

Planning, Taxi Licensing & Rights of Way Committee

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

Meeting Date
Thursday, 2 May 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

25 April, 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
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To receive apologies for absence.

2.	MINUTES OF THE PREVIOUS MEETING
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To authorise the Chair to sign the minutes of the previous meeting of the Committee held on 11 April, 2019 as a correct record.
(Pages 5 - 10)

Planning

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

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

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

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

(Pages 11 - 12)

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. 19/0453/FUL Trigfan (Caretakers Flat), Llanidloes High School, Llangurig Road, Llanidloes, Powys SY18 6EX

(Pages 13 - 20)

4.3. 18/1205/OUT Old Coal Depot, Middletown, Welshpool, Powys, SY21 8EJ

(Pages 21 - 54)

4.4. 19/0236/FUL Land Near Camp Farm, Cefn Y Coed, Llandyssil, Montgomery, SY15 6LU

(Pages 55 - 76)

4.5. 19/0403/HH Glanogeu, Rhiwlas, Oswestry, SY10 7JJ

(Pages 77 - 88)

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

(Pages 89 - 102)

6.	APPEAL DECISION
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To receive the Planning Inspector's decision regarding an appeal.
(Pages 103 - 110)

Taxi and other licensing

7.	MINUTES OF TAXI LICENSING SUB-COMMITTEES
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To authorise the Chair presiding at the following Taxi Licensing Sub-Committees to sign the minutes as a correct record: 5 December, 2018.
(Pages 111 - 112)

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MINUTES OF A MEETING OF THE PLANNING, TAXI LICENSING & RIGHTS OF WAY COMMITTEE HELD AT COUNCIL CHAMBER, COUNTY HALL - COUNTY HALL ON THURSDAY, 11 APRIL 2019

PRESENT

County Councillor K Lewis (Chair)

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

1.	APOLOGIES
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The Chair welcomed County Councillor P Pritchard who had recently joined the Committee.

Apologies for absence were received from County Councillors M J Jones, F H Jump, K Laurie-Parry, D Selby and D H Williams.

2.	MINUTES OF THE PREVIOUS MEETING
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The Chair was authorised to sign as a correct record the minutes of the meeting held on 21 March, 2019.

Planning

3.	DECLARATIONS OF INTEREST
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(a) There were no declarations of interest.

(b) County Councillor L Corfield requested that a record be made of her membership of Forden with Leighton and Trelystan Community Council where discussion had taken place of matters for the consideration of this Committee and in which she took no part.

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

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

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

4.1 Updates

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

4.2 19/0023/FUL Llanrhaeadr Recreation Ground, Llanrhaeadr-ym-Mochnant, Oswestry, Powys, SY10 0LL

Grid Ref: E: 312842 N: 325878

Valid Date: 21/01/2019

Community Council: Llanrhaeadr-Ym-Mochant Community

Applicant: Huw Williams

Location: Llanrhaeadr Recreation Ground, Llanrhaeadr-ym-Mochnant, Oswestry, Powys, SY10 0LL

Proposal: Erection of two spectator stands

Application Type: Full Application

County Councillor P Pritchard sought clarification on whether his involvement in the Football Association of Wales and The Mid Wales Football League meant he should declare an interest in this application. He advised he had no involvement either, with the applicant or making the rules regarding the provision of stands at clubs. The Solicitor advised that, in light of his comments, Councillor Pritchard could consider the application.

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

4.3 19/0105/FUL Severnside, Forden, Welshpool, Powys, SY21 8NH

Grid Ref: E: 321806 N: 302299

Valid Date: 14/02/2019

Community Council: Forden With Leighton & Trelystan Community Council

Applicant: Powys County Council – Strategic Property

Location: Severnside, Forden, Welshpool, Powys, SY21 8NH

Proposal: Erection of an extension to a livestock building

Application Type: Full Application

In response to questions regarding the rights of way, the Acting Professional Lead - Countryside Access & Recreation advised that an application for a rights of way diversion had been made a number of years ago and consultation had been carried out. However, due the backlog of work a legal order had not been made. To support any permitted developments in farmyards applicants are advised that applications for rights of way diversions can be fast tracked if they meet the relevant fees, for this work. She advised that the route of the footpath indicated on the maps before the Committee, were only indicative. As a result, officers would be investigating the actual position of the footpath. In response to comments she advised that if the public were using a permissive route instead of the legal line of the public right of way, this could impose additional liabilities on the landholder.

The Solicitor advised that obstruction of a footpath could be an offence. As rights of way are dealt with under separate legislation, rather than adding a condition to any approval, an informative could be used.

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 K Silk abstained and stated she did not want the Authority to commit a criminal offence.

County Councillor D Price left the meeting.
County Councillor H Hulme joined the meeting.

4.4 19/0242/DIS Land Adjacent To Southeast of Village Hall, Sarn, Newtown, Powys, SY16 4HQ

Grid Ref: E: 320428 N: 290808

Valid Date: 05/03/2019

Community Council: Kerry Community Council

Applicant: Powys County Council

Location: Land Adjacent To Southeast of Village Hall, Sarn, Newtown, Powys, SY16 4HQ

Proposal: Discharge of condition 7 from planning approval P/2017/1489 in respect of a foul and surface water drainage scheme

Application Type: Discharge of Condition

RESOLVED:	Reason for decision:
that the condition be partially discharged to ensure that the scheme is implemented prior to first use of the dwellings.	As officers recommendation as set out in the report which is filed with the signed minutes.

4.5 19/0493/CLP Welshpool High School, Gallowstree Bank, Welshpool, Powys, SY21 7RE

Grid Ref: E: 323223 N: 308147

Valid Date: 12/03/2019

Community Council: Welshpool Town Council

Applicant: Powys County Council

Location: Welshpool High School, Gallowstree Bank, Welshpool, Powys, SY21 7RE

Proposal: Section 192 application for a lawful development certificate for a proposed development for Welshpool High School sports facility improvement works.

Application Type: Certificate of Lawfulness - Proposed

The Committee noted the Update report.

RESOLVED:	Reason for decision:
that a Certificate of Lawfulness be granted.	As officers recommendation as set out in the report which is filed with the signed minutes.

4.6 19/0456/HDG Llan, Llanbrynmair, Powys, SY19 7DL

Grid Ref: E: 289124 N: 301996

Valid Date: 11/03/2019

Community Council: Llanbrynmair Community Council

Applicant: Powys County Council

Location: Llan, Llanbrynmair, Powys, SY19 7DL

Proposal: Application for hedgerow removal notice

Application Type: Hedgerow Removal Notice

The Committee noted the update report.

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

4.7 19/0457/HDG Llan, Llanbrynmair, Powys, SY19 7DL

Grid Ref: E: 289139 N: 301859
Valid Date: 11/03/2019
Community Council: Llanbrynmair Community Council
Applicant: Powys County Council
Location: Llan, Llanbrynmair, Powys, SY19 7DL
Proposal: Application for hedgerow removal notice
Application Type: Hedgerow Removal Notice

The Committee noted the update report.

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

4.8 19/0458/HDG Llan, Llanbrynmair, Powys, SY19 7DL

Grid Ref: E: 289124 N: 301996
Valid Date: 11/03/2019
Community Council: Llanbrynmair Community Council
Applicant: Powys County Council
Location: Llan, Llanbrynmair, Powys, SY19 7DL
Proposal: Application for hedgerow removal notice
Application Type: Hedgerow Removal Notice

The Committee noted the update report.

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

5.	DECISIONS OF THE HEAD OF REGENERATION AND REGULATORY SERVICES ON DELEGATED APPLICATIONS
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The Committee received for information a list of decisions made by the Head of Regeneration and Regulatory Services during the period between 14 March and 2 April, 2019.

6.	APPEAL AND COST DECISIONS
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The Committee received a copy of the Planning Inspectorate's letter regarding the following appeals:

- 18/0275/CLP - Woodland at the rear of Brookland Hall, Guilsfield, Welshpool, Powys, SY21 9BU - the Committee noted that the Inspector had dismissed the appeal
- P/2017/1048 - Bryn Afal, Tregynon, Newtown, SY16 3EP - the Committee noted that the Inspector had upheld the appeal and that the Inspector had refused the application for an award of costs.

Taxi and other licensing

7.	MINUTES OF TAXI LICENSING SUB-COMMITTEES
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The Chairs presiding at the Taxi Review Panels held on 15 February and 14 March were authorised to sign the minutes as correct records.

County Councillor K Lewis (Chair)

Planning, Taxi Licensing and Rights of Way Committee
2nd May 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>19/0453/FUL</p> <p>Llanidloes Community</p> <p>E: 295029 N: 283895</p> <p>14.03.2018</p>	<p>Change of use from residential (C3) to educational (D1)</p> <p>Trigfan (Caretakers Flat), Llanidloes High School, Llangurig Road, Llanidloes, SY18 6EX</p> <p>Llanidloes High School</p> <p>Recommendation: Conditional Consent</p>
<p>18/1205/OUT</p> <p>Trewern Community</p> <p>E: 330039 N: 312483</p> <p>19.12.2018</p>	<p>Demolition of existing buildings, development of 8 x dwellings, formation of estate road and all associated works</p> <p>Old Coal Depot, Middletown, Welshpool, Powys, SY21 8EJ</p> <p>Mr and Mrs Swain</p> <p>Recommendation: Conditional Consent</p>

<p>19/0236/FUL</p> <p>Abermule And Llandyssil Community</p> <p>E: 320409 N: 293424</p> <p>08.02.2019</p>	<p>Siting of 3 holiday lodges, formation of vehicular access and access road, provision of 4 passing bays, installation of a sewage treatment plant and all associated works (resubmission of planning application P/2018/0498)</p> <p>Land Near Camp Farm, Cefn Y Coed, Llandyssil, Montgomery, SY15 6LU</p> <p>Mr E Powell</p> <p>Recommendation: Conditional Consent</p>
<p>19/0403/HH</p> <p>Llansilin Community</p> <p>E: 320156 N: 331945</p> <p>08.03.2019</p>	<p>Erection of orangery to front elevation together with side extension forming a utility and annexe.</p> <p>Glanogeu, Rhiwlas, Oswestry, SY10 7JJ</p> <p>Mrs Julie Davies</p> <p>Recommendation: Conditional Consent</p>

4.2

Planning, Taxi Licensing and Rights of Way Committee Report

Application Number: 19/0453/FUL

Grid Ref: E: 295029
N: 283895

Community Council: Llanidloes

Valid Date: 25.03.2019

Applicant: Llanidloes High School

Location: Trigfan (Caretakers Flat), Llanidloes High School, Llangurig Road, Llanidloes, Powys SY18 6EX

Proposal: Change of use from Residential (C3) to Educational (D1)

Application Type: Full Application

The reason for Committee determination

The Applicant is Powys County Council and therefore the application is required to be determined before Members of the Planning Committee.

Consultee Responses

Consultee	Received
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Hafren Dyfrdwy

1st Apr 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.

PCC - Highways

27th Mar 2019

Does not wish to comment on this application.

Wales & West Utilities have been made aware of a planning application on 27.03.2019, advising us of the proposals at: Llangurig Road, Llanidloes, Powys, SY18 6EX.

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.

Wales & West Utilities has pipes in the area. Our apparatus may be affected and at risk during construction works.

Should the planning application be approved then we require the promoter of these works to contact us directly to discuss our requirements in detail before any works commence on site. Should diversion works be required these will be fully chargeable.

You must not build over any of our plant or enclose our apparatus.

Councillor Morgan

27th Mar 2019

I strongly support this application. It makes common sense.

Representations

Following the display of a site notice for the period of 21 days, no public representations were received at the time of writing this report.

Planning History

App Ref	Description	Decision	Date
None			

Principal Planning Constraints

None

Principal Planning Policies

Policy	Policy Description	Year	Local Plan
	Planning Policy Wales (Edition 10, December 2018)		National Policy
TAN5	Nature Conservation and Planning		National Policy
TAN12	Design		National Policy
TAN18	Transport		National Policy
DM2	The Natural Environment		Local Development Plan 2011-2026
DM7	Dark Skies and External Lighting		Local Development Plan 2011-2026
DM11	Protection of Existing Community Facilities and Services		Local Development Plan 2011-2026
DM13	Design and Resources		Local Development Plan 2011-2026
SP5	Settlement Hierarchy		Local Development Plan 2011-2026
SP7	Safeguarding of Strategic Resources and Assets		Local Development Plan 2011-2026
T1	Travel, Traffic and Transport Infrastructure		Local Development Plan 2011-2026
C1	Community Facilities and Indoor Recreation Facilities		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 Council area of Llanidloes. This application involves an existing building located within the grounds of Llanidloes High School. The ground floor area of the building is currently used as the canteen for the School and the first floor area was previously used as a caretaker's flat. The application site is surrounded by existing school buildings, playing fields and Llanidloes Primary School.

Consent is sought for the change of use from a Residential (C3) caretaker's flat to Educational class rooms (D1). The caretakers flat was last used for residential purposes in approximately 2005 and has been vacant ever since.

Principle of Development

The Powys LDP supports the provision of community facilities such as schools where the facilities should be appropriate in scale and nature to their location. Policy C1 states that development proposals for community or indoor recreation facilities will be permitted where:

- 1. Proposals are within or adjoining a settlement identified in the strategic settlement hierarchy;*
- 2. No suitable facility exists nearby which could appropriately accommodate the proposed use; and*
- 3. The appropriateness and feasibility of multi-use has been considered.*

The application site is located within the settlement development boundary of Llanidloes which is defined as a town within the Powys Local Development Plan. This change of use application involves utilising the first floor area of an existing building within the school grounds for educational class rooms.

It is therefore considered that the principle of development complies with the Powys LDP (2018) subject to the following:

Design

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

The proposed development does not seek to alter the external appearance of the building. All alterations are internal and only include the first floor area.

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 to LDP policy DM13 (criterion 11).

The proposed change of use will not impact upon any neighbouring properties given that the existing building is located within the grounds of Llanidloes High School and is surrounded by other High School Buildings and Llanidloes Primary School.

Having carefully considered the proposed development, it is considered that the scheme fundamentally complies with the above LDP policies and the Powys Residential Design Guide.

Highways

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

The application does not seek alterations to the existing means of access to the property and the proposal would not affect the existing parking area in terms of reducing the number of parking spaces to an unacceptable level. The local Highway Authority has been consulted on the proposed development and noted that it did not wish to comment on the application.

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

RECOMMENDATION – Conditional Consent

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

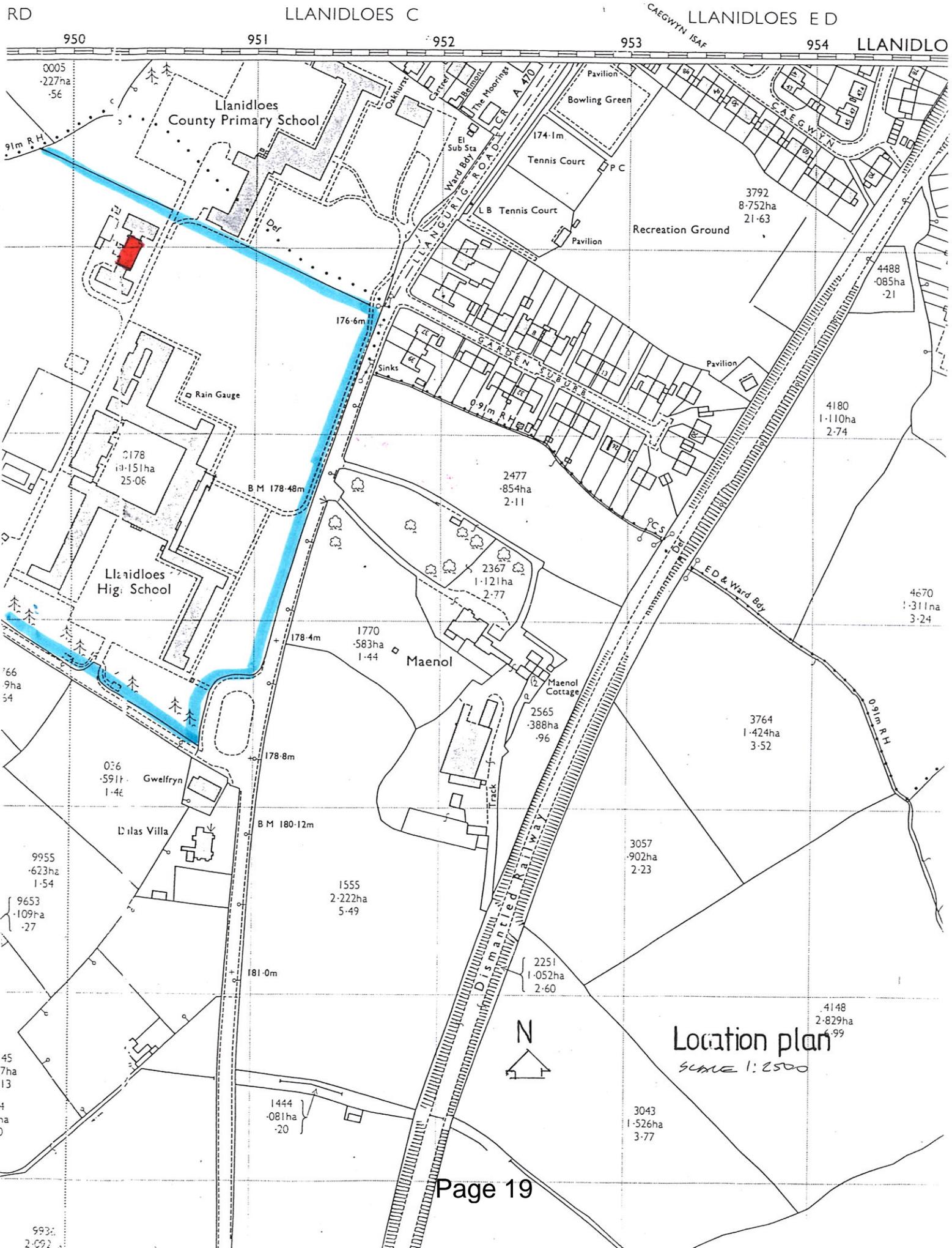
Conditions

- 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; Location Plan, 871/201, 871/S02, 871/S03, 871/D01, 871/D02.

Reasons

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

Case Officer: Luke Jones, Planning Officer
Tel: 01597 827115 E-mail: luke.jones@powys.gov.uk



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4.3

Planning, Taxi Licensing and Rights of Way Committee Report

Application Number: 18/1205/OUT **Grid Ref:** E: 330039
N: 312483
Community Council: Trewern Community **Valid Date:** 19.12.2018

Applicant: Mr and Mrs Swain

Location: Old Coal Depot, Middletown, Welshpool, Powys, SY21 8EJ

Proposal: Demolition of existing buildings, development of 8 x dwellings, formation of estate road and all associated works

Application Type: Outline planning

The reason for Committee determination

The application has been called in to Committee by the Local Member.

Site Location and Description

This site is accessed directly off the A458 trunk road within the settlement of Middletown. The existing site has a number of existing buildings with the rest of the site forming a large area of hardstanding currently used for the storage of vehicles and HGV's. The site is bounded by residential properties to the north west and north east with the trunk road directly adjacent to the south east and agricultural land to the south west.

This application seeks outline consent for the demolition of the existing buildings and the development of 8 dwellings, formation of estate road and all associated works. The application is submitted in outline form with all matters reserved for future consideration.

Consultee Responses

Consultee

Received

Community Council

20th Feb 2019

Trewern Community Council considered this application at its meeting on 19th February 2019. We are aware that this application is currently for outline planning only. However, we have received concerns from two neighbouring residents with reference to the proposed Dwelling number 8 (the 3-bed detached dwelling) shown on the plans.

It is felt that the proposed property will obstruct the view and restrict light for these existing properties which adjoin this site. We would therefore like to submit a plea that this dwelling is changed from a Detached House to a Bungalow.

We also feel that as there is a shortage of bungalows in the local area, that this alteration to the plans will be welcomed by the community.

We do not oppose this application.

Please could I also ask that you confirm receipt of this email as of today's date.

Building Control

8th Jan 2019

Building Regulations application required.

Wales & West Utilities - Plant Protection
Team

17th Jan 2019

Wales & West Utilities acknowledge receipt of your notice received on 08.01.2019, advising us of the proposals for:

Old Coal Depot, Middletown, WELSHPOOL, Powys, SY21 8EJ

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

15th Jan 2019

Please can I call this in due to access Considerations from trunk road, concerns re

sustainability of Middletown as a community, and concerns raised by residents. I will send a full email with comments in due course. Please can you confirm if Powys housing will be consulted due to adjoining estate?

I was noticed of this last week but not the date in the portal is 19th December. I trust I have met the call in deadline?

Hafren Dyfrdwy

10th Jan 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.

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

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

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

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.

Contaminated Land

9th Jan 2019

In relation to planning application 18/1205/OUT, the following advice is provided for the

consideration of Development Control.

Advice

1. The application site is identified as the Old Coal Depot; furthermore, historic Ordnance Survey (OS) maps and information on record identify that the application site was previously occupied by a Depot (use not specified), a Garage, a Warehouse and by a Road Haulage operator. As a consequence of the application site's land use history there is significant potential for the presence of land contamination.

2. 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."

Furthermore, paragraph 6.9.19, of 'Planning Policy Wales' (2018), states: "Where land contamination issues arise, the planning authority will require evidence of a detailed investigation and risk assessment prior to the determination of the application to enable beneficial use of land, unless it can already be established that remedial measures can be employed."

However, no information concerning the potentially significant land contamination risks associated with the application site has been submitted in support of planning application 18/1205/OUT.

Summary

Based on the available information and the sensitivity of the proposed development (residential), it is recommended that planning application 18/1205/OUT should not be determined until the appropriate level of investigation and assessment, in respect of the potential land contamination risks associated with the application site, has been submitted in support of the application.

As a minimum, a preliminary investigation and preliminary risk assessment ('Phase 1' report) should be submitted in support of planning application 18/1205/OUT.

The preliminary investigation and preliminary risk assessment should be completed by a qualified and experienced environmental consultant; and in accordance with current guidance and best practice, such as CLR11 'Model Procedures for the Management of Land Contamination' (2004) and BS10175:2011+A2:2017 'Investigation of Potentially Contaminated Sites - Code of Practice'.

If the preliminary risk assessment identifies that there are any potential land

contamination risks a detailed scope of works for an intrusive site investigation, prepared by a qualified and experienced environmental consultant, should be submitted for review and approval. Intrusive site investigations should be designed, justified and completed in accordance with current guidance and best practice, such as BS10175:2011+A2:2017.

The WLGA and NRW document 'Development of Land Affected by Contamination: A Guide for Developers' is attached to assist the applicant.

Environmental Health – Environmental Protection

18th April 2019

Foul drainage

Environmental Protection has no objection to the proposal, provided the foul drainage from the development connects to the mains sewer network.

Construction-phase noise control

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

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

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

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

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

County Ecologist

23rd Jan 2019

Thank you for consulting me with regards to planning application 18/1205/OUT which concerns an outline planning application for demolition of existing buildings, development of 8 dwellings, formation of estate road and all associated works at Old Coal Depot Middletown. Welshpool.

I have reviewed the proposed plans submitted with the application as well as aerial images of the site, surrounding habitats and local records of protected and priority

species and designated sites within 500m of the proposed development.

The data search identified 743 record of protected and priority species within 500m of the proposed development including records of great crested newt and water vole - no records were for the site itself.

There is one statutory designated site within 500m of the proposed development;

- Middletown Hill - SSSI

There are two non-statutory designated sites within 500m of the proposed development;

- Middletown Quarry - RIGS
- Middletown Hill - SINC

Having reviewed the location and nature of the proposed development in relation to both the statutory and non-statutory designated sites, it is considered that the proposed development would not result in a negative impact to these sites or its associated features.

I have reviewed the Ecological Assessment Report produced by Jon Sloan Ecology dated December 2018, I consider that the survey effort employed was in accordance with National Guidelines.

The Survey consisted of a combination of desktop searches and a site visit to carry out a phase 1 habitat survey. The site was surveyed to identify specific habitats and potential opportunities for protected species.

Given the proposed development will involve demolition of two buildings - the ecological assessment also included the potential of the development to impact bats, bats are often associated with outbuilding - bats are a European Protected Species.

Bat Survey Assessment

The surveys undertaken included internal and external inspections of the buildings; to identify any potential features where bats could access the existing buildings and utilise for roosting purposes.

One building being a garage workshop - pre cast concrete structure forming A frames with in fill concrete blocks and some elevation and roof clad in corrugated asbestos sheeting. By the nature of the buildings construction it is considered unsuitable to supporting roosting bats.

The other building noted as a 'former office'- brick building with slate roof as well as

weather boarding present on the eastern aspect (on a lean to structure with tin roof). There is a small roof void within the office building. No evidence of bats was found during the ecological assessment of this building. The office building was considered to have very little suitable features to support roosting bats. Therefore, it was considered that no further surveys were considered necessary. However, precautionary approach to ensure that there will be no impact to this species if present it is considered necessary that work (specifically roof removal of the office building) is overseen by a suitable qualified ecologist. The soft stripping of this building should only be undertaken during October-April when bats are not likely to be active. Therefore, I recommended that the mitigation measure within section 5 of the ecological report is secured through and appropriately worded document.

Phase 1 habitat survey

Habitats identified within the proposed development site are; hardstanding, improved grassland and two commercial buildings. Identified within the boundary habitat are; mixed species hedgerow (native and no native species) and brambles. There is one mature Sycamore tree at the north east aspect of the site.

The mature sycamore is proposed to be retained. Given the proximity of the proposed development works to this tree - it is considered prudent to require information as to how this feature of biodiversity importance will be protected during the construction period of works. Therefore, I recommend that a tree protection plan is secured through an appropriately worded condition.

In conclusion of the ecological assessment the habitats present at the site do not class as priority habitats and are considered to be of negligible value.

The features of the current ecological interest on the site are boundary hedgerow, all of which have potential to support breeding birds and may be used by bat as commuting and foraging habitat.

From reviewing submitted proposed plans, it appears that the hedgerow boundary will not be impacted by the proposed development. However, the hedgerow (and the mature trees) providing suitable foraging habitat for bat may be impacted by the increase of illumination of the site. Therefore, it is recommended that an external lighting plan is secured through an appropriately worded condition.

Following the ecological assessment, the report recommends that birds boxes, bat boxes and native hedgerow planting will be incorporated within the final design of the development. The recommended measures are considered to be appropriate and acceptable.

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.

Given the records of great crested newts within the 500m of the proposed development, consideration has been given to the suitability of the site to provide suitable terrestrial habitat for this species. The site has some features to have low potential temporary refugia at the base of the hedgerow. However, through search was carried out and no presence of great crested newts were found. From reviewing aerial images there are a number of potential barriers between the site with records of great crested newts to the proposed development site. No suitable water bodies were identified within 250m of the development site. Therefore, it was considered unlikely that this species will be impacted by the proposed development and no further surveys were considered necessary.

The site was considered unsuitable for Water Voles.

Given the identified mitigation measures regarding bats and the addition of biodiversity features to be incorporated within the final design of the development - I consider that the proposed developments will not result in the loss of any features of ecological importance and it is considered the proposed works are unlikely to have a negative impact to biodiversity in the wider area.

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

The recommended mitigation measures regarding bats identified in section 5 of the Ecological Survey Report by Jon Sloan Ecological Consultants dated December 2018 shall be adhered to and implemented in full and maintained thereafter unless otherwise agreed in writing by the LPA.

Reason: To comply with Powys County Council's LDP Policies DM2, DM4, DM13 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

Prior to the commencement of development, a detailed lighting design scheme to take into account any impacts on nocturnal wildlife into consideration shall be submitted for written LPA approval 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, DM7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act.

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

Reason: To comply with Powys County Council's LDP Policies DM2, DM4, DM13 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

Prior to commencement of development a Tree Protection Plan in accordance with BS:5837:2012 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

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

In addition, I recommend inclusion of the following informative:

Birds - Wildlife and Countryside Act 1981 (as amended)

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

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

The maximum penalty that can be imposed - in respect of a single bird, nest or egg - is a

fine of up to 5,000 pounds, six months' imprisonment or both.

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

Welsh Government - Highways
Directorate

1st Feb 2019

I refer to your consultation of 8 January 2019 regarding the above application, and advise that the Welsh Government as highway authority for the A458 trunk road directs that planning permission is not granted at this time as the applicant has provided insufficient information to determine the application.

The applicant must provide the following information to support this application or resubmit the application with the following details;

1. The applicant must forward a suitably scaled drawing detailing the proposed access off the A458 trunk road, which must incorporate the following aspects:-

- a) Visibility Splays in either direction from a suitable set-back.
- b) Gradient of the access road and the A458 trunk road carriageway
- c) Access width and radii dimensions
- d) Access surfacing type along with depth and width dimensions

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

Clwyd Powys Archaeological Trust

8th Jan 2019

Thank you for the consultation paperwork relating to the above proposals.

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

Thank you for your letter of 8 January 2019 inviting our comments on the information submitted for the above planning application.

Advice

Having carefully considered the information provided with this planning application, we have no objections to the proposed development on the scheduled monument MG007 Cefn y Castell. Our assessment of the application is given below.

Our role

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

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

Assessment

The application area is located some 780m south west and at a much lower level of scheduled monument MG007 Cefn y Castell. The monument comprises the remains of an Iron Age hillfort, located on the summit of Middletown Hill, and takes the form of an elongated oval, multivallate enclosure with inturned entrances at the north-east and south-west ends. It encloses an area c.182m in NE-SW by c.73m. Probable outworks are visible at the north-east and south-west ends. Within the enclosure a flat-topped circular platform close to the south-western entrance, may represent the remains of a possible round barrow or cairn. The hillfort was probably located to command the valley of the Pwll Trewern, and so the significant views are in a southern arc from southeast to southwest and also between it and the neighbouring hillfort of Breiddin Hill Camp to the north.

The proposed development is located in the identified significant view to the southwest but will be seen as part of the existing settlement at Middletown: Consequently, it will not have any impact on the setting of scheduled monument MG007.

Directorate

I refer to your consultation of 8 January 2019 regarding the above application, and advise that the Welsh Government as highway authority for the A458 trunk road directs that planning permission is not granted at this time as the applicant has provided insufficient information to determine the application.

The applicant must provide the following information to support this application or resubmit the application with the following details;

1. The applicant must forward a suitably scaled drawing detailing the proposed access off the A458 trunk road, which must incorporate the following aspects:-

- a) Visibility Splays in either direction from a suitable set-back.
- b) Gradient of the access road and the A458 trunk road carriageway
- c) Access width (preferably 6m to allow two-way movements) and radii dimensions
- d) Access surfacing type along with depth and width dimensions

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

The following points should be brought to the attention of the applicant:

a) The minimum visibility splay ("Y" distance) the Design Manual for Roads and Bridges allows

for a 40mph section of road is 120m from a suitable setback.

Contaminated Land

4th Apr 2019

The following report has been submitted in support of planning application 18/1205/OUT:

- Mica Environmental Ltd 'Former Coal Depot, Middletown, Powys - Phase One Contaminated Land Environmental Risk Assessment Report' (ref: MENV07217RF1.0) 13th December 2018.

Based on the information submitted, in the above referenced report, the following advice is provided for the consideration of Development Control.

Advice

1. Under section 3.6 'Radon', of the report (ref: MENV07217RF1.0), it is stated: "[...] the site is in an area where no radon protective measures are required for new properties or

extensions according to BR211." Development Control should consult with Building Control to confirm the requirements for radon protection measures in the approved development.

2. Under section 6.1 'Potential Receptors', of the report (ref: MENV07217RF1.0), it is stated: "A stream runs along the outside of the western boundary of the site, so controlled water receptors are considered as feasible targets from potential contamination on site [...]." Development Control should consult with Natural Resources Wales (NRW) in respect of the requirements for the investigation and assessment of the potential risks to controlled waters receptors, from on-site land contamination.

3. The conceptual site model, presented under section 6 'Conceptual Site Model' of the report (ref: MENV07217RF1.0), does not identify any potential risks to human health from contamination in groundwater. Groundwater should be appropriately investigated and assessed as a potential source of and pathway for contamination, to on and off site receptors, in respect of risks to human health.

4. Under section 6.1 'Potential Receptors', of the report (ref: MENV07217RF1.0), it is stated: "For this site, based on current information the only feasible significant potential linkage to off-site receptors would be migration of dust during re-development which potentially could contain elevated asbestos from soils or demolition of the building with asbestos-containing materials. Diesel contamination in the soils, if present, is not considered likely to give rise to sufficient volatiles to cause significant impact on off-site residents."

However, no further explanation or information has been provided to justify how it has been concluded that there are no potentially active pollutant linkages associated with the identified on-site contaminant sources and off-site residential receptors, or to justify the exclusion of the identified off-site residential receptors from the preliminary risk assessment presented in Table 5 'Summary of Potential Feasible Pollutant Linkages and Risk Estimation'.

Appropriate intrusive site investigation and quantitative assessment will be required to confirm the land contamination risks to the identified off-site residential receptors.

5. Under section 6.4 'Tabular Preliminary Conceptual Site Model and Risk Estimation', of the report (ref: MENV07217RF1.0), it is stated: "[...] in the column entitled 'Likelihood', an assessment is made of the probability of the selected source and receptor being linked by the identified pathway. The assessment is ranked based on site specific conditions [...]"

In respect of Table 5 'Summary of Potential Feasible Pollutant Linkages and Risk Estimation', of the report (ref: MENV07217RF1.0), no information or details have been provided to justify what or how the site specific information, obtained from the preliminary

investigation, has been used to support the assessments and classifications, presented in the column 'Likelihood of Source-Pathway-Receptor Linkages' of Table 5, for each of the identified pollutant linkages. Without the appropriate supporting justifications, the qualitative risk assessment that has been undertaken cannot be accepted.

Appropriate intrusive site investigation should be undertaken to support a robust quantitative risk assessment of all the identified pollutant linkages and to validate the conceptual site model.

6. Under section 7.2 'Recommendations', of the report (ref: MENV07217RF1.0), outline recommendations for an intrusive site investigation have been provided. A full detailed scope of works for the recommended intrusive site investigation, including details of the risk assessment methodologies, prepared by a qualified and experienced environmental consultant, must be submitted for review and approval, prior to the works being undertaken.

Intrusive site investigations should be designed and justified in accordance with current contaminated land guidance and best practice, such as BS10175:2011+A2:2017 'Investigation of Potentially Contaminated Sites - Code of Practice' and BS8576:2013 'Guidance on Investigations for Ground Gas - Permanent Gases and Volatile Organic Compounds (VOCs)'.

Summary

Based on the information submitted and the advice provided above, it is recommended that the following condition and note, to the applicant, are attached to any permission granted for planning application 18/1205/OUT:

Condition 1. Site Characterisation

No development shall take place until a site investigation of the nature and extent of contamination has been carried out, by a suitably qualified competent person, in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. A written report of the findings of the site investigation shall be made available to the local planning authority before any development begins.

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

Condition 2. Submission of Remediation Scheme

No development shall take place until a detailed remediation scheme to bring the site to a

condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 and The Contaminated Land (Wales) Regulations 2006, as amended by The Contaminated Land (Wales) (Amendment) Regulations 2012, in relation to the intended use of the land after remediation. The detailed remediation scheme should not be submitted until written approval for Condition 1 has been received from the local planning authority.

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

Condition 3. Implementation of Approved Remediation Scheme

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

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

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

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

Condition 4. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of duration to be agreed in writing with the local planning authority and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the local planning authority.

Within six months following the completion of the measures identified in that scheme and the achievement of the remediation objectives, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the local planning authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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

Welsh Government - Highways
Directorate

3rd Apr 2019

I refer to your consultation of 15 March 2019 regarding the above planning application and advise that the Welsh Government as highway authority for the A458 trunk road directs that any permission granted by your authority shall include the following conditions:

- 1) The access and visibility splays shall be laid out, constructed and maintained strictly in accordance with the submitted plans (drawing no. 11/18/2417 SK.002 Amendment A).
- 2) The minimum visibility distances available for vehicles emerging from the proposed access shall be 120 metres in each direction at a height of 1.05 metres, measured to a point 0.26 metres above the nearer running edge of the trunk road carriageway. These visibility distances shall be available at a point 2.4 metres from the nearer running edge of the trunk road, measured along the centreline of the access road. The visibility splay so formed shall be free of any growth or obstruction, which would interfere with the minimum visibility requirements.
- 3) The access and visibility requirements shall be substantially complete and available for use prior to the commencement of any other works associated with the development.

- 4) Adequate provision shall be made within the development site to enable vehicles to turn around, so that they may enter and leave the site in a forward gear.
- 5) No drainage from the development site shall be connected to or allowed to discharge into the trunk road drainage system, and the proposed access shall be constructed such that the access does not drain onto the trunk road.
- 6) Suitable fencing, the form of which shall be agreed in writing by the LPA in consultation with the Welsh Government shall be provided along the trunk road boundary of the site sufficient to prevent direct access to the trunk road. The permanent barrier shall be in place prior to beneficial use of the site and new access.

The above conditions are included to maintain the safety and free flow of trunk road traffic.

The following points should be brought to the attention of the applicant:

- 1) Any works undertaken within or forming part of the highway shall meet the requirements of Section 184 of the Highways Act 1980, and shall only be commenced with the specific agreement of the Welsh Government.
- 2) The applicant should be advised that all temporary or permanent signage, road markings or traffic orders shall be at the expense of the developer and agreed with the Highway Authority before works commence.
- 3) Any adjustment, re-siting and / or protection of any statutory undertakers apparatus in the highway shall be undertaken with the prior written consent of the relevant Authority and shall be carried out at the Applicant's own expense.
- 4) The applicant should note that planning permission does not constitute permission under the Highways Act for various activities that may be associated with the development i.e. use of the highway/footway/verge to: for example; deposit material, deposit skips, erect scaffolding, excavate within the highway or erect traffic management apparatus. Such activities will require the separate consent of the Highway Authority;
- 5) Any temporary traffic management arrangements required in connection with this application shall be in accordance with Chapter 8 of the Traffic Signs Manual and in accordance with the Safety at Street Works and Road Works Code of Practice, and shall be approved by the highway authority.
- 6) Road traffic signs in Wales must be bilingual, Welsh above English, and adhere to Welsh Government specifications, see following link for standard details;

http://www.traffic-wales.com/traffic_signs.aspx

Representations

A public site notice was erected at the site on the 9th of January 2019. Two letters of objection have been received by third parties at the time of writing this report. The comments raised in their representations are summarised below:

- Unsustainable impact upon local infrastructure and road network
- Impact on appearance of village
- Devalue existing neighbouring properties
- Loss of light/privacy to existing properties
- Potential Increase in noise
- Existing drainage issues.

Principal Planning Policies

Policy	Policy Description	Year	Local Plan
PPW	Planning Policy Wales (Edition 10, December 2018)		National Policy
TAN5	Nature Conservation and Planning		National Policy
TAN11	Noise		National Policy
TAN12	Design		National Policy
TAN18	Transport		National Policy
TAN23	Economic Development		National Policy
TAN24	The Historic Environment		National Policy
SP1	Housing 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
DM10	Contaminated and Unstable Land	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
H1	Housing Development Proposals	Local Development Plan 2011-2026
H2	Housing Sites	Local Development Plan 2011-2026
H3	Housing Delivery	Local Development Plan 2011-2026
H4	Housing Density	Local Development Plan 2011-2026
H5	Affordable Housing Contributions	Local Development Plan 2011-2026
DM6	Flood Prevention Measures and Land Drainage	Local Development Plan 2011-2026

Other Legislative Considerations

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

Officer Appraisal

Principle of Development

For purposes of the Powys Local Development Plan settlement hierarchy, Middletown is defined as a Large Village as per Policy SP5. Policy H1 of the Powys Local Development Plan 2018 states that housing proposals will only be permitted in towns and large villages where the site is allocated for housing or is on another suitable site within the development boundary or on sites forming logical extensions outside development boundaries for affordable housing.

This site is located wholly within the settlement limits of the village and forms an extension to the built up frontage along the A458 Trunk Road on a previously developed site. Officers consider that this is a suitable site for housing development within the development boundary and in principle is considered to be acceptable for residential development.

In light of the above, it is considered that the proposed development fundamentally complies with policy H1 of the Powys Local Development Plan 2018.

Housing Density

Policy H4 sets out the expected housing density for developments in order to make the most sustainable and efficient use of land. The densities listed are set out in accordance with the settlement hierarchy. Densities may be varied where justified by evidence of local circumstance or constraints.

For the purpose of this policy Middletown is defined as a large village. The proposed site occupies a site area of approximately 0.41Ha and therefore would require a suggested density of 27+ units per Ha required for towns and large villages. This would equate to 11 dwellings for a site of this size.

Further justification and evidence was sought from the applicant in respect of the density for the proposed development. A justification statement has been provided which states that the density of the proposed site is in keeping with the existing density levels in the village and in keeping with the character of Middletown. The site proposes a mix of dwelling types to encompass range of purchasers from first time buyers to retirement. The justification statement further indicates that in order to achieve the required visibility onto the trunk road an estate road of 6 metres for the first 20 metres with 1.8 metre footpaths and turning head is required which would take up a large

proportion of the development site. The dwellings plots have individual amenity areas and parking in order to protect existing landscaping features and support further site wide landscaping. The existing access to the dwelling known as 'Brynderwen' is to be removed and street frontage and parking is to be provided off the new estate road which further reduces the capacity of the site. The layout of the site also takes into account the existing residential dwellings to the north and east of the site and is designed to protect the amenities of the occupants of these existing dwellings.

Given the constraints of the site and the justification statement provided in support of this application, Officers consider that the proposed density of the development in this case is considered to be acceptable and in accordance with the requirements of policy H4 of the Powys Local Development Plan 2018.

Scale, Design and Appearance

This application is submitted in outline form with all matters reserved for future consideration. Despite this the applicant has provided indicative details of scale and size of the proposed dwellings. The site is to accommodate 8 dwellings, two of which are to be 3 bed detached bungalows and six of which are to be 3 bed two storey dwellings two of which are to be semi-detached and the remaining four to be detached. All dwellings apart from the semi- detached dwellings are to have detached garages.

Indicative dimensions of the dwellings have been given and range from 7.5 – 14.5 metres in width, 5 -11.5 metres in depth, 2.25 - 5.2 metres in height to the eaves and 6.5 -9.5 metres in height to the ridge. The proposed detached garages are to measure between 3 - 7 metres in width, 5 - 6 metres in depth, 2.25 - 2.5 metres in height to the eaves and 4 - 5.75 metres in height to the ridge. No further details of design or materials have been given at this stage.

Officers consider that whilst scale, design and appearance are not being considered at this outline application stage the site is capable of accommodating 8 dwelling of this scale and height without adversely affecting the amenities enjoyed by the occupants of neighbouring properties or adversely affecting the character and appearance of the local area.

Residential Amenity

Environmental Health Officers have been consulted and raised no objection to the scheme, however a standard condition relating to construction-phase noise control and working hours on the site has been recommended. Officers consider that subject to the suggested condition being attached, the proposed development would not have any unacceptable adverse impact upon the amenities enjoyed by the occupants of the nearest residential neighbouring properties by reasons of noise.

Highways Safety and Movement

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

Access to the application site will be provided off the A458 trunk road and therefore Welsh Government – Transport were consulted and a direction seeking further information received by Officers. Amended plans were subsequently received by Development Management and a re-consultation exercise undertaken. In response, Welsh Government has confirmed that the proposal is considered to be acceptable subject to appropriate conditions being attached to any planning permission.

Based upon the advice received, Officers are satisfied that a suitable means of access is capable of being provided off the trunk road. Whilst it is not normal practice to attach highway conditions where access is a reserved matter, given the direction made by Welsh Government, in this instance it is considered appropriate to attach the conditions as recommended to any outline planning permission.

In light of the above, Officers consider that the proposed development is in accordance with planning policy, particularly policies DM13 and T1 of the LDP, Technical Advice Note 18 and Planning Policy Wales.

Foul Drainage

The foul water is proposed to be disposed of to the mains sewer. Hafren Dyfrdwy and Environmental Health have been consulted and raised no objection to the proposed development subject to the inclusion of a condition requiring a detailed drainage scheme to be provided and implemented prior to first occupation. Officers consider that subject to a suitably worded condition, an acceptable means of foul disposal is capable of being provided.

In light of the above the proposed development is considered to comply with the relevant planning policies.

Contaminated Land

Policy DM10 of the Powys Local Development Plan 2018 seeks to ensure that development proposals do not result in additional problems of ground instability or contamination either on or off site and shall remediate any contamination/instability found to be on site. Proposals should not unacceptably adversely affect public health and safety, nature conservation, historic or archaeological interests.

A Phase One Contaminated Land Environmental Risk Assessment Report has been submitted in support of this application. The Contaminated Land Officer has been consulted and raised no objection to the proposed development subject to the inclusion of a number of conditions and informative.

Officers consider that subject to the suggested conditions and informative being attached to any grant of consent the proposed development complies with policy DM10 of the Powys Local Development Plan.

Ecology and Biodiversity

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

An Ecological Assessment has been submitted in support of the proposed development. The County Ecologist has been consulted and raised no objection subject to the recommended conditions being attached to any grant of consent. Whilst Officers are generally content with the recommended conditions, as landscaping is a reserved matter, it is not considered necessary to attach a landscaping condition at this stage. Matters relating to landscaping will however be considered in the event that a subsequent application is submitted.

In light of the above, Officers consider that subject to the relevant conditions being attached, the proposed development is in compliance with policies DM2 and DM13 of the Powys LDP, Technical Advice Note 5 and PPW.

Scheduled Ancient Monument

Policy SP7 of the Powys Local Development Plan states proposals must not have an unacceptable adverse impact on the resources or asset and its operation. Strategic resources and assets in Powys include historic environment designations such as scheduled ancient monuments and listed buildings. This policy seeks to safeguard these important assets from unacceptable development for the future well-being of the county.

This application site is located approximately 780 metres south west and at a much lower level to the scheduled ancient monument known as Cefn Y Castell (MG007). CADW has been consulted and has raised no objection to the proposed development.

In their response, Cadw confirms that whilst the development would be located in the identified significant view to the southwest of the monument it would be seen in the context and as part of the existing village of Middletown. CADW thereafter concludes that the proposal would not have any impact upon the setting of scheduled ancient monument MG007.

Officers consider that given the location of the site within Middletown and CADW's comments as above, the proposal will not have any unacceptable harm upon the setting of the scheduled ancient monument.

In light of the above, the proposed development complies with policies SP7 and DM13 of the Powys Local Development Plan.

Conclusion

Officers are satisfied that the proposed development complies with the relevant policies within the Powys County Council Local Development Plan and the recommendation is one of conditional consent in line with the conditions as set out below.

RECOMMENDATION

In light of the above, the recommendation is one of conditional consent as per the conditions set out below.

Conditions

1. Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. The development shall be carried out in accordance with the following approved plans and documents (SK.001, SK.002 A, SK.002 B).
5. No development shall take place until a site investigation of the nature and extent of contamination has been carried out, by a suitably qualified competent person, in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. A written report of the findings of the site investigation shall be made available to the local planning authority before any development begins. The written report should include an appraisal of remedial options and identification of the most appropriate remediation option(s) for each relevant pollutant linkage. The report is subject to the written approval of the local planning authority.

6. No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 and The Contaminated Land (Wales) Regulations 2006, as amended by The Contaminated Land (Wales) (Amendment) Regulations 2012, in relation to the intended use of the land after remediation. The detailed remediation scheme should not be submitted until written approval for Condition 1 has been received from the local planning authority.

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

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

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

Following completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the local planning authority. The verification report contents must be agreed with the local planning authority before commencement of the remediation scheme. All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the WLGA document 'Development of Land Affected by Contamination: A Guide for Developers' (2012).

8. A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of duration to be agreed in writing with the local planning authority and the provision of reports on the

same must be prepared, both of which are subject to the approval in writing of the local planning authority.

Within six months following the completion of the measures identified in that scheme and the achievement of the remediation objectives, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the local planning authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

9. The recommended mitigation measures regarding bats identified in section 5 of the Ecological Survey Report by Jon Sloan Ecological Consultants dated December 2018 shall be adhered to and implemented in full and maintained thereafter.
10. Prior to the commencement of development, a detailed lighting design scheme to take into account any impacts on nocturnal wildlife into consideration shall be submitted for written Local Planning Authority approval and implemented as approved and maintained thereafter.
11. Prior to commencement of development a Tree Protection Plan in accordance with BS:5837:2012 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.
12. Prior to the commencement of development, drainage plans for the disposal of foul and surface water flows shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.
13. Prior to commencement of development the development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of TAN 2 or any future guidance that replaces it. The scheme shall include:
 - i) the type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 20% of the total number of units;
 - ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
 - iii) the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing (if no RSL involved)];
 - iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and

v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

14. The affordable dwellings shall have a maximum gross floor area of 115 square metres (measured internally and including garages where designed as an integral part of the dwelling) and notwithstanding the provisions of schedule 2, part 1, classes A, B, C and E 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), the affordable dwelling shall not be subject to extensions, roof alterations and buildings other than those expressly authorised by the reserved matters approval.
15. All works and ancillary operations which are audible at the site boundary shall be carried out only between the following hours:
 - 0800-1800 hrs Monday to Friday
 - 0800-1300 hrs Saturday
 - At no time on Sundays and Bank Holidays

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

16. The access and visibility splays shall be laid out, constructed and maintained strictly in accordance with the submitted plans (drawing no. 11/18/2417 SK.002 Amendment A).
17. The minimum visibility distances available for vehicles emerging from the proposed access shall be 120 metres in each direction at a height of 1.05 metres, measured to a point 0.26 metres above the nearer running edge of the trunk road carriageway. These visibility distances shall be available at a point 2.4 metres from the nearer running edge of the trunk road, measured along the centreline of the access road. The visibility splay so formed shall be free of any growth or obstruction, which would interfere with the minimum visibility requirements.
18. The access and visibility requirements shall be completed and available for use prior to the commencement of any other works associated with the development.
19. Adequate provision shall be made within the development site to enable vehicles to turn around, so that they may enter and leave the site in a forward gear.
20. No drainage from the development site shall be connected to or allowed to discharge into the trunk road drainage system, and the proposed access shall be constructed such that the access does not drain onto the trunk road.

21. Suitable fencing, the form of which shall be agreed in writing by the Local Planning Authority in consultation with the Welsh Government shall be provided along the trunk road boundary of the site sufficient to prevent direct access to the trunk road. The permanent barrier shall be in place prior to beneficial use of the site and new access.

Reasons

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
3. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
4. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
5. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy DM10 of the adopted Powys Local Development Plan 2018.
6. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy DM10 of the adopted Powys Local Development Plan 2018.
7. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy DM10 of the adopted Powys Local Development Plan 2018.
8. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other

offsite receptors in accordance with policy DM10 of the adopted Powys Local Development Plan 2018.

9. 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 (December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
10. To comply with Powys County Council's LDP Policies DM2, DM7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act.
11. To comply with Powys County Council's LDP policies DM2 and DM4 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and Part 1 Section 6 of the Environment (Wales) Act.
12. To ensure that the development is provided with a satisfactory means of drainage as well as to reduce or exacerbate a flooding problem and to minimise the risk of pollution in accordance with policy DM6 of the Powys Local Development Plan, Planning Policy Wales (December 2018) and Technical Advice Note (TAN) 15 2004.
13. In order to ensure the provision of affordable housing in accordance with policies H1 and H5 of the Powys Local Development Plan (2018), Technical Advice Note 2: Planning and Affordable Housing (2006) and Planning Policy Wales (December 2018).
14. In order to ensure the provision of affordable housing in accordance with policies H1 and H5 of the Powys Local Development Plan (2018), Powys County Council's Affordable Housing (SPG) (2018), Technical Advice Note 2: Planning and Affordable Housing (2006) and Planning Policy Wales (December 2018).
15. In order to safeguard the amenity of the surrounding area in accordance with Planning Policy Wales (10th Edition, 2018), Technical Advice Note (TAN) 11: Noise (1997) and Policy DM13 of the Powys Local Development Plan 2018.
16. In order to maintain the safety and free flow of the trunk road traffic in accordance with Planning Policy Wales (December 2018), Technical Advice Note (TAN) 18 (March 2007) and policies DM13 and T1 of the Powys Local Development Plan (2018).
17. In order to maintain the safety and free flow of the trunk road traffic in accordance with Planning Policy Wales (December 2018), Technical Advice Note

(TAN) 18 (March 2007) and policies DM13 and T1 of the Powys Local Development Plan (2018).

18. In order to maintain the safety and free flow of the trunk road traffic in accordance with Planning Policy Wales (December 2018), Technical Advice Note (TAN) 18 (March 2007) and policies DM13 and T1 of the Powys Local Development Plan (2018).
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21. In order to maintain the safety and free flow of the trunk road traffic in accordance with Planning Policy Wales (December 2018), Technical Advice Note (TAN) 18 (March 2007) and policies DM13 and T1 of the Powys Local Development Plan (2018).

Informative Notes

Welsh Government Trunk Road Authority

The following points should be brought to the attention of the applicant:

- 1) Any works undertaken within or forming part of the highway shall meet the requirements of Section 184 of the Highways Act 1980, and shall only be commenced with the specific agreement of the Welsh Government.
- 2) The applicant should be advised that all temporary or permanent signage, road markings or traffic orders shall be at the expense of the developer and agreed with the Highway Authority before works commence.
- 3) Any adjustment, re-siting and / or protection of any statutory undertakers apparatus in the highway shall be undertaken with the prior written consent of the relevant Authority and shall be carried out at the Applicant's own expense.
- 4) The applicant should note that planning permission does not constitute permission under the Highways Act for various activities that may be associated with the development i.e. use of the highway/footway/verge to: for example; deposit material, deposit skips, erect scaffolding, excavate within the highway or erect traffic

management apparatus. Such activities will require the separate consent of the Highway Authority;

5) Any temporary traffic management arrangements required in connection with this application shall be in accordance with Chapter 8 of the Traffic Signs Manual and in accordance with the Safety at Street Works and Road Works Code of Practice, and shall be approved by the highway authority.

6) Road traffic signs in Wales must be bilingual, Welsh above English, and adhere to Welsh Government specifications, see following link for standard details; http://www.traffic-wales.com/traffic_signs.aspx

PCC – Environmental Health Contaminated Land - Potential Contamination

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

PCC - Ecologist

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



PROPOSED BLOCK PLAN

1 / 500

GENERAL CONSTRUCTION OF THE CARRIAGEWAY AND ASSOCIATED WORKS SERVING THE DEVELOPMENT SHALL BE IN ACCORDANCE WITH THE POWYS 'TECHNICAL SPECIFICATION FOR INDUSTRIAL AND RESIDENTIAL INFRASTRUCTURE NOV 2002'. ROAD MARKINGS AND STREET NAMEPLATES SHALL BE PROVIDED TO POWYS COUNTY COUNCIL REQUIREMENTS.

EXISTING OVERHEAD ELECTRIC AND TELEPHONE CABLES AFFECTED AND EFFECTING THE WORKS TO BE SUITABLY RELOCATED SO AS NOT TO CAUSE AN OBSTRUCTION TO VISIBILITY LINES ETC. EXACT POSITION AND ROUTE TO BE DETERMINED WITH APPROPRIATE UTILITY PROVIDER.

STREETLIGHTING

● 6 METRE COLUMN - 70w SON LAMP
 SHALLOW BOWL LANTERN WITH INTEGRAL GEAR, COMPLETE WITH ROTO-LOC PHOTO-CELL BASE AND LAMP OPTIC SET AT POSITION 3. POST TOP MOUNTED WITH SPRIGOT FIXING.

PHOTOCELLS - EACH UNIT IS TO BE FITTED WITH SINGLE PART FULLY ELECTRONIC ERMN (EA12N-SIGN) PHOTO-ELECTRIC CELL

CABLE - THE LIGHTING AND SIGNS TO BE SERVICED FROM A NEW REC WITHIN THE SITE. HOUSED IN A FEEDER PILLAR VIA A PRIVATE UNDERGROUND CABLE NETWORK OF 10mm BASEC APPROVED XLPC/6W/PVC CABLEING TO COMPLY WITH BS7671.

DUCTING - 100mm ORANGE COLOURED
 - 750mm COVER UNDER TRAFFICKED AREAS
 - 450mm COVER NON-TRAFFICKED AREAS

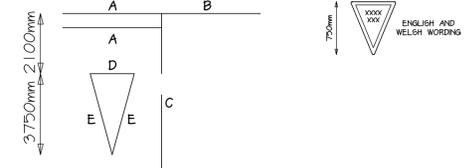
FEEDER PILLAR - POSITIONED AT SUITABLE AVAILABLE POWER SUPPLY

JUNCTION MARKINGS TO FIGURE 1023

- A - 200mm WIDE, 600mm LONG, 300mm GAP.
- B - 100mm WIDE, 600mm LONG, 300mm GAP.
- C - 100mm WIDE, 400mm LONG, 2000 mm GAP.
- D - 600mm WIDE.
- E - 150mm WIDE.

ILLUMINATED SIGN REF 602

[GIVE WAY] GIVE WAY - EXTERNALLY ILLUMINATED
 GIVE WAY SIGN, 300mm VANDAL RESISTANT
 LIGHTING HEAD, MOUNTED AT 2100mm,
 FITTED WITH INDIVIDUAL PHOTO-ELECTRIC
 CELL ON WIDE BASE POLE.



LOCATION PLAN

1 / 2500

SCHEDULE OF ACCOMMODATION

1	DETACHED OPEN MARKET BUNGALOW	3	BEDROOM
2	DETACHED OPEN MARKET BUNGALOW	3	BEDROOM
3	SEMI-DETACHED AFFORDABLE DWELLING	3	BEDROOM
4	SEMI-DETACHED AFFORDABLE DWELLING	3	BEDROOM
5	DETACHED OPEN MARKET DWELLING	3	BEDROOM
6	DETACHED OPEN MARKET DWELLING	3	BEDROOM
7	DETACHED OPEN MARKET DWELLING	3	BEDROOM
8	DETACHED OPEN MARKET DWELLING	3	BEDROOM

ONE PARKING SPACE PER BEDROOM TO BE PROVIDED TO EACH DWELLING

NO SURFACE WATER SOAKAWAY WITHIN 6 METRES OF HIGHWAY OR 5 METRES OF BUILDINGS AND CONDUCTED IN ACCORDANCE WITH BRE 365

FOUL WATER CONNECTION TO MAINS SEWER

ESTATE ROAD TO PCC ADOPTION STANDARD WITH 6 METRE WIDTH FOR FIRST 20 METRES AT ENTRANCE

All dimensions on site to be checked prior to commencement of work or ordering of materials and components. No dimensions to be scaled from this drawing.
 All materials and workmanship to comply with relevant British Standards and Codes of Practice. All works to conform to Building Regulations and NHC Standards (where applicable).

Date: 24/03/19
 Ref: A
 Revision: ESTATE ROAD 6 METRES WIDE FOR FIRST 20 METRES

Date: NOV 2018 Project Number: 11 / 18 / 2417			Drawn: Steve Mason Drawing Number: EK . 002			Scale: 1 / 500 / 2500 Amendment: B		
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Ian Pryce
CIQB Property Services
 Building Surveyors, Architectural Services and Project Management.
 PRINCES SQUARE, PRINCES STREET, MONTGOMERY, POWYS SY15 6PZ
 Telephone: 01686 666584 Fax: 01686 666699

Project:
RESIDENTIAL DEVELOPMENT
OLD COAL DEPOT
MIDDLETOWN
WELSHPOOL
POWYS SY21 8EJ

Subject: PROPOSED DETAILS
 Client: MR A SWAIN

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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.

Highway Authority

23rd April 2019

With reference to your consultation on the following proposed development:

19/0236/FUL | Siting of 3 holiday lodges, formation of vehicular access and access road, provision of 4 passing bays, installation of a sewage treatment plant and all associated works (resubmission of planning application P/2018/0498) | Land Near Camp Farm Cefn Y Coed Llandyssil Montgomery SY15 6LU

the County Council as Highway Authority for the County Class III Highway, C2052

Wish the following recommendations/Observations be applied
Recommendations/Observations

- HC1 Prior to the first beneficial use of the development any entrance gates shall be set back at least 11 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 11 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 11 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 59 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.
- 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 11 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.

- HC8 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 one car per bedroom together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.
- HC11 Prior to the commencement of the development provision shall be made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of 0.4 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.
- 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 10 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.
- HC21 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 11 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,
- HC30 Upon formation of the visibility splays as detailed in HC4 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.
- HC32 Prior to any works commencing on site the applicant shall submit to the Local Planning Authority for approval writing engineering drawings and information for a drainage scheme such that no surface water from the site shall discharge onto the county highway. Any soak-away system shall be located within the site no less than 6 metres from the highway.
- HC37 Prior to any works commencing on the development site the applicant shall construct four passing bays, in the locations identified on drawing number AT-JP-03 and titled "Layby Location Plan". The passing bays shall be constructed to an adoptable standard (See informative below).

Informative(s):

1. Passing Bays and Access
Any works within the public highway will require a street works licence which can be obtained through the Street Works section at Powys County Council, County Hall, Llandrindod Wells, Powys, LD1 5LG, Tel 01597 826667 email: street.works@powys.gov.uk
2. Sustainable Drainage
The Flood and Water Management Act 2010 (Schedule 3), which came into effect in Wales on 7th January 2109, requires all new and permitted developments in urban or rural areas of more than one dwelling or where the area covered by construction work equals or exceeds 100 square metres, to include Sustainable Drainage Systems (SuDS) features that comply with Welsh Government's national SuDS standards for surface water.

Where the above requirement is applicable, approval will need to be secured before construction can commence onsite from the SuDS Approval Body (SAB).

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>, or alternatively contact the SAB Team on 01597 826000 or email sab@powys.gov.uk.

Environmental Health - Licensing

20th Feb 2019

This department has no objection to the planning application for the siting of 3 holiday lodges and all associated works at Camp Farm so long as it complies with the conditions set out in the Caravan Sites and Control of Development Act 1960.

Environmental Health – Environmental Protection

5th March 2019

Percolation tests have been carried out which demonstrate that the ground conditions are suitable for the proposed foul drainage system, and there is sufficient space available for its implementation. Therefore, I have no objection to the application.

Land Drainage

14th Feb 2019

Having assessed the Planning Application Ref 19/0236/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>

Community Council

6th Mar 2019

As there is no mains water / sewage in the area. There have been a number of developments in the area which has placed a strain on the water table, a number of residents have complained that they have suffered loss of water during peak times.

The highway access is on a brow of a hill which affords poor visibility.

The visual impact will have a detrimental effect on the locality

Building Control

14th Feb 2019

Please be aware that the proposed development will require Building Regulations approval

Wales & West Utilities - Plant Protection
Team

1st Mar 2019

Wales & West Utilities acknowledge receipt of your notice received on 14.02.2019, advising us of the proposals for:

Camp Farm, Cefn y Coed, Llandyssil, MONTGOMERY, Powys, SY15 6LU

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

7th Mar 2019

Could I call this application in at the request of public concerns regarding massive water supply issues in the local vasinity

Natural Resources Wales

3rd Apr 2019

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which was received on 06/03/2019.

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

Protected Species

We note no protected species reports have been submitted to NRW to support the proposal. Should an ecological report be available which shows evidence of protected species using the proposal location, we would wish to be re-consulted.

Foul Drainage

Government policy states that, where practicable, foul drainage should be discharged to the mains sewer. Where this is not possible and private sewage treatment / disposal facilities are utilised, they must be installed and maintained in accordance with British Standard 6297 and Approved Document H of the Building Regulations 2000. You should also have regard to Welsh Office Circular 10/99 in respect of planning requirements for non mains sewerage. Further advice on calculating flows, capacity and designing non-mains sewage treatment system is available from Loads & Flows 4 document.

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

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

(<https://cdn.naturalresources.wales/media/686847/dpas-consultation-topics-august-2018-eng.pdf?mode=pad&rnd=131819256840000000>). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance.

Advice for the Developer:

Environmental Permits for private foul drainage systems

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

The applicant will need to apply for a Permit or Exemption, if they wish to discharge anything apart from uncontaminated surface water to a watercourse/ditch. They may also need to apply for a Permit from our National Permitting Team to allow certain discharges into ground. They must obtain any necessary Permit prior to works starting on site. The permitting process is a separate process to planning, and the applicants are advised the granting of planning permission does not guarantee that a permit will be granted.

The Welsh Government has also advised that all septic tanks and small sewage treatment plant discharges in Wales will need to be registered. More information, including a step by step bilingual guide to registering, is available on our website at the following link <http://naturalresources.wales/permits-and-permissions/water-discharges/register-your-septic-tank-package-sewage-treatment-plant/?lang=en>

Pollution Prevention

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

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

Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be 110% of the capacity of the tank, all filling points, gauges, vents and sight glasses must be located within the bund. Associated pipe-work should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund, refuelling should always be supervised - and preferably done on an impermeable surface.

Should any contaminated water or materials enter or pollute the watercourse or groundwater, Natural Resources Wales must be notified immediately on our incident hotline, 03000 65 3000.

Waste

The activity of importing waste into the site for use as, for example hardcore, must be registered by the Natural Resources Wales as an exempt activity under Environmental Permitting Regulations 2010. 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.

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

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

Representations

A public site notice was erected on the 20th February 2019. A number of third party responses (21 letters of objection) have been received by Development Management at the time of writing this report. A summary of the concerns raised is given below:

- Impact upon private potable water supplies in the area
- Potential contamination of private water supply
- Increased traffic and highways safety issues
- Impact upon privacy
- Noise pollution
- Impact upon wildlife
- Devalue existing properties
- Visual impact
- Out of character with local area
- Light pollution
- Prominent location within the landscape
- Access track would be a major scar on the landscape.

Planning History

App Ref	Description	Decision	Date
P/2018/0498	Full: Erection of 3 no. holiday log cabins, formation of new access road, installation of package treatment plant and associated works	Withdrawn	06.11.18

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
TAN12	Design		National Policy
TAN13	Tourism		National Policy
TAN23	Economic Development		National Policy
SP7	Safeguarding of Strategic Resources and Assets		Local Development Plan 2011-2026
DM2	The Natural Environment		Local Development Plan 2011-2026
DM4	Landscape		Local Development Plan 2011-2026
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
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

Planning History

This application constitutes a resubmission of planning application P/2018/0498 which was withdrawn in order to address the concerns expressed by Development Management in relation to the scale of the proposed units and the associated impact upon the character and appearance of the landscape. The current submission seeks to address earlier concerns and therefore proposes the provision of three units which have been reduced in scale (i.e. size). Consideration of the revised proposal is given below.

Principle of Development

Policy TD1 of the Powys Local Development Plan 2018 supports development proposals for tourist accommodation 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 part of a farm diversification scheme, re-use of existing rural building, complements an existing tourist development/ asset or is not permanent in its nature. In all cases, tourism accommodation should not be used for permanent residential accommodation.

This application site occupies an agricultural field which forms part of an existing agricultural enterprise run by the applicant albeit on a parcel of land detached from the associated holding. Supporting information confirms that the proposed development will diversify the existing beef and sheep enterprise in order to assist the enterprise economically, securing a new stream of income.

The proposed development includes the provision of three log cabins together with associated landscaping, foul drainage and a newly created access onto the classified highway. The proposal is considered to be sited in an acceptable location, well integrated into the landscape and is of a design and scale which is considered to be acceptable. Officers consider that the proposed cabins would not detract from the overall character and appearance of the surrounding area and wider landscape.

In light of the above, Officers consider that the proposed development, in principle, fundamentally complies with policy TD1 of the Powys Local Development Plan.

Landscape Impact

Guidance within policy DM4 of the Powys Local Development Plan, indicates that development proposals will only be permitted where they would not have an unacceptable impact on the valued characteristics and qualities of the Powys landscape

and would be sited and designed to be sympathetic to the character and appearance of its surroundings. Policy DM4 requires a Landscape and Visual Impact Assessment to be undertaken where impacts are likely on the landscape and proposals should have regard to LANDMAP, Registered Historic Parks and Gardens, protected landscapes and the visual amenities enjoyed by users of the Powys landscape and adjoining areas.

This site is located within the Llandyssil Hill and Scarp Grazing aspect area which is characterised as an area of rolling upland grazing centre on an intricate patchwork of small field parcels bounded by trees and hedgerows. The majority of the area is of a more open nature with larger grazed and cultivated fields and dispersed settlements / farmsteads overlooking the flat open farmland of the Severn Vale. LANDMAP considers its scenic quality to be high with its rarity being moderate. Its overall visual and sensory evaluation is considered to be moderate.

The proposed site is located on a relatively flat plateau with the adjacent ground sloping steeply to the south beyond the site and gently sloping to the north and west. The proposed private access track is proposed alongside an existing mature hedgerow and is to be bound by stock proof fencing to the agricultural field side. The proposed access will require the removal of a small section of hedgerow with a graded bank being created either side of the private access road.

The plans submitted detail the provision of new native hedgerows and tree planting together with other soft landscaping features alongside the areas of hardstanding for turning and parking. Given the topography of the land on which the cabins will be sited (relatively flat plateau), established and proposed landscaping together with the low profile of the proposed units, it is not considered that the proposed development will be highly visible within the wider landscape. Whilst the submitted landscaping plan shows native planting to be planted, it is recommended that a suitable condition requiring the submission of a detailed implementation and maintenance strategy is attached.

Subject to the implementation of the proposed landscaping together with the retention of the existing, Officers do not consider that the proposed development will have an unacceptable adverse impact upon the wider landscape or the character and appearance of the surrounding area. The proposed development is therefore considered to be in accordance with planning policy, particularly policies DM2, DM4 and DM13 of the Powys Local Development Plan.

Scale, Design and Appearance

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

The proposed cabins measure approximately 9.3 metres in length, 6 metres in width, 1.8 metres in height to the eaves and 3.2 metres in height to the ridge. The cabins will each accommodate two bedrooms, two bathrooms and an open plan kitchen/lounge/dining area. The units will be clad in timber with slate roofs.

The proposed cabins are considered to be of an appropriate scale, mass, height and siting with the proposed materials being acceptable. Detailed information regarding materials and external finishes of the cabins has not been provided as part of this application and therefore should Members be minded to grant consent, it is recommended that a condition requiring these details to be provided is attached.

Officers consider that the proposed cabins are sited as such that the proposal would not have an unacceptable adverse impact upon the amenities enjoyed by the occupants of the nearest residential neighbouring properties. The proposed development is considered to be of a scale, height, mass, design and materials that complement and enhance the character and appearance of the existing buildings and of the surrounding area.

In light of the above observations and whilst acknowledging the third party concerns expressed, Officers consider that the proposed development is in accordance with policies TD1 and DM13 of the Powys Local Development Plan and will therefore not adversely affect the character and appearance of the site's surroundings.

Highways Safety and Movement

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

This application includes a new vehicular access off the classified highway, provision of a private road leading to the development site together with the creation of four passing bays along the classified highway. The Highway Authority has been consulted and raised no objection to the proposed development subject to the inclusion of suggested conditions.

Notwithstanding the third party concerns expressed, Officers consider that subject to the suggested conditions, the impact upon highway safety and movement can be appropriately managed and therefore the proposal will not unacceptably adversely affect the safety of highway users.

In light of the above, subject to the suggested conditions being included on any grant of consent, Officers are satisfied that the proposed development is in accordance with planning policy, particularly policies DM13 and T1 of the LDP, Technical Advice Note 18 and Planning Policy Wales.

Agricultural Land Classification

Planning Policy Wales (10th edition, 2018) paragraph 3.54 outlines national policy towards conserving Wales' Best and Most Versatile (BMV) agricultural land. Further guidance is provided in Technical Advice Note (TAN) 6, including the consultation arrangements with the Welsh Government included at Annex B.

The Predictive Agricultural Land Classification (ALC) Map indicates that the application site is classified as 'Moderate quality agricultural land' (4) and the new proposed access is located on 'Moderate Quality agricultural land' (3b). Planning Policy Wales (PPW) seeks to protect agricultural and grade 1-3a. Given the classification of the application site, it is not considered that development on the proposed site would result in the loss of high grade agricultural land, compliant with Planning Policy Wales (10th Edition, 2018).

Ecology and Biodiversity

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

At the time of writing this report, a response from the County Ecologist is outstanding however Officers anticipate that comments will be received in advance of the Committee Meeting and included within the report update.

Private Water Supplies

Planning Policy Wales states that water supply and water resources are a material consideration in the determination of any planning application and should be taken into account in identifying land for development (para.6.6.7). Thereafter, paragraph 6.6.9 states that water supply should be considered when proposing development because of the consequential environmental and amenity impact associated with the lack of capacity.

As part of this application process Environmental Health and Natural Resources Wales have been consulted. No objections have been received from either consultee on the application regarding potable water supplies in the area. A number of third party objections have been received in relation to the proposed development raising concerns over the inadequacy of the water supply in the local area all of which is sourced from private borehole supplies.

Whilst acknowledging the concerns expressed, no evidence has been provided by interested third parties to demonstrate that there is insufficient water supply in the area and that the proposed development would have a significant adverse impact upon the

existing private water supplies. Based upon the consultee advice received together with the lack of robust evidence, Officers consider that insufficient weight can be given to this matter to justify a refusal of consent.

Foul Drainage

The proposed foul drainage for this site is to be via a private sewerage treatment plant and soakaway. Environmental Health has been consulted and have raised no objection to the scheme.

In light of the above, Officers are satisfied that the proposed means of sewage treatment is acceptable and will not adversely affect the environment or public amenity compliant with the relevant planning policies.

RECOMMENDATION

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

Conditions

1. The development shall begin not later than five years from the date of this decision
2. The development shall be carried out in accordance with the following approved plans and documents (RPP/GD-JOB59-01, RPP/GD-JOB59-02, RPP/GD-JOB59-03, RPP/GD-JOB59-04, RPP/GD-JOB59-05, RPP/GD-JOB59-06, RPP/GD-JOB59-07, RPP/GD-JOB-08, AT-01, AT-02, AT-JP-01, AT-JP-02, AT-JP-03).
3. Notwithstanding the approved plans, prior to first use details and/or samples of the materials to be used in the construction of the external surfaces of the development hereby approved shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details thereafter.
4. Prior to the commencement of development, a detailed landscaping and implementation scheme together with a maintenance strategy shall be submitted to and approved in writing by the Local Planning Authority. The submitted landscaping and implementation scheme shall include a scaled drawing and a written specification clearly describing the species, sizes, densities and planting numbers proposed as well as aftercare measures. Drawings must include accurate details of any existing trees and hedgerows to be retained with their

location, species, size and condition. The development shall thereafter be undertaken strictly in accordance with the landscaping scheme as approved.

5. The development shall be occupied as holiday accommodation only and shall not be occupied as a person's sole or main place of residence. An up to date register shall be kept at the holiday accommodation hereby permitted and be made available for inspection by the Local Planning Authority upon request. The register shall contain details of the names of all of the occupiers of the accommodation, their main home addresses and their date of arrival and departure from the accommodation.
6. Notwithstanding the provisions of schedule 2, part 1, of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), no buildings or structures shall be erected other than those expressly authorised by this permission.
7. Prior to the first beneficial use of the development any entrance gates shall be set back at least 11 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.
8. The gradient of the access shall be constructed so as not to exceed 1 in 15 for the first 11 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.
9. The centre line of the first 11 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.
10. Prior to the commencement of any other 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 59 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.
11. Prior to the commencement of any other 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 11 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.

12. 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 one car per bedroom together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.
13. Prior to the commencement of any other development provision shall be made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of 0.4 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.
14. The width of the access carriageway, constructed as Condition 11 above, shall be not less than 5.5 metres for a minimum distance of 10 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.
15. 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 11 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.
16. Upon formation of the visibility splays as detailed in condition 10 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.
17. Prior to any works commencing on site the applicant shall submit to the Local Planning Authority for approval in writing detailed engineering drawings and information for a drainage scheme such that no surface water from the site shall discharge onto the county highway. Any soak-away system shall be located within the site no less than 6 metres from the highway. The development shall thereafter be undertaken strictly in accordance with the details as approved.

18. Prior to any works commencing on the development site the applicant shall construct four passing bays, in the locations identified on drawing number AT-JP-03 and titled "Layby Location Plan". The passing bays shall be constructed to an adoptable standard.

Reasons

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
3. In accordance with policy DM13 of the Powys Local Development Plan, Planning Policy Wales (10th edition, 2018) and Technical Advice Note (TAN) 12 (2016).
4. 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.
5. In order to ensure proper control of the use of the holiday unit and to prevent the establishment of permanent residency in accordance with policy TD1 of the Powys Local Development Plan.
6. To protect the character and appearance of the surrounding area in accordance with Planning Policy Wales (Edition 10, December 2018), Technical Advice Note (TAN) 12 (2016) and policy DM13 of the Powys Local Development Plan.
7. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13 and T1.
8. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13 and T1.
9. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13 and T1.
10. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13 and T1.
11. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13 and T1.
12. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13 and T1.

13. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13 and T1.
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16. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13 and T1.
17. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13 and T1.
18. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13 and T1.

Informative Notes

Wales & West Utilities

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.

PCC - Land Drainage

Having assessed the Planning Application Ref 19/0236/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>

PCC – Highways

Passing Bays and Access

Any works within the public highway will require a street works licence which can be obtained through the Street Works section at Powys County Council, County Hall,

Llandrindod Wells, Powys, LD1 5LG, Tel 01597 826667 email:
street.works@powys.gov.uk

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

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Proposed log cabin development
& new vehicular access.

Location Plan

Land adjoining 'Camp Farm', Cefn-Y-Coed,
Llandysill, Powys, SY15 6LU.

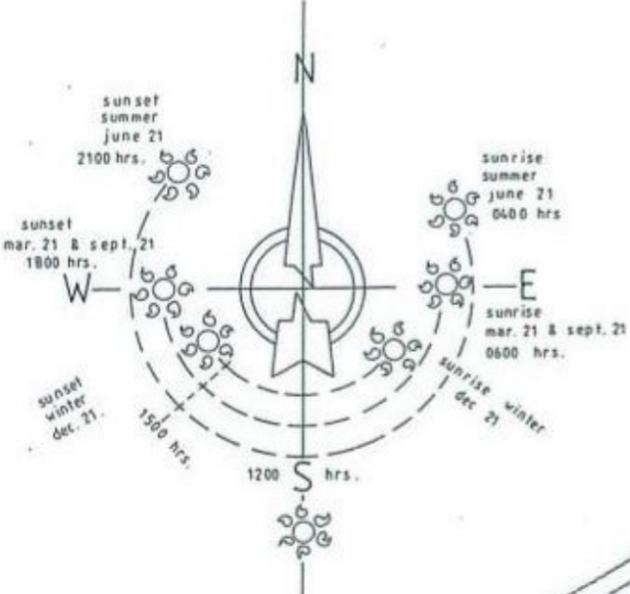
E.E. Powell & Son

1:1250 (A.3. size)

RPP/GD-J0859-01

T.M.J. Jan. 2019

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



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Planning, Taxi Licensing and Rights of Way Committee Report

Application Number: 19/0403/HH

Grid Ref: E: 320156
N: 331945

Community Council: Llansilin Community

Valid Date: 13.03.2019

Applicant: Mrs Julie Davies

Location: Glanogeu, Rhiwlas, Oswestry, SY10 7JJ

Proposal: Erection of orangery to front elevation together with side extension forming a utility and annexe.

Application Type: Householder

The reason for Committee determination

The applicant is a relative to a Local Member and therefore in line with protocol is required to be determined before Members of the Committee.

Consultee Responses

Consultee

Received

PCC-(N) Highways

12th Apr 2019

The County Council as Highway Authority for the County Class III Highway, C2205

Wish the following recommendations/Observations be applied

Recommendations/Observations

HC8 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 one car per bedroom in accordance with CSS Wales Parking Standards, excluding any garage space provided together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

Hafren Dyfrdwy

21st Mar 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.

PCC-Building Control

19th Mar 2019

Building Regulations application required

Wales & West Utilities - Plant Protection
Team

19th Mar 2019

Wales & West Utilities acknowledge receipt of your notice received on 19.03.2019, advising us of the proposals for:

Glanogeu, Rhiwlas, Oswestry, Shropshire, SY10 7JJ

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.

Thank you for consulting me with regards to planning application 19/0403/HH which concerns an application for the erection of orangery to front elevation together with side extension forming a utility and annexe at Glanogeu, Rhiwlas, Oswestry.

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 2 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.

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

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

Bats- European Protected Species

The proposed development impacts an existing dwelling, consideration therefore has 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 roosting bats.

Having reviewed the information available in the form of proposed plans it is considered that the proposed development will not result in impacts to or the loss of features or habitat suitable for use by roosting bats. The proposed development consists of the erection of orangery and a single storey side extension which do not impact the existing roofline or soffits.

In light of this assessment I consider that no further information is considered necessary to determine the potential impact of the proposed alterations on bats.

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

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

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

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

Representations

No letters of public representation have been received at the time of writing this report.

Planning History

App Ref	Description	Decision	Date
None			

Principal Planning Constraints

None

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
DM13	Design and Resources		Local Development Plan 2011-2026
DM2	The Natural Environment		Local Development Plan 2011-2026
DM4	Landscape		Local Development Plan 2011-2026
H7	Householder Development		Local Development Plan 2011-2026
E7	Home Working		Local Development Plan 2011-2026
T1	Travel, Traffic and Transport Infrastructure		Local Development Plan 2011-2026
DM7	Dark Skies and External Lighting		Local Development Plan 2011-2016

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

Glanogeu is a detached two storey dwelling located within the Community Council area for Llansilin. The application site is located directly to the north of the C2205 County Classified highway which runs parallel to the south of the application site. To the north and west is agricultural land with a farmyard and associated buildings located to the east.

Consent is sought for the erection of an orangery extension to the front elevation of the existing dwelling together with side extension which will form a utility and annexe. The proposed extensions will measure as follows:

- Proposed Orangery

The proposed front extension (orangery) will measure approximately 7.1 metres in length by 4 meters in width reaching a height of 3.4 metres.

- Proposed Side Extension

The single storey element of the proposed side extension will measure approximately 12.7 metres in length by 6.9 metres in width reaching a height to the ridge and eaves of 4 metres and 2.2 metres.

The two storey extension will then measure approximately 12.9 meters in length by 6.9 metres in width reaching a height to the ridge and eaves of 6.9 metres and 3.6 metres. This element will also include a cellar for a plant room/wood storage.

The extensions will be constructed with external materials of render and stone for the walls with a slate roof.

Principle of Development

Policy H7 of the Local Development Plan 2018 seeks to ensure that proposals for ancillary development, including residential annexes, shall be provided as an extension to a dwelling.

The proposed annexe has been connected to the existing dwelling by a single storey link which allows for internal access to the main dwellinghouse. In light of this it is therefore considered that the principle of the proposed development fundamentally complies with relevant planning policy subject to the following considerations:

Design

Policy DM13 seeks to ensure that development proposals must be able to demonstrate a good quality design and shall have regard to the qualities and amenity of the surrounding area, local infrastructure and resources. Proposals will only be permitted where the development has been designed to complement and/or enhance the character of the surrounding area in terms of siting, appearance, integration, scale, height, massing, and design detailing.

Guidance has also been sought from the Powys Residential Design Guide (2004) which highlights the importance of extensions which can have a pronounced effect on the appearance of a dwelling, the balance and proportions of the property and through the use of different materials.

It is noted that the proposed side extension has been positioned set back from the main building line and has also been designed lower in height, resulting in the extension appearing to be a subordinate extension and addition to the main dwelling house in line with the Residential Design Guide guidance.

In relation to the proposed front (orangery) extension it is noted and considered that front extensions can be considered appropriate where a dwelling is sufficiently set back from the highway and where it would not impinge on the overall character of the house. Whilst, it is considered that the orangery designed extension is considered to be an unusual addition to a dwelling of this character, consideration has been given to the entire scheme as proposed and when viewed with the proposed side extension, the front extension does provide an element of modernisation to the existing dwelling complementing the large glazed areas as proposed with the side extension. Therefore, the proposed front extension is seen to provide symmetry across the frontage of the dwelling complementing that of the proposed extension for a dwelling which is otherwise considered to be of little architectural value.

With regards to materials, the facing wall materials are proposed to be render with a natural stone plinth. It is considered that the use of render is an appropriate material for this residential extension and further highlights the subservience of the extension to the main dwelling which is predominately red brick with a small central rendered area. It is therefore considered that the facing wall materials therefore complement the existing dwelling. In relation to the proposed roof materials it is noted that the extensions proposed are slate whilst the existing dwelling currently has a tile roof. Whilst matching materials would be preferable it is noted that there is slate predominately used on existing buildings used in proximity to the application site and therefore the use of slate

would not be seen as out of keeping with the character and appearance of the surrounding area.

However, given the differences in materials proposed and the limited information submitted with the application it is recommended that a condition is attached to any grant of consent ensuring that samples and colours of external materials are submitted for approval prior to the commencement of development, it is therefore considered that this condition would be necessary to ensure a complementary scheme is chosen.

In light of the above and subject to an appropriately worded condition it is considered that the proposed development given its location and the proposed subservience to the main dwellinghouse fundamentally complies with relevant planning policy.

Highway Safety

A safe access and parking is a fundamental requirement of any development. The Highway Authority have been consulted and have confirmed that subject to a recommended condition securing an appropriate level of car-parking for the development in line with CSS parking standards they offer no objection to the proposed development.

Subject to the appropriately worded condition it is considered that the proposed development can be managed to an acceptable level in relation to highway safety.

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. Technical Advice Note (TAN) 5 seeks to maintain biodiversity and safeguard protected important sites.

The Powys Ecologist has been consulted and has confirmed that the data search identified 2 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. No statutory or non-statutory designated sites were identified within 500m of the proposed development.

Having considered the proposed development, it is noted that the proposed development would not result in the loss of features or habitats suitable for use by roosting bats as the development does not consist of works which impact the existing roofline or soffits, and is located on amenity land which is of low ecological value.

The Ecologist has raised that if it is proposed to provide landscaping that a native planting scheme should be submitted for consideration. However, it is noted that the site

already benefits from existing landscaping and therefore it is not considered appropriate or relevant to this development to request further landscaping via a condition.

Additionally, The Ecologist has also requested a wildlife sensitive lighting plan however, given that this development is for an extension to an existing dwelling which is not restricted by lighting and which is adjacent to a working farmyard it is not considered that a condition requiring for a lighting plan to be submitted in this instance is appropriate.

In light of the above it is considered that the proposed development would not have a detrimental impact upon biodiversity. The proposed development therefore complies with policy DM2 of the Powys Local Development Plan (2018).

Impact to Neighbouring Residential Properties

There are no neighbouring residential properties directly surrounding or adjoining the application site.

RECOMMENDATION

In light of the above given the location of the proposed development it is considered that the development could be incorporated into the surrounding area without having an unacceptable impact onto the character and appearance of the surrounding area. The recommendation is therefore 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 512/01 Rev A and 512/02.

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

4 Prior to the construction of the extension hereby approved details and/or samples of the materials to be used in the construction of the external surfaces of the extension have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

5 The extension shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Glanogeu.

6 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 one car per bedroom in accordance with CSS Wales Parking Standards, with a maximum of 3 car parking spaces excluding any garage space provided together with a turning space such that all

vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

Reasons

- 1 Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
- 2 To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
- 3 In order to control further development which has the potential to have adverse effects on privacy and/or amenity in contradiction to policy DM13 of the Powys Local Development Plan.
- 4 In order to control development which has the potential to have adverse effects on the character of the property in accordance with policy DM13 of the Powys Local Development Plan.
- 5 To ensure a satisfactory development in accordance with Policy H7 of the Local Development Plan.
- 6 In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales.

Informative Notes

1 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.

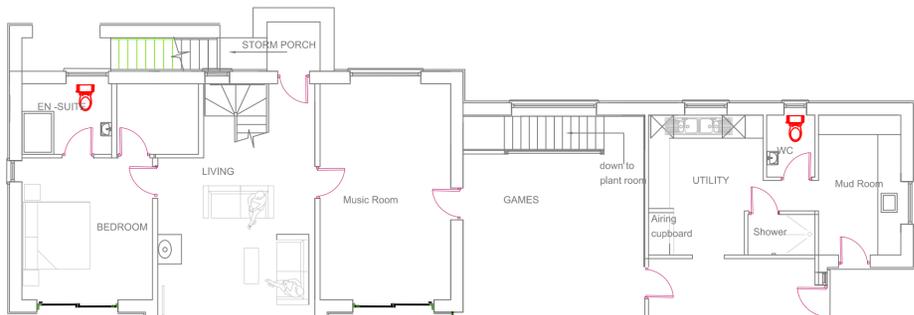
Please note that the plans are only valid for 28 days from the date of issue and updated plans must be requested before any work commences on site if this period has expired.

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

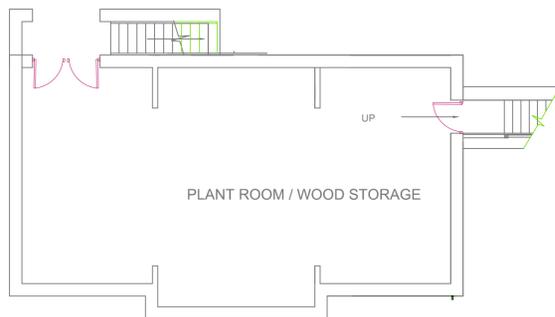
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 6. This drawing is intended to identify main features and principal components. Construction work should be carried out and supervised by experienced and suitably qualified personnel, therefore exhaustive detail is not required.
 7. Underground electric supply and water supply services positions have not been established.



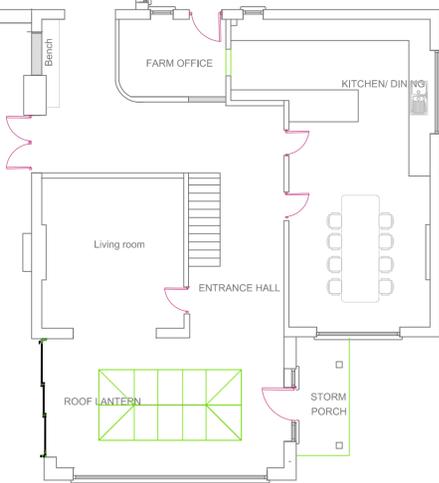
PROPOSED FIRST Floor



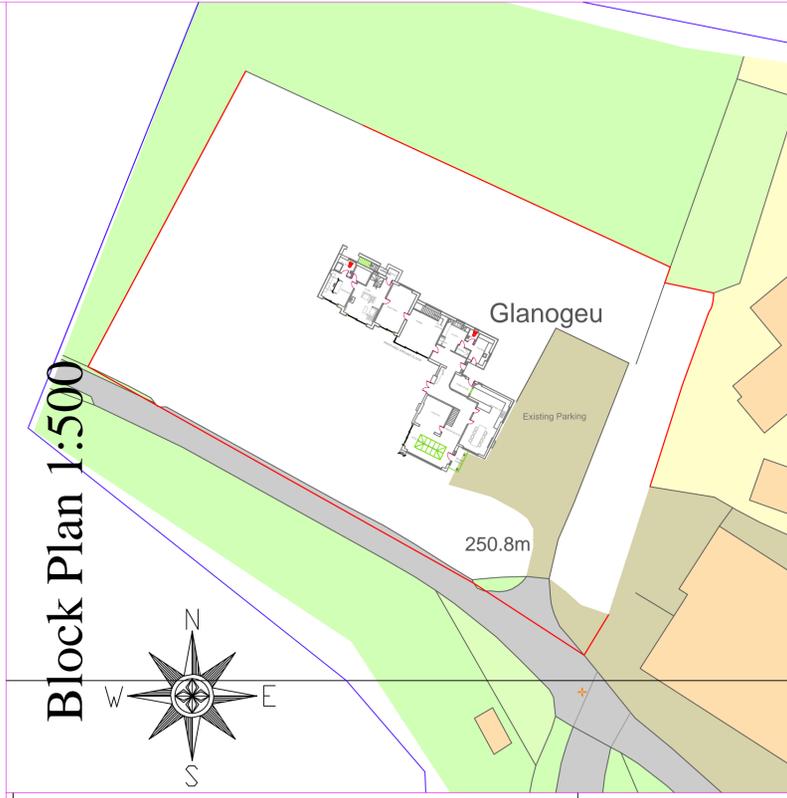
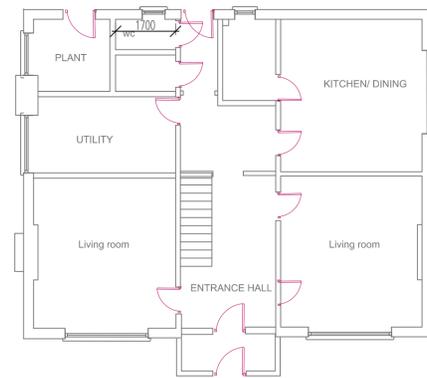
PROPOSED GROUND FLOOR



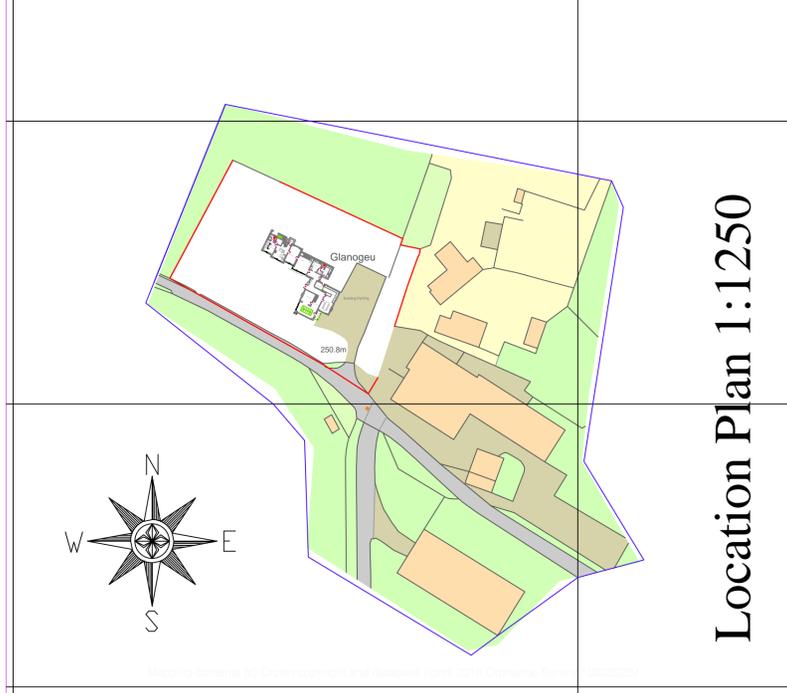
PROPOSED CELLAR



Existing Ground Floor



Block Plan 1:500



Location Plan 1:1250

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Revisions	Date	By	Chk



LLOYD SURVEYORS
 Architectural Designers & Planning Consultants
 The Larches, Llanfyllin, Powys SY22 5NF
 Tel. 01691 648 858

Proposed Extension and Alterations		Existing and Proposed Plans and Location plan	
Scale	Date	Checked	Number
1:100, 1:500, 1:1250			512/02
Drawn by			

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67 Applications

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Parish Name	Decision	Date Application	Application No.	Application Type	Date Decision	Proposal	Location
Aberhafesp Community	Approve	05/02/2019	19/0197/REM	Removal or Variation of Condition	16/04/2019	Variation of conditions 7 & 12 of permission P/2015/0815	Lletty Bwlch-Y-Ffridd Newtown Powys SY16 3JA
Abermule And Llandyssil Community	Approve	21/02/2019	19/0276/FUL	Full Application	17/04/2019	Erection of stables and a haybarn and the change of use of land for a riding area	Castell Y Gwynt Llandyssil Montgomery Powys SY15 6HR
	Approve	22/02/2019	19/0260/RES	Reserved Matters	18/04/2019	Reserved matters application of the erection of an affordable dwelling and garage, formation of vehicular access and installation of a septic tank (all matters reserved) in relation to approved outline permission 18/0672/OUT	Ail Le C2058 From Crossroads At Llanmerewig To Junction With B4368 Near Lower Maenllwyd Abermule Montgomery SY15 6NR

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	Approve	22/02/2019	19/0305/DIS	Discharge of Condition	05/04/2019	Discharge of conditions 3, 4, 5, 6, 7, 8 from planning permission P/2018/0263 in relation to a schedule of works, external material details, details of lime render, details of the safeguarding of the lower wall between the kitchen and scullery, and details of existing timber framing	Whitehall Farm Llandyssil Montgomery SY15 6LU
Berriew Community	Approve	15/02/2019	19/0135/HH	Householder	11/04/2019	Proposed demolition of rear lean to erection of extension, replacement of flat roof with pitched slate roof, and replacement of existing windows.	The Hollies Maes Y Rhiw Berriew Welshpool SY21 8PL
Caersws Community	Approve	04/07/2018	18/0212/DIS	Discharge of Condition	10/04/2019	Discharge of conditions 3, 4, 17, 18, 19, 20, 21 & 22 of planning consent P/2017/1212	Central Garage Carno Road Caersws Powys SY17 5EF
	Approve	17/12/2018	18/1197/FUL	Full Application	05/04/2019	Erection of a holiday chalet and all associated works	Land At Sofl Ceirch Caersws Powys SY17 5DQ

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Clyro
Community

Approve	26/02/2019	19/0317/HH	Householder	05/04/2019	Single storey ground floor extension to rear of property, internal remodelling, new access to first floor from existing parking from rear of property over extension roof to create balcony	Rivendell 29 Begwyns Bluff Clyro Hereford Powys HR3 5SR
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Approve	28/03/2019	19/0489/CLE	Certificate of Lawfulness - Existing	08/04/2019	Section 191 application for a certificate of lawful development for the installation of a 40kw log fuelled biomass boiler	Larchwood Studio Racquets Farm Wyecliff Hereford Powys HR3 5LA
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Dwythian
Community

Approve	10/08/2018	18/0456/DIS	Discharge of Condition	03/04/2019	Discharge of conditions 16, 19, 23 and 24 of planning permission P/2018/0260	Nantgwyllt Cefn Coch Welshpool Powys SY21 0AY
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Approve	19/10/2018	18/0635/FUL	Full Application	10/04/2019	Erection of an outdoor round pen for the exercising of horses	Fraithwen Adfa Newtown Powys SY16 3DB
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Forden With
Leighton &
Trelystan Com

Approve	05/11/2018	18/0856/FUL	Full Application	05/04/2019	Change of use, conversion and extension of a redundant agricultural building to form a dwelling and all associated works.	Pentre Lodge Leighton Welshpool Powys SY21 8HN
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67 Applications

	Approve	08/02/2019	19/0253/DIS	Discharge of Condition	05/04/2019	Discharge of conditions 3, 4, 5, 6, 7, 8, 20 and 22 of planning approval P/2014/1039	Church Farm Welshpool Powys SY21 8NL
Glascwm Community	Approve	26/02/2019	19/0315/HH	Householder	08/04/2019	Erection of a garage and store (part retrospective)	Llanhailo Hundred House Llandrindod Wells LD1 5RY
Guilsfield Community	Approve	07/03/2019	19/0450/DIS	Discharge of Condition	17/04/2019	Application to discharge condition no. 15 attached to planning permission P/2016/1190 (external lighting condition)	Barn Adjacent The Slip Inn Castlehill Lane Burgedin Guilsfield Powys SY22 6QP
	Refused	20/12/2018	18/1076/FUL	Full Application	18/04/2019	Formation of a vehicular access and all associated works	Land Opposite Bridge Farm Guilsfield Welshpool Powys SY21 9PS
Kerry Community	Approve	19/12/2018	18/1201/FUL	Full Application	11/04/2019	Conversion of a redundant agricultural building to form three dwellings, improvements to existing vehicular access, installation of a sewage treatment plant with outfall to stream and all associated works	Upper Trefeen Farm Kerry Newtown Powys SY16 4LR

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	Approve	08/01/2019	19/0086/DIS	Discharge of Condition	05/04/2019	Discharge of condition no's 3, 4, 5, 6, 7, 8 and 9 of planning approval P/2018/0008 (Highway details)	Upper Pen Y Gelli Farm Kerry Newtown Powys SY16 4LX
	Approve	22/02/2019	19/0343/HH	Householder	11/04/2019	Demolition of lean to extension and erection of a replacement and all associated works	Rhosneigr Kerry Newtown Powys SY16 4LU
Knighton Community	Approve	21/02/2019	19/0287/HH	Householder	05/04/2019	Erection of extensions and all associated works	Delfryn Garth Lane Knighton Powys LD7 1HH
Llanbadarn Fynydd Community	Approve	14/03/2019	19/0492/NMA	Non-Material Amendment	09/04/2019	Non-material amendment to planning application P/2017/0879 to amend the designs of the two chalets, and re-position them	Land Near Tynddol Barn Llanbadarn Fynydd Llandrindod Wells Powys LD1 6YH
Llanbister Community	Approve	22/02/2019	19/0335/HDG	Hedgerow Removal Notice	03/04/2019	Application for removal of 160m of hedgerow	Trellwydion Llanbister Llandrindod Wells Powys LD1 6TH
Llandinam Community	Approve	20/12/2018	18/1066/FUL	Full Application	18/04/2019	Erection of dwellinghouse, formation of a vehicular access & all associated works	Land At Oakdale Llandinam Powys SY17 5AP

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	Approve	05/02/2019	19/0178/HH	Householder	08/04/2019	Demolition of existing rear extension and erection of a 2 storey side extension and a single storey rear extension.	Gamblas Waen Lane Llandinam SY17 5BH
	Approve	18/02/2019	19/0282/DIS	Discharge of Condition	15/04/2019	Discharge of conditions 4 and 7 attached to permission 18/0368/FUL	Bryncoch Caravan Park Bryncoch Farm Dol-wen Llanidloes Powys SY18 6LL
Llandrindod Wells Community	Approve	04/01/2019	19/0021/FUL	Full Application	05/04/2019	Residential development comprising of 55 units	Land East Of Ithon Road Ithon Road Llandrindod Powys LD1 6AS
	Split Decision	20/02/2019	19/0279/DIS	Discharge of Condition	18/04/2019	Discharge of conditions 3, 4, 5, 6, and 7 from planning consent 18/0787/FUL in respect of a Preliminary Contamination Investigation Report	The Garage Oxford Road Llandrindod Powys LD1 6AH
Llandrinio And Arddleen Community	Approve	14/09/2018	18/0445/FUL	Full Application	05/04/2019	Full: Erection of an affordable dwelling, creation of access, installation of a septic tank and all associated works	Land Opposite Poynters End Deytheur Llansantffraid SY22 6TF

Llandrindod Wells Community

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	Approve	07/03/2019	19/0396/NMA	Non-Material Amendment	03/04/2019	Application for a non-material amendment to planning permission P/2018/0450 in respect of a change to cladding material.	Ponderosa C2107 From Junction With B4392 By Burland To Junction By Corner House Guilsfield Welshpool SY22 6QL
Llanelwedd Community	Approve	05/09/2018	18/0475/FUL	Full Application	05/04/2019	Erection of 2 No. agricultural buildings for poultry production, with associated feed bins, hardstandings, drainage attenuation pond and a new highway access to the A481	Wernhalog Farm Llanfaredd Builth Wells Powys LD2 3TE
Llanerfyl Community	Approve	21/12/2018	18/1038/FUL	Full Application	18/04/2019	Change of use of a railway carriage to form a holiday let, alterations to the existing access, together with the installation of a sewage treatment plant	Gardden Llanerfyl Welshpool SY21 0JA
Llanfair Caereinion Community	Permitted Development	20/03/2019	19/0539/AGR	Agricultural Notification	05/04/2019	Erection of a silage clamp	Neuadd Uchaf Llanfair Caereinion Welshpool Powys SY21 0HP
Llanfechain Community	Approve	30/11/2018	18/0913/FUL	Full Application	17/04/2019	Erection of a two storey residential extension	Bryncynfelin Farm, Llety'r Gof Llanfechain SY22 6UZ

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Llanfyllin Community	Split Decision	06/02/2019	19/0217/DIS	Discharge of Condition	10/04/2019	Discharge of conditions 16, 17, 18 and 19 from planning approval P/2018/0535 in respect of a Phase 1 Desk Study Report and Phase 2 site investigation report	The Old Station Station Road Llanfyllin SY22 5BG
Llangedwyn Community	Approve	13/09/2018	18/0550/FUL	Full Application	04/04/2019	Conversion of an agricultural building to form a residential unit and all associated works	The Smithy Llangedwyn Oswestry Powys SY10 9JR
	Approve	26/10/2018	18/0878/LBC	Listed Building Consent	04/04/2019	Conversion of an agricultural building to a dwelling and all associated works	The Smithy Llangedwyn Oswestry Powys SY10 9JR
Llangurig Community	Prior Approval Approved	01/04/2019	19/0575/AGR	Agricultural Notification	08/04/2019	Application for prior notification of agricultural development - proposed building	Pan Maeniog Cwmbelan Llanidloes Powys SY18 6QL
Llanidloes Community	Approve	05/03/2019	19/0213/FUL	Full Application	08/04/2019	Change of use from B8 to A1	Self Storage Units Severnside Depot Eastgate Street Llanidloes Powys SY18 6HD
Llanwddyn Community	Approve	20/03/2019	19/0544/DIS	Discharge of Condition	04/04/2019	Application to discharge conditions 3 and 4 of planning approval P/2018/0072	Dam View Llanwddyn Oswestry Powys SY10 0LZ



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Llanyre Community	Approve	28/02/2019	19/0332/NMA	Non-Material Amendment	09/04/2019	Application for a non-material amendment to planning approval PR562302 in respect of connecting the annex to the house and minor alterations	Little House C1202 From Junction With Gravel Road Nr Highcroft To Junction With A44 Nr Caerfa Llanyre Llandrindod Wells LD1 6EE
Machynlleth Community	Approve	22/08/2018	18/00005/CAC	Conservation Area Consent	10/04/2019	Demolition of existing commercial building and construction of 11 flats.	Clynderwen And Cardiganshire Farmers Ltd Maengwyn Street Machynlleth SY20 8EA
Meifod Community	Approve	03/09/2018	18/0451/FUL	Full Application	04/04/2019	Erection of a replacement free range egg production unit including silos and all associated works	Land Near Cil Mawr Meifod Powys SY22 6XZ
	Refused	08/02/2019	19/0030/HH	Householder	03/04/2019	Erection of an annex and all associated works	Belmont Geuffordd Guilsfield Powys SY21 9DP
Mochdre Community	Approve	21/12/2018	18/1168/HH	Householder	15/04/2019	Demolition of part of the existing dwelling and erection of a two storey extension (Part Retrospective)	Tyn Y Fron Farm Mochdre Newtown Powys SY16 4JW
Montgomery Community	Approve	01/03/2019	19/0356/HH	Householder	08/04/2019	Erection of a two storey extension to existing dwelling	4 Corndon Drive Montgomery Powys SY15 6RE

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	Approve	15/03/2019	19/0462/TRE	Works to trees in Conservation Area	11/04/2019	Felling of 1x ash tree in a conservation area	School House School Bank Montgomery Powys SY15 6QA
Nantmel Community	Approve	08/02/2019	19/0246/VAR	Discharge/Modification of S106	05/04/2019	Application to discharge section 106 legal agreement attached to planning permission PR627002 (occupancy restriction)	Ridgefield Nantmel Llandrindod Wells Powys LD1 6EW
Newtown And Llanllwchaearn Community	Approve	21/08/2018	18/0541/LBC	Listed Building Consent	18/04/2019	LBC: Internal and external alterations associated with the conversion of the dwelling to 5 flats, removal of green house	Plasgwyn 2 Bryn Street Newtown Powys SY16 2HW
	Approve	22/01/2019	19/0093/FUL	Full Application	04/04/2019	Change of use of ground floor from professional services (class A2 use) to hot food outlet (class A3 use).	16 Broad Street Newtown SY16 2NA
	Approve	06/02/2019	19/0095/RES	Reserved Matters	17/04/2019	Reserved matters application in relation to planning permission P/2017/1263 for the erection of 3x dwellings, 1x affordable dwelling, vehicular access and installation of private drainage	4 Church House Orchard Aberbechan Newtown SY16 3BH

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Page 99	Approve	13/02/2019	19/0011/HH	Householder	12/04/2019	Proposed Roof Extension, Front Extension and Internal Alterations	The Arches Union Street Newtown SY16 2HA
	Approve	14/02/2019	19/0248/FUL	Full Application	05/04/2019	Erection of a detached building to provide additional warehousing accommodation.	Unit 23 Mochdre Industrial Estate Newtown SY16 4LE
	Approve	05/03/2019	19/0352/HH	Householder	17/04/2019	Erection of a side extension to dwelling	48 Hendidley Way Newtown Powys SY16 2AL
	Approve	20/03/2019	19/0466/NMA	Non-Material Amendment	17/04/2019	Application for non material amendment to planning permission P/2013/0896 in respect of changes to approved elevations and site plans	The Flying Shuttle Llanidloes Rd Newtown Powys SY16 1HL
	Approve	03/04/2019	19/0613/NMA	Non-Material Amendment	12/04/2019	Application for a non material amendment to planning permission 18/0571/FUL in respect of changes to doors and windows colour for external boarding, layout change and carpark layout.	Supermarket And Premises Ladywell Shopping Centre New Church Street Y Drenewydd Powys SY16 1AF
Pen-y-bont Fawr Community	Approve	18/10/2018	18/0761/HH	Householder	12/04/2019	Demolition of a single storey side extension and replacement with a two storey side extension	Maesyfedw Pen-y-bont-fawr Oswestry Powys SY10 0HZ

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Presteigne Community	Approve	15/11/2018	18/0892/FUL	Full Application	15/04/2019	Replacement of an external door with a window, and the erection of a rear storage shed	Corner House High Street Presteigne Powys LD8 2BE
	Approve	15/11/2018	18/0893/LBC	Listed Building Consent	15/04/2019	Internal & external alterations to include removal of external staircase, replacement of a door with a window, erection of a rear storage shed and internal re-arrangements	Corner House High Street Presteigne Powys LD8 2BE
Rhayader Community	Approve	17/12/2018	18/0948/FUL	Full Application	18/04/2019	Construction of a woodland mountain bike trail	Land At Llanerchi Woods Elan Valley Rhayader Powys LD6 5HE
	Approve	03/01/2019	19/0098/FUL	Full Application	05/04/2019	Extension and alterations of existing Care Home to provide additional care beds with associated facilities and communal, staff and administrative accommodation including partial demolition works and all associated works Demolition of existing three storey accommodation block and garage	Crosfield House Dark Lane Rhayader Powys LD6 5DB

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Trefeglwys Community	Approve	27/03/2019	19/0546/DIS	Discharge of Condition	15/04/2019	Application to discharge planning condition no.3 attached to planning permission 19/0044/HH (details of window materials)	Talgarth Mews Ty-Mawr Trefeglwys Caersws SY17 5PU
Trewern Community	Approve	23/10/2018	18/0729/FUL	Full Application	17/04/2019	Erection of an agricultural building	Land South Of Fox Farm Trewern Welshpool Powys SY21 8EH
Guilsfield Community	Planning Permission Required	28/03/2019	19/0587/AGR	Agricultural Notification	11/04/2019	Erection of an extension to existing agricultural building	Land Nera Pump House Gwreiddyn Lane Guilsfield Welshpool Powys
Welshpool Community	Approve	17/09/2018	18/0548/FUL	Full Application	08/04/2019	Erection of an extension to existing hanger, provision of additional car and plane parking area together with all associated works	Mid Wales Airport Cilcewydd Welshpool Powys SY21 8RS
	Approve	28/02/2019	19/0378/TRE	Works to trees in Conservation Area	03/04/2019	Proposed felling of 1x tree within conservation area	23 High Street Welshpool Powys SY21 7JP
Whitton Community	Refused	28/01/2019	19/0172/REM	Removal or Variation of Condition	05/04/2019	Section 73 application to vary condition 9 of planning consent PR 478501 to allow long-term let of lodges	Pen Y Clawdd Penoffa Farm Evenjobb Presteigne Powys LD8 2PB

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Delegated List

67 Applications

Refused	07/02/2019	19/0003/AGR	Agricultural Notification	04/04/2019	Erection of an agricultural building for storage	Upper Duffryn Casob Llanandras Powys LD8 2NT
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Applicati	67
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Penderfyniad ar yr Apêl

Gwrandawriad a gynhaliwyd ar 26/03/19

Ymweliad â safle a wnaed ar 26/03/19

gan **A L McCooey BA MSc MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 05.04.2019

Appeal Decision

Hearing Held on 26/03/19

Site visit made on 26/03/19

by **A L McCooey BA MSc MRTPI**

an Inspector appointed by the Welsh Ministers

Date: 05.04.2019

Appeal Ref: APP/T6850/C/18/3204841

Site address: The Slangs, Cascob, Presteigne, Powys, LD8 2NT

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Ms Ella Hammel against an enforcement notice issued by Powys County Council.
- The enforcement notice, numbered E/03/2018, was issued on 14 May 2018.
- The breach of planning control as alleged in the notice is without planning permission the change of use of the land from agricultural use to permanent residential use.
- The requirements of the notice are: cease the use of the land for residential purposes and remove from the land the caravan and associated temporary structures brought onto the land for the purpose of that use (you may keep on the land any equipment which you use solely for agricultural/forestry use on that land).
- The period for compliance with the requirements is nine months from the date that the notice takes effect.
- The appeal is proceeding on the grounds set out in section 174(2) (a) and (g) of the Town and Country Planning Act 1990 as amended.

Decision

1. It is directed that the enforcement notice be corrected by the deletion of Section 3 and its substitution with the following:

Without planning permission, the change of use of the land from agricultural use to a mixed agricultural and permanent residential use.

2. Subject to this correction the appeal is dismissed, the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

The Enforcement Notice (EN)

3. The plan accompanying the EN included all the land in the appellant's ownership. The breach of planning control is described as the change of use of the land from agricultural use to permanent residential use. This should have been change of use to a mixed residential and agricultural use because the agricultural use has continued. The parties agreed that this was an appropriate correction.

4. I must also consider the temporary structures referred to in the requirements of the notice. There is a normal canvas awning attached to the side of the caravan. A metal roof and timber sides have been placed around the awning for increased protection from the elements. These structures are fixed to 4 posts and are screwed together. They then rest on the ground and butt up against the caravan. The structural integrity of the caravan is unaffected by the awning, which the appellant confirmed could be readily separated. As a result of my inspections at the site visit, I am satisfied that the caravan is unaffected by the awning and could be transported from the site, with minimal works needed to separate it from the awning. Thus, it retains its status as a caravan. The small toilet hut is on skids and is not attached to the ground. I conclude that the description of the development as a change of use is accurate.

Reasons

5. The site extends to around 10.8 ha and for some distance east to west. It is bounded by the Church of St Michael to the east, the Cascob brook to the south and the road to Twiscob to the north¹. The entrance or access to the site is at the eastern end close to the churchyard. There is a polytunnel, 2 stables, 2 small shipping containers and other items along the northern boundary close to the access. The caravan/awning and toilet have been sited immediately adjacent to the boundary with the churchyard. The eastern end of the site is the most level part. The vast majority of the site slopes down towards the brook. There is a significant break in slope around halfway where it becomes a very steep slope down to a narrow level area by the brook. At the time of my site visit there were around 37 goats. Some in the polytunnel, some in a small field next to the brook and some at the western end of the site. I saw approximately 4 ducks, 4 chickens and 10 sheep.

Ground (a) – that planning permission should be granted

Main Issues

6. The main issues are:
- Whether there is a rural enterprise justification for the dwelling, having regard to local and national policies on new housing in the countryside; and
 - The effect of the development on the setting of the Church of St Michael, which is a Grade II* listed building.

Rural enterprise justification

7. Planning permission is sought for a temporary period of three years. For the purposes of planning policy, the site lies within the countryside where local² and national³ planning policies identify the provision of a dwelling to meet the proven need of a rural enterprise as an exception to a generally restrictive approach to new development.

¹ All Cardinal points given are an approximation for descriptive purposes only

² Policy H1 of the Powys Local Development Plan

³ Paragraph 4.2.36 Planning Policy Wales (PPW), Edition 10

8. The basic premise of the enterprise is that of sustainable agro-ecology on an integrated diverse holding capable of meeting the appellant's subsistence needs. The business plan sets out that the main product will be goat meat. The goats can graze supplemented by feed/hay with management of existing and proposed woodland and hedges for fodder. It is proposed to keep a small number of sheep to graze the steeper slope and some rabbits, chickens and ducks. The livestock will be supplemented by horticulture on 0.25 acres using raised beds and a polytunnel. Small-scale bee-keeping and mushroom production are also proposed. The appraisal refers to longer term plans for an orchard and soft fruits, although no account has been taken of this in the business plan. The system would be labour intensive with minimal use of machinery. Horses will be used for transport. The system would involve strip grazing using electric fences to create grazing areas with chickens following later to clean the land of parasites.
9. There is evidence of a firm intention to develop the enterprise in terms of the investment and work on site to date. I accept that there has been a significant investment in the purchase of the land, stock and equipment. It is argued that this is not a typical farm business due to the range of activities proposed to be carried out by the appellant in order to create an integrated diverse holding capable of meeting her subsistence needs. It is claimed that the standard assessment methodologies that have been developed to examine more traditional forms and larger holdings do not adequately reflect the range of elements in play on this holding. However, the case is made on the basis of an agricultural business. The relevant policy for this is contained in Technical Advice Note 6: Planning for Sustainable Rural Communities (TAN6) and the associated Practice Guidance (PG). The lifestyle choice of the appellant does not readily fit the guidance in TAN6; but this is the relevant guidance for any form of agricultural dwelling. I shall consider whether a new dwelling is justified by the business outlined in the appeal proposal in the light of the advice in TAN6 and the PG. I have considered the enterprise as proposed in the business plan and appraisal against the 4 tests set out in TAN6.

Functional test

10. The appellant refers to the welfare of the animals including husbandry. These are routine tasks that do not require an on-site presence. Shelters are already present on site, which can accommodate livestock during adverse weather conditions. Protection of crops can be ensured by adequate fencing. I do not consider that pests and disease damage overnight would be an emergency or serious issue. Irrigation and ventilation are routine tasks that do not require an on-site presence, especially with the use of the automated systems referred to in the appraisal. The high value ascribed to one animal or tray of plants is noted. However, I do not consider that such losses would be a significant proportion of the income of the enterprise. I fail to see how adverse weather events including frost protection could be an emergency situation requiring someone to live on site. This would be the appellant's choice and in this fails to meet the terms of TAN6 tests. Some of the examples of unexpected events referred to by the appellant related to other farms with different business models that are not directly comparable to the appeal proposal.
11. I accept that it may be necessary for a worker to be present on site during the period when animals are giving birth. The appellant argued that goat breeding would be spread out over the year and there would be a need to be present when sheep, chickens and ducks were giving birth. I consider that the timing of breeding is within the appellant's control and could be condensed into a manageable time period. This is realistic given the relatively small number of animals involved in the enterprise. Temporary accommodation for this period would address this need.

12. There is reference to minor problems with security of the site: trespass, incursions by dogs and predation by foxes, for example. I acknowledge that to live on the site would provide an additional level of security for the enterprise. However, I consider that adequate fencing and security systems could be employed to minimise such risks. In addition, security is not generally considered to be sufficient reason to justify a rural enterprise dwelling. On these grounds I attribute limited weight to security as a factor in favour of the residential use on the site.
13. I have carefully considered all the arguments put forward of the circumstances that would justify a functional need to live on this site. My overall conclusion on the functional test is that, while there could be some benefits to the business from the appellant living on site, none of them (individually or cumulatively) provide an essential need for a worker to live on the site on a permanent basis. The proposal fails the functional test.

Time Test

14. I recognise that many of those engaged in small rural enterprises work long and anti-social hours, and that their labour is often undervalued. In assessing labour requirements, it is therefore important to adopt a degree of standardisation which enables the assessment to be applied consistently. Adjustments may be necessary to reflect the degree of mechanisation. This leads me to consider the issue of normal working hours. The appraisal has used the appellant's own reporting rather than standard methodologies. Again, this reflects the appellant's own choice rather than a more efficient way to manage the holding. The main income source is from grazing livestock for meat production. A relatively small number of beasts are proposed and I am not persuaded by the appellant's evidence that the stated hours are or would be necessary for this type of activity. Notwithstanding the explanations made at the hearing which related to personal choice rather than a sound business model.
15. The appellant's answer to all criticisms is that the way she proposes to farm is in a sustainable manner using low impact agro-ecology. The standard assessment methodologies do not therefore apply, it is claimed. Much of the Labour inputs specified in the evidence are significantly higher than would be expected in a more conventional modern farming activity (based on some experience of this lifestyle choice) and no evidence of accurate record keeping has been provided. No standard assessment has been undertaken and no account has been made of the low stock levels. I appreciate that there are no standard man day estimates for goat rearing because it is a niche market. However, some account must be taken of the fact that stock can graze on land with minimal supervision. Having carefully considered the evidence I conclude that the labour inputs are based on a notional assessment of how the business would operate in a manner that effectively seeks to maximise labour hours. This would not be in accord with standard agricultural practice or the advice in the PG⁴ and obviously results in significantly greater potential labour requirements than commercial considerations could justify.

⁴ In paragraphs 4.12 to 4.17

Financial Test

16. The policy is concerned with business or commercial entities and the testing of their financial soundness or prospects derives from normal economic principles applied to businesses. It is not concerned with unconventional or subsistence enterprises. The practice guidance advises that the enterprise should be run as a business and be assessed on the basis of normal business performance indicators. It also advises that the absolute lowest threshold of remuneration will be the statutory minimum wage but, in the majority of cases, higher levels of remuneration will be appropriate.
17. I have considered the range of profit figures in the business plan in year 4. This would be significantly below minimum wage levels given the claimed hours that the appellant would work. This was acknowledged to be accurate by the appellant at the hearing. Even if the assessment was on a 40-hour week the profits would be still significantly below minimum wage levels. The appraisal is based on meeting the subsistence needs of the household, which is not the test for rural enterprise dwellings. The development proposal fails the financial test. Following on from these conclusions, I would question whether all the claimed labour requirements can be met by one person. There would be reliance on volunteer labour as it appears clear that the enterprise could not generate sufficient income to fund an additional agricultural worker, even on a seasonal basis.

The Other Dwellings Test

18. The appellant formerly had a farm or land in Carmarthenshire and it appears that stock and equipment have been relocated to this site when she purchased the farm. The appellant has chosen to purchase this land, having no connection with the area other than an elderly relative who lives 20 miles away. There are no other dwellings or buildings on the land. The objectors provided evidence of other dwellings available in the area including caravans. There was some dispute regarding whether a nearby caravan site is for short-term touring caravans only. The nearest dwelling for sale was around 6 miles away (around 15 minutes travel time). I consider that this represents a reasonable travel distance that would meet the functional needs of the enterprise.
19. I now turn to consider the other planning requirements test for dwellings on new enterprises as outlined in TAN6 and the other main issue identified above.

The effect of the development on the setting of the Church of St Michael

20. Sections 16 (2) and 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require the decision maker to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The setting of a listed building includes the surroundings in which it is understood, experienced and appreciated embracing present and past relationships to the surrounding landscape. Setting is not an historic asset in its own right but has value derived from how different elements may contribute to the significance of a heritage asset. TAN24: The Historic Environment and associated guidance requires an assessment of the effect of a proposal on the significance of the heritage asset. This approach facilitates a judgement of compliance with the above statutory test.

21. The significance of the Church is derived from its historical and architectural importance and its quiet rural location. The rural setting as part of a group of buildings and the open views from the churchyard are central to the setting of the listed building. The caravan and awning are sited immediately adjoining the boundary of the Churchyard. It has a significant adverse effect on the listed building contrary to the legal tests and policy guidance. This is unacceptable and would justify refusal of planning permission.
22. As the site is so large, there is scope to move the caravan so as not to affect the setting of the listed building. A siting at the western end of the land was discussed at the hearing. This would move the caravan to around 500m away from the churchyard. The Council and representatives of the Church agreed that this would largely address their concerns in respect of the impact on the listed building. I agree that this would reduce the impact on the setting of the listed building such that the development covered by the EN would have no effect on the setting of the listed building. This re-location of the caravan, etc. in the suggested revised location could be secured by conditions.

Other matters

23. The road leading to the site is 2 miles long. It is narrow with limited passing places. I note the concerns regarding its suitability for large vehicles and additional traffic. The evidence was that the highway authority had no objections to the development for a single residential use. I also note that the access to the site is currently via a field gate and any associated development to form the access is not before me. I confine my consideration to the matters within the EN before me.
24. I was informed that planning permission for a new barn on the land to the west of the site had recently been refused. Nevertheless, it remains the appellant's intention to move the caravan and all the existing agricultural structures to this part of the site. The appellant argued that the removal of all the agricultural development from the setting of the listed building would constitute a planning gain. This could be secured by way of a planning condition requiring all buildings, the caravan etc. to be sited within a defined area and removing permitted development rights on the remainder of the land. There are other issues with the creation of a farmyard, dwelling and barn at the west end of the site. These include the landscape and visual impact, the nature of the topography, how access would be achieved, etc. The caravan/awning is of limited scale and would have a limited impact on the landscape with appropriate siting. I make no comment on the acceptability of the farmyard development and buildings.

Conclusion on ground (a)

25. I conclude that the enterprise does not justify a dwelling for the reasons given above. The case is not proven and TAN6 advises that planning permission should not be granted for it. The case fails on several of the tests and so it would not be appropriate to grant planning permission for a temporary period to test the evidence. The re-location of the caravan as discussed would address the impact of the residential use on the setting of the listed building. The potential planning gain advanced by the appellant is a consideration. This must be tempered by the difficulties with the intended site for re-location and the fact that planning permission has not been granted for the required barn. I conclude that these benefits would not outweigh the failure of the proposal to meet the requirements of TAN6 as an exception to a generally restrictive approach to new development in the open countryside.

Ground (g) – that the time period for compliance is too short

26. The appellant requested that the period for compliance be increased to 12 months in order to find alternative accommodation and re-locate the business and animals to another site. The agricultural use of the site is not affected by the EN and so I see no justification to extend the compliance period. Nine months appears more than adequate to allow for the appellant to find alternative accommodation.
27. Thus having regard to all the relevant matters raised I find that the period for compliance is reasonable in relation to all the requirements set out in the corrected Notice, and therefore the ground (g) appeal must fail.

Overall Conclusion

28. I recognise the laudable sustainability objectives of the appellant. The advice in PPW regarding well-being through placemaking accords with the goals and objectives of sections 3 and 5 of the Well-being of Future Generations (Wales) Act 2015. Detailed policy continues in the Active and Social Places chapter which contains specific reference to Rural Enterprise Dwellings. My decision accords with the advice therein and hence the 2015 Act.
29. In having regard to the personal circumstances of the appellant I am mindful of the Human Rights Act 1998, including the requirement that decisions ensure respect for private and family life, and the Public Sector Equality Duty under the Equality Act 2010. However, I am satisfied that the refusal of planning permission and the period for compliance with the EN represent a proportionate and legitimate impact on the affected resident, in the public interest.
30. I have considered all the relevant matters raised and for the reasons given above, I conclude that the appeal should be dismissed and the EN should be upheld.

A L McCooey

Inspector

APPEARANCES

For the Appellant

Dr Simon Ruston BSc (Hons) MA PhD MRTPI	Agent
Mr Bill Knight	Geo & Co
Ms Ella Hammel	

For Powys CC

Ms Gemma Bufton BA MSc	Principal Planning Officer
Mrs Debra Lewis BSc BTP MRTPI	Built Heritage Conservation Officer

Interested Parties – objecting to the development

Mr Alex Glanville FRICS	Head of Property Services, the Representative Body of the Church in Wales
Cllr Hywel Lewis	Local Member Powys CC
Mr Howard Sandilands	Local Resident
Mrs Norma Olds	Church Warden
Mr Nigel May	Local Resident
Ms Marilyn Beese	Local Resident
Ms Susan Baron	Local Resident
Mrs Helen Gale	Local Resident
Mrs Jenny Cavan	Local Resident
Mr Phil Marron	Local Resident
Mr Roger Gibbins	Local Resident

Documents

Letters of Support

Confirmations of orders of goat meat

Particulars of Properties for sale in the area

**MINUTES OF A MEETING OF THE TAXI LICENSING SUB-COMMITTEE HELD AT
COMMITTEE ROOM, BRECON - NEUADD BRYCHEINIOG ON WEDNESDAY, 5
DECEMBER 2018**

PRESENT

County Councillor K S Silk (Chair)

County Councillors L George and K Laurie-Parry

1.	APPLICATION FOR A PLATE EXEMPTION FOR A PRIVATE HIRE VEHICLE
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1.1. Sub-Committee procedures

The Chair introduced the Sub-Committee and its Clerk.

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

1.2. Application for a plate exemption for a Private Hire Vehicle

Applicant – Louise Nicholls

The applicant provided the Sub-Committee with new information.

RESOLVED	Reason for decision
That the Sub-Committee be adjourned.	To ensure the new information was fully considered by officers.

2.	RESOLUTION TO EXCLUDE THE PUBLIC AND THE PRESS
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The Sub-Committee had previously been made aware, the licence holder for the next item had advised that they and their solicitor were unavailable to attend the meeting.

As a result the Sub-Committee meeting concluded.

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

See 2 above.

3.2. Review of a licence

See 2 above.

County Councillor K S Silk (Chair)

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