refused	24/09/2019	19/1494/NMA	Non-Material Amendment	31/10/2019	Non-material amendment to planning consent 19/0095/RES (Outline P/2017/1263) to remove condition 3	Land Adjoining 4 Church House Orchard Aberbechan Newtown Powys SY17 3BH
Old Radnor Community	Approve	06/02/2019	19/0214/DIS	Discharge of Condition	21/10/2019	Discharge of conditions 24, 25, 29, 34, 35 and 36 of planning approval P/2016/0455	Strinds And Dolyhir Quarry Old Radnor Presteigne Powys LD8 2RW
Painscastle Community	Approve	28/05/2019	19/0865/DIS	Discharge of Condition	22/11/2019	Discharge of conditions 7, 10 and 11 of planning approval 18/0075/FUL in relation to access and ecology	Proposed Shepherds Hut Llandeilo Graban Builth Wells Powys LD2 3YX

CODE: IDOX.PL.REP.05

27/11/2019 15:59:18 POWYSCC\sandraf

[← Go Back](#)



Delegated List

172 Applications

	Permitted Development	03/09/2019	19/1418/TEL	Telecommunications notification	18/10/2019	Prior notification under GPDO Schedule 2 , part 24 - Installation of 15m lightweight lattice communications mast, antennas and ground based apparatus.	Land At Upper Pengarth Coed Y Garth Wood Painscastle Powys LD2 3JH
Penybont Community	Approve	15/11/2017	DIS/2017/0228	Discharge of condition	30/10/2019	Discharge of conditions no. 3, 6, 7 & 13 of planning consent P/2017/0325	Cwmrhocas Penybont Llandrindod Wells Powys LD1 5SY
	Approve	05/11/2019	19/1808/AGR	Agricultural Notification	22/11/2019	Erection of an extension to an agricultural building	Cwmbrith Isaf Penybont Llandrindod Wells Powys LD1 5SR
Presteigne Community	Approve	15/08/2019	19/1056/LBC	Listed Building Consent	13/11/2019	Removal of existing porch and erection of a canopy	Tan House Broad Street Presteigne Powys LD8 2AG
	Approve	10/10/2019	19/1670/HH	Householder	22/11/2019	Erection of an extension	17 Kings Court Presteigne Powys LD8 2AJ

Page 238

CODE: IDOX.PL.REP.05

27/11/2019 15:59:18 POWYSCC\sandraf

[← Go Back](#)



Delegated List

172 Applications

	Refused	22/03/2019	19/0515/FUL	Full Application	22/11/2019	Erection of 4 holiday log cabins, formation of a new access road, installation of package treatment plant, and associated works (re-submission 18/0864/FUL)	Land Adjacent To B4356 Presteigne Powys LD8 2NF
Rhayader Community	Approve	03/10/2019	19/1607/HH	Householder	18/11/2019	Erection of a first floor extension	90 Brynheulog Rhayader LD6 5EG
	Approve	08/10/2019	19/1657/DIS	Discharge of Condition	01/11/2019	Application to discharge conditions 7, 8 and 9 of planning approval 18/0948/FUL	Land At Llanerchi Woods Elan Valley Rhayader Powys LD6 5HE
St. Harmon Community	Approve	12/02/2019	19/0035/FUL	Full Application	20/11/2019	Change of use of field for the siting of 5 no. glamping units/shepherd huts, single storey support building, sewage treatment plant, gravel carparking area and all associated works	Land At Beili Neuadd Lane Rhayader Powys

Page 239

CODE: IDOX.PL.REP.05

27/11/2019 15:59:18 POWYSCC\sandraf

[← Go Back](#)



Delegated List

172 Applications

Approve	28/03/2019	19/0394/FUL	Full Application	12/11/2019	Renovation and conversion of existing barn to tourist accommodation, to include the installation of a package treatment plant, erection of an extension and garage/store and all associated works	Barn Conversion Cwm Yr Ychen Pant-y-dwr Rhayader Powys LD6 5LR
Approve	25/06/2019	19/1065/HH	Householder	29/10/2019	Raising of the roof to provide additional living space, erection of an extension, alterations to the dwelling, existing access and parking area	Pant Moelfre Pant-y-Dwr Rhayader Powys LD6 5LY
Approve	12/07/2019	19/1063/HH	Householder	17/10/2019	Demolition of 2 existing single storey extensions and erection of 2 two storey extensions	Beiligof Rhayader Powys LD6 5NR
Approve	29/08/2019	19/1385/FUL	Full Application	18/10/2019	Change of use of land and erection of a storage shed (ancillary to the dwelling)	Land Known As The Mill (associated With 1 Maesderyn) St Harmon Rhayader Powys LD6 5LU
Permitted Development	31/10/2019	19/1827/AGR	Agricultural Notification	12/11/2019	Erection of an agricultural storage building	Tylarau Pant-y-dwr Rhayader Powys LD6 5LL

Page 240

CODE: IDOX.PL.REP.05

27/11/2019 15:59:18 POWYSCC\sandraf

[← Go Back](#)



Delegated List

172 Applications

Tawe-Uchaf Community	Consent	19/09/2019	19/1520/HH	Householder	19/11/2019	Erection of a single storey side extension	Tynypant Farm Caehopkin Abercrave SA9 1UE
Trefeglwys Community	Approve	13/09/2019	19/1403/HH	Householder	17/10/2019	Erection of an extension an all associated works	Pen Y Graig Trefeglwys Caersws Powys SY17 5RG
	Approve	03/10/2019	19/1610/DIS	Discharge of Condition	18/11/2019	Application to discharge conditions 4, 5 and 6 of planning approval 19/0132/FUL	Land At Llechwedd Fields Llawr-Y-Glyn Caersws SY17 5RN
	Approve	31/10/2019	19/1783/AGR	Agricultural Notification	06/11/2019	Erection of a self contained chemical store	Chemical Store At Nrw Depot Penffordd-las Llanbrynmair Powys
Treflys Community	Approve	09/07/2019	19/1047/FUL	Full Application	21/10/2019	Proposed holiday unit and change of use of existing workshop to associated games / wet room associated with proposed holiday unit, installation of a compost toilet and all associated works	Blue Barn Beulah Llanwrtyd Wells Powys LD5 4UG

Page 241

CODE: IDOX.PL.REP.05

27/11/2019 15:59:18 POWYSCC\sandraf

[← Go Back](#)



Delegated List

172 Applications

	S106 Modified	17/10/2017	VAR/2017/0025	Discharge/Modification of S106	12/11/2019	Application to modify a Section 106 agreement attached to permission B/03/0361 with regards to reduction in land	Ty Garth Bach Garth Llanwrtyd Wells Powys LD4 4AL
Trewern Community	Approve	03/09/2018	18/0471/OUT	Outline planning	13/11/2019	Residential development and all associated works	Land At The Wallers Buttington Welshpool Powys SY21 8SZ
	Approve	28/08/2019	19/1281/HH	Householder	06/11/2019	Installation of replacement septic tank & soakaway	Plas Cefn, Wisteria Cottage Heldre Lane Buttington Welshpool SY21 8SX
Welshpool Community	Prior Approval Approved	11/10/2019	19/1615/DEM	Demolition Notification	15/11/2019	Prior notification of proposed demolition of a building	Lansdowne House Chapel Street Welshpool SY21 7LB
	Refused	02/09/2019	19/1409/HH	Householder	11/11/2019	Erection of a conservatory	Bethel House Mount Street Welshpool Powys SY21 7PA
Whitton Community	Approve	24/10/2019	19/1749/FUL	Full Application	22/11/2019	Erection of extension to an existing agricultural building to house a manure store	Lower Litton Whitton Knighton Powys LD8 2NS

Page 242

CODE: IDOX.PL.REP.05

27/11/2019 15:59:18 POWYSCC\sandraf

[← Go Back](#)



Delegated List

172 Applications

Ystradgynlais Community	Consent	08/07/2019	19/1112/HH	Householder	05/11/2019	Proposed extension and all associated works	18 Alder Avenue Ystradgynlais SA9 1AQ
	Consent	23/07/2019	19/1183/HH	Householder	25/10/2019	Proposed loft extension	58 Wind Road Ystradgynlais SA9 1AF
	Consent	16/09/2019	19/1495/REM	Removal or Variation of Condition	12/11/2019	Section 73 application to vary condition no.2 attached to planning permission 18/0624/FUL (to allow different house design)	5 Cwrt Y Gamlas Gurnos Swansea SA9 1EP
	Consent	23/09/2019	19/1550/HH	Householder	19/11/2019	Erection of a rear single story extension	41 Bethel Road Lower Cwmtwrch Swansea SA9 2PS
	Consent	26/09/2019	19/1565/NMA	Non-Material Amendment	21/11/2019	Application for non-material amendment to planning permission 19/0208/FUL in respect of alteration of rear dormers to flat roof dormers and alteration of main roof to omit catslide	Bed And Breakfast Unit Llundain Fach Brecon Road Ystradgynlais SA9 1ST
	Consent	03/10/2019	19/1511/HH	Householder	21/11/2019	Proposed side and rear extension	311 Brecon Road Ystradgynlais SA9 1QX

Page 243

CODE: IDOX.PL.REP.05

27/11/2019 15:59:18 POWYSCC\sandraf

[← Go Back](#)



Delegated List

172 Applications

Refused	07/08/2019	19/1187/FUL	Full Application	21/11/2019	Demolition of dwelling and erection of a replacement dwelling and garage	24 Palleg Road Lower Cwmtwrch Swansea SA9 2QE
---------	------------	-------------	------------------	------------	--	--

Applicati	172
------------------	------------

Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 30/10/19

gan A L McCooey BA MSc MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 14.11.2019

Appeal Decision

Site visit made on 30/10/19

by A L McCooey BA MSc MRTPI

an Inspector appointed by the Welsh Ministers

Date: 14.11.2019

Appeal Ref: APP/T6850/A/19/3233193

Site address: Land east of Dyffryn, Chapel Lane, Llanymynech, Powys SY22 6EW

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 [outline] planning permission.
- The appeal is made by Mr Andrew Lloyd against the decision of Powys County Council.
- The application Ref 18/0804/OUT, dated 19 October 2018, was refused by notice dated 2 April 2019.
- The development proposed is the erection of a dwelling.

Decision

1. The appeal is dismissed.

Procedural Matter

2. No representative of the appellant was present to afford access to the site. However, the gate to the land was open and I was able to enter and view the site. I am satisfied that the appeal can proceed to a decision on that basis.

Main Issue

3. The main issue is whether the proposed dwelling would be at risk of flooding contrary to national policy.

Reasons

4. The site is located at the edge of the settlement with access off Chapel lane. The boundaries are defined by a mixture of hedges and screen fencing. A stream runs along the boundary at a lower level. There are dwellings on either side set in spacious grounds. There are several wooden outbuildings and a static caravan on the site.
5. The Powys Local Development Plan defines Llanymynech as a large village suitable for some growth. Policy DM5 states that development proposals must be located away from tidal or fluvial flood plains unless it can be demonstrated that the site is justified in line with national guidance and an appropriate detailed technical assessment has been undertaken to ensure that the development is designed to reduce/avoid the threat and alleviate the consequences of flooding over its lifetime. In addition, the development must not increase flood risk elsewhere.

6. Planning Policy Wales states that the priority should be to protect the undeveloped floodplain from development. Built development in floodplains should be wholly exceptional and limited to essential transport and utilities infrastructure. Technical Advice Note 15: Development and Flood Risk (TAN 15) classifies land into 3 categories (Zones A, B and C) according to risk of flooding. Zone C is subdivided into C1 – areas of the floodplain which are developed and served by significant infrastructure, including flood defences and C2 – areas of the floodplain without significant flood defence infrastructure where only less vulnerable development should be considered subject to application of the justification test and highly vulnerable development should not be considered¹. Paragraph 6.2 again recognises that highly vulnerable development such as residential dwellings should not be permitted within zone C2.
7. The Council's evidence considers the principle of development and issues such as the effect on neighbouring residents, biodiversity, heritage assets, highway safety and other issues. The conclusion is that the impacts would be acceptable subject to conditions. The detailed design and layout of the proposal would be considered as part of any reserved matters.
8. TAN 15 is accompanied by a series of Development Advice Maps (DAMs) which are based on the best available information considered sufficient to determine when flood risk issues need to be taken into account. The site is identified on the DAM as being within Zone C2. Welsh Government policy is that highly vulnerable development (dwellings) should not be permitted in Zone C2.
9. I note that the site is at the edge of the floodplain. The appellant has submitted several Flood Consequences Assessments (FCAs). However, the justification tests only apply to 'all other new development' and are therefore not relevant to highly vulnerable development in zone C2, as proposed in this case.
10. The FCAs conclude that the risk of flooding is very low and simple mitigation measures can eliminate that risk. I note that the FCA shows that the site would flood to a maximum of 300mm in the 1 in 1000-year event. The risk of the site flooding to 600mm or more is less than 1 in 1000 years. The site access would provide an escape route, as the lane is outside the floodplain. NRW were consulted on 3 occasions and having considered the amended FCA recommended that the risks of flooding could be acceptably managed in this case. The advice was that if the Local Planning Authority decided to grant planning permission, it should be subject to specified conditions applying the recommendations of the FCA. NRW did express some concerns regarding the submitted topographical survey and a historic photograph from 2000 showing flooding of the site. NRW also confirms that the DAM flood map will not be amended as a result of the FCAs.
11. I note the agent's reference to the findings of a recent Welsh Government review of TAN 15 by consultants and to the concerns expressed by councils about the strict tests in TAN 15. However, TAN 15 remains national policy until replaced or amended. The appellant claims that there is already highly vulnerable development (a residential caravan) on the site and the proposal would improve resilience. The Local Planning Authority confirms that there is no planning permission or Certificate of Lawful Use for the caravan. I therefore afford this claim of an established residential use on the site little weight

¹ Figure 1 on page 5

Conclusion

12. TAN 15 and Policy DM5 of the UDP clearly state that highly vulnerable development (which includes dwellings) in zone C2 should not be permitted. Whilst section 6 of TAN 15 does allow for a degree of flexibility to ensure that a reasonable balance is struck between the risks of flooding and the economic and social benefits of development, this does not extend to highly vulnerable development such as dwellings. Figure 1 states that highly vulnerable development should not be considered in Zone C2. The use of the phrase "should not be allowed" in paragraph 6.2 does not imply, as the appellant suggests, that this is discretionary. Overall TAN15 makes it very clear that highly vulnerable development will not be permitted in Zone C2.
13. Having taken into account all the information supplied on behalf of the appellant, I conclude that the proposal would be contrary to current Welsh Government policy contained in Planning Policy Wales and TAN 15, which aims to direct new development away from areas at risk of flooding. It would also be contrary to Policy DM5 of the UDP. For this reason, I conclude that the appeal should be dismissed. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' revised well-being objectives to build healthier, more resilient communities and environments.

A L McCooey

Inspector

This page is intentionally left blank



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 19/11/19

gan Joanne Burston BSc MA MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 28.11.2019

Appeal Decision

Site visit made on 19/11/19

by Joanne Burston BSc MA MRTPI

an Inspector appointed by the Welsh Ministers

Date: 28.11.2019

Appeal Ref: APP/T6850/A/19/3235806

Site address: Pony House, Criggion, Shrewsbury SY5 9BQ

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 Matthew Owen against the decision of Powys County Council.
 - The application Ref 18/1186/FUL, dated 13 December 2018, was refused by notice dated 25 July 2019.
 - The development proposed is the erection of a replacement dwelling, construction of attenuation pond and all associated works.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objectives of driving sustainable growth and building resilient communities.

Main Issue

3. The main issue in this case is the effect of the proposed development on flood risk.

Reasons

4. The site of the proposed dwelling lies predominantly within Flood Zone C2, as defined on the Development Advice Maps (DAMs) that accompany the Welsh Government's Technical Advice Note 15: Development and Flood Risk (TAN 15). Flood Zone C2 is defined as areas of the floodplain without significant flood defence infrastructure, and TAN 15 prescribes that 'highly vulnerable development', which includes all residential premises, should not be permitted in such zones.
 5. This principle is particularly important in the light of climate change, which is expected to significantly increase the risk of flooding over time. Where development has to be
-

considered in such areas the tests¹ in TAN 15 in respect of justification and acceptable flooding consequences are applicable. These tests are broadly incorporated into Policies DM5 and DM6 of the Powys Local Development Plan (LDP).

6. PPW also aims to minimise and manage environmental risks and pollution and contains relevant policies on flood risk. Paragraph 6.6.22 states that "*Flooding as a hazard involves the consideration of the potential consequences of flooding, as well as the likelihood of an event occurring. Planning authorities should adopt a precautionary approach of positive avoidance of development in areas of flooding from the sea or from rivers.*" Paragraph 6.6.25 asserts that "*Development should reduce, and must not increase, flood risk arising from river and/or coastal flooding on and off the development site itself.*" And paragraph 6.6.26 sets out that "*TAN 15: Development and Flood Risk should be referred to for further policy advice on development and flood risk.*"
7. The appellant has undertaken a Flood Consequences Assessment (FCA) in consultation with Natural Resources Wales (NRW). In summary this concludes that a dwelling with a finished floor level of 62.25m AOD would be above the estimated 1:100 year fluvial event flood levels and would also prevent the dwelling being inundated by the 1:1,000 year fluvial event. Furthermore, the predicted water velocity of below 0.1 m/s would allow occupants sufficient time to escape the dwelling and an attenuation basin would be constructed to prevent flood risk elsewhere.
8. Nevertheless, TAN 15 para 6.2 states:

"New development should be directed away from zone C and towards suitable land in zone A, otherwise to zone B, where river or coastal flooding will be less of an issue. In zone C the tests outlined in sections 6 and 7 will be applied, recognising, however, that highly vulnerable development and Emergency Services in zone C2 should not be permitted (My emphasis). All other new development should only be permitted within zones C1 and C2 if determined by the planning authority to be justified in that location."

Accordingly, in Flood Zone C2 only development types listed as 'Less Vulnerable Development'² could be subject to the justification and acceptability tests set out in TAN 15 sections 6 and 7, which is not the case here.

9. I accept that NRW state in their consultation response to the Council that "*the FCA has demonstrated that the consequences of flooding can be acceptably managed in accordance with TAN 15.*" However, in reviewing an FCA, NRW's advice on flood risk is primarily based on the contents of any FCA submitted in support of a planning application, rather than the principle of the development.
10. The appellant sets out that the development provides an opportunity to improve the long-term flood risk sustainability of an existing dwelling by a replacement for a more robust dwelling. Nonetheless, I have no substantive evidence of flooding incidents in relation to the existing dwelling itself which is outside, but abuts, the floodplain³ and I am concerned that by moving the dwelling further into the floodplain the risk of danger to people entering and exiting the property in times of flood are increased. Therefore, the case before me is not sufficiently robust to overcome the principle of siting highly vulnerable development in the flood zone.

¹ TAN 15 Paragraph 6.2

² TAN 15 Figure 2

³ Paragraph 6.10 of the Appellant's Grounds of Appeal and NRW Figure 1 Current Flood map

11. Overall, I am not satisfied that the benefits expressed by the appellant or the lack of any objection from NRW are sufficient to outweigh the fundamental objection to the principle of siting highly vulnerable development in the C2 flood zone. The development would be contrary to national and development plan policies (set out above) aimed at avoiding unnecessary development in areas at risk of flooding.

Conclusions

12. Therefore, for the reasons given above, and taking all other matters into account, I conclude that the appeal should be dismissed.

Joanne Burston

INSPECTOR

This page is intentionally left blank

PLANNING, RIGHTS OF WAY AND TAXI LICENSING COMMITTEE

REPORT AUTHOR: Senior Licensing Officer

SUBJECT: Taxi Licensing Fees

DATE: 5th December 2019

REPORT FOR: Decision

1.0 Summary

- 1.1 The Committee is requested to consider the approval of revised fees for the Hackney Carriage and Private Hire Licensing regime notably operator, vehicle, driver licences and tests to commence from April 2020.
- 1.2 During the period of 1st April 2018 - 31st March 2019 the following number of tests were carried out and licence applications granted:

Driver Competency/Knowledge Tests	69
New Drivers	65
Renewal Drivers	156
New Private Hire Operators	5
Renewal Private hire operators	0*
Private Hire Vehicles	256
Hackney Carriages	180

*In line with statutory requirements the issuing of 3 year driver licences commenced in October 2015 so it is only from October 2018 that we started getting driver renewals. Similarly, the issuing of 5 year operator licences commenced in October 2015 and these will come up for renewal in October 2020.

The total number of current licences in place on 01/10/2019 are set out below

Drivers	498
Private Hire Operators	78
Private Hire Vehicles	264
Hackney Carriage Vehicles	164

2.0 Proposal

- 2.1 The setting of fees is governed by The Local Government (Miscellaneous Provisions) Act 1976 (Section 70), it allows for the recovery of costs in connection with administering, controlling and supervising the Hackney Carriage and Private Hire Licensing regime.
- 2.2 These fees have been calculated using a toolkit devised by the All Wales Licensing Expert Panel, as in previous years the toolkit has been utilised with assistance from our finance team.
- 2.3 The fee toolkit calculates the cost of several different elements of the service that figure into the final total fee, these are:
- the cost of materials such as making the plate and/or badge,
 - the cost of processing an individual licence i.e. the actual officer time from the issuing of a licence renewal letter through to the issuing of the licence
 - the cost of sub-committee hearings to consider individual licences/applications
 - the cost of administering the taxi regime locally including training, meetings, queries, complaints, compliance checks etc. and this element of the fee will fluctuate downwards or upwards depending on how many licence holders we have; the more licence holders we have and the cost of this element is spread across a greater number of licence holders.

	Current Fee	Proposed Fee	
Vehicles (1 year) Hackney Carriage Private Hire	£138	£148	
Driver Licence (3 year)	£247.50	£260	excludes DBS fee
Driver Licence (1 year – on request)	£140	£150	excludes DBS fee
Private Hire Operators (5 years)	£398	£405	excludes DBS fee
Knowledge/Competency Test	£38	£40	

- 2.4 For reference only it is useful to see fees currently charged by some of our neighbouring authorities. Where both renewal and new licence fees are published the renewal fee has been used. It must be remembered that it is difficult to make direct comparisons as fees calculated using the toolkit will be specific to local staffing and on-costs, they also factor in the number of licences that are administered by the authority, both these can vary a great deal between authorities. The greatest variation that can be noted is that in vehicle fees and this is because many authorities require in-house testing of vehicles at council garages, this adds significant extra cost to the processing of a licence that is then recovered through the fee sometimes directly or as an additional cost, hence the often much higher vehicle licence fees charged by other authorities.

Fees all in £'s	Driver 3 year	Driver 1 year	Test	Operator	Private Hire Vehicle	Hackney Carriage
Blaenau Gwent	270	Not offered/ advertised	Out-sourced	515	218	218
Carmarthenshire	137	75	19	631	148	146
Ceredigion	214	162	Inc in licence fee	425	162	167
Denbighshire	270	250	Inc in licence fee	250 – 420 depending on no. vehicles	200	200
Herefordshire	205	Not offered /advertised	Inc in licence fee	120 – 257 depending on no. vehicles	315	315
Merthyr Tydfil	230	Not offered / advertised	Out sourced	115	154	154
Monmouth	265	Not offered/ advertised	Out sourced	772	167	175
Neath Port Talbot	187	142	30	650	250	250
Rhondda Cynon Taff	136	Not offered/ advertised	30	394 - 461	272	272
Shropshire	245 inc DBS	Not offered/ advertised	Inc in licence fee	319 - 722	148	142
Torfaen	261	Not offered/ advertised	Out sourced	673	192	192
Wrexham	250	Not offered/ advertised	45	462 - 1400	199	174.50

2.5 Members are invited to approve the revised fees.

2.6 Should members approve the revised table of fees then The Local Government (Miscellaneous Provisions) Act 1976, Section 70 requires them to be advertised in the local press giving at least 28 days for objections.

2.7 Should there be any objections then these will need to be considered and reported back to this committee along with any revisions considered appropriate

2.8 If no objections are made then these fees will come into effect on 1st April 2020

3.0 Options Considered/Available

3.1 Fees need to be reviewed periodically to ensure that full cost recovery is achieved, staffing costs, on-costs and the cost of materials increase on an annual basis, if fees are not reviewed then the fees may not achieve full cost recovery. The All Wales tool kit was devised to enable us to establish a fee in a consistent manner to our Welsh counterparts, and also to ensure that they are transparent and able to withstand challenge. The fees proposed have been set using this toolkit in consultation with our finance team and are therefore recommended for approval.

4.0 Preferred Choice and Reasons

4.1 Consideration of the revised fees is required to ensure the Authority is in compliance with legal requirements.

5.0 Impact Assessment

5.1 Is an impact assessment required? No

6.0 Corporate Improvement Plan

6.1 Licensing contributes to various aspects of the 'Vision 2025' document - 'Change for Powys – delivering an open, pro-active and engaging council for 2025'. This proposal supports the priority areas of developing a vibrant economy whilst supporting and protecting our residents and communities.

7.0 Local Member(s)

7.1 This report has no particular significance to specific electoral divisions.

8.0 Other Front Line Services

8.1 Does the recommendation impact on other services run by the Council or on behalf of the Council? No

9.0 Communications

9.1 Once approved by committee the policy will be consulted on.

10.0 Support Services (Legal, Finance, Corporate Property, HR, ICT, Business Services)

10.1 The Principal Solicitor Public Protection has commented as follows: It is important for the Council that the costs of administering this service are recovered and this statutory procedure ensures that this is achieved.

10.2 The Finance Manager notes the contents of the report, finance have been involved in the calculation of the new fees, the fees set have to be based on full cost recovery only.

11.0 Scrutiny

11.1 This report has not been scrutinised.

12.0 Statutory Officers

12.1 The Head of Financial Services (Section 151 Officer) notes the comment of the Finance Manager.

12.2 The Head of Legal and Democratic Services (Monitoring Officer) has commented as follows: “ I note the legal comment and have nothing to add to the report”.

13.0 Members’ Interests

13.0 The Monitoring Officer is not aware of any specific interests that may arise in relation to this report. If Members have an interest they should declare it at the start of the meeting and complete the relevant notification form.

Recommendation:	Reason for Recommendation:
That the revised Taxi Licensing fees set out in paragraph 2.3 of the report be approved for consultation, and if following consultation no objections are received then they will come into effect on 1 st April 2020	To enable a new compliant fee to be set for licences issued under The Local Government (Miscellaneous Provisions) Act 1976

Relevant Policy (ies):			
Within Policy:	Y	Within Budget:	Y

Relevant Local Member(s):	N/A
Relevant Portfolio Holder	Cllr James Evans

Person(s) To Implement Decision:	Senior Licensing Officer
Date By When Decision To Be Implemented:	To come into effect 01/04/2020

Contact Officer Name:	Tel:	Email:
Sue Jones	01597 827389	Susan.jones@powys.gov.uk

Background Papers used to prepare Report:

All Wales Licensing Expert Panel Fees Toolkit

