

Planning, Taxi Licensing & Rights of Way Committee

Meeting Venue
Hybrid meeting - Zoom - County Hall

Meeting Date
Thursday, 16 March 2023

Meeting Time
10.00 am

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



County Hall
Llandrindod Wells
Powys
LD1 5LG

9 March 2023

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 22 February 2023 as a correct record.

(To Follow)

Rights of Way	
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3.	DECLARATIONS OF INTEREST
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To receive any declarations of interest from Members relating to the following items on the agenda.

4.	POWYS LOCAL ACCESS FORUM - ANNUAL REPORT 2021-2022
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The Chair of the Local Access Forum [LAF], Mr Graham Taylor will be in County Hall to present the report. The Council representative on LAF is County Councillor Gareth E Jones.

(Pages 5 - 12)

5.	COUNTRYSIDE ACCESS AND RIGHTS OF WAY WORK
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To note the letter sent by the Chair to the Minister, as agreed at the Committee meeting in December 2022 and the Minister's response.

(Pages 13 - 16)

Planning

6.	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.

7.	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 17 - 18)

7.1. Updates

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

7.2. 22/1033/FUL Former Motorworld Site, Gas Street, Newtown SY16 2AB

(Pages 19 - 66)

- 7.3. **22/1342/FUL Fir View Tan y Fridd Caravan Park, Llangyniew, Welshpool, SY21 0LT**
(Pages 67 - 104)

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

(Pages 105 - 132)

9.	APPEAL DECISION
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To receive the Planning Inspector's decisions regarding appeals.

(Pages 133 - 144)

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Powys Local Access Forum

Annual report 2021\22

Introduction

This report covers the work undertaken by the Local Access Forum (LAF) from April 2021 until the end of December 2022. A new LAF is to be appointed in April 2023.

This report is a touch longer than normal and if readers are pressed for time it is suggested that the section on Final Reflections is the most important part of the report to look at.

Background

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

Membership

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

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

The current membership is as follows

Graham Taylor (Chair)	Emyr Davies
Michael Brennan (Vice Chair)	Jill Kibble
Councillor Gareth Jones	John Rowlands
Annette Turner	Josie Pearson
Brian Jones	Katherine Shaw
Charles De Winton	Robert Hyde
Chris Ledbury	Toby Veall

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

Work during 2021/22

The Coronavirus pandemic has continued to have a significant adverse impact on work to improve access in Powys. Whilst it appears that many more people are trying to improve their physical and mental health by

getting out into the countryside, sufficient resources have not been available to deal with the many problems they encounter when doing so.

The LAF has endeavoured to work in a different way through virtual meetings and email contact and has been able to offer advice on access matters to the relevant authorities. This has included:

Offering thanks and support to the Countryside Services (CS) Team in Powys County Council (PCC) for the work they have been able to do in very difficult circumstances to look after rights of way and access matters in Powys.

Advice to NRW on its draft Forest Resource Plans. The LAF has been keen to encourage NRW to make specific reference in their plans to improving rights of way and undertaking regular audits to make sure that they are all up to standard. The LAF has also commented on the importance of making sure that rights of way are taken into account when developing planting regimes.

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

Advice to PCC on their annual Work Plan. The LAF has continued to press the Council to give greater priority to improving signposting, waymarking and dealing with obstructions, many of which have been left unaddressed for many years.

Commenting on the continuing problem of motor vehicle use of the Monks Trod between Pont au Elan and the Ceredigion border. The LAF has been extremely frustrated with the Council's approach to this issue and strongly objected when it decided not to renew the temporary Traffic Regulation Order (TRO) which banned such use. The LAF marshalled the voices of other interested groups and did manage to get the Council to re-impose the ban but not before further damage had been done through motor vehicle use. The current position is that the LAF has now formally asked the Council to pursue a permanent TRO banning all motor vehicle use. A response is awaited.

Inputting to the Canals, Communities and Well-being programme.

Commenting on a breakdown of the 10,000 outstanding public reports of problems with rights of way. The LAF has expressed its serious concern that the list is growing year on year and has asked the Council for a plan on how it proposes to tackle the backlog.

Discussing with CS the frustrations felt by users of rights of way with the condition of some parts of the network and the difficulties in getting problems with obstructions and route finding addressed in a timely manner.

Reporting to the Planning, Taxi Licensing and Right of Way Committee (PTLRWC) on the parlous state of rights of way in Powys.

Encouraging the Council to ask Town and Community Councils to put forward their priorities for action and submit projects for external funding. The LAF is concerned about the lack of town and community council input; requests for the Council to (i) send all Town and Community Councils lists of outstanding problems in their areas and (ii) put forward projects for AIG funding have not yet been actioned.

Offering advice on the particular access issues faced by people with mobility issues.

Suggesting a review of the enforcement policy for rights of way.

Commenting on revisions for the developers and landholder guides on rights of way issues.

Discussing whether there are too many motor vehicle rallies affecting rights of way, being approved.

Requesting the Council not to make further reductions in the budget of CS in 2022/23 and 2023/24. This request was successful.

Commenting on the development of Active Travel maps. The LAF was keen to make sure that the new routes were suitably connected with the existing rights of way.

Commenting on the proposed Global Centre for Rail Excellence on Common Land (Nant Helen).

Pressing the Council to get a user friendly definitive map of rights of way on their website. The LAF was very pleased to see the map go on line in the latter half of 2022. The LAF is now pressing for the system to be developed to enable residents/visitors to use the map to report any problems they encounter when using rights of way.

Pressing the Council to continue funding for the Biodiversity Officer working on the Powys Nature Recovery Action Plan. This was successful and a new officer has recently been appointed.

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

road. This remains a major frustration for the LAF although the Council has responded in part by obtaining some external funding for a limited programme to help improve signposting.

Expressing concern about the time being taken to resume volunteer working parties. This was a major frustration for the LAF and whilst the Council has listened, the situation remains. There are far too many volunteers keen and eager to work on maintaining and improving rights of way who are given limited opportunities to do so. A new arrangement for managing the volunteer programme has been announced and the LAF will be keeping this under careful review to see whether it is successful.

Offering support to CS in their efforts to find a solution to the issues at the Glasbury canoe launch point. Progress has been made but the problems remain.

Expressing concern about the long delay in resolving the outstanding access issue at Moelfre City. The LAF has been very frustrated by the Council's failure to agree the way forward on the access issue at Moelfre City. A report for the Cabinet Member was prepared in early 2021 but withdrawn and, despite repeated assurances that it would be ready soon, it has still not been finalised to enable a decision to be made. The LAF considers that this major delay in dealing with an obstruction, limiting access to the countryside, shows the Council failing in its statutory duty to 'assert and protect' rights of way.

Expressing concern about the long delay in opening up the blocked Devil's Gulch. Although this work is not the responsibility of the Council the LAF considers that the Council should have been firmer with Welsh Water to fix the problem. Thankfully the necessary remedial work has now started, over 4 years after the initial rock fall closed this popular national cycle route. The LAF has also expressed concern about the official diversion leading walkers, cyclists and horse riders along a busy tourist road without any of the mitigation measures that were initially promised.

Offering advice on plans to tackle the backlog of application for Public Path Orders. The LAF was not convinced that a 5 year moratorium was the best way forward. The Forum was pleased though that the Chair of the PTLRWC wrote to the relevant Welsh Government Minister about this seeking more resources and some rationalisation of the time consuming processes involved in making even the smallest change to rights of way and commons.

Submitting comments on the access issues in the Council's unsuccessful bid for Levelling Up Funding. It is regrettable that the LAF was not involved in the preparation of the bid and efforts to

comment on it were hampered by limited information being made available by the Council. It is not known whether the bid changed as a result of the LAF's comments.

Influencing the Council to submit a bid for Shared Prosperity Funding to start dealing with the problem of poor signposting and way marking. The bid was successful but the LAF are waiting to see the detail and are keen to see an ambitious multi-year programme that can have a major impact.

Offering assistance to the Mid Wales Growth Board in considering the access aspects of their growth programme.

Commenting on the Welsh Government's proposals for a Sustainable Farming Scheme. The LAF were keen to make it clear that payments to farmers should be dependent on them fulfilling their responsibilities for any rights of way on their land.

Encouraging the Council to make use of volunteers in desk based work.

Proposed work 2023/24

It is not for the current LAF to determine the work programme for the new LAF to be appointed in April. The new LAF may however wish to look closely at the following issues:

A review of the CS Enforcement Policy.

Proposed volunteer handbook being prepared by CS.

The need for a significant improvement in the deployment of volunteers to work on rights of way.

Finalising the Landholders Rights of Way guide.

A review of the Guide on Rights of Way for planning applicants.

The WAG Access Reform Plans and their plans for supporting agriculture through the Sustainable farming scheme.

A review of the Rights of Way Work Plan 2022/23 and use for AIG funding.

Preparation of the Rights of Way Work Plan 2023/24 and use for AIG funding.

Forthcoming review of the Local Development Plan.

Global Centre for Rail Excellence rights of way issues.

NRW Forest Resource Plans

External funding opportunities for rights of way work.

Solutions to the Monk's Trod and Moelfre City issues.

Contributions from other parts of the Council, besides CS, to improving the rights of way network.

Efforts to ensure **users** of rights of way do so responsibly and that **landholders** discharge their responsibilities for rights of way.

Reducing the backlog of outstanding public reports of rights of way problems

Reviewing the criteria for deciding on the priority for dealing with public reports and the process for telling landholders about problems reported on their land.

Reviewing Rights of way work being funded from external sources and making sure that the management costs of successful programmes do not fall on the already stretched staffing resources within CS.

Removing barriers to accessing the countryside for sections of the population who do not currently make much use of it, e.g. those with mobility issues, residents living in areas of deprivation, etc.

Final Reflections

As the term of office of the current LAF is coming to an end it is an opportune time to offer some thoughts on the Council's approach to discharging its statutory responsibilities for rights of way and access issues.

In October 2021 the LAF reported to the PTLRWC that "our network of rights of way is broken and no longer fit for purpose". In response the Committee wrote to the Portfolio Holder asking her to engage in work to create an action plan to fix our rights of way and transform the way we look after them. Such an Action Plan has not been prepared and this indicative of the approach taken by the Council over generations to pay little regard to preserving this wonderful asset on our doorsteps.

Over generations it is clear that the Council has paid lip service to its statutory responsibilities for rights of way and over the last 10 years or so has reduced the resources available to CS to the extent that it has virtually no mainstream resources at all for routine maintenance work. As a result,

based on the Council's own surveys, around two thirds of rights of way in Powys are in an unsatisfactory condition. Many are no longer evident on the ground and many more are obstructed. Frankly, the Council has failed in its statutory duty to 'assert and protect' rights of way in the area. As the LAF said to the PTLRWC in 2021 "if there was a government inspectorate for rights of way we would be in special measures".

As a result of the financial pressures faced by local authorities the Council is endeavouring to transform its services to fit the new funding envelope and the LAF is firmly of the view that should apply to rights of way work as well. It is not just about money but also the approach taken towards these issues. For too long the Council has not used its powers to make sure that landholders discharge their responsibilities for rights of way and this needs to change. The Council has also not been making best use of the many volunteers who are keen and eager to help in a variety of ways.

The LAF has welcomed the approach of the new administration of the Council to put green issues as an important issue to be addressed and I am sure the new LAF will be keen to offer advice on how best to fulfil the access aspects of this approach.

Work needs to start urgently on the transformation action plan requested in 2021. Stakeholders should be closely involved. Too often in recent times the Council has not consulted stakeholders like the LAF at an early enough stage to influence important access matters. The Council has also often kept such matters confidential and not provided sufficient information to enable the LAF to comment effectively. The LAF is expecting this will improve under the new Administration's policies of openness and early consultation with stakeholders.

Further Information

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

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

Graham Taylor
Chair, Powys LAF
February 2023

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**Y Pwyllgor Cynllunio, Trwyddedu Tacsis a
Hawliau Tramwy / Planning, Taxi Licensing
& Rights of Way Committee**
County Councillor Karl Lewis, Cadeirydd /
Chair

Lesley Griffiths MS
Minister for Rural Affairs, North Wales and
Trefnydd
Welsh Government
5th Floor
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CF99 1NA

Atebwch os gwelwch yn dda /Please reply to:
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Your ref / Eich cyf:

Our ref / Ein cyf: 2023/01 PTLRW

Date / Dyddiad: 5 January 2023

Dear Minister,

I am writing on behalf of Powys County Council's Planning, Taxi Licensing and Rights of Way Committee, to highlight our concerns around the funding for countryside access work and particularly, public rights of way and common land legal work.

This Committee has a role in decision making around Definitive Map, common land and village green legal casework. We also receive officer reports around policy matters related to this casework, for example where significant changes to workload prioritisation or charges are being considered.

Over many years, reports to the Committee have highlighted increasing resource challenges in progressing this statutory and non-statutory legal casework. This has resulted in increasing backlogs and frustration for the public. This is despite officers seeking other ways to address demand and ensure that costs are recovered from applicants where appropriate. It is set against a backdrop of increasing need for access to greenspace to walk and cycle, as low cost, low carbon recreation with environmental, social and health benefits.

A report was presented to us for consultation on 1st December 2022 which starkly highlighted the scale of the challenges. Between 2010 and 2022, the core revenue funding and staff time available for Definitive Map and Commons Registration legal casework has reduced by 60%. This has resulted in a backlog of over 200 public path Order applications and a further 14 pending Definitive Map Modification Order applications.



The Countryside Access and Recreation team is now being very heavily reliant on grant funding to deliver work on public rights of way. The Welsh Government Access Improvement Grant capital funding that has been made available for access enhancements between 2022 and 2025 is very welcome and key to being able to support our residents in being able to access our rights of way network. However, as you will appreciate, this cannot be used for core statutory day to day work, which is reliant on revenue funds. With the well-publicised pressures on Council budgets, it seems unlikely that the Authority would be able to increase its allocation of funds to this work, in view of the many other services also needing funding.

We are writing to highlight this for your consideration, in view of the Access Reform programme which could, at the very least, reduce some of the process-related burdens on progressing Definitive Map casework. If it were also possible to look at revenue funding for this work with greater flexibility of use, that could allow for the Council to be able to address backlogs of casework in the short term.

Yours sincerely,

Karl Lewis

Councillor Karl Lewis, Cadeirydd / Chair
Y Pwyllgor Cynllunio, Trwyddedu Tacsis a Hawliau Tramwy
Planning, Taxi Licensing & Rights of Way Committee

cc

County Councillor Jackie Charlton, Cabinet Member for a Greener Powys
Sian Barnes, Professional Lead, Countryside Access and Recreation

Lesley Griffiths AS/MS
Y Gweinidog Materion Gwledig a Gogledd Cymru, a'r Trefnydd
Minister for Rural Affairs and North Wales, and Trefnydd



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref LG/00008/23

Karl Lewis
County Councillor
Powys Council
carol.johnson@powys.gov.uk

25 January 2023

Dear Cllr Lewis,

Thank you for your letter dated 5 January on behalf of Powys County Council's Planning, Taxi Licensing and Rights of Way Committee, regarding funding for countryside access work.

I am pleased Powys CC are benefitting from the Access Improvement Grant and using it to make improvements to the public rights of way network. Unfortunately, there are no immediate plans to introduce additional revenue funding in this area.

Whilst I recognise the financial difficulties Powys CC is facing, local authorities receive a settlement each year to fund their services. This is un-hypothecated and as such it is for local authorities and their elected councils to determine how they fund each of their service areas. Core funding for Local Government for 2023-24 increased by 7.9% or £403 million on a like-for-like basis compared to the previous year. The funding increase for Powys was above the Wales average at 8.7% following an above average increase of 8.4% in 2022-23.

I recognise the Access Reform Programme may reduce some of the process related administrative burdens and my officials will explore this further as resources allow.

Lesley Griffiths AS/MS
Y Gweinidog Materion Gwledig a Gogledd Cymru, a'r Trefnydd
Minister for Rural Affairs and North Wales, and Trefnydd

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

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Planning, Taxi Licensing and Rights of Way Committee
16th March 2023

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>22/1033/FUL</p> <p>Newtown and Llanwchaiarn Community</p> <p>310979 291595</p> <p>20:06.2022</p>	<p>Full: Demolition of existing building, erection of a building containing a ground floor retail space and 6 flats above, to include with associated auxiliary spaces and all associated works</p> <p>Former Motorworld Site, Gas Street, Newtown SY16 2AB</p> <p>Mr N Bryant</p> <p>Recommendation:</p> <p>Refuse</p>
<p>22/1342/FUL</p> <p>Llangyniew Community</p> <p>311619 310318</p> <p>06.08.2022</p>	<p>Full: Change of use of land to static caravan park, including the instalation of 20 static caravans, creation of internal road layout and landscaping</p> <p>Fir View Tan y Fridd Caravan Park, Llangyniew, Welshpool, SY21 0LT</p> <p>Sheean Holdings Ltd</p> <p>Recommendation:</p> <p>Conditional Consent</p>

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7.2

Planning, Taxi Licensing and Rights of Way Committee Report

Application Number: 22/1033/FUL **Grid Ref:** E: 310979
N: 291595
Community Council: Newtown And Llanllwchaiarn Community **Valid Date:** 14.07.2022

Applicant: Mr N Bryant

Location: Former Motorworld Site, Gas Street, Newtown, SY16 2AB

Proposal: Demolition of existing building, erection of a building containing a ground floor retail space and 6 flats above, to include with associated auxiliary spaces and all associated works

Application Type: Full Application

Reason for Committee determination

The Local Member has exercised their call-in powers for the following reason:

‘The scale of the new development as the height of the building is out of character for the area’.

Consultee Responses

Consultee	Received
Community Council	3rd Aug 2022

The Town Council supports the application subject to concerns raised about contaminated land, highways, and environmental protection being satisfied. Whilst the application is supported by (SPG) Newtown & Llanllwchaiarn Place Plan policies TC-a and HF-a points 1 & 2, HF-a points 4 & 5 do not support the application. The Town Council would look for the development to incorporate renewable energy features and include cycle storage and lockers commensurate with the size of the development.

Community Council	5th Jan 2023
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The Town Council objects to the application in its current form as it does not complement or enhance the surrounding conservation area (DM13) and recommends that it should be

withdrawn and re-submitted after seeking advice from the Powys CC Built Heritage officer.

PCC-Building Control

15th Jul 2022

Please be aware that a Building Regulations application will need to be submitted prior to commencement.

PCC-Emergency Planning Officer

21st Oct 2022

I visited the site at Former Motorworld Site Gas Street Newtown on Thursday 20th October 2022. The site backs on to the river Severn, on a raised part of Gas Street. There is no record of the Severn overflowing in this area during the record river levels of Storm Dennis in February 2020.

In the event of flooding the most appropriate emergency plan would be to remain in the dwelling(s) to wait for the flood water to subside, as it has historically been shown to. If there is a need to evacuate during a flood, for a medical emergency, then I would recommend that this is done by 4x4 vehicle travelling west from Gas Street and into the town centre.

Cadw - SAM

No response received.

Ancient Monuments Society

9th Aug 2022

Comments: HB&P has reviewed the documentation available online. We recognise the existing building is of little architectural merit and therefore have no concerns with the principle of redeveloping this site. However, we must object due to the negative impact the proposed building would have on the character of the Newtown Conservation Area and setting of nearby heritage assets.

The site is located within the eastern boundary of Newtown Conservation Area. While there is no conservation area character appraisal for Newtown, TAN 24, Powys Local Development Plan Policy DM13, and the Character & Heritage Planning Policies in the Newtown & Llanllwchaiarn Place Plan SPG 2021 (particularly CH-a, CH-b, & CH-c) reinforce the principle that all new development within a conservation area should

contribute positively to the established character & local distinctiveness.

We do not consider the proposed building to be compatible with the established character of the conservation area due to its height, scale, bulk and massing. The Heritage Statement suggests that 5 storey buildings are acceptable as others have been approved in the town, however the examples provided (page 6) do not appear to be within the boundaries of the conservation area.

The general built form along Gas Street is 2- 3 storeys with varied roof forms, gables and dormers. At 5 storeys, the proposed building would dominate the streetscape and be overbearing to the setting of the grade II listed wooden framed buildings opposite, particularly in views from the south along the street. The materials and design do little mitigate these impacts or make the building more compatible with its surrounds, and the bulky design does not enhance the special character or interest of the conservation area.

In its current form, the application does not accord with Paragraph 5.9 and 5.13 of Technical Advice Note 24: The Historic Environment (TAN 24, May 2017) and the Planning (Listed Buildings and Conservation Areas) Act 1990, which require planning authorities to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

We recommend the application is withdrawn until a revised scheme is developed that addresses the above heritage and conservation area concerns. I would be grateful if we could be informed when this additional information becomes available.

Ward Councillor

4th Aug 2022

I would like this application regarding the development of the old Motorworld building to be called in.

I would like this done under the ground to the scale of the new development as the height of the building is out of character for the area.

PCC-Contaminated Land Officer

25th Jul 2022

It is noted that the proposed development is situated on land indicated as being a former gas works which represents a potential high risk source of contamination.

Based on the former use of the land, the sensitivity of the development, and an absence of appropriate supporting information, the application should be refused until such time as the applicant demonstrates that potentially significant liabilities have been assessed and

understood.

Planning Policy Wales s.6.9.19 states:

'Where land contamination issues arise, the planning authority will require evidence of a detailed investigation and risk assessment prior to the determination of the application to enable beneficial use of land, unless it can already be established that remedial measures can be employed¹⁵⁵. Where it is known that acceptable remedial measures can overcome contamination, planning permission may be granted subject to conditions specifying the necessary measures and the need for their implementation, including provision for remediating any unexpected contamination which may arise during construction. If contamination cannot be overcome satisfactorily, the authority may refuse planning permission.'

PCC-Contaminated Land Officer

10th Oct 2022

I have reviewed the following report submitted in support of this application:

- o Phase 1 geo-environmental report, Sladen Associates, August 2022, ref: 22 2490.

Firstly, there is no indication of any quality assurance process that has been undertaken in the production/sign off of the report. Clarification is required.

The report has identified that the subject site is adjoining a former gas works but considers that risks from this feature (and other issues) are a low to moderate risk. Furthermore, whilst an intrusive investigation is proposed it appears to be as an 'add-on' to an investigation for foundation design/drainage etc.

Our experience of gas works sites is that contamination is encountered over a relatively wide area as soil contamination but also that other pathways (which the report acknowledges) such as diffusion through groundwater and vapour may exist. I consider the report significantly down grades these risks further enforced by what appears to be minimal suggested investigation works without any detail.

In order to progress matters, I would expect to receive detailed, justified proposals that seek to adequately characterise potential risks.

PCC-Contaminated Land Officer

15th Feb 2023

The subject site adjoins a former gas works which is potential contaminated land.

Therefore, the following conditions are appropriate.

Condition A

Condition 1 Preliminary Investigation

No development shall commence until a preliminary investigation and assessment of the nature and extent of contamination affecting the application site area has been submitted to and approved in writing by the local planning authority. This investigation and assessment must be carried out by or under the direction of a suitably qualified competent person, in accordance with current guidance and best practice, and shall assess any contamination on the site, whether or not it originates on the site.

The report of the findings shall include:

A desk study

A site reconnaissance

Formulation of an initial conceptual model

A preliminary risk assessment

If the preliminary risk assessment identifies there are potentially unacceptable risks a detailed scope of works for an intrusive investigation, including details of the risk assessment methodologies, must be prepared by a suitably qualified competent person. The contents of the scheme and scope of works are subject to the approval in writing of the local planning authority.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency guidance - Land Contamination: Risk Management (LCRM; 2020) and the WLGA document Development of Land Affected by Contamination: A Guide for Developers (2012).

Condition 2. Site Characterisation

No development shall take place until a site investigation of the nature and extent of contamination has been carried out, by a suitably qualified competent person, in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. A written report of the findings of the site investigation shall be made available to the local planning authority before any development begins.

The written report should include an appraisal of remedial options and identification of the most appropriate remediation option(s) for each relevant pollutant linkage. The report is subject to the written approval of the local planning authority.

Condition 3. Submission of Remediation Scheme

No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 and The Contaminated Land (Wales) Regulations 2006, as amended by The Contaminated Land (Wales) (Amendment) Regulations 2012, in relation to the intended use of the land after remediation. The detailed remediation scheme should not be submitted until written approval for Condition 2 has been received from the local planning authority.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11 and the WLGA document 'Development of Land Affected by Contamination: A Guide for Developers' (2012).

Condition 4. Implementation of Approved Remediation Scheme The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works.

If during the course of development any contamination is found that has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures before the development is occupied.

Following completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the local planning authority. The verification report contents must be agreed with the local planning authority before commencement of the remediation scheme.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11 and the WLGA document 'Development of Land Affected by Contamination: A Guide for Developers' (2012).

The area of the proposed works is within the Conservation Area for Newtown and the Built Heritage Conservation Officer should be consulted regarding the works. The buildings proposed for demolition are Early-Mid 20th century and potentially a prefabricated garage which would be of at least local architectural and historic interest. In this case we would recommend a Photographic Survey of the building to obtain a record of the structure prior to its demolition.

The site is also within the Medieval Core of Newtown, and we would recommend an Archaeological Watching Brief on the groundworks for the new apartment block as these plots typically contain evidence of medieval structures, wells, refuse pits, property ditch boundaries and artefacts of all periods.

The conditions in this case would be:

1. Archaeological Photographic Survey

Development shall not begin until an appropriate photographic survey, (equivalent to an Historic England level 1 Survey - Understanding Historic Buildings, 2016) of the existing buildings has been carried out in accordance with details to be submitted to, and approved by, the Local Planning Authority. The photographic survey will be completed by an archaeological contractor.

Reason:

To allow an adequate analytical record of the buildings before conversion, renovation, and extension and to ensure that the buildings origins, use, and development are understood and the key features, character and state of preservation are recorded.

Watching Brief

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 and will be completed in accordance with a written scheme of investigation, which has been approved in advance by the Local Planning Authority

The Strategic Housing Authority supports the proposed affordable housing statement to provide a 1-bed flat and a financial contribution for 0.4 dwelling. Below social rent housing need figures.

Powys Common Housing Register for Social Housing and Social Housing Supply
Newtown – July 2022

1. Summary

households' 1st choice:	682
households' 2nd or subsequent choice	288
households with a local connection:	650

2. Housing Need and Demand

Band 1, 2 and 3: Households that are in housing need.

Band 4: Households that are not in housing need, but would like to move.

Band 5: Households with and without housing need, but not ready to move.

Number of bedrooms is maximum number of bedrooms according common allocation policy.

Households registered with Newtown as first preferred choice.

1 st choice	1-bed	2-bed	3-bed	4-bed	≥5-bed	Total
Band 1,2,3	171	158	40	26	8	403
Band 4	77	86	38	14	2	217
Band 5	33	21	6	2		62
Total	281	265	84	42	10	682

Households registered with Newtown as second or subsequent preferred choice.

2 nd choice	1-bed	2-bed	3-bed	4-bed	≥5-bed	Total
Band 1,2,3	63	67	20	18	4	172
Band 4	36	33	18	4		91
Band 5	15	5	5			25
Total	114	105	43	22	4	288

Households registered with Newtown as a preferred choice (both tables above combined).

1 st or sub choice	1-bed	2-bed	3-bed	4-bed	≥5-bed	Total
Band 1,2,3	234	225	60	44	12	575
Band 4	113	119	56	18	2	308
Band 5	48	26	11	2	0	87
Total	395	370	127	64	14	970

3. Social Housing Supply

Homes let by RSLs and Powys County Council in Newtown

	1-bed	2-bed	3-bed	4-bed	≥5-bed	Total
	424	579	682	64	4	1753

4. Known affordable homes development in Newtown

Several developments in different stages.

tenure	1-bed	2-bed	3-bed	4-bed	≥5-bed	Total
social rent	92	38	16	5	1	152

tenure	1-bed	2-bed	3-bed	4-bed	≥5-bed	Total
shared own	4	12	12	6		34

Environmental Protection

26th Jul 2022

Despite the description of the application, above, which states 'ground floor retail space', the Planning Statement states that:

"...the applicants wish to retaining [sic] the ground floor having Sui Generis use class to allow for flexibility of end user from retail, financial and professional services, food and drink or business."

If the application were specifically for A1 class retail use, I would have no objection. However, due to the potential under a Sui Generis use class for restaurants, takeaways, bars, nightclubs etc., I will need to see noise impact assessment and odour impact assessment reports to demonstrate that the above residential properties will suffer no loss of amenity.

At present, I will have to object on the basis of insufficient information.

Environmental Protection

29th Jul 2022

I have no objection to the application.

Natural Resources Wales (Mid Wales)
DPAS

2nd Aug 2022

We 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 flood risk. If this information is not provided, we would object to this planning application. Further details are provided below.

Flood Risk

The planning application proposes a highly vulnerable development of seven flats which will also include a ground floor retail unit. Our Flood Risk Map confirms the site to be within Zone C1 of the Development Advice Map (DAM) contained in TAN15 and the FMfP identifies the application site to be at risk of flooding and falls partially into Flood Zone 2 (Rivers).

Section 6 of TAN15 requires the Local Planning Authority to determine whether the development at this location is justified. Therefore, we refer you to the tests set out in section 6.2 of TAN15. If you consider the proposal meets the tests set out in criteria (i) to (iii), then the final test (iv) is for the applicant to demonstrate, through the submission of an

FCA, that the potential consequences of flooding can be managed to an acceptable level.

We are unable to give you technical advice on the acceptability of flooding consequences, as no FCA has been submitted. Therefore, if the development can be justified, the above requirement should be met prior to the determination of the application. We can then advise you whether the FCA is in accordance with the technical criteria in Appendix 1 of TAN15.

If an FCA is not submitted or any subsequent FCA fails to demonstrate that the consequences of flooding can be acceptably managed over the lifetime of the development, then we object to the application. The criteria for the FCA, which should normally be undertaken by a suitably qualified person carrying an appropriate professional indemnity, are given in Section 7 and Appendix 1 of TAN15. The FCA should be proportionate to the development proposed.

You may also refer to our website, which contains technical advice and recommendations.

Please inform us, in accordance with paragraph 11.7 of TAN15, if you are minded to grant permission for the application contrary to our advice.

Pollution Prevention and Watercourse

Our maps indicate that the application site is located within 55m of a watercourse (River Severn). Due to the large scale of the proposed demolition and construction works, we advise that as a precautionary measure, to prevent any potential pollution to the nearby watercourse that you refer the Applicant to the following relevant measures and guidance to be adhered to: Guidance for Pollution Prevention (GPPs)

Protected Species

The Preliminary Ecological Appraisal by Biome Consulting Ltd dated 21st February 2022, confirms that no European Protected Species (EPS) were found present within the area to be affected by the development. We consider that in respect of EPS, the report is satisfactory to inform the planning determination and therefore, we have no further comment to provide.

Natural Resources Wales (Mid Wales)
DPAS

12th Oct 2022

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 flood risk. If this information is not provided, we would object to this planning application. Further details are

provided below.

Flood Risk

The planning application proposes a highly vulnerable development of seven flats which will also include a ground floor retail unit. Our Flood Risk Map confirms the site to be within Zone C1 of the Development Advice Map (DAM) contained in TAN15 and the new Flood Map for Planning (FMfP) identifies the application site to be at risk of flooding and falls partially into Flood Zone 2 (Rivers).

Section 6 of TAN15 requires the Local Planning Authority to determine whether the development at this location is justified. Therefore, we refer you to the tests set out in section 6.2 of TAN15. If you consider the proposal meets the tests set out in criteria (i) to (iii), then the final test (iv) is for the applicant to demonstrate through the submission of a Flood Consequence Assessment (FCA) that the potential consequences of flooding can be managed to an acceptable level. We have reviewed the FCA undertaken by Flume Consulting Engineers, dated September 2022, reference 1255. Our advice to you is that the FCA fails to demonstrate that the risks and consequences of flooding can be managed to an acceptable level for the reasons explained below.

- o The FCA has used the incorrect site location on some of the maps which means that contrary to the FCA statement, the site was affected by flooding (notably 1964) prior to the defences being constructed. Without the benefit of the defences or in a breach or overtopping scenario, the site could be affected.
- o The FCA has not considered the following:
 - o breach scenarios,
 - o 0.1% plus climate change extents (site will be part affected),
 - o and the undefended scenario.
- o The FMfP has not been used in comparison with the DAM. In this instance, the FMfP corroborates the DAM, the site is on the edge of the extreme flood extent.
- o Relative to the scale and nature of the proposed, i.e. a less vulnerable development on the ground floor with highly vulnerable development on upper floors; flood hazards, if any, could potentially be manageable with adoption of elevated ground floor level/flood resilience. However, we advise that further work/amendments are needed to ensure that the proposed ground floor level is set above the extreme flood event level.
- o We advise that the Newtown hydraulic model should be used to inform an amended FCA

Therefore, we advise that you seek an amended FCA from the Applicant which includes and takes account of the bullet points listed above.

The emergency planner at Powys County Council should also be consulted by Applicant or LPA to ensure that increased occupancy in a flood zone, albeit defended, is acceptable.

If no further information is submitted, or a revised FCA fails to demonstrate that the consequences of flooding can be acceptably managed over the lifetime of the development, then we object to this application.

Please inform us, in accordance with paragraph 11.7 of TAN15, if you are minded to grant permission for the application contrary to our advice.

As it is for your Authority to determine whether the risks and consequences of flooding can be managed in accordance with TAN15, we recommend you consider consulting other professional advisors on matters such as emergency plans, procedures and measures to address structural damage that may result from flooding. Please note, we do not normally comment on the adequacy of flood emergency response plans and procedures accompanying development proposals, as we do not carry out these roles during a flood.

Our involvement during a flood emergency would be limited to delivering flood warnings to occupants/users.

Further Advice

Please refer to our previous letter (CAS-193930-R8Z5 dated 02/08/2022) for advice in relation to 'Pollution Prevention and Watercourse' and 'Protected Species'.

Natural Resources Wales (Mid Wales)
DPAS

21st Nov 2022

Having reviewed the additional information, we do not have any further comment to make on the development at this stage.

Please refer to our previous response letter (CAS-199386-T8H7 dated 12/10/2022), for our concerns and advice on flood risk this site/planning application, which still stands.

Natural Resources Wales (Mid Wales)
DPAS

25th Jan 2023

We continue to have concerns with the application as submitted. However, we are satisfied

that these concerns can be overcome by attaching the following conditions to any planning permission granted:

Conditions

1. All ground floor levels/thresholds are at least 150mm above adjacent ground level.
2. Flood resistant and resilience measures to be incorporated to respond to any residual flood risk.

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

Flood Risk

The planning application proposes highly vulnerable development consisting of demolition of existing building, erection of a building containing a ground floor retail space and 7 flats above. Our Flood Risk Map confirms the site to be within Zone C1 of the Development Advice Map (DAM) contained in TAN15 and the Flood Map for Planning (FMfP) identifies the application site to be at risk of flooding and falls into Flood Zone 2 and defended zone. We have reviewed the following revised Flood Consequences Assessment (FCA) submitted in support of the application to provide you with technical advice on the acceptability of flooding consequences in accordance with Appendix 1 of TAN15:

Former Motorworld, Site Flood Consequences Assessment by Flume Consulting

Engineers dated 28th November 2022 (ref: 1255)

We acknowledge Version 2 of the FCA clearly and helpfully addresses the flood risk concerns raised in our previous response (CAS-199386-T8H7 dated 12/10/2022).

The revised FCA has utilised available flood modelling data and demonstrated that A1.14 and A1.15 are satisfied and that risks in an extreme or breach event are manageable.

The concluding recommendations within the FCA on Page 24 should be adhered to, including ensuring all ground floor levels/thresholds are at least 150mm above adjacent ground level and that flood resistant and resilience measures will be incorporated to respond to any residual risk.

In summary, the FCA shows that the risks and consequences could be managed to an acceptable level, provided the above planning conditions are attached to any permission granted.

As it is for your Authority to determine whether the risks and consequences of flooding can be managed in accordance with TAN15, we recommend you consider consulting other

professional advisors on matters such as emergency plans, procedures and measures to address structural damage that may result from flooding. Please note, we do not normally comment on or grant the adequacy of flood emergency response plans and procedures accompanying development proposals, as we do not carry out these roles during a flood.

Our involvement during a flood emergency would be limited to delivering flood warnings to occupants/users.

Further Advice

Please refer to our previous letter (CAS-193930-R8Z5 dated 02/08/2022) for advice in relation to 'Pollution Prevention and Watercourse' and 'Protected Species'.

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.

PCC-Built Heritage Officer

9th Aug 2022

The proposal is to demolish a corrugated iron garage, of the type typically built in many towns across the country between 1920-1950. It is in many respects a usual street scene feature. It is proposed to be replaced with a block of flats, 4 storeys high.

To demolish a building within a conservation area a Conservation Area Consent application is required, and one has not been received alongside this application.

To build within a conservation area, the SPG for Conservation Area lays out how a Character Appraisal of the surrounding area should take place. From this, the proposed design should evolve from this. It is not clear that this has taken place, and the design does not fit in with its environs.

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:

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.
3. 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.

The proposal is considered contrary to policy DM13;

The design does not complement or enhance the local area. The wall to glass ratio does not relate to the surrounding existing buildings. The materials selected, apart from the brick ground floor, are not appropriate in the proposed context. The scale of the development is such that it is more than twice the height of neighbouring properties. The detailing does not reflect any existing development on the street, or more broadly in the town. The appearance is striking, but lack of colour, detail or high quality materials mean it does not integrate into the surrounding.

The proposal would detract from the local distinctiveness of the area.

The development would impact the setting of several important listed buildings, including the only remaining timber framed buildings within Newtown. The height of the building would mean it projects above the normal roofline of the town, and would be seen from afar.

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 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".

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

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

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

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

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

It is noted that section 2.2 of Managing Setting of Historic Assets 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 proposal would be contrary to the above guidance and legislation, as it would impact negatively on the listed buildings opposite. This is in relation to the scale of the development being out of character (in particular the height), the choice of materials being out of keeping, and also the roofline, and window shapes and amount of glass proposed being at odds with the listed buildings in such a way that it provides a jarring visual impact.

Recommendation

Withdrawal and Built Heritage Pre-App advice sought.

PCC-Built Heritage Officer

6th Sep 2022

Amended plans have been received, lowering the height of the building and changing the principal material to brick, and altering the fenestrations.

The previous response from the BHO in relation to this application advised that a character appraisal should take place to inform the design of the building. It was also recommended that the application be withdrawn and Built Heritage Advice be sought. This has not taken place.

The use of red brick with yellow string courses and arches would be more in keeping with the surroundings, and the fenestrations more readily reflect the buildings in the surrounding area. However, the height to eaves is still nearly double that of the adjoining neighbouring property. Further to this, the neighbouring property to the left is one and a half storeys, and beyond that the terraced houses are two storeys with dormer windows. Opposite, the listed timber framed cottages are three storeys, the 'basement' level, is however, not a full storey, and the top floor uses dormer windows. It is therefore not in the same scale as the proposed development. The listed Natural Health Centre (Cadw ID 8004) is on an elevated position atop a mound, it is a Georgian building and has a basement level, a ground floor, a first floor and a second floor, the last being squashed in under the eaves. The proposed height of the development is not in line with any of these buildings, and out of keeping with that of the locality.

Further to this, the general design of the building is somewhat confused and does not stylistically conform to any particular architectural class, be it even the 'country' or 'vernacular' version. The jettying of the first floor over the ground floor is usual in post war shopping precincts, as the use of steel and concrete allow for this type of construction. Historically, however, such a projection would require a colonnade or pillars. The shape and bulk of the first and second floors are also completely at odds with the ground floor. The windows and doors to the ground floor do not respond, mirror or match any other window on the elevations.

Furthermore, a parapet wall to the top is historically used to create an imposing, flat façade. Here, however, it is not a usual architectural feature. The inter-war Post Office nearby is one such example in Newtown, but it is not a common feature. Such a design would more normally conform to Classical principles, and the height of the various windows would vary between floors. In the present proposal this does not take place.

The roofline of the building is a half-hipped-gable common in France, Germany, Switzerland. It had favour in England in the south during the medieval period, and Britain more generally during the Victorian Gothic period, but does not blend into its proposed location. Furthermore, it would be at odds with the parapet wall, which as it is used here is a feature of classically inspired architecture rather than that of the Gothic.

Parapet walls can be used to gain additional rooms in a roof without being evident from the street. Similarly, mansard roofs are utilised for the same effect.

The design of the slate roof is proportionally at odds with the rest of the building, so that it does not appear to relate to the building underneath it. The brickwork from the flat roof upwards does not relate to any wall underneath it, and appears most strange to the eye.

Whilst some elements of the proposed building may be found on various buildings in Newtown, there is no building quite like it as a whole.

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:

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.
3. 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.

The proposal is considered contrary to policy DM13; in particular the development does not complement or enhance the surroundings in terms of appearance, integration, scale, height, massing, and design detailing.

It should also be noted that the site is rather a significant one for Newtown as it is visible

on entering the town in relation to the Robert Owen Memorial, which is a focal point in the conservation area.

The development would impact the setting of several important listed buildings, including the only remaining timber framed buildings within Newtown. This is in terms of its scale and massing being out of keeping with the surroundings, and its architectural design being at odds with the genius loci in such a striking way.

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 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"

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

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

- o the prominence of the historic asset
- o the expected lifespan of the proposed development

- o the extent of tree cover and its likely longevity
- o non-visual factors affecting the setting of the historic asset

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

Cadw have prepared guidance on the setting of historic assets that in an annexe to TAN24. 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 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 proposal will harm the setting of the listed buildings opposite, Cadw ID; Bank Place;8102, 8103, 8104, as well as The Natural Health Centre; 8004. Further to this, it is at odds with the DM13 in relation to the Conservation Area.

Recommendation

Refusal.

PCC-Built Heritage Officer

11th Nov 2022

Comment

Amended plans have been received, altering the design slightly. Previously withdrawal or refusal were advised and it was requested that Built Heritage Advice was sought.

The principle of the demolition of the existing corrugated iron structure and replacement with a ground floor shop with flats above is considered acceptable. This is, however, subject to design.

The main frontage of the building is more usual of development within Newtown, though it is still rather higher than neighbouring properties.

The use of sash windows, brick and string courses is welcome and conforms to the SPG for Conservation Areas, alongside the slate roof.

Examples of four storey buildings can be found in Newtown, but they are not the most common type of house. Often, as in the case of the listed buildings opposite, the building is only considered three or four storeys as the 'ground floor' is partly underground and in use as a basement. Here, the building is must taller than its neighbour, and not in line with the street scene.

The orientation of the roof is such that it provides a gable to the street, this emphasises the height of the building. This design feature can be found in Newtown, but rarely is it used on a building of this width unless it is a warehouse or building with some former industrial use. Occasionally chapels were orientated in this way, and thus a very imposing or elaborate façade could be projected to the street. In this case, a Victorian aesthetic has been provided. However, the proposed shop front is Georgian in style.

Within the Conservation Area chimneys should be included on development.

The height to ridge of the immediate neighbouring property is 7.6 meters. The proposal is 12.9m meters to ridge. In particular, the width of the roof, in part due to the gable facing the street, means that it is 4.2 meters high, whereas the neighbouring property is 2.3meters high. The height of the first two houses on The Bank (to ridge) is nearly 9 meters. It is considered that the proposal would be considerably larger than any properties nearby.

The use of so many solar panels facing the listed building opposite, and into the conservation area, would not be supported. Solar panels should be mounted in such a way that they are not visible to the street, or in the view of listed buildings.

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:

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.
3. 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.

The proposal is considered contrary to policy DM13; in particular the development does not complement or enhance the surroundings in terms of appearance, integration, scale, height, massing, and design detailing.

It should also be noted that the site is rather a significant one for Newtown as it is visible on entering the town in relation to the Robert Owen Memorial, which is a focal point in the conservation area.

The development would impact the setting of several important listed buildings, including the only remaining timber framed buildings within Newtown. This is in terms of its scale and massing being out of keeping with the surroundings, and the inclusion of solar panels.

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 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"

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

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

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

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

Cadw have prepared guidance on the setting of historic assets that in an annexe to TAN24. 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 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 proposal will harm the setting of the listed buildings opposite, Cadw ID; Bank Place;8102, 8103, 8104, as well as The Natural Health Centre; 8004. Further to this, it is at odds with the DM13 in relation to the Conservation Area.

Recommendation

The proposal with amendments could be made acceptable. These would see the scale of the building, in particular the height, reduced. Furthermore, certain aspects of the design, such as the solar panels facing the street and listed buildings would have to be removed. Chimneys should be added to the development. Ideally, other details, such as the Georgian shop window on a Victorian style building should be changed. As this is the third set of amended plans it would be preferable for withdrawal and Built Heritage Advice to be

sought. In this way more specific advice could be given.

PCC-Built Heritage Officer

13th Feb 2023

This is the fourth Built Heritage response on this application, the first requested the application be withdrawn and Built Heritage Advice sought. The continual and significant amendment of a live planning application is not the correct way to design development.

Alterations to change the shop window are welcomed.

Alterations to adjust the balcony design to the rear are welcome.

The orientation of the roof, coupled with the width of the building mean it is much taller than other buildings on the street. Furthermore, the height of the floors in comparison to neighbouring development mean it is already taller.

Very often window heights and floor heights change on different floors of a building. Externally this can make the aesthetics of a building façade less imposing. More usually windows on the second or third floor are much shorter than on other floors. This detailing has not been carried over onto the proposal, but is apparent on all other buildings over two floors in the area.

There is an opportunity here to make use of a parapet wall on the front elevation (which has the shop window) and to have the main body of the slate roof going in line with the eaves on the left hand frontage (i.e. the roof being at 90 degrees to its main format now). In this way there would be a flat roof behind the parapet wall, and the slate roof would be set back from the street. This would reduce the visual impact of height here, dormer windows being used for the attic flat. It would also provide balcony space without the need for the existing arrangement of the inserted flat roof dormer to the side. Further to this, the height of the roof from eaves to ridge would likely be reduced. This method is employed on several buildings in Newtown, most notably on High Street. Advice in regards to this was given in previous BHCO comments.

In regards to the solar panels on the South East elevation, this direction of the roof is visible when entering Gas Street from Shortbridge Steet. It will be more prominent due to the height of the building over that of neighbouring development.

Within its own street scene, the building would be considerably taller than anything adjacent to it. Previous comments have been given on this and the height has not changed.

The considerations in Gas Street have been outlined previously, but in regards to the conservation area the site is visible when entering Newtown, and in particular is within the

setting of the Robert Owen Memorial Garden. Further to this, the proposed site is opposite a row of the last remaining historic timber framed buildings within Newtown. These buildings are listed, as is the Georgian building to the left.

It is therefore considered that in relation to DM-13.3 the proposal would harm the setting of the Conservation Area in this area. This is in relation to DM13-1, the proposal has not been designed to complement and/or enhance the character of the surrounding area in terms of integration, height and detailing.

The proposal will harm the setting of the listed buildings opposite, primarily Cadw ID; Bank Place; 8102, 8103, 8104. That the proposed development height is incongruous in relation to them.

Recommendation

Withdrawal and Built Heritage Advice sought.

Hafren Dyfrdwy

25th Jul 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

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

The developer's attention is also drawn to the legal requirement for all sites to enter into a

Section 104 sewer adoption agreement with Hafren Dyfrdwy before any sewer connection can be approved, in line with the implementation Schedule 3 of the Floods and Water Management Act 2010. Full details of this are provided on our website www.hdcymru.co.uk under the 'New Site Developments' section.

PCC-(M) Highways

25th Jul 2022

The proposed demolition of an existing building and erection of a new building to include 7 flats and a retail space is supported by the Highway Authority and whilst we support the widening of the footway for pedestrians at a particularly narrow section of footway we do have concerns that the proposed cantilevered detail at the narrowest section of footway and consequently at the closest point to the live carriageway, could pose problems for high sided vehicles. The proposed elevations and 3D views clearly show the cantilever detail jutting out from the building but there is no reference to the existing carriageway. Therefore, we must request that the applicant submit cross section details at 5 metre intervals, where the cantilever is located, which should include the carriageway, edge of the carriageway or kerb line, footway and horizontal position of the cantilever. Since the cantilever will be located at the first floor level we need to ensure that any high sided vehicle whether passing or making deliveries does not inadvertently hit the cantilever.

PCC-Ecologist

8th Aug 2022

Recommendation:

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 500m:

- o None

Non-statutory sites within 500m:

- o None

Records of protected and/or priority species identified within 500m? Yes

Comments:

The application is informed by the following information:

- o Dreux, S. (21/02/2022) Motorworld Building, Gas Street, Newtown, Powys. Preliminary Ecological Appraisal. Biome Consulting Ltd.

Survey effort and methods employed in accordance with current national guidelines? Yes, although survey time was sub-optimal for vegetation survey it is not considered to affect the outcome of the assessment.

The building was assessed as having negligible potential to support roosting bats but did provide some potential for nesting birds; appropriate mitigation measures for breeding birds are provided. No other protected or priority species were predicted to be negatively impacted by the proposal.

It is therefore recommended that adherence to the mitigation measures for nesting birds is secured through an appropriately worded planning condition.

I concur with NRW's advice that a pollution prevention plan is provided to ensure that contaminants from construction are prevented from reaching the River Severn, for example via adjacent road or other surface water drains.

It is therefore recommended that submission of a pollution prevention plan is secured via an appropriately worded planning condition.

Although the development is located within an urban area and lower levels will be subject to illumination from existing streetlights, it is appropriate that careful consideration is given to any external lighting of the proposed development, including from upper floor balconies.

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:

No information has been provided to demonstrate that the proposal will provide a net biodiversity gain. The Chief Planning Officer for Wales has confirmed that 'where biodiversity enhancement is not proposed as part of an application, significant weight will be given to its absence, and unless other significant material considerations indicate otherwise it will be necessary to refuse permission.' Therefore, details are required regarding incorporation of features to enhance biodiversity and ensure the development provides a net benefit for biodiversity.

Examples of suitable features could include:

- o Provision of bird and bat boxes. The proposal should include details of the number, type and location of boxes,
- o Provision of wildlife-friendly landscape planting.

Given the design and location of the proposed development, the provision of integrated swift bricks below the eaves would be a welcome enhancement. The bricks are unobtrusive when installed and require no maintenance.

Further information required prior to determination:

- i. Biodiversity enhancement plan

PCC-(N) Land Drainage

2nd Aug 2022

PCC Land Drainage have no comments to make on this application at this time.

However, 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.

PCC-(N) Land Drainage

30th Sep 2022

PCC Land Drainage have no comments to make on this application at this time. As the main source of flood risk is fluvial from the River Severn (Main River), if not already done so, NRW should be consulted.

Representations

Following the display of a site notice on 21st July 2022, 181 representations have been received, 57 in support and 124 in objection. The representations are summarised as follows:

- Removal of existing vacant building would improve appearance of area
- Proposed new building would fit in with area and new Gas Street car park
- Need for housing
- Provide affordable housing
- Good design
- Economic benefits
- Improve street scene
- Enhance the conservation area

- Conflict with local plan
- Development too high
- Inadequate parking provision
- Loss of light
- Unnecessary retail provision when there are empty shops in town
- Affect local ecology
- Close to adjoining properties
- General dislike of proposal
- Noise nuisance
- Out of keeping with character of area
- Over development
- Strain on existing community facilities

Increase of pollution
 Inadequate access
 Loss of privacy
 Inadequate public transport provisions
 Increased danger of flooding
 Potentially contaminated land
 Overlooks and adjacent to historic buildings
 Impact on Conservation Area
 Poor quality design
 Queries housing need, density and housing type
 Additional strain on outdated public foul drainage system
 More open space needed on development
 Loss of parking provision
 Residential amenity
 Pre application advice should have been sought
 Ground floor flats would be useful instead of retail
 Impact upon tourism
 Impact upon dark skies
 Impact on fire safety due to height of building and local fire crew not having vehicle equipped for rescue above two storeys
 Impact upon living conditions of proposed residents from temperature rises

Planning History

App Ref	Description	Decision	Date
22/1403/CAC	Demolition of a building	Pending consideration	

Principal Planning Constraints

Conservation Area	NEWTOWN - CENTRE
Contaminated Land	Gas manufacture & distribution
Contaminated Land	Gas manufacture & distribution
Contaminated Land	Factory or works
Within 50m of Listed Building	The Bank Antiques
Within 50m of Listed Building	Bank Place
Within 50m of Listed Building	Rosemount
Within 50m of Listed Building	Natural Health Centre
LDP Development Boundaries	Newtown/ Y Drenewydd
LDP Retail Core Area	Newtown
B Floodzone	
C1 Floodzone	

Principal Planning Policies

Policy	Policy Description	Year	Local Plan
PPW	Planning Policy Wales (Edition 11, February 2021)		National Policy
NATPLA	Future Wales - The National Plan 2040		National Policy
TAN2	Planning and Affordable Housing		National Policy
TAN4	Retail and Commercial Development		National Policy
TAN5	Nature Conservation and Planning		National Policy
TAN12	Design		National Policy
TAN11	Noise		National Policy
TAN15	Development and Flood Risk		National Policy
TAN18	Transport		National Policy
TAN23	Economic Development		National Policy
TAN24	The Historic Environment		National Policy
SP1	Housing Growth		Local Development Plan 2011-2026
SP2	Employment Growth		Local Development Plan 2011-2026
SP3	Affordable Housing Target		Local Development Plan 2011-2026
SP4	Retail Growth		Local Development Plan 2011-2026
SP5	Settlement Hierarchy		Local Development Plan 2011-2026
SP6	Distribution of Growth		Local Development

	across the Settlement Hierarchy	Plan 2011-2026
SP7	Safeguarding of Strategic Resources and Assets	Local Development Plan 2011-2026
DM2	The Natural Environment	Local Development Plan 2011-2026
DM5	Development and Flood Risk	Local Development Plan 2011-2026
DM6	Flood Prevention Measures and Land Drainage	Local Development Plan 2011-2026
DM7	Dark Skies and External Lighting	Local Development Plan 2011-2026
DM10	Contaminated and Unstable Land	Local Development Plan 2011-2026
DM13	Design and Resources	Local Development Plan 2011-2026
DM15	Waste Within Developments	Local Development Plan 2011-2026
T1	Travel, Traffic and Transport Infrastructure	Local Development Plan 2011-2026
H1	Housing Development Proposals	Local Development Plan 2011-2026
H3	Housing Delivery	Local Development Plan 2011-2026
H4	Housing Density	Local Development Plan 2011-2026
H5	Affordable Housing Contributions	Local Development Plan 2011-2026
R1	New Retail Development	Local Development Plan 2011-2026
R3	Development Within Town	Local Development

	Centre Areas	Plan 2011-2026
SPGRES	Residential Design Guide SPG (2020)	Local Development Plan 2011-2026
SPGHE	Historic Environment SPG (2021)	Local Development Plan 2011-2026
SPGBIO	Biodiversity and Geodiversity SPG (2018)	Local Development Plan 2011-2026
SPGCON	Conservation Areas SPG (2020)	Local Development Plan 2011-2026
SPGNPP	The Newtown & Llanllwchaiarn Place Plan SPG (2021)	Local Development Plan 2011-2026
SPGARC	Archaeology 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

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

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

Site location and description

The application site is located on the eastern side of Gas Street in the development

boundary and town centre of Newtown. The site currently consists of a two-storey corrugated iron garage (rendered finish on the ground floor with corrugated metal above), last used as a retail outlet. The building abuts a building currently in use as a solicitor's office and to the northern side is a detached building with ground floor retail premises. The site has a small area of hardstanding to the northern boundary but has no other surrounding associated outdoor space. The gas street public car park is located to the east of the site with the River Severn located beyond the car park.

It is proposed to demolish the existing building and construct a block of flats which would contain a ground floor retail space and 6 flats above, over two storeys and within the roof space. It should be noted that the number of flats has been reduced from 7no. to 6 no. The ground floor would have a larger shop frontage than the present building, retail space and rear storage area, staff room and w/c. Access to the upper floors would be gained via a communal access in the side (northern elevation) and there would be a bin store and plant room in this part of the site. The first floor would contain 2, 1-bedroom flats and a 2-bedroom flat, the second floor would contain 2 no, 2-bedroom flats and the third floor would contain a 1-bedroom flat. The proposed building would have a red brick frontage with yellow brick details, and brick and render side and rear elevations. Windows would have stone cills and the roof would be slated.

Principle

The site is located within the development boundary, town centre and retail core area of Newtown. The site is not located within either a primary or secondary shopping frontage. Given that the development would retain a retail use on the ground floor, it is considered that the development would not undermine the retail hierarchy and as such accords with LDP Policies R1 and R3. Public representations have stated that the provision of a retail unit is not required because there are a number of vacant retail units in the town. These comments are noted, however, the development has been submitted with a ground floor retail element as such is required to be considered with the retail unit.

In terms of the provision of housing, public representations have commented that the development would be a strain on local community facilities and have both supported and objected to the housing need. The site is not allocated for housing development; however it is a brownfield site (previously developed land) in a sustainable location within the settlement boundary of the town of Newtown. The site is considered to be suitable and complies with Criterion i of Part 1 of LDP Policy H1 and the principle of residential development is acceptable, subject to consideration of the other material planning issues.

Housing density

The density for any proposed housing development in towns should be 27+ units per hectare. The application site measures approximately 0.0275ha with a density of approximately 218 units per hectare. Therefore, the development accords with the housing density guide range for towns contained within LDP Policy H4.

Housing types

Public representations have supported the provision of affordable housing. It is proposed to construct 6 no. flats with a mixture of 1 and 2 bedrooms. The Affordable Housing Officer has confirmed that the highest demand in Newtown is for 1 and 2 bedroom properties, albeit this evidence relates to social rented accommodation and the proposed affordable unit would be intermediate housing for sale. However, in consideration of comments and evidence provided by the Affordable Housing Officer along with the general identified needs of the County and the contents of the Newtown Place Plan, it is considered that the development would provide for the delivery of one-bedroom apartments in compliance with LDP Policy H3.

Affordable housing contribution

Within the Severn Valley sub-market area, the required affordable housing contribution is 20%; equating to 1.2 unit. The submission indicates that one affordable dwelling would be provided on site as an intermediate dwelling for sale and the remaining part of a unit (being 0.2 of a unit) would be provided as a financial contribution, which would be calculated in line with the guidance within the Affordable Housing SPG. Given that a financial contribution would be required, any approval would be required to be subject to a section 106 agreement to secure the affordable housing contribution. The agreement would also secure the provision of the on-site affordable dwelling and control its affordability in perpetuity. Conditions removing permitted development rights for the affordable unit and a restriction on floor space are not required because apartments (flats) do not benefit from permitted development rights.

Design

Public representations have both supported and objected to the design and impact upon the appearance and character of the surrounding area.

The town appraisal appendix of the Residential Design SPG states that Newtown town centre is made up of a combination of 2 and 3 storey buildings of mainly Victorian and modern age, set around a simple grid network with back lanes to either side of the town. Gas Street is a relatively narrow street which is connected to Shortbridge Street and Severn Street. The street is lined with properties of two and three storeys on either side, with some properties being set back from the highway and others closer. Generally, Gas Street retains a relationship of buildings and a relatively narrow street. There are also gaps in the layout of the street scene developed as a car park and vehicular accesses and the gardens surrounding the Robert Owen Memorial. The building proposed to be demolished is attached to a rendered two storey building with shop frontage and the Robert Owen Memorial stands within the gardens located to the south-west of the site. Opposite the site to west/north-west is a group of timber-framed listed buildings which are sited on higher level ground and set back from the highway. To the north of the site is a brick two storey building accommodating a retail use and further to

the north the street is lined by brick residential properties and a commercial garage.

The development has been redesigned to seek to overcome concerns raised regarding design and amended plans have been received which altered the initial design including lowering the height of the building; changing the design of the front elevation, changing the principal material to brick, altering the fenestrations; alterations to change the shop window and alterations to adjust the balcony design to the rear. Whilst elements of the design have resulted in a development which is more appropriate to the area than the initial design, concern is still expressed over the height of the development in comparison to the immediately adjacent buildings and the impact of the development upon the street scene. The demolition of the existing building is welcomed as an improvement to the appearance of the area, however, that in itself does not address the issue concerning the appropriateness of the proposed design in its context. In addition, comparative references to other buildings within the conservation area and town centre are noted and appreciated, however each has a different context.

The Town Council has commented that the development should incorporate renewable energy features and include cycle storage and lockers commensurate with the size of the development. The development includes solar panels and cycle racks.

Public representations have commented that more open space is required. LDP Policy DM13 advises that all development proposals should incorporate area(s) for passive, informal recreation appropriate to the scale and type of the proposal. Given the constrained nature of the site where there is very limited external space associated with the existing building and the town centre location, it is considered that the type of proposal is such that it does not require open space provision in this instance.

Historic environment

Newtown Town Council have objected on the basis that the development does not complement or enhance the conservation area. Public representations have both objected to and supported the impact upon historic assets. The application is accompanied by a Historic Impact Assessment which concludes that the principle of the proposal is considered acceptable on the basis of:

- its appropriate form in relation to the existing layout of the locality and nearby heritage assets, preserving those significant elements of those assets and their historic interest;
- the existing pattern of development is respected and the street's current structural character reflected, where the proposed layout has no direct adverse impact on the setting of the historic assets or the wider conservation area;
- the introduction of additional residential units supports the vitality and viability of the local community; and
- the application is therefore generally in accordance with adopted policies and development guidance relating to preserving historic assets and the concept of setting.

The Assessment goes on to also conclude that the existing building does not contribute positively to the character and appearance of the area and it is contended that the design represents a considerable physical and visual improvement over the existing building and would represent a significant aesthetic gain to the area and the setting of the local historic assets. Some limited alteration to the character and appearance of the locality will inevitably be necessary to facilitate the scheme. However, these modest interventions are demonstrably balanced by the scheme as a whole, promoting an optimum viable and sustainable use. This Historic Impact Assessment indicates that there will be some visual impacts on the setting of the historic landscape and listed buildings. However, the effects on the settings and significance of these designated assets would be effectively positive through design and materials, thus creating an acceptable visual association between the proposed and the existing historic residential use.

- Settings of listed buildings

The site is located opposite and within the vicinity of the following listed buildings:

The Bank Antiques (Cadw ID: 8104) – Grade II listed
Bank Place (Cadw ID: 8102) – Grade II listed
Bank Place (Cadw ID: 8103) – Grade II listed
Rosemount (Cadw ID: 8006) – Grade II listed
Natural Health Centre (Cadw ID: 8004) – Grade II listed

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Planning Authority to have special regard to the desirability of preserving the listed buildings or their settings.

The Council's Built Heritage Officer has advised that the development would impact the setting of several important listed buildings, including the only remaining timber framed buildings within Newtown. The Built Heritage officer has advised that the development would harm the settings of the listed buildings opposite, Bank Place and Bank Antiques Cadw IDs: 8102, 8103, 8104, as well as The Natural Health Centre; Cadw ID 8004.

Whilst some of the Built Heritage Officer's concerns have been addressed through the submission of amended plans, concern is still expressed, principally regarding the scale and height of the proposed building with the latest response from the Built Heritage Officer summarised below:

- Within its street scene the development would be taller than buildings adjacent to it. The orientation of the roof and width of the building would result in it being taller than other buildings on the street. The height of the floors in comparison to neighbouring development mean it is already taller.
- The design detailing of upper floor windows and floor heights being shorter which

is apparent on buildings over two floors in the locality has not been included in the development. Such detail can make the aesthetics of a building façade less imposing.

- There is an opportunity to make use of a parapet wall on the front elevation (which has the shop window) and to have the main body of the slate roof going in line with the eaves on the left-hand frontage (i.e. the roof being at 90 degrees to its main format now). In this way there would be a flat roof behind the parapet wall, and the slate roof would be set back from the street. This would reduce the visual impact of height here, dormer windows being used for the attic flat. It would also provide balcony space without the need for the existing arrangement of the inserted flat roof dormer to the side. Further to this, the height of the roof from eaves to ridge would likely be reduced. This method is employed on several buildings in Newtown, most notably on High Street.
- The solar panels on the south-east elevation, will be visible when entering Gas Street from Shortbridge Steet and more prominent due to the height of the building over that of neighbouring development.

In the latest and previous responses, the Built Heritage Officer has advised how the design could be altered to reduce the visual impact of the height of the development. Whilst the design has been amended and some of the concerns of the Built Heritage Officer have been addressed, the above concerns are still relevant and have not been addressed to the satisfaction of the Built Heritage Officer. As such, the Officer has advised that the development would harm the setting of the listed buildings opposite, primarily Cadw ID; Bank Place; 8102, 8103, 8104.

- Character and appearance of Newtown Conservation Area

The site is located within the eastern part of the Newtown Conservation Area. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Planning Authority to have special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

The Council's Built Heritage Officer has advised that the site is rather a significant one for Newtown as it is visible on entering the town in relation to the Robert Owen Memorial, which is a focal point in the conservation area. It is acknowledged that the buildings in the conservation area are of varying heights, however, with particular reference to the appearance, height, scale, integration and design detailing in its particular context, the Built Heritage Officer has advised that the development would harm the setting of the Newtown Conservation Area.

- Archaeology

Clwyd Powys Archaeological Trust (CPAT) has advised that the building to be demolished is of at least local architectural and historic interest and as such has

recommended the carrying out of a Photographic Survey of the building prior to its demolition to obtain a record of the structure. The site is also within the Medieval Core of Newtown, and CPAT have recommended the imposition of a condition to require an Archaeological Watching Brief during the groundworks to secure preservation by record of any archaeological remains which may be revealed during ground excavations.

If approval was recommended, it is considered that the use of the conditions recommended by CPAT would be appropriate.

- Setting of Ancient Monument

The site is located within 300m of Ancient Monument Newtown Hall Castle Mound (Cade ref: MG160). Cadw have not commented on the application. Given the intervening built form, it is not considered that the development would have an unacceptable adverse impact upon the setting of the ancient monument.

Amenity

Representations have raised concerns over the impact of the development upon the amenities enjoyed by the occupants of neighbouring properties; including noise, privacy, overbearing and loss of light.

There is a group of residential properties in the vicinity of the site, notably the properties located to the north-west of the site at a distance of 15 metres as a minimum across Gas Street. The properties are located at a higher level than Gas Street and the site itself. The front elevations of the properties at The Bank are orientated towards the site but would view the side elevation of the proposed development (the front elevation of the proposed development and the group of dwellings at The Bank would not be directly facing each other). The property known as Sunlea is also located to the north-west of the site, across Gas Street at a distance of approximately 20m. The front elevation of the property is orientated towards the south-east and as such there would be no direct overlooking between the front elevations. However, it is acknowledged that there may be an opportunity for occupiers of the proposed residential units to view the garden associated with the property from the upper floor bedrooms and open plan kitchen/dining room/living rooms. There are no balconies on the front elevation and as such overlooking in this respect is restricted, although there are balconies proposed on the side and rear elevation. The Residential Design SPG advises that windows for principal rooms such as lounge, bedrooms or kitchens should be at least 21m apart in a directly facing situation, and more care should be taken if such rooms are at first floor or above. In addition, if buildings are at different heights, the distances may need to be increased to maintain adequate privacy.

Whilst the public representations are noted, given that the proposed development and existing development would not have directly facing front elevations, that the proposed development would be set at a lower level (although the ridge height would be increased in comparison to the existing building) and taking into account the distance

across Gas Street, it is not considered that the development would unacceptably affect amenities enjoyed by the occupants of neighbouring properties in terms of light, privacy and overbearing.

In respect of noise, public representations have also raised concerns over noise from use of the balconies and additional residents. There are various uses in the vicinity of the site; including retail, commercial and residential. Whilst the comments are noted, the residential element of the development is not considered to be incompatible with the surrounding area and a certain level of noise is expected in town centres in any case. The Council's Environmental Protection department initially queried the use of the ground floor but upon confirmation that the use proposed is retail, Environmental Protection have confirmed that there is no objection to the development. Given the town centre use where retail units exist in proximity to the site, the development is not considered to be incompatible with surrounding land uses in this respect and if approval was recommended, a condition to restrict operating hours may be considered appropriate.

Public representations have also referred to loss of light into neighbouring offices. Given that offices are not residential properties and not habitable rooms, the guidance on light does not apply.

In summary, whilst the building is considered to be out of scale in terms of height to the street scene, given the orientation of the existing and proposed buildings, the separation across the highway along with the ground levels, and the guidance within the Residential Design SPG, it is not considered that the daylight, privacy or outlook upon and from existing properties would be unacceptably affected by the proposed development. In addition, noise from the proposed residential and retail development is not considered to be incompatible with the surrounding uses.

Natural environment

Natural Resources Wales and the Council's Ecologist have reviewed the submitted preliminary ecological assessment and have not objected on ecology matters. Conditions have been recommended in relation to adherence to the mitigation measures for nesting birds set out within the ecological assessment, external lighting and biodiversity enhancement which are all considered appropriate.

The application site is located within 55m of a watercourse (River Severn). Due to the scale of the proposed demolition and construction works, NRW advise that as a precautionary measure, to prevent any potential pollution to the nearby watercourse that the Applicant is referred to the Guidance for Pollution Prevention (GPPs) which could be attached as an informative or as suggested by the Council's Ecologist, or a condition could be attached to require the submission and approval of pollution prevention measures as considered appropriate.

Dark skies

Public representations have referred to an impact on dark skies. Given that the site is located within the development boundary of Newtown, it is not considered that the development would have any further unacceptable adverse effect on the visibility of the night sky. However, as discussed above in relation to ecology a condition could be applied for the submission and approval of an external lighting scheme to control external lighting.

Flood zone

Natural Resources Wales' Flood Risk Map confirms the site is located within Zone C1 of the Development Advice Map (DAM) and the Flood Map for Planning (FMfP) identifies the site as being within the Zone 2, defended zone. Given that the proposed development includes residential development, it proposes highly vulnerable development. A revised Flood Consequences Assessment has been provided which NRW advises shows that the risks and consequences of flooding can be managed to an acceptable level subject to the use of conditions related to floor levels and flood resilience measures. In terms of emergency procedures, The Council's Civil Contingencies Officer has provided advice. Overall, on the basis of the advice received from NRW, subject to the use of the recommended conditions, the development is considered acceptable in flood risk terms.

Highways

The existing use already generates vehicle movements and the proposed development is not considered to be detrimental in terms of vehicle movements. The development would not include off-street parking, but given the town centre location with surrounding on street and public car parking provision, it is considered that the development would be served by adequate parking provision. The Highway Authority do not object to the principle of the development, but have requested section details at 5 metre intervals, where a cantilever was initially shown on the proposed plans to demonstrate that any high sided vehicle would not inadvertently hit the cantilever. The revised plans appear to have addressed these concerns by the removal of the cantilever, although no further responses have been received from the Highway Authority.

Contaminated land

The Council's Contaminated Land Officer has advised that the site adjoins a former gas works which is potential contaminated land. Upon receipt of a phase 1 contaminated land assessment, the Contaminated Land Officer has recommended the imposition of conditions to adequately deal with the potential contaminated land which are considered appropriate.

Foul and surface water drainage

Foul drainage from the development would be connected into the public sewage system

and Hafren Dyfrdwy have not objected subject to the use of a condition to require the submission of details for the disposal of both foul and surface water drainage. Therefore, the proposed method of foul drainage is considered acceptable and consideration of the necessity of the recommended condition would be further carried out if approval was recommended. In terms of surface water drainage, SAB approval would be required.

Fire safety

Public representations have raised concerns over the height of the proposed development because it is stated that local fire crews do not have the equipment for rescue in the event of a fire. Fire risk and safety is dealt with by the Building Regulations and therefore the development would be designed to comply with the current regulations. The availability of equipment for local fire crew is not considered to be a matter which the Planning Authority can consider.

Impact upon tourism

Public representations have objected to the development on the basis that it would negatively impact upon tourism.

The development would be viewed from public vantage points including the Severn Way (riverside walk) and public car parks and the town more generally and visitors would be able to view the development. However it is not considered that the overall tourism attraction of Newtown as a market town with historic buildings and character would be unacceptably affected by the development.

Supporting Digital Communications

If approval was recommended, a condition would be included to require the development to make provision for Gigabit capable broadband infrastructure as required by Policy 13 of Future Wales.

Placemaking and Wellbeing Goals

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

PPW also promotes placemaking and states the following;

Productive and Enterprising places are those which promote our economic, social,

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

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

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

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

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

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

- The development will provide a suitable type of residential accommodation for an identified need within a sustainable location within a development boundary of a town where there is access to a range of facilities and services.
- The development will provide an identified required type of residential accommodation which will assist in sustaining the community.
- The development is located close to existing transport networks.
- The impact upon communities and local residents is considered acceptable.
- Impact upon the environment is acceptable.

However, the development is not in accordance with the placemaking and well-being goals on the following ground:

- Impact on historic and cultural assets is not acceptable.

Climate Change

PPW states that the planning system has a vital role to play in making development resilient to climate change, decarbonising society and developing a circular economy for the benefit of both the built and natural environments and to contribute to the achievement of the well-being goals. The Environment (Wales) Act 2016 sets a legal target of reducing greenhouse gas emissions in Wales by at least 80% in 2050 with interim targets set for 2020, 2030 and 2040. Welsh Government also have a legal commitment to net zero by 2050 and an ambition to achieve this sooner if possible. There are two parts to the issue of climate change within planning, these being the extent a development contributes towards the generation greenhouse gasses and the extent a development has considered and adopted means to make the operation resilient to the effects of climate change.

Whilst it is accepted that that the proposal is likely to make some contribution to greenhouse gas emissions during construction and use, as do many operations and developments, however, this does not in itself mean that it is unacceptable and does not provide a full picture of the issue. As it currently stands there are no specific planning policy requirements that dictate a certain amount of greenhouse gas generation from a development would be unacceptable and neither does it state that residential development should not be supported for this reason. Rather, by making determinations in line with the development plan, it can be reconciled that the development is acceptable in planning terms.

Other matters

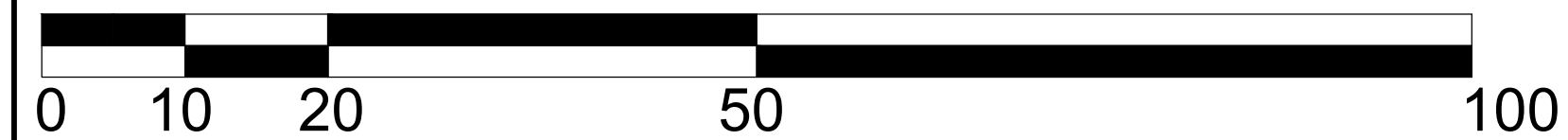
Public representations have stated that the application should not have been validated without the Council's pre application enquiry service being used. Whilst the submission of pre application enquiries are recommended and may have been beneficial in this instance, there is no statutory requirement for the submission of a pre application enquiry the scale and type of development under consideration.

RECOMMENDATION

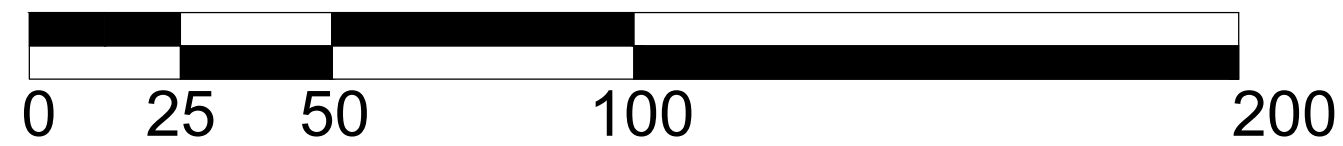
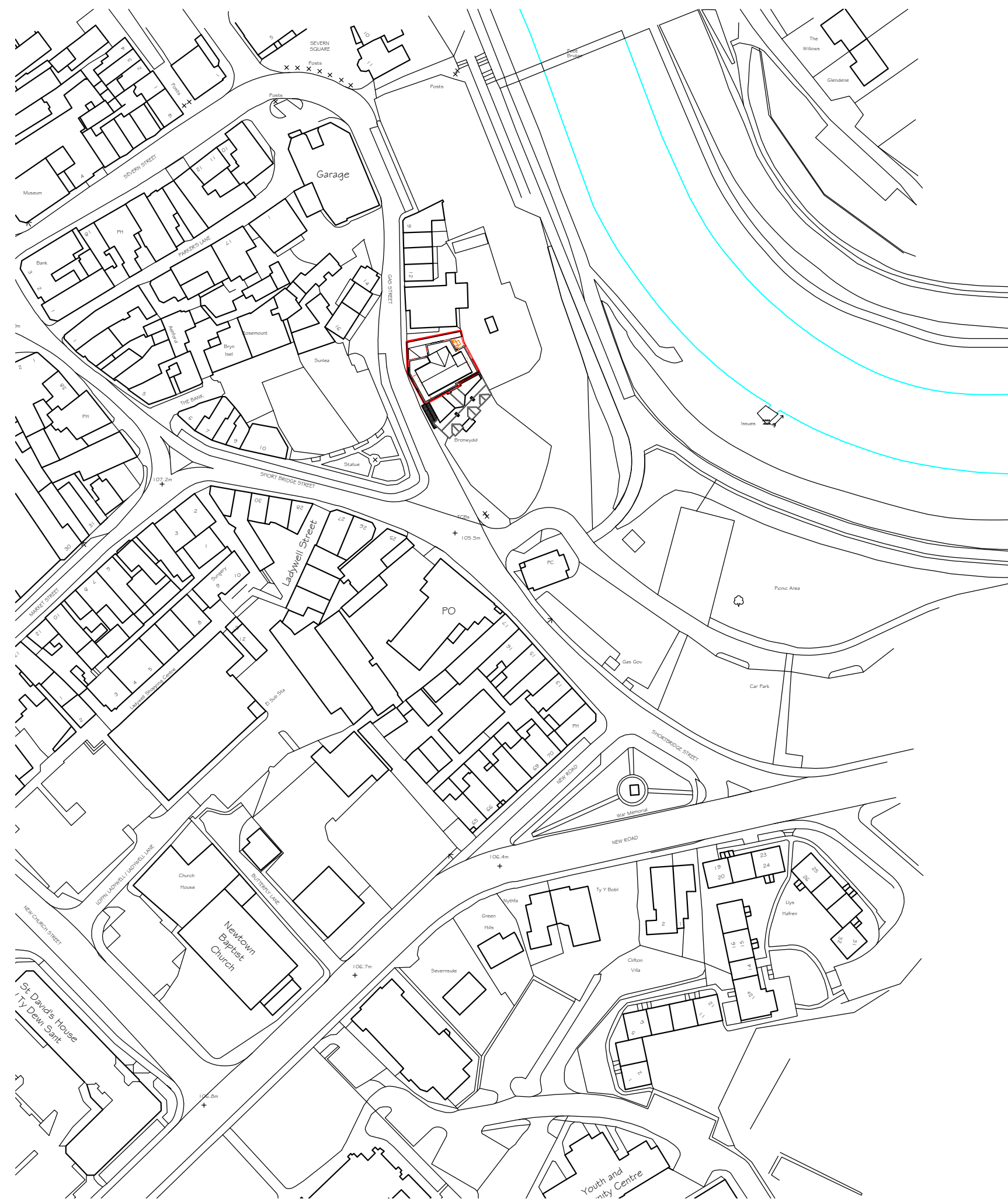
The principle of the development which includes an affordable housing contribution is supported on this brownfield site within the town centre of Newtown and other material considerations such as contaminated land, flood risk and ecology can be addressed via conditions. In addition, the replacement of the existing building would be supported as an improvement to the area and the economic benefits of providing a new retail unit are recognised. However, it is considered that the design has not been sufficiently amended such that the development would complement or enhance the character of the surrounding area in terms of appearance, scale, height, massing, integration and design detailing and the development would harm the appearance of the Newtown Conservation Area and the settings of the identified listed buildings. Therefore, the recommendation is one of refusal as set out below.

Reasons

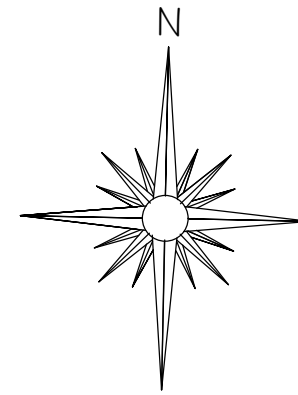
1. The development would harm the settings of the listed buildings known as The Bank Antiques (Cadw ID: 8104), Bank Place (Cadw ID: 8102) and Bank Place (Cadw ID: 8103). Therefore, the development would fail to have special regard to the desirability of preserving the listed buildings or their settings under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. In addition, the development would be contrary to Policy SP7 of the Powys Local Development Plan (2011-2026), Powys Local Development Plan (2011-2026) Supplementary Planning Guidance Historic Environment Including Historic Environment Record (Adopted July 2021), Technical Advice Note (TAN) 24: The Historic Environment (2017) and Planning Policy Wales (Edition 11, 2021).
2. The development would fail to preserve the appearance of the Newtown Conservation Area under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The development would be contrary to Policies SP7 and DM13 of the Powys Local Development Plan (2011-2026), Powys Local Development Plan (2011-2026) Supplementary Planning Guidance Conservation Areas Adopted January 2020, Technical Advice Note (TAN) 24: The Historic Environment (2017) and Planning Policy Wales (Edition 11, 2021).
3. The development has not been designed to complement or enhance the character of the surrounding area in terms of appearance, integration, scale, height, massing, and design detailing. Therefore, the development is contrary to Policy DM13 of the Powys Local Development Plan (2011-2026), Powys Local Development Plan (2011-2026) Supplementary Planning Guidance Residential Design (Adopted January 2020), Technical Advice Note (TAN) 12: Design (2016) and Planning Policy Wales (Edition 11, 2021).



SCALE BAR 1:500



SCALE BAR 1:1250



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

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

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

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

IMPORTANT
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LICENCES
 Ordnance Survey
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PROMAP
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39 Broad Street, Newtown,
 Powys, SY16 2BQ

JOB:
 Proposed Mixed Use Development
 (Former Motorworld Site) Gas
 Street, Newtown, Powys, SY16 2AB

CLIENT:
 Manip Ltd

TITLE: Proposed Block and Location
 Plan

REVISIONS: **DATE:**

SCALES:
 Plans - 1:500 / 1250 **DATE:**
 May 2022

DRAWN BY: GJ **ORIGINAL SHEET SIZE:**
 A2

DRAWING NUMBER:
 K1 5812 **16**

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no record of the Yr Hafesb Brook overflowing during the record river levels of Storm Dennis in February 2020. The existing caravan park and the proposed site, to north of the main drive, are on raised ground above the A495 with no likelihood of flooding.

In the event of flooding the most appropriate emergency plan would be to remain in the dwelling(s) to wait for the flood water to subside, as it has historically been shown to. If there is a need to evacuate during a flood, for a medical emergency, then I would recommend that this is done by 4x4 vehicle travelling west on the A495 towards to Machynlleth, then Aberystwyth.

PCC-(N) Highways

12th Sep 2022

Thank you for consulting the Highway Authority on this planning application at Fir View, Tan Y Fridd Caravan Park, Llangyniew, Welshpool SY21 0LT. The proposal seeks the Change of use of land to static caravan park, including the installation of 20 static caravans, creation of internal road layout and landscaping.

The site is accessed via an existing access road directly off A495 which serves the caravan site. The Highway Authority is content that suitable visibility splays can be constructed at this location and therefore, it is recommended that the following highway conditions be attached.

1. 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.
2. No other development shall commence until the access has been constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 215 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.
3. Upon formation of the visibility splays as detailed above the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.

4. Before any other development is commenced the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 12 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.
5. Prior to the occupation of any static caravan, provision shall be made within the curtilage of the site for the parking of not less than parking bay per bedroom 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.
6. Prior to the first beneficial use of the development the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course material or (a suitably bound material which is to be approved in writing by the LPA) for a distance of 12 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.
7. The gradient of the access shall be constructed so as not to exceed 1 in 30 for the first 12 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.
8. No surface water drainage from the site shall be allowed to discharge onto the county highway.
9. Any vehicular entrance gates installed within the application site shall be set back at least 12 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.
10. Within five days from the commencement of the development the existing means of access shall be stopped up, in materials to be agreed in writing by the Local Planning Authority and this shall be retained for as long as the development is in existence.
11. Within five days from the commencement of the development any raised beds and signage within the visibility splays shall be removed in perpetuity from the area of the access visibility splays.

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

Hafren Dyfrdwy

9th Sep 2022

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.

PCC-Ecologist

12th Sep 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

Statutory sites within 500m:

- Fridd Mathrafal Track Section Site of Special Scientific Interest (SSSI) – approximately 400m from development

Non-statutory sites within 500m:

- 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 appears to be located on an agriculturally improved grassland, typically of relatively low ecological value. Roadside trees and hedgerows will be retained and no further improvements to the highway access are proposed.

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:

A Landscaping Statement, by McCartneys, dated August 2022, has been submitted with the application. The Statement confirms that 69 trees of 7 different native species will be planted across the site to provide biodiversity enhancement and amenity value. Sections of native hedgerow will also be provided between and around caravans. The biodiversity enhancement measures are very welcome and will connect ultimately with the adjacent ancient woodland area. Sufficient detail has been provided regarding planting and aftercare measures.

It is therefore recommended that adherence to the submitted landscaping scheme is secured through an appropriately worded planning condition.

It is noted the development will utilise the existing private foul drainage system. It is not clear if this involves use of a drainage field and if so where the drainage field is located. The applicant should be advised that trees or hedgerows should not be planted where mature root spread will extend into the drainage field. If this is the case, the landscaping plan should be amended accordingly.

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 development shall be undertaken in strict accordance with the site plan, Drawing no. KI5595 20 and the Landscaping Statement, Fir View Tan y Fridd Caravan Park, Llangyniew, Welshpool, SY21 0LT, by McCartneys, dated August 2022 . The measures identified shall be adhered to and implemented in full in the first planting season following first beneficial use of the caravans or completion of the development, whichever is sooner, and maintained thereafter.
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.

Environmental Protection

31st Aug 2022

I note in the application that it is proposing to use the existing foul drainage however I cannot find any details within the application documentation.

Due to the lack of information I cannot comment on the application at the current time and will require the specifications and plans for the foul drainage for the proposed site and the existing system that is proposed to be used.

Additional comments received 07/10/2022:

Following receipt of the additional information I have no objection to the application.

PCC-(N) Land Drainage

6th Sep 2022

PCC Land Drainage have no comments to make on this application at this time.

However, 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.

Llangyniew Community Council

22nd Sep 2022

Llangyniew Community Council strongly object to this application.

Following the last application which was approved, there are many flaws which the Council have discussed with Powys and have still not been rectified.

This application again will have a detrimental impact on the landscape. This can be seen with the original application and the state of the site presently. Pictures attached.

The visibility splay is not suitable, even though this should have been addressed in the original application. Pictures attached.

The current provision for emergency evacuation and services to use Mathrafal wood to the rear of the site needs addressing. The area in question is not owned by the site.

The Council feel until the current application conditions are met, there should be no further development on any more of the site.

The Council support the Ward Councillor in calling this application in.

PCC-Building Control

No comments received at the time of writing this report.

Ward Councillor – Cllr Wilkinson

5th Sep 2022

I'm writing to formally request that Planning Application 22/1342/FUL be called in. I have serious concerns about this Planning Application based on the existing development taking place at Tan Y Ffridd caravan site and which I have discussed with Planning Officer Kate Bowen on a number of occasions. My concerns relate to the inability of the developers to adhere to conditions attached to that development which have yet to be satisfied. These relate to Highways visibility, landscape, visual amenity, sewage and the lack of provision for emergency evacuation.

In relation to the above, there is limited to no intervisibility between the proposal and the nearby listed assets (namely Tanhouse Bridge Cadw ID 26961 and Tan-Y-Ffridd Farm Cadw ID 26966). I therefore have no comment to make.

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

Advice:

Having carefully considered the information provided, we have no objection to the proposed development in regard to the scheduled monuments or registered historic parks and gardens listed in our assessment of the application below.

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

Assessment:

- MG044 Mathrafal Castle
- MG124 Pentre Camp
- MG203 Site 300m SW of Tan-Ilan (revealed by aerial photography)
- MG231 Bryn y Saethau Hillfort
- MG232 Ffridd Mathrafal Hillfort

A Heritage Impact Statement prepared by M.G. Harris was produced for an application (20/1580/FUL) for a similar, but larger, development immediately adjacent to the current application area. Whilst it did not specifically consider development on the current application area, the information in it assists greatly in considering the impact of the proposed development on the above scheduled monuments located inside 2km of it. It demonstrates that only scheduled monument MG124 Pentre Camp will have views of the current application. In regard to the previous development proposal, it concluded that whilst elements of the development would be visible from the hillfort this would not have a significant impact on its setting. The proposed development will create an additional visual impact but, in our opinion, the cumulative visual impact of the two developments will not lead to a significant impact on the setting of scheduled monument MG124.

DPAS

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 21/08/2022.

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

Flood Risk:

The planning application proposes highly vulnerable development, a caravan park. Our Flood Risk Map confirms the site to be within Zone C2 of the Development Advice Map (DAM) contained in TAN15 and the FMfP identifies the application site to be at risk of flooding and falls into Flood Zone 2 Rivers. We have no records of flooding on this site.

The proposal is for the installation of a static caravan park with associated infrastructure and is therefore classified as a new highly vulnerable land use in accordance with figure 2 of TAN 15. This is an intensification of land use vulnerability as the existing agricultural use is deemed to be less vulnerable. We note however that most of the development lies outside of the C2 designation except for the access road and some vegetation planting.

Given the nature of the proposals and their location within the flood zone designations, we have no concerns to raise on flood risk grounds. If the location of works changes, then we wish to be reconsulted.

We note that the proposals do not comply with A1.15 of TAN15 due to the flood depths associated with the existing access being in excess of the tolerable 0.6m. We do not generally comment on access and egress and we would therefore recommend that you consult with the Powys County Council, as the Lead Local Flood Authority (LLFA) on this matter. 3 The applicant may wish to develop a flood plan. Further guidance on this can be found on our website at Natural Resources Wales / Guidance for caravan and campsites owners and operators.

Foul Drainage:

The developer/applicant should ensure that the existing package treatment plant has sufficient capacity to accommodate any increase in flows from the proposed development.

The Applicant should note, it is a legal requirement to apply for an environmental permit or register an exemption with us. Septic tanks and small sewage treatment works may be registered as exempt from the requirement to obtain an environmental permit if certain criteria are met. Please note, should a permit be required, further information may be required as part of that application and the Applicant is therefore advised to hold

preapplication discussions with our Permitting Team on 0300 065 3000, at the earliest opportunity, to try to ensure that there is no conflict between any planning permission granted and the permit requirements. If the Applicant already holds an exemption / permit, they should check whether the proposed increase in flows would require a further application to be made for a new / varied permit. It is important to note that a grant of planning permission does not guarantee that a permit will be granted, should a proposal be deemed to be unacceptable (either because of environmental risk or because upon further investigation, a connection to mains sewer was feasible). The Applicant should ensure that they have all the required permissions, consents, permits and any other approvals in place prior to commencement of works on the site.

More information, including a step by step guide to registering and the relevant application forms are available on our website. Where private sewage treatment/disposal facilities are utilised, they must be installed and maintained in accordance with British Standard 6297 and Approved Document H of the Building Regulations. We also refer the Applicant to Guidance for Pollution Prevention 4 on the NetRegs website, which provides further information.

Pollution Prevention:

Due to the proximity of the site to watercourses, all works at the site must be carried out in accordance with GPP5 and PPG6: 'Works and maintenance in or near water' and 'Working at construction and demolition sites' which are available on the following website: <http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelinesppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>.

Protected Species:

We note that there is no information about protected species with the application and therefore, we are assuming that your Authority has screened the application and concluded that there is not a reasonable likelihood of protected species being present. NRW therefore has no comments to make on the application, as submitted with regards to protected species. Please consult us again if any survey undertaken finds that any protect species are present at the site and you require further advice from us.

Other Matters:

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

We advise the applicant that, in addition to planning permission, it is their responsibility to

ensure they secure all other permits/consents/licences relevant to their development. Please refer to our website for further details.

PCC - Licensing

No comments received at the time of writing this report.

Representations

Following the display of a site notice on 04/10/2022, public representations have been received from four members of the public; all in objection to the proposed development. The comments received are summarised as follows:

- General dislike of proposal
- Increase in traffic
- Information missing from plans
- Out of keeping with character of area
- Over-development of the site
- Traffic/highways concerns
- Development too high
- Affects local ecology
- Conflict with local plan
- Inadequate public transport provisions
- Increase of pollution
- More open space needed on development
- Noise nuisance
- Not enough info given on application
- Concerns in relation to impact upon residential amenity
- Strain on existing community facilities
- Concerns relating to previous permission granted (20/1580/FUL)
- Development subject of application ref: 20/1580/FUL is not yet complete and looks unsightly
- Landscape and cumulative visual impact concerns
- Queries in relation to redaction of planning statement
- Concerns regarding lack of compliance with the Well Being of Future Generations (Wales) Act 2015
- There should be a limit as to the proportion of caravans to local people in the community
- The site contains no Welsh language signage
- There are no facilities for locals within the community
- No levels details submitted
- Concerns regarding impact on Welsh Language
- Development not compliant with the Welsh/local planning policy framework

- Proposal would see the loss of green space
- Several complaints have been made regarding non-compliance with conditions attached to planning permission reference: 20/1580/FUL.
- There would be no benefits for local people
- The development is unsuitable for the site given the sloping nature of the land
- The site is not served by public transport

Planning History

App Ref	Description	Decision	Date
P/2010/1369	Construction of a tennis court & crazy golf course (Retrospective)	Consent	13th Jan 2011
P/2011/1053	Section 73 application to vary condition no. 4 attached to planning permission M2547 (to vary the season opening times)	Consent S106	3rd Sep 2012
P/2011/1066	Section 73 application to vary condition no.3 attached to planning permission M2548 (to vary the season opening times)	Consent S106	3rd Jan 2012
20/1580/FUL	Change of use of land to static caravan park, including installation of 54 static caravans, improvements to existing site access, creation of internal road layout, landscaping parcels and installation of a package treatment plant. (Extension of existing caravan park)	Consent	18th Mar 2021
21/0555/DIS	Application to discharge conditions 16 and 19 from planning permission 20/1580/FUL in relation to closing up existing access and phasing scheme	Approve	10th May 2021

Principal Planning Constraints

- Open Countryside
- Two Grade II Listed Buildings – within 260 metres
- Pentre Camp Scheduled Monument – within approx. 540 metres

- Bryn y Saethau Hillfort Scheduled Monument – within approx. 650 metres
- Partially within C2 Flood Zone
- Partially within Zone 2 Flood Map for Planning [Fluvial Flooding]
- Ffridd Mathrafal Track Section SSSI – within approx. 400 metres
- Cors Cefn Llwyd SSSI – within approx. 740 metres
- Coed Tŷ-Mawr SSSI – within approx. 980 metres
- Ancient Woodland – Adjacent
- LDP Welsh Language Stronghold: Llangyniew Community
- Category 2 Sand & Gravel Minerals Safeguarding Area

Principal Planning Policies

Policy	Policy Description	Plan
NATPLA	Future Wales - The National Plan 2040	National Development Plan 2021
PPW	Planning Policy Wales (Edition 11, February 2021)	National Policy
TAN5	Nature Conservation and Planning	National Policy
TAN6	Planning for Sustainable Rural Communities	National Policy
TAN11	Noise	National Policy
TAN12	Design	National Policy
TAN13	Tourism	National Policy
TAN15	Development and Flood Risk	National Policy
TAN18	Transport	National Policy
TAN23	Economic Development	National Policy
TAN24	The Historic Environment	National Policy
SP5	Settlement Hierarchy	Local Development Plan 2011-2026

SP6	Distribution of Growth across the Settlement Hierarchy	Local Development Plan 2011-2026
SP7	Safeguarding of Strategic Resources and Assets	Local Development Plan 2011-2026
DM2	The Natural Environment	Local Development Plan 2011-2026
DM4	Landscape	Local Development Plan 2011-2026
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
DM8	Minerals Safeguarding	Local Development Plan 2011-2026
DM12	Development in Welsh Speaking Strongholds	Local Development Plan 2011-2026
DM13	Design and Resources	Local Development Plan 2011-2026
DM15	Waste within Developments	Local Development Plan 2011-2026
T1	Travel, Traffic and Transport Infrastructure	Local Development Plan 2011-2026
TD1	Tourism Development	Local Development Plan 2011-2026
SPGBIO	Biodiversity and Geodiversity SPG	Local Development Plan 2011-2026
SPGLAN	Landscape SPG	Local Development Plan 2011-2026

Legislative Considerations

- Crime and Disorder Act 1998
- Equality Act 2010
- Planning (Wales) Act 2015 (Welsh Language)
- Wellbeing of Future Generations (Wales) Act 2015
- Marine and Coastal Access Act 2009
- Environment (Wales) Act 2016
- Town and Country Planning Act 1990 (as amended)
- Planning (Listed Buildings and Conservation Areas) Act 1990
- Welsh Government Circular 016/2014 – *The Use of Planning Conditions for Development Management*
- Welsh Government Circular 008/2018 - *Planning requirement in respect of the use of private sewerage in new development, incorporating septic tanks and small sewage treatment plants*

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

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

Site Location & Description of Development

The application site is located within Llangyniew Community, and within the open countryside as defined by the adopted Powys Local Development Plan (2011-2026). The site relates to an area of agricultural pastureland at Fir View Tan y Ffridd Caravan Park, and is surrounded by existing caravan sites to the east and west, by further agricultural land to the north, and by a row of mature trees and the A495 public highway to the south;

from which the site gains access via an existing access point which serves the existing caravan park.

This application seeks full planning permission for the following development:

“Change of use of land to static caravan park, including the installation of 20 static caravans, creation of internal road layout and landscaping”.

The caravan park currently comprises 228 consented static caravan units, and the proposed development would thus increase this to a total of 248 units at the site, to be used for the purposes of holiday accommodation. Each of the proposed caravan units would be of standard design and dimensions, and would measure approximately 10.7 metres in length and 3.7 metres in width. They would have gabled roofs, with a maximum height above ground-level of approximately 3.8 metres.

The proposed development would be served by the existing vehicular access from the A495 public highway, whilst new internal access roads are proposed. The development would connect to an existing private package treatment plant, which was approved as part of planning application reference 20/1580/FUL by members of the Planning Committee in 2021.

Principle of Development

At a national level, Policy 26 (Growing the Mid Wales Economy) of *Future Wales* states that *“tourism is an important sector to the Mid Wales economy. Opportunities for active, green and cultural tourism should be explored”*. Planning Policy Wales (Edition 11) adds to this and states that:

“5.5.2 The planning system encourages tourism where it contributes to economic development, conservation, rural diversification, urban regeneration and social inclusion, while recognising the needs of visitors and those of local communities. The planning system can also assist in enhancing the sense of place of an area which has intrinsic value and interest for tourism. In addition to supporting the continued success of existing tourist areas, appropriate tourism-related development in new destinations is encouraged. In some places however there may be a need to limit new development to avoid damage to the environment or the amenity of residents and visitors.

5.5.3 In rural areas, tourism-related development is an essential element in providing for a healthy and diverse economy. In addition to more traditional forms of rural tourism, planning authorities should plan positively for active, green and cultural tourism where they are appropriate. Development should be sympathetic in nature and scale to the local environment”.

In terms of local planning policy, Policy TD1 (Tourism Development) of the Powys Local Development Plan (2011-2026) is of primary relevance, and states that development proposals for tourist accommodation, facilities and attractions, including extensions to

existing development, will be permitted as follows:

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

The application site is located within the open countryside, and therefore must comply with Criterion 2 of Policy TD1, above. The proposed development relates to an expansion of the existing holiday accommodation facilities at Fir View Tan y Ffridd, which currently comprises 228 static caravan units. It is noted the proposed siting of an additional 20 static caravan units at the site would complement the existing tourism facilities, and it is therefore deemed the proposal would comply with the requirements of Criterion 2 (iii) of the above policy, although further consideration as to the landscape visual impact will be given below.

The principle of development is therefore deemed to be acceptable, subject to a review of the scale, design and landscape visual impact of the proposed development, below. It should also be noted that in-line with the above criteria, any grant of planning permission should be subject to conditions restricting the use of the accommodation, removing permitted development rights, and requiring the units and associated development to be removed from the site in the eventuality of their use as holiday accommodation ceasing.

Design, Scale & Landscape Visual Impact

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

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

Further design-specific guidance is set-out within TAN 12 (Design).

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. LDP Policies SP7 and DM4 require 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 Authority's adopted Landscape SPG reinforces LDP Policy DM4, and provides additional guidance on the assessment process.

The application site is located within the MNTGMVS714 Visual and Sensory aspect area of the LANDMAP system and is evaluated as being of moderate quality. The aspect area is described as follows:

“Rolling lower transitional side slopes of the broad River Vyrnwy valley bottom. Predominantly arable and dairy farming with a regular medium sized field pattern. Managed hedgerow and fence lines predominate with wide open views over the valley floor and relatively open skies dominant. Settled and domestic in character with sporadic clustered developments”.

The other aspect areas are evaluated as follows:

Historic landscape – High
Landscape habitat – High
Geological landscape – Moderate

The application site is located within a small valley, and is noted to be visible from the A495 public highway, which lies to its south, when travelling in an easterly direction. The application site is also noted to be visible from the B4389 and U2395 public highways (also to the south of the application site), which are located at a significantly higher level than the application site. The application site is also publicly visible from a number of public rights of way within the application site's vicinity, although these do not provide close-ranging and clear views of the site. Overall, whilst visible from locations to the west and south, very limited public views exist of the site from locations to the north and east; owing to a mixture of undulating topography of the land and existing extensive screening in the form of mature trees and woodland.

The application has been accompanied by a Landscape Visual Impact Assessment (LVIA), which concludes that subject to a range of mitigation measures (such as the retention of existing trees and vegetation on the site's eastern boundary, additional native species soft landscaping, and the setting-back of the proposed caravan units within the site to allow for greater soft landscaping), the proposed development would have an

overall moderate effect on the existing local landscape character in the area immediately surrounding the site; with this reducing over the long-term as the soft landscaping measures take hold and establish. Indeed, the submitted appraisal outlines that the moderate effects identified would be confined to immediate vicinity of the site and will reduce in time as the highway boundary increases in height and the proposed tree planting becomes established. Consequently, the submitted LVIA deems there to be no notable long-term effects on the local landscape character or the visual amenity of the surrounding landscape as a consequence of the proposed development. It is considered the assessment included within the submitted appraisal is accurate, and is in-line with the detailed guidance set-out within the Authority's adopted Landscape SPG.

Whilst acknowledging the proposed development would be visible within the landscape, overall, it is deemed to be of a limited scale compared to the scale of the existing wider holiday park. Furthermore, the proposed units would be of a low-lying scale and would be sited with rising land behind them; not being prominent on any skyline views. Furthermore, and as aforementioned, the application proposes a substantial native species soft landscaping scheme. Whilst it would not be appropriate to simply screen an inappropriate development from view with tree and hedgerow planting, on this occasion officers consider the proposal to be of an acceptable scale and nature, and acceptable in-principle in this location. It is therefore considered the proposed details of soft landscaping are acceptable and would help to limit the wider landscape visual impact of the proposed development. As such, subject to conditions being attached to any permission granted to ensure the implementation of the proposed soft landscaping details, officers consider the development would not cause any harmful or long-term landscape visual impact. The development is thus deemed to be compliant with the requirements of LDP Policies TD1 and DM4.

Whilst issues in relation to the cumulative visual and landscape impact of the wider site have been given due consideration, given the relatively small scale of the proposals, and the fact it represents an 'infilling' of a parcel of agricultural land within the wider site, officers do not consider there to be any unacceptable cumulative visual impact on this occasion.

As aforementioned, the proposed units themselves would be of a standard design and scale, and would therefore be of a similar design to the existing static units on the wider caravan park. Officers consider this to be acceptable. It is, however, noted that no details with regard to the external colour of the proposed static caravans have been provided. To avoid any colours being used which could have an adverse impact upon the character of the surrounding area, it is recommended a suitably worded condition should be attached to any grant of consent to require the submission of this information.

It is further noted that the application site is not flat, and does indeed have a slope. It is acknowledged within the submission that an element of groundworks would be required to facilitate the proposed development, which would likely include the creation of level plateaus within the site, on which to site the proposed caravans. Whilst officers consider this to be appropriate in-principle, especially given that such works have previously been

consented at the adjoining site (subject of application reference 20/1580/FUL), it is recommended that a condition is attached to any consent granted requiring the submission of levels details and site cross sections to the Local Planning Authority for approval prior to the commencement of any works at the site.

The proposed site layout is noted to be organic in design and nature, and officers consider this would help to break-up the visual impact of the caravans. The proposed site layout is thus considered to be acceptable by officers, and would help to lessen the visual impact of the proposals on the wider landscape setting. It is, nevertheless, recommended that the submission of a hard landscaping scheme to the Local Planning Authority is secured by way of condition, to ensure the proposed materials to be used in the development are in-keeping with the rural context of the application site. Subject to such a condition, and in light of the above considerations, the proposed development is deemed to be acceptable in design-terms, and would not unacceptably detract from the rural character and nature of the application site, being compliant with the requirements of LDP Policies TD1, DM4 and DM13.

In light of the above, and subject to the inclusion of appropriately worded conditions as recommended, officers consider that the proposed development would not cause any unacceptable or adverse long-term landscape visual impact, and the development as submitted is therefore considered to be compliant with the requirements of Policies TD1, DM4 and DM13 of the adopted Powys Local Development Plan (2011-2026) and Planning Policy Wales.

Impact upon Neighbouring Amenity & Privacy

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

The closest non-associated residential dwelling to the application site is at Tan y Ffridd Farm; approximately 240 metres to the north-east. In light of this significant distance to the closest non-associated residential property, officers consider there would be no unacceptable effects upon neighbouring residential occupiers with regard to overlooking, overbearing, or overshadowing impacts as a consequence of the development proposal.

Whilst it is noted several objections have been raised within the public representations regarding the potential impacts upon neighbouring residential amenity, as noted above, there is a significant distance between the application site and neighbouring residential dwellings. As such, there would be no potential for effects relating to overlooking, overshadowing or overbearing to arise. Furthermore, it should be noted that issues such as the loss of a view are not a material planning consideration, and thus cannot be considered as part of the application's assessment and determination.

Consideration has also been given to other potential issues, such as noise and odour pollution. Indeed, the Authority's Environmental Protection Team have been consulted on

the proposal, and have not raised any concerns with regard to these issues. It is therefore considered there would be no unacceptable impact upon neighbouring residential amenity as a consequence of the proposed development.

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

Highway Safety & Parking Provision

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 would utilise the existing vehicular access into the site, off the A495 public highway.

Upon consultation, the Local Highway Authority have raised no objections, and recommended that several appropriately worded conditions are attached to any grant of consent. The recommended conditions relate to the access, parking, surfacing and surface water drainage. Having reviewed the recommended conditions, officers deem them to be acceptable and necessary. Subject to their attaching to any permission granted, officers consider the development would not cause any adverse or detrimental impact upon highway safety within the site's vicinity.

It is noted several objections have been raised within the public representations regarding the width of the B4382 public highway, which is used when accessing the application site from the Welshpool direction. Indeed, it is noted that sections of this highway are constrained by its width (with room for only one vehicle at a time to pass). However, given that this is not the main road used to access the site, this instead being the A495 County Class I highway, it is considered this does not represent a significant constraint for the development, and it would not be reasonable to require the developer to fund improvements to the B4382 as part of the planning process.

Additionally, in-line with Policy 12 of Future Wales, no electric car charging points are required to be installed as part of the development. Indeed, it confirms that "*where car parking is provided for new non-residential development, planning authorities should seek a minimum of 10% of car parking spaces to have electric vehicle charging points*". Given that the proposed units would have a residential use class (C6), in-line with the policy criteria, officers consider no such charging points are required in this instance.

In light of the above, the proposed development is deemed to be acceptable in this regard by officers and compliant with the requirements of 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 Ffridd Mathrafal Track Section Site of Special Scientific Interest (SSSI) lies approximately 400 metres west of the application site, the Cors Cefn Llwyd SSSI lies approximately 740 metres to the south-east of the application site, whilst the Coed Ty Mawr SSSI also lies approximately 980 metres to the east of the application site. It is further noted that an area of ancient woodland lies adjacent to the application site. Upon consultation, the Authority's Planning Ecologist and NRW have raised no objections to the proposed development, and it is therefore deemed the development would not have the potential to adversely impact any of the statutory and non-statutory ecological sites identified.

The Planning Ecologist notes that the application site comprises an area of improved agricultural grassland, which is of low ecological value. Furthermore, it is not proposed to fell or remove any trees as part of the development. As such, it was not necessary to require the submission of an ecology survey in this instance, and officers deem there is low potential for any priority or protected species to be impacted by the proposals.

The Planning Ecologist has recommended the inclusion of a condition in relation to the submission of a detailed external lighting design scheme. Noting the nature of the proposals and the context of the application site, such a condition is considered to be necessary. As aforementioned, suitably worded conditions are also recommended to secure the implementation of the soft landscaping works. As confirmed within the Planning Ecologist's response, the proposed soft landscaping is considered to also equate to sufficient levels of biodiversity net-benefit, and thus, no separate Biodiversity Net-Benefit Plan will need to be secured by way of a condition in this instance.

In light of the above, and subject to the inclusion of the recommended conditions, officers consider the proposed development complies with relevant planning policy and legislation in this regard, and is thus acceptable.

Impact upon Historic Environment

Impact upon Nearby Listed Buildings

Two Grade II Listed Buildings lie within 260 metres of the application site. Consideration has therefore been given to the requirements of LDP Policies SP7 and DM13 (Criterion 3), TAN 24, the adopted Historic Environment SPG and the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, "*In considering whether to grant planning permission for development which affects*

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

The Authority's Conservation Officer has been consulted on the application, and comments received confirm there is limited-to-no intervisibility between the application site and the nearby listed assets, and the officer therefore has no comments to make. In light of the consultation response received, it is considered the proposals would not cause any harmful impact upon the character, setting or appearance of the nearby listed buildings, and the development is therefore acceptable in this regard in compliance with the requirements of the above-mentioned policy, guidance and legislation.

Impact upon Scheduled Monuments

Several scheduled monuments lie within the application site's surroundings, and upon consultation, CADW note that only the Pentre Camp Scheduled Monument would have views of the application site and the proposed development. CADW notes that the proposed development would create an additional visual impact but, they deem the cumulative visual impact of the existing and proposed developments at the site would not lead to a significant impact upon the setting of the scheduled monument on this occasion.

In light of the above and the consultation responses received, officers consider the proposed development to be acceptable in this regard and compliant with planning policy.

Flood Risk

The area of the access onto the A495 public highway is located within a C2 Flood Zone as identified on NRW's DAM Map. The access lies within Zone 2 for fluvial flooding within the updated Flood Map for Planning.

It is noted that sections of the A495 public highway in both directions are covered by a C2 Flood Zone as identified on NRW's DAM Map and Flood zone 2 and 3 of the Flood Map for Planning. Consideration has therefore been given to the requirements of TAN 15 and Powys LDP Policies DM5 and DM6.

Upon consultation, NRW note that the application proposes highly vulnerable development, and that the access into the site from the public highway network lies within a C2 flood zone, and Zone 2 of the updated Flood Map for Planning (for fluvial flooding).

However, given that the development itself would be sited entirely out of any identified flood-risk areas, and that NRW hold no records of flooding on the site, NRW has confirmed it has no concerns to raise on flood-risk grounds in this instance.

The Authority's Emergency Planning Team have also been consulted on the application, and comments received raise no objection to the development proceeding.

It is acknowledged that an alternative access track which is not within the applicant's ownership will be utilised as an alternative access and egress in the event of a flood. The agent has submitted evidence in the form of a letter which clearly shows notice has been served on the owners of the access track outside of the applicant's ownership.

The agent has also submitted photos of the access track outside the applicant's ownership which clearly shows the access track is clearly passable and in good condition.

The flood evacuation route which formed part of the previously approved application (20/1580/FUL) at the site demonstrates that access and egress to the application site can be achieved in a flood event through a route unaffected by flooding. This is located directly to the north of the application site utilising forestry roads which directly join up onto classified county highways. The agent has also submitted evidence to demonstrate that Flooding Notices have been displayed at the Caravan Park in relation to the excavation route.

It is therefore considered that sufficient information has been provided to demonstrate that in a flooding event the development will be served by an escape/evacuation route to establish that the risk to the occupiers of the development can be acceptably managed having regard to TAN15

In light of the above, and based upon the consultation responses received, officers consider the development to be acceptable in this instance and compliant with planning policy and guidance.

Drainage

The application confirms the proposed units would connect to an existing private package treatment plant on the site, which was consented under planning application reference 20/1580/FUL. Upon consultation, the Authority's Environmental Protection Team have confirmed they have no objection to the application.

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

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

Welsh Speaking Stronghold

The application site is located within Llangyniew Community, which is identified as a Welsh Speaking Stronghold by Policy DM12 of the Powys LDP. However, given that the application relates to the development of holiday accommodation, it is not considered a Language Action Plan is required in-line with the policy criteria, and officers therefore consider the proposal is acceptable in this regard.

Minerals Safeguarding

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

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

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

Given that the application site is located adjacent to the existing caravan park, it is considered that any extraction of the mineral resources on-site would not meet the tests of environmental acceptability, and would unacceptably impact upon the amenity of the users of the site. Thus, the site is effectively already sterilised in relation to its mineral resources, and the proposed development would be compliant with Criterion 4, above.

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 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”*. In light of this, it is noted the development would not result in the loss of the best and most versatile agricultural land, and officers deem the proposal to therefore be compliant with planning policy in this regard.

Carbon Footprint / Climate Change

Planning Policy Wales states that the planning system has a vital role to play in making development resilient to climate change, decarbonising society and developing a circular economy for the benefit of both the built and natural environments and to contribute to the achievement of the Welsh Government’s well-being goals.

This is coupled with ensuring the countryside is resilient to the impacts of climate change and plays a role in reducing the causes of climate change through the protection of carbon sinks and as a sustainable energy source in line with the Resilient Wales well-being goal.

The proposed development is located on land currently considered to be of low ecological value and agricultural land which is classified as Grade 3b (as outlined above). Every decision taken by the Local Planning Authority takes into account sustainability, and within the planning balance, it is vital that equal consideration is given to the social, environmental and economic needs of the County. On this occasion, it is noted the proposed development would bring economic benefits to a rural area, in line with the aims of Paragraph 5.5.3 of Planning Policy Wales. It would also provide a biodiversity net-benefit, as confirmed by the Authority’s Planning Ecologist, by way of additional substantial soft landscaping works. The additional tree planting would thus have environmental benefits, and the ancient woodland adjoining the site would be retained in-full.

At present, there are no specific planning policy requirements that dictate that a certain amount of greenhouse gas generation from a development would be unacceptable and neither does it state that tourism developments should not be supported for this reason. Rather, by making determinations in line with the development plan, it can be reconciled that the development is acceptable in planning terms.

Other Matters

Whilst the majority of matters raised by members of the public, Llangyniew Community Council and the local Ward Member have been sufficiently addressed within the above

report, any outstanding matters are addressed as follows:

It is noted that several areas of concern have been raised by the local Ward Member and members of the public regarding planning approval 20/1580/FUL; primarily in relation to a lack of compliance with conditions attached to this consent, and also the fact the development remains unfinished. Firstly, it should be noted that each planning application is assessed and determined on its own merits, and thus, matters in relation to non-compliance with conditions attached to a previous grant of planning permission are not relevant to the determination of the current planning application. In any case, to the Local Planning Authority's knowledge, there are no outstanding enforcement matters on the wider site, given that the works to the vehicular access have now been completed. Furthermore, whilst the previous development on the adjoining site may not have been completed at the time of writing this report, there are no conditions attached to the planning permission requiring its completion by a certain point in time. At the time of site visits, officers have noted works continually progressing on the adjacent site, in line with the planning permission granted.

Additionally, whilst the local Ward Member has raised concerns in relation to flood evacuation routes, this is not a constraint of the current application, and indeed has not been requested by any of the specialist consultees. Therefore, this matter is not relevant to the determination of the planning application.

RECOMMENDATION – Conditional Consent

In light of the above assessment, officers consider the proposed development to be compliant with the relevant planning policy, guidance and legislation as outlined, and the recommendation is therefore one of consent subject to the conditions as outlined below.

Conditions

1. The development shall begin no later than five years from the date of this decision.
2. The development shall be carried out strictly in accordance with the following approved plans and documents:
 - Application Form [Dated: 06/08/2022]
 - Proposed Location Plan received 06/03/2023
 - Dwg No: Ki 5595 20 – Proposed Site Plan
 - Dwg No: Ki 5595 24 – Indicative Proposed 3D Site Views
 - Dwg No: Ki 5595 25 – Typical Caravan Proposed Floor Plans & Elevations
 - Planning, Design & Access Statement [By: McCartneys LLP; Dated: August 2022]
 - Landscape & Visual Appraisal Version 2 [By: Design with Nature Ltd; Dated: December 2022]
 - Landscaping Statement [By: McCartneys LLP; Dated: August 2022]
 - Email from Agent – Foul Drainage Information [Received: 12/09/2022]
 - Flood Evacuation Plan

- Fir View Holiday Park Flood Consequence Assessment

3. The development hereby approved shall be occupied as holiday accommodation only and shall not be occupied as a person's sole or main place of residence by any persons. An up-to-date register shall be kept at the holiday accommodation hereby permitted and be made available for inspection by the Local Planning Authority upon request. The register shall contain details of the names of all of the occupiers of the accommodation, their main home addresses and their date of arrival and departure from the accommodation.
4. No development shall commence until details of the external colour(s) of the static caravan units hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details, and any replacement caravan units in the future shall be of matching colours.
5. No development shall commence until at least four scaled cross sections of the application site (both existing and proposed), and details of existing ground levels and proposed finished ground levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
6. No development shall commence until a detailed hard landscaping scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior to the first beneficial use of the holiday let units hereby approved and shall be retained thereafter.
7. All planting, seeding or turfing comprised in the approved details of soft landscaping, as per dwg no: Ki 5595 20 and the approved Landscaping Statement [By: McCartneys LLP; Dated: August 2022], shall be carried out in the first planting and seeding season following the first beneficial use of any caravan unit hereby permitted or the completion of the development (whichever is the sooner). The completed scheme shall thereafter be managed and maintained in accordance with the approved scheme and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. If any plants fail more than once, they shall continue to be replaced on an annual basis until the end of the 5-year defects period.
8. No external lighting shall be installed within the application site as outlined in red on dwg no: Ki 5595 22 unless a detailed external lighting design scheme has first 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 within the BCT and ILP Guidance Note 8 Bats and Artificial Lighting (12th September 2018). The development shall be carried out in accordance with the details once approved.

9. No other development shall commence until provision is made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. The parking and turning area shall be constructed to a depth of 0.4 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.
10. 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 215 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.
11. Upon formation of the visibility splays as detailed within Condition 10, the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.
12. Before any other development is commenced, the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 12 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.
13. Prior to the first beneficial occupation of any static caravan hereby approved, provision shall be made within the curtilage of the site for the parking of not less than one parking bay per bedroom, 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.
14. Prior to the first beneficial occupation of any static caravan hereby approved, 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 12 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.
15. The gradient of the access shall be constructed so as not to exceed 1 in 30 for the first 12 metres measured from edge of the adjoining carriageway along the centre line

of the access and shall be retained at this gradient for as long as the development remains in existence.

16. No surface water drainage from the site shall be allowed to discharge onto the county highway.
17. Any vehicular entrance gates installed within the application site shall be set back at least 12 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.
18. Within twenty days from the commencement of the development, any raised beds and signage within the visibility splays shall be removed in perpetuity from the area of the access visibility splays.
19. Notwithstanding the provisions 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), no development under Schedule 2, Part 1, Classes A to E other than that hereby granted consent shall be carried out within the application site as outlined in red on dwg no: Ki 5595 22 without the prior written consent of the Local Planning Authority.
20. In the event of the holiday let units hereby approved ceasing their use as holiday accommodation, the caravans and their ancillary development shall be dismantled and removed from the site within 12 months of the deemed cessation date, and the site restored to its former (pre-development) condition in-full.
21. No more than 20 holiday let units shall be on the land outlined in red on dwg no: Ki 5595 22 at any one time.

Reasons

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt as to the proposed development and to accord with Circular 016:2014 on The Use of Planning Conditions for Development Management.
3. In order to ensure control of the use of the holiday units and to prevent the establishment of permanent residencies in accordance with the requirements of Policy TD1 of the adopted Powys Local Development Plan (2011-2026).
4. In the interests of the visual amenity of the area and to ensure the satisfactory appearance of the development, in accordance with the requirements of Policies TD1, DM4 and DM13 of the adopted Powys Local Development Plan (2011-2026), Planning

Policy Wales (Edition 11, 2021) and TAN 12 (Design).

5. In the interests of the visual amenity of the area and to ensure the satisfactory appearance of the development within the landscape, in accordance with the requirements of Policies TD1, DM4 and DM13 of the adopted Powys Local Development Plan (2011-2026), Planning Policy Wales (Edition 11, 2021) and TAN 12 (Design).
6. In the interests of the visual amenity of the area and to ensure the satisfactory appearance of the development, in accordance with the requirements of Policies TD1, DM4 and DM13 of the adopted Powys Local Development Plan (2011-2026), Planning Policy Wales (Edition 11, 2021) and TAN 12 (Design).
7. To limit the landscape visual impact of the development in accordance with the requirements of Policy DM4 of the adopted Powys Local Development Plan (2011-2026) and to comply with Policies DM2, DM4 and DM13 of the Powys Local Development Plan in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 11, 2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
8. To comply with Policies DM2, DM4 and DM13 of the Powys Local Development Plan in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 11, 2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
9. In the interests of highway safety and in accordance with the provisions of Powys LDP Policies T1 and DM13 (Criterion 10), and TAN 18.
10. In the interests of highway safety and in accordance with the provisions of Powys LDP Policies T1 and DM13 (Criterion 10), and TAN 18.
11. In the interests of highway safety and in accordance with the provisions of Powys LDP Policies T1 and DM13 (Criterion 10), and TAN 18.
12. In the interests of highway safety and in accordance with the provisions of Powys LDP Policies T1 and DM13 (Criterion 10), and TAN 18.
13. In the interests of highway safety and in accordance with the provisions of Powys LDP Policies T1 and DM13 (Criterion 10), and TAN 18.
14. In the interests of highway safety and in accordance with the provisions of Powys LDP Policies T1 and DM13 (Criterion 10), and TAN 18.
15. In the interests of highway safety and in accordance with the provisions of Powys LDP Policies T1 and DM13 (Criterion 10), and TAN 18.

16. In the interests of highway safety and in accordance with the provisions of Powys LDP Policies T1 and DM13 (Criterion 10), and TAN 18.
17. In the interests of highway safety and in accordance with the provisions of Powys LDP Policies T1 and DM13 (Criterion 10), and TAN 18.
18. In the interests of highway safety and in accordance with the provisions of Powys LDP Policies T1 and DM13 (Criterion 10), and TAN 18.
19. In order to control further development at the site which has the potential to cause an adverse effect upon the character of the area, and in to ensure the satisfactory appearance of the development in accordance with Policies TD1, DM4 and DM13 of the adopted Powys Local Development Plan (2011-2026).
20. To ensure that if the venture proves uneconomic in the future the land is restored to its former condition, and to protect the character and appearance of the landscape in accordance with Policies TD1, SP7, DM4 and DM13 of the adopted Powys Local Development Plan (2011-2026) and Planning Policy Wales (Edition 11).
21. To ensure adherence to the approved plans, in the interests of clarity and a satisfactory development.

Informative Notes

PCC Ecology

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.

PCC Land Drainage

As the construction area is greater than 100m², 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.

Foul Drainage

All septic tanks and small sewage treatment plant discharges in Wales need to be registered with Natural Resources Wales. More information, including a step-by-step guide to registering can be found at the following link:

<https://naturalresources.wales/permits-and-permissions/water-discharges-and-septic-tanks/register-your-septic-tank-or-small-sewage-treatment-plant/?lang=en>.

PCC Highways

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

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

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

4. 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

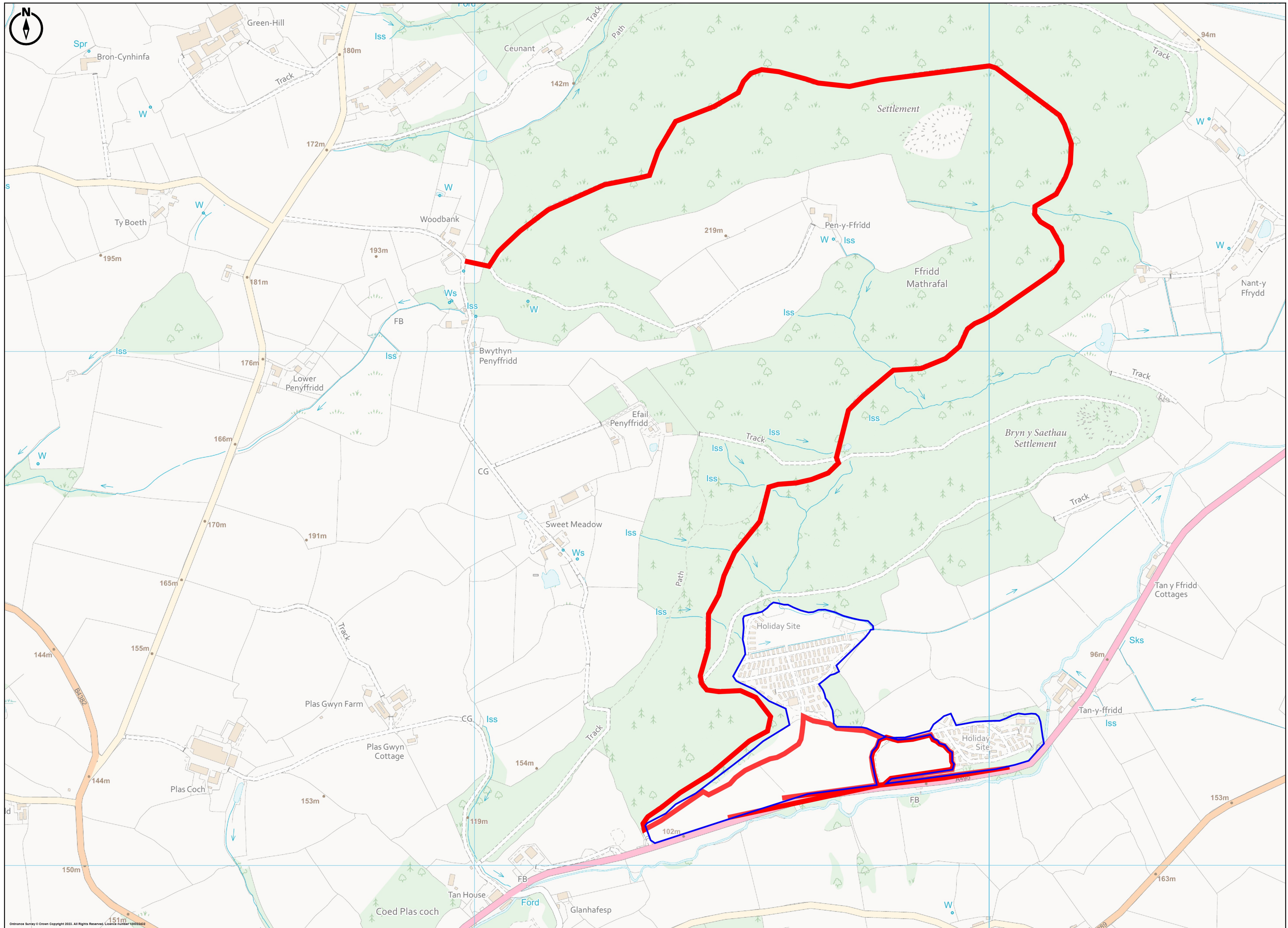
0845 6027035

NRW

Due to the proximity of the site to watercourses, all works at the site must be carried out in accordance with GPP5 and PPG6: 'Works and maintenance in or near water' and 'Working at construction and demolition sites' which are available on the following website: <http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelinesppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>.

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

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Aberhafesp Community	Approve	31/10/2022	22/1632/HH	Householder	14/02/2023	Change of use of land from agricultural to residential use as an extension of the existing residential curtilage.	The Old Rectory Aberhafesp Newtown SY 16 3HL
Abermule And Llandssil Community	Approve	28/02/2023	23/0205/CLP	Certificate of Lawfulness - Proposed	07/03/2023	Section 192 application for installation of a pre-constructed, modular, changing places type pod (4.4m x 3m) which will be connected to the school corridor via a link corridor (1.6m x 1.2m) and an opening (approx. 1.5m wide) will be created in the existing school corridor to allow access into the link corridor.	Abermule Cp School Abermule Montgomery SY 15 6ND

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Beguildy Community	Approve	07/01/2022	21/2169/FUL	Full Application	02/03/2023	Conversion of barn into a dwelling, installation of a sewage treatment plant, provision of passing bay and all associated works (resubmission of 20/1769/FUL)	Beaumonts BarnBwlch-y-plainKnightonPowys
Caerwys Community	Approve	07/02/2023	23/0204/DIS	Discharge of Condition	24/02/2023	Application to discharge condition 4 attached to planning permission in relation to 22/1796/FUL in relation to biodiversity enhancement plan	Tynyrwtra CaerswsSY17 5JG
Castle Caereinion Community	Refused	21/04/2022	22/0611/FUL	Full Application	14/02/2023	Extension of dwelling into vacant chapel, erection of a detached garage and all associated works	Maes Y Groes Chapel CyfronyddWelshpoolSY 21 9EG

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Churchstoke Community	Approve	19/12/2022	22/2166/CLP	Certificate of Lawfulness - Proposed	16/02/2023	Section 192 application in respect of confirmation required that a commencement has been made on 20/2071/RES (outline P/2016/0891) by completion and construction of access bellmouth, access gates and fencing	Ael-Y-Bryn HyssingtonMontgomery SY15 6AT
	Approve	25/01/2023	23/0185/TRE	Works to trees in Conservation Area	28/02/2023	Coppicing of diseased part of tree (tree no 3)	Padog BachChurchstoke MontgomeryPowysSY15 6AF
	Refused	09/02/2023	23/0222/NMA	Non-Material Amendment	07/03/2023	Non Material Amendment to approval 20/1374/FUL to alter conditions relating to access provision specifically conditions 5 & 6	Tan House ChurchstokeMontgomery SY15 6TL

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Disserth And Trecoed Community	Approve	09/12/2022	22/2108/CLP	Certificate of Lawfulness - Proposed	16/02/2023	Section 192 application in relation to proposed use of land for the siting of 18 static caravans for holiday purposes in lieu of 20 approved holiday touring caravans	Dalmore Caravan Park HoweyLlandrindod WellsLD1 5RG
Duhonw Community	Approve	04/01/2023	23/0011/HH	Householder	16/02/2023	Construction of a 2 car single-story pitched roof garage with a smaller divided workshop area (retrospective)	Newfoundwell Newry RoadBuilth WellsLD2 3DQ
Dwygyon Community	Approve	24/01/2023	23/0122/DIS	Discharge of Condition	14/02/2023	Discharge of conditions 15, 19, 20 and 21 of planning permission P/2017/0329 (Affordable housing Scheme, disposal of foul and surface water flows, Wildlife Sensitive Lighting Plan and Tree and hedgerow protection plan)	Land Adjoining Min-Y-FforddAdfaNewtown PowysSY16 3DB

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Dwyriw Community	Permitted Development	20/02/2023	23/0223/AGR	Agricultural Notification	01/03/2023	Erection of portal framed fodder and implement store (resubmission)	Argae FieldsNew MillsNewtownPowysSY 16 3NG
Erwood Community	Approve	21/02/2023	23/0213/NMA	Non-Material Amendment	02/03/2023	Non material amendment to planning permission B/05/0180 in relation to removal of balcony and veranda, internal layout alterations, amendments to windows including removing the second floor window	Sheen RidgeErwoodBuilth WellsPowys
	Consent	09/01/2023	22/2185/DIS	Discharge of Condition	14/02/2023	Application to discharge conditions 6,7 and 8 attached to planning permission B/05/0281	Wyevale ErwoodBuilth WellsLD2 3EQ



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Erwood Community	Refused	22/11/2022	22/1892/FUL	Full Application	28/02/2023	Conversion and change of use of barn(s) to residential C3 dwelling to include part rebuilding and extension, installation of PTSP and associated works.	Tregare GwenddwrBuilth WellsLD2 3BZ
Forden With Leighton & Trelystan Com	Approve	05/01/2023	23/0014/FUL	Full Application	21/02/2023	Extension to an agricultural building	Llwyn Tref FordenWelshpoolPowys SY21 8NN
	Approve	10/01/2023	23/0063/DIS	Discharge of Condition	20/02/2023	Application to discharge conditions 4, 5, 6 and 18 from planning permission 21/0422/FUL	Land Near To St Mary The Virgin ChurchTrelystan WelshpoolPowys
Gladestry Community	Approve	19/01/2023	22/2200/REM	Removal or Variation of Condition	06/03/2023	Application under section 73 to vary condition 2 attached to 19/1522/RES, to allow for amended plans	Land Adjoining Church BarnGladestryKington Powys

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Gladestry Community	Split Decision	25/01/2023	22/2109/CLP	Certificate of Lawfulness - Proposed	07/03/2023	Section 192 application for a lawful development certificate for a proposed development for the erection of 2 garden buildings and single storey rear and side extensions to dwelling.	GlenhavenNewchurch KingtonPowysHR5 3QF
Glasbury Community	Split Decision	23/01/2023	23/0099/CLP	Certificate of Lawfulness - Proposed	07/03/2023	Section 192 application for certificate of lawfulness for proposed use - Internal alterations, replacement porch & windows, replace lean-to dormers with gabled dormers	Castle Cottage BoughroodBreconLD3 0YH
Guilsfield Community	Approve	04/01/2023	22/2074/FUL	Full Application	16/02/2023	Proposed change of use of land from agricultural to tourism use for the siting of eight holiday lodges to an existing holiday park and all associated works.	Hidden Valley Caravan And Chalet Park Maes MawrWelshpoolSY21 9DB

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Guilsfield Community	Approve	13/02/2023	23/0242/DIS	Discharge of Condition	01/03/2023	Application to discharge conditions 5, 6 and 7 attached to permission 22/0898/FUL	Burgedin Hall Pool QuayWelshpoolSY21 9LN
	Permitted Development	30/01/2023	23/0152/AGR	Agricultural Notification	14/02/2023	Erection of two storage buildings	Home Farm Upper SarnauLlanymynechSY 22 6QP
Gwehyfod Community	Approve	15/02/2023	23/0266/CLP	Certificate of Lawfulness - Proposed	07/03/2023	Application for a lawful development certificate for the proposed extension of an existing garage	4 Nant-Y-FelinThree CocksBreconLD3 0SJ
Honddu Isaf Community	Approve	06/01/2023	22/2155/FUL	Full Application	15/02/2023	Retrospective: Change of access utilising an existing farm track (Alteration to extant permission B/99/0252)	Deerstone Barn SarnauBreconLD3 9PT
Kerry Community	Approve	06/12/2022	22/2137/FUL	Full Application	21/02/2023	Erection of a community building in association with Kerry football club (resubmission of 22/0450/FUL)	Land At Kerry Football ClubPark AvenueKerryNewtown Powys

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Kerry Community	Approve	13/12/2022	22/2017/FUL	Full Application	14/02/2023	Erection of a covered manure store	Pen Y Gelli KerryNewtownSY16 4EG
	Approve	31/01/2023	23/0167/CLP	Certificate of Lawfulness - Proposed	28/02/2023	Section 192 application for certificate of lawfulness for a proposed use for external and internal alterations	Dolforgan Garden Cottage KerryNewtownSY16 4DN
	Approve	06/02/2023	23/0249/CLP	Certificate of Lawfulness - Proposed	20/02/2023	Section 192 application in respect of change of use from two semi-detached dwellings to one detached dwelling	Brickyard/Greenfields KerryNewtownPowysSY16 4LH
Knighton Community	Approve	17/01/2023	23/0075/HH	Householder	01/03/2023	Erection of a two storey extension	1 Bryn Y Dre Garth LaneKnightonLD7 1SA
	Consent	30/01/2023	23/0212/DIS	Discharge of Condition	01/03/2023	Discharge of condition 3 of planning permission 22/1616/FUL in relation to existing and proposed soil contours	Upper Pitts FarmPitts LaneKnightonPowysLD7 1LS
	Consent	30/01/2023	23/0228/TRE	Works to trees in Conservation Area	07/03/2023	Works to x3 Leylandii trees within a Conservation area.	Pen Y CwmMill RoadKnightonPowysLD7 1RS



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Parish Name	Decision	Date Application Valid	Application No.	Application Type	Date Decision Issued	Proposal	Location
Llanafan-Fawr Community	Approve	05/01/2023	23/0018/RES	Reserved Matters	02/03/2023	Reserved matters application (in connection with outline approval 22/0130/OUT - erection of a rural enterprise dwelling and garage) for details of appearance, landscaping, layout & scale	Lant At Bryn CochNewbridge-on- weLlandrindod WellsPowys
Llanfarddarn Fynydd Community	Approve	30/11/2022	22/2040/FUL	Full Application	01/03/2023	Erection of Steel Portal Framed Agricultural Building for the Storage of Manure together with all other associated works.	Upper Esgair DolforLlandrindod WellsLD1 6YB
	Approve	30/11/2022	22/2041/FUL	Full Application	01/03/2023	Erection of extension to a covered manure store and all other associated works.	Upper Esgair DolforLlandrindod WellsLD1 6YB
Llanbister Community	Approve	05/01/2023	22/2144/HH	Householder	15/02/2023	Partial Ground Floor and Full First Floor Extensions	Guinea Piece LlanbisterLlandrindod WellsLD1 6TN

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Llanbrynmair Community	Split Decision	07/12/2022	22/2085/DIS	Discharge of Condition	03/03/2023	Application to discharge conditions 3, 4, 5, 18, 19, 20 and 21 planning permission 22/0927/REM	Bryncoch Farm Llanbrynmair SY19 7DL
Llandrindod Wells Community	Approve	31/01/2023	23/0147/DIS	Discharge of Condition	01/03/2023	Application to discharge condition 3 attached to permission 22/1872/HH, in relation to proposed materials	Guidfa House Broadway Llandrindod Wells LD1 5HT
Page 115	Consent	02/02/2023	23/0179/TRE	Works to trees in Conservation Area	24/02/2023	Felling of a mature elder tree	Chatsworth Spa Road Llandrindod Wells LD1 5EY
	Refused	11/01/2023	22/1057/FUL	Full Application	06/03/2023	Construction of 10 holiday lodges and reception building / shop, siting of 5 camping pods, formation of access and tracks, car parking areas, installation of sewage treatment plant, formation of ponds, landscaping and all associated works	Land At Caregwiber Llandrindod Wells LD1 5NY

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Parish Name	Decision	Date Application Valid	Application No.	Application Type	Date Decision Issued	Proposal	Location
Llandysilio Community	Approve	02/12/2022	22/2049/FUL	Full Application	23/02/2023	Erection of a dwelling and associated works	Land At City HouseFour CrossesLlanymynech Powys
	Approve	10/02/2023	23/0229/DIS	Discharge of Condition	07/03/2023	Application to discharge condition 8 attached to permission 18/0581/OUT in relation to Affordable Housing Scheme	Land Adjacent To The StreetLlandysilio LlanymynechPowys
	Permitted Development	01/02/2023	23/0173/AGR	Agricultural Notification	23/02/2023	Proposed poly tunnel for an existing horticultural business.	Nursery And Premises Domgay RoadFour CrossesLlanymynechSY 22 6SL
Llanelwedd Community	Closed	21/12/2022	22/2187/DEM	Demolition Notification	15/02/2023	Demolition of chimney stack	Jewson (Builders Merchant)Sawmills Station RoadLlanelweddBuilth WellsPowysLD2 3SS
Llanfair Caereinion Community	Approve	12/01/2023	23/0042/REM	Removal or Variation of Condition	07/03/2023	Section 73 application to remove condition 2 on planning permission M15063 (agricultural occupancy condition)	Coed Tylissa Llanfair CaereinionWelshpoolSY 21 0BX

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Llanfechain Community	Approve	23/11/2022	22/1369/HH	Householder	15/02/2023	The creation of a boot room to connect the house and annexe, single storey front extension, single storey rear extension, proposed barn/garage, the widening of property driveway entrance, upgrade of septic tank to sewage treatment plant and extension of residential curtilage.	Cae Ffridd LlanfechainSY22 6UE
Llanfihangel Community	Approve	11/01/2023	23/0070/TRE	Works to trees in Conservation Area	17/02/2023	Application for works to trees in a conservation area	Annedd-y-dyffrynDolanogWelshpool PowysSY21 0LQ
	Approve	16/01/2023	23/0069/TRE	Works to trees in Conservation Area	21/02/2023	Works to multiple trees in three areas within a conservation area	Severn Trent Lake VyrnwyPowysSY10 0LZ

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Parish Name	Decision	Date Application Valid	Application No.	Application Type	Date Decision Issued	Proposal	Location
Llanfyllin Community	Approve	14/10/2022	22/1700/FUL	Full Application	15/02/2023	Conversion of an agricultural barn into a residential property including demolition of attached single pitched barns. Change of use of land from agricultural to residential. Installation of a biodisc treatment plant and soakaway. Improvements to existing access onto highway.	Ty Cornel LlanfyllinSY22 5LY
	Refused	07/02/2023	23/0191/NMA	Non-Material Amendment	01/03/2023	Non material amendment to planning permission P/2008/0818 to allow for amended plans	Yr Allt LlanfyllinSY22 5HG

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Parish Name	Decision	Date Application Valid	Application No.	Application Type	Date Decision Issued	Proposal	Location
Llangamarch Community	Approve	06/02/2023	23/0125/NMA	Non-Material Amendment	27/02/2023	Application for a Non Material Amendment to planning approval 21/0832/HH to alter the approved plans (to include reinstating balcony from previous approval and veranda, cladding to first floor of extension and additional windows to garage)	Gwarceiros Cottage Llangamarch WellsLD4 4EN
Llanfardwyn Community	Permitted Development	06/02/2023	23/0184/AGR	Agricultural Notification	06/03/2023	Excavation to install precast concrete tank to collect effluent from dairy parlour.	Nant Goch BoundaryPen-Y-BontOswestrySY10 9JG
Llangunllo Community	Approve	28/10/2022	22/1452/HH	Householder	01/03/2023	Proposed first floor extension	Pentreland Pentre Land LaneBleddfaKnightonLD7 1PA

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Parish Name	Decision	Date Application Valid	Application No.	Application Type	Date Decision Issued	Proposal	Location
Llangurig Community	Permitted Development	01/02/2023	23/0175/AGR	Agricultural Notification	17/02/2023	Agricultural notification for removing unwanted material to expose mudstone in order to expand an existing borrow pit. The top stripped material will be spread on nearby land. Why necessary for agriculture: Yes the expansion of the borrow pit is essential for the maintenance of the forest road network.	Land Adjoining NRW Existing Borrow Pit Pantmawr Llanidloes
Llanidloes Community	Approve	07/12/2022	22/2027/FUL	Full Application	24/02/2023	Proposed siting of PV panels, internal alterations, installation of entrance doors and demolition of stone wall.	Llanidloes Pharmacy 51 Long Bridge Street Llanidloes Powys SY18 6EF
Llanidloes Community	Approve	07/12/2022	22/2031/CAC	Conservation Area Consent	24/02/2023	Demolition of wall to allow erection of new fence	Llanidloes Pharmacy 51 Long Bridge Street Llanidloes Powys SY18 6EF

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Parish Name	Decision	Date Application Valid	Application No.	Application Type	Date Decision Issued	Proposal	Location
Llanidloes Community	Approve	01/02/2023	23/0166/CLP	Certificate of Lawfulness - Proposed	07/03/2023	Section 192 application for Certificate of lawfulness for a proposed use and development for part rebuilding and reroofing of derelict workshops & garages together with proposed use as workshops	Workshops & Garages Rear Of Houses At Bethel StreetBethel StreetLlanidloesPowys
Llanidloes Community	Refused	08/12/2022	22/2099/HH	Householder	22/02/2023	Extend existing drop kerb and widen access to create vehicular parking	Hafod38 Garden SuburbLlanidloesPowys SY18 6EU
Llanigon Community	Consent	01/03/2021	21/0248/FUL	Full Application	06/03/2023	Conversion and change of use of building from a residential institution (C2) to residential dwelling (C3), to include some demolition, extensions and associated works	Llwynfilly Farm Ffordd LasLlanigonHR3 5QG



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Parish Name	Decision	Date Application Valid	Application No.	Application Type	Date Decision Issued	Proposal	Location
Llanigon Community	Consent	01/03/2021	21/0249/LBC	Listed Building Consent	03/03/2023	Internal and external alterations to building, to include some demolition, erection of extensions and alterations to fenestrations	Llwynfilly Farm Ffordd LasLlanigonHR3 5QG
Llansantffraid Community	Approve	04/01/2023	22/1978/FUL	Full Application	28/02/2023	Demolition of existing and erection of replacement dwelling & associated works.	The Hollies Llansantffraid-Ym-MechainSY22 6TW
Llansilin Community	Approve	20/01/2023	23/0086/DIS	Discharge of Condition	28/02/2023	Discharge of conditions 3 and 5 of planning permission 21/0093/RES (waste/recycling collection point and associated works and materials to be used in the construction of all external surfaces of the dwellings and garages)	Development At Land Opposite The Old VicarageLlansilin OswestryPowys

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Llanwrtyd Wells Community	Consent	13/12/2022	22/2036/FUL	Full Application	14/02/2023	Proposed replacement of window with door on front elevation to improve fire escape route	Neuadd Arms Hotel The SquareLlanwrtyd WellsLD5 4RB
Llanyre Community	NMA Approved	26/01/2023	23/0087/NMA	Non-Material Amendment	28/02/2023	Correction to eaves height and ground level of building and insertion of ramp to access slurry store.	Berthllwyd Newbridge-On-WyeLlandrindod WellsLD1 6HP
Machynlleth Community	Approve	07/12/2022	22/1991/FUL	Full Application	24/02/2023	Removal of existing access ramp, alterations and improvements to pedestrian access area and alterations to fenestrations, to provide disabled access	The Plas, Community Centre Heol PentrerhedynMachynlleth SY20 8ER
	Approve	03/01/2023	22/2139/HH	Householder	24/02/2023	Erection of an extension to provide a swimming pool	Hen StablauTanrallt RoadMachynllethPowys SY20 8HZ

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Parish Name	Decision	Date Application Valid	Application No.	Application Type	Date Decision Issued	Proposal	Location
Manafon Community	Refused	27/01/2023	23/0137/NMA	Non-Material Amendment	20/02/2023	Application for non-material amendments to planning permission 21/2242/FUL in respect of changes to approved plans.	Lower House Farm ManafonWelshpoolSY21 8BJ
Meifod Community	Approve	08/12/2022	22/2001/HH	Householder	17/02/2023	Erection of a First-Floor extension and all other associated works	Trout BungalowCwm Nant Y MechaidLlanfyllinPowys SY22 5LZ
	Approve	20/12/2022	22/2072/HH	Householder	15/02/2023	Proposed demolition of glazed lean too, erection of sunroom extension, with basement understorey.	Pwll-Yr-Hwyaid MeifodSY22 6XZ
Merthyr Cynog Community	Approve	21/09/2022	22/1683/FUL	Full Application	17/02/2023	Proposed alterations and new single storey extension to existing community hall including landscaping and services (resubmission of 21/2359/FUL)	Merthyr Cynog Community HallUpper ChapelBreconPowysLD3 9RG



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Parish Name	Decision	Date Application Valid	Application No.	Application Type	Date Decision Issued	Proposal	Location
Merthyr Cynog Community	Consent	16/01/2023	23/0068/HH	Householder	24/02/2023	Construction of Garden Room/Studio in association with the existing dwelling.	Rose Cottage Upper ChapelBreconLD3 9RG
Mochdre Community	Approve	01/02/2023	23/0151/NMA	Non-Material Amendment	28/02/2023	Non material amendment to planning permission 19/1773/FUL in respect of change is size of stable block / service building (smaller), change of materials and stable block and lodges and hand plot 1 layout	Pwll Glas MochdreNewtownSY16 4JP
	Permitted Development	03/02/2023	23/0164/AGR	Agricultural Notification	01/03/2023	Erection of an extension to form a covered agricultural yard and construction of a building over an existing manure store	Dugwm Farm MochdreNewtownSY16 4JP



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Parish Name	Decision	Date Application Valid	Application No.	Application Type	Date Decision Issued	Proposal	Location
Montgomery Community	Approve	26/04/2022	22/0665/DIS	Discharge of Condition	23/02/2023	Discharge of conditions 4, 5, 7 and 8 of planning permission 20/2118/FUL (engineering drawings for lit footway and link road, scheme in relation to speed limits and highway engineering drawings)	Land Off Forden Road Montgomery SY15 6EU
	Consent	28/07/2022	22/1268/FUL	Full Application	22/02/2023	Conversion of public house into 1 no residential unit and associated works	The Cottage Inn Forden Road Montgomery SY15 6QT
Nantmel Community	Approve	30/01/2023	23/0155/NMA	Non-Material Amendment	28/02/2023	Non material amendment to planning permission 19/0881/RES (outline P/2016/0289) in respect of change of design of Plots 2 and 3	Plots 2 And 3 Maes Seren Nantmel Llandrindod Wells Powys
Old Radnor Community	Approve	13/05/2022	22/0709/FUL	Full Application	01/03/2023	Erection of 2 holiday lets, installation of a treatment plant, and all associated works	Penoffa Farm Evenjobb Presteigne Powys LD8 2PB

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Parish Name	Decision	Date Application Valid	Application No.	Application Type	Date Decision Issued	Proposal	Location
Old Radnor Community	Consent	10/06/2022	22/0935/FUL	Full Application	02/03/2023	Erection of a replacement dwelling, extension to residential curtilage and all associated works	Hoddell Colt Bungalow Kinnerton Presteigne LD8 2PD
Paincastle Community	Approve	15/12/2022	22/2134/HH	Householder	01/03/2023	Conversion of existing attached garage to bedroom, installation of sun tunnels, relocation of access gates and erection of detached garage and store.	Fairview Rhosgoch Builth Wells LD2 3JB
	Approve	03/02/2023	23/0190/NMA	Non-Material Amendment	17/02/2023	Non-material amendment to planning permission 22/1755/HH in respect of changes to the approved plans	Ashdown Rhosgoch Builth Wells LD2 3JY
Penybont Community	Permitted Development	27/01/2023	23/0094/AGR	Agricultural Notification	14/02/2023	Erection of a cover to an existing muck store	Upper Cwmbrith Penybont Llandrindod Wells Powys LD1 5SR
	Refused	22/03/2022	22/0419/FUL	Full Application	07/03/2023	Formation of revised access track between Turbines 5 & 6 (retrospective)	Land At Hendy Wind Farm Llandegley Rhos Llandrindod Wells Powys LD1 5RP



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Parish Name	Decision	Date Application Valid	Application No.	Application Type	Date Decision Issued	Proposal	Location
Presteigne Community	Approve	22/10/2021	21/1910/HH	Householder	17/02/2023	Renovations to existing domestic accommodation including re-siting stairs ; to provide a new external door opening ; to replace an existing rooflight and add 2 additional rooflights ; to enlarge proposed storage shed	Corner House High StreetPresteigneLD8 2BE
	Consent	04/11/2021	21/1880/DIS	Discharge of Condition	27/02/2023	Application to discharge conditions 4 and 5 from planning approval P.2017/0205 in relation to scaffolding and removal and storage of materials	Norton Manor Norton Manor ParkNortonPresteigneLD8 2EG
	Permitted Development	22/02/2023	23/0287/CLP	Certificate of Lawfulness - Proposed	01/03/2023	Section 192 application in relation to change to conservatory by replacing glass roof with solid roof, bricking up some of external walls and appropriate insulation	1 Kings CourtPresteignePowysLD8 2AJ

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Parish Name	Decision	Date Application Valid	Application No.	Application Type	Date Decision Issued	Proposal	Location
Rhayader Community	Approve	31/05/2022	22/0924/DIS	Discharge of Condition	27/02/2023	Discharge of planning condition no's 5, 6, 8, 9, 10 & 11 attached to planning approval P/2015/0029 - Local Affordable Phasing Statement, Construction Method Statement, Tree & Hedgerow Protection Plan, Lighting Design Scheme, Biodiversity Enhancement Plan & Landscaping Scheme	Land At HighfieldsSt Harmon RoadRhayaderPowysLD 6 5DD
	Approve	26/07/2022	22/1154/DIS	Discharge of Condition	27/02/2023	Application to discharge condition 15 from planning approval 20/0011/RES	Land To The Rear Of AlstonSt Harmon RoadRhayaderPowys
Trefeglwys Community	Approve	12/12/2022	22/1949/FUL	Full Application	24/02/2023	Erection of a Steel Portal Framed Agricultural Building for the housing of poultry manure, together with all other associated works	Glan Gwden TrefeglwysCaerswsSY17 5PX



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Parish Name	Decision	Date Application Valid	Application No.	Application Type	Date Decision Issued	Proposal	Location
Trefeglwys Community	Approve	14/12/2022	22/1998/HH	Householder	20/02/2023	Demolition & rebuilding of conservatory and replacement of seven windows. Part demolition & rebuilding (to larger footprint) of outbuildings to create guest room & workshop/studio accommodation. Solar panels to be fitted on south roof slope.	School House Llawr-Y-GlynCaerswsSY17 5RH
	Approve	14/12/2022	22/2082/CAC	Conservation Area Consent	20/02/2023	Demolition of conservatory and part demolition of outbuildings	School HouseLlawr-y-glynCaerswsPowysSY17 5RH
Treflys Community	Refused	21/10/2020	20/1677/RES	Reserved Matters	07/03/2023	Application for reserved matters, following the approval of P/2017/0870, for the erection of 12 dwellings and associated works	Plot Opposite The Post Office Beulah Llanwrtyd Wells Powys
Welshpool Community	Approve	10/11/2022	22/1732/CAC	Conservation Area Consent	07/03/2023	Conservation area consent for demolition of redundant workshop	6 Severn StreetWelshpoolPowys SY21 7AB

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Welshpool Community	Approve	26/01/2023	23/0133/ADV	Advertisement Consent	03/03/2023	Installation of x1 internally illuminated pole mounted sign	Coedydinas Farm, Charlies Stores BelanWelshpoolSY21 8RP
	Approve	30/01/2023	23/0219/TRE	Works to trees in Conservation Area	03/03/2023	Works to trees in a conservation area	Red Bank CottageRed BankWelshpoolPowysSY 21 7DS
Whitton Community	Approve	11/01/2023	22/2184/HH	Householder	01/03/2023	Erection of an extension, to include the demolition of an outbuilding	The Birches Rhos-Y-MeirchKnightonPowysLD 7 1PE
Ystradgynlais Community	Approve	12/04/2022	22/0584/DIS	Discharge of Condition	20/02/2023	Approval of details reserved by conditions 6 (Contamination) of planning permission 20/1314/FUL	Bryngroes Farm Private Street From Junction By A4067 Leading To Bryngroes FarmYstradgynlais SwanseaSA9 1LF
	Consent	13/12/2022	22/1990/HH	Householder	01/03/2023	Demolition of existing rear single storey extension, replaced with a two storey rear extension, and erection of a detached garage.	10 Pelican StreetYstradgynlaisSA9 1LG
	Consent	09/01/2023	22/2076/HH	Householder	27/02/2023	Proposed two storey rear extension	113 Heol TwrchLower CwmtwrchSwanseaSA9 2TE

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Ystradgynlais Community	Consent	27/01/2023	22/2115/HH	Householder	24/02/2023	Erection of an extension and demolition of a garage	313 Brecon Road Ystradgynlais Swansea SA9 1QX
Application Total		99					



Penderfyniadau ar yr Apêl

Ymweliad â safle a wnaed ar 27/09/2022

gan Melissa Hall BA(Hons), BTP, MSc, MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad:13-02-2023

Appeal Decisions

Site visit made on 27/09/2022

by Melissa Hall BA(Hons), BTP, MSc, MRTPI

an Inspector appointed by the Welsh Ministers

Date:13-02-2023

Appeal A: CAS-01757-B6K9P8

Appeal B: CAS-01953-C8G1L0

Site address: 58 Mill Road, Knighton LD7 1RT

The Welsh Ministers have transferred the authority to decide these appeals to me as the appointed Inspector.

- **Appeal A** is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- **Appeal B** is made under sections 20 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant conservation area consent.
- The appeals are made by Mr & Mrs Thomas against the decisions of Powys County Council.
- The development and works proposed are the demolition of garage & outbuildings to create new/joint access, removal of chimneys together with alterations and extension to existing house with adjoining parking and amenity space.

Decisions

1. **Appeal A** is allowed and planning permission is granted for the demolition of garage & outbuildings to create new/joint access, removal of chimneys together with alterations and extension to existing house with adjoining parking and amenity space at 58 Mill Road, Knighton LD7 1RT in accordance with the terms of the application, Ref 21/1374/HH, dated 25 July 2021 subject to the schedule of conditions attached at Annex A.
2. **Appeal B** is allowed and Conservation Area Consent is granted for the demolition of garage & outbuildings to create new/joint access at 58 Mill Road, Knighton LD7 1RT in accordance with the terms of the application, Ref 21/1375/CAC, dated 25 July 2021 subject to the schedule of conditions attached at Annex B.

Procedural and Preliminary Matters

3. A hybrid application form was used for the works and development proposed under the Planning (Listed Buildings and Conservation Areas) Act 1990 and the Town and Country Planning Act 1990. As set out above, two appeals are before me which will be considered

on their individual merits. Nevertheless, to avoid duplication I have dealt with the two together, except where otherwise indicated.

4. The description of the proposal given on the hybrid application form was the '*Demolition of garage & outbuildings to create new/joint access and alterations and extension to existing house with adjoining parking and amenity space*'. However, the Council concluded that the demolition works described on the application form did not, of themselves, require Conservation Area Consent (CAC) given that the cubic content of the garage amounts to some 75 cubic metres whereas the timber shed is in the order of 70 cubic metres; that is, CAC is not needed for the demolition of a building whose total volume is less than 115 cubic metres. Be that as it may, I have determined the CAC appeal on the basis on which the application was submitted.
5. Notwithstanding the above, the Council advised the appellants that other elements shown on the submitted drawings, namely the removal of the chimneys and the demolition of a lean-to extension required CAC, and the Council considered the application on this basis. I will deal with each of these matters in turn:
 - (i) In respect of the demolition of the existing lean-to extension, the Council considered that as the cubic content of the house and the extension exceeds 115 cubic metres, CAC would be required. However, this is not the sole test for whether CAC is required for demolition. Rather, case law has established that the works would need to amount to the demolition of all, or at least a substantial part of, the building. I do not find that the part demolition of the lean-to, even taking into account the additional demolition works as a result of the removal of the chimneys, could be considered as such.
 - (ii) Turning to the removal of the chimneys. Although I have not been provided with a copy of the Article 4 Direction cited by the Council, I have no compelling reason to dispute the Council's position in respect of this matter given the provisions of Class C of Part 1 to Schedule 2 of the Town & Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013. However, such provisions do not result in a need for CAC, but simply mean that planning permission is required.
6. In view of the above, it is clear that the removal of the chimneys was intended by the appellants since these works are shown on the submitted drawings, referred to in their appeal submissions and form the basis on which the Council made its assessment. It is therefore on this basis that I determine the S78 appeal and, accordingly, I have revised the description of the proposal to include reference to the removal of the chimneys. No party would be prejudiced by my doing so.
7. It is only the removal of the chimneys and the resultant harmful effect on the character and appearance of the CA with which the Council takes issue. That is, the Council does not find the other demolition works or the proposed alterations and extension to the dwelling to be objectionable. Although its delegated report in respect of the planning application expresses concern with the lack of detail in relation to external materials and finishes (including the external elevations, roof, doors and windows), in coming to its decision, it concluded that this matter could be controlled by condition in the event of permission being granted. I agree.

Main Issue

8. Against this background, the main issue is whether the proposal preserves or enhances the character or appearance of the Knighton Conservation Area (CA), with particular regard to the removal of the chimneys.

Reasons

9. The appeal property lies beyond the centre of the small historic market town of Knighton, on the south-westernmost extremity of the Knighton CA. Apart from a Plan showing the boundaries of the CA, the Council does not identify its special characteristics or qualities or the harmful effect that the proposal would have on such characteristics or qualities.
10. Rather, the Council relies, in part, on the advice in its adopted 'Conservation Areas' Supplementary Planning Guidance (SPG), which states that the prominence of chimneys on the roofs of buildings means that they are considered to be important to the character of historic buildings and overall appearance of the area. It provides extracts from the SPG which, inter alia, advise that '*Original chimney stacks and decorative surroundings should be retained..... Consideration should be given to repairing or, in cases where repair is not possible, the rebuilding of existing stacks in matching materials will be supported. Where new development is proposed, chimneys should be incorporated within the design, where this is an important feature of the street scene, and should be designed to respect the character and appearance of other chimneys in the area*' (my emphasis).
11. The appellants suggest that, in the absence of a CA appraisal, the CA can be divided into distinct character areas consisting of (i) The Castle area, (ii) The Church area, (iii) Broad Street and Bridge Street and (iv) Wylcwm Brook area, with the appeal site being located in the latter character area.
12. Based on my observations at my site visit, I concur that the character of the CA varies with the part of the CA in which the appeal site lies characterised predominantly by sporadic dwellings in a linear form on the periphery of the market town. There is little uniformity in the design and form of the dwellings, or the manner in which they address the road frontage. There is much variety in external finishes, including roofs, window and door detailing and decoration. Where chimneys are present, the shape, height and position of the chimney stacks differ. Consequently, in this part of the CA, such features make little contribution to its special character and appearance.
13. I note that the appellants' Heritage Statement does not provide a justification for the removal of the chimneys, albeit paragraph 6.12 of Technical Advice Note 24 advises that such a statement is required in relation to CAC (rather than applications for planning permission). Be that as it may, the appellants' statement of case together with a copy of earlier correspondence between the appellants and the Council seek to justify the need for the demolition of the chimneys. In summary, it is alleged that the chimney stacks are not original, but 20th century additions constructed of purple brick. The bricks are fixed with modern cement to a lime mortar base and have become separated and the top courses have sprung to the extent that demolition is necessary. The chimney to the south end is an afterthought - the wall, being too thin to facilitate a flue, has a poorly built external chimney stack which is coming away from the main building and requires taking down. The appellants' argument here is that this work could be carried out without damaging the wall, clearly indicating the poor or non-existent key work.
14. The Council acknowledges that the existing chimneys appear to be non-original but asserts that their presence suggests the building would have originally benefitted from chimneys, and thus their retention would respect the traditional and historic nature and character of the existing building. However, there is no substantive evidence before me which convinces me that is indeed the case. In this context, I do not find that the existing, poorly constructed chimneys that were added to this property at a later date, make any

significant contribution to the character and attractiveness of the host building. Neither do I consider that their removal would compromise a defining feature of this part of the CA.

15. It is for these reasons that I cannot conclude that the demolition of the chimneys would fail to preserve the character and appearance of the CA. Hence, I do not find conflict with Policies SP7 and DM13 of the adopted Powys Local Development Plan (LDP) or the SPG, or with national planning policy outlined in Planning Policy Wales and Technical Advice Note 24: Managing Conservation Areas in Wales.

Conditions

16. The Council has provided me with lists of conditions in the event of planning permission and CAC being granted. I have had regard to the conditions in the context of the tests outlined in Welsh Government Circular 016/2014 '*The Use of Conditions for Development Management*' and have adjusted the wording of some conditions in the interest of clarity and precision.
17. In terms of drainage, SuDS Advisory Board consent would be required before undertaking work which provides an adequate safeguard to ensure that surface water is dealt with appropriately. It is therefore not necessary to impose a condition to control surface water drainage.
18. The Council's suggested condition relating to the position of any new or relocated hedge is not necessary given that condition 9 would secure adequate visibility splays. Neither am I convinced that a condition specifying the surfacing material for the access is reasonable or necessary in the interests of highway safety. As I have not been provided with a compelling reason as to why a condition requiring the stopping up of the existing vehicular access to the U1744 highway is relevant to the development before me, I have not imposed such a condition.

Conclusions

19. In conclusion, I am satisfied that the proposal would not offend the duty under s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA, or conflict with local or national planning policies which seek the same. Accordingly, the appeals are allowed.
20. In reaching my decisions, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that these decisions are in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objective of making our cities, towns and villages even better places in which to live and work.

Melissa Hall

Inspector

ANNEX A: Schedule of Conditions subject to which planning permission is granted.

1. The development shall begin not later than five years from the date of this decision.
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. The development shall be carried out strictly in accordance with the following approved plans:
 - Drawing: 2, Proposed Floor Plans.
 - Drawing: 3, Proposed Elevations.
 - Drawing: 4, Proposed Elevations.
 - Drawing: 5, Proposed Site Layout
 - Drawing: 6, Proposed Alterations.
 - Outbuildings to be Demolished.
 - Proposed Access.Reason: For the avoidance of doubt as to the proposed development and to accord with Circular 016/2014.
3. No development shall commence until further details and/or samples of the materials to be used in the construction of all external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be carried out in accordance with the approved details.
Reason: In the interests of preserving the character and appearance of the Knighton Conservation Area and to ensure a high quality external finish, in accordance with LDP Policies SP7 and DM13 and the adopted SPG.
4. The development shall be undertaken in accordance with the mitigation and enhancement measures identified within Section 4.2 of the Bat Emergence and Re-entry Surveys (Arbtech, dated 23/07/2021) and the recommendations within Section 5 of the Preliminary Ecological Appraisal (Elite Ecology, dated September 2020).
Reason: To comply with LDP Policies DM2, DM4 and DM13 and Section 6 of the Environment (Wales) Act 2016.
5. No external lighting shall be installed on the development hereby permitted unless a detailed external lighting design scheme has first 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 within 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 detail.
Reason: To comply with LDP Policies DM2, DM4 and DM13 and Section 6 of the Environment (Wales) Act 2016.
6. No development shall take place until a programme of building recording and analysis has been secured and implemented, in accordance with a written scheme of investigation which has been submitted and approved in writing by the local planning authority. The programme of building analysis and recording must meet the standards laid down by the Chartered Institute for Archaeologists in their Standard and Guidance for the archaeological investigation and recording of standing buildings or structures. A

copy of the resulting report shall be submitted to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust.

Reason: To allow an adequate analytical record of the building to be made to ensure that its origins, use and development are understood and the main features, character and state of preservation are recorded.

7. The first-floor window in the north-western elevation, as shown on Drawing: 4, shall be installed as an obscurely glazed window and fixed pane at the time of installation, and retained as such thereafter.

Reason: To ensure that the privacy and amenity of neighbouring residential occupiers is safeguarded, in compliance with LDP Policy DM13 (Criterion 11).

8. No development shall commence until provision is made within the curtilage of the site for the parking of construction vehicles together with a turning area which shall enable vehicles to enter and leave the site in a forward gear, and they shall be retained for the duration of the construction phase.

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

9. The 2.4m x 2.4m visibility splays shown on the Proposed Access drawing shall be maintained free of any obstruction exceeding 0.6m in height for as long as the development exists.

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

10. No other development shall commence until the access has been constructed with a width of not less than 5 metres for a minimum distance of 5.5 metres measured from the edge of the adjoining carriageway, and shall be maintained as such thereafter.

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

11. The gradient of the access shall be constructed so as not to exceed 1 in 20 for the first 5.5 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained as such thereafter.

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

12. Prior to the first use of the development hereby approved, provision shall be made within the site for the parking & turning of vehicles as detailed on Drawing 5: Proposed Site Layout. The parking & turning areas shall be retained for their designated use for as long as the development remains in existence.

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

ANNEX B: Schedule of Conditions subject to which Conservation Area Consent is granted.

1. The works hereby permitted shall begin no later than five years from the date of this decision.

Reason: To comply with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. The development shall be carried out strictly in accordance with the following approved plans:

- Drawing: 2, Proposed Floor Plans.
- Drawing: 3, Proposed Elevations.
- Drawing: 4, Proposed Elevations.
- Drawing: 5, Proposed Site Layout.
- Drawing: 6, Proposed Alterations.
- Outbuildings to be Demolished.
- Proposed Access.

Reason: For the avoidance of doubt as to the proposed development and to accord with Circular 016/2014.

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Appeal Decision

by **A L McCooey BA MSc MRTPI**

an Inspector appointed by the Welsh Ministers

Decision date: 21.02.2023

Appeal reference: CAS-02135-J9B0B7

Site address: The Rhos Farm, Kinnerton, Presteigne, Powys, LD8 2PD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr J Hurst against the decision of Powys County Council.
 - The application Ref 21/2258/FUL, dated 30 November 2021, was refused by notice dated 29 July 2022.
 - The development proposed is the proposed extension of a commercial premises to provide a live work unit.
 - A site visit was made by the Inspector on 7 February 2023.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether a dwelling (live/work unit) in the countryside, outside any settlement would be acceptable in principle.

Reasons

3. The site is located in the open countryside in a complex of farm buildings located down an access track off the B4372. There is a farmhouse at the end of the track and a bungalow closer to the road opposite the farm buildings.
4. The proposal relates to a former agricultural workshop building (approximately 18m by 9m). Planning permission was granted for the retention of a change of use to Class B1 (C) light industrial in September 2021. The proposal involves a side extension to provide an office, a kitchen/living room and bedroom with ensuite facilities. The appellant's main business is stated to be a general builder, although oak timber frames are also produced. The building is used as a workshop and storage facility. The appellant lives 7 miles away from the site.
5. Section 5.4 of Planning Policy Wales (PPW) deals with economic development. Paragraph 5.4.14 states that development (plan) policies and Supplementary Planning Guidance should support mixed use developments, including flexible live/work units and commercial premises where these are appropriate. This guidance relates to local plan policy. It does not specify any locational criteria or provide any explicit support for development in the countryside. There is no relevant live/work policy in Powys Local Development Plan (LDP) that supports units in the countryside. Policy E3 provides for mixed use employment sites and some mixed uses on non-allocated sites. In the context of the policy, this appears to refer to other employment sites in the Plan.

6. The LDP strategy is to concentrate development into towns and large villages. The open countryside is to be protected from inappropriate development i.e., strict control will be exercised over new development proposals. Policy H1 applies a restrictive approach to housing development in the open countryside in line with national policy. The only types of residential development that will be permitted include: a rural enterprise dwelling under Technical Advice Note 6: Planning for Sustainable Rural Communities (TAN6) or One Planet Development (under TAN6) or the re-use or adaptation of a rural building or former dwellings. The appellant acknowledges that the proposal would not meet the tests for a rural enterprise dwelling or be One Planet Development. The proposal does not involve the re-use of a building. As such it would be contrary to LDP and national policy for residential development in the countryside.
7. The appellant states that the need for the dwelling is related to securing the long-term viability of the business. It is hoped to expand the business but without a dwelling on the site the appellant is considering selling the unit. The business has received planning permission in recent years. No detailed information to justify the proposal on the need to locate at this site or on the basis of the existing and any proposed expansion of the business has been supplied. I have considered the extracts from TAN6 and Policies E2 and E3 referred to by the appellant. The need for affordable rural housing and support for mixed use development is acknowledged in policy. However, this is subject to the requirement to comply with other development plan policies and national planning guidance. Of critical importance in this regard is the restrictive policies for housing development in the open countryside.
8. The other issues raised are the sustainability benefits from the appellant living at his place of work and that a dwelling is essential for security reasons. The appellant's travel to and from work would be reduced, which would be a sustainability benefit. However, trips for other purposes such as deliveries, shopping, education and leisure would potentially increase.
9. There could be security benefits for the appellant by living on site. No evidence of any incidents of theft or damage has been supplied. The building does not advertise the presence of equipment and it appears secure. There are existing dwellings and other businesses nearby. The Local Planning Authority points out that measures such as fencing, alarms and CCTV would deter crime, which has been acknowledged by the appellant.
10. The claimed benefits of the proposal would not outweigh the policy objections to the proposal as outlined above. I conclude that the proposal does not warrant an exception to the strict controls on new development in the countryside based on the evidence supplied in this case.

Other Matter

11. The Local Planning Authority did not receive any information to assess whether the proposal would have an adverse effect on the River Wye Special Area of Conservation. by reason of an increase in the amount of phosphates entering the river catchment. This formed a reason for refusal. The appellant has provided drainage information that claims to demonstrate that the proposed development complies with the latest guidance published by NRW and would not therefore have any adverse impacts on the River Wye Special Area of Conservation. However, as the appeal is being dismissed for other reasons, I do not need to conduct an Appropriate Assessment under the Habitat Regulations.

Conclusion

12. Having taken all relevant matters into account, I conclude that the appeal should be dismissed for the reasons given above.
13. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives

A L McCooey

INSPECTOR

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