

Planning, Taxi Licensing & Rights of Way Committee

Meeting Venue
Hybrid meeting - Zoom - County Hall

Meeting Date
Wednesday, 5 October 2022

Meeting Time
10.00 am

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



County Hall
Llandrindod Wells
Powys
LD1 5LG

28 September 2022

Mae croeso i chi siarad yn Gymraeg neu yn Saesneg yn y cyfarfod, a bydd gwasanaeth cyfieithu ar y pryd ar gael.
You are welcome to speak Welsh or English in the meeting, and a simultaneous translation service will be provided.

AGENDA

1.	APOLOGIES
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To receive apologies for absence.

2.	MINUTES OF THE PREVIOUS MEETING
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To authorise the Chair to sign the minutes of the previous meeting of the Committee held on 18 August 2022 as a correct record.

(Pages 5 - 8)

Planning

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

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

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

(Pages 9 - 10)

4.1. Updates

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

4.2. 21/1940/FUL Land East Of Ithon Road, Llandrindod Wells, Powys

(Pages 11 - 70)

4.3. 20/1122/FUL Bank Farm, Aberhafesp, Newtown, Powys, SY16 3LS

(Pages 71 - 124)

4.4. 22/0415/FUL Land Near to Lledrod, Llansilin, Oswestry, Powys, SY10 7PU

(Pages 125 - 152)

4.5. 22/1141/FUL Post Office Field Adjacent To Yew Tree Barn, Llanwnog, Caersws, Powys, SY17 5JG

(Pages 153 - 178)

4.6. 22/1459/AGR Pied House, Garthmyl, Montgomery, SY15 6SQ,

(Pages 179 - 186)

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

(To Follow)

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

(To Follow)

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MINUTES OF A MEETING OF THE PLANNING, TAXI LICENSING & RIGHTS OF WAY COMMITTEE HELD AT HYBRID MEETING - ZOOM - COUNTY HALL ON THURSDAY, 18 AUGUST 2022

PRESENT

County Councillor K Lewis (Chair)

County Councillors G D Jones, T Colbert, D Edwards, L George, H Hulme, P James, G E Jones, C Kenyon-Wade, I McIntosh, G Morgan, E Roderick, R G Thomas and E Vaughan

1.	APOLOGIES
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Apologies for absence were received from County Councillors A Davies, A Jones, G Pugh, J Wilkinson and D H Williams.

2.	MINUTES OF THE PREVIOUS MEETING
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The Chair was authorised to sign as a correct record the minutes of the meeting held on 7 July 2022.

Planning

3.	DECLARATIONS OF INTEREST
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- (a) There were no declarations of interest.
- (b) The Committee noted that no Member requested that a record be made of their membership of a Community Council where discussion had taken place of matters for the consideration of this Committee.
- (c) The Committee noted that no Member (who is a member of the Committee) would be acting as 'local representative' in respect of any application on the agenda.
- (d) The Committee noted that no Member (who is not a member of the Committee) would be speaking as the 'local representative' in respect of any application on the agenda.

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

4.1 Updates

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

4.2 22/1288/DEM Croesawdy, New Road, Newtown, SY16 1AS

Grid Ref: E: 310849 N: 291273

Valid Date: 28/07/22

Community Council: Newtown and Llanllwchaiarn Town Council

Applicant: Mr Harry Bowen

Location: Croesawdy, New Road, Newtown, SY16 1AS

Proposal: Demolition notification to include all properties, outbuildings, perimeter walls/fencing and any vegetations (including all gardens, shrubbery and trees)

Application Type: Demolition Notification

The Planning Officer advised that sufficient information had now been received in terms of the method of demolition and the proposed restoration of the site. The update report referred to this and the Planning Officer advised if the Committee was minded to approve the application the recommendation was contained in the update report. The Planning Officer advised that the site notice expires on 25 August, 2022.

In response to a question regarding a visit from CADW, the Planning Officer advised that no information had been received from CADW. The Committee was reminded that it was only considering the method of demolition and the proposed restoration of the site. The issue of whether the building should be listed is a separate matter. In response to questions regarding the protection of the frontage of the building and some interior features the Professional Lead Planning advised that whether the building or any part of it should be saved are all separate issues, which were not for consideration of the Committee. He also advised that even if the building was listed a demolition notice could still be considered.

In response to a question regarding the bat survey the Planning Officer advised that Natural Resources Wales [NRW] had considered the ecological report and had no objections to the proposed demolition.

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

RESOLVED:	Reason for decision:
that prior approval of the Local Authority is not required and that Permitted Development is approved and that the determination of this notification be delegated to the Chair and Vice-Chair of this committee in consultation with the Professional Lead - Planning, to	As officer's recommendation as set out in the update report which is filed with the signed minutes.

allow for the expiration of the site notice to occur.	
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5.	DECISIONS OF THE HEAD OF PROPERTY, PLANNING AND PUBLIC PROTECTION ON DELEGATED APPLICATIONS
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The Committee received for information a list of decisions made by the Head of Property, Planning and Public Protection during the period between 1 July 2022 and 10 August 2022.

Rights of Way

6.	DECLARATIONS OF INTEREST
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County Councillor T Colbert declared that the application site was in his ward.

7.	20-001VG APPLICATION TO REGISTER A NEW TOWN OR VILLAGE GREEN ON LAND AT BRONLLYS - METHOD OF DETERMINING APPLICATION
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The Committee considered the report in respect of an application to register a new Town or Village Green on land at Bronllys. The Professional Lead - Countryside Access & Recreation advised that the Committee was being asked to consider how the application should be determined.

In response to a question the Professional Lead - Countryside Access & Recreation advised that if a town or village green were approved this would have an impact on density of housing on the site. The Solicitor advised that the Committee had a legal duty to consider the village green application. In response to a question regarding the cost of using an Independent Inspector the Professional Lead - Countryside Access & Recreation advised that the cost had to be balanced against the cost of a potential judicial review.

It was moved and duly seconded that the case be referred to an independent Inspector and that once the Inspector's report and recommendation are available, these will be presented to the Committee as a basis on which to determine the application.

RESOLVED:

That application 20-001VG to register a new Town or Village Green on land at Bronllys be referred to an independent Inspector.

8.	21-001VG - APPLICATION TO REGISTER A NEW TOWN OR VILLAGE GREEN ON LAND AT HYSSINGTON, COMMUNITY OF CHURCHSTOKE
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The Committee considered the report in respect of an application to register a new Town or Village Green on land at Hyssington, Community of Churchstoke.

It was moved and duly seconded that the application to register the parcel of land at Hyssington as shown on Notice Plan (21-001VG), be accepted and that the land be formally registered as a Village Green.

RESOLVED

That the application to register the parcel of land at Hyssington as shown on Notice Plan (21-001VG), be accepted and that the land be formally registered as a Village Green.

The Chair thanked Colin Edwards, Solicitor for his legal advice to the Committee over the years and on behalf of the Committee wished him a happy retirement.

County Councillor K Lewis (Chair)

**Planning, Taxi Licensing and Rights of Way Committee
5th October 2022**

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>21/1940/FUL</p> <p>Llandrindod Wells</p> <p>305479 2617732</p> <p>12:11:2021</p>	<p>Full: Residential development comprising 79 residential units, formation of vehicular access, roadways and all associated works</p> <p>Land East of Ithon Road, Llandrindod Wells</p> <p>Mr Steve Griffiths</p> <p>Recommendation:</p> <p>Conditional Consent</p>
<p>20/1122/FUL</p> <p>Aberhafesp Community</p> <p>308109 293941</p> <p>04.09.2020</p>	<p>Full: Erection of a livestock building for straw-based pig rearing with associated feed bin, hard standing area, landscaping and drainage attenuation pond</p> <p>Bank Farm, Aberhafesp, Newtown, Powys SY16 3LS</p> <p>Mr Jeff Hopkins</p> <p>Recommendation:</p> <p>Refusal</p>
<p>22/0415/FUL</p> <p>Llansillin Community</p> <p>322513 329665</p> <p>05:04:2022</p>	<p>Full: Change of use of agricultural land and a building to a mixed use of agriculture along with machinery/vehicle repairs and servicing, to include hard standing and all associated works (part retrospective)</p> <p>Mr D Thomas</p> <p>Recommendation:</p> <p>Conditional Consent</p>

<p>22/1141/FUL</p> <p>Caersws Community</p> <p>302150 2938868</p> <p>15.08:2022</p>	<p>Full: Erection of 2 no dwellings including change of use</p> <p>Post Office Field adjacent to Yew Tree Barn, Llanwnog, Caersws, Powys SY17 5JG</p> <p>Mr W W Wainwright</p> <p>Recommendation:</p> <p>Refusal</p>
<p>22/1459/AGR</p> <p>Berriew Community</p> <p>318339 298901</p> <p>07.09.2022</p>	<p>Agricultural Notification:</p> <p>Pied House, Garthmyl, Montgomery SY15 6SQ</p> <p>R A Jones</p> <p>Recommendation:</p> <p>Planning Permission Not Required</p>



Planning, Taxi Licensing and Rights of Way Committee Report

Application Number: 21/1940/FUL **Grid Ref:** E: 305479
 N: 261732
Community Council: Llandrindod Wells **Valid Date:** 12.11.2021

Applicant: Mr Steve Griffiths

Location: Land East Of Ithon Road, Llandrindod Wells, Powys

Proposal: Residential development comprising 79 residential units, formation of vehicular access, roadways and all associated works

Application Type: Full Application

The reason for Committee determination

The Application has been called in for committee determination by the Local Member due to concerns regarding loss of privacy and visual impact.

Consultee Responses

Consultee

Received

Town Council

13th Dec 2021

We fully support the comments made by Countryside Services.

The Council is encouraging residents to cycle or walk rather than drive short distances and well signed and easy to use rights of way can help in the regard. It would therefore be reasonable to assume that the greater use will be made of the rights of way on the boundaries of the development site, and those slightly further afield as well, when the large number of new residents move in. Against this background the developer could be required to help meet the extra costs of maintaining these rights of way as a result of increase use. Meeting the costs of good signage and self-closing gates in the area might be the most appropriate way to do this.

Additional Consultation Response

22nd Dec 2021

The above application was placed before Llandrindod Wells Town Council at its meeting

held on 21st December 2021 with the following outcome.

The Council supports the application and asks that consideration is taken into the following points which were fed back to Asbri Planning at the pre-planning stage.

We ask the Planning Committee to consider these points prior to making a decision on this application:

In line with the Council's Climate Emergency Declaration the following recommendations are made:

- We fully support housing developments that reflect the Green Agenda i.e, that there should be solar panels fitted as standard and that construction methods be evaluated against their carbon footprint to build and to maintain. This a recommendation for inclusion.
- If trees are removed to make way for construction, we request that two trees should be planted: appropriate carbon enriching varieties native to the area on a 'right tree right place' basis and either planted on site or within the town boundary
- We expect all heating systems be moved from carbon based oil and gas to methods such as air or ground source heat pumps.
- We expect stringent insulation standards should be applied to any construction for human habitation that ensures minimal use of energy.

The following comments were also agreed:

- This appears to be an overdevelopment of the site, dwellings appear to be crushed in.
- Also concerns over the size of the dwellings in relation to growing trend for home working.
- The proposed new access to the site placing additional pressure on the busy Ithon Road.
- There is no inclusion of a play area.
- Additional pressure to be placed on schools and concerns over the lack of school placements available.
- The existing infrastructure in Llandrindod Wells with regard to emergency, health and other services is already stretched. This is a major concern.

- Concern was expressed over the lack of street lighting on the approach road. Consideration needs to be taken on the installation of additional lighting.

PCC-Building Control

29th Nov 2021

Planning application 21/1940/FUL will require a building regulation application, should you require any further information please do not hesitate to contact me.

Ward Councillor

3rd Dec 2021

Due to the concerns raised by residents about this application I wish to exercise my right to call in this application for consideration by the planning committee,

Additional comments received

6th Dec 2021

Two planning reasons raised to myself have been loss of privacy and visual impact.

PCC - Contaminated Land

2nd Dec 2021

There are no recorded contamination issues associated with the subject site.

PCC - (M) Highways

10th Dec 2021

Existing and Proposed Trip Generation & Existing Road Network

This proposal is supported by the submission of a Transport Statement which considers the existing highway network characteristics in the vicinity of the site, including provision for cyclists, pedestrians and public transport, and the potential impacts on the network post-development. The projected vehicular movements generated by this proposal, the distribution of that traffic and the effects of such on the existing network is projected to have a "marginal impact" on the existing network during the more critical peak hour periods. The Highway Authority is satisfied that the conclusions contained within the Transport Statement are robust and that the potential impacts the site may have on the surrounding highway infrastructure is likely to be marginal. As such it raises no concerns in this regard.

Site Access

The site is to be accessed directly off the A4081, a new 40mph "buffer zone" has recently been installed along Ithon Road which covers the new access point. The newly developed frontage and introduction of the 40mph buffer should promote a street frontage

which should further help reduce speeds at this location. The proposed access allows suitable levels of visibility along the A4081. Internal roads serving the site are to incorporate a 20 mph Zone.

Active Travel

Comments have been provided by the councils Active Travel Officers, these comments include the following point:

- o Either side of the development there are shared use paths (one from the school to youth centre, one alongside Ithon Road) and both have been identified on the ATNM as in need of improvement. So with this development it would be expected to see connections to both and, as far as possible, improvements to those paths (at least the sections which meet the development link).

- o Whilst we appreciate the link within the development there is a lack of opportunity taken with regards the local network and would want to see a link from the end of the development paths to connect with the school which currently can only be accessed via a narrow footway on Ithon Rd

Furthermore, drawing number A122 shows a footway link between plots 59 and 60, however this leads to a dead end and does not connect to anything. A link to the existing footpath to the east of the application site should be provided.

Internal layout

Detailed longitudinal drawings have been submitted to demonstrate the appropriateness of the proposed internal highway layout in terms of gradients.

Most of the roads have straight sections, in excess of 50m, which is not conducive to restricting speeds to below 20mph. Horizontal deflections are preferable, but as the general layout makes this extremely restrictive, vertical deflections/ traffic calming will be necessary, either by tabletop junctions, or speed cushions.

The initial 10m of road 1 is shown at 1:30 which is acceptable, however R1 is shown to be extending some 260m. A raised table and priority junction where it connects to Road 2 is required which is around chainage 70. An appropriate gradient and raised table feature at this point (1:20) will be required. A similar feature at Road 4 should also be provided.

No vehicle turning head is provided alongside plot 29.

Car Parking Arrangements

This application site is adjacent to an earlier site along Ithon Road which provided appropriate levels of parking.

3.4.1 of the submitted Transport Statement states that 'Car parking at the proposed development will be provided in accordance with Powys's adopted Car Parking Standards 2017 for both residents and visitors.' However, the report goes on to say in point 3.4.4 that 'it is proposed to provide a total of 136 residential car parking spaces which is below the maximum provision'. This is considerably below the requirement of CSS Wales Parking Standards 2014.

Parking for the 1 and 2-bedroom properties are in line with CSS Wales however parking for properties with 3 and 4 bedrooms have a reduction of 1 parking bay each, resulting in an overall reduction of 27 parking bays throughout the site.

Furthermore, the Highway Authority notes absence of visitor parking bays for the development, however the internal site layout has been designed to 5.5m width with 2m footway on both sides. This is generally in line with CSS Wales and a 5.5m carriageway width does cater for on street visitor parking (See 8.3.21 MfS 1). There are numerous places within the site layout where visitors can park on-street.

On this basis, it has been concluded that the provision of visitor parking on-street is acceptable.

In light of the above the Highway Authority requests that parking for each dwelling is increased inline with CSS Wales. Whilst visitor parking can be catered for on road the reduction in dwelling parking in addition to this will lead to a sea of on road parking making passing for moving vehicles difficult and a detriment to highway safety. If a reduction is considered necessary by the applicant, it must be proven that they demonstrate sustainability in line with the requirements of the sustainability calculator within the CSS document.

Once this has been addressed further analysis of the parking areas will be carried out.

Highway Surface Water Drainage

The surface water drainage strategy for the roads within the site is duly noted. The suitability or otherwise of the scheme is a matter that needs to be determined by PCC Land Drainage Department before this application is determined. The applicant is advised that a suitable surface water adoption agreement must be in place before a road adoption agreement can be secured.

Furthermore, the following additional information will need to be submitted for

consideration:-

- o Full engineering drawings, showing carriageway and footway dimensions, bend radii, and internal junction visibility splays are required - need to show forward vis at R1 plot 24 & also Road 2 plots 70 & 71.
- o Swept path diagrams of the turning heads demonstrating adequate turning provision for a standard PCC refuse vehicle have been provided within the Transport Statement however the turning head provision is very short. More detailed drawings at 1:250 scale are requested.
- o The applicant has provided some indicative cross sections which are sufficient at this stage, however more detailed sections will be required at the engineering stage.
- o The engineering detail shown on the External works layout drawing is sufficient for planning purposes, however the applicant needs to detail both junction and forward vis chords.

Additional comments received

10th Jan 2022

The County Council as Highway Authority for the County Class I Highway, A4081Wish the following recommendations/Observations be applied

Thank you for consulting the Highway Authority on this matter.

Existing and Proposed Trip Generation & Existing Road Network

This proposal is supported by the submission of a Transport Statement which considers the existing highway network characteristics in the vicinity of the site, including provision for cyclists, pedestrians and public transport, and the potential impacts on the network post-development. The projected vehicular movements generated by this proposal, the distribution of that traffic and the effects of such on the existing network is projected to have a “marginal impact” on the existing network during the more critical peak hour periods. The Highway Authority is satisfied that the conclusions contained within the Transport Statement are robust and that the potential impacts the site may have on the surrounding highway infrastructure is likely to be marginal. As such it raises no concerns in this regard.

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Furthermore, drawing number A122 shows a footway link between plots 59 and 60, however this leads to a dead end and does not connect to anything. A link to the existing footpath to the east of the application site should be provided.

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Parking for the 1 and 2-bedroom properties are in line with CSS Wales however parking for properties with 3 and 4 bedrooms have a reduction of 1 parking bay each, resulting in an overall reduction of 27 parking bays throughout the site.

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Once this has been addressed further analysis of the parking areas will be carried out.

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The surface water drainage strategy for the roads within the site is duly noted. The suitability or otherwise of the scheme is a matter that needs to be determined by PCC Land Drainage Department before this application is determined. The applicant is advised that a suitable surface water adoption agreement must be in place before a road adoption agreement can be secured.

Furthermore, the following additional information will need to be submitted for consideration:-

- Full engineering drawings, showing carriageway and footway dimensions, bend radii, and internal junction visibility splays are required - need to show forward vis at R1 plot 24 & also Road 2 plots 70 & 71.
- Swept path diagrams of the turning heads demonstrating adequate turning provision for a standard PCC refuse vehicle have been provided within the Transport Statement however the turning head provision is very short. More detailed drawings at 1:250 scale are requested.
- The applicant has provided some indicative cross sections which are sufficient at this stage, however more detailed sections will be required at the engineering stage.
- The engineering detail shown on the External works layout drawing is sufficient for planning purposes, however the applicant needs to detail both junction and forward vis chords.

Additional comments received

16th Sept 2022

The County Council as Highway Authority for the County Class I Highway, A4081

Wish the following recommendations/Observations be applied
Recommendations/Observations

Thank you for reconsulting the Highway Authority (HA) on this planning application at "Land East of Ithon Road, Llandrindod Wells, Powys".

The HA provided its original response to this application on 22nd December 2021, and that response concluded that, fundamentally, the development was acceptable from a highway perspective. Based on the detail submitted, the HA were satisfied that the additional traffic generated by the development, could easily be absorbed on the existing network, and that the proposed means of vehicular access from the A481 county highway, was acceptable, subject to the imposition of appropriate conditions.

Notwithstanding the above, the HA did also raise a number of issues with regards to Active Travel provision, internal highway provision and off-street parking provision, and it is those outstanding matters which this response will seek to explore and address.

Active Travel (AT)

The initial feedback provided by our internal AT department, concluded that the development did not offer sufficient links to the existing AT network which adjoin the site.

To address that feedback, the applicant has extended the AT link to the south of the site, between plots 59 & 60. That link will now form a direct link with the existing public right of way, which runs along the eastern boundary of the site, and it will provide a more direct link to the adjoining high school and community facilities. The amended proposal has been shared with AT colleagues, who have confirmed that the revised proposals are now acceptable from an AT perspective.

Car Parking Arrangements.

The original site layout incorporated plot parking provision (off street), which was 27 spaces below the recommended levels stipulated within the adopted CSS Wales Parking Standards. Essentially the developer sought to reduce the parking provision for 3- & 4-bedroom properties, suggesting that just 2 spaces, instead of the recommended 3 spaces, would be acceptable. The HA opposed such a reduction in plot parking, as it had already agreed to visitor parking being accommodated on street and therefore, it was contended that a further reduction of 27 plot parking spaces (off-street), would undoubtedly result in significant levels of inconsiderate on-street parking across the site.

Following extensive discussions on this topic, the HA is pleased to note that a revised parking layout has been submitted by the applicant, as shown on Drawing A123 Rev R. The revised layout now provides plot parking (off street), which is in full accordance with the approved CSS Wales Parking Standards, and it notes, that the amended layout does not result in a reduction of dwelling numbers. Accordingly, the revised parking proposals are welcomed by the HA, and are now considered acceptable.

Internal Layout

Road Alignment

The HA did previously raise concerns about the proposed road alignment, as there are many straight sections of road with limited horizontal deflections, which would not naturally enforce the requisite 20mph design speeds. In response, the applicant has produced drawing S.7776-02 Rev A, which details the provision of "Raised Table" traffic calming features, at three separate locations across the site. Whilst these measures are not detailed on the General Arrangement drawing, the HA is satisfied that the provision of such can be incorporated into the scheme, and they would ensure that speeds are kept within the 20mph range. The HA is therefore satisfied that this matter can be addressed by the imposition of a suitable

condition.

Turning Heads

Whilst the additional swept path drawings submitted in support of the 3 turning heads are noted, the controlled simulated turning movements are nonetheless, extremely constrained, with vehicular body movements “oversailing” the adjoining footways at various locations.

The HA contends that there is very little merit in providing such constrained turning heads, when there is clearly space around each feature to lengthen them by circa 2metres. The HA will therefore recommend the imposition of a suitable condition to ensure that this matter is duly amended during the engineering approval stage.

Conclusion

The HA is satisfied that the revised submission, generally addresses the original concerns raised. It is therefore recommended that the following highway conditions be included within the decision notice, should this application be approved.

- 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 0.35 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.
- No other development shall commence until the vehicular access has been constructed in accordance with approved drawing A122 Revision K 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 120 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.
- 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.

- Before any other development is commenced the vehicular access shall be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 10 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.
- The gradient of the vehicular access shall be constructed so as not to exceed 1 in 30 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.
- 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 Drawing A122 revision K. The parking areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.
- No dwelling hereby approved shall be occupied before the estate road, footways and footpath links are constructed to an adoptable standard (to binder course level, including the provision of any salt bins, surface water drainage and street lighting) within each respective phase of the development and to the junction with the existing county highway.
- No dwelling hereby approved shall be occupied until the vehicular access is finished in a 40mm bituminous surface course material for a distance of 10 metres from the edge of the adjoining carriageway. The area will be maintained to this standard for as long as the development remains in existence.
- 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.
- The gradient from the back of the footway/verge to the vehicle parking areas shall be constructed so as not to exceed 1 in 15 and shall be retained at this gradient for as long as the dwellings remain in existence.
- Each private drive shall be surfaced in a suitably bound material, prior to the occupation of that dwelling and shall be retained as such for as long as the

development remains in existence.

- Notwithstanding the submitted details, within 10 days from the commencement of the development' detailed highway engineering drawings covering the highway works within the site, including the provision of appropriate turning heads, traffic calming measures in accordance with detail contained on submitted drawing S.7776-02 Rev together with appropriate signing, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details of construction.

PCC – Schools Service

No comments received at the time of writing this report.

PCC – Affordable Housing

No comments received at the time of writing this report.

PCC – Planning Policy

No comments received at the time of writing this report.

PCC – (S) Land Drainage

No comments received at the time of writing this report.

PCC – Countryside Services Manager

26th Jan 2022

With regards to the Planning Application Notification 21/1940/FUL – 79 dwellings at Land East of Ithon Road.

Powys County Councils Countryside & Outdoor Recreation Services (C&ODR) preferred situation would be for any developer to provide, manage and maintain their own fixed play facilities, either organised by themselves or through a resident's organisation, or potentially by working with the local town or community council.

Powys County Councils, Countryside & Outdoor Recreation Service will only ask for a Section 106 contribution, if the proposed developer should/will not provide suitable play provision for their residents, under the LAP, NEAP & LEAP planning arrangements included in the Six Acre Standard as set out by the Fields in Trust.

To reiterate, if the developer decided not to provide adequate play space on their land, and if Powys County Council does have a play facility with fixed play equipment within a short distance (TBC), then the Countryside & Outdoor Recreation Service would seek a

monetary package to upgrade the Services nearest existing playing field or playground.

I would suggest on this occasion because PCC has got a play facilities in the area, if any 106 contributions for play is available, then the offer should go to Powys County Council, Countryside & Outdoor Recreation department who own and maintain the nearest public play facility.

PCC – Ecologist

15th Dec 2021

Holding objection - further information is required

Policy background:

- o Planning Policy Wales, Edition 11, 2021
- o Technical Advice Note (TAN) 5
- o Powys Local Development Plan 2011 - 2026:

DM2 - The Natural Environment

DM4 - Landscape

DM7 - Dark Skies and External Lighting

- o Powys Supplementary Planning Guidance: Biodiversity and Geodiversity (2018)

Legislative background:

- o The Conservation of Habitats and Species Regulations 2017 (as amended)
- o Environment (Wales) Act 2016

Statutory sites within 2km:

- o River Ithon Site of Special Scientific Interest (SSSI) - approximately 120m from development
- o Crabtree Green Meadow SSSI - approximately 445m from development
- o Llanfawr Quarries SSSI - approximately 890m from development
- o Gweunydd Coch-Y-Dwst SSSI - approximately 1.3km from development
- o Lake Wood SSSI - approximately 1.3km from development

- o Moorlands Pastures SSSI - approximately 1.4km from development
- o Bach-Y-Graig Stream Section SSSI - approximately 1.6km from development
- o Pentrosfa Mire SSSI - approximately 1.8km from development
- o River Wye Special Area of Conservation (SAC) - approximately 120m from development

Non-statutory sites within 2km:

- o Llanfawr Regionally Important Geodiversity Site (RIGS) - approximately 890m from development
- o Lake Park Local Nature Reserve (LNR) - approximately 890m from development
- o Gorse Farm Wildlife Trust Reserve (WTR) - approximately 1.4km from development
- o Pentrosfa Mire WTR - approximately 1.8km from development
- o Multiple Ancient Woodland (AW) sites are located within 2km of the development

Records of protected and/or priority species identified within 2km? Yes

Comments:

The application is informed by the following information:

- o Harris, A. (02 November 2021) Ecological Impact Assessment, Project: Land off Ithon Road, Llandrindod Wells, Version2. Ecological Services Ltd.
- o Harris, A. (25 May 2021) Great Crested Newt Survey, Project Title: Ithon Road. Ecological Services Ltd.
- o Lucocq, S. (28 October 2021) Arboricultural Report, Project Reference - ArbTS_394.7_IthonRoad. ArbTS Ltd
- o Asbri (April 2021) Pollution Prevention Plan. and to the east of Ithon Road (Phase 3, 4 & 5), Llandrindod Wells.
- o Whelan, MP. (09/04/2021) Construction Method Statement And Environmental Protection Statement, Llandrindod Phase 3. Hale Construction.

Ecology survey effort and methods employed in accordance with current national

guidelines? Yes

The Ecological Impact Assessment (EclA) builds on a previous survey submitted to inform 19/0021/FUL. The majority of the site comprises semi-improved grassland with a small area of bramble scrub and scattered trees present. A tree-line borders the western boundary and post and wire fencing forms the four remaining boundaries. The report identifies potential impacts to hedgerow, reptiles, nesting birds, bats and the River Ithon SSSI/ River Wye SAC. (The second version of the report documents changes to the proposed biodiversity enhancements only.)

There is potential for reptiles and nesting birds to be present on site and impacted by the proposal. Appropriate mitigation measures to avoid harm to reptiles and nesting birds during the construction phase have been provided and should be adhered to.

The EclA identified bat roosting potential on two trees along the western boundary and mitigation measures have been provided should either tree need to be removed. The Arboricultural Report identifies that several ash trees in poor health along the boundary will be felled and replaced and the remaining woody hedgerow sections pruned or re-laid. An oak tree at the new site access will be retained, which is welcome. In order to ensure that bats are protected during the tree works the mitigation measures should be clearly referenced within the Tree Protection Plan and Arboricultural Method Statement. It is noted that PCC Highways are yet to comment on the proposal. Should modifications to the access be required the Tree Protection Plan and Method Statement will need to be updated to reflect any further loss tree and/or any additional hedgerow length. Compensation planting will need to be adjusted accordingly.

The proposal will result in the confirmed loss of approximately 12m of hedgerow, a priority habitat; 9m for the vehicular access and 3m for pedestrian access along Ithon Road. Compensatory planting will be required and sufficient new hedgerow sections have been incorporated within the new development.

Assessment of a known pond approximately 125m from the development site identified that the pond is not suitable for breeding great crested newts and no evidence of their presence was detected.

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. 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/>

Pollution prevention measures have been identified to protect the environment including the River Ithon SSSI/River Wye SAC. The approved measures will need to be secured through an appropriately worded planning condition. Adherence to measures within the Construction Environment Management Plan (CEMP) will also prevent negative impact to biodiversity including the river. It is not clear from the submitted Plant, Vehicle and Pedestrian Management Plan Llandrindod Wells Phase 3 Project where the welfare/office and car parking will be accommodated when Plots 31-16 are constructed. If it is proposed to use other adjacent land between the development and the river this must be identified.

Submitted information identifies that the development will connect to the main sewer network in accordance with planning circular 008/2018. Discharge will be to Llandrindod Well WwTW which is known to be fitted with phosphate removal technology. NRW's comments of 07/12/2021 identify that further information will be required from DCWW and the applicant to confirm that the WwTW can accept the additional wastewater volume and phosphate as well as that of other proposed connections and remain within the permitted limits.

In the absence of necessary information regarding either acceptable discharges to WwTW or approved measures to mitigate effects of phosphorus from the proposal, the LPA will be unable to undertake the legally required Habitat Regulations Appropriate Assessment (AA) and conclude with sufficient certainty that the proposal would not result in an adverse effect on the integrity of the River Wye SAC. Granting of planning consent in the absence of an AA, or where an AA concludes that an adverse effect on the integrity of the SAC cannot be ruled out, risks contravention of The Conservation of Habitats and Species Regulations 2017 (as amended), and would be contrary to Powys LDP Policy DM2, Planning Policy Wales, TAN 5 and The Environment (Wales) Act 2016.

Biodiversity enhancement:

A total of 14 integrated nest boxes and 4 bat tubes will be installed across the development, which is welcome. It is also proposed to plant additional hedgerow (part compensation) and a range of trees and shrubs beneficial to wildlife, as well as wildflower areas. The measures are welcome and sufficiently detailed Landscaping Plans have been provided.

Further information required prior to determination:

i. Details regarding mitigation of phosphorous discharges to Llandrindod Wells WwTW from the current proposal and other proposed and consented-but-not-commenced

developments to inform a Habitat Regulations Assessment.

ii. Confirmation of whether additional land is required to accommodate works compound, contractor parking, etc. To include location details and any temporary/permanent surfacing requirements.

iii. A revised Tree Protection Plan and Arboricultural Method Statement to include reference to the bat mitigation measures identified within the EclA report and any highway access amendments.

Additional Consultation Response

1st Jun 2022

Recommendation:

No objection – subject to planning conditions and/or planning obligations

Policy background:

- Planning Policy Wales, Edition 11, 2021
- Technical Advice Note (TAN) 5
- Powys Local Development Plan 2011 – 2026:
 - DM2 – The Natural Environment
 - DM4 – Landscape
 - DM7 – Dark Skies and External Lighting
- Powys Supplementary Planning Guidance: Biodiversity and Geodiversity (2018)

Legislative background:

- The Conservation of Habitats and Species Regulations 2017 (as amended)
- Environment (Wales) Act 2016

Comments:

Previous comments provided 14/12/2021.

I have reviewed the updated Arboricultural Report and welcome details of bat mitigation measures included on the Tree Protection Plan. It is recommended that adherence to the revised details is secured through a planning condition.

It is also confirmed that the existing area to accommodate contractors' car parking, works compound, etc. is expected to be sufficient for the entire construction phase.

I note the submission of revised Landscaping Plans and have no further comments to make.

DCWW have confirmed that in line with their current phosphate permit, there is capacity to accept foul flows and phosphate from the proposed development. However, the LPA has been advised by NRW that the permit for Llandrindod Wells WwTW has not been subject to Appropriate Assessment under the Habitat Regulations by NRW, nor assessed in line with the revised water quality standards for the River Wye SAC. Therefore, a Habitats Regulations Assessment (HRA) Test of Likely Significance has been undertaken to establish whether the proposed development could result in a likely significant impact

to the River Wye SAC and/or its associated features. The HRA screening concluded that a likely significant effect to the River Wye SAC and/or its associated features could not be ruled out. This conclusion was reached by assessing the proposed development in the absence of mitigation as required by recent CJEU ruling. An Appropriate Assessment of the application has, therefore, been undertaken to determine whether the proposed development would result in an adverse effect on the integrity of the national site network. The report concludes that subject to inclusion of appropriate planning conditions the proposed development would not result in an adverse effect to the integrity of the River Wye SAC in light of its conservation objectives. I have attached a copy of the Habitat Regulations Appropriate Assessment report.

In accordance with the requirements of the Regulations, NRW as the Statutory Nature Conservation Body will need to be consulted to confirm that they are in agreement with the conclusion of the Appropriate Assessment.

The following condition must be applied to any consent to secure the proposed mitigation measures identified within the Appropriate Assessment (subject to NRW comment):

- 1) The development shall be undertaken strictly in accordance with the submitted Pollution Prevention Plan, Land to the east of Ithon Road (Phase 3, 4 & 5), Llandrindod Wells, by Asbri, dated April 2021 and Construction Method Statement And Environmental Protection Statement, Llandrindod Phase 3, by Hale, dated 09/04/2021. The measures identified shall be adhered to and implemented in full.

- 2) No dwelling hereby approved shall be connected to any means of foul disposal nor occupied for human habitation until certification is submitted to and approved in writing by the Local Planning Authority which confirms that Dwr Cymru Welsh Water has completed the planned AMP7 (2020-2025) to meet the revised JNCC water quality standards improvements to Llandrindod Wells WwTWS and holds a phosphate permit and is able to accept the foul flows from the development.

Subject to inclusion of the conditions above and below, would the development result in a significant negative effect on biodiversity? No

Conditions:

Should Development Management be minded to approve this application, inclusion of the following conditions above and below is recommended

1. The development shall be undertaken in strict accordance with the mitigation, compensation and enhancement measures identified in Sections 4 and 5 of Ecological Impact Assessment, Project: Land off Ithon Road, Llandrindod Wells,

Version2, dated 02 November 2021, by Ecological Services Ltd. The measures identified shall be adhered to and implemented in full.

2. The development shall be undertaken in strict accordance with the Tree Protection Plan and Arboricultural Method Statement in the Arboricultural Report, Project Reference – ArbTS_394.7_IthonRoad, dated 26th January 2022 by ArbTS Ltd. The measures identified shall be adhered to and implemented in full.
3. The development shall be undertaken in strict accordance with the Planting Plan 1 of 3, Drawing no. 02.1; Planting Plan 2 of 3, Drawing no. 02.2 and Planting Plan 3 of 3, Drawing no. 02/3, by Fiona Cloke Associates. The measures identified shall be adhered to and implemented in full and maintained thereafter.
4. The development shall be undertaken in strict accordance with the Biodiversity Enhancement Layout, Drawing no. A150, Revision G, by Chamberlain Moss King. The measures identified shall be adhered to and implemented in full.
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, including bats and otter, 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 Policies DM2, DM4 and DM7 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.

Informatives:

The following advice for the applicant is also considered appropriate

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 by phone at 0300 065 3000.

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.

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.

Reptiles – Wildlife & Countryside Act 1981 (as amended)

All species of reptiles known to occur within Powys, namely the common lizard, slow-worm, grass snake and adder, are protected under the Wildlife and Countryside Act 1981 (as amended).

It is therefore an offence to:

- *Intentionally kill or injure these species of reptiles,*
- *Trade (live or dead animals) i.e. sale, barter, exchange, transporting for sale and advertising to sell or to buy.*

The maximum penalty that can be imposed, in respect of each offence, is a fine of up to 5,000 pounds, six months imprisonment or both. In addition, these species of reptiles are also listed in Part 1 Section 7 of the Environment (Wales) Act 2016, which is a list of the living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales. Species of reptiles known to occur in Powys are also listed as Species of Conservation Concern in the Powys LBAP. If reptiles are discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and/or the Council's Ecologist.

Additional Consultation Response

16th Aug 2022

Previous ecology comments provided 14/12/2021 and 01/06/2022.

Amended plans including landscaping and biodiversity enhancement details have been provided following revision to the site design. Having reviewed the documents it is advised that previous comments of 01/06/2022 and recommended planning conditions remain valid but conditions 3 and 4 should be amended to require adherence to the latest documents:

3. The development shall be undertaken in strict accordance with the Planting Plan 1 of 3, Drawing no. 02.1, Rev. B; Planting Plan 2 of 3, Drawing no. 02.2, Rev. B and Planting Plan 3 of 3, Drawing no. 02/3, Rev. B by Fiona Cloke Associates. The measures identified shall be adhered to and implemented in full and maintained thereafter.

4. The development shall be undertaken in strict accordance with the Biodiversity Enhancement Layout, Drawing no. A150, Revision J, by Chamberlain Moss King. The measures identified shall be adhered to and implemented in full.

PCC – Environmental Protection

27th Jan 2022

Environmental Protection would like to request the following information.

As phase 3 units 59 to 67 are adjacent to the all-weather pitches, which are floodlit, can the applicant advise what, if any mitigation measures have been undertaken and demonstrate that any light spillage from the floodlights will not cause nuisance to potential occupants.

Additional Consultation Response

2nd Sept 2022

Having considered the submitted documentation, including the recently updated Lighting design and its recommendations, Environmental Protection are satisfied that all concerns have been addressed withing the Construction Method statement.

I would suggest an addition to the working hours being,

No construction work to be undertaken on a Sunday or Bank Holiday.

Natural Resources Wales (Mid Wales) DPAS

7th Dec 2021

We have concerns with the application as submitted. However, we are satisfied that these concerns can be overcome if the document identified below is included in the approved plans and documents condition on the decision notice:

- o CEMP (document titled 'Construction Method Statement and Environmental Protection Statement Llandrindod Phase 3' by Hale dated 9/4/2021

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

Foul Drainage - Habitat Regulations Assessment and phosphate sensitive catchment The application site is within the catchment of the River Wye Special Area of Conservation (SAC). On the 21st January 2021, we published an evidence package outlining phosphorus levels for all river SACs across Wales. As part of this package, we issued a Planning Position Statement, in which we advised that any proposed development that might increase the amount of phosphate (or phosphorus) within a river SAC catchment could lead to damaging effects to the SAC. Therefore, such proposals should be screened through a Habitats Regulations Assessment (HRA), to determine whether they are likely to have a significant effect on the SAC.

Section 7.18 'Phosphate' of the 'Planning Statement' by Asbri dated October 2021 confirms they have discussed connecting the proposed development to the mains sewer, and Dŵr Cymru Welsh Water (DCWW) have confirmed there is capacity to receive the additional foul flows to their system, which includes phosphate stripping. Provided that DCWW ratify by confirming they are currently and will with the addition of the

development continue to operate within the bounds of their extant permit, then the proposal is unlikely to increase the amount of phosphorus entering the catchment. We would advise that the development is considered alongside other proposals connecting to the identified wastewater treatment works (WwTW) to inform your HRA in-combination assessment. Provided that the in-combination assessment also confirm that the WwTW will remain to operate within its permit limits, then we are satisfied that the proposal is not likely to affect the integrity of the River Wye SAC.

Construction Environmental Management Plan (CEMP)

As stated above, the proposed development is approximately 127m from the River Wye SAC and River Ithon SSSI. We have reviewed the CEMP (document titled 'Construction Method Statement and Environmental Protection Statement Llandrindod Phase 3' by Hale dated 9/4/2021) submitted with this consultation.

We advise this document must be listed in the condition for implementation, should consent be granted. This is to ensure the proposed pollution prevention measures are implemented.

The work must take place in accordance with this plan, to protect the interests of the protected sites and to inform the HRA.

Protected Species

Great crested newts (GCN) and bats are protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended).

We have reviewed the document titled 'Great Crested Newt Survey', planning ref.

20/0132/PRE dated 25/05/2021. The report considers the potential impacts of the proposal on a pond located 125m away to the east of the application site in a small area of woodland.

The report assesses the pond and states it has a poor habitat suitability for GCN. The report concludes stating '...that GCN are not present within or directly adjacent to the proposed development site at the time of the survey.'

As such, we do not have concerns for the development of this site in terms of impacts on GCN species.

We have reviewed the document titled 'Ecological Impact Assessment' by EcoLocial

Services Ltd. version 2 dated 2/11/2021 submitted with this consultation. The report states 'No evidence of the presence of roosting bats has been found within the proposed site boundary. However 2 trees along the western boundary have been highlighted as having low potential for roosting use by bats due to the presence of ivy along the trunk.'

The recommendations made in section 4.4 of the report must be implemented, to avoid potential adverse impact on bat species. Your Authority must ensure that there is sufficient scope within any planning permission issued to allow the recommendations to be implemented. Care should be taken in the type and location of any external lighting. Should any external lighting be proposed, a light spillage scheme should be submitted and agreed to the satisfaction of the Local Planning Authority.

Surface Water Drainage

We advise the Lead Local Flood Authority must be consulted for their advice on matters of surface water drainage.

The surface water management scheme must consider the River Wye SAC and River Ithon SSSI protected sites, and how pollution to these protected sites will be prevented.

Geotechnical Survey Report

We have reviewed the document titled 'Phase 1 Desk Study Report Ithon Road Phase 3', Job No. 15867 by Terra Firma dated March 2021 submitted with this consultation.

We do not have any comments to provide on this report.

Additional Consultation Response

24th Jun 2022

Thank you for consulting NRW on a copy of the document titled 'Habitat Regulations Assessment Record' in relation to the proposal under reference 21/1940/FUL for 'Residential development comprising 79 residential units, formation of vehicular access, roadways and all associated works.' in relation to the River Wye/Afon Gwy Special Area of Conservation (SAC).

The document concludes, with the imposition of conditions, that the proposed development is unlikely to cause adverse effects on this SAC.

We have no further comments to provide.

WG – Highways Directorate

18th Feb 2022

I refer to your consultation of 25 November 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 applicant is required to submit a Transport Assessment to Welsh Government for review. This assessment should include an assessment of the cumulative traffic impact of both Phases 1 & 2, as well as the present Phases 3,4 & 5 upon the surrounding trunk road environment.

The assessment should also investigate the cumulative impact of pedestrian traffic that is generated by the overall development, identifying pedestrian routes, whilst reviewing both Active Travel and Road Safety provision along any such routes.

Additional Consultation Response

15th Jul 2022

Further to your last two emails dated 16th June in response to Welsh Government's present holding direction (attached), having reviewed the supplied information, I would advise as follows;

1. Whilst we retract our request for the submission of a full Transport Assessment, we will require further modelling data to demonstrate the distribution and impact of the 7% increase in traffic from the A4081 generated from Phases 1-5 upon the existing A4081 junctions with the A483 as well as Ddole Road Enterprise Park estate road's junction with the A483.

2. As regards Welsh Government's request that the cumulative impact of pedestrian traffic be investigated, and that both Active Travel and Road Safety provision along any such routes be reviewed, having reviewed the supplied information, I can confirm that we are content with the existing level of provision.

Additional Consultation Response

9th Aug 2022

I refer to your consultation of 16/06/2022 regarding the above planning application and advise that the Welsh Government as highway authority for the A483 trunk road hereby withdraws its holding direction, and as such, no longer wishes to issue a direction in respect of this application.

PCC – Outdoor Leisure & Recreation (South)

26th Jan 2022

Powys County Councils Countryside & Outdoor Recreation Services (C&ODR) preferred situation would be for any developer to provide, manage and maintain their own fixed play facilities, either organised by themselves or through a resident's organisation, or potentially by working with the local town or community council.

Powys County Councils, Countryside & Outdoor Recreation Service will only ask for a Section 106 contribution, if the proposed developer should/will not provide suitable play provision for their residents, under the LAP, NEAP & LEAP planning arrangements included in the Six Acre Standard as set out by the Fields in Trust.

To reiterate, if the developer decided not to provide adequate play space on their land, and if Powys County Council does have a play facility with fixed play equipment within a short distance (TBC), then the Countryside & Outdoor Recreation Service would seek a monetary package to upgrade the Services nearest existing playing field or playground.

I would suggest on this occasion because PCC has got a play facilities in the area, if any 106 contributions for play is available, then the offer should go to Powys County Council, Countryside & Outdoor Recreation department who own and maintain the nearest public play facility.

Disability Powys

No comments received at the time of writing this report.

Welsh Water

15th Dec 2021

We can confirm capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development site. We can advise that Llandrindod Wells WwTW has a phosphate permit. This matter will need to be considered further by the local planning authority. No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site. POTABLE WATER SUPPLY

Dwr Cymru Welsh Water has no objection to the proposed development.

ASSET PROTECTION The proposed development site is crossed by public sewers with the approximate positions being marked on the attached Statutory Public Sewer Record. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. No part of any building will be permitted within 3 metres either side of the centreline of the 225mm public sewer and 63mm rising main.

Our strong recommendation is that your site layout takes into account the location of the

assets crossing the site and should be referred to in any master-planning exercises or site layout plans submitted as part of any subsequent planning application. Further information regarding Asset Protection is provided in the attached Advice & Guidance note. Surface Water Drainage As of 7th January 2019, this proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore requires approval of Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems - designing, constructing, operating and maintaining surface water drainage systems'. It is therefore recommended that the developer engage in consultation with the Local Authority, as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features. Please note, Dwr Cymru Welsh Water is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation.

Conditions No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul water. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water shall be allowed to connect directly or indirectly with the public sewerage system.

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. No surface water from any increase in the roof area of the building /or impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to the public sewerage system. Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

Advisory Notes The applicant is advised that some public sewers and lateral drains may not be recorded on our maps; some sewers 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. The applicant may also need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer

(i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com

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.

Additional Consultation Response

24th Jan 2022

Thank you for the below query, I can confirm that there is capacity within the wastewater treatment works that has a phosphate permit, to treat this proposal of 79 dwellings.

CPAT

3rd Dec 2021

Information retained within the Regional Historic Environment Record indicates that the proposed new dwellings at the northern end of the site will be erected in an area where a single truncated Roman period cremation burial pit was found during prior evaluation trenching. Although the immediate area around the cremation was explored with an extended 4 x 5m trench no further cremations were found. It is possible though that other truncated cremation pits, or associated pyre bases, could be located in the wider area that was not stripped and we would therefore require further archaeological monitoring across the northern half of the development site during the early stages of site preparation and topsoiling operations. A strip/map/excavate methodology should be adopted for this watching brief.

Accordingly, we would recommend that an archaeologist is contracted to be present throughout the duration of initial site preparation and topsoiling works so that an adequate record of any archaeological features revealed can be made. This advice is in accordance with the guidance set out in TAN 24 (May 2017) and Planning Policy Wales (Feb 2021).

The archaeologist should be part of a recognised professional archaeological organisation working to the Standard and Guidance of the Chartered Institute for Archaeologists (CIFA) relating to an Archaeological Watching Brief. The archaeologist should be working in accordance with an approved written scheme of investigation (WSI)

and should preferably be part of a Registered Archaeological Organisation with the CIFA.

A suitable condition to facilitate the contracted watching brief is provided below:

Suggested planning condition to facilitate an archaeological watching brief:

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

A copy of the resulting report should be submitted to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust (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 also be sent to the Historic Environment Record Officer, Clwyd-Powys Archaeological Trust for inclusion in the regional Historic Environment Record and to the National Monuments Record, RCAHMW.

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

I have attached a standard brief for this work and information on archaeological contractors that the applicant may wish to engage. Please forward all of this information to the applicants so that they are fully aware of the requirements.

Representations

Following the display of a site notice on 27/11/2021 and the publication in the local press on 10/12/2021, 3 public representations have been received at the time of writing this report. A summation of the points raised are detailed below:

- What renewable energy provision
- What capacity for schools, doctor, hospital, dentist
- Proposed bungalows are welcomed
- Support comments made by Countryside Services

Planning History

App Ref	Description	Decision	Date
19/0021/FUL	Residential development comprising of 55 units	Approve	05/04/2019
19/1073/DIS	Discharge of condition 19, 24 and 26 of planning approval 19/0021/FUL	Approve	23/09/2019
19/1292/DIS	Application to discharge conditions 21 and 28 of planning approval 19/0021/FUL	Approve	14/11/2019
19/1949/NM A	Application for a non-material amendment to planning approval 19/0021/FUL to vary condition 2 to allow for the replacement of plans	Approve	25/03/2020
19/0964/DIS	Application to discharge conditions 3 and 27 of planning approval 19/0021/FUL	Approve	16/10/2019
21/0338/DIS	Discharge of condition 25 of planning approval 19/0021/FUL in relation to lighting	Approve	06/04/2021
21/2234/DIS	Discharge of condition 16 of planning permission 19/0021/FUL (completion of carriageway)	Approve	18/01/2022

Principal Planning Constraints

LDP Development Boundary – Llandrindod Wells
LDP Residential Allocation – Ithon Road Llandrindod Wells
Phosphorous Welsh River SACs
Right of Way 110/22/1

Principal Planning Policies

Policy	Policy Description	Year	Local Plan
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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
TAN16	Sport, Recreation and Open Space	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
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
DM15	Waste Developments	within	Local Development Plan 2011-2026
T1	Travel, Traffic and Transport Infrastructure		Local Development Plan 2011-2026
H1	Housing Development Proposals		Local Development Plan 2011-2026
H2	Housing Sites		Local Development Plan 2011-2026
H3	Housing Delivery		Local Development Plan 2011-2026
H4	Housing Density		Local Development Plan 2011-2026
H5	Affordable Housing Contributions		Local Development Plan 2011-2026
SPGBIO	Biodiversity and Geodiversity SPG (2018)		Local Development Plan 2011-2026
SPGLAN	Landscape SPG		Local Development Plan 2011-2026
SPGHE	The Historic Environment SPG		Local Development Plan 2011-2026
SPGRES	Residential Design SPG		Local Development Plan 2011-2026
SPGAH	Affordable Housing		Local Development Plan 2011-2026
SPGOBS	Planning Obligations		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 Llandrindod Wells and within the settlement development boundary of Llandrindod Wells which is defined as a Town by the Powys Local Development Plan (2018). The application site forms part of the housing allocated site P28 HA3. The application site is bound by the original phases to the north, with Llandrindod Wells High School playing fields to the east and the artificial pitch adjacent to the south with the High School to the south-east. Directly west is the classified A4081 in which the development seeks access upon with further agricultural land beyond to the west.

The site forms part of a large allocation for housing P28 HA3, which is allocated for 122 dwellings. The Northern section of the site has consent for 55 dwellings which has recently been completed.

Full planning permission is sought for a residential development comprising of 79 residential units, formation of vehicular access, roadways and all associated works. The proposed 79 units will comprise of the following mix:

- 22 x 1 Bed Walk up Flats;
- 4 x 2 Bed Bungalows;
- 2 x 3 Bed Adapted Bungalows
- 26 x 2 Bed House
- 19 x 3 Bed House
- 6 x 4 Bed House

Principle of Development

Powys Local Development Plan (2018) 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.

To ensure that housing development is appropriately located and suitable in scale and type to meet Strategic Policies, policy H1 of the Local Development Plan (LDP) states that housing proposals will only be permitted:

1. In Towns and Large Villages:

- I. On sites allocated for housing or on other suitable sites within the development boundary; or
- II. On sites forming logical extensions outside development boundaries for affordable housing in accordance with Policy H6.

Llandrindod Wells is defined as a town within policy SP5 with the site being wholly within the LDP housing allocation of P28 HA3 and entirely within the development boundary of Llandrindod Wells.

It is therefore considered the principle of residential development at this site complies with policies H1 and H2 of the Powys Local Development Plan (2018).

Density

Future Wales: The National Plan 2040 states that to support the economic and social success of our towns and cities new development in urban areas should aim to have a density of at least 50 dwellings per hectare. Policy 2 – Shaping Urban Growth and Regeneration – Strategic placemaking states that urban growth should be based on the following placemaking principles;

- Creating a rich mix of uses
- Providing a variety of housing types and tenures
- Building places at a walkable scale, with homes, local facilities and public transport within walking distance of each other;
- Increasing population density, with development built at urban densities that can support public transport and local facilities
- Establishing a permeable network of streets, with a hierarchy that informs the nature of development
- Promoting a plot-based approach to development, which provides opportunities for the development of small plots, including for custom and self-builders; and
- Integrating green infrastructure, informed by the planning authorities' Green

Infrastructure Assessment.

Policy H4 of the Local Development Plan states that all housing development proposals should seek to make the most sustainable and efficient use of land. The density guidelines set out in H4 will apply to all housing developments whether on allocated, windfall or exception sites. Land is a finite resource and policy H4 seeks to ensure the best and most efficient use of land, maximising the development potential of sites whilst conserving land resources for other uses.

For towns such as Llandrindod Wells, 27+ dwellings per hectare is recommended. The proposed site measures approximately 2.6 hectares and therefore a density of 70 dwellings would be required for the site. Given that 79 residential units are being proposed for the site, officers would therefore consider the proposed density of development put forward to be in accordance with LDP policy H4.

Affordable Housing

Proposals for new housing development of five or more dwelling units or on sites of 0.25ha and above will be required to make contributions towards the provision of affordable housing in accordance with Policy H5 of the LDP.

Llandrindod Wells falls within the Central Powys catchment area and therefore a 30% affordable housing contribution is required to be provided onsite by the proposed development.

The proposed development seeks to provide 60 affordable dwellings and 19 to be on the open market. Whilst additional affordable housing has been proposed as part of the scheme above what is required by policy H5, officers are only able to secure the 30% of the 79 dwellings to be for affordable housing by condition.

Given that an appropriate level of affordable housing is to be secured on site the proposed development is considered to be in accordance with policy H5. An appropriate condition will be attached to any granting of planning permission to secure the appropriate level of contribution and that the dwellings remain as affordable in perpetuity.

Public Open Space

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

Current open space legislation (Guidance for Outdoor Sport and Play Beyond the Six

Acre Standard – Fields in Trust) advises that, developments of 10-200 dwellings are required to contribute towards the following; Local Area for Play (LAP), Locally Equipped Area for Play (LEAP) and Multi-Use Games Area (MUGA). In addition, LDP Policy DM3 does require that, subject to viability, open space will be sought from all housing developments of 10 or more dwellings.

The proposed development seeks to provide an onsite provision of recreation facilities within an area of landscaped public open space located on the southern side of the development site.

The scheme of on-site recreational facilities proposed accords with the Fields in Trust Standards for housing developments of 10 – 200 dwellings, comprising:

- A Local Equipped Area for Play (LEAP) – a 20m x 20m area of open space specifically designated to be provided with features including equipment for children who are beginning to go out and play independently close to where they live.

The LEAP is located within a large (approximately 0.1ha.) area of public open space that will provide significant recreational opportunities.

To ensure the recreational facility is managed and maintained, officers would consider it appropriate to impose a condition which will require further information in respect of maintaining the facilities and securing the recreational facilities in perpetuity. Furthermore, the condition will ensure the timing of the works is undertaken at an appropriate time of development.

Powys's Outdoor Leisure and Recreation Officer has been consulted on the proposed development with their preferred option being for the developer to provide, manage and maintain their own fixed play facilities either organised by themselves or through a resident's organisation, or potentially by working with the local town or community council. Given the play provision is being secured on site with conditions attached to any granting of planning permission to secure appropriate implementation and maintenance, the scheme put forward is considered appropriate.

In light of the above and subject to a condition securing the above it is therefore considered that the proposed development fundamentally complies with relevant planning policy.

Design and Scale

The Powys Local Development Plan's (2018) policies H3 and DM13, TAN 12 and Planning Policy Wales (PPW) all refer to good design and how development proposals

should be of a good design and have consideration to the surrounding area. PPW refers to good design as having a relationship between all elements of the natural and built environment. Policy H3 states that housing development proposals must be of an appropriate scale and is supported by Policy DM13 of the Powys Local Development Plan which states that proposals must demonstrate a good quality design and shall have regard to the qualities and amenity of the surrounding area.

Policy DM13 specifically states that proposals will only be permitted where development has been designed to complement and/or enhance the character of the surrounding area in terms of siting, appearance, integration, scale, height, massing and design detailing. The development must also contribute towards the preservation of local distinctiveness and sense of place. 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).

Consent is sought for a mixture of dwellings featuring flats, bungalows and two-storey dwellings. The range of housing types across the site is welcomed and will provide a benefit visually as the range of design will help break up the uniformity of a housing development site whilst also integrating with the adjacent housing developments. The varying mix of dwelling designs is welcomed and compliant with LDP policy H3 of the Powys.

The proposed development seeks to use materials which match the adjacent scheme, 19/0021/FUL with red and buff brick facades with blue/grey ridge tiles. The materials will also complement Holcombe drive whereby similar materials are used.

The indicative site layout details a main access with cul-de-sacs, consistent with other residential developments in the surrounding area. The dwellings have been appropriately orientated on site to provide natural overlooking to communal areas. The proposed development is considered to be a well thought out design making best use of the land available for the intended purpose and constraints. Areas for play have been suitably located for easy access with other informal areas of green space present across the site which help provide a visually interesting development.

In light of the above it is considered that the proposed development complies with

relevant planning policy.

Landscape

Policy DM4 seeks to ensure that new developments do not have an unacceptable adverse effect on the valued characteristics and qualities of the Powys Landscape. The characteristics and qualities of the Powys Landscape are recorded in LANDMAP, the strategic evidence base to support landscape based design making in Wales. Development boundaries distinguish the towns and large villages from the open countryside which surrounds them.

With regards to Visual and Sensory, LANDMAP defined the area as being located within the Llandrindod Wells aspect area and is given a moderate evaluation. The justification for the evaluation is given as 'although potentially of high value the present condition and decline of the town centre, and the sprawling periphery, reduces the value to moderate'.

The site lies wholly within the development boundary of Llandrindod Wells, however will be a highly visible development on the approach into the settlement from the west. However, the application site is allocated for housing and will be seen against the backdrop of the existing housing in Llandrindod Wells.

Therefore, having taken into account the nature and scale of the development together with the information contained within LANDMAP, it is considered that the development will satisfactorily integrate into the landscape in accordance with Policy DM4 of the Powys Local Development Plan (2018).

Impact upon Neighbouring Privacy & Amenity

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

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

The proposed development is also not considered to offer any adverse impacts to any neighbouring properties in terms of loss of privacy. The Powys Residential Design

Guide 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 when considered against the above criteria.

Environmental Protection have been consulted on the proposed development and initially requested further information in respect of the floodlighting on the adjacent all-weather pitch to demonstrate that light spillage from the floodlights would not cause a nuisance to adjacent occupiers.

Based on the additional information submitted, Environmental Protection are satisfied the Construction Method Statement submitted in support of the application addresses the concerns raised.

However, given the location of development being close to neighbouring properties, a working hours condition has also been recommended to be attached to any granting of planning permission.

Officers consider the proposed measures to be reasonable and appropriate with a condition being attached to any granting of planning permission.

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

Planning Obligations

Policy DM1 of the Local Development Plan seeks to ensure that planning obligations will be sought by agreement with applicants, where necessary, to ensure that:

1. The development provides for adequate infrastructure necessary to serve the proposal, and that satisfactory maintenance and / or restoration arrangements are achieved;
2. Significant adverse socio-economic and environmental impacts are addressed and mitigated;
3. Benefits are secured in the public interest to meet the additional demands of development proposals on local communities.

Where on-site provision or mitigation is not appropriate, off-site provision, or a financial contribution towards it, may be sought.

Should it be demonstrated that for viability reasons not all of the identified contributions can be reasonably required, priority will be determined on the basis of the individual

circumstances of each case.

No financial contribution has been requested by any consultee in respect of the proposed development. It is noted that whilst Schools Service have provided no comment on the application, a financial contribution was not required on the adjacent development under planning permission 19/0021/FUL.

Officers note that an equipped area of play has been provided on site which is addressed in the above section which will be secured by an appropriately worded condition within any granting of planning permission. Given that an appropriate level of on-site provision is to be provided a financial contribution has not been requested.

Furthermore, the development seeks to provide appropriate levels of affordable housing in accordance with LDP policy H5.

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

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.

Welsh Government Transport have been consulted on the proposed development and initially raised a holding direction in respect of the additional traffic flow that would likely lead to and impact upon the A483 trunk road and requested further information to be submitted. Additional information has been submitted which has been reviewed by Welsh Government who have subsequently removed their holding direction.

PCC Highways Officer was initially consulted on the proposed development and considered that, fundamentally, the development was acceptable from a highway perspective. Based on the detail submitted, the Highway Authority were satisfied that the additional traffic generated by the development, could easily be absorbed on the existing network, and that the proposed means of vehicular access from the A4081 county highway, was acceptable, subject to the imposition of appropriate conditions.

However, the Highway Authority did also raise a number of issues with regards to Active Travel provision, internal highway provision and off-street parking provision. Further information in respect of these matters has subsequently been submitted for further consideration.

In respect of Active Travel, the initial feedback from the Powys Active Travel department considered that the development did not offer sufficient links to the existing active travel networks adjoining the site. The applicant now proposes to extend the active travel link to the south of the site which will form a direct link with the existing public right of way which runs along the eastern boundary of the site which will provide a more direct link to the high school and community facilities. The revised proposal has been reviewed by Active Travel who have confirmed the proposal to be acceptable.

In respect of car parking, the original site layout provided 27 parking spaces below the recommended levels. This position was opposed by Powys Highways with extensive discussions undertaken with the appointed agent with a revised parking layout being submitted which provides plot parking in full accordance with the approved standards. The amended layout does not result in a reduction of dwelling numbers with the revised parking proposal considered acceptable.

In respect of the internal layout of the site, the Highways Authority previously raised concerns in respect of the proposed road alignment. A revised scheme incorporating traffic calming measures was provided which Highways considered to be acceptable and will be secured by an appropriately worded condition.

The Highways Authority do note that whilst additional swept path drawings submitted in support of the three turning heads have been provided, they remain extremely constrained. It is considered this matter can be resolved by an appropriately worded condition attached to any granting of planning permission.

Given the level of detail provided, the Highway Authority have raised no objection to the proposed development subject to conditions in respect of parking, access, visibility, footpaths, finishing materials and engineering drawings being attached to any granting of planning permission. Officers consider the proposed conditions to be reasonable and appropriate to secure a satisfactory development and will 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.

Ecology & 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 Powys Ecologist has been consulted on the proposed development and notes that there are a number of statutory and non-statutory sites within 2km of the proposed

development but none on the site itself. The application has been supported an Ecological Impact Assessment, Great Crested Newt Survey, Arboricultural report, Pollution Prevention Plan and a Construction Method Statement and Environmental Protection Statement.

The Ecological Impact Assessment (EclA) submitted builds on a previous survey submitted to inform 19/0021/FUL. The majority of the site comprises of semi-improved grassland with a small area of bramble scrub and scattered trees present. A tree-line borders the western boundary and post and wire fencing forms the four remaining boundaries. The report identifies potential impacts to hedgerow, reptiles, nesting birds, bats and the River Ithon SSSI/ River Wye SAC.

There is potential for reptiles and nesting birds to be present on site and impacted by the proposal. Appropriate mitigation measures have been put forward avoid harm to reptiles and nesting birds during the construction phase which will be required to be adhered to.

Bat roosting potential on two trees along the western boundary and mitigation measures have been provided should either tree need to be removed. The Arboricultural Report identifies that several ash trees in poor health along the boundary will be felled and replaced and the remaining woody hedgerow sections pruned or re-laid. An oak tree at the new site access will be retained, which is welcome. In order to ensure that bats are protected during the tree works the mitigation measures should be clearly referenced within the Tree Protection Plan and Arboricultural Method Statement. An updated Arboricultural Report has been submitted which details bat mitigation measures included within the Tree Protection plan which will be secured by an appropriately worded condition.

The proposal will result in the confirmed loss of approximately 12m of hedgerow, a priority habitat; 9m for the vehicular access and 3m for pedestrian access along Ithon Road. Compensatory planting will be required and sufficient new hedgerow sections have been incorporated within the new development.

Assessment of a known pond approximately 125m from the development site identified that the pond is not suitable for breeding great crested newts and no evidence of their presence was detected.

Confirmation has also been received that the existing area to accommodate the contractor's car parking, works compound etc is sufficient for the entire construction phase.

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. 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/> Therefore an appropriately worded condition in respect of external lighting will be attached to any granting of planning permission.

In respect of biodiversity enhancements, 14 integrated nest boxes along with 4 bat tubes are proposed to be installed across the development site along with additional hedgerow, trees and shrubs along with wildflower areas. The measures proposed are welcomed and have been sufficiently detailed on the proposed plans which will be conditioned with any granting of planning permission.

Revised landscaping and biodiversity details have been provided following as revision to the site design which will be conditioned with any granting of planning permission.

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

River Wye Phosphate Sensitive Catchment Area

The proposed development is located within the catchment of the River Wye Special Area for Conservation (SAC). In accordance with NRW's current planning advice, it is necessary to demonstrate that all proposed developments within the River Wye SAC catchment will not result in an adverse effect on the integrity of the River Wye SAC through further addition of phosphate to the SAC, either directly or indirectly. With regard to the current proposal, consideration has been given to the potential for additional phosphate associated with foul drainage to enter the River Wye SAC catchment.

The submitted information states that the development will connect to the mains sewer network in accordance with planning circular 008/2018. The discharge will be to Llandrindod Wells WwTW which is known to be fitted with phosphate removal technology.

Natural Resources Wales were initially consulted on the proposed development and requested further information that the WwTW can accept the additional wastewater volume and phosphate along with other proposed connections and remain within the permitted limits.

Confirmation has been received from Welsh Water that capacity exists within the wastewater treatment works and that the works have a phosphate permit.

The Local Planning Authority has been advised by NRW that the permit for Llandrindod Wells WwTW has not been subject to an Appropriate Assessment under the Habitat Regulations by NRW nor assessed in line with revised water quality standards for the

River Wye SAC.

The Powys Ecologist has undertaken a HRA screening which concluded that a likely significant effect on the River Wye SAC and/or its associated features could not be ruled out. An Appropriate Assessment of the application has also been undertaken by the Ecologist to determine whether the development would result in an adverse effect on the integrity of the national site network. The report concludes that subject to the inclusion of appropriate planning conditions the proposed development would not result in an adverse effect to the integrity of the River Wye SAC in light of its conservation objective.

Natural Resources Wales have been consulted on the HRA and Appropriate Assessment undertaken by the Powys Ecologist and have no further comments to make in respect of the outcome of the assessments.

Therefore, in light of the above and subject to appropriate conditions it is considered that the proposed development would not result in an adverse effect to the integrity of the River Wye SAC and complies with policy.

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 proposed residential development would be sited on an area of agricultural land. 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*'. The proposed site is therefore not of a classification that is required to be conserved.

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.

Rights of Way

Policy DM13 Criterion 9 of the Powys Local Development Plan (2018) requires that public rights of way are to be enhanced and integrated within the layout of the development proposal.

The public right of way 110/22/1 runs along the northern boundary of the site whilst right of way 110/20/21 runs along the eastern boundary. It is noted from the proposed plans that right of way 110/22/1 to the north of the site has been clearly identified and is unaffected by the proposed development.

Right of way 110/20/1 is located outside of the application site boundary running along the boundary of the playing fields and will not be directly impacted by the proposed development.

It is noted that provision has been made within the proposed site plans to connect the site to these existing routes which is welcomed.

Given the close proximity of the development to the rights of ways, officers would consider it appropriate to include the standard rights of way informative with any granting of planning permission.

Cultural Heritage

Policy SP7 of the Powys Local Development Plan (2018) seeks to safeguard strategic resources and assets in the County whilst development proposals must not have an unacceptable adverse impact on the resource or asset and its operation.

CPAT have been consulted on the proposed development whereby records indicate that the proposed new dwellings at the northern end of the site will be erected in an area where a single truncated Roman period cremation burial pit was found during prior evaluation trenching.

Whilst the immediate area around the cremation was explored with an extended 4 x 5m trench no further cremations were found, however it is considered possible though that other truncated cremation pits, or associated pyre bases, could be located in the wider area that was not stripped. CPAT have therefore recommended that an archaeologist is present on site to undertake a watching brief which will be secured by an appropriately worded condition with any granting of planning permission.

Officers consider the proposed condition to be reasonable and appropriate and will therefore be attached to any granting of planning permission.

In light of the above and subject to a condition securing the above it is therefore considered that the proposed development fundamentally complies with relevant planning policy.

Public Comments

Comments have been raised in respect as to the capacity for schools, doctors, hospital and the dentist to deal with the additional requirements associated with the increase in housing. It should be noted that the proposed development is an allocated housing asite within the adopted Local Development Plan (2018) with the site's inclusion having been assessed to deliver the required growth for the town of Llandrindod Wells.

In respect of renewable energy, it is noted that the scheme has included the provision of solar panels. It should also be noted that Welsh Government has recently undertaken a consultation in relation to the energy efficiency element of building regulations (known as Part L of the Building Regulations). Building regulations are set to make sure minimum standards are met and, whilst Powys County Council can only apply the regulations in force at the time an application is submitted, developers may construct buildings with energy performance levels above those minimum standards, if they wish.

In respect of electric charging points, given that this is a domestic development there is no specific requirement for their provision as Future Wales seeks to secure their provision for non-residential development. However, private electric vehicles can be charged from domestic properties if required.

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 approved plans and documents (drawing no's:
 - A162 titled Lighting Plan Overlay
 - LED Sports Floodlighting Design Report
 - 740 02.1 (1 of 3) Rev B titled Planting Plan 1 of 3
 - 740 02.2 (2 of 3) Rev B titled Planting Plan 2 of 3

- 740 02.3 (3 of 3) Rev B titled Planting Plan 3 of 3
- S.7776-07 Rev E titled Drainage Layout
- 740 04 titled LEAP Play Area Layout
- A161 Rev A titled Aerial View 2
- A160 Rev A titled Aerial View 1
- A159 Rev A titled Perspective View 2
- A158 Rev A titled Perspective View 1
- A157 Rev C titled 3 Bed House Elevations Type C (Market Sales)
- A156 Rev C titled 3 Bed House Elevations Type A & B (Market Sales)
- A155 Rev D titled 3 Bed House Types (Market Sales)
- A154 Rev C titled 2 Bed House Elevations Type C (Market Sales)
- A153 Rev C titled 2 Bed House Elevations Type A & B (Market Sales)
- A152 Rev E titled 2 Bed House Types (Market Sales)
- A150 Rev J titled Biodiversity Enhancement Layout
- A149 Rev J titled Boundary Layout
- A148 Rev I titled Phasing Plan
- A147 Rev E titled 2 Bed 4 Persons Bungalow – Elevations
- A146 Rev E titled 2 Bed 4 Person Bungalow – Plans
- A145 Rev E titled 2 Bed 3 Person Bungalow – Elevations
- A144 Rev E titled 2 Bed 3 Person Bungalow -Plans
- A143 Rev E titled Adapted Bungalow – Elevations
- A142 Rev E titled Adapted Bungalow – Plans
- A141 Rev E titled 1 Bed 2 Person Walk Up Flat – Elevations
- A140 Rev E titled 1 Bed 2 Person Walk Up Flat – Plans
- A139 Rev E titled 4 Bed 6 Person – Elevations
- A138 Rev E titled 4 Bed 6 Person – Plans
- A136 Rev F titled 3 Bed 5 Person Type C & D - Elevations
- A135 Rev F titled 3 Bed 5 Person Type A & B – Elevations
- A134 Rev F titled 3 Bed 5 Person House Type – Plans
- A132 Rev F titled 2 Bed 4 Person Type C – Elevations
- A131 Rev F titled 2 Bed 4 Person Type A & B – Elevations
- A130 Rev G titled 2 Bed 4 Person House Types – Plans
- A129 Rev F titled Ithon Road – Context Elevations
- A128 Rev G titled Street Elevations Sheet 4
- A127 Rev F titled Street Elevations Sheet 3
- A126 Rev F titled Street Elevations Sheet 2
- A125 Rev F titled Street Elevations Sheet 1
- A124 Rev H titled House Finishes Layout
- A123 Rev R titled External Finished Layout
- A122 Rev K titled Proposed Site Layout
- A121 Rev D titled Existing Site Layout
- A120 rev G titled Site Location Plan
- Transport Statement Rev B
- 7776-02 Rev A Road Alignment Layout

- T20.131-RCV Carry Distance
 - Swept Path Analysis of Turning Heads
 - 7776-03A LONGITUDINAL ROAD SECTIONS SHEET 1 OF 2
 - 7776-04A LONGITUDINAL ROAD SECTIONS SHEET 2 OF 2
 - 7776-10G EXTERNAL WORKS LAYOUT
 - 7776-11B SITE CROSS SECTIONS SHEET 1 OF 3
 - 7776-12B SITE CROSS SECTIONS SHEET 2 OF 3
 - 7776-13A SITE CROSS SECTIONS SHEET 3 OF 3
 - Affordable Housing Statement
 - Archaeological Field Evaluation Report
 - Archaeological Radio Carbon Dating Results
 - Phase One Desk Study Investigation Report
 - Ecological Impact Assessment dated 2nd Nov 2021 Version 2 prepared by Ecological Services LTD
 - Pollution Prevention plan dated April 2021 prepared by asbri
 - Drainage Strategy 23rd August 2021 prepared by Smart Associates Consulting Civil & Structural Engineers
 - Arboricultural Report, Project Reference - ArbTS_394.7_IthonRoad, dated 26th January 2022 by ArbTS Ltd
 - Geophysical Survey Report dated Nov 2017 prepared by SUMO Services Ltd
 - Construction Method Statement and Environmental Protection Statement dated 09/04/2021 prepared by Hale Construction
 - Plant, Vehicle and Pedestrian Management Plan prepared by Hale Construction.
3. 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 30% 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.
4. 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.

5. All works and ancillary operations which are audible at the site boundary shall be carried out only between the following hours: 0800 - 1800 hrs Monday to Friday, 0800 - 1300 hrs Saturday and at no time on Sunday and Bank Holidays. Deliveries to and removal of plant, equipment, machinery and waste, including soil, from the site must also only take place within the permitted hours detailed above.
6. 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 0.35 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.
7. No other development shall commence until the vehicular access has been constructed in accordance with approved drawing A122 Revision K 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 120 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.
8. 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.
9. Before any other development is commenced the vehicular access shall be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 10 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being

constructed.

10. The gradient of the vehicular access shall be constructed so as not to exceed 1 in 30 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.
11. 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 Drawing A122 revision K. The parking areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.
12. No dwelling hereby approved shall be occupied before the estate road, footways and footpath links are constructed to an adoptable standard (to binder course level, including the provision of any salt bins, surface water drainage and street lighting) within each respective phase of the development and to the junction with the existing county highway.
13. No dwelling hereby approved shall be occupied until the vehicular access is finished in a 40mm bituminous surface course material for a distance of 10 metres from the edge of the adjoining carriageway. The area will be maintained to this standard for as long as the development remains in existence.
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 gradient from the back of the footway/verge to the vehicle parking areas shall be constructed so as not to exceed 1 in 15 and shall be retained at this gradient for as long as the dwellings remain in existence.
16. Each private drive shall be surfaced in a suitably bound material, prior to the occupation of that dwelling and shall be retained as such for as long as the development remains in existence.
17. Notwithstanding the submitted details, within 10 days from the commencement of the development' detailed highway engineering drawings covering the highway works within the site, including the provision of appropriate turning heads, traffic calming measures in accordance with detail contained on submitted drawing S.7776-02 Rev A together with appropriate signing, shall be submitted to and

approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details of construction.

18. No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul water. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water shall be allowed to connect directly or indirectly with the public sewerage system.
19. No surface water from any increase in the roof area of the building /or impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to the public sewerage system.
20. The developer shall ensure that a suitably qualified archaeological contractor is present during the undertaking of any ground works in the northern half of the development area so that an archaeological watching brief using a strip/map/excavate methodology can be conducted. The archaeological watching brief must meet the standards laid down by the Chartered Institute for Archaeologists Standard and Guidance for archaeological watching briefs.

A copy of the resulting report should be submitted to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust (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 also be sent to the Historic Environment Record Officer, Clwyd-Powys Archaeological Trust for inclusion in the regional Historic Environment Record and to the National Monuments Record, RCAHMW.

21. Prior to the commencement of development a scheme outlining the long-term management of the play area together with the timing of construction and completion in relation to the housing units hereby permitted shall be submitted to the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details.
22. Within 3 months of the play area having been constructed, details to secure its future management and maintenance shall be submitted to the Local Planning Authority for its approval.

23. The development shall be undertaken in strict accordance with the mitigation, compensation and enhancement measures identified in Sections 4 and 5 of Ecological Impact Assessment, Project: Land off Ithon Road, Llandrindod Wells, Version2, dated 02 November 2021, by Ecological Services Ltd. The measures identified shall be adhered to and implemented in full.
24. The development shall be undertaken in strict accordance with the Tree Protection Plan and Arboricultural Method Statement in the Arboricultural Report, Project Reference - ArbTS_394.7_IthonRoad, dated 26th January 2022 by ArbTS Ltd. The measures identified shall be adhered to and implemented in full.
25. The development shall be undertaken in strict accordance with the Planting Plan 1 of 3, Drawing no. 02.1, Rev. B; Planting Plan 2 of 3, Drawing no. 02.2, Rev. B and Planting Plan 3 of 3, Drawing no. 02/3, Rev. B by Fiona Cloke Associates. The measures identified shall be adhered to and implemented in full and maintained thereafter.
26. The development shall be undertaken in strict accordance with the Biodiversity Enhancement Layout, Drawing no. A150, Revision J, by Chamberlain Moss King. The measures identified shall be adhered to and implemented in full.
27. 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, including bats and otter, 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.
28. The development shall be undertaken strictly in accordance with the submitted Pollution Prevention Plan, Land to the east of Ithon Road (Phase 3, 4 & 5), Llandrindod Wells, by Asbri, dated April 2021 and Construction Method Statement And Environmental Protection Statement, Llandrindod Phase 3, by Hale, dated 09/04/2021. The measures identified shall be adhered to and implemented in full.
29. No dwelling hereby approved shall be connected to any means of foul disposal nor occupied for human habitation until certification is submitted to and approved in writing by the Local Planning Authority which confirms that Dwr Cymru Welsh Water has completed the planned AMP7 (2020-2025) to meet the revised JNCC water quality standards improvements to Llandrindod Wells WwTWs and holds an environmental phosphate permit and is able to accept the foul flows from the development.

Reasons

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
3. To ensure that affordable housing is secured in accordance with policies SP3 and H6 of the Powys Local Development Plan (2018).
4. To ensure that affordable housing is secured in accordance with policies SP3 and H6 of the Powys Local Development Plan (2018).
5. 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.
6. In order to ensure the safety and free flow of traffic in accordance with policies T1 and DM13 of the Powys LDP and Technical Advice Note 18 - Transport.
7. In order to ensure the safety and free flow of traffic in accordance with policies T1 and DM13 of the Powys LDP and Technical Advice Note 18 - Transport.
8. In order to ensure the safety and free flow of traffic in accordance with policies T1 and DM13 of the Powys LDP and Technical Advice Note 18 - Transport.
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15. In order to ensure the safety and free flow of traffic in accordance with policies T1 and DM13 of the Powys LDP and Technical Advice Note 18 - Transport.
16. In order to ensure the safety and free flow of traffic in accordance with policies T1 and DM13 of the Powys LDP and Technical Advice Note 18 - Transport.
17. In order to ensure the safety and free flow of traffic in accordance with policies T1 and DM13 of the Powys LDP and Technical Advice Note 18 - Transport.
18. 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.
19. 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.

20. To secure preservation by record of any archaeological remains which may be revealed during ground excavations for the consented development.
21. In order to secure adequate amenity space in accordance with policy DM3 of the Powys Local Development Plan (2018).
22. In order to secure adequate amenity space in accordance with policy DM3 of the Powys Local Development Plan (2018).
23. To comply with Powys County Council's LDP Policies DM2, DM4 and DM7 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.
24. To comply with Powys County Council's LDP Policies DM2, DM4 and DM7 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. To comply with Powys County Council's LDP Policies DM2, DM4 and DM7 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.
26. To comply with Powys County Council's LDP Policies DM2, DM4 and DM7 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.
27. To comply with Powys County Council's LDP Policies DM2, DM4 and DM7 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.
28. To comply with Powys County Council's LDP Policies DM2, DM4 and DM7 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.
29. To comply with Powys County Council's LDP Policies DM2, DM4 and DM7 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.

Informative Notes

Natural Environment

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 by phone at 0300 065 3000.

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:

- o Intentionally kill, injure or take any bats.
- o 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:

- o 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.

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.

Reptiles - Wildlife & Countryside Act 1981 (as amended)

All species of reptiles known to occur within Powys, namely the common lizard, slow-worm, grass snake and adder, are protected under the Wildlife and Countryside Act 1981 (as amended).

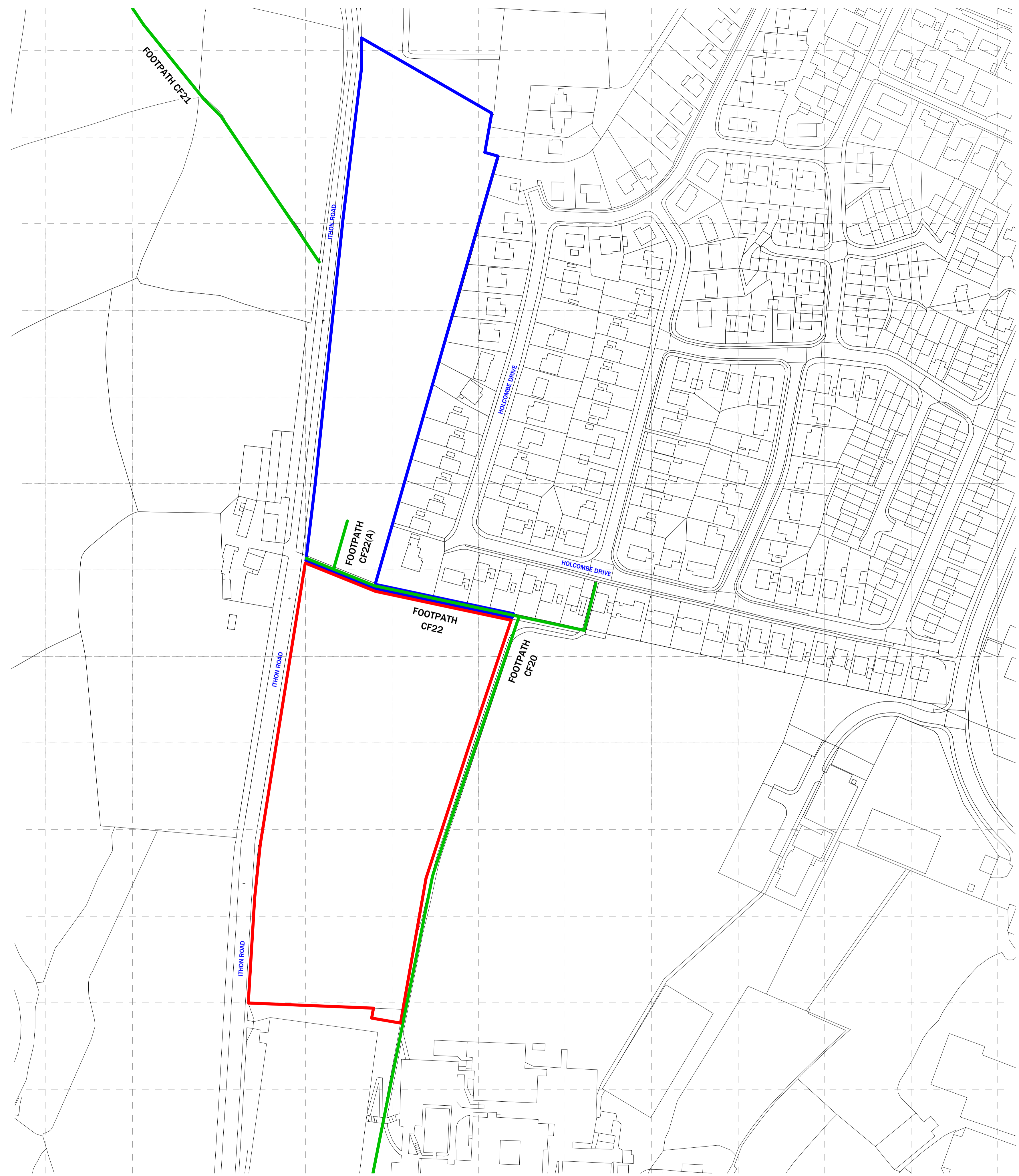
It is therefore an offence to:

- o Intentionally kill or injure these species of reptiles,
- o Trade (live or dead animals) i.e. sale, barter, exchange, transporting for sale and advertising to sell or to buy.

The maximum penalty that can be imposed, in respect of each offence, is a fine of up to 5,000 pounds, six months imprisonment or both. In addition, these species of reptiles are also listed in Part 1 Section 7 of the Environment (Wales) Act 2016, which is a list of the living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales. Species of reptiles known to occur in Powys are also listed as Species of Conservation Concern in the Powys LBAP. If reptiles are discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and/or the Council's Ecologist.

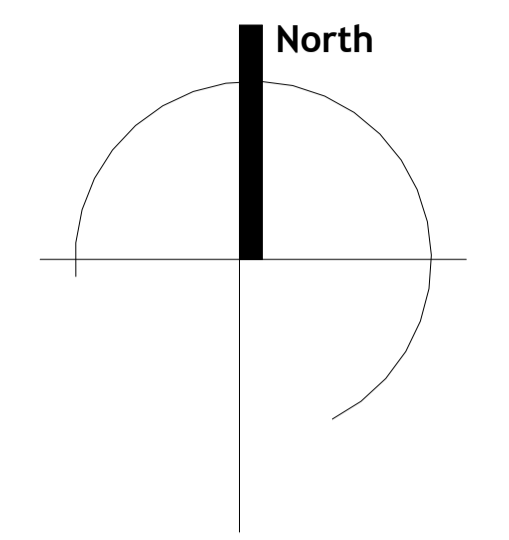
Case Officer: Richard Edwards, Senior Planning Officer
Tel: 01597 827218 E-mail: richard.edwards2@powys.gov.uk

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Revisions

A	12.04.21	Planning Issue
B	14.04.21	Blue ownership site added
C	26.07.21	Planning Issue
D	25.08.21	19no. market Sales house types incorporated into unit mix
E	14.10.21	Issued for Planning
F	25.11.21	Right of Ways added
G	20.01.22	Redline boundary amended



Notes

Do not scale from this drawing. Use figured dimensions only, which are displayed in millimeters unless stated otherwise. The contractor is requested to check all dimensions before work is put in hand. Any discrepancies within the drawing should be reported prior to commencement of works.

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Project	LAND NORTH ITHON ROAD, LLANDRINDOD WELLS - PHASE 3,4,&5
Project number	N207
Client	HALE CONSTRUCTION LTD
Title	SITE LOCATION PLAN
Drawing number	A120
Scale	1 : 1250 at A1
Revision	G
Status	PLANNING
Drawn	PC
Date	14.10.21

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condition identifying approved plans and documents on the decision notice:

- o C. Emms and Dr L. Barnett, contract number 275, May 2020, Preliminary Ecological Appraisal.

- o Ian Pick Associates Ltd, Drawing IP/JWH/02, April 2020, Site Plan

Requirement 1 - Amendment of Manure Management Plan to demonstrate that the proposed development will not affect the water environment

Requirement 2 - Pollution Prevention Plan

Manure Management Plan

We have assessed the Manure Management Plan (MMP) ('Manure Management Plan' by ADAS, dated 28th May 2020) and the 'Addendum to the Manure Management Plan' document dated 14/07/2020, submitted in support of the proposal.

The MMP states that manure will be spread in accordance with the Code of Good Agricultural Practice (CoGAP), and that no manure will be spread within 10m of surface waters or land drains and 50m of a spring or borehole. The plan includes contingency measures for storing manure when spreading is not possible, but it does not provide information on how contaminated wash water will be dealt with. The dirty water tank needs to be the appropriate size to contain the wash water. In addition, the MMP and its addendum do not clearly describe where any sensitive receptors are located and that must be avoided.

Risk maps of the proposed spreading area including sensitive receptors should be provided to identify and define as no spread zones for the following sensitive receptors:.

- o Boreholes

- o Wells

- o Lakes rivers

- o Other water bodies or habitats that may require assessment under EIA Agriculture

Regulations

- o Adjacent designated sites such as SSSIs.

It should be noted that the reference in the Addendum to MMP to the wash water "lightly fouled water" being different to slurry is not correct in either the current Water Resources (Control of Pollution)(Silage, Slurry and Agricultural Fuel Oil) (Wales) Regulations 2010 (the SSAFO Regulations).

Slurry is defined as "liquid or semi-liquid matter composed of excreta produced by livestock while in a yard or building (including that held in woodchip corrals); or a mixture wholly or mainly consisting of livestock excreta, livestock bedding, rainwater and washings from a building or yard used by livestock, and of a consistency that allows it to be pumped or discharged by gravity at any stage in the handling process." [Regulation 2 (1) of the SSAFO Wales Regulations]

In our pre application response we stated that the MMP needed clarifications/modifications to ensure sustainable use of manure as a fertiliser. The Welsh Governments Code of Good Agricultural Practice for the Protection of Water, Soil and Air recommends that organic manure applications should be driven by crop requirement not a standard limit for a particular nutrient. Pig manure is generally higher in Phosphorus (P) and Potassium/Potash (K) than it is in Nitrogen (N). The MMP recognises additional artificial nitrogen fertiliser needs to be added to pig manure to balance the P and K elements and the overall levels of N contained in the manure will be very high.

Table 3.2 of the MMP suggests that the area required to spread the pig manure produced over a 12 months period is 30.50 Ha. However, this figure is based on a 250kg/Ha farm spreading limit. Section 3.4 of the plan clearly indicates that due to the high levels of P and K contained in pig manure, the application levels on the farm should be 120Kg/Ha and not 250Kg/Ha. We therefore estimate that the land required to spread the pig manure would be 63.5 Ha, bringing the overall land requirement to 110.23 Ha. This exceeds the overall farm's land availability for spreading manure, which is 82.41 Ha as indicated in Appendix 1.

We have reviewed the Addendum to the MMP document and note the figures used for organic manure storage have been amended to 170KgN/Ha in line with the proposed draft Draft Water Resources (Control of Agricultural Pollution) (Wales) 2020 Regulations.

According to the new calculations, the amount of land required for spreading is 113.57 Ha and it will therefore be necessary to export surplus manure.

The report states that an agreement with Upper Garth farm has been secured to allow spreading on at least 40 Ha of their land, however it is not clear whether the land in question has already been included in the plans illustrating the spreading areas and whether the 40 Ha will be available to the exclusive use of Bank Farm.

The calculations to establish the current land requirement for manure spreading at Upper Garth are based on the housed period only which is inaccurate, as the entire manure production must be considered in order to illustrate the actual N input into the ground. This, combined with the N figures calculated on daily figures which is not in line with the guidelines, will underestimate the amount of N generated.

Furthermore, third party information has been forwarded to NRW which suggests that a number of fields that have been proposed for spreading in the MMP maps are not within the control of the applicant and the owners of the land would not authorise the spreading of manure. We suggest this issue is clarified with the applicant and the plans and area calculations are modified accordingly.

We would like to re-iterate that all applications of manufactured nitrogen fertilisers should be based on a nutrient management plan, integrating fertiliser and manure supply, and accounting for the farm specific soil management plan.

It is NRW's opinion that the details provided in the MMP and its addendum are not sufficient to provide assurance that the application of the manures will not adversely affect the environment. The MMP needs to consider whether the level of P and K contained in the manure would be above that required by the crops grown and whether additional/alternative methods of manure and wash water disposal are needed to reduce significant pollution risk to the environment. As previously stated, with organic manures, phosphate is normally the limiting element not nitrogen.

Requirement 1 - Amendment of Manure Management Plan to demonstrate that the proposed development will not affect the water environment.

We therefore advise your authority that a comprehensive plan is prepared by the applicant to include the following:

- o indicating the amount of P and N produced from the proposed livestock
- o a risk map indicating land available for spreading with all required buffers and no spread areas identified
- o A method statement that details soil sampling (soil indices) will be undertaken at appropriately timed intervals throughout the lifetime of the development to indicate

that the nutrients contained in the manure generated is required for agricultural benefit of the crops grown.

Pollution Prevention Plan

The proposal should incorporate appropriate pollution control measures to ensure that the water environment (both groundwater and surface water) is not polluted.

Requirement 2 - Pollution Prevention Plan

Appropriate pollution prevention measures must be in place, to ensure that the water environment (both surface and groundwater) are not polluted during excavation, construction and landscaping. When working near watercourses, work must be carried out in a manner so as not to cause pollution to controlled waters. It is an offence under Regulations 38 of the Environmental Permitting Regulations 2010 to cause or knowingly permit a water discharge activity.

Protected Sites and Aerial Emissions

Agricultural units have the potential to impact protected sites through aerial emissions (ammonia and nitrogen deposition). NRW assesses the air quality impact a unit may have on European protected sites and Sites of Special Scientific Interest (SSSIs) within a screening distance of 5km of the unit.

We have considered the "Report on the Modelling of the Dispersion and Deposition of Ammonia from the Proposed Pig Rearing House at Bank Farm, near Aberhafesp in Powys"

by AS Modelling & Data Ltd (21st April 2020) submitted in support of this application. Based on the information submitted, we consider that the proposed development is not likely to damage the features for which the Gregynog SSSI, Gweunydd Penstrowed SSSI and Mochdre Dingle SSSI have been designated. Modifications to the scheme as currently proposed may affect our view and may merit a further consultation with us.

Since this livestock unit does not exceed the 1% process contribution, in line with our current guidance, a cumulative assessment for all other relevant proposals in the area will not be required. We do however advise that, in accordance with the aims and objectives of Planning Policy Wales (PPW), due consideration should be given to making sure the resilience of ecosystems and ecological networks is improved. Proposals with the potential to impact on air or water quality which may have adverse consequences for biodiversity and ecosystem resilience, must be identified and considered in the decision-

making process.

Therefore, we advise that the background levels of ammonia at Gregynog SSSI (2.2km to the north of Bank Farm) are already exceeded and we have evidence that lichens in the SSSI are being impacted by ammonia. This finding is presented in the 'NRW Evidence Report 298 Lichen surveys to demonstrate Ammonia impacts' (May 2019) which concludes that current ammonia levels are affecting the lichen feature of the SSSI.

Based on the current situation, we encourage developers to produce and submit plans which are in line with the Environment (Wales) Act 2016 'enhanced biodiversity and resilience of ecosystems duty' (Section 6 Duty). This duty aims to secure development that does not cause any significant loss of habitats or populations of species, locally or nationally and should provide a net benefit for biodiversity.

We therefore advise you that a precautionary approach should be adopted to mitigate the potential impact of ammonia on the sensitive features of the Gregynog SSSI. The current proposal relies on four roof mounted fans for ventilation. The applicant could go further and demonstrate the Best Available Technology is being used to reduce ammonia emissions

e.g. installation of heat exchangers or ammonia scrubbers. An amended detailed modelling report which considers measures to further reduce ammonia emissions from the development would be welcomed.

Drainage Plan

We have assessed the drainage plan ('Site Plan', drawing dated April 2020) submitted in support of the proposal.

The plan shows clean and dirty water being piped separately. A dirty water tank will be installed. The dirty water tank will be built to SSAFO standards, and surface water will drain to an attenuation pond with restricted discharge to a drainage system.

Provided the drainage system is built in accordance with this plan, it is unlikely the proposal will cause pollution to the wider environment.

Protected Species

We have reviewed the Preliminary Ecological Appraisal (PEA) report submitted in support of the above application dated May 2020 and we concur with its conclusions and recommendations.

No European Protected Species (EPS) were found present within the area affected by the proposal. Trees and hedgerows within and near the application site are likely to be used by bats for foraging/commuting and the PEA makes recommendations with regards to minimising disturbance of bat behaviour by adopting a wildlife sensitive exterior lighting scheme.

We would 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.

We note at least one pond with excellent habitat suitability for Great Crested Newts (GCN) was found present within 500m of the proposal. We have no records of GCN within this radius. We concur with the report's conclusion that due to the nature of the proposal and habitat affected by the works, the risk to this species, if present, would be minimal. The reasonable avoidance measures recommend for reptiles would also minimise impact on amphibians.

We welcome the recommendations for ecological enhancements made in the PEA and we do not consider that the development is likely to be detrimental to the maintenance of the population of any species concerned at a favourable conservation status in its natural range.

Other Matters

Our comments above only relate specifically to matters included on our consultation topic list, 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 environmental 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.

Natural Resources Wales (Mid Wales)
DPAS

30th Nov 2020

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales (NRW) about additional information on the above, which we received on 09/11/2020.

Our comments below are with reference to the following documents:

- o ADAS, BAS02407, 20/10/2020, Manure Management Plan.
- o ADAS, October 2020, Letter to NRW

We continue to have significant concerns with the proposed development as submitted. We recommend that you should only grant planning permission if the scheme can meet requirement 1 and 2, and you include the following document within the condition identifying approved plans and documents on the decision notice:

- o C. Emms and Dr L. Barnett, contract number 275, May 2020, Preliminary Ecological Appraisal.

Requirement 1 - Amendment of Manure Management Plan to demonstrate that the proposed development will not affect the water environment

Requirement 2 - Pollution Prevention Plan

Manure Management Plan

We have reviewed the updated Manure Management Plan (MMP) and the comments made in the letter dated October 2020 in response to the concerns we raised in our letter of 30/09/2020.

We are satisfied the information provided demonstrates there is sufficient land available to accommodate the spreading of the organic manure produced on site. However, there are still some details in the MMP that require clarifications/ modifications to provide assurance that the application of the manures will not adversely affect the environment.

Requirement 1 - Amendment of Manure Management Plan to demonstrate that the proposed development will not affect the water environment.

The MMP needs to be updated to reflect the following comments and observations:

- o The Land included in the MMP is not within a Nitrate Vulnerable Zone so all references

to Nitrate Pollution Prevention Regulations, whole farm limit or field limit are irrelevant to this application and should be removed.

- o The wash water is slurry as defined under the Water Resources (Control of Pollution) (Silage and Slurry) (Wales) Regulations 2010 (as amended) and therefore the containment tank should comply with the construction and capacity specified under the regulations. Calculations have not been supplied to justify the sizing of a 5m³ tank. Details of wash down procedure and estimated water usage per cycle should be provided to ensure the tank size is adequate.

- o The Risk Maps in appendix 2 do not appear to include a 50m red exclusion zone around some of the wells as included on OS maps (for example wells at Grid Reference SO07779476 and SO07469426).

- o The report states that an agreement with Upper Garth farm has been secured to allow for exclusive spreading on at least 40 Ha of their land. However, it continues to remain unclear whether the land in question has been included in the plans illustrating the spreading areas and this should be made clear.

- o The 'total nitrogen applied from manure' Section 3.1 of the MMP states no spreading should take place where soil phosphorous indices are 4 or above. RB209 Nutrient Management Guide (as amended in 2020) states no spreading above index 3 and latest research is promoting no applications above index 2.

- o The FYM store referred to in section 4 of the MMP will need to meet the construction requirements of the Water Resources (Control of Pollution) (Silage and Slurry) (Wales) Regulations 2010 (as amended) and its location and construction specification should be added to the plans.

Pollution Prevention Plan

The proposal should incorporate appropriate pollution control measures to ensure that the water environment (both groundwater and surface water) is not polluted.

Requirement 2 - Pollution Prevention Plan

Appropriate pollution prevention measures must be in place, to ensure that the water environment (both surface and groundwater) are not polluted during excavation, construction and landscaping. When working near watercourses, work must be carried out in a manner so as not to cause pollution to controlled waters. It is an offence under Regulation 38 of the Environmental Permitting Regulations 2016 to cause or knowingly

permit a water discharge activity.

Other Matters

Please refer to our previous letter for advice on protected sites, aerial emissions and protected species.

Our comments above only relate specifically to matters included on our consultation topic list, 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 environmental 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 the developer

Manure Management Plan

The purpose of a Manure Management Plan (MMP) is to provide details of how the organic manures produced on the holding or imported, will be stored and spread to land for agricultural benefit. It should include a calculation of nutrients contained with organic manures annually, with phosphorus as the limiting factor and not solely assessed using nitrogen contributions.

Storage - Storage provisions should be included on a location map, with details of flow of organic manure through the farmyard area if applicable, construction standards and capacity calculations.

Land-spreading - should include a spreading risk map indicating soil type, slope, sensitive features which require protection and no spread zones. Indication of crops grown, spreading equipment used and if injected or incorporated. This should include all land intending to spread organic manures on.

Agricultural benefit - In order to prove organic manures are being spread to any land for agricultural benefit, details of the current soil nutrient levels, proposed cropping nutrient requirements and nutrients available from the spreading of the organic manures are needed.

We note the calculations used in the MMP are an indication of the minimum area required to spread using the COGAP advisory 250kg/ha. We would like to re-iterate that all

applications of manufactured nitrogen fertilisers should be based on a nutrient management plan, integrating fertiliser and manure supply, and accounting for the farm specific soil management plan. No indication has been given of the crops grown other than at Bank Farm (grass). Section 3.7 of the MMP states how and why soil sampling should be undertaken but not what the soil sample results are for Bank farm and other available land at present. As the method statement is implemented it should consider the crops grown on all land proposed for spreading. The method should include soil sampling tests and crop requirements at regular intervals. This information should be used to provide the baseline on which manure spreading is required and how much manure will need to be exported of site either as a product for another user or as a waste.

We would also like to reiterate that the proposed spreading of the organic manure should take account of all nutrients applied. CoGAP states that "phosphorous in manures should be the limiting factor" not nitrogen. Particularly relevant for manures containing high phosphate content as in this case.

Natural Resources Wales (Mid Wales)
DPAS

11th Feb 2021

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales (NRW) about additional information on the above, which we received on 26/01/2021.

We have reviewed the following:

- o Method Statement and Pollution Prevention Plan for Proposed Pig Rearing at Bank farm (author unknown) (undated)

We continue to have significant concerns with the proposed development as submitted. We recommend that you should only grant planning permission if the scheme can meet requirement 1, and you include the following document within the condition identifying approved plans and documents on the decision notice:

- o C. Emms and Dr L. Barnett, contract number 275, May 2020, Preliminary Ecological Appraisal.

- o Method Statement and Pollution Prevention Plan for Proposed Pig Rearing at Bank farm (author unknown) (undated)

- o Ian Pick Associates Ltd, Drawing IP/JWH/02, April 2020, Site Plan

Requirement 1 - Amendment of Manure Management Plan to demonstrate that the proposed development will not affect the water environment.

Manure Management Plan

Our comments with regards to the Manure Management Plan remain unchanged. Please refer to our previous response letter (CAS-130145-D1J7).

Protected Sites

As stated in our original response letter (CAS-124164-D2F5), the background levels of ammonia at Gregynog Site of Special Scientific Interest (SSSI) (2.2km to the north of Bank Farm) are already exceeded and we have evidence that lichens in the SSSI are being impacted by ammonia. This finding is presented in the 'NRW Evidence Report 298 Lichen surveys to demonstrate Ammonia impacts' (May 2019) which concludes that current ammonia levels are affecting the lichen feature of the SSSI.

The spreading of manures near a protected site sensitive to ammonia deposition with existing exceeded background levels, is likely to increase ammonia contribution and should be considered in line with, but not limited to, Section 6.4.17 of Planning Policy Wales.

Based on the current situation at the SSSI, we are encouraging land users including developers to produce and submit plans which support the Section 6 of the Environment (Wales) Act 2016. The Section 6 Duty confirms that your Authority must seek to maintain and enhance biodiversity and in doing so promote the resilience of ecosystems. We have concerns that the spreading of manure near the Gregynog SSSI is likely to release airborne ammonia and lead to further deterioration of the features of the protected site.

We consider further measures to reduce ammonia emissions associated with manures management should be given due consideration in line with the Code of Good Agricultural Practice Guidance for Wales, in particular the section on 'Application of manures, organic material and mineral fertilisers'.

Pollution Prevention

We have reviewed the Method Statement and Pollution Prevention Plan submitted in support of this proposal and we are satisfied with its recommendations. We advise you secure its implementation via appropriately worded planning condition.

The applicant should be made aware of proposed new Control of Agricultural Pollution Regulations which are supposed to come into force on the 1st of April 2021. We advise your Authority to consider whether the new regulations should be considered as the construction period for this pig rearing unit is likely to be affected by the new regulations.

Other Matters

Please refer to our previous letter for advice on protected sites and aerial emissions and protected species.

Our comments above only relate specifically to matters included on our consultation topic list, 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 environmental 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.

Natural Resources Wales (Mid Wales)
DPAS

9th Sep 2021

Further to our comments in our letter dated 11/02/21 (ref: CAS-136101-M3S0) we have reviewed the submitted manure management letter and amended Design and Access Statement and offer the following comments.

We continue to have concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, you should seek further information from the applicant regarding Manure Management. If this information is not provided, we would object to this planning application. Further details are provided below.

Requirement: Further information is submitted to demonstrate that the proposed manure management, storage facilities and contingency measures will avoid pollution to the water environment.

Manure Management

We note the submission of a manure management letter from Gamber Logistics dated 06/08/21 and amended Design and Access Statement.

The letter submitted in support of the proposal from Gamber Logistics commits to removing the pig manure from the site and exporting it outside of certain river catchments if necessary. The letter confirms that the manure is likely to be taken to an Anaerobic Digester (AD) Plant in Staffordshire.

Whilst the management of manure has been confirmed to be taken off site previously requested information and details have not been provided.

Dirty Water Tank

Whilst the submitted plan illustrated that dirty water is to be directed to a SSAFO certified dirty water tank no details of the capacity and build of the proposed tank have been supplied (as previously requested in our letter dated (30/09/20)). We the following details:

- o Estimate water usage per cycle for wash down along with effluent from daily clean out to ensure tank sized appropriately in order to comply with The Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021.

Covered manure store

Manure storage should be presented in planning submission documents to demonstrate that the structures/ buildings will be compliant with The Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021.

Information states this area will be where the manure is stored following its removal from the dunging area, it will be scraped out on a daily basis and stored for collection by contractors. We require information to show how:

- o The storage of the manure and containment of the effluent complies and meet requirements of 'The Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021'.

- o No. 6 of the Pollution Prevention Plan Design notes that the manure store and floor of building will drain to tank, is capacity of the dirty water tank suitable (see comments above).

- o Confirm that the concrete apron (east of map) is a clean yard, as no dirty water runoff from this yard should enter the pond.

Contingency Plan

Wash down water is classed as slurry and needs to be managed in accordance with the extant Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021.

Information on the contingency measures of storage of manures when export of manure is not possible is needed to ensure the temporary measures don't cause pollution to the water environment.

Contaminated wash water after disease outbreak is classified as hazardous waste and must be stored separately from other manures and slurry. Further information is required for the contingency measures to be put in place in the event of a disease outbreak or in event that contracted company are unable to collect manure from the site.

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.

Natural Resources Wales (Mid Wales)
DPAS

26th Oct 2021

We continue to have concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, you should seek further information from the applicant regarding pollution prevention. If this information is not provided, we would object to this planning application. Further details are provided below.

We also advise that based on the information submitted to date, a condition regarding manure management should be attached to any planning permission granted:

Condition 1 - All manure and slurries produced on site will be exported offsite by a licensed contractor and the documents identified below should be included in the approved plans and documents condition on the decision notice. Without the inclusion of

these documents and condition we would object to this planning application.

- o C. Emms and Dr L. Barnett, contract number 275, May 2020, Preliminary Ecological Appraisal.

- o Method Statement and Pollution Prevention Plan for Proposed Pig Rearing at Bank farm (author unknown) (undated)

- o Ian Pick Associates Ltd, Drawing IP/JWH/02C, August 2021, Site Plan

Manure Management Plan & Pollution prevention

Further to the comments we made in our response letter of 12/02/2021, we have reviewed the email from Ian Pick to your Authority (dated September 2021) and the letter from Gamber dated 6th August 2021.

The information contained in these two documents indicates that all manure produced onsite will be removed by the appointed contractor (Gamber) who specifies the manure is likely to be taken to an anaerobic digester.

On this basis we have no further comments to make with regards to manure management and agree with your ecologist's recommendation that the removal of manure method is secured via condition.

We are also satisfied that the manure store integrated within the eastern end of the proposed structure will have sufficient capacity and will be built in line with BS5502 Part 50: 1993, and therefore meets the requirements of The Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021.

The September email also provides calculations of the litres of water required at washout stage and confirms that the dirty water tank installed at this site (40,000 litre capacity) more than exceed the 18,000 litres required for each washout operation. We therefore advise that there will be sufficient capacity on site to contain dirty water.

The contingency plan confirms that should there be a disease outbreak the water contained in the tank will be removed from the site as hazardous waste under formal contract.

However, no information has been submitted that includes the proposed routine disposal of dirty water produced on site. Therefore, to inform your decision-making process we recommend that your Authority is satisfied that nutrient and slurry management measures to avoid contamination of ground and surface water if the dirty water be intended to be

spread to land, are secured in an appropriate planning control.

Protected Sites

We note your ecologist's comment with regards to demonstrating the use of Best Available Techniques, such as ammonia scrubber systems, to mitigate impacts on Gregynog Site of Special Scientific Interest (SSSI): 'Further information regarding mitigation of impact to Gregynog SSSI arising from ammonia emissions does not appear to have been submitted to date and would be welcome prior to determination of the application.'

We note that the ammonia assessment report for the development was completed in April 2020, and therefore pre-dates our latest guidance on how assessment should be undertaken. We also note the latest background ammonia concentration exceeds the Critical Level for the SSSI. We therefore advise your Authority to consider the adequacy of extant report to inform your decision-making process.

Other Matters

Please refer to our previous letter for advice on protected sites and aerial emissions and protected species.

Our comments above only relate specifically to matters included on our consultation topic list, 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 environmental 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.

Natural Resources Wales (Mid Wales) 18th Mar 2022
DPAS

We object to the proposed development as submitted, for the reasons explained below.

Protected Sites and Aerial Emissions

Agricultural units have the potential to impact protected sites through aerial emissions from ammonia deposition. The air quality impacts a unit may have on the SACs and SSSIs should be assessed using the screening distance advised on our Ammonia assessments: initial screening and evidence gathering (GN 020) webpage.

We have reviewed the ammonia modelling report (A Report on the Modelling of the Dispersion and Deposition of Ammonia from the Proposed Pig Rearing House at Bank Farm, near Aberhafesp in Powys), updated 31/01/2022) submitted in support of the proposal. We understand that this is an updated version of the report originally dated 21/04/2020.

We note that Section 3.4 of the updated report summarises our latest guidance, as issued to our website in May 2021, and retains a summary of our guidance prior to May 2021, which helps to provide longer term context.

The application has now been in process for more than two years. Whilst we did provide substantive comments on the aerial emissions modelling on 30th September 2020, new information has subsequently become available. The background ammonia concentration has changed since the application was submitted and we advise this now needs to be considered in your Authority's planning decision.

Table 1 of the Ammonia Report includes the correct Critical Levels for the protected sites within our guidance search area. The protected sites include Gregynog SSSI, Gweunydd Penstrowed SSSI and Mochdre Dingles SSSI.

At the outset of planning submission, the ammonia assessment identified that it was the Gregynog SSSI that remained of concern following initial modelling. Table 6 of the Ammonia Report provides a prediction that the development is likely to contribute up to 0.007 $\mu\text{g}/\text{m}^3/\text{yr}$, which is equivalent to 0.7% of the Critical Level. The report concludes that the detailed deposition modelling indicates that the development's process contribution to annual mean ammonia concentration at Gregynog SSSI alone would be below 1% of the Critical Level of 1.0 $\mu\text{g}-\text{NH}_3/\text{m}^3$.

We are aware that the background ammonia concentrations information, publicly available, on the Air Pollution Information System (APIS), confirms that the Critical Level for the Gregynog SSSI has been exceeded. The Critical Level is 1 μg and the current background ammonia concentration is 1.57 $\mu\text{g}-\text{NH}_3/\text{m}^3$. As confirmed in the latest Ammonia Report the Critical Level is a means by which a significant effect can be identified as potentially occurring.

Our Evidence Report No. 298 Lichen surveys to investigate ammonia impacts confirms that the Gregynog SSSI is the richest known epiphytic lichen site in Montgomeryshire, the most important parkland for lichens in Powys, and the second richest parkland lichen site in Wales. Section 4.4 of the Report confirms that the features of the SSSI are already known to be affected by ammonia deposition and this is likely to worsen, i.e., the future baseline will see further reduction in the extent, condition, and structure of the habitat for which the SSSI is protected for.

We note that Planning Policy Wales provides multiple references to considering polluting development and would advise your Authority of its contents, particularly Sections 5.6.9, 6.4.17 and 6.7.16, which confirm in relation to intensive livestock units' cumulative impacts resulting from similar developments in the same area should be taken into account and there is a presumption against development where a polluting development is likely to harm the feature(s) of a SSSI.

In a scenario where the background ammonia concentration is already in exceedance of a protected sites' Critical Level, our advice contained in the 'How to interpret the results from your screening or modelling exercise for Ammonia Emissions (GN020)' states:

'If the process contribution plus the background level reaches or exceeds the critical level then abatement must be used to reduce the process contribution to below 1% of the critical level, in order for the application to proceed. Assuming there are no other sources of ammonia to consider.'

No cumulative assessment has been carried out to support the application, however, we are aware of other developments that are not included in the background ammonia concentrations as published on the Air Pollution Information System (APIS), which are within our advised study area for the Gregynog SSSI. This includes 19/1475/FUL (Tyn Yr Wtra) which was consented on 25/09/2020 and P/2018/0580 (Red House, Tregynon) which was consented on 25/09/2020. Considering these two other sources the cumulative emissions will be 1.6% of the Critical Level and the Predicted Environmental Concentration at the SSSI will be more than 50% of the Critical Level. Significant adverse effects on the SSSI feature will be accelerated from the existing baseline defined in Evidence Report No.298.

Therefore, based on the submission documents available, we are unable to advise your Authority that the development, as proposed, will not have significant adverse effects on Gregynog SSSI and we object to this development.

Manure Management & Pollution prevention

We have reviewed the ADAS letter (undated) titled 'Spreading plan for disposal of wash water (lightly fouled water)' that has been submitted in support of this application to address the comments we made with regards to the management of wash water in our response letter of 26/10/2021.

The letter states that Lightly Fouled Water (LFW) derived from washing out the floor of the building between cycles, will be collected in an 18,000-litre tank and spread directly to land throughout the year in accordance with The Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021 (The CoAPR 2021).

We have reviewed the proposed site plan (drawing IP/JWH/02B) and note that the interceptor gully and pipes connecting the dirty water tank to the building is located within the covered manure store section. It is therefore unclear how the LFW will be stored separately from any effluent derived from the solid manure (i.e. slurry).

We advise your Authority that as proposed both wash water and effluent from the pig unit appears to discharge to the same tank, the content will not be treated differently to slurry and would need to comply with the storage regulations. Under The CoAPR 2021, from the 1st August 2024, if evidence is provided to show that the wash water contains less than 30% of the total nitrogen content, wash water would not be covered by the closed period for spreading.

If you are minded considering approval despite our objection, we advise that clarification is sought on how the wash water would be stored separately to the effluent produced from the manure/ slurry stored in the covered manure store. If the two are not separated you should satisfy yourself that the site has a 6 month closed period, storage capability

Other Matters

Our comments above only relate specifically to matters included on our consultation topic list, 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 environmental 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

PCC-Ecologist

29th Sep 2021

I have reviewed the revised highway plans that confirm an alternative site access will be created directly off the C2063 removing the need for improvements at the junction of C2063 with U2602. Some widening will still be required part-way along the C2063 and the new access route will require removal of adjacent hedgerows to achieve the required visibility splays and access through another field boundary. In accordance with LDP Policy DM2, where impacts to hedgerows are identified and cannot be avoided, an appropriate compensation strategy will be required. Where possible, translocation of the existing hedgerow should be considered. The translocation plan should include details of the timing of work, preparation works to the new site and of the existing hedgerow, translocation methodology and aftercare measures. However, it is acknowledged that

translocation is not possible in some cases. Where this is the case, replacement hedgerow planting of a minimum length equivalent to the section of hedgerow to be lost, or improvement of retained hedgerows, will need to be identified to ensure that there is no loss of biodiversity as a result of the development. The compensation plan should include details of the hedgerow(s) location, length and species. Species should be native and reflect the hedgerows present in the local area in accordance with the requirements of LDP policy DM4 and include an appropriate aftercare scheme.

It is, therefore, recommended that a Hedgerow Compensation Scheme is secured through an appropriately worded planning condition.

Potential impact to reptiles and nesting birds arising from road widening and hedgerow removal will still require consideration. As passing bays are also required as part of the scheme, confirmation of these locations and assessment of any potential impact to roadside hedgerows, trees and verge, should be undertaken at the same time.

It is, therefore, recommended that submission of a Reasonable Avoidance Measures Method Statement for reptiles and nesting birds is secured through an appropriately worded planning condition.

It is proposed that all pig manure generated by the proposed development will be exported off-site thereby removing potential pollution risk occurring locally. A letter from Gamber Logistics Ltd, dated 6th August 2021, demonstrates that there is capacity to accept the manure and that future use on recipient sites will accord with best practice and can be undertaken in a manner that prevents environmental harm. Details have also been provided to confirm that temporary storage of manure and of dirty wash-out waters will be stored in compliance with SSAFO Regulations to reduce risk of environmental pollution.

It is, therefore, recommended that export of all manure from the proposal by an appropriately licensed contractor is secured through a suitably worded planning condition.

It is considered appropriate that developments demonstrate use of Best Available Techniques, such as ammonia scrubbers, where damaging impacts on protected and

priority sites have been identified. Further information regarding mitigation of impact to Gregynog SSSI arising from ammonia emissions does not appear to have been submitted to date and would be welcome prior to determination of the application.

Environmental Protection

2nd Aug 2022

I just want to finalise my comments on this application, given that all the information is now in and I understand that you wish to take this one forward shortly. I will comment on each of the relevant topics.

Manure management

Whilst Environmental Protection initially raised concerns about the maps produce for manure spreading, I note that in subsequent update of the information that no spreading of manure is going to take place on the farm and that waste will be transferred to Gamber instead. This being the case I will not comment further on this particular matter.

Noise

In terms of noise I note that applicant has had a report produced by Matrix acoustics. The report carries out a BS41412 assessment, which includes prediction of noise levels at the nearest noise sensitive receptors. I agree that the correct methodology has been used for assessing noise and I am satisfied with its conclusion. The highest aggregate noise level predicted at nearby receptors is 28dB(A) which is below the WHO level for sleep disturbance. Noise would not therefore be a reason for objection.

Odour

The odour modelling report has been AS Modelling and Dat Ltd. The ADMS based model that has been used has used Environment Agency benchmarking levels to predict the impact of odour impact on nearby receptors. The Model predicts odour unit levels well below the benchmark level of 3.0 ouE/m³ set by the Environment Agency. Therefore odour from the premises would not be a reason for objection.

MRSA

I had contact from a member of the public concerned about the potential for MRSA to be spread by the operation and provided me with a link to a Danish study

Livestock-associated MRSA survival on house flies (*Musca domestica*) and stable flies (*Stomoxys calcitrans*) after removal from a Danish pig farm | Scientific Reports (nature.com)

A copy of the study was sent to Public Health Wales for advice and they confirmed that they do not comment on individual studies and provided a link to the following fact sheet LA-MRSA (publishing.service.gov.uk)

From reading the fact sheet it is apparent that those most at risk from MRSA at a pig unit would be those working directly with the animals and as advised good bio-security is required to ensure they stay safe. This is however a matter to be dealt with by Health and Safety Legislation and would therefore not be a matter for consideration under a planning response.

Whilst I do not believe that this would be a grounds for objection I would recommend that any consent require the production of a dust management and pest control plan to be submitted to agreed with the LPA prior to commencement of the activity onsite.

PCC-(N) Highways

22nd Feb 2021

Wish the following recommendations/Observations be applied

Recommendations/Observations

The Highway Authority objects to the above-named application for the following reasons;

The Highway Authority (HA) has reviewed the revised drawings submitted in support of

the application, and we maintain our previous objection for the following reasons.

We note that the applicant has failed to submit the majority of the missing detail which the HA raised issue in our previous objection. We note that the applicant has failed to include any detail of the proposed access onto the U2602, with the exception of the submission of Drawing Number 23005-02 dated July 2021.

Drawing Number 23005-02 fails to include pertinent detail such as the proposed access visibility splays, radii, width, surfacing, gradient and setback position of any gates. The drawing includes a swept path for an articulated HGV, however, the drawing is based on OS data which is widely known as being up to 1m inaccurate and therefore, the shown swept path is considered inaccurate. Notwithstanding the inaccuracies of the submitted drawing, it does demonstrate that the proposed development boundary is of insufficient area to allow the free flow of two-way vehicle movements in the area of the access, especially larger vehicles. Furthermore, the swept path shows that there is insufficient area to the front of the building for the turning of an articulated HGV without striking the feed hopper.

A revised drawing showing the full access details should be submitted for consideration, a swept path drawing based on a topographical survey should be submitted for consideration.

We previously raised issue with the alignment, width and visibility at the junction of the C2063/U2602. However, we note that the applicant has not submitted any mitigation to the current constraints other than proposed enlargement of the junction radii. The HA do not consider the proposed improvements to the junction shall adequately mitigate the issues previously raised in relation to the junction.

We note that swept path drawings have been submitted in relation to the junctions of the C2063/U2602 & B4568/C2063 and a single pinch point on the C2063. These drawings as above, are based on OS data and therefore considered inaccurate. Notwithstanding the inaccuracy of the swept path drawings, they clearly show areas of overrunning onto the highway verge. Such overrunning would result in damage to the carriageway, creation of compacted and rutted surfaces and dragging mud and debris onto the carriageway, to the detriment of highway safety.

Despite the HA raising issue with the lack of formal passing bays and the over-reliance on informal passing bays, we note that the applicant has not offered any mitigation other than unproven localised widening.

The lack of passing places and restricted width of the highway shall lead to degradation of the highway infrastructure surrounding the site. Informal passing places are created where features allow, for example where field entrances provide a gap between hedgerows onto which vehicles can pull to the side of the carriageway, or where the width of the carriageway is wider than average. Commonly, those passing places are unmade and are formed of compacted earth created by the passage of vehicles.

Should two vehicles meet on any of the lanes it will be necessary for one of them to reverse to an available passing place. The complexity of that manoeuvre will depend on the nature of the vehicle involved. For two cars, it would be relatively straightforward and often it would be possible to pass by mounting the grass verge. If a HGV and a car were to meet, or two HGVs travelling in opposite directions, the manoeuvre would be more complex due to the absence of formal passing places and limited opportunities to pass.

We are also mindful of the distance between the site and the B4568; around 3km on the preferred route. Thus, vehicles are required to travel a considerable distance on what are single width lanes, unsuited to heavy traffic. The longer the distance travelled on narrow lanes, the greater the length of time a HGV will occupy space on those lanes. Consequently, the length of the route increases the likelihood of a HGV meeting a vehicle passing in the opposite direction, if compared to a shorter journey length.

That raises the very real possibility of vehicles meeting at blind bends with limited advance warning with the potential for collisions or the need for vehicles to leave the carriageway and mount the verge, with potential for damage to vehicles and the highway network itself. Alternatively, any vehicle reversing in order to find a suitable passing place will often be required to do so without a clear view of whether an oncoming vehicle is approaching to the rear. That would particularly be the case for HGV and articulated HGV drivers if reversing around a bend with restricted rearward visibility.

Despite previously raising that insufficient detail in relation to vehicle movements had been submitted for consideration we note that the following movements are still absent from the application.

- o Straw deliveries
- o Week 5 feed delivery
- o Tractor & Trailer manure removal

- o Export FYM removal & destination
- o Fallen stock
- o Veterinary care
- o Labour force in relation to pigs in/out and facility cleaning

As submitted the application is contrary LDP Policies DM13 (10) & T1, TAN18 and Manual for Streets 1 & 2.

Policy T1 - Travel, Traffic and Transport Infrastructure

Transport infrastructure, traffic management improvements and development proposals should incorporate the following principal requirements:

1. Safe and efficient flow of traffic for all transport users, including more vulnerable users, and especially those making 'Active Travel' journeys by walking or cycling;
2. Manage any impacts to the network and the local environment to acceptable levels and mitigate any adverse impacts; and,
3. Minimise demand for travel by private transport and encourage, promote and improve sustainable forms of travel including Active Travel opportunities in all areas.

Policy DM13 - Design and Resources

Development proposals must be able to demonstrate a good quality design and shall have regard to the qualities and amenity of the surrounding area, local infrastructure and resources.

Proposals will only be permitted where all of the following criteria, where relevant, are satisfied:

10. The development has been designed and located to minimise the impacts on the transport network - journey times, resilience and efficient operation - whilst ensuring that highway safety for all transport users is not detrimentally impacted upon.

Development proposals should meet all highway access requirements, (for all transport users), vehicular parking standards and demonstrate that the strategic and local highway network can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network or that traffic impacts can be managed to acceptable levels to reduce and mitigate any adverse impacts from the development.

Community Council

27th Sep 2020

Aberhafesp Community Council had two proposals, one proposal was to support the application, the other was to neither support or oppose, but for it to go before a full planning committee. 3 votes to 2 for this planning application to go before a full planning committee was decided. It was felt that the many technical issues would be better answered by the relevant bodies.

Many residents attended the Community council meeting with their comments and issues and it was felt that this was the best way to go forward.

Many of the residents have already put their issues on the planning portal.

Hafren Dyfrdwy

14th Sep 2020

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

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

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.

PCC-(N) Highways

20th Oct 2020

The Highway Authority objects to the above-named application for the following reasons;

A full application such as this should include full access details, such as the access visibility splays, access width, setback position of any gates, surfacing detail, gradient, radii and means of draining the access. However, no such detail has been submitted for consideration.

The proposed development gains access off the U2602 which is constrained by its width and availability of adequate passing bays, as is the proposed route along the C2063. The Highway Authority (HA) notes that the applicant has offered no mitigation to this. It is our view that the scheme is over-reliant upon the existing 'Informal Passing Bays' of which, by virtue of their scale, siting and form, fail to mitigate the aforementioned constraints and provide satisfactory refuge for the safe passing of vehicles. Vehicles need to reverse reasonable distances when met by on-coming traffic, including at times when rear visibility is obscured by reason of the vertical and/or horizontal alignment of the highway. We note that the applicant has offered no improvement over the current situation.

The junction of the C2063/U2602 is constrained in terms of narrow width, gradient and visibility to the south east. Furthermore, the junction of the B4568/C2063 is constrained by narrow width and visibility to the south west. The visibility to the south west is around a third of the requisite standard as defined by Manual for Streets.

Due the gradient/vertical alignment of the U2602, it is unlikely that other highway users approaching the junction in an easterly direction would be able to see an HGV turning left into the U2602 from the C2063. Therefore, the suggestion by the applicant in their Design and Access Statement (DaS) is unlikely to be the case due to the vertical alignment of the U2602 and hedgerow on the adjacent land. Whilst we accept that the applicant cannot make any improvement as they do not control the land, they do control the land on the opposite side of the U2602 and therefore, improvement could be made to the junction.

The applicant proposes to route all HGV traffic through the junction of the B4568/C2063 from Aberhafesp, along the C2063 and turning left into the U2602.

We note that the proposed movements submitted in support of the application fails to include many of the movements associated with a development of this nature. The following movement detail is missing from the submission;

- o Straw deliveries
- o Week 5 feed delivery
- o Tractor & Trailer manure removal
- o Export FYM removal & destination
- o Fallen stock
- o Veterinary care
- o Labour force in relation to pigs in/out and facility cleaning

Whilst the U2602 is a no through road, it also gives access to the Fachwen Anglers car park. There is no available passing bay between the car park and the junction of the C2063/U2602, therefore any conflicts either in the area of the junction or between the car park and junction would require vehicles to reverse downhill.

Drawing Number Site Plan A1 shows the proposed access onto the U2602, and parking/turning area. However, no swept path drawing has been submitted which demonstrates that HGV's can enter and exit the site in a forward gear.

No detail of the forward visibility (SSD) has been submitted for consideration in relation to the south eastern visibility splay. Furthermore, no swept path drawing has been submitted in relation the road alignment immediately south east of the proposed access.

The DaS states "The proposed building has been sited to south east of the farmstead at Bank Farm. The location of the development has been selected due to access requirements, as the farm road up to Bank Farm is steep and it is not possible to access the farmstead with an articulated HGV." However, we note that no swept path drawing have been submitted for articulated HGV's accessing the site from the C2063, specifically those maneuvering the junction of the C2063/U2602, and from the car park to the site access.

We note Section 2.5 of the Pre-Application Consultation Report (PAC) which states that the issues raised by the HA have been addressed in the DaS. However, we raised issue with the lack of passing bays, the HGV shown in the footage as overrunning and constrained nature of the highway, the applicant has not offered any improvements. It should be noted that at the time of the PPAE & PAC, the proposed route was Bryn Lane and therefore, no assessment of the U2602 was undertaken by the HA at that time.

The DaS states "All agricultural developments create a requirement for HGV access and

farms are invariably located in the countryside on single track roads. Moderate levels of HGV usage of these types of road is inevitable to enable agricultural businesses to function in the countryside. An average of 1 lorry every 9 days will not impact on highway safety on the access route." However, as above, the farm is not currently accessible by HGV's as stated elsewhere in the DaS, therefore, whilst the HA accepts that the majority of farms have an existing level of HGV movements, that is not the case for Bank Farm.

Summary

The proposed route is constrained in terms of width, vertical & horizontal alignment, infrequent passing bays and two junctions which are constrained by width and visibility.

The applicant states that the farm is currently inaccessible by HGV's, yet no assessment of the suitability of the proposed route to include actual road widths, swept path drawings or access details have been submitted for consideration.

The number of proposed movements submitted in support of the application, fails to detail many of the movements associated with the development.

The HA & public raised issue at the time of the PAC with the constrained nature of the highway network, furthermore, the HA raised concern in their response to the Pre-Application Advice (PPAE).

Despite the constrained nature of the highway network which the proposed development would utilise to gain access, no highway improvements have been offered by the applicant.

The applicant has failed to demonstrate that a safe means of access can be achieved.

Conclusion

As submitted the application is contrary LDP Policies DM13 (10) & T1, TAN18 and Manual for Streets 1 & 2.

Should the applicant wish to submit revised drawings/detail which address the above points, the HA would review any such submission. However, if revised detail is not submitted to address our concerns, we would recommend that the LPA refuse the application for failing to comply with policy requirements, as set out in the LDP and pertinent technical guidance.

Powys Local Development Plan (LDP) Compliance

Policy T1 - Travel, Traffic and Transport Infrastructure

Transport infrastructure, traffic management improvements and development proposals should incorporate the following principal requirements:

1. Safe and efficient flow of traffic for all transport users, including more vulnerable users, and especially those making 'Active Travel' journeys by walking or cycling;
2. Manage any impacts to the network and the local environment to acceptable levels and mitigate any adverse impacts; and,
3. Minimise demand for travel by private transport and encourage, promote and improve sustainable forms of travel including Active Travel opportunities in all areas.

Policy DM13 - Design and Resources

Development proposals must be able to demonstrate a good quality design and shall have regard to the qualities and amenity of the surrounding area, local infrastructure and resources.

Proposals will only be permitted where all of the following criteria, where relevant, are satisfied:

10. The development has been designed and located to minimise the impacts on the transport network - journey times, resilience and efficient operation - whilst ensuring that highway safety for all transport users is not detrimentally impacted upon.

Development proposals should meet all highway access requirements, (for all transport users), vehicular parking standards and demonstrate that the strategic and local highway network can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network or that traffic impacts can be managed to acceptable levels to reduce and mitigate any adverse impacts from the development.

Environmental Protection

28th Sep 2020

Thank you for the consultation in respect of this application. From an Environmental Protection point of view there are 3 main area I would like to comment upon being noise,

odour and the manure management plan.

In terms of noise I note that applicant has had a report produced by Matrix acoustics. The report carries out a BS41412 assessment, which includes prediction of noise levels at the nearest noise sensitive receptors. The highest aggregate noise level predicted at nearby receptors is 28dB(A) which is below the WHO level for sleep disturbance. Noise would not therefore be a reason for objection.

The odour modelling report has been AS Modelling and Dat Ltd. The ADMS based model that has been used has used Environment Agency benchmarking levels to predict the impact of odour impact on nearby receptors. The Model predicts odour unit levels well below the benchmark level of 3.0 ouE/m3. Therefore odour from the premises would not be a reason for objection.

Unfortunately, the maps which have been provided as part of the manure management plan, are difficult to read and some lack a point of reference which would allow assessment of the impacts of the spreading area. Please could the applicant provide more detail on these maps to allow an assessment of impact to be undertaken.

PCC-(N) Land Drainage

23rd Oct 2020

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

All: Having assessed the Planning Application Ref 20/1122/FUL, the SuDS Approval Body (SAB) deem that the construction area is greater than 100m² and therefore this proposed development will require SAB approval prior to any construction works commencing onsite.

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

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

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

The requirement 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-(N) Highways

28th Apr 2021

The Highway Authority objects to the above-named application for the following reasons;

The Highway Authority (HA) has reviewed the additional drawings and detail submitted in support of the application, and we maintain our previous objection. In relation to the additional data submitted we wish to make the following comments.

Drawing Numbers 23005-02 Rev a & IP/JWH/02B fail to demonstrate that there is sufficient space within the development site for the parking of two HGV's/tractors & trailers and two cars, and the turning of an HGV.

It can be appropriate in certain circumstances to attach a negative condition which requires the submission of full engineering drawings which would include a topographical survey. However, the applicant would need to demonstrate at the time of the application that such an improvement is feasible and would overcome any raised issues. In the case of the current application, the detail submitted thus far do not evidence that the proposed improvement is sufficient. In order to demonstrate that the proposed junction improvement overcomes the issues of gradient, width, radii and visibility, we would expect a topographical survey with long & cross sections to be submitted. However, the only detail submitted for consideration is based on inaccurate OS data which fails to demonstrate how the proposed improvement would overcome the issues raised.

We note that the applicant acknowledges the deficiencies of using OS data.

The applicant suggests that if the farm were to operate a dairy unit that the HGV movements would be far greater than for the Intensive Pig Unit. However, we note the Layout section of the DAS states "The location of the development has been selected due to access requirements, as the farm road up to Bank Farm is steep and it is not possible to access the farmstead with an articulated HGV."

It is well-established in law that an alleged fallback position such as that proposed should be considered within the context of the likelihood of such a use resuming should planning consent be refused. No evidence has been submitted that a significant dairy operation

would be imminent should planning permission for the proposed development be refused.

The HA consider that there is sufficient capacity on the Highway Network to accommodate the proposed vehicle movements, however, as above and as previously stated, we are concerned that the existing vertical & horizontal alignment of the proposed route is constrained. Furthermore, the junction of the C2063/U2602/U2604 is constrained by poor vertical alignment, width, radii and visibility.

We note that the Vehicle Routing section of the DAS states "The emerging visibility at the Crossroads when exiting the Bank Farm Road is restricted to the south by the roadside hedge, if measuring from 1.05m above the ground, so the normal splay requirement at a 2.4m setback from 1.05m is not achievable and cannot be achieved due to the hedgerow being outside of the applicants control.

It needs to be borne in mind that the traffic which will be generated by this development is generally limited to HGV vehicles and tractors only, and therefore, if the visibility is measured from the drivers position of a HGV visibility is not restricted. The measurement of visibility splays from a HGV drivers position for developments creating only HGV traffic is something which the Local Highway Authority in Powys has previous accepted in assessing similar planning applications."

Whilst the HA acknowledge that the applicant does not control the land to the southwest of the junction, we note that the applicant controls the land to the northwest, and that improvement to the visibility could be made using that land.

The HA have assessed the application in accordance with Manual for Streets (MfS). In relation to the junction of the C2063/U2602/U2604, Figure 7.17 MfS shows the visibility envelope of an HGV, being 2m to 600mm. No evidence has been submitted that visibility in accordance with MfS to the south of the junction is achievable with the current situation.

Should the applicant demonstrate that sufficient visibility is available to the south of the junction, Notice would need to be served on the adjacent landowner to maintain the hedge to a maximum height in perpetuity. We note that Notice has not been served and therefore, any condition relating to the visibility at the junction would be contrary to WGC 016/2014.

Should the applicant wish to submit revised drawing which address the above points and those raise in earlier responses by the HA, we shall certainly review any such submission. However, should no such evidence be submitted, we advise that the application is contrary to LDP Policies DM13 (10) & T1, TAN 18, Manual for Streets 1 & 2 and WGC 016/2014.

The County Council as Highway Authority for the County Class III Highway, C2063

Wish the following recommendations/Observations be applied

Recommendations/Observations

The Highway Authority (HA) has reviewed the most recently submitted revised drawings in relation to the application and wish to make the following comments.

We note Drawing Number 23005-02 proposes that access to the proposed development shall now be gained off the C2063. All movements associated with the development shall now pass through the junction of the C2063/U2602/U2604, on the northern and southern arms only. Therefore, the HA are no longer seeking improvement to the western arm of the junction.

The HA reiterate our earlier concerns regarding the width of the junction of the B4568/C2063, availability of suitability sized passing bays and the alignment/width of the 'S' bends on the C2063. However, we are mindful that these points can be dealt with by means of negative condition.

The applicant should be aware that the exiting internal field gate around the location of the proposed access off the C2063, shall need to be relocated to comply with Condition 15 below.

Therefore, on the basis that the following conditions are attached to any consent given, the HA advise that we withdraw our earlier objections.

1. Notwithstanding the submitted details on drawing numbers 23005-01, 23005-02, 23005-02-2, IP/JWH/01C, and IP/JWH/02C 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 to include long/cross sections for widening of the junction of the B4568/C2063, relocation of the telegraph pole at the site access and highway realignment as shown on Drawing Number 23005-02-2, 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, 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.

4. 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.

5. 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 59 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

6. 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.

7. 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 20 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 any works being commenced on the development site the applicant shall construct three passing bays along the C2063 county highway in locations to be agreed in writing by the Local Planning Authority.

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

10. Prior to the first operational use of the development, provision shall be made within the curtilage of the site for the parking of not less than two cars/vans and two heavy goods vehicles/tractors & trailers 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.

11. Prior to the first operational 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 20 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.

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

13. The gradient of the access shall be constructed so as not to exceed 1 in 20 for the first 20 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 width of the access carriageway, constructed as Condition 5 above, shall be

not less than 6 metres for a minimum distance of 20 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.

15. Any vehicular entrance gates installed within the application site shall be set back at least 20 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.

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

17. All access to the development hereby permitted shall be gained via the access shown on Drawing Number 23005-02. No alternative vehicular or pedestrian access shall be used or created to service the site directly from the county highway for as long as the development remains in existence.

Advisory Notes

The off-site highway works shall be subject to an agreement (supported by a road bond) under Section 278 of the Highways Act 1980. The design and detail required as part of a Section 278 Agreement shall be prepared by the applicant and approved by Powys County Council. Implementation of the approved scheme shall be at the expense of the developer. Further information relating to Section 278 requirements can be found in Section E of the CSS Wales Common Standards Guide 2020.

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

1. 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.

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

3. 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-(N) Highways

20th Sep 2021

The County Council as Highway Authority for the County Unclassified Highway, U2602

Wish the following recommendations/Observations be applied

Recommendations/Observations

The Highway Authority (HA) has reviewed the most recently submitted revised drawings in relation to the application and wish to make the following comments.

We note Drawing Number 23005-02 proposes that access to the proposed development shall now be gained off the C2063. All movements associated with the development shall now pass through the junction of the C2063/U2602/U2604, on the northern and southern arms only. Therefore, the HA are no longer seeking improvement to the western arm of the junction.

The HA reiterate our earlier concerns regarding the width of the junction of the B4568/C2063, availability of suitability sized passing bays and the alignment/width of the 'S' bends on the C2063. However, we are mindful that these points can be dealt with by means of negative condition.

The applicant should be aware that the exiting internal field gate around the location of the proposed access off the C2063, shall need to be relocated to comply with Condition 15 below.

Therefore, on the basis that the following conditions are attached to any consent given, the HA advise that we withdraw our earlier objections.

1. Notwithstanding the submitted details on drawing numbers 23005-01, 23005-02, 23005-02-2, IP/JWH/01C, and IP/JWH/02C 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 to include long/cross sections for widening of the junction of the B4568/C2063, relocation of the telegraph pole at the site access and highway realignment as shown on Drawing Number 23005-02-2, 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, 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.

4. 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.

5. 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 59 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

6. 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.

7. 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 20 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 any works being commenced on the development site the applicant shall construct three passing bays along the C2063 county highway in locations to be agreed in writing by the Local Planning Authority.
9. The passing bays referred to above shall be constructed to adoptable standard prior first beneficial/operational use of the development hereby approved.
10. Prior to the first operational use of the development, provision shall be made within the curtilage of the site for the parking of not less than two cars/vans and two heavy goods vehicles/tractors & trailers 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.
11. Prior to the first operational 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 20 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.
12. Prior to the occupation of the development a radius of 10.5 metres shall be provided from the carriageway of the county highway on each side of the access to the development site and shall be maintained for as long as the development remains in existence.
13. The gradient of the access shall be constructed so as not to exceed 1 in 20 for the first 20 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 width of the access carriageway, constructed as Condition 5 above, shall be not less than 6 metres for a minimum distance of 20 metres along the access measured

from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.

15. Any vehicular entrance gates installed within the application site shall be set back at least 20 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.

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

17. All access to the development hereby permitted shall be gained via the access shown on Drawing Number 23005-02. No alternative vehicular or pedestrian access shall be used or created to service the site directly from the county highway for as long as the development remains in existence.

Advisory Notes

The off-site highway works shall be subject to an agreement (supported by a road bond) under Section 278 of the Highways Act 1980. The design and detail required as part of a Section 278 Agreement shall be prepared by the applicant and approved by Powys County Council. Implementation of the approved scheme shall be at the expense of the developer. Further information relating to Section 278 requirements can be found in Section E of the CSS Wales Common Standards Guide 2020.

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

1. 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.

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

3. 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

Representations

There have been 172 public representations received in connection with the proposed development, 120 of which objected to the development and 51 in support.

The concerns raised range from effect on local ecology, inadequate access, increased transport movements, increase in pollution, noise nuisance, odour and manure spreading/wash water plan, impacts to human health and contrary to planning policy.

Principal Planning Constraints

Right of Way

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
TAN6	Planning for Sustainable Rural Community	National Policy
TAN11	Noise	National Policy
TAN12	Design	National Policy
TAN15	Development and Flood Risk	National Policy
TAN18	Transport	National Policy
TAN23	Economic Development	National Policy
TAN24	The Historic Environment	National Policy
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
DM8	Minerals Safeguarding	Local Development Plan 2011-2026
DM13	Design and Resources	Local Development Plan 2011-2026
DM14	Air Quality Management	Local Development Plan 2011-2026

E2	Employment Proposals on Non-Allocated Employment Sites	Local Development Plan 2011-2026
E6	Farm Diversification	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
SPGRE	Renewable Energy 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 for Aberhafesp and for the purposes of the Local Development Plan is located on land within the open countryside.

The application site is located on agricultural land belonging to the agricultural holding known as Bank Farm. The site is located off a private access road just off the U2602.

Consent is sought for a pig rearing unit. The building proposed measures approximately 80 metres in length by 15.5 metres in width reaching a height of 7.6 metres and will

include a covered manure store.

Town and Country Planning (Environmental Impact Assessment) Regulations 2017

Part 2 of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016 reference lists of development and thresholds defining where a development proposal is EIA development. These are contained in Schedule 1 and 2 of the Regulations. Schedule 1 of the regulations lists where EIA is mandatory and Schedule 2 where development must be screened to determine if it is EIA development.

Whilst the development does not exceed the threshold set out in Schedule 1, it does exceed the threshold under Schedule 2. Given consideration of the site location, characteristics of the development and potential impact it was considered that the proposed development is not likely to have any significant environmental effects.

Principle of Development

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

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

LDP Policy DM4 sets out the main considerations in terms of the impact of proposals upon the landscape, which will be assessed below. In addition, policy E6 states that development proposals for farm diversification will be permitted where the proposed diversification will be of an intensity of use appropriate to the location and setting as well as not having a significant detrimental effect on the vitality and viability of any adjacent land uses.

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

Landscape and Visual Impact

Policy SP7 and DM4 of the Powys Local Development Plan indicate that development proposals will only be permitted where they would not have an unacceptable adverse

impact on the environment and would be sited and designed to be sympathetic to the character and appearance of its surroundings. Policies SP7 and DM4 requires a Landscape and Visual Impact Assessment to be undertaken where impacts are likely on the landscape and proposals should have regard to LANDMAP, Registered Historic Parks and Gardens, protected landscapes and the visual amenities enjoyed by users of the Powys landscape and adjoining areas. The Council's Landscape SPG reinforces policy DM4 and provides additional guidance on the assessment process.

LANDMAP evaluates the application site as the following:

Geological Landscape- Moderate
Landscape Habitat- Moderate
Visual & Sensory- High
Historic Landscape- Moderate

The Visual & Sensory evaluation identifies the area as "An extensive area of rolling hillsides and pasture land with gently sloping sides and rounded tops. Views across the area are generally from a succession of rolling ridges and due to the size of the area long distance views are limited / insignificant to far distant ridgelines of upland areas. Sense of place is settled, safe and relatively intimate. Vegetation is predominantly Oak/mixed broadleaf woodland patched with a strong field pattern defined by hedgerows. General landscape character is defined strongly by the rolling farmed landscape with traditional farming techniques common i.e. hedge laying and few intensive farming practices employed"

The proposed application site for the pig unit is to be located approximately 250 metres from the existing farm holding at Bank Farm along the private access track to the application site. Whilst detached from the existing farmhouse and associated agricultural buildings it is noted that in April 2021 consent was granted for a rural enterprise dwelling which is to be located north-west of the application site and between the proposed pig unit and the existing farmyard and associated buildings.

Whilst the introduction of the additional proposed building will be a noticeable addition within the landscape it is considered that this impact would only be immediately surrounding the site. With the limited height of the development and the levels of existing and proposed mature vegetation it is considered that this would assist in integrating the proposal within to the local landscape.

It is considered following receipt of the information submitted in support of the application that the proposal would not individually or cumulatively have an unacceptable adverse impact on the landscape character or visual amenity on the surrounding landscape, subject to a condition ensuring further landscaping in completed surrounding the application site of native species.

Impact on Amenity, Living Conditions and health of Local Residents

Poultry units have the potential to impact on the living conditions of residents living nearby through a number of factors in particular emissions of noise, odour and dust. Policy DM13 Criterion 11 seeks to ensure that the amenities enjoyed by the occupants or users of nearby or proposed properties shall not be unacceptably affected by levels of noise, dust, air pollution, litter, odour, hours of operation, overlooking or any other planning matter.

The application is supported by a number of documents to assess the development and the Environmental Health officer has been consulted as part of the application process.

- Manure management

Whilst Environmental Protection initially raised concerns about the maps produce for manure spreading additional information was since sent confirming that no spreading of manure is going to take place on the farm and that waste will be transferred to Gamber instead.

- Noise

The applicant has had a report produced by Matrix acoustics. The report carries out a BS41412 assessment, which includes prediction of noise levels at the nearest noise sensitive receptors. Environmental Health Officers have confirmed that they agree that the correct methodology has been used for assessing noise and are satisfied with its conclusion.

The highest aggregate noise level predicted at nearby receptors is 28dB(A) which is below the WHO level for sleep disturbance. Noise would not therefore be a reason for objection.

- Odour

The odour modelling report has been completed by AS Modelling and Data Ltd. The Model predicts odour unit levels well below the benchmark level of 3.0 ouE/m³ set by the Environment Agency. Therefore, odour from the premises would not be a reason for objection.

- MRSA

Environmental Health Officers were also directly contacted from a member of the public concerned about the potential for MRSA to be spread by the operation.

A copy of which was also sent to Public Health Wales for advise.

From reading the fact sheet it is apparent that those most at risk from MRSA at a pig unit would be those working directly with the animals and as advised good bio-security is required to ensure they stay safe. This is however a matter to be dealt with by Health

and Safety Legislation and would therefore not be a matter for consideration under a planning response.

Environmental Health Officer have therefore concluded that subject to a condition securing a dust management and pest control plan to be submitted they would have no objection to the proposed development.

Biodiversity, Ecology & The Environment

Policy DM2 of the Powys Local Development Plan seeks to maintain biodiversity and safeguard protected important sites. Policy DM2 states that proposed development should not unacceptably adversely affect any designated site, habitat of species including locally important site designations. This is further emphasised within Technical Advice Note 5.

- Manure Management

Whilst concerns were initially raised by NRW regarding the spreading of manure and the water environment, additional information has since been submitted to confirm that all manure will be exported off site to an anaerobic digester.

Given this amendment, the reason for previous objection has therefore been satisfied.

- Protected Sites and Aerial Emissions

Consideration through modelling reports have been given to the following designated protected sites:

- Gregynog SSSI
- Gweunydd Penstrowedd SSSI
- Mochre Dingle SSSI

Whilst NRW previously advised that the proposed unit would not exceed the 1% process contribution to nearby SSSI, it is noted that the background ammonia concentration levels were then subsequently changed and therefore this new data must be taken into consideration.

At the outset it was predicted that the development is likely to produce 0.7% ammonia contribution to the Gregynog SSSI which alone would be below the 1% critical level.

However, data now publicly available confirms that the critical level for the Gregynog SSSI has and is being currently exceeded. Gregynog SSSI is the richest known epiphytic lichen site in Montgomeryshire and the most important parkland for lichens in Powys. It is therefore reported that the features of the SSSI are already known to be affected by ammonia deposition and any further contribution would only worsen the extent, condition and structure of the habitat for which the SSSI is protected for.

Whilst therefore, initially no objection was raised, based on the new data available to date it is considered that the proposed development and further contribution of ammonia would have a significant adverse effect on the Gregynog SSSI and whilst no cumulative assessment has been completed by the agent, on reviewing nearby recent planning determinations it is considered that this would only further harm the effect, contrary to national and local planning policy.

Highway Safety

Policy DM13, criterion 13 and Policy T1 of the LDP seek to ensure that proposed developments have been designed and located to minimise the impacts on the transport network - journey times, resilience and efficient operation - whilst ensuring that highway safety for all transport users is not detrimentally impacted upon.

Technical Advice Note 18 (Transport) paragraph 3.14 (Farm diversification) states that: *Local authorities should adopt a positive approach to development associated with farm diversification in rural areas, irrespective of whether farms are served by public transport (PPW paragraph 7.3.3). This type of small- scale economic development is attached to existing farm businesses that are often situated in relative rural isolation. It is important that a realistic assessment of the transport impacts is made, with a view to reconciling traffic issues with the benefits of encouraging diversification. In the majority of cases, it is expected that any transport problems should be capable of being resolved by appropriate minor junction or other highway modifications. Exceptionally, there may be cases where the anticipated increase in traffic cannot be reasonably accommodated. Such developments are more appropriately located on allocated industrial/ commercial sites, if available in the locality, or in or adjoining local service centres where the highway network is more robust.*

The proposed development will utilise the existing access on site. The Powys Highway Authority have been consulted and subject to numerous amendments including a road widening scheme the highway authority has confirmed that they are now in a position to support the proposal subject to the recommended conditions.

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

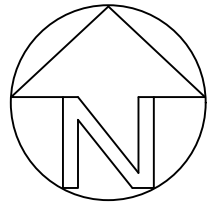
RECOMMENDATION

In light of the above it is considered that the proposed development individually but also cumulatively would have a significant adverse effect on the Gregynog SSSI through ammonia contributions, and the recommendation is therefore one of refusal.

Reason

1. The proposed development has failed to demonstrate that there will not be a detrimental impact on the Gregynog SSSI through ammonia deposition and is therefore contrary to policies SP7 and DM2 of the Powys Local Development Plan, TAN 5 Nature Conservation and Planning and Planning Policy Wales (2021).

Case Officer: Gemma Bufton, Principal Planning Officer
Tel: 01597 827505 E-mail: gemma.bufton1@powys.gov.uk



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CLIENT
J W Hopkins
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Newtown
Powys
SY16 3LS

JOB TITLE
Proposed Piggery

DWG. TITLE
Location Plan

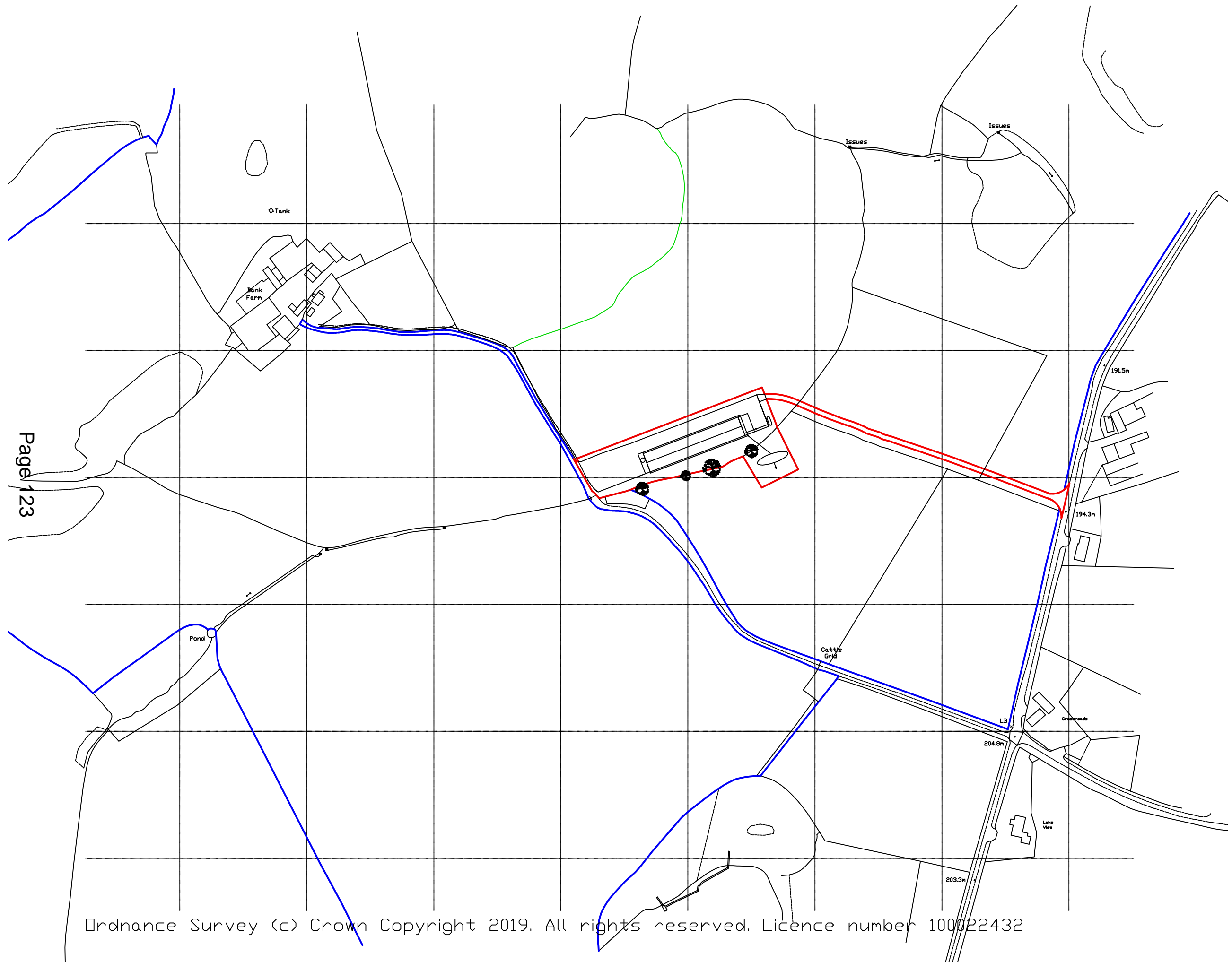
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Planning, Taxi Licensing and Rights of Way Committee Report

Application Number:	22/0415/FUL	Grid Ref:	E: 322513 N: 329665
Community Council:	Llansilin Community	Valid Date:	05.04.2022

Applicant: Mr D Thomas

Location: Land Near to Lledrod, Llansilin, Oswestry, Powys, SY10 7PU

Proposal: Change of use of agricultural land and a building to a mixed use of agriculture along with machinery/vehicle repairs and servicing, to include hard standing and all associated works (part retrospective)

Application Type: Full Application

The reason for Committee determination

The application has been called in by the Local Member to be considered by the Planning, Taxi Licensing and Rights of Way Committee due to concerns regarding highway safety.

Consultee Responses

Consultee	Received
<u>Environmental Protection</u>	22 nd Apr 2022

Environmental Protection has no objection to the application

Additional Comments 31st May 2022

Further to my previous email, I was not entirely aware of the scale and type of business at the site, so I would like to add some further comments please with regard to potential noise

issues.

In the absence of a noise impact assessment report being provided by the developer, I would suggest that a working hours restriction would be the most suitable way to ensure that the amenity of nearby residential properties is protected. Therefore I would recommend the following condition:

The use shall not be carried out outside the hours of 0800 to 1800 Monday to Friday, 0800 to 1300 on Saturdays and 0800 to 1300 on Sundays.

Hafren Dyfrdwy

8th Apr 2022

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.

Llansilin Community Council

14th May 2022

Llansilin Community Council will support this application should all highways conditions be carried out.

Llansilin Community Council

Additional comments 24th Sept 2022

Comments:

22/0415/FUL | Change of use of agricultural land and a building to a mixed use of agriculture along with machinery/vehicle repairs and servicing, to include hard standing and all associated works (part retrospectively).

Llansilin Community Council have previously considered and were unable to support a similar application for building extension and associated works at the same site. Comments were recorded on the planning portal under the application 21/2005/FUL. | Erection of an extension to an agricultural livestock building and all associated works | Land Opposite Lledrod Llansilin Oswestry Powys SY10 7PU

With reference to this current application Llansilin Community Council once again express disappointment that the application for the above planning is vague in its completion, a number of areas had been left blank where it was felt a full explanation was required.

Our concerns include:

- Hours of opening - the application says these are not relevant; We feel that they are relevant if they are to impact on the quality of life to occupiers of residential properties close by.
- From 7 January 2019, all new developments of more than 1 dwelling house or where the construction area is 100 square metres or more, require Sustainable Drainage Systems (SuDS) for surface water designed and built in accordance with the Welsh Ministers Statutory SuDS Standards. SuDS Schemes must be approved by your local authority acting in its SuDS Approving Body (SAB) role. Please contact your local authority for details of how to apply.

Despite stating the area in question is 0.1 hectare (1000 sq metres) this question remained unanswered. Enquiries have been made by local residents to PCC asking if such SuDS are in place and they are still waiting for a reply.

- Agricultural Holding Certificate Town and Country Planning (Development Management Procedure) (Wales) Order 2012

(A) None of the land to which the application relates is, or is part of an agricultural holding. This is a dubious reply as the application is for a Change of use of agricultural land which is in direct conflict to their answer.

- Foul sewerage disposal? Answer unknown- when will it be known?
- Trade Effluent Does the proposal involve the need to dispose of trade effluents or trade waste? Answer NO- the community council feel that an Agricultural Engineers would have dirty oil to dispose of-but no details as to how this will be done.
- Industrial or Commercial Processes and Machinery -Does this proposal involve the carrying out of industrial or commercial activities and processes? Answered No, the community council feel that the agricultural business WILL and ARE involved in such activities.
- Highways: The community council wish to request that Powys County Council pursue a formal investigation the concerns raised by the community members into the entry/ exit safety to the site in question

In conclusion, as commented in the previous application (21/2005/FUL), Llansilin Community Council would normally aim to support any such application which includes the benefit for small local enterprise however on this occasion with the absence of sufficient information to mitigate concerns raised are unable to do so. The Council however, would be willing to reconsider this decision if enquiries by Powys planning / Building Control are able to provide adequate information to mitigate the concerns of the community.

PCC-Building Control

No comments received at the date of writing this report.

Ward Councillor

12th Apr 2022

I wish to call in this application so that the planning committee can consider, my reason for which is the local communities concern about the safe access to the B4580.

Natural Resources Wales (Mid Wales) DPAS

11th May 2022

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

Pollution Prevention

Our maps indicate that the application site has a small watercourse present. We also note that the change of use will include machinery/vehicle repairs and serving.

Due to the presence of an onsite watercourse, all works at the site must be carried out in accordance with GPP5 and relevant PPGs. The developer should also take any precaution to prevent contamination of surface water drains and local watercourses. Oils and chemicals should be stored in bunded areas and spill kits should be readily available in case of accidental spillages. For further guidance please refer to GPP 5 and relevant PPGs at the following link: [Guidance for Pollution Prevention \(GPPs\)](#)

Other Matters:

Our comments above only relate specifically to matters included on our checklist, Development Planning Advisory Service: Consultation Topics (September 2018), which is published on our website <https://naturalresources.wales/guidance-and-advice/business-sectors/planning-and-development/our-role-in-planning-and-development/our-role-in-planning-and-development/?lang=en> We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests.

We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our website <https://naturalresources.wales/permits-and->

permissions/?lang=en for further details.

If you have any queries on the above, please do not hesitate to contact us.

PCC – Highways

4th May 2022

Thank you for consulting the Highway Authority on this planning application at land near to Lledrod Llansilin Oswestry Powys SY10 7PU. The proposal seeks Change of use of agricultural land and a building to a mixed use of agriculture along with machinery/vehicle repairs and servicing, to include hard standing and all associated works (part retrospective).

Access to the site would be gained via the existing access from B4580 which appears to be improved by the applicant recently, although not to the Highway Authority requirements. During our recent site inspection, we have noted that improved the access is substandard in terms of access visibility, radii, finish and width. The available visibility splays in both directions currently measures 7m which is considerably less than required by the Manual for Streets/Manual for Streets 2 (MfS/MfS 2). We note that the applicant did not offer any mitigation in this respect.

Perceived speeds in this area are 30mph, therefore the requisite visibility splays should be 43m in each direction. The Highway Authority notes that the applicant controls sufficient frontage to carry out required improvements.

Therefore, should the planning authority be minded to support the proposal, it is recommended that the following highway conditions be attached.

1. Within 30 days of the date of this permission the access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 43 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the 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.

2. 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.

3. Within 30 days of the date of this permission 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 15m 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. Within 30 days of the date of this permission the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course material or (a suitably bound material which is to be approved in writing by the LPA) 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.

5. Within 30 days of the date of this permission a radius of 10 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.

6. The width of the access carriageway, constructed as per Condition 1 above, shall be not less than 5.5 metres for a minimum distance of 15 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.

7. The gradient of the access shall be constructed so as not to exceed 1 in 20 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.

8. 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.

9. 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

Additional comments received

10th May 2022

Thank you for consulting the Highway Authority on this planning application at land near to Lledrod, Llansilin, Oswestry, Powys, SY10 7PU. The proposal seeks Change of use of agricultural land and a building to a mixed use of agriculture along with machinery/vehicle repairs and servicing, to include hard standing and all associated works (part retrospective).

Access to the site would be gained via the existing access from B4580 which appears to have been improved by the applicant recently, although not to the Highway Authority requirements. During a recent site inspection, we have noted that the improved access is substandard in terms of access visibility, radii, surfacing and width. The available visibility splays in both directions currently measures 7m which is considerably less than that required by the Manual for Streets/Manual for Streets 2 (MfS/MfS 2). We note that the applicant did not offer any mitigation in this respect.

Perceived speeds in this area are 30mph, therefore the requisite visibility splays should be 43m in each direction. The Highway Authority notes that the applicant controls sufficient frontage to carry out the required improvements.

Therefore, should the planning authority be minded to support the proposal, it is

recommended that the following highway condition be attached.

1. Within 30 days of the date of this permission the access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 43 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the 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.
2. 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.
3. Within 30 days of the date of this permission 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 15m 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. Within 30 days of the date of this permission the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course material or (a suitably bound material which is to be approved in writing by the LPA) 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.
5. Within 30 days of the date of this permission a radius of 10 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.
6. The width of the access carriageway, constructed as per Condition 1 above, shall be not less than 5.5 metres for a minimum distance of 15 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.
7. The gradient of the access shall be constructed so as not to exceed 1 in 20 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.
8. 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.

9. 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.

Representations

Following the display of a site notice on 14th April 2022, 15 representations have been received from 5 members of the public at the time of writing this report. Public comments

are summarised as follows:

- Noise pollution and impact on neighbouring amenity.
- Reduction of owners' peaceful enjoyment of nearby properties
- Light pollution and impact on neighbouring amenity
- Adverse impact on visual amenity
- Environmental pollution
- Adverse effect on landscape amenity and hedgerow removal
- Working hours concerns
- Highway safety concerns and site access concerns
- Application does not include the creation and subsequent use of the entrance and driveway to the site
- The precedent the use of the site for a light industrial use would set in an open rural area
- Proposed use is inappropriate to the location
- Allowing the application could set a precedent
- There are anomalies in the application form
- Application process concerns
- Site notice not displayed correctly
- Insufficient drainage details
- Question NRW response on the application
- Developer has no concerns about effect on the surrounding area
- What arrangements are there for disposal of waste products
- Inappropriate, dangerous and antisocial disposal of trade effluent and waste
- Bonfires being lit on site
- Confirm method of foul drainage and provision of fresh water and sanitary washing facilities for workers on site

Planning History

App Ref	Description	Decision	Date
21/2005/FUL	Erection of an extension to an agricultural livestock building and all associated works	Application Withdrawn	
AGRI/2015/0024	Agri: Erection of building for storage of fodder and machinery	Permitted Development	28 th May 2015

Principal Planning Constraints

Open Countryside

Unrestricted Highway: B4580

Restored Ancient Woodland Site

Approximately 305 metres northeast

Grade II Listed Buildings

Approximately 65 metres north

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 Communities		National Policy
TAN11	Noise		National Policy
TAN12	Design		National Policy
TAN15	Development and Flood Risk		National Policy
TAN18	Transport		National Policy
TAN23	Economic Development		National Policy
TAN24	The Historic Environment		National Policy
DM2	The Natural Environment		Local Development Plan 2011-2026
DM4	Landscape		Local Development Plan 2011-2026
DM5	Development and Flood Risk		Local Development Plan 2011-2026
DM6	Flood Prevention Measures and Land Drainage		Local Development Plan 2011-2026
DM7	Dark Skies and External Lighting		Local Development Plan 2011-2026
DM12	Development in Welsh		Local Development

	Speaking Strongholds	Plan 2011-2026
DM13	Design and Resources	Local Development Plan 2011-2026
DM15	Waste Within Developments	Local Development Plan 2011-2026
E6	Farm Diversification	Local Development Plan 2011-2026
SP7	Safeguarding of Strategic Resources and Assets	Local Development Plan 2011-2026
T1	Travel, Traffic and Transport Infrastructure	Local Development Plan 2011-2026
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

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 Llansilin and is located within the open countryside as defined by the Powys Local Development Plan (2018). The site comprises a detached steel portal framed agricultural building with hardcore yard area to the south and is surrounded to all sides by agricultural land,

currently cropped to permanent pasture. The building has vehicular access onto the County Highway B4580 via a hardcore track. There are neighbouring residential properties to the north approximately 80 metres away and to the northeast approximately 160 metres away.

This application seeks part retrospective consent for the change of use of agricultural land and a building to a mixed use of agriculture along with machinery/vehicle repairs and servicing, to include hard standing and all associated works.

Principle of Development

The change of use relates to an existing agricultural building. As stated within paragraph 3.2.1 of Technical Advice Note 23, national planning policy supports the re-use and adaptation of existing rural buildings which the policy advises has an important role in meeting the needs of rural areas for commercial and industrial development, and tourism, sport and recreation. The policy further advises "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".

The submission indicates that the building is appropriate for the use in terms of space, and type of building required. Therefore, in consideration of the first bullet point criterion above, the building is considered suitable for the specific use.

In terms of the second bullet point, the dispersal of activity leading to the prejudice of town and village vitality, LDP Policy E2 and the supporting text states:

"Proposals for employment development on non-allocated sites will be permitted where it is demonstrated that no other suitable existing or allocated employment sites or previously developed land can reasonably accommodate the proposal, and where at least one of the following criteria is met:

1. The proposal is up to 0.5ha. and is located within or adjoining a settlement with a development boundary.

2. The proposal is for the limited expansion, extension or environmental improvement of existing employment sites and buildings.

3. The proposal is appropriate in scale and nature to its location and is supported by a business case which demonstrates that its location is justified.

4.4.5 Given the dominance in the Plan area of micro and small businesses dispersed over a large geographic area it is evident that not all employment proposals will be appropriately accommodated on allocated employment sites. Policy E2 therefore supports the economy by enabling, in both urban and rural areas, the provision of economic opportunities on non-allocated sites, including the development of new small businesses and in so doing it will address any local need for neighbourhood employment accommodation.

4.4.6 In addition, the appropriate expansion or modernisation of existing businesses in-situ is supported to reduce the inconvenience and disruption of moving, whilst retaining the source of employment within the local community. The provision of new employment proposals within the open countryside is also supported where it can be demonstrated that such a location is justified by the nature of the proposal. Such employment proposals may include the reuse of existing buildings and farm diversification, or homeworking in accordance with policies E6 or E7”.

The proposed site is not located within or adjoining a settlement boundary and therefore does not meet criterion 1 above. The application seeks the change of use to mixed agricultural and machinery repair and servicing, and therefore the machinery repair and servicing will run alongside the existing agricultural use of the site and assist in diversifying the agricultural unit. The proposed development meets criteria 3 of policy E2 above; it is considered that information has been supplied within the application submissions which provides justification of the location of this business.

In addition, Farm diversification is assessed under policy E6 of the Powys LDP (2018). Policy E6 states that development proposals for farm diversification will be permitted where the proposed diversification will be of an intensity of use appropriate to the location and setting and will have no significant detrimental effect on the vitality or viability of any adjacent land uses, either individually or through cumulative impact; adequate provisions is made for the parking of vehicles and the storage of materials/equipment; and the construction of new, or conversions of existing buildings, that form part of the proposal lie within or immediately adjacent to existing farm building complex.

Farm diversification offers key benefits for the socio-economic growth of rural communities allowing the creation of commercial opportunities to provide rural employment that utilises existing resources. Farm diversification also helps maintain the viability of individual farm units, enables family units to remain within the community and have viable employment.

In consideration of developments for farm diversification activities, consideration should be given in the first instance to the reuse of existing buildings. Due to their location, farm diversification proposals may be required to address traffic generation issues.

The application states that the agricultural building was constructed in 2016 and between 2016 and 2021 the building was used for agricultural purposes of storage of agricultural machinery and fodder. The proposal is for a change of use for a mixed use of agriculture along with machinery/vehicle repairs and servicing. The land and building subject to the application and within the red-edged area of development would be used for 50% agriculture and 50% repair and maintenance of machinery. Agricultural use of the land and building would therefore continue and the proposed change of use would represent a diversification development to support the agricultural use of the unit.

The proposed change of use would utilise an existing building. It is considered that due to its construction the existing building is suitable for its intended use as mixed use of agriculture along with machinery/vehicle repairs and servicing. Adequate provision has been made within the proposal for the parking of vehicles and storage of materials associated with the change of use and the existing hardcore yard is suitable for this use. In these respects, the visual and landscape impact of the change of use would be limited. Furthermore, it is noted that the barn is not listed nor of traditional construction and the proposed development would therefore not have an impact on a building considered to be of historic or architectural interest.

In light of the above, it is considered that the principle of development is acceptable on this occasion, in compliance with Policies E2 and E6 of the Powys LDP, TAN 6 and TAN 23. This is, however, subject to a review of the broader material planning considerations, which are addressed in-turn below.

Design, Scale and Appearance

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.

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.

The building comprises a steel portal frame building with part concrete block and part box profile cladding walls under a box profile clad sheet roof. There is a roller shutter door to the south elevation and personnel door to the side elevation. This application does not propose any alterations to the building. There is a roadside hedgerow, although it is lower in height than the building and some hedgerow and scattered trees surround the site otherwise; it is noted that land adjacent to the site is being used for agricultural purposes,

however this land has not been included within the application site area and as such will not be considered in the design and landscape consideration below.

The reuse of an existing building is supported through policy E6 of the Powys LDP (2018). The area of land to the south of the building proposed which forms part of this change of use application is typical of a hardstanding yard used for storage and parking of agricultural machinery, which is commonly seen and permitted on agricultural units. In light of this, and that no changes to the exterior fabric of the building are proposed, it is considered that the design of the proposal is acceptable. Overall, the proposal from design perspective is considered to respect the character of the existing building in accordance with LDP Policy DM13.

The site is located within the Llanrhaedr Farmlands Visual and Sensory Aspect Area of LANDMAP and is evaluated as high. The other aspect areas are evaluated as follows:

Geological landscape – moderate

Landscape habitats – moderate

Historic Landscape – high

The Visual and Sensory aspect area is summarised as follows:

‘Rolling plateau farmland complex typified by small irregular field patterns following the contours. Strongly defined field boundaries managed and overgrown hedgerows with mature hedgerow trees. Area feels secure, settled and safe with a definite sense of enclosure emanating from the upland scarps rising to the west and north at the heads of the valleys.

It is acknowledged that the building and site are visible from the public highway. A visual and sensory evaluation of the site using LANDMAP classifies this area of land as being of high value. No external alterations are proposed to the building, with the application solely relating to the change of use of existing permitted buildings. The parking and storage of machinery within a yard associated with an agricultural unit is expected and permitted and as such the character and appearance of the area would not be further compromised by the development to warrant refusal. However, it is recommended that a condition is attached to the consent to require a landscaping scheme to be submitted for approval and thereafter implemented.

Therefore, the development is in-keeping with the surrounding area in accordance with bullet point 3 of paragraph 3.2.1 of TAN23 and is not considered to have an unacceptable adverse effect, on the valued characteristics and qualities of the Powys landscape in accordance with LDP Policies DM4 and DM13.

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

Neighbouring Amenity

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

There are neighbouring residential properties to the north approximately 80 metres distant and to the northeast approximately 160 metres distant. The development does not raise concern in respect of impacts over overshadowing, privacy etc, based on the distances from neighbouring properties, however given the nature of the use, noise is a material consideration.

The site has permitted agricultural use, which would include the use and repair of the necessary agricultural equipment related to the agricultural use and noise associated with this.

With regards to artificial light on the site, a lighting plan has not been included with the application and the proposed plans did not demonstrate that any external lighting would be incorporated into the development. However, given the nature of the use of the building there is potential for additional external lighting to be incorporated into the development. Therefore, a condition will be attached to the granting of any consent securing the submission of a detailed external lighting design scheme, should any external lighting be proposed.

The Council's Environmental Protection Team have been consulted on the proposed development and have not objected to the application, subject to the inclusion of suitably worded condition regarding working hours. In consideration of the application, Environmental Protection have not requested a noise assessment and are satisfied that the recommended working hours conditions would mitigate any adverse effect on residential amenity of the proposal.

In light of the above, and subject to suitably worded planning conditions being attached to any grant of planning consent, the development is considered to be acceptable in this regard, and compliant with planning policy and guidance.

Highways

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 proposed development seeks to gain vehicular access via the existing farm track onto the B4580 county highway. The Local Highway Authority have been consulted on the proposed development and have noted that, subject to the inclusion of recommended conditions, they do not raise any objection to the development. It is considered that the

recommended conditions are commensurate to the scale of the development and are necessary and would be to the benefit of all users.

In light of the above, and subject to the inclusion of the recommended conditions, the proposal is deemed to be acceptable and compliant with planning policy.

Natural Environment

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

Protected sites

There are no protected sites within 1km of the proposed development. There are several parcels of Ancient Woodland (Restored Ancient Woodland Sites and Ancient Semi-Natural Woodland Site) within 500 metres of the proposed development. However, due to the separation between the proposed development and ancient woodland site and lack of connectivity, it is Officer opinion that the proposed development will not have any adverse effect on these sites.

Protected Species

The application has not been accompanied by any ecological information. The proposal includes the change of use of an agricultural building and land to a mixed agricultural and vehicle machinery repair and servicing use. Due to the construction and condition of the building, being of modern construction, and that no changes are proposed to the building, it is Officer opinion that the existing building offers negligible opportunities for ingress by bats and therefore the proposed development will not have an adverse effect on roosting bats or nesting birds.

Natural Resources Wales (NRW) have been consulted and not raised any objections to the proposal. Their comments regarding pollution prevention are noted and a suitably worded advisory note will be attached to any grant of planning consent. Pollution prevention measures were included within part of the planning application submissions which are deemed acceptable.

A lighting plan has not been included with the application and the proposed plans did not demonstrate that any external lighting would be incorporated into the development. However, given the nature of the use of the building there is potential for additional external lighting to be incorporated into the development. Therefore, a condition will be attached to the granting of any consent securing the submission of a detailed external lighting design scheme, should any external lighting be proposed.

Therefore, subject to the inclusion of suitably worded conditions to any grant of planning consent, the development is not considered to conflict with LDP Policy DM2 in respect of protected species.

Biodiversity Enhancements

In accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, Local Authorities are required to maintain and enhance biodiversity through all its functions – this includes the planning process. As part of the application, biodiversity enhancements have not been directly proposed; although the implementation of a landscaping scheme secured by a relevant condition would provide some bio-diversity enhancement. It is also considered that this may be overcome with a carefully worded condition to ensure the provision of 1no. bird/bat box on the site of development. A suitably worded condition securing these enhancement measures will be attached to any grant of planning consent and would help to achieve a biodiversity net gain within the site and its vicinity.

Subject to the inclusion of a suitably worded condition to the grant of any planning permission, this measure is considered appropriate to provide biodiversity enhancement in accordance with the Biodiversity SPG and LDP Policy DM2.

Built Heritage

Local Development Plan (2018) policy SP7 seeks to safeguard strategic resources and assets in the County, whilst development proposals must not have an unacceptable adverse impact on the resource or asset and its operation.

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.

It is acknowledged that grade II listed buildings Lledrod Farmhouse, Shed and Stable range at Lledrod and the Lofted Cartshed range at Lledrod are located approximately 65 metres from the application site. Having considered the proposal and the distance between the listed buildings and the application site and the existing screening in the form of trees and hedgerows, it is considered that the proposed development will not harm the setting of these listed buildings.

It is therefore considered that the proposed development would not detrimentally harm the setting of the listed buildings and is in accordance with relevant planning policy and in particular LDP Policy SP7.

Surface Water Flooding

Policy DM6 of the Powys LDP states development proposals must avoid unnecessary flood risk by assessing the implications of development within areas susceptible to all types of flooding; any development that unacceptably increases risk will be refused.

Powys County Council is responsible for managing local flood risk from other sources of flooding such as ordinary watercourses, surface runoff and groundwater.

It is noted that a small section of the hardstanding area is located within Flood Zone 2 and 3 of the Surface Water and Small Watercourses as identified within the Flood Map for Planning.

Given the proposed development and the area impacted being an area of hardstanding, it is considered the proposed development is acceptable and will not have an impact on flood risk elsewhere. It is also noted the area of hardstanding covered by the flood zone is very minor.

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

Welsh Language Stronghold

The site is located within a community identified as a Welsh language stronghold within the LDP. Given that the application does not propose new housing development, the requirements of LDP Policy DM12 are not applicable.

Public Representations

As forementioned, 15 representations have been received from 5 members of the public at the time of writing this report. A summary of the representations has been included above. Public comments have been taken into account in the consideration of the application.

The principle of change of use of the existing building at this location, within the open countryside, has been assessed against policies E2 and E6 of the Powys LDP (2018) and TAN6 and TAN 23 and is considered to be acceptable. Therefore, concerns regarding the open countryside location have been addressed accordingly. Concerns have been raised that if this application was approved, precedence for similar proposals in open countryside locations will be set; each planning application is determined on individual merits in accordance with relevant planning policies taking into account material planning considerations.

Concerns raised regarding the impact of the proposal on neighbouring properties amenity in respect to noise, light and landscape have been addressed within the relevant sections above.

Noise nuisance can be controlled through the provisions within the Environmental Protection Act 1990. During operation of the premises, if members of the public are concerned about noise nuisance above that acceptable for the use of the premises, there would be provisions in place for them to raise concerns through the Local Authority's Environmental Health Department.

Concerns have been raised regarding highway safety and the site access. Local Authority Highways have been consulted and, subject to the inclusion of a number of suitably worded conditions attached to any grant of planning consent, have not raised any objections to the application.

Concerns have been raised regarding potential pollution and waste at the site. Natural Resources Wales (NRW) have been consulted and not raised any objection to the application. Application submissions have included a pollution prevention measures which are considered acceptable. A suitably worded informative note should be included on any grant of planning consent. It is therefore considered that these concerns have been addressed.

Concerns have been raised with regards to method of foul drainage and provision of fresh water and sanitary washing facilities for workers on site. The application is seeking change of use for the building and did not include any proposed foul drainage proposals for consideration.

Concerns have been raised regarding bonfires being lit on site. This is not of a material planning consideration and regulated under separate regulations. Provisions are in place for concerns to be raised through the Local Authority's Environmental Health Department.

RECOMMENDATION – Conditional Consent

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

Conditions

1 This permission being retrospective as prescribed by Section 73(a) of the Town and Country Planning Act 1990 (as amended) shall be deemed to take effect from the date of consent.

2 The development shall be carried out in accordance with the following approved

plans and documents:

Application Form (dated: 10/03/2022)

Location Plan (Drawing No.: RJC-MZ745-06)

Block Plan (Drawing No.: RJC-MZ745-07)

Proposed Elevation and Floor Plan (Drawing No.: RJC-MZ745-08)

Justification Statement (Dated: February 2022 and Received: 6th April 2022)

3. Within 6 months of the date of this permission hereby approved, at least two bat or bird boxes shall be erected on the exterior of the building and shall be retained thereafter for as long as the development remains in existence.

4. Within 30 days of the date of this permission the access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 43 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the 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. Within 30 days of the date of this permission 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 15m 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. Within 30 days of the date of this permission the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course material or (a suitably bound material which is to be approved in writing by the Local Planning Authority) 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.

8. Within 30 days of the date of this permission a radius of 10 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.

9. The width of the access carriageway shall be not less than 5.5 metres for a minimum distance of 15 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.

10. The gradient of the access shall be constructed so as not to exceed 1 in 20 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.

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 dwelling/development hereby permitted remains in existence.

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

13. The use of the building for machinery/vehicle repairs and servicing shall not be carried out outside the hours of 0800 to 1800 Monday to Friday, 0800 to 1300 on Saturdays and 0800 to 1300 on Sundays.

14. Within 6 months of this permission hereby approved, a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted landscaping scheme shall include a scaled drawing and a written specification clearly describing the species, sizes, densities and planting numbers proposed as well as aftercare measures. Drawings must include accurate details of any existing trees and hedgerows to be retained with their location, species, size and condition.

15. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings 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.

16. 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.

Reasons

1 Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
3. 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.
4. In the interests of highway safety in accordance with Policies DM13 and T1 of the Powys Local Development Plan (2018) and Technical Advice Note (TAN) 18: Transport (2017).
5. In the interests of highway safety in accordance with Policies DM13 and T1 of the Powys Local Development Plan (2018) and Technical Advice Note (TAN) 18: Transport (2017).
6. In the interests of highway safety in accordance with Policies DM13 and T1 of the Powys Local Development Plan (2018) and Technical Advice Note (TAN) 18: Transport (2017).
7. In the interests of highway safety in accordance with Policies DM13 and T1 of the Powys Local Development Plan (2018) and Technical Advice Note (TAN) 18: Transport (2017).
8. In the interests of highway safety in accordance with Policies DM13 and T1 of the Powys Local Development Plan (2018) and Technical Advice Note (TAN) 18: Transport (2017).
9. In the interests of highway safety in accordance with Policies DM13 and T1 of the Powys Local Development Plan (2018) and Technical Advice Note (TAN) 18: Transport (2017).
10. In the interests of highway safety in accordance with Policies DM13 and T1 of the Powys Local Development Plan (2018) and Technical Advice Note (TAN) 18: Transport (2017).
11. In the interests of highway safety in accordance with Policies DM13 and T1 of the Powys Local Development Plan (2018) and Technical Advice Note (TAN) 18: Transport (2017).
12. In the interests of highway safety in accordance with Policies DM13 and T1 of the Powys Local Development Plan (2018) and Technical Advice Note (TAN) 18: Transport (2017).
13. In the interests of the amenity of the area in accordance with the requirements of

Policy DM13 of the Powys Local Development Plan (2018) and Planning Policy Wales (Edition 11).

14. To comply with Policy DM4 of the Powys Local Development Plan (2018) and meet the requirements of Planning Policy Wales (Edition 11, February 2021), Technical Advice Note (TAN) 5: Nature Conservation and Planning (2009) and Part 1 Section 6 of the Environment (Wales) Act 2016.

15. To comply with Policy DM4 of the Powys Local Development Plan (2018) and meet the requirements of Planning Policy Wales (Edition 11, February 2021), Technical Advice Note (TAN) 5: Nature Conservation and Planning (2009) and Part 1 Section 6 of the Environment (Wales) Act 2016.

16. To comply with Policies DM2 and DM7 of the Powys Local Development Plan (2018) in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), Technical Advice Note (TAN) 5: Nature Conservation and Planning (2009) and Part 1 Section 6 of the Environment (Wales) Act 2016.

Informative Notes

1 County Highways Authority

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

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

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

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

3. Under section 171 of the Highways Act 1980 it is a requirement that a licence is obtained from the Highway Authority, in addition to Planning Permission, for the creation of passing bays or highway re-alignment works.

4. The need to inform and obtain the consent of Statutory Undertakers (Electricity,

Water, Gas, BT), Land Drainage Authority, etc. to the works.

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

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

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

street.works@powys.gov.uk

Street Works

Powys County Hall

Spa Road East

Llandrindod Wells

Powys

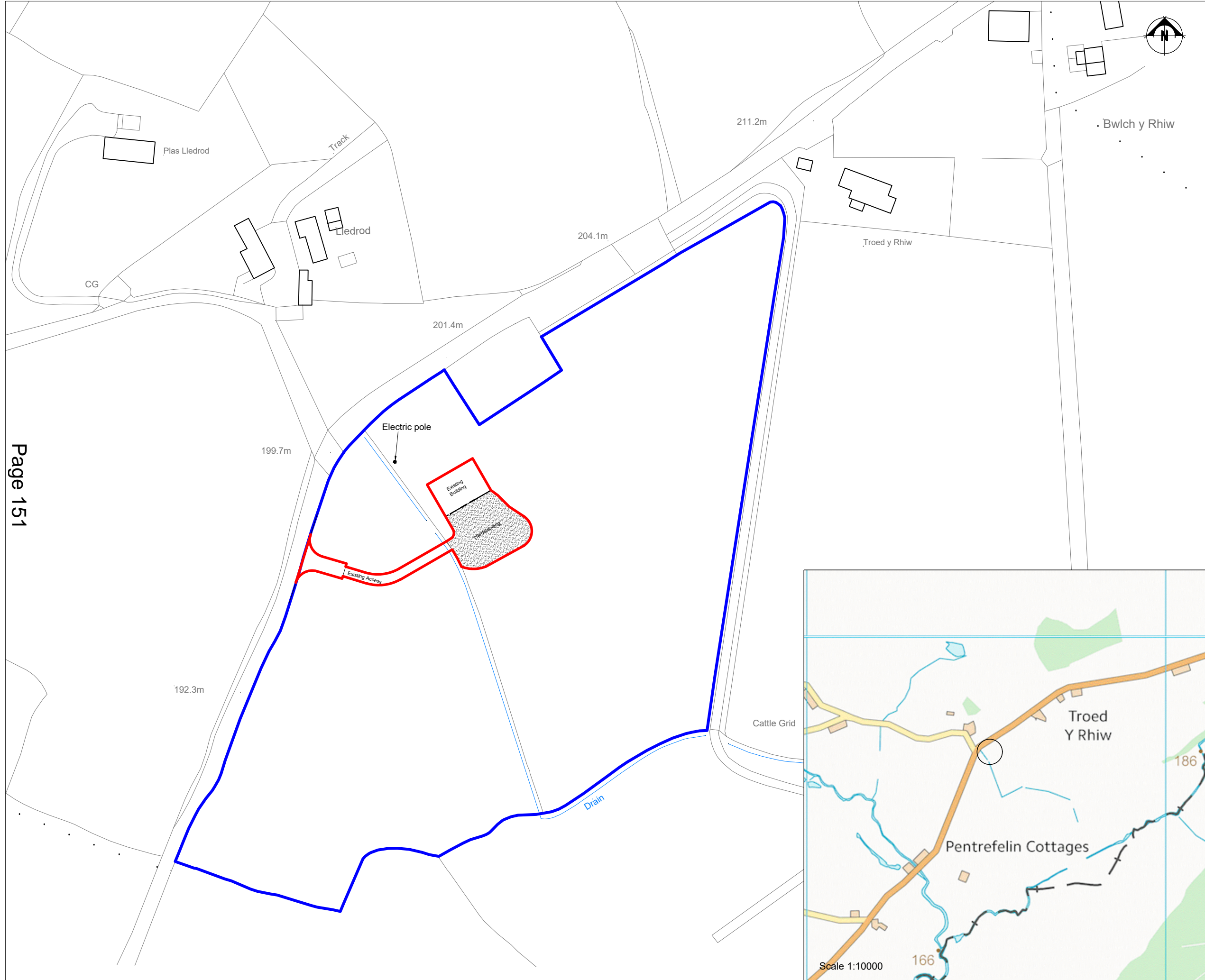
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2. Pollution Prevention

Due to the presence of an onsite watercourse, all works at the site must be carried out in accordance with GPP5 and relevant PPGs. The developer should also take any precaution to prevent contamination of surface water drains and local watercourses. Oils and chemicals should be stored in bunded areas and spill kits should be readily available in case of accidental spillages. For further guidance please refer to GPP 5 and relevant PPGs at the following link: [Guidance for Pollution Prevention \(GPPs\)](#)

Case Officer: Charis Denham, Planner
Tel: 01597827371 E-mail: charis.denham@powys.gov.uk

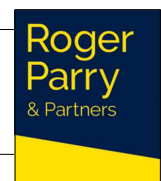


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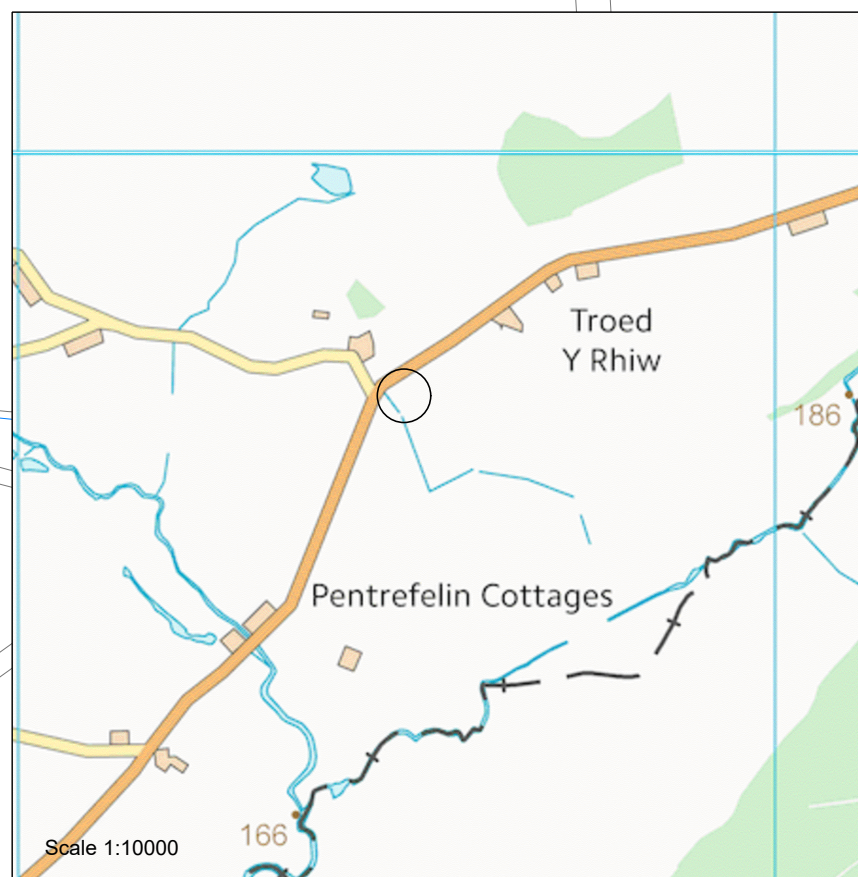
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- Red Boundary
- Blue Boundary

Rev	Description	Date	Dr by	App by
Original				



Residential - Agricultural - Commercial	
Job	Existing Building
Title	Location Plan
Location	Land at Lledrod Llansillin Oswestry Shropshire SY10 7PU
Client	D Thomas
Scales	1:1250 @ A3
Drawing No.	RJC-MZ745-06
Drawn by	AZ
Date	05/04/2022



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

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Planning, Taxi Licensing and Rights of Way Committee Report

Application Number: 22/1141/FUL

Grid Ref: E: 302150
N: 293868

Community Council: Caersws Community

Valid Date: 15.08.2022

Applicant: Mr W W Wainwright

Location: Erection Of Two Dwellings At Post Office Field Adjacent To Yew Tree Barn, Llanwnog, Caersws, Powys, SY17 5JG

Proposal: Erection of 2 no dwellings incl. change of use

Application Type: Full Application

The reason for Committee determination

The application has been called-in by the Elected Member.

Consultee Responses

Consultee

Received

PCC-Rights Of Way Senior Manager

No comments received at the time of writing this report.

Cadw - Planning

No comments received at the time of writing this report.

The proposed development gains access off the U2587 County Highway, the U2587 is constrained by its narrow width and forward visibility due to the horizontal alignment of the carriageway, and the boundary of the adjacent church.

The existing access is severely substandard in terms of access visibility in both directions, access width, proximity of the vehicular access to Yew Tree Barn and the likely conflicts caused by the proximity of these two accesses.

The access visibility splays shown the submitted Location Plan cross third-party land (dwellings known as Yew Tree Barn & 1 Old Talbot). Visibility has not been shown to the northern arm of the U2587, however we note that the visibility to the north would cross third-party land (dwelling known as Tynllan). We note from the application form that Notice has not been served on the relevant landowners. We understand from the LPA that Notice should be served on third-party landowners in order to comply with Welsh Government Planning Circular WGC016/2014.

The applicant suggests access visibility splays of 45m, therefore, implying road speeds of 31mph, the Highway Authority (HA) consider road speeds in the area of the access are unlikely to exceed 20mph. Therefore, access visibility splays of 25m in each direction in accordance with Manual for Streets (MfS) would be appropriate. Notwithstanding this, the HA consider that third-party land is required in order to achieve access visibility in accordance with MfS.

The proposed access width of 4m is insufficient to allow the free flow of two-way movements in the area of the access. We note whilst the applicant controls the access there is insufficient width on the access bellmouth to allow for the passing of opposing vehicles.

The width of the U2587 in the area of the access is insufficient to allow for the passing of opposing vehicles and/or the stacking of vehicles. Therefore, vehicles would be forced to overshoot the access when met by an opposing vehicle then reverse along the U2587 with rear visibility obscured by means of vertical alignment of the carriageway.

The Common Standards Guide 2020 Section 3.62 (Section A - Residential) states "Private shared driveways should be a minimum of 4.5m wide to enable two vehicles to pass." Section 3.63 states "Private shared driveways must also incorporate a turning area for use by residents and visitors to facilitate access and egress from the shared driveway in forward gear."

The proposed development does not include any turning head for visitors including those in larger vehicles such as couriers and delivery vehicles to enter and exit the site in

a forward gear. Therefore, delivery vehicles shall be forced to reverse onto the U2587 with little visibility of pedestrians, cyclists and oncoming vehicles.

Drawing Number CW 7022.02 Rev A shows proposes that access to the rear of Yew Tree Barn, Tynllan and Brynawel/Gwyneira, and that additional parking is to be provided within the application site. The HA, therefore, consider that the vehicle movements through the severely substandard access shall be greater than associated with two the proposed three-bedroomed bungalows, and agricultural access to the land beyond.

No detail of the proposed waste and recycling collection point has been submitted for consideration, each of the proposed dwellings shall have at least one wheeled bin (a garden waste wheeled bin is available to all dwellings in Powys), and four recycling receptacles. There is no land available adjacent to the proposed access to allow a waste/recycling collection point to be constructed by the applicant, therefore is insufficient area within the highway to store the 10+ receptacles on collection day.

The applicant states in the application form that the land is currently used as a "Contractors Operating Centre (Construction)", no further detail in this regard has been submitted for consideration. A search of the Vehicle Operators Database reveals that the applicant benefits from a restricted Operators Licence OG1034151 which allows for a single vehicle to be operated from Old Post Office Building, Gwyneira, Llanwnog. Therefore, no evidence has been submitted that the "Contractors Operating Centre (Construction)" is based at the application site. The application site address differs from the address detailed on the Vehicle Operator Licence.

Planning consent is not required to obtain an operators licence, and the HA are unable to locate any planning consent for change of use of the application site from agricultural to any type of commercial, specifically construction. Therefore, we consider the fall-back position of the land is agricultural, rather than the commercial use suggested by the applicant.

We therefore consider the proposed development would generate a significant increase of movements through the severely substandard access, which would increase the risk of conflict in the area of the access. Should the application be granted consent, we consider the increase of movements and conflicts shall increase the risk of collision and therefore, be detrimental to highway safety.

As submitted, the application is contrary to LDP Policies DM13 (10) & T1, Manual for Streets 1 & 2, the Common Standards Guide 2020 and WGC016/2014. Therefore, the HA are unable to offer support to the application.

Hafren Dyfrdwy

31st Aug 2022

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

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

PCC-Ecologist

7th Sep 2022

Recommendation:

No objection - subject to planning conditions and/or planning obligations

Policy background:

- o Planning Policy Wales, Edition 11, 2021
- o Technical Advice Note (TAN) 5
- o Powys Local Development Plan 2011 - 2026:

DM2 - The Natural Environment

DM4 - Landscape

DM7 - Dark Skies and External Lighting

- o Powys Supplementary Planning Guidance: Biodiversity and Geodiversity (2018)

Legislative background:

- o The Conservation of Habitats and Species Regulations 2017 (as amended)
- o Environment (Wales) Act 2016

Statutory sites within 500m:

- o None

Non-statutory sites within 500m:

- o One or more Ancient Woodland (AW) sites are located within 500m of the development

Records of protected and/or priority species identified within 500m? Yes

Comments:

No ecological information has been submitted with the application; the following comments are based on review of the proposed plans and aerial images, as well as records of protected and priority species and designated sites within 500m of the proposed development.

The development site appears to comprise an area of grassland used for storage of various equipment, materials and vehicles for the existing business. Metal-sided, open-fronted sheds are located in the eastern corner and based on their construction are considered unlikely to support roosting bats. Breeding birds may use the structures and demolition should avoid bird nesting season.

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. 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).

It is, therefore, recommended that adherence to wildlife sensitive lighting measures is secured through an appropriately worded planning condition.

Biodiversity enhancement:

The Site/Block Plan, drawing no. CW7022.02 Rev. A identifies a native landscaping

scheme to be planted to provide biodiversity enhancement, which is welcome. Sufficient details for tree and hedgerow species are provided. Two bird nest boxes per dwelling will also be installed.

It is therefore recommended that adherence to the enhancements is secured through an appropriately worded planning condition.

Subject to inclusion of the conditions below, would the development result in a significant negative effect on biodiversity? No

Conditions:

Should Development Management be minded to approve this application, inclusion of the following conditions is recommended

1. The landscaping and biodiversity measures identified on Site/Block Plan, Drawing no. CW7022.02 Rev. A, shall be implemented in the first planting and seeding season following the first beneficial use of the dwellings 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. The approved details shall be implemented in full.

2. 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, including bats and otter, 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 Policies DM2, DM4, DM7 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.

Informatives:

The following advice for the applicant is also considered appropriate

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 by phone at 0300 065 3000.

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

19th Aug 2022

Thank you for the consultation in respect of this application. I note that the applicant is intending to connect to the mains sewer, therefore I have no objection

PCC-(N) Land Drainage

2nd Sep 2022

PCC Land Drainage note that there is an area of surface water ponding in the south-western extent of the site identified as Flood Zone 2 on NRW's 'Flood Map for Planning -

Surface Water and Small Watercourses'. It is unclear from the information currently available whether any development will occur in this location. The applicant should be made aware of this ponding and should ensure that the proposed development will not exacerbate or create any flooding problems on site or elsewhere. No buildings, structures, fences, planting or changing of contours shall take place in this location without prior permission of the LPA.

Furthermore, the SuDS Approval Body (SAB) deem that the construction area is greater than 100m² and therefore this proposed development will require SAB approval.

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>.

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

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 unnecessary redesign costs.

Community Council

No comments received at the time of writing this report.

PCC-Building Control

No comments received at the time of writing this report.

Ward Councillor

26th Aug 2022

By requests of Constituents, may I implement the CALL - IN procedure , reasons being of interest of the community , on Application Reference No 22 / 1141 / ful , Erection of 2 / no Dwellings , incl / change of use at post office field, adjacent to yew tree barn, LLanwnog, Caersws, Powys, SY17 5JG

Background to Recommendation

Designation; To the rear of Grade II listed Gwyneira with attached farm buildings (Cadw ID 17554). Near Grade II* listed Church of St Cynog (Cadw ID 7580) and the adjacent to the Llanwnnog Conservation Area.

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 11th edition 2021

Conservation Principles published by Cadw

TAN24

Managing Listed Buildings in Wales – Annexe to TAN24

Heritage Impact Assessments in Wales – Annexe to TAN24

Managing Conservation Areas in Wales – Annexe to TAN24

Setting of Historic Assets in Wales – Annexe to TAN24

Heritage Impact Assessments – Annexe to TAN24

Historic Environment Records

Local Development Plan

Strategic Policy SP7

DM13 Design and Resources Local Development Plan Themes and Objectives;

Theme 4 – Guardianship of natural, built and historic assets

LDP Objective 13 – Landscape and the Historic Environment

Comments

The proposal is to construct two bungalows in a field to the rear of grade II listed Gwyneira with attached farm buildings (Cadw ID; 17554). The barn was converted under P/2012/1343. The proposal will have an impact on the setting of the listed building, and an accompanying Heritage Impact Assessment should have been included with the proposal.

The proposal is for two identical bungalows. It is noted they will utilise natural slate roofing, semi-handmade bricks and proper radial arches. However, the use of K-rend and UPVC windows and facias would not be supported adjacent to a listed building and conservation area.

The repeat of the same design lacks variety and interest, perhaps a mirroring of the proposal would respond better to the setting. The inclusion of a chimney would add more interest to the large roof area, and a chimney breast appears to be present in the sitting room.

It is requested that a HIA assessing the impact on setting on the listed building Gwyneria and any other heritage considerations (such as the adjacent conservation area, and listed church).

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.”

Paragraph 6.1.10 of Planning Policy Wales 11th edition 2021 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 11 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 11th 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”.

TAN 24 1.26 It is for the applicant to provide the local planning authority with sufficient information to allow the assessment of their proposals in respect of scheduled monuments, listed buildings, conservation areas, registered historic parks.

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

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

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

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

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

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

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

The document provides advice on how to assess the setting

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

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

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

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

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

Recommendation

Further information and amended plans, however, should the officer be minded to determine the application in its current form then a recommendation for refusal is given.

Reason

Insufficient information in relation to Tan 24 1.26 It is for the applicant to provide the local planning authority with sufficient information to allow the assessment of their proposals in respect of scheduled monuments, listed buildings, conservation areas, registered historic parks

CPAT

6th Sep 2022

Information retained within the Historic Environment Record indicates that the proposed works will be completed inside the Medieval Core area of Llanwnog. The area is to the rear of the former Medieval Street frontage, and these areas often contain sub-surface evidence of plot boundaries, gardens, cess pits, refuse pits, outbuildings and light industrial use. With the information available I recommend that a condition of an Archaeological Watching Brief be placed on the application as the groundworks may uncover earlier structures on the site, including refuse pits, property ditch boundaries and artefacts of all periods.

We would recommend that a qualified archaeologist is contracted to be present throughout the duration of the groundworks so that an adequate record of any archaeological features revealed by these works can be made. This advice is in accordance with the guidance set out in TAN 24 (May 2017) and Planning Policy Wales (Feb 2021).

The archaeologist should be part of a recognised professional archaeological organisation working to the Standard and Guidance of the Chartered Institute for Archaeologists (CIFA) relating to an Archaeological Watching Brief. The archaeologist should be working in accordance with an approved written scheme of investigation (WSI) and should preferably be part of a Registered Archaeological Organisation with the CIFA.

A suitable condition to facilitate the contracted watching brief is provided below:

Suggested planning condition to facilitate an archaeological watching brief the developer shall ensure that a suitably qualified archaeological contractor is present during the undertaking of any ground works in the development area so that an archaeological watching brief can be conducted. The archaeological watching brief must meet the

standards laid down by the Chartered Institute for Archaeologists Standard and Guidance for archaeological watching briefs.

A copy of the resulting report should be submitted to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust (The Offices, Coed y Dinas, Welshpool, SY21 8RP Email: neil.bayliss@cpat.org.uk Tel:01938 553670). After approval by the Local Planning Authority, a copy of the report and resulting archive should also be sent to the Historic Environment Record Officer, Clwyd-Powys Archaeological Trust for inclusion in the regional Historic Environment Record and to the National Monuments Record, RCAHMW.

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

I have attached a standard brief for this work and information on archaeological contractors that the applicant may wish to engage. Please forward all this information to the applicants so that they are fully aware of the requirements.

Public Responses

Following the display of a site notice on 26/08/2022 one public representation has been received at the time of writing this report. This objection can be summarised as relating to the following points:

- Public right of way
- Bird boxes
- Vehicular access
- Proximity to poultry units

Planning History

App Ref	Description	Decision	Date
P/2017/1477	Outline application (with some matters reserved) for erection of 2 no. dwellings, alterations to vehicular access and all associated works	Withdrawn	11/05/2018
20/1359/OUT	Outline application for erection of 3 dwellings, upgrading of existing vehicular and pedestrian access with some	Withdrawn	16/12/2020

matters reserved - (appearance, layout and landscaping only reserved) and associated works

Principal Planning Constraints

Conservation Area
 Historic Landscapes Register
 Within 50m of Listed Building
 Right of Way
 Mineral Safeguarding Sand_Gravel 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 Development Plan 2021
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
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
DM15	Waste Developments Within	Local Development Plan 2011-2026
H1	Housing Development Proposals	Local Development Plan 2011-2026
H3	Housing Delivery	Local Development Plan 2011-2026
H4	Housing Density	Local Development Plan 2011-2026
SP1	Housing Growth	Local Development Plan 2011-2026
SP5	Settlement Hierarchy	Local Development Plan 2011-2026
SP7	Safeguarding of Strategic Resources and Assets	Local Development Plan 2011-2026
T1	Travel, Traffic and Transport Infrastructure	Local Development Plan 2011-2026
SPGRES	Residential Design Guide SPG (2020)	Local Development Plan 2011-2026
SPGBIO	Biodiversity and Geodiversity SPG (2018)	Local Development Plan 2011-2026
SPGLAN	Landscape SPG	Local Development Plan 2011-2026
SPGARC	Archaeology SPG (2021)	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

Officer Appraisal

Site Location and Description

The application site is located within the rural settlement of Llanwnnog, as defined by the Powys Local Development Plan (2018), and within the Community Council area of Caersws. The site is North-West of St Gwynog's Church, to the rear of Yew Tree Barn.

Consent is sought for the erection of 2 open market, detached, single-storey dwellings. The proposed dwellings will each measure 14.5 metres in width (including side porch) and 8 metres in depth (not including front open-sided covered walkway) with an eaves height of 2.1 metres and a ridge height of 5.55 metres.

Principle of Development

Within the adopted Local Development Plan (2018), Policy SP5 gives the criteria for rural settlements. According to this criteria Llanwnnog can be classified as being a rural settlement. 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. This Policy states that "*housing development proposals will only be permitted:*

3. In Rural Settlements:

- i. For affordable housing in accordance with Policy H6 where the development proposal is for only a single dwelling on a site which is well integrated into the settlement; or*
- ii. Where development satisfies one of the criteria set out in 4. i) - iii) below.*

4. In the Open Countryside:

- i. Where the development relates to a need for housing which meets current national policy on housing in the open countryside; or*
- ii. Where the development relates to the conversion of a rural building(s) which accords with the current national policy on the sustainable re-use of rural buildings; or*
- iii. Where the development relates to the renovation of a former abandoned dwelling in accordance with Policy H8."*

The development does not relate to affordable dwellings and does not therefore comply with point 3i. As a result, the proposal must satisfy one of criteria set out in 4.i)-iii).

In terms of 4.i), the development proposes two open market dwellings and subsequently does not relate to a need for housing which meets current national policy for new housing in the open countryside. The proposal does not relate to the conversion of a rural building or the renovation of a former abandoned dwelling, and consequently does not comply with 4.ii) or 4.iii).

In light of the above, it is considered that the proposal would result in unjustified residential development. As such, the application as submitted is contrary to Policy SP1, SP5, SP6 and H1 of the Powys Local Development Plan (2018) and Planning Policy Wales (Edition 11, 2021).

Design, Scale and Appearance

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

The application proposes two detached dwellings of identical design. Each dwelling would measure 14.5 metres in width (including side porch) and 8 metres in depth (not including front open-sided covered walkway) with an eaves height of 2.1 metres and a ridge height of 5.55 metres. The two dwellings would be finished with a mixture of brick and render under a natural slated roof. These materials are in keeping with neighbouring properties. Fenestrations will be formed with UPVC windows featuring a radial arch and stone cill. Variations between the design for the two plots would be preferable to ensure visual interest and character in the properties.

Point 3 of Policy DM13 states that *“any development within or affecting the setting and/or significant views into and out of a Conservation Area has been designed in accordance with any relevant adopted Conservation Area Character Appraisals and Conservation Area Management Plans, or any other relevant detailed assessment or guidance adopted by the Council.”*

It is noted that the access to the proposed dwellings forms part of the Conservation Area, though the dwellings are proposed outside of the extent of this. It is also noted that the development is in close proximity to a number of listed buildings. As such, consideration to these features will be given below.

Density

LDP Policy H4 states that in order to make the most sustainable and efficient use of land housing developments in rural settlements should generally propose between 10-15 dwellings per hectare. This equates to a plot size of approximately 666-1000 square metres. The policy does give flexibility however, cautioning that *“densities may vary from the guide where justified by other policy considerations and evidence such as an acknowledged physical, biodiversity or infrastructure constraint on a site.”*

This application proposes two dwellings on a site of 0.24 hectares, giving a density of 8.3 dwellings per hectare. Whilst it is acknowledged that a small part of the site is within Flood Zone 2 of Surface Water and Small Watercourses, this does not exclude it from development. It is also further noted that this particular area of Llanwnog on the West side of the Church features a much higher density (approximately 33 units per hectare).

No information has been submitted with the application to give justification for the proposed density, and its variation from both the existing dwellings in the vicinity and the guide parameters provided within Policy H4.

In light of the above, it is considered that insufficient information has been submitted to demonstrate that the proposed density is a sustainable and efficient use of land, in accordance with Policy H4 of the adopted Powys Local Development Plan (2018).

Highways

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

As part of the application process the Highway Authority (HA) were consulted on the development. The Highway Authority have commented that the U2587 County Highway, which the proposed development gains access off, is constrained by its narrow width and forward visibility due to the horizontal alignment of the carriageway, and the boundary of the adjacent church. The existing access is severely substandard in terms of access visibility, access width, proximity of the vehicular access to Yew Tree Barn and the likely conflicts caused by the proximity of these two accesses. Further, the HA have noted that third-party land would be required in order to achieve the required visibility splays, and that notice has not been served upon the relevant landowners.

In addition to the above, the proposed access width of 4 metres is insufficient to allow the free flow of two-way movements. The width of the U2587 in the area of the access is also insufficient to allow for the passing of opposing vehicles and/or the stacking of vehicles. The HA have also commented that the development does not include any turning space for visitors, including delivery vehicles, to enable them to enter and exit the site in a forward gear, and does not demonstrate suitable space for waste and recycling collection.

The HA have concluded that they consider the proposed development would generate a significant increase of movements through the severely substandard access, which would increase the risk of conflict in the area of the access. They consider that the proposed development would be detrimental to highway safety and have therefore objected to the development.

In light of the above, it is considered that the proposal has failed to demonstrate that the development would not create an unacceptable adverse impact on highway safety. The application is therefore contrary to Policies DM13 and T1 of the Powys Local Development Plan, Technical Advice Note 18: Transport, and Planning Policy Wales (Edition 11, 2021).

Neighbour Amenity

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

Whilst the application site is surrounded by residential development to the North-East, East, and South, the proposed dwellings are sited sufficiently away that they do not breach either the 25- or 45-degree rules contained within the Residential Design SPG. It is noted that the plans indicate windows upon the first floor into the loft space, however given that these would not be habitable rooms, it is not considered that these would cause any overlooking concerns. The rear elevation of the proposed dwellings does not directly face the rear elevation of any neighbouring properties.

Environmental Protection have been consulted on the proposed development and have not raised any concerns in relation to noise.

In light of the above, it is considered that the proposal would comply with relevant planning policies in terms of neighbour amenity.

Built Heritage

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'. The Barnwell Manor case the Court of Appeal made it clear that in enacting Powys County Council 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.

In considering this application, consideration has been given to Technical Advice Note 24: The Historic Environment (2017) and LDP Policy DM13 (Part 3).

The application site is located to the rear of Grade II listed Gwyneira with attached farm

buildings (Cadw ID 17554), and near Grade II* listed Church of St Cynog (Cadw ID 7580). The development site also falls partially within Llanwnnog Conservation Area. As such, the Built Heritage Officer has been consulted on the proposed development.

The Built Heritage Officer has noted that the proposal relates to the erection of two identical detached bungalows which will utilise natural slate, semi-handmade bricks and proper radial arches which is supported. However, it is also proposed to use an element of K-rend and UPVC windows and fascias which is not appropriate adjacent to the listed building and conservation area. The Built Heritage Officer has also commented that the repeat of the same design for both properties lacks variety and visual interest, and has suggested that a handed version *might* respond better to the setting. They have also suggested a chimney would break up the massing of the roof space.

Planning Policy Wales (Edition 11, 2021) makes clear that any decisions made through the planning system must fully consider the impact on the historic environment (paragraph 6.1.9). This goes on to state that *“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”*. PPW also clarifies that the setting of a listed building can extend beyond its curtilage.

Technical Advice Note 24: The Historic Environment (2017) states within section 1.26 that *“it is for the applicant to provide the local planning authority with sufficient information to allow the assessment of their proposals in respect of scheduled monuments, listed buildings, conservation areas, registered historic parks and gardens, World Heritage Sites, or other sites of national importance and their settings”*.

In this instance, whilst the proposal will inevitably have an impact upon the setting of listed building 17554, no information or justification has accompanied the application to allow for any assessment to be made. As such, the Built Heritage Officer has commented that there is currently insufficient information to support the application, and that, in its current form, they would recommend the refusal of the application.

It is also noted that the site is within the Historic Landscapes Register. Given the site's location within close proximity to built development and vegetation such as mature trees, it is not considered that the proposal would have an unacceptable impact upon the Historic Landscape.

In light of the above, it is considered that insufficient information has been submitted to allow for a full assessment of the proposed development and its likely impacts upon the setting of nearby listed buildings, contrary to Planning Policy Wales (11th Edition, 2021), Technical Advice Note (TAN) 24 (2017), Policy SP7 of the Powys Local Development Plan 2018, and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Mineral Safeguarding

The LDP Proposals maps show that the proposal lies above deposits of Category 2 Resources for sand and gravel and as such these deposits should, according to LDP Policy DM8, be safeguarded from needless sterilisation in the form of non-mineral related development.

Given the site's location within close proximity to residential properties, listed buildings, and its restricted vehicular access, it is considered that the site would not form a suitable site for mineral extraction. As such, it is considered that any deposits have already been sterilised by virtue of the site constraints.

As such, it is considered that the proposed development complies with relevant planning policies in terms of mineral safeguarding.

Biodiversity

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

Consideration has been given as to whether the proposed development would have a potential detrimental impact upon a natural environment asset, and the Powys Ecologist has been consulted on the proposal.

The Powys Ecologist has commented that no ecological information has been submitted with the application and that as such, their comments are based on a review of the proposed plans and aerial images, as well as records of protected and priority species and designated sites within 500m of the proposed development. They have noted that the site features open-fronted sheds which are considered unlikely, based on their construction, to support roosting bats however may be used by breeding birds during bird nesting season.

The submitted native landscaping scheme provides biodiversity enhancements, in the form of tree and hedgerow species and 2no. bird nest boxes per dwelling will also be installed.

It is therefore recommended that adherence to the enhancements is secured through an appropriately worded planning condition.

As such, the Powys Ecologist has recommended several conditions to be included in the event of consent being granted.

In light of the above, and subject to the inclusion of appropriately worded conditions in the event of consent being granted, it is considered that the proposal would comply with relevant planning policy in terms of biodiversity.

Public Right of Way

Powys Local Development Plan policy SP7 states that to safeguard strategic resources and assets in the County, development proposals must not have an unacceptable adverse impact on the resource or asset and its operation. Policy SP7 (3) lists the Public Rights of Way Network as one of the strategic resources and assets in Powys. Policy DM13 further supports this, and states that the public rights of way network or other recreation assets listed in Policy SP7 (3) should be enhanced and integrated within the layout of the development proposal.

Public Right of Way (ROW) 244/9/1 is located within the development site, along the Southern boundary. PCC Rights of Way have been consulted on the application however no comments have been received at the time of writing this report. It is noted that under previous applications at the site PCC Rights of Way did not raise any objections. On this basis, it is considered that in the event of consent being granted, an informative regarding the right of way would be sufficient.

In light of the above it is considered that the proposal would comply with relevant planning policy in terms of the public right of way.

Foul Drainage

The application proposes that the two dwellings would connect to the mains sewer. Hafren Dyfrdwy as the relevant sewerage undertaker have been consulted on the proposal and have confirmed that they do not have any objections, subject to the inclusion of recommended conditions in the event of any consent being granted.

In light of the above, and subject to the inclusion of appropriately worded conditions in the event of consent being granted, it is considered that the proposal would comply with relevant planning policy in terms of foul drainage.

Flood Zone

The development site falls partially within Flood Zone 2 of Surface Water and Small Watercourses as defined by the Flood Maps for Planning (FMfP) and as such, PCC Land Drainage have commented on the application.

They have noted that it is unclear from the information submitted whether any development will occur in the location of the Flood Zone 2 and have requested that in the event of consent being granted, the developer be made aware of this ponding and should ensure that the proposed development will not exacerbate or create any flooding problems on site or elsewhere. They have also recommended that no buildings, structures, fences, planting or changing of contours shall take place in this location without prior permission of the Local Planning Authority. It is noted that the dwellings, which form highly vulnerable development, are outside of the flood extents.

In light of the above, and subject to the inclusion of appropriately worded conditions in the event of consent being granted, it is considered that the proposal would comply with relevant planning policy in terms of flooding.

Archaeology

Information retained within the Historic Environment Record indicates that the proposed works will be completed inside the Medieval Core area of Llanwnog. The area is to the rear of the former Medieval Street frontage, and these areas often contain sub-surface evidence of plot boundaries, gardens, cess pits, refuse pits, outbuildings and light industrial use.

CPAT have therefore recommended that a condition be included on any granting of consent relating to an Archaeological Watching Brief as the groundworks may uncover earlier structures on the site, including refuse pits, property ditch boundaries and artefacts of all periods. Subject to the inclusion of this condition, CPAT have not objected to the development.

In light of the above, and subject to the inclusion of appropriately worded conditions in the event of consent being granted, it is considered that the proposal would comply with relevant planning policy in terms of archaeology.

Conclusion

Having carefully considered the details submitted together with all statutory consultee responses, it is considered that the proposal would not comply with planning policy in that the proposed development would result in unjustified residential development in a Rural Settlement and fails to demonstrate that the proposed density forms a sustainable and efficient use of land. Further, insufficient information has been provided to demonstrate that the development would not create an unacceptable adverse impact on highway safety. Finally, insufficient information has been submitted to allow for a full assessment of the proposed development and its likely impacts upon the setting of listed buildings.

RECOMMENDATION

Refusal

Reasons

1 The proposed development would result in unjustified residential development in a Rural Settlement and as such fails to accord with Policy SP1, SP5, SP6 and H1 of the Powys Local Development Plan (2018) and Planning Policy Wales (11th Edition, 2021).

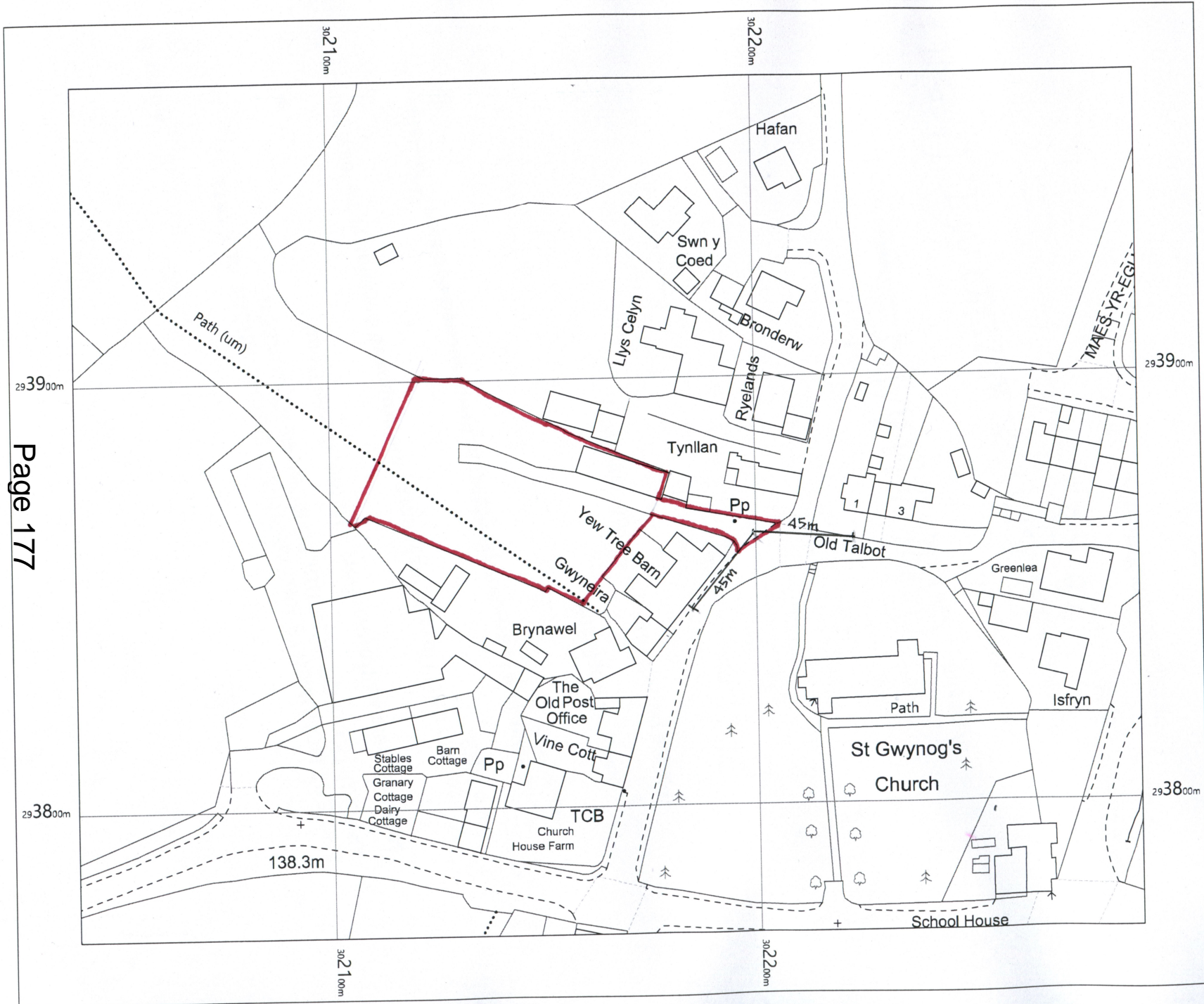
2 Insufficient information has been provided to demonstrate that the development,

by virtue of its housing density, would form a sustainable and efficient use of land space. The application is therefore contrary to policies H4 of the Powys Local Development Plan and Planning Policy Wales (Edition 11, 2021).

3 Insufficient information has been provided to demonstrate that the development would not create an unacceptable adverse impact on highway safety. The application is therefore contrary to policies DM13 and T1 of the Powys Local Development Plan, Technical Advice Note 18: Transport and Planning Policy Wales (Edition 11, 2021).

4 Insufficient information has been submitted to allow for a full assessment of the proposed development and its likely impacts upon the setting of listed buildings, contrary to Planning Policy Wales (11th Edition, 2021), Technical Advice Note (TAN) 24 (2017), Policy SP7 of the Powys Local Development Plan 2018, Powys Historic Environment SPG and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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OS MasterMap 1250/2500/10000
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Listed Building – Pied House Grade II Listed Building

Principal Planning Policies

Policy	Policy Description	Year	Local Plan
The Town & Country Planning (GPD) Order	Schedule 2, Part 6 – Agricultural Buildings and Operations	1995 (as amended for Wales)	

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 Berriew and is situated within the open countryside as defined by the adopted Powys Local Development Plan (2018).

The application site is accessed via the U2631 unclassified highway to the south with agricultural land to the north and west, an existing building to the east and the farm complex and house to the south. The proposed site is adjacent to existing agricultural buildings and will be located adjoining an existing agricultural building. Pied House is located approximately 2 kilometres directly to the south of Berriew.

Under class A (2) of part 6 of The Town and Country Planning (General Permitted Development) Order 1995, developers are required to submit a prior notification for various agricultural developments to enable the planning authority to determine whether the prior approval of the planning authority will be required for the siting, design and external appearance of the building. In addition, the planning authority is required to determine whether the proposal would not be permitted development and as such would require full planning permission.

This prior notification is sought for the erection of agricultural storage building and all associated works. The proposed building will measure approximately 36.3 metres in

length, 12.8 metres in width, 4.27 metres in height to the eaves and 6.5 metres in height to the highest point. The proposed building is to be of standard agricultural construction with steel portal frame, steel sheet walls in red and fibre cement roof sheeting grey in colour. The building is to be used for storage purposes for hay and animal feed.

Principle of Development

The application has been made under the procedures set out in Schedule 2, Part 6 of the Town and Country Planning (General Permitted Development) Order 1995, to construct an agricultural storage building. Part 6, Class A allows works for the erection of an agricultural building, when that proposed building is to be used for agricultural purposes and the agricultural land unit is 5 hectares or more. It should be noted that in this instance the agricultural unit extends to approximately 100 hectares in area.

In assessing such applications, and prior to the consideration of the specific criteria set out under Schedule 2, Part 6 of the Town and Country Planning (General Permitted Development) Order 1995, it is necessary to first evaluate whether the land benefits from agricultural permitted development rights.

In section 336 of the Town and Country Planning Act 1990, it is stated that agriculture *“includes horticulture, fruit growing, seed growing, dairy farming, the keeping and breeding of livestock (including any creature kept for the production of food, wool, skins, fur, or for the purpose of farming of the land), the use of land as grazing land, meadowland, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and ‘agricultural’ shall be constructed accordingly”*.

Thus, in order for agricultural permitted development rights to apply on the land, the following five tests need to be considered:

- *“there has to be agricultural use subsisting at the time the building or works are constructed;*
- *any agricultural use has to be operated as a trade or business;*
- *any agricultural use has to fall within the ambit of sec.336;*
- *any agricultural building to be constructed using PD rights has to be reasonably necessary for the purposes of agriculture;*
- *and buildings or works have to be designed for agricultural purposes”*.

In terms of whether the building is reasonably necessary for the purposes of agriculture and therefore whether Part 6 rights apply, the notification form states that the building will be used as an extension to an existing agricultural building. The form also states that the holding extends to approximately 100 hectares and has been in use for agriculture as a trade or business for over 100 years.

Taking all of this information into account, it is concluded that the proposed development can be considered under the permitted development rights set out in Part 6 of the GPDO.

The proposed building is to measure 36.3 metres in length, 12.8 metres in width, 4.27 metres in height to the eaves and 6.5 metres in height to the highest point. The building is to be of standard agricultural construction with steel portal frame, steel sheet walls in red and fibre cement roof sheeting grey in colour. The building is to be used for storage purposes of hay and animal feed.

As stated above, the proposed agricultural building would be located within an agricultural unit of approximately 100 hectares, within a parcel of land within the unit of more than 1 hectare in area, and would have a total floor area of approximately 464 sq. metres. The building is not located within 3km of an aerodrome.

The site of the proposed building would be more than 25 metres from a classified or trunk road and no other building has been constructed within 90 metres of the site within the preceding two years of this application being made. As a result, the proposal is deemed to meet all of the criteria set out within Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) Order 1995. It is therefore considered that the proposal would constitute permitted development.

With regard to the proposed building's design, siting and external appearance, given that it would be constructed within the existing complex of agricultural buildings on-site and would be finished with materials typical for such an agricultural context, it is considered that it would not result in any unacceptable visual impact, and any views of the building from the surrounding area would be read in conjunction with the existing built development within the wider agricultural complex.

Built Heritage

It is acknowledged that Pied House is a grade II listed building approximately 170 metres from the application site. Having considered the distance between the listed building and the application site and the intervening-built development and screening in the form of modern existing agricultural buildings, it is not considered the proposed development is visible from the listed building. It is therefore considered that the proposed development will not harm the setting of the listed building.

Conclusion

In light of the above assessment, the proposed development is deemed to comply with the criteria as set out within Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales). In addition, it is considered that prior approval of details of siting, design and external

appearance are not required, nor are any further details required regarding phosphate inputs.

As a result, the proposal would be permitted development.

RECOMMENDATION - Planning Permission Not Required

Confirmation that prior approval of the proposed agricultural building will not be required from Powys County Council.

The development must be carried out in accordance with the notification submitted to Powys County Council **within five years of the date of this decision.**

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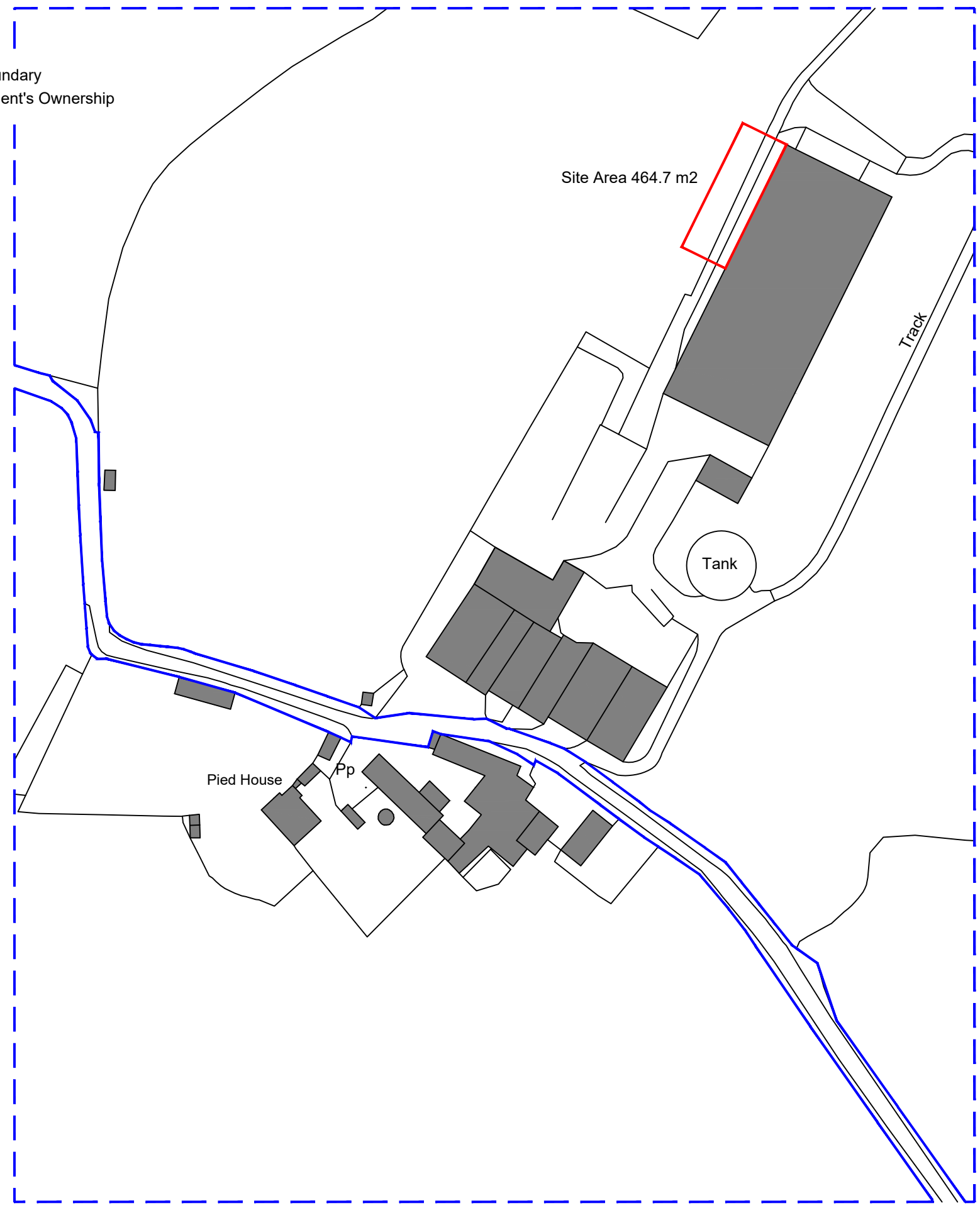
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Rev	Description	Date	By
-	-	year/mm/dd	--

— Application Site Boundary
 — Adjacent Land in Client's Ownership

0m 10m 20m 30m 40m 50m



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Residential - Agricultural - Commercial

Project	Proposed Agricultural Storage Building		
Drawing Title	Location Plan		
Location	Pied House, Garthmyl, Welshpool, Powys, SY15 6SQ		
Client	R A Jones		
Scale	1:1250 @ A3		
Drawing No	76755 / RJC / 001	Rev	-
Drawn By	NB	Date	2022/08/24

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