

Planning, Taxi Licensing & Rights of Way Committee

Meeting Venue
By Teams

Meeting Date
Thursday, 8 April 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

30 March 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
-----------	------------------

To receive apologies for absence.

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

To authorise the Chair to sign the minutes of the previous meeting of the Committee held on 18 March, 2021 as a correct record.

(Pages 5 - 8)

Planning

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

- a) To receive any declarations of interest from Members relating to items to be considered on the agenda.
- b) To receive Members' requests that a record be made of their membership of town or community councils where discussion has taken place of matters for the consideration of this Committee.
- c) To receive declarations from Members of the Committee that they will be acting as 'Local Representative' in respect of an individual application being considered by the Committee.

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

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

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

(Pages 9 - 10)

4.1. Updates

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

4.2. 19/0817/OUT Land At Gornal Farm, Four Crosses, Powys , SY22 6RJ

(Pages 11 - 50)

4.3. 20/0042/AGR Land Adj To Llowes Court, Llowes, Hereford, Powys, HR3 5JA

(Pages 51 - 74)

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

To receive for information a list of decisions made by the Head of Property, Planning and Public Protection under delegated powers.

(Pages 75 - 96)

Rights of Way

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

To consider a proposal to stop up part of public footpath B59 on land to the rear of Ysgol Gymraeg y Trallwng (former Ysgol Maesydre Site), Howell Road, Welshpool (Community of Welshpool.)

(Pages 97 - 106)

Taxi and other licensing

7.	TAXI LICENSING FEES 2021-2022
----	--------------------------------------

To consider a report in respect of Taxi Licensing Fees for April 2021 - March 2022.
(Pages 107 - 110)

This page is intentionally left blank

MINUTES OF A MEETING OF THE PLANNING, TAXI LICENSING & RIGHTS OF WAY COMMITTEE HELD AT BY TEAMS ON THURSDAY, 18 MARCH 2021

PRESENT

County Councillor K Lewis (Chair)

County Councillors G Jones, E M Jones, L V Corfield, 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, D H Williams, J Williams, R Williams and J Wilkinson

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

Apologies for absence were received from County Councillors Emily Durrant, Elwyn Vaughan and Gwilym Williams.

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

The Chair was authorised to sign as a correct record the minutes of the meeting held on 24 February 2021 as a correct record.

Planning

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

- (a) There were no declarations of interest.
- (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 no Member (who is a member of the Committee) would be acting as 'local representative' in respect of any application on the agenda.
- (d) The Committee noted that County Councillor Emyr Jones (who is not a member of the Committee) would be speaking as the 'local representative' in respect application 20/1580/FUL Fir View, Tan y Ffridd, Caravan Park, Llangyniew, Welshpool, SY21 0LT.

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

The Committee considered the report of the Head of Property, Planning and Public Protection (copies filed with the signed minutes).

4.1 Updates

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

4.2 20/1580/FUL Fir View Tan Y Fridd Caravan Park, Llangyniew, Welshpool, SY21 0LT

Grid Ref: E: 311620 N: 310318

Valid Date: 16/10/2020

Community Council: Llangyniew Community Council

Applicant: Sheeham Holdings Ltd

Location: Fir View Tan Y Fridd Caravan Park, Llangyniew, Welshpool, SY21 0LT

Proposal: Change of use of land to static caravan park, including installation of 54 static caravans, improvements to existing site access, creation of internal road layout, landscaping parcels and installation of a package treatment plant. (Extension of existing caravan park)

Application Type: Full Application

County Councillor E Jones spoke as the local representative.
 Mr B Humphreys spoke on behalf of Llangyniew Community Council.
 Mr N Jones spoke against the application.
 Mr G Jones spoke as the Agent.

In response to concerns raised about the impact on the water supply, the Principal Planning Officer advised that it would be for the developer to ensure that an appropriate license was sought prior to the development of the application site. An informative would therefore be attached to any grant of consent noting that a connection license must be sought from the relevant Water Undertaker which will consider the connection and/or capacity of the mains connection within the area. She confirmed that because the access lay within a C2 flood zone, the applicant had submitted a flood evacuation route which demonstrated that access to the site could be achieved in a flood event through a route unaffected by flooding utilising forestry roads/public rights of way which directly join up onto a classified county highway. The Highways Officer confirmed that the 215m visibility splay required was achievable and was in the ownership of the applicant.

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

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

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

The Committee received for information a list of decisions made by the Head of Property, Planning and Public Protection during the period between 17 February 2021 and 9 March 2021. The Professional Lead – Planning would contact Councillors Roger Williams and Jon Williams to discuss queries they had in respect of decisions made on applications in their wards.

County Councillor K Lewis (Chair)

This page is intentionally left blank

**Planning, Taxi Licensing and Rights of Way Committee
8th April 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:	Nature of Development:
Community:	Location of Development:
O.S. Grid Reference:	Applicant:
Date Received:	Recommendation of Head of Planning:

<p>19/0817/OUT</p> <p>Llandysilo Community</p> <p>327182 318339</p> <p>15/05/2019</p>	<p>Outline: Residential Development of up to 35 affordable dwellings, formation of vehicular access (some matters reserved)</p> <p>Land at Gornal Farm, Four Crosses Powys SY22 6RJ</p> <p>Mr P Davies</p> <p>Recommendation:</p> <p>Conditional Consent – subject to S106</p>
<p>21/0042/AGR</p> <p>Glasbury Community</p> <p>319550 241820</p> <p>29:01:2021</p>	<p>Full: Erection of a steel portal framed storage and machinery building</p> <p>Land adj to Llowes Court, Llowes, Hereford, Powys HR3 5JA</p> <p>Mr Edward Morris</p> <p>Recommendation:</p> <p>Conditional Consent</p>

This page is intentionally left blank

4.2

Planning, Taxi Licensing and Rights of Way Committee Report

Application Number: 19/0817/OUT
Grid Ref: E: 327182
N: 318339
Community Council: Llandysilio Community
Valid Date: 15.05.2019

Applicant: Mr P Davies

Location: Land At Gornal Farm, Four Crosses, Powys , SY22 6RJ

Proposal: Residential development of up to 35 affordable dwellings, formation of vehicular access (some matters reserved)

Application Type: Outline planning

The reason for Committee determination

In accordance with the Planning Protocol, the Local Member for Llandysilio Community has requested that this application be determined by Members of the Planning, Taxi Licensing and Rights of Way Committee.

Consultee Responses

Consultee

Received

Ward Councillor

28th May 2019

Can I please call this application for determination by the committee.

I am under the impression that it will have to be determined by the committee given the land is outside the development plan.

Myself and the community council have grave concerns re the access and highways issues.

Can you please confirm.

Community Council

6th Jul 2019

Re: 19/0817/OUT - Residential development of 35 Affordable dwellings , formation of vehicular access at Gornal Farm, Four Crosses.

Llandysilio Community Council have considered the above application at its meeting held on Thursday 27th June 2019.

The Community Council was very disappointed that this site was not included within the adopted L.D.P as it is central to the village but it has to be considered now as being outside the development plan and although the application is for Affordable dwellings, which could be considered as an acceptable departure from the plan, there are other problems as detailed below and because of this the Community Council wish to OBJECT to the above application;-

1. Contrary to Policy DM13 - Design and Resources

This application would add a further 35 affordable dwellings to the 24 affordable granted recently in respect of another site in Four Crosses. Whilst it was noted that Mid-Wales Housing are interesting in this development the Community Council feel that 59 affordable dwellings would be out of proportion for the Village.

There is concern that the existing infra-structure will not be able to cope with this additional housing - currently there is a 3 week waiting time for an appointment at the Four Crosses Surgery and a limited bus service to access the larger surgery at Llanfyllin or Welshpool. Llandysilio School is also reliant on mobile classrooms.

2. Contrary to Policy DM3 - Public Open Space

There are 3 Public Open Space's and a screen sound bund included as part of this development - whilst the management of these may be dealt with as a reserved matter, it is important to establish at this Outline stage as to how these spaces will be managed.

3. Contrary to T1 - Travel, Traffic & Transport Infrastructure.

This Policy seeks the safe and efficient flow of traffic for all transport users.

With an average of 2 cars per dwelling, the proposed development of 35 dwellings could bring an extra 70 cars with an average of 4 movements a day which would mean an increase in traffic of at least 280 vehicles a day. There is considerable concern over the proximity of the junction to that of Foxen Manor, the proximity to the 2 chicanes on either side, 2 bus stops and the entrance to the Old Creamery. The Community Council maintains its opinion that a roundabout would improve the safety here for all road users.

Wales & West Utilities - Plant Protection
Team

24th May 2019

Wales & West Utilities acknowledge receipt of your notice received on 23.05.2019, advising us of the proposals for: Gornal Farm, Four Crosses, LLANYMYNECH, Powys, SY22 6RJ According to our mains records Wales & West Utilities has no apparatus in the area of your enquiry. However Gas pipes owned by other GT's and also privately owned may be present in this area. Information with regard to such pipes should be obtained from the owners. Safe digging practices, in accordance with HS(G)47, must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all persons (either direct labour or contractors) working for you on or near gas apparatus. Please note that the plans are only valid for 28 days from the date of issue and updated plans must be requested before any work commences on site if this period has expired.

Environmental Health

5th Jun 2019

Re: Residential development of up to 35 affordable dwellings, formation of vehicular access (some matters reserved).

Noise impact

There are noise-emitting industrial and commercial premises adjacent to the application site. It is therefore important that noise impact is assessed in order to determine whether the application site is suitable for residential development.

However, this application has been submitted with an out-of-date, and therefore inappropriate, noise impact report.

The report, M1802/R01, specifically relates to the previous application on this site which was for 20 dwellings. The report goes into detail regarding the anticipated noise impact on each individual dwelling, and specifies the mitigation measures required to achieve acceptable noise levels at each property (i.e. standard of glazing, ventilation systems, orientation of the property, boundary treatments - fences etc.). For this reason, it is specific to the previous application and is not relevant for the current application.

It is also worth noting that at the time the noise assessment was carried out, there was a vacant industrial/commercial unit just to the north of the application site. Any assessment also needs to consider the potential noise impact from that unit as well, given its permitted planning use class.

Therefore, I must object to the application due to insufficient information on noise.

Ecologist

20th Jun 2019

Thank you for consulting me with regards to planning application 19/0817/OUT which concerns an outline planning application for residential development of up to 35 affordable dwellings, formation of vehicular access (some matters reserved) at Gornal Farm, Four Crosses Powys.

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

The data search identified 67 records of protected and priority species within 500m of the proposed development - no records were for the site itself.

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

An Ecological Appraisal report has been produced by Turnstone Ecology Ltd dated November 2017 and submitted with the planning application. The report has been undertaken to assess the potential of the development to impact any protected species presence or habitats of ecological value.

Following the ecological assessment of the site, habitats identified within the proposed development boundary are; improved grassland, hedgerow, trees and scrub.

It is also noted that a disused building is adjacent to the site.

With regards to protected species there is suitable habitats identified to support badgers and reptiles for foraging and commuting purposes.

Given the habitats identified within the site and surroundings it is considered unlikely that great crested newts and dormice would be present and affected by the proposed developments.

The hedgerow boundary and the trees are considered to be suitable habitats to support nesting birds. No evidence of nesting birds (e.g old nests) were recorded during the survey.

The disused building adjacent to the development site and the mature trees within the site boundary have been noted to have potential features to support roosting bats. The

hedgerow boundary with scattered trees is considered to be suitable foraging and commuting ground for bats.

In summary, the proposed development will be directly affecting ecological poor improved grassland and two 15m length of hedgerow of higher ecological value. In order to protect habitats and maintain biodiversity of the site mitigation measures and safe working methods will need to be incorporated as part of the proposed development.

- Proposed mitigation measure include;
- Tree and Hedgerow Protection Plan
- Tree and Hedgerow Compensation Scheme
- Working Method Statement Regarding Badger
- External Lighting Plan
- Provision of additional bat boxes within the final design of the development
- Timing of work - hedgerow removal to be undertaken outside of the bird nesting season
- Provision of bird nesting boxes within the final design of the development to compensate for the loss of suitable nesting habitat
- Working Method Statement Regarding Reptiles

Given the recommended mitigation and avoidance measures in section 4 of the ecological survey report, I consider that the proposed developments will not result in the loss of any features of ecological importance and it is considered the proposed works are unlikely to have a negative impact to biodiversity in the wider area. I therefore recommend that implantation of the mitigation and avoidance methods be secured through an appropriately worded condition.

If it is proposed to provide landscaping as part of the potential development consideration should be given to the development of a native landscape planting scheme. I do note from reviewing the Planning, Design & Access statement submitted with the planning application proposes that new trees will be planted on site as part of the proposed developments. It is recommended that details of any landscaping proposed are submitted in a detailed Landscape Planting Scheme including proposed species mixes (%), planting and aftercare schedules. It is therefore recommended that a tree and landscape planting scheme is secured through an appropriately worded condition.

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

following conditions:

The mitigation, avoidance and compensation measures regarding proposed and priority species identified in section 4 of the Ecological Appraisal report has been produced by Turnstone Ecology Ltd dated November 2017 shall be adhered to and implemented in full and maintained thereafter unless otherwise agreed in writing by the LPA.

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

Prior to commencement of development a Reasonable Avoidance Method Statement regarding Reptiles shall be adhered to, implemented in full, and maintained thereafter unless otherwise agreed in writing by the LPA.

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

Prior to commencement of development a Reasonable Avoidance Method Statement regarding Badgers shall be adhered to, implemented in full, and maintained thereafter unless otherwise agreed in writing by the LPA.

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

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

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

Prior to commencement of development a detailed Compensation Hedgerow Planting Plan shall be submitted for written LPA approval and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

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

Prior to the commencement of development a detailed lighting design scheme to take into account any impacts on nocturnal wildlife into consideration shall be submitted for written LPA approval and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's LDP Policies DM2, DM7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act.

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

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

In addition I recommend inclusion of the following informative:

Birds - Wildlife and Countryside Act 1981 (as amended)

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

o intentionally kill, injure or take any wild bird

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

o intentionally take or destroy the egg of any wild bird

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

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

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

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

Building Control

23rd May 2019

Building Regulations application required.

Highway Authority

21st Feb 2020

The application site was previously considered under P/2017/1096 Outline: Residential development for up to 20 dwellings, formation of a vehicular access, and all associated works where highway recommendations were provided.

The proposed access onto the county classified highway B4393 includes for amendments to the current county unclassified highway U4902 City Lane which are considered to form part of the access requirements and are shown on Drawing No. RPP/TW-JOB23-03 Rev. F.

The Technical Note (TN) submitted with the application reviews the impact of the proposed new access including modelling capacity, queuing and delay using industry standard approaches. The TN also comments on the previous application proposal based on a mini roundabout junction which was subsequently amended to the current staggered junction proposal. Having reviewed this against TD 54/07 Design of Mini-Roundabouts standard and Manual for Streets (MfS) 1 and 2 we are content that the proposed staggered junction is an appropriate solution. The junction spacing of 23 metres is considered acceptable within guidance given in MfS.

City Lane is currently accessed by two junctions neither of which would likely meet current best practice guidance/standards, being narrow and joining at an angle below desirable minimum. The relatively low traffic volumes on the B4393 combined with limited

properties along City Lane mean that this is not currently a problem. Introducing another junction for the proposed development would however create unacceptable conflict. The opportunity to combine City Lane into the new access arrangements will provide improved access/egress for users of City Lane by offering additional road width, improved angles of approach and visibility.

A short section of City Lane will no longer be required for vehicle access but will be retained as a Pedestrian Access Route. The removal of vehicle use adjacent to City House is considered essential and necessary to ensure the integrity of the access proposal. The most expeditious route to implement this would likely be through an application to the Secretary of State under Section 247 of the Town and Country Planning Act 1990.

The B4393 has traffic calming and public transport provision in close proximity to the proposed access. Whilst it is proposed to relocate the bus stop no review of the traffic calming has been included. The traffic calming likely contributes to low vehicle speeds and a review of provision to maintain this would be appropriate to ensure that it complements the proposed layout.

In the event that consent is given the highway authority would recommend the following conditions be attached:

1. Prior to any works being commenced full engineering drawings for the access comprising: the proposed access onto the B4393; the realignment of City Lane and the pedestrian access route (connecting City Lane to the B4393 running adjacent to City House) shall be submitted to and approved in writing by the local planning authority.
2. Prior to any works being commenced a review of traffic calming and/or amenity facilities along the B4393; the pedestrian access route; the new access and Offas Dyke Road/ Ffordd Clawdd Offa together with a scheme for any required changes identified shall be submitted to and approved in writing by the local planning authority.
3. Prior to any works being commenced a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for details on the construction sequencing, the minimisation of disruption and in particular the protection of health and safety of highway users.
4. No other development shall commence until the access has been constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 5.5 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 12 metres distant in each direction measured from the centre of the access along the edge of the adjoining

carriageway and 2.4 metres distant from the edge of the adjoining carriageway and 43 metres in each direction.

Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

5. Upon formation of the visibility splays as detailed above the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.

6. No development works shall commence until all access works comprising the proposed access onto the B4393; the realignment of City Lane and the pedestrian access route (connecting City Lane to the B4393 running adjacent to City House) are completed to the written satisfaction of the planning authority.

Reason for the recommendation:

To ensure compliance with Policy T1 Travel, Traffic and Transport Infrastructure of the Powys Local Development Plan (LDP)

Informative:

Whilst Layout of the development is not part of this application attention is drawn to the need to maintain forward visibility on the realigned section of City Lane. The indicative layout for plots 25 and 26 in Drawing No. RPP/TW-JOB23-03 Rev. F may need to be amended to achieve this. In addition, the parking for plots 25 and 26 will need to be reconsidered to ensure that the angle and/or location onto the highway are appropriate.

Such consideration will also be required for other plots within the internal layout e.g.4, 14, 18, 27, 28, 34.

Advisory Notes

NOTE: THE ATTENTION OF THE APPLICANT MUST BE DRAWN TO RELATED HIGHWAY LEGISLATION WHICH MAKES PROVISION FOR THE FOLLOWING:1

1. All major off-site highway works shall be subject to an agreement (supported by a road bond) under Section 278 of the Highways Act 1980. The design and detail required as part of a Section 278 Agreement shall be prepared by the applicant and approved by Powys County Council. Implementation of the approved scheme shall be at the expense of the developer. Further information relating to Section 278 requirements can be found in Section 1.5 of the Powys County Council Highway Design Guide.

2. Where development results in (or retains the potential for) the creation of a private

street (typically development in excess of 5 dwellings) Powys County Council has a statutory duty to issue and enforce an Advance Payment Code Notice (APC) under the provisions of Sections 219/220 of the Highways Act 1980. The Notice requires the applicant to secure a sum or bond with the street works authority that covers the estimated costs of the identified street works.

Applicants/developers may choose to discharge their private street works obligations by entering into a formal road adoption agreement with the local highway authority under Section 38 of the Highways Act 1980. Further information relating to the APC procedure and Section 38 road adoption agreements can be found in Sections 2.1 & 2.2 of the Powys County Council Highway Design Guide.

3. The developer shall pay the reasonable costs incurred by Powys County Council for the procurement and implementation of any requisite Traffic Regulation Order, in addition to the manufacture and erection of all associated signage.

4. 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.

5. 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.

6. 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.

7. 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.

8. 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.

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

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

Schools Service

20th Jun 2019

As there is significant surplus capacity at the local high school and catchment primary school the Education Service does not wish to submit a bid for a Section 106 funding in respect of this planning application.

Natural Resources Wales (North) DPAS

25th Jun 2019

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which was received on 23/05/2019.

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

Protected Species

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

If any mature trees will need to be felled as part of the scheme, the trees should be checked for features that may be used by bats (i.e. cavities, cracks, holes & ivy cover). Where impacts on bats are considered likely, then those trees should be subject to emergence surveys at an appropriate time of year.

Should bats be found to be using the trees as roosting sites then we would expect you to propose and deliver appropriate mitigation and/or compensation schemes, along with Reasonable Avoidance Measures, to ensure the favourable conservation status of the species is maintained.

Care should be taken in the type and location of any external lighting within the new development, to ensure that the trees and hedgerows identified on the site are not illuminated. We advise that a light spillage scheme from the development should be agreed to the satisfaction of the local authority.

Ein cyf/Our ref: SJ21/GB/CAS-88283-C8F5

Eich cyf/Your ref: 19/0817/OUT

Swyddfa Llywodraeth Cymru/Welsh Government Building,

Rhodfa Padarn,

Llanbadarn Fawr,

Aberystwyth

SY23 3UR

northplanning@cyfoethnaturiolcymru.gov.uk

03000 65 4680

Foul Drainage

The proposal is in the catchment area of a public mains sewer, to which we assume a connection to be made. A connection to this system must be discussed with the sewerage undertaker.

Flood Risk

The proposal site is in Zone A as defined by the Development Advice Map referred to under TAN15: Development and Flood Risk (July 2004), and is therefore considered to be at little or no risk of fluvial or tidal/coastal flooding.

All surface water drainage matter must be dealt with by the Lead Local Flood Authority (LLFA).

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

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

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

Pollution Prevention

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

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/485215/pmh

o0412bwfe-e-e.pdf

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

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

Waste

The activity of importing waste into the site for use as, for example hardcore, must be registered by the Natural Resources Wales as an exempt activity under Environmental Permitting Regulations 2010. The developer should contact Natural Resources Wales to discuss the necessity for an exemption permit for any material imported to and exported from the site.

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

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

Cadw - SAM

4th Jun 2019

Thank you for your letter of 23 May 2019 inviting our comments on the information submitted for the above planning application.

Advice

Having carefully considered the information provided with this planning application, we consider that it is inadequately documented. Our assessment of the application is given below.

Our role

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

National Policy

Applications for planning permission are considered in light of the Welsh Government's land use planning policy and guidance contained in Planning Policy Wales (PPW), Technical Advice Notes and related guidance. PPW (Chapter 6 - The Historic Environment) explains that It is important that the planning system looks to protect, conserve and enhance the significance of historic assets. This will include consideration of the setting of an historic asset which might extend beyond its curtilage. Any change that impacts on an historic asset or its setting should be managed in a sensitive and sustainable way. The conservation of archaeological remains and their settings is a material consideration in determining a planning application, whether those remains are a scheduled monument or not. Where nationally important archaeological remains are likely to be affected by proposed development, there should be a presumption in favour of their physical protection in situ. It will only be in exceptional circumstances that planning permission will be granted if development would result in a direct adverse impact on a scheduled monument (or an archaeological site shown to be of national importance) Technical Advice Note 24: The Historic Environment elaborates by explaining that when considering development proposals that affect scheduled monuments or other nationally important archaeological remains, there should be a presumption in favour of their physical preservation in situ, i.e. a presumption against proposals which would involve significant alteration or cause damage, or would have a significant adverse impact causing harm within the setting of the remains. PPW also explains that local authorities should value, protect, conserve and enhance the special interests of parks and gardens and their settings included on the register of historic parks and gardens in Wales and that the effect of a proposed development on a registered park or garden or its setting should be a material consideration in the determination of a planning application.

Assessment

The application is accompanied by an archaeological assessment prepared by Clwyd-

Powys Archaeological Trust; however this document was prepared for a previous application (P/2017/1096) which was for 20 dwellings rather than the 35 proposed in the current application. Whilst it is noted that the proposed dwellings are in similar areas to those proposed in the previous application and therefore it could be considered that the results of the assessment will be similar; however, the current assessment does not consider the impact of the proposed "screen sound bund" on the setting of scheduled monument MG033 Offa's Dyke: Section extending 3000m SE to Bele Brook, Llandrinio. This will be a material consideration in the determination of this application (see Planning Policy Wales 2018 section 6.1.23) and therefore the applicant should be requested to provide a revised assessment of the proposed development on the setting of scheduled monument MG033.

CPAT

28th May 2019

Thank you for the consultation on this application.

We note the addition of a sound bund on the western side of the development area which approaches at the southern end up to the point where the former Offa's Dyke rampart bank was located. While the bank has been subsequently truncated here there may be sub-surface evidence of the bank base and anything that it was built over. Works to strip the ground ready for a bund base may therefore reveal archaeological deposits that would require excavation prior to their removal.

In this case we would recommend a comprehensive archaeological watching brief on all ground works at the south west corner of the development site to ensure any archaeology revealed is adequately recorded.

In this case the condition will be:

Suggested planning condition to facilitate an archaeological watching brief

The developer shall ensure that a suitably qualified archaeological contractor is present during the undertaking of any ground works in the development area so that an archaeological watching brief can be conducted. The archaeological watching brief must meet the standards laid down by the Chartered Institute for Archaeologists Standard and Guidance for archaeological watching briefs.

A copy of the resulting report should be submitted to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust (41 Broad Street, Welshpool, Powys, SY21 7RR Email: mark.walters@cpat.org.uk Tel: 01938 553670). After approval by the Local Planning Authority, a copy of the report and resulting archive should also be sent to the Historic Environment Record Officer, Clwyd-Powys

Archaeological Trust for inclusion in the regional Historic Environment Record.

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

I have attached information on sources of archaeological contractors who may wish to tender for the work and a copy of the standard brief. Please pass these on to the applicant so that they are fully informed of the requirements.

Cadw

17th Aug 2020

Thank you for your letter of 27 July 2020 inviting our comments on the additional information submitted for the above planning application.

Advice

We have significant concerns about the impact upon the scheduled monument MG033 Offa's Dyke which would give us cause to object to the application unless an acoustic fence is installed to replace the 30m long section of bund that is currently 2m high. This would reduce the impact of the proposed development on the setting of the scheduled monument to a level that was not significant and therefore acceptable.

Our assessment of the application is given below.

Our role

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

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

National Policy

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

Technical Advice Notes and related guidance.

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

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

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

Assessment

A revised archaeological assessment prepared by Clwyd-Powys Archaeological Trust has been submitted in support of this application which considers the impact of the proposed screen sound bund on the setting of scheduled monument MG033 Offa's Dyke: Section extending 3000m SE to Bele Brook, Llandrinio.

The proposed bund will be located alongside the western boundary of the application area. It will commence at the south western end of the application area where it meets the line of Offa's Dyke and to reduce the impact of the proposed bund on the setting of the scheduled monument the bund will initially be some 2m in height increasing to some 5m high circa 30m away. The reduction in the height of the proposed bund will provide some mitigation on the impact of the proposed development on the setting of the scheduled monument. However, we are concerned that any bund commencing at the corner of the field in close proximity to the visible section of Offa's Dyke is likely to be misconstrued as being the line of the Dyke (especially by walkers on the Offa' Dyke Path). This is particularly likely given the lack of visual evidence for the continuation of the Dyke on its original line and that the path has been previously diverted off the line of the Dyke.

The setting of an historic asset includes the surroundings in which it is understood, experienced and appreciated, embracing present and past relationships to the surrounding landscape. As such, it is clear that the proposed bund could be misunderstood as being Offa's Dyke and will alter the way that the scheduled monument will be experienced and appreciated. The Clwyd-Powys Archaeological Trust has assessed the proposed bund as having a moderate/large and therefore significant impact on the setting of scheduled monument MG033. We agree with this assessment and would have cause to object to the granting of consent due to the impact of the bund. However, we consider that the proposal could be amended to an acceptable level if the 2m high, 30m long section of the bund was removed from the scheme and an acoustic fence installed instead. This would reduce the impact of the proposed development on the setting of the scheduled monument to a level that is not significant and therefore acceptable.

Community Council

2nd Sep 2020

Llandysilio Community Council have considered the additional information at a 'remote' meeting held on Thursday 27th August 2020.

The Community Council felt that more information was needed about the precise size of the proposed earth bund as on the plans it states between 2 - 5.5m - what would the width of the bund be?. Councillors also felt that more information was needed as to how this earth bund will impact on the Offa's Dyke Footpath.

The Community Council would also like assurance from the Highways Officer that the proposed staggered junction is acceptable taking into account its close proximity to the traffic calming build-out and in the other direction a mini-roundabout.

The Community Council will maintain its OBJECTION as the development is considered over-development in terms of affordable housing as 31 have already been granted on 2 sites in the Village. As such the application is contrary to Policy DM13 - Design and Resources.

Natural Resources Wales (North) DPAS

29th Jul 2020

Thank you for consulting NRW on additional information submitted in support of the above. We do not have any further comments to make to those made in our letter referenced SJ21/GB/CAS-88283-C8F5 dated 25/06/2019.

Schools Service

28th Jul 2020

I have reviewed the additional information and as there is significant surplus capacity and the local high school and catchment primary school, the Education Service does not wish to submit for a S106 funding in respect of this application.

Wales & West Utilities - Plant Protection
Team

27th Jul 2020

Wales & West Utilities plans should now be obtained from LSBUD (<https://eur03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.linesearchbeforeudig.co.uk%2F&data=02%7C01%7Cplanning.consultations%40powys.gov.uk%7C5146c82358ad48a446cd08d83234e954%7Cc01d9ee10eb0475499ae03ae8a732b50%7C0%7C0%7C637314550121098823&sdata=hi3uKc67qD7%2FngQh%2FHibUiRBoKH50LDA76TDYcebpu%3D&reserved=0>).

If you are working on behalf of a utility company, local authority or contractor working on behalf of a local authority and would still like to continue receiving asset information directly from WWU's Plant Protection Team, an administration fee of £36.00 + VAT will now be applicable.

If you would like to proceed with your request, please let us know whether you will be paying by card or cheque and we will process your request.

Environmental Health

23rd Nov 2020

Re: Residential development of up to 35 affordable dwellings, formation of vehicular access (some matters reserved) | Land At Gornal Farm Four Crosses Powys SY22 6RJ.

Noise assessment

The new noise impact assessment has determined that without mitigation the site will not be appropriate for residential development. The report then goes on to list a number of mitigation options.

However, the applicant/agent needs to confirm which options will be utilised and provide plans which detail their location and specification.

Details required include:

- Details of the earth bund;

- Details of the acoustic fencing at the northern site boundary;
- Details of any other proposed mitigation measures such orientation of bedrooms, glazing/ventilation, 'boundary treatments' (garden fencing) etc.

The applicant/agent should also demonstrate that the selected suite of mitigation measures reduce the noise impact to an acceptable level at all proposed dwellings at all times of the day.

Environmental Health

16th Dec 2020

I note the comments of the agent in response to my questions concerning the noise mitigation measures. I am satisfied that a suite of mitigation measures, as outlined in the Matrix noise report, are capable of reducing noise to acceptable levels. However, the precise measures do need to be decided upon, and the specifications agreed, prior to development.

If these details need to wait until the reserved matters stage, if that is an option, then I do not have a problem with that approach.

Representations

The application was advertised via site notice and press advertisement. Two objections were received and are summarised below;

- Insufficient information to assess impact on rights of way
- Proximity of new development to commercial site
- Impact on amenity of new properties from neighbouring industrial units
- Need for affordable housing
- No SAB application submitted

Planning History

P/2017/1096 - Outline: Residential development for up to 20 dwellings, formation of a vehicular access, and all associated works | Land At Gornal Farm Four Crosses Powys SY22 6RJ. Application refused 25th May 2018.

Principal Planning Constraints

Scheduled Ancient Monument – Offa's Dyke
Public Right of Way
Industrial units in close proximity

Principal Planning Policies

National Planning Policy

Future Wales: The National Plan 2040 (2021)

Planning Policy Wales (2021)

Technical Advice Note 1 - Joint Housing Land Availability Study (2015)

Technical Advice Note 5 - Nature Conservation and Planning (2009)

Technical Advice Note 11 – Noise (1997)

Technical Advice Note 12 - Design (2016)

Technical Advice Note 15 - Development in Flood Risk Areas (2004)

Technical Advice Note 18 – Transport (2007)

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

Technical Advice Note 23 - Economic Development (2014)

Technical Advice Note 24 – The Historic Environment (2017)

Local Planning Policy

Powys Local Development Plan (April 2018)

SP1 Housing Growth

SP3 Affordable Housing Target

SP5 Settlement Hierarchy

SP6 Distribution of Growth across the Settlement Hierarchy

SP7 Safeguarding of Strategic Resources and Assets

DM1 Planning Obligations

DM2 The Natural Environment

DM3 Public Open space

DM4 Landscape

DM5 Development and Flood Risk

DM6 Flood Prevention Measures and Land Drainage

DM7 Dark Skies and External Lighting

DM8 Minerals Safeguarding

DM10 Contaminated and Unstable Land

DM13 Design and Resources

T1 Travel, Traffic and Transport Infrastructure

H1 Housing Development Proposals

H2 Housing Sites

H3 Housing Delivery

H4 Housing Density

Supplementary Planning Guidance - Affordable Housing (2018)

Supplementary Planning Guidance – Biodiversity and Geodiversity (2018)

Supplementary Planning Guidance – Landscape (2018)

Supplementary Planning Guidance – Planning Obligations (2018)

Other Legislative Considerations

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

Marine and Coastal Access Act 2009

Officer Appraisal

Site Location and Description

The site subject to this application adjoins the settlement development boundary of Four Crosses as defined by the adopted Local Development Plan (2018) and extends to approximately 2.09 hectares. The site currently comprises of agricultural land, the topography of which is relatively flat. The site is bound to the north by existing agricultural buildings, to the east by existing residential dwellings, to the south by agricultural land, buildings and right of way, and to the west by existing buildings.

Consent is sought in outline for the erection of 35 affordable dwellings together with the provision of a vehicular access. Matters relating to appearance, layout, scale and landscaping are reserved for future consideration.

Planning History

Outline planning permission for the erection of 20 dwellings comprising of open market dwellings and affordable units was refused by the Local Planning Authority under planning reference P/2017/1096. The reasons for refusal were as follows;

1. The proposed development is considered to be unjustified development in the open countryside contrary to policies SP6 and H1 of the Powys Local Development Plan.
2. . Insufficient information has been provided to demonstrate that the development of a minerals safeguarding area is justified. The proposed development is therefore considered to be contrary to Policy DM8 and SP7 of the Powys Local Development Plan (2018), policy GP4 of the Unitary Development Plan (March 2010), Technical Advice Note 18 and Planning Policy Wales (9th Edition, 2016).
3. Insufficient information has been provided to assess the impact of the proposed acoustic barrier on the Offa's Dyke Scheduled Monument. The proposed development is therefore contrary to Planning Policy Wales, TAN24 and LDP policy SP7.

Principle of Development

Strategic policy SP5 confirms that the LDP spatial strategy is based on a sustainable settlement hierarchy which takes account of a settlement's size, levels of service provision and the capacity and suitability of a settlement to accommodate sustainable growth. The sustainable settlement hierarchy comprises:

- Towns
- Large Villages
- Small Villages
- Rural Settlements
- Open Countryside including the Undeveloped Coast

The development limits for Towns and Large Villages are set by designated Development Boundaries shown on the LDP inset maps. For the purpose of the plan, Members are advised that Four Crosses is defined as a Large Village. In such locations, the LDP anticipates at least 25% of the Plan's housing growth will be directed through commitments, new allocations or affordable housing on exception sites where these form a logical extension to the settlement.

Affordable Housing Exception Sites & Delivery

As an exception to normal housing policy, LDP policy H6 allows the development of sites for 100% affordable housing to meet local needs in locations not normally acceptable for residential development in accordance with PPW and TAN 2. Sites adjacent to Towns and Large Villages are likely to be suited to accommodating the larger affordable housing schemes and therefore these sites are reserved for development by Registered Social Landlords, or equivalent organisations, or the Strategic Housing Authority.

In accordance with policy H6, new affordable homes should be of a size, scale and tenure that is commensurate with the defined need. The Powys Local Housing Market Assessment (LHMA) provides robust evidence of local housing need and confirms that there is an overall need for affordable housing across all areas of Powys however it identifies a greater need for additional affordable housing for smaller households of 1 or 2 bedrooms. The Affordable Housing SPG indicates that the LHMA is currently undergoing review and therefore the Council will consider other sources of evidence in order to determine need, including the Common Housing Register (identifies need for social housing) and the Affordable Housing Register (Tai Teg).

Whilst the site subject to this application is, for the purposes of the Plan defined as open countryside, the site immediately adjoins the settlement development boundary of Four Crosses and proposes 100% affordable housing. The indicative site plan indicates the provision of the following;

- 1BB - 4no House Type 1 – 1 bed bungalow – 645sqft (60sqm)
- 2BB - 5no House Type 2 – 2 bed bungalow – 861sqft (80sqm)
- 2BH - 12no House Type 3 – 2 bed house – 893 sqft (83sqm)

3BH - 9no House Type 4 – 3 bed house – 1,012 sqft (94sqm)
4BH - 5no House Type 5 – 4 bed house – 1,227 sqft (114sqm)

It is noted by Officers that concerns regarding the principle of the proposed development have been expressed by the Community Council. In particular, concerns relate to the perceived oversupply of affordable housing within the Village given recently consented schemes together with an LDP allocation (P18 HA1, 32 dwellings). Whilst acknowledging the concerns put forward, Officers are satisfied that the proposal includes an appropriate mix of housing, reflective of the housing need as evidenced by the Commons Housing Register together with correspondence submitted by Mid Wales Housing who are understood to be interested in acquiring the site for development. On this basis, it is considered that the proposal is in accordance with LDP policies H1, H3 and H6.

Housing Density

All housing development proposals should seek to make the most sustainable and efficient use of land. The density for any proposed housing development should be in accordance with the guide ranges detailed within the LDP *unless justified by evidence of local circumstances or constraints*. Within Towns and Large Villages, the LDP indicates a density of a minimum of 27 units per hectare.

The application site area extends to approximately 2.09 hectares and proposes the erection of 35 dwellings, achieving a density of 16.7 units per hectare which Officers acknowledge is considerably below the 27 unit threshold as above. Whilst noting the reduced housing density, Officers are mindful of constraints specific to the site location, namely proximity to Offa's Dyke Scheduled Ancient Monument and adjoining industrial units which present potential noise implications. Three distinct areas of open space have been proposed to limit the developments impact on the Offa's Dyke Scheduled Monument, the Offa's Dyke Path, and to allow for noise mitigation and buffer to the north-west and west of the development site. The third section of open space is provided due to the need to realign the highway for access to City Lane.

In support of the application and proposed density, evidence has been provided by the applicant's agent which indicates that the site constraints have led to the proposed layout. The agent has also confirmed that when taking out those areas the remaining areas of the site to be developed are developed at 27 dwelling per hectare and as such comply with policy.

Agricultural Land

Planning Policy Wales confirms that agricultural land of grades 1, 2 and 3a of the Agricultural Land Classification system (ALC) is the best and most versatile, and should be conserved as a finite resource for the future. When considering the search sequence and in development plan policies and development management decisions considerable weight should be given to protecting such land from development, because of its special

importance. Land in grades 1, 2 and 3a should only be developed if there is an overriding need for the development.

Members are advised that the application site is classified as Urban and does not fall within the grades 1, 2 or 3a.

Appearance, Layout and Scale

Proposals for new development outside the Towns, Large Villages, Small Villages and Rural Settlements defined in the Settlement Hierarchy must not, individually or cumulatively, have an unacceptable adverse effect, on the valued characteristics and qualities of the Powys landscape and therefore must be appropriate and sensitive in terms of integration, siting, scale and design. The objectives of policy DM4 as above are further endorsed within policy DM13 which emphasises the need for development proposals to complement and/or enhance the character of the surrounding area.

Guidance within the recently adopted Landscape SPG indicates that outside of settlements, applications for residential development of ten dwellings or more should be supported by a Landscape and Visual Impact Appraisal together with details within the Design and Access Statement confirming how the proposal accords with policy DM4. Whilst no LVIA has been submitted, matters relating to design and siting are discussed within the accompanying design and access statement. Although located outside of the settlement development boundary, the proposed development adjoins the settlement limits and is enclosed by existing development within the village meaning that the proposed development will be seen as an integral part of the built form thus safeguarding existing character and appearance.

Details relating to appearance, layout and scale have been reserved for future consideration however on the basis of the information submitted to date, Officers are satisfied that an appropriate scheme which complements the surrounding area whilst safeguarding residential amenity is capable of being secured. The proposal is therefore considered to be in accordance with LDP policies DM4 and DM13.

Highway Safety and Movement

Policy DM13 confirms that development proposals will only be permitted where 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. Development proposals should 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 proposed access onto the county classified highway B4393 includes for amendments to the current county unclassified highway U4902 City Lane which are

considered to form part of the access requirements and are shown on Drawing No. RPP/TW-JOB23-03 Rev. F. Parking and turning provision for the proposed residential units will be provided within the application site boundary.

In commenting on the proposed development, the Highway Authority has confirmed that they are satisfied with the proposal subject to the recommended conditions being attached to any planning permission granted. Based upon the comments received, Officers are satisfied that sufficient highway provision is capable of being secured, compliant with the aforementioned policies.

Open Space Provision

Policy DM3 of the Powys LDP states;

Development proposals either partially or wholly located on existing Open Space will only be permitted where it can be demonstrated that:

1. There is an excess of such provision in the area; and
2. There is no longer a requirement for that type of open space in the area; and
3. The site would not be suitable to provide an alternative type of Open Space for which there is a shortfall; or
4. It can be demonstrated that alternative provision can be made available that is of enhanced or equivalent community benefit in terms of its size, characteristics, location and accessibility.

Provision for new Open Space will, subject to viability, be sought from all housing developments of 10 or more dwellings. The type and nature of the provision will be determined by the deficiencies identified in the Open Space Assessment for the locality and, depending on the individual circumstances, may be provided on or off site.

On reviewing the Open Space Assessment, whilst the site has access to an outdoor pitch, cemetery and amenity open space, it is noted that there is no Local Area of Play (LAP) or Local Equipped Area of Play within Four Crosses. Whilst no formal area of open space has been identified within the proposed scheme, Officers consider that this is capable of being secured through an appropriate legal agreement. Should Members be minded to grant consent, it is recommended that a S106 agreement be prepared to secure the provision and future maintenance of the open space provision on site in accordance with policy DM3 of the Powys LDP.

Cultural Heritage

Listed Buildings:

Section 66 of the Planning (Listed Buildings and Conservation areas) Act 1990, requires Local Planning Authorities considering applications for planning permission for works which affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of the building.

The general duty with regards to listed buildings in exercising planning functions is set out within Technical Advice Note 24: The Historic Environment. It states that the local planning authority shall have special regards to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses when considering whether to grant planning permission for a development. This duty is echoed in LDP Policy SP7.

The application site does lie in close proximity to three Grade II listed buildings, as outline in the Built Heritage report. The Powys Built Heritage Officer has been consulted on the application and concluded as follows;

“The current proposed layout is similar to the amended plan on the previous application and has retained City Lane as a footpath and included an area of open space adjacent to City House and Shop, and retaining City Lane as a visual separation. The existing arrangement of the house and post office on the junction of 2 former roads,- one of which will be a footpath as proposed would enable the boundary railings and walls to remain in situ in an original legible location. This would retain the current position of City House and shop and not incorporating this pair of listed buildings into a new housing development.

The public open space would separate the development from the listed building retaining the character. It is noted that the field will be developed, however much of Four Crosses has been developed where not previously developed, and it is considered that the listed City House and Shop (Cadw ID 8527 and Cadw ID 8528) are now read as part of the settlement of Four Crosses.

As such I would raise no objections to the proposal as submitted.”

In light of the comments above it is considered that the proposed development would not harm the setting of nearby listed buildings.

Scheduled Monuments:

Technical Advice Note 24 confirms that the conservation of archaeological remains is a material consideration in determining a planning application. When considering development proposals that affect scheduled monuments or other nationally important archaeological remains, there should be a presumption in favour of their physical preservation *in situ*, i.e. a presumption against proposals which would involve significant alteration or cause damage, or would have a significant adverse impact causing harm within the setting of the remains. In cases involving less significant archaeological remains, local planning authorities need to weigh the relative importance of the archaeological remains and their settings against other factors, including the need for the proposed development.

Where development might reveal, disturb or destroy archaeological remains, it is important that the opportunities to record archaeological evidence are taken and that archaeological remains are not needlessly destroyed.

The application site is located within proximity of Offa's Dyke – a Scheduled Ancient Monument. In response to Cadw's comments of 4th June 2019, a revised archaeological assessment prepared by Clwyd-Powys Archaeological Trust has been submitted in support of this application which considers the impact of the proposed screen sound bund on the setting of scheduled monument which is to be located alongside the western boundary of the application site.

The bund will commence at the south western end of the application site where it meets the line of Offa's Dyke. In order to reduce the impact of the proposed bund on the setting of the scheduled monument, it will initially measure approximately 2 metres in height increasing to some 5 metres in height circa 30 metres away. Whilst noting that the reduction in height of the proposed bund will provide a degree of mitigation, Cadw maintained its concern in relation to the bund commencing at the corner of the field in close proximity to the visible section of Offa's Dyke, suggesting that it is likely to be misconstrued as being the line of the Dyke (especially by walkers on the Offa' Dyke Path). This being particularly likely given the lack of visual evidence for the continuation of the Dyke on its original line and that the path has been previously diverted off the line of the Dyke.

The setting of an historic asset includes the surroundings in which it is understood, experienced and appreciated, embracing present and past relationships to the surrounding landscape. On the basis of the advice received, it is understood that the proposed bund could be misunderstood as being Offa's Dyke and will alter the way that the scheduled monument is experienced and appreciated. In concluding the archaeological assessment, Clwyd-Powys Archaeological Trust assessed the proposed bund as having a moderate/large and therefore significant impact on the setting of scheduled monument, a conclusion which is supported by Cadw resulting in a further objection to the proposal.

However, in their response Cadw advised that they consider that the proposal could be amended to an acceptable level if the 2m high, 30m long section of the bund was removed from the scheme and an acoustic fence installed instead. This would reduce the impact of the proposed development on the setting of the scheduled monument to a level that is not significant and therefore acceptable.

In line with the comments received from Cadw the agent has amended the plans to include a 2 metre high acoustic fence for 30 metres and the bund has been removed from this section.

As such it is considered that the development would not harm the setting of the scheduled monument and is considered to be in accordance with TAN24 and LDP Policy SP7.

Ecology and Biodiversity

Development proposals shall demonstrate how they protect, positively manage and enhance biodiversity and geodiversity interests including improving the resilience of

biodiversity through the enhanced connectivity of habitats within, and beyond the site. In accordance with policy DM2, development proposals will only be permitted where they do not unacceptably adversely affect designated sites, protected species and their habitats together.

Planning Policy Wales (PPW) sets out that “planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity”. More recently, Welsh Government correspondence offered further clarity on the implementation of legislation and Government policy as outlined above, confirming that where biodiversity enhancement is not proposed as part of an application, significant weight will be given to its absence, and unless other significant material considerations indicate otherwise it will be necessary to refuse permission.

The application is accompanied by an Ecological Appraisal produced by Turnstone Ecology Ltd which assesses the potential of the development to impact any protected species presence or habitats of ecological value. Mitigation and avoidance measures are thereafter detailed within section 4 of the ecological survey report. In commenting on the submission, the County Ecologist has confirmed that the proposed development will not result in the loss of any features of ecological importance nor is it considered that the development will have a negative impact to biodiversity in the wider area.

In terms of biodiversity enhancement, whilst indicative, the submitted block plan indicates the implementation of new landscaping across the site which it is considered will offer enhancement opportunities at this location, proportionate to the development proposed. Further consideration will be given to landscaping at reserved matters stage.

On the basis of the information submitted and consultee comments, Officers do not consider that the proposed development will adversely affect protected species, habitats or biodiversity, compliant with policies SP7 and DM2 of the Powys LDP, Technical Advice Note 5 and Planning Policy Wales.

Residential Amenity

LDP policy DM13 seeks to safeguard the amenities enjoyed by the occupants or users of nearby or proposed properties by reasons of noise, dust, air pollution, litter, odour, hours of operation, overlooking or any other planning matter.

The application is accompanied by a Noise Impact Assessment which has been subject to review by Environmental Health. In commenting on the submission, Environmental Health are content that a bund and acoustic fence are utilised to mitigate the impact of the existing commercial units on the proposed dwellings. They consider that the submission details a suite of mitigation that will safeguard the future occupiers of the dwellings subject to conditions requiring detailed drawings and information being submitted at reserved matters stage.

As such it is considered that the proposed development is in accordance with policy DM13 of the Powys LDP.

Mineral Safeguarding

Mineral Safeguarding Areas have been designated for sand and gravel, sandstone, limestone, igneous rocks and surface coal and these are shown on LDP Proposals Map. More specifically, policy DM8 seeks to ensure that mineral resources are not needlessly sterilised by other development, so that they may remain accessible to future generations in accordance with PPW and MTANs. Defining Mineral Safeguarding Areas carries no presumption that the mineral resources will be worked, merely that the location of the mineral is known. Rather, Mineral Safeguarding Areas should be considered as a form of constraint area to ensure that the presence of mineral resources is adequately and effectively considered in planning decisions.

Criterion 5 of DM8 states that non-mineral development proposals will only be permitted where it can be demonstrated by the developer that there is an over-riding need in the public interest for the development. As the LPA are content with the principle of development in terms of the need for affordable housing it is considered that the development is acceptable in terms of policy DM8. However the agent has also confirmed that a condition requiring any minerals found at the site to be utilised within the development would be acceptable. This is also in line with the LDP which states that proposals to reuse the mineral resource (for example sand and gravel) within the proposed development to minimise the need to import minerals over long distances would be supported

Recommendation

Having carefully considered the proposed development and notwithstanding the concerns expressed, Officers consider the principle of development to be acceptable. The LHMA evidences a proven need to deliver a greater supply of affordable housing across the County which is further supported by the Commons Housing Register.

Based upon the evidence accompanying the application, it is considered that the proposed housing reflects the housing need within Four Crosses, which given its Large Village status is considered to be a sustainable location. For the reasons indicated above, the proposal is considered to accord with planning policy, therefore the recommendation is one of consent subject to a S106 agreement, and the conditions detailed below.

Conditions:

1. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be

carried out as approved.

2. Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. The development shall be carried out in accordance with the following approved plans and documents;

Location Plan RPP/TW-JOB23-01

Traffic Report produced by SK Transport Planning dates 24th November 2017

Noise Impact Assessment produced by Matrix dates 2nd February 2018

Noise Levels within Gardens provides by Matrix dated 19th February 2018

Archaeological Assessment produced by CPAT dated December 2017

Design and Access Statement produced by Roger Parry and Partners dated May 2019

Ecological Appraisal produced by Turnstone dated November 2017

Archaeological Assessment produces by CPAT dated July 2020

Noise Impact Assessment produced by Matrix dated 6th July 2020

5. A scheme for the provision of affordable housing shall be submitted to and approved in writing by the local planning authority at the same time as the matters referred to in condition 1 above. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of TAN 2 or any future guidance that replaces it. The scheme shall include: i) the numbers, type (including no. of bedrooms) tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 100% of housing units/bed spaces; ii) the arrangements for the transfer of the affordable housing to an affordable housing provider; iii) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and iv) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
6. The affordable dwellings shall have a maximum gross floor area of 115 square metres (measured internally and including garages where designed as an integral part of the dwelling) and notwithstanding the provisions of schedule 2, part 1, classes A, B, C and E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), the affordable dwelling shall not be subject to extensions, roof alterations and buildings other than those expressly authorised by the reserved matters approval.

7. Details of the proposed acoustic barrier and bund shall be submitted to and approved in writing by the local planning authority at the same time as the matters referred to in condition 1 above.
8. Prior to any works being commenced on the development site, full engineering drawings for the access comprising: the proposed access onto the B4393; the realignment of City Lane and the pedestrian access route (connecting City Lane to the B4393 running adjacent to City House) shall be submitted to and approved in writing by the local planning authority.
9. Prior to any works being commenced on the development site, a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for details on the construction sequencing, the minimisation of disruption and in particular the protection of health and safety of highway users.
10. No other development shall commence until the access has been constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 5.5 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 12 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway and 2.4 metres distant from the edge of the adjoining carriageway and 43 metres in each direction.

Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

11. Upon formation of the visibility splays as detailed above (condition 9) the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.
12. No other development works shall commence until all access works comprising the proposed access onto the B4393; the realignment of City Lane and the pedestrian access route (connecting City Lane to the B4393 running adjacent to City House) are completed to the written satisfaction of the planning authority.
13. The developer shall ensure that a suitably qualified archaeological contractor is present during the undertaking of any ground works in the development area so that an archaeological watching brief can be conducted. The archaeological

watching brief must meet the standards laid down by the Chartered Institute for Archaeologists Standard and Guidance for archaeological watching briefs. A copy of the resulting report shall be submitted to the Local Planning Authority for approval. After approval by the Local Planning Authority, a copy of the report and resulting archive should also be sent to the Historic Environment Record Officer, Clwyd-Powys Archaeological Trust for inclusion in the regional Historic Environment Record.

14. The development hereby permitted shall be undertaken strictly in accordance with the mitigation, avoidance and compensation measures regarding proposed and priority species identified in section 4 of the Ecological Appraisal report produced by Turnstone Ecology Ltd dated November 2017.
15. Prior to the commencement of development a Reasonable Avoidance Method Statement regarding Reptiles shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken strictly in accordance with the details as approved.
16. Prior to the commencement of development a Reasonable Avoidance Method Statement regarding Badgers shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken strictly in accordance with the details as approved.
17. Prior to commencement of development a Tree and Hedgerow Protection Plan in accordance with BS:5837:2012 shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken strictly in accordance with the details as approved.
18. Prior to commencement of development a detailed Compensation Hedgerow Planting Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken strictly in accordance with the details as approved.
19. Prior to the commencement of development a detailed lighting design scheme to take into account any impacts on nocturnal wildlife into consideration shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken strictly in accordance with the details as approved.
20. No development shall take place until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include: i) A statement setting out the design objectives and how these will be delivered; ii) earthworks showing existing and

proposed finished levels or contours; iii) means of enclosure and retaining structures; iv) other vehicle and pedestrian access and circulation areas; v) hard surfacing materials; vi) minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, etc.), and vi) water features. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate; an implementation and management programme (including phasing of work).

Reasons

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
3. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
4. To ensure adherence to the approved plans.
5. To ensure that affordable housing is secured in accordance with policies SP3 and H6 of the Powys Local Development Plan (2018) and Affordable Housing SPG (2018).
6. To ensure that affordable housing is secured in accordance with policies SP3 and H6 of the Powys Local Development Plan (2018) and Affordable Housing SPG (2018).
7. In the interest of the amenity of future occupiers of the development in accordance with policy DM13 of the Powys Local Development Plan.
8. To ensure compliance with Policies DM13 and T1 of the Powys Local Development Plan (2018), Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2021).
9. To ensure compliance with Policies DM13 and T1 of the Powys Local Development Plan (2018), Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2021).
10. To ensure compliance with Policies DM13 and T1 of the Powys Local Development Plan (2018), Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2021).

11. To ensure compliance with Policies DM13 and T1 of the Powys Local Development Plan (2018), Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2021).
12. To ensure compliance with Policies DM13 and T1 of the Powys Local Development Plan (2018), Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2021).
13. To secure preservation by record of any archaeological remains which may be revealed during ground excavations for the consented development in accordance with policy SP7 of the Powys Local Development Plan (2018), Technical Advice Note 24 – The Historic Environment (2017) and Planning Policy Wales (2021).
14. To comply with Powys County Council's LDP Policies DM2, DM4, DM13 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
15. To comply with Powys County Council's LDP Policies DM2, DM4, DM13 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
16. To comply with Powys County Council's LDP Policies DM2, DM4, DM13 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
17. To comply with Powys County Council's LDP Policies DM2, DM4, DM13 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
18. To comply with Powys County Council's LDP Policies DM2, DM4, DM13 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
19. To comply with Powys County Council's LDP Policies DM2, DM4, DM13 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
20. To comply with Powys County Council's LDP Policies DM2, DM4, DM13 in relation

to The Natural Environment and to meet the requirements of Planning Policy Wales (2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

Informatives

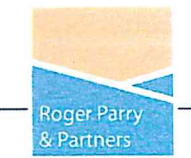
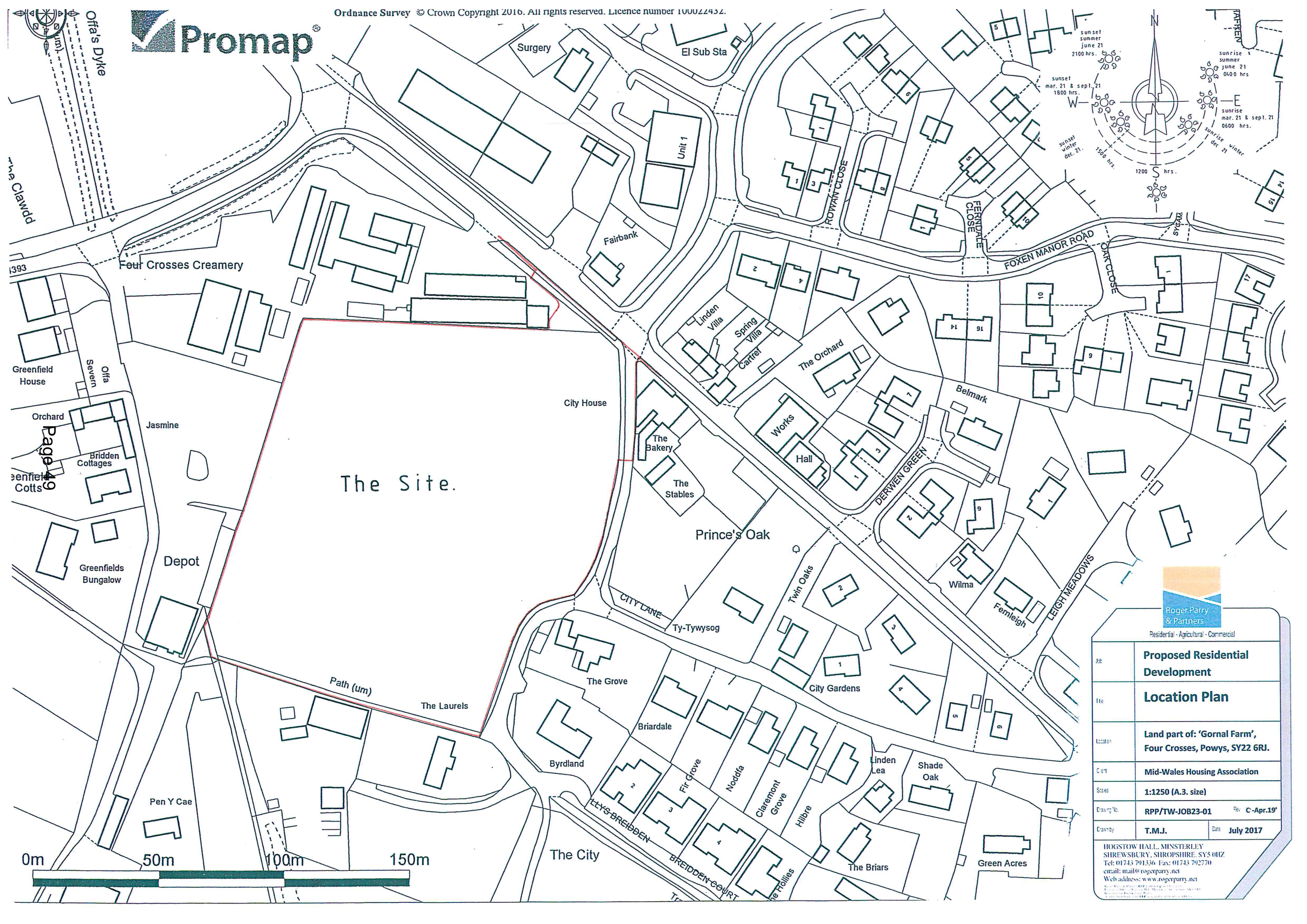
Land Drainage

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-DrainageApproval-Body-SAB>

This page is intentionally left blank



Residential - Agricultural - Commercial

Job:	Proposed Residential Development
Title:	Location Plan
Location:	Land part of: 'Gornal Farm', Four Crosses, Powys, SY22 6RJ.
Client:	Mid-Wales Housing Association
Scale:	1:1250 (A3. size)
Drawing No.:	RPP/TW-JOB23-01 Rev C-Apr.19'
County:	T.M.J. Date July 2017

HOGSTOW HALL, MINSTERLEY
 SHREWSBURY, SHROPSHIRE, SY5 0JZ
 Tel: 01743 791356 Fax: 01743 792770
 email: mail@rogerparry.net
 Web address: www.rogerparry.net



This page is intentionally left blank

4.3

Planning, Taxi Licensing and Rights of Way Committee Report

Application Number: 21/0042/AGR
Grid Ref: E: 319550
N: 241820
Community Council: Glasbury Community
Valid Date: 29.01.2021

Applicant: Mr Edward Morris

Location: Land Adj To Llowes Court, Llowes, Hereford, Powys, HR3 5JA.

Proposal: Erection of a steel portal framed storage and machinery building

Application Type: Full Application

The reason for Committee determination

The Local County Councillor requested that this application be called in on the following grounds:

- The potential visibility of the structure in a sensitive landscape (the Wye Valley)
- The location on a flood plain and its proximity to three Listed Buildings (Llowes Court, the former Radnor Arms public house and St Meilig's Church in Llowes).

Consultee Responses

Consultee

Received

Ward Councillor

20th Mar 2021

As the Local Member I request that this application be 'called in' as it raises important issues of policy, with regard to the potential visibility of the structure in a sensitive landscape (the Wye Valley), its location on a flood plain and its proximity to three Listed Buildings (Llowes Court, the former Radnor Arms public house and St Meilig's Church in Llowes).

PCC-Building Control

No comments received at the time of writing this report.

PCC-(M) Highways

No comments received at the time of writing this report.

Environmental Protection

4th Feb 2021

Environmental protection has no adverse comments to make.

PCC- (S) Land Drainage

No comments received at the time of writing this report.

Natural Resources Wales (Mid Wales)

5th Mar 2021

DPAS

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 02/02/2021.

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

Requirement 1: Information to be provided in order to assess the application with regards to appropriateness of environmental management which has the potential to affect protected sites.

Requirement 2: Further information is submitted to carry out a Habitat Regulation Assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) prior to the determination of any planning application submitted.

Protected Sites

We consider that the proposals may affect the River Wye Special Area of Conservation (SAC) and the River Wye (Upper Wye Tributaries) Site of Special Scientific Interest (SSSI). The application is within the catchment of the River Wye SAC. There is a watercourse within 25m of the development site that is hydrologically connected to the River Wye SAC at approximately 500m.

On the 21st January 2021 we issued a planning position statement regarding the

deterioration in the condition of riverine Special Areas of Conservation (SAC)s due to the potential to increase phosphate levels. The statement presents our planning view on the published evidence, which shows the phosphate levels in the SAC are not compliant with the targets set.

We consider that your Authority requires further information as set out in our standing advice (Interim Planning Advice Following River SAC Compliance Report), which was published with the planning position statement and the evidence report and provided to your Authority, to support your HRA.

In our opinion, any new development which is likely to increase the concentration of organic materials discharged directly or indirectly into River Wye catchment has the potential to increase phosphate levels causing further deterioration of the special features that the SAC is designated for. As a result, new development proposals must be able to demonstrate that there is no likely significant effect to the SAC.

As agricultural developments have the potential to impact protected sites therefore, we advise that further clarification is needed on the purpose of the building in terms of use, storage and drainage.

Requirement 1: Information to be provided in order to assess the application with regards to appropriateness of environmental management which has the potential to affect protected sites.

a. Clarification on what is to be stored within the agricultural building, (within the application form there is general reference to crops as well as machinery).

We would like to highlight the following:

- o Storage of fodder - Should the applicant intend to store more than hay/straw for example storage of silage (or slurry), then the structure would need to be built in accordance with - The Water Resources (Control of Pollution) (Silage, Slurry and Agriculture Fuel Oil) (Wales) Regulations 2010 and we would need to be re-consulted with further information.

- o Any run-off from manure - is classified as "slurry" under the SSAFO (Silage, Slurry and Agriculture Fuel Oil) Wales Regulations 2010.

- o Effluent produced - must be contained within the structure (ensuring clean and dirty water separation). Runoff should be suitable contained (for example: sealed walls and base to ensure that effluent will not leach through and also any sloping of floor to contain effluent within structure).

- o Any fuel oil stores - for machinery, must comply with the Control of Pollution (Oil

Storage) (Wales) Regulations 2016. Mitigation for oil spills within the building should be considered in line with GPP 8: Safe Storage and Disposal of Used Oils and also GPP 2: Above Ground Oil Storage Tanks.

b. Confirmation if any livestock will be housed within the building (including temporary/seasonal housing), if so, please detail livestock types, numbers of and periods of housing.

We note from the information provided that there are no details with regards to how surface water will be disposed of and/or needs for foul drainage.

c. Therefore, submission of a drainage plan is required that clearly shows any clean and dirty (foul) water systems (containment/disposal).

All wash water and manures arising from agricultural units must be collected and stored in accordance with SSAFO and Welsh Government's Code of Good Agricultural Practice (CoGAP).

Further information on the requirements of the SSAFO Regulations is contained within Welsh Government's SSAFO Guidance Notes for Farmers. This can be viewed at <https://gov.wales/sites/default/files/publications/2017-11/storing-silage-and-slurry.pdf>

Requirement 2: Further information is submitted to carry out a Habitat Regulation Assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) prior to the determination of any planning application submitted.

Should information be provided as advised for Requirement 1 highlighting that livestock are to be housed within the building, then we may advise that the disposal or spreading of manures may need to be considered for the purposes of informing the Habitat Regulations Assessment for the River Wye SAC.

Should your Authority also conclude that the proposal is likely to have a significant effect on the River Wye SAC, we look forward to being consulted on your appropriate assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).

Flood Risk

The application site lies entirely within Zone C2 as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN15). Our Flood Map information, which is updated on a quarterly basis, confirms the site to be within the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the River Wye, a designated main river.

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

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

We refer the applicant to our website: <https://naturalresources.wales/flooding/preparing-your-home-business-or-farm-for-a-flood/?lang=en> for further advice and guidance available.

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

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/11485/2187544.pdf

Should additional information to be provided as stated in Requirement 1 above, highlight that livestock are to be housed and/or slurry or manures are to be stored within the building then we would review this new information and provide updated advice on flood risk.

Protected Species

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

However, the NRW maps and aerial images indicate that there are trees on the edge of the site boundary in close proximity to the siting of the proposed building as well as the watercourse nearby. Both provide ecological connectivity to surrounding woodland areas, rivers and ponds.

Should an ecological report be made available, please reconsult NRW, allowing 14 days for us to review and assess any additional information.

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:

Works Near Watercourse and Pollution Prevention

Due to the proximity of the site to watercourses, all works at the site must be carried out in accordance with GPP5 and relevant PPGs. The developer should also 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 relevant PPGs 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/>

Environmental Management

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

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

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

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

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>

Community Council

19th Feb 2021

We discussed the building, as on the plan and its impact on the environment, ecology and amenity of the area. We heard that the planned building scale seems to be similar to others for the modern agricultural purpose.

We note that the application states that the building will not be used to house animals nor store slurry and feel it is very important that this limitation is permanently maintained in the interests of the environment.

We understand the concerns that this building would be erected on land that has not previously been developed and would sit between 2 notable residential buildings, with one of these also recently gaining planning permission for a sizable development.

Representations

Following the display of a site notice that was erected on the 04.02.2021 there have been 22 representations made to the Local Planning Authority. 21 of the representations are objections to the proposed development which can be briefly

summarised as for the following reasons:

- Affect local ecology,
- close to adjoining properties,
- development too high,
- out of keeping with the character of the area,
- inadequate access,
- general dislike of the proposal,
- increase in traffic,
- increase of pollution.

Planning History

App Ref	Description	Decision	Date
RAD/1997/016 7	Erection of two storey entrance porch, re-instate gables, construction of first floor extension, removal of brick chimney stack and replacement in stone and enlargement of one sash window SO 14 SE		14th Aug 1997
RAD/1997/017 3	Erection of a two storey entrance porch, re-instatement of gables, construction of first floor extension SO 14 SE	Insufficient Fee	10th Jul 1997
RAD/1999/015 8	Change of use: Office to gardeners flat, yard to garden area and erection of fence and wall SO 14 SE	Insufficient Fee	20th Jul 1999
RAD/2000/047 9	Change of use of storage area to private art gallery with hospitality area SO 14 SE	Insufficient Fee	21st Feb 2001
RAD/2001/009 7	Formation of a reservoir for storing water for summer irrigation SO 14 SE	Approved with conditions	1st May 2001
M/2002/0384	Construction of vehicular access and new boundary wall to replace existing wall	Insufficient Fee	8th Jul 2002
M/2002/0385	Listed building consent for demolition of boundary wall and construction of new wall	Consent	15th Jul 2002

MPRE/2006/0041	Proposed child minding business		17th Feb 2006
PREL/2010/0359	Prelim: Installation of 4 kw PV solar array	Planning Permission Needed	12th Apr 2010
P/2018/0318	Full: Erection of fencing	Approve	26th Jun 2018

Principal Planning Constraints

River Wye (SAC) and Catchment Area
Listed Buildings / Scheduled Monument
Ancient Woodland within 500m
C2 Flood Zone

Principal Planning Policies

Policy	Policy Description	Year	Local Plan
PPW	Planning Policy Wales (Edition 11, February 2021)	2021	National Policy
NATPLA	Future Wales - The National Plan 2040	2021	National Development Plan 2021
TAN5	Nature Conservation and Planning	2009	National Policy
TAN6	Planning for Sustainable Rural Community	2010	National Policy
TAN11	Noise	1997	National Policy
TAN12	Design	2016	National Policy
TAN15	Development and Flood Risk	2004	National Policy
TAN18	Transport	2007	National Policy
TAN23	Economic Development	2014	National Policy
TAN24	The Historic Environment	2017	National Policy

DM2	The Natural Environment	Local Development Plan 2011-2026
DM4	Landscape	Local Development Plan 2011-2026
DM5	Development and Flood Risk	Local Development Plan 2011-2026
DM6	Flood Prevention Measures and Land Drainage	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
SP2	Employment Growth	Local Development Plan 2011-2026
SP7	Safeguarding of Strategic Resources and Assets	Local Development Plan 2011-2026
SPGLAN	Landscape SPG	Local Development Plan 2011-2026
SPGBIO	Biodiversity and Geodiversity SPG (2018)	Local Development Plan 2011-2026

Other Legislative Considerations

Crime and Disorder Act 1998
 Equality Act 2010
 Planning (Wales) Act 2015 (Welsh language)
 Wellbeing of Future Generations (Wales) Act 2015
 Marine and Coastal Access Act 2009

Officer Appraisal

Site Location and Description of Development

The proposed development is not located within a settlement development boundary and therefore for the purposes of this notification is considered as development within the open countryside as defined by the Powys Local Development Plan (2018). The development site is located within the Community Council of Glasbury and bounded by agricultural and pastureland, the site is accessed off the A438 and subsequent track roads.

Consent is sought for a steel portal framed crop storage and machinery building within an existing agricultural unit. The proposed building measures approximately 18.3m in length, 24.3m in width, and a height of 7.5m to the eaves and 10.8m to the upper ridge. The materials for the proposed development are grey concrete panels and olive-green box profile sheeting cladding above, finished under box profile plastisol steel sheets with anti-condensation lining.

Application Background

Under the Town and Country (General Permitted Development) Order 1995, Part 6, developers shall, before beginning such a development, apply to the local planning authority for a determination as to whether the prior approval of the authority will be required to the siting, design and external appearance of the building.

Prior approval was determined by Officers in respect to this agricultural notification due to the siting of the agricultural building within a C2 flood zone and within the catchment area for the River Wye SAC in order to allow Officers to consult with necessary bodies on the development proposed.

Principle of Development

Technical Advice Notes 6 and 23 accept the principle of appropriate agricultural development within the open countryside.

Technical Advice Note 6 (Planning for Sustainable Rural Communities) sets out the general requirements applied to all agricultural developments such as this proposal. TAN 6 states that when considering applications for livestock and slurry units, Local Planning Authorities should exercise particular care to avoid potential future conflict between neighbouring land uses. The principal planning considerations relating to this type of development is whether it would cause any unacceptable adverse effects upon

Powys' landscape, or upon the natural environment.

LDP Policy DM4 sets out the main considerations in terms of the impact of proposals upon the landscape, which will be assessed below. Planning Policy Wales (2021) and Technical Advice Note 23 (2014) emphasise the need to support diversification and sustainability in rural areas, recognising that new businesses are key to this objective and essential to sustain rural communities. Local Authorities should therefore look to facilitate appropriate rural developments. This support should be balanced against other material considerations, such as impact of proposals on the quality of the landscape and environment.

The building will be used for the storage of agricultural machinery and produce.

In light of the above, it is considered that the principle of development complies with the Powys LDP (2018) subject to the following:

Design and External Appearance

With respect to design, specific reference is made to LDP policy DM13 (Criterion 1). LDP policy DM13 requires development to be able to demonstrate good quality design in terms of siting, appearance, integration, scale, height, massing, design detailing and to have regard to the qualities and amenity of the surrounding area, local infrastructure and resources.

Consent is sought for a steel portal framed crop storage and machinery building. The proposed building measures approximately 18.3m in length, 24.3m in width, and a height of 7.5m to the eaves and 10.8m to the upper ridge. The materials for the proposed development are grey concrete panels and olive-green box profile sheeting cladding above, finished under box profile plastisol steel sheets with anti-condensation lining.

It is considered that the building has been sensitively designed in-keeping with agricultural buildings typical within the Powys landscape.

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

Siting

- *Landscape and Visual Impact*

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

Having assessed the proposed site under LANDMAP, it is described as being a clearly defined floor along southern boundary of county. Wide river with some dramatic meanders prominent. Roads along both sides of valley. Rounded hills alongside. Half of flat open valley floor, with a broad scale and arable and pastoral land, with a diverse field pattern from small to large, regular and irregular, enclosed by managed hedges, scattered and waterside trees.

The following was also noted:

Visual and Sensory- High
Geological landscape- high
Habitats landscape- Outstanding
Historic landscape- Outstanding

The proposal is for a new agricultural building to reinstate existing agricultural buildings which have been demolished and relocate the building approximately 80 metres to the west and further away from the adjacent listed buildings.

The proposed agricultural shed is located within agricultural land surrounding the site, with the A438 County Highway located approximately 47 metres to the north.

The Landscape SPG recognises that the impact of new buildings can be softened by careful landscaping reflecting the local landscape character and that the siting of new buildings adjacent to existing woods or shelter belts may provide valuable screening.

It is noted that the A438 sits at a higher level than the application site with a mature band of trees and hedgerow also located between and running along this stretch of the highway. It is therefore considered that views of the proposed buildings from this vantage point as travelling the A438 would be fleeting.

Whilst the visual and sensory aspects of the application site are noted alongside the Wye Valley, the area and especially the lowlands of the valley are characterised by a number of farm holdings. It is therefore considered that an agricultural building within this location would not be seen as an alien feature within this rural landscape and could be absorbed into the landscape through its sensitive siting.

Taking into consideration therefore the topography of the land, at a lower level than the County Highway, the character of the surrounding area and the scale of the building proposed it is not considered that this development would have a detrimental impact on the special characteristics of the Powys landscape within this area.

- *Flood Risk*

The application site lies entirely within Zone C2 as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN15). NRW's Flood Map information, which is updated on a quarterly basis, confirms the site to be within the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the River Wye, a designated main river.

It is acknowledged that the proposed use would be considered a less vulnerable development in terms of vulnerability of land uses within flood zones as set out within TAN15. In a statement submitted by the applicant it was confirmed that the erection of the agricultural building was chosen to be located here as it is screened behind the tree line, next to the existing access track (which also led to the previous farm buildings). The applicant is also farming in excess of 500 acres within a 6 mile radius, which in turn will support two full time employees and support up to six part time staff.

NRW have been consulted to the proposed development and have confirmed given the scale of the proposed development that they consider that the risk could be acceptable subject to the developer being made aware of the potential flood risks and advised to install flood-proofing measures as part of the development.

Given therefore the use being considered a less vulnerable development, the scale of the development and the justification provided to sustain an existing farming enterprise within this location it is considered that the proposed building is justified within the location in accordance with TAN 15.

River Wye SAC Catchment (Phosphates)

The application site is within the River Wye catchment area and located approximately 545m west of the River Wye Special Area for Conservation (SAC).

Under the Habitats Regulations, where a plan or project is likely to have a significant effect on a protected site, either alone or in combination with other plans or projects, and where it is not directly connected with or necessary to the management of the site (previously designated pursuant to EU retained law) the competent authority must carry out an appropriate assessment of the implication of the plan or project in view of the

site's conservation objectives. Natural Resources Wales has set new phosphate standards for the river SACs in Wales. Any proposed development within the SAC catchments that might increase the amount of phosphate within the catchment could lead to additional damaging effects to the SAC features and, therefore, such proposals must be screened through a HRA to determine whether they are likely to have a significant effect on the SAC condition.

This application has been screened in accordance with Natural Resources Wales' interim advice for planning applications within the river Special Areas of Conservation (SACs) catchments (issued on 20th January 2021). It is considered that this development is unlikely to increase phosphate inputs as it falls within the following criterion in the interim advice:

Any development that does not increase the volume or concentration of wastewater.

The proposal is for the erection of an agricultural building for the storage of agricultural machinery and crops. A condition will be attached to the granting of any consent to ensure that the use of the building is restricted to these uses only.

In light of the above and subject to the attachment of an appropriately worded condition restricting the use of the agricultural building for the use of agricultural machinery and crop storage only, it is considered that the proposed development is unlikely to increase phosphate inputs and therefore complies with relevant planning policy.

Highway Safety

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

The local Highway Authority has been consulted as part of the application process. Whilst no comments have been received at the time of writing this report it is noted that the proposed agricultural building is to be accessed off an existing farm track. It is considered that the provision of a building to serve the agricultural unit within this location would therefore not have an unacceptable impact on highway safety.

In light of the above it is considered that the proposed development fundamentally complies with policies DM13 and T1 of the Powys Local Development Plan, Technical Advice Note 18 and Planning Policy Wales.

Neighbouring Amenity

Concerns have been raised from neighbouring properties on the impacts the proposed development may have their amenities.

The Town and Country (General Permitted Development) Order 1995 recognises the impacts agricultural buildings can have on the amenities of nearby residential properties. Within Part 6 it confirms that development is not permitted if it would consist of, or include, the erection or construction of, or the carrying out of any works to, a building, used or to be used for the accommodation of livestock or for the storage of slurry or sewage sludge where the building would be, within 400 metres of the curtilage of a protected building.

There are neighbouring properties located approximately 85 m north-east and 95m north of the application site.

Given the proposed use of the application site for storage purposes only it is not considered that the proposal would introduce a livestock or slurry store in closer proximity to those sensitive receptors.

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

Natural Environment (Biodiversity)

In accordance with TAN 5: Nature, Conservation and Planning, and Powys LDP Policy DM2: The Natural Environment, as part of the planning process Powys LPA should ensure that there is no unacceptable damage to biodiversity as a result of a proposed development.

Approximately 230 m north and 269 m north east of the site there are Ancient Woodlands. Given the nature of the proposed development, and the distance between the proposed development and the Ancient Woodland as well as intervening uses, it is not considered that there would be a detrimental impact on the Ancient Woodland.

As part of the application process NRW were consulted and requested that further information was obtained prior to determination of the application. It was clarified via a written statement submitted to the Local Planning Authority that the building will be for the purposes of storing agricultural machinery and crops/produce only. As such there will be no increase in foul/waste water as a result of this development. Whilst it was acknowledged that no details were submitted with regards to how surface water will be

disposed of, officers note the proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore requires approval of Sustainable Drainage Systems (SuDS) features, in accordance with national standards. This is separate to the planning application process which must be applied for separately.

The application site is located approximately 25m from nearby hedges/trees and a watercourse, which have the potential to be ecologically connected to surrounding woodland areas, rivers and ponds. However, given the nature of the proposed being an erection agricultural building which does not seek the demolition or infringement on an existing roof space it is considered the proposed will not have a negative impact on biodiversity. Whilst no felling of trees or removal of hedges is proposed as part of this application, the applicant is 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. 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.

Moreover, due to the close proximity of the site to the nearby watercourse, the applicant is also reminded that all works at the site must be carried out in accordance with GPP5 and relevant PPGs. Further information with regard to these ecological matters mentioned above will be attached as an informative subject to the granting of any planning consent given.

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 their functions including the planning system. It is therefore considered appropriate to require through an appropriately worded condition for the proposed development to incorporate biodiversity enhancements to ensure net biodiversity benefits. These measures should include:

- Provision of bird and bat boxes including the details of the number, type and location of these boxes;
- Provision of wildlife friendly landscape planting.

In light of the above and subject to the attachment of an appropriately worded condition securing the implementation of biodiversity enhancements, it is considered that the proposed development would not result in any negative impacts to biodiversity at the site or in the wider environment and therefore complies with policy DM2 of the Powys Local Development Plan.

Historic Environment

Policy SP7 of the Powys Local Development Plan (2018) states that proposals must not have an unacceptable adverse impact on strategic resources or assets and their operation. Strategic resources and assets in Powys include historic environment designations such as scheduled monuments and listed buildings. This policy seeks to safeguard these important assets from unacceptable development for the future well-being of the county.

The Planning Authority is required to have special regard to the desirability of preserving listed buildings or their settings under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

It is noted there are several Grade II Listed Buildings neighbouring the site within 500m namely:

- Llowes Court (8772) is located approximately 135.8m north east,
- The Radnor Arms PH (17214) is located approximately 251.9 south west,
- The Old Vicarage (17208) is located approximately 225.0m south west,
- The Church of St Meilig (17207) is located approximately 176.0m west,
- Former Mill (87620) is located approximately 267.0m west,
- 1,2,3 Albert Terrace (17209, 17210 and 17211) are located approximately 260.1m west
- Barn Cottage (17212) is located approximately 275.6m west,
- Vicarage House (17213) is located approximately 294.8m south west.

Additionally, there is also a Scheduled Monument (SM) a cross slab in Llowes Church, which is located approximately 160.9m west from the application site.

Given the distance between the proposed agricultural building and the surrounding environment it is not considered that the proposed would have a detrimental impact or harm the setting of the Listed Buildings and will not have any effect on the way that the SM is experienced, understood and appreciated. Whilst the agricultural building may be visible from some of the aforementioned listed buildings (namely Llowes Court and The Church of St Meilig), the intervening surrounding landscape which is comprised of mature trees, hedges and roads will assimilate and shield the building.

In light of the above, it is considered that the proposed development would not harm the setting of any nearby historic asset.

RECOMMENDATION

In light of the above and based on the prior approval decision it is not considered that the siting, design or external appearance of the proposed agricultural storage shed would have detrimental impact on the special qualities of the Powys landscape. It is therefore considered that the proposed development fundamentally complies with relevant planning policy.

Conditions

1. The development shall begin not later than five years from the date of this decision.
2. The development shall be carried out in accordance with the following approved plans and documents; 3111 and 3110.
3. The agricultural building as shown on drawing numbers 3111 and 3110 shall be used for the storage of agricultural machinery and crops only as stated within the application form and shall not be used for any other purpose.
4. Prior to the commencement of the development hereby approved biodiversity enhancements in the way of the implementation of bird/bat boxes and a native planting scheme shall be submitted to and approved in writing by the Local Planning Authority. The details as approved shall be implemented prior to the first use as approved and maintained thereafter for as long as the development remains in existence.

Reasons

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the approved plans in the interests of clarity and a satisfactory development.
3. In order to safeguard amenity in accordance with policy DM13 of the Powys Local Development Plan (2018).
4. To comply with Powys County Council's LDP Policies DM2, DM4, DM13 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 11, 2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

Informative Notes

Ecology

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

It is an offence for any person to:

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

Under the Habitats Regulations it is an offence to:

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

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

Birds - Wildlife and Countryside Act 1981 (as amended)

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

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

Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird.

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

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

Land Drainage

It is considered 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>

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.

Natural Resources Wales

Works Near Watercourse and Pollution Prevention

Due to the proximity of the site to watercourses, all works at the site must be carried out in accordance with GPP5 and relevant PPGs. The developer should also 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 relevant PPGs 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/>

Environmental Management

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

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

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

If during construction/excavation works any contaminated material is revealed, then the movement of such material either on or off site should be done in consultation with

Natural Resources Wales. Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily and in accordance with Section 34 of the Environmental Protection Act 1990. Carriers transporting waste from the site must be registered waste carriers and movement of any Hazardous Waste from the site must be accompanied by Hazardous waste consignment notes.

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>

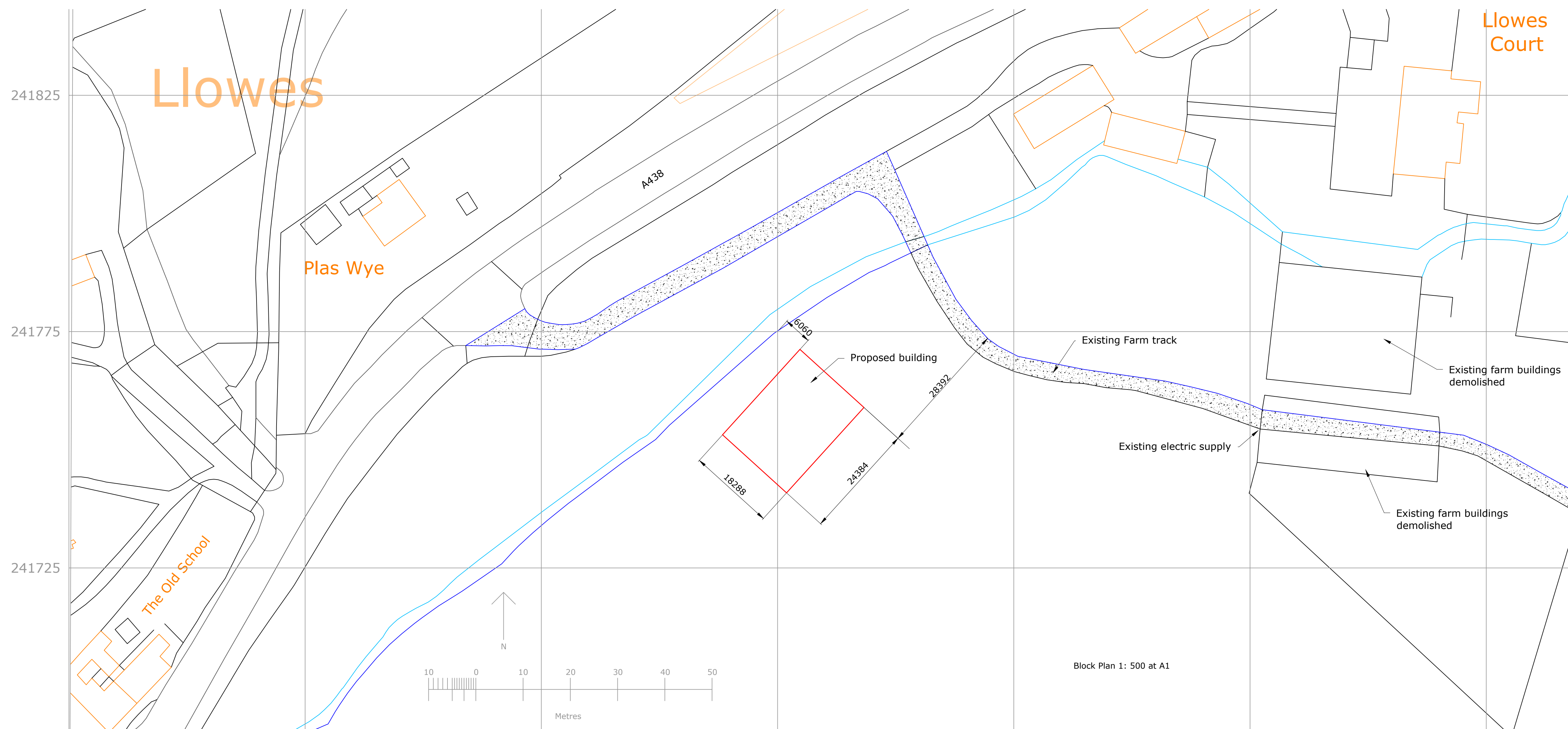
Case Officer: Charlotte Ford, Planner
Tel: 01597826787 E-mail: charlotte.ford@powys.gov.uk



Site Plan 1:1250 at A1
Metres



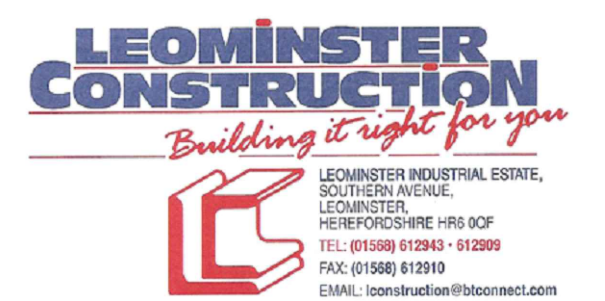
Location Plan



Block Plan 1: 500 at A1
Metres

Ref.	Revision	Date:

All steelwork Grade S355 (UNO)
All welds are 6mm F/W (UNO)
All steel subgrades from J0 - J2 (UNO)



Client: Mr Edward Morris
Milton Farm
Pembridge
Herefordshire

Site: Land off
Llowes Court
Llowes, Hay on Wye,
Powys. HR3 5JA

Drawing Title: Location, Site & Block Plans

DRAWN: Melvin Miffin
DATE: January 2021
SCALE: As Noted
CHECKED BY: Tony Miffin

Drawing No: 3111

This page is intentionally left blank



Delegated List

91 Applications

[Excel Version](#)

[← Go Back](#)

Parish Name	Decision	Date Application	Application No.	Application Type	Date Decision	Proposal	Location
Abbey Cwm-Hir Community	Approve	04/03/2021	21/0316/NMA	Non-Material Amendment	22/03/2021	Non material amendment against approved planning permission P/2008/0602 relating to the ground floor design of Plot 2.	Plot 2 Development Adjacent Gorffwynsfa Bwlch-y-sarnau Rhaeadr Gwy Powys LD6 5ND
Abermule And Llanfysfil Community	Approve	21/01/2021	21/0043/FUL	Full Application	18/03/2021	Application is for a replacement dwelling.	Lletty Maengwyn Abermule Montgomery Powys SY15 6JJ
	Refused	06/02/2020	20/0149/FUL	Full Application	18/03/2021	Creation of new entrance to property and stopping up of existing entrance	Tan-y-ffordd Newtown Powys SY15 6NT
Banwy Community	Consent	01/11/2019	19/1704/LBC	Listed Building Consent	24/03/2021	External and internal alterations to building to include changes to doors and windows, and internal layout, to provide additional accommodation	Cann Office Hotel Llangadfan Welshpool SY21 0PL

CODE: IDOX.PL.REP.05

30/03/2021 11:22:23 POWYSCC\sandraf

[← Go Back](#)



Delegated List

91 Applications

Page 76	Bausley With Criggion Community	Approve	07/07/2020	20/1028/REM	Removal or Variation of Condition	23/03/2021	Section 73 application for the variation of condition 2 of planning permission 19/1238/RES in relation to plans	Development Of Eight Dwellings At Land Adjoining Bear House Crew Green Shrewsbury Powys
		Approve	15/03/2021	21/0468/DIS	Discharge of Condition	23/03/2021	Discharge of condition 9 of outline planning approval P/2016/0603 - (external finishes)	Land Adjoining Bear House Crew Green Shrewsbury Powys
		Refused	25/11/2020	20/1545/FUL	Full Application	10/03/2021	Change of use of land for the siting of a static caravan (part retrospective)	Land Belonging To Sycamore House Between Rock House Farm And The Water Works Bausley Crew Green Powys SY5 9BN
		Refused	27/11/2020	20/1881/FUL	Full Application	11/03/2021	Repositioning of an access	Land Adjacent To Belin Mount Crew Green Shrewsbury Powys

CODE: IDOX.PL.REP.05

30/03/2021 11:22:23 POWYSCC\sandraf

[← Go Back](#)



Delegated List

91 Applications

Beguildy Community	Consent	16/12/2020	20/2023/FUL	Full Application	23/03/2021	Installation of 3 Pods, formation of new internal access track, installation of a package treatment plant and associated works	Maesgwyn Farm Felindre Knighton Powys LD7 1YR
Berriew Community	Approve	29/10/2020	20/1712/OUT	Outline planning	29/03/2021	Outline application for the erection of an agricultural workers dwelling and garage and new vehicular access (some matters reserved)	Land At 'Lletty-Meibion' Berriew Welshpool SY21 8QY
	Consent	08/01/2021	21/0026/FUL	Full Application	23/03/2021	Installation of septic tank and soak away	Land Adj To Fox Farm Garthmyl Montgomery Powys SY15 6RW
Bettws Community	Approve	11/11/2020	20/1294/FUL	Full Application	19/03/2021	Installation of a 22.5m lattice mast, with 3 antennas, 2 dishes, foul weather enclosure, meter cabinet, satellite dish with compound and associated infrastructure. To include the construction of a temporary access track and landscaping	Land At Llwyncoch Farm Bettws Cedewain Newtown Powys SY16 3DX

Page 77

CODE: IDOX.PL.REP.05

30/03/2021 11:22:23 POWYSCC\sandraf

[← Go Back](#)



Delegated List

91 Applications

Bronllys Community	Approve	01/07/2020	20/0937/FUL	Full Application	19/03/2021	Proposed change of use of existing detached double garage to carers accommodation	Stockley Cottages Erwood LD2 3TQ
	Approve	21/10/2020	20/1692/FUL	Full Application	23/03/2021	Proposed agricultural shed	Builth Wells LD2 3TQ Oaklands Pont-Y-Wal Lane Bronllys Brecon LD3 0LU
Caersws Community	Approve	08/12/2020	20/1952/HH	Householder	17/03/2021	Erection of a two storey extension to rear of existing dwelling comprising bedrooms and living space	Rhiw Yr Efail Pontdolgoch Caersws Powys SY17 5NJ
Castle Caereinion Community	Approve	22/12/2020	20/2101/DIS	Discharge of Condition	26/03/2021	Application to discharge conditions 3, 5, 19, 20 & 22 of planning approval 20/0947/FUL	Land At Plot 1 Tynllan Farm Castle Caereinion Welshpool SY21 9AL
Churchstoke Community	Consent	06/01/2021	21/0020/HH	Householder	11/03/2021	Installation of a roof-light and new windows	Yr Hen Ysgol Hyssington Montgomery Powys SY15 6AT

Page 78

CODE: IDOX.PL.REP.05

30/03/2021 11:22:23 POWYSCC\sandraf

[← Go Back](#)



Delegated List

91 Applications

Disserth And Trecoed Community	Consent	12/08/2020	20/1163/FUL	Full Application	23/03/2021	Change of use from public house / restaurant to a dwelling	The Laughing Dog Howey Llandrindod Wells Powys LD1 5PT
Gladestry Community	Approve	10/11/2020	20/1834/FUL	Full Application	19/03/2021	Erection of a 1m x 1.3m shed to house additional toilet and 2m x 2m shed to house additional shower for existing holiday facilities	Lane House Farm Gladestry Kington Powys HR5 3NT
Glasbury Community	Approve	29/05/2019	19/0879/RES	Reserved Matters	17/03/2021	Application for reserved matters following the approval of P/2017/0168 for the erection of a rural enterprise dwelling	Land At Cwmdu Field Upper Pentre Ffynnon Gynydd Hereford Powys HR3 5LZ
Glascwm Community	Approve	05/06/2020	20/0889/DIS	Discharge of Condition	18/03/2021	Application to discharge condition 43 of planning approval P/2014/0672	Land Off A44 SW Of Llandegley Llandrindod Wells Powys LD1 5RP
	Approve	02/10/2020	20/1547/FUL	Full Application	12/03/2021	Erection of steel portal framed covered area for livestock yard and general purpose agricultural building together with associated works	Hendy Bettws Disserth Llandrindod Wells LD1 5RP

Page 79

CODE: IDOX.PL.REP.05

30/03/2021 11:22:23 POWYSCC\sandraf

[← Go Back](#)



Delegated List

91 Applications

	Approve	15/10/2020	20/1666/DIS	Discharge of Condition	19/03/2021	Application to discharge condition 3 of planning approval 20/0581/FUL	Lower Llaneon Farm Buildings Franksbridge Llandrindod Wells LD1 5SA
	Approve	27/10/2020	20/1734/FUL	Full Application	12/03/2021	Erection of an agricultural building and all associated works	Hendy Bettws Disserth Llandrindod Wells Powys LD1 5RP
	Approve	24/11/2020	20/1930/FUL	Full Application	23/03/2021	Erection of Steel Portal Framed Building together with all associated works for the housing of Straw and Fodder	Bwlchau Bettws Disserth Llandrindod Wells LD1 5RP
Guilsfield Community	Approve	20/01/2021	21/0011/HH	Householder	19/03/2021	Erection of extensions (retrospective)	Cloverdene Glyndwr Crescent Guilsfield Welshpool SY21 9QA
	Approve	28/01/2021	21/0152/HH	Householder	25/03/2021	Erection of an extension to dwelling	Hilltop House Hidden Valley Caravan And Chalet Park Maes Mawr Welshpool SY21 9DB
	Consent	18/09/2020	20/1496/LBC	Listed Building Consent	26/03/2021	Demolition of listed building (Burgedin Hall) after fire damage (Retrospective)	Burgedin Hall Pool Quay Welshpool SY21 9LN

Page 80

CODE: IDOX.PL.REP.05

30/03/2021 11:22:23 POWYSCC\sandraf

[← Go Back](#)



Delegated List

91 Applications

Honddu Isaf Community	Approve	27/11/2020	20/2001/DIS	Discharge of Condition	15/03/2021	Discharge of condition 5 of planning permission 20/1114/HH in relation to reptiles	Penybont Cottage Lower Chapel Brecon Powys LD3 9RE
Kerry Community	Approve	27/01/2021	21/0080/HH	Householder	25/03/2021	The erection of a steel framed building in garden for use as a private garage/store Building size 9m x 9m height at eaves 3.7m 5m at top of double pitch roof.	Pentre Lodge Kerry Newtown SY16 4PD
	Consent	13/01/2021	21/0010/HH	Householder	11/03/2021	Erection of an extension to existing dwelling comprising garage and storage area	Lower Rhos, Rhos Barn Lower Rhos Kerry Newtown SY16 4PL
	Prior Approval Approved	23/02/2021	21/0300/AGR	Agricultural Notification	23/03/2021	Steel portal frame building for machinery and fodder storage.	Goitre Farm Kerry Newtown SY16 4NA
	Refused	28/07/2017	P/2017/0729	Full application	15/03/2021	Full: Erection of a 32,000 bird poultry unit, including silos, and all other associated works	Upper Penarran Kerry Newtown Powys SY16 4PW



Delegated List

91 Applications

Knighon Community	Consent	09/02/2021	20/2086/FUL	Full Application	29/03/2021	Extension to existing warehouse to provide additional storage and distributions facilities.	Radnor Hills Water Company Ltd Heartsease Farm Knighon Powys LD7 1LU
Llanbister Community	Approve	04/01/2021	21/0005/HH	Householder	12/03/2021	Proposed Garage /Store Building and extension to domestic curtilage	Calebs Barn Llanbister Llandrindod Wells Powys LD1 6TW
Llanddew Community	Refused	19/02/2020	20/0346/VAR	Discharge/Modification of S106	18/03/2021	Variation of S106 agreement attached to permission P/2009/0844 relating to affordable housing	Plots 1 - 10 Maes Maldwyn Llanddew Brecon Powys LD3 9SS
Llandinam Community	Consent	25/01/2021	21/0128/HH	Householder	22/03/2021	Proposed extension to existing dwelling	Penarth Llidiartywaun Llanidloes Powys SY18 6JT

Page 8 of 21

CODE: IDOX.PL.REP.05

30/03/2021 11:22:23 POWYSCC\sandraf

[← Go Back](#)



Delegated List

91 Applications

Llandrindod
Wells
Community

Approve	04/01/2021	21/0006/REM	Removal or Variation of Condition	12/03/2021	Section 73 application to vary condition 2 of planning permission P/2016/1145 to allow for submission of reserved matters for Plot 3	Site Adjacent To Cae Eithin Cefnlllys Lane Llandrindod Wells Powys LD1 5LE
					Condition Number(s): Condition 2	
					Conditions(s) Removal:	
					To allow for submission of reserved matters for Plot 3 (Plots 1 ,2 and 4 already approved and commenced)	
					To extend time limit for submission of reserved matters to a date to allow for commencement of development by the original expiry date of the outline consent i.e. October 2022	
Consent	27/01/2021	21/0151/TRE	Works to trees in Conservation Area	12/03/2021	Urgent and necessary tree works including tree removal, limb removal, crown reduction, dead wooding, removal of low protruding branches and epicormic growth	Memorial Gardens And Rock Park Llandrindod Wells Powys

Page 83

CODE: IDOX.PL.REP.05

30/03/2021 11:22:23 POWYSCC\sandraf

← Go Back



Delegated List

91 Applications

Llandrinio And Arddleen Community	Approve	21/01/2021	21/0103/DIS	Discharge of Condition	23/03/2021	Discharge of conditions 5, 7 & 10 of planning permission P/2017/0623 (Affordable Housing Agreement and Site Plan Drainage Information and External Materials Information)	Land Adjacent To Windy Ridge Arddleen Llanymynech Powys
	Consent	05/10/2020	20/1340/FUL	Full Application	23/03/2021	Installation of 4 underground LPG gas tanks, reconfiguration of plots 13 and 23 and alterations to the landscaping plan	Land Off B4393 Four Crosses Llanymynech Powys SY22 6RG
Llandysilio Community	Approve	21/01/2021	21/0108/VAR	Discharge/Modification of S106	16/03/2021	Application to vary/modify Section 106 legal agreement attached to planning permission M/2007/0873 (affordable occupancy restriction)	10 Hafod Cottages Parc Hafod Four Crosses Llanymynech Powys SY22 6NX
Llanfechain Community	Approve	14/12/2020	20/1776/HH	Householder	29/03/2021	Erection of an extension and alterations to dwelling, installation of a septic tank and associated works	Aithnen Belen Ystryd Y Ceunant Llanfechain Powys SY22 6XQ
Llanfihangel Community	Consent	19/10/2020	20/1631/FUL	Full Application	26/03/2021	Proposed pod development, installation of a treatment plant, improvement to existing field access and existing junction and associated works	Land Near Tynymaes Llanwddyn Powys SY10 0NN

CODE: IDOX.PL.REP.05

30/03/2021 11:22:23 POWYSCC\sandraf

[← Go Back](#)



Delegated List

91 Applications

Llangedwyn Community	Consent	21/08/2020	20/0946/FUL	Full Application	16/03/2021	Conversion and extension of agricultural outbuildings to provide 3x residential dwellings to include associated hardstanding, access provision and connection to required services to include a foul system, soakaway and oil tank	Wernoleu Llangedwyn Oswestry Powys SY10 9JX
Llangyniew Community	Approve	19/09/2018	18/0694/FUL	Full Application	17/03/2021	Erection of an extension to a free range egg production unit including silos and all associated works	Maesneuadd Pont Robert Meifod Powys SY22 6JP
	Approve	23/11/2020	20/1917/REM	Removal or Variation of Condition	23/03/2021	Section 73 application to vary condition 2 attached to detailed planning approval M22404 to substitute approved drawings with revised drawings	Development At Henllan Ganol Llangyniew Welshpool Powys



Delegated List

91 Applications

Llanidloes Community	Approve	01/10/2020	20/1565/FUL	Full Application	18/03/2021	A change of use from A1 (Shop & Retail) to A3 (Restaurants & Cafes) including internal alterations to form two toilets with the provision of emergency lighting, heat detection, movement of services and removal of unauthorised timber stud partitions	Plynlimon House 50 Long Bridge Street Llanidloes SY18 6EF
	Approve	01/10/2020	20/1566/LBC	Listed Building Consent	18/03/2021	A change of use from A1 (Shop & Retail) to A3 (Restaurants & Cafes) including internal alterations to form two toilets with the provision of emergency lighting, heat detection, movement of services and removal of unauthorised timber stud partitions	Plynlimon House 50 Long Bridge Street Llanidloes SY18 6EF
	Refused	07/12/2020	20/2006/HH	Householder	18/03/2021	Erection of an extension	Plot 1 Pen Rhos Y Maen Llanidloes Powys SY18 6FA
Llanidloes Without Community	Approve	11/11/2020	20/1609/HH	Householder	17/03/2021	Widening existing access	Pen Capel Van Llanidloes SY18 6NL

Page 86

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

[30/03/2021 11:22:23 POWYSCC\sandraf](#)

[← Go Back](#)



Delegated List

91 Applications

Llanrhaeadr-Ym-Mochnant Community	Refused	25/02/2021	21/0284/NMA	Non-Material Amendment	23/03/2021	Application for a non-material amendment to planning approval P/2017/0230 in relation to upgrading the currently approved windows with more improved energy conservation low-e glazing timber frames	Capel Glanafon Waterfall Street Llanrhaeadr-Ym-Mochnant Oswestry SY10 0JX
Llansantffraid Community	Approve	14/07/2020	20/0779/RES	Reserved Matters	18/03/2021	Reserved matters application for the erection of a rural enterprise dwelling in relation to outline permission P/2018/0361	Gelli Farm Cross Lane Llansantffraid-Ym-Mechain SY22 6SZ
Llanfryn Community	Approve	25/01/2021	21/0112/HH	Householder	19/03/2021	Demolition of existing lean-to store, erection of rear porch, first floor extension and internal alterations.	Post Office Rhydycroesau Oswestry Powys SY10 7PS
Llanyre Community	Approve	22/12/2020	20/1999/HH	Householder	24/03/2021	Erection of an extension and fencing	1 Sychpant Newbridge-On-Wye Llandrindod Wells LD1 6LE

CODE: IDOX.PL.REP.05

30/03/2021 11:22:23 POWYSCC\sandraf

[← Go Back](#)



Delegated List

91 Applications

Machynlleth Community	Approve	24/11/2020	20/1926/HH	Householder	10/03/2021	Addition of a ground floor sun room extension to side of house. Relocation of existing balcony to rear of dwelling and creating new doorway from bedroom as access.	Gwynfryn Newtown Road Machynlleth SY20 8EY
Manafon Community	Consent	14/10/2020	20/1660/FUL	Full Application	26/03/2021	Proposed pod development, improve existing field access, installation of a sewage treatment plant and associated works	Holiday Pod Development At Land At Tyn Y Celyn Llanfair Caereinion Welshpool Powys
Meifod Community	Approve	04/02/2021	21/0130/HH	Householder	25/03/2021	Erection of and extension and carport	Tanychwarel Meifod Powys SY22 6HP
	Approve	02/03/2021	21/0274/FUL	Full Application	26/03/2021	Installation of a biomass boiler, flue and ancillary apparatus to an existing storage outbuilding (retrospective)	Ystym Colwyn Hall Meifod Powys SY22 6BN
Montgomery Community	Approve	29/01/2021	21/0205/TRE	Works to trees in Conservation Area	12/03/2021	Application for tree works within a conservation area	Tre Llydiart Chirbury Road Montgomery Powys SY15 6QP

Page 88

CODE: IDOX.PL.REP.05

30/03/2021 11:22:23 POWYSCC\sandraf

[← Go Back](#)



Delegated List

91 Applications

	Consent	11/01/2021	21/0032/FUL	Full Application	23/03/2021	Engineering works associated with approved dwelling (P/2017/1289 and 20/1065/RES refers) to allow for and accommodate approved SuDS and foul drainage works outside of original red-edged site area	Land At Pwll Farm Hendomen Montgomery Powys SY15 6EZ
Nantmel Community	Approve	18/11/2020	20/1802/HH	Householder	23/03/2021	Extensions to bungalow comprising of a hobbies/office room and a replacement conservatory	Dolwen Bungalow Nant Glas Llandrindod Wells Powys LD1 6PA
New Radnor Community	Approve	11/01/2021	21/0036/DIS	Discharge of Condition	12/03/2021	Discharge of conditions 4, 5 & 6 of planning permission 20/1107/FUL (Biodiversity Enhancement Plan, Landscaping Statement and Lighting Design Statement)	The Warren New Radnor Presteigne LD8 2TN
Newtown And Llanllwchaiarn Community	Approve	28/10/2020	20/1747/HH	Householder	10/03/2021	Demolition of existing conservatory and construction of proposed two storey extension	The Old Gethin Aberhafesp Newtown SY16 3LP
	Approve	15/01/2021	20/2129/FUL	Full Application	18/03/2021	Erection of a cover to an existing manure store	Upper Black Hill Kerry Newtown SY16 4AB

CODE: IDOX.PL.REP.05

30/03/2021 11:22:23 POWYSCC\sandraf

[← Go Back](#)



Delegated List

91 Applications

	Approve	10/02/2021	21/0330/TPO	Works to Trees subject to a TPO	19/03/2021	Works to a tree with a TPO	Methodist Church Back Lane Newtown Powys SY16 2NH
	Consent	20/01/2021	21/0095/ADV	Advertisement Consent	17/03/2021	2no. Illuminated (external) building mounted signs, 2no. non-Illuminated building mounted signs and 1no. totem entrance sign.	Unit D- DPD Depot Vastre Industrial Estate Heol Vastre Newtown Powys SY16 1DZ
Paincastle Community	Approve	21/10/2020	20/1725/VAR	Discharge/Modification of S106	18/03/2021	Discharge of Section 106 agreement attached to planning consent R/206/D in relation to the use of a pre-existing outbuilding within the grounds of the property	Skreen Llandeilo Graban Llanfair-ym-muallt Powys LD2 3SJ
	Approve	23/02/2021	21/0291/AGR	Agricultural Notification	23/03/2021	Agricultural notification for erection of an agricultural building for farm machinery storage and workshop building	Lower Llandewi Llandewi Fach Builth Wells Powys LD2 3UQ
	Refused	15/09/2020	20/1467/FUL	Full Application	10/03/2021	Erection of an affordable dwelling with garage and workshop, installation of vehicular access and a treatment plant and associated works	Land Adjacent To Sunnybank Llandeilo Graban Builth Wells Powys LD2 3SJ

Page 16 of 90

CODE: IDOX.PL.REP.05

30/03/2021 11:22:23 POWYSCC\sandraf

[← Go Back](#)



Delegated List

91 Applications

Presteigne Community	Approve	08/03/2021	21/0415/NMA	Non-Material Amendment	17/03/2021	Non material amendment to reserved matters application 20/0013/RES (outline planning consent P/2016/0819) in relation to changing the handing of plot 10. Please supersede approved drawings House Type 5 - 502, 503 and 511 with approved drawings House Type 5 - 500, 501 510	Residential Development On Land Opposite Kings Court Presteigne Powys LD8 2HX
Rhayader Community	Approve	31/07/2020	20/1169/FUL	Full Application	19/03/2021	Extension to General Purpose Agricultural Building	Glanllyn Cwmduddwr Rhayader LD6 5HT
Tawe-Uchaf Community	Approve	30/03/2020	20/0448/OUT	Outline planning	16/03/2021	Outline plans with all matters reserved for a residential development consisting of 9 dwellings in total - 3 detached dwellings each having an integral garage and 6 semi-detached	Land Adj To Colbren School Heol Eglwys Coelbren Castell-nedd Powys
Trallong Community	Approve	02/12/2020	20/1853/FUL	Full Application	25/03/2021	Replacement of a dilapidated agricultural building with a new agricultural building	Wernfigan Uchaf Trallong Brecon LD3 8HW
	Approve	15/01/2021	21/0072/HH	Householder	17/03/2021	Erection of a conservatory to replace existing porch	Penstar Farm Llanfihangel-Nant-Bran Brecon LD3 9NB

CODE: IDOX.PL.REP.05

30/03/2021 11:22:23 POWYSCC\sandraf

[← Go Back](#)



Delegated List

91 Applications

Treflys Community	Permitted Development	12/02/2021	21/0262/AGR	Agricultural Notification	23/03/2021	Agricultural notification for rock drilling, blasting, crushing and processing of quarry stone	Trallwm Borrow Pit Trallwm Forest Block North West Of Beulah Powys
						Why necessary for agriculture: It is essential for the building and maintaining of our forest road network which enables us to effectively manage our forest estate	
Trevern Community	Approve	26/01/2021	21/0076/HH	Householder	23/03/2021	Build a small single storey bay window on front of the house	Brithdir Heldre Lane Buttington Welshpool SY21 8SX
New Radnor Community	Approve	03/05/2019	19/0793/NMA	Non-Material Amendment	18/03/2021	Application for non-material amendment to planning permission P/2014/0672 in respect of removal of condition 32	Land Off A44 SW Of Llandegley Llandrindod Wells Powys LD1 5UG

Page 18 of 21

CODE: IDOX.PL.REP.05

30/03/2021 11:22:23 POWYSCC\sandraf

[← Go Back](#)



Delegated List

91 Applications

Welshpool
Community

Approve	30/12/2020	20/2114/FUL	Full Application	25/03/2021	Construction of an extension to existing ink (solvent) storage area; construction of a small Goods-In office, expansion of existing car park facilities & installation of a new boiler for thermal heating oil	Unit 3 Buttington Cross Enterprise Park Welshpool Powys SY21 8SL
Approve	19/01/2021	21/0092/HH	Householder	11/03/2021	Installation of a mobility scooter store to front garden	24 Dolyfelin Welshpool SY21 7NB
Approve	22/01/2021	21/0085/FUL	Full Application	26/03/2021	Installation of a biomass boiler within existing building with fuel store and chimney	Unit 18 The Fox Complex Severn Road Welshpool Powys SY21 7AZ
Approve	26/01/2021	21/0133/TRE	Works to trees in Conservation Area	12/03/2021	Application for works to trees in a conservation area namely works to 2 trees and felling of a cherry tree	Land Rear Of Lloyds Bank Broad Street Welshpool Powys SY21 7RT
Approve	28/01/2021	21/0196/HH	Householder	25/03/2021	Erection of a porch and extension - to include the removal of an existing porch	1 Oldford Close Welshpool Powys SY21 7SX

Page 93

CODE: IDOX.PL.REP.05

30/03/2021 11:22:23 POWYSCC\sandraf

[← Go Back](#)



Delegated List

91 Applications

Consent	07/05/2020	20/0661/LBC	Listed Building Consent	24/03/2021	Redevelopment of former office building and site to provide an extra care facility, which will include 66 no. self-contained 1 & 2 bedroom apartments with supporting facilities. Alterations to Chalfont, and the demolition of the single storey outbuildings.	Neuadd Maldwyn Severn Road Welshpool SY21 7AS
Consent	22/07/2020	20/1142/LBC	Listed Building Consent	18/03/2021	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
Consent	19/08/2020	20/0659/FUL	Full Application	24/03/2021	Redevelopment of former office building and site to provide an extra care facility, which will include 66 no. self-contained 1 & 2 bedroom apartments with supporting facilities. Alterations to Chalfont, and the demolition of the single storey outbuildings.	Neuadd Maldwyn Severn Road Welshpool SY21 7AS

Page 94

CODE: IDOX.PL.REP.05

30/03/2021 11:22:23 POWYSCC\sandraf

[← Go Back](#)



Delegated List

91 Applications

Consent	27/08/2020	20/1354/FUL	Full Application	18/03/2021	Erection of 1 no. residential dwelling and construction of vehicular access and parking	Oldford Cottage Oldford Lane Welshpool SY21 7TE	
Consent	14/12/2020	20/2063/FUL	Full Application	26/03/2021	Change of use from recycling area to car wash area including construction of a jet wash bay and associated works	Petrol Filling Station Superstore And Premises Mill Lane Welshpool Powys SY21 7BL	
NMA Approved	23/02/2021	21/0323/NMA	Non-Material Amendment	24/03/2021	Non material amendment to planning permission 20/1102/FUL in relation to increasing the area and height of the extension	The Old Bakehouse 14 Church Street Welshpool Powys SY21 7DP	
Refused	14/01/2021	21/0107/FUL	Full Application	23/03/2021	Proposed Industrial building	Unit 10 And 11 The Quarry Brook Street Welshpool Powys SY21 7NA	
Ystradgynlais Community	Approve	19/08/2020	20/1220/HH	Householder	19/03/2021	Erection of extensions and removal of an outbuilding	35 Tan-Y-Farteg Ystradgynlais SA9 2JU

Applicati	91
------------------	-----------

CODE: IDOX.PL.REP.05

30/03/2021 11:22:23 POWYSCC\sandraf

[← Go Back](#)

This page is intentionally left blank

CYNGOR SIR POWYS COUNTY COUNCIL

PLANNING, TAXI LICENSING AND RIGHTS OF WAY COMMITTEE
8 April 2021

REPORT BY: HEAD OF HIGHWAYS, TRANSPORT AND
RECYCLING

SUBJECT: Town and Country Planning Act 1990, section 257
Public path Order proposal

REPORT FOR: DECISION

Proposal to stop up part of public footpath B59 on land to the rear of Ysgol Gymraeg y Trallwng (former Ysgol Maesydre Site), Howell Road, Welshpool (Community of Welshpool.)

Background:

This report is being presented to the committee in accordance with the Council's constitution as the proposal affects Council land. The need for an extinguishment of footpath B59 has arisen because the development subject of planning permission 20/1251/FUL would lie on the line of part of the footpath.

The planning permission, which was approved during the meeting of the PTLRoW committee held on 3rd December 2020, is for the refurbishment of the 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 at Ysgol Gymraeg y Trallwng (former Ysgol Maesydre Site) Howell Road Welshpool Powys SY21 7SU. The applicant's plans, as submitted during the planning permission process showing the development are at appendix A and B. The proposed length of the footpath to be stopped up is illustrated on the plan at appendix C.

The applicant for the proposed stopping up of part of the footpath is Powys County Council Schools Service.

Current Definitive route:

Footpath B59 commences at a junction with Severn Road and continues along Howell Road to pass the current school entrance to the east at OS Grid Reference SJ 2275,0708 (point A as shown on the plan at Appendix C.) It follows a generally southerly direction along an existing track for approximately 50 metres and enters a field enclosure through a gateway to get to OS Grid Reference SJ 2274,0703 (point B.) The path turns to follow a generally south easterly direction across a natural surface alongside a mature hedgerow. The path meets the A483 Trunk Road at OS Grid Reference SJ 2280,0696 (point C) at the existing field boundary which comprises a concrete

post and wire fence. The total length between points A and C is approximately 154 metres; the width is undefined in the statement.

Proposal:

The proposal seeks to stop up the length of public footpath No. B59 between OS Grid Reference SJ 2275,0708 (point A) and OS Grid Reference SJ 2280, 0696 (point C) as shown on the Proposal Plan found at appendix C, with the remaining route of the path unaffected. The total length to be stopped up is approximately 154 metres; the width is undefined in the statement.

Consultation:

Asbri Planning Ltd on behalf of the applicant carried out pre-Order consultation, in December 2020, and consultees were given 28 days to respond. Responses to the proposals have been received from:

- PCC Planning Services who acknowledged receipt of the proposal but provided no further comment.
- North & Mid Wales Trunk Road Agency, who support the proposal.
- Ramblers Association, who have no objection.
- Clwyd-Powys Archaeological Trust, CADW, Cadent National Grid, Severn Trent, Hafren Dyfrdwy and Manweb, none of whom objected to the proposals.
- A representative of the British Horse Society made no objection but did query the extent of the security and site fencing on the route. This was addressed by Asbri Planning.

In addition, the minutes of Welshpool Town Council Planning Committee held on 27th January in which the Local Member (Cllr P Pritchard) is listed as an attendee, stated their support of the proposal.

Options:

This application has been made under section 257 of the Town and Country Planning Act 1990. The legal criteria for the making of a Stopping Up Order under this legislation is that it is necessary to do so, in order to enable development to be carried out in accordance with planning permission that has been granted. In making the Order, the Council must also have regard to the need for an alternative footpath to be provided.

Prior to seeking the formal stopping up of the section of footpath B59, alternative options were considered by the applicant. One option which was explored in detail was to divert the footpath around the perimeter of the school site to meet the A483 Trunk Road at the south eastern corner of the existing field boundary. Beyond the boundary is an embankment leading on to the carriageway where the road speed is 60mph, with no pedestrian footway, crossing or lighting in the vicinity. The construction of the Welshpool Bypass (A483) twenty-seven years ago resulted in footpath B59 being legally severed, with no access to the footpath on the eastern side of the A483. This diversion proposal would not resolve the problem. In addition, the proposed development includes the extension of the school boundary to the south. The incorporation of any right of way through or along the perimeter of the site

would result in additional measures being needed to ensure safeguarding for young pupils. Other options to divert the path over adjoining land were explored, but these were not feasible due to the need to gain consent from third party landowners.

Planning permission 20/1251/FUL has been granted for the school development that will lie on the line of footpath B59. As such, and as the development is not 'substantially complete', it is considered that the legal criteria for the making of a Stopping Up Order are met.

If a Stopping Up Order is made, opposed and submitted to the Planning Inspectorate, the Inspector could consider wider issues, including the disadvantage or loss to members of the public, in deciding whether the Order should be confirmed or not. However, they will not re-open the matter of the planning merits of the development itself.

The Committee could:

1. Decide not to make a Stopping Up Order in respect of this application; in that event, the applicant would not be able to implement the development subject of the planning permission that has been granted, as to do so would obstruct the line of footpath B59.
2. Approve the making of a Stopping Up Order. Given that there are no outstanding objections, there is a low risk that the Order may then be formally opposed.

If a Stopping Up Order is made and opposed, it could be formally abandoned. Alternatively, the Order could be submitted to the Planning Inspectorate for determination.

As the proposal meets the legal criteria for the making of a Stopping Up Order, it is proposed that the Stopping Up Order be made. If it is opposed, then unless significant new information comes to light, it is proposed that the Order should be submitted to the Planning Inspectorate for determination. It would then be for the Schools Service to make any representations in support of the confirmation of the Order.

RECOMMENDATION:

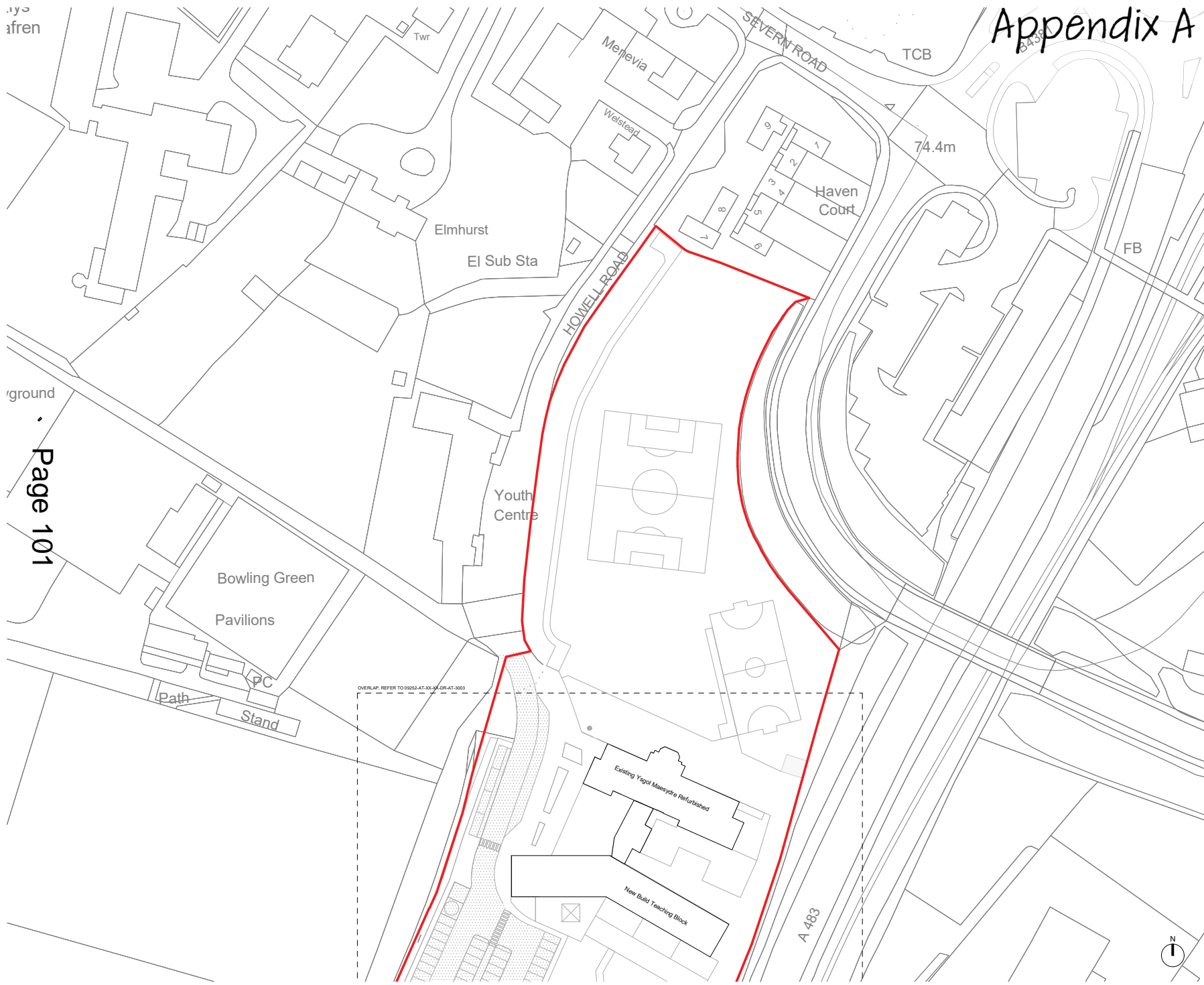
1. That an Order be made to stop up part of public footpath B59, on the land to the rear of Ysgol Gymraeg y Trallwng (former Maesydre Site), Howell Road, Welshpool as shown on the plan at appendix C.

Appendices:

- | | |
|------------|---|
| Appendix A | 20/1251/FUL Applicant's Site Plan Sheet 1 showing location of the school development. |
| Appendix B | Applicant's Site Plan Sheet 2. |
| Appendix C | Plan of the proposed stopping up of footpath B59. |

This page is intentionally left blank

Appendix A



Notes
 This drawing is © Archtype Ltd. Check this drawing is the latest revision. Do not scale from this drawing. Do not use the information on this drawing without checking all dimensions on site. Do not use any areas indicated for other situations, purposes, uses or any other form of legal, building contract. Do not reproduce any part of this drawing without prior written consent. Report any discrepancies on this document to Archtype. Read this drawing in conjunction with the associated reports, specifications and related consultant's documents. Equipment products / materials may be approved where the Employer's Requirements, Thermal Performance, Air-tightness and any other specified performance requirements are met. Subject to Archtype's Accreditation. All materials to be verified to comply with BS 1402 for BS5001. All timber species and sources used in this development are not to be listed on the CITES appendix for endangered or threatened species (appendix 1 to 4).

Team

NOTE: Landscape shown indicatively, refer to Landscape Architect's drawings for more information.

Rev	Date	Description	Drawn	Checked
1	07.12.19	PAC Submission	MG	EP
2	31.01.19	Draft Issue for planning	MG	EP
3	12.02.19	ISSUED FOR PLANNING	MG	EP
4	21.02.19	Site Boundary Updated	EP	
5	09.03.20	Updated following invitation letter	MG	RR
6	05.05.20	ISSUED FOR PLANNING	MG	RR
7	09.07.20	ISSUED FOR PLANNING	MG	RR
8	22.07.20	Site Boundary Updated	MG	RR

Project: Ysgol Gymraeg Y Trallwng
 Client: Powys County Council

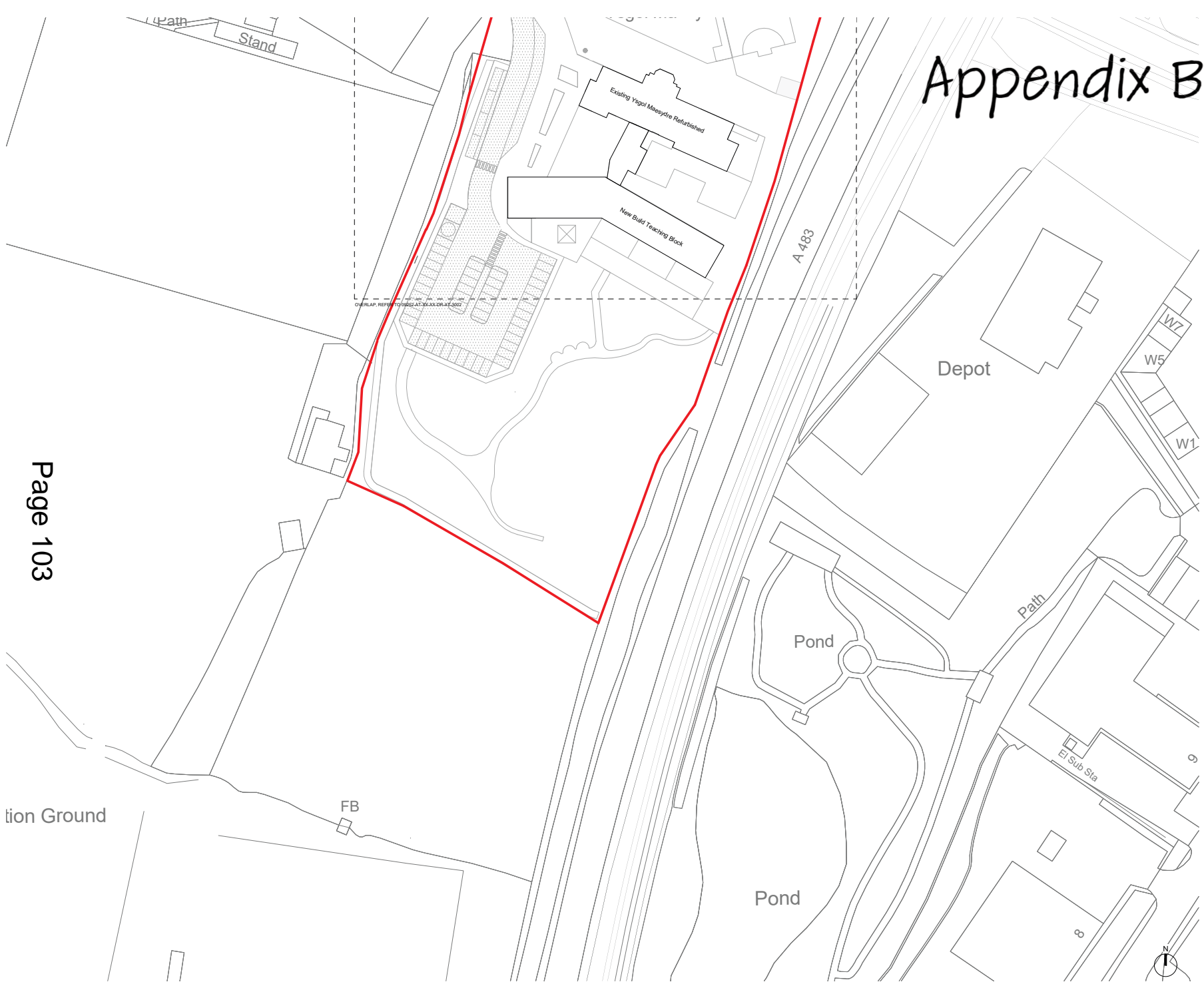
Drawing Title: Block Plan - Sheet 1

Project: 09252 - AT - XX - XX - DR - A - 3002

Status	Description	Rev
S2	Issued for information	P8
Scale	@ A1 02 NOV 18	Drawn
1:500		MG
Internal Proj Ref	Model Ref	Checked
09252	ART_MAN	EP



This page is intentionally left blank



Appendix B

Notes
 This drawing is © Archtype Ltd. Check this drawing is the latest revision. Do not scale from this drawing. Do not use the information on this drawing without checking all dimensions on site. Do not use any areas indicated for other situations, purposes, uses or any other form of right, licence or contract. Do not reproduce any part of this drawing without prior written consent. Report any discrepancies on this document to Archtype. Read this drawing in conjunction with the associated reports, specifications and related consultant documents. Equipment products / materials may be approved where the Employer's Requirements, Thermal Performance, Airtightness and any other specified performance requirements are met. Subject to Archtype's Accreditation. All materials to be certified to comply with BS 1402 for BS5001. All timber species and sources used in this development are not to be listed on the CITES appendices for endangered or threatened species (appendix 1 to 4).



NOTE: Landscape shown indicatively, refer to Landscape Architect's drawings for more information.

Rev	Date	Description	Drawn	Checked
1	07.12.18	PAC Submission	MG	EP
2	31.01.19	Draft issue for planning	MG	EP
3	12.02.19	ISSUED FOR PLANNING	MG	EP
4	21.02.19	Site Boundary Updated	EP	
5	09.03.20	Updated following invitation letter	MG	RR
6	05.05.20	ISSUED FOR PLANNING	MG	RR
7	09.07.20	ISSUED FOR PLANNING	MG	RR
8	22.07.20	Site Boundary Updated	MG	RR

OVERLAP: REFER TO 09252-AT-XX.XX-DR-AT-202

Project: Ysgol Gymraeg Y Trallwng
 Client: Powys County Council
 Drawing Title: Block Plan - Sheet 2

Project	Originator	Zone	Level	Type	Role	Unique ID
09252 -	AT -	XX -	XX -	DR -	A -	3063

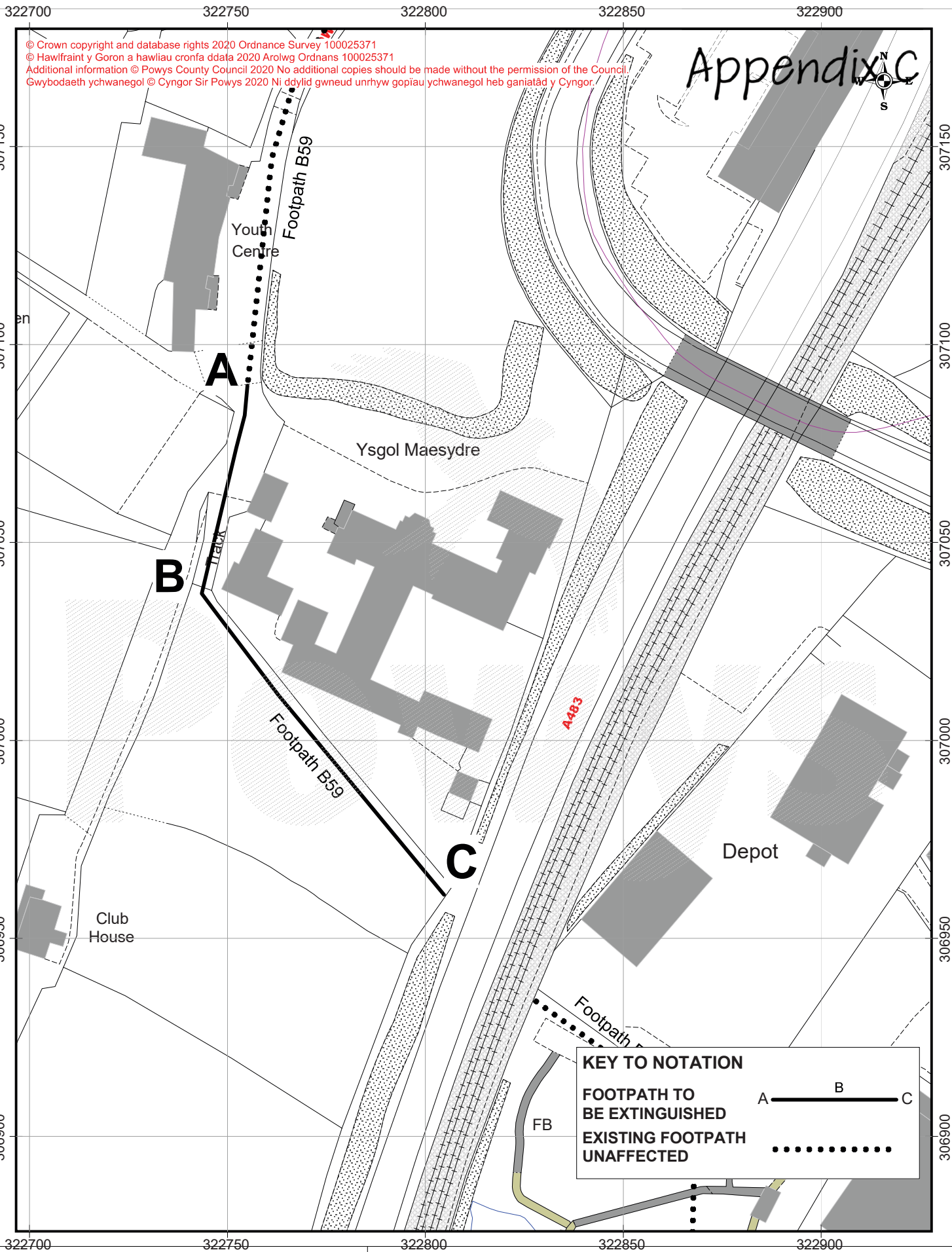
Status	Description	Rev
S2	Issued for information	P8

Scale	Date	Drawn
1:500	@ A1 02 NOV 18	MG

Internal Proj Ref	Model Ref	Checked
09252	ART_MAN	EP



This page is intentionally left blank



Appendix C

KEY TO NOTATION

FOOTPATH TO BE EXTINGUISHED A ——— B ——— C

EXISTING FOOTPATH UNAFFECTED ······

Proposed public path stopping up Order:
 Public footpath B59
 Ysgol Gymraeg Y Trallwng Site, Howell Road, Welshpool
 Community of Welshpool
 Scale 1:1000 Page 105 OSGR SJ 227,070

This page is intentionally left blank

CYNGOR SIR POWYS COUNTY COUNCIL

Date: 8th April 2021

PLANNING, RIGHTS OF WAY AND TAXI LICENSING COMMITTEE

REPORT AUTHOR: Senior Licensing Officer

REPORT TITLE: Taxi Licensing Fees

REPORT FOR: Decision

1. Purpose

1.1 To consider Taxi Licensing fees for the period April 2021 - March 2022

2. Background

2.1 The setting of fees is governed by The Local Government (Miscellaneous Provisions) Act 1976, it allows for the recovery of costs in connection with administering, controlling and supervising the Hackney Carriage and Private Hire Licensing regime.

2.2 Fees are calculated using a toolkit devised by the All Wales Licensing Expert Panel with assistance from our finance team. The committee usually approves fees for consultation ready for implementation the following 1st April.

2.3 The current fees are set out below:

Vehicles (1 year) Hackney Carriage Private Hire	£148	
Driver Licence (3 year)	£260	excludes DBS fee
Driver Licence (1 year – on request)	£150	excludes DBS fee
Private Hire Operators (5 years)	£405	excludes DBS fee
Knowledge/Competency Test	£40	

Number of current licences as of 01/01/2021, in brackets are figures for 01/10/19.

* significant reduction in number of licensed vehicles - many operators have decided to not renew or to defer renewing vehicle licences during pandemic.

Drivers	500 (498)
Private Hire Operators	72 (78)
Private Hire Vehicles	247 (264)*
Hackney Carriage Vehicles	117 (164)*

- 2.4 Fees for 2021/2022 period would be based on figures and costs in administering the taxi licensing regime in the 2019/2020 period. There were no significant changes in the way that licences were processed in that period or in the number of licences processed so it is likely the fees would potentially go up slightly due to increased staff hourly rates and any material costs.

During the 2020/21 period due to the covid pandemic, with officers working from home, the authority has had to adapt the processes involved in issuing licences. Usual practice would be that customers make appointments to meet officers at the council offices to deliver their paperwork, for officers to arrange for payments, take copies of documents and also to inspect vehicles. Applicants are now required to submit their renewal documents electronically; vehicle inspections have been suspended temporarily for obvious reasons in relation to reducing risk of virus transmission. If we need to see a new vehicle this is being done by video link or photos. In addition, compliance checks have temporarily been suspended.

As a result, the costs for this last year which are used to calculate the costs for following year's 2022/23 fees are likely to be slightly less but this will not be known until later in the year.

- 2.5 Mindful that the trade has faced a challenging year along with most other businesses in Powys it is proposed that fees for 2021/22 are left as they are to avoid an anticipated increase and are reviewed for 2022/23 taking into account the costs in administering the regime for the previous 2 years i.e.

- 2019/20 the pre-covid year when there were no significant changes in processing licences and
- 2020/21 the covid year when processes and compliance were paired back.

- 2.6 Rather than a likely uplift in fees this coming year followed by a reduction in fees the following year, considering costs across a 2-year period will mean we avoid an anticipated increase in fees this year which will be balanced by an anticipated reduction next year which should be more acceptable to the trade.

- 2.9 The finance section has been consulted and are in agreement with this approach

3. Advice

- 3.1 It is recommended that taxi fees are not reviewed for 2021/22 but left as they are. A review of taxi fees will be undertaken for implementation April 2022/23. These fees can consider costs across the 2019/20 & 2020/21 periods together and will result in a more balanced fee for the trade overall.

4. Resource Implications

- 4.1 None, finance have been consulted and agree with the proposal.

5. Legal implications

- 5.1 The authority is required to set a complaint fee based on cost recovery.

6. Data Protection

- 6.1 There are no implications for processing of personal data in the consideration or approval of this report.

7. Comment from local member(s)

- 7.1 N/A fees are Powys wide.

8. Integrated Impact Assessment

- 8.1 N/A - Statutory requirement to charge a compliant fee.

9. Recommendation

- 9.1 To approve that taxi licence fees for 2021/22 remain unchanged.

Contact Officer: Sue Jones Tel: 01597 827389 Email: susan.jones@powys.gov.uk Head of Service: Gwilym Davies Corporate Director: Nigel Brinn Portfolio Holder: Graham Breeze
--

This page is intentionally left blank