

Planning, Taxi Licensing & Rights of Way Committee

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

Meeting Date
Thursday, 16 January 2020

Meeting Time
10.00 am

For further information please contact
Carol Johnson
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County Hall
Llandrindod Wells
Powys
LD1 5LG

9 January, 2020

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 5 December, 2019 as a correct record.
(Pages 5 - 16)

Taxi and other licensing	
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3.	DECLARATIONS OF INTEREST
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To receive declarations of interest in respect of the Taxi Licensing items.

4.	TAXI LICENSING FEES
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To consider a report regarding taxi licensing fees as a result of comments received during the consultation.

(Pages 17 - 26)

Planning

5. DECLARATIONS OF INTEREST

- a) To receive any declarations of interest from Members relating to items to be considered on the agenda.
- b) To receive Members' requests that a record be made of their membership of town or community councils where discussion has taken place of matters for the consideration of this Committee.
- c) To receive declarations from Members of the Committee that they will be acting as 'Local Representative' in respect of an individual application being considered by the Committee.
- d) To note the details of Members of the County Council (who are not Members of the Committee) who will be acting as 'Local Representative' in respect of an individual application being considered by the Committee.

6. PLANNING APPLICATIONS FOR CONSIDERATION BY THE COMMITTEE

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

(Pages 27 - 28)

6.1. Updates

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

(To Follow)

6.2. 19/0052 FUL Land at Maes Y Cae, Disserth, Builth Wells, Powys

(Pages 29 - 50)

6.3. 19/1734/FUL Land Adjacent to Waverleigh, Clyro, Hereford, Powys, HR3 5SE

(Pages 51 - 86)

6.4. 19/1798/REM Development at Land Adjoining Fir House, Churchstoke, Montgomery, Powys,

(Pages 87 - 100)

6.5. **19/1886/DIS Abermule Business Park, Abermule, Newtown, Powys, SY15 6NU**

(Pages 101 - 108)

6.6. **19/1943/TRE Rock Park, Llandrindod Wells, Powys, LD1 6AE.**

(Pages 109 - 116)

7.	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 117 - 144)

8.	APPEAL DECISIONS
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To receive the Planning Inspector's decisions regarding appeals and an application for costs.

(Pages 145 - 154)

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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, 5 DECEMBER 2019

PRESENT

County Councillor K Lewis (Chair)

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

1.	APOLOGIES
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Apologies for absence were received from County Councillors L Corfield and J Williams and County Councillor M J Jones who was on other Council business.

2.	MINUTES OF THE PREVIOUS MEETING
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The Chair was authorised to sign as a correct record the minutes of the meeting held on 24 October, 2019.

Planning

3.	DECLARATIONS OF INTEREST
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(a) County Councillor D Selby declared a prejudicial interest in 19/1234/ADV as he is a Member of Newtown Town Council which has submitted the application.

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

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

County Councillor G Williams – application 19/0052/FUL

County Councillor R Williams – application 19/1241/FUL

(d) The Committee noted that the following Councillors (who are not members of the Committee) would be speaking as the 'local representative' in respect of applications:

County Councillor T Van-Rees - 19/0200/FUL

County Councillor M Alexander - 19/1519/VAR

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.

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

4.2 19/0052/FUL Land at Maes Y Cae, Dissersh, Llanfair-ym-Muallt, Powys

Grid Ref:	E: 306058 N: 256061
Valid Date:	11.01.2019
Community Council:	Dissersh and Trecoed Community Council
Applicant:	Mr Stuart Bridgewater
Location:	Land at Maes Y Cae, Dissersh, Llanfair-ym-Muallt, Powys
Proposal:	Erection of rural enterprise dwelling, installation of sewage treatment plant and all associated works
Application Type:	Full Application

County Councillor G Williams spoke as the Local representative.
Mr A Southerby spoke as the Agent.

In response to questions the Principal Planning Officer advised that based on the information provided by the applicant the agricultural building is located in 2.3 hectares of land but no evidence of a livestock business was submitted with the application in support of/to justify the proposed dwelling. It was confirmed that the agricultural building present on site, was granted consent for agricultural purposes only. Following a site visit the Planning Officer confirmed that it appeared to be used for storage purposes only and not as a steel building engineering business. If the building was to be used for the latter, this would be classed as a change of use and so a planning application would be required for this.

It was moved and duly seconded to refuse the application as recommended by the officer. On the Chair's casting vote the motion was defeated. The Solicitor advised that as the Committee had voted against officer's recommendation, those Members who voted against the motion were required to provide valid planning reasons. Comment was made that the application supported a rural enterprise and that the application was of merit as it supported a young local family. The Solicitor advised that valid planning reasons were required to support the application. The Principal Planning Officer advised that the Committee should only consider the application before it and that the future use of the agricultural building was not a relevant planning consideration.

As no valid planning reasons were provided, the Solicitor advised that the Planning Protocol allowed the Committee to consider whether to defer the confirmation of reasons for granting of the application to the next available committee. This would allow the Members, who voted against the motion, the opportunity to obtain further planning and legal advice on the proposed reasons for acting contrary to the recommendation prior to the substantive vote on whether or not to grant planning permission for the proposed development.

It was proposed and duly seconded to defer the confirmation of reasons for granting of the application to the next available committee. On the Chair's casting vote this was approved.

RESOLVED:	Reason for decision:
To defer the confirmation of reasons for opposing refusal of the application to the next available committee.	This would allow the Members, who voted to oppose the motion, the opportunity to obtain further planning and legal advice on the proposed reasons for acting contrary to the recommendation based on material planning considerations, as per the Planning Protocol.

The following asked that a record be made of their vote to refuse the application, in line with officer's recommendation: County Councillors K Silk, E.M. Jones, H Lewis, D Selby, H Williams, D Price and F Jump.

County Councillor P Pritchard stated that he did not agree with the decision to defer the confirmation of the reasons for agreeing the application and that the Committee had made a decision to agree the application and that should be accepted. County Councillor P Pritchard left the meeting.

County Councillor K Silk stated that the Committee was a quasi-judicial body and was operating within a legal framework. The Committee had to provide justification regarding every application and look at the rules, the local and national policy. As those Committee members, who voted contrary to officer's recommendation, were unable to provide valid planning reasons for their stance, the Committee acted appropriately in agreeing to defer consideration of the reasons before the substantive vote on whether or not to grant planning permission for the proposed development.

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

Grid Ref: E: 289057 N: 246099

Valid Date: 21.03.2019

Community Council: Llanwrtyd Wells Community Council

Applicant: Mr Robert Grimes

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

Proposal: Erection of a holiday let and all associated works

Application Type: Full application

County Councillor T Van-Rees spoke as the local representative.
Mr R Grimes spoke as the Agent.

The Committee noted the recent appeal cases upholding the refusal of developments in a C2 Flood Zone.

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

RESOLVED:	Reason for decision:
that the application be refused.	The proposed development would result in highly vulnerable development within a C2 flood zone. The proposed development is therefore contrary to paragraph 6.2 of Technical Advice Note 15: Development and Flood Risk (2004) and Local Development Plan Policy DM5: Development and Flood Risk.

County Councillor G Williams resumed his seat in the Committee.

County Councillor R Williams moved to the public seating area for the next application.

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

Grid Ref: E: 310393 N: 235107

Valid Date: 02.08.2019

Community Council: Felin Fach Community Council

Applicant: Mr Freer Spreckley

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

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

Application Type: Full application

County Councillor R Williams spoke as the local representative.
Mr F Spreckley spoke as the applicant.

The Committee noted the update report.

In response to questions the Principal Planning Officer advised that the conversion of the stables to residential accommodation had previously been refused due to being contrary to the policies contained in the former Unitary Development Plan [UDP]. She advised that the Local Development Plan [LDP] does not contain a policy in respect of conversions.

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

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

County Councillor R Williams resumed his seat in the Committee.

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

Grid Ref: E: 301020 N: 310664

Valid Date: 10.09.2019

Community Council: Banwy Community Council

Applicant: Mr Huw Morgan

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

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

Application Type: Discharge/Modification of S106

County Councillor M Alexander spoke as the local representative.

In response to questions the Principal Planning Officer confirmed that if the applicant marketed the property at a realistic price that reflected the presence of the restriction, for rent and sale for a 12 month period and that if no interest was forthcoming the officers would consider this information. It was noted that the development would not have previously been approved, for this site, if it was not

an affordable home. Therefore the restriction on the property should be retained in perpetuity.

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

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

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

Grid Ref: E: 295613 N: 284312

Valid Date: 10.10.2019

Community Council: Llanidloes Town Council

Applicant: Powys County Council (Housing Services)

Location: Former Livestock Market, Gorn Road, Llanidloes, Powys, SY18 6DE

Proposal: Proposed residential development of 22 affordable dwellings and all associated works, to include some demolition

Application Type: Full application

The Solicitor advised that due to an administrative error, the report had not been published with the agenda. To ensure that any potential objectors had time to comment on the report, he advised that if the Committee was minded to approve the application, it be delegated to the Lead Professional Development Management in consultation with the Chair and Vice Chair, subject to any material objections being received by 5p.m. on 6 December, 2019 in the event of which the matter would be referred back to Committee.

The Committee noted the update reports. The Principal Planning Officer advised that if the Committee were minded to approve the application the conditions were those contained in the Update report, plus the conditions required by the Ecology

Officer, that Condition 2 should refer to the amended site plan and that it be delegated to the Lead Professional for Development Management to approve the application, subject to the direction, regarding the acoustic sound barrier, being withdrawn by the Welsh Government.

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

RESOLVED:	Reason for decision:
<p>that the application be granted consent, subject to the conditions set out in the update report which is filed with the signed minutes and the conditions required by the Ecology Officer and that Condition 2 should refer to the amended site plan and subject to no material representations being received by Development Management by the end of 6 December, due to the delay in publishing the report on the website and subject to the direction, regarding the acoustic sound barrier, being withdrawn by the Welsh Government.</p>	<p>As officer's recommendation as set out in the update report which is filed with the signed minutes.</p>

4.7 19/1568/FUL Pen Y Gelli, Llanwyddelan, Adfa, Newtown, Powys SY16 3BX

Grid Ref: E: 307404 N: 300702

Valid Date: 30.09.2019

Community Council: Dwyriw Community Council

Applicant: Powys County Council

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

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

Application Type: Full application

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

RESOLVED:	Reason for decision:
<p>that the application be granted</p>	<p>As officer's recommendation as</p>

consent, subject to the conditions set out in the report which is filed with the signed minutes.	set out in the report which is filed with the signed minutes.
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County Councillor D Selby left the meeting room for the next application.

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

Grid Ref: E: 310865 N: 291648

Valid Date: 21.08.2019

Community Council: Newtown and Llanllwchaearn Town Council

Applicant: Mr Zak Howard

Location: Brisco House, The Town Council Offices, Severn Street, Newtown, SY16 2BB

Proposal: Display of a freestanding digital tourist information board

Application Type: Advertisement Consent

The Committee noted the update report.

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

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

County Councillor D Selby resumed his seat in the Committee.

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

Grid Ref: E: 306158 N: 261356

Valid Date: 01.08.2019

Community Council: Llandrindod Wells Town Council

Applicant: Powys County Council

Location: 3A The Court, Llandrindod Wells, Powys, LD1 5HY

Proposal: Erection of a single storey extension and refurbishment works

Application Type: Full application

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

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

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

Grid Ref: E: 303807 N: 251261

Valid Date: 11.10.2019

Community Council: Builth Wells Town Council

Applicant: Miss Sarah Stanton

Location: Ysgol Calon Cymru, North Road, Builth Wells, Powys, LD2 3BW

Proposal: Installation of a goods lift and associated housing

Application Type: Full application

In response to questions the Highway Authority advised that the management of traffic and pedestrians in the school grounds was a matter of internal operation rather than a highways issue. The Committee noted that although the application site is in a C2 Flood Zone, the development would not result in an increase in flood risk. It was noted that the School would have an evacuation plan.

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

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

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

Grid Ref: E: 306306 N: 260901

Valid Date: 11.11.2019

Community Council: Llandrindod Wells Town Council

Applicant: Powys County Council

Location: Powys County Council DSO Yard & Archives, County Hall, Spa Road East, Llandrindod Wells, Powys, LD1 5LG

Proposal: Application for prior notification of proposed demolition of buildings

Application Type: Demolition Notification

The Committee noted the update report.

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

RESOLVED:	Reason for decision:
that prior approval is not required.	As officer's recommendation as set out in the report which is filed with the signed minutes.

5.	DECISIONS OF THE HEAD OF PROPERTY, PLANNING AND PUBLIC PROTECTION ON DELEGATED APPLICATIONS
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The Committee received for information a list of decisions made by the Head of Property, Planning and Public Protection during the period between 17 October, 2019 and 26 November, 2019.

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

- Land east of Dyffryn, Chapel Lane, Llanymynech, Powys SY22 6EW - 18/0804/OUT.
- Pony House, Criggion, Shrewsbury SY5 9BQ - 18/1186/FUL.

The Committee noted that the Inspector had dismissed both appeals.

In response to comments regarding flood protection schemes, the Professional Lead for Development Management advised that the Welsh Government was currently undertaking a consultation exercise on the Technical Advice Note [TAN] in respect of flooding. He asked Members to provide examples, where it was felt that the TAN was not fit for purpose and where it was holding up development.

The Professional Lead for Development Management advised that the Committee members were recently in receipt of emails and letters post Committee meetings. He advised that there needed to be a co-ordinated approach to correspondence received after a meeting, as there is prior to a meeting and that the Planning Protocol should reflect this. In response to questions he advised that if a member of the public wished to make a complaint about the process or information made available to the Committee by officers the member of the public should use the Council's complaints procedure. It was acknowledged that if a member acted as a "local representative" for an application, it was within their remit to respond to any comments they received.

County Councillor G Pugh left the meeting and County Councillor G Jones left the meeting as he had not yet received the training for the next item.

Taxi and other licensing

7. TAXI LICENSING FEES

The Committee considered revised fees for the Hackney Carriage and Private Hire Licensing regime, notably operator, vehicle, driver licences and tests to commence from April 2020.

RESOLVED	Reason for decision
that the revised Taxi Licensing fees set out in paragraph 2.3 of the report be approved for consultation and if following consultation no objections are received then they will come into effect on 1st April 2020.	To enable a new compliant fee to be set for licences issued under The Local Government (Miscellaneous Provisions) Act 1976.

County Councillor K Lewis (Chair)

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CYNGOR SIR POWYS COUNTY COUNCIL

LICENSING COMMITTEE

REPORT AUTHOR: Sue Jones, Senior Licensing Office

SUBJECT: Consultation on Taxi Licence Fees

16th January 2020

UPDATE REPORT

1. SUMMARY

- 1.1 Revised Powys taxi Licence fees for 2020/21 were presented to this committee on 5th December 2019 and approved for consultation. A copy of the original report is attached at Annex A
- 1.2 A notice of the proposed fees was posted in both the County Times and Brecon and Radnor Express on 12th December 2019 and allowed 28 days for representations.
- 1.3 One objection was received from Mr Graham Davies, proprietor of Brecon Taxis, to which a response has been made made, his email message and response is attached at Annex B
- 1.4 The fees proposed and consulted on are aimed at achieving cost recovery for administration of the taxi licensing regime as far as is permitted, however in light of the objection received Members are invited to re-consider and depart from these fees if thought necessary.
- 1.5 There is no requirement to re-advertise any revised fees and they can still come into effect from 1st April 2020, It is recommended that the fees come into force on 1st April 2020 in line with the original report in order to ensure full cost recovery

Recommendation:	Reason for Recommendation:
<p>To approve the proposed taxi fees, as reported on 5th December 2019 to come into effect on 1st April 2020 .</p>	<p>To enable a new compliant fee to be set for licences issued under The Local Government (Miscellaneous Provisions) Act 1976.</p> <p>To ensure the table of fares are deemed appropriate.</p>

A review of taxi fares be undertaken to assess the need for a new table of fares.			
Relevant Policy (ies):			
Within Policy:	Y	Within Budget:	Y
Relevant Local Member(s):	N/A		
Relevant Portfolio Holder	Cllr James Evans		
Person(s) To Implement Decision:	Sue Jones		
Date By When Decision To Be Implemented:		With immediate effect	
Contact Officer Name:	Tel:	Fax:	Email:
Sue Jones	01597 827389		Susan.jones@powys.gov.uk

Background Papers used to prepare Report:

CYNGOR SIR POWYS COUNTY COUNCIL

PLANNING, RIGHTS OF WAY AND TAXI LICENSING COMMITTEE

REPORT AUTHOR: Senior Licensing Officer

SUBJECT: Taxi Licensing Fees

DATE: 5th December 2019

REPORT FOR: Decision

1.0 Summary

- 1.1 The Committee is requested to consider the approval of revised fees for the Hackney Carriage and Private Hire Licensing regime notably operator, vehicle, driver licences and tests to commence from April 2020.
- 1.2 During the period of 1st April 2018 - 31st March 2019 the following number of tests were carried out and licence applications granted:

Driver Competency/Knowledge Tests	69
New Drivers	65
Renewal Drivers	156
New Private Hire Operators	5
Renewal Private hire operators	0*
Private Hire Vehicles	256
Hackney Carriages	180

*In line with statutory requirements the issuing of 3 year driver licences commenced in October 2015 so it is only from October 2018 that we started getting driver renewals. Similarly, the issuing of 5 year operator licences commenced in October 2015 and these will come up for renewal in October 2020.

The total number of current licences in place on 01/10/2019 are set out below

Drivers	498
Private Hire Operators	78
Private Hire Vehicles	264
Hackney Carriage Vehicles	164

2.0 Proposal

- 2.1 The setting of fees is governed by The Local Government (Miscellaneous Provisions) Act 1976 (Section 70), it allows for the recovery of costs in connection with administering, controlling and supervising the Hackney Carriage and Private Hire Licensing regime.
- 2.2 These fees have been calculated using a toolkit devised by the All Wales Licensing Expert Panel, as in previous years the toolkit has been utilised with assistance from our finance team.
- 2.3 The fee toolkit calculates the cost of several different elements of the service that figure into the final total fee, these are:
- the cost of materials such as making the plate and/or badge,
 - the cost of processing an individual licence i.e. the actual officer time from the issuing of a licence renewal letter through to the issuing of the licence
 - the cost of sub-committee hearings to consider individual licences/applications
 - the cost of administering the taxi regime locally including training, meetings, queries, complaints, compliance checks etc. and this element of the fee will fluctuate downwards or upwards depending on how many licence holders we have; the more licence holders we have and the cost of this element is spread across a greater number of licence holders.

	Current Fee	Proposed Fee	
Vehicles (1 year) Hackney Carriage Private Hire	£138	£148	
Driver Licence (3 year)	£247.50	£260	excludes DBS fee
Driver Licence (1 year – on request)	£140	£150	excludes DBS fee
Private Hire Operators (5 years)	£398	£405	excludes DBS fee
Knowledge/Competency Test	£38	£40	

- 2.4 For reference only it is useful to see fees currently charged by some of our neighbouring authorities. Where both renewal and new licence fees are published the renewal fee has been used. It must be remembered that it is difficult to make direct comparisons as fees calculated using the toolkit will be specific to local staffing and on-costs, they also factor in the number of licences that are administered by the authority, both these can vary a great deal between authorities. The greatest variation that can be noted is that in vehicle fees and this is because many authorities require in-house testing of vehicles at council garages, this adds significant extra cost to the processing of a licence that is then recovered through the fee sometimes directly or as an additional cost, hence the often much higher vehicle licence fees charged by other authorities.

Fees all in £'s	Driver 3 year	Driver 1 year	Test	Operator	Private Hire Vehicle	Hackney Carriage
Blaenau Gwent	270	Not offered/ advertised	Out-sourced	515	218	218
Carmarthenshire	137	75	19	631	148	146
Ceredigion	214	162	Inc in licence fee	425	162	167
Denbighshire	270	250	Inc in licence fee	250 – 420 depending on no. vehicles	200	200
Herefordshire	205	Not offered /advertised	Inc in licence fee	120 – 257 depending on no. vehicles	315	315
Merthyr Tydfil	230	Not offered / advertised	Out sourced	115	154	154
Monmouth	265	Not offered/ advertised	Out sourced	772	167	175
Neath Port Talbot	187	142	30	650	250	250
Rhondda Cynon Taff	136	Not offered/ advertised	30	394 - 461	272	272
Shropshire	245 inc DBS	Not offered/ advertised	Inc in licence fee	319 - 722	148	142
Torfaen	261	Not offered/ advertised	Out sourced	673	192	192
Wrexham	250	Not offered/ advertised	45	462 - 1400	199	174.50

- 2.5 Members are invited to approve the revised fees.
- 2.6 Should members approve the revised table of fees then The Local Government (Miscellaneous Provisions) Act 1976, Section 70 requires them to be advertised in the local press giving at least 28 days for objections.
- 2.7 Should there be any objections then these will need to be considered and reported back to this committee along with any revisions considered appropriate

2.8 If no objections are made then these fees will come into effect on 1st April 2020

3.0 Options Considered/Available

3.1 Fees need to be reviewed periodically to ensure that full cost recovery is achieved, staffing costs, on-costs and the cost of materials increase on an annual basis, if fees are not reviewed then the fees may not achieve full cost recovery. The All Wales tool kit was devised to enable us to establish a fee in a consistent manner to our Welsh counterparts, and also to ensure that they are transparent and able to withstand challenge. The fees proposed have been set using this toolkit in consultation with our finance team and are therefore recommended for approval.

4.0 Preferred Choice and Reasons

4.1 Consideration of the revised fees is required to ensure the Authority is in compliance with legal requirements.

5.0 Impact Assessment

5.1 Is an impact assessment required? No

6.0 Corporate Improvement Plan

6.1 Licensing contributes to various aspects of the 'Vision 2025' document - 'Change for Powys – delivering an open, pro-active and engaging council for 2025'. This proposal supports the priority areas of developing a vibrant economy whilst supporting and protecting our residents and communities.

7.0 Local Member(s)

7.1 This report has no particular significance to specific electoral divisions.

8.0 Other Front Line Services

8.1 Does the recommendation impact on other services run by the Council or on behalf of the Council? No

9.0 Communications

9.1 Once approved by committee the policy will be consulted on.

10.0 Support Services (Legal, Finance, Corporate Property, HR, ICT, Business Services)

10.1 The Principal Solicitor Public Protection has commented as follows: It is important for the Council that the costs of administering this service are recovered and this statutory procedure ensures that this is achieved.

10.2 The Finance Manager notes the contents of the report, finance have been involved in the calculation of the new fees, the fees set have to be based on full cost recovery only.

11.0 Scrutiny

11.1 This report has not been scrutinised.

12.0 Statutory Officers

12.1 The Head of Financial Services (Section 151 Officer) notes the comment of the Finance Manager.

12.2 The Head of Legal and Democratic Services (Monitoring Officer) has commented as follows: “ I note the legal comment and have nothing to add to the report”.

13.0 Members’ Interests

13.0 The Monitoring Officer is not aware of any specific interests that may arise in relation to this report. If Members have an interest they should declare it at the start of the meeting and complete the relevant notification form.

Recommendation:	Reason for Recommendation:
That the revised Taxi Licensing fees set out in paragraph 2.3 of the report be approved for consultation, and if following consultation no objections are received then they will come into effect on 1 st April 2020	To enable a new compliant fee to be set for licences issued under The Local Government (Miscellaneous Provisions) Act 1976

Relevant Policy (ies):	
Within Policy:	Y
Within Budget:	Y

Relevant Local Member(s):	N/A
Relevant Portfolio Holder	Cllr James Evans

Person(s) To Implement Decision:	Senior Licensing Officer
Date By When Decision To Be Implemented:	To come into effect 01/04/2020

Contact Officer Name:	Tel:	Email:
Sue Jones	01597 827389	Susan.jones@powys.gov.uk

Background Papers used to prepare Report:

All Wales Licensing Expert Panel Fees Toolkit

From: [Susan Jones](#) on behalf of Licensing GRAHAM DAVIES
To:
Subject: RE: Licensing Fee increase
Date: 02 January 2020 12:21:01

Annex B

Dear Graham,

Your comments will be presented to the taxi licencing committee for consideration, to date these are the only ones that I have received.

I would say that a lot of work goes into ensuring accurate figures, as far as possible, are used to determine the fees each year and to ensure that the cost of administering the taxi licensing service is recovered via the fees, in addition we are aware that the fees cannot subsidise other council services, as such income from taxi fees is kept separate to other income. I take on board you comments about licensing officers being visible and will see if we can address this by more regular pro-active spot checks in future, however there is often a lot of reactive work being carried out, dealing with complaints, allegations, sub-committee determinations etc. that may not be obviously apparent and does take significant time.

I have in the past signposted you to the Licensing Expert Panel spreadsheets that are used for the purpose of calculating fees so that you can see the full extent of what is considered. I have just spoken to our information compliance unit about sharing the completed spreadsheets and they have suggested that you need to make a request under freedom of information, however some of the information will need to be redacted as it would be considered exempt.

In respect of the taxi fares survey, I will consider the responses received in due course to see if there is any demand for any changes.

Regards

Sue Jones

Senior Licensing Officer/Uwch Swyddog Trwddedu

/

Trwyddedu Cymraeg – Cyngor Sir Powys
Licensing Team – Powys County Council

(Rhif ffôn / Tel no. 01597 827389

(Cyfeiriad ebost /susan.jones@powys.gov.uk)

Cysylltwch â ni yn Gymraeg neu yn Saesneg. Ni fydd cysylltu yn Gymraeg yn arwain at oedi.
Contact us in Welsh or in English. Contacting in Welsh won't lead to a delay.

Follow us on Twitter @PowysEnvHealth

-----Original Message-----

From: GRAHAM DAVIES <brecontaxis@outlook.com>

Sent: 31 December 2019 16:20

To: Licensing <licensing@powys.gov.uk>

Subject: Licensing Fee increase

Dear Sir/Madam

I wish to object to the proposed fee increases yet again.

You are proposing to increase the Joint Hackney Carriage and Private Hire Driver 3 year Licence by over 5%, the 1 year Licence by 8.7% and the Vehicle Licence by 7.2%.

These rises are way above the level of inflation and cannot be justified for the service provided.

As drivers we are having to cope with ever increasing running costs for fuel, insurance and maintenance.

I am sure you will point out that a questionnaire was sent out about fare increases, but as Drivers we know that if fares increase people will use taxis less, as they have a choice of other transport or to walk.

As Drivers we have no choice over your fees as we cannot operate without the Licenses.

In the past I have asked about the Licensing fees and have been told about formulas being used, similar to other Councils, but have never been given any actual figures to substantiate the fees being charged.

The fees are only supposed to cover costs of Licensing Taxis and not other services that the Licensing Department is responsible for.

It is very rare to see any Taxi Officers on the streets, they do not see Private Hire vehicles and other members of the public parking on the Rank. They do not hear the abuse we get when trying to tell these people they cannot park on a Rank. Just today a driver of a taxi from Neath told me a Powys Licensing Officer had told him he could park there - surprisingly I didn't believe him.

Back in November, after moving a car of the Rank - a rare case - one of the Traffic Wardens commented how difficult it was to see some of the Taxi markings and said he would report back about it, but nothing has been done.

I would ask again for a full figure breakdown of all incomes and costs for Taxi Licensing in Powys - not formulas - to see how your proposed fees are calculated.

Thanking you.

Graham Davies

Proprietor

Brecon Taxis

Arfon House

38 Free Street

Brecon

Powys

Planning, Taxi Licensing and Rights of Way Committee
16th January 2020

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

Applications for consideration by Committee:

Application No:	Nature of Development:
Community:	Location of Development:
O.S. Grid Reference:	Applicant:
Date Received:	Recommendation of Head of Planning:

<p>19/0052/FUL</p> <p>Disserth and Trecoed Community</p> <p>E: 3060508 256061</p> <p>11.01.2019</p>	<p>Full: Erection of rural enterprise dwelling. Installation of sewerage treatment plant and all associated works</p> <p>Land at Maes Y Cae, Disserth, Builth Wells, Powys,</p> <p>Mr Stuart Bridgewater</p> <p>Recommendation: Refuse</p>
<p>19/1734/FUL</p> <p>Clyro Community</p> <p>E: 321208 243803</p> <p>31.10.2019</p>	<p>Full: Erection of a dwelling and all associated works (Resubmission of 18/0840/FUL)</p> <p>Land adjacent to Waverleigh, Clyro, Hereford, Powys HR3 5SE</p> <p>Mr and Mrs Cooper-Lally</p> <p>Recommendation: Conditional Consent</p>

<p>19/1798/REM</p> <p>Churchstoke Community</p> <p>E: 327554 N: 293963</p> <p>30.10.2019</p>	<p>Section 73 application to vary condition no. 2 attached to outline approval P/2016/0721 for up to 45 dwellings to allow extension of time for further 3 years to submit reserved matters application</p> <p>Development at Land Adjoining Fir House, Churchstoke, Montgomery, Powys</p> <p>Mr Simon Kendrick</p> <p>Recommendation: Conditional Consent</p>
<p>19/1886/DIS</p> <p>Abermule and Llandyssil Community</p> <p>E: 315755 N: 294250</p> <p>15.11.2019</p>	<p>Discharge of condition 9 from planning approval P/2018/0587 (Full) in respect of a remediation scheme</p> <p>Abermule Business Park, Abermule, Newtown, Powys SY15 6NU</p> <p>Mr Simon Kendrick</p> <p>Recommendation: Condition 9 of the full consent is discharged</p>
<p>19/1943/TRE</p> <p>Llandrindod Wells Community</p> <p>E: 305578 N: 260937</p> <p>26.11.2019</p>	<p>Works to trees in Conservation Area: Application to fell three oak trees within a conservation area</p> <p>Rock Park, Llandrindod Wells, Powys, LD1 6AE</p> <p>Powys County Council</p> <p>Recommendation: Approval</p>

There is, therefore, an established essential need for the business in this location, which is fully functioning at present and which the associated dwelling now proposed would boost, enabling continued assistance to local firms that rely on the level and range of support services provided to ensure their own resilience and sustainability. In this context, there is an overriding need for the applicant to live on site, to properly manage the risks to the business and maintain vital support for the wider agricultural community whose primary inputs are derived from the land.

The officer's report also confirms that there are no objections from statutory consultees and no concerns in terms of size, scale, design and impact of the proposed dwelling.

The vote from the committee to not refuse the application has to stand, unless and until a further vote to refuse the application takes place, which would surely have to be based on new evidence.”

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

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

Conclusion

Members are advised to consider the determination of planning application in light of the above additional information. Officers consider that the officer recommendation made to the Committee meeting on the 5th December 2019 remains valid.

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

advising us of the proposals for:

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

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

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

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

Ward Councillor

21st Jan 2019

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

PCC-(M) Highways

4th Mar 2019

HC1 Prior to the occupation of the dwelling any entrance gates shall be set back at least 10 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.

HC2 The gradient of the access shall be constructed so as not to exceed 1 in 15 for the first 10 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.

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

HC4 Prior to the commencement of the development the access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 43 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the areas of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

HC7 Prior to the commencement of the development the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 10 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

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

HC21 Prior to the occupation of the dwelling the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 10 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.

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

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

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

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

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

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

Environmental Health

22nd Jan 2019

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

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

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

Additional Comments Received 19/02/2019;

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

PCC-Ecologist

19th Feb 2019

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

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

The data search identified 11 records of protected and priority species within 500m of the proposed development with no records found for the site itself. Species recorded within 500m of the proposed development include badger and white clawed crayfish.

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

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

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

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

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

Hedgerow Translocation Method Statement

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

Powys LDP Policy DM2 states that:

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

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

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

habitats of high biodiversity value'.

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

LDP policy DM2 part 2 identifies the need to protect habitats afforded protection under National policy and legislation including those listed as a "habitats of principal importance for the purposes of conserving biodiversity" as identified in on Section 7 of the Environment (Wales) Act 2016 - Hedgerows are included on this list and are beneficial to a wide range of biodiversity including bats, nesting birds, small mammals, lichens and fungi.

Landscape Planting Scheme

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

Wildlife Sensitive Lighting Plan

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

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

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

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

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

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

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

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

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

In addition I recommend inclusion of the following informative:

Birds - Wildlife and Countryside Act 1981 (as amended)

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

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

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

The applicant is therefore reminded that it is an offence under the Wildlife and

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

PCC- (S) Land Drainage

21st Jan 2019

Having assessed the Planning Application Ref 19/0052/FUL, the SuDS Approval Body (SAB) deem that the construction area is greater than 100m² and therefore this proposed development will require SAB approval prior to any construction works commencing onsite.

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

Representations

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

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

The letters of objection can be summarised as follows;

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

Planning History

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

Principal Planning Policies

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

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

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

Other Legislative Considerations

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

Officer Appraisal

Site Location and Description

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

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

Principle of Development

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Functional Test

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

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

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

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

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

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

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

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

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

Time Test

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

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

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

Financial Test

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

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

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

Other Dwelling Test

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

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

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

Design and Appearance

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

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

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

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

Scale and Future Affordability

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

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

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

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

Landscape Impact

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

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

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

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

Amenities enjoyed by occupiers of neighbouring properties

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

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

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

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

Highways

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

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

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

Biodiversity

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

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

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

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

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

Foul Drainage

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

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

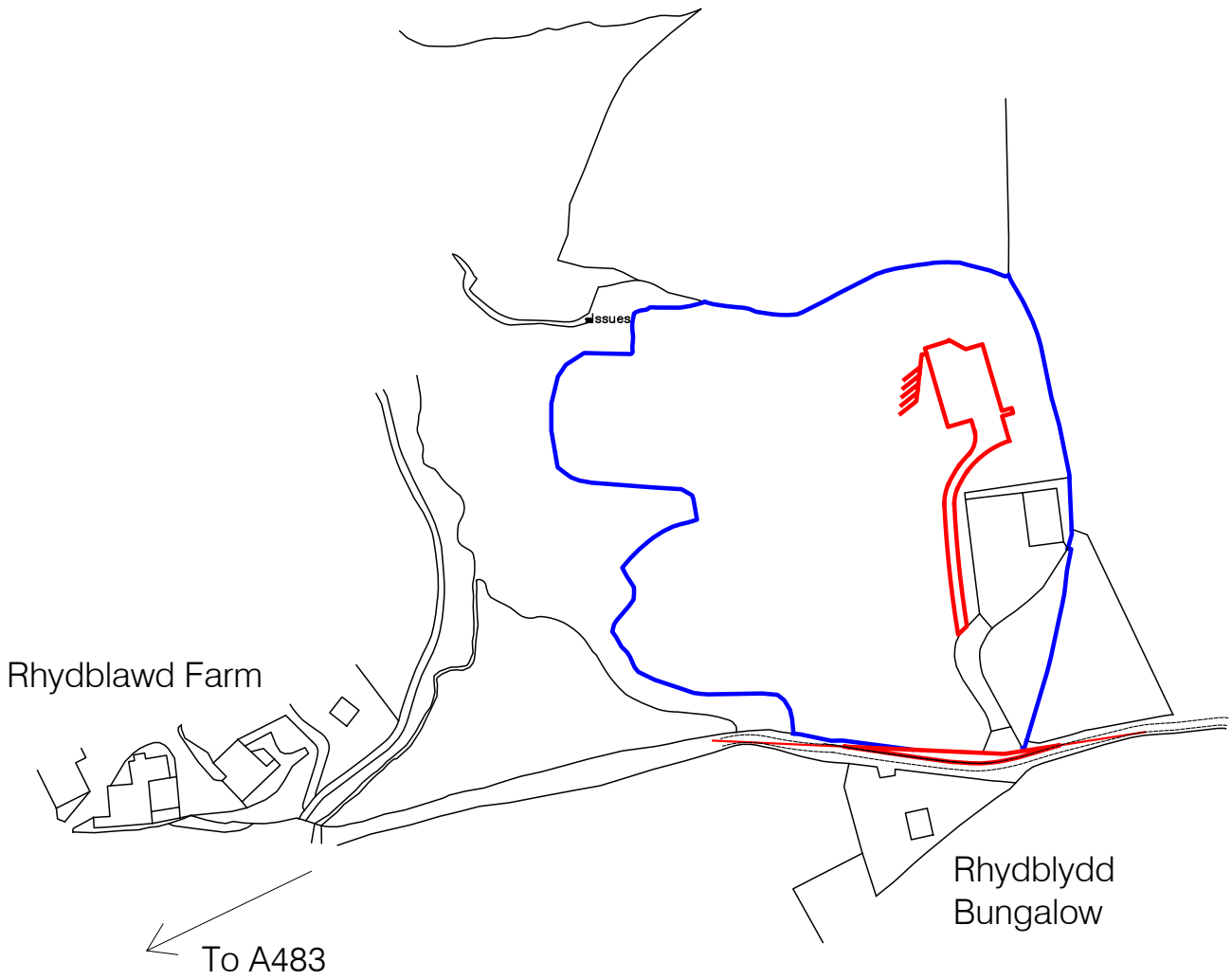
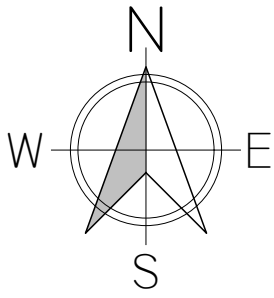
RECOMMENDATION – REFUSE

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

Reasons

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

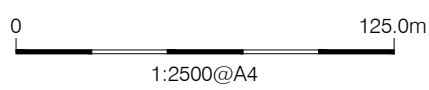
Case Officer: Rhys Evans, Planning Officer
Tel: 01597 827235 E-mail: rhys.evans@powys.gov.uk



Grid Ref
SO 06017 56019

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Rev.	Note.	Date.
A	DWELLING REDUCED	12-18
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Gareth Price
Chartered Building Surveyor
 Garner Southall Group Practice
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 Llandrindod Wells, Powys LD1 5ET
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Project. PROPOSED RURAL ENTERPRISE DWELLING. HOWEY	
Subject. SITE LOCATION	
Drm. SAB	Scale. 1:2500@A4
Date. 07/17	Ref. 4781/3A
DO NOT SCALE, USE FIGURED DIMS ONLY - COPYRIGHT	

6.3

Planning, Taxi Licensing and Rights of Way Committee Report

Application Number:	19/1734/FUL	Grid Ref:	E: 321208 N: 243803
Community Council:	Clyro Community	Valid Date:	31.10.2019

Applicant: Mr & Mrs Cooper-Lally

Location: Land Adjacent to Waverleigh, Clyro, Hereford, Powys, HR3 5SE.

Proposal: Erection of a dwelling and all associated works (Resubmission of 18/0840/FUL)

Application Type: Full Application

The reason for Committee determination

The application has been 'called-in' by the Lead Professional for Development Management due to the planning history.

Consultee Responses

Consultee	Received
<u>Environmental Protection</u>	11th Nov 2019

Environmental Protection have no objections to this application however, we would suggest the following be added should permission be granted

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

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

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

- o 0800-1800 hrs Monday to Friday
- o 0800-1300 hrs Saturday

- o 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."

Welsh Water

14th Nov 2019

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

We would request that if you are minded to grant Planning Consent for the above development that the Conditions and Advisory Notes provided below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

Sewerage

We can confirm capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development site. The proposed development may be subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore may require approval of Sustainable Drainage Systems (SuDS) features, in accordance with national standards, and is strongly recommended that the developer engage in pre-application consultation with the Local Authority, as the relevant SuDS Approval Body (SAB). Should it be determined that SAB consent is not required, we request that if you are minded to grant Planning Consent for the above development that the Conditions and Advisory Notes listed below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

Conditions No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment

Advisory Notes The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform

to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

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

PCC-(M) Highways

14th Nov 2019

Thank you for consulting the Highway Authority on this matter. The access to the proposed dwelling is via a private road, whilst the gradient and road width aren't ideal, there are currently only 4 dwellings accessed via this road therefore the creation of 1 more dwelling, with a daily trip generation of 8-10 movements, will not cause a significant increase in traffic to cause a highway concern.

The visibility at the junction with the C1331 has been a concern in previous applications utilising this access road, however the introduction of Manual for Streets means the required visibility for a 30mph speed limit has been reduced to 43m with a 2.4m set back, this is achievable in both directions.

Recommendations/Observations

Based on the submitted information, the highways authority has no reason to refuse this application on highways safety grounds, and therefore recommends the below condition be included within the decision notice should permission be granted.

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

PCC- (S) Land Drainage

Planning Department: Could the following be added as an informative for the application.

All: Having assessed the Planning Application Ref 19/1734/FUL, the SuDS Approval Body (SAB) deem that the construction area is greater than 100m² and therefore this proposed development will require SAB approval prior to any construction works commencing onsite.

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

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

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

The requirement for to obtain SAB consent sits outside of the planning process but is enforceable in a similar manner to planning law. It is a requirement to obtain SAB consent in addition to planning consent.

Failure to engage with compliant SuDS design at an early stage may lead to significant unnecessary redesign costs.

PCC-Ecologist

4th Dec 2019

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 88 records of protected and priority species within 500m of the proposed development with no records found for the site itself. Species recorded within 500m of the proposed development include bat species; brown long-eared, pipistrelle, myotis and Natterer's, hazel dormouse, slow worm and house sparrow.

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

Preliminary Ecological Assessment

I have reviewed the Ecological Impact Assessment V3 Report produced by Protected Species Ecology Ltd dated October 2019, I consider that the survey effort employed was in accordance with National Guidelines.

The report details the findings of a phase 1 habitat survey and protected fauna and habitat suitability assessment undertaken in July 2018 and October 2019. Habitats identified within and immediately adjacent to the proposed development site include;

- o semi-improved grassland
- o post and rail fence
- o mature tree
- o mixed hedgerow

The walnut tree on the north-west boundary of the site was assessed for potential features to support roosting bats. No potential roosting features were noted. However, an oak tree adjacent to the development site was considered to have potential to support roosting bats and the north-eastern boundary hedgerows were considered likely to be used by foraging and commuting bats.

The data search found that hazel dormouse are present within the local area. Following the site inspection, it was considered that the hedgerow on the north-eastern boundary did contain native species suitable to support dormice, however due to the lack of connectivity between the hedgerow and other woodlands and hedgerows it was considered that the potential for dormice to be present is low.

The semi mature trees and hedgerow to the north east were considered suitable to support nesting birds.

The site was considered unsuitable for great crested newts and amphibians due to the lack of ponds within 500m and lack of refugia to provide terrestrial habitat.

The report identifies that any increase in external lighting from the development has potential to impact natural wildlife in particular bat species. It is also considered that during the construction phase that there may be potential for mature trees both within and adjacent to the site to be damaged. Suitable mitigation and enhancement measures have been outlined in section 5.2 of the Ecological Impact Assessment V3 Report produced by Protected Species Ecology Ltd dated October 2019. Measures include;

- o Adoption of a wildlife friendly lighting scheme
- o Implementation of Root Protection Areas
- o Inclusion of a new native species hedgerow

It is recommended that adherence to the identified mitigation and avoidance measures is secured through an appropriately worded planning condition.

Biodiversity Enhancement

I have reviewed the proposed site plans produced by McCartneys dated August 2018 - I considered the provisions of bug boxes, bat tube, bird boxes and native hedgerow planting to be appropriate and acceptable.

Wildlife Sensitive Lighting Plan

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

Landscape Planting Scheme

Drawing number Ki5327 30D indicates that native trees and a new native species hedgerow are to be established around the proposed development site. Whilst the drawing indicates that oak, rowan, chestnut and holly etc. trees are to be planted no details regarding numbers, planting and aftercare schedules have been shown. In addition, limited details have been provided regarding proposed species mixes, planting and aftercare schedules of the proposed new hedgerows.

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

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

The development shall be carried out strictly in accordance with the recommendations and mitigation measures identified in the Ecological Impact Assessment V3 Report produced by Protected Species Ecology Ltd dated October 2019. The identified measures shall be adhered to and implemented in full and maintained thereafter.

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

No external lighting shall be installed unless a detailed external lighting design scheme has been submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall identify measures to avoid impacts on nocturnal wildlife in accordance with the recommendations outlined in the BCT and ILP Guidance Note 8 Bats and Artificial

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

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

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

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

In addition I recommend inclusion of the following informatives:

Birds - Wildlife and Countryside Act 1981 (as amended)

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

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

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

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work

involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built (usually between late February and late August or late September in the case of swifts, swallows or house martins). If a nest is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.

Protected Species

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

PCC-Built Heritage Officer

5th Dec 2019

19/1734/FUL Erection of a dwelling and all associated works (Resubmission of 18/0840/FUL) Land Adjacent to Waverleigh, Clyro, Hereford, Powys, HR3 5SE.

Recommendation No objection - subject to conditions

Background to Recommendation

Designation

Within Wye Valley Registered Historic Landscape

Within Clyro Conservation Area which contains a number of listed buildings centred around the church.

Adjacent to listed buildings

Cadw ID 8742 Sacred Cottage included on the statutory list on 18/09/1962

Cadw ID 15310 20 The Village included on the statutory list on 31/01/1995

Cadw ID 15311 21 The Village included on the statutory list on 31/01/1995

Cadw ID 8751 Old Vicarage included on the statutory list on 18/09/1962

Policy Background

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

The Planning (Listed Buildings and Conservation Areas) Act 1990

Planning Policy Wales 10th edition 2018

Conservation Principles published by Cadw

TAN24

Managing Change to Listed Buildings in Wales - Annexe to TAN24

Setting of Historic Assets in Wales - Annexe to TAN24

Heritage Impact Assessments - Annexe to TAN24

Historic Environment Records

Local Development Plan

Strategic Policy SP7

DM13 Design and Resources Local Development Plan Themes and Objectives;

Theme 4 - Guardianship of natural, built and historic assets

LDP Objective 13 - Landscape and the Historic Environment

Comments

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

However, I would also refer to more recent guidance in paragraph 6.1.10 of Planning Policy Wales 10th edition 2018 which states, " For any development proposal affecting a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses."

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

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

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

Preserving means "doing no harm" and the harm to the setting of the listed buildings identified should be afforded considerable weight.

TAN24 addresses setting with some of the factors to consider and weigh in the assessment including

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

Paragraph 1.26 identifies the other factors that may affect the setting of an historic asset to include inter-visibility with other historic or natural features, tranquillity, noise or other potentially polluting development though it may have little visual impact.

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

It is noted that section 2.2 of Managing Setting of Historic Assets which came into effect on 31 May advises that applicants for planning permission should provide the local planning with sufficient, but proportionate, information to allow the assessment of the likely impact of proposal for development on a historic asset and its setting. It is noted that no such assessment accompanied the application.

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

The document provides advice on how to assess the setting

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

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

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

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

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

I note that the application is a resubmission of 18/0840/FUL, an application which I objected to on the grounds of the setting of listed buildings and failing to preserve or enhance the character or appearance of the conservation area.

Following my objections dated 04 December 2018, amended plans were received with a change in the design, following discussions centred around the vernacular building tradition of Clyro.

Whilst acknowledging the changes in the design in the amended plans, I maintained my objections to the proposal, with some elements of the design and the siting which was more modern in its arrangement taking into account the modern need for car parking and vehicular access.

The current proposal seeks to address those concerns.

In respect of the design, the changes are subtle but nonetheless significant.

The changes to the gablets on the North West and South East Elevation are more organic reflecting the vernacular as the variation in size is a more traditional feature. The removal of the external chimney and its location internally is welcomed, however care would need to be taken in any chimney pots or cowls, and I would request a condition in that respect be imposed if the application is approved. The solid nature of the chimney could be changed by modern chimney pots and care would need to be taken in this regard.

The loss of the windows on the gable facing the church (north east) is more appropriate and traditional in its form. This will also reduce the potential of overlooking to the neighbouring properties Sacred Cottage and Church View from the proposed house itself.

The siting of the proposed property has changed, and whilst edge of highway would have been preferred, the desire to set back to retain the walnut tree is acknowledged and also to enable safe egress from the site.

It is noted that the Draft Conservation Area appraisal that accompanied the public consultation on the designation of the Clyro conservation area identifies the site and the former orchard as agricultural land, and it is noted that this is prior to the construction of Waverleigh. The emphasis on new development reflecting local vernacular and distinctiveness was addressed with the then undeveloped land adjacent to the Baskerville Arms being identified that any building on that site would reflect the traditional vernacular of the settlement. The site itself was not mentioned specifically in that document.

I note the Clyro Community and Village Design Statement adopted in 2004, which provides good design guidance for the village. The starting point being the relationship of buildings to one another and to their site, to retain the rural "look" of the village. The roofscape has been identified as having visual diversity and interest with angles, dormers and chimneys offset against each other. The spaces between buildings and the way trees supplement these spaces are considered vital in understanding what is appropriate when changes are made to the village to be reveal the surrounding countryside. Building details have been identified as "windows were casement style and many houses have a fixed centre section with an opening light on either side. Windows and doors are made of wood and are either stained or painted. The oldest houses often have a sill of rounded bricks. These were probably fitted when the windows were replaced. Walls were constructed of stone and

either painted with a lime wash or rendered and painted. Verges were often shaped with a series of curves. Ridges were given a decorative look, and fancy chimney pots sometimes used. The oldest roofs were clad with stone tiles, later roofs are of slate. Carved stone emblems or build dates were incorporated into buildings". I note the recommendations for the design of new development on page 24 in respect of the design and building elements that would be considered appropriate for Clyro.

<http://clyro.org/wp-content/uploads/2018/02/22design-statement.pdf>

It is considered that the revised design appears to meet the design recommendations in the Clyro Community and Village Design Statement, and in addition it is considered that the latest plans would satisfy the requirements of criteria 1, and 2 of Local Development Plan Policy DM13 which requires new development to;

1. Complement and/or enhance the character of the surrounding area in terms of siting, appearance, integration, scale, height, massing, and design detailing.
2. Contribute towards the preservation of local distinctiveness and sense of place.

LDP policy DM13 reflects national guidance in respect of design notably TAN 12 in respect of design and in particular 5.6.1 which seeks to ensure the preservation or enhancement of specific qualities Planning Policy Wales 10th edition, which, in section 3.4 identifies that design is an inclusive process, which can raise public aspirations, reinforce civic pride and create a sense of place and help shape its future. These objectives can be categorised into five key aspects of good design (Figure 7), one of which is that the special characteristics of an area should be central to the design of a development. The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations.

In section 3.10 the advice continues that in areas recognised for their particular landscape, townscape, cultural or historic character and value it can be appropriate to seek to promote or reinforce local distinctiveness. In those areas, the impact of development on the existing character will be particularly important.

I had previously raised concern with the size of the proposed dwelling and will defer consideration of that element to yourself. However, I note the revised siting significantly closer to the access lane, with access to the rear. This has resulted in more of the proposed dwelling being screened from views on the road outside the church by the existing garden planting of Church View, however the proposed property will still be visible from some vantage points that is within the churchyard. However, the revised siting and the blank gable facing the church has limited the impact, with the roofscape being more dominant.

As such I would not wish to maintain my objections in respect of the size based on the amended plans.

In my previous comments I assessed the impact of the proposal on the character and appearance of the conservation area and the setting of listed buildings. I acknowledge that these concerns have been addressed. This application was accompanied by a detailed Heritage Impact Statement in relation to the setting of listed buildings and the character and appearance of the conservation area. I would agree with that assessment.

Conclusion

It is considered that previous concerns have been addressed in respect of the siting and design of the proposed dwelling. This leaves the question of the principle of the development of an area of unbuilt land being built upon in a conservation area.

In conservation areas "Special interest is expressed in the character of the area and not in isolated buildings; for example, in the pattern of settlement, the organisation of space and building plots, and the network of routes, as well as in the style and type of building, and the use of materials and detail. The green infrastructure can be important too. Parks, gardens, hedges, verges, historic trees and water features — both publicly or privately owned in formal or informal arrangements — can all be important components of historic character in a conservation area." Source second section on page 4 of Managing Conservation Areas in Wales.

As such the erosion of previously undeveloped land in conservation areas has to be considered with care, and the character/significance of that open space needs special attention.

In this case the former historic orchard was utilised as farmland and the trees are no longer evident. The former orchard has been eroded by the construction of Waverleigh (possibly since the designation as a conservation area). The site is at the edge of the conservation area, as at the time of designation, the new development of Begwyns Bluff has been granted planning permission. The revised siting of the proposed dwelling would therefore be at the edge of the conservation area and not at its heart and the revised design would distinctly mark the historic core from the later developments. As such it is considered that the current application would preserve the character and appearance of the conservation area and would not harm the setting of listed buildings.

However, this is based on the design and proposed materials as submitted, and to ensure that the development is appropriate for its location I would recommend the following conditions be attached to the granting of any consent. I would also request that given its

sensitive location that consideration be given to the removal of permitted development rights including the formation of windows on the gable facing the church.

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

Prior to works commencing on site, details of the proposed gutters hoppers, and down pipe, including profile and decorative finish, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved materials.

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

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

Notwithstanding the provisions of the Town and Country Planning (general Development Order) 1985, (or any order revoking and re-enacting that Order with or without modification), no fences, gates, walls, garages, extensions, decking, or dormer windows that be erected other than those expressly authorised by this permission.

Notwithstanding the provisions of the Town and Country Planning (general Development Order) 1985, (or any order revoking and re-enacting that Order with or without modification), no windows or doors shall at any time be placed on the north east elevation of the dwelling hereby permitted.

Reason: To safeguard the preservation of the Clyro Conservation in accordance with national legislation policy and guidance and policy SP7 of the Powys Local Development Plan.

CPAT

12th Nov 2019

In this case I would refer you to my previous comments made on 6/11/18 (18/0840/FUL).

The new proposals further minimize the impact on the setting of the Conservation Area as demonstrated in the Heritage Impact statement with no significant impact arising.

We would therefore have no objection to these proposals.

Cadw - SAM

26th Nov 2019

Thank you for your letter of 7 November 2019 inviting our comments on the information submitted for the above planning application.

Advice

Having carefully considered the information provided with this planning application, no objections to the impact of the proposed development on the scheduled monument RD066 Clyro Castle.

Our role

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

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

National Policy

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

PPW (planning-policy-wales-edition-10.pdf) explains that It is important that the planning system looks to protect, conserve and enhance the significance of historic assets. This will include consideration of the setting of an historic asset which might extend beyond its curtilage. Any change that impacts on an historic asset or its setting should be managed in a sensitive and sustainable way.

The conservation of archaeological remains and their settings is a material consideration in determining a planning application, whether those remains are a scheduled monument

or not. Where nationally important archaeological remains are likely to be affected by proposed development, there should be a presumption in favour of their physical protection in situ. It will only be in exceptional circumstances that planning permission will be granted if development would result in a direct adverse impact on a scheduled monument (or an archaeological site shown to be of national importance).

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

Assessment

The application area is located some 270m northwest of scheduled monument RD066 Clyro Castle. The monument is the site of a medieval castle and comprises the remains of a motte and ditch. Clyro Castle is a very large mound with a summit measuring c.60m north-east to south-west by c.50m, formed from a scarped and flattened natural knoll, sited at the west end of a north-east to south-west ridge.

The castle was located in order to control movement along the northern side of the Wye Valley and also to protect the north-western approach to the crossing of the Wye at Hay-on-Wye. The significant views from the castle are therefore to the north-east, south-east and southwest

The proposed development is a two- storey dwelling with pitched roof. It is not located in any of the identified significant views from the castle and any views will be blocked or significantly screened by existing vegetation. Consequently, the proposed development will not have any impact on the setting of scheduled monument RD066.

Natural Resources Wales (North) DPAS

14th Nov 2019

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

Protected Species

We are satisfied that the bat survey report submitted in support of the above application dated September 2018 by Protected Species Ecology LTD is satisfactory for the purposes of informing the public decision- making process.

No European Protected Species (EPS) were found present within the area affected by the proposal and the potential for bat roosting was considered low, however trees/hedgerows in the vicinity could be used by bats for foraging/roosting.

We would welcome the inclusion of the report in the 'approved list of plans / documents' condition within the decision notice should consent for the project be granted in order to secure the recommendations in the report.

Furthermore, we advise that the proposed development is not likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

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

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

Community Council

12th Dec 2019

Thank you for your letter of 7 November 2019 inviting our comments on the information submitted for the above planning application.

We discussed the application in detail at our meeting of Tuesday 10th December. Members of the public including the applicants were present and invited to comment. The Community Council had also received emails from two people objecting to the application - one former resident, and one resident of Clyro.

The main concerns raised at the meeting & in the emails were:

- 1) The height of the proposed building and worries that it would impact on the view from properties in Begwyns Bluff
- 2) That if this application for one dwelling was passed it may pave the way for further dwellings on the area of land around the plot.
- 3) That any building was inappropriate for green space inside the conservation area

The applicant pointed out that they had worked with & complied with all the requests of the heritage officer in terms of design, size and siting of the building in order to minimise impact and provide a sympathetic design that would sit well within the village.

Councillors following discussion acknowledged the concerns raised but a majority 7 out of 8 had no objection to the application.

PCC-Building Control

No comments received at the time of writing this report.

Wales & West Utilities - Plant Protection Team

No comments received at the time of writing this report.

Ward Councillor

30th Nov 2019

I have previously requested that the application for planning permission on the site be determined at full planning committee, for reasons previously stated. Please confirm that this re-application is still to be determined at full planning committee.

Representations

Following the display of site notices on 15/11/2019 and 22/11/2019 a total of 37 public representations have been received at the time of writing this report. With 19 representations of support and 18 representations of objection received.

The representations of support can be summarised as follows;

- Design in keeping with local tradition of village
- Creating housing for young people
- Limited existing housing in the village
- With local plan allocation for Clyro
- Clyro is a large village which needs housing
- Will enhance the character of the Clyro Conservation Area
- Provide local housing for local people
- Provide support for local primary school
- Provide support for the local economy

The representations of objection can be summarised as follows;

- Affect local ecology and cause pollution
- Close to adjoining properties

- Development too high
- General dislike of proposal
- Inadequate access
- Increase in traffic
- Information missing from plans
- Loss of daylight and privacy
- Out of keeping with character of the area
- Not in keeping with the character of the Conservation Area
- Create adverse impact upon surrounding Listed Buildings
- Scale of dwelling too large
- Adverse impact on neighbour amenities
- Adequate existing housing supply in surrounding area
- Increase Flood Risk

Planning History

App Ref	Description	Decision	Date
18/0840/FUL	Erection of a dwelling and all associated works.	Withdrawn	10/07/2019

Principal Planning Constraints

Listed Buildings
 Clyro Conservation Area
 Scheduled Ancient Monument

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
TAN18	Transport		National Policy
TAN24	The Historic Environment		National Policy

DM2	The Natural Environment	Local Development Plan 2011-2026
DM4	Landscape	Local Development Plan 2011-2026
DM7	Dark Skies and External Lighting	Local Development Plan 2011-2026
DM13	Design and Resources	Local Development Plan 2011-2026
H1	Housing Development Proposals	Local Development Plan 2011-2026
H3	Housing Delivery	Local Development Plan 2011-2026
H4	Housing Density	Local Development Plan 2011-2026
SP1	Housing Growth	Local Development Plan 2011-2026
SP5	Settlement Hierarchy	Local Development Plan 2011-2026
SP6	Distribution of Growth across the Settlement Hierarchy	Local Development Plan 2011-2026
SP7	Safeguarding of Strategic Resources and Assets	Local Development Plan 2011-2026
SPGBIO	Biodiversity and Geodiversity SPG (2018)	Local Development Plan 2011-2026
SPGLAN	Landscape SPG	Local Development Plan 2011-2026
T1	Travel, Traffic and Transport Infrastructure	Local Development Plan 2011-2026

Other Legislative Considerations

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

Officer Appraisal

Site Location and Description

The application site is located within the large village of Clyro and falls within the settlement development boundary of Clyro as defined by the Powys Local Development Plan (2018). The site is located on land adjacent to Waverleigh (existing residential property) and is surrounded by neighbouring residential properties to the north and south, the access track and neighbouring residential estate Begwyns Bluff to the west and to the east lies agricultural land which has previously made up part of the former Clyro Vicarage Orchard.

This application proposes the erection of a two-storey dwelling. The dwelling will measure approximately 15.8 metres in length by 8.0 metres in width, with a height to the eaves of approximately 3.6 metres and a height to the ridge of approximately 7.6 metres. The selected materials for the proposed dwelling are as follows; bagged and limewashed rubble stone walls under a reclaimed Welsh slate roof, oak framed windows and doors and post and rail fence as well as hedging to the boundary walls.

Principle of Development

LDP Policy H1 – Housing Development Proposals seeks to ensure that housing development is appropriately located and suitable in scale and type. In Large Villages housing development proposals will only be permitted where the following applies;

- i. *“On sites allocated for housing or on other suitable sites within the development boundary; or*
- ii. *On sites forming logical extensions outside development boundaries for affordable housing in accordance with Policy H6.”*

The application site is located within the settlement development boundary of Clyro and is surrounded by neighbouring residential properties immediately to the north-east and south-west of the application site, as well as the neighbouring residential estate, Begwyns Bluff, located approximately 20 metres to the north-west of the application site. It is therefore considered that the proposed dwelling is located on a suitable site within the development boundary of Clyro and the principle of development is acceptable at this location.

Density

LDP Policy H4 recommends that in Towns and Large Villages there should be a housing density of 27 plus units per hectare, which equates to a plot size of approximately 370 sqm per dwelling to ensure that development proposals should seek to make the most sustainable and efficient use of land.

The plot area of the proposed dwelling as proposed is approximately 900 sqm, which includes access, parking and turning areas. It is noted that the topography of the plot slopes down to the east of the application site, with the proposed dwelling located to the western edge of the plot. In addition to the topography of the land it is noted that two neighbouring properties immediately to the north-east of the site have curtilages of a similar scale to that proposed and that Waverleigh, located immediately to the south west, has a curtilage which is significantly larger than that proposed .

It is noted that the application site also has several constraints which has resulted in significant amendments to the design of the proposed scheme, given its location within Clyro Conservation Area and proximity to a number of adjoining listed buildings. This will be further discussed below.

It is therefore considered that a small plot size would be out of keeping with the character of the surrounding area and it is considered the proposed plot size is reflective of its immediate surroundings.

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

Scale and Design

LDP Policy DM13 require development proposals to demonstrate a good quality design and still have regard to the qualities and amenity of the surrounding area and proposals will only be permitted where they enhance or complement the character of the surrounding area in terms of siting, appearance, integration, scale, height, massing and design detailing.

The dwelling will measure approximately 15.8 metres in length by 8.0 metres in width, with a height to the eaves of approximately 3.6 metres and a height to the ridge of approximately 7.6 metres.

Prior to this application it is noted that a previous application for residential development was previously withdrawn due to concern over the design and location of the dwelling in respect of the Conservation Area and nearby listed dwellings. As a result of further discussions an amended scheme has now been proposed as submitted.

Consent is now sought for a single dwelling, two-storey in height. The dwelling will front the access road to the north-west of the application site with parking and access to the site proposed to the south of the proposed dwelling. The residential curtilage area is located to the east of the proposed dwelling which will form an area of land which slopes

downwards away from the proposed dwelling, resulting in the dwelling and associated curtilage area being at a lower level to those neighbouring dwellings at Begwyns Bluff directly to the west of the application site.

The proposed dwelling is considered to be of a design that will be in keeping with neighbouring properties and will preserve the character and appearance of the surrounding area. It is therefore not considered that the scale of the dwelling proposed is out of character with the surrounding area given the scale of surrounding dwellings and the topography of the landscape.

The selected materials for the proposed dwelling are bagged and limewashed rubble stone walls under a reclaimed Welsh slate roof and oak framed windows and doors. The choice of materials is considered to be appropriate within this location, particularly the use of bagged and limewashed stone walls which are a feature of several properties in the surrounding area. Overall, the chosen materials are considered to respond well within the context of its surroundings and are acceptable at this location.

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

Amenities enjoyed by occupiers of neighbouring properties

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

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

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

Environmental Health have commented on the application and have stated that given the residential nature of the area, consideration needs to be given to noise creation during

the landscaping and construction period and that working hours and delivery times should be restricted. In order to ensure adherence to this, a condition will be attached to the granting of any consent which restricts working hours and delivery times as recommended by the Environmental Health Officer.

With regard to the objections received, as the development complies with the 25 degree rule, 45 degree rule and that there are no windows on the elevation of the nearest neighbouring property that directly faces the rear elevation of the proposed dwelling, it is considered this satisfies concerns received regarding the development being within close proximity to adjoining properties. In terms of a potential adverse impact created upon neighbouring residential properties, the inclusion of the above recommended condition is considered to satisfy any concerns regarding this matter.

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

Highway Safety

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

The proposed development does seek the creation of a new access off a private road as well as the creation of 3 parking spaces and a turning area. The Local Highway Authority have stated that whilst the gradient and road width are not ideal, given the limited amount of traffic movements along the lane there will be no significant increase in traffic to cause a highway concern. In addition, the junction onto the C1331 Highway achieves the required visibility of 43 metres in both directions and the proposal provides sufficient turning area as well as adequate parking arrangements in line with CSS Parking Standards within the application site.

In response to the objections received highlighting concerns regarding an increase in traffic and inadequate access, it is considered that the comments of the Local Highway Authority adequately address these concerns and the proposed development will not create a detrimental impact upon highway safety.

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

Biodiversity

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

The Ecologist reviewed the plans as well as records of protected and priority species within 500m of the proposed development. The search identified 88 records including; bat

species, dormouse and house sparrow, however no records were found for the site itself. There are no statutory or non-statutory designated sites within 500m of the proposed development.

A Preliminary Ecology Assessment has been submitted in support of this application and identified the following habitats near to the proposed development site: semi-improved grassland, post and rail fence, mature tree and mixed hedgerow.

The data search found that hazel dormice are present within the local area and there were found to be some mature trees and hedgerows outside but adjacent to the application site which have the potential to support roosting and foraging bats. Following the site inspection, it was considered that the hedgerow on the north-eastern boundary did contain native species suitable to support dormice, however due to the lack of connectivity between the hedgerow and other woodlands and hedgerows it was considered that the potential for dormice to be present is low.

It is noted and duly considered that suitable mitigation and enhancement measures have been outlined in section 5.2 of the Ecological Impact Assessment V3 Report produced by Protected Species Ecology Ltd dated October 2019. Measures include adoption of a wildlife friendly lighting scheme, implementation of root protection areas and inclusion of a new native species hedgerow. Adherence to the identified mitigation and avoidance measures will be secured through an appropriately worded condition. Furthermore, the biodiversity enhancements in the form of bug boxes, bird boxes, a bat tube and native hedgerow planting detailed on drawing no: KI5327 are considered acceptable and will also be appropriately conditioned.

In response to the objections received highlighting that the application will have a negative impact upon ecology and cause pollution, it is considered that given the findings of the Preliminary Ecology Assessment, the observations of the Ecologist, and subject to the recommended conditions that the proposed development will have no negative impact upon Ecology at the site or within the surrounding area and the development will actually provide enhancement to the surrounding area.

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

Built Heritage

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

of deciding whether there would be some harm, but should be given "considerable importance and weight" when the decision-maker carried out the balancing exercise. Therefore, special regard must be given to the desirability of preserving listed buildings and their setting and any harm caused should be given considerable weight within the planning balance.

Due to the application site being located adjacent to listed buildings; Sacred Cottage, 20 The Village, 21 The Village and the Old Vicarage, and being located within Clyro Conservation Area, consideration has been given to LDP Policy SP7, DM13 (Part 3), and TAN 24: The Historic Environment.

It is noted that the Council's Built Heritage Officer has raised no objection to the design of the dwelling proposed, and noted that the application has addressed previous concerns raised (application: 18/0840/FUL) regarding the size of the dwelling and its potential impact upon the character and appearance of the Conservation Area and surrounding listed buildings.

The Built Heritage Officer has noted that given the revised siting of the dwelling significantly closer to the access lane, this has resulted in more of the proposed dwelling being screened from views on the road outside the church. It is considered that the revised siting of the dwelling and the blank gable facing the church will have limited impact. The revised siting of the proposed dwelling would now be at the edge of the conservation area and not at its heart and the revised design would distinctly mark the historic core from the later developments. As such it is considered that the current application would preserve the character and appearance of the conservation area and would not harm the setting of listed buildings.

However, this is subject to the inclusion of a number of recommended details by the Built Heritage Officer prior to the commencement of development, regarding external materials, window details and the removal of permitted development rights.

In light of the above, and subject to the inclusion of the recommended conditions, it is considered that the proposed development complies with relevant planning policy and would not result in any harm to the setting of the adjacent listed buildings or to Clyro Conservation area.

Scheduled Ancient Monument

The application site lies approximately 270m northwest of the scheduled ancient monument; Clyro Castle, and because of this consideration has been given to LDP Policy SP7 – Safeguarding of Strategic Resources and Assets.

Cadw have reviewed the application and have considered that the proposed development is not located in any of the identified significant views from the Castle and any views will be blocked or significantly screened by existing vegetation. As a result, Cadw have

considered that the proposed development will not cause any detrimental impact upon the setting of scheduled ancient monument RD066 Clyro Castle.

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

Drainage

The applicant has proposed to connect to the mains sewer system for foul drainage arrangements at the application site. It is noted that Welsh Water have confirmed there is sufficient capacity within the public sewerage network in order to receive the domestic foul from the proposed development site. This is subject to the inclusion of a condition and informative note ensuring no surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

In addition, there has been no objection received from NRW or PCC – Environmental Health with regard to the proposed foul drainage arrangements at the application site. It is therefore considered that suitable drainage arrangements have been made as part of the proposed development and that it complies with relevant planning policy, subject to the inclusion of an appropriately worded condition and informative note from PCC Land Drainage.

RECOMMENDATION – CONDITIONAL CONSENT

Whilst it is noted that the proposed development would sit in a larger plot size contrary to policy H4 of the Local Development Plan, given the topography of the land and the concerns previously raised in respect to the impact on the Conservation Area and nearby Listed Buildings, it is considered that in this instance due to the constraints of the proposed site that the scale of the plot is appropriate and in keeping with the character of the surrounding area.

It is therefore considered that the proposed development, subject to appropriately worded conditions, would not result in any harm and therefore fundamentally complies with relevant planning policy. The recommendation is therefore conditional consent.

Conditions

1. The development to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.
2. The development shall be carried out strictly in accordance with the plans received on 17/10/2019 (drawing no's: Ki 5327 3D, Ki 5327 30D, Ki 5327 32A, Ki 5327 33 & Ki 5327 34) and plans received on 31/10/2019 (drawing no's: 04 & 05).
3. All works and ancillary operations which are audible at the site boundary shall be carried out only between the following hours: 08:00 – 18:00 hrs Monday to Friday, 08:00-13:00 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.

4. Prior to the occupation of the dwelling, provision shall be made within the curtilage of the site for the parking of not less than one car per bedroom, to a maximum of three, excluding any garage space provided. The parking areas shall be retained for their designated use in perpetuity.
5. The development shall be carried out strictly in accordance with the recommendations, mitigation measures and biodiversity enhancements identified in the Ecological Impact Assessment V3 Report produced by Protected Species Ecology Ltd dated October 2019 and drawing no: Ki 5327 30D. The identified measures shall be adhered to and implemented in full prior to the first occupation of the dwelling and maintained thereafter in perpetuity.
6. No external lighting shall be installed unless a detailed external lighting design scheme has been submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall identify measures to avoid impacts on nocturnal wildlife in accordance with the recommendations outlined in the BCT and ILP Guidance Note 8 Bats and Artificial Lighting (12th September 2018). The development shall be carried out in accordance with the approved details.
7. Prior to the commencement of development, a detailed landscaping scheme, in accordance with drawing no. Ki 5327 30D, 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. The approved scheme shall be implemented in the first planting season following the completion or first occupation of the development (whichever is the first), and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year defects period.
8. Prior to the construction of any external surfaces, samples of all materials to be used on the walls and roof of the dwelling including chimney pots/cowls and limewash colour shall be submitted to and approved in writing by the Local Planning Authority. The works as approved shall thereafter be completed in full accordance with the details as approved.
9. Prior to the installation of any windows / doors full details including appropriately scaled drawings indicating details of all windows and external doors shall be submitted to and approved in writing by the Local Planning Authority. The windows and external doors shall use a timber finish and shall be flush fitted. The works as

approved shall thereafter be completed in full accordance with the details as approved.

10. Prior to works commencing on site, samples of all the external materials to be used on the drive and car parking area to be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved materials.
11. 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.
12. Prior to works commencing on site, details of the proposed gutters, hoppers, and down pipes, including profile and decorative finish, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved materials.
13. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

Reasons

1. Required to be imposed by section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans approved by the Local Planning Authority in the interests of clarity and a satisfactory development.
3. In the interests of the amenities enjoyed by occupants of nearby properties in accordance with Powys LDP Policy DM13 (Part 11).
4. To ensure no detrimental impact upon highway safety in accordance with LDP Policy DM13 (Part 10) and T1.
5. To comply with Powys County Council's LDP Policies DM2 and DM4 in relation to ecological qualities of the landscape and meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
6. To comply with Powys County Council's LDP 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.

7. To comply with Powys County Council's LDP Policies DM2 in relation to the Natural Environment and DM4 in relation to ecological qualities of the landscape and meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
8. In the interests of the visual amenity of the area and to ensure the satisfactory appearance of the building in accordance with Powys LDP Policy DM13 (Part 1), SP7 and TAN 24: The Historic Environment.
9. In the interests of the visual amenity of the area and to ensure the satisfactory appearance of the building in accordance with Powys LDP Policy DM13 (Part 1), SP7 and TAN 24: The Historic Environment.
10. In the interests of the visual amenity of the area and to ensure the satisfactory appearance of the building in accordance with Powys LDP Policy DM13 (Part 1), SP7 and TAN 24: The Historic Environment.
11. In order to control further development which has the potential to have adverse effect on the visual amenity of the area and to ensure the satisfactory appearance of the building in accordance with Powys LDP Policy DM13 (Part 1), SP7 and TAN 24: The Historic Environment.
12. In the interests of the visual amenity of the area and to ensure the satisfactory appearance of the building in accordance with Powys LDP Policy DM13 (Part 1), SP7 and TAN 24: The Historic Environment.
13. To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

Informative Notes

PCC – Land Drainage

All: Having assessed the Planning Application Ref 19/1734/FUL, the SuDS Approval Body (SAB) deem that the construction area is greater than 100m² and therefore this proposed development will require SAB approval prior to any construction works commencing onsite.

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

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

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

The requirement for to obtain SAB consent sits outside of the planning process but is enforceable in a similar manner to planning law. It is a requirement to obtain SAB consent in addition to planning consent.

Failure to engage with compliant SuDS design at an early stage may lead to significant un-necessary redesign costs.

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.

Protected Species

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

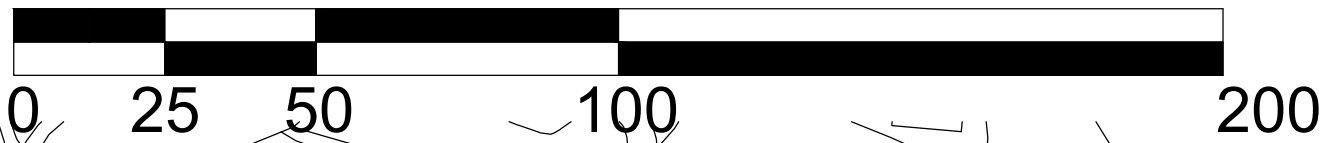
Dwr Cymru/ Welsh Water

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the

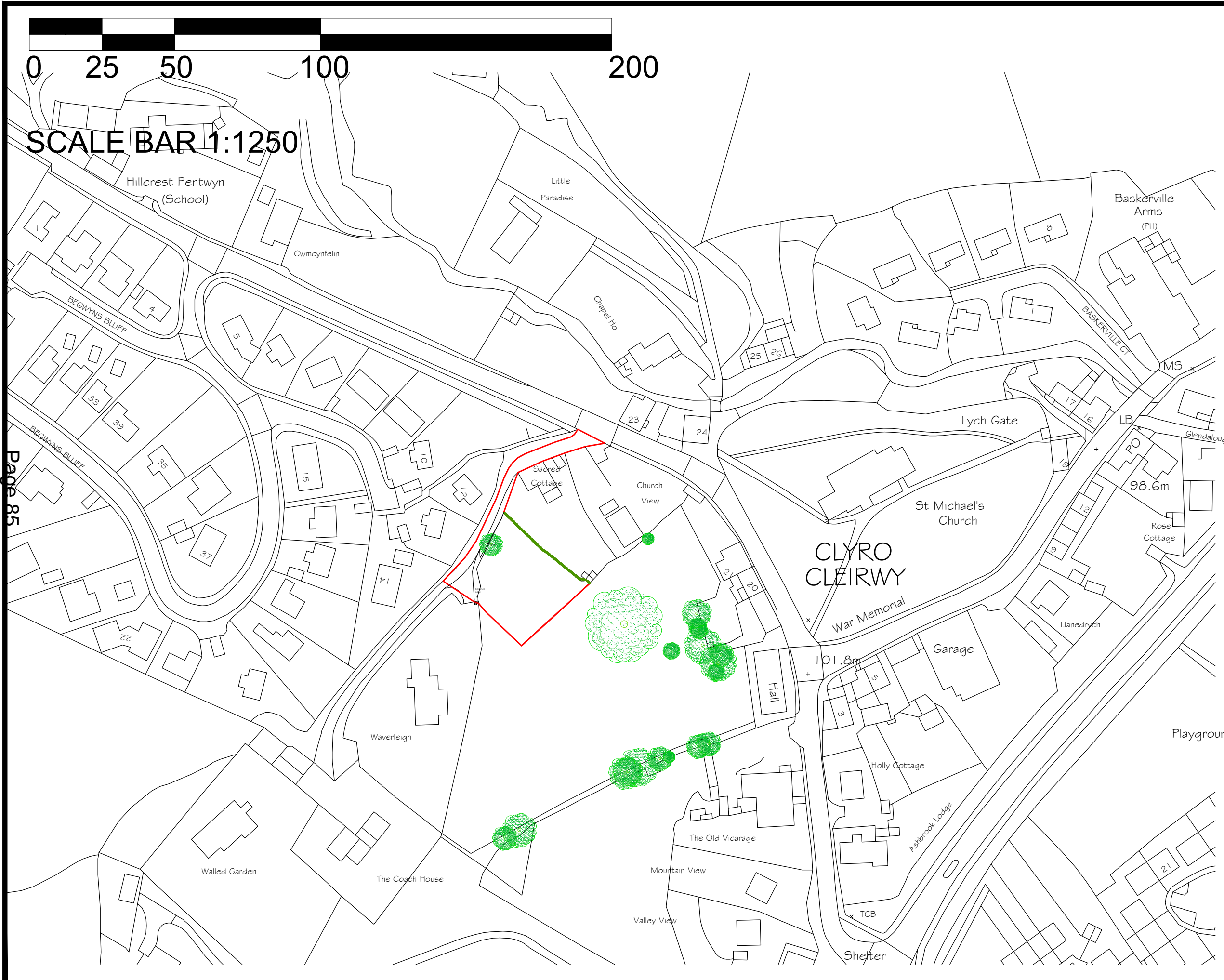
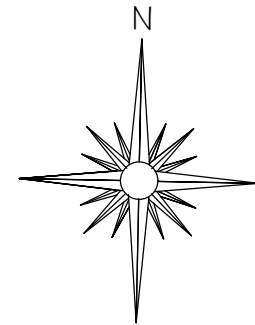
public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

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

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SCALE BAR 1:1250



GENERAL NOTES & SPECIFICATIONS

MATERIALS, WORKMANSHIP AND CONSTRUCTION ARE TO CONFORM WITH CURRENT STANDARDS, CODES OF PRACTICE, AGREEMENT CERTIFICATES AND MANUFACTURERS RECOMMENDED SPECIFICATIONS AND ARE TO FULLY COMPLY WITH THE BUILDING REGULATIONS 1991, RELATED APPROVED DOCUMENTS AND LEGISLATION.

ALL SERVICES ARE TO BE INSTALLED IN ACCORDANCE WITH STATUTORY AUTHORITY REGULATIONS AND BY-LAWS.

SAFETY

STATUTORY INSTRUMENT 2015 No 51 - THE CONSTRUCTION (DESIGN AND MANAGEMENT) REGULATIONS 2015

THE CONTRACTOR IS TO COMPLY WITH THE DUTIES IMPOSED ON HIM BY THE ABOVE REGULATIONS AND LIAISE DIRECTLY WITH THE CDM COORDINATOR AS APPOINTED BY THE CLIENT

IMPORTANT

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LICENCES

Ordnance Survey
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PROMAP
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54 HIGH STREET
KINGTON
HEREFORDSHIRE
HR5 3BJ

JOB:
Proposed New Dwelling,
Land Adjacent to Waverleigh,
Clyro
Powys, HR3 5SE

CLIENT:
Mr & Mrs J Cooper-Lally

TITLE:
Location Plan

REVISIONS: **DATE:**

SCALES:
Plan - 1:1250 **DATE:**
August 2018

DRAWN BY:
GJ **ORIGINAL SHEET SIZE:**
A3

DRAWING NUMBER:
Ki 5327 34

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PCC-Contaminated Land Officer

13th Nov 2019

We have no objection to this application provided that existing conditions are carried forward.

Representations

Following the display of a site notice no third party representations have been received.

Planning History

App Ref	Description	Decision	Date
P/2016/0721	Outline (some matters reserved) Development of up to 45 dwellings and associated works to include demolition of existing building	Consent	12th Jan 2017

Principal Planning Policies

National Planning Policy

Planning Policy Wales (PPW) (Edition 10, 2018)

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

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

Technical Advice Note (TAN) 16: Sport, Recreation and Open Space (2009)

Technical Advice Note (TAN) 23: The Historic Environment (2017)

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

Local Planning Policy

Powys Local Development Plan (LDP) (2018)

SP1 – Housing Growth

SP3 – Affordable Housing Target

SP5 – Settlement Hierarchy

SP6 – Distribution of Growth across the Settlement Hierarchy

SP7 – Safeguarding of Strategic Resources and Assets

DM1 – Planning Obligations

DM2 – The Natural Environment
DM3 – Public Open Space
DM6 – Flood Prevention Measures and Land Drainage
DM7 – Dark Skies and External Lighting
DM10 - Contaminated and Unstable Land
DM13 – Design and Resources
T1 – Travel, Traffic and Transport Infrastructure
H1 – Housing Development Proposals
H3 – Housing Delivery
H4 – Housing Density
H5 – Affordable Housing Contributions
H6 – Affordable Housing Exception Sites

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

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

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

Powys Residential Design Guide (2004)

Other Legislative Considerations

Crime and Disorder Act 1998
Equality Act 2010
Planning (Wales) Act 2015 (Welsh language)
Wellbeing of Future Generations (Wales) Act 2015

Officer Appraisal

Site Location and Description

The site is approximately 1.7Ha in size and is located between the main body of Churchstoke to the west and the more recent development consisting of a large supermarket and other facilities together with more housing to the east.

Surrounding land use is residential and agricultural. Part of the application site incorporates a modern agricultural building but the remainder of the site is an agricultural field that has a slight rise from east to west. To the north of the application site is the A489 highway.

The application is in outline form for the development of up to 45 new dwellings with a range of dwelling types. The development would also include new adoptable roads providing access, as well as surface water and foul drainage provision. The applicant

proposes that 20% of the new dwellings will be affordable and a pedestrian link is proposed from Wilber House to the industrial access at Harry Tuffins.

Principle of development

This current application is seeking a renewal of planning consent P/2016/0721 which was granted by the planning committee on the 12th January 2017 for up to 45 dwellings. The consent gave outline planning approval and the current application is seeking to extend the time period for the submission of reserved matters. The original application was an allocated housing site within the Powys Unitary Development Plan and the scheme was considered to comply with planning policy in force at the time of determination.

In terms of renewals of planning permissions, paragraph 5.21 of Welsh Government Circular 016/2014 states:

'Planning permission can be renewed before the time-limit for the commencement of development has expired, under section 73 of the 1990 Act. As a general rule, such applications should only be refused where:

- *there has been some material change in planning circumstances since the original permission was granted (e.g. a change in some relevant planning policy for the area, or in relevant highway considerations, or the publication by the Government of new planning policy guidance, material to the renewal application);*
- *continued failure to begin the development will contribute unacceptably to uncertainty about the future pattern of development in the area; or*
- *the application is premature because the permission still has a reasonable time to run'.*

Dealing with the latter two points initially, this is the first application for renewal on this site and will allow a further three years for the submission of reserved matters. It is not considered that a failure to begin the development will contribute to uncertainty about the future pattern of development in the area. In addition, in accordance with the original approval, the submission of reserved matters must be received by the 12.01.2020 in order to be valid. The application is therefore not considered to be premature.

In considering the planning circumstances, as noted above, the site was previously an allocated housing site within the Powys Unitary Development Plan. Since the granting of the outline consent, the current development plan for Powys, the Local Development Plan (LDP), has been adopted and the site remains as allocated for housing.

The LDP has brought forward density requirements for housing schemes and requires 27+ units per hectares in Town and Large Villages. Churchstoke is a Large Village and the scheme will equate to 33.5 dwellings per hectare (based on a site area of 1.34 which excludes the footpath link) and thus the development remains compliant with policy H4 of the LDP. In addition, the original scheme included a 20% provision of affordable housing. Under policy H5 of the LDP the target contribution for affordable housing in the Severn

Valley, in which Churchstoke is located, remains at 20% and so this need not be altered in order to comply with the current development plan.

At a national level, edition 10 of Planning Policy Wales has been brought into force since the original approval, however, although a material consideration for the purposes of this development, it has not brought forward changes that would lead to a decision different to that which was made under P/2016/0721.

RECOMMENDATION

Having considered the proposed development, it is accepted that it remains compliant with the Development Plan and national planning policy and as such it is recommended for approval subject to the same conditions as those attached to the previous consent as set out below.

Conditions

1. Details of the layout, appearance, landscaping 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. No development shall commence until full engineering details and drawings for the planned flood risk mitigation works and watercourse maintenance strip have been submitted and approved in writing by the Local Planning Authority. These details shall include a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the flood risk mitigation works throughout its lifetime. These flood risk mitigation works shall be operational prior to first occupation of any dwelling.
5. No development shall commence until a scheme for the surface water drainage of the site has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed before any dwellings are occupied. The scheme to be submitted shall show foul drainage being connected to the public sewerage system.
6. The gradient of the access shall be constructed so as not to exceed 1 in 30 for the first 9 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.

7. The centre line of the first 15 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.

8. Within 5 days from 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 0.26 metres above ground level at the edge of the adjoining carriageway and 43 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway and 10 metres distant from the edge of the adjoining carriageway and 10 metres in each direction. Nothing shall be planted, erected or allowed to grow on the areas of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

9. Within 5 days from 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 15 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.

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

11. Within 5 days from 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 0.45 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.

12. Prior to the occupation of the development a radius of 10.5 metres shall be provided from the carriageway of the county highway on each side of the access to the development site and shall be maintained for as long as the development remains in existence.

13. Any internal side-road junctions shall have a corner radii of 6 metres.

14. The centre line radii of all curves on the proposed estate road shall be not less than 20 metres.

15. There shall only be a single vehicular and pedestrian access to serve the development hereby permitted.

16. Prior to the occupation of the development a 2.0 metre wide footpath shall be provided as detailed on the approved plan P6947-3/P01/003 A and shall be retained at for as long as the development hereby permitted remains in existence.

17. No building shall be occupied before the estate road carriageway and one footway shall be constructed to and including binder course level to an adoptable standard including the provision of any salt bins, surface water drainage and street lighting in front of that building and to the junction with the county highway.

18. The estate road carriageway and all footways shall be fully completed, in accordance with the details to be agreed in writing by the Local Planning Authority, upon the issuing of the Building Regulations Completion Certificate for the last house or within two years from the commencement of the development, whichever is the sooner. The agreed standard of completion shall be maintained for as long as the development remains in existence.

19. Prior to the occupation of any dwelling the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 15 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,

20. Within 5 days from the commencement of the development any existing means of access shall be stopped up, in materials to be agreed in writing by the Local Planning Authority and this shall be retained for as long as the development is in existence.

21. Upon formation of the visibility splays as detailed in condition 8 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.

22. The area of each private drive and any turning area is to be metalled and surfaced in bituminous macadam, concrete or block pavements, prior to the occupation of that dwelling and retained for as long as the development remains in existence.

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

24. The recommendations (page 28 &29 of the extended phase 1 habitat survey report) regarding Hedgerows (paragraphs 11.1 and 11.2) Birds (11.4), lights (11.3), Pollution

prevention plan (11.5) and Ecological enhancement (11.6) of the Ecological Report by Rachel Price dated 04/07/16 shall be adhered to and implemented in full.

25. The mitigation regarding Reptiles on page 27 (paragraph 10.3) of the Extended Phase 1 habitat survey report by Rachel Price dated July 2016 shall be adhered to and implemented in full.

26. Prior to commencement of development, a detailed Ecological Enhancement Plan, Lighting Plan and Hedgerow Protection Plan shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.

27. The recommendations regarding Hedgerows and birds in Paragraph 8.4 of the 'Addendum Ecological Statement footway link to industrial access' produced for Powys County Council on 15/08/16 by Rachel Price shall be adhered to and implemented in full.

28. Prior to the commencement of development, a Pollution Prevention Plan shall be submitted to and approved in writing by the Local Planning Authority. The agreed measures shall be implemented in full.

29. Any works relating to the construction of the development shall not take place outside the following hours: Mon-Fri 0800-2000 and Saturdays 0800-1300 with no working on Sundays or bank holidays.

30. Prior to the commencement of development a dust management plan shall be submitted to and approved in writing by the local planning authority. The agreed measures shall be implemented in full.

31. An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons (a contaminated land specialist with proven experience within the contaminated land industry) and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include: (i) a survey of the extent, scale and nature of contamination; (ii) an assessment of the potential risks to: • human health, • property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, • adjoining land, • groundwaters and surface waters, • ecological systems, • archaeological sites and ancient monuments; (iii) an appraisal of remedial options, and proposal of the preferred option(s). This 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

. Item (iii) above should not be submitted until written approval has been obtained from the Local Planning Authority for items (i) & (ii).

32. 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, The Contaminated Land (Wales) Regulations 2001 in relation to the intended use of the land after remediation. The detailed remediation scheme should not be submitted until written approval for Condition 9 has been received from the Local Planning Authority.

33. 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. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation 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.

34. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 31, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 32, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 33.

35. 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'.

36. 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 numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 20% of housing 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;
- 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.

37. Prior to the commencement of development, a scheme for the provision of recreational facilities to serve the development must be submitted to and approved in writing by the Local Planning Authority. The scheme must include the arrangements for the transfer of a contribution to Churchstoke Community Council for the provision of recreational facilities within the settlement of Churchstoke. The contribution shall accord with the following provisions: a) All social housing, size or number of bedrooms is not a factor - £ 800.00 per property. b) All private housing up to three bedrooms - £ 1000.00 per property. c) All private housing over three bedrooms - £ 1200.00 per property. The scheme must be implemented in accordance with the agreed details.

Reasons

1. To enable the Local Planning Authority to exercise proper control over the development in accordance with Section 92 of the Town and Country Planning Act 1990.
2. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
3. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
4. To ensure that the proposed development does not compromise the function of the existing waterbody and that any proposed alterations are fully compliant with regulations and are of robust design in accordance with policy DM6 of the Powys Local Development Plan (2018).
5. To ensure that the proposed drainage systems for the site are fully compliant with regulations and are of robust design in accordance with policy DM6 of the Powys Local Development Plan (2018).
- 6 to 15. In the interests of highway safety in accordance with policies DM13 and T1 of the Powys Local Development Plan (2018), Technical Advice Note 18 and Planning Policy Wales (2018).

16 & 17. To ensure that adequate provision is made for pedestrian access to serve the approved development in accordance with policies DM13 and T1 of the Powys Local Development Plan (2018), Technical Advice Note 18 and Planning Policy Wales (2018).
18 to 23. In the interests of highway safety in accordance with policies DM13 and T1 of the Powys Local Development Plan (2018), Technical Advice Note 18 and Planning Policy Wales (2018).

24 to 28. 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 (2018), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.

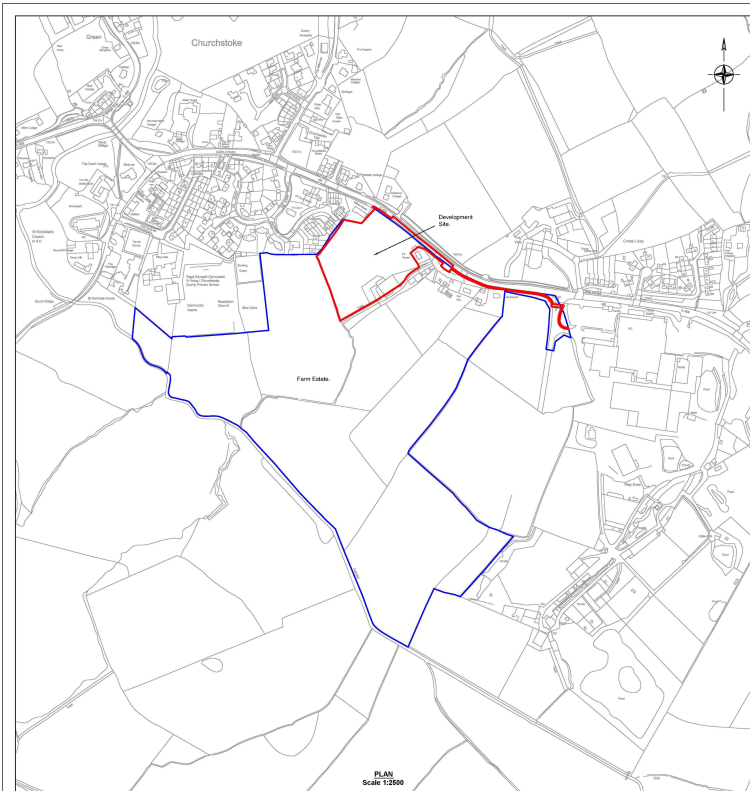
29 & 30. To safeguard residential amenity in accordance with policy DM13 of the Local Development Plan (2018)

31 to 35. 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 Local Development Plan (2018)

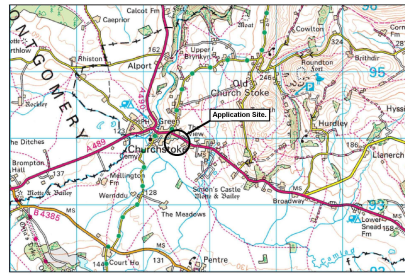
36 & 37. In order to ensure the provision of planning obligations in accordance with policy DM1 of the Local Development Plan (2018) and the Council's Supplementary Planning Guidance – Planning Obligations (2018), as well as Planning Policy Wales (2018).

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

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- KEY**
- Application Boundary
 - Ownership Boundary



Notes

ISSUED FOR PLANNING

Extended development boundary to incorporate existing site. Amended ownership boundary of industrial access.

Rev	Date	Description	By
A	20/05/15		

Engineering Design Services
 EDS
 100 High Street, Churchstoke, Wiltshire, SN15 2JF
 Tel: 01249 834444
 Email: info@eds-services.co.uk

Fis Farm, Churchstoke.
 Location and Boundary Plan.

Project: LMC	Revision: SK	Scale: 1:2500
Date: 20/05/15		
Sheet: P6947-3	Plan: P6947-3/P01/001	Rev: A

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6.5

Planning, Taxi Licensing and Rights of Way Committee Report

Application Number: 19/1886/DIS **Grid Ref:** E: 315775
N: 294250
Community Council: Abermule And Llandyssil Community **Valid Date:** 15.11.2019

Applicant: Simon Kendrick

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

Proposal: Discharge of condition 9 from planning approval P/2018/0587 (Full) in respect of a remediation scheme

Application Type: Discharge of Condition

The reason for Committee determination

The application is submitted by Powys County Council.

Consultee Responses

Consultee	Received
PCC-Contaminated Land Officer	28th Nov 2019

I have reviewed the Asbestos management Plan submitted in support of this application and can confirm it is sufficient to satisfy condition 9.

Community Council	4th Dec 2019
-------------------	--------------

In our view contamination should have been dealt with prior to any work commencing.

Planning History

App Ref	Description	Decision	Date
19/1236/DIS	Discharge of conditions 8 and 19 (full) and 12 (outline) from planning consent P/2018/0587 in	Approve	3rd Oct 2019

relation to contaminated land and the external colour of the bulking facility

18/1019/DIS	Discharge of conditions 8 and 12 of planning approval P/2018/0587	Approve	2nd Jan 2019
19/1161/NM A	Application for a non-material amendment to permission P/2018/0587 to alter the wording of conditions 9, 10, 13 & 14	Approve	22nd Aug 2019
19/1356/DIS	Application to discharge condition 17 of planning approval P/2018/0587	Approve	3rd Oct 2019
P/2018/0587	Hybrid application comprising of a full application for a proposed recycling bulking facility and associated works and an outline application for the erection of business units (B1/B2/B8) and all associated works	Approve	2nd Aug 2018

Principal Planning Constraints

Nat Floodzone 2
Rail line
Trunk Road
C2 Floodzone

Principal Planning Policies

Policy	Policy Description	Year	Local Plan
PPW	Planning Policy Wales (Edition 10, December 2018)		National Policy
TAN5	Nature Conservation and Planning		National Policy
TAN11	Noise		National Policy

TAN12	Design	National Policy
TAN15	Development and Flood Risk	National Policy
TAN18	Transport	National Policy
TAN21	Waste	National Policy
TAN23	Economic Development	National Policy
TAN24	The Historic Environment	National Policy
SP2	Employment Growth	Local Development Plan 2011-2026
SP5	Settlement Hierarchy	Local Development Plan 2011-2026
SP6	Distribution of Growth across the Settlement Hierarchy	Local Development Plan 2011-2026
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
DM5	Development and Flood Risk	Local Development Plan 2011-2026
DM6	Flood Prevention Measures and Land Drainage	Local Development Plan 2011-2026
DM7	Dark Skies and External Lighting	Local Development Plan 2011-2026
DM10	Contaminated and Unstable Land	Local Development Plan 2011-2026

DM13	Design and Resources	Local Development Plan 2011-2026
DM14	Air Quality Management	Local Development Plan 2011-2026
DM15	Waste Within Developments	Local Development Plan 2011-2026
DM16	Protection of Existing Employment Sites	Local Development Plan 2011-2026
E1	Employment Proposals on Allocated Employment Sites	Local Development Plan 2011-2026
T1	Travel, Traffic and Transport Infrastructure	Local Development Plan 2011-2026
W1	Location of Waste Development	Local Development Plan 2011-2026
W2	Waste Management Proposals	Local Development Plan 2011-2026

Other Legislative Considerations

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

Officer Appraisal

Site Location and Description

The application site is located partially within and outside the development boundary of Abermule as defined by the Powys Local Development Plan 2018. The application site is accessed through an existing access from the B4386 which leads from the A483 trunk road to Abermule. The site is bound to the north by the B4386, the east and south by a railway line and the west by agricultural land and the A483.

Planning permission was granted for the construction of a recycling bulking facility to allow the bulking of paper, cardboard, cans, glass and plastic bottles under planning reference P/2018/0587. The hybrid application also granted planning permission in outline for the construction of 6 units for B1 (Business), B2 (General Industrial) and B8 (Storage or distribution) on the site. The current submission seeks to approve the site investigation methodology required by condition 9 of the full planning permission.

Contaminated Land

Condition 9 of the full consent reads as follows;

Within 6 weeks of the commencement of development and prior to works being undertaken on the area identified as contaminated 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).

The application has been accompanied by the following documents;

- Site clearance plans.
- Gas protection plan.
- Asbestos Management Plan.
- Contamination Remediation Strategy.

Powys Contaminated Land were consulted on the submitted information. Following review of the submission the Contaminated Land confirmed that they were satisfied with the information and were content to discharge the condition.

RECOMMENDATION

In light of the above it is recommended that the condition 9 of the full consent is discharged.

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

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 102024419 (Ceredigion County Council) & 102025371 (Powys County Council)

Notes

ISSUED FOR PLANNING

KEY

- Application Boundary.
- Ownership Boundary.

Rev	Date	Description	By	Chkd

Engineering Design Services

EDS West Manager : Steve Hallows cing mick
 01545 572513 hgw@ceredigion.gov.uk
 West : Penmorfa, Aberaron, Ceredigion, SA46 0PA

EDS East Manager : Gareth Price cing cefn mick
 0845 607 6060 gts.helpdesk@powys.gov.uk
 East : Powys County Council, County Hall, Spen Road East, Llanandras Wells, Powys, LD1 5LG
 South : Newydd, Brochwelogydd, Carmarthen, Carmarthen, Carmarthen, SA31 2YR

CSCC-CWC

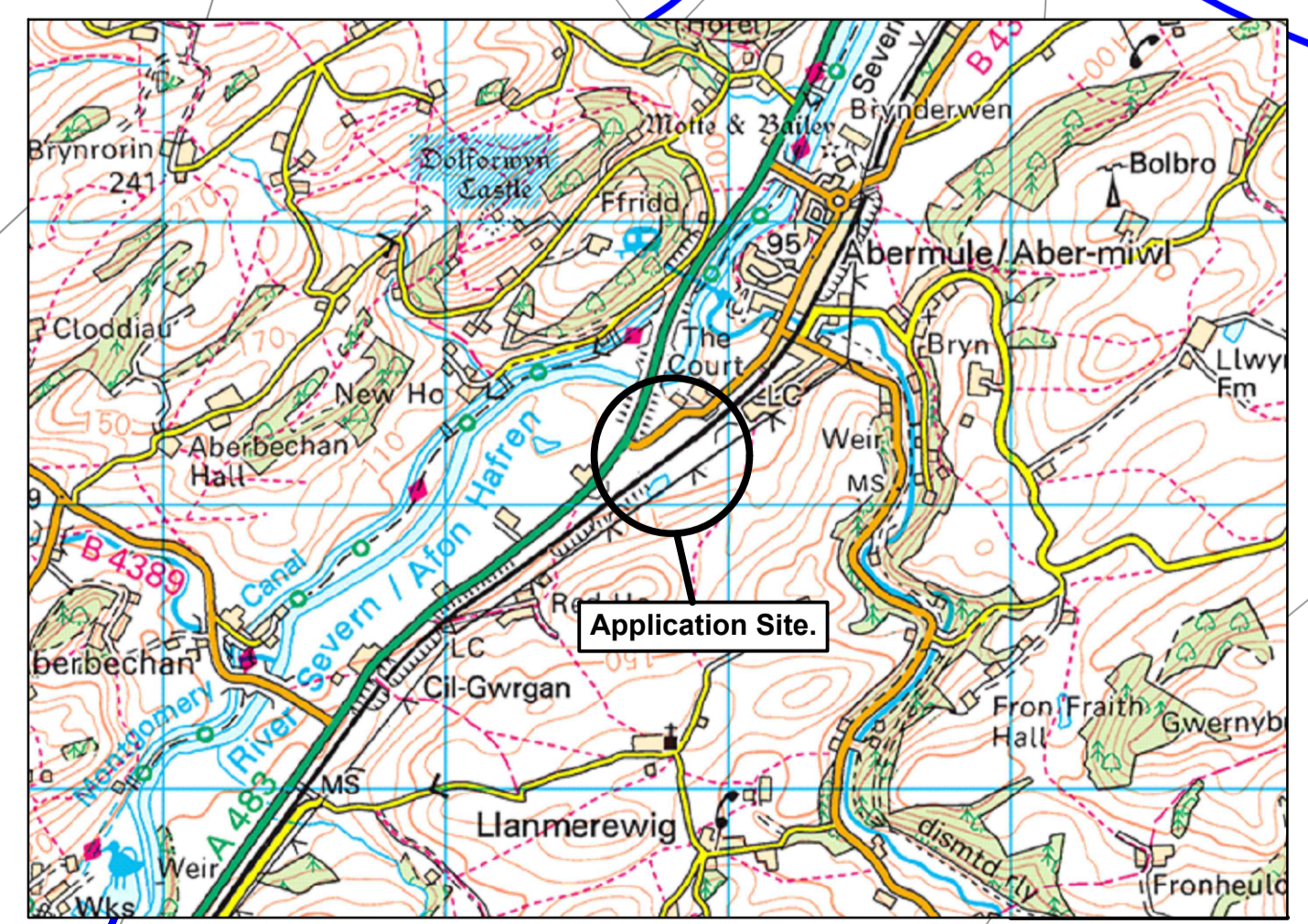
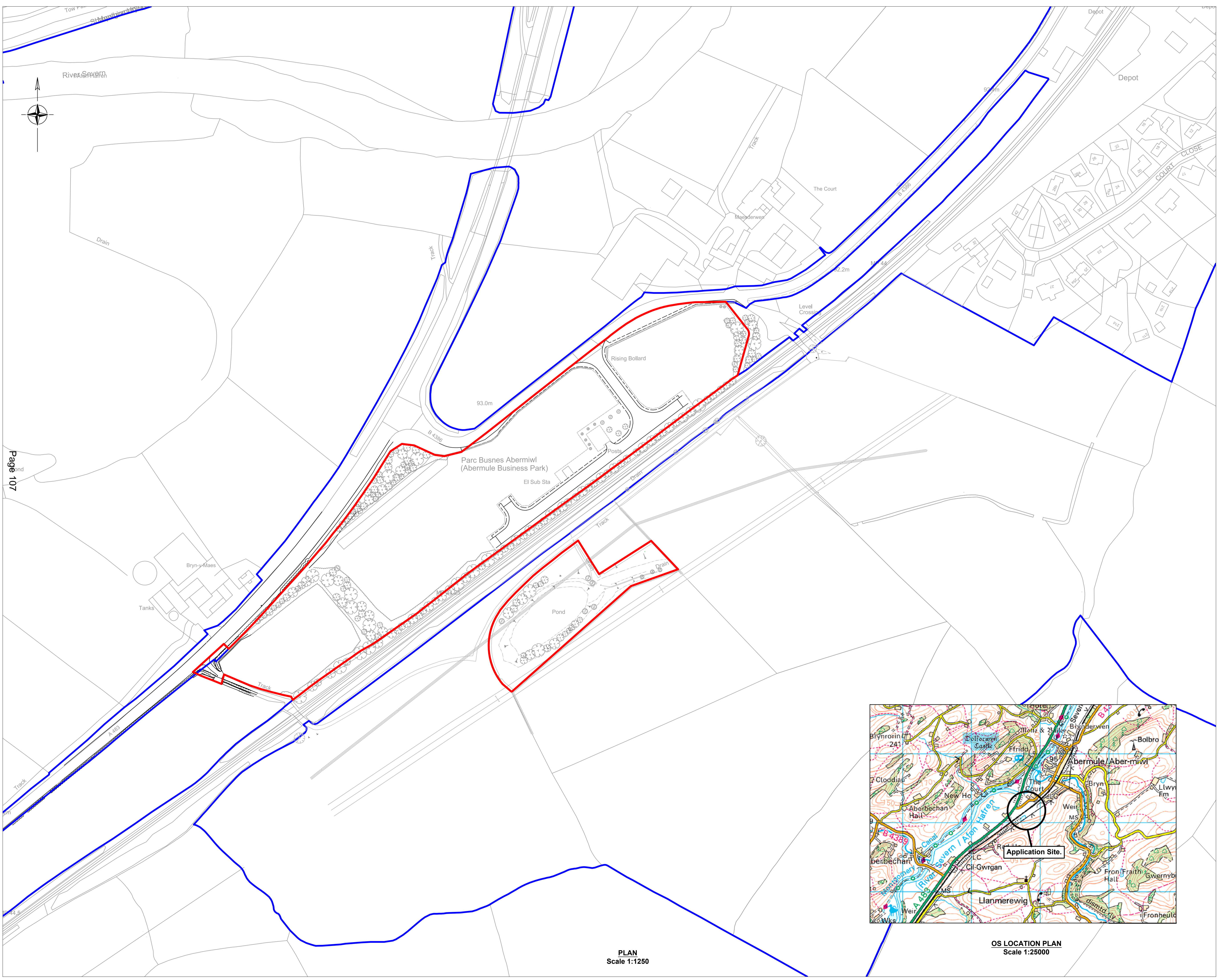
Project: **Abermule Business Park Development.**

Drawing Title: **Location and Boundary Plan.**

By: LMC	Checked: DB	Scale at A1: 1:1250
Date: 13/03/18		

Project Number: H2395	Drawing Number: 2395/P03/001	Revision:
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ACS 150 0001 CHASAS 16001 Drawing Filename: - 2395-P03 - Abermule Recycling Bulking Facility, Abermule Business Park.dwg 26/03/2018 Last saved:



PLAN Scale 1:1250

OS LOCATION PLAN Scale 1:25000

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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
TAN10	Tree Preservation Orders		National Policy
SP7	Safeguarding of Strategic Resources and Assets		Local Development Plan 2011-2026
DM2	The Natural Environment		Local Development Plan 2011-2026
DM13	Design and Resources		Local Development Plan 2011-2026

Other Legislative Considerations

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

Officer Appraisal

Site Location and Description

The application site is located adjacent to the Town of Llandrindod Wells as recognised under the Local Development Plan and falls within a Conservation Area. The site is located within the area known as The Rock Park.

The proposal is to fell three oak trees within the conservation area and to chip them on site. The works are required to maintain a resilience clearance distance from the adjacent 66Kv powerline conductors.

Officer Appraisal

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

Government guidance advises that in considering applications for proposed tree works the planning authority are advised:

1. To assess the amenity value of the tree or woodland and the likely impact of the proposal on the amenity of the area, and;
2. In the light of the assessment at (1) above, to consider whether or not the proposal is justified, having regard to the reasons put forward in support of it.

The proposed works include the felling of three oak trees with the trees to be chipped on site. The proposed works are necessary in order to protect the adjacent 66Kv powerline and conductors. The felling of the three oak trees is essential in order to maintain a resilience clearance to the adjacent powerline. The trees form part of a larger area of woodland within Rock Park adjacent to the river and alongside a number of public footpath routes.

The trees are located within the Llandrindod Wells Conservation area and within a registered historic park and garden. The trees to be felled are located on the boundary of a woodland area which has a number of public footpath routes through it. The trees are bound to the north west by open agricultural grazing land and the river Ithon beyond that. The nearest residential dwelling is located approximately 90 metres north of the site and these specific trees would not be highly visible to the dwellings due to the intervening woodland and topography of the land. Officers consider that the loss of the trees would not have a significant impact upon the amenity value of the woodland and of the historic park and garden to nearby residential dwellings or members of the public using the public footpaths. The proposed works are considered to be acceptable as the loss of the trees is not considered to have a significant impact upon the amenity of the area and are required for the ongoing maintenance/ safety of the electricity line.

In light of the above, it is considered that the proposed works to the trees are acceptable and the decision is one of approval.

RECOMMENDATION

The recommendation is one of approval. The works shall be carried out within 2 years from the date of this approval.

Informative Notes

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

It is an offence for any person to:

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

Under the Habitats Regulations it is an offence to:

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

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended) that works to trees or buildings where that work involves the disturbance of a bat is an offence if a licence has not been obtained from Natural Resources Wales. If a bat is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. You can also call the National Bat helpline on 0345 1300 228 or email enquiries@bats.org.uk

Birds - Wildlife and Countryside Act 1981 (as amended)

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

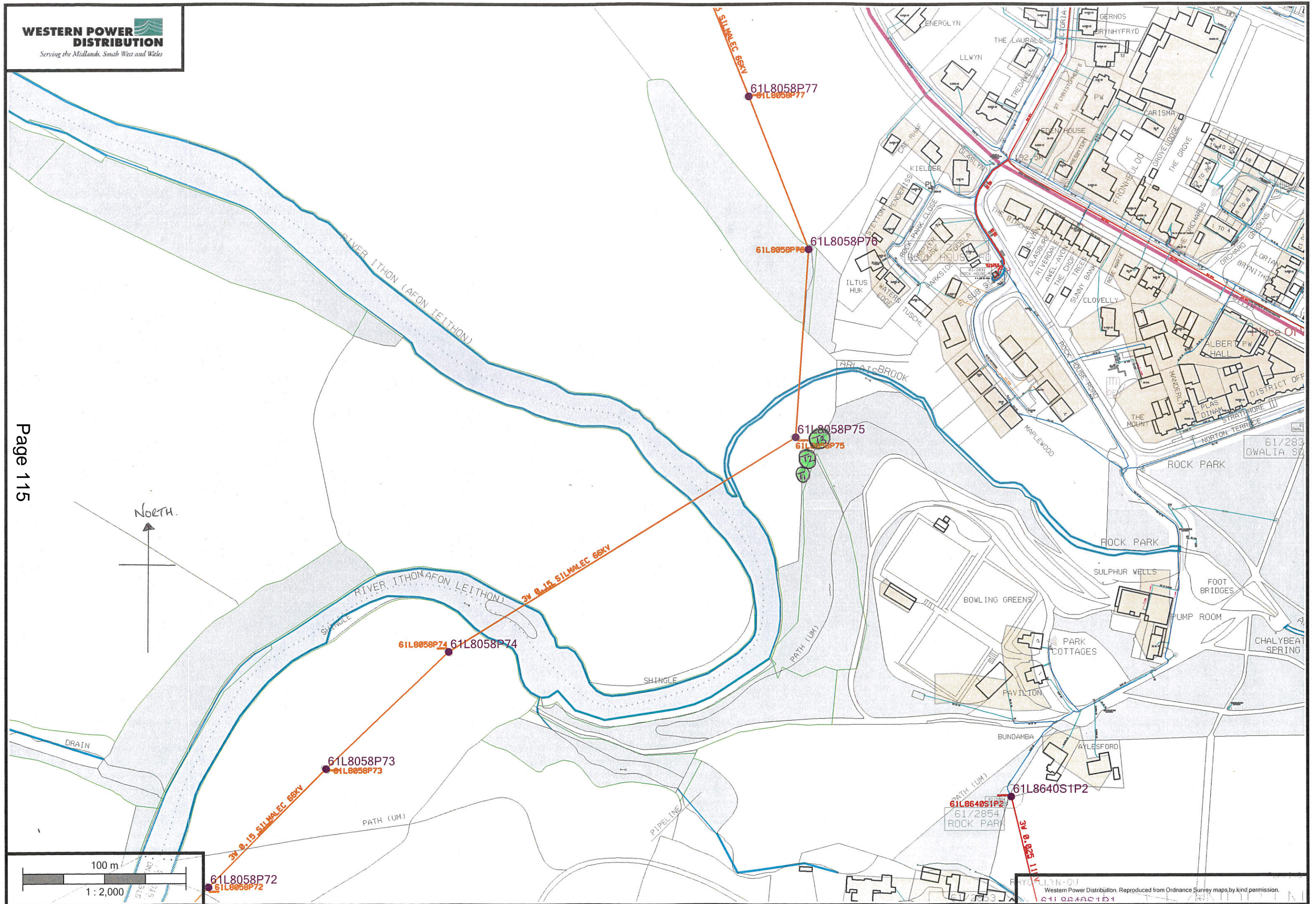
- intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird.

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

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Delegated List

129 Applications

[Excel Version](#)

[← Go Back](#)

Parish Name	Decision	Date Application	Application No.	Application Type	Date Decision	Proposal	Location
Abbey Cwm-Hir Community	Approve	01/07/2019	19/0997/DIS	Discharge of Condition	17/12/2019	Discharge of conditions 15, 17, and 19 from planning approval P/2018/0342 in respect of passing bay details, surface water drainage works, and a landscaping and management plan	Tynyberth Abbey Cwm-hir Llandrindod Wells Powys LD1 6PU
Abermule And Llandyssil Community	Approve	14/10/2019	19/1581/DIS	Discharge of Condition	06/12/2019	Application to discharge conditons 11, 15, 18 and 19 of planning approval 19/0067/FUL	Barns At Pentre Farm Llandyssil Montgomery SY15 6LJ
	Consent	11/10/2019	19/1651/HH	Householder	06/12/2019	Erection of a storm porch	4 Oak Cottages Llandyssil Montgomery Powys SY15 6LH
Banwy Community	Refused	10/09/2019	19/1519/VAR	Discharge/Modification of S106	13/12/2019	Application to discharge the Section 106 Agreement attached to planning permission M2004 1348	Hesgog Llangadfan Welshpool Powys SY21 0PU

Page 17

7

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[← Go Back](#)



Delegated List

129 Applications

Bausley With Criggion Community	Approve	28/08/2019	19/1355/DIS	Discharge of Condition	27/11/2019	Discharge of conditions 3, 6, 7 and 8 of planning approval P/2018/0259	Seven Oaks Holiday Park Crew Green Shrewsbury Powys SY5 9AS
Beguildy Community	Approve	30/08/2019	19/1389/HH	Householder	04/12/2019	Creation of car parking area	Ivy Cottage U1166 From Spur B4355 At Saint Michael And All Saints Church Beguildy To Jct Wit Beguildy Knighton LD7 1YF
	Permitted Development	15/11/2019	19/1917/AGR	Agricultural Notification	03/12/2019	Erection of an extension to an existing stock shed	Cwngwyn Hall Felindre Knighton Powys LD7 1YT
Berriew Community	Approve	18/11/2019	19/1881/VAR	Discharge/Modification of S106	18/12/2019	Application to discharge the Section 52 Agreement attached to planning permission M17509 relating to occupancy	Maes Eglwys Berriew Welshpool Powys SY21 8BH
Bettws Community	Approve	21/11/2018	18/1041/AGR	Agricultural Notification	19/12/2019	Application for prior notification of agricultural development - proposed building.	Middle Garth Aberhafesp Newtown Powys SY16 3LN

Page 118

CODE: IDOX.PL.REP.05

09/01/2020 09:00:37 POWYSCC\sandraf

[← Go Back](#)



Delegated List

129 Applications

Bronllys Community	Approved Subject to a Section 106	22/05/2018	P/2018/0428	Outline planning	18/12/2019	Outline: Erection of 10x dwellings (all matters reserved)	Development Opposite Uplands Bronllys Brecon Powys LD3 0HN
Builth Wells Community	Approve	23/09/2019	19/1478/HH	Householder	28/11/2019	Erection of a first floor side extension over the existing garage.	20 Tai-ar-y-bryn Builth Wells Powys LD2 3US
	Approve	11/10/2019	19/1526/FUL	Full Application	05/12/2019	Installation of a goods lift and associated housing	Ysgol Calon Cymru North Road Builth Wells Powys LD2 3BW
Cadfarch Community	Approve	03/10/2019	19/1617/HH	Householder	17/12/2019	Erection of a first floor conservatory	Rock House Derwen-las Machynlleth Powys SY20 8TN
Caersws Community	Approve	26/11/2019	19/1980/ELE	Electricity Overhead Line	20/12/2019	Application under Section 37 of the Electricity Act 1989 to install an additional wooden pole for an existing overhead power line	Tynyrwtra Llanwnog Caersws Powys SY17 5JG

Page 119

[CODE: IDOX.PL.REP.05](#)

[09/01/2020 09:00:37 POWYSCC\sandraf](#)

[← Go Back](#)



Delegated List

129 Applications

	Prior Approval Required	18/11/2019	19/1920/DEM	Demolition Notification	16/12/2019	Application for prior notification of proposed demolition	Methodist Church Station Road Caersws Powys SY17 5EQ
Clyro Community	Approve	14/08/2019	19/1315/DIS	Discharge of Condition	16/12/2019	Application to discharge conditions 5, 18, 20, 21 and 22 of planning approval 18/0688/FUL	Land At The Start Bed & Breakfast Hay-on-wye Hereford Powys HR3 5RS
	Approve	22/08/2019	19/1166/FUL	Full Application	03/12/2019	Demolition of shed / wood store and erection of holiday unit	New Barn Cottage Clyro Hereford Powys HR3 5SG
	Approve	15/11/2019	19/1888/NMA	Non-Material Amendment	06/12/2019	Application for non-material amendment to planning permission 18/0688/FUL in respect of condition 5 (access) and its wording	Land Adjacent River Wye Hay-on-wye Hereford Powys HR3 5RS
	Approve	20/11/2019	19/1776/NMA	Non-Material Amendment	09/12/2019	Application for a non-material amendment to planning permission P/2011/0129 in relation to increasing the eaves, installation of 2x flues and a new window arrangement on the S/W elevation	Greenways Clyro Hereford Powys HR3 6HA

Clyro
Community

Page 120

CODE: IDOX.PL.REP.05

09/01/2020 09:00:37 POWYSCC\sandraf

[← Go Back](#)



Delegated List

129 Applications

Duhonw Community	Approve	12/08/2019	19/1202/HH	Householder	23/12/2019	Erection of a two storey side extension	Road Wood House Maesmynis Buith Wells Powys LD2 3hp
	Permitted Development	06/11/2019	19/1843/AGR	Agricultural Notification	02/12/2019	Erection of an agricultural storage building	Neuadd Blaenduhonw Maesmynys Buith Wells Powys LD2 3HT
Dwyffwrdd Community	Approve	30/09/2019	19/1568/FUL	Full Application	06/12/2019	Erection of two agricultural buildings, to include the demolition of one existing	Pen Y Gelli Llanwyddelan Adfa Newtown Powys SY16 3BX
Felin-Fach Community	Approve	02/08/2019	19/1241/FUL	Full Application	05/12/2019	Change of use of stables to one residential three-bedroom dwelling and two one-bedroom holiday units, and associated works	The Stables Upper Dan Y Parc Llandefalle Brecon Powys LD3 0UN
	Planning Permission Required	04/12/2019	19/1946/AGR	Agricultural Notification	17/12/2019	Erection of a portal building to cover manure store	Llwyncelyn Farm Llandefalle Brecon Powys LD3 0ND

Page 121

[CODE: IDOX.PL.REP.05](#)

[09/01/2020 09:00:37 POWYSCC\sandraf](#)

[← Go Back](#)



Delegated List

129 Applications

Forden With Leighton & Trelystan Com	Approve	05/12/2019	19/1998/NMA	Non-Material Amendment	23/12/2019	Application for a non-material amendment to planning approval P/2016/0953 in relation to the rewording of condition 9 (Affordable Housing)	Land North Of Heritage Green Heritage Green Forden Welshpool Powys SY21 8LH
	Approve	06/12/2019	19/2002/DIS	Discharge of Condition	07/01/2020	Discharge of condition 5 of planning approval P/2018/0706 (18/0299/LBC)	Brook House Leighton Welshpool Powys SY21 8HJ
Glasfryn Community	Approve	18/09/2019	19/1451/RES	Reserved Matters	09/12/2019	Application for reserved matters following the approval of P/2016/0876 for the erection of a dwelling with a garage and all associated works	Land Adjacent To Tyn Wern Franksbridge Llandridnod Wells Powys
	Approve	14/10/2019	19/1654/RES	Reserved Matters	09/12/2019	Reserved matters application following outline approval P/2016/0876 in respect of all reserved matters	Plot 2 Land Adjoining Tynwern Franksbridge Llandrindod Wells Powys LD1 5SA
	Planning Permission Required	09/12/2019	19/1970/AGR	Agricultural Notification	17/12/2019	Erection of a steel framed agricultural building over the existing manure store	Bryncrach Farm Hundred House Llandrindod Wells Powys LD1 5RY

Page 122

[CODE: IDOX.PL.REP.05](#)

[09/01/2020 09:00:37 POWYSCC\sandraf](#)

[← Go Back](#)



Delegated List

129 Applications

Gwernyfed Community	Approve	07/05/2019	19/0634/HH	Householder	02/12/2019	Erection of single storey lean to extension and erection of a first floor extension with storage beneath	Ty Rhosyn Goch Glasbury Hereford Powys HR3 5NT
Honddu Isaf Community	Approve	28/10/2019	19/1647/FUL	Full Application	19/12/2019	Erection of a field shelter (donkeys) and associated concrete hardstanding	Cwrtau Bach Garthbreny Brecon LD3 9TN
Kerry Community	Approve	02/10/2019	19/1606/HH	Householder	06/12/2019	Extention and alterations	East View Dolfor Newtown Powys SY16 4AB
	Approve	18/11/2019	19/1926/DIS	Discharge of Condition	11/12/2019	Application to discharge conditions 14 and 17 of planning approval 18/1201/FUL	Upper Trefeen Farm Kerry Newtown Powys SY16 4LR
	Refused	07/01/2019	19/0074/FUL	Full Application	13/12/2019	Change of use of agricultural land to tourism for the siting of six log cabins, formation of vehicular access track and car parking areas and associated works	Lower Penygelly Kerry Newtown Powys SY16 4LX

Page 123

[CODE: IDOX.PL.REP.05](#)

[09/01/2020 09:00:37 POWYSCC\sandraf](#)

[← Go Back](#)



Delegated List

129 Applications

Knighton Community	Refused	28/10/2019	19/1682/HH	Householder	23/12/2019	Replacement of a timber bay window with UPVC	The Manse Victoria Road Knighton Powys LD7 1BD
Llanbister Community	Approve	02/09/2019	19/1394/FUL	Full Application	18/12/2019	Siting of 6 glamping pods for holiday use, formation of access track, installation of sewage treatment plant and all associated works	Land At Bryngwyn Llanbister Llandrindod Powys LD1 6TG LD1 6TG
Llanbrynmair Community	Refused	11/04/2019	19/0685/FUL	Full Application	29/11/2019	Substantial renovation of existing dwelling and erection of an extension. Installation of sewage treatment plant with outfall to watercourse and formation of a private access road.	Hirnant Old House Dylife Llanbrynmair Powys SY19 7BP
Llanddew Community	Approve	18/11/2019	19/1878/NMA	Non-Material Amendment	10/12/2019	Application for a non-material amendment to planning approval P/2009/0844 (Outline) & P/2011/0563 (Reserved Matters) in relation to altering the design of plot 2	Plot 2 Maes Maldwyn Felinfach Brecon Powys LD3 9SS

Page 124

[CODE: IDOX.PL.REP.05](#)

[09/01/2020 09:00:37 POWYSCC\sandraf](#)

[← Go Back](#)



Delegated List

129 Applications

Llandinam Community	Approve	22/11/2019	19/1962/ELE	Electricity Overhead Line	18/12/2019	Application under Section 37 of the Electricity Act 1989 to divert an existing wooden pole overhead power line.	Yr Hen Lety Llidiartywaun Llanidloes Powys SY18 6JX
Llandrindod Wells Community	Approve	01/08/2019	19/1003/FUL	Full Application	09/12/2019	Erection of a single storey extension and refurbishment works	3A The Court Llandrindod Wells Powys LD1 5HY
Page 125	Approve	02/10/2019	19/1601/HH	Householder	27/11/2019	Demolition of the existing garage and replacement with a single storey extension	Trehelen Brynteg Llandrindod Wells LD1 5NW
	Approve	01/11/2019	19/1852/FUL	Full Application	18/12/2019	Erection of 1x dwelling, creation of parking spaces and all associated works	2 Oak Cottages North Avenue Llandrindod Powys LD1 6DA
	Approve	11/11/2019	19/1842/DEM	Demolition Notification	06/12/2019	Application for prior notification of proposed demolition of buildings	Powys County Council DSO Yard & Archives County Hall Spa Road East Llandrindod Wells Powys LD1 5LG

CODE: IDOX.PL.REP.05

09/01/2020 09:00:37 POWYSCC\sandraf

[← Go Back](#)



Delegated List

129 Applications

Llandysilio Community	Consent Section 106	21/09/2018	18/0581/OUT	Outline planning	11/12/2019	Proposed affordable housing development, formation of vehicular access and access road and all associated works.	Land 200 Meters West Of Oldfield Farm Llandysilio Llanymynech Powys SY22 6RB
Llanelwedd Community	Approve	21/06/2019	19/1017/FUL	Full Application	13/12/2019	Demolition of existing dwelling and erection of replacement dwelling, creation of car parking area, installation of package sewage treatment plant, and all associated works	Talarddu Llanfaredd Builth Wells Powys LD2 3UE
	Approve	10/10/2019	19/1636/REM	Removal or Variation of Condition	05/12/2019	Section 73 application to vary condition no. 5 attached to planning approval R272 (agricultural occupancy restriction)	Hendre Einon Bungalow Llanfaredd Builth Wells LD2 3TD
Llanerfyl Community	Approve	24/05/2019	19/0869/FUL	Full Application	06/12/2019	Erection of a storage building and change of use of agricultural land to use class B8 (storage /distribution) and associated works	Land At Derwen Talerddig Road Llanerfyl Welshpool SY21 0EG

CODE: IDOX.PL.REP.05

09/01/2020 09:00:37 POWYSCC\sandraf

[← Go Back](#)



Delegated List

129 Applications

Llanfair Caereinion Community	Approve	06/08/2019	19/1322/CLE	Certificate of Lawfulness - Existing	18/12/2019	Application for certificate of lawfulness (Section 191)for an existing use namely use of chalet as a dwellinghouse	Cae Melin Melin-y-ddol Llanfair Caereinion Powys SY21 0EE
	Approved Subject to a Section 106	08/01/2019	18/1086/FUL	Full Application	18/12/2019	2018Re-development of Banwy Mill Caravan Park to include the change of use of land to accommodate the re-siting of 26 static caravans, associated infrastructure and new vehicular access	Banwy Mill Caravan Park Melin-y-ddol Llanfair Caereinion Powys SY21 0ED
Llanfyllin Community	Approve	09/09/2019	19/1507/DIS	Discharge of Condition	18/12/2019	Application to discharge condition 3 of planning approval P/2018/0535	The Old Station Mill Lane Llanfyllin Powys SY22 5BG
	Approve	05/11/2019	19/1815/NMA	Non-Material Amendment	03/12/2019	Application for a non-material amendment to planning approval P/2018/0535 in respect of alterations to the proposed finished floor level Plots 1, 2 and 3, rear elevation window design & sizes and a window added to side elevation	The Old Station Station Road Llanfyllin Powys SY22 5BG

Page 127

CODE: IDOX.PL.REP.05

09/01/2020 09:00:37 POWYSCC\sandraf

[← Go Back](#)



Delegated List

129 Applications

Consent	10/01/2019	18/1080/LBC	Listed Building Consent	16/12/2019	Part retrospective application for an erection of a single storey rear extension, conversion of an attic into an ensuite bedroom, renovation work to cellar to include replacement of cellar windows.	Llwyn Y Gan 9 Penybryn Llanfyllin Powys SY22 5AP	
Refused	08/05/2019	19/0597/FUL	Full Application	06/12/2019	Erection of a free range egg production unit including silos, creation of hardstanding and all associated works	Cefn Gribin New Road Llanfyllin Powys SY22 5EN	
Refused	29/08/2019	19/1316/RES	Reserved Matters	20/12/2019	Reserved matters application for details of appearance, layout, scale, access & landscaping in connection with proposed dwelling & garage approved under planning permission P/2017/0032	Plot 5 Gobaith Bronygaer Llanfyllin Powys SY22 5DF	
Llangammarch Community	Permitted Development	02/12/2019	19/1945/AGR	Agricultural Notification	07/01/2020	Erection of an agricultural building for the housing of livestock and manure	Gelli Crugiau Tirabad Llangammarch Wells Powys LD4 4DP



Delegated List

129 Applications

Llangedwyn Community	Approve	23/07/2019	19/1232/DIS	Discharge of Condition	02/12/2019	Discharge of conditions 3, 4, 5 of permission 18/0878/LBC	The Smithy Llangedwyn Oswestry Powys SY10 9JR
Llangors Community Council	Consent	19/08/2019	19/1341/HH	Householder	28/11/2019	First floor extension to side and single story extension to rear.	20 Berllan Deg Llanfihangel Tal-Y-Llyn Brecon LD3 7TF
Llangurig Community	Approve	22/10/2019	19/1680/DIS	Discharge of Condition	17/12/2019	Discharge of conditions 5 and 7 from approved planning permission 19/0472/FUL in relation to landscaping plan and planning statement	Land South Of Felin Fawr Llangurig Llanidloes Powys
	Approve	15/11/2019	19/1884/DIS	Discharge of Condition	29/11/2019	Application to discharge condition no. 10 attached to planning permission 19/1380/FUL (details of landscaping)	Roselea Llangurig Llanidloes SY18 6QJ
Llangyniew Community	Refused	04/10/2019	19/1635/HH	Householder	29/11/2019	Erection of an extension to dwelling to provide additional bedroom and garage including demolition of existing garage	Bryn Erica Llangyniew Welshpool Powys SY21 0JT

Page 129

[CODE: IDOX.PL.REP.05](#)

[09/01/2020 09:00:37 POWYSCC\sandraf](#)

[← Go Back](#)



Delegated List

129 Applications

Llanidloes Without Community	Approve	17/04/2019	19/0527/DIS	Discharge of Condition	29/11/2019	Discharge of conditions 3,4,6 and 9 from planning consent P/2017/1047 in respect of a passing bay, landscaping scheme, external lighting and range plan	Gorn Farm The Gorn Llanidloes SY18 6LA
	Approve	04/09/2019	19/1362/RES	Reserved Matters	20/12/2019	Application for reserved matters application following the approval of P/2016/0185 for the erection of 5 dwellings, with garages and all associated works	Residential Development At Belan Land Y Fan Llanidloes Powys SY18 6NL
Llanrhaeadr-Ym-Mochnant Community	Approve	19/08/2019	19/1407/HH	Householder	02/12/2019	Two storey extension to dwelling	Bwlch Y Gwynt Cefn Coch Llanrhaeadr-ym-mochnant Powys SY10 0BP
	Approve	10/09/2019	19/1460/FUL	Full Application	18/12/2019	Conversion and extension of redundant barn to form dwelling, demolition of adjoining building, installation of septic tank, alterations to vehicular access including siting of temporary residential caravan and all associated works	Ty'n Y Cae Llanrhaeadr-ym-mochnant Oswestry Powys SY10 0DA



Delegated List

129 Applications

Approve	04/10/2019	19/1574/FUL	Full Application	29/11/2019	Siting of container for 50 kw Biomass boiler, flue and fuel store within domestic curtilage - retrospective	Fotty Llechweddlywd Pedair-ffordd Oswestry Powys SY10 0AU
Approve	11/10/2019	19/1664/DIS	Discharge of Condition	09/12/2019	Application to discharge condition 4 of planning approval P/2018/0107	Land Adj To Old Coal Yard Llanrhaeadr Ym Mochnant Oswestry SY10 0AG
Approve	25/10/2019	19/1731/FUL	Full Application	20/12/2019	Installation of an 800KW biomass boiler and associated equipment including flue within existing building, with external biomass fuel store location adjacent to boiler room.	Station Yard Llanrhaeadr-Ym-Mochnant Oswestry SY10 0AG
Refused	25/09/2019	19/1436/OUT	Outline planning	27/11/2019	Outline application (all matters reserved) for erection of an agricultural worker's dwelling and garage, installation of sewage treatment plant, alterations to vehicular access and formation of driveway	Land At Brynaber Farm Pedair-Ffordd Oswestry SY10 0AJ



Delegated List

129 Applications

Llansantffraid Community	Approve	06/08/2019	19/1203/FUL	Full Application	29/11/2019	Conversion of chapel to include an extension to the porch, amendments to access and all associated works	The Foel Methodist Chapel Winllan Road Llansantffraid-ym-mechain Powys
	Approve	02/09/2019	19/1254/REM	Removal or Variation of Condition	17/12/2019	Section 19 application to vary condition 3 of permission P/2015/0561 in relation to the treatment of brick work	2 Rose Cottages Llansantffraid-ym-mechain Powys SY22 6AS
	Approve	22/10/2019	19/1736/DIS	Discharge of Condition	20/12/2019	Discharge of condition 3 from planning consent 19/0706/REM in respect of a landscaping plan	Residential Development Parc Bronyddon Llansantffraid-ym-mechain Powys SY22 6DZ
	Approve	05/11/2019	19/1632/FUL	Full Application	07/01/2020	Installation of 2 x 195km biomass boilers (retrospective) and all associated works	Poultry Unit Bronafon Llansantffraid-ym-mechain Powys SY22 6SX
Llansilin Community	Approve	04/06/2018	P/2018/0453	Reserved Matters	19/12/2019	Application for reserved matters following outline approval P/2017/0164	Land At Moeliwrch Llansilin Oswestry Powys SY10 7PY

Page 132

[CODE: IDOX.PL.REP.05](#)

[09/01/2020 09:00:37 POWYSCC\sandraf](#)

[← Go Back](#)



Delegated List

129 Applications

	Approve	09/12/2019	19/1999/NMA	Non-Material Amendment	06/01/2020	Application for a non-material amendment to planning approval 19/0509/HH to change the material from stone to lime render on the West and East Elevations	Hafodig Isaf Rhiwlas Oswestry Powys SY10 7JQ
	Refused	28/10/2019	19/1723/FUL	Full Application	20/12/2019	Change of use for siting of two glamping pods, compost toilet and erection of a barbecue shed.	Two Glamping Pods Moelfre Croesoswallt Powys
Llanwddyn Community	Planning Permission Required	25/11/2019	19/1968/AGR	Agricultural Notification	19/12/2019	Erection of an agricultural / forestry storage building	Raven's Wood Llanwddyn Oswestry Powys SY10 0JX
Llanwrthwl Community	Approve	03/10/2019	19/1613/RES	Reserved Matters	07/01/2020	Reserved matters application in relation to P/2016/0806 for the erection of 2 dwellings	Land Adjacent To Dol Y Coed Llanwrthwl Llandrindod Wells Powys LD1 6NU
Llanwrtyd Wells Community	Approve	04/11/2019	19/1604/FUL	Full Application	20/12/2019	Construction of a stone access track, formation of vehicle turning area, installation of replacement gate and new gate and associated works	Land At Pentwyn Farm Abergwesyn Llanwrtyd Wells Powys LD5 4TP

Page 133

[CODE: IDOX.PL.REP.05](#)

[09/01/2020 09:00:37 POWYSCC\sandraf](#)

[← Go Back](#)



Delegated List

129 Applications

	Approve	04/11/2019	19/1775/FUL	Full Application	23/12/2019	Retrospective application for an external flue for a biomass boiler unit	Glangwesyn Abergwesyn Llanwrtyd Wells LD5 4TP
	Refused	21/03/2019	19/0200/FUL	Full Application	06/12/2019	Erection of a holiday let and all associated works	Land At Abernant Lakeside Cottage Llanwrtyd Wells Powys LD5 4RR
Llanyre Community Page 134	Approve	03/10/2019	19/1588/HH	Householder	28/11/2019	Erection of a double garage	Llyr Llanyre Llandrindod Wells LD1 6EA
	Permitted Development	12/12/2019	19/1942/AGR	Agricultural Notification	06/01/2020	Erection of agricultural building for the storage of straw and machinery	Cerrigroes Llanllyr Llandrindod Powys LD1 6EU
	Refused	19/06/2019	19/1044/FUL	Full Application	09/12/2019	Erection of 4 no. holiday lodges, formation of vehicular access and installation of a sewage treatment plant and all associated works	Land At Gravel Road Llanyre Llandrindod Powys
Machynlleth Community	Approve	24/09/2019	19/1559/DIS	Discharge of Condition	29/11/2019	Discharge of conditions 3, 4 & 5 of planning approval	Heol Pentrerhedyn Machynlleth SY20 8DW

[CODE: IDOX.PL.REP.05](#)

[09/01/2020 09:00:37 POWYSCC\sandraf](#)

[← Go Back](#)



Delegated List

129 Applications

	Approve	02/12/2019	19/1947/NMA	Non-Material Amendment	17/12/2019	Application for a non-material amendment to planning approval P/2017/1342 to add non-structural Blue Pennant stonework to front elevation of plot 4 to match plots 1, 2 and 3.	Land Between 14 And 15 Ffordd Mynydd Griffith Machynlleth SY20 8DD
Meifod Community	Approve	13/08/2018	18/0467/HH	Householder	16/12/2019	Construction of open porch and garden room	Dyffryn Meifod Powys SY22 6HL
	Approve	04/11/2019	19/1765/DIS	Discharge of Condition	07/01/2020	Application to discharge condition 13 of planning approval 19/0034/FUL	Cae Glas Grwn-Amlwg Meifod SY22 6DN
	Refused	17/10/2019	19/1756/FUL	Full Application	17/12/2019	Erection of an affordable dwelling	New Dwelling Old Oak Yard Geuffordd Guilsfield Welshpool SY21 9DR
Montgomery Community	Approve	11/11/2019	19/1896/TPO	Works to Trees subject to a TPO	04/12/2019	Removal of branches and growth to the main stem of the lime tree	Old Castle Farm Llandysul Montgomery Powys SY15 6HN

Page 135

[CODE: IDOX.PL.REP.05](#)

[09/01/2020 09:00:37 POWYSCC\sandraf](#)

[← Go Back](#)



Delegated List

129 Applications

	Approve	27/11/2019	19/1952/TRE	Works to trees in Conservation Area	18/12/2019	Application for works to two trees within a conservation area	The Cottage Inn Forden Road Montgomery Powys SY15 6QT
Newtown And Llanllwchaiarn Community	Approve	07/05/2019	19/0816/FUL	Full Application	06/12/2019	Demolition of existing single storey extension and erection of new part single and part two storey extension together with installation of an improved access to the main entrance	All Saints Church Commercial Street Newtown Powys SY16 2BW
	Approve	21/08/2019	19/1234/ADV	Advertisement Consent	05/12/2019	Display of a freestanding digital tourist information board	Brisco House, The Town Council Offices Severn Street Newtown SY16 2BB
	Approve	24/09/2019	19/1549/FUL	Full Application	05/12/2019	Installation of 2x biomass boilers and hardstanding	Penshwa Penshwa Lane Newtown Powys SY16 3LY
	Approve	07/10/2019	19/1431/FUL	Full Application	29/11/2019	Proposed change use from storage to assembly and leisure.	The Royal Welsh Warehouse, Vacant Areas Old Kerry Road Newtown SY16 1BH



Delegated List

129 Applications

Approve	07/10/2019	19/1432/LBC	Listed Building Consent	29/11/2019	Subdivision of space with moveable partition walls	The Royal Welsh Warehouse, Vacant Areas Old Kerry Road Newtown SY16 1BH
Approve	01/11/2019	19/1738/FUL	Full Application	17/12/2019	Proposed car park to include new access and all associated works	Ladywell Shopping Centre New Church Street Newtown Powys SY16 1AF
Approve	06/11/2019	19/1729/ADV	Advertisement Consent	20/12/2019	Display of 4x illuminated menu display boards, and 1x wall mounted micro screen	McDonald's Restaurant Cambrian Way Newtown Powys SY16 1DG
Approve	27/03/2019	19/0474/DIS	Discharge of Condition	02/12/2019	Discharge of condition 8 from planning approval P/2017/0611 in respect of a hedgerow translocation and replacement plan	Railsgate Fields Railsgate Kinnerton Presteigne Powys LD8 2PD
Approve	21/05/2019	19/0783/RES	Reserved Matters	29/11/2019	Application for approval of reserved matters (plots 2, 3 and 4) following outline approval P/2016/0454.	Plots 2, 3 And 4 Land South Of Corner House Kinnerton Presteigne Powys LD8 2PE

Page 137
Old Radnor Community

[CODE: IDOX.PL.REP.05](#)

[09/01/2020 09:00:37 POWYSCC\sandraf](#)

[← Go Back](#)



Delegated List

129 Applications

Penybont Community	Consent	20/08/2019	19/1331/FUL	Full Application	17/12/2019	Erection of a free-range egg production unit, feed silos and all associated works	The Bache Farm New Radnor Presteigne LD8 2TG
	Approve	30/10/2019	19/1797/TEL	Telecommunications notification	18/12/2019	Prior notification for telecommunication apparatus for 15m telegraph-pole communications mast, antennas and ground based apparatus.	Land At Cwm Farm Llandeglau Llandrindod Wells Powys
	Permitted Development	19/11/2019	19/1941/AGR	Agricultural Notification	13/12/2019	Erection of a general purpose agricultural building	Tynllan Farm Llandegley Llandrindod Wells Powys LD1 5UF
Pen-y-bont Fawr Community	Refused	03/12/2019	19/2008/AGR	Agricultural Notification	31/12/2019	Erection of an agricultural storage building	Cwmfedw Pen-y-bont-fawr Oswestry Powys SY10 0HX
Presteigne Community	Approve	12/08/2019	19/1141/LBC	Listed Building Consent	03/12/2019	Internal and external works to dwelling	Hitherback Cottage 1 Harper's Lane Presteigne Powys LD8 2AN

Page 138

[CODE: IDOX.PL.REP.05](#)

[09/01/2020 09:00:37 POWYSCC\sandraf](#)

[← Go Back](#)



Delegated List

129 Applications

	Approve	12/08/2019	19/1142/HH	Householder	02/12/2019	Erection of two sheds	Hitherback Cottage 1 Harper's Lane Presteigne Powys LD8 2AN
	Approve	20/09/2019	19/1608/RES	Reserved Matters	29/11/2019	Reserved matters application following outline approval P/2014/0438 for all matters relating to the erection of 9 dwellings	Development South Of Wills View Will's View Norton Presteigne Powys
	Approve	04/10/2019	19/1721/DIS	Discharge of Condition	02/12/2019	Discharge of Conditions 3 & 5 of planning approval 19/0316/LBC	Bell Cottage Scottleton Street Presteigne Powys LD8 2BG
	Approve	14/11/2019	19/1919/TRE	Works to trees in Conservation Area	19/12/2019	Application for works to five trees within a conservation area	St Andrew's Church Broad Street Presteigne Powys
Rhayader Community	Approve	14/08/2019	19/1359/HH	Householder	17/12/2019	Erection of an extension and all associated works	Hill View Bridge Street Rhayader Powys LD6 5AF

Page 139

CODE: IDOX.PL.REP.05

09/01/2020 09:00:37 POWYSCC\sandraf

[← Go Back](#)



Delegated List

129 Applications

	Approve	02/10/2019	19/1685/FUL	Full Application	02/12/2019	Change of use of Public House (A3) to Bed and Breakfast (C1).	The Bear East Street Rhayader Powys LD6 5DN
St. Harmon Community	Approve	15/10/2019	19/1708/HH	Householder	17/12/2019	Demolition of the existing sunroom and utility extensions and erection of a side extension	Penddol Pant-Y-Dwr Rhayader LD6 5LW
Trefeglwys Community	Approve	02/09/2019	19/1381/FUL	Full Application	02/12/2019	Erection of a laundry building and associated car parking	Grandstand Trefeglwys Caersws Powys SY17 5PU
	Approve	04/11/2019	19/1811/DEM	Demolition Notification	02/12/2019	Demolition notification for the proposed demolition of a timber framed building, timber clad, mono pitch roof made from metal sheeting. Built on concrete hard standing base. Approximately 6m x 6m x 3m	Shed To The Rear Of Hafren Bunkhouse NRW Depot (Dolydd Sheds) Staylittle Llanbrynmair Powys

Page 140

[CODE: IDOX.PL.REP.05](#)

[09/01/2020 09:00:37 POWYSCC\sandraf](#)

[← Go Back](#)



Delegated List

129 Applications

	Approve	02/12/2019	19/1964/NMA	Non-Material Amendment	20/12/2019	Non material amendments to planning permission M/2006/0583 in respect of Variation of conditions 2, 6 and 9 to allow partial commencement to occur on site prior to discharge.	Development Site Of Former Memorial Hall Trefeglwys Caersws Powys
	Approve	02/12/2019	19/1965/NMA	Non-Material Amendment	20/12/2019	Non material amendment to planning permission M/2003/1331 in respect of Variation of conditions 2, 3, 5, 6, 8 and 12 to allow partial commencement on site	Former Primary School Trefeglwys Caersws Powys SY17 5PH
	Approve	02/12/2019	19/1966/NMA	Non-Material Amendment	20/12/2019	Non material amendment to planning permission M/2003/0983 in respect of Variation of conditions 3, 4, 6 and 11 to allow partial commencement to take place.	Development Site Rear Of Former Memorial Hall Trefeglwys Caersws Powys
Treflys Community	Permitted Development	12/11/2019	19/1856/AGR	Agricultural Notification	09/12/2019	Formation of a forestry track	Cefn Cefdu Forest Block Nr Abergwesyn Llanwrtyd Wells Powys

Page 141

CODE: IDOX.PL.REP.05

09/01/2020 09:00:37 POWYSCC\sandraf

[← Go Back](#)



Delegated List

129 Applications

Trewern Community	Approve	06/12/2018	18/0996/OUT	Outline planning	28/11/2019	Outline application for a rural enterprise dwelling, garage, installation of a septic tank and all associated works (all matters reserved)	Land At Trelystan Poultry Units Trelystan Welshpool Powys SY21 8JA
	Approve	01/10/2019	19/1692/HH	Householder	07/01/2020	Erection of a barn	Ivy House Middletown Welshpool SY21 8EL
	Consent	30/04/2018	P/2018/0474	Full application	07/01/2020	Full: Erection of a free range egg production unit including silos and all associated works	Land Near Mulsop Farm Trelystan Leighton Welshpool Powys SY21 8JA
Welshpool Community	Approve	09/05/2019	19/0766/HH	Householder	02/12/2019	Demolition of carport & shed and erection of replacement garage	Coronation House Church Road Welshpool SY21 7LN
	Approve	02/09/2019	19/1467/TRE	Works to trees in Conservation Area	29/11/2019	Application to fell a tree in a conservation area	30 Hafan Deg Welshpool Powys SY21 7DW
	Approve	11/09/2019	19/1442/HH	Householder	28/11/2019	External alterations	40 Salop Road Welshpool SY21 7EA

Page 142

[CODE: IDOX.PL.REP.05](#)

[09/01/2020 09:00:37 POWYSCC\sandraf](#)

[← Go Back](#)



Delegated List

129 Applications

Approve	18/09/2019	19/1580/DIS	Discharge of Condition	03/12/2019	Application to discharge condition no. 7 in full attached to listed building consent P/2017/0795 (firebreast condition)	38 Salop Road Welshpool Powys SY21 7EA
Approve	25/10/2019	19/1809/TRE	Works to trees in Conservation Area	29/11/2019	Application for trees works in a conservation area	Aqueduct Cottage Severn Road Welshpool Powys SY21 7AL
Consent	20/12/2018	18/1082/FUL	Full Application	19/12/2019	Change of Use from ancillary building (A1) to café (A3) and erection of extension	74-76 Commercial Street Ystradgynlais SA9 1LA
Consent	01/05/2019	19/0668/HH	Householder	19/12/2019	Proposed rear double storey extension	69 Heol Gleien Lower Cwmtwrch Swansea SA9 2UF
Consent	27/08/2019	19/1361/FUL	Full Application	18/12/2019	Erection of extensions to warehouses 1 & 2, creation of internal infrastructure and all associated works	Unit 9 & 10 Woodlands Business Park Ystradgynlais Powys SA9 1JW
Refused	12/11/2019	19/1855/FUL	Full Application	18/12/2019	Proposed detached dwelling with associated external and drainage works.	Erection Of Dwelling Rhestr Fawr Ystradgynlais Powys

Ystradgynlais
Community

Page 143

Application 129
CODE: IDOX.PL.REP.05

09/01/2020 09:00:37 POWYSCC\sandraf

[← Go Back](#)

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Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 19/11/19

gan Joanne Burston BSc MA MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 04.12.2019

Appeal Decision

Site visit made on 19/11/19

by Joanne Burston BSc MA MRTPI

an Inspector appointed by the Welsh Ministers

Date: 04.12.2019

Appeal Ref: APP/T6850/A/19/3235811

Site address: The Slangs, Cascob, Presteigne 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 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) Order 1995.
- The appeal is made by Ms E Hammel against the decision of Powys County Council.
- The application Ref 19/0427/AGR, dated 7 March 2019, was refused by notice dated 23 May 2019.
- The development proposed is the erection of an agricultural barn.

Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3 and Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (GPDO) for the erection of an agricultural barn at The Slangs, Cascob, Presteigne LD8 2NT in accordance with the terms of the application, Ref 19/0427/AGR, dated 7 March 2019, subject to the conditions set out in the GPDO at paragraph A.2(2)(d)(vi)(aa) and A.2(2)(d)(vi)(bb) and:
 - 1) The developer shall ensure that a suitably qualified archaeological contractor is present during the undertaking of any ground works in the development area so that an archaeological watching brief can be conducted. The archaeological watching brief must meet the standards laid down by the Chartered Institute for Archaeologists Standard and Guidance for archaeological watching briefs.

A copy of the resulting report should be submitted to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust (41 Broad Street, Welshpool, Powys, SY21 7RR Email: trust@cpat.org.uk Tel: 01938 553670).

After approval by the Local Planning Authority, a copy of the report and resulting archive should also be sent to the Historic Environment Record Officer, Clwyd-Powys Archaeological Trust for inclusion in the regional Historic Environment Record.

Reason: The agricultural barn is located 725 metres northeast of Scheduled Ancient Monument RD146 'Twiscob Moated Site' and one of the former field banks associated with it. Therefore, an archaeological watching brief is required to secure

preservation by record of any archaeological remains which may be revealed during ground excavations for the consented development.

Application for costs

2. An application for costs was made by Ms E Hammel against Powys County Council. This application is the subject of a separate Decision.

Procedural Matters

3. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objectives of driving sustainable growth and building resilient communities.

Planning Background

4. The GPDO grants planning permission for certain classes of development without any requirement for an application to be made under Part III of the Town and Country Planning Act 1990.
5. Schedule 2, Part 6, Class A of the GPDO enables, as permitted development, works for the erection, extension or alteration of an agricultural building; or any excavation or engineering operations for when that proposed is to be used for agricultural purposes and the agricultural land unit is 5 hectares or more¹. In this case the agricultural unit is approximately 10.5 hectares.
6. The GPDO procedures require that before starting work, the developer applies to the local planning authority for a determination as to whether prior approval of the authority will be required to the siting, design and external appearance of the building, the siting and means of construction of the private way, the siting of the excavation or deposit or the siting and appearance of the tank, as the case may be. The Council confirmed that prior approval would be required on the 4 April 2019.
7. In operating these provisions, local planning authorities will have due regard to the operational needs of agricultural businesses and the need to avoid imposing any unnecessary or excessively costly requirements. However, they will also need to consider the effect of the development on the landscape in terms of visual amenity and the desirability of preserving ancient monuments and their settings, known archaeological sites, listed buildings and their settings, and sites of recognised nature conservation value.
8. Following an assessment of the application the Council stated on its decision notice, dated 23 May 2019, that "*Due to the scale and location of the proposed development, it is considered that the proposed development would have an unacceptable adverse landscape and visual impact on the surrounding area*". The application was accordingly refused and is now the subject of this appeal.

Main Issue

9. Given the above, the main issue in this case is whether the details provided under the Prior Approval procedure, in terms of siting, design and external appearance, are acceptable.

¹ Subject to certain caveats.

Reasons

10. As set out above, the Council refused the application based on its concerns relating to the scale and location of the proposed building. Nevertheless, I consider it would be helpful to look at each of the specific matters which are the subject of prior approval.

Siting

11. The surrounding landscape is characteristically rural: rolling hills, a traditional agricultural field pattern, and wooded stretches of land tracking alongside watercourses. The appeal site is situated on a hillside, where a bench has been constructed to create a level area for the erection of a polytunnel, where eventually the proposed agricultural building would be located. The site is largely obscured from view on account of the paucity of surrounding public vantage points and the screening afforded by existing hedgerows and trees.
12. Whilst the principle of the development proposed has been established via the GPDO, the Council has referred to Powys Local Development Plan policy DM4. My determination of this appeal is not statutorily required to be made in accordance with the development plan, however it is helpful in the context of the issues to be considered. Briefly summarised, Policy DM4 requires new development not to have an unacceptable adverse impact on the valued characteristics and qualities of the Powys landscape.
13. As I saw on my site visit the landscape is an attractive one of undulating, enclosed fields, scattered farmsteads, with a tranquil settled quality. This is reinforced by the LANDMAP assessment provided by the Council.
14. In this regard, the building would be largely obscured from public view and would be sited close to boundary planting such that it would not appear unduly obtrusive. Visibility from public vantage points would inevitably be partial and fleeting. Where such views would exist, the building proposed would be seen as an agricultural building, with a generally utilitarian design, which would not look out of place in this rural setting. I acknowledge that views of the appeal site can be sought from properties and the right(s) of way on the opposite valley side. Nevertheless, these are at some distance, where the views would be set against the backdrop of the hedgerows and trees and the proposed barn design would break up its overall mass. Further, I accept that the building would be seen as a free-standing feature within this landscape, however, this is not uncommon and being located on a surface 'cut in' to the hillside would reduce its prominence.
15. For these reasons, I am satisfied that the proposed building would not have an unacceptably adverse effect on the valued characteristics and qualities of the Powys landscape hereabouts.

Design and external appearance

16. The building would be of metal frame construction, clad in juniper green box profile sheet steel, and juniper green fibre cement roof, with integrated Glass Reinforced Plastic (GRP) skylights. The south elevation would have 4 open fronted bays and a steel-clad door would be located on the western elevation. Accordingly, the building would have an agricultural appearance and thus its function would be clearly apparent.
17. The juniper green colour of the proposed materials would be consistent with the hues of the surrounding natural environment. The use of a fibre cement roof will also

facilitate the growth of lichen and mosses, which will help the roof to take on a weathered appearance further assimilating it into the local landscape.

18. It is clear from the information submitted with the application that the building would be appropriately sited, in the location best suited to its intended use. Its simple form and design reflect that of farm buildings seen locally, and together with the use of appropriate materials would ensure that its external appearance would be wholly in keeping with its functional and visual context as a working building on an agricultural unit.
19. Therefore, I conclude that the details provided are acceptable and prior approval should be granted.

Other matters

20. The application area is located some 725 metres northeast and at a higher level than scheduled monument RD146 Twiscob Moated Site. The monument comprises the remains of a circular platform surrounded by a moat, probably of medieval date. Whilst Cadw have raised no objection to the proposal, 'Clwyd-Powys Archaeological Trust' suggest that, given the sensitivity of the local area, a condition should be imposed to require an archaeological watching brief. From the evidence before me I accept that such a condition is required, particularly as further groundworks could be required to accommodate the proposed barn.
21. I acknowledge the comments made by local residents regarding the status of the agricultural unit and the planning history of the site. Nevertheless, such matters are not for me to consider under the GPDO legislation.

Conditions

22. The planning permission granted for the building under Article 3 and Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) Order 1995 is subject to the conditions set out at paragraph A.2(2)(d)(vi)(aa) and A.2(2)(d)(vi)(bb). These require that the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out in accordance with the details submitted with the application; and that the development must be carried out within a period of 5 years from the date on which the local planning authority were given the information required to be submitted with the application, namely the 7 March 2019.

Conclusions

23. For the reasons given above, and taking into account all other matters raised, the appeal should be allowed and prior approval is therefore granted.

Joanne Burston

INSPECTOR



Penderfyniad ar gostau

Ymweliad â safle a wnaed ar 19/11/19

gan Joanne Burston BSc MA MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 04.12.2019

Costs Decision

Site visit made on 19/11/19

by Joanne Burston BSc MA MRTPI

an Inspector appointed by the Welsh Ministers

Date: 04.12.2019

Costs application in relation to Appeal Ref: APP/T6850/A/19/3235811

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

The Welsh Ministers have transferred the authority to decide this application for costs to me as the appointed Inspector.

- The application is made under the Town and Country Planning Act 1990, section 78, section 322C and Schedule 6.
 - The application is made by Ms Ella Hammel for a full award of costs against Powys County Council.
 - The appeal was against the refusal to grant approval required under Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) Order 1995 for the erection of an agricultural barn.
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Decision

1. The application for an award of costs is refused.

Reasons

2. The Annex at Section 12 of the Development Management Manual, Award of Costs (the guidance) advises at paragraph 1.2 that "*Parties are expected to meet their own costs. An appellant or applicant is not awarded costs simply because their appeal or application succeeds and similarly, a local planning authority is not awarded their costs because their position or decision is upheld. An award of costs may only be made where one party has behaved unreasonably, and that unreasonable behaviour has led other parties to incur unnecessary or wasted expense.*" The guidance provides examples of circumstances which may lead to an award of costs against a Council. Awards may be either procedural, relating to the appeal process or substantive, relating to the planning merits of the appeal.
 3. In summary, the appellant states that in this case the unreasonable actions of the Council have prevented development which should clearly be permitted, having regard to its accordance with Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (the GPDO) and any other material considerations.
 4. It was not, in my opinion, unreasonable for the Council to refuse the application given its concerns regarding landscape harm. Nevertheless, the key test is whether evidence is produced on appeal which provides a respectable basis for the authority's stance.
-

5. In my parallel appeal decision, I have not agreed with the Council's reason for resisting the application. However, they have set out reasons why they believe it to be unacceptable that have warranted careful consideration and analysis. I am also satisfied that the Council took into account all relevant considerations when judging the proposal.
6. In this respect, the correspondence and planning history provided by the parties shows that a fair amount of dialogue about the site has taken place. Indeed, the disputed issues have narrowed over time across the various applications, and, on balance, I consider that they have acted within the spirit of the legislation.
7. Therefore, it is not the case here that the appeal could have been avoided. I have found that the Council had reasonable concerns about the impact of the development which justified its decision. The appellant had to address those concerns and the evidence of third parties. Thus, I am satisfied that unreasonable behaviour has not been demonstrated in this regard.

Conclusion

8. Having considered the matters above, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the guidance, has not been demonstrated, and therefore the application for an award of costs is refused.

Joanne Burston

INSPECTOR



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 19/11/19

gan Joanne Burston BSc MA MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 02.12.2019

Appeal Decision

Site visit made on 19/11/19

by Joanne Burston BSc MA MRTPI

an Inspector appointed by the Welsh Ministers

Date: 02.12.2019

Appeal Ref: APP/T6850/A/19/3237458

Site address: Camp Farm, C2052 from fork at Pullpidwr to fork near Ael-Y-Bryn, Llandyssil, Montgomery SY15 6LU

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr E Powell against the decision of Powys County Council.
 - The application Ref 19/0236/FUL, dated 07 February 2019, was refused by notice dated 21 May 2019.
 - The development proposed is the siting of 3 holiday lodges, formation of vehicular access and access road, lay-by provision, installation of a sewage treatment plant and associated works.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. At my site visit I was invited to view the appeal site from Camp Farm Farmhouse, where I viewed the appeal site from the garden areas, lounge and spare bedroom/store room. I also viewed the site from the farm yard area associated with Camp Farm.
3. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objectives of driving sustainable growth and better environments.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the surrounding landscape.

Reasons

5. The appeal relates to a field, currently set to grass, and bounded by hedgerows and mature margins. It is situated on a hill top plateau within a rolling landscape characterised by fields and areas of woodland. The few buildings within eye sight are limited to agricultural buildings or isolated homes, many of which are farmsteads or

appear as such. The public highway is located to the north and is of single-track width with several passing places. From the appeal site extensive views can be sought in all directions, where the landscape displays a tranquil, settled quality.

6. The proposed holiday lodges would be clad in timber with slate roofs, approximately 9.3 metres in length, 6 metres in width, and 3.2 metres to ridge height, with a patio to the front. A shared private drive would be constructed from the highway and parking areas would be provided for each lodge.
7. Powys Local Development Plan (LDP) Policy DM4 requires new development not to have an unacceptable adverse impact on the valued characteristics and qualities of the Powys landscape. The policy's supporting text at paragraph 4.2.28 sets out that *"these landscapes are areas recognised for their special qualities which include open panoramic views, a rich cultural heritage and a strong sense of remoteness and tranquillity, all represented in their own right and through the extensive coverage of historic, ecological and geodiversity designations. The county is further characterised by its topography and patterns of features such as broad, open uplands, peat moors, small hills and valleys, traditional field boundaries, woodlands and areas of open water, the experience of which can make a place particularly distinctive."* LDP Policy SP7 seeks to safeguard important assets, such as the Powys landscape, from unacceptable development.
8. Furthermore, LDP Policies DM13 and TD1 require proposals, amongst other matters, to be designed to complement and/or enhance the character of the surrounding area in terms of siting, appearance, integration into the landscape, scale, height, massing and design detailing.
9. These policies are consistent with the provisions of Planning Policy Wales, Edition 10, (PPW) which states at paragraph 5.5.3 that *"In rural areas, tourism-related development is an essential element in providing for a healthy and diverse economy. Here development should be sympathetic in nature and scale to the local environment."*
10. The appeal site lies in an attractive area of open countryside, which LANDMAP describes as the Llandyssil Hill and Scarp Grazing aspect area. This area is characterised as a rolling upland grazing centred on an intricate patchwork of small field parcels bounded by trees and hedgerows. LANDMAP considers its scenic quality to be high with its rarity being moderate. Its overall visual and sensory evaluation is moderate.
11. Given the evidence provided by the appellant I do not envisage that the proposal would have a significant visual impact within the wider area, it would, nonetheless have a significant effect on landscape character. At present, the site has very little impact in this regard, displaying a very low key and tranquil character.
12. Against this background, the appeal proposal would introduce significant built form with the associated general activity, lighting, noise and the movement and parking of vehicles at a level commensurate with three holiday lodges. Whilst I accept that the requirement for the storage of chattels would not be to the same extent as that for a permanent dwelling house, it is likely that personal property would be kept on site for the duration of the occupancy as well as there being a requirement for cleaners to go back and forth to the site and remove refuse.
13. In addition, there would likely be ancillary activities, for example outside tables, chairs and BBQs from those taking advantage of good weather which would erode the area's tranquillity and scenic quality, thus detrimental to the character of the local landscape.

14. For these reasons the proposal would unacceptably harm the valued landscape characteristics of the area and would fail to complement and/or enhance the character of the surrounding area. Accordingly, the proposed development would be contrary to LDP Policies DM4, DM13, SP7 and TD1.
15. On reaching this conclusion my attention has been drawn to other tourism developments in the locality that have been approved by the Council. Nevertheless, I have no details about these schemes to ascertain whether they are similar, and, in any event, I am required to deal with the appeal proposal on its individual merits.

Other matters

16. From my observations of the appeal site and the access route to it, I have no doubt that a degree of care would need to be taken along the access lane and when entering and leaving the site, particularly in poor weather. However, there is no convincing evidence before me that leads me to conclude that the proposal would result in any significant increase in risk to highway safety. I also acknowledge that the proposal would produce a diversified form of income for the appellant which in turn would benefit the local economy. However, these positive aspects of the proposal do not lead me to reach a different conclusion.

Conclusions

17. For the reasons given above, and taking in to account all other matters raised, I conclude that the appeal should be dismissed.

Joanne Burston

INSPECTOR

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