

Planning, Taxi Licensing & Rights of Way Committee

Meeting Venue

By Teams

Meeting Date

Wednesday, 24 February 2021

Meeting Time

10.00 am

For further information please contact

Carol Johnson

01597826206

carol.johnson@powys.gov.uk



County Hall
Llandrindod Wells
Powys
LD1 5LG

17 February 2021

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 4 February 2021 as a correct record.

(Pages 5 - 8)

Planning

3.	DECLARATIONS OF INTEREST
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a) To receive any declarations of interest from Members relating to items to be considered on the agenda.

b) To receive Members' requests that a record be made of their membership of town or community councils where discussion has taken place of matters for the consideration of this Committee.

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

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

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

(Pages 9 - 10)

4.1. Updates

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

(To Follow)

4.2. 20/1010/OUT Former School Playing Field At, James Street, Ystradgynlais, Powys, SA9 1EX

(Pages 11 - 28)

4.3. 20/1354/FUL Oldford Cottage, Oldford Lane, Welshpool, SY21 7TE

(Pages 29 - 74)

4.4. 20/1142/LBC Oldford Cottage, Oldford Lane, Welshpool, SY21 7TE

(Pages 75 - 96)

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

(Pages 97 - 116)

6.	APPEAL DECISION
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To receive the Planning Inspector's decision regarding an appeal.

(Pages 117 - 120)

Taxi and other licensing

7.	MINUTES OF TAXI LICENSING SUB-COMMITTEES
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To authorise the Chair presiding at the Taxi Licensing Sub-Committee held on 3 February 2021 to sign the minutes as a correct record.
(Pages 121 - 122)

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MINUTES OF A MEETING OF THE PLANNING, TAXI LICENSING & RIGHTS OF WAY COMMITTEE HELD BY TEAMS ON THURSDAY, 4 FEBRUARY 2021

PRESENT

County Councillor K Lewis (Chair)

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

1. APOLOGIES

Apologies for absence were received from County Councillor G I S Williams.

2. MINUTES OF THE PREVIOUS MEETING

County Councillor P Pritchard challenged the accuracy of the minutes in relation to the Neuadd Maldwyn application saying that they made no mention of the points that he had made regarding access to Chalfont. It was acknowledged that Councillor Pritchard had made these comments but that the minutes were not intended to be a verbatim account of the debate.

The Professional Lead for Planning requested a number of amendments to the minutes:

20/0659/FUL Neuadd Maldwyn, Severn Road, Welshpool, SY21 7AS

The decision should read

RESOLVED that the application be granted consent, subject to the conditions set out in the update report which is filed with the signed minutes and subject to the parking spaces being increased to 38, the bin store being in a covered structure and that an informative regarding birds be added and subject to the outcome of Welsh Government's consideration of the call-in request.

A reference to bin storage should be included in the text.

On item 7, second paragraph, the first sentence should be amended to read "NRW's evidence found no direct link between phosphate and intensive livestock units".

Subject to these amendments, the Chair was authorised to sign the minutes of the last meeting held on 22nd January 2021 as a correct record. County Councillor Phil Pritchard voted against and County Councillor Jon Williams abstained as he had not been at the meeting.

Planning

3. DECLARATIONS OF INTEREST

- (a) County Councillor G Jones declared a personal and prejudicial interest in application 19/0938/FUL Frochas Farm, Frochas, Welshpool as he knew the applicant.
- (b) The Committee noted that no Member requested that a record be made of their membership of a Community Council where discussion had taken place of matters for the consideration of this Committee.
- (c) The Committee noted that County Councillor G Pugh (who is a member of the Committee) would be acting as 'local representative' in respect of application 20/1820/FUL Business Park, Abermule.
- (d) The Committee noted that County Councillor G Breeze (who is not a member of the Committee) would be speaking as the 'local representative' in respect of application 19/0938/FUL Frochas Farm, Frochas, Welshpool.

4. PLANNING APPLICATIONS FOR CONSIDERATION BY THE COMMITTEE

4.1 Updates

As the update related to the second application it was agreed that the Committee would adjourn after the first application to give members the opportunity to read the update.

County Councillor E Michael Jones left the meeting.

4.2 20/1820/FUL Business Park, Abermule, Powys, SY15 6NT

Application

Number: 20/1820/FUL

Grid Ref: E: 315775 N: 294250

Community Council: Abermule and Llandyssil Community

Valid Date: 06/11/2020

Applicant: Powys County Council

Location: Business Park, Abermule, Powys, SY15 6NT

Proposal: Erection of 9 business units (B1/ B2 & B8 use) and all associated works

Application Type: Full Application

County Councillor G Pugh spoke as the local representative.

Councillor Jane Rees spoke on behalf of Abermule with Llandyssil Community Council who opposed the application.

Louise Evans spoke on behalf of the applicant.

Officers answered questions on the design and usage of the buildings, consultation with the community confirming that all requirements had been followed, lighting, the number of electric charging points and access for lorries. The Highways officer confirmed that there was sufficient room for articulated lorries on site to turn without reversing.

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 set out in the report filed with the signed minutes.

County Councillor Roger Williams abstained as he had not been present for the whole of the debate.

The Committee was adjourned to give members time to read the update report circulated the previous evening in respect of the next application.

4.3 19/0938/FUL Frochas Farm, Frochas, Welshpool, Powys, SY21 9JD

Application Number:	19/0938/FUL	Grid Ref:	E: 320057 N: 308341
Community Council:	Welshpool Community	Valid Date:	21.06.2019

Applicant: Owen

Location: Frochas Farm, Frochas, Welshpool, Powys, SY21 9JD

Proposal: Erection of a broiler installation and silos, formation of a vehicular access and associated works

Application Type: Full Application

County Councillor G Breeze spoke as the local representative.

Councillor Alison Davies spoke on behalf Welshpool Town Council who opposed the application.

Kirsten Campbell-Morris spoke against the application.

Duncan Hamer spoke against the application.

The applicant, John Owen, and agent, Gerallt Davies, spoke in support of the application.

Officers were asked if adverse impact on the landscape of the development was an acceptable reason for refusal and were advised that it was. Officers were also asked about access to the site. Members pointed out that whilst there were passing bays, there was a pinch point where two articulated lorries would not be able to pass. Officers advised that they did not have information on the route that feed and birds would be taken to the site and whether or not this would be through Welshpool or via Guilsfield as the Applicant was not required to specify this.

Members asked about the impact of odour from manure spreading on the neighbouring garden nursery business and were advised that measurements could only be taken from buildings and not the land where manure was spread or the grounds of the nursery. Manure was currently spread on the site.

Members asked about rights of way and were advised that the application involved the extinguishing and diversion of two rights of way. Countryside Services were content that they could be diverted but this could not be made a condition of the application as it was a different legal process. Members also asked about the comments of the Built Heritage Officer and were advised that these related to the listed buildings at Llanerchydol Hall and not to the Historic Park and Garden which is Cadw's remit.

It was moved and duly seconded that the application be refused on the grounds of adverse impact on the landscape.

RESOLVED	Reason for decision
To refuse the application on the grounds of adverse impact on the landscape, the exact wording to be agreed by the Chair and the Lead Professional – Planning.	The proposed development by virtue of its size, scale and location would have a detrimental landscape impact.

The Vice-Chair County Councillor Gareth Jones returned to the meeting.

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 14th and 27th January 2021.

6.	APPEAL DECISION
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The Committee received a copy of the Planning Inspectorate letter regarding the appeal in respect of the following application:

APP/T6850/A/20/3260496 Site address: Upper Gwestydd Farm, Upper Gwestydd Lane, Cefn Mawr, Powys, SY16 3LA. The Committee noted that the inspector had upheld the appeal.

Planning, Taxi Licensing and Rights of Way Committee
24th February 2021

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: Community: O.S. Grid Reference: Date Received:	Nature of Development: Location of Development: Applicant: Recommendation of Head of Planning:
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20/1010/OUT Ystradgynlais Community 278742 209843 01/07/2020	Outline: Erection of two detached dwellings and associated works Former School Playing Field at James Street, Ystradgynlais Mr G Price and Mr W DeMilverda Recommendation: Refusal
20/1354/FUL Welshpool Community 322398 307332 25/08/2020	Full: Erection of 1 no. residential dwelling and construction of vehicular access and parking Old Ford Cottage, Oldford Lane, Welshpool Mr Jack Tavernor (Powis Estates) Recommendation: Conditional Consent
20/1142/LBC Welshpool Community 322398 307332 22/07/2020	Listed Building Consent: Alterations to a stone wall involving removal of section of low stone wall, concrete post and fence and rebuild remaining wall Old Ford Cottage, Oldford Lane, Welshpool Mr Jack Tavernor (Powis Estates) Recommendation: Conditional Consent – Refer to CADW

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4.2

Planning, Taxi Licensing and Rights of Way Committee Report

Application Number: 20/1010/OUT

Grid Ref: E: 278742
N: 209843

Community Council: Ystradgynlais Community

Valid Date: 08.07.2020

Applicant: Mr G Price

Location: Former School Playing Field At, James Street, Ystradgynlais, Powys, SA9 1EX

Proposal: Erection of two detached dwellings and associated works

Application Type: Outline planning

The reason for Committee determination

This application has been called-in by the local member.

Consultee Responses

Consultee	Received
Ward Councillor	
No response received at the time of writing the report.	
Community Council	
No response received at the time of writing the report.	

Environmental Protection

24th Jul 2020

Please can the applicant provide further information on the drainage. In respect of noise works can only be carried out between 8-6 M-F and 8-1 Saturday with no works on Sunday or Bank holidays.

PCC-Ecologist

No response received at the time of writing the report.

PCC-Building Control

No response received at the time of writing the report.

PCC-(S) Highways

27th Jul 2020

Thank you for consulting the Highway Authority (HA) on this planning application, covering the proposed erection of 2 dwellings and associated infrastructure on land at The Former Playing Field, James Street, Ystradgynlais

The HA has previously accepted, through consideration of planning applications P2015/0705 & P/2016/0989, that limited levels of residential development on this site is acceptable from a highway perspective. Such acceptance, is subject to a level of highway mitigation works, specifically junction improvement works at Pantyffyon Road/James Street.

Whilst it is noted that the area of land previously identified and required to improve the Pantyffyon Road/James Street junction, is included within the current application site, the HA seeks confirmation that this land is under the applicants control, as third party land ownership notice does not appear to have been served.

The junction improvement works shall be subject to the imposition of a pre-commencement condition, so it is requested that confirmation on this matter is sought before this application is determined.

Second response – 18th January, 2021

The County Council as Highway Authority for the County Unclassified Highway, U0898

Wish the following recommendations/Observations be applied
Recommendations/Observations

Thank you for re-consulting the Highway Authority (HA) on this planning application, which covers the proposed erection of 2 dwellings and associated infrastructure on land at The Former Playing Field, James Street, Ystradgynlais

It is considered prudent to reiterate that the HA has previously accepted, through consideration of planning applications P2015/0705 & P/2016/0989, that limited levels of residential development on this site, is acceptable from a highway perspective. Such acceptance is subject to an element of highway mitigation works being included as part of the development proposals; specifically, the need for improvements to the Pantyffyon Road/James Street junction.

As the land required to undertake the improvement works is in third party ownership, the HA has previously sought assurances that appropriate notice has been served on the landowner and that confirmation has been received from them, indicating that there is a realistic likelihood of such works being agreed and implemented by the applicant before any subsequent development is commenced.

Whilst it is noted that additional information has since been submitted by the applicant to demonstrate that the requisite third-party land ownership notice has now been duly served on the owners of the land, there is no supporting information on the portal to indicate that the appropriate landowner consent will be forthcoming.

Notwithstanding the above, should the LPA be satisfied that such works are deliverable by the applicant, the HA recommends that the following condition, which is consistent with that recommended previously, be attached to any consent granted.

- The applicant shall provide full engineering detail of the junction improvement works required at the James Street/Pantyffyon Road junction. The said works shall be agreed in writing by the Local Planning Authority and shall be constructed to adoptable standard prior to any works being commenced on the development site.

Given that this is an outline application with all matters reserved, all other highway related matters will be considered and conditioned by the HA during the reserved matters submission.

Advisory Notes

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

1. Under Section 184 of the Highways Act 1980, it is a requirement that a licence is obtained from the Highway Authority, in addition to Planning Permission, for vehicular access works.
 - a. The need to avoid interference with and to make provision for the carrying of existing highway drainage under the access to the satisfaction of the Highway Authority.
 - b. The requirement of the Highway Authority for the Developer to ensure that no surface water is discharged onto the County Highway or, without prior approval, into the highway drainage system.
2. Under Section 50 of the New Roads & Street Works Act 1991 it is a requirement that a Streetworks licence is obtained from the Highway Authority to place, or to retain, apparatus in the highway and thereafter to inspect, maintain, adjust, repair, alter or renew the apparatus, change its position or remove it.
3. Under section 171 of the Highways Act 1980 it is a requirement that a licence is obtained from the Highway Authority, in addition to Planning Permission, for the creation of passing bays or highway re-alignment works.
4. The need to inform and obtain the consent of Statutory Undertakers (Electricity, Water, Gas, BT), Land Drainage Authority, etc. to the works.
5. The New Roads & Street Works Act 1991 requires that all works, be properly notified and approved prior to commencement.

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

<http://www.powys.gov.uk/en/roads-transport-parking/street.works@powys.gov.uk>
Street Works
Powys County Hall
Spa Road East
Llandrindod Wells
Powys
LD1 5LG
0845 6027035

Welsh Water

24th Jul 2020

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 site is crossed by a public sewer with the approximate position being marked on the attached Statutory Public Sewer Record. The position shall be accurately located and marked out on site before works commence and no operational development shall be carried out within 3 metres either side of the centreline of the public sewer. Reason: To protect the integrity of the public sewer and avoid damage thereto, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

Surface Water Drainage 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 following 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.

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. 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-Contaminated Land Officer

27th Jul 2020

In respect of planning application, the following advice is provided for the consideration of Development Control.

Advice

1. Records identify that the application site is located in a former coal mining area, and falls within a Coal Authority defined 'Development Low Risk Area'.

Coal seams and former mineworkings are a potential source of ground gas, which could present a potential risk to the proposed dwelling.

2. As advised under section 6 'Distinctive and Natural Places', of the Welsh Government 'Planning Policy Wales' guidance document [para 6.9.28], the responsibility and subsequent liability for safe development and secure occupancy of a site rests with the developer and/or landowner.

Therefore, as the application site is located in a former coal mining area, it is recommended that the following condition and note, to the applicant, are attached to any permission granted for planning application :

Ground Gas Condition

Condition 1. Specification and Verification Methodologies

The subject site is located in a former coal mining area and ground gas protection measures which meet, as a minimum, Characteristic Situation 2 (CS2) specifications, as prescribed in BS8485:2015+A1:2019 'Code of Practice for the Design of Protective Measures for Methane and Carbon Dioxide Ground Gases for New Buildings', must be

installed.

The specification and verification methodologies, for the installation of the ground gas protection measures, must be approved in writing, by the local planning authority, prior to the commencement of the development.

Condition 2. Installation of Approved Ground Gas Protection Measures

Following completion of the installation of the ground gas protection measures, a verification report, which is subject to the approval in writing of the local planning authority, must be produced prior to the occupancy of the development. The verification report contents must be agreed with the local planning authority before commencement of the development.

Coal Authority

4th Aug 2020

Thank you for your notification of 21 July 2020 seeking the views of the Coal Authority on the above planning application.

The Coal Authority is a non-departmental public body sponsored by the Department of Business, Energy & Industrial Strategy. As a statutory consultee, The Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.

The Coal Authority Response: Material Consideration

I have reviewed the site location plans and the proposals and supporting information available to view on the LPA website and can confirm that part of the site falls within the defined Development High Risk Area.

The Coal Authority records indicate that the western part of the application site (area of existing access road) lies in an area where a thick coal seam outcrops to the north west of the site (dipping towards the site).

However, in accordance with Drawing No. 18/4371/3 - Proposed Block Plan the part of the site where development is likely to be taking place lies outside of the defined High Risk Area. Therefore, we do not consider that a Coal Mining Risk Assessment is necessary to support this proposal and we do not object to this planning application.

Although the development proposed is outside of the defined Development High Risk Area as the site lies within an area where coal mining activity has taken place it is requested that the following wording is included as an Informative Note on any planning permission granted:

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:

www.gov.uk/coalauthority

Please do not hesitate to contact me if you would like to discuss this matter further.

Natural Resources Wales (Mid Wales)
DPAS

28th Jul 2020

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 20/07/2020.

We have significant concerns with the proposed development as submitted. We recommend you should only grant planning permission if the following requirement is met. Otherwise, we would object to this planning application.

Requirement 1: Flood Risk - The Planning Authority to be satisfied that there are overriding reasons for considering for granting the application contrary to national planning policy on development and flood risk. Satisfactory evidence must then be

provided to demonstrate that the risks and consequences of flooding can be managed to be acceptable level, in accordance with TAN15.

Flood Risk

The planning application proposes highly vulnerable development which consists of the erection of two detached residential dwellings and all associated works. Our Flood Risk Map, which is updated on a quarterly basis, confirms the site to be within Zone C2 of the Development Advice Map (DAM) contained in TAN15.

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

In the first instance, your Authority should make a planning policy decision on the application. Therefore, unless we receive written confirmation from your Authority that you believe there are overriding reasons to consider granting planning permission, despite the site's location within Zone C2, we do not intend to review the submitted flood consequences assessment (FCA) and we would advise that your Authority should refuse the planning application on planning policy grounds. * Please note that the links to the FCA and modelling reports on the Powys website are not working/accessible.

The decision as to whether a development should be considered contrary to TAN15 policy is entirely a matter for your Authority. However, if you provide overriding reasons and require our advice, we request sufficient time to review the applicant's FCA. We will then provide you with technical advice on the acceptability of flooding consequences in accordance with Appendix 1 of TAN15.

If the FCA fails to demonstrate that the consequences of flooding can be acceptably managed over the lifetime of the development, then we would object to the application.

Please inform us, in accordance with advice in paragraph 11.7 of TAN15, if you are minded to grant permission for the above application contrary to our advice and allow sufficient time for further representations to be made before any consent is granted.

Finally, as your Authority will be aware, under the Town & Country Planning (Notification) (Wales) Direction 2012 and more specifically Category I relating to Flood Risk Area Development, where the Planning Authority is minded to grant permission, there is a requirement to refer applications for emergency services or highly vulnerable development within Zone C2 to Welsh Government.

Protected Species

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

Other Matters:

Our comments above only relate specifically to matters included on our checklist, Development Planning Advisory Service: Consultation Topics (September 2018), which is published on our website <https://naturalresources.wales/guidance-and-advice/business-sectors/planning-and-development/our-role-in-planning-and-development/our-role-in-planning-and-development/?lang=en> We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests. We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our website <https://naturalresources.wales/permits-and-permissions/?lang=en> for further details.

Environmental Protection

No response received at the time of writing the report.

PCC- (S) Land Drainage

13th Aug 2020

All: Having assessed the Planning Application Ref 20/1010/OUT, 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 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.

Representations

Four public objections have been submitted, listing concerns mainly about flooding and highways issues, but also issues of privacy and amenity for neighbours.

Planning History

App Ref	Description	Decision	Date
P/2018/0571	Change of Use of land to equestrian, erection of stables, creation of access and parking area.	Refused.	28 Aug, 2018.
P/2016/0989	Outline: Erection of two dwellings and associated works	refused.	22 Aug, 2017

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Principal Planning Constraints

C1 Floodzone
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
TAN15	Development and Flood		National Policy

	Risk	
TAN12	Design	National Policy
T1	Travel, Traffic and Transport Infrastructure	National Policy
SPGRES	Residential Design Guide	Local Development Plan 2011-2026
SPGBIO	Biodiversity and Geodiversity SPG (2018)	Local Development Plan 2011-2026
SP1	Housing Growth	Local Development Plan 2011-2026
SP6	Distribution of Growth across the Settlement Hierarchy	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
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
H3	Housing Delivery	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

Marine and Coastal Access Act 2009

Officer Appraisal

Principle of Development

James Street is a residential dead-end road leading off Glantawe Row, and which runs perpendicular to the River Tawe. The site is some 300 metres south of Ystradgynlais town centre. To the east of the site is the residential area of Maescynog. To the north of the site is a hall and war memorial gardens. To the south-west of the site is Glantawe Row which fronts the River Tawe and beyond that is further housing. To the south of the site are the common lands of Glantawe.

James Street is a mix of residential housing, mostly consisting of small terrace houses with some larger detached ones.

The site is currently grazing land.

This application is for outline consent for two detached dwellings. The scale parameters for the dwellings are for dwelling 1 to be 15-18metres wide x 20-24 metres long, and 6-8 metres high. Dwelling 2 would be 8-10 meters wide x 14-17 metres long, by 6-8 metres high.

LDP Policy DM5 and TAN 15 deal with development within flood zones. They seek to ensure that proposals for highly vulnerable development that are within areas that are deemed to be subject to flooding, as designated by NRW's DAM maps, are refused to safeguard future occupants and the surrounding locality from further flooding issues.

The site at James Street is within a C2 floodzone as determined by the DAM maps. Residential dwellings are considered highly vulnerable development and therefore the policy context requires the application to be refused.

It is therefore considered that the principle of development is fundamentally contrary to LDP Policy DM5 and TAN 15 and therefore should be refused.

Design and External Appearance

With respect to design, specific reference is made to LDP policies DM13 (Part 1) and H3. LDP policy DM13 requires development to be able to demonstrate a good quality design and to have regard to the qualities and amenity of the surrounding area, local infrastructure and resources.

Design and external appearance is to be dealt with at Reserved Matters stage, however, it is considered that the size and scale of the proposed is acceptable within the locality, and that the plot is large enough to design dwellings that are acceptable within their surroundings.

It is therefore considered that this application is in accordance with LDP policies H3 and DM13.

Privacy and Overlooking

Guidance has been sought from the Residential Design Guide (2020) in respect to impacts on neighbouring residential properties.

Although the actual siting and design would be dealt with within any subsequent reserved matters application, it is noted that the approximate site of the dwellings will only be approximately 18 metres from the front elevations of the dwellings opposite. The Residential Design Guide suggests that a minimum of 20 metres should be between facing habitable room windows. However, the plots are generous and it is felt that it would be possible for the dwellings to be sited in different locations within the site.

Therefore it is felt that overlooking and privacy issues could be avoided through careful design appropriate design under any reserved matters application.

Highways

A safe access and parking is a fundamental requirement of any development. Both objectors have raised concerns about the narrowness of the road junction and problems currently experienced with the road that they would not like to see exacerbated.

The Highway Authority have been consulted and stated that whilst they considered the site acceptable under previous applications, they requested further information about land ownership in order to carry out junction improvement works at Pantyffyon Road/James Street. The agent confirmed that a notice had been served and an agreement was in place to carry out the works required by the Highway Authority.

The Highway Authority were content with this and said that whilst the site does have constraints, they were satisfied that sufficient access could be achieved, subject to the inclusion of planning conditions.

It is therefore considered that this application is in accordance with planning policy and in particular LDP policy DM13.

Flood risk

TAN 15 and LDP policy DM5 set out the strategic requirement for new development to

be free of the risk of flooding. The policies state that highly vulnerable development will not be permitted in Zone C2. Housing is considered to be highly vulnerable development.

The NRW DAM maps show that this site lies within the C2 flood zone, categorized that is “without significant flood defence infrastructure”.

No information that would disprove the information provided in the DAM maps has been provided and therefore it is considered that the significant concerns raised by NRW remain.

In conclusion, NRW has recommended that the application be refused on flood risk grounds.

Therefore it is considered that this application is wholly against LDP policy DM5 and TAN 15 and therefore it can be concluded that this application is contrary to policy and should be refused.

Ecology

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

The proposed is a residential development on land that is currently a field used for grazing. Ecology was consulted but have not made any comments. However, it is considered that as the site is pastureland, there would not be any ecological concerns or need for further surveys. Any details re biodiversity enhancements or exterior lighting could be included at reserved matters stage.

It is therefore considered that this application is acceptable in relation to ecology and in particular, LDP policy DM2.

Contaminated Land

The application site is located in a former coal mining area and falls within a Coal Authority defined 'Development Low Risk Area'.

LDP policy DM10 states that development proposals will be permitted where they remediate the contamination and do not unacceptably adversely affect public health and safety. In this instance, the Contaminated Land Officer requested that conditions and an advisory note be attached to any consent to ensure that the proposal is acceptable within the remit of contaminated land.

It is therefore considered that the application is acceptable within the terms of LDP policy DM 10 Contaminated and Unstable Land.

Conclusion

In the light of the above, it is considered that the application is not in accordance with the local and national policy context, and therefore this application is therefore REFUSED.

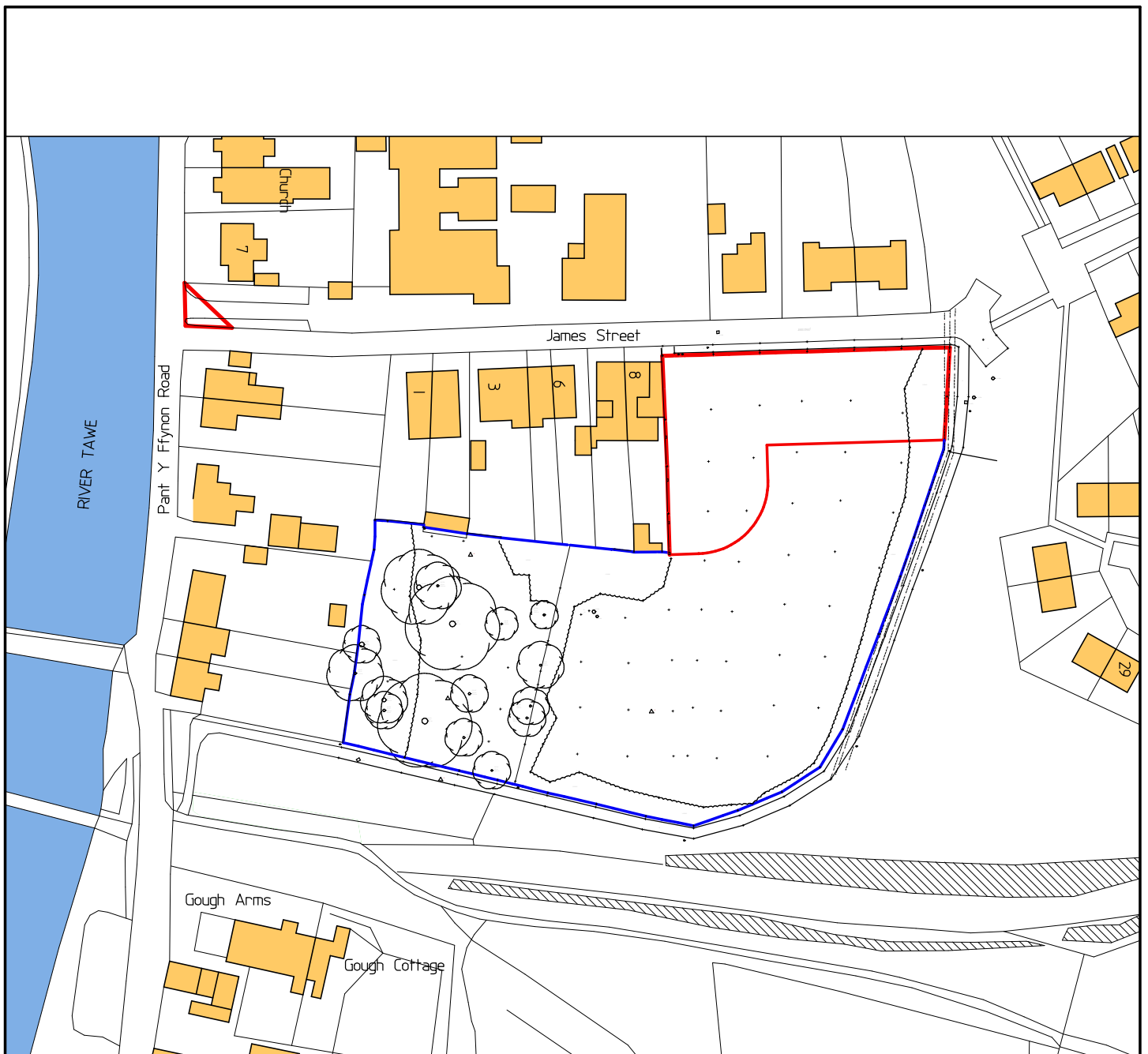
RECOMMENDATION

Refusal.

Reasons

1 The proposal will lead to the introduction of highly vulnerable development within Zone C2 as defined by the Development Advice Maps referred to under TAN15 Development and Flood Risk (2004). The development is contrary to policy DM5 of the Powys Local Development Plan (2011-26), Technical Advice Note 15: Development and Flood Risk (2004) and Planning Policy Wales (2018).

Case Officer: Lorraine Jenkin, Senior Planning Officer
Tel: 01597 827527 E-mail: lorraine.jenkin@powys.gov.uk



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SITE LOCATION PLAN

Site Address: - Proposed Development at James St, Ystradgynlais, SA9 1EX		
Scale: - 1:1250 on A4	Drawing Number: - 18/4371/1	
Date: - 1/10/2018	Amended: -	Revision: - -



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Planning, Taxi Licensing and Rights of Way Committee Report

Application Number:	20/1354/FUL	Grid Ref:	E: 322398 N: 307332
Community Council:	Welshpool Community	Valid Date:	27.08.2020

Applicant: Mr Jack Tavernor

Location: Oldford Cottage, Oldford Lane, Welshpool, SY21 7TE

Proposal: Erection of 1 no. residential dwelling and construction of vehicular access and parking

Application Type: Full Application

The reason for Committee determination

The application was called-in by the Local Member.

Consultee Responses

Consultee	Received
<u>PCC-(N) Highways</u>	9th Oct 2020

Powys County Council as Highway Authority do not wish to comment on this application as the access is onto a trunk road which comes under the jurisdiction of the Welsh Government.

Additional comments received 24/12/2020;

The Local Planning Authority have informed the Highway Authority that access to the application site is now from a Private Road off the U4400, on that basis, we wish the following condition to be attached to any consent given.

Prior to the occupation of each of the dwellings hereby approved, provision shall be made

within the corresponding plot for the parking of vehicles as detailed on the approved site plan U014.3a.3.002 Rev E. The parking areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

Hafren Dyfrdwy

24th Sep 2020

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

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

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

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

Natural Resources Wales (Mid Wales)
DPAS

2nd Oct 2020

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 07/09/2020.

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

Flood Risk

Our Flood Risk Map confirms the application site lies adjacent to the C2 floodzone of the Development Advice Maps (DAM) as contained in TAN15. Having considered the information provided within The Flood Consequence Assessment produced by Geosmart dated 25/08/2020, we consider that given the layout of the proposed site the flood risk

can be managed.

We advise that the Local Planning Authority consult with the Lead Local Flood Authority (LLFA) on the proposed development to confirm that there are no historic records of the site flooding from the Lledan Brook. Subject to no objection being received from the LLFA, we advise that if the proposal is granted planning consent the approval should be subject to a condition that states that finished floor levels are set at a minimum of 300mm above the adjacent ground level.

Protected Sites - Special Area of Conservation (SAC)

From the information provided, we consider that the proposal is not likely to have a significant effect on a SAC, SPA or Ramsar.

The proposed development is not hydrologically connected to the Montgomery Canal SAC and therefore unlikely to have a significant effect upon the designated site.

Our advice may change should modifications be made to the proposed development prior to the determination of the application. If there are any changes to the proposed development which may affect the consideration of potential environmental impacts, please consult us again before you determine the application.

Protected Sites - Sites of Special Scientific Interest (SSSI)

NRW consider the proposals have the potential to impact upon the Montgomery Canal SSSI. Providing the impact pathways referenced above for the SAC are adequately addressed, NRW consider the features of the SSSI will also be adequately safeguarded.

Protected Species

We recommend you seek the advice of your in-house ecologist to determine if there is a reasonable likelihood any European Protected Species (EPS), being present within the application site. If so, in accordance with Technical Advice Note 5: Nature Conservation and Planning (paragraph 6.2.2) a ecological survey may be required.

NRW therefore has no comments to make in respect of protected species on this application, as submitted. Please consult us again if any survey undertaken finds that EPS are present at the site and you require further advice from us.

Other Matters

Our comments above only relate specifically to matters included on our checklist, Development Planning Advisory Service: Consultation Topics (September 2018), which is published on our website. We have not considered potential effects on other matters and

do not rule out the potential for the proposed development to affect other interests.

We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our website for further details.

Advice for the Developer

Pollution Prevention

During the construction phase you should take any precaution to prevent contamination of surface water drains and local watercourses. Oils and chemicals should be stored in bunded areas and spill kits should be readily available in case of accidental spillages.

For further guidance please refer to GPP 5 and PPG 6 at the following link:

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

Waste produced during construction

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

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

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

<https://naturalresources.wales/permits-and-permissions/waste/?lang=en>

<https://naturalresources.wales/permits-and-permissions/waste/waste-permits/?lang=en>

Further guidance can be found on the GOV website here:

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

PCC-Ecologist

8th Feb 2021

Thank you for consulting me with regards to planning application 20/1354/FUL which concerns an application for the erection of 1 no. residential dwelling and construction of vehicular access and parking at Oldford Cottage, Oldford Lane, Welshpool.

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

The data search identified 213 records of protected and priority species within 500m of the proposed development with no records found for the site itself. Species recorded within 500m of the proposed development include bat species; pipistrelle, Daubenton's, brown long eared, noctule and whiskered, grass snake, house sparrow and song thrush.

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

- o SAC - Montgomery Canal approximately 181m from the proposed development
- o SSSI - Montgomery Canal approximately 181m 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 adjacent to an existing dwelling and is likely to impact areas of amenity planting and hard standing, habitats considered to be of relatively low ecological value.

Bats - European Protected Species

Submitted plans look to show that a small building located on the eastern boundary of the site will be removed as part of the proposed development, consideration therefore has been given to the potential for the building to support roosting bats - bats being a European protected species - and for the proposed development to impact roosting bats.

Given the lack of information provided, extent of works, proximity of trees and hedgerows to the building it is considered that there is a reasonable level of likelihood that bats could be using the site for roosting purposes and that the proposed development therefore has potential to impact roosting bats.

Where it is considered that there is a potential for bats to be present and impacted by a proposed development sufficient information is required to be submitted to the LPA to demonstrate that the proposed development would not result in negative impacts to the favourable conservation status of these species - biodiversity is a material consideration in the planning process, therefore information to establish likely impacts to biodiversity is required prior to determination of the application.

Therefore, it is considered that there is insufficient information with regard to potential impacts to bats, a European protected species, to determine this application.

In order to assess the potential impacts to roosting bats, as a minimum a preliminary assessment of the existing structure for its bat roost potential and the potential for any impacts as a result of the proposed development is required. This assessment needs to be undertaken by an appropriately experienced and licensed bat consultant. If this preliminary bat roost assessment identifies potential bat roosting opportunities and/or actual bat roosts that will be affected by the proposals then further bat survey work will be required. If bat accesses or roosts are found that will not be affected by the proposals a method statement must be submitted to demonstrate how the proposed works will avoid any impacts to bats.

The preliminary bat roost assessment shall include a full internal and external inspection of the building and an assessment of how the proposed development works may affect any potential or actual bat roost features, as well as incorporating opportunities for bats within the completed development. The preliminary bat roost inspection must be undertaken by an appropriately experienced and licensed ecologist and must adhere to the current standard survey methodology published by Bat Conservation Trust.

If this preliminary bat roost assessment identifies potential bat roosting opportunities and/or actual bat roosts that will be affected by the proposals then further bat survey work will be required. If bat accesses or roosts are found that will not be affected by the proposals a method statement must be submitted to demonstrate how the proposed works will avoid any impacts to bats.

If the preliminary bat roost assessment identifies the need to undertake bat activity surveys will need to be undertaken in accordance with the Bat Conservation Trust's Bat Surveys for Professional Ecologists - Good Practice Guidelines 3rd Edition (2016). Therefore, the survey should be undertaken by suitably licensed and qualified ecologists and comprise a thorough internal and external inspection and activity surveys during the

recognised activity season May - September, the surveys should be spread throughout the activity season (as far as reasonably possible to do so) to allow a broad picture of any bat roost use of the site to be developed. Where deviations from the standard guidelines are considered to be necessary, full justifications for the methods used will be required.

If bats are found to be using the building for roosting purposes and there is potential for the roost to be destroyed or disturbed i.e. an offence is likely to be committed a European protected species licence would be required to allow the works to proceed, as part of the planning process the Local Planning Authority must establish whether the three tests as defined by the Conservation of Habitats and Species Regulations 2017 have been met prior to determining the application. If the Wildlife Licensing Unit at Natural Resources Wales (NRW) is also happy that these Tests have been satisfied, then an EPS development licence can be granted.

The three tests that must be satisfied are:

1. That the development is "in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment".
2. That there is "no satisfactory alternative"
3. That the derogation is "not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range"

In order to address the 3rd test appropriate mitigation would need to be identified. The proposed mitigation will need to be located in a suitable location and appropriate to the species identified. Mitigation details need to be clearly illustrated on the architectural plans and must provide sufficient detail to enable them to be subject to a planning condition/s106 agreement.

Tree and Hedgerow Protection Plan

I note from reviewing the proposed plans and aerial images that there are a number of mature trees and hedgerows along the northeast boundary of the proposed development. It is considered that there may be potential for construction works including use of machinery or storage of materials to take place within the root protection area (RPA) and canopy of the mature hedgerows and trees identified.

Given the proximity of the proposed development and associated works to the identified trees, it is considered prudent to require information from the applicant as to how this

feature of biodiversity importance for wildlife will be protected during the construction period of works.

A Construction Phase Tree and Hedgerow Protection Plan could be secured through a planning condition, however as further information has been requested the provisions of details submitted at this stage would avoid the need for a pre-commencement condition requiring this information.

Wildlife Sensitive Lighting Plan

Careful consideration will need to be given to any external lighting design provided through the proposed development, measures will need to be identified to minimise impacts to nocturnal wildlife commuting and foraging in the local area.

This information could be secured through a planning condition, however the submission of a Wildlife Sensitive Lighting Plan with a planning application would avoid the need for a pre-commencement condition requiring this information. Any external lighting proposed will need to demonstrate compliance with the recommendations outlined in the BCT and ILP Guidance Note 8 Bats and Artificial Lighting (12th September 2018) full details can be found at <https://www.theilp.org.uk/documents/guidance-note-8-bats-and-artificial-lighting/>.

Landscape Planting Scheme

Submitted plans illustrate some landscape planting however limited details have been provided. As landscaping has been proposed as part of the potential development consideration should be given to the development of a native landscape planting scheme. It is recommended that details of any landscaping proposed are submitted in a detailed Landscape Planting Scheme including proposed species mixes, planting and aftercare schedules.

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

Biodiversity Enhancements

In accordance with Part 1 Section 6 of the Environment (Wales) Act 2016 Local Authorities are required to Maintain and Enhance biodiversity through all of its functions - this includes the planning process. It will therefore need to be demonstrated as to how the

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

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

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

- oProvision of wildlife friendly landscape planting.

Details of any proposed biodiversity enhancements will need to be included with any submitted application, the features proposed will need to be specific (i.e. details regarding locations, dimensions and numbers will need to be provided) and achievable.

Further details regarding biodiversity and requirements associated with planning applications can be found in the Powys Local Development Plan (2011 to 2026) Supplementary Planning Guidance Biodiversity and Geodiversity (Adopted October 2018) which can be found at <https://en.powys.gov.uk/article/4907/LDP-Supplementary-Planning-Guidance-SPG>

Environmental Protection

22nd Sep 2020

In respect of planning application 20/1354/FUL, Environmental Protection would advise as follows:

As the application site is located in a residential area, 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. Therefore, it is recommend that the construction period working hours and delivery times be restricted as follows:

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

0800-1800 hrs Monday to Friday

0800-1300 hrs Saturday

At no time on Sundays and Bank Holidays

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

PCC-(N) Land Drainage

No comments received at the time of writing this report.

PCC-Rights of Way Senior Manager

19th Jan 2021

As noted on the block plan, a public footpath C1 runs along the length of the lane.

LDP Policy SP7 of the Local Development Plan recognises public rights of way as a strategic asset and development must not have an adverse impact on the asset or its operation.

LDP Policy DM13, criterion 9 is concerned that public rights of way or other recreation assets listed in Policy SP7 (3) are enhanced and integrated within the layout of the development proposal; or appropriate mitigation measures are put in place where necessary.

Countryside Services has several concerns around the proposed access along the south western section of lane. At the moment, the lane is tarmacked to width of 2m for pedestrian use. If this section of lane is to be used as vehicular access, then the surface is not really adequate.

Whilst it is usual for the local authority to be responsible for a surface of a public right of way, we would not be responsible for any use above and beyond the public rights status it currently has. Therefore, there is a question of who is responsible for maintaining the lane.

We would be concerned that no parking takes place on the lane itself.

In addition to the above, Powys County Council has a duty to 'assert and protect' public rights of way under the Highways Act 1980. The developer should note:

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

- o Landscaping & Surfacing - Please seek advice before interfering or surfacing a

public right of way.

- o New fencing or boundaries - If intending to create a boundary across a public footpath or bridleway, advice must be sought. A section 147 Highways Act 1980 license is required for a structure to be installed. We cannot authorise a structure across a Restricted Byway or Byway Open to All Traffic.

- o Temporary closures - If the safety of the public cannot be guaranteed at all times during construction, consideration should be given to applying for a temporary closure of the public right of way. The process can take a couple of months to put into place so early consultation with Countryside Services is recommended if a temporary closure is required. This is a separate procedure for which a fee applies.

- o Legal Diversion - If development will directly affect a public right of way and the affected public right of way cannot be appropriately incorporated into the development, the developer will need to seek advice from the council. No development can take place on a public right of way until a legal order is confirmed by the council.

A legal public path order process typically takes at least 6 months. This is a separate procedure for which a fee applies. For more information please discuss with Countryside Services at the earliest available opportunity.

WG - Highways Directorate

24th Sep 2020

I refer to your consultation of 08/09/2020 regarding the above planning application and advise that the Welsh Government as highway authority for the A458 trunk road directs that any permission granted by your authority shall include the following conditions:

1) There shall be no vehicular access whatsoever to the trunk road

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

PCC-Built Heritage Officer

30th Sep 2020

Recommendation

20/1142/LBC - further details required preferable to condition

20/1354/FUL - will await the HIA before responding

Background to Recommendation

Designation

Welshpool Conservation Area

Listed Buildings

Oldford Cottage Cadw ID 7825 included on the statutory list on 25/04/1950

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 Listed Buildings in Wales - Annexe to TAN24

Heritage Impact Assessments in Wales - Annexe to TAN24

Managing Conservation Areas in Wales - Annexe to TAN24

Setting of Historic Assets in Wales - Annexe to TAN24

Heritage Impact Assessments - Annexe to TAN24

Historic Environment Records

Local Development Plan

Strategic Policy SP7

DM13 Design and Resources Local Development Plan Themes and Objectives;

Theme 4 - Guardianship of natural, built and historic assets

LDP Objective 13 - Landscape and the Historic Environment

Comments

I note that there are 2 applications, the first a LBC application for the demolition of a stone wall to facilitate vehicular access into the site and for the erection of a dwelling on the site. Usually a LBC and full application should be considered concurrently as each is dependant on the other. However in this instance the LBC relates to an access that would serve both the proposed house and the existing listed building and as such I would consider that it is acceptable to consider the LBC independently. I understand that a Heritage Impact Assessment is due to be prepared to accompany the applications, and I shall await that document to provide a full response on 20/1354/FUL, however as I am requesting further information in respect of the listed wall, I am forwarding these comments at this stage as hopefully the HIA will answer these enquiries.

Nevertheless I shall comment on each application individually.

20/1142/LBC Listed building consent for alterations to a stone wall involving removal of section of low stone wall, concrete post and fence and rebuild remaining wall Oldford Cottage Oldford Lane Welshpool SY21 7TE

Demolition of the curtilage listed wall is required to enable access to the site.

Section 5.14 of TAN 24 advises that an application for the demolition of a listed building should be made in exceptional circumstances and only as an option of last resort. Consent for demolition should not be given simply because redevelopment is economically more attractive than the repair and re-use of a historic building.

The demolition of a listed building or buildings within a conservation area should be assessed against the criteria identified in TAN 24 (section 5.15) in respect of demolition is as follows.

1. The condition of the building, the cost of repair and maintenance in relation to its importance and the value derived from its continued use. Where a building has been deliberately neglected, less weight will be given to these costs.
2. The efforts made to keep the building in use or to secure a new use, including the offer of the unrestricted freehold of the building for sale at a fair market price that reflects its condition and situation.
3. The merit of the alternative proposal for the site, including where the replacement buildings would meet the objectives of good design and whether or not there are substantial benefits for the community that would outweigh the loss resulting from demolition.

It is noted that part of the wall has collapsed and a fence has been erected atop the

collapsed wall. The proposal is to demolish a section of the wall and to rebuild the wall on the remaining wall where it has collapsed.

The wall to be rebuilt would not be of the same height as the area of wall remaining at its perceived original height that is 2.1m. The wall to be rebuilt is 1.8m in height. However it is noted that the section of higher wall has a shed attached to the wall and it appears that the wall has been raised to accommodate the shed. Further details in respect of this increase in height would be useful, as would the proposed future of the shed which appears to be proposed for demolition, however this is not clear and if this is the case it should be clearly referenced in the application.

The submitted Planning and Heritage Impact Statement with Design and Access Statement does not address the requirements of a Heritage Impact Assessment which differs from a D&A or planning statement.

Whilst not objecting to the application, it is recommended that further information be received prior to the application being determined namely;

Confirmation of the coursing of the wall.

Confirmation as to the topping of the wall

I would recommend that these details be received and agreed prior to referral to Welsh Government.

However should you wish to determine the application prior to the receipt of this information I would recommend the following conditions be attached to the granting of any consent. NB conditions 2 and 3 should be attached even following the receipt of the information in line with guidance on demolition of heritage assets.

Prior to any works commencing on site, full details of the wall to be rebuilt, including, details of the proposed coursing, and coping or method of finishing the top shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with those details.

The demolition of any part of the curtilage listed wall identified on application 20/1142/LBC shall not be undertaken before a contract for the carrying out of the works for redevelopment of the site has been made in accordance with the proposals which have received planning permission and all prior to works commencing conditions attached to 20/1354/FUL having been discharged. The Local Planning Authority shall be advised as to the completion of such a contract prior to any demolition taking place. The written approval of the phasing and timing of works involved shall be secured before any part of the demolition hereby approved first commences. All works shall then be carried out in accordance with the approved timetable, unless otherwise agreed in writing by the

Local Planning Authority.

Reason: Pursuant to section 74 and section 17(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Prior to any work being undertaken in pursuance of the consent to demolish any part of the building, details shall be submitted to and approved in writing by the Local Planning Authority of any works to be undertaken during the progress of the development hereby permitted to secure the safety and stability of that part of the building which is to be retained in accordance with any terms of conditions of this consent.

Reason: To minimise the risk of damage to the elements of the building to be retained, and pursuant to section 74 and section 17(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

20/1354/FUL Erection of 1 no. residential dwelling and construction of vehicular access and parking Oldford Cottage Oldford Lane Welshpool SY21 7TE

I note that the application is a resubmission of application 20/0102/FUL for which I raised objections on;

- 1.The Heritage Impact Statement did not address stages 2,3 or 4 of the Setting Assessment laid out in Welsh Government guidance in lines with section 1.26 of TAN24.
- 2.The impact on the Character or Appearance of the Welshpool Conservation Area.
- 3.The Design of the Proposed dwelling in line with LDP Policy DM13.
- 4.The setting of Oldford Cottage Cadw ID 7825

I acknowledge that a revised design has been submitted, however I note that a Heritage Impact Assessment is due to be prepared. As such it would seem prudent to await receipt of that assessment before providing a response on the full application.

Additional comments received 03/12/2020;

Recommendation

20/1142/LBC - No Objection

20/1354/FUL - No Objection

Background to Recommendation

Designation

Welshpool Conservation Area

Listed Buildings

Oldford Cottage Cadw ID 7825 included on the statutory list on 25/04/1950

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

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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 note that there are 2 applications, the first a LBC application for the demolition of a stone wall to facilitate vehicular access into the site and for the erection of a dwelling on the site.

I shall comment on each application individually.

Following my previous comments dated 30 September 2020, I note the additional information in respect of a Heritage Impact Assessment and setting assessment and further information in respect of the works to the wall, and it is on the additional information and plans that I am providing comments.

20/1142/LBC Listed building consent for alterations to a stone wall involving removal of section of low stone wall, concrete post and fence and rebuild remaining wall Oldford Cottage Oldford Lane Welshpool SY21 7TE

Demolition of the curtilage listed wall is required to enable access to the site.

Section 5.14 of TAN 24 advises that an application for the demolition of a listed building should be made in exceptional circumstances and only as an option of last resort. Consent for demolition should not be given simply because redevelopment is economically more attractive than the repair and re-use of a historic building.

The demolition of a listed building or buildings within a conservation area should be assessed against the criteria identified in TAN 24 (section 5.15) in respect of demolition is as follows.

1. The condition of the building, the cost of repair and maintenance in relation to its importance and the value derived from its continued use. Where a building has been deliberately neglected, less weight will be given to these costs.
2. The efforts made to keep the building in use or to secure a new use, including the offer of the unrestricted freehold of the building for sale at a fair market price that reflects its condition and situation.
3. The merit of the alternative proposal for the site, including where the replacement buildings would meet the objectives of good design and whether or not there are substantial benefits for the community that would outweigh the loss resulting from demolition.

It is not considered that criteria 2 and 3 are applicable in this instance. However in respect of criteria 1, the condition of the wall is noted and the collapse, and that the current proposal would retain part of the wall, demolish a section to enable access to the

site and to rebuilt a section that has collapsed. Whilst noting the section of wall to be demolished, it is also noted that sections would be rebuilt, and as such it is considered that the proposal would be acceptable in that the legibility of the wall would be better understood with a wall more akin to its original size with an easy to read access point than the current wall which has partially collapsed.

The wall to be rebuilt would not be of the same height as the area of wall remaining at its perceived original height that is 2.1m. I note the plan U014.3a.3.007 Rev B which shows the proposed wall as rebuilt and note the existing shed that has been built up against the wall. I note the most recent plans U014.3a.3.003 Rev b which clarifies that this small lean to shed is to remain and as such the extent of demolition has been clarified.

I note the details in respect of the wall to be rebuilt and I can confirm that I would raise no objections to the proposal. I would however recommend the following conditions.

The development shall be undertaken strictly in accordance with the amended plans drawing numbers; U014.3a.3.007 Rev B and U014.3a.3.003 Rev b.

Reason: For the avoidance of doubt as to the approved plans.

As much of the original stone shall be salvaged as possible and any deficit shall be made up using new or good quality second hand stone to exactly match the original in terms of geology, colour, finish and size. New stonework shall be laid to exactly match the original bond and joint size, and all stone shall be laid in the bedding plain. Re-pointing shall be kept to the minimum structurally necessary and mortar joints shall be carefully raked out by hand. The use of a mechanical disc cutter or grinder is not acceptable for removal of mortar.

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

The stonework shall be laid using a mortar mix which is slightly weaker than the bricks/stone, and which contains washed, well graded sharp sand and lime (lime putty or weak hydraulic lime, not hydrated lime). Details of the exact mix shall be submitted to and approved by the Local Planning Authority prior to the commencement of the work. The mortar shall match the colour and texture of the original mortar before weathering. The use of cement, proprietary coloured mixes or colouring additives is not acceptable. In certain circumstances new mortar may be required to be matched from samples of original mortar.

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

Local Development Plan.

The demolition of any part of the curtilage listed wall identified on application 20/1142/LBC shall not be undertaken before a contract for the carrying out of the works for redevelopment of the site has been made in accordance with the proposals which have received planning permission and all prior to works commencing conditions attached to 20/1354/FUL having been discharged. The Local Planning Authority shall be advised as to the completion of such a contract prior to any demolition taking place. The written approval of the phasing and timing of works to the rebuilding of the wall shall be secured before any part of the demolition hereby approved first commences. All works shall then be carried out in accordance with the approved timetable, unless otherwise agreed in writing by the Local Planning Authority.

Reason: Pursuant to section 74 and section 17(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Prior to any work being undertaken in pursuance of the consent to demolish any part of the building, details shall be submitted to and approved in writing by the Local Planning Authority of any works to be undertaken during the progress of the development hereby permitted to secure the safety and stability of that part of the building which is to be retained in accordance with any terms of conditions of this consent.

Reason: To minimise the risk of damage to the elements of the building to be retained, and pursuant to section 74 and section 17(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

20/1354/FUL Erection of 1 no. residential dwelling and construction of vehicular access and parking Oldford Cottage, Oldford Lane, Welshpool, SY21 7TE

I note that the application is a resubmission of application 20/0102/FUL for which I raised objections on;

- 1.The Heritage Impact Statement did not address stages 2,3 or 4 of the Setting Assessment laid out in Welsh Government guidance in lines with section 1.26 of TAN24.
- 2.The impact on the Character or Appearance of the Welshpool Conservation Area.
- 3.The Design of the Proposed dwelling in line with LDP Policy DM13.
- 4.The setting of Oldford Cottage Cadw ID 7825

I note the Heritage Impact Assessment by Richard Morris that has been produced and would not disagree with his findings in respect of the setting of historic assets.

I previously raised some concerns with the design and requested amendments and I note that they have been taken on board in this latest submission, most notably the reduction in ridge line and the introduction of true dormers and changes to the fenestration that faces Oldford Cottage.

Given the differences in height and the fact that only one elevation will be visible from Oldford Lane, I would not raise objections to the proposed dwelling in terms of design.

However that is not to say that there would be no harm to the setting of Oldford Cottage by the proposed development. Previously the car parking adjacent to Oldford Cottage were three spaces to serve Oldford Cottage only with an element of landscaping adjacent to the existing wall.

However the current proposal, presumably to remove the proposed car parking spaces for the new dwelling have also been moved to this location. This would result in an expanse of car parking visible from Oldford Lane. It is considered that this will have an impact on the setting of the listed building, however this could be mitigated against with appropriate materials. The use of pavings or similar would not be considered appropriate being a modern suburban character and grass crete, gravel or similar being preferred. I would be grateful if this could be conditioned.

I would raise no objections to the proposal, however would request that the standard conditions in respect of materials including windows be attached and in addition full details of the hard landscaping that is the car parking surface to be conditioned.

CPAT

9th Sep 2020

The proposed new house and access will lie within the curtilage and setting of the Grade II listed Oldford Cottage (30711) and will also lie within the Welshpool Conservation Area. The Built Heritage Conservation Officer must be consulted in this case for her specialist comments. The Built Heritage Conservation Officer raised an objection to the previous application and none of the matters raised in this objection appear to have been addressed.

The HIA report presented mentions the completion of an appropriate setting impact assessment for this development proposal, but then fails to present any setting impact assessment report completed by a heritage specialist in accordance with guidance in TAN 24 (May 2017). As the new house will be placed within the garden curtilage of the Grade II listed Oldford Cottage it will remove part of the stone wall boundary and the

current natural garden screening to the north. It is difficult to assess how imposing the new building will be in relation to the listed cottage and the impact on the cottage setting and curtilage is unquantified, but likely to be substantial.

We would therefore request that a formal setting assessment is completed by a heritage consultant and submitted with the application so that the impact can be quantified. The setting assessment should follow guidelines in the Cadw Best Practice Guidance attached and the Cadw Conservation Principles 2011. Richard K Morriss Assoc have been used on numerous setting and HIA assessments in Powys (Richard K Morriss & Associates, Historic Buildings Consultants, Bromlow House, Bromlow, Shropshire SY5 0EA rkmbromlowhouse@gmail.com) as have the CPAT Field Services section via Nigel Jones nigel.jones@cpat.org.uk I have also attached info. on other sources of contractors who may wish to tender for the setting assessment work.

Additional comments received 10/11/2020;

Thank you for the consultation on the above applications for works at Oldfield Cottage, Welshpool. Mark Walters had provided advice on the previous applications at the site requesting that a setting impact assessment was undertaken for the proposed works. This has now been completed by Richard K Morriss & Associates and we broadly agree that there will be no harm to the character or significance of the listed building, or to the significance of its setting. Furthermore, there are not considered to be any archaeological impacts for the proposals.

With regards the application for listed building consent, you should also contact the Built Heritage Conservation Officer Debra Lewis.

Welshpool Town Council

No comments received at the time of writing this report.

PCC-Building Control

No comments received at the time of writing this report.

Ward Councillor – Cllr Pritchard

10th Sep 2020

Can you please be aware that I have asked for the applications on this site to be called in and considered by committee on ground of Highways dangers, and Listed Building considerations.

Representations

Following the display of a site notice on 10/09/2020 and a press notice published on 18/09/2020, a total of 87 public representations have been received at the time of writing this report; with 1 in support and 85 in objection. A summary of the comments received is provided below;

- The proposed development would not appear to adversely affect the right of way at this location. It could however lead to a slight increase in traffic and it would therefore be important to make sure that the right of way is adequately signed
- The use of the lane is very important for local residents
- Parking on the lane would block people using mobility scooters, wheelchairs and pushchairs from using the route
- The lane is not in a well-maintained state and is often muddy
- An additional vehicular access on the lane will increase conflict between pedestrians and cars
- The access onto Berriew Street is narrow and inadequate
- The lane is an historic route from the town to the Powis Estate, and the wall forms a part of that heritage
- The proposed development would be unsafe
- Access to the site could be gained from the Berriew Street Car Park

Planning History

App Ref	Description	Decision	Date
20/0102/FUL	Erection of a dwelling, creation of vehicular access and parking and all associated works	Refused	1 st Jun 2020
20/0103/CAC	Conservation area consent for the demolition of a wall and fence	Application Withdrawn	10th Jul 2020
20/1142/LBC	Listed building consent for alterations to a stone wall involving removal of section of low stone wall, concrete post and fence and rebuild remaining wall	Pending Consideration	

Principal Planning Constraints

- Site partially within Welshpool Conservation Area
- Grade II Listed Building
- Public Right of Way C1 – along Oldford Lane
- Outside of, but adjacent to C2 Flood Zone
- Montgomery Canal SSSI & SAC – approx. 180 metres south-east
- Bron y Buckley Wood SSSI – approx. 600 metres north-west

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
TAN23	Economic Development		National Policy
TAN24	The Historic Environment		National Policy
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
DM2	The Natural Environment		Local Development

		Plan 2011-2026
DM4	Landscape	Local Development Plan 2011-2026
DM5	Development and Flood Risk	Local Development Plan 2011-2026
DM7	Dark Skies and External Lighting	Local Development Plan 2011-2026
DM13	Design and Resources	Local Development Plan 2011-2026
T1	Travel, Traffic and Transport Infrastructure	Local Development Plan 2011-2026
H1	Housing Development Proposals	Local Development Plan 2011-2026
H3	Housing Delivery	Local Development Plan 2011-2026
H4	Housing Density	Local Development Plan 2011-2026
SPGBIO	Biodiversity and Geodiversity SPG	Local Development Plan 2011-2026
SPGRES	Residential Design SPG	Local Development Plan 2011-2026
SPGCON	Conservation Areas SPG	Local Development Plan 2011-2026

Other Legislative Considerations

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

Marine and Coastal Access Act 2009

Officer Appraisal

Site Location & Description of Development

The application site is located within the Town Council area and settlement development boundary for Welshpool, which is identified as a 'Town' by Policy SP5 of the adopted Powys Local Development Plan (2011-2026). The site comprises a portion of the existing garden area serving Oldford Cottage, which is a Grade II Listed Building (CADW reference: 7825), and which is accessed via the unadopted Oldford Lane, which is also a public footpath. The site is located immediately to the north of the housing estate known as Oldford, to the immediate west of the Poundland store, and to the south and south-east of Berriew Street public car park. The site is partially located within Welshpool Conservation Area.

This application seeks full planning permission for the construction of a new, two storey, detached, open-market dwelling house at the site. The proposed dwelling would have an internal floor area of approximately 150 sq metres and would measure approximately 12.7 metres in width and approximately 9.6 metres in depth. It would have a height to the eaves of approximately 4 metres and a height to the ridge of approximately 7.4 metres above ground-level. The dwelling would utilise a relatively simplistic design, with gabled roof elements and pitched roof dormers set within the front and side roof planes. Exterior materials would comprise of brickwork and stonework along the elevations and a slate roof, whilst timber windows and doors painted black are proposed, along with black timber fascias and black uPVC rainwater goods.

A new vehicular access is proposed to the east of Oldford Cottage, off Oldford Lane and the proposed site layout indicates parking and turning for vehicles associated with both the new dwelling and Oldford Cottage. This element of the works would involve the partial demolition of a curtilage listed wall to create the proposed access. This aspect of the development is subject to a separate application for Listed Building Consent (application reference 20/1142/LBC).

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

This application has been considered 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.

Principle of Development

As aforementioned, the application site is located within the settlement development boundary for Welshpool, which is identified as a 'Town' by Policy SP5 of the adopted Powys Local Development Plan (2011-2026). Policy H1 of the Powys LDP sets out the following criteria in respect of housing development proposals in towns;

“To ensure that housing development is appropriately located and suitable in scale and type to meet Strategic Policies SP1, SP3, SP5 and SP6, housing development proposals will only be permitted:

1. In Towns and Large Villages:

- 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 site is not allocated for residential development, however in-line with the above policy considerations, the application site is considered to be one which lends itself to residential development, given that there are several neighbouring residential properties within the vicinity; most notably the adjacent Oldford Cottage and the dwellings which form a part of Oldford Estate, to the south. As such, given the site’s location within the town’s settlement development boundary, within a plot which is generally considered to be suitable for development of this nature, officers consider the proposal would be compliant with the above policy.

In light of the above, officers consider the principle of the proposed development in this location is fundamentally compliant with relevant planning policy, and the proposal would therefore be acceptable in-principle. However, this is subject to a review of the broader planning issues, which are addressed in-turn below.

Density

LDP Policy DM4 (Housing Density) 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 sq metres per dwelling.

The plot size of the proposed development measures approximately 400 sq metres in area. Whilst the proposal therefore has a slightly lower density than is recommended by Policy DM4, officers do note the location of the site partially within the Welshpool Conservation Area and within the context of the Grade II Listed Building. Noting these constraints, officers consider the density of development would be acceptable in this instance.

The proposal is therefore considered to be acceptable in this regard by officers.

Design, Siting, Scale & Visual Impact

With respect to design, specific reference is made to Policy DM13 of the Powys Local Development Plan (2011-2026). This policy indicates that development proposals must be able to demonstrate a good quality design and shall have regard to the qualities and amenity of the surrounding area, local infrastructure and resources. It states that, in terms of design, proposals will only be permitted where the following criteria are

satisfied;

1. *“Development has been designed to complement and/or enhance the character of the surrounding area in terms of siting, appearance, integration, scale, height, massing, and design detailing.*
2. *The development contributes towards the preservation of local distinctiveness and sense of place.”*

Further design-specific guidance is set-out within the adopted Residential Design SPG.

The site is located within an area of Welshpool which is generally mixed in character, with no consistent design or architectural style being evident within the vicinity. To the north and north-west of the application site is a public car park (beyond which is Powis Castle parkland), to the east is a retail unit and to the south, on the opposite side of Oldford Lane, is a housing estate which is typical of Local Authority design of the 1960s, 1970s and 1980s. According to the topographical survey, the site descends in height to the north.

Officers note the design of the proposed dwelling has taken into account the site's location within the garden of the Grade II Listed Building at Oldford Cottage, with several design details such as the one-and-a-half storey height and the pitched-roof dormers being incorporated into its design. Given the sloping topography of the application site, it is also noted that the dwelling at Oldford Cottage is set at a higher level than the site of the proposed new dwelling. The result of this would be a dwelling which would appear visually subservient to the scale and height of the existing dwelling; with the proposed dwelling being set below the ridge of Oldford Cottage.

The proposed dwelling house is 'L' shaped in design, with the smaller element of the 'L' facing towards Oldford Lane. This would present a stonework plinth along the lower sections of the elevations, with brickwork above, two small pitched-roof dormers and a slate roof. Windows within this elevation would comprise five black timber casement windows split between the ground and first floors. Overall, whilst further consideration of the heritage assets will be set out below, officers consider the design and scale of the proposed dwelling to be acceptable.

Given the presence of the public car park to the north and north-west of the site, and the public right of way to the south of the site, it is acknowledged that the proposed new dwelling house would be visible from nearby public vantage points. However, as only one elevation would be visible from Oldford Lane, with this view being largely obscured by the repaired stone boundary wall, officers consider the overall impact upon the character of the 'street scene' would be acceptable. Furthermore, it is noted the dwelling would be set-back from the lane by a distance of approximately 14 metres. As a consequence, it is considered its prominence from this viewpoint would be lessened, and the development would thus, have a reduced visual impact upon the surrounding area and the adjacent listed building. With regard to the potential views from the public

car park, to the north, officers note that these views would be within the context of the existing large retail unit which lies to the east of the application site. Given the proximity of this premises to the application site, it is considered the proposed new dwelling would result in an enhancement of the character of the area from this direction. Whilst a Juliet balcony is proposed within the northern (side) elevation, it is not considered this detail would adversely impact upon the character of the dwelling house, nor the setting of the wider street scene, to an extent as to warrant a refusal of the application.

Given that the application site is located wholly within the Welshpool settlement, it is not considered the proposal would have any impact upon the surrounding landscape, in-line with LDP Policy DM4, as the proposal would be read in-conjunction with existing surrounding built development.

In light of the above, the officers consider the proposal to be acceptable in this regard, and fundamentally compliant with planning policy.

Impact upon Neighbouring Privacy & Amenity

In considering the impact upon amenities enjoyed by occupiers of neighbouring properties, consideration has been given to the adopted Residential Design SPG and LDP Policy DM13 (Criterion 11).

The proposed dwelling would be sited approximately 7.4 metres to the north-east of the existing dwelling at Oldford Cottage. However, whilst the development would inevitably impact upon the amenity of these neighbours to an extent compared to the existing situation, officers do not consider the impacts would be unacceptable. Indeed, due to the subservient scale of the proposed dwelling and its siting to the north-east of the existing dwelling at the site, it is considered there would be no large-scale overshadowing effects; with any overshadowing being limited to a small time period within the morning. However, officers note that within town centre locations such as this, built development within close proximity to dwellings is a common feature, and given the context of the site, the resulting limited level of overshadowing would be acceptable in this instance. With regard to possible overbearing impacts, it is noted that the main outlooks from Oldford Cottage, to the north and south, would remain unaffected by the proposal. Whilst the proposed dwelling would be located adjacent to the garden, given that the new dwelling would be set at a lower level, it is similarly considered there would be no adverse impacts in terms of overbearing. As a whole, officers consider the proposed development would be in compliance with both the 25 and 45 degree rules, as outlined within the adopted Residential Design SPG.

In terms of the potential for overlooking, the south-eastern and south-western elevations of the proposed dwelling would not directly face the northern elevation of Oldford Cottage and therefore there would not be any directly facing elevations between the two dwellings. As a consequence, it is concluded that the proposed development would be acceptable in this regard, and would not prejudice the privacy levels currently experienced by these neighbouring residential occupiers.

PCC – Environmental Health have been consulted on the proposed development, and noting the residential nature of the site, have recommended that a condition is attached to any planning permission granted regarding noise disturbance during the construction phase of the development. Having reviewed the suggested condition, officers consider this to be acceptable.

It is noted the proposed new dwelling would be sited within the garden currently serving Oldford Cottage. However, a garden area of approximately 180 sq metres would remain to serve the existing dwelling, which is considered to be of sufficient scale to meet the needs of its occupants.

In light of the above assessment, and subject to the recommended condition, officers consider that the proposed development would comply with relevant planning policy and guidance, and would therefore be acceptable in this regard.

Highway Safety & Parking

LDP Policy DM13 confirms that applications must demonstrate the development has been designed and located to minimise the impacts on the transport network - journey times, resilience and efficient operation - whilst ensuring that highway safety for all transport users is not detrimentally impacted upon. In accordance with Policies DM13 and T1 of the LDP, development proposals are expected to meet all highway access requirements, (for all transport users), vehicular parking standards and demonstrate that the strategic and local highway network can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network or that traffic impacts can be managed to acceptable levels to reduce and mitigate any adverse impacts from the development.

The application proposes to gain access into the site via the U4400 County Highway (Oldford Close) and then via the unadopted Oldford Lane. A section of the existing boundary wall to the east of Oldford Cottage would be removed in order facilitate vehicular access into the site for the occupants of the new dwelling, and the existing dwelling at Oldford Cottage.

The Welsh Government have been consulted due to the close proximity of the A458 Trunk Road (Berriew Street) to the site, and have directed that any permission granted shall include a condition which prohibits vehicular access to the trunk road from Oldford Lane. It is noted that the proposed site plan indicates that an existing bollard along Oldford Lane would be relocated to prevent access directly onto the trunk road, and officers also consider it necessary, in-line with the Welsh Government's comments, for the recommended condition to be included with any grant of consent.

The Local Highway Authority have also been consulted and have noted that access is to be gained into the site from a private road off the U4400. A condition has been recommended with regard to parking areas on-site.

Officers note that the proposed access into the site is along Oldford Lane, which is an unadopted route which is under the ownership of the Applicant. It is noted the current occupiers of Oldford Cottage already access this lane and currently park along the verge of the lane outside the cottage. The proposed development, whilst intensifying the use of the lane with the introduction of a second dwelling, would nevertheless result in an improvement of the existing situation with regard to parking. Indeed, the proposal would see the creation of four on-site parking spaces, with three to serve the new dwelling house and one to serve the existing cottage. Sufficient turning areas have been shown on the proposed plans to allow these vehicles to manoeuvre within the site's limits.

Whilst there is no separate footway along Oldford Lane, given the low daily movements which would be associated with two dwellings accessing the site along the lane, officers consider that there would be no detrimental impact upon pedestrian safety, particularly given the betterment which would be seen with regard to parking. It should be acknowledged that there are existing verges along the western sections of the lane, and furthermore, shared surfaces such as these, where pedestrians and motorists share the surface at low speeds, are commonplace within urban environments, and it is considered this is an acceptable approach in this instance.

In light of the above, and subject to the inclusion of suitably worded conditions, it is considered the proposal is acceptable in this regard and compliant with policy.

Biodiversity

With respect to biodiversity, specific reference is made to LDP Policy DM2 which seeks to protect, positively manage and enhance biodiversity and geodiversity interests, and safeguard protected important sites. This is supported by TAN 5 (Nature Conservation and Planning) and Planning Policy Wales (Edition 10).

The PCC – Ecologist has reviewed the proposed plans and surrounding habitats, as well as local records of protected and priority species and designated sites within 500m of the proposed development. The data search identified 213 records of protected and priority species within 500m of the proposed development, with no records found for the site itself. Species recorded within 500m of the proposed development include bat species; pipistrelle, Daubenton's, brown long eared, noctule and whiskered, grass snake, house sparrow and song thrush. Two statutory designated sites were identified within 500m of the proposed development;

- SAC – Montgomery Canal approximately 181m from the proposed development
- SSSI - Montgomery Canal approximately 181m from the proposed development

However, 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, the PCC – Ecologist considers that there would be no likely negative impacts directly or indirectly to the designated sites and/or their associated features. Furthermore, the Ecologist noted the proposed development is located adjacent to an existing dwelling and would impact upon areas of existing amenity planting and hard standing. As these habitats are considered to be of relatively low ecological value, it is considered there would be no impact upon protected species in this regard.

Officers note the Ecologist's comments with regard to the demolition of an existing outbuilding at the application site, and the consequent requirement for a preliminary assessment to be submitted for consideration in relation to bats. However, the only existing outbuilding at the site is attached to the existing curtilage listed boundary wall and would be retained as part of the development as outlined within the proposed site plan. Given that this building would remain unaffected by the proposed development, officers consider that there would be no negative potential impacts upon bats as a result of the proposal, and no preliminary assessment is required.

The PCC – Ecologist recommends the inclusion of several conditions with any grant of consent with regard to a tree and hedgerow protection plan, a wildlife sensitive lighting plan and a landscaping plan. Officers consider these suggested conditions to be reasonable and necessary, and as such will form part of the recommendation.

The application proposes biodiversity enhancement with the erection of two double crested bird boxes on the exterior of the dwelling, whilst further landscaping will also be required by the conditions outlined above. It is considered the proposed measures are acceptable and would help to achieve biodiversity enhancement within the application site itself, as well as within the surrounding area. The implementation of these measures will be secured with the inclusion of a suitably worded condition.

In light of the above, and subject to the inclusion of appropriately worded conditions, officers consider the proposal to be fundamentally compliant with planning policy.

C2 Flood Zone

LDP Policy DM5 states that development proposals must be located away from tidal or fluvial flood plains unless it can be demonstrated that the site is justified in line with national guidance and an appropriate detailed technical assessment has been undertaken to ensure that the development is designed to reduce/avoid the threat and alleviate the consequences of flooding over its lifetime. In addition, the development must not increase flood risk elsewhere.

TAN 15 is accompanied by a series of Development Advice Maps (DAMs) which are based on the best available information considered sufficient to determine when flood risk issues need to be taken into account. The application site is located adjacent to, but outside of, the C2 Flood Zone, which lies to the north of the site. NRW have been

consulted on the proposed development and consider that given the layout of the proposed site, the flood risk can be managed, in-line with the contents of the Flood Consequences Assessment which has accompanied the application.

NRW have recommended that the Lead Local Flood Authority is consulted, however no comments have been received at the time of writing this report. Given the proximity of the flood zone to the proposed new dwelling, in-line with NRW's advice, a condition will be attached to any planning permission granted which states that finished floor levels are set at a minimum of 300mm above the adjacent ground level within the dwelling.

In light of the above, and subject to the inclusion of an appropriately worded condition, officers consider the proposed development to be acceptable in this regard.

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.

Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990, in relation to development proposals within conservation areas, states that *"special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area"*, which is repeated in section 61.14 of Planning Policy Wales (Edition 10) and TAN 24. Further guidance has been provided in TAN 24 and its annexe *Managing Conservation Areas in Wales* which came into effect on 31 May 2017 and advises in section 6.4 that, *"Local planning authorities are involved in the management of conservation areas on a day-to-day basis through their duty to advise on, consider and respond to planning applications for new development. Because Local Planning Authorities must aim to preserve or enhance the character or appearance of conservation areas, they should scrutinise planning applications closely with these objectives in mind."*

Due to the application site being located partially within the Welshpool Conservation Area and being located within the curtilage of a Grade II Listed Building (CADW reference: 7825), consideration has been given to LDP Policies SP7 and DM13 (Criterion 3), and TAN 24 (The Historic Environment).

The proposed development would be located within the garden area of Oldford Cottage, a Grade II Listed Building. The list description for Oldford Cottage states, '*Oldford Cottage is Timber framed with painted brick infill slate roof with brick gable end stacks. Box-framed with regular square panels with some arch bracing. Queen post and cambered collar truss visible in gable end. 2-unit plan with doorway towards centre: a plank door with moulded canopy hood. Flanking windows are small-paned iron casements, with similar windows in gabled dormers above. To the left, an outbuilding extension is timber-framed to the rear, and brick (painted in imitation of timber framing) to the front elevation, with some rubble in gable end. It was probably built as an agricultural outbuilding, though now forms part of the house. Listed as a good surviving example of a typical vernacular timber-framed cottage, unusual in the context of the town, and retaining much of its early character*'.

The application has been accompanied by a full Heritage Impact Assessment (HIA), undertaken by Richard K Morriss & Associates, which is available to view in-full on the planning file. Within the HIA, it is noted that there will be a degree of change to the visual setting of Oldford Cottage through the new development. However, it is argued that the setting of the listed building has been so altered and compromised through 20th century developments that the significance of that setting has been significantly eroded. The HIA concludes that, "*the visual change that would occur through the proposal for the new dwelling does not equate to any harm to the significance of the setting of the listed building.*"

The Council's Built Heritage Officer has been consulted on the proposed development and does not disagree with the findings of the submitted HIA. Indeed, the officer notes that several improvements to the design of proposed dwelling have been made following the refusal of application reference 20/0102/FUL on these grounds; most notably the lowering of the ridge line and the introduction of true dormers.

Similarly to the conclusions of the HIA, the Built Heritage Officer considers there would be an impact upon the setting of the listed building, however this impact could be mitigated against with the use of appropriate materials and finishes. As such, officers consider it necessary to require the submission of further materials details by way of a condition attached to any consent.

CPAT have also been consulted and consider that there will be no harm to the character or significance of the listed building, or to the significance of its setting. Furthermore, CPAT consider there will not be any archaeological impacts for the proposals.

With regard to the potential impact upon the character of Welshpool Conservation Area, officers do note that almost all views into the site are from locations outside of the conservation area itself. Furthermore, it is considered that the potential visual impact on the conservation area is the same as the potential visual impact on the listed building, and it is the listed building which is the primary built heritage asset in this instance. As

such, officers note the proposed development would not have any impact of significance upon the core of Welshpool Conservation Area.

Officers do note that an existing section of the curtilage listed boundary wall would be demolished as part of the development, in order to facilitate access into the site. However, this is subject to a separate application for Listed Building Consent (application reference: 20/1142/LBC) which will be assessed separately.

In light of the above, officers consider that the proposed development complies with relevant planning policy and legislation in this regard.

Public Right of Way

There is a public right of way (Public Footpath C1) that travels along Oldford Lane, in close proximity to the application site. Therefore consideration has been given to LDP Policy SP7 (Safeguarding of Strategic Resources and Assets).

PCC – Countryside Services have been consulted on the proposed development and have expressed a concern regarding the surface of the proposed access, to the south-west of the site. Indeed, whilst acknowledging the lane is currently hard surfaced, concern has been raised over the ongoing maintenance of the lane should it be used for vehicles entering and accessing the application site. Concern has also been raised with regard to any future parking along the lane itself.

However, it is noted that the length of Oldford Lane is under the ownership of the Applicant, and furthermore officers note that the lane is already used by the occupants of Oldford Cottage and that they commonly park their vehicles along the lane. Whilst the concerns of PCC – Countryside Services, the Local Member and the issues raised within the public representations are therefore acknowledged, officers do not consider that this would warrant a refusal of the planning application. Indeed, the proposed development would only result in a slight intensification of the use of the lane by vehicles, and as part of the proposal, on-site parking provision would be provided for both the new dwelling and the existing dwelling, thus, improving the existing situation in this regard.

Noting the proximity of the right of way to the development site, PCC – Countryside Services have also recommended the inclusion of an informative note, should any consent be granted.

In light of the above assessment, and subject to the inclusion of the recommended informative note, on balance, officers consider the proposal to be acceptable in this regard and in-line with LDP Policy SP7.

Placemaking & Wellbeing Goals

Placemaking and Wellbeing Goals Planning Policy Wales (10th Edition) was amended

following the Well-being of Future Generations Act. PPW plays a significant contribution to the improvement of well-being in all its aspects as defined by the statutory well-being goals. It embeds the spirit of the Well-being of Future Generations Act, through moving us towards a low carbon, resilient society, of providing secure and well-paid jobs, and of building well-connected environments for everyone in Wales that improves our lives and health and enhances our well-being.

PPW also promotes placemaking and states the following;

Productive and Enterprising places are those which promote our economic, social, environmental and cultural well-being by providing well-connected employment and economic development in pleasant surroundings. These places are designed and sited to promote healthy lifestyles and tackle climate change by making them easy to walk and cycle to and around, access by public transport, minimising the use of non-renewable resources and using renewable and low carbon energy sources.

Ministers advised in June 2019 that placemaking should form part of all decisions and have considered measures to call in applications where strategic placemaking has not been considered.

Placemaking is a holistic approach to the planning and design of development and spaces, focused on positive outcomes. Placemaking considers the context, function and relationships between a development site and its wider surroundings. This will be true for major developments creating new places as well as small developments created within a wider place.

The key principles for ensuring 'Right Development in the Right Place' according to PPW are as follows;

- i. Growing our economy in a sustainable manner – the planning system should enable development which contributed to long term economic well-being, making the best use of existing infrastructure and planning for new supporting infrastructure and services.
- ii. Making the best use of resources - The planning system has a vital role to play in making development resilient to climate change, decarbonising society and developing a circular economy for the benefit of both the built and natural environments and to contribute to the achievement of the well-being goals.
- iii. Facilitating accessible and healthy environments - Our land use choices and the places we create should be accessible for all and support healthy lives. High quality places are barrier-free and inclusive to all members of society. They ensure everyone can live, work, travel and play in a way that supports good physical and mental health.
- iv. Creating and sustaining communities - The planning system must work in an integrated way to maximise its contribution to well-being. It can achieve this by creating well-designed places and cohesive rural and urban communities which can be sustained by ensuring the appropriate balance of uses and density,

- making places where people want to be and interact with others.
- v. Maximising environmental protection and limiting environmental impact - Natural, historic and cultural assets must be protected, promoted, conserved and enhanced. Negative environmental impacts should be avoided in the wider public interest.

PPW provides guidance on the national sustainable placemaking outcomes and their relationship to PPW themes and Well-being Goals. It is considered that the proposed development is in accordance with both the placemaking and well-being goals due to the following;

- It would make efficient use of an existing infill plot located within the Welshpool settlement development boundary, in what is a sustainable location for new residential development.
- The development is located within close proximity to existing transport networks, as well as shops and services.
- The development would help to sustain Welshpool's role as a 'Service Centre' settlement and would maintain the vibrancy of the local community.

RECOMMENDATION – Conditional Consent

In light of the above assessment, officers consider that the proposed development complies with relevant planning policy and legislation, and the recommendation is therefore one of 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 following approved plans and documents:

Application Form;

U014.3a.3.001 REV A – Location Plan;

U014.3a.3.102 REV C – Elevations;

U014.3a.3.100 REV B – Floor Plans;

U014.3a.3.002 REV E – Block Plans;

U014.3a.3.003 REV E – Proposed Site Plan;

U014.3a.3.101 – Proposed Roof Plan;

U014.3a.3.301 REV A – Block Plans – Wall;

HUGHES/HAJ021/01 – Topographical Survey;

Heritage Impact Assessment, Dated: October 2020, By: Richard K Morriss & Associates;

Planning Statement, Ref: U014 REV B, Dated: August 2020, By: Hughes Architects;
Floodsmart Pro Report, Ref: /1982R2, Dated: 25/08/2020, By: Geosmart Information

3. Prior to works commencing on site, further details/samples of all the external materials to be used on the walls and roof are 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 and details.
4. Prior to works commencing on site details of the brick bond and proposed mortar, including material, colour, texture, and application, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
5. Prior to the installation of any fenestration as part of the development hereby approved, drawings indicating details of all windows and external doors, including cross sections of glazing bars and trickle vents, to a scale of not less than 1:20 shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of the proposed paintwork, and the windows shall be painted and shall remain painted as consented in perpetuity. The details which are approved shall be carried out in full and shall be retained in accordance with the approved details thereafter.
6. No new plumbing, pipes, soil stacks, flues, vents, ductwork, grilles, security alarms, lighting, cameras or other fixtures shall be attached to the external faces of the building other than those shown on the approved drawings or otherwise first approved in writing by the Local Planning Authority.
7. The car parking and turning areas, as detailed on plan no: U014.3a.3.003 REV E (Proposed Site Plan) shall be laid out with grass crete, gravel or a similar material. Details of which shall first have been submitted to and approved in writing by the Planning Authority. The development shall be carried out in accordance with the approved details.
8. The bollard at the eastern end of Oldford Lane, as detailed on plan no: U014.3a.3.003 REV E (Proposed Site Plan) shall be installed prior to the commencement of development, and shall remain in-situ in perpetuity. No vehicular access, whatsoever, from the application site shall be permitted directly onto the A458 Trunk Road.
9. No development shall take place (including ground works and vegetation clearance) until a detailed Tree and Hedgerow Protection Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include details and locations of protective measures including fencing and

exclusion Zones. The approved details shall be implemented in full and maintained thereafter.

10. 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.
 11. No development shall take place until a detailed landscaping scheme has been 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 first occupation of the dwelling house hereby approved, 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. 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.
 12. The biodiversity enhancements as shown on plan no: U014.3a.3.102 REV C (Elevations) shall be implemented as approved prior to the first occupation of the dwelling house hereby approved, and shall be maintained thereafter for as long as the development remains in existence.
 13. All works and ancillary operations which are audible at the site boundary shall be carried out only between the following hours:
 - 0800-1800 hrs Monday to Friday
 - 0800-1300 hrs Saturday
 - At no time on Sundays and Bank Holidays
- Deliveries to and removal of plant, equipment, machinery and waste from the site must also only take place within the permitted hours detailed above.
14. Finished floor levels within the dwelling house hereby approved are to be set at a minimum of 300mm above adjacent ground levels.
 15. Prior to the occupation of the dwelling hereby approved, provision shall be made within the plot for the parking of vehicles as detailed on the approved site plan U014.3a.3.002 Rev E. The parking areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

Reasons

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt as to the proposed development and to accord with Circular 016:2014 on The Use of Planning Conditions for Development Management.
3. To safeguard the setting of the listed building and the character and appearance of the Welshpool Conservation Area in accordance with national legislation, Policies SP7 and DM13 of the Powys LDP, PPW and TAN 24.
4. To safeguard the setting of the listed building and the character and appearance of the Welshpool Conservation Area in accordance with national legislation, Policies SP7 and DM13 of the Powys LDP, PPW and TAN 24.
5. To safeguard the setting of the listed building and the character and appearance of the Welshpool Conservation Area in accordance with national legislation, Policies SP7 and DM13 of the Powys LDP, PPW and TAN 24.
6. To safeguard the setting of the listed building and the character and appearance of the Welshpool Conservation Area in accordance with national legislation, Policies SP7 and DM13 of the Powys LDP, PPW and TAN 24.
7. To safeguard the setting of the listed building and the character and appearance of the Welshpool Conservation Area in accordance with national legislation, Policies SP7 and DM13 of the Powys LDP, PPW and TAN 24.
8. In the interests of highway safety and in accordance with the provisions of Powys LDP Policies DM13 (Part 10) and T1.
9. To comply with Policies DM2, DM4 and DM13 of the Powys Local Development Plan in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
10. To comply with Policies DM2, DM4 and DM13 of the Powys Local Development Plan in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
11. To comply with Policies DM2, DM4 and DM13 of the Powys Local Development Plan in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, 2018), TAN 5: Nature Conservation and

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

12. To comply with Policies DM2, DM4 and DM13 of the Powys Local Development Plan in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
13. In order to safeguard neighbouring amenity, in accordance with the requirements of Policy DM13 (Criterion 11) of the Powys LDP.
14. To protect the development from fluvial flood risk and to avoid impacts on flood flow routes which could affect third parties in accordance with Technical Advice Note 15 (TAN15) and LDP Policy DM5: Development and Flood Risk.
15. In the interests of highway safety and in accordance with the provisions of Powys LDP Policies DM13 (Part 10) and T1.

Informative Notes

PCC – Ecology

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

It is an offence for any person to:

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

Under the Habitats Regulations it is an offence to:

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

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

Birds - Wildlife and Countryside Act 1981 (as amended)

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

- intentionally kill, injure or take any wild bird
- intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built
- intentionally take or destroy the egg of any wild bird
- intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule1 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, 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 - Rights of Way

- Development over, or illegal interference with, a public right of way, is a criminal offence and enforcement action will be taken against a developer who ignores the presence of affected public rights of way. This includes temporary obstructions such as rubble mounds, building materials, parked vehicles etc...
- Landscaping & Surfacing - Advice will need to be sought before interfering or surfacing a public right of way.
- New fencing or boundaries - The developer will need to seek a licence for a new structure if intending to create a boundary across a public footpath or bridleway. We cannot authorise a structure across a Restricted Byway or Byway Open to All Traffic.

- Temporary closures - The developer can seek a temporary closure of a public right of way from the council if they feel the public may be at risk during development.
- Legal Diversion - If development directly affects a public right of way, the developer will need to seek advice and apply for a legal diversion from the Council. No development can take place on a public right of way until a legal order is confirmed and the process may take at least 6 months. For more information please discuss with Countryside Services at the earliest available opportunity.

NRW

Pollution Prevention

During the construction phase you should take any precaution to prevent contamination of surface water drains and local watercourses. Oils and chemicals should be stored in bunded areas and spill kits should be readily available in case of accidental spillages. For further guidance please refer to GPP 5 and PPG 6 at the following link:

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

Waste produced during construction

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

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

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

<https://naturalresources.wales/permits-and-permissions/waste/?lang=en>
<https://naturalresources.wales/permits-and-permissions/waste/waste-permits/?lang=en>

Further guidance can be found on the GOV website here:

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

PCC – Land Drainage

The 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.

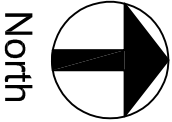
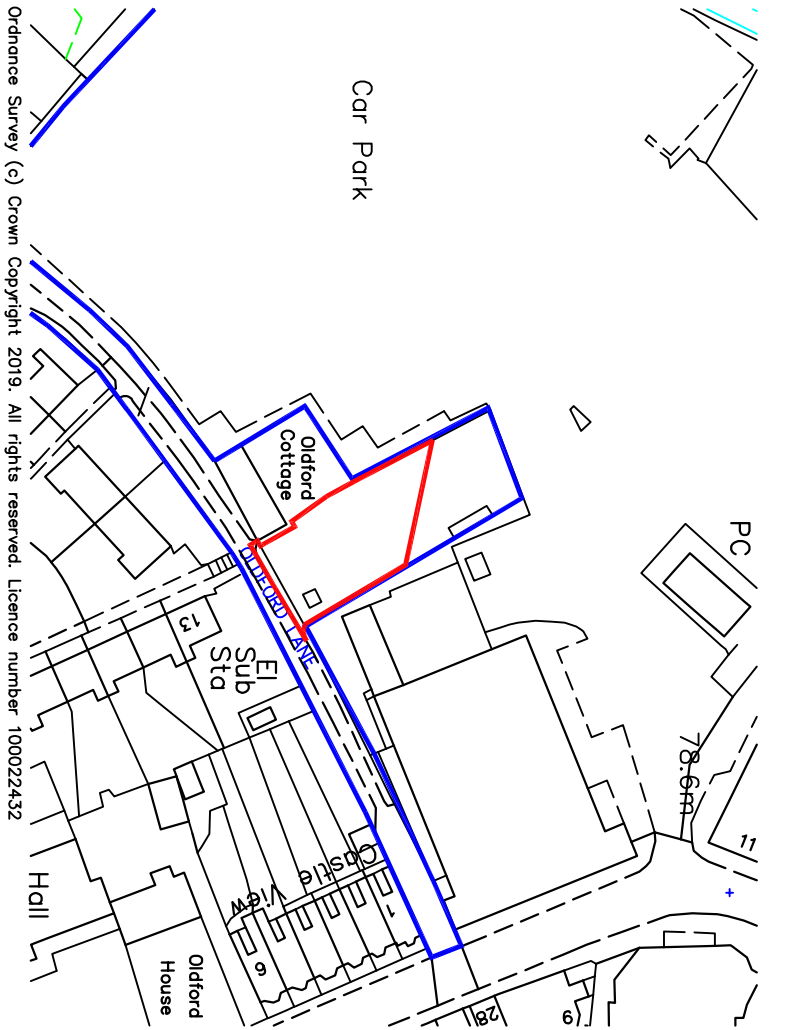
Case Officer: Gwyn Humphreys, Planner
Tel: 01597827047 E-mail: gwyn.humphreys@powys.gov.uk

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- Application Site Boundary
- Land in Applicants Ownership



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Project :- Residential Development & Vehicular Access on land at Oldford Cottage, Welshpool, Powys, SY21 7TE		
Drawing Status :- Stage 3a	Drawing Title :- Location Plan	
Scale :-1:1250@A3 Date :09.12.19	Drawing No :- U014.3a.3.001	Rev :- A
Drawn by :- LW Checked :- RL		

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Planning, Taxi Licensing and Rights of Way Committee Report

Application Number: 20/1142/LBC

Grid Ref: E: 322398
N: 307332

Community Council: Welshpool Community

Valid Date: 22.07.2020

Applicant: Mr Jack Tavernor

Location: Oldford Cottage, Oldford Lane, Welshpool, SY21 7TE

Proposal: Listed building consent for alterations to a stone wall involving removal of section of low stone wall, concrete post and fence and rebuild remaining wall

Application Type: Listed Building Consent

The reason for Committee determination

The application was called-in by the Local Member.

Consultee Responses

Consultee

Received

PCC-Built Heritage Officer

30th Sep 2020

Recommendation

20/1142/LBC - further details required preferable to condition

20/1354/FUL - will await the HIA before responding

Background to Recommendation

Designation

Welshpool Conservation Area

Listed Buildings

Oldford Cottage Cadw ID 7825 included on the statutory list on 25/04/1950

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 Listed Buildings in Wales - Annexe to TAN24

Heritage Impact Assessments in Wales - Annexe to TAN24

Managing Conservation Areas in Wales - Annexe to TAN24

Setting of Historic Assets in Wales - Annexe to TAN24

Heritage Impact Assessments - Annexe to TAN24

Historic Environment Records

Local Development Plan

Strategic Policy SP7

DM13 Design and Resources Local Development Plan Themes and Objectives;

Theme 4 - Guardianship of natural, built and historic assets

LDP Objective 13 - Landscape and the Historic Environment

Comments

I note that there are 2 applications, the first a LBC application for the demolition of a stone wall to facilitate vehicular access into the site and for the erection of a dwelling on the site. Usually a LBC and full application should be considered concurrently as each is dependant on the other. However in this instance the LBC relates to an access that would serve both the proposed house and the existing listed building and as such I would consider that it is acceptable to consider the LBC independently. I understand that a Heritage Impact Assessment is due to be prepared to accompany the applications, and I shall await that document to provide a full response on 20/1354/FUL, however as I am

requesting further information in respect of the listed wall, I am forwarding these comments at this stage as hopefully the HIA will answer these enquiries.

Nevertheless I shall comment on each application individually.

20/1142/LBC Listed building consent for alterations to a stone wall involving removal of section of low stone wall, concrete post and fence and rebuild remaining wall Oldford Cottage Oldford Lane Welshpool SY21 7TE

Demolition of the curtilage listed wall is required to enable access to the site.

Section 5.14 of TAN 24 advises that an application for the demolition of a listed building should be made in exceptional circumstances and only as an option of last resort. Consent for demolition should not be given simply because redevelopment is economically more attractive than the repair and re-use of a historic building.

The demolition of a listed building or buildings within a conservation area should be assessed against the criteria identified in TAN 24 (section 5.15) in respect of demolition is as follows.

1. The condition of the building, the cost of repair and maintenance in relation to its importance and the value derived from its continued use. Where a building has been deliberately neglected, less weight will be given to these costs.
2. The efforts made to keep the building in use or to secure a new use, including the offer of the unrestricted freehold of the building for sale at a fair market price that reflects its condition and situation.
3. The merit of the alternative proposal for the site, including where the replacement buildings would meet the objectives of good design and whether or not there are substantial benefits for the community that would outweigh the loss resulting from demolition.

It is noted that part of the wall has collapsed and a fence has been erected atop the collapsed wall. The proposal is to demolish a section of the wall and to rebuild the wall on the remaining wall where it has collapsed.

The wall to be rebuilt would not be of the same height as the area of wall remaining at its perceived original height that is 2.1m. The wall to be rebuilt is 1.8m in height. However it is noted that the section of higher wall has a shed attached to the wall and it appears that the wall has been raised to accommodate the shed. Further details in respect of this increase in height would be useful, as would the proposed future of the shed which appears to be proposed for demolition, however this is not clear and if this is the case if

should be clearly referenced in the application.

The submitted Planning and Heritage Impact Statement with Design and Access Statement does not address the requirements of a Heritage Impact Assessment which differs from a D&A or planning statement.

Whilst not objecting to the application, it is recommended that further information be received prior to the application being determined namely;

Confirmation of the coursing of the wall.

Confirmation as to the topping of the wall

I would recommend that these details be received and agreed prior to referral to Welsh Government.

However should you wish to determine the application prior to the receipt of this information I would recommend the following conditions be attached to the granting of any consent. NB conditions 2 and 3 should be attached even following the receipt of the information in line with guidance on demolition of heritage assets.

Prior to any works commencing on site, full details of the wall to be rebuilt, including, details of the proposed coursing, and coping or method of finishing the top shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with those details.

The demolition of any part of the curtilage listed wall identified on application 20/1142/LBC shall not be undertaken before a contract for the carrying out of the works for redevelopment of the site has been made in accordance with the proposals which have received planning permission and all prior to works commencing conditions attached to 20/1354/FUL having been discharged. The Local Planning Authority shall be advised as to the completion of such a contract prior to any demolition taking place. The written approval of the phasing and timing of works involved shall be secured before any part of the demolition hereby approved first commences. All works shall then be carried out in accordance with the approved timetable, unless otherwise agreed in writing by the Local Planning Authority.

Reason: Pursuant to section 74 and section 17(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Prior to any work being undertaken in pursuance of the consent to demolish any part of the building, details shall be submitted to and approved in writing by the Local Planning Authority of any works to be undertaken during the progress of the development hereby permitted to secure the safety and stability of that part of the building which is to be

retained in accordance with any terms of conditions of this consent.

Reason: To minimise the risk of damage to the elements of the building to be retained, and pursuant to section 74 and section 17(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

20/1354/FUL Erection of 1 no. residential dwelling and construction of vehicular access and parking Oldford Cottage Oldford Lane Welshpool SY21 7TE

I note that the application is a resubmission of application 20/0102/FUL for which I raised objections on;

1.The Heritage Impact Statement did not address stages 2,3 or 4 of the Setting Assessment laid out in Welsh Government guidance in lines with section 1.26 of TAN24.

2.The impact on the Character or Appearance of the Welshpool Conservation Area.

3.The Design of the Proposed dwelling in line with LDP Policy DM13.

4.The setting of Oldford Cottage Cadw ID 7825

I acknowledge that a revised design has been submitted, however I note that a Heritage Impact Assessment is due to be prepared. As such it would seem prudent to await receipt of that assessment before providing a response on the full application.

Additional comments received 03/12/2020;

Recommendation

20/1142/LBC - No Objection

20/1354/FUL - No Objection

Background to Recommendation

Designation

Welshpool Conservation Area

Listed Buildings

Oldford Cottage Cadw ID 7825 included on the statutory list on 25/04/1950

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 Listed Buildings in Wales - Annexe to TAN24

Heritage Impact Assessments in Wales - Annexe to TAN24

Managing Conservation Areas in Wales - Annexe to TAN24

Setting of Historic Assets in Wales - Annexe to TAN24

Heritage Impact Assessments - Annexe to TAN24

Historic Environment Records

Local Development Plan

Strategic Policy SP7

DM13 Design and Resources Local Development Plan Themes and Objectives;

Theme 4 - Guardianship of natural, built and historic assets

LDP Objective 13 - Landscape and the Historic Environment

Comments

I note that there are 2 applications, the first a LBC application for the demolition of a stone wall to facilitate vehicular access into the site and for the erection of a dwelling on the site.

I shall comment on each application individually.

Following my previous comments dated 30 September 2020, I note the additional

information in respect of a Heritage Impact Assessment and setting assessment and further information in respect of the works to the wall, and it is on the additional information and plans that I am providing comments.

20/1142/LBC Listed building consent for alterations to a stone wall involving removal of section of low stone wall, concrete post and fence and rebuild remaining wall Oldford Cottage Oldford Lane Welshpool SY21 7TE

Demolition of the curtilage listed wall is required to enable access to the site.

Section 5.14 of TAN 24 advises that an application for the demolition of a listed building should be made in exceptional circumstances and only as an option of last resort. Consent for demolition should not be given simply because redevelopment is economically more attractive than the repair and re-use of a historic building.

The demolition of a listed building or buildings within a conservation area should be assessed against the criteria identified in TAN 24 (section 5.15) in respect of demolition is as follows.

1. The condition of the building, the cost of repair and maintenance in relation to its importance and the value derived from its continued use. Where a building has been deliberately neglected, less weight will be given to these costs.
2. The efforts made to keep the building in use or to secure a new use, including the offer of the unrestricted freehold of the building for sale at a fair market price that reflects its condition and situation.
3. The merit of the alternative proposal for the site, including where the replacement buildings would meet the objectives of good design and whether or not there are substantial benefits for the community that would outweigh the loss resulting from demolition.

It is not considered that criteria 2 and 3 are applicable in this instance. However in respect of criteria 1, the condition of the wall is noted and the collapse, and that the current proposal would retain part of the wall, demolish a section to enable access to the site and to rebuilt a section that has collapsed. Whilst noting the section of wall to be demolished, it is also noted that sections would be rebuilt, and as such it is considered that the proposal would be acceptable in that the legibility of the wall would be better understood with a wall more akin to its original size with an easy to read access point than the current wall which has partially collapsed.

The wall to be rebuilt would not be of the same height as the area of wall remaining at its perceived original height that is 2.1m. I note the plan U014.3a.3.007 Rev B which shows the proposed wall as rebuilt and note the existing shed that has been built up against the

wall. I note the most recent plans U014.3a.3.003 Rev b which clarifies that this small lean to shed is to remain and as such the extent of demolition has been clarified.

I note the details in respect of the wall to be rebuilt and I can confirm that I would raise no objections to the proposal. I would however recommend the following conditions.

The development shall be undertaken strictly in accordance with the amended plans drawing numbers; U014.3a.3.007 Rev B and U014.3a.3.003 Rev b.

Reason: For the avoidance of doubt as to the approved plans.

As much of the original stone shall be salvaged as possible and any deficit shall be made up using new or good quality second hand stone to exactly match the original in terms of geology, colour, finish and size. New stonework shall be laid to exactly match the original bond and joint size, and all stone shall be laid in the bedding plain. Re-pointing shall be kept to the minimum structurally necessary and mortar joints shall be carefully raked out by hand. The use of a mechanical disc cutter or grinder is not acceptable for removal of mortar.

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

The stonework shall be laid using a mortar mix which is slightly weaker than the bricks/stone, and which contains washed, well graded sharp sand and lime (lime putty or weak hydraulic lime, not hydrated lime). Details of the exact mix shall be submitted to and approved by the Local Planning Authority prior to the commencement of the work. The mortar shall match the colour and texture of the original mortar before weathering. The use of cement, proprietary coloured mixes or colouring additives is not acceptable. In certain circumstances new mortar may be required to be matched from samples of original mortar.

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

The demolition of any part of the curtilage listed wall identified on application 20/1142/LBC shall not be undertaken before a contract for the carrying out of the works for redevelopment of the site has been made in accordance with the proposals which have received planning permission and all prior to works commencing conditions attached to 20/1354/FUL having been discharged. The Local Planning Authority shall be advised as to the completion of such a contract prior to any demolition taking place. The written approval of the phasing and timing of works to the rebuilding of the wall shall be

secured before any part of the demolition hereby approved first commences. All works shall then be carried out in accordance with the approved timetable, unless otherwise agreed in writing by the Local Planning Authority.

Reason: Pursuant to section 74 and section 17(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Prior to any work being undertaken in pursuance of the consent to demolish any part of the building, details shall be submitted to and approved in writing by the Local Planning Authority of any works to be undertaken during the progress of the development hereby permitted to secure the safety and stability of that part of the building which is to be retained in accordance with any terms of conditions of this consent.

Reason: To minimise the risk of damage to the elements of the building to be retained, and pursuant to section 74 and section 17(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

20/1354/FUL Erection of 1 no. residential dwelling and construction of vehicular access and parking Oldford Cottage, Oldford Lane, Welshpool, SY21 7TE

I note that the application is a resubmission of application 20/0102/FUL for which I raised objections on;

- 1.The Heritage Impact Statement did not address stages 2,3 or 4 of the Setting Assessment laid out in Welsh Government guidance in lines with section 1.26 of TAN24.
- 2.The impact on the Character or Appearance of the Welshpool Conservation Area.
- 3.The Design of the Proposed dwelling in line with LDP Policy DM13.
- 4.The setting of Oldford Cottage Cadw ID 7825

I note the Heritage Impact Assessment by Richard Morris that has been produced and would not disagree with his findings in respect of the setting of historic assets.

I previously raised some concerns with the design and requested amendments and I note that they have been taken on board in this latest submission, most notably the reduction in ridge line and the introduction of true dormers and changes to the fenestration that faces Oldford Cottage.

Given the differences in height and the fact that only one elevation will be visible from Oldford Lane, I would not raise objections to the proposed dwelling in terms of design.

However that is not to say that there would be no harm to the setting of Oldford Cottage

by the proposed development. Previously the car parking adjacent to Oldford Cottage were three spaces to serve Oldford Cottage only with an element of landscaping adjacent to the existing wall.

However the current proposal, presumably to remove the proposed car parking spaces for the new dwelling have also been moved to this location. This would result in an expanse of car parking visible from Oldford Lane. It is considered that this will have an impact on the setting of the listed building, however this could be mitigated against with appropriate materials. The use of paviers or similar would not be considered appropriate being a modern suburban character and grass crete, gravel or similar being preferred. I would be grateful if this could be conditioned.

I would raise no objections to the proposal, however would request that the standard conditions in respect of materials including windows be attached and in addition full details of the hard landscaping that is the car parking surface to be conditioned.

Welshpool Town Council

20th Aug 2020

RESOLVED that Members objected to this application for the following reasons:

- i) That the stone wall should be restored to its condition of a few years ago noting that the wall, which has lost approximately 3 courses of stonework over the past few years is of significant heritage value
- ii) That the Town Council oppose any alteration to the stone wall that would allow access for a new dwelling - they object to the building of a new dwelling that has access via Oldford Lane or Oldford Close
- iii) The narrow lane cannot sustain a second dwelling
- iv) Parking is identified on the supporting documents. There is no room for parking on the narrow lane. This is evident from the damage to the lane caused over the past few years, by inconsiderate parking and use adjacent at Oldford Cottage. It may be noted that previous residents have always parked in the car park where there is a garden gate into the property

Ward Councillor – Cllr Pritchard

10th Sep 2020

Can you please be aware that I have asked for the applications on this site to be called in and considered by committee on ground of Highways dangers, and Listed Building considerations.

Thank you for the consultation on the above applications for works at Oldfield Cottage, Welshpool. Mark Walters had provided advice on the previous applications at the site requesting that a setting impact assessment was undertaken for the proposed works. This has now been completed by Richard K Morriss & Associates and we broadly agree that there will be no harm to the character or significance of the listed building, or to the significance of its setting. Furthermore, there are not considered to be any archaeological impacts for the proposals.

With regards the application for listed building consent, you should also contact the Built Heritage Conservation Officer Debra Lewis.

Representations

Following the display of a site notice on 10/09/2020 and a press notice published on 14/08/2020, a total of 85 public representations have been received at the time of writing this report. A summary of the comments received is provided below;

- The use of the lane is very important for local residents
- Parking on the lane would block people using mobility scooters, wheelchairs and pushchairs from using the route
- The lane is not in a well-maintained state and is often muddy
- An additional vehicular access on the lane will increase conflict between pedestrians and cars
- The access onto Berriew Street is narrow and inadequate
- The lane is an historic route from the town to the Powis Estate, and the wall forms a part of that heritage
- The proposed development would be unsafe
- Access to the site could be gained from the Berriew Street Car Park

Planning History

App Ref	Description	Decision	Date
20/0102/FUL	Erection of a dwelling, creation of vehicular access and parking and all associated works	Refused	1 st Jun 2020
20/0103/CAC	Conservation area consent for the demolition of a wall and fence	Application Withdrawn	10th Jul 2020
20/1354/FUL	Erection of 1 no. residential dwelling and construction of	Pending Consideration	

vehicular access and parking

Principal Planning Constraints

- Site partially within Welshpool Conservation Area
- Grade II Listed Building
- Public Right of Way C1 – along Oldford Lane
- Outside of, but adjacent to C2 Flood Zone
- Montgomery Canal SSSI & SAC – approx. 180 metres south-east
- Bron y Buckley Wood SSSI – approx. 600 metres north-west

Principal Planning Policies

Policy	Policy Description	Year	Local Plan
PPW	Planning Policy Wales (Edition 10, December 2018)		National Policy
TAN5	Nature Conservation and Planning		National Policy
TAN11	Noise		National Policy
TAN12	Design		National Policy
TAN18	Transport		National Policy
TAN24	The Historic Environment		National Policy
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
DM2	The Natural Environment		Local Development Plan 2011-2026
DM4	Landscape		Local Development

		Plan 2011-2026
DM13	Design and Resources	Local Development Plan 2011-2026
T1	Travel, Traffic and Transport Infrastructure	Local Development Plan 2011-2026
H1	Housing Development Proposals	Local Development Plan 2011-2026
H3	Housing Delivery	Local Development Plan 2011-2026
SPGBIO	Biodiversity and Geodiversity SPG	Local Development Plan 2011-2026
SPGRES	Residential Design SPG	Local Development Plan 2011-2026
SPGCON	Conservation Areas SPG	Local Development Plan 2011-2026

Other Legislative Considerations

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

Marine and Coastal Access Act 2009

Planning (Listed Buildings and Conservation Areas) Act 1990

Officer Appraisal

Site Location & Description of Development

The application site is located within the Town Council area and settlement development boundary for Welshpool, which is identified as a 'Town' by Policy SP5 of the adopted Powys Local Development Plan (2011-2026). The site comprises a portion of the existing garden area serving Oldford Cottage, which is a Grade II Listed Building

(CADW reference: 7825), and which is accessed via the unadopted Oldford Lane, which is also a public footpath. The site is located immediately to the north of the housing estate known as Oldford, to the immediate west of the Poundland store, and to the south and south-east of Berriew Street public car park. The site is partially located within Welshpool Conservation Area.

This application seeks Listed Building Consent for the partial demolition of an existing stone boundary wall fronting onto Oldford Lane, including a concrete post and a fence. It is noted that part of the wall has collapsed, and a fence has been erected atop the collapsed wall. The proposal is to demolish a section of the wall and to rebuild the remaining wall where it has collapsed. The section of wall proposed to be demolished measures approximately 5.85 metres in length, whilst the remaining section, which is to be repaired and rebuilt, measures approximately 8.55 metres in length. The section to remain would be rebuilt up to a height of approximately 2.1 metres using reclaimed stone from the demolished section, to be bonded with lime mortar. Stone-on-edge detailing would sit atop the wall. An existing small lean-to shed, which is attached to the wall, would be retained as part of the development.

It should be noted that the proposed demolition of a section of the existing wall has been proposed in conjunction with the proposed construction of a new detached dwelling house within the garden of the adjacent listed Oldford Cottage, which is being assessed separately as part of planning application reference: 20/1354/FUL.

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

This application has been considered 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.

Principle of Development

Policies SP7 and DM13 of the adopted Powys Local Development Plan (2011-2026) and TAN 24 (The Historic Environment) seek to ensure that development proposals do not have an unacceptable adverse impact upon a listed building or the setting of a listed building. Proposals need to be of high-quality design and use materials that are in-keeping with the character and appearance of the listed building and of the surrounding area.

Listed Building Consent is sought for the proposed partial demolition of the existing stone boundary wall which separates the garden at Oldford Cottage from Oldford Lane. Listed Building Consent is required as the wall is considered to be a curtilage listed structure, given its presence within the garden of the Grade II Listed Oldford Cottage (CADW reference: 7825). As noted above, the existing wall is in a poor state of repair and has partially collapsed, with a close boarded timber fence having been erected atop

the wall.

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.

Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990, in relation to development proposals within conservation areas, states that, *"special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area"*, which is repeated in section 61.14 of Planning Policy Wales (Edition 10) and TAN 24. Further guidance has been provided in TAN 24 and its annexe *Managing Conservation Areas in Wales* which came into effect on 31 May 2017 and advises in section 6.4 that, *"Local planning authorities are involved in the management of conservation areas on a day-to-day basis through their duty to advise on, consider and respond to planning applications for new development. Because Local Planning Authorities must aim to preserve or enhance the character or appearance of conservation areas, they should scrutinise planning applications closely with these objectives in mind."*

Due to the application site being located partially within the Welshpool Conservation Area and being located within the curtilage of a Grade II Listed Building (CADW reference: 7825), consideration has been given to LDP Policies SP7 and DM13 (Criterion 3), and TAN 24 (The Historic Environment). Oldford Cottage was listed on 25th April 1950 as a rare surviving and fairly well-preserved exemplar of a timber-framed building within the town, and it is noted the listing was subsequently amended on 29th February 1996. The list description for Oldford Cottage states, *"Oldford Cottage is Timber framed with painted brick infill slate roof with brick gable end stacks. Box-framed with regular square panels with some arch bracing. Queen post and cambered collar truss visible in gable end. 2-unit plan with doorway towards centre: a plank door with moulded canopy hood. Flanking windows are small-paned iron casements, with similar windows in gabled dormers above. To the left, an outbuilding extension is timber-framed to the rear, and brick (painted in imitation of timber framing) to the front elevation, with some rubble in gable end. It was probably built as an agricultural outbuilding, though now forms part of the house. Listed as a good surviving example of a typical vernacular*

timber-framed cottage, unusual in the context of the town, and retaining much of its early character”.

Initially, the Council’s Built Heritage Officer raised concern in relation to the proposed works, noting that it was not considered that sufficient information had been submitted with the application to fully assess the extent of the works proposed to the wall, and to assess the potential impact upon adjacent listed building and the wider Welshpool Conservation Area. The Built Heritage Officer also considered that the Planning Statement submitted as part of the application did not meet the requirements of a Heritage Impact Assessment, which is something required to be submitted as part of all applications for Listed Building Consent such as this.

However, further information submitted in the form of amended plans and a full Heritage Impact Assessment, undertaken by Richard K Morriss and Associates, has provided clarification on the concerns raised. As such, following the receipt of this further information, the Council’s Built Heritage Officer confirmed no objection to the proposed development, subject to the inclusion of several appropriately worded conditions.

The demolition of a listed building or buildings within a conservation area should be assessed against the criteria identified in TAN 24 (Section 5.15), as follows;

1. *“The condition of the building, the cost of repair and maintenance in relation to its importance and the value derived from its continued use. Where a building has been deliberately neglected, less weight will be given to these costs.*
2. *The efforts made to keep the building in use or to secure a new use, including the offer of the unrestricted freehold of the building for sale at a fair market price that reflects its condition and situation.*
3. *The merit of the alternative proposal for the site, including where the replacement buildings would meet the objectives of good design and whether or not there are substantial benefits for the community that would outweigh the loss resulting from demolition.”*

It is not considered that Criteria 2 and 3, above, are of relevance in the determination of this application. However the Built Heritage Officer notes, in respect of Criterion 1, that the existing wall has fallen into a poor state of repair and is in a state of partial collapse. As a consequence, whilst noting a section of the wall is proposed to be demolished to facilitate a new access into the application site, the majority of the existing wall would be retained, repaired and rebuilt. As a consequence, the Built Heritage Officer considers the proposal would be acceptable in that the legibility of the wall would be better understood with a wall more akin to its original size, with an easy to read access point, compared to the wall in its current state, which has partially collapsed. Indeed, the section of wall to remain, closest to Oldford Cottage, would be rebuilt up to a height of approximately 2.1 metres above ground-level, which is taller than the existing wall in its current condition. The Built Heritage Officer notes this increase in height, and points-out that the raised height would be more akin to the original height of the wall, whilst it also accommodates the retention of an existing attached small lean-to outbuilding, which is

to be retained as part of the development.

Further information submitted during the course of the application confirms that reclaimed stone from the demolished section would be used to repair and rebuild the sections to be retained, and the repaired wall would be bonded with lime mortar. Stone-on-edge detailing would sit atop the wall. The Built Heritage Officer has no objection to these details.

The Built Heritage Officer has recommended that a number of suitably worded conditions are attached to any consent granted, and having reviewed these, officers consider they are reasonable and necessary.

In addition, CPAT have been consulted on the proposed development, and have confirmed they broadly agree with the conclusions of the submitted HIA, whilst also confirming that there are not considered to be any archaeological impacts for the proposed development.

Conclusion

It is considered the initial concerns raised by the Council's Built Heritage Officer have been overcome with the submission of further information during the course of the application, and this further information will be included in the list of conditions attached to any consent granted.

Whilst the concerns of the Local Member and those raised within the public representations have been fully considered, in-line with the comments provided by the Built Heritage Officer, officers consider that the proposal would result in an enhancement of the existing wall, given that a large section is to be retained, repaired and rebuilt. It is considered the proposal would therefore secure the future of the wall, which is currently in a state of decline. Furthermore, officers note that many of the points raised within the public representations relate to the development subject of application reference 20/1354/FUL, which is being assessed separately.

In concluding the assessment, the Built Heritage Officer has confirmed no objection to the proposal, in-line with the further information submitted and subject to the inclusion of several appropriately worded conditions. Overall therefore, officers consider the development would be acceptable and would not adversely affect or harm the character or setting of the Grade II Listed Oldford Cottage, nor the wider Welshpool Conservation Area. The proposal is therefore considered by officers to comply with the requirements of TAN 24 and its annexes together with policies SP7 and DM13 of the Powys Local Development Plan (2011-2026).

RECOMMENDATION – Conditional Consent – Refer to CADW

In light of the above assessment, officers consider the proposed development

fundamentally complies with relevant planning policy and the recommendation is therefore one of conditional consent.

Conditions

1. The works hereby permitted shall begin no later than five years from the date of this decision.
2. The development shall be carried out strictly in accordance with the following approved plans and documents:

Application Form;

U014.3a.3.300 – Location Plan – Wall;

U014.3a.3.301 REV A – Block Plans – Wall;

U014.3a.3.005 REV B – Existing Stone Wall;

U014.3a.3.007 REV B – Proposed Stone Wall;

U014.3a.3.003 REV E – Proposed Site Plan;

Heritage Impact Assessment, Dated: October 2020, By: Richard K Morriss & Associates;

Planning Statement, Ref: U014 REV B, Dated: August 2020, By: Hughes Architects;

3. As much of the original stone shall be salvaged as possible and any deficit shall be made up using new or good quality second-hand stone to exactly match the original in terms of geology, colour, finish and size. New stonework shall be laid to exactly match the original bond and joint size, and all stone shall be laid in the bedding plain. Re-pointing shall be kept to the minimum structurally necessary and mortar joints shall be carefully raked out by hand. The use of a mechanical disc cutter or grinder is not acceptable for removal of mortar.
4. The stonework shall be laid using a mortar mix which is slightly weaker than the bricks/stone, and which contains washed, well graded sharp sand and lime (lime putty or weak hydraulic lime, not hydrated lime). Details of the exact mix shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the work. The mortar shall match the colour and texture of the original mortar before weathering. The use of cement, proprietary coloured mixes or colouring additives is not acceptable. In certain circumstances new mortar may be required to be matched from samples of original mortar.
5. The demolition of any part of the curtilage listed wall identified on application 20/1142/LBC shall not be undertaken before a contract for the carrying out of the works for redevelopment of the site has been made in accordance with the proposals which have received planning permission and all pre-commencement conditions attached to 20/1354/FUL having been discharged. The Local Planning Authority shall be advised as to the completion of such a contract prior to any

demolition taking place. The written approval of the phasing and timing of works to the rebuilding of the wall shall be secured before any part of the demolition hereby approved first commences. All works shall then be carried out in accordance with the approved timetable, unless otherwise agreed in writing by the Local Planning Authority.

6. Prior to any work being undertaken in pursuance of the consent to demolish any part of the building, details shall be submitted to and approved in writing by the Local Planning Authority of any works to be undertaken during the progress of the development hereby permitted to secure the safety and stability of that part of the building which is to be retained in accordance with any terms of conditions of this consent.

Reasons

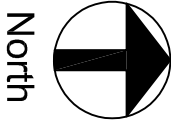
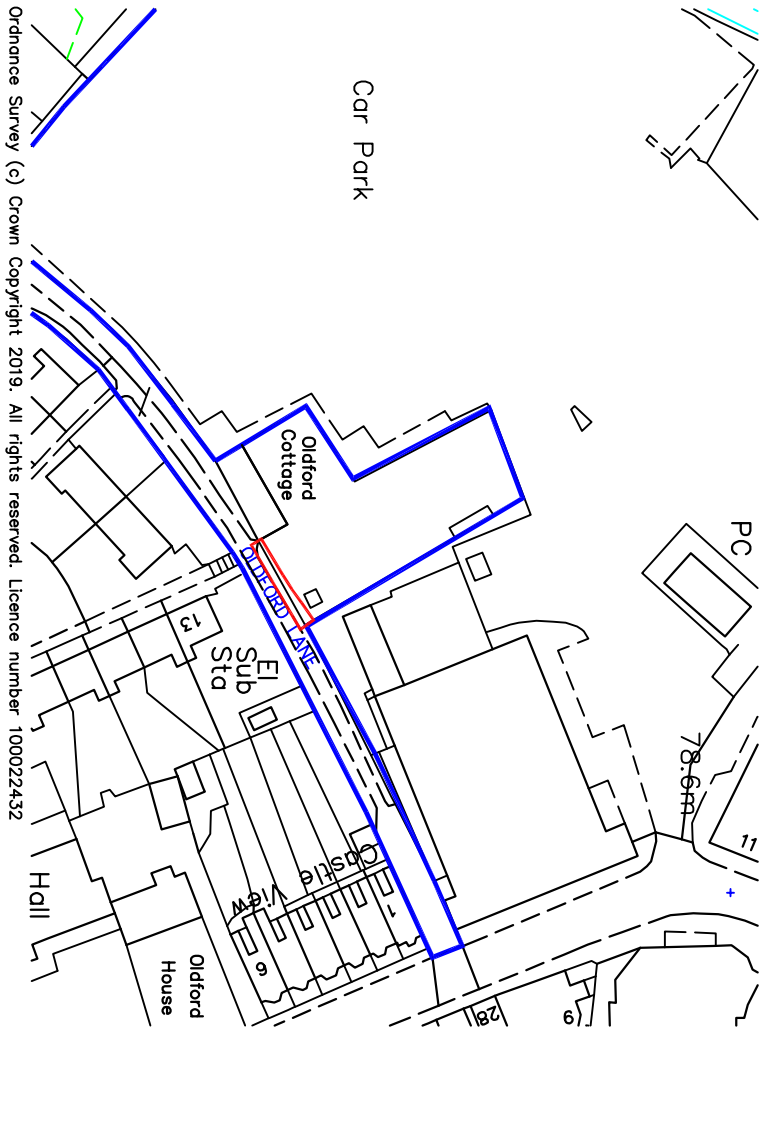
1. To comply with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
2. To ensure adherence to the plans approved by the Local Planning Authority in the interests of clarity and a satisfactory development.
3. To safeguard the character and appearance of this Grade II Listed building in accordance with national legislation, policy and guidance and Policy SP7 of the Powys Local Development Plan.
4. To safeguard the character and appearance of this Grade II Listed building in accordance with national legislation, policy and guidance and Policy SP7 of the Powys Local Development Plan.
5. Pursuant to Section 74 and section 17(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
6. To minimise the risk of damage to the elements of the building to be retained, and pursuant to Section 74 and Section 17(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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- Application Site Boundary
- Land in Applicants Ownership



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Project :- Alterations to Stone Wall on land at Oldford Cottage, Welshpool, Powys, SY21 7TE		
Drawing Status :- Stage 3a	Drawing Title :- Location Plan - Wall	
Scale :-1:1250@A3 Date : 21.07.20	Drawing No :- U014.3a.3.300	Rev :-
Drawn by :- HB Checked :- DH		

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Delegated List

82 Applications

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Parish Name	Decision	Date Application	Application No.	Application Type	Date Decision	Proposal	Location
Abbey Cwm-Hir Community	Approve	19/11/2020	20/1766/FUL	Full Application	02/02/2021	Installation of Biomass Boiler (retrospective)	New House Abbey Cwm-Hir Llandrindod Wells LD1 6PS
Abermule And Llandyssil Community	Approve	14/01/2021	21/0061/NMA	Non-Material Amendment	29/01/2021	Application for non-material amendments to permission P/2017/0670 and 20/1047/RES to alter approved design and	Land Adj Nant Y Waen Abermule Montgomery Powys SY15 6NR
	Consent	02/11/2020	20/1717/LBC	Listed Building Consent	16/02/2021	Refurbishment of 4 no. timber windows to front elevation	Rock Cottage Abermule Montgomery SY15 6NL
Banwy Community	Approve	30/10/2020	20/1768/FUL	Full Application	02/02/2021	Demolition of existing dwelling and erection of a replacement dwelling	Wern Llangadfan Welshpool SY21 0PY
Bausley With Criggion Community	Approve	08/09/2020	20/1346/DIS	Discharge of Condition	16/02/2021	Application to discharge conditions 5, 16, 21, 22, 23, 24, 25, 27 & 28 of planning approval P/2017/0299	Land Directly East Of Dovecote House Coedway Crew Green Powys

CODE: IDOX.PL.REP.05

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Delegated List

82 Applications

Berriew Community	Approve	30/10/2020	20/1698/FUL	Full Application	08/02/2021	Change of use of dwelling to hotel accommodation to include internal and external alterations	Wayside Garthmyl Montgomery SY15 6RS
	Approve	08/01/2021	21/0062/ELE	Electricity Overhead Line	04/02/2021	Overhead Lines Exemption Regulations 2009 for upgrade of an existing 11kV phase overhead line to a three phase by adding a third conductor between the existing two conductors	Land At Kings Nurseries Garthmyl Montgomery Powys SY15 6RT
	Consent	11/11/2020	20/1724/RES	Reserved Matters	16/02/2021	Application for reserved matters following the approval of P/2017/1345 for the erection of a dwelling and associated works	Land Adj To Fox Farm Garthmyl Montgomery Powys SY15 6RW
Bronllys Community	Consent	10/12/2020	20/2036/LBC	Listed Building Consent	12/02/2021	Refurbishment and refit of the existing building to create a modern, flexible conference / learning facility.	Bronllys Hospital, Main Lodge Bronllys Brecon LD3 0LU
Builth Wells Community	Approve	23/11/2020	20/1733/HH	Householder	28/01/2021	Proposed Sunroom Extension	34 Daffodil Wood Builth Wells LD2 3LE
	Approve	22/12/2020	20/2107/DIS	Discharge of Condition	28/01/2021	Application to discharge condition 3 of planning approval 20/0555/FUL	Hay Road Garage Hay Road Builth Wells LD2 3BP

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	Consent	22/07/2020	20/0930/FUL	Full Application	28/01/2021	Change of use from derelict workshop to gin bar	Smithfield Joinery Smithfield Road Builth Wells Powys LD2 3AN
Cadfarach Community	Approve	21/01/2021	21/0119/DIS	Discharge of Condition	01/02/2021	Application to discharge condition 6 of permission 20/1249/FUL - relating to the provision of a 'Reptiles Reasonable Avoidance Measures Method Statement'	13 Pencaemawr Penegoes Machynlleth SY20 8BP
Caersws Community	Approve	15/12/2020	20/2053/HH	Householder	16/02/2021	Erection of extensions	Brookside Cottage Manthrig Lane Caersws Powys SY17 5EU
Carno Community Council	Approve	11/09/2020	20/1446/FUL	Full Application	09/02/2021	Proposed demolition of the existing property and construction of a replacement dwelling and improvements to existing access	Ty-coch Carno Caersws Powys SY17 5LT
Churchstoke Community	Approve	19/11/2020	20/1898/DIS	Discharge of Condition	03/02/2021	Application to discharge condition no's 3, 4 & 5 attached to planning approval 20/0636/FUL (details of landscaping, lighting and biodiversity)	Methodist Chapel Hyssington Montgomery Powys

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Clyro Community	Approve	24/11/2020	20/1918/DIS	Discharge of Condition	04/02/2021	Application to discharge planning condition no's 6,7 & 8 attached to planning approval 20/0243/FUL - External lighting design scheme, Biosecurity risk assessment & Landscaping scheme	Mill Cottage Clyro Hereford Powys HR3 5SE
Disserth And Trecoed Community	Approve	16/06/2020	20/0839/DIS	Discharge of Condition	16/02/2021	Discharge of planning conditions 6, 7, 8 and 20 of planning approval P/2017/1370	The Willows Caerwnon Park Builth Wells LD2 3RP
	Refused	16/05/2019	19/0643/FUL	Full Application	16/02/2021	Formation of motorcycle scramble track; Erection of a building for use as Motor-Cross Experience Centre with associated parking area; Use of land as overspill car parking area; Siting of 7 no. holiday lodges and associated works; Installation of 3 no. foul water drainage receptacles and soakaways; Alterations to existing roadways and improvements to 2 no. highway entrances	Land At Rhydblawd Farm Disserth Builth Wells Powys LD2 3TL

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Dwyriw Community	Approve	24/11/2020	20/1891/RES	Reserved Matters	12/02/2021	Reserved Matters application in respect of outline planning consent P/2017/0966 for 2 detached dwellings, formation of a new vehicular access and associated works	Plot 2 Adfa Newtown Powys SY16 3DB
	Refused	29/10/2020	20/1652/CLE	Certificate of Lawfulness - Existing	08/02/2021	Certificate of existing use for the siting of a caravan to be used as a separate dwelling	Caravan At Fraithwen Adfa Newtown Powys SY16 3DB
Felinfach Community	Approve	30/11/2020	20/1865/HH	Householder	28/01/2021	Erection of an extension	Upper Penlan Llanfilo Brecon Powys LD3 0RE
	Approve	08/12/2020	20/2012/HH	Householder	02/02/2021	Proposed access track and associated works	Land At Maesyberllan Cottage Talachddu Brecon Powys LD3 0UG



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Page 102	Forden With Leighton & Trelystan Com	Approve	03/12/2020	20/1981/REM	Removal or Variation of Condition	29/01/2021	Section 73 application to vary condition no. 2 attached to outline planning approval P/2017/0910 (4 dwellings) to allow an extension of time for a further 5 years to submit a reserved matters application	Land At Rose Hill Forden Welshpool SY21 8TR Powys
		Consent	09/12/2020	20/1985/FUL	Full Application	16/02/2021	Erection of a dutch barn for storage of fodder and machinery	Gwyns Barn Leighton Welshpool SY21 8LL
	Glantwymyn Community	Approve	18/12/2020	20/2044/HH	Householder	12/02/2021	Proposed New Double Garage	3 Goledd Dyfi Commings Coch Machynlleth Powys SY20 8LZ
	Glasbury Community	Approve	14/08/2020	20/1268/HH	Householder	16/02/2021	Erection of a two storey rear extension	Maengwyn 5 Brookside Glasbury Hereford HR3 5NF

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Glascwm Community	Approve	14/01/2021	21/0027/NMA	Non-Material Amendment	28/01/2021	Application for Non Material Amendment to planning approvals P/2016/0876 and 19/1451/RES revisions to siting, external materials and fenestration	Land Adjacent To Tyn Wern Franksbridge Llandrindod Wells Powys
Gwernyfed Community	Approve	07/05/2020	20/0744/DIS	Discharge of Condition	15/02/2021	Application to discharge conditions 3 and 4 from planning permission P/2016/1256 in relation to timescale, plans, materials and external fixtures.	Aberllynfi House Glasbury Hereford Powys HR3 5NT
	Consent	27/10/2020	20/1722/NMA	Non-Material Amendment	29/01/2021	Non-material amendment to agree revised scale parameters for the proposed units within planning consent P/2017/1177 (Outline: Erection of 4no. detached dwellings (all matters reserved)).	Development At Part Os 4892 Opposite Nantfelin Three Cocks Glasbury Hereford Powys
Hay Community	Approve	23/10/2020	20/1775/DIS	Discharge of Condition	29/01/2021	Discharge of condition 12 of planning approval P/2017/1138 in relation to slate roof materials	2 The Burlands Gipsy Castle Lane Hay-on-wye Hereford Powys HR3 5PW



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Kerry Community	Consent	03/12/2020	20/1982/HH	Householder	04/02/2021	Erection of a single storey extension	The Old Pumphouse Kerry Newtown Powys SY16 4DN
Knighton Community	Approve	04/11/2020	20/1856/DIS	Discharge of Condition	09/02/2021	Application to discharge condition no. 3 attached to planning approval for bungalow 19/1222/FUL (tree protection plan)	Land Adj The Meadows Hatfield Meadows Knighton Powys LD7 1RY
	Consent	01/12/2020	20/1965/HH	Householder	16/02/2021	Erection of extensions	Bryn Celyn Presteigne Road Knighton Powys LD7 1HY
Llanbadarn Fynydd Community	Consent	20/10/2020	20/1680/FUL	Full Application	02/02/2021	Erection of an agricultural workers / managers dwelling, a garage, package treatment plant and associated works	Land At Middle Cochran Llaithddu Llandrindod Wells Powys LD1 6YT
Llanbister Community	Approve	09/12/2020	20/2067/CLE	Certificate of Lawfulness - Existing	03/02/2021	Application for certificate of lawfulness for an existing operation namely erection of barn/garage/workshop & conservatory	Brodawel Llanbister Llandrindod Wells Powys LD1 6TH

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Llanbrynmair Community	Approve	21/09/2020	20/1235/FUL	Full Application	12/02/2021	Siting of 10 cabins and a craft training building, creation of internal access roads, installation of a sewage treatment plant and all associated works	Little Meadow Park Llanbrynmair Powys SY19 7DL
Llandinam Community	Approve	16/10/2020	20/1588/FUL	Full Application	01/02/2021	Erection of a mixed agricultural and equine use building, erection of a field shelter, horse-riding arena and change of use of land to mixed agriculture and equine and associated works.	Development At Land South West Of Neuadd Llwyd Llandinam Powys
Llandrindod Wells Community	Approve	25/01/2021	21/0098/DIS	Discharge of Condition	16/02/2021	Discharge of condition 3 from planning permission 20/0012/FUL in relation to external lighting design and specification	Parc Noyadd Park, Fire Station Llandrindod Wells LD1 5DF
	Refused	14/10/2020	20/1455/HH	Householder	01/02/2021	Creation of drop kerb to allow access for off street parking	Elsdon Grosvenor Road Llandrindod Wells Powys LD1 5NA
Llandrinio And Arddleen Community	Approve	16/11/2020	20/1850/DIS	Discharge of Condition	02/02/2021	Application to discharge conditions 15, 20 & 24 of planning approval P/2017/1089	Lower Trederwen Farm Trederwen Lane Arddleen Llanymynech SY22 6RZ

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Approve	14/12/2020	20/2064/VAR	Discharge/Modification of S106	02/02/2021	Discharge of Section 106 agreement attached to planning consent M21505 in relation to local needs occupancy	The Meadows Sarnau Llanymynech Powys SY22 6QL
Consent	05/11/2020	20/1739/FUL	Full Application	04/02/2021	Siting of 3 holiday units (hobbit style), installation of sewage treatment plant and all associated works	Land At Penrhos Barn Penrhos Llansantffraid-ym-mechain Powys
Split Decision	11/12/2020	20/2041/DIS	Discharge of Condition	12/02/2021	Application to discharge conditions 4, 5, 6 & 13 of planning approval P/2016/1016	Land Off B4393 At Plas Foxen Four Crosses Llanymynech Powys SY22 6RG
Approve	09/12/2020	20/1955/CLE	Certificate of Lawfulness - Existing	03/02/2021	Application for a certificate of lawfulness for an existing use (section 191) namely use as a dwelling in breach of agricultural occupancy condition no. 2 attached to planning approval M12581	Cwmderw Eithinog Lane Cyfronydd Welshpool SY21 9ED

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82 Applications

Llanfihangel Community	Approve	08/01/2021	21/0058/TRE	Works to trees in Conservation Area	08/02/2021	Application for tree works around an existing power line within a conservation area	Land Adj To Ar-y-ddol High Street Llanfair Caereinion Y Trallwng Powys SY21 0QY
	Consent	11/11/2020	20/1755/FUL	Full Application	04/02/2021	Siting of 3 lodges, installation of sewage treatment plant and all associated works	Development At Land At Upper Pengraig Llanfair Caereinion Welshpool Powys
	Approve	11/01/2021	20/2011/HH	Householder	09/02/2021	Demolition of existing porch and erection of a replacement porch	Brynhyfryd Llanfihangel Llanfyllin Powys SY22 5JD
	Consent	17/12/2020	20/2083/FUL	Full Application	16/02/2021	Proposed extension and associated works	Community Hall Llanfihangel County School Llanfihangel Llanfyllin Powys SY22 5JD
Llanfyllin Community	Refused	13/10/2020	20/1520/FUL	Full Application	04/02/2021	Siting of six lodges and all associated works	Land At Moel Heulin Llanrhaeadr Oswestry SY10 0AS

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Llangurig Community	Approve	10/12/2020	20/2025/FUL	Full Application	09/02/2021	Installation of biomass boilers, flues and ancillary apparatus to an existing agricultural outbuilding (retrospective)	Pantdrain Llangurig Llanidloes SY18 6SA
Llanidloes Community	Approve	04/12/2020	20/2042/HH	Householder	28/01/2021	Erection of a log store	Mount Severn Glan-y-nant Llanidloes Powys SY18 6PQ
	Approve	09/12/2020	20/1849/DIS	Discharge of Condition	08/02/2021	Discharge of conditions 3 and 14 from planning permission 20/1281/FUL in relation to Biodiversity Plan and Hedgerow Plan	Land Adj Y Gilfach Uchaf Llanidloes
Llanidloes Without Community	Approve	11/09/2020	20/1250/OUT	Outline planning	04/02/2021	Erection of an agricultural workers dwelling, garage, formation of vehicular access and associated works (some matters reserved)	Land At Coed Mawr Oakley Park Llanidloes Powys SY18 6LS
	Approve	14/10/2020	20/1630/FUL	Full Application	28/01/2021	Erection of a Rural Enterprise Dwelling, formation of vehicular access, provision of septic tank together with all other associated works.	Old Hall Farm Old Hall Llanidloes SY18 6PW



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Llanrhaeadr-Ym-Mochnant Community	Approve	12/11/2020	20/1785/FUL	Full Application	16/02/2021	Erection of holiday let unit to replace existing agricultural building, installation of sewage treatment plant and all associated works (resubmission of 20/1355/FUL)	Ty Isa Maengwynedd Llanrhaeadr-Ym-Mochnant SY10 0DE
Llansantffraid Community	Approve	24/07/2020	20/1148/RES	Reserved Matters	01/02/2021	Reserved matters application for appearance, landscaping, layout and scale for 13 residential units in connection with outline approval P/2016/0719	Land At Dyffryn Foel Llansantffraid Powys
	Approve	17/09/2020	20/1451/REM	Removal or Variation of Condition	11/02/2021	Section 73 application to vary condition 2 of permission P/2014/0771 to amend the approved plans	Bryn Tanat Hall Llansantffraid-Ym-Mechain Powys SY22 6BA
	Approve	24/11/2020	20/1570/FUL	Full Application	08/02/2021	Erection of 13 affordable local need dwellings and associated works	Development At Dyffryn Foel Llanfyllin Powys
	Consent	24/11/2020	20/1817/FUL	Full Application	02/02/2021	Change of use of building from residential institution (C2) to form 8 residential apartments (C3)	Vyrnwy House Llansantffraid-Ym-Mechain Powys SY22 6AU



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Llansilin Community	Consent	07/08/2020	20/1227/FUL	Full Application	02/02/2021	Conversion of an agricultural barn to form a single dwelling, installation of septic tank, improvements to access and all other associated works.	Barn Adj To Tyn Y Maes Moefre Road Llansilin Oswestry Powys SY10 7QB
Maescar Community	Approve	29/10/2020	20/1753/HH	Householder	12/02/2021	Erection of single-storey ancillary building facilitating recreation and home working	Land Opposite Pentrefelin Cottage Pentrefelin Brecon LD3 8TT
Montgomery Community	Approve	06/01/2021	21/0054/TPO	Works to Trees subject to a TPO	08/02/2021	Application for the maintainance and removal of trees subject to a TPO	Caerhowel Hall Caerhowel Montgomery Powys SY15 6HE
	Consent	11/12/2020	20/2015/HH	Householder	03/02/2021	Partial demolition of existing breakfast room extension and the erection of rear/side extension.	4 Alexandria Terrace Chirbury Road Montgomery SY15 6QN
	Refused	10/02/2021	21/0168/NMA	Non-Material Amendment	15/02/2021	Non Material Amendment to planning approval for 4 dwellings M/2004/0833 to change from septic tank & soakaway to a sewage treatment plant with discharge to watercourse.	Development At Former Caerhowell Caravan Park Caerhowel Montgomery SY15 6HF

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Nantmel Community	Approve	26/01/2021	21/0135/DIS	Discharge of Condition	12/02/2021	Application to discharge conditions 6, 9 and 22 attached to planning permission P/2017/1116 (details of landscaping, drainage, tree hedgerow protection)	Neuaddfach Nantmel Rhayader LD6 5PE
Newtown And Llanllwchaiarn Community	Approve	24/11/2020	20/1935/DIS	Discharge of Condition	12/02/2021	Discharge of conditions 13 and 22 from planning application 20/0187/FUL in relation to road safety audit and reinstating vehicular access points	Former Ford Garge Site Pool Road Newtown Powys SY16 3AH
	Approve	28/01/2021	21/0160/NMA	Non-Material Amendment	05/02/2021	Non Material Amendment to planning approval 19/1059/FUL (community building) for reduction in size and design changes	Site Of Former Radio Hafren Building The Park Wesley Street Newtown Powys SY16 2NZ



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82 Applications

Painscastle Community	Approve	03/07/2020	20/1014/CLE	Certificate of Lawfulness - Existing	29/01/2021	Application for a Lawful Development Certificate under Section 191 of the Town and Country Planning Act 1990 to establish that an existing matter, namely the residential occupation of a dwelling in breach of a restrictive occupancy condition, is lawful in planning terms	Oak Villa Llandeilo Graban Builth Wells LD2 3SJ
Rhayader Community	Approve	13/10/2020	20/1688/HH	Householder	05/02/2021	Rear single storey extension and rebuilding of part of gable wall	Ty Garth Water Lane Rhayader LD6 5AH
	Approve	13/10/2020	20/1701/CAC	Conservation Area Consent	05/02/2021	Rear single storey extension and rebuilding of part of gable wall	Ty Garth Water Lane Rhayader Powys LD6 5AH

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St. Harmon Community	Approve	30/11/2020	20/1957/REM	Removal or Variation of Condition	04/02/2021	Section 73 application to remove condition no's 7, 10 & 11 attached to planning approval 19/1924/FUL (tree protection plan and passing bay)	Hirfron Pant-y-dwr Rhayader Powys LD6 5LR
Tawe Uchaf Community	Approve	10/12/2020	20/1969/HH	Householder	08/02/2021	Erection of a porch and an extension	The Meadows Cefn Byrle Road Coelbren Neath SA10 9NY
Trefeglwys Community	Approve	19/11/2020	20/1947/FUL	Full Application	02/02/2021	Erection of a replacement dwelling, to include demolition of existing dwelling, installation of a treatment plant and all associated works	Development Of A Replacement Dwelling Nant Yr Hafod Staylittle Llanbrynmair Powys SY19 7DB
Tregynon Community	Approve	08/01/2021	21/0057/VAR	Discharge/Modification of S106	12/02/2021	Application to discharge Section 106 legal agreement from planning approval M/2001/0508 (occupancy restriction)	14 Parc Hafod Newtown Powys SY16 3EQ

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Trewern Community	Consent	06/01/2020	20/0005/RES	Reserved Matters	04/02/2021	Application for reserved matters following the approval of P/2017/0574 for the erection of 9 dwellings and all associated works	Land At Gate Farm Criggion Lane Trewern Welshpool Powys SY21 8EE
Welshpool Community	Approve	31/07/2020	20/1251/FUL	Full Application	16/02/2021	Refurbishment of existing school building, demolition of existing outbuildings and associated structures and construction of a new school extension in order to provide 150 place Welsh Medium School with associated MUGA, playing field, landscaping, car park and infrastructure works	Welshpool Church In Wales Primary School Maesydre School Site Howell Road Welshpool Powys SY21 7SU

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82 Applications

Approve	31/07/2020	20/1261/LBC	Listed Building Consent	16/02/2021	Listed building consent for refurbishment of existing school building including alterations and repairs to external elements (walls, roof, windows & doors) and internal elements (floors, ceilings, doors, mechanical & electrical services and staircase) and construction of timber clad extension to rear of building with associated external infrastructure works	Welshpool Church In Wales Primary School Maesydre School Site Howell Road Welshpool Powys SY21 7SU
Consent	03/12/2020	20/1951/FUL	Full Application	08/02/2021	Installation of new substation enclosure with associated hardstanding works.	Land At Buttington Cross Enterprise Park Buttington Welshpool Powys SY21 8SL
Consent	04/12/2020	20/1988/HH	Householder	28/01/2021	Erection of an extension	2 Bryn Siriol Welshpool Powys SY21 7TN



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82 Applications

Ystradgynlais Community	Approve	10/11/2020	20/1696/FUL	Full Application	10/02/2021	Change of use of Pont Aur from sheltered accommodation (C3) to an extra care facility (C2). To include refurbishment and an extension to provide an additional 10 extra care apartments, landscaping and associated works	Pont Aur Ystradgynlais Powys SA9 1BP
	Approve	19/01/2021	21/0038/DIS	Discharge of Condition	08/02/2021	Application to discharge condition 3 of planning approval 20/1137/HH	58 Bethel Road Lower Cwmtwrch Swansea SA9 2PT
Applicati		82					

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Penderfyniad ar yr Apêl

Appeal Decision

Ymweliad â safle a wnaed ar 21/12/20

Site visit made on 21/12/20

**gan Declan K Beggan, BSc (Hons) MSc
DipTP DipMan MRTPI**

**by Declan K Beggan, BSc (Hons) MSc
DipTP DipMan MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

an Inspector appointed by the Welsh Ministers

Dyddiad: 29th January 2021

Date: 29th January 2021

Appeal Ref: APP/T6850/D/20/3262739

Site address: Fronlwyd, Hirnant, Pen Y Bont Fawr, SY10 0HP

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 Colin Saward against the decision of Powys County Council.
- The application Ref: 20/1023/HH dated 2 July 2020, was refused by notice dated 26 August 2020.
- The development proposed is for the erection of a second-floor extension over the existing ground floor room with shower room, kitchenette and mezzanine floor (part retrospective).

Decision

1. The appeal is allowed and planning permission is granted for the erection of a second floor extension over the existing ground floor room with shower room, kitchenette and mezzanine floor (part retrospective) in accordance with the terms of the application, Ref: 20/1023/HH dated 2 July 2020, and the plans submitted with it, subject to the conditions in the schedule at the end of this decision.

Procedural Matters

2. The address of the appeal site and description of the proposed development as stated on the planning application form and on the Council's decision notice vary slightly. The descriptions as given on the latter and copied into the banner heading above are more concise and it's on this basis that I have determined the appeal.
3. The proposal would provide for a second-floor extension over an existing ground floor element. The roof pitch at the front of the proposed extension would match that of the existing property whilst the rear pitch would be shallower; the front elevation of the proposed extension is set back marginally from the existing elevation. As detailed in the banner heading above, the development subject of this appeal has already been commenced. Based on my site observations it appears that the bulk of the external works to the extension, including the fenestration, have been completed as indicated on the submitted drawings and application details.

Main Issue

4. I consider the main issue is whether the proposed development would preserve or enhance the character or appearance of the Hirnant Conservation Area (CA).

Reasons

5. Fronlwyd is a detached two storey dwelling found on the eastern edge of the small settlement of Hirnant. The property with its slate roof and stone and rendered walls appears to date from the late 19th century, with such distinctive materials generally reflected on other dwellings/buildings within the CA. The CA is centred on St. Illog's Church, around which a small number of dwellings including the appeal site can be found.
6. The appeal property with its slate roof and stone and rendered walls, along with other properties in the vicinity, makes a positive contribution to the character and appearance of the CA. The Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. Planning Policy Wales Edition 10 (PPW) states, there will be a strong presumption against the granting of planning permission for developments which damage the character or appearance of a conservation area or its setting to an unacceptable level; it also states preservation or enhancement of a conservation area can be achieved by a development which either makes a positive contribution to an area's character or appearance or leaves them unharmed. The stance taken in PPW is reflected in Technical Advice Note 24: The Historic Environment (TAN 24). Technical Advice Note 12: Design (TAN 12) seeks, inter alia, to promote development that has a distinctive design, and which respects local character.
7. Policies DM13, SP7 and Objective 13 of the adopted Powys Local Development Plan (LDP), and SPG's¹ collectively seek to safeguard visual amenity and heritage assets. The CA is without a conservation area appraisal however the Council's SPG relating to conservation areas gives generic guidance on how to assess character in its absence.
8. The Council argue in its two refusal reasons, which essentially relate to the same issue, that the design and appearance of the proposal would be detrimental to the character and appearance of the area, particularly in regard to its location within the CA; I disagree.
9. I appreciate the rear roof pitch of the extension does not match that of the existing property, however such an asymmetric arrangement is not unusual as indicated elsewhere within the CA. In addition, the broad form of the extension in terms of mass/bulk would principally be seen against the existing property and therefore not appear unduly prominent, nor appear materially out of place locally as the external materials match the property, and reinforce the CA's distinctiveness. I note the proposal steps the extension back slightly from the front elevation of the existing dwelling and uses traditional materials to the walls and roof; this reflects advice in the SPG's albeit the front eaves are not recessed.
10. In terms of the proposal's fenestration, the existing property had varied window types as regards their shape/size, although there was a consistency with their grey colour, and therefore in this respect the proposed windows would not appear unduly out of character. In addition, throughout the CA I noted a wide variation in window types with a number of properties reflecting those indicated on the application details.

¹ Supplementary Planning Guidance: Conservation Areas (2020), and Supplementary Planning Guidance: Residential Design (2020)

11. For the reasons given above, the proposed works would not appear materially prominent by virtue of their location on the eastern approach to the settlement, nor be at odds with any distinctive features contained within the CA.
12. Drawing the threads of the above together, for the reasons given the proposed development would not be detrimental to the historic character and appearance of the area. The proposal therefore would preserve the character and appearance of the CA, and as a result would not run contrary to the Act, the above mentioned policies of the LDP, advice in the SPG's, or national planning policy contained within PPW, in addition to advice as contained within TAN 24 and TAN 12, which collectively seek to protect visual amenity and heritage assets.

Conditions

13. I have considered the conditions suggested by the Council, given my decision to allow the appeal. In doing so I have had regard to the tests for conditions set out in Circular 16/14: *The Use of Planning Conditions for Development Management*. Suggested conditions 1 and 3 are not necessary; in regard to condition 1, the development has already commenced, whilst in regard to condition 3 the application details indicate the external materials/finishes to be used and these were evident during my site visit, and deemed acceptable. Subject to some minor modifications in the interests of precision, I agree the rest of the conditions suggested by the Council are reasonable and necessary.

Conclusion

14. After taking account of all the evidence before me, and for the reasons given above, I conclude that the appeal should be allowed.
15. 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 objective of supporting safe, cohesive and resilient communities.

Declan K Beggan

INSPECTOR

Schedule of Conditions

1. The development shall be carried out strictly in accordance with the following approved plans and documents: Application Form; 20/001/PL/001 REV A – Site Location and Block Plan, 20/001/PL/101 REV A – Existing Floor Plans and Elevations, 20/001/PL/102 REV A – Proposed Floor Plans and Elevations, Heritage Impact Assessment and the Preliminary Roost Assessment & Bat Emergence Survey Ref: EE.703.20.PK, By: Enfys Ecology, Dated: 26/05/2020.

Reason: For the avoidance of doubt and to ensure that the development is implemented in accordance with the approved plans/details submitted with the application.

2. The mitigation measures identified within section 7 of the Preliminary Bat Roost Assessment & Bat Emergence Survey (Ref: EE.703.20.PK, By: Enfys Ecology, Dated: 26/05/2020), shall be adhered to and implemented in full during the course of the development and following the first beneficial use of the extension, and shall be maintained thereafter for as long as the development remains in existence.

Reason: To comply with Policies DM2, DM4 and DM13 of the LDP, PPW, TAN 5 and the Environment (Wales) Act 2016.

3. Prior to the commencement of the development hereby approved, a biodiversity enhancement plan, including details of biodiversity enhancement measures and plans/elevation drawings showing their proposed location, shall be submitted to and approved in writing by the Local Planning Authority. Any subsequently approved details shall thereafter be implemented prior to the first beneficial use of the extension hereby permitted.

Reason: To comply with Policies DM2, DM4 and DM13 of the LDP, PPW, and the Environment (Wales) Act 2016.

4. Prior to the first beneficial use of the extension, provision shall be made within the curtilage of the application site for parking and turning areas for vehicles in accordance with details to be submitted to and approved in writing by the Local Planning Authority beforehand. Any subsequently approved details shall be retained for such use in perpetuity.

Reason: In the interests of highway safety and in accordance with the provisions of LDP Policies DM13 (Part 10) and T1.

MINUTES OF A MEETING OF THE TAXI LICENSING SUB-COMMITTEE HELD BY TEAMS ON WEDNESDAY, 3 FEBRUARY 2021

PRESENT

County Councillor H Lewis (Chair)

County Councillors L George and M J Jones

1.	RESOLUTION TO EXCLUDE THE PUBLIC AND THE PRESS
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RESOLVED that in accordance with Section 100(a)(4) of the Local Government Act 1972 the public and press were excluded from the meeting on the grounds that there would be disclosure to them of exempt information under Paragraphs 12 and 18 of Schedule 12a Part 7 of the above Act in respect of the following item[s].

2.	APPLICATION FOR A JOINT HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE
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2.1. Sub-Committee procedures

The Chair introduced himself and the Sub-Committee and its Clerk introduced themselves to the Applicant and his supporter.

The Clerk to the Sub-Committee explained the procedures to be followed by the Sub-Committee.

2.2. Application for a licence - JD/01/2021

Applicant – JD/01/2021

The Licensing Officer presented the licensing authority's position as outlined in the report [copy filed with the signed minutes].

The Applicant and his supporter explained the circumstances surrounding his convictions. The offences were all relatively minor and the last one had occurred 15 years ago, since when he had settled down.

All parties confirmed that they had been able to make their representations.

The Clerk advised he would contact JD/01/2021 with the Sub-Committee's decision. JD/01/2021, his supporter and the Licensing Officer left the meeting.

The Sub-Committee considered, in private, the application, with the support of the Clerk. In reaching the decision members took into account the relevant written and verbal representations.

RESOLVED	Reason for decision
That the application (JD/01/2021) for a joint hackney carriage and private hire drivers' licence be	That the Applicant is a fit and proper person to hold such a licence.

granted subject to a warning as to his future conduct.	
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The Clerk to the Sub-Committee advised that he would confirm the decision in writing.

The Chair thanked all for attending.

County Councillor H Lewis (Chair)