

# Planning, Taxi Licensing & Rights of Way Committee

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Meeting Venue  
**By Teams**

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Meeting Date  
**Thursday, 21 October 2021**

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Meeting Time  
**10.00 am**

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



County Hall  
Llandrindod Wells  
Powys  
LD1 5LG

14 October 2021

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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.

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## AGENDA

<b>1.</b>	<b>APOLOGIES</b>
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To receive apologies for absence.

<b>Rights of Way</b>
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<b>2.</b>	<b>DECLARATION OF INTEREST</b>
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To receive declarations of interest in respect of the next item.

<b>3.</b>	<b>POWYS LOCAL ACCESS FORUM - ANNUAL REPORT 2020-21</b>
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The Council representative, County Councillor Roger Williams and the Chair of the Local Access Forum, Mr Graham Taylor will present the report.  
(Pages 5 - 10)

<b>4.</b>	<b>MINUTES OF THE PREVIOUS MEETING</b>
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To authorise the Chair to sign the minutes of the previous meeting of the Committee held on 30 September 2021 as a correct record.  
(To Follow)

## Planning

### 5. DECLARATIONS OF INTEREST

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

### 6. PLANNING APPLICATIONS FOR CONSIDERATION BY THE COMMITTEE

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

(Pages 11 - 14)

#### 6.1. Updates

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

#### 6.2. 20/2118/FUL Land Off Forden Road, Montgomery, Powys, SY15 6EU

(Pages 15 - 68)

#### 6.3. 21/0919/FUL Hafod Barn, Llangadfan, Welshpool, Powys, SY21 0QB

(Pages 69 - 102)

#### 6.4. 21/0551/FUL Land Adjacent Upper Cefnperfa House, Kerry, Newtown, Powys, SY16 4DW

(Pages 103 - 130)

#### 6.5. 20/0311/FUL Tregare, Barns at Tregare, Gwenddwr, Builth Wells, LD2 3BZ

(Pages 131 - 166)

6.6. **20/0312/LBC Tregare, Barns at Tregare, Gwenddwr, Builth Wells, LD2 3BZ**

(Pages 167 - 182)

6.7. **21/1216/DIS 27 Middletown Residential Park, Middletown, Welshpool, SY21 8EX**

(Pages 183 - 188)

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

(To Follow)

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## CYNGOR SIR POWYS COUNTY COUNCIL

### PLANNING, TAXI LICENSING AND RIGHTS OF WAY COMMITTEE

21<sup>st</sup> October 2021

**REPORT BY:** HEAD OF HIGHWAYS, TRANSPORT AND  
RECYCLING

**SUBJECT:** Powys Local Access Forum Annual report 2020-21

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**REPORT FOR:** INFORMATION

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**Title:** Powys Local Access Forum Annual report 2020-21

**Background:**

1. The Powys Local Access Forum is a statutory advisory body to the Council in relation to countryside access matters.
2. Local Access Fora are appointed by every local Highway Authority and National Park Authority in England and Wales, under the provisions of section 94 of the Countryside and Rights of Way Act 2000.
3. The Council appoints the members for a term of 3 years at a time. The membership is made up of individuals with a wide variety of perspectives on countryside access. It must include representatives of users of local rights of way and of landowners and occupiers, together with any other interests that may be relevant to the Authority's area.
4. There is a Council representative on the Forum, being a member of the Planning, Taxi Licensing and Rights of Way Committee.
5. There is a Memorandum of Understanding between Powys County Council and the Powys Local Access Forum. This sets out the relationship between the Council and the Forum (as an independent advisory body.)
6. The Chair of the Local Access Forum prepares an annual report, looking back over the Forum's activities for the previous financial year. It has been agreed as part of the Memorandum of Understanding that this will be presented by the Council representative and the Chair of the Local Access Forum to the Planning, Taxi Licensing and Rights of Way Committee.
7. Accordingly, the 2020-21 annual report at appendix A is now presented to the Committee for information.

**Appendices:**

Appendix A 2020-21 Local Access Forum annual report

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# **Powys Local Access Forum**

## **Annual report 2020\21**

### **Introduction**

The current Powys Local Access Forum (LAF) was established in February 2020 shortly before the first Coronavirus lockdown. This report covers the work undertaken by the LAF up to the end of March 2021 and sets out the proposed work programme for 2021\22.

### **Background**

Local authorities in Wales have a statutory duty to establish a LAF in their areas. Their main function is to give advice to the Council, National Resources Wales (NRW) and others on public access to land for open-air recreation and enjoyment, taking into account the needs of land management and the natural beauty of the area.

### **Membership**

Powys County Council (PCC) is the appointing Authority for the LAF. In undertaking this task it is required to ensure that the membership includes:

- users of local access land and local rights of way
- owners and occupiers of access land and land with rights of way
- other interests especially relevant to the area

In January 2020 PCC advertised for applicants and made appointments in February 2020. The current membership is as follows

Graham Taylor (Chair)  
Michael Brennan (Vice Chair)  
County Councillor Roger Williams  
Annette Turner  
Brian Jones  
Charles De Winton  
Chris Ledbury  
Emyr Davies  
Jill Kibble  
John Rowlands  
Josie Pearson  
Katherine Shaw  
Robert Hyde  
Tony Cooke

There is a separate LAF for the Brecon Beacons National Park (BBNP).

### **Work during 2020/21**

The Coronavirus pandemic has had a significant adverse impact on work to improve access in Powys and as a consequence it has been an unusual year for the LAF. Nevertheless the LAF has endeavoured to work in a different way through virtual meetings and email contact and has been able to offer advice on access matters to the relevant authorities. This has included:

Offering thanks and support to Countryside Services (CS) who look after rights of way in the area for the work they have been able to do in very difficult circumstances.

Advice to NRW on its draft Forest Resource Plans.

Advice to PCC on the projects to be undertaken with the help of the Welsh Assembly Government (WAG), Access Improvement Grant.

Advice to PCC on their draft Work Plan for 2021/22. The LAF expressed concern that insufficient priority was being given to improving signposting, waymarking and dealing with obstructions. Some improvements to make the plan more user friendly and informative were also suggested.

Comments on the plans to undertake improvement to the Monks Trod between Pont Elan and the Ceredigion border to make it suitable for use by motor cycles. This is a complex issue and the LAF advised the Council that it was not in support of the proposed works.

Suggesting to PCC the development of a bridge rebuilding programme

Ideas for publicising the new Countryside Code.

A detailed response to work on the WAG plans for Access Reform. This was generally supportive but concern was expressed about the costs and practicalities of allowing cyclists to make use of all footpaths.

A request to the Council not to make further reductions in the budget of CS in 2021/22. This request was unsuccessful.

Initial comments on the proposed Global Centre for Rail Excellence on common land (Nant Helen).

Discussion with CS about the frustrations felt by users of rights of way with the condition of some parts of the network and the



difficulties in getting problems with obstructions and route finding addressed in a timely manner.

Welcoming efforts to make more information about rights of way on line and, in particular, the aim to get a user friendly definitive map on PCC's website. It is hoped these efforts to improve the on line presence will come to fruition soon.

Comments on the update version of the Landholders guide on Rights of Way which it is hoped will be published shortly.

Appointing a member to serve on the new Canals and Communities Well Being Project.

Offering support to the newly appointed Bio Diversity Officer working on the Powys Nature Recovery Action Plan and pressing PCC to continue funding for the post when he runs out after 12 months.

Pressing the Council to develop a programme to discharge their statutory duty to erect signposts where rights of way meet a metalled road.

Expressing concern about the time being taken to resume volunteer working parties.

Offering support to CS in their efforts to find a solution to the issues at the Glasbury canoe launch point.

Expressing concern about the long delays in resolving 2 outstanding access issues at Moelfe City and Devil's Gulch.

Supporting NRW and PCC's work to commemorate the 50<sup>th</sup> anniversary of the Offa's Dyke National Trail.

## **Proposed work 2021/22**

Planned work for the current year includes:

Input to a review of the CS Enforcement Policy.

Input to a review of the Grants to Landholders Programme.

Input to a review of the Guide on Rights of Way for planning applicants.

Further input into the WAG Access Reform Plans and their plans for supporting agriculture.

Presentation of this Annual report to the PCC Planning and Rights of Way Committee – this wasn't able to happen in 2020/21.

Annual meeting with the PCC Chief Executive and Cabinet Member responsible for Rights of Way - this wasn't able to happen in 2020/21.

Monitoring and review of the Rights of Way Work Plan 2021/22.

Input into the Work Plan 2022/23.

Input into the forthcoming review of the Local Development Plan.

Further input into the Rights of Way issues for the proposed Global Centre for Rail Excellence – this may include a site visit.

Advice to NRW on Forest Resource Plans

Advising on funding opportunities for rights of way work.

Input into further discussions about the Monk's Trod and continuing to press for a resolution to the long outstanding issues at Moelfre City and the Devil's Gulch.

Reviewing how other parts of the Council, besides CS, contribute towards improving the rights of way network.

Supporting efforts to ensure users of rights of way do so responsibly and that landholder discharge their responsibilities for rights of way.

This is not an exclusive list as there will be other issues that emerge during the course of the year.

### **Further Information**

There is a dedicated page on the PCC website to the work of the LAF - [Local Access Forum - Powys County Council](#)

This gives dates of future meetings and minutes from past meetings. The public are welcome to attend meetings. Arrangements for doing so should be made through CS by contacting [rights.of.way@powys.gov.uk](mailto:rights.of.way@powys.gov.uk)

Graham Taylor  
Chair, Powys LAF  
July 2021

**Planning, Taxi Licensing and Rights of Way Committee**  
**21<sup>st</sup> October, 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><b>20/2118/FUL</b></p> <p>Montgomery Community</p> <p>322401 297243</p> <p>11/02/2021</p>	<p>Full: Erection of 33 affordable local need dwellings, formation of vehicular access road and all associated works</p> <p>Land off Forden Road, Montgomery, Powys, SY15 6EU</p> <p>A Dawson</p> <p><b>Recommendation:</b> Conditional Consent</p>
<p><b>21/0919/FUL</b></p> <p>Banwy Community</p> <p>302215 314353</p> <p>14/05/2021</p>	<p>Full: Conversion of barn to holiday letting unit</p> <p>Hafod Barn, Llangadfan, Welshpool Powys, SY21 0QB</p> <p>T Van Rees</p> <p><b>Recommendation:</b> Conditional Consent</p>

<p><b>21/0551/FUL</b></p> <p>Kerry Community</p> <p>311972 289039</p> <p>19/04/2021</p>	<p>Full: Creation of a glamping site, to include five pods, a log cabin, septic tank and associated works</p> <p>Land adjacent Upper Cefnperfa House, Kerry, Newtown, Powys SY16 4DW</p> <p>Mr P Woodhouse</p> <p><b>Recommendation:</b> Conditional Consent</p>
<p><b>20/0311/FUL</b></p> <p>Erwood Community</p> <p>307330 244302</p> <p>03/03/2020</p>	<p>Full: Conversion and change of use of barn(s) to a dwelling to include part rebuilding and extension. Installation of septic tank and associated works</p> <p>Tregare, Barns at Tregare, Gwenddwr, Builth Wells Powys, LD2 3BZ</p> <p>Mr &amp; Mrs S and C Jefferies</p> <p><b>Recommendation:</b> Refuse</p>
<p><b>20/0312/LBC</b></p> <p>Erwood Community</p> <p>307330 244302</p> <p>03/03/2020</p>	<p>Listed Building Consent: Conversion and change of use of barn(s) to a dwelling to include part rebuilding and extension. Installation of septic tank and associated works</p> <p>Tregare, Barns at Tregare, Gwenddwr, Builth Wells Powys, LD2 3BZ</p> <p>Mr &amp; Mrs S and C Jefferies</p> <p><b>Recommendation:</b> Refuse</p>

<p><b>21/1216/DIS</b></p> <p>Trewern Community</p> <p>330260 312424</p> <p>01.07.2021</p>	<p>Discharge Application:</p> <p>Discharge of condition 2 of planning permission M/2004/0776 (type, colour and texture of all external materials and fenestration of the mobile home to be sited on plot 27 of Middletown Residential Park)</p> <p>Laird Estates Group Holding</p> <p><b>Recommendation:</b></p> <p>Approve</p>
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# 6.2

## Planning, Taxi Licensing and Rights of Way Committee Report

**Application Number:** 20/2118/FUL

**Grid Ref:** E: 322401  
N: 297243

**Community Council:** Montgomery Community

**Valid Date:** 11.02.2021

**Applicant:** A Dawson

**Location:** Land Off Forden Road, Montgomery, Powys, SY15 6EU,

**Proposal:** Erection of 33 affordable local need dwellings, formation of vehicular access road and all associated works

**Application Type:** Full Application

### The reason for Committee determination

The application has been called in for determination by planning committee by the local member.

### Consultee Responses

#### Consultee

#### Received

Community Council

8th Mar 2021

This proposal was considered by Montgomery Town Council Planning Committee at an open meeting on Friday March 5th following a virtual public consultation meeting with the developers on Thursday 4th of March that was attended by a large number of residents.

The response was unanimously agreed by full Town Council on Monday 8th March 2021.

### General Comments

In principle MTC welcomes the housing proposal although we consider there needs to be more detail provided and a thorough consideration given to highways issues before full planning consent could be granted for what is a major proposal for this small, historic town.

MTC considers the proposal would satisfactorily meet the housing needs of the town within the lifetime of the Powys LDP and, for a variety of reasons, this site is preferable to Verlon Fields and should replace it in the LDP at revision.

We have consulted with the community and share a number of material concerns outlined below:

#### Highways /Access arrangements

These arrangements and the overall increase in traffic are the major area of concern.

The proposed access is far too close to the exit/entrance to New Road and Sarkly Lane and, due to the topography, offers extremely poor visibility sight lines onto the Forden Road. The size of the development means a potential for 50 - 60 additional vehicles accessing and exiting the site as well as trades and deliveries; a significant increase for the area.

Given the level of comment at Pre-Application stage, MTC are disappointed that these real concerns have not been addressed in the subsequent full application. The opportunity for a long overdue improvement to safety for all road users has not been taken. MTC urges Powys County Council to work with the developers of this site to maximise the opportunity to provide safe access and egress not only to this site, but to also remedy an existing dangerous junction.

It is critical that note is taken of local knowledge before there is an exacerbation of existing issues and the potential for serious incidents. In particular we would draw the following to the Planning Officer's attention:

- excessive speeds are common along this stretch of road (Go Safe data supports this public observation) and the road is used by vulnerable users (walkers, equestrians and cyclists) and the aim must be to increase, not deter, active travel. The proposed layout puts such users at considerable risk;
- the simple provision of 40/30 mph limit signs and road markings can be seen to have virtually zero impact on road speeds. In conjunction with a roundabout flashing signs showing the actual speed at which a vehicle is travelling are required in order to have the desired impact;
- given the blind summit there needs to be a reduction of speed to 30mph before the New Road junction not after;
- Montgomery residents are actively supporting the Welsh Government's proposals to introduce 20mph zones through towns and large villages and for the safety of all residents this would be the opportunity to replace existing 30mph with 20mph signs throughout Montgomery;
- existing dangers for traffic exiting New Road onto Forden Road due to extremely



poor visibility, and

- vehicles leaving the new development and heading in the chirbury Road direction using the proposed layout will be making two right hand turns across the carriageway in quick succession and proximate to a blind rise.

The only sensible, practicable solution is the construction of a roundabout at the Forden/Sarkly/New Road junction with the new development access road onto this roundabout. This would have the added advantage of slowing traffic which would then approach the dangerous 45 degree B4388/ B4385, junction and the town at a safer speed.

The entirety of traffic speed, volume and parking issues in Montgomery need to be taken into consideration in advance of any such significant new build in the town.

#### Mix of housing types

We appreciate the constraints of funding but it is abundantly clear from public comment and our own observations that the socio-demographic nature of the town suggests a requirement for affordable homes to buy outright as well as rental properties and rent to buy and trust the ultimate mix will reflect area requirements.

There is concern that the houses should be truly local needs and that there is a fair and transparent system in place to ensure priority to local applicants.

The Town Council is pleased that good provision has been made for those with limited mobility and that, as a result of MTC comment at Pre-Application stage, a pavement is to be provided along Forden Road although we would reiterate the need for a sufficient width to accommodate a wheelchair.

With potential for considerably increased pedestrian use, the existing footpath from the veterinary surgery up to the Forden Road junction also requires widening as it is currently dangerously narrow.

#### Design and layout

Overall MTC would wish to see far more detail regarding design of individual houses. We welcome the verbal comments made at the public meeting in this regard but these are not necessarily reflected in the application.

The proposed number of homes is considerable for both the site and local requirements. We have seen no evidence base for Montgomery to support such a high level of need and there are extremely limited employment opportunities in Montgomery and immediate area. There is scope to slightly reduce the number of houses allowing for a layout

design more sympathetic to the site and rurality and the living environment of new residents.

This is an especially sensitive site in an Registered Historic Landscape rated Outstanding and on a main approach to Montgomery and its Conservation Area. It is within the setting of an important Scheduled Monument. It will be clearly seen from various vantage points on Castle Hill where presently little building is discernable. MTC is pleased to note the planned tree planting and a layout that sets houses back from the Forden and New Roads thus softening the impact of a densely build environment. MTC would object to the removal of the boundary hedgerow, especially if replaced with larch lap fencing. The essential rurality within the setting of the Castle Hill would be softened by maintaining the existing hedgerow for the whole site and a layout that is as non-linear as possible.

For similar reasons MTC would expect attention to be given to the building materials employed and detail of design. The roofing material should be slate in line with other buildings in the townscape and brick should be mellow and of good quality. The town is typified by its old and characterful buildings and mix of styles and the new build requires elements to introduce character into individual properties. Recent construction in Newtown and Welshpool should not be used as a benchmark as the unique character of Montgomery diverges considerably from these towns. In size Montgomery is no larger than a village (some 1300 population) and it is important to retain the sense of place and character for all residents and the many visitors that support the economy of this old County town. Affordability should not be an excuse for poor design or inferior build quality. The aspect of all build facing the existing roads needs particular attention.

MTC would assume all homes will now be built to high energy efficiency standards for both environmental and economic reasons and that planning consent will be suitably conditioned. We will be interested to receive details of how such measures will be fully incorporated above and beyond minimum building regulations as exemplars of good practice.

The provision of off-road parking is to be commended although some of the shared car parking arrangements may be problematic particularly considering the need for electric charging points.

MTC concurs with the applicant regarding the preference for low level housing over the high rise design proposed for the care home. This offers an opportunity for a sympathetic approach to this site and we would share CADW's concerns regarding the handling of development here.

#### Drainage

There will need to be a comprehensive drainage plan for this site. MTC are aware of

problems with drainage, particularly on the New Road side, and are also aware that other sites drain to this field.

#### Play provision

MTC would wish to see development of a play area on -site or a joint play area with the Mortimer's development (having an area originally identified for play as part of the s.106 agreement) connected by a pedestrian gate. If neither of these are feasible options a contribution to the planned new town play park on the recreation field would be welcome in lieu.

Provision of any play or community area or wildlife site on the new development will require a plan for on-going maintenance.

#### Other facilities

Given the size and limitations of facilities in Montgomery it is clear that a critical capacity will shortly be reached for town parking and an already overstretched medical practice, particularly as a number of houses are specifically designed with older or less able residents in mind.

#### Ecology

Local knowledge suggests the site is biodiverse and suitable mitigation and protective measures need to be in place. Proposed tree planting and retention of the hedgerow corridor have the potential to enhance biodiversity and MTC commends the inclusion of wildlife corridors around the periphery of the site. We assume the pond is also a wildlife area and that appropriate provision will be made for safety of children with respect to the feature. We welcome the stated involvement of the Wildlife Trust to maximise on potential.

#### Employment

have the opportunity to benefit from construction and ground works.

#### Archaeology

MTC would expect an archaeological survey of the site prior to works commencing, given its' historic nature, which is in close proximity to the site of the Civil War Battle of Montgomery.

Thank you for the opportunity to comment on this proposed development. MTC would be pleased to provide any further information and would wish to be engaged with s.106 discussions at the earliest stage.

Montgomery Town Council (MTC) note the revised access proposal onto New Road (U4810). The proposal was discussed at a meeting held in public on 02/08/21 and a response agreed.

MTC acknowledge the difficulties inherent in creating a suitable access. From local knowledge the Town Council consider the latest proposal to be unfeasible and unsafe for all residents.

As in previous responses, MTC advise either:

- access at the apex of the site onto a roundabout with an extension of the 30mph zone in the Forden direction or,
- access onto Forden Road but much nearer the Thermostat site where the sight lines are considerably better and traffic calming can be implemented into town

Either solution would obviate some of the more evident dangers.

MTC strongly object to the proposed New Road access on the following grounds:

I) the U4810 is a narrow lane not designed to take volumes of traffic. In this area it is constricted and completely unsuited to the traffic volumes generated by 33 new homes.

II) insufficient road width for vehicles to pass, which will be further narrowed by a pavement. When traffic has occasionally been diverted this way this has resulted in a chaotic situation driveways being used to facilitate passing and verges cut into

III) the principle challenge for this development is the blind junction of the U4810 and the B4388. Traffic frequently travels at speeds around 50mph on the B4388 at this point and approaches the New Road junction at a blind summit. Increasing the amount of traffic exiting at this junction is antithetical to all safe practice. The exit on to the Chirbury Road at the other end of New Road is also dangerous with very limited visibility towards Chirbury so users of New Road have only two means of exit and both are highly dangerous.

IV) New Road is a quiet rural lane for most of its length and popular with walkers and equestrians. Active travel use is incompatible with the proposal to increase the traffic volumes on this road by potentially some 400%

V) Construction of a pavement along this stretch of New Road would obviously be essential if the access was at this point but would destroy the attractive rurality of this area, involve the culverting of a very deep ditch (there are flood problems at the Forden Road junction), further reduce the width of the already narrow carriageway, potentially

require removal of the hedgerow intended to screen the site and maintain biodiversity

VI) Given the narrowness of the carriageway it is difficult to envisage how a suitably splayed entrance to the new housing could be achieved that would permit access of construction or delivery lorries

Powys Highways state that there will be:

replaced 'village' signage;

extension of the 30mph and 40mph zones;

traffic management on New Road ,

and that both the Forden and Chirbury Road junctions will be subject to a 'future TRO' .

In the absence of any detail as to where these are placed and what TROs are anticipated it is impossible to assess if any of these measures can ameliorate the considerable problems and risks that will be generated by this highly unsuitable access arrangement. Our Speed Watch team and residents are very aware that the mere provision of speed limit signs, countdown markers etc has virtually no impact on the speed of vehicles.

It is worthy of note that when an application was made for a care home on the site, Highways were adamant that access onto New Road would not be permitted; nothing has changed so MTC must question why such a dangerous access should now be even considered.

Accidents and near misses are not infrequent at the Forden Road junction and even last week there was a collision and a vehicle ended up in the hedge. MTC understands that photographs have been forwarded to the Planning Officer.

As this application has been called in for determination MTC hereby give notice that we would wish to speak at the relevant Planning Committee meeting.

Thank you for taking these very significant issues into consideration. More work obviously needs to be done regarding access/egress arrangements and MTC representatives would be happy to meet with Highways and the developers on site to discuss the issue with a view to achieving a safer solution for current and future residents.

PCC-Building Control

17th Feb 2021

Please be aware that Building Regulations approval will be required prior to commencement.

Ward Councillor

18th Feb 2021

I welcome proposals to provide affordable dwellings in Montgomery. I note that this proposal relates to an exception site, and that land with a housing allocation in the current LDP is situated nearby and lies undeveloped. I also note that this site was previously designated as an employment site. For both these reasons, I would prefer to see this proposal brought forward on to the allocated housing site.

The site lies adjacent to the junction of New Road and Forden Road. It has long been recognised that this junction is inherently dangerous with very poor sight-lines. Remodelling of this junction has been held to be contingent on development of the application site, and I am extremely disappointed that the application does not address this issue. Indeed, the proposed access, inserting an additional junction so close to the New Road/Forden Road junction will arguably increase risk. An opportunity exists for a single new junction to be provided serving both this site and New Road. I should like to see Highways and the applicants working together to achieve a properly integrated solution, and I believe a capital contribution from Highways would be justified on safety grounds. Proposals to extend the 30mph limit should have regard to the whole issue, not just the proposed new access.

With regard to access, a pedestrian link should be provided from the proposed development into the adjacent Mortimer Road development, providing an alternative route into the town centre. This will be especially important in relation to walking routes to Montgomery School. Moreover, an impermeable barrier between these two developments will not be in the interests of community cohesion or normal social interaction.

This proposal represents a significant increase in the residential accommodation of the town and is on an exception site. As submitted, it raises the highways issues highlighted above. For these reasons I should like to call in this application for Planning Committee determination.

*Additional Consultation Response*

31<sup>st</sup> Jul 2021

Following the addition of additional documentation to the planning papers, and in particular the revised site plan dated 19th May 2021 and Highways comments dated 20th July, I make the following observations:

- o The revision of the proposed road layout so as to allow for the whole or partial stopping up of the dangerous New Road/Forden Road junction is very welcome and should prove a positive benefit in terms of safety to users of the B4388 & U4810. It should reduce 'rat-run' use of New Road.
- o Further discussion in due course, together with consultation with residents of New Road and the wider the community. will be needed to determine the most appropriate TROs to maximise the benefit of this change of layout and further reduce the likelihood of

inappropriate traffic along the narrow New Road.

- o I welcome the proposed condition relating to lit footways.
- o Footpath (only) connection to the existing Mortimer Road still seems desirable in relation to providing safe and convenient walking routes to Montgomery School

PCC-(N) Highways

12th Mar 2021

Wish the following recommendations/Observations be applied

Recommendations/Observations

The Highway Authority are unable to support the above-named application for the following reasons.

The B4388 in the area of the proposed access is constrained by vertical alignment to the north, and the proposed site access is in close proximity to the junction of the B4388/U4810.

The proposed visibility splay to the north shown on Drawing Number 201 Rev P1 is not achievable due to the vertical alignment of the B4388, and the southern splay is drawn incorrectly.

We note Page 13 of the Design & Access Statement (DAS) states "Access to the proposed residential development will be off the Local Authority Highway B4388 Forden Road details of which have been subject to pre-application discussions with PCC Highways and details agreed". Whilst it is the case that the Highway Authority (HA) was consulted by the applicant on the Pre-Application Consultation (PAC), we note that our response has not been shown on the PAC details submitted with the planning application, and we further note that our concerns have not been fully addressed.

The U4810 which runs along the north eastern boundary of the site, is constrained by its width, and lack of formal passing bays and pedestrian links. The junction of the B4388/U4810 is constrained by its alignment and visibility in both directions. The proposed development would increase the number of movements along U4810 leading to further conflicts on the constrained highway.

The applicant proposes to construct a 1m wide footway link along the B4388. The HA advise that footways should measure a minimum width of 2m, Appendix DE001 of the Active Travel (Wales) Act 2013 Design Guidance states "On roads with a speed limit of 40mph or above, or with over 1,500 HGVs AADT, it is desirable to allow an additional minimum of 0.5m of footway or verge width to allow for vehicle overhang and pedestrian 'kerb shyness'." The guidance suggests a restricted width of 1.2m at an immovable object

is acceptable, and in relation to this states, "Provides space for a blind or partially sighted person to walk using a long cane, or with a guide dog, or alongside a person providing guidance."

Section 3.7.1 of the All-Wales Common Standards Guidance (CSG) states "Footways and footpaths fulfil an important role by ensuring the safe movement of pedestrians and, if properly designed, should facilitate and encourage pedestrian activity with a minimum width of 2m for pedestrians or 3m minimum width to accommodate cyclists."

The DAS states "The development will ensure both safe methods of travel for motor vehicles, bike users and pedestrians, the footpath along Forden Road will be extended to the new access". However, we note that the applicant has not proposed any cycle routes and/or combined cycle/footways.

The HA notes that the applicant has not submitted any justification for the proposed reduced width of the footway link.

The proposed footpath onto the U4810 fails to connect with the existing footway provision.

The applicant proposes to extend the 30mph zone out as far as the proposed access, however, guidance in relation to the setting of such requires built development on both sides of the carriageway. The applicant was previously advised of such by the Traffic Engineer and informed that the existing extent of the 30mph zone could only extend by 10m, as stated in his email contained within the PAC. As previously advised, a 40mph buffer zone to the B4388 shall be required and a 20mph zone within the site, along with traffic calming on the estate road. We note that the applicant has not referenced either of these.

CSG requires a gradient at the junction no steeper than 1 in 20 for the first 15m, however, we note that the applicant proposes to exceed this.

The proposed centreline radii on Road 1 (between junction and Plot 1) is considered too tight in absence of speed control measures in accordance with CSG.

The swept path shown for the centreline radii on Road 1 (between junction and Plot 1) on Drawing Number 203 Rev P1 should indicate an RCV rather than a 7.5t van, as such a vehicle is smaller than an RCV and therefore not considered the "worst case".

Drawing Number 201 Rev P1 (Visibility & Geometry) shows a continuous 2m footway along the northern side of Road 1 to the northern access radii. However, Drawing Number 201 Rev P1 (Adoptable extent surface finishes) shows the area between the northern radii and Plot 1 as being service strip.



No detail of the proposed forward visibility demarcation has been submitted for consideration.

No detail of clear forward visibility across the site has been indicated on the submitted drawings.

As submitted, the application is contrary to LDP Policies DM13 (10) & T1, Manual for Streets 1 & 2, TAN18, Active Travel (Wales) Act 2013 and The All-Wales Common Standards.

*Additional Consultation Response*

9<sup>th</sup> Jul 2021

The Highway Authority (HA) has been in discussion with the Planning Officer and the applicant's appointed agent[s]. We have reviewed the revised drawing/detail submitted in support of the application and subject to the following conditions being included with any consent given, we wish to withdraw our earlier objection.

1. Notwithstanding the submitted details on drawing number 1906-sit-01 Rev N the Highway Authority wish the following conditions to be applied to any consent given.
2. Prior to any works commencing on the development site, detailed engineering drawings for a lit footway along the Class II B4388 & U4810, site access, access visibility splays, stopping up of the existing access, and replacement village signage, and associated works, shall be submitted to and approved in writing by the Local Planning Authority.
3. Prior to any works commencing on the development site, detailed engineering drawings for a link road between the estate road and the U4810 and associated works, shall be submitted to and approved in writing by the Local Planning Authority.
4. Prior to the occupation of any dwelling, all Highway Improvements, referred to above, shall be fully completed to the written satisfaction of the Local Planning Authority and shall be retained for their designated use for as long as the development hereby permitted remains in existence.
5. Prior to any works being commenced on the site a scheme for the extension of the 30mph speed restriction, introduction of a 40mph along the B4388 and traffic management along the U4810 [New Road] shall be submitted to and approved in writing by the Local Planning Authority.
6. Prior to any works commencing on the development site, detailed highway engineering drawings covering the highway works within the site, including the provision of a 20mph Zone, traffic calming measures and appropriate signing, shall be submitted and approved in writing by the Local Planning Authority. The development shall be

carried out in accordance with the approved details of construction.

7. No development shall commence until provision is made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. The parking and turning area shall be constructed to a depth of 0.4 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.

8. Prior to the occupation of each of the dwellings hereby approved, provision shall be made within the corresponding plot for the parking of vehicles as detailed on the approved site plan 1906-sit-01 Rev N. The parking areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

9. Prior to first occupation of any dwelling on the site, a 20mph Zone shall be implemented that covers the internal estate road. (see advisory note)

10. No surface water drainage from the site shall be allowed to discharge onto the county highway.

11. No dwelling hereby approved shall be occupied before the estate road carriageway and footways are constructed to binder course level to an adoptable standard including the provision of any salt bins, surface water drainage and street lighting in front of that dwelling and to the junction with the existing county highway.

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

Hafren Dyfrdwy

24th Feb 2021

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

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

o The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and

o The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to reduce or exacerbate a flooding problem and to minimise the risk of pollution

Hafren Dyfrdwy advise that there is a public 150mm combined sewer located within this site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. You are advised to contact Hafren Dyfrdwy to discuss the proposals. Hafren Dyfrdwy will seek to assist in obtaining a solution which protects both the public sewer and the building. Please note, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 meters of a public sewer.

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

#### Clean Water Comments

We have apparatus in the area of the planned development, the developer will need to contact Severn Trent Water, New Connections team as detailed below to assess their proposed plans for diversion requirements.

To request a water map please follow the link, <https://www.stwater.co.uk/building-and-developing/estimators-and-maps/request-a-water-sewer-map/> scroll down the page to view the link:

Please visit [www.digdat.co.uk](http://www.digdat.co.uk)

You will need to register on the website and then you will be able to search for your chosen location and get an instant quote online. For more information you can view Digdat's user guide([opens in a new window](#)).

Please look at the district area supply plan (PDF)([opens in a new window](#)) to check that your site is within the Severn Trent boundary before requesting an underground asset map.

Any correspondence and diversion applications are to be submitted through New Connections the relevant form can be found on the Severn Trent website, please complete the form as fully as possible.

[https://www.stwater.co.uk/content/dam/stw/stw\\_buildinganddeveloping/Diversion-of-a-Severn-Trent-Water-main.pdf](https://www.stwater.co.uk/content/dam/stw/stw_buildinganddeveloping/Diversion-of-a-Severn-Trent-Water-main.pdf)

Information on diversion application charges can be found at

[https://www.stwater.co.uk/content/dam/stw/stw\\_buildinganddeveloping/new-connections/2020/new-connections-charging-arrangement-20-21.pdf](https://www.stwater.co.uk/content/dam/stw/stw_buildinganddeveloping/new-connections/2020/new-connections-charging-arrangement-20-21.pdf) Scroll down the "New Connections Charging" document - 1 April 2020 to 31 March 2021 go to Page 24 Diversion of a Water Asset.

CPAT

25th Feb 2021

This development site was previously evaluated in December 1999 - January 2000 for a prior development proposal on the same site. The whole field has a high archaeological potential largely because of its position within the Montgomery Civil War Battlefield (1644) area. The plot is also within the Vale of Montgomery Historic Landscape and the Montgomery Historic Landscape Character Area (of which the battlefield is a component).

The earlier evaluation indicated that there are degraded earthworks in the field relating to the former medieval open-field system which surrounded the town and these were surveyed at the time of the evaluation. A preliminary metal detector survey sampled a small central strip through the plot and confirmed that lead musket and pistol shot of Civil War date survives in this field. The lead shot was found at a shallow depth in the unploughed field and more metal artefacts will be revealed at greater depth after the grass has been removed over the whole development area.

At the time of the prior evaluation the ASIDOHL guidance on assessing the impact of development on historic landscapes was still in an early draft form and could not be applied to the development proposed at that time. Cadw should therefore be consulted via [cadwplanning@gov.wales](mailto:cadwplanning@gov.wales) so that they can decide whether an ASIDOHL assessment is required in this case. Normally ASIDOHL would only be required where the development has a more than local impact. As this is infill development between an existing industrial site and existing ribbon housing development along New Road the proposals are unlikely to have a more than local impact.

Additional archaeological work on the Civil War battlefield remains on the field would be required as a condition of any consent and this would include the following:

1. A systematic and comprehensive metal detection survey to retrieve further artefacts associated with the Montgomery Civil War battle. This would be completed in two stages prior to any development commencing and would consist of:

- a) A systematic transect survey of the whole development plot prior to grass removal and ground preparation works to capture metal artefacts in and just below the turf layer which

tends to mask signals from metal artefacts at deeper levels. The field should be mown before this initial survey takes place.

b) A systematic transect survey of the whole plot after the grass has been stripped under archaeological supervision across the development area to capture deeper metal artefacts. All artefacts recovered will be 3D mapped, retrieved, conserved and sent for specialist analysis and reporting.

To allow the metal detector survey to be completed a suitable investigation condition is provided below:

Suggested planning condition to facilitate a scheme of archaeological investigation as a condition of consent.

No development shall take place within the application area until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted by the applicant and approved in writing by the Local Planning Authority.

The archaeological programme of work will be undertaken and completed in accordance with the relevant Standards and Guidance laid down by the Chartered Institute for Archaeologists. A copy of the resulting report should be submitted to the Local Planning Authority and the Development Control Archaeologist, (Clwyd-Powys Archaeological Trust, The Offices, Coed y Dinas, Welshpool, SY21 8RP 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 be sent to the Historic Environment Record Officer, Clwyd-Powys Archaeological Trust for inclusion in the regional Historic Environment Record and a copy to the National Monuments Record, RCAHMW, Aberystwyth.

Reason: To secure preservation by record of all archaeological remains which will be impacted by the development

Cadw - SAM

3rd Mar 2021

Thank you for your letter of 22 February 2021 inviting our comments on the information submitted for the above planning application.

Advice

Having carefully considered the information provided, we have no objection to the proposed development. Please see our assessment of the application below.

The national policy and Cadw's role in planning are set out in Annex A.

## Assessment

### MG015 Ffridd Faldwyn Camp

### MG022 Montgomery Castle

In our response to a statutory pre-planning application consultation for this development we noted that it is located some 310m northeast of scheduled monument MG022 Montgomery Castle and is clearly visible in the identified significant view from it and is also some 550m east of scheduled monument MG015 Ffridd Faldwyn Camp that will also have views of the proposed development area. In our assessment we considered that the proposed development would extend modern housing outside the current boundaries of the settlement at Montgomery and would therefore have an adverse impact on the settings of both scheduled monuments. We therefore recommended that an assessment of this impact should be prepared. In the pre-application consultation report submitted with the current application our advice is noted but has not been accepted, as the application area benefits from extant planning consent for a care facility along with block of flats for independent living (planning consent P/2016/0680). In the opinion of the agent this development would have a greater impact on the setting of the scheduled monuments than the current proposal, as the extant consent allows three storey buildings rather than the current proposal for two storey dwellings.

Cadw were not consulted on planning application P/2016/0680 although the impact of the development on the view from Montgomery Castle was considered in the determination of that application. Whilst the view from a scheduled monument is not the only element that contribute to its setting (see section 1.25 of TAN 24), in this case, we agree with the agent that the impact of the current proposal will be less adverse on the setting of the castle than the development with extant consent. In determining planning application P/2016/0680 the impact on the setting of scheduled monument MG015 Ffridd Faldwyn Camp does not appear to have been considered, but similarly to the impact on the setting of Montgomery Castle the impact of the current proposals is likely to be less than the development allowed by the extant consent.

#### PCC-Affordable Housing Officer

No comments received at the time of writing this report.

#### PCC-Built Heritage Officer

No comments received at the time of writing this report.

#### PCC-Countryside Services Manager

No comments received at the time of writing this report.

PCC-Ecologist

27th Apr 2021

Thank you for the opportunity to comment on planning application 20/2118/FUL which concerns an application for erection of 33 affordable local need dwellings, formation of vehicular access road and all associated works at Land Off Forden Road, Montgomery, Powys, SY15 6EU.

I have reviewed the proposed plans, aerial images as well as records of protected and priority species and designated sites within 1km of the proposed development.

The data search identified 969 records of protected and priority species within 500m of the proposed development. Species recorded within 1km of the proposed development include bat species: Natterer's bat, brown long-eared bat and lesser horseshoe bat, plus polecat, hedgehog, peregrine, grass snake, common toad, bluebell, large-leaved lime and numerous Environment (Wales) Act 2016 bird, butterfly and moth species.

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

- o Castle Rock Regionally Important Geodiversity Site (RIGS) - approximately 270m southwest of the proposed development

One or more Ancient Woodland (AW) sites were identified within 500m of the proposed development. Having taken into account the location of the RIGS and AW in relation to the proposed development and the nature of the works proposed, it is considered that there would be no likely negative impacts directly or indirectly to the RIGS and AW and/or any associated features.

I have reviewed the Ecological Appraisal produced by Marches Ecology dated February 2021 and consider that the survey methods and effort employed were in accordance with current National Guidelines. It is noted that the survey was undertaken in autumn but it was considered that accurate assessment of habitats and presence/likely absence of protected species on site was not affected.

The report details the findings of a phase 1 habitat survey and a protected species habitat suitability assessment undertaken on 16th October 2020 as well as the results of an associated desk-based study. Habitats identified within and immediately adjacent to the proposed development site include:

- o Poor semi-improved grassland

- o Rough (neutral) grassland
- o Tall-ruderal vegetation
- o Dense and scattered scrub
- o Trees
- o Hedgerows
- o Standing water
- o Dry ditches

The proposed development site was surveyed for its ability to support a number of protected and priority species including

- o Badger
- o Water vole
- o Bats
- o Amphibians (including great crested newt)
- o Reptiles
- o Nesting birds
- o Hedgehog

The site comprises a field of semi-improved grassland bounded by native species hedgerows; the northern hedgerow being more species-rich and potentially an Important Hedgerow under the Hedgerow Regulations 1997, and areas of scrub, rough grassland, two mature trees, a pond and some dry ditches. No badger setts were evident, nor significant signs of use detected, although it was considered that the site offered limited foraging potential. The two mature trees were identified as having moderate potential for roosting bats, with the hedgerows providing limited foraging and commuting potential. The pond and wider area were considered unsuitable for supporting water vole. Surveys undertaken by the ecological consultant in 2010 and 2015 confirmed presence of breeding great crested newt (GCN) in the pond. It was identified that the condition of the pond appeared to have deteriorated since 2015. The boundary features were identified as important terrestrial habitat areas for GCN, as well as nesting birds, hedgehog and polecat. Limited habitat availability was identified for reptiles. The site was also inspected for presence of non-native invasive species. A small stand of *Crocasmia* sp. (a garden escape) was noted in one area but identification as the invasive non-native species



*Crococsmia x crocosmiiflora* 'Montbretia' was not possible at the time.

An area of relatively species-poor semi-improved grassland will be lost as a result of the proposal and direct impacts to hedgerows were identified. The western hedgerow will require translocation or replanting (approx. 55m) to create the access and required highway visibility splays. A small section of the northern species-rich hedgerow will be removed to create footpath access to the site. There will be direct impact to GCN terrestrial habitat; grazed grassland which is considered sub-optimal and hedgerow which is optimal. Therefore, a European Protected Species licence will be required for the development. The existing pond will be retained on site.

Mitigation, compensation and enhancement measures were identified for GCN, hedgerows, nesting birds, hedgehog and bats. A separate Ecological Mitigation Method Statement (EMMS), by Marches Ecology, has been submitted alongside the Ecological Appraisal. In addition to a surface water swale, it is proposed to create two wildlife ponds within an 'Ecological Mitigation Area' (EMA) to include the existing pond and areas of rough grassland, ditches and hedgerow on site. The EMA is designed to ensure the retention and enhancement of habitat beneficial to GCN. It is confirmed that permeable surfaces will be used for the access roads, drives and paving and there will be no requirement for gully pots which can trap amphibians. It is considered that sufficient and appropriate detail has been provided to ensure that favourable conservation status of GCN is not negatively impacted subject to adherence to the identified mitigation, compensation and enhancement measures. Appropriate avoidance/mitigation measures were also provided for nesting birds, bats, badger and reptiles. An acceptable translocation method statement has been provided for the western hedgerow, although replanting with a mix of suitable native species will take place if translocation is not feasible. Pollution prevention measures to safeguard the pond on site and ditches during construction and control of invasive non-native species were also identified as necessary to the proposal.

It is considered that removal of a short section of hedgerow to install a footpath access on the northern hedgerow is acceptable providing this is limited to no more than 3m and is not used for construction related access at any time.

It is, therefore, recommended that adherence to the submitted Ecological Mitigation Method Statement is secured through an appropriately worded planning condition.

Appropriate long-term management and monitoring of the EMA will be required to ensure the proposed conservation measures for GCN are realised. The EMMS states that long-term management of the EMA will be undertaken by Barcud (landowner/operator of development) and will follow a management plan that will be reviewed in light of post-development monitoring of the area. The EMMS recommends 21 years and NRW

(comments dated 19/03/21) require a habitat management plan secured for minimum of 25 years. The habitat management plan should make reference to NRW's suggested requirements for habitat management. Monitoring is a requirement of the EPS licence but reference should be made in the HMP of the requirement for monitoring and for monitoring to inform periodic review of the HMP as necessary.

It is, therefore, recommended that a detailed long-term Great Crested Newt Habitat Management Plan is secured through a s106 agreement. If an appropriately worded pre-commencement planning condition is deemed more appropriate, the condition must reflect submission and adherence of a HMP that will be updated as and when necessary in accordance with post-monitoring recommendations.

The EMMS identifies that biodiversity enhancements could be achieved through provision of additional nesting opportunities for birds and habitat for birds, great crested newt and hedgehog through provision of nest boxes and soft landscaping respectively. It is considered that the enhancements are appropriate to the proposed development and are in accordance with the requirements of Part 1 Section 6 of the Environment (Wales) Act 2016.

It is, therefore, recommended that adherence to the identified biodiversity enhancement measures and submission of a landscaping and biodiversity enhancement plan are secured through appropriately worded planning conditions.

Careful consideration will need to be given to any external lighting of the proposed development. Measures will need to be identified to minimise impacts to nocturnal wildlife commuting or foraging in the local area, including GCN. Any external lighting proposed will need to demonstrate compliance with the recommendations outlined in the BCT and ILP Guidance Note 8 Bats and Artificial Lighting (12th September 2018). Full details can be found at <https://theilp.org.uk/publication/guidance-note-8-bats-and-artificial-lighting/>

It is, therefore, recommended that submission of an External Lighting Design Scheme is secured through an appropriately worded planning condition.

I note the comments made by PCC Highways (12/03/2021) and that further information is required regarding access alignment and creation of footways to meet Powys LDP policy. PCC Ecology should be reconsulted regarding any changes that will impact the verge or hedgerow along either the B4388 or U4810.

Therefore, should you be minded to approve the application I recommend inclusion of the following conditions. Refer to above comment regarding s106 agreement/planning condition for great crested newt monitoring and habitat management requirements:

The development shall be undertaken in strict accordance with the following

i) Proposed Residential Development, Land off Forden Road, Montgomery, Powys - Ecological Appraisal, by Marches Ecology, dated 10th February 2021 (section 4.3, Assessment and Recommendations)

ii) Proposed Residential Development, Land off Forden Road, Montgomery, Powys - Ecological Mitigation Method Statement, by Marches Ecology, dated 10th February 2021

The measures identified shall be adhered to and implemented in full and maintained thereafter.

Reason: To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.

Prior to commencement of development, a Construction Environment Management Plan (CEMP) shall be submitted in writing to the Local Planning Authority. The CEMP shall include the following as a minimum:

- i) Roles and responsibilities for implementation of CEMP and measures identified therein
- ii) Details of pollution prevention measures to avoid harm to terrestrial and aquatic habitats
- iii) Details of mitigation measures for protected and priority species, including great crested newt, to include timetable of measures in relation to construction phases
- iv) Ecological Compliance Audit, including key performance indicators
- v) Biosecurity Risk Assessment identifying measures to prevent the introduction and spread of invasive non-native species on and off-site, and measures for eradication of *Crocospia* sp.

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 11, February 2021), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.

Notwithstanding the details submitted, prior to commencement of development, a detailed landscaping and biodiversity enhancement 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 position. The locations on trees and dwellings of biodiversity enhancements for nesting birds shall be included. The approved scheme shall be implemented in full and maintained thereafter.

Reason: To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and DM4 in relation to Landscape, and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016

Prior to commencement of development, an External Lighting Design Scheme to avoid and reduce potential impacts on nocturnal wildlife shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of external lighting installed on dwellings and along footways. The scheme shall demonstrate compliance with the recommendations outlined in the BCT and ILP Guidance Note 8 Bats and Artificial Lighting (12th September 2018). Full details can be found at <https://theilp.org.uk/publication/guidance-note-8-bats-and-artificial-lighting/>. The approved scheme shall be adhered to and be implemented in full.

Reason: To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and DM7 in relation to Dark Skies and External Lighting, and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.

In addition, I consider it would be appropriate to include the following informatives:

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

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

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

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

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

Under The Conservation of Habitats and Species Regulations 2017 it is an offence for

any person to:

- o Deliberately capture, injure or kill a great crested newt
- o Deliberately disturb a great crested newt in such a way as to be likely to significantly affect the local distribution or abundance of great crested newts or the ability of any significant group of great crested newts to survive, breed, rear or nurture their young;
- o Deliberately take or destroy the eggs of great crested newts
- o Damage or destroy a breeding site or resting place. This is an absolute offence, in other words intent or recklessness does not have to be proved.

Under the Wildlife & Countryside Act 1981 (as amended) it is an offence to

- o Intentionally or recklessly disturb a great crested newt while it is occupying a structure or place which it uses for shelter or protection
- o Intentionally or recklessly obstruct access to their places of shelter or protection

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 (as amended) that works to ponds or terrestrial habitat where that work involves the disturbance of great crested newts is an offence if a licence has not been obtained from Natural Resources Wales. If a great crested newt is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.

Birds - Wildlife and Countryside Act 1981 (as amended)

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

- 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 on such a bird.

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

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

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

### Environmental Protection

24th Feb 2021

#### Foul drainage

Environmental Protection has no objection to the proposal to connect the sewage to the mains foul drainage network.

#### Amenity - noise

The application site is adjacent to a commercial/industrial use. Environmental Protection will require a noise impact assessment report - carried out in accordance with BS 4142: Methods for rating and assessing industrial and commercial sound - in order to demonstrate that the site is suitable for residential development and will not be adversely affected by noise.

#### Artificial light

Environmental Protection will require a lighting plan to demonstrate that artificial light from the development will not adversely affect the amenity of existing nearby properties.

#### Construction Environmental Management Plan

The application site is in close proximity to residential properties. Environmental Protection will require a management plan for the construction-phase of the development which details the measures that will be used to minimise and control the impacts of noise, vibration and dust from the construction site. This department would recommend that the plan include details of the acceptable working hours, including for all collections and deliveries to the site.

#### *Additional Consultation Response*

4<sup>th</sup> June 2021

A noise impact report has been submitted. This report recognises that although the industrial building adjacent to the development site is currently vacant/not in use, because it has a B8 use class it is possible for it to be used for that purpose in future. Therefore, the report has calculated noise levels at the development site based on reasonable

assumptions about the level of noise emissions from an operational site with B8 (storage and distribution) use.

The assessment concludes that in order to achieve acceptable levels of sound both inside and outside the properties, certain elements of mitigation will be required. The report recommends the specifications for glazing, ventilation, and barrier fencing that will be required to achieve acceptable noise mitigation from the adjacent site. Please can the applicant/agent confirm that the recommendations of the report will be included in the design of the development, and provide amended plans to demonstrate this?

*Additional Consultation Response*

7<sup>th</sup> Oct 2021

Further to my previous comment, I would just like to clarify my position on the noise issue.

Provided the noise mitigation measures mentioned in the noise assessment are put into practice as part of the development, I have no objection to the application. Therefore, in order to ensure that this is the case, I would recommend that this requirement be made a condition of any permission.

PCC-(N) Land Drainage

23rd Mar 2021

Planning Department: Could the following be added as a recommendation for the application.

All: Having assessed the Planning Application Ref 20/2118/FUL, the SuDS Approval Body (SAB) deem that the construction area is greater than 100m<sup>2</sup> 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](mailto:sab@powys.gov.uk)

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

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

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

## PCC-Schools Service

No comments received at the time of writing this report.

## Natural Resources Wales (Mid Wales) DPAS

19th Mar 2021

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales (NRW) about the above, which we received on 16/02/2021.

We have significant concerns with the proposed development as submitted. We recommend you should only grant planning permission if you attach the following condition to the permission and include the following documents within the condition identifying approved plans and documents on the decision notice. Otherwise, we would object to this planning application.

Condition: No development shall commence until a Great Crested Newt Conservation Plan has been submitted to and approved in writing by the Local Planning Authority (LPA).

Plans and documents:

- Ellson, M. (2021). Proposed Residential Development, Land off Forden Road, Montgomery - Ecological Appraisal. Marches Ecology. Unpublished,
- Ellson, M. (2021). Proposed Residential Development, Land off Forden Road, Montgomery - Ecological Mitigation Statement. Marches Ecology. Unpublished

## Protected Species

The application site has been subject to assessment in respect of the Great Crested Newt (GCN). The ecological submissions confirm the presence of the species in the environs of the application site. In our view, the overall proposal has the potential to cause disturbance to GCN and/or loss or damage to their resting places. GCN and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitat Regulations) and they classed as a material consideration for planning under the provisions of Technical Advice Note 5: Nature Conservation and Planning (TAN5).

The Habitat Regulations allow the approval of a scheme that would be likely to result in disturbance or harm to GCN, but only if satisfy an appropriate derogation purpose and two tests before a licence can be issued from NRW.

In the case of development, the applicable derogation purpose is:



- Preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature, and beneficial consequences of primary importance for the environment.

Furthermore, the licence can only be issued by NRW on condition that there is:

- no satisfactory alternative, and that
- the development will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range

Paragraph 6.3.7 of TAN5 states that your Authority should not grant planning permission without having satisfied itself that the proposed scheme either would not impact adversely on any GCN's on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied.

In our view, we consider that construction of the proposal has the potential to adversely affect the GCN at this site. We therefore advise that construction of the proposed scheme is subject to the provisions of a derogation licence issued by NRW.

We consider the proposal is not likely to be detrimental to the maintenance of the favourable conservation status of the local population of GCN provided any subsequent consent is subject to the imposition of planning conditions in respect of the GCN.

In line with the 'Dear CPO' letter issued by Welsh Government on 1st March 2018, we request that the following informative is attached to any planning permission granted by your Authority:

Warning: A European Protected Species (EPS) licence is required for this development.

This planning permission does not provide consent to undertake works that require an EPS licence. It is an offence to deliberately capture, kill or disturb EPS or to damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/ or receive an unlimited fine.

Development should not be commenced until the Applicant has been granted a licence by Natural Resources Wales pursuant to Regulation 55 of the Conservation of Habitats and Species Regulations (2017) authorising the specified activity/ development to go ahead. To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000, or at <https://naturalresources.wales/permits-and-permissions/protected-species-licensing/european-protected-species-licensing/information-on-european-protected-species-licensing/?lang=en> .

Please note that any changes to plans between planning consent and the EPS licence application may affect the outcome of the licence application.

Condition: No development shall commence until a Great Crest Newt Conservation Plan has been submitted to and approved in writing by the Local Planning Authority. The Conservation Plan shall include, but not necessarily be limited to:

- Build upon the principles outlined in the following ecological submissions:

- Ellson, M. (2021). Proposed Residential Development, Land off Forden Road, Montgomery - Ecological Appraisal. Marches Ecology. Unpublished,

- Ellson, M. (2021). Proposed Residential Development, Land off Forden Road, Montgomery - Ecological Mitigation Statement. Marches Ecology. Unpublished

- Submission of updated details and plan concerning GCN avoidance, mitigation and compensation measures include fence construction and maintenance. Submission to include timescales and reporting requirements.

- Submission of a long term site management plan (not less than 25 years) that includes defined aims and objectives; habitat management prescriptions; contingency measures if fish or invasive non-native species (INNS) are detected; proposals that are capable of being implemented in the event of failure to undertake or to inappropriately undertake identified or contingency actions; wardening and liaison; licensing requirements for undertaking habitat management and surveillance; current and any proposed changes to tenure to the compensation area; persons or bodies responsible for undertaking management and surveillance together with required skills and competencies; reporting requirements; and proposed dates for updating or revising the management plan.

- Post construction monitoring and record dissemination for a period of not less than 25 years. All ponds (including those associated with the SUDS management scheme) to be added to the Wales Great Crested Newt Monitoring Scheme, (see <https://www.cofnod.org.uk/LinkInfo?ID=7> with individuals/ bodies being identified as being responsible for monitoring and reporting works. Methodology shall include annual/ biennial abundance counts and Habitat Suitability Index (HSI) assessments. Each water body shall be individually numbered on site. Frequency of monitoring visits shall be increased in the event of fish and or aquatic invasive non-native species are detected.

- Ecological Compliance Audit, including key performance indicators. The purpose of the Ecological Compliance Audit is to evidence compliant implementation of all ecological avoidance, mitigation and compensation works, either proposed or subject to the provisions of reserved matters conditions. The Audit shall identify Key Performance Indicators (KPI's) that are to be used for the purposes of assessing and evidencing

compliance.

- Persons responsible for implementing the works.
- Biosecurity risk assessment (see below).

The Conservation Plan shall be carried out in accordance with the approved details.

This advice applies to the proposal in its present form. If the plans are changed in ways that may affect GCN on this site, you would need a revised ecology report that takes account of such changes. Please consult us again if any updated or revised ecology report concludes that the proposal is more likely to have an adverse impact on the GCN population and/or alters the detail or implementation of mitigation or compensation measures.

### Biosecurity

We consider biosecurity to be a material consideration owing to the nature and location of the proposal. In this case, biosecurity issues concern invasive non-native species (INNS) and diseases.

We therefore advise that any consent includes the imposition of a condition requiring the submission and implementation of a Biosecurity Risk Assessment to the satisfaction of the LPA.

We consider that this assessment must include:

- (i) appropriate measures to control any INNS on site; and
- (ii) measures or actions that aim to prevent INNS

being introduced to the site for the duration of construction and operational phases of the scheme.

### 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.

### **Representations**

Following the display of a site notice by the applicant on 17/02/2021 and the advertisement in the County Times on 26/02/2021, 31 public representations have been received at the time of writing this report. A summation of the points raised are detailed below: 25 in support, 6 objecting

- Making use of the field
- Need for Affordable Housing
- Obvious location for expansion
- Extension of speed limit
- Affect local ecology
- Inadequate access
- Increase pollution
- Noise nuisance
- Strain on existing facilities
- Out of keeping with character of the area
- Materials unsuitable
- Speeding traffic
- Impact on scheduled monument
- High density of dwellings
- Archaeology

### Planning History

App Ref	Description	Decision	Date
P/2016/0680	Two and three storey residential and nursing facilities with associated amenity spaces and parking in one main building and two independent living blocks.	Consent	28/10/2016
P/2015/0178	Section 73 application to vary Condition No.1 (Time) of planning permission P/2010/0028	Consent	05/05/2015
P/2010/0028	Erection of a 93 bedroom EMI / Nursing Home, formation of vehicular access and associated works	Consent	03/08/2010
M/1999/0722	Erection of 3 buildings to provide new production area, warehouse and office accommodation together with covered links, storm water drainage works and formation of a vehicular access.	Consent	25/01/2000

## Principal Planning Constraints

Historic Landscapes Register Within 50m of Listed Building LDP Development Boundaries LDP Residential Commitments Scheduled Ancient Monument	Vale of Montgomery Milestone by border Montgomery/ Trefaldwyn Land at New Road - borders with in vicinity
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## Principal Planning Policies

Policy	Policy Description	Year	Local Plan
PPW	Planning Policy Wales (Edition 11, February 2021)		National Policy
NATPLA	Future Wales - The National Plan 2040		National Policy
TAN2	Planning and Affordable Housing		National Policy
TAN5	Nature Conservation and Planning		National Policy
TAN11	Noise		National Policy
TAN12	Design		National Policy
TAN18	Transport		National Policy
TAN24	The Historic Environment		National Policy
SP1	Housing Growth		Local Development Plan 2011-2026
SP3	Affordable Housing Target		Local Development Plan 2011-2026
SP5	Settlement Hierarchy		Local Development Plan 2011-2026
SP6	Distribution of Growth across the Settlement Hierarchy		Local Development Plan 2011-2026
SP7	Safeguarding of Strategic		Local Development

	Resources and Assets	Plan 2011-2026
DM2	The Natural Environment	Local Development Plan 2011-2026
DM3	Public Open Space	Local Development Plan 2011-2026
DM4	Landscape	Local Development Plan 2011-2026
DM5	Development and Flood Risk	Local Development Plan 2011-2026
DM7	Dark Skies and External Lighting	Local Development Plan 2011-2026
DM13	Design and Resources	Local Development Plan 2011-2026
T1	Travel, Traffic and Transport Infrastructure	Local Development Plan 2011-2026
RE1	Renewable Energy	Local Development Plan 2011-2026
H1	Housing Development Proposals	Local Development Plan 2011-2026
H2	Housing Sites	Local Development Plan 2011-2026
H3	Housing Delivery	Local Development Plan 2011-2026
H4	Housing Density	Local Development Plan 2011-2026
H5	Affordable Housing Contributions	Local Development Plan 2011-2026
H6	Affordable Housing Exception Sites	Local Development Plan 2011-2026
SPGAH	Affordable Housing SPG (2018)	Local Development Plan 2011-2026

SPGBIO	Biodiversity and Geodiversity SPG (2018)	Local Development Plan 2011-2026
SPGLAN	Landscape SPG	Local Development Plan 2011-2026
SPGRES	Residential Design Guide SPG (2020)	Local Development Plan 2011-2026
SPGHIS	Historic Environment SPG	Local Development Plan 2011-2026
SPGARC	Archaeology	Local Development Plan 2011-2026
SPGRES	Renewable Energy	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

The application site is located within the town council area of Montgomery, adjacent to the settlement development boundary of the town of Montgomery but is considered as development within the open countryside under the Local Development Plan 2018. The site is bordered by residential properties to the north and east with commercial properties to the south and agricultural land to the west. The site is situated on the north side of Montgomery.

Consent is sought for the erection of 33 affordable local need dwellings, formation of vehicular access road and all associated works.

#### Principle of Development

LDP policy H1 seeks to ensure that housing development is appropriately located and

suitable in scale and type to meet strategic policies SP1, SP3, SP5 and SP6. Housing development proposals are only permitted in defined towns and large villages where they are located on sites allocated for housing or on other suitable sites within the development boundary. On sites outside of development boundaries but which form logical extensions to the settlement, affordable housing may be permitted in accordance with policy H6 - Affordable Housing Exception Sites.

Powys Local Development Plan (2018) Policy H6 states the following:

Proposals for the development of affordable housing to meet a proven, unmet local need in Towns, Large Villages, Small Villages and Rural Settlements will be permitted where:

1. The proposed development is of a size, scale and tenure commensurate with the defined need and appropriate to the settlement tier, and accords with the requirements of Policy H1; and
2. The site is solely for affordable housing and there are clear and adequate arrangements to ensure that the benefits of affordable housing are secured for initial and subsequent occupiers, in accordance with the requirements of Policy SP3.

Policy H6 is a traditional exception site policy, which 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.

The above policy notes that 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. Single unit developments by individuals will not be acceptable in these locations. In this instance, the proposal is for 33 affordable units.

Montgomery is identified as a town in the Powys Local Development Plan (2018). The application site is mainly bordered by development boundary. Officers consider the proposed site to be a logical extension to the settlement and given the size and facilities offered in the settlement, it is considered that the settlement has the capacity to accommodate the proposed dwellings.

The application is submitted on behalf of Mid Wales Housing Association to address the recognised local need within the area. A condition will be attached to any grant of consent to ensure that the dwelling remains affordable in perpetuity.

It is therefore considered that given the location, adjoining the settlement development boundary of the town of Montgomery, the proposed development in principle fundamentally complies with relevant planning policy specifically LDP Policies SP1, SP5, SP6, H1 and H6 subject to the following further considerations.



## Housing Density

Policy H4 of the Local Development Plan (2018) seeks to ensure all housing development proposals make the most sustainable and efficient use of land. Montgomery is defined as a Town in the Local Development Plan and given that the proposed development would be considered a logical extension, the housing density prescribed for a Town would also be applicable to this site.

Policy H4, as a guide recommends a density of 27+ dwellings per hectare for Towns and Large Villages. The site area of the proposed development measures 1.54ha, therefore a guide density of the site would be 42 dwellings with the proposal putting forward 33 dwelling. However, it is noted that a number of existing ponds are present on site and with the retention of existing established hedgerows that border the site along with provision for SAB and the inclusion of wildlife corridors and footway, reduced the total developable area of the site. Officers therefore consider the reduced density of the site to be appropriate and justified in these circumstances.

## Design, Scale & Visual Impact

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

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

Further design-specific guidance is set-out within the adopted Residential Design SPG and TAN 12 (Design).

The proposed development of 33 affordable dwellings will comprise of the following mix:

1 no. 4 bed houses 114. sq m  
12 no. 3 bed houses 96.7 sq m  
10 no. 2 bed houses 92 sq m  
4 no. 1 bed houses 52 sq m  
2 no. 1 bed bungalows 78.5 sq m  
2 no. 2 bed bungalows 87.25 sq m  
2 no. 3 bed bungalows 115 sq m

The houses will be two-storey, and whilst three-storey dwellings are fairly extensive throughout Montgomery, given the location of the site on the edge of the town, it is not considered that three-storey development would be suitable. The proposed dwellings are considered to be of an appropriate scale giving their restriction to comply with affordable housing size requirements as stated with the Affordable Housing SPG. Whilst the maximum ridge height of two storey dwellings measures approximately 8.8 metres, this is considered appropriate given the site's surroundings and existing built development.

The proposed dwellings have been designed to be in-keeping with the character of the local area with the proposed properties constructed in materials such as brickwork, render and slate to match the existing housing within Montgomery which will help the development assimilate into its surroundings. UPVC windows, doors, fascia, soffits and bargeboards will also be included. However, as no detailed manufacturers' specification of the external materials to be used have been specified, officers consider it would be appropriate to condition these details with any granting of planning permission.

To ensure that the dwelling remains affordable and are not subject to extension or alteration, officers consider it would be appropriate to remove permitted development rights to safeguard the scale of the affordable dwellings.

It is therefore considered that the proposed dwellings have been designed to complement the character of the surrounding area in terms of appearance.

### Scale

Policy H3 of the LDP states that housing development proposals must be of an appropriate scale and shall provide a suitable mix of housing types to meet the range of identified local housing needs.

The proposed development will consist of a mixture of 1, 2, 3 and 4 bedroom two storey dwellings and bungalows. It is considered that the scale of dwellings proposed meet a range of housing needs, providing affordable dwellings within Montgomery.

It is therefore considered that the scale and housing types proposed fundamentally comply with relevant planning policy.

### Amenities enjoyed by occupier of neighbouring properties

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

The proposed development is not considered to offer any impact upon loss of daylight to any neighbouring dwellings; there are no properties that would be adversely affected

when considering the 25 degree rule, which prohibits development that would exceed a line of 25 degrees taken from the nearest habitable room of adjoining existing properties. The proposal also complies with the 45 degree rule, where an angle of 45 degrees is measured in a horizontal plane and taken from the middle of the window of the nearest habitable room in any adjacent rooms. The proposed development is considered to be acceptable when considered against the above criteria.

The proposed development is also not considered to offer any adverse impacts to any neighbouring properties in terms of loss of privacy. The Residential Design SPG states that there should be a minimum of 21 metres between directly facing habitable rooms on rear elevations. There are no windows on the elevation of the nearest neighbouring property that directly face the rear elevation of the proposed dwelling, therefore this is considered acceptable. As stated above, the proposed development is considered to comply with the 45- degree rule and therefore the proposed development is considered acceptable when considered against the above criteria.

Neighbouring residential properties are located adjacent to the development site, but considering the layout of the proposed development, it has maximised the offset between existing and proposed dwellings and by ensuring that existing boundaries of the site are retained.

The layout of the development site has been configured to avoid any overlooking or overshadowing of dwellings and is considered suitable to help safeguard the amenity of the dwellings proposed and that of the surrounding area.

Environmental Protection have been consulted on the proposed development and have reviewed the submitted noise impact report which recognises that although the industrial building adjacent to the development site is currently vacant/not in use, because it has a B8 use class it is possible for it to be used for that purpose in future. Therefore, the report has calculated noise levels at the development site based on reasonable assumptions about the level of noise emissions from an operational site with B8 (storage and distribution) use.

The assessment concludes that in order to achieve acceptable levels of sound both inside and outside the properties, certain elements of mitigation will be required. The report recommends the specifications for glazing, ventilation, and barrier fencing will be required to achieve acceptable noise mitigation from the adjacent site. The Environmental Protection Officer considers that these mitigation measures can therefore be conditioned with any granting of planning permission. Officers consider this to be reasonable and therefore recommend securing the mitigation measures by condition.

Given the proximity of the development site in relation to existing residential properties, officers would consider it appropriate to restrict the operating hours for development and deliveries in association by way of condition. Environmental Protection have also recommended conditions in respect of a construction environment management plan,

which given the location of the development are considered acceptable. A condition in respect of external lighting has also been requested which will be included with the lighting condition for ecology to ensure that, individually or cumulatively that an unacceptable levels of light pollution, an adverse effect on the visibility of the night sky or protected species, or a nuisance or hazard to motorists, pedestrians or local residents will arise from the development.

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

### Highways

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

The Highways Authority were consulted on the application and initially raised an objection due to the proposed highways arrangements of the development. A revised scheme was submitted for consideration based on previous comments which has been reviewed by the Highways Officer. Having reviewed the revised drawings/detail submitted in support of the application, the objection has been withdrawn subject to the inclusion of conditions in respect of a footway, site access, visibility, stopping up existing access, replacement village signage, link road, 30mph speed restriction extension, inclusion of a 20mph zone, parking, drainage, finishing materials. Given the nature of the proposed development, officers consider the proposed conditions to be acceptable and reasonable and will therefore be attached to any granting of planning permission.

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

### Public Open Space

LDP policy DM3 deals with the provision of public open space. It requires that provision for public open space (POS) will be sought from all housing developments of ten or more dwellings.

The Open Space Assessment for Montgomery demonstrates a shortage of natural play areas within the area which the application seeks to address. The proposed development seeks to provide areas on site for natural semi/natural greenspace around existing and new ponds whilst wildlife corridors have also been included connecting the areas of the site. The application seeks to optimise the site by promoting place making and creating sustainable areas for people to use. Good placemaking is essential to the delivery of sustainable development and achieving improvements in the well-being of communities. The proposed areas are open and available for use by the public. To ensure that these areas offer the best opportunities to be enjoyed, officers would

consider it appropriate to condition a landscaping plan to include infrastructure such as benches so that the areas can be enjoyed and utilised.

It is therefore considered that sufficient public open space for a development of this size has been allocated within the development site. Therefore, it is considered that the proposal is acceptable within the remit of LDP policy DM3.

### Biodiversity

Policy DM2 of the Powys Local Development Plan, TAN5 and PPW seek to safeguard protected species and their habitats. Policy DM2 states that proposed development should not unacceptably adversely affect any habitat or protected species.

The authority's Ecologist has been consulted on the proposed development and has reviewed the proposed plans aerial images as well as records of protected and priority species and designated sites within 1km of the proposed development.

The data search identified 969 records of protected and priority species within 500m of the proposed development. Species recorded within 1km of the proposed development include bat species: Natterer's bat, brown long-eared bat and lesser horseshoe bat, plus polecat, hedgehog, peregrine, grass snake, common toad, bluebell, large-leaved lime and numerous Environment (Wales) Act 2016 bird, butterfly and moth species.

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

- Castle Rock Regionally Important Geodiversity Site (RIGS) – approximately 270m southwest of the proposed development

One or more Ancient Woodland (AW) sites were identified within 500m of the proposed development however taking into consideration the RIGS and AW it is considered that there would be no likely negative impacts directly or indirectly on these or any associated features.

An Ecological Appraisal prepared by Marches Ecology dated February 2021 has been submitted in support of the application. The Ecologist having reviewed the report considers the survey to have been undertaken in accordance with national guidelines.

The report details the findings of a phase 1 habitat survey and a protected species habitat suitability assessment undertaken on 16<sup>th</sup> October 2020 as well as the results of an associated desk-based study. Habitats identified within and immediately adjacent to the proposed development site include:

- Poor semi-improved grassland
- Rough (neutral) grassland

- Tall-ruderal vegetation
- Dense and scattered scrub
- Trees
- Hedgerows
- Standing water
- Dry ditches

The proposed development site was surveyed for its ability to support a number of protected and priority species including

- Badger
- Water vole
- Bats
- Amphibians (including great crested newt)
- Reptiles
- Nesting birds
- Hedgehog

It is noted the site comprises a field of semi-improved grassland bounded by native species hedgerows; the northern hedgerow being more species-rich and potentially an Important Hedgerow under the Hedgerow Regulations 1997, and areas of scrub, rough grassland, two mature trees, a pond and some dry ditches. No badger setts were evident, nor significant signs of use detected, although it was considered that the site offered limited foraging potential. The two mature trees were identified as having moderate potential for roosting bats, with the hedgerows providing limited foraging and commuting potential. The pond and wider area were considered unsuitable for supporting water vole. Surveys undertaken by the ecological consultant in 2010 and 2015 confirmed presence of breeding great crested newt (GCN) in the pond. It was identified that the condition of the pond appeared to have deteriorated since 2015. The boundary features were identified as important terrestrial habitat areas for GCN, as well as nesting birds, hedgehog and polecat. Limited habitat availability was identified for reptiles. The site was also inspected for presence of non-native invasive species.

An area of relatively species-poor semi-improved grassland will be lost as a result of the proposal and direct impacts to hedgerows were identified. The western hedgerow will require translocation or replanting (approx. 55m) to create the access and required highway visibility splays. A small section of the northern species-rich hedgerow will be removed to create footpath access to the site. There will be direct impact to GCN terrestrial habitat; grazed grassland which is considered sub-optimal and hedgerow which is optimal. Therefore, a European Protected Species licence will be required for the development. The existing pond will be retained on site.

Mitigation, compensation and enhancement measures were identified for GCN, hedgerows, nesting birds, hedgehog and bats. A separate Ecological Mitigation Method Statement (EMMS), by Marches Ecology, has been submitted alongside the Ecological Appraisal. In addition to a surface water swale, it is proposed to create two wildlife

ponds within an 'Ecological Mitigation Area' (EMA) to include the existing pond and areas of rough grassland, ditches and hedgerow on site. The EMA is designed to ensure the retention and enhancement of habitat beneficial to GCN. It is confirmed that permeable surfaces will be used for the access roads, drives and paving and there will be no requirement for gully pots which can trap amphibians. It is considered that sufficient and appropriate detail has been provided to ensure that favourable conservation status of GCN is not negatively impacted subject to adherence to the identified mitigation, compensation and enhancement measures. Appropriate avoidance/mitigation measures were also provided for nesting birds, bats, badger and reptiles. An acceptable translocation method statement has been provided for the western hedgerow, although replanting with a mix of suitable native species will take place if translocation is not feasible. Pollution prevention measures to safeguard the pond on site and ditches during construction and control of invasive non-native species were also identified as necessary to the proposal.

It is also considered that the removal of a short section of hedgerow to install a footpath access on the northern hedgerow is acceptable providing this is limited to no more than 3m and is not used for construction related access at any time.

The Ecologist therefore considers that adherence to the submitted Ecological Mitigation Method Statement is secured through an appropriately worded planning condition. Furthermore, a detailed long-term Great Crested Newt Habitat Management Plan is required to be secured. Other conditions required relate to biodiversity enhancement, external lighting and landscaping.

Natural Resources Wales have been consulted on the proposed development and it is noted that subject to an appropriate condition in respect of GCN's no objection to the proposed development is raised. Given the constraints of the site, officers consider the request to be reasonable and an appropriate condition in respect of GCN's will be included with any granting of planning permission.

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

### Cultural Heritage

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

preserving listed buildings and their setting and any harm caused should be given considerable weight within the planning balance.

Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 states that “special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area”, which is repeated in Planning Policy Wales and TAN24. Further guidance has been provided in TAN 24 and its annexe Managing Conservation Areas in Wales which came into effect on 31 May 2017 which advises in section 6.4 that “Local planning authorities are involved in the management of conservation areas on a day-to-day basis through their duty to advise on, consider and respond to planning applications for new development. Because local planning authorities must aim to preserve or enhance the character or appearance of conservation areas, they should scrutinise planning applications closely with these objectives in mind.”

It is noted there is a significant distance between the application site and the listed heritage assets within Montgomery, with a high density of existing built development already present intervening the site and the listed assets, it is considered that there would be no detrimental impact upon the above Built Heritage assets and their settings. In light of the above, it is considered the proposed development complies with relevant planning policy.

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

#### Drainage

It is noted that Hafren Dyfrdwy have requested conditions relating to foul and surface water drainage be attached to the granting of any consent. However, the construction area for the development is in excess of 100sqm, and as such will be SAB applicable, therefore it is not considered necessary to include a condition relating to surface water drainage. In addition, the applicant has confirmed within their application form that the proposal will connect to the mains sewer, and it is not considered the Local Planning Authority require any further information to assess this. It is therefore not considered necessary to include the recommended condition by Hafren Dyfrdwy and the drainage details provided as part of this application are considered to be acceptable.

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

#### Scheduled Ancient Monument and Archaeology

The proposed development is located approximately 310 metres north of scheduled monument MG022 Montgomery Castle and 550 metres east of scheduled monument MG015 Ffridd Faldwyn Camp. CADW have been consulted on the proposed development with reference to the above assets mentioned and consider that the



proposed development would extend modern housing outside the current boundaries of the settlement of Montgomery and would therefore have an adverse impact on the setting of both scheduled ancient monuments. CADW therefore recommended that an assessment of impact should be prepared. CADW however not the comments of pre-application consultation report submitted in support of the application which highlights that the site benefits from extant planning consent for a care facility along with a block of flats for independent living. It has been argued that the extant development would have a greater impact on the setting of the scheduled monuments than the current proposal which allows three storey development instead of the current proposals two storey dwellings. Whilst CADW were not consulted on the previous extant planning permission, which did consider the impact on Montgomery Castle, the argument put forward by the agent that the current proposal will be less adverse on the setting of the castle than the development with extant permission is agreed which is also considered true in respect of Fridd Faldwyn Camp.

CPAT have been consulted on the proposed development and highlight that the field has high archaeological potential largely due to its position within Montgomery Civil War battlefield area which is also within the Vale of Montgomery Historic Landscape.

It is noted the development site has previously been evaluated in December 1999 and January 2000. The earlier evaluation indicated degraded earthworks with a preliminary metal detector survey which confirmed lead shot was found at a shallow depth in the unploughed field with more metal artefacts revealed at greater depth.

It is noted that at the time of the prior evaluation, ASIDOHL guidance on assessing the impact of development on historic landscapes was still in draft. CPAT have therefore recommended that CADW be consulted on this matter. Officers note that CADW have been consulted on the proposal and have raised no objection to the proposed development as it is considered the fallback position of implementing planning consent P/2016/0680 for a residential care home would have a greater impact on the setting of the scheduled monuments than the current proposal, as the extant consent allows three storey buildings rather than the current proposal for two storey dwellings. Whilst CADW have not asked for an ASIDOHL assessment, officer's note the site benefits from an extant planning permission and given the proposed scale of the development currently being considered, the impact would be considered acceptable.

CPAT recommends that additional archaeological works on the Civil War battlefield remains in the field will be required and therefore recommend a condition be attached to any granting of planning permission.

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

### Public Representations

The main issue raised in public representations relates to the proposed highway access

of the development. It is noted that the original scheme sought access on Forden road which was subsequently revised to New Road based on a previous objection by the Highways Authority. Public representation have raised concerns with both accesses proposed due to the speeds and volume of traffic and the increase from the proposed development. Whilst the concerns of residents are noted, the Highways Authority has been consulted on the revised scheme which is considered acceptable subject to the inclusion of conditions. Given that the development has been designed to the appropriate highway standards and with the inclusion of appropriate conditions, the development is considered acceptable in this regard.

## **RECOMMENDATION**

### **Conditional Consent**

In light of the above, it is considered the proposed application provides a high quality development on an exception site location compliant with planning policy and providing 100% affordable housing that responds to local need. The recommendation is therefore one of conditional consent.

#### Conditions

1. The development to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.
2. The development shall be carried out strictly in accordance with the following approved plans and documents:

1906 -sit-01 Rev N - Site Plan  
1906-sit-02 – Site Location Plan  
482-19-40 - Traffic Signs and Road Markings  
PSH04 202 Rev P1 – Proposed Road Long Sections  
PSH04 203 Rev P1 – Proposed Highway Drainage & Vehicle Tracking  
2b4p-01 Rev A – 2 Bed House Elevations  
2b4p-02 Rev A – 2 Bed House Plans  
1b2pb-01 Rev A – Typical 1 Bed wheelchair complaint bungalow  
1b2p-01 Rev A – 1 Bed House floor plans  
1b2p-02 Rev A – 1 Bed House Elevations  
2b3pb-01 Rev A – Typical 2 Bd wheelchair complaint bungalow  
3b6pb-01 Rev A – Typical 2 bed wheelchair compliant bungalow  
3b5p-02 Rev A – 3 Bed House Elevations  
3b5p-02 Rev A – 3 Bed House Plans  
4b7p-01 Rev A – Typical 4 Bed House Floor Plans  
4b7p-02 Rev A – Typical 4 Bed House Elevations  
Environmental Noise Survey prepared 21<sup>st</sup> May 2021  
Design and Access Statement 11.12.20 rev C

Ellson, M. (2021). Proposed Residential Development, Land off Forden Road,

Montgomery - Ecological Appraisal. Marches Ecology. Unpublished,

Ellson, M. (2021). Proposed Residential Development, Land off Forden Road, Montgomery - Ecological Mitigation Statement. Marches Ecology. Unpublished

3. No development shall take place within the application area until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted by the applicant and approved in writing by the Local Planning Authority.

The archaeological programme of work will be undertaken and completed in accordance with the relevant Standards and Guidance laid down by the Chartered Institute for Archaeologists. A copy of the resulting report should be submitted to the Local Planning Authority and the Development Control Archaeologist, (Clwyd-Powys Archaeological Trust, The Offices, Coed y Dinas, Welshpool, SY21 8RP 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 be sent to the Historic Environment Record Officer, Clwyd-Powys Archaeological Trust for inclusion in the regional Historic Environment Record and a copy to the National Monuments Record, RCAHMW, Aberystwyth.

4. Prior to any works commencing on the development site, detailed engineering drawings for a lit footway along the Class II B4388 & U4810, site access, access visibility splays, stopping up of the existing access, and replacement town signage, and associated works, shall be submitted to and approved in writing by the Local Planning Authority.
5. Prior to any works commencing on the development site, detailed engineering drawings for a link road between the estate road and the U4810 and associated works, shall be submitted to and approved in writing by the Local Planning Authority.
6. Prior to the occupation of any dwelling, all Highway Improvements, referred to above, shall be fully completed to the written satisfaction of the Local Planning Authority and shall be retained for their designated use for as long as the development hereby permitted remains in existence.
7. Prior to any works being commenced on the site a scheme for the extension of the 30mph speed restriction, introduction of a 40mph along the B4388 and traffic management along the U4810 [New Road] shall be submitted to and approved in writing by the Local Planning Authority.
8. Prior to any works commencing on the development site, detailed highway engineering drawings covering the highway works within the site, including the provision of a 20mph Zone, traffic calming measures and appropriate signing, shall be submitted and approved in writing by the Local Planning Authority. The

development shall be carried out in accordance with the approved details of construction.

9. No development shall commence until provision is made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. The parking and turning area shall be constructed to a depth of 0.4 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.
10. Prior to the occupation of each of the dwellings hereby approved, provision shall be made within the corresponding plot for the parking of vehicles as detailed on the approved site plan 1906-sit-01 Rev N. The parking areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.
11. Prior to first occupation of any dwelling on the site, a 20mph Zone shall be implemented that covers the internal estate road.
12. No surface water drainage from the site shall be allowed to discharge onto the county highway.
13. No dwelling hereby approved shall be occupied before the estate road carriageway and footways are constructed to binder course level to an adoptable standard including the provision of any salt bins, surface water drainage and street lighting in front of that dwelling and to the junction with the existing county highway.
14. The estate road carriageway and all footways shall be fully completed, in accordance with the details to be agreed in writing by the Local Planning Authority, upon the issuing of the Building Regulations Completion Certificate for the last house or within two years from the commencement of the development, whichever is the sooner. The agreed standard of completion shall be maintained for as long as the development remains in existence.
15. The development shall be undertaken in strict accordance with the following
  - i) Proposed Residential Development, Land off Forden Road, Montgomery, Powys - Ecological Appraisal, by Marches Ecology, dated 10th February 2021 (section 4.3, Assessment and Recommendations)
  - ii) Proposed Residential Development, Land off Forden Road, Montgomery, Powys - Ecological Mitigation Method Statement, by Marches Ecology, dated 10th February 2021

The measures identified shall be adhered to and implemented in full and maintained thereafter.

16. Prior to commencement of development, a Construction Environment Management Plan (CEMP) shall be submitted in writing to the Local Planning Authority. The CEMP shall include the following as a minimum:

i) Roles and responsibilities for implementation of CEMP and measures identified therein

ii) Details of pollution prevention measures to avoid harm to terrestrial and aquatic habitats

iii) Details of mitigation measures for protected and priority species, including great crested newt, to include timetable of measures in relation to construction phases

iv) Ecological Compliance Audit, including key performance indicators

v) Biosecurity Risk Assessment identifying measures to prevent the introduction and spread of invasive non-native species on and off-site, and measures for eradication of *Crocospia* sp.

17. Notwithstanding the details submitted, prior to commencement of development, a detailed landscaping and biodiversity enhancement 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 position. The locations of trees and dwellings of biodiversity enhancements for nesting birds shall be included. The approved scheme shall be implemented in full and maintained thereafter.

18. Prior to commencement of development, an External Lighting Design Scheme to avoid and reduce potential impacts on nocturnal wildlife shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of external lighting installed on dwellings and along footways. The scheme shall demonstrate compliance with the recommendations outlined in the BCT and ILP Guidance Note 8 Bats and Artificial Lighting (12th September 2018). Full details can be found at <https://theilp.org.uk/publication/guidance-note-8-bats-and-artificial-lighting/>. The approved scheme shall be adhered to and be implemented in full.

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

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

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

20. Prior to the commencement of development, the noise mitigation measures as detailed within the Environmental Noise Survey dated 26<sup>th</sup> May 2021 shall be provided on a plan and submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details

21. Prior to commencement of development the development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of TAN 2 or any future guidance that replaces it. The scheme shall include:

i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 100% of housing units/bed spaces;

ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;

iii) the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing (if no RSL involved)];

iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and

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

22. Prior to the construction of the dwellings hereby approved details and/or samples of the materials to be used in the construction of the external surfaces of the dwellings have been submitted to and approved in writing by the local planning

authority. Development shall thereafter be carried out in accordance with the approved details.

23. 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 dwellings shall not be subject to extensions, roof alterations and buildings other than those expressly authorised by the reserved matters approval.
24. Prior to commencement of development a Great Crested Newt Habitat Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The submitted Plan shall make reference to the Proposed Residential Development, Land off Forden Road, Montgomery, Powys – Ecological Mitigation Method Statement, by Marches Ecology, dated 10th February 2021. The approved scheme shall be implemented in full.
25. Prior to the commencement of development, a Construction Method Statement shall be submitted to and agreed in writing by the Local Planning Authority in respect of the control of noise and dust during the landscaping and construction phases of the development. Development shall be carried out in strict accordance with the approved method statement.
26. Prior to the commencement of development, details of the hard landscape works shall be submitted to and approved in writing by the local planning authority. These details shall include:
  - minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, etc.)

The approved scheme shall be implemented in full and maintained thereafter

#### Reasons

1. Required to be imposed by section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans approved by the Local Planning Authority in the interests of clarity and a satisfactory development.
3. To secure preservation by record of all archaeological remains which will be impacted by the development

4. In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales.
5. In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales.
6. In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales.
7. In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales.
8. In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales.
9. In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales.
10. In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales.
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12. In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales.
13. In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales.
14. In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales.
15. 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 11, February 2021), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.
16. 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 11, February 2021), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.
17. To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and DM4 in relation to Landscape, and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016
18. To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and DM7 in relation to Dark Skies and External Lighting, and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.



19. To protect the amenities of neighbouring residential property in accordance with policy DM13 of the Local Development Plan (2018).
20. To protect the amenities of neighbouring residential property in accordance with policy DM13 of the Local Development Plan (2018).
21. In accordance with policies H5 and H6 of the Local Development Plan (2018) and Planning Policy Wales (2021).
22. To ensure an appropriately designed development in accordance with policy DM13 of the Local Development Plan and Planning Policy Wales (2021).
23. In order to ensure that the dwellings serve and affordable need in perpetuity in accordance with the Affordable Housing SPG and policies H5 and H6 of the Local Development Plan (2018) and Planning Policy Wales (2021)
24. To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and DM4 in relation to Landscape, and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.
25. In order to ensure that there is no harm to the amenity of neighbouring properties during the construction of the development in accordance with policy DM13 of the LDP.
26. To comply with Powys County Council's LDP Policies DM3 in relation to open space and Planning Policy Wales (Edition 11, February 2021).

## **Informative Notes**

### Hafren Dyfrdwy

Hafren Dyfrdwy advise that there is a public 150mm combined sewer located within this site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. You are advised to contact Hafren Dyfrdwy to discuss the proposals. Hafren Dyfrdwy will seek to assist in obtaining a solution which protects both the public sewer and the building. Please note, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 meters of a public sewer.

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

### Clean Water Comments

We have apparatus in the area of the planned development, the developer will need to contact Severn Trent Water, New Connections team as detailed below to assess their

proposed plans for diversion requirements.

To request a water map please follow the link, <https://www.stwater.co.uk/building-and-developing/estimators-and-maps/request-a-water-sewer-map/> scroll down the page to view the link:

Please visit [www.digdat.co.uk](http://www.digdat.co.uk)

You will need to register on the website and then you will be able to search for your chosen location and get an instant quote online. For more information you can view Digdat's user guide([opens in a new window](#)).

Please look at the district area supply plan (PDF)([opens in a new window](#)) to check that your site is within the Severn Trent boundary before requesting an underground asset map.

Any correspondence and diversion applications are to be submitted through New Connections the relevant form can be found on the Severn Trent website, please complete the form as fully as possible.

### Biodiversity

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

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

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

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

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

Under The Conservation of Habitats and Species Regulations 2017 it is an offence for any person to:

- o Deliberately capture, injure or kill a great crested newt
- o Deliberately disturb a great crested newt in such a way as to be likely to significantly affect the local distribution or abundance of great crested newts or the

ability of any significant group of great crested newts to survive, breed, rear or nurture their young;

- o Deliberately take or destroy the eggs of great crested newts
- o Damage or destroy a breeding site or resting place. This is an absolute offence, in other words intent or recklessness does not have to be proved.

Under the Wildlife & Countryside Act 1981 (as amended) it is an offence to

- o Intentionally or recklessly disturb a great crested newt while it is occupying a structure or place which it uses for shelter or protection
- o Intentionally or recklessly obstruct access to their places of shelter or protection

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 (as amended) that works to ponds or terrestrial habitat where that work involves the disturbance of great crested newts is an offence if a licence has not been obtained from Natural Resources Wales. If a great crested newt is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.

Birds - Wildlife and Countryside Act 1981 (as amended)

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

- 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 on 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.

### Sustainable Drainage

Having assessed the Planning Application Ref 20/2118/FUL, the SuDS Approval Body (SAB) deem that the construction area is greater than 100m<sup>2</sup> 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](mailto:sab@powys.gov.uk)

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

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

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

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Case Officer: Richard Edwards, Senior Planning Officer  
Tel: 01597 827218 E-mail: [richard.edwards2@powys.gov.uk](mailto:richard.edwards2@powys.gov.uk)

# 6.3

## Planning, Taxi Licensing and Rights of Way Committee Report

**Application Number:** 21/0919/FUL

**Grid Ref:** E: 302215  
N: 314353

**Community Council:** Banwy Community

**Valid Date:** 14.05.2021

**Applicant:** T Van Rees

**Location:** Hafod Barn, Llangadfan, Welshpool, Powys, SY21 0QB.

**Proposal:** Conversion of barn to holiday letting unit.

**Application Type:** Full Application

### The reason for Committee determination

The applicant is a Councillor of Powys County Council.

### Consultee Responses

Consultee	Received
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Hafren Dyfrdwy

14th Jun 2021

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

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

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

To help us provide an efficient response please could you send all responses to APPlanning@hdcymru.co.uk rather than to named individuals, including the HD ref within the email/subject.

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

Thank you for consulting the Highway Authority on this matter. We note the submitted plans in respect of the access to/from the site, however we note that the access visibility splays have been drawn incorrectly and not in accordance with Figure 7.18 (b) of Manual for Streets (Page 93).

Drawing number 21/4468/7 does not indicate forward visibility and we note that the applicant does not control sufficient frontage to the west of the B4395 to which improvements could be made. The Highway Authority have concerns that insufficient forward visibility is afforded to vehicles turning right into/or right out of the access. Manual for Streets states at section 7.18 "The minimum forward visibility required is equal to the minimum SSD". However, it is clear from Drawing number 21/4468/7 that 43m forward visibility is not achievable within the applicant's ownership/control.

Furthermore, we note that the existing access track is of insufficient width to allow the free flow of two-way vehicle movements. We therefore consider that the increase in vehicular movements as a result of the development, over and above those vehicles currently using the road and those expected with the proposed development, would be likely to lead to increased amounts of unsafe vehicular maneuvers along the local highway network and associated junction.

Given the increased number of vehicles at full occupancy, it is likely that they would be forced to undertake difficult maneuvers by slowing, stopping and possibly attempting to turn off the highway in reverse gear. This would be detrimental to the free flow of traffic along the highway, and reversing within the narrow highway, a situation where the driver's visibility would be limited, would be hazardous to existing and future road users.

We note that without acquisition of 3rd party land the applicant shall not be able to achieve requisite forward visibility, however we further note that the applicant controls sufficient roadside frontage to relocate the access.

Should the applicant wish to submit revised drawings which address the above points, we shall certainly review any such submission. Any such drawings should be at an appropriate scale such as 1:500 @ A3.

*Additional Comments Received 9<sup>th</sup> August 2021;*

We note revised drawing submitted in support of the application (21/4468/7) proposes the relocation of the access. The HA welcome the relocation of the access and stopping up of the severely substandard access.

Perceived speeds in the area of the proposed access are 40 mph for those travelling in a southwesterly direction and 30mph in a northeasterly direction. In accordance with Manual for Streets 2 (MfS), this equates to 59m and 43m respectively.

The applicant has proposed visibility splays of 117.2m to the northeast and 34.4m to the southwest. The HA are content that suitable splays can be constructed in each direction, however, the horizontal alignment of the B4395 to the southwest of the proposed access is such that a forward visibility chord is required.

No detail of the forward visibility has been submitted for consideration, and we note from the drawing that the proposed access cannot achieve the forward visibility in accordance with MfS. Forward visibility should be drawn in accordance with Section 7.18 MfS and standard detail drawing 106 of the CSS Wales Common Standards Guide 2020.

We note that the applicant does not control any frontage to the eastern side of the B4395 and has not served Notice on the landowner, therefore, they are unable to offer any improvement to the forward visibility. The HA suggest that the proposed access be located further to the northeast to overcome the issue of forward visibility in a position which achieve visibility splays in accordance with Manual for Streets.

Should the applicant wish to submit revised drawings which address the above points, we shall certainly review any such submission. Any such drawings should be at an appropriate scale such as 1:500 @ A3.

*Additional Comments Received 9<sup>th</sup> September 2021;*

The Highway Authority (HA) has reviewed the revised drawing/detail submitted in support of this application and as such we wish to offer the following comments.

We note revised drawing submitted in support of the application (21/4468/7 dated 16/8/2021) proposes the relocation of the access further into north east direction and furthermore, the HA welcome the relocation of the access and stopping up of the severely substandard access which is located on the bend.

The applicant has now proposed visibility splays of 59m to the northeast and 43m to the southwest. The HA are content that suitable splays can be constructed in each direction. Furthermore, the revised access location sited further to the northeast also now overcomes the issue of forward visibility in a position which achieve visibility splays in accordance with Manual for Streets.

Therefore, it is recommended that the following highway conditions be attached.

1. The development shall be carried out in accordance with drawing number 21/4468/7 dated 16/8/2021.
2. No other development shall commence until the access has been constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 43m distant in south westerly direction and 59m in north easterly direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.
3. 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.
5. Before any other development is commenced the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 15 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.
8. Prior to the occupation of the dwelling the area of the access off the B4395 to be used by vehicles is to be finished in a 40mm bituminous surface course material for a distance of 15 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.
9. Prior to the occupation of dwelling, provision shall be made within the curtilage of the site for the parking of (vehicles in accordance with the requirements of CSS Wales Parking Standards) not less than one parking bay per bedroom. The parking areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.
10. Any vehicular entrance gates installed within the application site shall be set back at least 15 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.
11. Upon the construction of the access as per Condition 2, the existing substandard means of access to the barn and adjacent dwelling shall be stopped up, in materials to be



agreed in writing by the Local Planning Authority and this shall be retained for as long as the development is in existence.

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

13. The centre line of the first 15m of the access road measured from the edge of the adjoining carriageway shall be constructed at right angles to that edge of the said carriageway and be retained at that angle for as long as the development remains in existence.

13. The width of the access carriageway, constructed as per condition 2, shall be not less than 5.5 metres for a minimum distance of 15m along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.

14. No surface water drainage from the site shall be allowed to discharge onto the county highway.

#### Advisory Notes

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

1. Under Section 184 of the Highways Act 1980, it is a requirement that a licence is obtained from the Highway Authority, in addition to Planning Permission, for vehicular access works.

a. The need to avoid interference with and to make provision for the carrying of existing highway drainage under the access to the satisfaction of the Highway Authority.

b. The requirement of the Highway Authority for the Developer to ensure that no surface water is discharged onto the County Highway or, without prior approval, into the highway drainage system.

2. Under Section 50 of the New Roads & Street Works Act 1991 it is a requirement that a Streetworks licence is obtained from the Highway Authority to place, or to retain, apparatus in the highway and thereafter to inspect, maintain, adjust, repair, alter or renew the apparatus, change its position or remove it.

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

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

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

<http://www.powys.gov.uk/en/roads-transport-parking/>

[street.works@powys.gov.uk](mailto:street.works@powys.gov.uk)

Street Works

Powys County Hall

Spa Road East

Llandrindod Wells

Powys

LD1 5LG

0845 6027035

Natural Resources Wales (Mid Wales)  
DPAS

11th Jun 2021

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 25 May 2021.

We have concerns with the application as submitted. However, we are satisfied that these concerns can be overcome by attaching the following condition to any planning permission granted:

Condition: European Protected Species - submission of a Bat Conservation Plan to ensure the maintenance of the favourable conservation status of each of the local populations of bat present at this site.

Please note, without the inclusion of this condition we would object to this planning application. Further details are provided below.

European Protected Species

We have reviewed the following documents submitted in support of the above application:

o 'Bat Activity Surveys at Hafod Barn, Llangadfan, Welshpool, Powys' by Susan Worfold,

dated 2020

o 'Protected Species Surveys at Cae Penfras (SJ 02375 14723) and Hafod (SJ 02263 14334) Barns, Llangadfan, Welshpool, Powys' by Susan Worfold, dated 2017

We note the above ecological submissions considered the presence of bats and note the results confirmed the application site supports the following species of bat:

o Soprano pipistrelle

o Lesser horseshoe bat

#### Legislation and policy

Bats and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended). Where bats are present and a development proposal is likely to contravene the legal protection they are afforded, the development may only proceed under licence issued by Natural Resources Wales, having satisfied the three requirements set out in the legislation. A licence may only be authorised if:

i. the development works to be authorised are for the purpose of preserving public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.

ii. There is no satisfactory alternative and

iii. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

Paragraph 6.3.7 of Technical Advice Note 5: Nature Conservation and Planning (TAN5) states that your Authority should not grant planning permission without having satisfied itself that the proposed development either would not impact adversely on any bats on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied.

We advise that in the event planning permission is granted for this development, you attach the condition below to the notice of consent. This advice is consistent with the guidance given in NRW's Good Practice Guide 3 - NRW Approach to Bats and Planning, dated October 2015.

Condition:

No development shall commence until a bat Conservation Plan has been submitted to

and approved in writing by the Local Planning Authority. The Conservation Plan shall include, but not necessarily be limited to:

- o Building upon the principles outlined in the ecological report - 'Bat Activity Surveys at Hafod Barn, Llangadfan, Welshpool, Powys' by Susan Worfold, dated 2020
- o Details of timing, phasing and duration of construction activities and conservation measures
- o Timetable for implementation demonstrating that works are aligned with the proposed phasing of the development
- o Persons responsible for implementing the works
- o Submission of details outlining any external lighting scheme, together with plans illustrating predicted bat emergence and dispersal from retained or proposed bat access points to the wider countryside.

The Conservation Plan shall be carried out in accordance with the approved details.

Reason: To ensure that an approved Bat Conservation Plan is implemented, which protects species affected by the development.

We have no objection to the conservation plan including other species considered by the Local Planning Authority to be material to the planning decision making process.

In summary, we advise that any consent is subject to the imposition of the above condition in respect of bats. Provided this advice is compliantly implemented, we consider that the proposed development is not likely to be detrimental to the maintenance of the favourable conservation status of each of the local populations of bat present at this site.

Warning: A European Protected Species (EPS) licence is required for this development.

This planning permission does not provide consent to undertake works that require an EPS licence. It is an offence to deliberately capture, kill or disturb EPS or to damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/ or receive an unlimited fine.

Development should not be commenced until the Applicant has been granted a licence by Natural Resources Wales pursuant to Regulation 55 of the Conservation of Habitats and Species Regulations (2017) authorising the specified activity/ development to go ahead. To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000, or at <https://naturalresources.wales/permits-and-permissions/protected-species-licensing/european-protected-species-licensing/information-on-european-protected->

species-licensing/?lang=en

## Foul Drainage

We note the proposal is to connect the foul drainage to a new package treatment plant.

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

## 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

### Waste

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 provided information on how to classify waste and register as a waste carrier or hazardous waste producer:

<http://naturalresources.wales/waste/how-to-classify-and-assess-waste/?lang=en>

<http://naturalresources.wales/apply-for-a-permit/waste/?lang=en>

Further guidance can be found on the GOV website here:

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

#### Pollution Prevention

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

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

#### Environmental Protection

7th Jun 2021

In respect of planning application 21/0919/FUL, the following advice is provided on behalf of Environmental Protection:

1. Under section 4 'Proposal' of the Barry Tomlinson Architectural Services Ltd 'Design and Access Statement' (ref: 4468), dated 26th April 2021, it is stated: "With regard to foul water drainage, a package treatment plant will be installed [...] which will discharge directly to the small watercourse running through the site." Environmental Protection would have no requirements in respect of the proposed foul water drainage system subject to the following:

- o The appropriate exemption being registered with or environmental permit being

obtained from Natural Resources Wales (NRW). Welsh Government advise that all septic tanks and small sewage treatment plant discharges in Wales will need to be registered with Natural Resources Wales. More information, including a step by step guide to registering can be found at the following link <http://www.naturalresources.wales/media/2879/septic-tank-registration-guidance.pdf?lang=en> . Prior to commencement of the development, Environmental Protection recommend Development Control verify that NRW will allow the proposed foul drainage system.

o The siting, design, construction, installation, maintenance and marking of the foul drainage system must comply with Approved Document H 2010 (Wales) Section H2 of the Building Regulations. As advised in Approved Document H 2010 (Wales) Section H2 of the Building Regulations, the owner is legally responsible to ensure that a foul drainage system does not cause pollution, a health hazard or a nuisance.

PCC-Contaminated Land Officer

15th Jun 2021

1. The application proposal involves the conversion of an agricultural building to form a residential unit. Agricultural buildings and land could contain potential sources of contamination, depending on what they were used for in the past, such as: pesticides, fuels and oils, slurry tanks and pits, fire sites, animal burial pits or other buried waste, fertiliser, sheep dip pits, asbestos, old machinery, waste chemical drums and ammunition. Any building constructed before 2000 may have asbestos products which should be considered.

2. Paragraph 6.9.14, of Chapter 6 'Distinctive and Natural Places', of the Welsh Government document 'Planning Policy Wales' (2018) states: "Responsibility for determining the extent and effects of surface and subsurface risks remains with the developer. It is for the developer to ensure that the land is suitable for the development proposed, as a planning authority does not have a duty of care to landowners."

3. In respect of contaminated land paragraph 5.55, of the Welsh Government (WG) circular 'The Use of Planning Conditions for Development Management' (ref: WGC 016/2014), states that: "Conditions might also be imposed requiring the developer to draw to the attention of the planning authority the presence of significant unsuspected contamination encountered during redevelopment".

Furthermore, in paragraph 5.56 of the WG circular (ref: WGC 016/2014) it is stated: "The level of work required must be proportionate to the problems that are envisaged and the more onerous conditions should not be imposed as a matter of course."

4. Based on the available information and current planning guidance, it is recommended that the following condition and note, to the applicant, are attached to any permission granted for planning application:

#### Potential Contamination

In the event that the presence of contamination is encountered when carrying out the approved development immediate contact must be made with the local planning authority and works must cease in that area. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the local planning authority.

Following completion of the remedial works identified in the approved remediation scheme, a verification report that demonstrates compliance with the agreed remediation objectives and criteria shall be produced, and is subject to the written approval of the local planning authority, prior to commencement of use of the development.

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

#### Note to Applicant

#### Potential Contamination

The Council's guidance leaflet on the development of sites with potential land contamination is attached. Further advice on compliance with this condition may be obtained by contacting the Environmental Health Service on 01597 827645.

CPAT

1st Jun 2021

Thank you for consultation on this application.

Information held within the regional Historic Environment Record indicates that the proposed conversion will impact a traditional stone barn which is recorded on the Historic Environment Record as PRN 183217 - Hafod traditional farm building. The building is late 18th- 19th century in origin and is of local architectural and historical interest. It would be unfortunate if this building is now converted for domestic use without a record of its current form, function and layout being recorded.

I would therefore ask that the applicant is required to commission a Level 1 Photographic



Survey before demolition commences to preserve a record of this building in its current form. This recommendation is made in accordance with TAN 24 (May 2017) and Planning Policy Wales (Feb 2021). To facilitate this, I would ask that an appropriate planning condition is attached to any permission granted, and I include below a suggested condition which you may wish to consider using:

Suggested planning condition to facilitate a photographic survey prior to development:

Development shall not begin until an appropriate photographic survey, (equivalent to an Historic England Level 1 Photographic Survey - Understanding Historic Buildings, 2016, 5.5, p.27) of the existing buildings has been commissioned by the applicant in accordance with details to be submitted to, and approved by, the Local Planning Authority. The photographic survey will be completed by an archaeological contractor. The resulting digital photographs should be forwarded on appropriate digital media to the Local Planning Authority and the Development Control Archaeologist (Clwyd-Powys Archaeological Trust, Coed y Dinas, Welshpool, SY21 8RP. Email: mark.walters@cpat.org.uk ). After approval by the Local Planning Authority, a copy of the photographs should also be sent to the Historic Environment Record Officer, Clwyd-Powys Archaeological Trust, Coed y Dinas, Welshpool, SY21 8RP for inclusion in the regional Historic Environment Record and to the National Monuments Record, RCAHMW, Aberystwyth.

Reason: To secure a full photographic record of the buildings prior to alteration, conversion or demolition.

I have attached a guidance note on completing photo surveys together with information on sources of archaeological contractors who would be able to complete the survey on behalf of the applicant. These documents should be forwarded to the applicant so that they are fully informed of the process.

Ward Councillor

7th Jun 2021

I am writing to you in my capacity as elected County Councillor for the Banwy Ward to express my objections to this application on several grounds.

The first and most significant reason to refuse this application regard the access to the site. The B4395 is not a small or quiet road, as reflected by its local designation as The Turnpike. Local traffic, including large agricultural vehicles and lorries associated with forestry are supplemented during the holiday season by significant numbers of visitors. This road is the main route between the trunk road (A 483) and the nationally recognised visitor attraction Lake Vyrnwy. The B4395 wends its way through very hilly terrain and at

Hafod, there is a tight bend, currently the site of frequent accidents. The access to the existing property at Hafod is very difficult to negotiate and due to the landforms, this could not be remedied by measures such as wider visibility splays. In essence, the only way to improve access to the proposed site would be for a major re-engineering of the B4395, a project which is unlikely to be funded to access one holiday home. In 2006, development of this site was refused. Since then, traffic flows have increased considerably. The then Shire Development Control Manager was informed by the Transportation and Network Manager that he would: 'issue strong recommendations of refusal since the proposed development would prove to be detrimental to highway safety.' If the application was unsafe then, in current conditions it would be seriously dangerous therefore it should be refused.

This application's Design and Access statement refers frequently to the importance of tourism to the area: this is undoubtedly the case. However, I would take issue with the contribution this particular development will make. The area around the site is currently well served with self-catering accommodation, with the caravan site at Parc Llwydiarth, the lodges at Belan Bach and the new glamping site at Cae Pella all being very close to the site of this proposed development. All of these businesses are owned by local families whose spending and social contribution maintains the fabric of our community. This is not the case with the proposed development at Hafod Barn as the owner is non-resident. In economic terms, therefore, what is being proposed is that an absentee proprietor should be allowed to establish a business in direct competition to established local enterprises. There is no economic imperative to allow this development.

The application form itself states that the development would create one job, 0.5 FTE. I am at a loss to know what roles this individual would be undertaking for 4 hours a week, 52 weeks a year. On a November Friday, when the grass is not growing and there are no bookings, would this employee still be paid? The reality is that this development would offer low hours, low wage, temporary employment, unlikely to do anything to address the real economic needs of an area best by low wages and low value added.

The environmental surveys attached to this application are unreliable. One is dated from 2015 and the bat survey of 2020 took place at the height of the COVID restrictions when the residents at Hafod, who were always present, because they were shielding, did not report any activity. Any such covert study is hardly likely to provide accurate information.

The application form states that the applicant is a Community Councillor in Llangamarch, at a considerable distance from the site in question. It is surely of greater relevance that the applicant is an elected Member of Powys County Council, the body which will determine this application. This should have been declared at s26 of the application and in the absence of this declaration, the entire application is null and void.

For all the above reasons, I have no hesitation in recommending this.

*Additional Comments Received 9<sup>th</sup> September 2021;*

Thank you for this. In my opinion, the change without avoiding the problem, namely increased traffic on a very dangerous stretch of road. In addition, the new scheme shows a change to Hafod access: the applicant has no right to change this access without warning residents, which has not been done. So I'm still rejecting the request.

An applicant is a Member of a County Council so the application will have to go to Committee. He would speak at the meeting and so he would be very pleased to know if the application has been placed on one agenda again?

### **Public Representations**

Following the display of a site notice on 3<sup>rd</sup> June 2021 and 21<sup>st</sup> September 2021, a total of 9 public representations have been received at the time of writing this report, and can be summarised as follows:

- Conflict with local plan
- Detrimental impact upon amenities of neighbouring properties
- Detrimental impact upon highway safety
- Dispute over control/ownership of existing access to the property.
- Ecological Surveys not accurate
- Errors in application form (part 26)
- Inadequate access
- Inadequate foul drainage
- No benefit to local economy
- No structural survey
- Red line boundary incorrect

### **Planning History**

None

### **Principal Planning Constraints**

SSSI – Cors Llyn Coethlyn – 600m

### **Principal Planning Policies**

<b>Policy</b>	<b>Policy Description</b>	<b>Year</b>	<b>Local Plan</b>
PPW	Planning Policy Wales (Edition 11, February 2021)		National Policy

NATPLA	Future Wales - The National Plan 2040	National Policy
TAN5	Nature Conservation and Planning	National Policy
TAN6	Planning for Sustainable Rural Community	National Policy
TAN11	Noise	National Policy
TAN12	Design	National Policy
TAN18	Transport	National Policy
TAN23	Economic Development	National Policy
TAN24	The Historic Environment	National Policy
TD1	Tourism Development	Local Development Plan 2011-2026
SP7	Safeguarding of Strategic Resources and Assets	Local Development Plan 2011-2026
DM2	The Natural Environment	Local Development Plan 2011-2026
DM4	Landscape	Local Development Plan 2011-2026
DM7	Dark Skies and External Lighting	Local Development Plan 2011-2026
DM13	Design and Resources	Local Development Plan 2011-2026
E6	Farm Diversification	Local Development Plan 2011-2026
TAN13	Tourism	Local Development Plan 2011-2026
EWA	Environment (Wales) Act (2016)	National Policy

SPGBIO	Biodiversity and Geodiversity SPG (2018)	Local Development Plan 2011-2026
SPGLAN	Landscape SPG	Local Development Plan 2011-2026
T1	Travel, Traffic and Transport Infrastructure	Local Development Plan 2011-2026
NERC	Natural Environment & Rural Communities	National Policy
SPG	Historic Environment	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

The application site is located within the Community Council area of Banwy and is located within the open countryside as defined by the Powys Local Development Plan (2018). The application site is surrounded by an access track, which leads to the B4395 Highway to the north, and a neighbouring residential property to the north west. The remainder of the site is bordered by agricultural land.

This application seeks consent for the conversion of a barn into a holiday let. There are no changes proposed to the scale of the barn as part of the conversion and materials will largely remain the same as existing, with the exception of the roof which would be finished using natural slate as opposed to corrugated sheeting. The proposed holiday let will be served by a residential curtilage with access and parking area and additional tree and hedge planting. The curtilage will be defined by a new post and rail fence.

## Procedural

Amended plans were received during the course of this application, detailing a newly proposed location for the access to serve the holiday let off the B4395 County Highway. As such, the red line boundary for the application site has altered significantly from that previously proposed. Therefore, in accordance with part 12 of The Town and Country Planning (Development Management Procedure) (Wales) Order 2012, an additional site notice was displayed at the application site on 21<sup>st</sup> September 2021, in addition to the notice previously displayed on 3<sup>rd</sup> June 2021, giving members of the public an additional 21 days' notice to provide comments on the application. Relevant consultees were also reconsulted to provide comments on the amended plans. This is considered to alleviate 3<sup>rd</sup> party concerns raised that the red line boundary for the application is incorrect.

## Principle of Development

Policy TD1 states that development proposals for tourist accommodation, facilities and attractions, including extensions to existing development, will be permitted as follows:

- “1. Within settlements, where commensurate in scale and size to the settlement.*
- 2. In the open countryside, where compatible in terms of location, siting, design and scale and well integrated into the landscape so that it would not detract from the overall character and appearance of the area and in particular where:*
  - i. It is part of a farm diversification scheme; or*
  - ii. It re-uses a suitable rural building in accordance with TAN6; or*
  - iii. It complements an existing tourist development or asset, without causing unacceptable adverse harm to the enjoyment of that development or asset; or*
  - iv. It is not permanent in its nature.*
- 3. Accommodation shall not be used for permanent residential accommodation”.*

LDP Policy TD1 states that tourism development proposals in the open countryside will be permitted where they are compatible in terms of location, siting, design and scale and shall be well integrated into the landscape so that it would not detract from the overall character or appearance of the area.

The proposed development would re-use a rural building, and therefore consideration is given to Technical Advice Note 6 (TAN 6). TAN 6 states that; *“conversion proposals should respect the landscape and local building styles and materials. If a planning application is submitted for the re-use of a building which the planning authority considers has a significant adverse effect on the landscape in terms of visual amenity, it may be appropriate in connection with any proposed structural changes to impose conditions to secure an improvement in the external appearance of the building”.*

Technical Advice Note 23 (TAN23) goes onto provide further guidance in relation to the re-use and adaption of rural buildings:

*“3.2.1 The re-use and adaptation of existing rural buildings has an important role in*

*meeting the needs of rural areas for commercial and industrial development, and tourism, sport and recreation. In recognising this, local planning authorities are expected to adopt a positive approach to the conversion of rural buildings for business re-use, especially those buildings located within or adjoining farm building complexes on the basis that:*

- they are suitable for the specific use;*
- conversion does not lead to dispersal of activity on such scale as to prejudice town and village vitality;*
- their form, bulk and general design are in keeping with their surroundings;*
- imposing conditions on a planning permission overcomes any planning objections, for example on environmental or traffic grounds, which would otherwise outweigh the advantage of re-use;*
- if the buildings are in the open countryside, they are capable of conversion without major or complete reconstruction;*
- conversion does not result in unacceptable impacts upon the structure, form, character or setting where the building is of historic and / or architectural interest”.*

There are no changes proposed to the scale of the barn as part of the conversion and materials will largely remain the same as existing, with the exception of the roof which would be finished using natural slate as opposed to corrugated sheeting. It is considered that there would be a minimal impact upon the landscape as a result of the proposed development, given the minimal alterations which are proposed to the building, this will be discussed in further detail below, however the principle for development is considered to be acceptable. No structural report has been submitted in support of the application, however based on the photographic observations and observations made by the Local Planning Authority during a site visit, the barns are considered to be in good condition with all walls and roof remaining and it is considered capable of conversion. It is therefore considered that the principle of development for a rural conversion is acceptable at this location, subject to a review of the design which will take place below.

It is noted that within 3<sup>rd</sup> party correspondence received, concern has been raised that the proposed development would be in conflict with the Powys Local Development Plan (2018) and that no structural survey has been submitted. Policy TD1 of the Powys LDP is the relevant policy when assessing all proposals for tourism development and as discussed above, the proposed development is considered to comply with part (ii) of policy TD1. Likewise, as discussed above, the barn is considered capable of conversion and a structural survey is not deemed necessary by the Local Planning Authority on this occasion.

#### Design, Character and landscape Impact

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

design detailing. TAN 6 states that; *“conversion proposals should respect the landscape and local building styles and materials. If a planning application is submitted for the re-use of a building which the planning authority considers has a significant adverse effect on the landscape in terms of visual amenity, it may be appropriate in connection with any proposed structural changes to impose conditions to secure an improvement in the external appearance of the building”*.

There are no changes proposed to the scale of the barn as part of the conversion and materials will largely remain the same as existing, with the exception of the roof which would be finished using natural slate as opposed to corrugated sheeting. The alteration to a slate roof is not considered to be out of keeping with the character of the area, and this choice of material is in keeping with a typical rural building. There are 3 new openings proposed to the south-east (rear) elevation of the building, in the form of a small window and 2 rooflights, otherwise all existing openings are utilised. The rear elevation of the property would not be readily visible from public vantage points in the area, and therefore it is not considered the addition of these new openings would cause a detrimental impact upon the character or appearance of the surrounding area.

Reference is made to LDP Policy DM4 – Landscape. A visual and sensory evaluation of the site using LANDMAP classifies the area of land as being of high value. It is noted that Technical Advice Note 23 (TAN23) provides the following specific guidance in relation to rural conversions:

*“3.2.3 If the existing building is unsuitable for conversion without extensive alteration, rebuilding or extension, or if the creation of a residential curtilage would have a harmful effect on the character of the countryside, the same considerations relating to new house building in the open countryside will apply”*.

There is no rebuilding, extensions or extensive alterations involved as part of the proposed development, and therefore given the lack of significant alterations being proposed to the existing structure, and the fact that acceptable materials have been proposed, as discussed above, it is not considered the proposed development will cause any unacceptable adverse impact upon the landscape. The creation of a curtilage with additional tree and hedgerow planting, parking area and a new post and rail fence is not considered would cause a significant change to how the surrounding landscape is viewed or experienced and is considered to be acceptable. The additional landscaping shall be secured through the inclusion of an appropriately worded condition.

It is considered that the proposed conversion scheme fundamentally retains the traditional character and appearance of the building and thus assimilates within the immediate context and surrounding landscape. Permitted development rights will be removed to ensure no extension or alterations can be made to the building without the consideration of the Local Planning Authority. In light of the above observations, it is considered that the proposed development is in accordance with relevant planning policies, particularly Powys Local Development Plan policy DM13, TAN 6 and TAN23.



### Amenities enjoyed by occupiers of neighbouring properties

In considering the amenities enjoyed by occupiers of neighbouring properties consideration has been given to the LDP Residential Design SPG & LDP: DM13 (Part 11). It is noted that 3<sup>rd</sup> party correspondence has raised concerns that the proposed development would cause a detrimental impact upon amenities of neighbouring properties.

The nearest neighbouring property to the proposed holiday let is located approximately 43 metres to the north-west. Given the distance involved it is not considered that the proposed development would impact upon loss of daylight to any neighbouring dwellings, there are no properties that would be adversely affected when considering the 25 degree rule, which prohibits development that would exceed a line of 25 degrees taken from the nearest habitable room of adjoining existing properties. The proposal also complies with the 45 degree rule, where an angle of 45 degrees is measured in a horizontal plane and taken from the middle of the window of the nearest habitable room in any adjacent rooms. The proposed development is considered to be acceptable when considered against the above criteria.

The proposed development is also not considered to offer any adverse impacts to any neighbouring properties in terms of loss of privacy. The Residential Design SPG states that there should be a minimum of 21 metres between directly facing habitable rooms on rear elevations.

Consideration has also been given to noise and odour creation given the agricultural nature of the site. However, it is noted that there are no operational farm buildings within close proximity of the site. Given the distance to the nearest neighbouring properties and the fact this application is for one holiday unit, it is not considered there would be a detrimental impact caused to occupiers of neighbouring properties as a result of the proposed development. In addition, the Council's Environmental Health department were consulted on the proposed development and raised no concerns in terms of any potential impacts to neighbouring amenities.

The above observations, and comments from the Council's Environmental Health department are considered to satisfy concerns raised within 3<sup>rd</sup> party correspondence. In light of the above, it is considered that the proposed development complies with relevant planning policy.

### Highway Safety

It is noted within 3<sup>rd</sup> party correspondence that concerns have been raised regarding the proposed development causing a detrimental impact upon highway safety and having an inadequate access. Technical Advice Note 18: Transport and LDP Policy DM13 (Part 10) seek to maintain Highway Safety and ensure development proposals meet all highway access requirements (for transport users) and parking standards.

As has been discussed above, the original intended location for the access has been

amended following concerns raised by the Local Highway Authority over safety at the original intended location for the access. The Local Highway Authority have raised no objection to the revised location for the access, and subject to the inclusion of appropriately worded conditions, the access arrangements are considered to be acceptable. These conditions refer to visibility splays, access surfacing, parking arrangements, vehicular entrance gates, stopping up of existing access, access gradient and surface water drainage. Subject to the inclusion of the recommended conditions, it is considered that the proposed development will maintain highway safety and improve the existing substandard arrangements which are present at site. The comments from the Local Highway Authority are considered to satisfy concerns raised within 3<sup>rd</sup> party correspondence.

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

### The Natural Environment

It is noted that within 3<sup>rd</sup> party correspondence, concern has been raised that the submitted Ecological Surveys are not accurate and the proposed development may be unacceptable in terms of impacts to biodiversity. With respect to biodiversity specific reference is made to LDP policy DM2 which seeks to maintain biodiversity and safeguard protected important sites.

It is noted there is a SSSI, namely Cors Llyn Coethlyn located approximately 600m west of the application site, and there are also several areas of Ancient Woodland located within 1km of the application site. Taking into account the location of these protected sites in relation to the proposed development, and given the scale and nature of the proposal, it is not considered likely that the proposed development would cause a detrimental impact upon these protected sites.

It is noted that the following documents have been submitted in support of the planning application:

- 'Bat Activity Surveys at Hafod Barn, Llangadfan, Welshpool, Powys' by Susan Worfold, dated 2020.
- 'Protected Species Surveys at Cae Penfras (SJ 02375 14723) and Hafod (SJ 02263 14334) Barns, Llangadfan, Welshpool, Powys' by Susan Worfold, dated 2017.

The ecological submission has confirmed that the application site supports bats, with Soprano and Lesser Horseshoe bats present. Natural Resources Wales were consulted on the proposed development and confirmed they would raise no objection, subject to the inclusion of an appropriately worded condition securing the submission of a Bat Conservation Plan to the Local Planning Authority, this shall be included to ensure there is no detrimental impact upon the European Protected Species. NRW have also confirmed that a European Protected Species Licence is required for this development,

and this information shall be included as an informative note.

The application has proposed biodiversity enhancement in the form of multiple bird and bat boxes, as shown on drawing number 21/4468/6. These measures shall be secured through the inclusion of an appropriately worded condition. It is also noted that some details of external lighting have been provided, however these details are limited and do not contain sufficient information to confirm there would not be a detrimental impact upon nocturnal wildlife, therefore further details shall be secured via an appropriately worded condition. It is further noted that some hedgerow shall be required to be removed/translocated in order to deliver the new access and visibility splays, therefore a condition shall be attached to the granting of any consent which secures the submission of a detailed hedgerow translocation plan.

Subject to the inclusion of appropriate conditions, and based on the comments of NRW, it is considered that the above observations adequately address the 3<sup>rd</sup> party concerns raised on this application. In light of the above, the proposed development is considered to comply with relevant planning policy.

#### Foul Drainage

It is noted within 3<sup>rd</sup> party correspondence received, the following concerns have been raised in relation to the proposed development: concern over foul drainage arrangements causing pollution. Welsh Government Circular 008/2018 – ‘Planning requirement in respect of the use of private sewerage in new development, incorporating septic tanks and small sewage treatment plants (2018)’, ensures that all new developments are served by an adequate means of foul drainage arrangement.

The development proposes to connect to a package treatment plant as a means of foul drainage. Environmental Protection have advised they have no objection to the use of a package treatment plant at this location, subject to the appropriate exemption or environmental permit being obtained from Natural Resources Wales (NRW) prior to the commencement of development. It is noted that the grant of planning permission does not guarantee that an Environmental Permit will be granted, with this method of drainage requiring an Environmental Permit to be obtained from NRW. An informative note will therefore be attached to the granting of any consent highlighting to the applicant they will need to apply for an Environmental Permit with NRW.

As confirmed by Environmental Protection, the proposed method of drainage is therefore acceptable, subject to the applicant obtaining an Environmental Permit from NRW. This information shall be included as an informative note. Based on the comments from PCC – Environmental Protection, and subject to an Environmental Permit being obtained from NRW, this is considered to satisfy the concerns raised within 3<sup>rd</sup> party representations. It is therefore considered the proposed development complies with relevant planning policy.

#### Land Contamination

With respect to land contamination, specific reference is made to LDP policy DM10 which seeks to control development on contaminated or unstable land.

The application site does have potential to affect land which has potential sources of contamination. The Contaminated Land Officer has stated that in the event that the presence of contamination is encountered when carrying out the approved development immediate contact must be made with the local planning authority and works must cease in that area. A condition will be attached which secures this.

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

### Historic Interest

Information held within the regional Historic Environment Record indicates that the proposed conversion will impact a traditional stone barn which is recorded on the Historic Environment Record as PRN 183217 - Hafod traditional farm building. The building is late 18th- 19th century in origin and is of local architectural and historical interest. Therefore consideration has been given to Technical Advice Note 24 – The Historic Environment and LDP SPG: Historic Environment.

CPAT were consulted on the proposed development and recommended a condition is attached to the granting of any consent which secures the submission of a Level 1 Photographic Survey to preserve a record of the building in its current form. This recommended condition will be attached to the granting of any consent, and subject to the inclusion of this condition, the proposed development is considered to comply with the above mentioned policies.

### Other Matters

- Errors in application form (part 26)

It is noted that 3<sup>rd</sup> party correspondence has raised concern that the applicant has not declared they are a Councillor of Powys County Council within their application form. However, this has clearly been declared within an amended application form and the application has been handled appropriately by being determined by planning committee.

- No benefit to local economy

It is noted that 3<sup>rd</sup> party correspondence has raised concerns that the proposed development will not provide any benefit to the local economy. The proposal will provide a tourist facility attracting new people to the area who will use local facilities and attractions. It is therefore considered the proposal would aid the local economy, which is of particular importance in the recovery from the COVID-19 pandemic.

## - Land Ownership

It is noted that concern has been raised by a 3<sup>rd</sup> party, over the plans to stop up the existing access to the site, and relocation of the access, as proposed by the applicants, and deemed acceptable by the Local Highway Authority. A Land Registry Search identifies that the applicant for this application does own the area of the access track and part of the access which is to be stopped up. With the neighbouring property, Hafod, having a right of access to use this track to access their property. Access to the property, Hafod, will still be maintained if this application is to be approved and the applicant for this application does own the area of land where all proposed works are to be undertaken. This is therefore considered to be a civil matter between the parties involved and is not considered to be a reason to affect the determination of this planning application.

## Conclusion

Based on the above observations, and subject to the inclusion of all recommended conditions, it is considered that the proposed development complies with relevant planning policy and the concerns raised by 3<sup>rd</sup> parties have been adequately addressed. Statutory consultees have raised no objection to the proposed development subject to the inclusion of appropriately worded conditions. In light of the above, it is considered the proposed development complies with relevant planning policy and the recommendation is conditional consent.

## **RECOMMENDATION – CONDITIONAL CONSENT**

### **Conditions**

1. The development to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.
2. The development shall be carried out strictly in accordance with the following approved plans and documents: 4468-1A; 4468-2; 4468-3; 4468-4; 4468-5; 4468-6; 4468-7 (16/08/2021); Design and Access Statement; 'Bat Activity Surveys at Hafod Barn, Llangadfan, Welshpool, Powys' by Susan Worfold, dated 2020; 'Protected Species Surveys at Cae Penfras (SJ 02375 14723) and Hafod (SJ 02263 14334) Barns, Llangadfan, Welshpool, Powys' by Susan Worfold, dated 2017.
3. The development shall be occupied as holiday accommodation only and shall not be occupied as a person's sole or main place of residence by any persons. An up to date register shall be kept at the holiday accommodation hereby permitted and be made available for inspection by the local planning authority upon request. The register shall contain details of the names of all of the occupiers of the accommodation, their main home addresses and their date of arrival and

departure from the accommodation.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013, (or any Order revoking and re-enacting that Order) no development under Schedule 2, Part 1, Classes A to E other than that hereby permitted shall be carried out without the written permission of the Local Planning Authority.
5. No development shall take place until a detailed landscaping scheme, in accordance with drawing number 21/4468/4, has been submitted to and approved in writing by the Local Planning Authority. The submitted landscaping scheme shall include a scaled drawing and a written specification clearly describing the species, sizes, densities and planting numbers proposed as well as aftercare measures. The approved scheme shall be implemented in the first planting season following the occupation of the first holiday unit on site hereby approved, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year defects period.
6. No other development shall commence until the access has been constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 43m distant in south westerly direction and 59m in north easterly direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.
7. 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.
8. Before any other development is commenced the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 15 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.
9. Prior to the occupation of the holiday unit the area of the access off the B4395 to

be used by vehicles is to be finished in a 40mm bituminous surface course material for a distance of 15 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.

10. Prior to the occupation of the holiday unit, provision shall be made within the curtilage of the site for the parking of (vehicles in accordance with the requirements of CSS Wales Parking Standards) not less than one parking bay per bedroom. The parking areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.
11. Any vehicular entrance gates installed within the application site shall be set back at least 15 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the development hereby permitted remains in existence.
12. Upon the construction of the access as per Condition 6 the existing substandard means of access to the barn and adjacent dwelling shall be stopped up, in materials to be agreed in writing by the Local Planning Authority and this shall be retained for as long as the development is in existence.
13. The gradient of the access shall be constructed so as not to exceed 1 in 15 for the first 15 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.
14. The centre line of the first 15m of the access road measured from the edge of the adjoining carriageway shall be constructed at right angles to that edge of the said carriageway and be retained at that angle for as long as the development remains in existence.
15. The width of the access carriageway, constructed as per condition 2, shall be not less than 5.5 metres for a minimum distance of 15m along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.
16. No surface water drainage from the site shall be allowed to discharge onto the county highway.
17. No development shall commence until a bat Conservation Plan has been submitted to and approved in writing by the Local Planning Authority. The Conservation Plan shall include, but not necessarily be limited to: Building upon the principles outlined in the ecological report - 'Bat Activity Surveys at Hafod Barn, Llangadfan, Welshpool, Powys' by Susan Worfold, dated 2020; Details of timing, phasing and duration of construction activities and conservation

measures; Timetable for implementation demonstrating that works are aligned with the proposed phasing of the development; Persons responsible for implementing the works; Submission of details outlining any external lighting scheme, together with plans illustrating predicted bat emergence and dispersal from retained or proposed bat access points to the wider countryside. Development thereafter shall be completed in full accordance with the details as approved.

18. Prior to commencement of development, an External Lighting Design Scheme to avoid and reduce potential impacts on nocturnal wildlife shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be adhered to and be implemented in full.
19. Prior to the commencement of development, a Hedgerow Replacement and Aftercare Scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include a scaled drawing identifying the location of hedgerow translocation or replacement planting and a written specification clearly describing the translocation method and/or species, sizes, densities and planting numbers proposed, as well as aftercare measures. The approved scheme shall be implemented in full and maintained thereafter.
20. The biodiversity enhancements as shown on drawing number (21/4468/6), shall be implemented as approved prior to the first beneficial use of the accommodation and maintained thereafter for as long as the development remains in existence.
21. In the event that the presence of contamination is encountered when carrying out the approved development immediate contact must be made with the local planning authority and works must cease in that area. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the local planning authority. Following completion of the remedial works identified in the approved remediation scheme, a verification report that demonstrates compliance with the agreed remediation objectives and criteria shall be produced, and is subject to the written approval of the local planning authority, prior to commencement of use of the development.
22. Development shall not begin until an appropriate photographic survey, (equivalent to an Historic England Level 1 Photographic Survey - Understanding Historic Buildings, 2016, 5.5, p.27) of the existing buildings has been commissioned by the applicant in accordance with details to be submitted to, and approved by, the Local Planning Authority. The photographic survey will be completed by an archaeological contractor. The resulting digital photographs should be forwarded on appropriate digital media to the Local Planning Authority and the Development Control Archaeologist (Clwyd-Powys Archaeological Trust, Coed y Dinas, Welshpool, SY21 8RP. Email: [mark.walters@cpat.org.uk](mailto:mark.walters@cpat.org.uk) ). After



approval by the Local Planning Authority, a copy of the photographs should also be sent to the Historic Environment Record Officer, Clwyd-Powys Archaeological Trust, Coed y Dinas, Welshpool, SY21 8RP for inclusion in the regional Historic Environment Record and to the National Monuments Record, RCAHMW, Aberystwyth.

## Reasons

1. Required to be imposed by section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans approved by the Local Planning Authority in the interests of clarity and a satisfactory development.
3. In order to ensure control of the use of the holiday unit and to prevent the establishment of permanent residency in accordance with Powys Local Development Plan Policy TD1.
4. In order to control further development which has the potential to have adverse effect on the visual amenity of the area and to ensure the satisfactory appearance of the development in accordance with Powys LDP Policies DM4 and DM13 (Part 1).
5. To comply with Powys County Council's LDP Policies DM2, DM4 and 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.
6. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13 (Part 10).
7. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13 (Part 10).
8. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13 (Part 10).
9. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13 (Part 10).
10. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13 (Part 10).

11. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13 (Part 10).
12. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13 (Part 10).
13. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13 (Part 10).
14. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13 (Part 10).
15. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13 (Part 10).
16. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13 (Part 10).
17. 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 11, December 2021), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.
18. To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and DM7 in relation to Dark Skies and External Lighting, and to meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.
19. To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and DM4 in relation to Landscape, and to meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part1 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 (Edition 11, 2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
21. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be

carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy LDP Policy DM10.

22. To secure a full photographic record of the buildings prior to alteration, conversion or demolition, in accordance with Technical Advice Note 24 – The Historic Environment and LDP SPG: Historic Environment.

## **Informative Notes**

### PCC - Ecology

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

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

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

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

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 2017 (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](mailto: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 on 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.

#### Natural Resources Wales

With respect to the discharge of effluent to either ground or surface water, if a private drainage solution is to be progressed, the Applicant will need to apply for an Environmental Permit from us.

It is important to note that a grant of planning permission does not guarantee that a permit will be granted, should a proposal be deemed to be unacceptable (either because of environmental risk or because upon further investigation, a connection to mains sewer was feasible).

The Applicant is therefore advised to hold pre-application discussions with our Permitting Team on 0300 065 3000, at the earliest opportunity, to try to ensure that there is no conflict between any planning permission granted and the permit requirements.

#### PCC – Highways

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

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

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

[http://www.powys.gov.uk/en/roads-transport-parking/  
street.works@powys.gov.uk](http://www.powys.gov.uk/en/roads-transport-parking/street.works@powys.gov.uk)

Street Works  
Powys County Hall  
Spa Road East  
Llandrindod Wells  
Powys  
LD1 5LG  
0845 6027035

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Case Officer: Rhys Evans, Senior Planning Officer  
Tel: 01597 827235 E-mail: [rhys.evans@powys.gov.uk](mailto:rhys.evans@powys.gov.uk)

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# 6.4

## Planning, Taxi Licensing and Rights of Way Committee Report

**Application Number:** 21/0551/FUL

**Grid Ref:** E: 311972  
N: 289039

**Community Council:** Kerry Community

**Valid Date:** 19.04.2021

**Applicant:** Mr P Woodbine

**Location:** Land Adjacent Upper Cefnperfa House, Kerry , Newtown , Powys , SY16 4DW

**Proposal:** Creation of a glamping site, to include 5 pods, a log cabin, septic tanks and associated works

**Application Type:** Full Application

### The reason for Committee determination

The Local Member has requested that this application be determined by Members of the Planning, Taxi Licensing and Rights of Way Committee due to highway concerns, over development and sewerage issues.

### Consultee Responses

#### Consultee

#### Received

Hafren Dyfrdwy

4th May 2021

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

PCC-(N) Highways

18th May 2021

The proposed development gains access off the U2859 and we note that an access has recently been constructed. The constructed access does not provide sufficient visibility in either direction, has no bound material present, drains directly onto the adjoining highway, has a steep gradient, the access width is too narrow to allow for the free flow of two-way vehicle movements and the gates are insufficiently setback from the adjoining highway. We also note that no access details have been submitted for consideration.

The U2839 along its entire length is around 3m in width, and there are no formal passing bays with infrequent suitably sized informal passing bays.

We note from the submitted drawings that the applicant controls sufficient frontage to which access improvements can be made.

The applicant has not proposed to provide any mitigation in relation to the number of additional movements that the development shall generate by means of passing bays. We acknowledge that there is sufficient highway verge along the U2839 to which passing bays could be constructed, therefore, on the basis that a condition for the applicant to construct three passing bays be attached to any consent given, the Highway Authority do not object to the proposed development.

1. Prior to any works being commenced on the development site the applicant shall construct three passing bays along the U2859 county highway in locations to be agreed in writing by the Local Planning Authority.

2. The passing bays referred to above shall be constructed to adoptable standard prior first beneficial/operational use of the development hereby approved.

3. No development shall commence until provision is made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. The parking and turning area shall be constructed to a depth of 0.4 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.

4. No other development shall commence until the access has been constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 43 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

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

6. Before any other development is commenced the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 12 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in



writing by the Local Planning Authority prior to the access being constructed.

7. Prior to the first beneficial use of the development, provision shall be made within the curtilage of the site for the parking of not less than 12 vehicles together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

8. Prior to the first beneficial use of the development the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course material for a distance of 12 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.

9. Prior to the first beneficial use of the development a radius of 6 metres shall be provided from the carriageway of the county highway on each side of the access to the development site and shall be maintained for as long as the development remains in existence.

10. The gradient of the access shall be constructed so as not to exceed 1 in 20 for the first 12 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.

11. The width of the access carriageway, constructed as Condition 4 above, shall be not less than 5.5 metres for a minimum distance of 12 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.

12. Any vehicular entrance gates installed within the application site shall be set back at least 12 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.

13. Within 10 days of the date of this permission the existing means of access on the southwestern boundary to the U2839 shall be stopped up, in materials to be agreed in writing by the Local Planning Authority and this shall be retained for as long as the development is in existence.

14. No surface water drainage from the site shall be allowed to discharge onto the county highway.

Advisory Notes

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

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

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

<http://www.powys.gov.uk/en/roads-transport-parking/>

street.works@powys.gov.uk

Street Works

Powys County Hall

Spa Road East

Llandrindod Wells

Powys

LD1 5LG

0845 6027035

PCC-Ecologist

14th Jun 2021

Thank you for consulting me with regards to planning application 21/0551/FUL which concerns an application for the Creation of a glamping site, to include 10 pods, a log cabin, septic tanks and associated works at Land Adjacent Upper Cefnperfa House, Kerry ,Newtown, Powys SY16 4DW.

I have reviewed the proposed plans for the developments and surrounding habitats as well as local records of protected and priority species and designated sites within 2km of the proposed development.

The data search identified 812 records of protected and priority species within 2km of the proposed development with no records found for the site itself. There are limited species records within 500m of the site. Records in the wider area include hare, badger, dormouse, a pipistrelle bat roost and brown long eared bat roost.

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

An area of Ancient Semi Natural Woodland is present approximately 100m to the south east of the proposed development. The development site sits with a B-lines designation.

I welcome the provision of the Preliminary Ecological Appraisal Report by Just Mammals Consultancy dated February 2021 submitted in support of the proposed planning application. The majority of the site appears to contain planted mixed woodland, grassland, scattered trees and bare ground.

#### Wildlife Sensitive Lighting Plan

Careful consideration will need to be given to any external lighting proposed to be erected on the proposed development. If external lighting is proposed then measures will need to be identified to minimise impacts to nocturnal wildlife commuting and foraging in the local area.

It is therefore recommended that a Wildlife Sensitive Lighting Plan taking into account the recommendations identified in the BCT and ILP guidance note <https://www.theilp.org.uk/documents/guidance-note-8-bats-and-artificial-lighting/> is secured through an appropriately worded condition.

#### Biodiversity Enhancement

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

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

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

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

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

- o No external lighting shall be installed unless a detailed external lighting design scheme has been submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall identify measures to avoid impacts on nocturnal wildlife in accordance with the recommendations outlined in the BCT and ILP Guidance Note 8 Bats and Artificial Lighting (12th September 2018). The development shall be carried out in accordance with the approved details.

Reason: To comply with Powys County Council's LDP DM2 and DM7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 11, February 2021)), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

- o Prior to commencement of development, a detailed Biodiversity Enhancement Plan 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 Policies LDP DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

In addition I recommend inclusion of the following informatives:

Birds - Wildlife and Countryside Act 1981 (as amended)

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

intentionally kill, injure or take any wild bird

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

built

intentionally take or destroy the egg of any wild bird

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

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

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

#### Protected Species

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

Natural Resources Wales (Mid Wales)

12th May 2021

DPAS

Thank you for consulting Natural Resources Wales (NRW) about the above, which was received on 23/04/2021.

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

#### Protected Species

We are satisfied that the Land Adjacent to Upper Cefn Perfa House Kerry - Preliminary Ecological Appraisal (PEA) Report, Just Mammals submitted in support of the above application dated 18th February 2021 is satisfactory for the purposes of informing the public decision-making process. No European Protected Species (EPS) were found present within the area affected by the proposal. This is based on the presumption that no trees are to be removed from site (as confirmed in the PEA). We welcome the report

recommendation for lighting to be wildlife sensitive and we recommend you secure the implementation of this via an appropriately worded condition.

We refer the applicant to the Bats and artificial lighting in the UK Guidance Note 08/18 published in partnership with the Institute of Lighting Professionals (ILP) and the Bat Conservation Trust (BCT), 2018. If bats are found or seen during works, all work must stop immediately and advice sought from NRW before works can restart. 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 to Applicant

#### Foul Drainage

If a private drainage solution is to be progressed, the Applicant will need to apply for an Environmental Permit from us. It is important to note that a grant of planning permission does not guarantee that a permit will be granted, should a proposal be deemed to be unacceptable (either because of environmental risk or because upon further investigation, a connection to mains sewer was feasible).

The Applicant is therefore advised to hold pre-application discussions with our Permitting Team on 0300 065 3000, at the earliest opportunity, to try to ensure that there is no conflict between any planning permission granted and the permit requirements.

#### Surface Water Drainage

We refer the developer to the Environment Agency (2017) 'Approach to groundwater protection' position statements which have been adopted by Natural Resources Wales. In particular the developer should be aware of the advice under Position Statement G13 (Sustainable drainage systems) which applies to this development.

#### Works near Watercourse / Construction or Demolition sites

Due to the proximity of the site to watercourses, all works at the site must be carried out in accordance with GPP5 'Works and maintenance in or near watercourses' and all other relevant GPPs which are available on the following website: <http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and->

Foul drainage

The proposal for the foul drainage is to utilise septic tank and drainage field systems, however no percolation tests have been carried out. It is important to establish whether the ground conditions are suitable for this type of drainage systems, and whether there is space for their implementation. Please can the applicant/agent submit the results of percolation tests carried out in accordance with the methodology in approved document H2 of the Building Regulations? The results should be accompanied by details of the capacities of the intended tanks, and an amended plan showing the size and location of the drainage fields.

Without this information I would have to object to the application.

*Additional Consultation Response*

13<sup>th</sup> Jul 2021

The applicant/agent has provided brochures for the intended septic tank/treatment plant system(s). However, no information had been provided regarding the percolation test results for the drainage field(s), as I requested in my original comment.

Therefore, my original comment still stands and, without this information, I will have to object to the application.

*Additional Consultation Response*

13<sup>th</sup> Aug 2021

Regarding this information sent in by the applicant.

Again, the test has not been carried out in accordance with the approved methodology previously stated. Also, it is still missing important information that I have previously asked for.

Therefore, I must object to the application.

*Additional Consultation Response*

8<sup>th</sup> Sep 2021

Further to receiving the perc test and visiting the site, I have no objection to the application

Community Council

No comments received at the time of writing this report.

PCC-Building Control

28th Apr 2021

Please be aware that Building Regulations may apply to this scheme (units, cabin and drainage).

Ward Councillor

30th Apr 2021

I wish to call this application in to be heard by the planning committee, on grounds of Highway issues, over development & sewerage issues.

*Additional Consultation Response*

18th May 2021

I have already called this application in to be heard by the Planning Committee on grounds of Highways, Sewerage and over development, as I have not received an acknowledgement I hereby reaffirm the call in. Please confirm ASAP.

## **Representations**

Following the display of a site notice by the applicant on 26/04/2021 and the issuing of neighbour notification letters, 8 public representations (7 objection, 1 Support) have been received at the time of writing this report. A summation of the points raised are detailed below:

- No passing places along lane from junction with the Dolford road
- Access
- Drainage and potential for flooding within lane
- Increased traffic
- Safety of the road network
- Increased risk to pedestrians
- No lighting and no footway
- Inadequate visibility
- Environmental Impact
- Lack of biodiversity protection
- Will detract from existing holiday parks
- Method of foul drainage and run off
- Noise nuisance
- Over development
- Close to adjoining properties
- Strain on existing community facilities
- Visual impact
- Impact on privacy
- Gradient of site
- Density
- Water run off
- Impact on neighbouring residential properties



- Tourism Benefit

### Planning History

App Ref	Description	Decision	Date
None			

### Principal Planning Constraints

Mineral Safeguarding

### Principal Planning Policies

Policy	Policy Description	Year	Local Plan
PPW	Planning Policy Wales (Edition 11, February 2021)		National Policy
NATPLA	Future Wales - The National Plan 2040		National Policy
TAN5	Nature Conservation and Planning		National Policy
TAN6	Planning for Sustainable Rural Community		National Policy
TAN11	Noise		National Policy
TAN12	Design		National Policy
TAN13	Tourism		National Policy
TAN18	Transport		National Policy
TAN23	Economic Development		National Policy
SP7	Safeguarding of Strategic Resources and Assets		Local Development Plan 2011-2026
DM2	The Natural Environment		Local Development Plan 2011-2026
DM4	Landscape		Local Development

		Plan 2011-2026
DM7	Dark Skies and External Lighting	Local Development Plan 2011-2026
DM8	Minerals Safeguarding	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
SPGBIO	Biodiversity and Geodiversity SPG (2018)	Local Development Plan 2011-2026
SPGLAN	Landscape SPG	Local Development Plan 2011-2026

### **Other Legislative Considerations**

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

Marine and Coastal Access Act 2009

### **Officer Appraisal**

#### Site Location and Description

The application site is located within the Community Council area of Kerry and not within a settlement development boundary as defined by the Powys Local Development Plan (2018). The development is therefore considered to be located within the open countryside.

The site is agricultural/woodland located adjacent to the unclassified U2839 in which the development seeks access onto. The site is sloping with agricultural land to the north, south and west with an un-associated residential property located immediately to the east. The large village of Kerry is located approximately 2.4km north-east of the development with Newtown approximately 1.8km north-west.

Full planning permission is sought for the creation of a glamping site, to include 5 pods, a log cabin, septic tanks and associated works. An existing hard standing area will be utilised for the proposed parking whilst no amenity area is included with the proposal. The site benefits from an existing network of pathways that will link the parking area to the site of the pods through the woodland area.

### Principle of Development

Policy TD1 of the Powys Local Development Plan states that development proposals for tourist accommodation, facilities and attractions, including extensions to existing development, will be permitted as follows:

- “1. Within settlements, where commensurate in scale and size to the settlement.*
- 2. In the open countryside, where compatible in terms of location, siting, design and scale and well integrated into the landscape so that it would not detract from the overall character and appearance of the area and in particular where:*
  - i. It is part of a farm diversification scheme; or*
  - ii. It re-uses a suitable rural building in accordance with TAN6; or*
  - iii. It complements an existing tourist development or asset, without causing unacceptable adverse harm to the enjoyment of that development or asset; or*
  - iv. It is not permanent in its nature.*
- 3. Accommodation shall not be used for permanent residential accommodation”.*

The application site is located within the open countryside and therefore must comply with part 2 of policy TD1 of the Powys LDP. Further consideration will be given to the location, siting, design and scale of the proposed development in the following sections in order to demonstrate the principle of development regarding criterion 2.

The proposed development relates to a tourism development and will not be for permanent residential occupation. A condition will be attached to any granting of planning permission to secure this and is therefore considered compliant with criterion 3 of LDP policy TD1.

### Design, Scale & Landscape Impact

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

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

*and sense of place.”*

With regard to the potential impact upon the surrounding landscape, regard must be paid to LDP Policy DM4 (Landscape) which states that proposals for new development must not, individually or cumulatively, have an unacceptable adverse effect on the valued characteristics and qualities of the Powys landscape.

A visual and sensory evaluation of the site using LANDMAP classifies the area of the application site as being of high value. LANDMAP describes the area as being an open and broad expanse of upland grazing with dominant open skies and wind exposure. Occasional attractive views available over the Church Stoke farmland and rolling lowland farmland to the north and dramatic upland grazing views to the south. Tranquil/spiritual setting derived from the historical drove route along the ridgeway, Offas Dyke path and the infrequent passage of traffic.

The proposed site is on a sloping site with the proposed pods and cabin cut into the hillside. A site section plan has been submitted to demonstrate the extent of the excavation works required site the units. Officers consider that siting the units within the bank is a preferred option as opposed to the units being erected on stilts. The extent of the excavation works is considered acceptable and will not cause an adverse impact on the character of the surrounding landscape. The site is well screened with an established wooded area to the east and a boundary of trees screening the site from the adjacent road. Given the scale of the development and existing natural screening that the site benefits from, officers consider the proposed development will not detrimentally affect the valued characteristics of the landscape. Furthermore, officers recommend the inclusion of conditions to ensure the existing trees are protected on site and that further landscaping measures are secured by condition to ensure the site is appropriately screened and is maintained as such.

An existing hardstanding, quarried area on the eastern end of the site will be utilised for vehicle parking which is well screened and would provide ample space for the parking of vehicles associated with the development.

The five pods will be of the same design and measure approximately 7.5 metres in length and 5 metre in width with a maximum height of 3.3 metres. The floor area of each pod will be approximately 20sqm. The materials proposed include timber cladding. The proposed pods are of a commensurate scale in relation to the site and given their overall height and being cut into the existing sloping site will not be considered to have an overbearing impact on the area. The design of the pods is considered to be suitable given their use and have been appropriately grouped on site, contained to a specific area.

The proposed cabin measures approximately 12.3 metres in length and 8 meters in width with a height to the eaves of 2.2 metres and 3.7 metres to the ridgeline. The cabin, whilst being relatively large is considered to be of an appropriate scale and design for its intended use and provides another option for tourism accommodation

compared to the pods whilst complementing the development overall. The cabin will be cut into the existing bank and given its position on site, being close to the bottom of the bank along with existing natural screening, would be well screened and not visible from public vantage points. It is considered therefore that the proposed cabin will not have an overbearing impact on the surrounding area.

No specific detail has been provided as to the finishing materials of the proposed cabin or pods and therefore a condition will be included with any granting of planning permission to secure the trade description/detail of the materials proposed.

In light of the above, and subject to the inclusion of appropriately worded conditions, it is considered that the principle of development is acceptable, complying with policies TD1, DM4 and DM13.

#### Impact upon Neighbouring Amenity & Privacy

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

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

The proposed development is also not considered to offer any unacceptable adverse impacts to any neighbouring properties in terms of loss of privacy. The Powys Residential Design Guide SPG states that there should be a minimum of 21 metres between directly facing habitable rooms on rear elevations. There are no properties directly facing the rear elevation within 21 metres of the property and therefore the proposal complies with this criterion. As stated above, the proposed development is considered to comply with the 45 degree rule and therefore the proposed development is considered acceptable against the above criteria.

In response to concerns regarding noise nuisance raised in public representations, the proposed site is located approximately 35 metres from the closest neighbouring dwelling whilst the log cabin which is the closest holiday unit to the dwelling is approximately 190 metres away. Environmental Protection have also been consulted on the proposed development and have raised no concerns in respect of amenity. Given the nature of the proposed development and the distances between the existing dwelling and holiday units officers are satisfied that no unacceptable adverse impact on neighbouring amenity in respect of noise will arise.

## Highway Safety & Parking

Criterion 10 of LDP Policy DM13 states that development proposals should meet all highway access requirements (for transport users) and parking standards. This is reinforced by Policy T1 (Travel, Traffic and Transport Infrastructure) of the Powys LDP, which refers to the transport network implications of development, and the importance of highway safety in all development proposals.

The Local Highway Authority has been consulted on the proposed development and notes that the development seeks access off the U2839 which is served by a recently constructed access. However, this access is not of an appropriate standard whilst no information in respect of access details have been submitted for consideration.

Furthermore, the U2839 along its entire length is around 3m in width, and there are no formal passing bays with infrequent suitably sized informal passing bays.

It is noted that the applicant controls sufficient frontage to which access improvements can be made. Whilst the applicant has not proposed to provide any mitigation in relation to the number of additional movements that the development shall generate by means of passing bays, there is sufficient highway verge along the U2839 to which passing bays could be constructed, therefore, on the basis that a condition for the applicant to construct three passing bays be attached to any consent given, the Highway Authority do not object to the proposed development.

Officers have considered the proposed conditions requested by the Authority's Highways Officers and consider them to be reasonable and appropriate and therefore recommend that they are attached to any granting of planning permission.

In light of the above, and subject to the inclusion of the recommended conditions, the proposed development is considered to be acceptable in this regard, and compliant with planning policy.

## Biodiversity

With respect to biodiversity, specific reference is made to LDP Policy DM2 which seeks to protect, positively manage and enhance biodiversity and geodiversity interests, and safeguard protected important sites. This is supported by TAN 5 (Nature Conservation and Planning) and Planning Policy Wales (Edition 11).

The Authority's Ecologist has reviewed the proposed plans for the development and surrounding habitats as well as local records of protected and priority species and designated sites within 2km of the proposed development. There were 812 records of protected and priority species identified within 2km of the proposed development with no records found for the site itself. There are limited species records within 500m of the site with records in the wider area including hare, badger, dormouse, a pipistrelle bat roost and brown long eared bat roost.

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

An area of Ancient Semi Natural Woodland is present approximately 100m to the south east of the proposed development. The development site sits with a B-lines designation.

The Preliminary Ecological Appraisal Report by Just Mammals Consultancy dated February 2021 has been reviewed by the Ecologist which has been submitted in support of the proposed planning application. The majority of the site appears to contain planted mixed woodland, grassland, scattered trees and bare ground. The report acknowledges the site is not considered suitable for amphibians, reptiles or dormouse due to the absence of suitable habitat and connectivity and that no further survey work is required.

Given the location of the proposed development, consideration will need to be given to any external lighting proposed to be erected. It will therefore be considered appropriate to condition the use of external lighting with any granting of planning permission.

Given the presence of trees on site, it is considered necessary to require the submission of a Tree Protection Plan by way of condition, to ensure the development does not have any adverse impact upon the longevity and health of the existing trees on-site.

Additionally, the proposed development will likely see the removal/relocation of hedgerow in order to facilitate the creation of the proposed passing bays. No information has been submitted with the application in regard to the removal or translocation of the hedgerow. It is therefore considered necessary to attach a suitably worded condition to any grant of consent to require the submission of a 'Hedgerow Translocation Plan' or 'Hedgerow Replacement Planting Plan' to ensure sufficient hedgerow planting is provided to compensate for the loss of hedgerow to create the passing bays.

In accordance with Part 1 Section 6 of the Environment (Wales) Act 2016 Local Authorities are required to Maintain and Enhance biodiversity through all of its functions – this includes the planning process. It will therefore need to be demonstrated as to how the proposed development will incorporate biodiversity enhancements to ensure net biodiversity benefits through the proposed development. These measure could include:

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

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

Given that no biodiversity enhancements have been proposed as part of the

development, an appropriate condition will be attached to any granting of planning permission to secure these measures.

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

#### Loss of Agricultural Land

Paragraph 3.58 of Planning Policy Wales (Edition 11, 2021) relates to the quality of agricultural land, and states 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.”*

Paragraph 3.59 of PPW (Ed. 11) further states that:

*“Land in grades 1, 2 and 3a should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations.”*

The Welsh Government’s Predictive Agricultural Land Classification Map indicates that the area of the application site is graded as 3b, which relates to *“moderate quality agricultural land”*. In light of this, it is noted the development would not result in the loss of the best and most versatile agricultural land, and the proposal is therefore compliant with planning policy.

#### Drainage

The proposed development seeks to utilise a septic tank and drainage field system to deal with foul flows. Environmental Protection officers have been consulted on the proposed means of foul drainage, and having reviewed the additional information, have raised no objection.

Natural Resources Wales have also been consulted on the proposed means of foul drainage and has confirmed that an Environmental Permit will be required.

In terms of surface water drainage, given that the ‘construction area’ of the proposed development would exceed 100 sq. metres, the proposal will also require separate SAB approval prior to the commencement of development. A suitably worded informative note will be attached to any permission granted in this regard.

In light of the above, it is considered the proposed development complies with relevant planning policy in this regard and is acceptable.



## Minerals Safeguarding

The application site is located within a Category 2 Sand and Gravel Minerals Safeguarding Area. As such, consideration must be given to Policy DM8 of the Powys LDP (Minerals Safeguarding). This policy can be read as follows;

*“Non-mineral development proposals within Mineral Safeguarding Areas will only be permitted where it can be demonstrated by the developer that:*

- 1. The mineral resource is not of potential future value; or*
- 2. The development is of a temporary nature and can be completed and the site restored to a condition that would allow for future extraction; or*
- 3. The mineral can be extracted satisfactorily prior to the incompatible development taking place; or*
- 4. Extraction would not meet the tests of environmental acceptability or community benefit as set out in National Policy; or*
- 5. There is an over-riding need in the public interest for the development; or*
- 6. The development is householder development and / or of a very minor nature such as extensions to existing dwellings, and associated development within the curtilage of the property.”*

With regard to Criterion 2, above, it is considered that the proposed development would not render future minerals extraction at the site unfeasible or unachievable. As such, it is considered the proposed development is acceptable in this regard, and compliant with planning policy.

## Public Representations

Officers note that a number of concerns have been raised in public representations. A main concern relates to the highway access of the site which is noted by the Highways Officer, however with the inclusion of conditions the development is deemed to be acceptable in this regard.

Concerns in respect of foul drainage and surface water have been addressed by consultees whilst surface water drainage will be subject to SAB approval which is dealt with outside of the planning process.

No concerns in respect of noise have been raised by Environmental Protection Officers whilst the position of the cabin and pods is of a sufficient distance away from nearby receptors. No amenity area is proposed and therefore is not considered a detrimental impact will be caused by noise.

## **RECOMMENDATION**

Approval – subject to the conditions provided below.

## Conditions

1. The development to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.
2. The development shall be carried out strictly in accordance with the following approved plans and documents:

92720/LPB Location Plan  
92720/102C Proposed Site Plan  
92720/103 Section A:A

Log Cabin – Plan, Facades 1 and 2, Cuts and Plan De Base

Pods – Front View, Left View, Right View, Back View, Top View (With Roof) and Top View (Interior).

3. The development hereby approved shall be occupied as holiday accommodation only and shall not be occupied as a person's sole or main place of residence by any persons. An up to date register shall be kept at the holiday accommodation hereby permitted and be made available for inspection by the Local Planning Authority upon request. The register shall contain details of the names of all of the occupiers of the accommodation, their main home addresses and their date of arrival and departure from the accommodation.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013, (or any Order revoking and re-enacting that Order with or without modification) no development under Schedule 2, Part 1, Classes A to E other than that hereby permitted shall be carried out without the prior written permission of the Local Planning Authority.
5. No external lighting shall be installed unless a detailed external lighting design scheme has been submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall identify measures to avoid impacts on nocturnal wildlife in accordance with the recommendations outlined in the BCT and ILP Guidance Note 8 Bats and Artificial Lighting (12<sup>th</sup> September 2018). The development shall be carried out in accordance with the approved details.
6. Prior to commencement of development, a detailed Biodiversity Enhancement Plan shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the Local Planning Authority.
7. No development shall take place until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The submitted landscaping scheme shall include a scaled drawing and a written

specification clearly describing the species, sizes, densities and planting numbers proposed as well as aftercare measures. The approved scheme shall be implemented in the first planting season following the first beneficial use of the holiday lets hereby approved (or the completion of the development – whichever is the sooner), and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5-year defects period.

8. No development shall take place (including ground works and vegetation clearance) until a detailed Tree Protection Plan in accordance with BS:5837:2012 has been submitted to and approved in writing by the Local Planning Authority. The submitted plan must set-out measures for the protection of the trees on the site throughout the course of development. The approved details shall be implemented in full and maintained thereafter.
9. Prior to the commencement of development, a Hedgerow Translocation Plan or Hedgerow Replacement Planting Plan, to incorporate the passing bays, shall be submitted to and approved in writing by the Local Planning Authority and implemented as approved prior to the first beneficial occupation of the accommodation, and maintained thereafter for as long as the development remains in existence.
10. Prior to any works being commenced on the development site the applicant shall construct three passing bays along the U2839 county highway in locations to be agreed in writing by the Local Planning Authority.
11. The passing bays referred to above shall be constructed to adoptable standard prior first beneficial/operational use of the development hereby approved.
12. No development shall commence until provision is made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. The parking and turning area shall be constructed to a depth of 0.4 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.
13. No other development shall commence until the access has been constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining

carriageway and 43 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the 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.

14. 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.
15. Before any other development is commenced the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 12 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.
16. Prior to the first beneficial use of the development, provision shall be made within the curtilage of the site for the parking of not less than 12 vehicles together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.
17. Prior to the first beneficial use of the development the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course material for a distance of 12 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.
18. Prior to the first beneficial use of the development a radius of 6 metres shall be provided from the carriageway of the county highway on each side of the access to the development site and shall be maintained for as long as the development remains in existence.

19. The gradient of the access shall be constructed so as not to exceed 1 in 20 for the first 12 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.
20. The width of the access carriageway, constructed as Condition 13 above, shall be not less than 5.5 metres for a minimum distance of 12 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.
21. Any vehicular entrance gates installed within the application site shall be set back at least 12 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.
22. Within 10 days of the date of this permission the existing means of access on the southwestern boundary to the U2839 shall be stopped up, in materials to be agreed in writing by the Local Planning Authority and this shall be retained for as long as the development is in existence.
23. No surface water drainage from the site shall be allowed to discharge onto the county highway.
24. Prior to the commencement of development, full details of the external materials to be used on the pods and cabin are to be submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be carried out in accordance with the details once approved.

## **Reasons**

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt as to the proposed development and to accord with Circular 016:2014 on The Use of Planning Conditions for Development Management.

3. In order to ensure control of the use of the holiday unit and to prevent the establishment of a permanent residency in accordance with the provisions of Policy TD1 of the Powys Local Development Plan (2011-2026).
4. In order to control further development which has the potential to have an adverse effect on the visual amenity of the area and to ensure the satisfactory appearance of the development in accordance with Powys LDP Policies DM4 and DM13 (Criterion 1).
5. To comply with Powys County Council's LDP DM2 and DM7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 11, February 2021)), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
6. To comply with Powys County Council's Policies LDP DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
7. To comply with Policies DM2, DM4 and DM13 of the Powys Local Development Plan in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 11, 2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
8. To comply with Policies DM2, DM4 and DM13 of the Powys Local Development Plan in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 11, 2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
9. To comply with Policies DM2, DM4 and DM13 of the Powys Local Development Plan in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 11, 2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
10. In the interests of highway safety and in accordance with the provisions of Powys LDP Policies T1 and DM13 (Criterion 10).
11. In the interests of highway safety and in accordance with the provisions of Powys LDP Policies T1 and DM13 (Criterion 10).
12. In the interests of highway safety and in accordance with the provisions of Powys LDP Policies T1 and DM13 (Criterion 10).
13. In the interests of highway safety and in accordance with the provisions of Powys LDP Policies T1 and DM13 (Criterion 10).

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22. In the interests of highway safety and in accordance with the provisions of Powys LDP Policies T1 and DM13 (Criterion 10).
23. In the interests of highway safety and in accordance with the provisions of Powys LDP Policies T1 and DM13 (Criterion 10).
24. In the interests of the visual amenity of the area and to ensure the satisfactory appearance of the development, in accordance with the requirements of Policy DM13 of the Powys LDP, Planning Policy Wales (Edition 11) and TAN 12 (Design).

## **Informative Notes**

### **Birds - Wildlife and Countryside Act 1981 (as amended)**

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

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

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

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

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

### **Protected Species**

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

### PCC – Land Drainage

As the construction area is greater than 100m<sup>2</sup>, 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](mailto:sab@powys.gov.uk)

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

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

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

### Highways

NOTE: THE ATTENTION OF THE APPLICANT MUST BE DRAWN TO RELATED



## HIGHWAYS LEGISLATION WHICH MAKES PROVISION FOR THE FOLLOWING;

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

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

<http://www.powys.gov.uk/en/roads-transport-parking/>

[street.works@powys.gov.uk](mailto:street.works@powys.gov.uk)

Street Works

Powys County Hall

Spa Road East

Llandrindod Wells

Powys

LD1 5LG

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

# 6.5

## Planning, Taxi Licensing and Rights of Way Committee Report

**Application Number:** 20/0311/FUL

**Grid Ref:** E: 307330  
N: 244302

**Community Council:** Erwood Community

**Valid Date:** 03.03.2020

**Applicant:** Mr & Mrs Sid and Celia Jefferies

**Location:** Tregare, Barns At Tregare, Gwenddwr, Builth Wells, LD2 3BZ,

**Proposal:** Conversion and change of use of barn(s) to a dwelling to include part rebuilding and extension, installation of septic tank and associated works

**Application Type:** Full Application

### The reason for Committee determination

The Local Member has a personal interest in the application.

### Consultee Responses

#### Consultee

#### Received

Community Council

2nd Apr 2020

As attached, I wish to let you know that the majority of Community Councillors supports the above application. These comments were all made by e-mail and are kept on file together with the application.

Building Control

12th Mar 2020

Building Regulations approval will be required for this proposal.

Ward Councillor

The Local Member has a personal interest in the application and is therefore unable to comment.

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

#### Advice

1. The application proposal involves the conversion of an agricultural building to form a residential unit. Agricultural buildings and land could contain potential sources of contamination, depending on what they were used for in the past, such as: pesticides, fuels and oils, slurry tanks and pits, fire sites, animal burial pits or other buried waste, fertiliser, sheep dip pits, asbestos, old machinery, waste chemical drums and ammunition. Any building constructed before 2000 may have asbestos products which should be considered.

2. Paragraph 6.9.14, of Chapter 6 'Distinctive and Natural Places', of the Welsh Government document 'Planning Policy Wales' (2018) states: "Responsibility for determining the extent and effects of surface and subsurface risks remains with the developer. It is for the developer to ensure that the land is suitable for the development proposed, as a planning authority does not have a duty of care to landowners."

3. In respect of contaminated land paragraph 5.55, of the Welsh Government (WG) circular 'The Use of Planning Conditions for Development Management' (ref: WGC 016/2014), states that: "Conditions might also be imposed requiring the developer to draw to the attention of the planning authority the presence of significant unsuspected contamination encountered during redevelopment".

Furthermore, in paragraph 5.56 of the WG circular (ref: WGC 016/2014) it is stated: "The level of work required must be proportionate to the problems that are envisaged and the more onerous conditions should not be imposed as a matter of course."

4. Based on the available information and current planning guidance, it is recommended that the following condition and note, to the applicant, are attached to any permission granted for planning application:

#### Potential Contamination

In the event that the presence of contamination is encountered when carrying out the approved development immediate contact must be made with the local planning authority and works must cease in that area. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the local planning authority.

Following completion of the remedial works identified in the approved remediation

scheme, a verification report that demonstrates compliance with the agreed remediation objectives and criteria shall be produced, and is subject to the written approval of the local planning authority, prior to commencement of use of the development.

CPAT

23rd Mar 2020

Information held within the regional Historic Environment Record indicates that the proposed conversion will partly alter the original fabric and layout of a Grade II listed early 19th century stone barn complex (PRN 97665) which has been altered at a later date. The remaining original stone structures (including the pig cot) are of architectural and historic interest in relation to the agricultural industry in the Victorian period.

It would be unfortunate if this building complex was now altered without a record of its current form and layout being retained. I would therefore ask that the applicant is required to commission a Photographic Survey before development commences, in order to preserve a record of these buildings. To facilitate this I would ask that an appropriate planning condition is attached to any permission granted, and I include below a suggested condition which you may wish to consider using:

Suggested planning condition to facilitate a photographic survey prior to development:

Development shall not begin until an appropriate photographic survey, (equivalent to an Historic England Photographic Survey - Understanding Historic Buildings, 2016, 5.5, p.27) of the existing buildings has been carried out in accordance with details to be submitted to, and approved by, the Local Planning Authority. The photographic survey will be completed by an archaeological contractor. The resulting digital photographs should be forwarded on appropriate digital media to the Local Planning Authority and the Development Control Archaeologist (Clwyd-Powys Archaeological Trust, Coed y Dinas, Welshpool, SY21 8RP. Email: mark.walters@cpat.org.uk Tel: 01938 553670/552045). After approval by the Local Planning Authority, a copy of the photographs should also be sent to the Historic Environment Record Officer, Clwyd-Powys Archaeological Trust, Coed y Dinas, Welshpool, SY21 8RP for inclusion in the regional Historic Environment Record and an appropriate archive location.

Reason: To secure a full photographic record of the original building prior to alteration, conversion or demolition.

I have attached a guidance note on completing photo surveys together with information on sources of archaeological contractors who would be able to complete the survey on behalf of the applicant. These documents should be forwarded to the applicant so that they are fully informed of the process.

Thank you for consulting the Highway Authority (HA) on this planning application, which relates to the conversion of an existing agricultural barn to provide a holiday let at Tregare, Gwenddwr, Builth Wells.

It is noted that this application is, from a highway perspective, effectively a resubmission of the previously withdrawn scheme P/2016/0962. Accordingly the highway comments and recommended conditions provided during that application remain valid.

The Highway Authority has no fundamental objection to this proposal from a county road perspective. Whilst both the U0055 & U0071 county highways which serve the site from the A470 trunk road to the east offer limited opportunity for vehicles to pass, the application site is just some 0.3km from the A470 and it is clear that the applicant does own sufficient land adjacent to the highways to provide some passing bays to mitigate any additional traffic that will be generated. It is also felt that a minor access visibility improvement could be provided with the setback of a small section of fencing on the northern boundary of the site.

The Highway Authority do note however that A470 trunk road junctions with both the U0055 & U0071 roads are severely sub-standard and would therefore strongly recommend that the Welsh Government are duly consulted on the proposal.

In light of the above it is recommended that the following conditions be attached to any consent granted.

1 Prior to first beneficial use of the holiday let any vehicular entrance gates shall be set back at least 5.5 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.

2 Within 5 days from the commencement of the development clear visibility shall be maintained above a height of 0.6 metres above carriageway level over the full frontage of the developed site to the U0055 road effective over a bandwidth of 2.4 metres measured from the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

3 Within 5 days from the commencement of the development the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 5.5 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

4 Prior to first beneficial use of the holiday let, the car parking and vehicular turning provision as detailed on approved drawing TB-BP-06 shall be constructed to the satisfaction of the Local Planning Authority. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

5 Prior to first beneficial use of the holiday let the applicant shall construct a minimum of two passing bays, in locations to be agreed in writing by the Local Planning Authority. The passing bays shall be constructed to adoptable standard prior to first beneficial use of the holiday let.

#### Advisory Notes

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

1. Under Section 184 of the Highways Act 1980, it is a requirement that a licence is obtained from the Highway Authority, in addition to Planning Permission, for vehicular access works.

a. The need to avoid interference with and to make provision for the carrying of existing highway drainage under the access to the satisfaction of the Highway Authority.

b. The requirement of the Highway Authority for the Developer to ensure that no surface water is discharged onto the County Highway or, without prior approval, into the highway drainage system.

2. Under Section 50 of the New Roads & Street Works Act 1991 it is a requirement that a Streetworks licence is obtained from the Highway Authority to place, or to retain, apparatus in the highway and thereafter to inspect, maintain, adjust, repair, alter or renew the apparatus, change its position or remove it.

3. Under section 171 of the Highways Act 1980 it is a requirement that a licence is obtained from the Highway Authority, in addition to Planning Permission, for the creation

of passing bays or highway re-alignment works.

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

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

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

<http://www.powys.gov.uk/en/roads-transport-parking/>

street.works@powys.gov.uk

Street Works

Powys County Hall

Spa Road East

Llandrindod Wells

Powys

LD1 5LG

0845 6027035

Welsh Water

18th Mar 2020

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

#### SEWERAGE

It appears the application does not propose to connect to the public sewer, and therefore Dwr Cymru Welsh Water has no further comments. However, should circumstances change and a connection to the public sewerage system/public sewage treatment works is preferred we must be re-consulted on this application. Since the proposal intends utilising an alternative to mains drainage we would advise that the applicant seek advice from Natural Resources Wales and or the Building Regulations Authority / Approved



Building Inspector as both are responsible to regulate alternative methods of drainage. However, should circumstances change and a connection to the public sewerage system/public sewerage treatment works is preferred we must be re-consulted on this application. Surface Water Drainage

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

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. Condition

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

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

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

Rights Of Way Senior Manager

No comments received at the time of writing this report.

Cadw

No comments received at the time of writing this report.

Highways Directorate

28th Apr 2020

I refer to your consultation of 23 March 2020 regarding the above application, and advise that the Welsh Government as highway authority for the A470 trunk road directs that planning permission is not granted at this time as the applicant has provided insufficient information to determine the application.

Whilst the development is not located within the immediate vicinity of the A470 trunk road, Welsh Government has substantial concerns regarding the operation of the trunk road and any additional traffic that is generated by the proposed development.

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

1) The applicant is required to submit a Transport Statement in respect of the daily levels of traffic that will be generated by the proposed development.

Natural Resources Wales (Mid Wales)

15th May 2020

We have significant concerns with the proposed development

Requirement 1 - The submission of amended proposed drawings to incorporate the design features for bat mitigation described in the bat report.

County Ecologist

2nd Jun 2020

Thank you for consulting me with regards to planning application 20/0311/FUL which concerns an application for the conversion and change of use of barn(s) to a holiday let to include part rebuilding and extension, installation of septic tank and associated works at Tregare, Barns At Tregare, Gwenddwr, Builth Wells.

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

The data search identified 54 records of protected and priority species within 500m of the proposed development with no records found for the site itself. Species recorded within 500m of the proposed development include an unknown bat, otter, hazel dormouse, barn

owl and linnet.

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

- o SAC - River Wye approximately 219m from the proposed development
- o SSSI - River Wye (Upper Wye) approximately 219m from the proposed development
- o SSSI - Llandeilo, Rhulen and Llanbedr Hills approximately 478m from the proposed development

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

- o Little Hill Road Verge Nature Reserve (RVNR) - approximately 274m from the proposed development

Having reviewed the location and nature of the proposed development in relation to the designated sites it is considered that the proposed development would not result in a negative impact to the designated sites and/or their associated features.

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

#### Bats - European Protected Species

The proposed development requires the conversion of three existing barns consideration has therefore been given to the potential for the property to support roosting bats - bats being a European protected species - and for the proposed development to impact bats.

I have reviewed the Bat Activity Survey report produced by Protected Species Ecology Ltd dated January 2020.

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

The preliminary survey which was undertaken in May 2016 identified the barns as having potential to support roosting bats. Three activity surveys were undertaken on 16th May 2016 (dusk emergence), 21st June 2016 (dusk emergence) and 24th July 2016 (dawn re-

entry) during this survey two species of bat were seen emerging from the hay barn.

Two activity surveys were undertaken on 9th May 2019 (dusk emergence) and 22nd May 2019 (dawn re-entry). Surveys confirmed that the existing barns were being utilised for the roosting purposes of pipistrelle and myotis bats.

A single update survey was undertaken on the 17th September 2018 (dusk emergence), this surveys confirmed that the existing barn was still being utilised for the roosting purposes of pipistrelle bats.

Following the findings of the activity surveys - it is considered that the proposed development will result in the disturbance, loss of roost locations and destruction of resting places, as such a European Protected Species Development Licence will be required.

A scheme of mitigation measures has been provided within the ecology report however having reviewed the information available in the form of more recent site photos it is considered that there is potential that has been a significant change in the existing barns. It appears that during the bat activity surveys the fire damaged barn was encapsulated and therefore had negligible potential to enable bat to gain access or support roosting bats. More recent site photos submitted with the application appear to show that the remains of the fire damaged barn are now open and readily accessible and therefore the stonework has potential to provide roosting features for bats.

As such it is considered that insufficient information has been provided to determine the significance of the proposed development on bats in order to obtain an EPS licence.

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

- o A preliminary assessment of the fire damaged barn as it currently stands
- o If this preliminary bat roost assessment identifies potential bat roosting opportunities and/or actual bat roosts that will be affected by the proposals then further bat survey work will be required

Once this additional information has been provided it will ensure that the mitigation measures are appropriate to ensure no negative impacts to the favourable conservation status of the bat species identified as roosting at the site and to ensure that implementation of the mitigation measures can be secured through an appropriately worded condition.

WG - Highways Directorate

11th Jun 2020

I refer to your consultation of 21 May 2020 regarding the above application, and advise that the Welsh Government as highway authority for the A470 trunk road directs that planning permission is not granted at this time as the applicant has provided insufficient information to determine the application.

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

1) The stated daily traffic flows associated with the proposed development, as stated within the previously supplied Transport Statement do not appear consistent with the size of the proposed development.

The applicant is requested to review the supplied document and confirm the accuracy of the stated data.

WG - Highways Directorate

13th July 2020

I refer to your consultation of 16/06/2020 regarding the above planning application and advise that the Welsh Government as highway authority for the A470 trunk road directs refusal for the following reason/s:-

1) The proposal would generate increased use of a substandard access. The additional stopping and turning manoeuvres would lead to conditions prejudicial to the safety and free flow of traffic on the trunk road.

If you have any further queries, please forward to the following Welsh Government Mailbox [NorthandMidWalesDevelopmentControlMailbox@gov.wales](mailto:NorthandMidWalesDevelopmentControlMailbox@gov.wales)

Built Heritage Officer

18th Aug 2020

Recommendation Amendments/Further information sought.

Background to Recommendation

Designation

Cadw ID 25670 - Tregare Farmhouse included on the statutory list on 03/08/2001

Cadw ID 25671 Barn and Stable Ranges at Tregare included on the statutory list on

03/08/2001

## Policy Background

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

The Planning (Listed Buildings and Conservation Areas) Act 1990

Planning Policy Wales 10th edition 2018

Conservation Principles published by Cadw

TAN24

Managing Conservation Areas in Wales - Annexe to TAN24

Setting of Historic Assets in Wales - Annexe to TAN24

Heritage Impact Assessments - Annexe to TAN24

Historic Environment Records

## Local Development Plan

Strategic Policy SP7

DM13 Design and Resources Local Development Plan Themes and Objectives;

Theme 4 - Guardianship of natural, built and historic assets

LDP Objective 13 - Landscape and the Historic Environment

## Comments

I am mindful of the advice in Sections 66 of the Planning (Listed Buildings and Conservation areas) Act 1990, which require authorities considering applications for planning permission or listed building consent for works which affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of the building. The setting is often an essential part of a building's character especially if a park, garden or grounds have been laid out to complement its design or function. Also,

the economic viability as well as the character of historic buildings may suffer and they can be robbed of much of their interest and of the contribution they make to townscape or the countryside if they become isolated from their surroundings, e.g. by new traffic routes, car parks, or other development."

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

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

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

I note the previous application on the site reference P2016/0962 and P2016/0964 and my comments dated 11 November 2016, 16 February 2017, 8 May 2017 and 20 July 2017 and the pre-application guidance on 10 December 2018 and the formal pre-application submission 19/0452/BHA and response dated 13 June 2019.

I had previously raised objections to the proposal and will not repeat those comments here, however I would be grateful if the previous comments could be considered as an appendix to this response.

I note that many of my concerns have been addressed.

I note the proposed thermal upgrades, of hot lime mix to the exterior walls, hemp lime internally on the walls, wood wall boards to the roof and Glaspor lime crete to the floors and would welcome this approach to thermal upgrades.

I note the changes to the existing doors and the reduction in rooflights, and the reduction in the size of the link between the 2 barns. I note the requirement for some of the rooflights in terms of building regulations.

I acknowledge the setting back of the glazing to produce a shadow line , and this approach is welcomed, however potentially this could be done to a greater degree on the

former doorways.

I would consider that the majority of my concerns have been addressed. However I would request consideration of the following amendments.

On the western elevation, it is noted that the 2 former doors that would light the proposed lounge would now be fully glazed windows (WG1 and WG2). It is noted that the current doors currently open inwards. However at a site meeting some time ago there was a discussion on retaining the doors as external shutters that would be open and fixed to the walls when the building is in use and able to be shut for security when not in use. It would be preferable to retrain the doors as external shutters wherever possible.

It would be preferable for the large double threshing doors formerly on the building prior to the fire to be reintroduced for the same reason. Please note that this would refer to the threshing doors only and not the former cart shed, and the farmyard side only and the rear which is to house an extension. It was acknowledged that the site visit that the doors to the loading bays on the upper floor of the west elevation would not be able to be retained as there was no method of securing the doors open.

The treatment of the openings on the northern elevation is not considered appropriate. Acknowledging that there are large openings and that some glazing will be fixed and the doors would have to open. Also acknowledging that the buildings original use was a barn which traditionally had chunky door frames reflecting its use and status. However the doors and glazing design on drawing number TB D 10 seems inappropriate in that the previous large openings will be subdivided in the manner proposed. Could alternative glazing treatments be considered with less horizontal subdivision? I note that the first floor adjacent to the glazing has been recessed to avoid the floor being visible across the glazing which is welcomed, however the loss of the horizontal glazing, or a substantial reduction in its size would be welcomed if possible. The use of appropriate colouring of the new glazing would also assist, with dark colours receding. I note that the external timber will be treated with linseed oil paint a dark colour, and it would be preferable to have the colour proposed at this stage to avoid a condition if possible.

I note the rooflights to the proposed sun lounge and acknowledging that this is on a new build element of the proposal, however it is considered that the rooflights as proposed due to the length of the roof and the location of the rooflights produce an unfortunate horizontal emphasis which jars with the verticality of the glazing. Could the rooflights be slimmer but much deeper/longer so that when viewed externally they have a portrait and not a landscape effect. However to slim the rooflights down may result in four rooflights being required to replicate the glazing pattern of the window below which has a larger central window. I would be pleased if this could be considered.



The use of timber cladding on the extension is welcomed as it is reflective of barns in the locality. However care would need to be taken in the proposed treatment of the timbers. I note the example provided in the submission (Figure 1 Llwyn Celyn Beast House) was timber left to weather naturally. It is noted that the wood would be locally sourced oak which is welcomed, however the application confirms that the external timber would be painted in a linseed oil paint a dark colour. Timber clad barns have in the past traditionally been left to weather naturally or tarred/creosoted and either a dark matt paint to reflect tarring or left to weather naturally would be acceptable. However to avoid a condition in respect of paint colour if it is to be left to weather naturally, it would be preferable to have confirmation of the finish of the timber cladding at this stage if possible.

Whilst it is acknowledged the changes that have been introduced to the northern elevation, I would still raise concerns with the new openings proposed, as the openings in a barn reflect its former use and are an important feature in the legibility of the barn. I note that there are many barns with single doors, which reflect that former use. However if a view from the room is crucial to the economic viability of the scheme I would request that there be one single door opening only such as a door for a pedestrian or cow and not a cart, such as figure 10 on the submitted Heritage Impact Assessment. It is considered that a single door would still enable the view and be more respectful of the former elevation which did not have a doorway on this elevation. If possible it would be preferable to this door to be fixed glazed and not opening as it is noted that it opens onto grass and not the paved patio area. No external door would be required in this instance as it is a new opening.

#### Conclusion

I acknowledge that my previous concerns have been taken into account in the preparation of this application. However I would have some concern with the detail and not the principle as detailed in the above comments.

I would welcome amended plans and further confirmation on wood treatment as requested above.

County Ecologist

18th Jun 2020

Thank you for consulting me with regards to the additional information submitted in relation to planning application 20/0311/FUL which concerns an application for the conversion and change of use of barn(s) to a holiday let to include part rebuilding and

extension, installation of septic tank and associated works at Tregare, Barns At Tregare, Gwenddwr, Builth Wells.

I have reviewed the proposed plans illustrating the proposed new bat roosting opportunities and the existing to be retained. Whilst the plans look to illustrate the proposed mitigation and compensation measures identified in the Bat Activity Survey report produced by Protected Species Ecology Ltd dated January 2020 no information has been provided with regards to the potential for the fire damaged barns to support roosting bats.

Therefore further to my response dated 02/06/2020 it is considered that currently the application continues to include insufficient information to enable the LPA to assess the impact of the proposed development to biodiversity- biodiversity is a material consideration in planning process and sufficient information to enable assessment of impacts to these features is required prior to determination of the application to demonstrate that the development is not contrary to local and National Planning Policy. Further information is therefore required in the form of:

- o A preliminary assessment of the fire damaged barn as it currently stands
- o If this preliminary bat roost assessment identifies potential bat roosting opportunities and/or actual bat roosts that will be affected by the proposals then further bat survey work will be required

Once this additional information has been provided it will ensure that the mitigation measures are appropriate to ensure no negative impacts to the favourable conservation status of the bat species identified as roosting at the site and to ensure that implementation of the mitigation measures can be secured through an appropriately worded condition.

County Ecologist

Further comments from the County Ecologist are outstanding at the time of writing this report. Any subsequent comments received by Officers will be reported to Members prior to the Committee Meeting.

Recommendation No objection to amended plans however elevational drawing of northern elevation with threshing doors in line with the amended details requested prior to referral to Cadw.

#### Background to Recommendation

#### Designation

Cadw ID 25670 - Tregare Farmhouse included on the statutory list on 03/08/2001

Cadw ID 25671 Barn and Stable Ranges at Tregare included on the statutory list on 03/08/2001.

#### Policy Background

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

The Planning (Listed Buildings and Conservation Areas) Act 1990

Planning Policy Wales 10th edition 2018

Conservation Principles published by Cadw

TAN24

Managing Conservation Areas in Wales - Annexe to TAN24

Setting of Historic Assets in Wales - Annexe to TAN24

Heritage Impact Assessments - Annexe to TAN24

Historic Environment Records

Local Development Plan

Strategic Policy SP7

DM13 Design and Resources Local Development Plan Themes and Objectives;

Theme 4 - Guardianship of natural, built and historic assets

LDP Objective 13 - Landscape and the Historic Environment

### Comments

I note the additional comments received in respect of my previous comments dated 29 June 2020. I would request that my previous comments be attached as an appendix to these comments for reference.

In my previous comments I made reference to Sections 66 of the Planning (Listed Buildings and Conservation areas) Act 1990, paragraphs; 6.1.7 6.1.9 and 6.1.10 of Planning Policy Wales 10th edition 2018 and as such shall not repeat them here.

In my comments dated 29 June 2020, I raised no objection to the proposal however requested a number of amendments to be considered namely;

1. The retention and reuse of the doors to the lounge on the western elevation to retained if possible for use as shutters to illustrate the former doors.
- 2 . To re introduce the large double threshing doors on the building that was subject to fire for the same reason.
3. Modifications to the treatments of the northern elevation
4. Changes to the proportion of the rooflights on the proposed sun lounge
5. Clarification as to the treatment of the timber cladding
6. A reduction in the openings of the new doors on the east elevation.

I note the additional information received in respect of the above. However I note that there is only one elevational drawing, that is the west elevation.

1. The retention and reuse of the doors to the lounge on the western elevation to retained if possible for use as shutters to illustrate the former doors.

I note the proposal is to replace the present doors with traditional oak doors to be set back like shutters, and would agree with that suggestion.

- 2 . To re introduce the large double threshing doors on the building that was subject to fire for the same reason.

I note that the intention is to replace the doors that were lost in the fire and install them, and would agree with the proposals. However there were no elevational drawings that accompanied this change and it would be preferable to have them prior to the application being referred to Cadw, however they could be conditioned - however noting item 3 it would be preferable for an elevational drawing illustrating the doors.

### 3. Modifications to the fenestration treatments of the northern elevation

I note the omission of the glazing in the upper register of the card shed and would consider that these changes are an improvement on the previous proposal. I note that two treatments have been suggested, plain oak boarding and wide lathe and woven oak strips which is the preferred choice. I note the photograph that accompanied the additional information of the wide lathe and woven oak strips and I would agree that this would be the preferred option, it is both traditional and adds texture to the stone building which the timber cladding sometimes does not. These amendments are supported. However there were no elevational drawings of this elevation which would be required prior to the application being referred to Cadw as these could not be covered by a condition.

### 4. Changes to the proportion of the rooflights on the proposed sun lounge

It is noted that the dimensions of the rooflights have been changed and I would have no objections to these elements. I note that whilst on the floor plans no elevation details were supplied with the amended plans, this element could be conditioned.

### 5. Clarification as to the treatment of the timber cladding

It is noted that the intended treatment is raw linseed oil on exterior boarding which is considered appropriate. The existing blue paint on the existing doors and windows would be replaced also with raw linseed oil which is considered acceptable.

### 6. A reduction in the openings of the new doors on the east elevation.

I still maintain that it would be preferable for there to be no openings on this elevation or at least just one opening. However acknowledging that all of my other concerns have been addressed, I would not wish to object to this single item.

I would therefore no object to the proposal and would request that the following conditions be attached to the grating of any consent.

The proposal to be carried out in strict accordance with the amended plans and additional information received on xxxxxx.

Reason: To ensure that the development is undertaken in accordance with the approved plans.

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

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

No new plumbing, pipes, soil stacks, flues, vents, ductwork grilles, security alarms, lighting, cameras or other fixtures shall be attached to the external faces of the building other than those shown on the approved drawings or otherwise first approved in writing by the Local Planning Authority.

Reason: To ensure the special character, architectural interest and integrity of the building is preserved.

Prior to the installation of the fenestration in the threshing bay on the northern elevation., drawings indicating details of all windows and external doors, including cross sections of glazing bars and trickle vents, to a scale of not less than 1:20 shall be submitted to and approved in writing by the Local Planning Authority. The details which are approved shall be carried out in full and shall be retained in accordance with the approved details thereafter.

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

The roof lights in the development hereby approved shall be set flush with the angle of the surrounding roof slope. If this cannot be achieved, the degree of projection from the plane of the roof pitch shall be first agreed in writing by the Local Planning Authority.

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

All fenestration to be set behind the reveal specified in the amended details unless otherwise agreed in writing by the Local Planning Authority.

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

Local Development Plan.

Highways

9th Feb 2021

Thank you for re-consulting the Highway Authority (HA) on this planning application, which relates to the conversion of an existing agricultural barn, to provide a holiday let, at Tregare, Gwenddwr, Builth Wells.

It is noted that that the most recent submission, includes proposals to provide revised northern and southern junction arrangements from U0055 & U0071 county highways, onto the A470 trunk road. The additional information clearly seeks to address the direction of refusal imposed by Welsh Government Transport and as such, the suitability of the proposals, is clearly a matter for them to determine.

Whilst the proposals do have potential to impact upon the adjoining county roads, the HA is unable to comment upon these matters until such time as Welsh Government Transport has reached its decision on the proposals.

I therefore trust that the HA will be reconsulted in due course.

WG - Highways Directorate

22nd Feb 2021

I refer to your consultation of 26 January 2021 regarding the above application and advise that the Welsh Government as highway authority for the A470 trunk road directs that planning permission is not granted at this time as the applicant has provided insufficient information to determine the application.

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

- 1) The General Arrangement of the access in accordance with the Design Manual for Roads and Bridges (DMRB), with significant dimensions (visibility splays, widths, radii, longitudinal gradients etc.) and all departures clearly identified. Particular DMRB documents of note are CD 123 and CD 109. Due to engineering difficulties foreseen with the development of the 2No. junctions, this detail will need to be supplied on a topographical survey.

Impacts and possible realignment work of the Vehicle Restraint Systems (VRS) at the

southern access should be considered.

2) Swept path analysis of the worst case design vehicle expected to frequent the site, confirming no conflicts within the junction area. Welsh Government would request a desirable minimum access width of 6 metres for the first 15 metres.

3) Quantification of existing and proposed visibility distances (both mainline and junction), measured in accordance with the DMRB, with detail to be supplied on appropriate drawings. Visibility splays shall be free of any growth or obstruction, which would interfere with visibility requirements. Evidence visibility envelopes can be achieved in both the horizontal and vertical planes shall be provided.

Note, the speed limit at the northern junction is derestricted (60mph), and not 40mph as identified on drawings. The lower 40mph is a temporary situation and not applicable for this design.

4) The access shall be constructed to appropriate standards with either concrete or bituminous surfacing for at least the first 15 metres from the running edge of the trunk road carriageway. Full pavement construction details shall be submitted to and approved as part of the Section 184 approvals.

5) Cross sections at reasonable intervals up the access road. Due to the topography of the surrounding land and requirement for dwell areas to DMRB standards, it is foreseen retaining structures may be required at both locations. Details of any retaining structures / embankment gradients to be provided.

6) Evidence of control over all land required for the work. This includes the land required to construct and maintain any structures or extents of earthwork embankments. Consideration is also required for the centreline of any new or relocated hedge / fence line required to provide visibilities, not being less than 1.0 metre to the rear of the visibility splay.

7) No drainage from the development site shall be connected to or allowed to discharge into the trunk road drainage system and the proposed access shall be constructed such that the access road does not drain onto the trunk road. Detail required to satisfy Welsh Government, positive drainage systems are in place to capture any surface water runoff from entering the public highway.

#### General Notes

Notwithstanding the above, following approval from the Local Planning Authority (LPA), any works undertaken within or forming part of the highway shall meet the requirements of Section 184 of the Highways Act 1980, and shall only be commenced with the specific



agreement of the Welsh Government.

The Section 184 agreement is managed by our Trunk Road Agents on our behalf, for North and Mid Wales please apply to the North and Mid Wales Trunk Road Agent. <http://www.nmwtra.org.uk/>

Any proposed departures from standards (DfS) will need to be justified in writing in the first instance, to allow WG deliberation with an official DfS submission if deemed necessary following.

If you have any further queries, please forward to the following Welsh Government Mailbox

NorthandMidWalesDevelopmentControlMailbox@gov.wales

WG - Highways Directorate

10th Aug 2021

Subsequent post-response correspondence with Powys County Council identified that the development relates to a proposed residential development, and not a holiday-let, although all submitted information reviewed by Welsh Government identified the proposed use as a holiday-let development. Welsh Government can only determine a response based on the information submitted to them for review, and it is Welsh Government's view that the intensification in use of the 2no. existing substandard slip accesses onto the A470 trunk road that would result from the development of a holiday-let or a dwelling presents an unacceptable risk to the safety of the trunk road network.

As such I write to advise that the previously issued response, assessed on the technical information submitted still stands as Welsh Government's response.

Should the applicant wish to resubmit the planning application identifying a different usage, Welsh Government may reconsider the application.

### **Representations**

One third party comment received relating to the proximity to the Wye Valley Walk but not objecting.

## Planning History

App Ref	Description	Decision	Date
P/2016/0962	Conversion of barn to residential dwelling, to include part rebuilding, installation of septic tank and associated works	Application Withdrawn	1st Aug 2017
P/2016/0964	LBC: Works to convert barns to dwelling including rebuilding of extensions	Application Withdrawn	1st Aug 2017
20/0312/LBC	Conversion and change of use of barn(s) to dwelling to include part rebuilding and extension, installation of septic tank and associated works	Pending Consideration	

## Principal Planning Constraints

River Wye SAC including Catchment Phosphates  
Listed Building

## Principal Planning Policies

Policy	Policy Description	Year	Local Plan
NATPLA	Future Wales - The National Plan 2040		National Development Plan 2021
PPW	Planning Policy Wales (Edition 11, February 2021)		National Policy
TAN5	Nature Conservation and Planning		National Policy
TAN6	Planning for Sustainable Rural Community		National Policy
TAN12	Design		National Policy

TAN18	Transport	National Policy
TAN23	Economic Development	National Policy
TAN24	The Historic Environment	National Policy
SP5	Settlement Hierarchy	Local Development Plan 2011-2026
SP6	Distribution of Growth across the Settlement Hierarchy	Local Development Plan 2011-2026
SP7	Safeguarding of Strategic Resources and Assets	Local Development Plan 2011-2026
DM2	The Natural Environment	Local Development Plan 2011-2026
DM4	Landscape	Local Development Plan 2011-2026
DM6	Flood Prevention Measures and Land Drainage	Local Development Plan 2011-2026
DM7	Dark Skies and External Lighting	Local Development Plan 2011-2026
DM10	Contaminated and Unstable Land	Local Development Plan 2011-2026
DM13	Design and Resources	Local Development Plan 2011-2026
H1	Housing Development Proposals	Local Development Plan 2011-2026
T1	Travel, Traffic and Transport Infrastructure	Local Development Plan 2011-2026
SPGBIO	Biodiversity and Geodiversity SPG (2018)	Local Development Plan 2011-2026
SPGHE	Historic Environment SPG (2021)	Local Development Plan 2011-2026

SPGLAN	Landscape SPG	Local Development Plan 2011-2026
SPGRES	Residential Design Guide SPG (2020)	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**

#### Amended Proposal

Members are advised that the scheme as originally submitted proposed the conversion of the application building to holiday accommodation (as referred to within consultee responses above) however the proposal has been amended. The description of development now reads as follows;

*'Conversion and change of use of barn(s) to a dwelling to include part rebuilding and extension, installation of septic tank and associated works'.*

#### Site Location and Description

The application site lies within the Community Council area of Erwood and is located within the open countryside as defined by the Powys Local Development Plan (2011-2026)). The application site occupies a remote location surrounded by agricultural grazing land. The site sits adjacent to the unclassified U0055 road with a neighbouring dwelling located to the west, on the opposite side of the road. The site lies approximately 195m west of the A470(T) onto which the U0055 has a junction to the south of the site and the U0071 to the north of the site.

Consent is sought for the conversion of two adjoining traditional stone barns to a nine bedroom dwelling together with the provision of a utility building at an existing stables building.

The two barns sit at a right-angles to each other and form an L-shape with a yard area adjoining the road which forms the east elevation. The east barn is largely intact but the south barn has been damaged by a fire and has no roof. The barns are grade II listed included for designation as a pair of traditional farm buildings retaining their character of group value with Tregare farmhouse.

### Principle of Development

In considering the principle of the proposed development, consideration is given to Planning Policy Wales (ed. 11, 2021), Technical Advice Note 6 - Planning for Sustainable Rural Communities (2010) and Technical Advice Note 23 - Economic Development (2014) and the Powys LDP 2011-2026 (adopted 2018), in particular policies SP6 and H1.

Paragraph 4.1.5 of the Powys LDP indicates that there is no specific LDP policy included on the re-use/adaptation of rural buildings, or on agricultural development, because PPW, TAN 6 and TAN 23 provide adequate policy. The document further confirms that the Council has not prioritised economic reuses above other uses and supports a flexible approach to re-use and adaptation of rural buildings.

Specific guidance within TAN23 concerning the re-use and adaption of buildings explains that residential conversion of rural buildings which have ceased to be used for industrial or commercial purposes, including agriculture, need to be assessed on their impact including their impact on the fabric and character of historic buildings. If the existing building is unsuitable for conversion without extensive alteration, rebuilding or extension, or if the creation of a residential curtilage would have a harmful effect on the character of the countryside, the same considerations relating to new house building in the open countryside will apply.

Having carefully considered the above policy framework, Officers consider that the principle of the proposed development is acceptable subject to all other material considerations being satisfied.

### Scale, Design and Appearance

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

The development proposal includes the conversion of two adjoining traditional, stone-built farm buildings set in an isolated complex. There is a dwelling located across the road from the barns which is associated with the barn complex whilst there is also a

single modern farm building approximately 40m to the west. The barns form an L-shape with a small yard area adjacent to the road. The barn complex has a small lean-to shed at the join of the two arms of the L and there is a fire damaged lean-to at the rear of the south barn. These will be incorporated into the dwelling with some extension. The east barn measures approximately 15m long and 7m wide. The south barn measures approximately 18m long and 7m wide. The east barn will measure approximately 4m to the eaves and 8m to the ridgeline. The south barn will also measure approximately 4m to the eaves and 8m at the ridgeline but there is some variation at ground levels. The proposal comprises converting the two barns into one whole two storey dwelling unit providing nine bedrooms.

The barns will be roofed in slate and windows and doors in timber. On the whole the existing openings have been retained with some further additions. At the north elevation a large window is proposed in the gable end and there will be the addition of three roof lights. At the south elevation where an extension extending out approximately 2.3m is proposed a new hipped roof is proposed. This is considered acceptable as this elevation is not visible from the road and is at the rear of the proposed dwelling. At the east elevation a further window is proposed in the gable end together with two new opening and three rooflights. Minimal changes are proposed at the west elevation. At the elbow of the "L" a single storey extension will be built to replace the calf shed which measures approximately 5m by 5m and forms the internal link for the two separate barn structures.

Having carefully considered the proposed development, Officers are satisfied that the traditional character of the barns is largely being retained and that the design, appearance and integration are considered to be acceptable and comply with policy DM13.

### Highways Safety and Movement

Policies DM13 (Criterion 10) and T1 of the Powys Local Development Plan requires that all 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 local Highways Authority have been consulted and in their initial response had no fundamental objection to this proposal from a county road perspective (subject to the attachment of conditions if consent were given) but advised that Welsh Government Highways be consulted due to the substandard nature of the two junctions of the U0055 and the U0071 with the A470(T) that would be used north and south of the site.

Welsh Government were subsequently consulted and following a request for further information directed refusal in July 2020 as the proposal would generate increased use

of a substandard access. It was further indicated that the additional stopping and turning manoeuvres associated with the development would lead to conditions prejudicial to the safety and free flow of traffic on the trunk road.

In May however, the description of the development was changed from holiday let to dwelling and therefore clarification was sought from Welsh Government that the direction for refusal would still stand on this basis. Further proposals were also submitted to make improvements at the relevant junctions in order to overcome the direction. Notwithstanding the additional information submitted, Welsh Government confirmed that their earlier direction still stands as the intensification in use of the 2 existing substandard slip accesses onto the A470 trunk road, irrespective of use (holiday or residential) presents an unacceptable risk to the safety of the trunk road network.

Where a development affects a Trunk Road, Welsh Government has the power to direct the local planning authority to refuse an application for planning permission or apply specified conditions to a planning permission which must be upheld by the local authority. In this instance, Members are advised that despite the submission of additional information, Welsh Government maintain that the development would result in the intensified use of a substandard access to the detriment of highway safety at this location contrary to both national and local planning policy. As such, Officers advise that the Welsh Government direction stands as reflected in the Officer recommendation below.

### Residential Amenity

In considering the amenities enjoyed by the occupiers of neighbouring properties and the proposed properties themselves, consideration has been given to the LDP policy DM13 (criterion 11) and the Powys Residential Design Supplementary Planning Guidance (2020).

The proposed development is situated in a remote location forming a small, traditional farm complex. The dwelling associated historically with the barns is situated across the U0055 road within 30m of the barns but the dwelling is positioned gable end towards the barns with only one ground floor window facing them. It is considered therefore that there will be no adverse overlooking or any loss of privacy or other amenity consideration as a result of the proposal.

There is a modern, agricultural building located approximately 40m to the north and consideration is given to any potential impact this may have on amenity were consent to be given. At the time of writing this report, no comments have been provided by Environmental Protection in regards to this consideration and therefore further clarification will be sought by Officers and presented to Members prior to the Committee Meeting.

In light of the above, it is considered that the proposed development complies with relevant planning policy subject to the attachment of an appropriate condition.

### Landscape Impact

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

With regard to Landmap the site lies within the Wye Valley Slopes Aspect Area and is described as:

“Varied, settled upland valley sides running from hills and plateau to the west at around 240m - 400m AOD down to the Wye Valley floor at around 100m AOD. The valley sides which are steep in places are punctuated by tributary valleys and prominent landform such as the Garth, near Builth Wells, there are also some rocky outcrops. The majority of the valley sides are pastoral mosaic with strong mature deciduous tree cover in the form of woodland and overgrown boundaries. Some of the oak dominant woodland is grazed resulting in attractive through views. This woodland is often complemented by coniferous elements. Further south, coniferous forest forms a strong block at Llangoed Wood. The woodland block further south of Llyswen is a particularly important and prominent feature, defining the valley edge. Bracken and scrub is encroaching in many areas, particularly upper slopes and on common areas such as Twmpath. Settlement is rural in character and located primarily on the A470 (such as Erwood) although there is a scattering of farmsteads on the valley sides. The A470 affects the tranquillity in parts. Panoramic views are possible along the valley. The Wye Valley walk passes through the area.”

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

Geological Landscape – Erwood - high  
Landscape Habitats – Twmpath - high  
Historic Landscape - Crickadarn - high  
Cultural Landscape – Wye Valley Slopes – n/a

The outstanding visual and sensory value is noted together with the other evaluations. The site is located in the Wye Valley and while the site is not visible from the A470(T) while travelling north it would be visible from elevated points on the opposite side of the River Wye where there is open common land.

The proposed development, however, concerns the change of use of existing traditional farm buildings so the structures are already in situ in this location. Clearly, the conversion of the buildings will have some impact upon the landscape due to the changes proposed as part of the conversion, for example, the introduction of glass into the buildings. The impact however, is not considered to be unacceptably damaging to



the wider landscape and could be mitigated further by appropriate landscaping.

Subject therefore to the attachment of an appropriate landscaping condition, it is considered that the proposed development in terms of siting, scale, design and integration fundamentally accords with policy DM4.

### Ecology and Biodiversity

With respect to biodiversity, specific reference is made to LDP policy DM2 which seeks to maintain biodiversity and safeguard protected sites. 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 net loss of biodiversity or unacceptable damage to a biodiversity feature and under Part 1 Section 6 of the Environment (Wales) Act 2016 Local Authorities are required to maintain and enhance biodiversity so any submission should incorporate enhancement proposals.

The Ecologist reviewed the proposed plans and identified 54 records of protected and priority species within 500m of the proposed development.

Three statutory designated sites were identified within 500m of the proposed development:

- SAC – River Wye approximately 219m from the proposed development
- SSSI – River Wye (Upper Wye) approximately 219m from the proposed development
- SSSI – Llandeilo, Rhulen and Llanbedr Hills approximately 478m from the proposed development

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

- Little Hill Verge Nature Reserve (RVNR) approximately 274m from the proposed development

It is considered that the proposed development would not result in a negative impact to the designated sites and/or their associated features.

Ecological surveys have been submitted in support of the application that found the existing barns were being utilised for the roosting purposes of bats and therefore a European Protected Species Development Licence will be required. Mitigation measures have also been submitted in support of the application. At the time of writing this report further comments have not been received from the Ecologist in respect of the mitigation proposed however Officers will seek to secure additional comments in advance of the Committee Meeting.

## River Wye SAC:

The proposed development is located within the catchment of the River Wye SAC. Under the Habitats Regulations, where a plan or project is likely to have a significant effect on a European 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 May 2021). It has been identified that the proposal may result in a Significant Effect on the River Wye SAC through release of additional phosphate to the River Wye SAC catchment, either directly or indirectly, relative to the current scenario.

The LPA is required, therefore, to undertake an Appropriate Assessment (AA) required by Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended). Regulation 63 also requires applicants to provide the LPA with information reasonably required to inform the AA; in this case details of an appropriate foul drainage system where nutrient (phosphate) neutrality can be demonstrated effectively.

For a development to be considered nutrient neutral, phosphate from all foul and surface water drainage generated by the proposal must be less than, or equal to, the phosphate generated by the existing land use. Therefore, implementation of suitable mitigation measures will be required to demonstrate that phosphate contribution to the catchment following development will be avoided or reduced to a neutral level. In accordance with NRW's advice, the following information is required

- i) Details of the proposed mitigation measure(s) and
- ii) Details to demonstrate how *the measure(s) would avoid or reduce adverse effects on the SAC (considering the predicted duration of the effects); how the measure(s) will be implemented, and by whom and how the measure(s) will be maintained and who will be responsible for its maintenance;*

Insufficient information has so far been provided to demonstrate that nutrient (phosphate) neutrality can be achieved. Information has been submitted indicating a projected 4m<sup>3</sup> daily discharge which exceeds NRW guidance for screening out. It is considered that nutrient neutrality has not been demonstrated and it is further considered in the light of the information before the LPA now it will not be possible at

this time to demonstrate nutrient neutrality or betterment.

In accordance with Regulation 63 (5) the Local Planning Authority may approve a proposed development only after it has been ascertained that it will not affect the integrity of the European site.

Significant effects cannot be ruled out and as the competent authority for the purposes of the Regulations the LPA must be convinced that there will not be an adverse effect, and where doubt remains as to the absence of adverse effects, the plan or project must not be authorised unless there are imperative reasons of overriding public interest. No such reasons have been submitted and therefore we are unable to conclude that the proposal would not have an adverse effect on the SAC.

For the reasons set out above, it is considered therefore that the proposed development would adversely affect nature conservation interests and particularly the integrity of the River Wye SAC and as such, it is not in accordance with Policies SP7 and DM2 of the LDP, PPW and TAN5 and should be refused.

### Built Heritage

Policy SP7 seeks to protect strategic resources and assets from inappropriate development. Listed Buildings are listed within this policy under criterion 2 as assets to protect. TAN 24 states that listed buildings are nationally important assets which represent a unique source of information about the past and make a valuable contribution to the quality and character of Welsh landscapes and townscapes. Special consideration should be given to the importance and grade of the building as well as its intrinsic architectural or historic interest especially the impact of the proposed works on the significance of the building. Attention should be given to the physical features of the building which justify its listing and contribute to its significance, including any features of importance such as the interior.

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

The proposed works concern the change of use of traditional, stone, agricultural barns to a dwelling. The barns were listed for their group value together with the adjacent listed farmhouse. The Built Heritage Officer has been consulted and requested amendments to the proposal. These have been provided and subject to the attachment of appropriate conditions relating to matters of technical detail and materials the Built Heritage Officer has no further objections.

CPAT and CADW have also been consulted on the application. At the time of writing the report no comments have been received from CADW. CPAT have no objections but have requested that, if consent is given, a condition be attached requiring a photographic survey of the existing barns prior to the commencement of development.

In light of the above and subject to the attachment of appropriate conditions as recommended by the Built Heritage Officer and CPAT, it is considered that the proposed development fundamentally complies with PPW, TAN 24 and LDP policy SP7.

### Contaminated Land

Policy DM10 of the Powys LDP requires that development proposals on contaminated land should not adversely affect public health and safety, nature conservation, historic or archaeological interests. The application site comprises agricultural buildings and land that could contain potential sources of contamination, depending on what they were used for in the past, such as: pesticides, fuels and oils, slurry tanks and pits, fire sites, animal burial pits or other buried waste, fertiliser, sheep dip pits, asbestos, old machinery, waste chemical drums and ammunition.

The Contaminated Land Officer has been consulted and recommends the attachment of a condition to secure appropriate action in the event that pollution or contamination is found.

Subject to the attachment of an appropriate condition, it is considered that the proposed development is in accordance with policy DM10.

### **RECOMMENDATION – Refuse**

Whilst Officers consider the principle of the proposed development to be acceptable, the submission fails to address the concerns expressed by Welsh Government in respect of highway safety. Furthermore, it is considered that the proposed development would adversely affect nature conservation interests, particularly the integrity of the River Wye SAC contrary to policies SP7 and DM2 of the LDP, PPW and TAN5. The recommendation is therefore one of refusal for the reasons articulated below.

### **Reasons for Refusal**

1. The proposed development would result in the increased use of a substandard

access prejudicial to the safety and free flow of traffic on the trunk road. The proposed development is therefore contrary to policies DM13 and T1 of the Powys Local Development Plan (2018), Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2021).

2. The proposed development fails to demonstrate that it would not cause further deterioration of the River Wye SAC in terms of phosphate input contrary to policies SP7 and DM2 of the Powys Local Development Plan (2018), Technical Advice Note 5: Nature Conservation and Planning (2009), Planning Policy Wales (Edition 11, 2021), Environment Act Wales, and the Conservation of Habitats and Species Regulations 2017 (as amended).

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

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# 6.6

## Planning, Taxi Licensing and Rights of Way Committee Report

**Application Number:** 20/0312/LBC

**Grid Ref:** E: 307330  
N: 244302

**Community Council:** Erwood Community

**Valid Date:** 03.03.2020

**Applicant:** Mr & Mrs Sid and Celia Jefferies

**Location:** Tregare, Barns At Tregare , Gwenddwr, Builth Wells, LD2 3BZ,

**Proposal:** Conversion and change of use of barn(s) to dwelling to include part rebuilding and extension, installation of septic tank and associated works

**Application Type:** Listed Building Consent

### The reason for Committee determination

The Local Member has a personal interest in the application.

### Consultee Responses

#### Consultee

#### Received

Community Council

2nd Apr 2020

As attached, I wish to let you know that the majority of Community Councillors supports the above application. These comments were all made by e-mail and are kept on file together with the application.

Ward Councillor

The Local Member has a personal interest in the application and is therefore unable to comment.

Built Heritage Officer

29<sup>th</sup> June 2020

Recommendation Amendments/Further information sought.

## Background to Recommendation

### Designation

Cadw ID 25670 - Tregare Farmhouse included on the statutory list on 03/08/2001

Cadw ID 25671 Barn and Stable Ranges at Tregare included on the statutory list on 03/08/2001

### Policy Background

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

The Planning (Listed Buildings and Conservation Areas) Act 1990

Planning Policy Wales 10th edition 2018

Conservation Principles published by Cadw

TAN24

Managing Conservation Areas in Wales - Annexe to TAN24

Setting of Historic Assets in Wales - Annexe to TAN24

Heritage Impact Assessments - Annexe to TAN24

Historic Environment Records

### Local Development Plan

Strategic Policy SP7

DM13 Design and Resources Local Development Plan Themes and Objectives;

Theme 4 - Guardianship of natural, built and historic assets

LDP Objective 13 - Landscape and the Historic Environment

### Comments



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

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

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

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

I note the previous application on the site reference P2016/0962 and P2016/0964 and my comments dated 11 November 2016, 16 February 2017, 8 May 2017 and 20 July 2017 and the pre-application guidance on 10 December 2018 and the formal pre-application submission 19/0452/BHA and response dated 13 June 2019.

I had previously raised objections to the proposal and will not repeat those comments here, however I would be grateful if the previous comments could be considered as an appendix to this response.

I note that many of my concerns have been addressed.

I note the proposed thermal upgrades, of hot lime mix to the exterior walls, hemp lime internally on the walls, wood wall boards to the roof and Glaspor lime crete to the floors and would welcome this approach to thermal upgrades.

I note the changes to the existing doors and the reduction in rooflights, and the reduction in the size of the link between the 2 barns. I note the requirement for some of the rooflights in terms of building regulations.

I acknowledge the setting back of the glazing to produce a shadow line , and this approach is welcomed, however potentially this could be done to a greater degree on the former doorways.

I would consider that the majority of my concerns have been addressed. However I would request consideration of the following amendments.

On the western elevation, it is noted that the 2 former doors that would light the proposed lounge would now be fully glazed windows (WG1 and WG2. It is noted that the current doors currently open inwards. However at a site meeting some time ago there was a discussion on retaining the doors as external shutters that would be open and fixed to the walls when the building is in use and able to be shut for security when not in use. It would be preferable to retrain the doors as external shutters wherever possible.

It would be preferable for the large double threshing doors formerly on the building prior to the fire to be reintroduced for the same reason. Please note that this would refer to the threshing doors only and not the former cart shed, and the farmyard side only and the rear which is to house an extension. It was acknowledged that the site visit that the doors to the loading bays on the upper floor of the west elevation would not be able to be retained as there was no method of securing the doors open.

The treatment of the openings on the norther elevation is not considered appropriate. Acknowledging that there are large openings and that some glazing will be fixed and the doors would have to open. Also acknowledging that the buildings original use was a barn which traditionally had chunky door frames reflecting its use and status. However the doors and glazing design on drawing number TB D 10 seems inappropriate in that the previous large openings will be subdivided in the manner proposed. Could alternative glazing treatments be considered with less horizontal subdivision ? I note that the first floor adjacent to the glazing has been recessed to avoid the floor being visible across the glazing which is welcomed, however the loss of the horizontal glazing, or a substantial reduction in its size would be welcomed if possible. The use of appropriate colouring of the new glazing would also assist, with dark colours receding. I note that the external timber will be treated with linseed oil paint a dark colour, and it would be preferable to have the colour proposed at this stage to avoid a condition if possible.

I note the rooflights to the proposed sun lounge and acknowledging that this is on a new build element of the proposal, however it is considered that the rooflights as proposed

due to the length of the roof and the location of the rooflights produce an unfortunate horizontal emphasis which jars with the verticality of the glazing. Could the rooflights be slimmer but much deeper/longer so that when viewed externally they have a portrait and not a landscape effect. However to slim the rooflights down may result in four rooflights being required to replicate the glazing pattern of the window below which has a larger central window. I would be pleased if this could be considered .

The use of timber cladding on the extension is welcomed as it is reflective of barns in the locality. However care would need to be taken in the proposed treatment of the timbers. I note the example provided in the submission (Figure 1 Llwyn Celyn Beast House) was timber left to weather naturally. It is noted that the wood would be locally sourced oak which is welcomed, however the application confirms that the external timber would be painted in a linseed oil paint a dark colour. Timber clad barns have in the past traditionally been left to weather naturally or tarred/creosoted and either a dark matt paint to reflect tarring or left to weather naturally would be acceptable. However to avoid a condition in respect of paint colour if it is to be left to weather naturally, it would be preferable to have confirmation of the finish of the timber cladding at this stage if possible.

Whilst it is acknowledged the changes that have been introduced to the northern elevation, I would still raise concerns with the new openings proposed, as the openings in a barn reflect its former use and are an important feature in the legibility of the barn. I note that there are many barns with single doors, which reflect that former use. However if a view from the room is crucial to the economic viability of the scheme I would request that there be one single door opening only such as a door for a pedestrian or cow and not a cart, such as figure 10 on the submitted Heritage Impact Assessment. It is considered that a single door would still enable the view and be more respectful of the former elevation which did not have a doorway on this elevation. If possible it would be preferable to this door to be fixed glazed and not opening as it is noted that it opens onto grass and not the paved patio area. No external door would be required in this instance as it is a new opening.

## Conclusion

I acknowledge that my previous concerns have been taken into account in the preparation of this application. However I would have some concern with the detail and not the principle as detailed in the above comments.

I would welcome amended plans and further confirmation on wood treatment as requested above.

Recommendation No objection to amended plans however elevational drawing of northern elevation with threshing doors in line with the amended details requested prior to referral to Cadw.

## Background to Recommendation

### Designation

Cadw ID 25670 - Tregare Farmhouse included on the statutory list on 03/08/2001

Cadw ID 25671 Barn and Stable Ranges at Tregare included on the statutory list on 03/08/2001.

## Policy Background

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

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Planning Policy Wales 10th edition 2018

Conservation Principles published by Cadw

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Setting of Historic Assets in Wales - Annexe to TAN24

Heritage Impact Assessments - Annexe to TAN24

Historic Environment Records

Local Development Plan

Strategic Policy SP7

DM13 Design and Resources Local Development Plan Themes and Objectives;

Theme 4 - Guardianship of natural, built and historic assets

LDP Objective 13 - Landscape and the Historic Environment

## Comments

I note the additional comments received in respect of my previous comments dated 29 June 2020. I would request that my previous comments be attached as an appendix to these comments for reference.

In my previous comments I made reference to Sections 66 of the Planning (Listed Buildings and Conservation areas) Act 1990, paragraphs; 6.1.7 6.1.9 and 6.1.10 of Planning Policy Wales 10th edition 2018 and as such shall not repeat them here.

In my comments dated 29 June 2020, I raised no objection to the proposal however requested a number of amendments to be considered namely;

1. The retention and reuse of the doors to the lounge on the western elevation to retained if possible for use as shutters to illustrate the former doors.
- 2 . To re introduce the large double threshing doors on the building that was subject to fire for the same reason.
3. Modifications to the treatments of the northern elevation
4. Changes to the proportion of the rooflights on the proposed sun lounge
5. Clarification as to the treatment of the timber cladding
6. A reduction in the openings of the new doors on the east elevation.

I note the additional information received in respect of the above. However I note that there is only one elevational drawing, that is the west elevation.

1. The retention and reuse of the doors to the lounge on the western elevation to retained if possible for use as shutters to illustrate the former doors.

I note the proposal is to replace the present doors with traditional oak doors to be set back like shutters, and would agree with that suggestion.

- 2 . To re introduce the large double threshing doors on the building that was subject to

fire for the same reason.

I note that the intention is to replace the doors that were lost in the fire and install them, and would agree with the proposals. However there were no elevational drawings that accompanied this change and it would be preferable to have them prior to the application being referred to Cadw, however they could be conditioned - however noting item 3 it would be preferable for an elevational drawing illustrating the doors.

### 3. Modifications to the fenestration treatments of the northern elevation

I note the omission of the glazing in the upper register of the card shed and would consider that these changes are an improvement on the previous proposal. I note that two treatments have been suggested, plain oak boarding and wide lathe and woven oak strips which is the preferred choice. I note the photograph that accompanied the additional information of the wide lathe and woven oak strips and I would agree that this would be the preferred option, it is both traditional and adds texture to the stone building which the timber cladding sometimes does not. These amendments are supported. However there were no elevational drawings of this elevation which would be required prior to the application being referred to Cadw as these could not be covered by a condition.

### 4. Changes to the proportion of the rooflights on the proposed sun lounge

It is noted that the dimensions of the rooflights have been changed and I would have no objections to these elements. I note that whilst on the floor plans no elevation details were supplied with the amended plans, this element could be conditioned.

### 5. Clarification as to the treatment of the timber cladding

It is noted that the intended treatment is raw linseed oil on exterior boarding which is considered appropriate. The existing blue paint on the existing doors and windows would be replaced also with raw linseed oil which is considered acceptable.

### 6. A reduction in the openings of the new doors on the east elevation.

I still maintain that it would be preferable for there to be no openings on this elevation or at least just one opening. However acknowledging that all of my other concerns have been addressed, I would not wish to object to this single item.

I would therefore no object to the proposal and would request that the following conditions be attached to the grating of any consent.

The proposal to be carried out in strict accordance with the amended plans and additional information received on xxxxxx.

Reason: To ensure that the development is undertaken in accordance with the approved plans.

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

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

No new plumbing, pipes, soil stacks, flues, vents, ductwork grilles, security alarms, lighting, cameras or other fixtures shall be attached to the external faces of the building other than those shown on the approved drawings or otherwise first approved in writing by the Local Planning Authority.

Reason: To ensure the special character, architectural interest and integrity of the building is preserved.

Prior to the installation of the fenestration in the threshing bay on the northern elevation., drawings indicating details of all windows and external doors, including cross sections of glazing bars and trickle vents, to a scale of not less than 1:20 shall be submitted to and approved in writing by the Local Planning Authority. The details which are approved shall be carried out in full and shall be retained in accordance with the approved details thereafter.

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

The roof lights in the development hereby approved shall be set flush with the angle of the surrounding roof slope. If this cannot be achieved, the degree of projection from the plane of the roof pitch shall be first agreed in writing by the Local Planning Authority.

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

All fenestration to be set behind the reveal specified in the amended details unless otherwise agreed in writing by the Local Planning Authority.

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

## Representations

No third party representations have been received.

## Planning History

App Ref	Description	Decision	Date
P/2016/0962	Conversion of barn to residential dwelling to include part rebuilding, installation of septic tank and associated works	Application Withdrawn	1st Aug 2017
P/2016/0964	LBC: Works to convert barns to dwelling including rebuilding of extensions	Application Withdrawn	
20/0311/FUL	Conversion and change of use of barn(s) to a dwelling to include part rebuilding and extension, installation of septic tank and associated works	Pending Decision	

## Principal Planning Constraints

River Wye SAC including Catchment Phosphates  
Grade II listed building

## Principal Planning Policies

Policy	Policy Description	Year	Local Plan
NATPLA	Future Wales - The National Plan 2040		National Development Plan 2021
PPW	Planning Policy Wales		National Policy



(Edition 11, February 2021)

TAN5	Nature Conservation and Planning	National Policy
TAN12	Design	National Policy
TAN24	The Historic Environment	National Policy
SP7	Safeguarding of Strategic Resources and Assets	Local Development Plan 2011-2026
DM2	The Natural Environment	Local Development Plan 2011-2026
DM13	Design and Resources	Local Development Plan 2011-2026
SPGHE	Historic Environment SPG (2021)	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

Environment Act Wales 2016

The Planning (Listed Buildings and Conservation Areas) Act 1990

### **Officer Appraisal**

#### Amended Proposal

Members are advised that the scheme as originally submitted proposed the conversion of the application building to holiday accommodation (as referred to within consultee responses above) however the proposal has been amended. The description of development now reads as follows;

*‘Conversion and change of use of barn(s) to a dwelling to include part rebuilding and extension, installation of septic tank and associated works’.*

### Site Location and Description

The application site lies within the Community Council area of Erwood and is located within the open countryside as defined by the Powys Local Development Plan (2011-2026)). The application site occupies a remote location surrounded by agricultural grazing land. The site sits adjacent to the unclassified U0055 road with a neighbouring dwelling located to the west, on the opposite side of the road. The site lies approximately 195m west of the A470(T) onto which the U0055 has a junction to the south of the site and the U0071 to the north of the site.

Listed Building Consent is sought in respect of the conversion of existing barns to a nine bedroom dwelling to include part rebuilding and extension, installation of septic tank and associated works. The two barns sit at a right-angles to each other and form an L-shape with a yard area adjoining the road which forms the east elevation. The east barn is largely intact but the south barn has been damaged by a fire and has no roof. The barns are a grade II building included for designation as a pair of traditional farm buildings retaining their character of group value with Tregare farm house.

### Principle of Development

In considering the principle of the proposed development, consideration is given to Planning Policy Wales (ed. 11, 2021), Technical Advice Note 6 - Planning for Sustainable Rural Communities (2010) and Technical Advice Note 23 - Economic Development (2014) and the Powys LDP 2011-2026 (adopted 2018), in particular policies SP6 and H1.

Paragraph 4.1.5 of the Powys LDP indicates that there is no specific LDP policy included on the re-use/adaptation of rural buildings, or on agricultural development, because PPW, TAN 6 and TAN 23 provide adequate policy. The document further confirms that the Council has not prioritised economic reuses above other uses and supports a flexible approach to re-use and adaptation of rural buildings.

Specific guidance within TAN23 concerning the re-use and adaption of buildings explains that residential conversion of rural buildings which have ceased to be used for industrial or commercial purposes, including agriculture, need to be assessed on their impact including their impact on the fabric and character of historic buildings. If the existing building is unsuitable for conversion without extensive alteration, rebuilding or extension, or if the creation of a residential curtilage would have a harmful effect on the character of the countryside, the same considerations relating to new house building in the open countryside will apply.

The application buildings are grade II listed, designated as a pair of traditional farm buildings which have group value with Tregare farmhouse. In considering the principle

of the proposed development, regard has been given to the impact of the development on the fabric and character of the historic buildings by Officers. Indeed, it is considered that the proposed conversion will safeguard the historical interests and fabric of the listed buildings for future generations. As such, it is considered that the proposed conversion is acceptable in principle subject to all other material considerations being satisfied.

### Built Heritage – Listed Building Impact

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

Technical Advice Note 24 emphasises that when considering any applications for listed building consent, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Tregare Barns is an L-shaped complex of two traditional, stone barns set at 90° to each other with a small yard area to the front. The barns are adjacent to a single track road and the traditional farmhouse associated with the barns complex is situated across the road. The barn complex has a small lean-to shed at the elbow of the two arms of the L and there is a fire damaged lean-to at the rear of the south barn. These will be incorporated into the dwelling with some extension. The east barn measures approximately 15m long and 7m wide. The south barn measures approximately 18m long and 7m wide. The east barn will measure approximately 4m to the eaves and 8m to the ridgeline. The south barn will also measure approximately 4m to the eaves and 8m at the ridgeline but there is some variation at ground levels. The proposal comprises converting the two barns into one whole two storey dwelling unit providing nine bedrooms.

The barns will be roofed in slate and windows and doors in timber. Existing openings have largely been retained with some further openings proposed. At the north elevation a large window is proposed in the gable end and there will be the addition of three roof lights. At the south elevation where an extension extending out approximately 2.3m is proposed a new hipped roof is proposed. At the east elevation a further window is proposed in the gable end together with two new opening and three rooflights. Minimal changes are proposed at the west elevation. At the elbow of the “L” a single storey extension will be built to replace the calf shed which measures approximately 5m by 5m and forms the internal link for the two separate barn structures where the orientation of the roof will be changed from west-east to north-south to adjoin the proposed wall on the proposed elevation.

During the application process the Built Heritage Officer raised concerns regarding

various points of detail submitted with the application. A previous application for Listed Building Consent had been submitted but subsequently withdrawn due to earlier concerns about the proposals. In commenting on the proposed development, the Built Heritage Officer notes that the concerns raised previously have largely been addressed in this submission. As articulated in the Built Heritage response above, subject to conditions being attached to any consent granted, it is not considered that the proposed scheme will harm the setting of the listed building or indeed its historic fabric.

In light of the above, Officers are satisfied that the proposed development is in accordance with policies SP7 of the Powys LDP, TAN24 and PPW.

### Ecology and Biodiversity

With respect to biodiversity, specific reference is made to LDP policy DM2 which seeks to maintain biodiversity and safeguard protected sites. 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 net loss of biodiversity or unacceptable damage to a biodiversity feature and under Part 1 Section 6 of the Environment (Wales) Act 2016 Local Authorities are required to maintain and enhance biodiversity so any submission should incorporate enhancement proposals.

The proposed development is located within the catchment of the River Wye SAC. Under the Habitats Regulations, where a plan or project is likely to have a significant effect on a European 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.

The proposed development considered under this application is also subject to a full application (20/031/FUL) seeking consent for the conversion and change of use of barns to a dwelling and matters relating to the River Wye SAC have been fully considered as part of that application and do not need to be considered further as part of this application here. Application 20/0311/FUL found that the proposed development would adversely affect nature conservation interests and particularly the integrity of the River Wye SAC and as such, it is not in accordance with Policies SP7 and DM2 of the LDP, PPW and TAN5 and therefore planning permission could not lawfully be granted. In view of this it is considered that Listed Building Consent permitting works that make provision for unacceptable levels of phosphate discharge at a dwelling cannot therefore be granted either.

For the reasons set out above, it is considered therefore that the proposed development would adversely affect nature conservation interests and particularly the integrity of the River Wye SAC and as such, it is not in accordance with Policies SP7 and DM2 of the LDP, PPW and TAN5 and should be refused.

### **RECOMMENDATION - Refuse**

It is considered that the proposed development would adversely affect nature conservation interests, particularly the integrity of the River Wye SAC contrary to policies SP7 and DM2 of the LDP, TAN5 and PPW.

### **Reason for Refusal**

1. The proposed development fails to demonstrate that it would not cause further deterioration of the River Wye SAC in terms of phosphate input contrary to policies SP7 and DM2 of the Powys Local Development Plan 2011-2026 (adopted 2018), Technical Advice Note 5: Nature Conservation and Planning (2009), Planning Policy Wales (Edition 11, 2021), Environment Act Wales 2016, and the Conservation of Habitats and Species Regulations 2017 (as amended).

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

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# 6.7

## Planning, Taxi Licensing and Rights of Way Committee Report

**Application Number:** 21/1216/DIS

**Grid Ref:** E: 330260  
N: 312424

**Community Council:** Trewern Community

**Valid Date:** 01.07.2021

**Applicant:** Laird

**Location:** 27 Middletown Residential Park, Middletown, Welshpool, SY21 8EX,

**Proposal:** Discharge of condition 2 of planning permission M/2004/0776 (type, colour and texture of all external materials and fenestration of the mobile home to be sited on plot 27 of Middletown Residential Park)

**Application Type:** Discharge of Condition

### The reason for Committee determination

The Application has been called in for committee determination by the Local Member.

### Consultee Responses

Cllr Jenner

14<sup>th</sup> July 2021

Further to our telephone call, I am writing to confirm that I would like to call in this planning matter for consideration by the planning committee. My reasons are that there are already concerns from my residents about ensuring that the dwellings on the residential park site all remain in keeping with each other and compliment the existing dwellings on the park.

This proposed dwelling is arguably not in keeping with the existing more traditional designed dwellings and has different roof pitching and outer materials.

I should be grateful if you could confirm receipt of this and whether the call in is accepted.

Community Council

22<sup>nd</sup> Jul 2021

Trewern Community Council have considered this application.

We have received concerns from local residents in relation to this application, specifically requesting that the dwellings on the residential park all remain in keeping with each other and compliment the existing dwellings on the park. The local residents are also concerned the existing homes on the park will become less desirable and lose value once caravans are sited permanently on the residential park.

We would like to reiterate the above concerns and ask for this application be rejected.

When planning permission was first sought for at the residential park, we were ensured that it would not be a blot on the local landscape and we wanted it to fit in with the surrounding area. After much discussion, this resulted in the section 2 requirements and we feel that over the years this has been a huge benefit to the village and the high specification of the dwellings does enhance the village and we would not want to see this condition removed.

It has also been noted that there is a discrepancy in the application, the application states that the plot cannot be seen by a path or road. However, this is incorrect as the plot can be seen from various points in the village.

Therefore we would like to strongly object to this application.

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

### **Representations**

No public consultation was required for the application, however six public representations have been received at the time of writing this report. A summation of the points raised are detailed below:

- Conflict with local plan
- General dislike of proposal
- Information missing from plans
- Not enough info given on application
- Out of keeping with character of area
- Issues with plot 27 and 30
- Colour of the scheme

### **Planning History**

<b>App Ref</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
M/2004/0776	Extension of existing residential park to provide 12 additional park homes and alteration to existing access	Consent	27th Apr 2005

### **Principal Planning Constraints**

LDP Development Boundaries                      Middletown/ Treberfedd  
Mineral Safeguarding Sandstone Cat  
2



## Principal Planning Policies

Policy	Policy Description	Year	Local Plan
PPW	Planning Policy Wales (Edition 11, February 2021)		National Policy
NATPLA	Future Wales - The National Plan 2040		National Policy
TAN12	Design		National Policy
DM13	Design and resources		Local Development Plan 2011-2026
H7	Householder Development		Local Development Plan 2011-2026
SPGRES	Residential Design Guide SPG (2020)		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

The application site is located within the community council area of Trewern and located within the settlement development boundary of Middletown which is defined as a large village by the Powys Local Development Plan (2018). The site is part of Middletown Residential Park, adjacent to existing residential park homes.

This application relates to the discharge of condition 2 attached to planning permission M/2004/0776. It should be noted that given the nature of the condition, this condition will remain on the planning permission and will therefore be required to be adhered to regarding any future proposals.

Condition 2 states:

*Details of the type, colour and texture of all external materials and fenestration of the homes, including any future homes brought to the site, shall be submitted to and approved by the local planning authority prior to any work commencing.*

The plot that this discharge of condition application relates to is no. 27 of Middletown Residential Park. Officers note that a similar unit has been placed on plot 30 which reflects the external materials and fenestration proposed for plot 27. The unit on plot 30 has not been approved subject to condition 2, however an application for consideration is likely to be submitted based on the decision of this application being considered for plot 27.

The materials proposed are:

Exterior Walls – Mixture of render and CanExcel. The CanExcel will be the ridgewood in the colour barnwood (light grey). The render will be white in colour.

Roof – The roof will be metrotiles coloured in charcoal

Fenestration – The windows will be double glazed PVCu windows with a charcoal coloured frame. The door will be PVCu in a charcoal colour.

Guttering – Black

Officers having visited the site note that whilst the residential homes on this section of the park are broadly similar, there is a mix in render colours with some displaying a white/cream colour whilst there are others of a more yellow colour. It is also noted that a couple of the existing units have a differing design with keystone detailing on the elevations of the dwelling.

The units on the older, lower section of the site display varying colours of external surfaces with a mix of grey and red roofs and different coloured units. The external materials of the unit proposed at plot 27 are considered to be of a high quality and in keeping with the design and character of the surrounding local area. The white render proposed is considered to be a prominent feature in Middletown as a whole with the use of timber cladding is also prominent.

Officers are therefore satisfied that the materials and colour proposed for the external surfaces and fenestration are appropriate and sufficient in order to discharge condition 2 of planning permission M/2004/0776. As stated previously, condition 2 will remain on the planning permission for any future or replaced units.

## **RECOMMENDATION**

Approve

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

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