

Planning, Taxi Licensing & Rights of Way Committee

Meeting Venue
Hybrid meeting - Zoom - County Hall

Meeting Date
Thursday, 11 January 2024

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

4 January 2024

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 23 November 2023 as a correct record.

(Pages 5 - 6)

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

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

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

4.1. Updates

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

4.2. 23/0630/FUL Land Adjacent to Brynllwarch Hall School, Kerry, Newtown, SY16 4PB

(Pages 7 - 68)

4.3. 23/1531/OUT Land Known as Caemawdy Slough, Bronllys, Brecon, Powys, LD3 0LH

(Pages 69 - 92)

4.4. 23/1372/FUL Land Adjacent To Hollydene, Hall Bank, Churchstoke, Montgomery, Powys SY15 6EN

(Pages 93 - 104)

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

(Pages 105 - 234)

6.	APPEAL DECISION[S]
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To receive letter[s] regarding appeal[s] considered by Planning & Environment Decisions Wales.

(Pages 235 - 262)

Taxi and other licensing

7. DECLARATIONS OF INTEREST

To receive any declarations of interest from Members relating to the following items on the agenda.

8. MINUTES OF TAXI LICENSING SUB-COMMITTEES

To authorise the Chairs presiding at the following Taxi Licensing Sub-Committees to sign the minutes as a correct record:

(Pages 263 - 270)

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MINUTES OF A MEETING OF THE PLANNING, TAXI LICENSING & RIGHTS OF WAY COMMITTEE HELD AT BY TEAMS ON THURSDAY, 23 NOVEMBER 2023

PRESENT

County Councillor K Lewis (Chair)

County Councillors G D Jones, T Colbert, H Hulme, A Jones, G E Jones, C Kenyon-Wade, E Vaughan and D H Williams

1. APOLOGIES

Apologies for absence were received from County Councillors A Davies, D Edwards, P James, E Roderick and J Wilkinson.

2. MINUTES OF THE PREVIOUS MEETING

The Chair was authorised to sign as a correct record the minutes of the meeting held on 21 September 2023.

Taxi and other licensing

3. DECLARATIONS OF INTEREST

There were no declarations of interest.

4. TAXI LICENSING FEES 2024/25

The Committee considered the report regarding the Taxi Licensing fees for the period April 2024-25 for public consultation in line with statutory requirements. The Committee noted that two proposed fees had increased and one had decreased and that the fees were to cover the costs of the service and not to make a profit. In response to a question the Licensing Team Manager advised that a school transport bus with eight or less passengers would be licenced under this licensing regime. The Committee noted that the Head of Finance supported the recommendation.

RESOLVED

that taxi fees for 2024/25 are approved to go out for consultation in the local press in line with statutory requirements and if not objected to will be in place for 1st April 2024. Any objections to the fees will come back to the committee for consideration.

5. MINUTES OF TAXI LICENSING SUB-COMMITTEES

The Chair presiding at the Taxi Review Panel held on 12 October 2023 was authorised to sign the minutes as a correct record.

Planning

6.	DECISIONS OF THE HEAD OF PROPERTY, PLANNING AND PUBLIC PROTECTION ON DELEGATED APPLICATIONS
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The Committee received for information a list of decisions made by the Head of Property, Planning and Public Protection during the period between 14 September 2023 and 15 November 2023.

County Councillor K Lewis (Chair)

4.2

Planning, Taxi Licensing and Rights of Way Committee Report

Application Number: 23/0630/FUL

Grid Ref: E: 315216
N: 289382

Community Council: Kerry Community

Valid Date: 10.05.2023

Applicant: Powys County Council

Location: Land Adjacent to Brynlywarch Hall School, Kerry, Newtown, SY16 4PB.

Proposal: Full planning application for a proposed replacement school, ancillary buildings, a MUGA, landscaping and associated works

Application Type: Full Application

The reason for Committee determination

The applicant is Powys County Council and it is a major application.

Consultee Responses

Consultee

Received

Welsh Government

22nd June 2023

1. I am writing to inform you the Welsh Ministers have been asked to call in the application referred to in the heading to this letter for their own determination.
2. Article 18 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 enables the Welsh Ministers to give directions restricting the grant of permission by a local planning authority. I am authorised by the Minister for Climate Change to issue such directions.
3. In exercise of this authority, I hereby direct Powys County Council, with effect from the date of this letter, not to grant planning permission for the development described in paragraph 4 of this letter without the prior authorisation of the Welsh Ministers.
4. The development is:
 - (a) that comprised in application no. 23/0630/FUL referred to in the heading to this letter; or
 - (b) any development of the same kind as that in the above application, which is proposed on any site forming part of, or includes the land to which the above application relates.

5. I issue this direction to enable further consideration to be given to whether or not the application should be referred to the Welsh Ministers for their determination.

6. The direction only prevents your authority from granting planning permission; it does not prevent it from continuing to process or consult on the application. Neither does it prevent it from refusing planning permission.

7. Your attention is drawn to article 31 of the above order which provides for the Welsh Ministers to vary or cancel this direction in respect of both the land and type of development covered.

8. I will ensure you are informed of the Welsh Ministers' decision on whether the application is being called in as soon as it is made.

9. A copy of this letter has been sent to Asbri Planning Ltd, agent for the applicant.

Powys Ramblers

14th Jun 2023

Powys ramblers wish to comment on this application please. He wish to strongly support the comments made by countryside services.

Mid & West Wales Fire & Rescue Authority

2nd Jun 2023

The site plan/s of the above proposal has been examined and the Fire and Rescue Authority would wish the following comments to be brought to the attention of the planning committee/applicant. It is important that these matters are dealt with early on in any proposed development :

o The Fire Authority has no comment to make on access for fire appliances or water supplies.

o the Fire Authority has no objection to the proposed development and refers the Local Planning Authority to any current standing advice by the Fire Authority about the consultation.

The developer should consider the need to provide adequate water supplies and vehicle access for firefighting purposes on the site and general guidance on this matter is given in the attached Appendix and the following links:
<https://www.water.org.uk/guidance/national-guidance-documenton-the-provision-of-water-for-firefighting-3rd-edition-jan-2007/>
<https://www.ukfrs.com/index.php/promos/16847>

Furthermore, the applicant should be advised to contact the Local Authority Building Control Department, which is the responsible authority, when determining issues

concerning means of warning and escape, internal fire spread (linings and structure), external fire spread, access and facilities for the Fire and Rescue Service, in accordance with the 2007 version of Approved Document B (Wales).

Hafren Dyfrdwy

2nd Jun 2023

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-(M) Highways

19th Jun 2023

Wish the following recommendations/Observations be applied

Recommendations/Observations

We note the description of the application and the Design & Access Statement both state the proposed development is for a "replacement school". However, we further note that the existing school is not included in the redline application site, and there is no draft Unilateral Undertaking.

The Highway Authority (HA) are unable to accept a 'Trade-Off' of the movements from the existing school, as it appears that the extant use shall remain in place, and that the new school shall introduce new movements to the highway network.

We therefore seek clarity as to whether the development consists of a new or replacement school.

Environmental Protection

15th Jun 2023

I have concerns about the proposal to discharge the effluent from the sewage treatment plant into the proposed new surface water drainage system. NRW is the appropriate regulator for sewage treatment plant discharges, and I assume they will be providing their own comments, however, my understanding of an engineered swale is that it does not constitute a 'watercourse' for the purpose of treatment and dispersal of sewage effluent.

My concerns relate to the potential for public health issues to arise from effluent not being adequately dispersed by the swale, not receiving adequate treatment through the surface water soakaway, and for effluent to arise at the surface due to the local topography and proximity of the system to the road.

Public health issues have arisen in the past as a result of sewage overflows from the existing system, so this should be seen as an opportunity to get it right once and for all.

A sewage treatment plant should either discharge into a properly engineered foul drainage field or enter a running watercourse with adequate flow to properly treat and

safely disperse it.

Due to my concerns outlined above I would have to object to the application in its current form.

PCC-Rights Of Way Senior Manager 29th May 2023

Thank you for consulting Countryside Services on the above application.

It is noted that public footpath 217/103/1 is marked on the various plans, and it is briefly mentioned in the Planning Statement and Design and Access Statement.

The plans do not detail the width of the corridor along which the public footpath will run between the new boundary of the school and the existing boundary fence with the forestry site. The 'Landscape Masterplan' describes a 2.4m security weldmesh fence is to be erected on the new school site boundary with the public footpath.

Countryside Services is concerned that the continued use and enjoyment of the public footpath is maintained and not 'hemmed in' along a narrow corridor. Given a high fence will be erected along the public footpaths length we would recommend a wide-open corridor (minimum 5 metres) in which the public footpath runs.

We would also seek clarification on who will maintain the corridor after the development has taken place.

We would ask that any existing kissing gates are removed as they are not needed for stock control and that no new structures are installed across the public footpath. It is not clear from the plans if the public footpath will be affected by the construction of the proposed development and would seek clarification on this.

If the public footpath needs to be temporarily closed during construction, please contact us at the earliest opportunity to discuss.

Please see below for more general advice.

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

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

You can access a digital interpretation of the Definitive Map using the link below. Please refer to the accompanying guide for access:
<https://data.gov.uk/data/mappreview?url=https%3A%2F%2Fgeo.powys.gov.uk%2Fgeos>

erver%2Fopendata%2Fwm s%3Frequest%3DGetCapabilities

PLEASE INCLUDE THIS SECTION AS AN INFORMATIVE IN THE EVENT OF A SUCCESSFUL PLANNING PERMSSION

In addition to the above, Powys County Council has a legal duty to 'assert and protect' public rights of way under the Highways Act 1980. Planning permission does not give legal consent to interfere or obstruct public rights of way that will be directly or indirectly affected by approved development.

- Development over, or illegal interference with, a public right of way, is a criminal offence and enforcement action will be taken against a developer who ignores the presence of affected public rights of way. This includes temporary obstructions such as rubble mounds, building materials, parked vehicles etc...
- Landscaping & Surfacing – Please seek advice before interfering or surfacing a public right of way.
- Structures on public rights of way – under s146 Highways Act 1980 it is the legal responsibility of the landholder to provide and maintain structures such as gates and stiles on public rights of way. If you are unsure what structure to install, please contact Countryside Services.
- New fencing or boundaries – If intending to create a boundary across a public footpath or bridleway, advice must be sought. A section 147 Highways Act 1980 license is required for a structure such as a gate to be installed across a public footpath or bridleway. We cannot authorise a structure across a Restricted Byway or Byway Open to All Traffic.
- Temporary closures – If the safety of the public cannot be guaranteed at all times during construction or that temporary obstruction of the public right of way may be necessary, consideration should be given to applying for a temporary closure of the public right of way. The process can take a couple of months to put into place so early consultation with Countryside Services is recommended if a temporary closure is required. This is a separate procedure for which a fee applies.
- Legal Diversion – If development will directly affect a public right of way and the affected public right of way cannot be appropriately incorporated into the development, the developer will need to seek advice from the council. No development can take place on a public right of way until a legal order is confirmed by the council. A legal public path order process typically takes at least 6 months. This is a separate procedure for which a fee applies. For more information, please discuss with Countryside Services at the earliest available opportunity.

PCC-Built Heritage Officer

20th Jun 2023

Background to Recommendation

Within the curtilage of Grade II listed Brynllwarch Hall

Policy Background

The advice has been given with reference to relevant policies, guidance and legislation

The Planning (Listed Buildings and Conservation Areas) Act 1990

Planning Policy Wales 11th edition 2021

Conservation Principles published by Cadw

TAN24

Managing Listed Buildings in Wales - Annexe to TAN24

Heritage Impact Assessments in Wales - Annexe to TAN24

Managing Conservation Areas in Wales - Annexe to TAN24

Setting of Historic Assets in Wales - Annexe to TAN24

Heritage Impact Assessments - Annexe to TAN24

Historic Environment Records

Local Development Plan

Strategic Policy SP7

DM13 Design and Resources Local Development Plan Themes and Objectives;

Theme 4 - Guardianship of natural, built and historic assets

LDP Objective 13 - Landscape and the Historic Environment

Comment

The proposal is to divide the grounds of the building and build a new school on the site.

The proposed site has historically been part of the gardens and 'parkland' of the house. It is divided, and has historically been divided, by trees from the main house and grounds.

There will be a minor negative impact on the setting of the property by the loss of this area, however, this is extremely small. The hall will retain enough ground around itself for its immediate and slightly wider setting to be intact.

Any structures that existed before 1948, and were in place in 1996 when the building was listed, will be considered curtilage listed. It is noted that some historic gates do exist on the site.

Details of any such structures and their retention/alteration should be highlighted now.

Recommendation

Further details

PCC-Ecologist

7th Jun 2023

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 1km:

- o None

Non-statutory sites within 1km:

- o One or more Ancient Woodland (AW) sites are located within 1km of the development.
An

AW site is located within the development boundary.

Records of protected and/or priority species identified within 1km? Yes

Comments:

The application is informed by the following information:

o Morgan, P. (Aug 2020) Brynlllywarch Hall School, Kerry, Newtown, SY16 4PB. A Refresher

Ecological Survey Report. Just Mammals LLP.

o Morgan, D. (Dec 2020) Brynlllywarch Hall School, Kerry, Newtown, SY16 4PB. A Refresher Ecological Survey Report. Just Mammals LLP.

o Morgan, D. (Nov 2022) Brynlllywarch Hall School, Kerry, Newtown, SY16 4PB. A Refresher Ecological Survey Report. Just Mammals Limited.

o Dooley, G. (April 2023) Brynlllywarch Hall School, Kerry, Newtown, SY16 4PB. A Refresher Ecological Survey Report. Just Mammals Limited.

o Dooley, G. (April 2023) Brynlllywarch Hall School, Kerry, Newtown, SY16 4PB. Biodiversity Enhancement Plan. Just Mammals Limited.

Survey effort and methods employed in accordance with current national guidelines?
Yes

The Preliminary Ecological Appraisal (2018) referred to in the cover letter from Asbri Planning doesn't appear to have been uploaded to PCC Planning. However, the PEA and the accompanying protected species surveys were submitted to the LPA in relation to the initial pre-application enquiry and these documents have been reviewed for the present application.

The development will predominantly impact areas of amenity grassland and species-poor semi-improved grassland; the two distinct areas separated by a coniferous hedgerow/tree-line extending between the north-eastern and south-western boundaries. Areas of mixed woodland and Ancient Woodland are located along the north and west of the site, and native hedgerows form the north-eastern, eastern and south-eastern boundaries. Conifer dominant woodland abuts the southwestern site boundary.

Protected species, priority species and habitats

The woodland, trees and hedgerows provided habitat for breeding birds, and commuting and foraging habitat bats. Mitigation measures were provided for vegetation clearance works to avoid impact to nesting birds and it's recommended that adherence to the measures is secured through a planning condition.

Survey of individual trees with potential roost features (including a pollarded ash on the southwestern boundary) found no evidence of roosting bats. The woodland will be retained within the proposed scheme but two small sections of native hedgerow will be removed to provide access. The submitted cover letter states that a Tree Survey Report

by ArbTS has been submitted which has not been uploaded to PCC Planning. Given the importance of hedgerow, trees and woodland within the site, appropriate tree protection measures will be required for the construction phase.

The adjacent school buildings support multiple bat species, including rarer lesser horseshoe bat and Nathusius' pipistrelle bats. Given the value of the development site for foraging and commuting Surveys in 2018 and 2022 confirmed the presence of hazel dormouse (European Protected Species) in the northern woodland and tree line/hedgerow along the north-eastern boundary. The Plan identifies retention of an existing pathway through the woodland to a small open area close to the new site boundary with the existing school. The main access to the school will be via the northeastern boundary. Security fencing 2.4m in height will be installed within parts of the woodland.

Clearance or cutting back of any vegetation, including trees, in these areas has potential to impact dormouse and a European Protected Species licence will be required for the development bats, controls on external lighting both during construction and operational phases will be necessary. The submitted Ecological Impact Assessment refers to a lighting plan that has been prepared for the development and provides additional measures required to lighting fixtures proposed close to the northern wooded area. Unfortunately, a lighting plan has not been submitted with the application and it's recommended that the lighting plan (amended as advised) is submitted for approval prior to determination. Alternatively, submission of the lighting plan should be secured through a planning condition.

Surveys in 2018 and 2022 confirmed the presence of hazel dormouse (European Protected Species) in the northern woodland and tree line/hedgerow along the north-eastern boundary. The Plan identifies retention of an existing pathway through the woodland to a small open area close to the new site boundary with the existing school. The main access to the school will be via the northeastern boundary. Security fencing 2.4m in height will be installed within parts of the woodland.

Clearance or cutting back of any vegetation, including trees, in these areas has potential to impact dormouse and a European Protected Species licence will be required for the development

The EcIA concluded that subject to implementation of the recommended mitigation measures the development would not be detrimental to the favourable conservation status of hazel dormouse.

Appropriate new habitat is required as compensation for the short sections of hedgerow lost to site access. The submitted Landscape Masterplan identifies that native mixed species hedgerow will be planted along the southwestern boundary connecting the northern wooded area and south-eastern hedgerow, which will provide compensation and

restore connectivity lost through clearance of adjacent woodland (not part of the development). Following pre-application discussions with NRW, the applicant is to submit a detailed Dormouse Conservation Plan to the LPA for approval prior to commencement of development. A Plan has not been submitted with the application and therefore it's recommended that submission of a Dormouse Conservation Plan is secured through an appropriately worded planning condition.

Surveys of three ponds within 500m, including the overgrown school pond, found no evidence of great crested newt presence. Surveys found no evidence of reptiles, otter, water vole or notable woodland or grassland fungi. Honey fungus was identified within the grassland (dependent on trees) and choice of trees for landscaping should consider resistance to the fungus. The site was considered suitable for badger but setts and evidence of confirmed activity were absent, although some paths through the site may have been due to badger. The site is also considered likely to be suitable for hedgehog. Mitigation measures to protect badger and small mammals during construction were provided. Access points with the security fencing will also be required and it's recommended that adherence to the mitigation measures is secured through a planning condition.

Invasive non-native species

Japanese knotweed, Montbretia and Rhododendron, were identified within the school grounds. Japanese knotweed and Montbretia are located outside of the development boundary but Rhododendron may extend into the northern woodland within the site. It's recommended that an eradication and management programme is implemented for all three species to prevent any further spread. Eradication of these plants outside of the development boundary would constitute habitat enhancement and would be very welcome.

It's recommended that a Biosecurity Risk Assessment is secured through an appropriately worded planning condition.

It's recommended that details of mitigation measures for protected and priority species, tree protection measures, and biosecurity measures are included within a Construction Environmental Management Plan (CEMP). Although a CEMP has been submitted this only refers to control of surface water run-off to avoid pollution, which is welcome, but should be expanded to include the above.

Landscaping

The proposed Landscaping scheme includes areas of mixed native tree and shrub planting, including species beneficial to dormice, and pollinator-friendly planting, all of which is welcome. Planting specifications and short-term aftercare measures have been

provided. Details of aquatic species to enhance the SuDS swales are also provided. Confirmation of likely water levels within the swales is advised. Potamogeton natans (broad-leaved pondweed) is suited to ponds but not areas likely to be dry for much of the year. Phragmites australis (common reed) and Typha latifolia (reedmace/bulrush) can be invasive within small, shallow ponds/boggy areas and are likely to require regular management (removal) every few years. If the swales will only be occasionally inundated the planting plan should be amended to reflect this.

Biodiversity enhancement:

The submitted Biodiversity Enhancement Plan includes details a number of welcome measures, including provision of nest cups for house martin, swift brisk, bat boxes, dormouse boxes and the new hedgerow along the southwestern boundary. A hibernaculum for reptiles and amphibians is also recommended. It's recommended that adherence to the Biodiversity Enhancement Plan is secured through a planning condition.

Further information required prior to determination:

- i. Tree Survey, by ArbTS (submitted via FileTransfer)
- ii. Amended External Lighting Plan (if available, it would avoid the need for a pre-commencement condition)
- iii. Confirmation of aquatic planting schedule details/swales water levels across the year

PCC-(N) Land Drainage

No comments received at the time of writing this report.

PCC-Schools Service

No comments received at the time of writing this report.

PCC-Countryside Services Manager

22nd May 2023

No comment on this one. As it's for recreational play anyway.

PCC-Outdoor Leisure & Recreation (North)

21st Sep 2023

With regards to the Planning Application Notification 23/0630/FUL

Powys County Councils Countryside & Outdoor Recreation Services (C&ODR) preferred situation would be for any developer to provide, manage and maintain their own fixed play

facilities, either organised by themselves or through a resident's organisation, or potentially by working with the local town or community council.

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

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

I would suggest on this occasion because PCC has not got a play facility in the area, if any 106 contributions for play is available, then the offer should go to Newtown & Llanllwchaiarn Town Council who own and maintain the nearest public play facilities.

Natural Resources Wales (Mid Wales)
DPAS

16th Jun 2023

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales on the additional information, which we received on 22 May 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:

Condition 1: No development shall commence until a Dormouse Conservation Plan has been submitted to and approved in writing by the Local Planning Authority.

Condition 2: Prior to installation of any lighting, a lighting design plan shall be submitted to and approved in writing by the Local Planning Authority.

Condition 3: Any consent includes the imposition of a condition requiring the submission and implementation of a Biosecurity Risk Assessment to the satisfaction of the LPA.

We also advise that based on the information submitted to date, the documents identified below should be included in the approved plans and documents condition on the decision notice. Without the inclusion of these conditions and documents we would object to this planning application.

Documents:

o Dooley, G. (April 2023). Brynllwarch Hall School Kerry Newtown SY16 4PB.

Biodiversity Enhancement Plan. Just Mammals Limited.

o Dooley, G. (April 2023). Brynllwarch Hall School, Kerry, Newtown SY16 4PB: An Ecological Impact Assessment. Just Mammals Limited.

o Dooley, G. (February 2023). Brynllwarch Hall School Kerry Newtown SY16 4PB. Biodiversity Enhancement Plan. Just Mammals. (Unpublished)

o Dooley, G. (February 2023). Brynllwarch Hall School, Kerry, Newtown SY16 4PB: An Ecological Impact Assessment. Just Mammals Limited. (Unpublished)

o Morgan, D. (November 2022). Brynllwarch Hall School Kerry Newtown SY16 4PB. A Refresher Ecological Survey, Just Mammals Limited. (Unpublished)

o Morgan, D. (December 2020). Brynllwarch Hall School, Kerry, Newtown SY16 4PB: A Refresher Ecological Survey Report. Just Mammals Limited.

o Morgan, P. (August 2020). Brynllwarch Hall School Kerry Newtown SY16 4PB. A Refresher Ecological Survey, Just Mammals Limited. (Unpublished)

o Probert, R. (April 2018). Land at Brynllwarch Hall School Kerry, Newtown, Powys Pre-Application Ecological Appraisal Report. Powys County Council. (Unpublished)

o Fira Landscape Limited. (April 2023). Drawing number BLW-FIR-XX-XX-DR-L-00000, titled Landscape Masterplan, revision P05.

o Fira Landscape Limited. (April 2023). Drawing number BLW-FIR-XX-XX-DR-L-000003, titled Tree and Hedge Planting Strategy, revision P00.

Protected Species

We have reviewed the above ecological reports provided regarding this development proposal. We note that the reports provided have identified that dormice are present at the application site. We consider that the species is likely to utilise the site for foraging, dispersal, sheltering and breeding purposes.

A European Protected Species (EPS) licence will be necessary to facilitate the proposals.

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

- i. The development works to be authorised are for the purpose of preserving public

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

ii. There is no satisfactory alternative, and

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

Paragraph 6.3.7 of Technical Advice Note 5: Nature Conservation and Planning (TAN5) states that your Authority should not grant planning permission without having satisfied itself that the proposed development either would not impact adversely on the protected species on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied. Please note, for the purposes of providing advice at the planning application stage, our comments are limited to compliance with the third test only.

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

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

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

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

To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at Natural Resources Wales / Apply for a protected species licence .

Development should not be commenced until the Applicant has been granted a licence by NRW pursuant to Regulation 55 of the Conservation of Habitats and Species Regulations (2017) authorizing the specified activity/development to go ahead. Please note that any changes to plans between planning consent and the licence application may affect the outcome of a licence application.

We advise recipients of planning consent who are unsure about the need for a licence to submit a licence application to us. We advise that any consent is subject to the imposition of conditions in respect of dormice. Provided this advice is compliantly implemented, we consider that the proposed development is not likely to be detrimental to the maintenance

of the favourable conservation status of each of the local populations of dormice present at this site.

Condition 1: No development shall commence until a Dormouse Conservation Plan has been submitted to and approved in writing by the Local Planning Authority. The Conservation Plan shall include, but not necessarily be limited to:

(a) Submission of details and associated plans concerning dormouse avoidance and mitigation measures including clearance of individuals from working areas and relocation of features such as hedgerows. Submission to include proposed timescales and reporting requirements.

(b) Submission of further details concerning on-site retained and compensatory proposals including plans, extent, access, current and any proposed changes to tenure. Details shall clearly identify the extent of habitat to be lost, relocated, retained, enhanced and/or created. Submission to include timescales and reporting requirements.

(c) Submission of a Long-Term Site Management Plan (Minimum 25 years) that includes, but not necessarily be limited to:

- o Defined aims and objectives, including targets that can be used as key performance indicators for monitoring purposes;
- o Location, access Geographical Information System shape file illustrating the boundary of the defined ecology area;
- o Habitat maintenance and management prescriptions;
- o Surveillance, site liaison and wardening;
- o Details of the skills and competencies required by those undertaking any works or activities including whether they require European Protected Species licenses for the activities proposed;
- o Current and proposed changes to tenure of the ecology area (freehold tenure of the ecology area to be approved by the discharging Authority in consultation with NRW) to ensure appropriate control over the land is established and the effective targeted delivery of long-term actions;
- o Details of persons or bodies responsible for undertaking management and surveillance together with required skills and competencies; and
- o Reporting requirements associated with species surveillance and habitat management; and provision for periodic review mechanism for the Long-Term Site

Management Plan;

(d) Long-Term Site Monitoring and Surveillance Plan. Duration to accord with the Long-Term Site Management Plan. Provisions shall include, methodology, reporting requirements (including the submission of data to recognised recording schemes) and persons responsible for commissioning and undertaking surveillance.

(e) Details of timing, phasing and duration of construction activities and conservation measures.

(f) Timetable for implementation demonstrating that works are aligned with the proposed development.

(g) Ecological Compliance Audit, including key performance indicators (see below).

(h) Persons responsible for implementing the works.

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

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

Ecological Compliance Audit

We advise that any future consent includes the imposition of a condition that requires the submission and implementation of an approved ecological compliance audit (ECA) scheme to the satisfaction of the LPA.

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

Condition 2: Prior to installation of any lighting, a lighting design plan shall be submitted to and approved in writing by the Local Planning Authority. Full details of lighting shall be submitted to and agreed in writing by the Local Planning Authority. The Lighting Plan should include:

- o Details of the siting and type of external lighting to be used,
- o Drawings setting out light spillage in key sensitive areas,
- o Details of lighting to be used both during construction and/or operation.

We would refer to the Bats and artificial lighting in the UK Guidance Note 08/18 published in partnership with the Institute of Lighting Professionals (ILP) and the Bat Conservation Trust (BCT), 2018.

Biosecurity

We consider biosecurity to be a material consideration owing to the nature and location of the proposal. Ecological surveys have to date identified Montbretia, Rhododendron and Japanese Knotweed. In this case, biosecurity issues concern invasive non-native species (INNS) and disease. We therefore advise that any consent includes the imposition of a condition requiring the submission and implementation of a Biosecurity Risk Assessment to the satisfaction of the LPA.

Condition 3: Any consent includes the imposition of a condition requiring the submission and implementation of a Biosecurity Risk Assessment to the satisfaction of the LPA.

We consider that this assessment must include:

- (i) Appropriate measures to control any identified Invasive Alien Species (IAS)/Invasive Non-native Species (INNS) on site; and
- (ii) Measures or actions that aim to prevent INNS being introduced to the site for the duration of construction and operational phases of the scheme.

Foul Drainage

We have considered the 'Drainage Strategy, reference 22349, prepared by JUBB, dated 20 April 2023'.

We note that foul water is to be disposed of via a new package treatment plant discharging into a swale.

Applicants wishing to operate a private sewerage system will need either to apply to us for an environmental permit or register with us for an exemption from the permit requirement. Septic tanks and small sewage treatment works that meet certain criteria may be registered as exempt.

A step by step guide to registering an exemption can be found on our website.

If the private sewage treatment system is not eligible for an exemption, the Applicant will need to apply for an environmental permit, further details can be found here. Should a permit be required further information may be needed as part of that application process. The Applicant is therefore advised to contact us for pre-application advice at the earliest opportunity to try to ensure that there is no conflict between any planning permission granted and the permit requirements. Further details on how to access our pre-application advice service can be found here.

It is important to note that a grant of planning permission does not guarantee that a permit will be granted. A proposal may be deemed unacceptable either because of environmental risk or because upon further investigation, a connection to mains sewer was feasible. Applicants are encouraged to ensure they have all the required permissions, consents, permits and any other approvals in place prior to commencement of works on the site.

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.

The developer should ensure there is sufficient space to install the drainage field as set out in BS 6297:2007+A1:2008.

Pollution of Controlled Waters

We consider that the controlled waters at this site are not of the highest environmental sensitivity, and no significant sources of potential contamination have been identified, therefore we will not be providing detailed site-specific advice or comments with regards to land contamination issues for this site.

This is based on our assumption that gross contamination is not present at this location. If, during development, gross contamination is found to be present at the site you may wish to re-consult us.

Other Matters

Our comments above only relate specifically to matters included on our checklist,

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

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

Advice for the Developer

Pollution Prevention and Manure Management

We understand this proposal will construct agricultural sheds/outbuildings for the school farm animals. Therefore, we would advise the Applicant that any manure produced should be managed (storage and application to land) in line with The Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021 and Code of Good Agricultural Practice guidance.

Transition periods apply for manure management and further guidance is available in The Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021: guidance for farmers and land managers | GOV.WALES.

CPAT

22nd May 2023

Having consulted the information held within the Historic Environment Record I can confirm that there are no archaeological implications for the application.

We were consulted on the pre-application in February, and we only recommended the trees on the northwestern boundary are retained as they are likely to be part of the original parkland layout.

Cadw - Planning

No comments received at the time of writing this report.

Community Council

7th Nov 2023

Council notes C&ODR's comments regarding S106 monies in respect of planning application 23/0630/FUL - and wish it to be documented that Newtown and Llanllwchaiarn Town Council do not own or maintain the nearest public play facilities to the proposed replacement school site. Kerry Community Council own and maintain all of the play facilities within the village of Kerry and any potential S106 monies should be for the benefit of the residents/children of Kerry.

Natural Resources Wales (Mid Wales)

6th Nov 2023

DPAS

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:

Condition 1: Dormouse Conservation Plan

Condition 2: Ecological Compliance Audit Scheme

Condition 3: Lighting Design Plan

Condition 4: Biosecurity Risk Assessment

We also advise that based on the information submitted to date, the documents identified below should be included in the approved plans and documents condition on the decision notice. Without the inclusion of these conditions and documents we would object to this planning application.

Documents:

o Dooley, G. (April 2023). Brynlywarch Hall School Kerry Newtown SY16 4PB.

Biodiversity Enhancement Plan. Just Mammals Limited.

o Dooley, G. (April 2023). Brynlywarch Hall School, Kerry, Newtown SY16 4PB: An Ecological Impact Assessment. Just Mammals Limited.

o Dooley, G. (February 2023). Brynlywarch Hall School Kerry Newtown SY16 4PB. Biodiversity Enhancement Plan. Just Mammals. (Unpublished)

o Dooley, G. (February 2023). Brynlywarch Hall School, Kerry, Newtown SY16 4PB: An Ecological Impact Assessment. Just Mammals Limited. (Unpublished)

o Morgan, D. (November 2022). Brynlywarch Hall School Kerry Newtown SY16 4PB. A Refresher Ecological Survey, Just Mammals Limited. (Unpublished)

o Morgan, D. (December 2020). Brynlywarch Hall School, Kerry, Newtown SY16 4PB: A Refresher Ecological Survey Report. Just Mammals Limited.

o Morgan, P. (August 2020). Brynlywarch Hall School Kerry Newtown SY16 4PB. A Refresher Ecological Survey, Just Mammals Limited. (Unpublished)

o Probert, R. (April 2018). Land at Brynlywarch Hall School Kerry, Newtown, Powys Pre-Application Ecological Appraisal Report. Powys County Council. (Unpublished)

- o Fira Landscape Limited. (April 2023). Drawing number BLW-FIR-XX-XX-DR-L00000, titled Landscape Masterplan, revision P05.
- o Fira Landscape Limited. (April 2023). Drawing number BLW-FIR-XX-XX-DR-L000003, titled Tree and Hedge Planting Strategy, revision P00.
- o CEMP (Parts 1-4) by ISG. (June 2023) (following amendment as noted below)

Protected Species

We have reviewed the above ecological reports and Dormouse Conservation Management Plan (By Just Mammals LTD dated October 2023). We note that the reports provided have identified that dormice are present at the application site. We consider that the species is likely to utilise the site for foraging, dispersal, sheltering and breeding purposes.

A European Protected Species (EPS) licence will be necessary to facilitate the proposals.

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

- i. The development works to be authorised are for the purpose of preserving public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.
- ii. There is no satisfactory alternative, and
- iii. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

Paragraph 6.3.7 of Technical Advice Note 5: Nature Conservation and Planning (TAN5) states that your Authority should not grant planning permission without having satisfied itself that the proposed development either would not impact adversely on the protected species on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied. Please note, for the purposes of providing advice at the planning application stage, our comments are limited to compliance with the third test only.

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

your Authority:

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

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

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

To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at Natural Resources Wales / Apply for a protected species licence

Development should not be commenced until the Applicant has been granted a licence by NRW pursuant to Regulation 55 of the Conservation of Habitats and Species Regulations (2017) authorizing the specified activity/development to go ahead. Please note that any changes to plans between planning consent and the licence application may affect the outcome of a licence application.

We advise recipients of planning consent who are unsure about the need for a licence to submit a licence application to us. We advise that any consent is subject to the imposition of conditions in respect of dormice.

Condition 1

We acknowledge the submission of the Dormouse Conservation Management Plan. Provided this plan is compliantly implemented, we consider that the proposed development is not likely to be detrimental to the maintenance of the favourable conservation status of each of the local populations of dormice present at this site. We advise you seek to secure the implementation of this via an appropriately worded condition.

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

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

Condition 2

We advise that any future consent includes the imposition of a condition that requires the submission and implementation of an approved ecological compliance audit (ECA) scheme to the satisfaction of the Local Planning Authority.

The purpose of the ECA is to evidence compliant implementation of all ecological avoidance, mitigation and compensation works, either proposed or subject to the provisions of reserved matters conditions. The audit shall identify Key Performance Indicators that are to be used for the purposes of assessing and evidencing compliant implementation of proposals.

Condition 3

Prior to installation of any lighting, a lighting design plan shall be submitted to and approved in writing by the Local Planning Authority. Full details of lighting shall be submitted to and agreed in writing by the Local Planning Authority. The Lighting Plan should include:

- o Details of the siting and type of external lighting to be used,
- o Drawings setting out light spillage in key sensitive areas,
- o Details of lighting to be used both during construction and/or operation.

We would refer to the Bats and artificial lighting in the UK Guidance Note 08/18 published in partnership with the Institute of Lighting Professionals (ILP) and the Bat Conservation Trust (BCT), 2018.

Biosecurity - Condition 4

We consider biosecurity to be a material consideration owing to the nature and location of the proposal. Ecological surveys have to date identified Montbretia, Rhododendron and Japanese Knotweed. In this case, biosecurity issues concern invasive non-native species (INNS) and disease. We therefore advise that any consent includes the imposition of a condition requiring the submission and implementation of a Biosecurity Risk Assessment to the satisfaction of the LPA.

We consider that this assessment must include:

- i. appropriate measures to control any identified Invasive Alien Species (IAS) /Invasive Non-native Species (INNS) on site; and
- ii. measures or actions that aim to prevent INNS being introduced to the site for the duration of construction and operational phases of the scheme.

Environmental Management

We welcome the submission of a CEMP. We advise that the NRW emergency incident hotline number is included in this document to facilitate self-reporting of any environmental pollution incidents. Following this amendment we recommend that the CEMP is included on the approved plans and documents condition on the decision notice

Other Matters

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

We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development.

Please refer to our website for further details.

Advice for the Developer

Private Sewage Treatment Systems

Applicants wishing to operate a private sewerage system will need either to apply to us for an environmental permit or register with us for an exemption from the permit requirement.

Septic tanks and small sewage treatment works that meet certain criteria may be registered as exempt.

A step by step guide to registering an exemption can be found on our website.

If the septic tank or private sewage treatment system is not eligible for an exemption, the Applicant will need to apply for an environmental permit, further details can be found here.

Should a permit be required further information may be needed as part of that application process. The Applicant is therefore advised to contact us for pre-application advice at the earliest opportunity to try to ensure that there is no conflict between any planning permission granted and the permit requirements. Further details on how to access our pre-application advice service can be found here.

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

was feasible.

Applicants are encouraged to ensure they have all the required permissions, consents, permits and any other approvals in place prior to commencement of works on the site.

Community Council

14th Jun 2023

Response: Kerry Community Council **STRONGLY OBJECTS** to this application for the reasons stated below;

Points of note;

Kerry Community Council held an Additional Planning Meeting on 5th June 2023, which was well attended by local residents

There were 34 residents present plus three representatives from the school. Of this number 34 were opposed to the plans.

Details according to Asbri's Planning Statement

Site Location

2.1 The proposed new school is to be located on two greenfield sites which are in open countryside outside the defined settlement boundary of Kerry. One of the fields is the current sports field for the school and the other has been used for grazing sheep.

2.17 Currently the majority of vehicles use Common Road to access the existing school. The proposed travel route is via the B4368 and the Pentre hamlet via a narrow bridge.

The proposal to send all construction and school traffic via the above-mentioned route will involve the majority of vehicles travelling an additional two miles per trip to arrive at the new site entrance which is only 400m from the existing school entrance at the top of Common Road. Drivers can be requested to take this route but it is unenforceable.

It is claimed that there are 12 formal and informal passing places between the Pentre and the proposed new site. There is actually only one formal passing place. The informal places are residents' private frontages/driveways and they are not willing to accept this situation.

The narrow bridge at the junction of the B4368 and the C2012 regularly suffers damage necessitating repairs to be carried out by Powys County Council.

The owner of the trees to the west of the bridge states that he has not granted permission for them to be removed.

2.18 The site is bisected by a PROW (Ref 217/103/1) which separates the planning field

and adjoining field with the school.

Residents and Councillors expressed concern that the PROW is to be enclosed by a 2.4m high fence on the side adjacent to the proposed new site. It currently has a fence to the southern side. This raises concerns for public safety. The footpath features in a KCC published brochure and also in Kerry WI's book of 'Kerry Walks' published to celebrate the Millennium. It is a very well used walking route.

JUBB Travel Plan

5.2.10 The proposed scheme will bring a number of highways improvements.

5.2.11 The carriageway width on the C2012 is proposed to be widened to a minimum of 5.5m across the development frontage.

It is possible that the widening of this carriageway will allow vehicles to travel at greater speed. This section of the C2012 forms part of a local exercise route known locally as 'The Sawmills Loop'. There are no pavements and very few verges on this route. However, it is well used on a daily basis by residents as a circular route in their local area where they can enjoy the natural surroundings. It is used by children of all ages (including those in buggies), adults of all abilities, dog walkers, joggers, cyclists, horse riders and invalid scooter users. It should be noted that the B4368, which forms part of this route, is subject to the national speed limit and the addition of large construction vehicles during the building stage and the ongoing proposed increase in traffic on a daily basis raises road safety concerns.

5.2.12 It is proposed to redesign the junction layout to the south-west of the application site by removing the existing grassed island. This would then serve as an informal passing place.

No road junction should ever be promoted to a passing place.

JUBB Drainage Strategy

Runoff Destination

Foul Water Strategy

5.1.5 A package treatment plant is proposed to treat the foul water flows from the school before discharging into the northern swale and infiltrating through the ground.

There is a potential risk that should the package treatment plant fail to operate, the untreated sewage would be discharged into the swale causing damage to the environment and possibly to the adjacent residential properties.

4.2.1 The site surface water runoff will drain through infiltration, via swales and infiltration tanks.

There are to be two swales, one of these is proposed to be sited on a raised, sloping site directly opposite/above a residential dwelling. This is not acceptable due to the potential flooding risk.

SUMMARY

KCC acknowledges the need for modern facilities for the students and staff but does not support the plans to build a new school on a greenfield site in a rural area with inadequate highways provision.

It is the Welsh Government's policy that brownfield sites should be re-purposed before greenfield sites are newly developed.

KCC and residents believe it should be possible to maintain the existing Grade II listed school building and that additional school buildings, to a modern standard, should be built on the area currently occupied by the two vacant houses, various outbuildings and demountables. This will allow the existing grass playing field to be retained for recreational activities.

KCC is concerned that the future of the Grade II listed Brynllwarch Hall is not being considered jointly with this application and that greater consideration should be afforded to the future of this historical Estate which is a significant part of Kerry's heritage.

In addition, if Brynllwarch Hall continues to be used for other purposes and/or is sold for development the access issues from either Kerry or the Pentre Bridge would be exacerbated further.

Powys County Council Planning to note that the Chair (KCC) & representatives from the community wish to attend/address the PCC planning meeting relevant to this application.

Please ensure that the meeting details are provided to the council in a timely manner and our consultee response is recorded against the application in the planning portal.

If you have any queries please do not hesitate to contact me

PCC-Building Control

22nd May 2023

Please be aware that a Building Regulations application is required for this proposal

Ward Councillor

No comments received at the time of writing this report.

PCC-Built Heritage Officer

No comments received at the time of writing this report.

PCC-(M) Highways

6th Nov 2023

The County Council as Highway Authority for the County Class III Highway, C2012

Wish the following recommendations/Observations be applied

Recommendations/Observations

In our response dated the 19th of June, we sought clarity as to whether the proposed school was a new or replacement school, some of the submitted documents refer to a replacement whilst others state new.

We noted that the existing school is not included within the redline application site, and we are not aware of any other application to change its planning use, nor has a unilateral undertaking been submitted.

It would normally be the case that the existing building would be demolished, therefore, allowing for the proposed trade, of movements. However, with the existing school not being included in the application site, we are unsure as to how such a tradeoff could be established.

The Highway Authority were reconsulted on the proposed development, however, we note that no additional detail has been submitted which clarifies the issues previously raised. We, therefore, seek clarity as to how the applicant proposes to 'tradeoff' the movements from the existing school to the replacement, and what the proposed new planning use at the existing school would be.

Community Council

7th Nov 2023

KCC's Response September 2023

2.17 Council reiterates its original response. The route through Pentre is not suitable for the increased amount of traffic. It is unrealistic to expect vehicles to travel an extra two miles per journey. This will equate to an additional 40 miles per week for the mini-buses; taxis and private vehicles. It is also unenforceable.

Pentre residents walk the C2012 to access

the village amenities including the village school, the only available bus route and village shop. There are no footways or level verges on the entire length of the C2012.

Council considers it inappropriate to enclose a PROW in a rural area. Widening it to

around 4m does not address concerns in respect of personal safety.

The Jubb drainage strategy report states: 'The site surface water run-off will drain through infiltration via swales and infiltration tanks.'

Council is not aware of a drainage field in the vicinity.

It should also be noted that during heavy rainfall such as the recent Storm Babet, the surface water was observed gushing off the proposed school site onto the C2012 opposite the property k/a Timberyard. This raises concerns that the two proposed swales would not be able to cope with the additional volume of water produced in storm conditions.

Council is aware that the existing buildings have been allowed to fall into disrepair and are no longer suitable for educational purposes.

Council supports the idea that the school should be housed in a purpose-built facility suitable for the 21st Century. However, this should also be in an easily accessible area with easy transport routes already in place, not in an area which would have detrimental effects on the local road infrastructure and on the safety of the Kerry residents who use the proposed travel route through Pentre as a walking route around the village.

Council notes that the Transport Assessment refers to the viability of Brynllwarch Hall being re-opened as a school and operating at the same time as the proposed replacement school.

NB. The Common Road/A489 junction carries a 'code red' status. Large parts of Common Road are single vehicle width with no formal passing places. Furthermore, the upper two-thirds of Common Road has no footways and in part is too narrow to accommodate safe pedestrian access.

Environmental Protection

30th Nov 2023

Foul drainage

The plans have been amended so that the effluent from the package sewage treatment plant will now discharge into a foul drainage field. The discharge to ground will require a permit from NRW. I have no objection to this proposal.

Noise

I am satisfied with the conclusions of the noise impact assessments for mechanical plant and MUGA that any impact on nearby residential properties will be low. However, this is dependent on the inclusion of an acoustic barrier fence for the MUGA – therefore it is

essential that this fence is included in the development.

Artificial light

I am satisfied with the lighting plan.

Construction period

I am satisfied with the measures outlined in the CEMP. I would recommend that a condition be attached to any planning permission granted, stating that development should proceed in accordance with these controls for the protection of amenity during the construction period.

I therefore have no objection to the application.

PCC-Rights Of Way Senior Manager

No comments received at the time of writing this report.

PCC-(M) Highways

15th Nov 2023

The Highway Authority (HA) acknowledges the email from the LPA dated the 10th of November 2023 which clarifies that the application is to be considered on the basis of a "replacement" school. We therefore wish to make the following comments.

Proposed Development

The HA have, as above, considered the proposed development on the basis of a replacement building for the existing school buildings located around 76m to the west of the application site.

The number of pupils is proposed to increase from 46 to 64, and the number of associated vehicle movements shall also increase, although this is not quantified in the application.

Two new accesses to the school is to be constructed onto the C2012 as shown on Drawing Number BLW-JUB-XX-XX-DR-C-000100 Rev P1.

Vehicle Routing

The applicant uses the A489/C2012 to the northwest of the application site and the B4368/C2012 to gain access to the existing school. They acknowledge the constrained nature of the C2012 (known locally as Common Road) to its junction with the A489, and the junction itself. In discussion with the HA, it has been agreed that minibuses serving the site shall gain access to the site from the east (B4368/C2012), thus prevent larger

movements along the residential area of Common Road and passing through the junction of the A489/C2012.

The HA acknowledges that parents and deliveries may continue to approach from the north along Common Road, and that the applicant would have no control over such, and that the surrounding highway network is open to all traffic.

Access

Drawing Number BLW-JUB-XX-XX-DR-C-000100 Rev P1 demonstrates that safe means of access to both the proposed main site access and pumping station/minibus parking area, are in accordance with Manual for Streets 2 and the All-Wales Common Standards Guide 2023, and that the vehicular access gates are set sufficiently back from the adjacent highway, therefore vehicles serving the site are clear of the highway whilst the gates are opened/closed.

Localised widening to a width of 5.5m across the full developed frontage of the site to the County Class III highway. No engineering detail has been submitted with regard to the widening works, however, the HA consider that a condition can be attached to any consent given requiring the applicant to submit and have approved full details of the proposed construction.

Whilst the applicant has submitted details of a proposed Section 278 (Highways Act 1980), we advise that it is not possible for Powys County Council to enter into a legal agreement with itself, therefore, a Service Level Agreement shall be required for the off-site highway works.

The submitted Traffic Assessment (TA) proposes to utilise a formal passing bay shown on Page 21 (Plate 5.1), however, this is not a passing bay and the land to which it is constructed does not form part of the adopted highway network. This area is in very close proximity to proposed access to the pumping station and minibus parking area, therefore, the access when constructed shall act as an informal passing place to/from the main site access, furthermore, as above, the full developed frontage of the site is to be widened to 5.5m which includes this area. Therefore, whilst the applicant has suggested that the area shown in Plate 5.1, the HA do not consider it viable nor required, of the reasons given above.

The applicant at Page 22 of the TA (Plate 5.2) proposes to widen the existing passing bay on the County Class III. However, there is insufficient lateral highway width in this location to allow the passing bay to be widened. Furthermore, the passing bay has been recently constructed and signed off by our Streetworks section as being acceptable/fit for purpose. Therefore, we consider that no widening of the passing bay is required.

Plate 5.3 (Page 23) of the TA proposes to resurface the bellmouth of the junction of the C2012/U2850, therefore allowing the junction to act as an informal passing place. This approach has been accepted by the HA in their previous consideration of the site at Pre-Planning stage and we continue to offer support to the resurfacing of the junction. We note that the applicant has not submitted any detail of the proposed construction, however, as per the widening works, a negative condition could be attached to any consent given requiring the applicant to submit and have approved the proposed construction.

Figure 5.6 on Page 25 of the TA shows a swept path analysis of a full size Refuse Collection Vehicle (RCV). The drawing appears to be based on Ordnance Survey data rather than a topographical survey, we are mindful that the largest vehicle accessing the site is a LWB minibus wheelchair accessible vehicle and that the area is served by a satellite 7.5t RCV, therefore, we consider that the likely vehicle types can easily negotiate the bridge without fear of vehicles striking the parapet.

Sections 5.2.26 - 5.2.29 of the TA consider the junction of the B4368/C2012, concluding that 2.4 x 215m is available, and that improvement to the south would increase the visibility to 45 - 50m. We advise that Y distances reported in the TA are not achievable and in any case Manual for Streets 2 would be the relevant standard rather than the Design Manual for Roads and Bridges (DMRB). Narrow carriageway width and constrained horizontal alignment result in road speeds of around 20 - 25mph. The HA are undertaking works in this location, therefore, negating the need for the applicant to undertake works at the junction.

Active Travel

The proposed development is located around 550 - 600m from the development boundary for Kerry, and around 1km nearest footway on Common Road.

There is insufficient lateral highway width from the junction of the C2012/U4730 along Common Road to its junction with the U2847 to allow the construction of a footway compliant with the Active Travel Act Guidance 2021. Similarly, there is insufficient lateral highway width from the junction of the U2847 to the area to which the applicant shall widen on the C2012 for the construction of a compliant footway.

Whilst the applicant could construct footway across the site frontage, as they control the land, the HA is mindful that the application is for a 'replacement' school rather than a new school, and that the existing site does not have any pedestrian links to the village of Kerry.

As the HA have been instructed by the LPA to consider the application as a replacement for the existing school, we consider that the proposed development shall not increase the

demand for pedestrian, cycle or public transport links. However, during conversation with the LPA, they suggested including a condition restricting the use of the development to the alternative educational facility proposed, thus removing the availability of the development being used for more intensive uses under the D1 classification, given the sites location.

Parking

The applicant has designed the car park in accordance with the CSS Wales Parking Standards 2014, however, we note that they have elected to over provide the number of parking bays. We also note that the applicant has included EV Charging bays in accordance with Policy 12 of Future Wales, and the EV Charging Strategy for Wales.

Summary

The LPA clarified to the HA on the 10th of November 2023 that the application was to be considered on the basis of a replacement school, which the HA has done.

The applicant has proposed to route vehicles associated with the development along the B4368/C2012 to relief the amount of larger vehicles accessing the site via the A489/C2012 due to the constrained nature of Common Road and its junction with the A489. The proposed route is acceptable to the HA; however, we acknowledge that some vehicles attending site shall continue to use alternative routes.

The HA consider that sufficient mitigation is provided along the proposed route, in terms of the widening across the developed frontage and improvement to the junction of the C2012/U2850. The HA consider that these works should be completed to the commencement of any other works at the site, to allow vehicles associated with the construction phase to pass opposing vehicles on the County Class II highway.

Whilst Active Travel is a consideration of every application, especially those which have the potential to generate pedestrian, cycle and public transport needs, this application has been assessed as a replacement school. The existing school site does not benefit from any AT links and as such being a replacement school, the proposed development does not worsen the current situation.

The proposed development proposes a surplus of parking when considered against the CSS Wales Parking Standards 2014 and provided sufficient EV Charging bays.

The HA therefore considers that the proposed development is in compliance with policies DM13 (10) & T1 of the LDP, and pertinent highway guidance. We therefore recommend that the following conditions be attached to any consent given.

1. Prior to any other works commencing on the development site, detailed

engineering drawings for the carriageway widening of the C2012 across the full developed frontage of the site and resurfacing of the junction of the C2012/U2850, and all associated works, shall be submitted to and approved in writing by the Local Planning Authority.

2. Prior to any works commencing on the development site, all Highway Improvements, referred to above, shall be fully completed to the written satisfaction of the Local Planning Authority and shall be retained for their designated use for as long as the development hereby permitted remains in existence.

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

4. No other development shall commence until the accesses have been constructed in accordance with the approved drawing BLW-JUB-XX-XX-DR-C-000100 Rev P1 so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 43 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

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

6. Before any other development is commenced the area of the accesses to be used by vehicles is to be constructed in full accordance with the approved highway drawing BLW-JUB-XX-XX-DR-C-000100 Rev P1, in suitably bound materials (or to a minimum 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.

7. Prior to first beneficial use of the development hereby approved, provision shall be made within the site for the parking and turning of vehicles as detailed on the approved site plan BLW-PDA-XX-XX-DR-A-901000 Rev P15. The parking areas and turning areas shall be retained for their designated use for as long as the development hereby

permitted remains in existence.

8. A minimum 10% of the parking allocation secured under condition 6 above (min of 3 spaces) shall be constructed to incorporate Fast Charge electric vehicle charging points. See the EV Charging Strategy for Wales for further information.

9. Prior to first operational use of the development, the area of the access to be used by vehicles is to be finished in a suitably bound material (or 40mm depth bituminous surface course material) for a distance of 12 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.

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

11. 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.

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

PCC-Ecologist

28th Jun 2023

The report identifies that high value trees will be retained within the development and that removal of the conifer trees and eastern hedgerow can be mitigated for through compensatory planting. To ensure long-term retention of trees and woodland at the site it's recommended that adherence to the Tree Protection Plan and Arboricultural Method Statement is secured through an appropriately worded planning condition.

Please reconsult PCC Ecology should the information regarding external lighting details and the swale planting specification be provided.

Representations

Following the display of a site notice, 12 public representations have been received at the time of writing this report. A summation of the points raised are detailed below:

- Affect Local Ecology
- Close to adjoining properties

- Conflict with local plan
- Inadequate access
- Increase danger of flooding
- Increase in traffic
- Increase of pollution
- Noise nuisance
- Out of keeping with character of the area
- Residential Amenity
- Outside of development plan
- Greenfield site
- Light pollution
- Drainage concerns
- Development too high
- Inadequate parking provision
- Loss of privacy
- Inadequate public transport provisions
- Elevated position

Planning History

App Ref	Description	Decision	Date
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None as per GIS

Principal Planning Constraints

Ancient Woodland Within 50m of Listed Building Right of Way Mineral Safeguarding Sand_Gravel Cat 1	Restored Ancient Woodland Site Brynlywarch Hall School 217/103/1
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Principal Planning Policies

Policy	Policy Description	Year	Local Plan
PPW	Planning Policy Wales (Edition 11, February 2021)		National Policy
NATPLA	Future Wales - The National Plan 2040		National Policy
TAN5	Nature Conservation and Planning		National Policy
TAN6	Planning for Sustainable		National Policy

	Rural Communities	
TAN11	Noise	National Policy
TAN12	Design	National Policy
TAN18	Transport	National Policy
TAN23	Economic Development	National Policy
TAN24	The Historic Environment	National Policy
SP5	Settlement Hierarchy	Local Development Plan 2011-2026
SP6	Distribution of Growth across the Settlement Hierarchy	Local Development Plan 2011-2026
SP7	Safeguarding of Strategic Resources and Assets	Local Development Plan 2011-2026
DM2	The Natural Environment	Local Development Plan 2011-2026
DM3	Public Open Space	Local Development Plan 2011-2026
DM4	Landscape	Local Development Plan 2011-2026
DM5	Development and Flood Risk	Local Development Plan 2011-2026
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
DM10	Contaminated and Unstable Land	Local Development Plan 2011-2026

DM11	Protection of Existing Community Facilities and Services	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
C1	Community Facilities and Indoor Recreation Facilities	Local Development Plan 2011-2026
SPGBIO	Biodiversity and Geodiversity SPG (2018)	Local Development Plan 2011-2026
SPGHE	Historic Environment SPG (2021)	Local Development Plan 2011-2026
SPGLAN	Landscape SPG	Local Development Plan 2011-2026

Other Legislative Considerations

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

Marine and Coastal Access Act 2009

Officer Appraisal

Site Location and Description

The application site lies outside the development boundary of Kerry as defined by the Powys Local Development Plan (2018). The site comprises an area of open land and playing fields associated with Brynllwarch Hall School. Brynllwarch Hall is a Grade II listed building and is located to the south-west of the proposed site. The large village of

Kerry is located approximately 145 metres north-west of the application site, separated by an area of ancient woodland. The application site seeks access onto the classified C2012 which runs northwards through Kerry.

Consent is sought for a proposed replacement school, ancillary buildings, a MUGA, landscaping and associated works.

The existing buildings associated with Brynllwarch Hall School are considered to be in very poor condition, categorised as Condition D. The existing school site comprises of 9 buildings built in the 19th Century and includes mobile classrooms dating from 2004. Since operating as a school, temporary accommodation has been provided in order to vacate parts of the original building which are no longer fit for purpose. Therefore, as part of the 21st Century Schools programme, it has been identified that a replacement school is required that will provide a brand new, purpose built school with 64 places in age-appropriate environments.

The proposed replacement school measures approximately 82 metres in length and 28 metres in width at its widest point reaching a height of approximately 7 metres. The building will comprise of classrooms, specialised rooms, offices, changing/wash/shower facilities, main hall, plant room and other associated educational spaces. The school will be constructed using a mixture of materials including timber rainscreen cladding, treated and stained along with aluminium framed windows and a colour coated metal seam roof incorporating solar panels. There will also be outdoor teaching canopies stretched over free-standing steel structures.

The site will also incorporate a MUGA pitch, parking areas and coach/mini bus drop-off areas along with extensive landscaping measures across the site, farm pens, polytunnel, workshops and other associated outbuildings.

Placemaking and Wellbeing Goals

Future Wales emphasises that planning authorities should recognise the challenges facing their rural communities and set out policies to help address them. They should consider the role that housing, employment areas and home-working, health and social services, places of education, emergency services, shops and infrastructure can play in tackling these challenges and in helping create more sustainable places. Sustainable rural settlements are accessible places and well connected to the wider areas they serve.

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 aid in the functioning of an existing educational facility to the benefit of the rural and wider economy.
- The development will assist in ensuring a fit for purpose educational facility for future generations and promotes the retention of the use in the locality to the benefit of a vibrant Welsh culture.
- The development is located close to existing transport networks.
- Impact on the environment and historic and cultural assets will be acceptable.
- The public right of way will be protected and maintained.
- The impact upon communities and local residents is considered acceptable.

Principle of Development

Community facilities such as village halls and schools are essential to the social and physical wellbeing of the community and support the vitality and viability of our rural settlements. The LDP supports the provision of local facilities alongside improving access to existing facilities.

Policy C1 of the Powys Local Development Plan (2018) seeks to ensure that development proposals for community or indoor recreation facilities will be permitted where:

1. Proposals are within or adjoining a settlement identified in the strategic settlement hierarchy;
2. No suitable facility exists nearby which could appropriately accommodate the proposed use; and
3. The appropriateness and feasibility of multi-use has been considered.

The application site is located outside, but close to the settlement development boundary of Kerry which is categorised as a 'large village' under the Local Development Plan. The site is located adjacent to the existing, brownfield, school facility and connected to the settlement of Kerry by the classified C2012, separated by an area of Ancient Woodland. The site, being adjacent to the large village of Kerry benefits from public transport links to Newtown which forms part of the Bro Hafren Regional Growth Area with Kerry situated on the periphery of this area.

The planning agent has undertaken a sequential test to inform site selection and through this process has determined the site subject to this application to be the most appropriate for the proposed development. The other sites available for consideration have been assessed against a RAG status and have been discounted for various strategic reasons. Therefore, officers consider that due consideration has been afforded to the siting of the proposed school to ensure that adequate provisions for a modern teaching environment for Brynllwarch School is achieved.

Brynllwarch Hall School will remain given the buildings Grade II listing, along with the curtilage listed structures on site. However, a condition will be attached to any granting of planning permission that will control the use of the existing and proposed school site to operate as a single unit.

Given the above site and policy considerations, the proposed development is considered to fundamentally be in accordance with policy C1 with a principle for the proposed development considered compliant with the Local Development Plan (2018).

Design and External Appearance

With respect to design and appearance, reference is made of Local Development Plan (2018) policy DM13. 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.

The proposed school will measure approximately 1730 sqm and will be single storey in height and therefore subservient to Brynllwarch Hall to the west. The school, being a functional development has been specifically designed to meet the needs of the users and deliver the service that it provides. Along with the school, the site incorporates several other facilities associated with the operation of the school, a MUGA pitch, farm pens, polytunnel, outbuildings and workshop. The development has been sympathetically designed to provide several sensory and stimulating uses to complement and enhance the proposed use of the site as an educational facility.

Officers note the design of the proposed school, being single storey, pitched-roof and timber cladded is typical of recent constructions throughout Powys. The use of cladding is seen as an appropriate material which will be stained to ensure the colour of the material does not bleach overtime. The various outbuildings proposed on the site will all be of similar construction, being timber rainscreen wall cladding, stained dark grey with artificial slate roofs. The proposed buildings are considered an appropriate design and given the finishing material will help blend into the surrounding areas of the site.

A close boarded timber acoustic fence measuring 1.8 metres will flank the north-eastern boundary of the MUGA whilst a 3-metre rebound sports mesh fence will encompass the MUGA. The sports mesh fencing is a typical addition to a MUGA pitch, whilst a height of 3 metres is relatively tall for a fence, given that it will be of mesh construction, it will allow sight and light to pass through and not provide a visual block to the surrounding area.

The site itself will be made secure by a 2.4 metre weldmesh fence boarding the site. This type of security fencing is now commonplace on school grounds to ensure safeguarding.

The proposed site incorporates the retention and provision of natural landscaping measures and swales to provide a visual contrast against the development features

across the site.

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

Landscape and Visual Impact

Guidance within policy DM4 of the Powys Local Development Plan (2018), indicates that development proposals will only be permitted where they would not have an unacceptable impact on this environment and would be sited and designed to be sympathetic to the character and appearance of its surroundings.

According to LANDMAP the site is located in the MNTGMVS650 River Severn Flood plain aspect area which is described as a significant open valley / vale with a patchwork of medium to large field parcels many displaying established field boundaries of managed and overgrown hedgerows with numerous hedgerow trees. Predominantly arable farming with some lowland dairy farming. Settlements of varying sizes are prevalent from farmsteads to significant urban areas such as Welshpool and Newtown. Open skies dominate with woodland valley sides fringing the valley bottom. The area is evaluated as moderate in terms of visual and sensory aspect area.

With regards to the other elements of LANDMAP, it has been evaluated as follows:

Historic Landscape – Outstanding
Landscape Habitats – Moderate
Geological – Moderate

The proposed development will be visible from sensitive receptors including highways, public rights of way and residential properties in the locality. The application has been supported by a Visual Impact Assessment which has considered the developments impact on individual landscape elements and features; landscape character; and views, visual amenity and the people who view the landscape.

The landscape assessment concluded that the following landscape effects will result from the originally proposed development:

The site itself and its immediate setting:

‘Medium adverse’ at year 1
‘Slight adverse’ at year 10

The landscape character of the wider area:

‘Very low adverse’ at Year 1
‘Negligible’ by year 10

The scheme has been revised since the initial landscape assessment was undertaken with the position of the school amended and slight changes across the site. A revised Visual Impact Assessment has been undertaken to take into consideration these changes.

The revised Visual Impact Assessment has taken into consideration 7 key viewpoints as being representative of nearby receptors.

The original assessment found that the landscape effects resulting from the revised scheme will be negligible whilst the review has found that the visual effects resulting from the revised scheme will be negligible or slightly less adverse/slightly more beneficial as compared with the baseline of the existing assessment.

Officers consider that the additional landscape planting which has been incorporated across the site will help to assimilate the development into the surrounding landscape. The landscaping scheme will be secured by an appropriately worded planning condition attached to any granting of planning permission.

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

Impact upon Neighbouring Privacy & Amenity

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

The proposed development is not considered to offer any impact upon loss of daylight to any neighbouring dwellings, there are no properties that would be adversely affected when considering the 25 degree rule, which prohibits development that would exceed a line of 25 degrees taken from the nearest habitable room of adjoining existing properties. The closest residential properties to the proposed development are located along the eastern and south-eastern boundaries on the opposite side of the classified C2012, approximately 10 meters from the site boundary. The proposed layout of the development has located the school building centrally on site with areas of landscaping located to the south providing a buffer between the proposed building and existing residential properties. Again, to the east, whilst the proposed MUGA and associated fencing will be within 20metres of neighbouring properties, it is not considered the proposed development will have an adverse impact on the neighbouring properties in term of visual impact.

It is noted that neighbouring properties border the boundary of the site and given the sites intended use along with the MUGA pitch and outside areas, the application has been supported by noise impact assessments. Environmental Protection have been consulted on the proposed development in respect of noise and are satisfied with the conclusions of the noise impact assessments for mechanical plant and the MUGA which

identifies that any impact on nearby residential properties will be low. However, this is dependent on the inclusion of an acoustic barrier fence for the MUGA and it is therefore essential that this fence is included in the development. Officers therefore consider it appropriate to include a condition with any granting of planning permission that will ensure the acoustic fence is erected to reduce the impact of noise on neighbouring properties.

The application has also been supported by a Construction Environment Management Plan which Environmental Protection consider appropriate subject to a condition being attached to any granting of planning permission to ensure the development proceeds in accordance with the controls and measures specified within the report for the protection of amenity during the construction period. Officers consider the proposed condition to be reasonable and will therefore be attached to any granting of planning permission.

Consideration has also been given to the provision of artificial light on site with Environmental Protection also satisfied with the lighting plan submitted in support of the application.

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

Highway Safety & Parking

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

The proposed development relates to a replacement school on the site adjacent to the existing Brynlywarch Hall School. The existing school will remain in place given its listed status, however to ensure that a replacement of the use is transferred to the new site and not in addition to, an appropriately worded planning condition to control the use of the existing site in relation to the proposed development will be attached to any granting of planning permission. Given this restriction to be imposed, the following highway assessment reflects that of a replacement school.

The applicant has proposed to route vehicles associated with the development along the B4368/C2012 to relieve the number of larger vehicles accessing the site via the A489/C2012 due to the constrained nature of Common Road and its junction with the A489. The proposed routing is acceptable to the Highway Authority; however, it is acknowledged that some vehicles attending the site will continue to use alternative routes.

The Highway Authority considers that sufficient mitigation is provided along the proposed route, in terms of the widening across the developed frontage and improvement to the

junction of the C2012/U2850. The Highway Authority consider that these works should be completed prior to the commencement of any other works at the site, to allow vehicles associated with the construction phase to pass opposing vehicles on the County Class II highway and not cause a detriment to highway safety.

Whilst Active Travel is a consideration of every application, especially those which have the potential to generate pedestrian, cycle and public transport needs, this application has been assessed as a replacement school. The existing school site does not benefit from any AT links and as such being a replacement school, the proposed development does not worsen the current situation.

The proposed development proposes a surplus of parking when considered against the CSS Wales Parking Standards 2014 and provides sufficient EV Charging bays.

The Highways Authority has therefore recommended conditions in respect of access, parking, EV charging points and drainage be attached to any granting of planning permission.

Officers consider the proposed conditions put forward by the Highway Authority to be appropriate and reasonable and will therefore be attached to any granting of planning permission.

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

Ecology & Biodiversity

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

The Powys Ecologist has been consulted on the proposed development and has reviewed the submitted information along with local records.

Statutory sites within 1km:

- None

Non-statutory sites within 1km:

- One or more site of Ancient Woodland (AW)
- Ancient Woodland site located within the development boundary

The proposed development will predominantly impact areas of amenity grassland and species-poor semi-improved grassland, separated by a coniferous hedgerow/treeline

extending between the north-eastern and south-western boundaries. Areas of mixed woodland and Ancient Woodland are located along the north and west of the site, and native hedgerows form the north-eastern, eastern and south-eastern boundaries. Conifer dominant woodland abuts the southwestern site boundary.

These areas provide habitat for breeding birds along with commuting and foraging habitats for bats. It is noted that mitigation measures have been provided in respect of vegetation clearance to avoid impacts to nesting birds and will be secured by condition with any granting of planning permission.

Survey work of individual trees with potential roost features found no evidence of roosting bats. Furthermore, the woodland will be retained within the proposed scheme with small sections of native hedgerow removed to provide access. Given the importance of hedgerow, trees and woodland within the site, appropriate tree protection measures will be secured throughout the construction phase by condition with any granting of planning permission.

The adjacent school building has been surveyed and supports multiple bat species with a presence of hazel dormouse also confirmed on site. Clearance or cutting back of any vegetation, including trees, in these areas has the potential to impact dormouse, therefore a European Protected Species licence will be required for the development.

Control on external lighting, both during construction and operational phases will be required. Reference has been made to a lighting plan within the submitted Ecological Impact Assessment, however a lighting plan has not been submitted with the application. It is therefore considered appropriate to attach a condition in respect of external lighting to be submitted prior to the commencement of development with any granting of planning permission.

The presence of hazel dormouse, a European Protected Species, has been identified in the northern woodland and tree line / hedgerow along the north-eastern boundary.

Consequently, the clearance or cutting back of any vegetation, including trees, in these areas has potential to impact dormouse and a European Protected Species licence will be required for the development. The submitted arboricultural assessment identifies that high value trees will be retained within the development and that removal of conifer trees and eastern hedgerow can be mitigated through compensatory planting. The Green Infrastructure statement submitted in support of the application outlines the strategy for the development which identifies that significant compensatory planting for tree and hedgerow will be undertaken on site. Furthermore, to ensure the long-term retention of trees and woodland at the site a condition will be attached to any granting of planning permission to ensure adherence to the Tree Protection Plan and Arboricultural Method Statement.

The Ecological Impact Assessment concluded that subject to implementation of the recommended mitigation measures the development would not be detrimental to the

favourable conservation status of hazel dormouse.

Surveys of 2 ponds within 500 metres of the site have been undertaken including the overgrown school pond. No evidence of great crested newts were found to be present and no other species of reptile, otter, watervole or notable woodland or grassland fungi. The site was considered suitable for badger, but setts and evidence or confirmed activity was absent. However, the site is also considered likely to be suitable for hedgehog. Mitigation measures to protect badger and small mammals during construction have been provided with the measures to be secured by an appropriately worded planning condition.

Several invasive, non-native species were identified within the school grounds and therefore a Biodiversity Risk Assessment will be secured by an appropriately worded condition attached to any granting of planning permission.

Furthermore, it's recommended that details of mitigation measures for protected and priority species, tree protection measures, and biosecurity measures are included within a Construction Environmental Management Plan (CEMP). Whilst a CEMP has been submitted in support of the application, this only refers to control of surface water run-off to avoid pollution, which is welcome, but should be expanded to include the above.

The proposed landscaping scheme includes areas of mixed native tree and shrub planting, including species beneficial to dormice, and pollinator-friendly planting, all of which is welcome. Planting specifications and short-term aftercare measures have been provided. Details of aquatic species to enhance the SuDS swales are also provided.

The submitted Biodiversity Enhancement Plan details several welcome measures, including provision of nest cups for house martin, swift brisk, bat boxes, dormouse boxes and the new hedgerow along the southwestern boundary. A hibernaculum for reptiles and amphibians is also recommended to be provided. Whilst a Biodiversity Enhancement Plan has been provided, further measures are considered appropriate and therefore further details will be secured through a planning condition.

A recommended condition in respect of an Ecological Compliance Audit has been suggested by NRW which seeks to evidence of the compliant implementation of all ecological avoidance, mitigation and compensation works. Given the extent of ecological works proposed, Officer's consider this to be a reasonable condition to ensure the measures are implemented appropriately.

Additionally, as raised by the Powys Ecologist a condition in respect of external lighting and biosecurity has also been recommended which will be attached to any granting of planning permission.

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

Drainage

The original scheme proposed to utilise a package treatment plant that would discharge treated effluent to the swales on site. The proposal was objected to by Environmental Protection due to the potential of this method causing a public health incident, especially if the swales were dry. A revised scheme has been put forward which would now discharge treated effluent to a drainage field which is not objected to by Environmental Protection. Natural Resources Wales have been consulted, whilst not objecting, have acknowledged that an environmental permit or registration of exemption will be required. This is a separate procedure to the planning system.

The application area exceeds 100sqm and therefore SAB would be required. It is noted within the supporting information of the application that SAB Approval was granted for the scheme on 01/08/2023.

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

Built Heritage

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

The Authorities Built Heritage Officer has been consulted on the proposed development given the site being within the curtilage of Grade II listed Brynlywarch Hall.

It is noted the proposed site has historically been part of the gardens and 'parkland' of the house and has historically been divided by trees from the main house and grounds.

There will be a minor negative impact on the setting of the property by the loss of this area, however, it is considered that the hall will retain enough ground around itself for its immediate and slightly wider setting to be intact.

It is confirmed that any structures that existed before 1948 and were in place in 1996 when the building was listed, will be considered curtilage listed. It is noted that there are historic gates do exist on the site and form part of the application site. Further confirmation has however been provided in respect of the kissing gates which will be retained and incorporated into the site layout of the development.

CPAT have also been consulted on the proposed development and having reviewed the Historic Environment Record have confirmed that there are no archaeological implications in respect of the proposed development.

Based on the above considerations, the Built Heritage Officer has raised no objection in respect of the proposed development. Officer's, considering the comments provided, do not consider the development will harm the Grade II listed Brynlllywarch Hall.

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

Rights of Way

Public footpath 217/103/1 runs along the western boundary of the proposed site and that of Brynlllywarch Hall. It is noted concerns were originally raised by Countryside Services due to a lack of detail concerning the public footpaths corridor width and the 2.4 metre security fence that would be erected along the new schools site boundary. It was considered this may create a closed in and undesirable walking route.

Furthermore, it is noted that Countryside Services has recommended the existing kissing gates are to be removed as they will not be needed for stock control whilst no new structures should be installed across the public footpath. As detailed above in the Built Heritage section, the kissing gates are curtilage listed structures, therefore will remain in situ as part of the proposed development.

Revised details in respect of the public footpath have been provided for further consideration which details a 4-metre-wide public footpath and a repositioning of the fence line. Whilst this is not the suggested width of 5 metres by Countryside Services, it is a reasonable compromise and will provide a sufficiently wide corridor for the right of way to be enjoyed. Furthermore, no other structures other than the retention of the kissing-gates will be provided along the right of way. Given that the existing school and replacement school are both under the ownership of Powys County Council, any maintenance of the right of way, cutting back of vegetation will be undertaken by the Authority.

To ensure that no works impede or obstruct the right of way, a suitably worded informative note will be attached to any granting of planning permission.

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

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.”

Whilst the land is defined as agricultural on the ALC, the site has historically been part of the gardens and 'parkland' of Brynllwarch Hall. The land has been used in connection with the school and community and has therefore not been used for agricultural purposes. Given the history of the site and its uses in connection with the school and community, the loss of 3a agricultural land in this instance is considered acceptable in relation to the proposed development.

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

Minerals Safeguarding

The application site is located within a Category 1 Minerals Safeguarding Area. As such, consideration must be given to Policy DM8 of the Powys LDP (Minerals Safeguarding).

The proposed development seeks to provide a modern fit for purpose school and associated facilities adjacent to the existing facility. Given the community and social benefit, officers consider that there is an overriding need in the public interest for such a development at the location proposed. Whilst not included within the submission it would be possible for the minerals on-site to be extracted satisfactorily prior to the development taking place if the developer so wished. It is therefore considered the development would be acceptable in this regard, and compliant with the above policy criteria.

Public and Comments

The application has been subject to advertisement by site notice and local press with 12 public representatives received at the time of writing this report, mainly objecting to the proposed development. Concern has been raised in respect of the location of the proposed development and the policy position of such a development along with access concerns. These points have been raised in the principle of development and highway section of the report. Public concerns in respect of ecology and neighbouring amenity have also been addressed in their respective sections of the report through consultee comment.

Officers consider the comments raised through public consultation have been addressed and taken into consideration for the recommendation made against this planning application.

RECOMMENDATION

The recommendation would therefore be one of conditional consent.

Should Members resolve to approve the application then no decision shall hereby be issued until confirmation has been received by the Welsh Ministers in line with the received correspondence.

Conditions

1. The development shall begin not later than five years from the date of decision.
2. The development shall be carried out in accordance with the following approved plans and documents (Drawing no's:
 - 22030-BLW-PDA-XX-XX-DR-A-901000-P15 titled PROPOSED SITE PLAN
 - A Dormouse Conservation Management Plan prepared by Just Mammals Limited dated October 2023
 - Construction Environment Management Plan (Parts 1 to 4)
 - Noise Impact Assessment 6436/NIA2_REV1 prepared by Hunter Acoustics dated 11/07/2023
 - MUGA Noise Impact Assessment 6436/NIA1_REV2 prepared by Hunter Acoustics dated 24/04/2023
 - Drainage Strategy Report BLW-JUB-XX-XX-RP-000004 prepared by JUUB Consulting Engineers Ltd dated April 2023
 - BLW-MCP-XX-XX-DR-E-009000 Rev P02 titled External Electrical Services Layout
 - ZG-DWG-0002271782-EX3-R03-300523 titled External Lighting Plan
 - BLW-FIR-XX-XX-DR-L-000002 Rev P03 titled Landscape Fencing Strategy Plan
 - BLW-FIR-XX-XX-DR-L-000001 Rev P08 titled Landscape Masterplan
 - BLW-FIR-00-00-DR-L-5001 Rev P02 titled Planting Plan 1 of 4
 - BLW-FIR-00-00-DR-L-5002 Rev P02 titled Planting Plan 2 of 4
 - BLW-FIR-00-00-DR-L-5003 Rev P02 titled Planting Plan 3 of 4
 - BLW-FIR-00-00-DR-L-5004 Rev P02 titled Planting Plan 4 of 4
 - BLW-JUB-XX-XX-DR-C-000500 Rev P7 titled Proposed Drainage Layout Sheet 1
 - BLW-JUB-XX-XX-DR-C-000501 Rev P6 titled Proposed Drainage Layout Sheet 2

- BLW-JUB-XX-XX-DR-C-000511 Rev P5 titled Drainage Standard Details Sheet 2 of 2
- Q31 AQUATICS SPREADSHEET
- Arboricultural Report prepared by ArbTS - Arboricultural Technician Services Ltd dated 18th April 2023
- Pre-application Ecological Appraisal Report Produced for HOWPS dated April 2018
- Landscape and Visual Impact Assessment Supplementary Assessment prepared by Asbri Planning dated January 2023
- Landscape Appraisal prepared by Fiona Cloke Associates dated January 2020
- BLW-PDA-XX-XX-RP-A-000006-Rev P01 titled Design and Access Statement dated 21/04/2023
- BLW-PDA-XX-XX-DR-A-051004 Rev P04 titled Elevations, Sections and Axonometric View
- Geotechnical and Environmental Report prepared by Terra Firma job 17603 dated January 2023
- BLW-PDA-XX-00-DR-AR-051002 Rev P03 titled Ground Floor Plan
- BLW-PDA-XX-XX-DR-A-051005 Rev P03 titled Out Building Floor Plans & Elevations
- BLW-PDA-XX-01-DR-AR-051003 Rev P02 titled Roof Plan
- BLW-PDA-XX-XX-DR-A-051000 Rev P03 titled Location Plan
- BLW-JUB-XX-XX-DR-C-000600 Rev P6 titled Proposed Levels Sheet 1
- BLW-JUB-XX-XX-DR-C-000601 Rev P3 titled Proposed Levels Sheet 2
- BLW-JUB-XX-XX-DR-C-000510 Rev P1 titled Drainage Standard Details Sheet 1 of 2
- BLW-JUB-XX-XX-DR-C-000511 Rev P3 titled Drainage Standard Details Sheet 2 of 2
- BLW-JUB-XX-XX-DR-C-000610 Rev P2 titled Site Sections
- BLW-FIR-XX-XX-DR-L-000003 Rev P00 titled Tree and Hedge Planting Strategy
- Construction Environment Management Plan Appendix C
- Biodiversity Enhancement Plan prepared by Just Mammals Limited dated April 2023
- Ecological Impact Assessment prepared by Just Mammals Limited dated April 2023
- Refresher Ecological Survey prepared by Just Mammals Limited dated August 2020
- Refresher Ecological Survey prepared by Just Mammals Limited dated December 2020
- Refresher Ecological Survey prepared by Just Mammals Limited dated November 2022
- Heritage Impact Statement prepared by Anderton Planning and Conservation dated April 2023
- Nursery Stock Tree Schedule

- Semi Mature Tree Schedule
 - Shrub Schedule
 - Stage 2 Acoustic Design Report prepared by Mach Group dated 15/01/2021
 - Performance Specification prepared by Mach Group dated 15/01/2021
 - Environmental Noise Assessment prepared by Mach Group dated 01/12/2020
 - Planning Statement prepared by Asbri Planning dated April 2023
 - Transport Assessment prepared by Juub Consulting Engineers Ltd
 - School Travel Plan prepared by Juub Consulting Engineers Ltd
3. Prior to any works commencing on the development site, detailed engineering drawings for the carriageway widening of the C2012 across the full developed frontage of the site and resurfacing of the junction of the C2012/U2850, and all associated works, shall be submitted to and approved in writing by the Local Planning Authority.
 4. Prior to any works commencing on the development site, all Highway Improvements, referred to and approved in writing by the Local Planning Authority for Condition 3, shall be fully completed to the written satisfaction of the Local Planning Authority and shall be retained for their designated use for as long as the development hereby permitted remains in existence.
 5. 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.
 6. No other development shall commence until the accesses have been constructed in accordance with the approved drawing BLW-JUB-XX-XX-DR-C-000100 Rev P1 so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 43 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.
 7. Upon formation of the visibility splays as detailed above the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.

8. Before any other development is commenced the area of the accesses to be used by vehicles is to be constructed in full accordance with the approved highway drawing BLW-JUB-XX-XX-DR-C-000100 Rev P1, in suitably bound materials (or to a minimum 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.
9. Prior to first beneficial use of the development hereby approved, provision shall be made within the site for the parking and turning of vehicles as detailed on the approved site plan BLW-PDA-XX-XX-DR-A-901000 Rev P15. The parking areas and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.
10. A minimum 10% of the parking allocation secured under condition 5 above (min of 3 spaces) shall be constructed to incorporate Fast Charge electric vehicle charging points. See the EV Charging Strategy for Wales for further information.
11. Prior to first operational use of the development, the area of the access to be used by vehicles is to be finished in a suitably bound material (or 40mm depth bituminous surface course material) for a distance of 12 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.
12. The gradient of the access shall be constructed so as not to exceed 1 in 20 for the first 12 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.
13. 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.
14. No surface water drainage from the site shall be allowed to discharge onto the county highway.
15. Prior to the first beneficial use of the MUGA, the acoustic fencing as detailed on plan BLW-FIR-XX-XX-DR-L-000002 Rev P03 titled Landscape Fencing Strategy

shall be installed. The measures identified shall be adhered to and implemented in full and be retained as approved for perpetuity.

16. The development shall be undertaken in strict accordance with the Construction Environment Management Plan (Parts 1 to 4). The measures identified shall be adhered to and implemented in full and maintained thereafter.
17. The development shall be undertaken in strict accordance with the Dormouse Conservation Management Plan prepared by Just Mammals Limited dated October 2023. The measures identified shall be adhered to and implemented in full.
18. Prior to the commencement of development, an Ecological Compliance Audit, including key performance indicators to evidence compliant implementation of all ecological avoidance, mitigation and compensation work shall be submitted to and approved in writing by the Local Planning Authority. The approved Ecological Compliance Audit shall be adhered to and implemented in full.
19. Prior to installation of any lighting, a lighting design plan shall be submitted to and approved in writing by the Local Planning Authority. Full details of lighting shall be submitted to and agreed in writing by the Local Planning Authority. The lighting plan should include:
 - Details of the siting and type of external lighting to be used,
 - Drawings setting out light spillage in key sensitive areas
 - Details of lighting of to be used both during construction and/or operation

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

20. Prior to the commencement of development, a Biosecurity Risk Assessment shall be submitted to and approved in writing by the Local Planning Authority. The Biosecurity Risk Assessment shall identify:
 - appropriate measures to control any identified Invasive Alien Species (IAS)/Invasive Non-native Species (INNS) on site and;
 - Measures or actions that aim to prevent INNS being introduced to the site for the duration of construction and operational phases of the scheme.

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

21. No phase of the development shall commence until a Landscape Ecological Management Plan (LEMP) for the provision, management and maintenance of the landscape and ecological features for a specific phase of the development, has been submitted to and approved by the Local Planning Authority. The LEMP shall include:

- Details of habitats, landscape, environmental and ecological features present or to be created at the site.
- Details of the desired conditions of features (present and to be created) at the site.
- Details of scheduling and timings of activities.
- Details of short and long-term management proposals, monitoring proposals and maintenance operations of new and existing landscape, environmental and ecological features at the site to deliver and maintain the desired landscape and ecological conditions and functions.
- Details of monitoring of landscape and ecological features and required post construction monitoring.
- Details of replacement measures should any landscape or environmental features die, be removed or become seriously damaged or diseased within the lifetime of the development
- Details of management and maintenance responsibilities.
- Details of timescales, length of plan, the method to review and update plans (informed by monitoring) at specific intervals as agreed between interested parties.
- Mechanisms to be used for reporting.
- The LEMP must deliver all mitigation and enhancement requirements for the operational phase as referenced in the environmental statement and associated documents.

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

22. Notwithstanding the submitted information, prior to the commencement of development a Biodiversity Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. The measures identified shall be adhered to and implemented in full and maintained thereafter.

23. The development shall be undertaken in strict accordance with the Arboricultural Report Including: Tree Survey Data & Tree Constraints Plan, Arboricultural Impact Assessment, Tree Protection Plan and Arboricultural Method Statement prepared by ArbTS. The measures identified shall be adhered to and implemented in full and maintained thereafter.

24. The development shall be undertaken in strict accordance with the mitigation and enhancement measures detailed within the submitted Ecological Survey Reports.

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

25. The existing and proposed school as detailed on drawing no. BLW-PDA-XX-XX-DR-A-051000 Rev P03 titled Location Plan shall operate as one school unit (D1 Class).

Reasons

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
3. In order to ensure the safety and free flow of traffic in accordance with policies T1 and DM13 of the Powys LDP and Technical Advice Note 18 - Transport.
4. In order to ensure the safety and free flow of traffic in accordance with policies T1 and DM13 of the Powys LDP and Technical Advice Note 18 - Transport.
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7. In order to ensure the safety and free flow of traffic in accordance with policies T1 and DM13 of the Powys LDP and Technical Advice Note 18 - Transport.
8. In order to ensure the safety and free flow of traffic in accordance with policies T1 and DM13 of the Powys LDP and Technical Advice Note 18 - Transport.
9. In order to ensure the safety and free flow of traffic in accordance with policies T1 and DM13 of the Powys LDP and Technical Advice Note 18 - Transport.
10. In order to ensure the safety and free flow of traffic in accordance with policies T1 and DM13 of the Powys LDP and Technical Advice Note 18 - Transport.
11. In order to ensure the safety and free flow of traffic in accordance with policies T1 and DM13 of the Powys LDP and Technical Advice Note 18 - Transport.
12. In order to ensure the safety and free flow of traffic in accordance with policies T1 and DM13 of the Powys LDP and Technical Advice Note 18 - Transport.
13. In order to ensure the safety and free flow of traffic in accordance with policies T1 and DM13 of the Powys LDP and Technical Advice Note 18 - Transport.
14. In order to ensure the safety and free flow of traffic in accordance with policies T1 and DM13 of the Powys LDP and Technical Advice Note 18 - Transport.
15. To protect the amenities of neighbouring residential property in accordance with policy DM13 of the Local Development Plan (2018).
16. To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and DM4 in relation to Landscape, and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5:

- Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.
17. To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and DM4 in relation to Landscape, and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.
 18. To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and DM4 in relation to Landscape, and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.
 19. To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and DM4 in relation to Landscape, and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.
 20. To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and DM4 in relation to Landscape, and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.
 21. To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and DM4 in relation to Landscape, and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.
 22. To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and DM4 in relation to Landscape, and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.
 23. To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and DM4 in relation to Landscape, and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.
 24. To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and DM4 in relation to Landscape, and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.
 25. In order to ensure new development is controlled within the open countryside and to accord with Planning Policy Wales (11th Edition,2021)

Informative Notes

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

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

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

To undertake the works within the law, you can obtain further information on the need for a license from Natural Resources Wales on 0300 065 3000 or at Natural Resources Wales / Apply for a protected species license.

Protected Species

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

Bats - Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 (as amended). It is an offence for any person to:

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

Under the Habitats Regulations it is an offence to:

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

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

Birds - Wildlife and Countryside Act 1981 (as amended) All nesting birds, their nests, eggs, and young are protected by law and it is an offence to:

- o intentionally kill, injure or take any wild bird
- o intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built
- o intentionally take or destroy the egg of any wild bird
- o intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young on such a bird.

The maximum penalty that can be imposed - in

respect of a single bird, nest or egg - is a fine of up to 5,000 pounds, six months imprisonment or both. The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built (usually between late February and late August or late September in the case of swifts, swallows or house martins). If a nest is discovered while work is being undertaken, all work must stop, and advice sought from Natural Resources Wales and the Council's Ecologist.

Reptiles - Wildlife & Countryside Act 1981 (as amended) All species of reptiles known to occur within Powys, namely the common lizard, slow_worm, grass snake and adder, are protected under the Wildlife and Countryside Act 1981 (as amended). It is therefore an offence to: o Intentionally kill or injure these species of reptiles, o Trade (live or dead animals) i.e. sale, barter, exchange, transporting for sale and advertising to sell or to buy. The maximum penalty that can be imposed, in respect of each offence, is a fine of up to 5,000 pounds, six months imprisonment or both. In addition, these species of reptiles are also listed in Part 1 Section 7 of the Environment (Wales) Act 2016, which is a list of the living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales. Species of reptiles known to occur in Powys are also listed as Species of Conservation Concern in the Powys LBAP. If reptiles are discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and/or the Council's Ecologist.

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

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4.3

Planning, Taxi Licensing and Rights of Way Committee Report

Application Number: 23/1531/OUT

Grid Ref: E: 314741
N: 235365

Community Council: Bronllys Community

Valid Date: 06.11.2023

Applicant: Mr & Mrs D & S McCarthy

Location: Land Known as Caemawdy Slough, Bronllys, Brecon, Powys, LD3 0LH

Proposal: Outline: Erection of an affordable dwelling, creation of access, installation of treatment plant and all associated works (some matters reserved)

Application Type: Outline planning

Reason for Committee determination

The Local Member has exercised their call-in powers.

Consultee Responses

Consultee	Received
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Ward Councillor	17th Nov 2023
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Thank you for the note, it is appreciated. There is a good deal of public controversy regarding this application as I expect you will know from your discussions.

I believe this is sufficient reason to Call-In the application for scrutiny by a full Planning Committee. I am here to try to serve the entire community of the Ward and believe that I would be derelict in my obligations if I did not get a publicly visible resolution on this matter. I trust you will understand my position. No criticism of the Planning Department is implied, far from it.

Regarding a planning reason, I refer you to section 19.51 of the Planning Protocol.

19.51 A Councillor (whether a member of the Planning Committee or not) may:

19.51.1 in respect of a Planning Application in their electoral divisions, or which affect their electoral division, request, that such Planning Application which ordinarily would be determined by the Professional Lead - Planning will be determined by the Planning

Committee and in this Protocol a Councillor making such a request will be referred to as exercising "the power of Call-in".

19.51.2 in respect of a planning application in their electoral division, or which affect their electoral division, where they believe that application is likely to be controversial, exercise the power of Call-in, but may withdraw that Call-in in accordance with Rules 19.57

If I read this correctly 19.51.2 provides me with sufficient reason to Call-in the application.

In our well-founded rules-based system I fully understand why a refusal would be recommended. Indeed, that might still be the outcome. However, given all the discussion around this application I consider it necessary to go for Call-in even if that might result in some delay in other activities.

Community Council

29th Nov 2023

Bronllys Community Council have no objections to this application and see no detriment to the village.

PCC-Ecologist

No written response received.

Welsh Water

29th Nov 2023

We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

This application is located in an unsewered area and since the proposal intends on utilising an alternative to mains drainage, we would advise that the applicant seek advice from Natural Resources Wales and the Building Regulations Authority as both are responsible to regulate alternative methods of drainage.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

Welsh Water/Dwr Cymru

18th Dec 2023

Since the proposal intends on utilising an alternative to mains drainage we would advise that the applicant seek advice from Natural Resources Wales and the Building Regulations Authority as both are responsible to regulate alternative methods of drainage.

However, should circumstances change and a connection to the public sewerage system/public sewerage treatment works is preferred we must be re-consulted on this application.'

There is public sewers showing approximately 300m south west of the proposed development which would be a suitable point of connection, but given the distance and significant amount of highway that would need excavating to run new pipework this may not be the most feasible option for a single dwelling.

If the proposal changes to a proposed connection to the public sewer please formally re-consult us and we would be happy to provide an amended response to suit the changes.

PCC-(S) Highways

7th Dec 2023

The County Council as Highway Authority for the County Class III Highway, C0068

Wish the following recommendations/Observations be applied

Thank you for consulting the Highway Authority on this matter.

It is recommended the following highway conditions be included within the decision notice should this application be approved.

Prior to the occupation of the dwelling hereby approved, provision shall be made within the plot for the parking of vehicles as detailed on the approved site plan MKR 02B. The parking area shall be retained for their designated use for as long as the development hereby permitted remains in existence.

Prior to the occupation of the dwelling hereby approved the area of the access to be used by vehicles is to be surfaced in a suitably bound material (minimum 40mm depth) for a distance of 15 metres from the edge of the adjoining carriageway.

Due to the proximity of the application to neighbouring properties environmental protection wishes to raise the recommendations of construction-based noise control.

Construction-phase noise control

Due to the residential nature of the setting, Environmental Protection will require that measures are in place to control the level of noise disturbance to neighbouring properties during the construction phase of the development.

This department would recommend that the construction period working hours and delivery times be restricted as follows:

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

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

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

In terms of foul drainage arrangements, it seems that the adjacent 'Honey Café' has an existing mains sewerage connection. The advice of the sewer undertaker should be sought to establish the feasibility of connecting to the main sewer system. After clarification from the sewer undertaker I can make comment on private drainage arrangements. I request to be reconsulted on this matter if private drainage is deemed to be the option put forward by the undertaker.

After reviewing the information provided by Dwr Cymru/ Welsh Water, explaining the distance to the nearest main sewer connection. A private drainage solution is an acceptable option to this office.

To accept a suitable drainage solution the following tasks must be undertaken, in accordance with Document H2 of the Building Regulations and BS 6297:2007 + A1:2008.

- 1) Trial hole to establish ground conditions and depth of water table.
- 2) Provide details of Package Treatment Plant/ Septic Tank (invert level of the effluent pipe will inform percolation test hole depth)
- 3) Undertake percolation tests to establish necessary length and area of infiltration trenches in the drainage field.
- 4) Record results, and fill out Powys Percolation Test form (provided as an attachment).
- 5) Update site plans to show proposed location of drainage field.
- 6) Leave percolation test holes open for inspection.

The currently proposed reed bed would only be considered if a conventional linear drainage field is inappropriate.

As previously included in applications at this site, environmental protection would also like to raise the condition of construction phase noise control due to the proximity of other residential properties.

Construction-phase noise control

Due to the residential nature of the setting, Environmental Protection will require that measures are in place to control the level of noise disturbance to neighbouring properties during the construction phase of the development.

This department would recommend that the construction period working hours and delivery times be restricted as follows:

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

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

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

WG - Highways Directorate

1st Dec 2023

I refer to your consultation of 13/11/2023 regarding the above planning application and advise that the Welsh Government as highway authority for the A479 trunk road directs that any permission granted by your authority shall include the following condition:

No drainage from the development site shall be connected to or allowed to discharge into

the trunk road drainage system, and surface water from the site shall be suitably trapped so that it does not discharge onto the trunk road.

- 1) The above condition is included to maintain the safety and free flow of trunk road traffic.

Natural Resources Wales (Mid Wales)
DPAS

1st Dec 2023

Thank you for consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the above, which we received on 13 November 2023.

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 protected sites. If this information is not provided, we would object to this planning application. Further details are provided below.

Protected Sites

We note the application site is within the catchment of the River Wye Special Area of Conservation (SAC). As you are aware, on the 21st January 2021, we published an evidence package outlining phosphorus levels for all river SACs across Wales. In line with our Planning Advice (August 2023), under the Habitats Regulations, Planning Authorities must consider the phosphorus impact of proposed developments on water quality within SAC river catchments. We therefore advise you to consider whether the proposals, as submitted, would increase the volume of foul discharge from the site in planning terms.

We note from the information submitted that the development has the potential to increase the amount of phosphorus being discharged from the site. As such, we refer you to our Planning Advice and advise you to seek further information from the applicant. We advise you to seek further information as identified in the section titled 'What does this mean for development proposals involving private sewage treatment systems'.

Provided this advice is followed and you are able to conclude that the development is not likely to have a significant effect on the SAC, we would have no objection to the proposal. However, should you conclude that the proposed development is likely to have a significant effect on the SAC, please consult us on your Appropriate Assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as

amended).

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.

CPAT

15th Nov 2023

Having consulted the information held within the Historic Environment Record I can confirm that there are no archaeological implications for the works.

Cadw - SAM

No response received.

PCC- (S) Land Drainage

15th Nov 2023

Powys CC Land Drainage have no comments to make on the above application.

However, Powys SAB would like to make the following comment:

o As the site area is over 100m², SAB approval will be required for the development. Please contact sab@powys.gov.uk for more information.

PCC-Affordable Housing Officer

14th Nov 2023

Below is a summary of registered housing need for affordable housing.

Powys Common Housing Register for Social Housing and Tai Teg
Bronllys – November 2023

1. Summary
households' 1st choice: 19
households' 2nd or subsequent choice: 229
households with a local connection: 66

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 average of minimum and maximum number of bedrooms required according common allocation policy. Totals may differ due to rounding.

Households registered with Bronllys as first preferred choice.

1 st choice	1-bed	2-bed	3-bed	4-bed	≥5-bed	Total
Band 1,2,3	2	5	1	0	0	7
Band 4	7	3	1	1	0	11
Band 5	0	0	1	0	0	1
Total	9	8	3	1	0	19

Households registered with Bronllys as second or subsequent preferred choice.

2 nd choice	1-bed	2-bed	3-bed	4-bed	≥5-bed	Total
Band 1,2,3	28	30	9	4	0	70
Band 4	57	31	17	11	4	120
Band 5	23	12	3	1	1	39
Total	107	73	29	16	5	229

Households registered with Bronllys 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	29	35	10	4	0	77
Band 4	64	34	18	12	4	131
Band 5	23	12	4	1	1	40
Total	116	80	31	17	5	248

Tai Teg Register for Affordable Housing, but not Social Housing
Approved households with a preference for Bronllys Community Council area and adjoining council areas.

	1-bed	2-bed	3-bed	≥4-bed	Total
interm rent	1			1	2
both	1	1	1		3
purchase		2	6	1	9
Total	2	3	7	2	14

Purchase can include Self Build, Shared Ownership/Equity or Discounted S106 Properties intermediate rent is up to 80% of market rent, but is capped at Local Housing Allowance.
Many households in need of affordable housing will not register with Tai Teg until a home becomes potentially available to them.

More information about the common housing register "Homes in Powys" is available on the website www.homesinpowys.org.uk.

More information about the "Tai Teg" register is available on their website <https://taiteg.org.uk>.

Space requirements

Planning Policy Wales Edition 11, section 2.4.29 states:

"All affordable housing, including that provided through planning obligations and planning conditions, must meet the Welsh Government's development quality standards."

The standards are set out in the Welsh Development Quality Requirements 2021 states:

"New affordable homes delivered through planning agreements (under section 106 of the Town and Country Planning Act 1990) and planning conditions will be required to meet the Appendix A and Appendix B "space requirements" for agreements entered into after 01 October 2021.

The standards are published here

<https://www.gov.wales/sites/default/files/publications/2021-08/development-quality-requirements-for-housing-associations.pdf>

The table below is part of the standards.

Appendix B

Floor Areas

Home Designation	Home Type	Gross Internal (floor) Area (GIA) m2	General Storage m2 (included in GIA)
7P4B	2 Storey House	114	3
6P4B	2 Storey House	110	3
5P3B	2 Storey House	93	2.5
4P3B	2 Storey House	88	2.5
4P2B	2 Storey House	83	2.5
3P2B	2 Storey House	74	2
3P2B	Bungalow	58	2
3P2B	Flat – Walk up	65	2
3P2B	Flat – Common access	58	2
2P1B	Flat – Walk up	53	1.5
2P1B	Flat – Common access	50	1.5

Provided that designs do not compromise the quality of homes intended to be delivered by this standard, a reduction of up to 5% of the above GIA may be applied.

House occupancy, designated by persons, bedrooms and type (F - Flat, B -Bungalow, H - House)

Other comments

Affordable housing for sale and intermediate rent can be marketed through Tai Teg

Representations

Following the display of a site notice on 14th November 2023, one public representation of objection has been received and is summarised as follows:

The proposed development would be in proximity to a registered apiary of some colonies that has been established for 150 years.

Planning History

App Ref	Description	Decision	Date
21/1711/FUL	Application for a new joinery workshop (B1).	Approve	13th Apr 2023
23/1154/DIS	Discharge of condition 8 and 11 of planning approval 21/1711/FUL	Approve	18th Sep 2023

Principal Planning Constraints

Historic Landscapes Register Middle Wye Valley
Phosphorous Sensitive Welsh Rivers
SAC Catchment Area

Principal Planning Policies

Policy	Policy Description	Year	Local Plan
PPW	Planning Policy Wales (Edition 11, February 2021)		National Policy
NATPLA	Future Wales - The National Plan 2040		National Policy
TAN2	Planning and Affordable Housing		National Policy
TAN5	Nature Conservation and Planning		National Policy
TAN6	Planning for Sustainable		National Policy

	Rural Communities	
TAN12	Design	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
SP3	Affordable Housing Target	Local Development Plan 2011-2026
SP5	Settlement Hierarchy	Local Development Plan 2011-2026
SP6	Distribution of Growth across the Settlement Hierarchy	Local Development Plan 2011-2026
SP7	Safeguarding of Strategic Resources and Assets	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
H6	Affordable Housing Exception Sites	Local Development Plan 2011-2026
T1	Travel, Traffic and Transport Infrastructure	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
DM13	Design and Resources	Local Development Plan 2011-2026
DM15	Waste Within Developments	Local Development Plan 2011-2026
SPGAH	Affordable Housing SPG (2018)	Local Development Plan 2011-2026
SPGRES	Residential Design Guide SPG (2020)	Local Development Plan 2011-2026
SPGLAN	Landscape SPG	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
TAN15	Development and Flood Risk	National Policy

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

Land known as Caemawdy Slough is an agricultural field on the north-eastern side of the village of Bronllys. Agricultural land is located to the west and north-west and across the road to the east and south-east. To the south is a small field and the Honey Café complex. The site is accessed by the C0068 class III highway which is a spur to the Honey Café and is a no through road (having formally been the A479 trunk road which was realigned). Planning permission was granted under reference 21/1711/FUL for a new joinery workshop (B1) on land to the north-east of the application site.

The application seeks outline consent for the construction of an affordable dwelling, creation of access, installation of treatment plant and all associated works. Access is to be considered at the outline stage with appearance, landscaping, layout and scale reserved matters for consideration at a later date via a further application.

Members are advised that an enforcement notice has been served upon the applicants relating to the application site for the following alleged breach of planning control:

‘Without planning permission, the change of use of land from agricultural to mixed use land for residential and agricultural, the erection of a new building, construction of a new track and an earth bund’.

An appeal against the enforcement notice has been lodged with Planning and Environment Decisions Wales (PEDW). The planning application states that the site currently houses temporary residential accommodation for the applicants so that they can work the site in a secure and efficient manner. The wider area of land is stated to be used for development of a pedigree sheep flock and the carpentry/kitchen business which the workshop granted under planning permission 21/1711/FUL is connected with.

Principle

The site is located outside of the development boundary of Bronllys, with the closest part of the development boundary located approximately 119 metres from the site in a south-westerly direction. Bronllys is classified as a large village by the Powys Local Development Plan (LDP). LDP Policy H1 supports housing development proposals relating to large villages on sites allocated for housing or on other suitable sites within the development boundary; or on sites forming logical extensions outside development boundaries for affordable housing in accordance with Policy H6. Policy H1 identifies suitable locations for new housing within the settlement hierarchy to support the delivery of a sustainable pattern of development. The supporting text to Policy H6 also states:

“4.6.19 Policy H6 is a traditional exception site policy which allows the development of sites for 100% affordable housing to meet local needs in locations not normally acceptable for residential development in accordance with PPW and TAN ...sites adjacent to Towns and Large Villages are likely to be suited to accommodating the larger affordable housing schemes and therefore these sites are reserved for development by Registered Social Landlords, or equivalent organisations, or the Strategic Housing Authority. Single unit developments by individuals will not be acceptable in these locations”. This will usually mean that proposals for affordable housing developments on exception sites in these settlements would be expected to be for more than 5 units.

Whilst the site is located adjacent to the Honey Café complex and the site of the workshop approved under permission 21/1711/FUL and is capable of connecting to some of the existing infrastructure serving the settlement (roads and footways but not the public sewerage system), it is located within the open countryside and is physically detached from the development boundary of Bronllys. It is also noted that within the officer's report for planning permission 21/1711/FUL it is stated 'although it is not within or immediately adjoining the formal settlement of Bronllys, it is a site that could be considered part of the wider Bronllys community'. However, given the visual separation and distance from the development boundary, it is considered that the site is poorly related to the built form of the settlement within the development boundary.

In terms of the need for affordable housing in the locality, the Housing Department has provided information from the Housing Register that demonstrates there is a demand for social rented housing in the community council area and the type and tenure of affordable housing required. However, the application proposes a dwelling for private individuals to meet a specific identified local need and as such the Planning Authority is required to assess the initial occupants' eligibility.

The submission includes a personal statement with information regarding the need of the proposed occupiers including information regarding where the applicants were brought up, their property history and personal family circumstances, involvement with the local community etc. Whilst the content of the statement is noted, it is not considered to meet the requirements of the Affordable Housing SPG to enable an assessment of the stated local need. In order to be eligible for affordable housing, the Affordable Housing SPG advises that it must be demonstrated that the proposed

occupiers are not able to afford market housing, i.e. an assessment of the financial and personal circumstances of the proposed occupiers. The SPG further advises that to support a planning application, applicants or prospective occupiers are encouraged to register on the Common Housing Register or the Affordable Housing Register hosted by Tai Teg, as this will involve an assessment of their circumstances and will confirm their eligibility to occupy a particular dwelling/tenure. This will also enable occupiers to search for existing affordable housing in the local area that they may be eligible for.

Given that the applicants have not provided evidence that they have been assessed by Tai Teg, the proposed development is contrary to LDP Policies H1 and H6 and the Affordable Housing SPG.

The application also indicates that a dwelling is required at the site to provide 24/7 care to the pedigree sheep flock of 20 ewes and 3 rams and to support the development of the carpentry/kitchen business for which the workshop approved under planning permission 21/1711/FUL relates. The application includes some information regarding both enterprises, which is noted. Whilst the agricultural enterprise qualifies as a rural enterprise within TAN6, the application is not supported by the full details required by TAN6 and the associated practice guidance (details of functional need, labour requirements, financial details etc). The carpentry business is not considered to be a qualifying rural enterprise.

The submission puts forward the case that whilst the proposed development may not fully comply with an identifiable planning policy, it complies with the wider aspirations of the LDP and the thrust of planning policy in general. As such, it is stated that in appreciating all the contributing factors, the Planning Authority can come to a balanced view which is not considered to be an unjustified or detrimental departure from the adopted LDP. This position and the contents of the submission have been carefully considered, however, given the discussion above in relation to the requirements of planning policy for large villages and given the lack of information relating to the rural enterprise, on balance, it is concluded that the development is contrary to LDP Policies SP1, SP3, SP5, SP6, H1 and H6, the Affordable Housing SPG, Technical Advice Note 6 and Planning Policy Wales.

Plot size and density

The plot size/curtilage of the proposed dwelling is also relevant to future affordability as this will become the residential curtilage of the dwelling and therefore will influence the value of the property. Given the minimum density of development expected on sites in Towns and Large Villages (in line with Policy H4) the curtilages of affordable housing, either as part of development sites or as exceptions, is limited to approximately no more than 0.04 ha or 400 square metres. The application site area is 0.19ha and therefore exceeds the guidance contained within the Affordable Housing SPG and does not comply with the density guidelines set out in LDP Policy H4.

Design and landscape impact

The site slopes gradually to the north-west with a plateau in the north-west with the land falling away afterwards. The site is bound by hedgerows/interspersed trees, particularly along the south-western and south-eastern boundaries. It may be possible to view the site from the A479 trunk road, although there is a good level of roadside screening and the site may be visible from the class III highway and surrounding properties, including the Honey Café complex and public rights of way in the locality. Given that the site is outside of any settlement boundary, the site is considered sensitive in landscape terms and it is also approximately 460m away from the Bannau Brycheiniog National Park boundary.

The submission indicates that the dwelling would be a sustainable, energy efficient dwelling with a footprint, including covered terrace and overhanging roofs would be a maximum of 24m wide by 10m deep and 4.2m high. Minimum sizes would be 15m wide by 9m deep and 3.6m in height. The gross internal floorspace of the dwelling has not been indicated, however a condition could be used to ensure that it would not exceed 115 square metres, in compliance with the guidance set out within the Affordable Housing SPG. In addition, permitted development rights for extensions etc could be removed by condition, if approval was recommended.

The indicative site plan shows a rectangular footprint, in-roof solar panels and a wildflower meadow roof. The design statement which accompanies the application provides an indicative design of a building based on an agricultural design, reflecting a portal frame byre with overhanging roof to obscure the domestic features which would be recessed. A wildflower meadow is indicated on land adjacent to the dwelling, an area of hard landscaping, compacted hardcore parking spaces (3no.), turning area and access drive. Tree planting is proposed outside the application site on land within the ownership of the applicants to the east, along the access road to the commercial building and adjacent to the parking area within the site itself.

However, it is appreciated that appearance, layout, scale and landscaping are reserved for future consideration, therefore the consideration within this application is whether the site can accommodate a dwelling without having an unacceptable adverse effect, on the valued characteristics and qualities of the Powys landscape.

The characteristics and qualities of the Powys landscape at this location are recorded in the LANDMAP system as follows:

Visual and Sensory aspect area - Moderate
Geological Landscape aspect area - Moderate
Landscape Habitat aspect area - Moderate
Historic Landscape aspect area - Outstanding
Cultural Landscape aspect area – Moderate

In addition, the site is located within the Middle Wye Registered Historic Landscape.

It is considered that although the site is within the open countryside, it is also within an area of sporadic development both to the west towards Bronllys, and to the east along the A479. In addition, planning permission has been granted under reference 21/1711/FUL for a workshop building. The indicative layout shows that the dwelling would be located on the south-western side of the field and the south-western and south-western aspects are screened hedgerows/interspersed trees. There are more open views to the north and north-west. Additional landscape planting is proposed and welcomed and could be further increased at reserved matters stage. In addition to this, the indicative design of the proposal is as an agricultural building which assists with integration into the landscape.

Overall, whilst the site is relatively sensitive, being outside of a development boundary and within a historic landscape area classified as outstanding by the LANDMAP system and within the Registered Historic Landscape, it is considered that the general grouping with the approved workshop and Honey Café complex means that the development can be satisfactorily integrated into the landscape.

Amenities enjoyed by occupants of neighbouring properties

The site is located approximately 30m from the nearest neighbouring property and the dwelling is indicated to be sited approximately 60m distant. Given the distance involved and that the final layout could achieve the privacy and overlooking guidelines contained within the Residential Design SPG, it is considered that the amenities enjoyed by occupants of neighbouring properties would not be unacceptably affected by the proposed development. Environmental Protection have recommended that construction hours are controlled via condition which would be included if approval was recommended.

Access

Access would be gained via the class III highway and private road. The Highway Authority have not objected to the proposed development, subject to the use of conditions regarding parking provision and surfacing of the access. Parking provision could be considered at the reserved matters stage as a layout consideration, however the condition regarding surfacing is considered appropriate. The class III highway connects onto the A479 trunk road and Welsh Government Department for Economy and Infrastructure have directed that any permission granted is subject to a condition to prevent surface water from the site discharging into or onto the trunk road system.

Given the comments received from the consultees, it is considered that the proposed development would be served by an appropriate means of access, subject to the use of conditions.

Natural environment

- Protected species

The development would affect grassland which is considered to hold a low ecological value. No impacts upon hedgerows or trees are expected. External lighting could be controlled via condition. Therefore, the proposed development is not considered to have an unacceptable adverse impact upon protected species.

The public response has referred to the potential impact upon an existing apiary of a honey bee colony. The Council's Ecologist has verbally advised that honey bees are not legally protected but they are endangered. The Ecologist has also advised that the main adverse impact is loss of habitat. Given that there would appear to be no loss of habitat arising from the development and that planting of a wildflower field and roof is indicated, it is considered that there would be scope at the reserved matters stage to address this matter.

- Protected sites

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

Dwr Cymru have confirmed that the site is located in an unsewered area and the Case Officer has checked Dwr Cymru's online system which indicates that the nearest public sewer is approximately 300m distant. As such, it is proposed to install a new private foul drainage system; a new package treatment plant. Percolation test results and details of the package treatment plant have not been submitted and therefore insufficient information has been submitted to enable the Local Planning Authority to assess the potential impacts of the proposed development upon the River Wye SAC, part of the national site network, in accordance with Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended), in relation to phosphate inputs. Therefore, a significant effect upon the SAC cannot be ruled out, and the development is contrary to the requirements of Planning Policy Wales (Ed.11), TAN 5, LDP Policy DM2, the adopted Biodiversity and Geodiversity SPG.

- Biodiversity enhancement

The submission does not include any specific details of biodiversity enhancement although the indicative wildflower meadow and roof and tree planting are noted and welcomed. If approval was recommended, further detail of biodiversity enhancement could be requested and conditioned as necessary.

- Green infrastructure

As noted above, the proposal would not affect existing trees or hedgerows and given that the application is submitted in outline, further details could be provided in the form of an outline green infrastructure statement if approval was recommended and at the reserved matters stage.

Foul drainage

As discussed above, insufficient information has been received to enable the Council's Environmental Protection section to assess the details and provide comments. Therefore, it is unknown whether the proposed foul drainage system would be adequate and would not cause pollution problems.

Supporting digital communication

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

Loss of agricultural land

The proposed development site 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 2 (good quality 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.”

No information accompanies the application to address this matter and given that the dwelling is considered unjustified at this location, it is not considered that there is an overriding reason to outweigh the agricultural consideration.

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 contrary in accordance with both the placemaking and well-being goals on the following grounds:

- 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:

- The development would not provide residential accommodation for an identified need within a sustainable location within or adjoining or as a logical extension to a development boundary.

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.

RECOMMENDATION

Whilst the supporting information accompanying the application is noted, it is considered overall that the proposed development does not comply with the relevant local and national policies and guidance in terms of the location of the proposed affordable dwelling, evidence of compliance with the affordability criteria, density guidelines, rural enterprise dwellings, the loss of agricultural land, foul drainage and impact upon the River Wye SAC. The recommendation is therefore one of refusal for the reasons set out below.

Reasons

1. The proposed development is outside of the development boundary of Bronllys and does not form a logical extension to Bronllys. Therefore, the proposed development is contrary to Planning Policy Wales (Edition 11, 2021), Policies SP1, SP3, SP5, SP6, H1 and H6 of the Powys Local Development Plan (2011-2026) and Powys Local Development Plan (2011-2026) Supplementary Planning Guidance Affordable Housing (Adopted October 2018).
2. Insufficient information has been submitted to enable an assessment of the stated local need. Therefore, the proposed development is contrary to Planning Policy Wales (Edition 11, 2021), Policies H1 and H6 of the Powys Local Development Plan (2011-2026) and Powys Local Development Plan (2011-2026) Supplementary Planning Guidance Affordable Housing (Adopted October 2018).
3. The application site area is 0.19ha and therefore exceeds the guidance contained within Powys Local Development Plan (2011-2026) Supplementary Planning Guidance Affordable Housing (Adopted October 2018) and is contrary to the density guidelines set out in Policy H4 of the Powys Local Development Plan (2011-2026).
4. Insufficient information has been submitted to demonstrate that the development would comply with the rural enterprise dwelling criteria set out within Technical Advice Note (TAN) 6: Planning for Sustainable Rural Communities (2010) and Practice Guidance Rural Enterprise Dwellings - Technical Advice Note 6 Planning for Sustainable Rural Communities (2011). Therefore, the development is considered unjustified and unsustainable development contrary to Planning Policy Wales (Edition 11, 2021), Technical Advice Note (TAN) 6: Planning for Sustainable Rural Communities (2010) and Policies SP1, SP5, SP6, H1 and H6 of the Powys Local Development Plan (2011-2026).
5. Insufficient information has been submitted to demonstrate that the proposed development would be served by an adequate means of foul drainage. Therefore, the proposed development is contrary to Planning Policy Wales

(Edition 11, 2021), Policy DM13 of the Powys Local Development Plan (2011-2026) and Welsh Government Circular 008/2018 Planning requirement in respect of the use of private sewerage in new development, incorporating septic tanks and small sewage treatment plants (2018).

6. Insufficient information has been submitted to enable the Local Planning Authority to assess the potential impacts of the proposed development upon the River Wye Special Area of Conservation (SAC), in accordance with Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended), in relation to phosphate inputs. Therefore, a significant effect upon the SAC cannot be ruled out, and the development is contrary to the requirements of Planning Policy Wales (Edition 11, 2021), Technical Advice Note (TAN) 5: Nature Conservation and Planning (2009), Policy DM2 of the Powys Local Development Plan (2011-2026) and Powys Local Development Plan (2011 to 2026) Supplementary Planning Guidance Biodiversity and Geodiversity (Adopted October 2018).

7. Insufficient information has been submitted to justify the loss of land graded as the best and most versatile agricultural land (grade 2) by the Predictive Agricultural Land Classification Map 2. Therefore, the proposed development is contrary to Planning Policy Wales (Edition 11, 2021) and Technical Advice Note (TAN) 6: Planning for Sustainable Rural Communities (2010).

Case Officer: Kate Bowen, Senior Planning Officer
Tel: 01938 551268 E-mail: kate.bowen@powys.gov.uk

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4.4

Planning, Taxi Licensing and Rights of Way Committee Report

Application Number: 23/1372/FUL

Grid Ref: E: 327550
N: 294575

Community Council: Churchstoke Community

Valid Date: 08.09.2023

Applicant: Mr Arwyn Davies

Location: Land Adjacent To Hollydene, Hall Bank, Churchstoke, Montgomery, Powys SY15 6EN

Proposal: Change of use of agricultural land to domestic curtilage adjacent to allocated housing site (19/0993/OUT)

Application Type: Full Application

The reason for Committee determination

The Local Member has exercised their right to call in this application to be decided before planning committee.

Consultee Responses

Consultee

Received

Community Council

29th Sep 2023

the community council objects to the application on the grounds

a)

the application land is outside the LDP development boundary and as such represents development in open countryside

b)

the houses and gardens have been developed and sold according to existing permissions and conditions which should be adequate without expansion post-development post-sale beyond development boundaries.

Ward Councillor

27th Sep 2023

I would like to call this in for further review. I think it needs more investigation.

Firstly, If read things correctly, this has been applied for twice previously and withdrawn on both occasions?

Secondly, I would question the trees and hedges section, I know that there is or certainly was a large Oak tree in the vicinity.

Thirdly, my main worry is with this extra land being added to the property, this could make room for such structures as a "garden office room" or similar which may cause ongoing disputes.

PCC-(M) Highways

13th Sep 2023

Based on the information provided, the Highway Authority does not wish to comment on this application.

Hafren Dyfrdwy

19th Sep 2023

Good Afternoon

With reference to the above planning application the Company's observations regarding sewerage are as follows.

As the proposal has no 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.

IMPORTANT NOTE: This response only relates to the public wastewater network and does not include representation from other areas of Severn Trent Water/Hafren Dyfrdwy, such as the provision of water supply or the protection of drinking water quality

Should you require any further information please contact us on email below.

PCC-Contaminated Land Officer

11th Oct 2023

The above application has been considered alongside the original application 19/0993/OUT for which contamination conditions were applied. As those conditions are still outstanding I consider this current application does not materially affect those. Therefore, I have no further comments to make.

PCC-Ecologist

No comments made at the time of writing this report.

Environmental Protection

3rd Oct 2023

Environmental Protection has no objection to the application.

Representations

Following the display of a site notice, two public representations have been received at the time of writing this report. A summation of the points are detailed below:

- Conflict with local plan
- Hedgerow and tree
- Residential amenity
- Fencing out of character with area
- Structure within extended curtilage

Planning History

App Ref	Description	Decision	Date
19/0993/OUT	Erection of 4 dwellings with garages (all matters reserved)	Approve	27/09/2019
21/0980/RES	Reserved matters application in respect of outline planning consent 19/0993/OUT for the erection of 4 dwellings (all matters reserved)	Consent	10/09/2021
21/0982/FUL	Change of use of agricultural land to domestic curtilage adjacent to allocated housing site (19/0993/OUT)	Withdrawn	08/09/2021
21/1489/DIS	Discharge of conditions 6, 7, 8, 9 and 10 of planning permission 19/0993/OUT (contaminated land)	Split Decision	04/11/2021
21/1812/DIS	Discharge of conditions 4 and 5 attached to permission 19/0993/OUT, in relation hedge translocation scheme and external lighting scheme	Approve	14/10/2021
21/2198/DIS	Discharge of condition no. 8 attached to planning approval 19/0993/OUT (Pre-verification Plan)	Approve	08/12/2021

Principal Planning Constraints

Principal Planning Policies

Policy	Policy Description	Year	Local Plan
PPW	Planning Policy Wales (Edition 11, February 2021)		National Policy
NATPLA	Future Wales - The National Plan 2040		National Policy
TAN5	Nature Conservation and Planning		National Policy
TAN12	Design		National Policy
TAN18	Transport		National Policy
TAN23	Economic Development		National Policy
SP1	Housing Growth		Local Development Plan 2011-2026
SP2	Employment Growth		Local Development Plan 2011-2026
SP5	Settlement Hierarchy		Local Development Plan 2011-2026
SP6	Distribution of Growth across the Settlement Hierarchy		Local Development Plan 2011-2026
SP7	Safeguarding of Strategic Resources and Assets		Local Development Plan 2011-2026
DM2	The Natural Environment		Local Development Plan 2011-2026
DM4	Landscape		Local Development Plan 2011-2026

DM7	Dark Skies and External Lighting	Local Development Plan 2011-2026
DM8	Minerals Safeguarding	Local Development Plan 2011-2026
DM13	Design and Resources	Local Development Plan 2011-2026
T1	Travel, Traffic and Transport Infrastructure	Local Development Plan 2011-2026
SPGBIO	Biodiversity and Geodiversity SPG (2018)	Local Development Plan 2011-2026
SPGLAN	Landscape SPG	Local Development Plan 2011-2026

Other Legislative Considerations

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

Marine and Coastal Access Act 2009

Officer Appraisal

Site Location and Description

The application site is located within the community council area of Churchstoke, outside but adjacent to the development boundary of Churchstoke which is defined as a large village by the Powys Local Development Plan (2018). The site relates to an area of agricultural land adjacent to a residential development which seeks to extend the residential curtilage of the dwellings. The site is further bound by agricultural land to the east with residential properties on all other aspects.

Consent is sought for the change of use of agricultural land to domestic curtilage adjacent to allocated housing site (19/0993/OUT).

Principle of Development

The Local Development Plan (LDP) does not include policies which specifically permit the

change of use of land into residential, apart from if a housing scheme is proposed, however there are no policies specifically prohibiting such change of use either.

Policy DM4 of the Local Development Plan (adopted 2018) states that landscape proposals for new development within the open countryside must not, individually, or cumulatively, have an unacceptable adverse effect, on the valued characteristics and qualities of the Powys landscape. All proposals will need to:

- 1. Be appropriate and sensitive in terms of integration, siting, scale and design to the characteristics and qualities of the landscape including its: topography; development pattern and features; historical and ecological qualities; open views; and tranquillity; and*
- 2. Have regard to LANDMAP, Registered Historic Landscapes, adjacent protected landscapes (National Parks and Areas of Outstanding Natural Beauty) and the visual amenity enjoyed by users of both Powys landscapes and adjoining areas. Proposals which are likely to have a significant impact on the landscape and/or visual amenity will require a Landscape and Visual Impact Assessment to be undertaken.*

Following consideration of information supplied by Welsh Government through the Provision of Agricultural Land Classification, due regard has been given to the classification afforded to the application site. The site in question has been indicated as being grade 3b agricultural land.

Planning Policy Wales (PPW) paragraph 4.10 outlines national policy towards conserving Wales' Best and Most Versatile (BMV) agricultural land. PPW states that;

“In the case of agricultural land, land of grades 1, 2 and 3a of the Department for Environment, Food and Rural Affairs (DEFRA) Agricultural Land Classification system (ALC) is the best and most versatile and should be conserved as a finite resource for the future. In development plan policies and development management decisions considerable weight should be given to protecting such land from development, because of its special importance.

Land in grades 1, 2 and 3a should only be developed if there is an overriding need for the development, 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. If land in grades 1, 2 or 3a does need to be developed, and there is a choice between sites of different grades, development should be directed to land of the lowest grade.”

It is noted the area subject to this change is a rectangular piece of agricultural land just outside of the settlement development boundary of the large village of Churchstoke and between an existing agricultural boundary. The extension would bring the curtilages of the dwellings inline with the existing rear garden of the property adjacent. It is noted the agricultural land is not farmed and is separated from the agricultural field adjacent and

would form a logical curtilage extension to the dwellings permitted previously and constructed under previous planning permission.

The boundary treatment will be post and wire agricultural fencing and a continuation of the close boarded fencing which currently separates the dwellings. The boundary treatments are considered appropriate.

Therefore, in light of the above, and considering the extent of the change of use proposed, it is considered that the proposed development fundamentally complies with relevant planning policy subject to the following material considerations:

Highway Safety

Policy DM13 part 10 states that development proposals should meet all highway access requirements (for transport users) and parking standards which include a safe access, visibility splays and adequate parking which is also supported by policy T1 of the LDP.

The proposed development does not seek to alter the existing means of access or area of parking. Powys County Council's Highway Authority has been consulted on the proposed development and has raised no objection to the proposed development.

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

Neighbouring Residential Amenity

Consideration has also been given to the impact the proposed development will have upon neighbouring properties. Powys County Council's SPG Residential Design Guide (2020) states that developments should not impinge upon the privacy and daylight of neighbouring dwellings. Consideration is also given to LDP Policy DM13 (11).

The proposed change of use of land and repositioning of an agricultural fence would not be considered a matter that would raise issues in respect of neighbouring amenity in terms of privacy and overshadowing.

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

Minerals Safeguarding

The application site is located within a Category 2 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.”*

It is noted the minerals on-site could be extracted satisfactorily prior to the development taking place in respect of criterion 3. It is therefore considered the development would be acceptable in this regard, and compliant with the above policy criteria.

Natural Environment

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

The application site relates to an area of agricultural pastural land which would be of low ecological value. The site is bordered by post and wire agricultural fencing to the east and west with boundary hedgerow and trees to the north. The proposal does not seek to impact or remove existing trees or hedgerow. The provision of a post and wire agricultural fence is considered an appropriate means of enclosing the development. The existing neighbouring close boarded fencing will be extended to the proposed new boundary line. Give the presence of hedgehog within the area, an appropriately worded condition will be attached to any granting of planning permission.

No biodiversity enhancements have been proposed and therefore an appropriately worded condition will be attached to any granting of planning permission to secure these measures.

It is noted that no Green Infrastructure statement has been provided, however given the scale and nature of proposed development and enhancements conditioned, it is considered acceptable in these circumstances.

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

Loss of Agricultural Land

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

“Agricultural land of grades 1, 2 and 3a of the Agricultural Land Classification system (ALC) is the best and most versatile, and should be conserved as a finite resource for the future.”

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

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

The proposed change of use relates to 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”. It is therefore considered that this proposal is acceptable as it does not relate to land to be preserved.

In light of this, it is therefore considered that the proposal is therefore compliant with planning policy in this regard.

Landscape

The site is located within the Vale of Montgomery Registered Historic Landscape. Whilst the site is relatively sensitive, being outside of a development boundary and within a historic landscape area classified as outstanding by the LANDMAP system and within the Registered Historic Landscape, it is considered that given the change of use relates to a small area of agricultural land associated with an existing residential development, providing a logical and minor curtilage extension which can be satisfactorily integrated into the landscape without an adverse impact.

RECOMMENDATION

Approve

Conditions

1. The development shall begin not later than five years from the date of this decision.
2. The development shall be carried out in accordance with the following approved plans and documents:
 - Application Form

- Site Location Plan
- 916 D01 Rev A titled Block Plan

3. Prior to the commencement of development, a detailed Biodiversity Enhancement Plan shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

4. No external lighting shall be installed on the residential curtilage 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 details once approved.

5. Access points to facilitate movement of hedgehog and small mammals shall be incorporated into all fencing forming any part of the site boundary or boundary between individual plots. A minimum of one access point comprising gaps of 130mm x 130mm (5" x 5") shall be installed along each interior fenced aspect of the boundary. A minimum of one access point shall be installed every 25m along the length of the perimeter boundary. If gravel boards are to be used, hedgehog friendly designs shall be used. The access points shall be maintained thereafter.

Reasons

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the approved plans in the interests of clarity and a satisfactory development.
3. To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 11, 2021), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.
4. 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.
5. To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.

Informative Notes

Ecology

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

It is an offence for any person to:

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

Under the Habitats Regulations it is an offence to:

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

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

Birds - Wildlife and Countryside Act 1981 (as amended)

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

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

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

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

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

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



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Parish Name	Decision	Date Application Valid	Application No.	Application Type	Date Decision Issued	Proposal	Location
Abbey Cwm-Hir Community	Refused	25/10/2023	23/1641/NMA	Non-Material Amendment	20/11/2023	Non material amendment to planning permission P/2008/1526 in relation to Plot 2 being relocated and reinstated to original location	Rose Villa Bwlch-y-sarnau Rhayader Powys LD6 5ND
Aberhafesp Community	Refused	28/09/2023	23/1361/FUL	Full Application	06/11/2023	Erection of 3x holiday units, upgrading of access, installation of package treatment plant and all associated works	Pool Cottage Aberhafesp Newtown SY16 3LT
Abermule And Llandyssil Community	Approve	23/05/2023	23/0888/VAR	Discharge/Modification of S106	15/12/2023	Application to discharge S106 agreement attached to permission P/2014/0443 in respect to all planning obligations	Pont-faen Llandyssil Montgomery Powys SY15 6LN

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Abermule And Llandyssil Community	Approve	08/08/2023	23/1113/LBC	Listed Building Consent	19/12/2023	Replacement of a lean-to store and internal and external works and alterations	The Old Rectory Llandyssil Montgomery SY15 6LQ
	Approve	15/11/2023	23/1832/TRE	Works to trees in Conservation Area	19/12/2023	Works to x 2 Cherry trees within a conservation area.	Cherry Tree House Llandyssil Montgomery Powys SY15 6LQ
	Permitted Development	20/10/2023	23/1562/AGR	Agricultural Notification	16/11/2023	Proposed agricultural building	Upper Bryn Farm Abermule Montgomery Powys SY15 6JW
Banwyr Community	Application Withdrawn	21/08/2023	23/0916/FUL	Full Application	30/11/2023	Erection of workshop/storage of plant - to be used in conjunction with adjoining plant hire business	Tynrhos Llangadfan Welshpool SY21 0PU

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Banwy Community	Approve	24/07/2023	23/1158/FUL	Full Application	06/11/2023	Conversion of barn to a dwelling, formation of new access and roadway, stopping up of existing access, installation of sewage treatment plant and all associated works (resubmission of 22/2127/FUL)	Hafod Barn Llangadfan Welshpool Powys
	Approve	19/09/2023	23/1423/FUL	Full Application	12/12/2023	Erection of an agricultural building	Land North Of Ffordd Nant Goch Llangadfan Welshpool Powys SY21 0PY
	Closed	25/10/2023	23/0178/PRE	Pre-Planning Application Enquiry	28/11/2023	Pre-planning application enquiry in relation to erection of a new family house and garage together with construction of a new access	Minafon Llangadfan Welshpool Powys SY21 0PU
	Permitted Development	09/11/2023	23/1686/AGR	Agricultural Notification	06/12/2023	Proposed general purpose agricultural building extension	Ty Mawr Llangadfan Welshpool Powys SY21 0QH

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Parish Name	Decision	Date Application Valid	Application No.	Application Type	Date Decision Issued	Proposal	Location
Bausley With Criggion Community	Approve	26/05/2023	23/0806/DIS	Discharge of Condition	02/11/2023	Application to discharge conditions 14,15,16,17,18 and 19 attached to planning permission 22/1396/OUT	Ingledene Crew Green Shrewsbury SY5 9AT
	Approve	05/09/2023	23/1217/HH	Householder	21/11/2023	Erection of first floor side extension	4 Bryn Mawr Crew Green Shrewsbury SY5 9BS
Berriew Community	Application Withdrawn	06/11/2023	23/1547/LBC	Listed Building Consent	07/12/2023	Replacement of existing single glazed wooden windows with conservation double glazed wooden windows	Brithdir Lock Cottage Berriew Welshpool Powys SY21 8AW
	Approve	03/08/2023	23/1167/DIS	Discharge of Condition	03/01/2024	Discharge of conditions 14, 15, 16, 17 and 19 of planning approval 20/1133/FUL in relation to: Lighting, Pollution prevention plan, Landscape scheme, Tree and Hedgerow Compensation Planting Scheme, Details of samples and external surfaces	Glan Yr Afon Aberriw Welshpool Powys

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Parish Name	Decision	Date Application Valid	Application No.	Application Type	Date Decision Issued	Proposal	Location
Berriew Community	Approve	22/09/2023	23/1557/TRE	Works to trees in Conservation Area	02/11/2023	Works to a tree in a conservation area to include crown lift, thinning and remove deadwood, ivy and epicormics	The Old Farmhouse Berriew Welshpool Powys SY21 8PQ
Berriew Community	Permitted Development	11/10/2023	23/1519/AGR	Agricultural Notification	14/11/2023	Erection of an agricultural building	The Ffridd Berriew Welshpool SY21 8AT
Bettws Cedewain Community	Approve	04/07/2023	23/1018/REM	Removal or Variation of Condition	03/11/2023	Application under section 73 to remove condition 4 attached to M19157 restricting occupancy (agricultural)	Troed-Y-Gaer Bettws Cedewain Newtown SY21 8QJ
Bettws Cedewain Community	Approve	13/09/2023	23/1425/FUL	Full Application	28/11/2023	Conversion of Chapel to two residential flats and associated works [Resubmission of 22/2172/FUL]	Chapel Conversion Bettws Cedewain Newtown Powys SY16 3DS

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Parish Name	Decision	Date Application Valid	Application No.	Application Type	Date Decision Issued	Proposal	Location
Bronllys Community	Approve	25/03/2023	23/0495/NMA	Non-Material Amendment	15/12/2023	Application for a non-material amendment to planning permission in respect of allowing demolition to be undertaken prior to the main development.	The Old School Bronllys Brecon LD3 0HP
	Approve	09/10/2023	23/1559/HH	Householder	13/12/2023	Construction of an outbuilding	Ty Collen Church Road Llyswen Brecon LD3 0UU
Builth Wells Community	Application Withdrawn	05/10/2023	23/1556/LBC	Listed Building Consent	21/11/2023	Listed building consent for painting of rough casting on rear and front of premises (part retrospective)	26 West Street Builth Wells LD2 3AL
	Approve	03/10/2023	23/1487/HH	Householder	15/11/2023	Erection of Porch	Nargi House 26 Troed Y Bryn Builth Wells LD2 3FE
	Approve	11/10/2023	23/1578/RES	Reserved Matters	12/12/2023	Reserved matters application for details of access, appearance, layout, scale and landscaping in connection with outline approval 21/0021/OUT for a dwelling	Garden Plot 41 Hospital Road Builth Wells Powys



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Parish Name	Decision	Date Application Valid	Application No.	Application Type	Date Decision Issued	Proposal	Location
Builth Wells Community	Prel Closed	08/11/2023	23/1743/PRL	Preliminary enquiry	05/12/2023	Installation of wooden telecommunications pole - BSXv0032 refers	Land Opposite 1 Cysgod Y Castell Builth Wells Powys LD2 3BF
Cadfarch Community	Approve	11/10/2023	23/1541/FUL	Full Application	30/11/2023	Installation of a 5m tower extension. Relocation of 3 no. Emergency Services Network antennas and 2 no. dishes to the top of the tower extension (approved under previous application). Installation of 3 no. new Shared Rural Network antennas and 5 no. new ground-based equipment cabinets. Installation of new GPS nodes, remote radio units and mast head amplifiers and associated apparatus and ancillary works.	Land At Mynydd Eithaf Glas Pwll Machynlleth Powys

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Cadfarch Community	Permitted Development	27/09/2023	23/1464/TEL	Telecommunications notification	21/11/2023	Application under Part 24 of Schedule 2 of the GPDO 1995 for the installation of a new 22.5m high lattice tower to include 9 No. new antennas, 3 No. new dishes, ground-based equipment cabinets (including a foul weather enclosure and associated ancillary apparatus including remote radio heads, mast head amplifiers and GPS nodes), 8m x 12m compound enclosed by a 1.8m high mesh fencing, new maintenance access track comprised of 40mm sdpave and grave on 160mm MOT type 3 and installation of a bird box and bug box on the compound fencing	Mast 265M From Hendre Ron Isaf 11M From Unnamed Road Penyglog Aberhosan Machynlleth Powys SY20 8SG



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Parish Name	Decision	Date Application Valid	Application No.	Application Type	Date Decision Issued	Proposal	Location
Caersws Community	Approve	20/07/2023	23/1012/REM	Removal or Variation of Condition	02/11/2023	Application under Section 73 to vary condition 2 attached to permission 20/1512/RES, to allow amendments to approved design	Plot 4 At Church House Farm Llanwnog Caersws SY17 5JG
Carno Community Council	Approve	24/07/2023	23/1157/DIS	Discharge of Condition	06/11/2023	Discharge of Condition 11 and Condition 17 of planning application P/2018/0098	Glanrhyd Carno Caersws SY17 5LN

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Parish Name	Decision	Date Application Valid	Application No.	Application Type	Date Decision Issued	Proposal	Location
Carreghofa Community	Approve	16/10/2023	23/1607/CLP	Certificate of Lawfulness - Proposed	06/12/2023	Certificate of Lawfulness for a proposed use /operation (section 192) for erection of dwelling and associated works as granted by planning permission P/2016/0326 (outline consent for 3 dwellings) and 20/0863/RES (reserved matters approval - Plot 1) which has lawfully commenced and remains extant and to continue with the remainder of the development	Land Off Gwelfryn - Plot 1 Carreghofa Llanymynech SY22 6LA

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Parish Name	Decision	Date Application Valid	Application No.	Application Type	Date Decision Issued	Proposal	Location
Carreghofa Community	Approve	16/10/2023	23/1608/CLP	Certificate of Lawfulness - Proposed	06/12/2023	Certificate of Lawfulness for a proposed use /operation (section 192) for erection of dwelling and associated works as granted by planning permission P/2016/0326 (outline consent for 3 dwellings) and 20/0864/RES (reserved matters approval - Plot 2) which has lawfully commenced and remains extant and to continue with the remainder of the development	Land Off Gwelfryn - Plot 2 Carreghofa Llanymynech SY22 6LA



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Parish Name	Decision	Date Application Valid	Application No.	Application Type	Date Decision Issued	Proposal	Location
Carreghofa Community	Approve	16/10/2023	23/1609/CLP	Certificate of Lawfulness - Proposed	06/12/2023	Certificate of Lawfulness for a proposed use /operation (section 192) for erection of dwelling and associated works as granted by planning permission P/2016/0326 (outline consent for 3 dwellings) and 20/0871/RES (reserved matters approval - Plot 3) which has lawfully commenced and remains extant and to continue with the remainder of the development	Land Off Gwelfryn - Plot 3 Carreghofa Llanymynech SY22 6LA
Castle Caereinion Community	Approve	16/06/2023	23/0927/REM	Removal or Variation of Condition	21/12/2023	Section 73 application for removal of condition no. 4 attached to planning approval M19363 (occupancy restriction) (resubmission of 22/1064/REM)	DoI Y Neuadd Cwm Golau Cyfronydd SY21 9HA

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Castle Caereinion Community	Refused	21/11/2023	23/1873/TRE	Works to trees in Conservation Area	15/12/2023	Removal of a monkey puzzle tree within a Conservation Area	Ivy House Castle Caereinion Welshpool Powys SY21 9AL
Churchstoke Community	Approve	16/08/2023	23/0673/FUL	Full Application	10/11/2023	Erection of agricultural livestock building and all associated works	Lynwood Churchstoke Montgomery SY15 6TD
	Approve	22/08/2023	23/1175/RES	Reserved Matters	22/11/2023	Reserved matters application in respect of outline planning permission 20/2079/OUT for erection of a rural enterprise dwelling, garage and all associated works	Lynwood Churchstoke Montgomery SY15 6TD
	Approve	08/09/2023	23/1394/HH	Householder	15/11/2023	Erection of a two storey extension	Aston View Montgomery SY15 6TA
	Prel Closed	29/11/2023	23/1829/PRL	Preliminary enquiry	11/12/2023	Affordable Housing Eligibility	Buuilding Plot Adj Tregarne Weston Road Minsterley Shrewsbury Powys SY5 0JJ

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Cilmerly Community	Approve	09/10/2023	23/1565/DIS	Discharge of Condition	22/12/2023	Discharge of conditions 6 9 of planning permission 23/0211/FUL in relation to Tree Protection Plan and Landscaping scheme.	Workshop Cilmerly Station Road Cilmerly Builth Wells Powys LD2 3GE
Clyro Community	Application Withdrawn	18/05/2023	23/0785/HH	Householder	13/11/2023	Installation of a swimming pool and associated plant	3 Boatside Barns, Maes Y Caer Hay-On-Wye Hereford HR3 5RS
	Approve	24/03/2023	23/0469/NMA	Non-Material Amendment	30/11/2023	Non Material Amendment application for replacement of Conditions 11 and 12 attached to planning approval 21/2118/FUL	Lower Noyadd Clyro Hereford HR3 5JS
Disserth And Trecoed Community	Approve	21/09/2023	23/1463/FUL	Full Application	14/11/2023	Erection of 2 no. bridges as replacement for 2 no. existing bridges	Land Adj Rhydblauw Farm Rhydblauw Farm Dissersyth Builth Wells Powys LD2 3TL
	Approve	08/10/2023	23/1568/LBC	Listed Building Consent	19/12/2023	Listed building consent for relocation of Milestone	Greenacre Howey Builth Wells LD1 5PL

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Disserth And Trecoed Community	Prel Closed	14/11/2023	23/1773/PRL	Preliminary enquiry	11/12/2023	Installation of one wooden pole - LKG/S V23080 refers	Land Near 47 Llwynbrain Villas Howey Llandrindod Wells Powys LD1 5PY
Duhonw Community	Approve	15/02/2023	23/0194/FUL	Full Application	14/11/2023	Erection of 3 stables and an attached feed and implement store, formation of a new access and hedgerow planting	Pant Y Rhiw Llandewi'r-Cwm Builtth Wells LD2 3RZ
Dwyriw Community	Application Withdrawn	17/08/2023	23/1171/OUT	Outline planning	21/12/2023	Outline: Erection of an agricultural worker's dwelling with garage, installation of a septic tank and all associated works	Development At Argae Fields New Mills Newtown Powys
Erwood Community	Prel Closed	24/11/2023	23/1821/PRL	Preliminary enquiry	14/12/2023	Utilise permitted development riight at telecommunications station.	Land At Ysgwydd Hwch Llaneglwys Builtth Wells Powys LD2 3BQ
Forden With Leighton & Trelystan Com	Application Withdrawn	26/10/2023	23/1666/LBC	Listed Building Consent	07/12/2023	Reroofing, Alteration of Rooflights, Installation of Insulation and Coping Stone Strengthening Details	Leighton Centre Leighton Welshpool SY21 8HJ



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Forden With Leighton & Trelystan Com	Approve	11/07/2023	23/1073/FUL	Full Application	06/11/2023	Erection of agricultural livestock building to be used as calving pens and all associated works	The Gaer Forden Welshpool SY21 8NR
	Approve	06/09/2023	23/1384/CLE	Certificate of Lawfulness - Existing	12/12/2023	Section 191 application for a lawful development certificate for an existing use in relation to the continued use of a caravan as a residential dwelling	Caravan Dyke Lands Forden Welshpool Powys SY21 8LZ
	Split Decision	27/04/2023	23/0578/DIS	Discharge of Condition	22/11/2023	Discharge of conditions 5, 6, 7, 8, 9 and 11 of P/2016/1126 (drainage strategy, landscape and management plan, tree and hedgerow protection plan, external lighting, affordable housing and pollution prevention plan)	Land At Woodluston Forden Welshpool Powys SY21 8NE



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Gladestry Community	Approve	15/08/2023	23/1256/REM	Removal or Variation of Condition	06/11/2023	Application under section 73 to vary conditions 2 and 8 attached to 22/2200/REM to allow for amended plans	Land Adjoining Church Barn Gladestry Kington Powys
Glantwymyn Community	Application Withdrawn	20/09/2023	23/1371/FUL	Full Application	14/11/2023	Erection of a dwelling house, detached garage and all associated works	Plot Southwest Of Ty Capel Goledd Dyfi Commins Coch Machynlleth Powys SY20 8LG
	Approve	21/07/2023	23/0664/FUL	Full Application	04/12/2023	Construction of extensions to an existing primary school to provide a new classroom and additional space	Ysgol Glantwymyn C P Glantwymyn Cemmaes Road Machynlleth SY20 8LX
	Approve	10/08/2023	23/1195/HH	Householder	06/11/2023	New residential annexe within curtilage of listed dwelling	Pen Y Bont Cemmaes Road Machynlleth SY20 8JY

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Glantwymyn Community	Approve	27/10/2023	23/1727/ELE	Electricity Overhead Line	08/12/2023	Applications made under Section 37 of the Electricity Act 1989: Overhead Lines (Exemption)(England and Wales) Regulation 2009 to increase number of conductors from two to three and alteration to relocate from existing location	Land Near Rhiwgriafol Tal-y-wern Machynlleth Powys SY20 8NY
Glasbury Community	Approve	25/09/2023	23/1545/DIS	Discharge of Condition	14/11/2023	Discharge of condition 4 of listed building consent 22/1606/LBC in relation to paint colour for external doors	Forge Cottage Boughrood Brecon Powys LD3 0YG
Glascwm Community	Approve	19/05/2023	23/0784/FUL	Full Application	15/12/2023	Erection of Rural Workers Dwelling, Installation of electric security gates and installation of a treatment plant	Rural Workers Dwelling Land At Fforest Farm Hundred House Llandrindod Wells Powys LD1 5RT

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Glascwm Community	Closed	07/11/2023	23/0176/PRE	Pre-Planning Application Enquiry	27/11/2023	Pre-planning application enquiry in relation to change of use of land for additional camping facility to support existing tourism accommodation enterprise	Land At Bryn-crach Caravan Site Hundred House Llandrindod Wells Powys LD1 5RY
Guilsfield Community	Approve	21/07/2023	23/1152/DIS	Discharge of Condition	19/12/2023	Discharge of conditions 4, 5, 6 & 8 attached to planning approval 19/1984/OUT (28 dwellings)	Land South West Of Tan Y Gaer Guilsfield Welshpool Powys SY21 9PR
Gwehafed Community	Application Withdrawn	30/10/2020	20/1760/RES	Reserved Matters	09/11/2023	Application for reserved matters, following the approval of P/2017/1177 (outline), for the erection of 4 no. detached dwellings	Land Opposite Nant Y Felin Three Cocks Glasbury Powys LD3 0SJ
Hay Community	Prel Closed	08/12/2023	23/1882/PRL	Preliminary enquiry	12/12/2023	Clarification if S106 Agreement been complied with	24 Birch Close Hay-on- wye Hereford Powys HR3 5TL



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Hay Community	Split Decision	15/08/2023	23/1269/DIS	Discharge of Condition	30/11/2023	Discharge of condition 7, 8, 9, 10 and 11 of planning approval 23/0343/FUL in relation to: Preliminary investigation and assessment of the nature and extent of contamination; Site investigation; detailed remediation scheme	1 The Burlands Gipsy Castle Lane Hay-On-Wye Hereford HR3 5PW
Honedu Isaf Community	Approve	05/10/2023	23/1552/HH	Householder	21/11/2023	First floor extension to side elevation and construction of double garage	Cwm Cottage Garthbreny Brecon LD3 9TW
Kerry Community	Approve	21/07/2023	23/1056/FUL	Full Application	08/11/2023	Demolition and replacement of existing dwelling	Glog Farm Dolfor Newtown SY16 4BW
	Approve	31/08/2023	23/1348/FUL	Full Application	21/11/2023	Formation of new field access (& closure of existing)	Greenfields Kerry Newtown SY16 4NB
	Approve	26/09/2023	23/1323/TPO	Works to Trees subject to a TPO	09/11/2023	Works to trees subject to a Tree Preservation Order	Dolforgan Hall Kerry Newtown Powys SY16 4DN

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Knighton Community	Application Withdrawn	28/09/2023	23/1509/NMA	Non-Material Amendment	16/11/2023	Non material amendment to planning permission 20/1965/HH in relation to approved plans	Bryn Celyn Presteigne Road Knighton LD7 1HY
	Approve	19/01/2023	22/2212/CAC	Conservation Area Consent	13/12/2023	Removal of 2 porches	29-30 Market Street Knighton Powys LD7 1EY
	Approve	21/09/2023	23/1367/TRE	Works to trees in Conservation Area	06/11/2023	Application for works to trees in a conservation area - removal of 2 conifers and reduction to horse chestnut	1 Russell Street Knighton Powys LD7 1EU
	Approve	06/12/2023	23/1857/DIS	Discharge of Condition	21/12/2023	Discharge of condition 37 of planning approval 23/0832/REM In relation to the Affordable Housing Scheme	Land North Of West Street West Street Knighton Powys
	Permitted Development	08/11/2023	23/1723/AGR	Agricultural Notification	06/12/2023	Agricultural notification for erection of an agricultural building	Highbrook New Radnor Presteigne LD8 2TG

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Knighton Community	Permitted Development	17/11/2023	23/1759/AGR	Agricultural Notification	14/12/2023	Agiricultural notification for erection of an agricultural building	Brandy Hall Cwmgilla Lane Knighton Powys LD7 1PG
Llanafan-Fawr Community	Approve	17/10/2023	23/1583/FUL	Full Application	20/11/2023	Covering of existing farm manure yard	Tanyrallt Farm Llanafanfawr Builth Wells Powys LD2 3LT
	Closed	24/11/2023	23/0187/PRE	Pre-Planning Application Enquiry	14/12/2023	Pre-planning application enquiry in relation to erection of a replacement dwelling	Erwddol Llanafanfawr Builth Wells Powys LD2 3LU
Llanbadarn Fawr Community	Prel Closed	25/10/2023	23/1668/PRL	Preliminary enquiry	29/11/2023	Reg 5 Notice - Instalation of 8 telecommunication poles - LKSS V8053 refers	Land Around Midway Villa Crossgates Llandrindod Wells Powys LD1 5SL
Llanbadarn Fynydd Community	Approve	22/08/2023	23/1364/VAR	Discharge/Modification of S106	10/11/2023	Application to discharge Section 106 legal agreement attached to planning approval RAD/2003/0536 (PR613900)	Brook Cottage Llanbadarn Fynydd Llandrindod Powys LD1 6UA



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Llanbadarn Fynydd Community	Approve	20/09/2023	23/1437/DIS	Discharge of Condition	09/11/2023	Application to discharge conditions 3 and 5 attached to permission 23/0174/FUL in relation to Biodiversity Enhancement Plan and Traffic Management Plan	Land At The Barns Farm (grid Ref 304716 281706) Llaithddu Llandrindod Wells Powys LD1 6YS
	Permitted Development	15/11/2023	23/1755/AGR	Agricultural Notification	14/12/2023	Erection of an extension to provide a covered livestock feeding area and all associated works	Hafod Fach Llaithddu Newtown Powys LD1 6YS
Llanbister Community	Approve	20/06/2023	23/0909/CLE	Certificate of Lawfulness - Existing	05/12/2023	Certificate of lawfulness for an existing use / breach of condition namely use of dwelling as a dwelling without complying with planning condition no. 2 attached to approval P/2011/0210 (agricultural occupancy restriction)	Grevodig Bungalow Llanbister Llandrindod Wells Powys LD1 6TW

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Llanbister Community	Approve	31/08/2023	23/1337/FUL	Full Application	14/11/2023	Formation of new access to serve approved stables	Lower Caeglas Llanbister Llandrindod Wells LD1 6UN
	Permitted Development	22/11/2023	23/1796/AGR	Agricultural Notification	14/12/2023	Agricultural storage building and associated works	Lower Croescynon Llanbister Llandrindod Wells LD1 6TL
Llanbrynmair Community	Application Withdrawn	19/06/2023	23/0499/FUL	Full Application	28/11/2023	Erection of agricultural building and 3 x poly tunnels for horticultural use (retrospective)	Gardd Afon Tafolwern Llanbrynmair SY19 7DT
	Approve	07/09/2023	23/1383/REM	Removal or Variation of Condition	06/11/2023	Section 73 application to vary condition 1 of planning approval 20/1150/REM to allow the anemometry mast (80m high) to remain in place for a further 3 years	Anemometry Mast Nant Carfan Llanbrynmair Powys SY19 7DZ
Llanddewi Ystradenni Community	Permitted Development	25/10/2023	23/1725/AGR	Agricultural Notification	20/11/2023	Agricultural notification for erection of an agricultural building for use as fodder store	Cwmcefnysgaer Llanddewi Llandrindod Wells Powys LD1 6SN



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Llandinam Community	Application Withdrawn	03/08/2023	23/1130/FUL	Full Application	06/11/2023	Proposed erection of 2 detached holiday chalets and siting of a shepherds hut, formation of new parking areas and installation of bore hole, water tank and new septic tank	Land Near Waen Llwydion Llandinam Powys
Page 153	Application Withdrawn	25/09/2023	23/1382/HH	Householder	08/11/2023	Installation of waste treatment plant	Haulfryn Llandinam Powys SY17 5DJ
	Approve	18/08/2023	23/1016/FUL	Full Application	06/11/2023	Creation of wildlife pond (retrospective)	Berthddu Llandinam SY17 5AX
	Permitted Development	22/11/2023	23/1764/AGR	Agricultural Notification	15/12/2023	General purpose agricultural building for the storage of machinery and fodder (30mX15m)	Land South Of Maethfa Llandinam Powys SY17 5AB
Llandrindod Wells Community	Approve	15/11/2022	22/1706/FUL	Full Application	16/11/2023	Proposed full planning application for residential development of 69 houses and all associated works	Land At Lakeside Avenue Lakeside Avenue Llandrindod Wells Powys

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Parish Name	Decision	Date Application Valid	Application No.	Application Type	Date Decision Issued	Proposal	Location
Llandrindod Wells Community	Approve	16/08/2023	23/1239/FUL	Full Application	18/12/2023	Erection of dwelling and associated works	Land Off Crabtree Green Crabtree Green Llandrindod Wells LD1 6EP
Page 155	Approve	05/09/2023	23/1330/HH	Householder	06/11/2023	Proposed fire escape staircase to second floor including enlargement of opening to replace window with new double doors	Brooklands Temple Street Llandrindod Wells LD1 5DP
	Approve	20/09/2023	23/1428/FUL	Full Application	08/11/2023	Engineering works to improve vehicular and pedestrian access including new planter	Llandrindod Wells War Memorial Hospital Temple Street Llandrindod Wells LD1 5HF
	Approve	02/10/2023	23/1529/TRE	Works to trees in Conservation Area	20/11/2023	Works to several trees within the conservation area	1 Rock House Court Llandrindod Wells Powys LD1 6AX
	Approve	16/10/2023	23/1606/TRE	Works to trees in Conservation Area	27/11/2023	Tree works application under 5 day notice to fell dangerous tree in conservation area	Christchurch Court Park Crescent Llandrindod Powys LD1 6AB

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Parish Name	Decision	Date Application Valid	Application No.	Application Type	Date Decision Issued	Proposal	Location
Llandrindod Wells Community	Approve	07/11/2023	23/1715/DIS	Discharge of Condition	21/12/2023	Discharge of condition 29 of planning approval 21/1940/FUL relating to the connection to foul sewerage	Land At East Of Ithon Road (Phases 3, 4 And 5) Llandrindod Wells Powys
	Closed	04/10/2023	23/0167/PRE	Pre-Planning Application Enquiry	07/11/2023	Pre-planning application enquiry in relation to construction of 2 new dwellings in association with existing permission to convert pub to 3 no dwellings	Former Ridgebourne Inn Wellington Road Llandrindod Wells Powys LD1 5NH
	Closed	20/11/2023	23/0189/PRE	Pre-Planning Application Enquiry	07/12/2023	Pre-planning application enquiry in relation to change of use of first, second and third floors of former Lloyds Bank into a four bedroom residential apartment, including retaining the ground floor commercial offices	Lloyds Bank Middleton Street Llandrindod Wells Powys LD1 5DG

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Llandrindod Wells Community	Prel Closed	18/10/2023	23/1637/PRL	Preliminary enquiry	13/11/2023	Installation of 11 Wooden telecommunication poles - WF7N4VAG refers	Land Around Holcombe Drive Llandrindod Powys LD1 6DN
	Prel Closed	03/11/2023	23/1710/PRL	Preliminary enquiry	28/11/2023	Installation of 7 woden telecommunication poles - WF8J2N7X	Land Around 40 Trefonen Way Llandrindod Wells Powys LD1 5YA
	Prel Closed	07/11/2023	23/1732/PRL	Preliminary enquiry	30/11/2023	Installation of 15 wooden telecommuncations poles - WF8KJ28M refers	Land Around 34 Trefonen Avenue Llandrindod Wells Powys LD1 5YB
	Refused	07/07/2023	23/0805/FUL	Full Application	10/11/2023	Erection of rural enterprise dwelling, garage, formation of vehicular access, installation of sewage treatment plan and all associated works	Land At Werngoch Farm Crossgates Llandrindod Wells LD1 5SL
Llandrinio And Arddleen Community	Approve	14/03/2023	23/0412/FUL	Full Application	16/11/2023	Creation of new field vehicular access	Land Near To Sarnau Brook, North Of The Brambles Sarnau Llanymynech Powys SY22 6QJ

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Llandrinio And Arddleen Community	Approve	29/08/2023	23/1190/HH	Householder	14/11/2023	Conversion & extension of existing Garage as extension to dwelling, to include replacing flat roof with slated pitched roof & all associated works.	Lane End Cottage Pen-rhos Llanymynech SY22 6QB
	Approve	22/09/2023	23/1560/ELE	Electricity Overhead Line	03/11/2023	Application made under Section 37 of the Electricity Act 1989: Overhead Lines (Exemption)(England and Wales) Regulation 2009 to install an additional electricity pole within an existing overhead line and two spans of new overhead line	Coppice Farm Pen-rhos Llanymynech Powys SY22 6QB
	Approve	15/11/2023	23/1692/DIS	Discharge of Condition	14/12/2023	Application to discharge condition 9 attached to permission 21/2153/REM in respect of highway improvements	Land At Trederwen View Ardleen Oswestry SY22 6PY

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Llandrinio And Arddleen Community	Consent	07/12/2022	22/2081/NMA	Non-Material Amendment	07/12/2023	Application for non-material amendments to permission 21/1536/FUL to alter conditions	Land At Trawscoed And At Orchard Croft Llandrinio Powys
	Refused	11/03/2021	21/0456/REM	Removal or Variation of Condition	15/11/2023	Section 73 application to vary condition 5 and remove conditions 6 and 7 of planning consent 20/0436/FUL (contaminated land)	Prestbury House Arddleen Llanymynech SY21 9LF
	Refused	22/03/2021	21/0186/FUL	Full Application	15/11/2023	Change of use and minor extensions to previously approved nursing home to form: 15 no 1 bed apartments, 2 no 2 bed apartments. 3no studio apartments with associated parking for 27 vehicles together with amenity space	Unity House Llandrinio Llanymynech Powys SY22 6SG

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Llandrinio And Arddleen Community	S106 Discharged	19/07/2023	23/1041/VAR	Discharge/Modification of S106	10/11/2023	Discharge of Section 106 Agreement attached to planning approval M/1998/0434 in relation to affordable housing occupancy	11 Laburnum Meadows Four Crosses Llanymynech Powys SY22 6QT
Llandysilio Community	Approve	07/06/2023	23/0858/FUL	Full Application	04/12/2023	Conversion of existing outbuilding to form a residential dwelling and associated works	The Elms Domgay Road Four Crosses Llanymynech SY22 6SL
Page 165	Approve	20/09/2023	23/1360/HH	Householder	20/11/2023	Erection of side extension	2 Severn Way Four Crosses Llanymynech SY22 6NQ
	Approve	25/09/2023	23/1402/HH	Householder	16/11/2023	Erection of a second storey extension over existing garage and a single storey rear extension to replace rear conservatory	6 Vyrnwy Crescent Four Crosses Llanymynech SY22 6NG
	Approve	02/10/2023	23/1477/DIS	Discharge of Condition	21/11/2023	Discharge of condition no. 3 attached to reserved matters approval 22/2012/RES (external wall and roof materials)	Land Adjoining The Street Llandysilio Llanymynech Powys

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Llanelwedd Community	Approve	27/04/2023	23/0656/FUL	Full Application	09/11/2023	Creation of charging zone, erection of EV chargers, erection of canopy, sub-station enclosure, LV panel, meter cabinet and associated forecourt works	Builth Wells Service Station Station Road Llanelwedd Builth Wells Powys LD2 3SS
	Approve	30/06/2023	23/0963/REM	Removal or Variation of Condition	21/11/2023	Section 73 application to vary condition 2 of planning permission P/2015/0707 in relation to approved plans	Development Adjacent To Preserved Timber Products Builth Road Builth Wells Powys LD2 3RG
	Prel Closed	15/11/2023	23/1774/PRL	Preliminary enquiry	12/12/2023	Proposed telecommunication upgrade - VF 17978	Royal Welsh Showground Llanelwedd Builth Wells Powys LD2 3SY
Llanerfyl Community	Application Withdrawn	16/06/2023	23/0860/REM	Removal or Variation of Condition	06/12/2023	Section 73 application to vary condition 9 of planning permission P/2018/0566 (updated ammonia report)	Cyniwyll Llanerfyl Welshpool SY21 0EX
	Approve	17/08/2023	23/1279/FUL	Full Application	19/12/2023	Proposed Holiday-let Development, access improvements and associated works	Rhyd Yr Awel Llanerfyl Welshpool Powys

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Llanerfyl Community	Approve	05/10/2023	23/1510/REM	Removal or Variation of Condition	12/12/2023	Section 73 application to remove condition 12 of planning permission P/2017/0295 in relation to Permitted Development rights	Glan Menial Llanerfyl Welshpool SY21 0HZ
Llanfair Caereinion Community	Application Withdrawn	04/08/2023	23/1210/OUT	Outline planning	08/12/2023	Outline application for erection of an agricultural worker's dwelling, installation of sewage treatment plant, formation of vehicular access and all associated works	Melin Grug Llanfair Caereinion Welshpool SY21 0HB
	Approve	01/09/2023	23/1329/FUL	Full Application	06/11/2023	Erection and operation of a temporary meteorological mast for a period of three years	Meteorological Mast 3km NW Of Cefn Coch & 4.2 Km SW Of Llanerfyl Welshpool Powys SY21 0DS

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Llanfair Caereinion Community	Permitted Development	08/08/2023	23/1216/CLP	Certificate of Lawfulness - Proposed	09/11/2023	Certificate of lawfulness for a proposed use / operation (Section 192) for Demolition of existing conservatory, erection of new single-storey side extension and provision of new garden pod to rear	Pellomor Mount Road Llanfair Caereinion Welshpool SY21 0BH
Page 171	Permitted Development	10/10/2023	23/1455/AGR	Agricultural Notification	06/11/2023	Erection of agricultural building	Llanoddian Isaf Dolanog Welshpool Powys SY21 0JU
	Permitted Development	02/11/2023	23/1696/AGR	Agricultural Notification	29/11/2023	Construction of access track	Pen Yr Hen Gae Llanerfyl Welshpool SY21 0HA
	Permitted Development	21/11/2023	23/1782/AGR	Agricultural Notification	14/12/2023	Agricultural storage building and all associated works	Pen Yr Hen Gae Llanerfyl Welshpool SY21 0HA

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Llanfechain Community	Approve	11/08/2023	23/0978/FUL	Full Application	09/11/2023	Change of use of barn from a healing centre (D1) to holiday accommodation	Tyn Y Celyn Bwlchyddar Llangedwyn SY10 9LJ
Llanfihangel Rhydithon Community	Approve	25/08/2023	23/1272/CLE	Certificate of Lawfulness - Existing	05/12/2023	Application for a Lawful Development Certificate under Section 191 of the Town and Country Planning Act 1990 to establish that an existing matter, namely the residential occupation of a dwelling in breach of a restrictive occupancy condition (condition 11 of planning permission R4087), is lawful in planning terms	Gwern-Y-Thel Tanhouse Dolau Llandrindod Wells LD1 5TL
Llanfrynach Community	Approve	27/09/2023	23/1507/CLP	Certificate of Lawfulness - Proposed	08/12/2023	Section 192 application in relation to siting of a mobile home within the curtilage for incidental and ancillary use to main dwelling	Leysters Llechfaen Brecon LD3 7SP

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Parish Name	Decision	Date Application Valid	Application No.	Application Type	Date Decision Issued	Proposal	Location
Llanfyllin Community	Approve	30/06/2023	23/1010/REM	Removal or Variation of Condition	09/11/2023	Section 73 application to vary condition no's 2 & 3 of approval P/2008/0818 (revision to plans & external materials)	Yr Allt Brithdir Llanfyllin SY22 5HG
	Approve	15/08/2023	23/1133/FUL	Full Application	14/12/2023	Conversion of barn to residential dwelling and installation of Package treatment plant.	Fronheulog Llanfyllin SY22 5HJ
	Approve	05/10/2023	23/1066/FUL	Full Application	27/11/2023	Erection of a yurt, 2no. gazebos and timber boarded fence and gate	Lower Crosskeys Inn High Street Llanfyllin SY22 5AT
Llangammarch Community	Approve	09/10/2023	23/1126/HH	Householder	21/12/2023	Application for construction of 3 bay garage (Retrospective)	Llwyn Gwesion Irfon Crescent Llanwrtyd Wells LD4 4DN
	Refused	14/09/2023	23/1324/CLP	Certificate of Lawfulness - Proposed	09/11/2023	Certificate of lawfulness for a proposed use (Section 192) for a proposed biomass boiler system and flue	Tirabad Mansion Tirabad Llangammarch Wells LD4 4DS
Llangedwyn Community	Approve	26/09/2023	23/1448/DIS	Discharge of Condition	16/11/2023	Application to discharge conditions 4 and 6 for planning approval 22/1891/LBC	Golfa Isaf Farm Llangedwyn Oswestry Powys SY10 9JY

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Llangunllo Community	Approve	28/09/2023	23/1475/REM	Removal or Variation of Condition	15/11/2023	Section 73 application to vary conditions 2, 5 and removal of condition 11 of planning approval 22/2150/FUL to allow for amended plans	Land At Radnor Forest Lower Fishpools Bleddfa Powys LD7 1PA
	Closed	10/11/2023	23/0180/PRE	Pre-Planning Application Enquiry	07/12/2023	Pre-planning application enquiry in relation to construction of a commercial building to be used as a dog training facility, creation of hardstanding and new vehicular access	Rock House Farm Llangunllo Knighton Powys LD7 1TD
Llangurig Community	Application Withdrawn	24/07/2023	23/1165/LBC	Listed Building Consent	27/11/2023	Listed building consent for removal of existing roof slates and recover with dark grey profile metal sheet (revised proposal to 23/0509/LBC)	Blaen Bythigion Pantmawr Llanidloes Powys SY18 6PP

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Llangurig Community	Approve	20/09/2023	23/1349/HH	Householder	16/11/2023	Two storey side extension to existing dwelling and demolition of existing single storey side extension	Coed Cochin Bach Llangurig Llanidloes SY18 6QH
Llangurig Community	Approve	20/09/2023	23/1400/FUL	Full Application	20/11/2023	Replacement agricultural storage building	Glynbrochan Isaf Glyn-Brochan Llanidloes SY18 6PL
Llangyniew Community	Permitted Development	10/11/2023	23/1742/AGR	Agricultural Notification	08/12/2023	Agricultural storage shed	Pen-Y-Ffridd, Pont Robert Meifod SY22 6JW
Llanidloes Community	Application Withdrawn	29/08/2023	23/1332/HH	Householder	12/12/2023	2 storey side extension	Burnside 1 Garden Suburb Llanidloes SY18 6EU
Llanidloes Community	Application Withdrawn	24/11/2023	23/1805/REM	Removal or Variation of Condition	14/12/2023	Section 73 application to remove conditions 3 and 4 of planning permission 22/2203/FUL	Llys Nant Brook Street Llanidloes SY18 6BD

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Llanidloes Community	Approve	26/10/2023	23/1670/NMA	Non-Material Amendment	06/12/2023	Application for non-material amendments to planning permission P/2017/0765 in respect of changes to approved plans	Dyfnant Llanidloes Powys SY18 6HR
Page 181	Prel Closed	06/11/2023	23/1713/PRL	Preliminary enquiry	28/11/2023	Installation of one 8m wooden telecommunication pole	Land Opposite 5 Well Lane Llanidloes Powys SY18 6BA
	Prel Closed	07/11/2023	23/1736/PRL	Preliminary enquiry	30/11/2023	Intallation of 1 wooden telecommunication pole - V9065 refers	Land Around 11 Llys Nant Brook Street Llanidloes Powys SY18 6BD
	Prel Closed	08/11/2023	23/1744/PRL	Preliminary enquiry	05/12/2023	Utilize Permitted Developments to install electric communications equipment	Telecommunications Site Hafren Forest Llanidloes Powys SY18 8PT
Llanigon Community	Approve	10/10/2023	23/1532/DIS	Discharge of Condition	02/11/2023	Application to discharge conditions 2 and 3 attached to permission P/2008/1607 in relation to materials of external walls, roofs and hard surfacing area	Brooklands Llanthomas Lane Llanigon Hereford HR3 5PU

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Llanigon Community	Permitted Development	21/11/2023	23/1683/AGR	Agricultural Notification	14/12/2023	Erection of a new agricultural building (dutch barn) for use as fodder and storage	Penymaes Y Gelli Gandryll Hereford Powys HR3 5PP
Llanrhaeadr-Ym-Mochant Community	Application Withdrawn	16/02/2022	22/0265/FUL	Full Application	07/12/2023	Construction of vehicular access, creation of hardstanding area and erection of wall (part retrospective) (resubmission)	Castle Buildings Llanrhaeadr-ym-mochnant Oswestry Powys SY10 0JU
	Application Withdrawn	25/03/2022	22/0281/LBC	Listed Building Consent	07/12/2023	Listed Building Consent for part demolition of boundary wall to form vehicular access, construction of parking area and rebuild of existing wall that is in a state of disrepair	Castle Buildings Llanrhaeadr-ym-mochnant Oswestry Powys SY10 0JU
	Application Withdrawn	10/10/2023	23/1469/HH	Householder	20/11/2023	Removal of lean to and replacement of a single storey extension and porch	Talafon Church Street Llanrhaeadr-Ym-Mochnant Oswestry SY10 0JW



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Llanrhaeadr-Ym-Mochant Community	Application Withdrawn	10/10/2023	23/1587/CAC	Conservation Area Consent	20/11/2023	Removal of lean-to	Talafof Church Street Llanrhaeadr-ym-mochnant Oswestry Powys SY10 0JW
	Approve	26/05/2023	23/0808/DIS	Discharge of Condition	10/11/2023	Discharge of condition 7 in relation to planning approval P/2017/0571 in relation to foul and surface water.	Land Adjoining Brynderw Park Street Llanrhaeadr-Ym-Mochnant Oswestry SY10 0JJ
	Approve	11/10/2023	23/1409/HH	Householder	30/11/2023	Extend domestic curtilage and erection of a rear two storey extension and all other associated work	Four Crosses Brithdir Llanfyllin SY22 5HA
	Closed	21/11/2023	23/0188/PRE	Pre-Planning Application Enquiry	12/12/2023	Pre-planning application enquiry in relation to a replacement dwelling	Y Felin Efail-rhyd Llanrhaeadr-ym-mochnant Powys SY10 0DU



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Llanrhaeadr-Ym-Mochant Community	NMA Approve d	31/10/2023	23/1650/NMA	Non-Material Amendment	01/12/2023	Non material amendment to planning permission P/2017/0571 in relation to amendment to condition 5 for the wording of the affordable requirements to match those of the Section 106 agreement for phase 1	Land Adjoining Brynderw Park Street Llanrhaeadr-Ym-Mochnant Oswestry SY10 0JJ
	Permitted Development	31/08/2023	23/1287/CLP	Certificate of Lawfulness - Proposed	14/11/2023	Application for a lawful development certificate (section 192) for the proposed single storey side extension	Ty Draw Llanrhaeadr-ym-mochnant Oswestry Powys SY10 0DB
	Prel Closed	26/10/2023	23/1675/PRL	Preliminary enquiry	29/11/2023	Installation and recovery of telecommunications poles - WF7VN63F refers	Land Around Llanarmon Mynydd Mawr Llanrhaeadr-ym-mochnant Croesoswallt Powys SY10 0DD

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Llansantffraid Community	Closed	15/11/2023	23/0185/PRE	Pre-Planning Application Enquiry	06/12/2023	Pre-planning application enquiry in relation to division of Cleveland House into two private dwellings, creation of amenity space, change of use of barn into a private dwelling with amenity and parking space, demolition of cold store, office and distribution area and construction of two/three detached houses with amenity area	Cleveland House And Outbuildings To The Rear Llansantffraid-ym-mechain Powys SY22 6AQ
Llansilin Community	Approve	21/08/2023	23/1271/REM	Removal or Variation of Condition	20/11/2023	Section 73 application to vary condition no. 2 of P/2014/0368 (to vary approved plans)	Ddol Hir Rhydycroesau Oswestry SY10 7PS
Llansilin Community	Approve	27/09/2023	23/0169/PRE	Pre-Planning Application Enquiry	30/11/2023	Pre-planning application enquiry in relation to erection of an affordable needs dwelling	Land At Felin Newydd Nr Llansilin Powys

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Parish Name	Decision	Date Application Valid	Application No.	Application Type	Date Decision Issued	Proposal	Location
Llanwddyn Community	Permitted Development	05/10/2023	23/1548/TEL	Telecommunications notification	29/11/2023	Application under Part 24 of Schedule 2 of the GPDO 1995 for the proposed 5m tower extension, relocation of 3 no. antennas and 2 no. dishes to the top of the extension (approved under previous application). Installation of 6 no. new antennas and 6 no. ground-based equipment cabinets. Installation of remote radio units, mast head amplifiers, GPS node and associated ancillary works.	Land At Ty'n Y Ffynnon Llanwddyn Oswestry Powys
Llanwrtyd Wells Community	Application Withdrawn	11/10/2023	23/1584/HH	Householder	07/12/2023	Installation of roof windows and windows to east facing wall	Ty Twt Riverside Llanwrtyd Wells Powys LD5 4ST

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Llanwrtyd Wells Community	Closed	14/11/2023	23/0186/PRE	Pre-Planning Application Enquiry	08/12/2023	Pre-planning application enquiry in relation to alterations and extensions to property	Glanchedan Fawr Llanwrtyd Wells Powys LD5 4TE
Llanwrtyd Wells Community	Permitted Development	10/11/2023	23/1627/AGR	Agricultural Notification	07/12/2023	Upgrade of existing and creation of an additional length of forestry road.	Forestry At Cefn Coch Abergwesyn
Llanyre Community	Approve	24/08/2023	23/1293/HH	Householder	06/11/2023	Construction of decking (part retrospective)	Ty Gwenyn 2A Cae Nant Newbridge-on-wye Llandrindod Wells Powys LD1 6LQ
Llanyre Community	Approve	27/09/2023	23/1508/CLE	Certificate of Lawfulness - Existing	06/11/2023	Section 191 application for lawful development certificate in relation to a residential dwelling, garden and parking area	The Stables Thimblecourt Lane Gravel Road Llanyre Llandrindod Wells LD1 6ED
Machynlleth Community	Application Withdrawn	31/10/2023	23/1597/HH	Householder	27/11/2023	Installation of a boiler flue	1 Maglona Villas Machynlleth SY20 8HP

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Machynlleth Community	Approve	10/11/2023	23/1407/NMA	Non-Material Amendment	04/12/2023	Non Material Amendment application to planning approval 21/1643/FUL for minor alterations	Fire Station Craigfryn Machynlleth SY20 8HE
	Closed	23/11/2023	23/0191/PRE	Pre-Planning Application Enquiry	07/12/2023	Pre-planning application enquiry in relation to erection of new bungalow and associated parking	Rear Of Dyfi Forester Inn Heol Y Doll Machynlleth Powys SY20 8BQ
	Closed	23/11/2023	23/1806/PRL	Preliminary enquiry	03/01/2024	Installation of wooden telecommunications pole WF9CTK MAF V9006 refers	Land O/s 54 Cae Crwn Machynlleth Powys SY20 8HG
Meifod Community	Approve	12/10/2023	23/0453/FUL	Full Application	06/12/2023	Change of use of agricultural land to form residential curtilage, and installation of a ground mounted solar panel array	Bron Heulog Meifod Powys SY22 6YF
	Closed	25/07/2023	23/0128/PRE	Pre-Planning Application Enquiry	11/12/2023	Pre-planning application enquiry in relation to amendment to approved highway access	Cae Glas Meifod Powys SY22 6DN

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Merthyr Cynog Community	Consent	10/07/2023	23/0821/FUL	Full Application	03/11/2023	Erection of a yard covering over existing sheep handling system	Tydu Farm Upper Chapel Brecon LD3 9RG
Montgomery Community	Application Withdrawn	13/11/2023	23/0505/HH	Householder	21/12/2023	Erection of proposed garden room	1 Plough Bank Pound Montgomery SY15 6QE
	Approve	22/09/2023	23/1525/TPO	Works to Trees subject to a TPO	02/11/2023	Works to X1 tree subject of a Tree Preservation Order, works to trees within a Conservation area	The Old Gaol Gardens Arthurs Gate Montgomery Powys SY15 6QU
	Approve	18/10/2023	23/1681/TRE	Works to trees in Conservation Area	30/11/2023	The removal of x1 Silver Birch tree within a consevation area.	Y Fedwen Church Bank Montgomery Powys SY15 6PU
	Approve	06/11/2023	23/1488/LBC	Listed Building Consent	12/12/2023	Listed building consent for minor internal alterations involving removal of plasterboard covering original openings between Caerhowel Hall and Fairdene to consolidate to form one dwelling	Caerhowel Hall And Fairdene Caerhowel Montgomery SY15 6HE

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Nantmel Community	Approve	20/10/2023	23/1618/NMA	Non-Material Amendment	13/11/2023	Non material amendment to planning permission 20/0332/FUL in relation to the design of the 3 temporary caravan style units	Land North Of Upper Dolau Nantmel Rhayader Powys LD6 5PE
	Refused	07/12/2022	22/1570/FUL	Full Application	06/12/2023	Change of use of single holiday unit to a farm shop and change of land use for the vending machines and outside amenity.	Vulcan Arms Hotel Vulcan Lodge Cottages Llanwrthwl Llandrindod Wells LD1 6NN
New Radnor Community	Closed	18/09/2023	23/0160/PRE	Pre-Planning Application Enquiry	14/11/2023	Pre-planning application enquiry in relation to erection of a replacement dwelling and associated works	Long Nursery Coppice New Radnor Presteigne Powys LD8 2RE
Newtown And Llanllwchaiarn Community	Approve	07/09/2023	23/1325/REM	Removal or Variation of Condition	06/11/2023	Section 73 application to vary conditions 2, 3 and 5 of reserved matters approval 22/0051/RES (approved plans, amend wording of conditions 3 and 5)	Land Off Glyndwr Garth Owen Newtown Powys SY16 1JP

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Newtown And Llanllwchaiarn Community	Approve	13/09/2023	23/1424/HH	Householder	08/11/2023	Demolition of former flat roof and mono-pitch extension to be replaced by double-storey and single-storey rear extensions.	The Lodge Park Street Newtown SY16 1EE
	Approve	13/09/2023	23/1483/CAC	Conservation Area Consent	08/11/2023	Demolition of former flat roof and mono-pitch extension to be replaced by double-storey and single-storey rear extensions.	The Lodge Park Street Newtown Powys SY16 1EE
	Approve	15/09/2023	23/1393/FUL	Full Application	13/11/2023	Erection of steel portal framed general purpose building and all associated works	The Bryn Bryn Lane Llanllwchaiarn Newtown SY16 3LZ
	Approve	18/09/2023	23/1377/HH	Householder	13/11/2023	Erection of a single storey car port	91 Sycamore Drive Newtown SY16 2QL
	Approve	18/09/2023	23/1439/DIS	Discharge of Condition	01/12/2023	Discharge of condition no. 12 (Affordable Housing Statement) and condition 15 (Landscape management plan) of approval 20/0061/OUT	Land At Heol Gruffydd Off Garth Owen Newtown Powys

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Newtown And Llanllwchaiarn Community	Approve	28/09/2023	23/1461/FUL	Full Application	13/11/2023	Erection of general purpose steel portal framed building for the storage of fodder and bedding together with all other associated works	The Bryn Bryn Lane Llanllwchaiarn Newtown SY16 3LZ
	Approve	28/09/2023	23/1462/FUL	Full Application	13/11/2023	Erection of steel portal framed building for general purpose use together with all other associated works	The Bryn Bryn Lane Llanllwchaiarn Newtown SY16 3LZ
	Closed	14/09/2023	23/0156/PRE	Pre-Planning Application Enquiry	06/11/2023	Pre-planning application enquiry in relation to erection of a steel framed building extension to the rear of existing factory unit	Unit E Contact Attachments Mochdre Industrial Estate Lôn Dulas Newtown Powys SY16 4LE
	Prel Closed	22/11/2023	23/1799/PRL	Preliminary enquiry	29/11/2023	Clarification whether propoerty is allocated as affordable housing - S106 refers	2 Brynmor Park Newtown Powys SY16 3GA

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Newtown And Llanllwchaiarn Community	Refused	14/09/2023	23/1472/VAR	Discharge/Modification of S106	07/11/2023	Application to discharge Section 106 legal agreement attached to planning approval M/1998/0495	25 Woodlands Way Llanllwchaiarn Newtown Powys SY16 2TH
	Refused	25/09/2023	23/1450/NMA	Non-Material Amendment	03/11/2023	Non-material amendment for planning permission 22/0464/RES in respect of amended plans	Enclousure 9190 Upper Dolfor Road Newtown Powys SY16 3AD
	Split Decision	18/07/2023	23/0980/DIS	Discharge of Condition	14/11/2023	Application to discharge conditions 3, 11, 12, 13 and 15 attached to permission 22/1151/FUL, relating to landscaping, land contamination and biodiversity enhancements	Mount Severn Pool Road Newtown SY16 1DW
Painscastle Community	Permitted Development	26/10/2023	23/1603/AGR	Agricultural Notification	23/11/2023	Agricultural building	Lower Llandewi Painscastle Builtth Wells LD2 3UQ

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Penybont Community	Approve	28/07/2023	23/1178/FUL	Full Application	22/11/2023	Construction of a revised access track between Turbines 5 & 6 (retrospective)	Land At Hendy Wind Farm Bettws Disserth Llandrindod Wells Powys
	Prel Closed	24/10/2023	23/1660/PRL	Preliminary enquiry	28/11/2023	DNS EIA Scoping Opinion - CAS-02379-G1Z1J0	Green GEN Towy-Usk Project Nant Mithil Energy Park Radnor Forest Area Of Powys Near Carmarthen
Pen-y-bont Fawr Community	Approve	03/08/2023	23/1127/DIS	Discharge of Condition	14/11/2023	Discharge of condition 4 & 6 from planning approval 23/0232/FUL (Biodiversity Enhancement Plan)	Development Of 40 Metre Lattice Tower Bwych-y-groelen Penygarnedd Oswestry Powys
	Refused	02/10/2023	23/1452/CLP	Certificate of Lawfulness - Proposed	08/12/2023	Section 192 application for a certificate of lawfulness for proposed use in relation to the erection of 24 freestanding Solar Array panels.	Peniarth Ucha Pen-y-bont-fawr Oswestry Powys SY10 0HW

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Presteigne Community	Application Withdrawn	24/11/2022	22/2002/DIS	Discharge of Condition	17/11/2023	Discharge of condition 3 of planning permission 21/0122/FUL (Road Details for widening and footway)	Plots 2 & 3 Silia Meadows Slough Road Presteigne Powys
	Approve	23/02/2023	23/0382/DIS	Discharge of Condition	01/12/2023	Discharge of condition 14 of planning permission 21/0361/FUL (archaeological watching brief)	Former Church Of St Andrews Knighton Road Norton Presteigne Powys
	Approve	28/06/2023	23/0859/FUL	Full Application	10/11/2023	Change of use from disused vacant doctors surgery to 4 one bedroom flats to rent	Surgery Harper's Lane Presteigne LD8 2AN
Rhayader Community	Approve	09/10/2023	23/1486/HH	Householder	20/11/2023	Erection of a front extension	3 Penmaes Rhayader LD6 5PN
	Approve	20/10/2023	23/1649/DIS	Discharge of Condition	19/12/2023	Application to discharge conditions 6 and 7 attached to permission 21/0102/RES in relation to details of on and off-site engineering drawings	Site Adjacent To Tir Gaia Abbeycwmhir Road Rhayader Powys LD6 5DZr

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Rhayader Community	Approve	24/11/2023	23/1803/DIS	Discharge of Condition	08/12/2023	Discharge of condition 5 and 6 in relation to planning application 19/0098/FUL Work Operations Schedule and Construction Method Statement	Crossfield House Dark Lane Rhayader LD6 5DB
Page 211	Closed	15/11/2023	23/1775/PRL	Preliminary enquiry	03/01/2024	Variation to Premises Licence	The Spice Hut North Street Rhayader Powys LD6 5BU
	Refused	12/06/2023	23/1009/CLE	Certificate of Lawfulness - Existing	06/11/2023	Section 191 application for a Lawful Development Certificate for existing use for the residential use of an existing caravan	Ty Mawr Llangurig Powys SY18 6RY
St. Harmon Community	Closed	14/09/2023	23/0164/PRE	Pre-Planning Application Enquiry	22/11/2023	Pre-planning application enquiry in relation to removal of condition 9 of planning permission 19/0394/FUL to enable use as residential	Y Noddfa Cwm Yr Ychen Pant-y-dwr Rhayader Powys LD6 5LR

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Tawe-Uchaf Community	Closed	24/08/2023	23/0141/PRE	Pre-Planning Application Enquiry	09/11/2023	Pre-planning application enquiry in relation to erection of one detached or pair of semi-detached properties	Y Lon Station Road Caehopkin Abercrave Powys SA9 1TP
	Consent	13/03/2023	23/0346/DIS	Discharge of Condition	13/11/2023	Discharge of conditions 5, and 15 of planning application 20/0738/FUL.	Land At And Surrounding Nant Helen Open Cast Coal Site Powys And Onllwyn Distribution Centre, Neath Port Talbot
Trefallwys Community	Approve	22/09/2023	23/1551/ELE	Electricity Overhead Line	03/11/2023	Application made under Section 37 of the Electricity Act 1989 to construct a short length of overhead line approximately 32m long	Cwm Biga Staylitle Llanbrynmair Powys SY19 7DB

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Trefeglwys Community	Approve	13/10/2023	23/1592/NMA	Non-Material Amendment	12/12/2023	Non Material Amendment to planning approval 21/1378/HH (Extension and porch) to allow continuation of wrapping around composite cladding to first floor of existing two storey dwelling	Maes Y Blawd Van Llanidloes SY18 6NS
	Approve	19/10/2023	23/1630/HH	Householder	14/12/2023	Erection of balcony to front elevation.	Ffynnon Gedwyn Trefeglwys Caersws Powys SY17 5PX
	Closed	21/11/2023	23/1797/PRL	Preliminary enquiry	19/12/2023	Exemption Certificate for Camping Site	Land At Bwlchyfan Van Llanidloes Powys SY18 6NS
	Permitted Development	21/11/2023	23/1765/AGR	Agricultural Notification	15/12/2023	Erection of steel portal framed agricultural building together with all other associated works.	Bodaioch Hall Trefeglwys Caersws SY17 5PN

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Trefeglwys Community	Split Decision	05/05/2023	23/0720/DIS	Discharge of Condition	22/11/2023	Discharge of conditions 3, 5, 6, 7, 8, 9, 10 & 19 attached to planning approval 21/1544/FUL (details for Contaminated land, lighting / bird/bat boxes and landscaping)	Pantygamallt Staylittle Llanbrynmair SY19 7BU
Tregynon Community	Approve	17/11/2023	23/1701/NMA	Non-Material Amendment	06/12/2023	Non material amendment to reserved matters approval 19/0814/RES (outline planning permission P/2017/0580) in relation to alterations to rear elevation to add window & roof lights to room over garage of Plot 2	Land Adjacent To Tyn Y Ddol Tregynon Newtown Powys
	Split Decision	28/09/2023	23/1458/DIS	Discharge of Condition	16/11/2023	Discharge of condition no's 7 (landscaping), 9 (biodiversity enhancement plan) and 15 (passing place details) of planning approval 23/0503/FUL	Barn At Tregynon Hall Tregynon Newtown SY16 3PG



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Trewern Community	Application Withdrawn	25/05/2023	23/0812/OUT	Outline planning	06/11/2023	Outline: Erection of an affordable dwelling and garage, to include all associated works (some matters reserved)	Land At Sandiacre Middletown Welshpool Powys SY21 8DA
	Application Withdrawn	26/06/2023	23/1091/HH	Householder	27/11/2023	Renovation and extension to existing dwelling, installation of a treatment plant and all associated works	Lower Bryn Bryn Lane Hope Welshpool Powys SY21 8JD
	Approve	21/08/2023	23/1023/FUL	Full Application	27/11/2023	Conversion of an agricultural building to detached residential dwelling and all associated works	White House Heldre Lane Buttington Welshpool SY21 8SX
	Approve	25/09/2023	23/1434/HH	Householder	14/12/2023	Demolition of existing lean-to and construction of new single storey linking sun room between house and swimming pool including adjustments to terrace to increase space	Keepers Cottage Bryn Lane Hope Leighton SY21 8JD

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Trewern Community	Approve	11/10/2023	23/1580/CLE	Certificate of Lawfulness - Existing	04/12/2023	Certificate of Lawfulness application (Section 191) for an existing use - Siting of mobile unit and occupancy as a dwelling house without complying with condition no. 3 of planning permission reference M22846 (occupancy condition)	5, Fair View (mobile Unit) Trewern Welshpool SY21 8DW
	Approve	19/10/2023	23/1538/DIS	Discharge of Condition	08/12/2023	Discharge of condition 4 and 7 of planning approval 20/1962/RES (Glass balcony elevation/plan details and External lighting plan)	Priors Cottage Middletown Welshpool SY21 8DF
	Approve	10/11/2023	23/1717/DIS	Discharge of Condition	20/12/2023	Application to discharge conditions 5 and 8 attached to permission 23/0844/FUL in respect of Landscaping Plan & Biodiversity Enhancement Plan	Llwyn Melyn Trewern Welshpool SY21 8EG

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Trewern Community	Split Decision	17/11/2022	22/1737/CLE	Certificate of Lawfulness - Existing	13/12/2023	Section 191 application for a certificate of existing use for the change of use of agricultural land to livery including the creation of horse arena and 2 stables buildings.	Heldre Hillside Heldre Buttington SY21 8TE
Unknown	Prel Closed	13/11/2023	23/1750/PRL	Preliminary enquiry	23/11/2023	Scoping Direction for proposed DNS - DNS CAS- 02977-Y9F1W7 refers	Land Sw Of Convatec Green Manufacturing Units 1 And 2, Heads Of The Valley Ind Estate Rhymney NP22 5RL
	Prel Closed	28/11/2023	23/1835/PRL	Preliminary enquiry	29/11/2023	Clarification regarding status of S106 agreement M98266	1 Criggion Close Four Crosses Llanymynech Powys SY22 6NP
	Refused	29/08/2023	23/1242/CLP	Certificate of Lawfulness - Proposed	14/12/2023	Certificate of lawfulness for proposed operation (section 192) for relocation of a 1.8 m high fence nearer to pavement (in order to extend rear garden)	1 Beech Drive Llanigon Hereford HR3 5TQ

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Welshpool Community	Application Withdrawn	17/04/2023	23/0595/LBC	Listed Building Consent	23/11/2023	Listed Building Consent for internal alterations to accommodate a conversion into 6 residential units, removal of external staircase, installation of window to replace door, increasing the height of an existing window and associated works	8- 9 Church Street Welshpool Powys SY21 7DL
	Application Withdrawn	17/08/2023	23/1226/FUL	Full Application	27/11/2023	Erection of a dwelling and associated works	Land At Heulwen Way Welshpool Powys SY21 7DB

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Parish Name	Decision	Date Application Valid	Application No.	Application Type	Date Decision Issued	Proposal	Location
Welshpool Community	Approve	13/04/2023	23/0483/FUL	Full Application	19/12/2023	Change of use of the Cottages from C3 dwellings to Storage, Refurbishment, upgrade and extension works and creation of retail space to Grade II listed buildings at Y Lanfa, 1 and 2 Canalside Cottages, Welshpool, Powys SY21 7AQ	The Wharf Canal Yard Welshpool SY21 7AQ
	Approve	13/04/2023	23/0484/LBC	Listed Building Consent	19/12/2023	Change of use of the Cottages from C3 dwellings to Storage, Refurbishment, upgrade and extension works and creation of retail space to Grade II listed buildings at Y Lanfa, 1 and 2 Canalside Cottages, Welshpool, Powys SY21 7AQ	The Wharf Canal Yard Welshpool SY21 7AQ
	Approve	18/09/2023	23/1433/HH	Householder	15/11/2023	Erection of 2 storey extension	2 Maesydre Welshpool SY21 7SU

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Parish Name	Decision	Date Application Valid	Application No.	Application Type	Date Decision Issued	Proposal	Location
Welshpool Community	Approve	04/10/2023	23/0999/FUL	Full Application	24/11/2023	Installation of AC units.	Plas Camlas Waterloo Place Welshpool SY21 7HE
	Approve	31/10/2023	23/1679/ADV	Advertisement Consent	11/12/2023	Display of new externally illuminated fascia sign and projecting sign and other signage	40 Broad Street Welshpool SY21 7RT
	Approve	04/11/2023	23/1709/TRE	Works to trees in Conservation Area	02/01/2024	Removal of trees as detailed in Tree Survey Report, Schedule, Plan and Treework Report	Land To The Rear Of 40 Broad Street Welshpool SY21 7RT
	Permitted Development	26/10/2023	23/1605/AGR	Agricultural Notification	23/11/2023	Forestry building	Valley View Groes-Pluen Welshpool SY21 9BW
	Refused	02/08/2023	23/1087/FUL	Full Application	01/12/2023	Installation of solar panels to the existing roof	3 Canal Yard Cottages Canal Yard Welshpool SY21 7AQ
	Refused	21/09/2023	23/1320/TPO	Works to Trees subject to a TPO	06/11/2023	Works to trees subject of a Tree Preservation Order	Croft House Red Bank Welshpool Powys SY21 7PL



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Parish Name	Decision	Date Application Valid	Application No.	Application Type	Date Decision Issued	Proposal	Location
Whitton Community	Permitted Development	19/10/2023	23/1387/AGR	Agricultural Notification	16/11/2023	Steel portal Agricultural building	Cwmwhitton Whitton Knighton LD7 1NL
Yscir Community	Approve	21/09/2023	23/1473/HH	Householder	18/12/2023	Conversion of existing adjoining stone barn (used as domestic use) to create ancillary accommodation for the existing farmhouse (part retrospective)	Lloegr Pontfaen Brecon LD3 9ND
Ystradgynlais Community	Application Withdrawn	15/09/2023	23/1380/HH	Householder	01/12/2023	Conversion of outbuilding and construction of two storey extension to provide accommodation together with associated parking	Outbuilding At 2/3 Bank Cottages Ystradgynlais Swansea Powys SA9 1RY
	Approve	23/10/2023	23/1648/DIS	Discharge of Condition	21/12/2023	Application to discharge condition 20 and 21 attached to permission P/2018/0293 in respect of the implementation of Approved Remediation Scheme	Land Adj To 22 Heol Twrch Lower Cwmtwrch Ystradgynlais Powys SA9 2TD

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Parish Name	Decision	Date Application Valid	Application No.	Application Type	Date Decision Issued	Proposal	Location
Ystradgynlais Community	Approve	30/10/2023	23/1728/NMA	Non-Material Amendment	07/12/2023	Non material amendment to planning permission 21/2283/HH in relation to approved plans	76 Cwmpnil Road Lower Cwmtwrch Swansea Powys SA9 2PX
	Closed	24/08/2023	23/0145/PRE	Pre-Planning Application Enquiry	16/11/2023	Pre-planning application enquiry in relation to erection of a two storey rear extension	10 Tawe Park Ystradgynlais Powys SA9 1GU
	Closed	14/09/2023	23/0159/PRE	Pre-Planning Application Enquiry	24/11/2023	Pre-planning application enquiry in relation to erection of a manager's dwelling in connection with glamping business	Land At Cwmtawe Uchaf Farm Brecon Road Abercrave Swansea Powys SA9 1SW
	Closed	20/09/2023	23/0166/PRE	Pre-Planning Application Enquiry	30/11/2023	Pre-planning application enquiry in relation to proposed residential development of 3 houses	Land Adjacent To Former School House Heol Gleien Lower Cwmtwrch Swansea Powys SA9 2TZ
	Consent	18/08/2023	23/1124/HH	Householder	01/12/2023	Proposed extension to rear elevation	Rosedene Caerbont Abercrave SA9 1SW
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Appeal Decision

by **A L McCooey BA (Hons) MSc MRTPI**

an Inspector appointed by the Welsh Ministers

Decision date: 27/09/2023

Appeal references: CAS-02231-F5F8M8 and CAS-02303-B1R0G8

Site address: Aberdeunant, Bryn Lane, Newtown, SY16 3LX

- 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 David Brian Williams against the decision of Powys County Council.
 - The application Ref 22/0687/HH, dated 20 April 2022, was refused by notice dated 13 July 2022.
 - The development proposed is Construction of a small single storey oak framed garden room, with glazing and a slate roof.
 - A site visit was made on 31 July 2023.
-

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by David Brian Williams against the decision of Powys County Council.
 - The application Ref 22/0688/LBC, dated 20 April 2022, was refused by notice dated 13 July 2022.
 - The works proposed are the construction of a small single storey oak framed garden room with glazed infills and under a traditional slate roof.
 - A site visit was made on 31 July 2023.
-

Decision

1. The appeals are dismissed.

Procedural Matters

2. The applications for planning permission and listed building consent were refused for similar reasons related to the impact of the proposal on the listed building. I shall therefore consider the appeals together.

Main Issue

3. The main issue is whether the proposed works would preserve the special architectural and historic interest of Aberdeunant, a Grade II listed building.

Reasons

4. The building is located off Bryn Lane at the end of a long access road. The building which was extended in the 1950s, was listed in 1988 as a 17th century timber framed dwelling. In 1996 consent was granted for a large extension which projects to the rear of the building. This consisted of a barn of a similar age to the listed building that was transported to the site.
5. Sections 16 (2) and 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) require the decision maker 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. Planning Policy Wales, Technical Advice Note 24: The Historic Environment (TAN24) and Local Development Plan Policy SP7, all provide policy guidance reflecting the statutory duties.
6. TAN24 states that past changes that reflect the history of use and ownership may themselves be aspects of the special interest of the listed building. Cadw advice in Conservation Principles for the Sustainable Management of the Historic Environment in Wales provides detailed criteria for the assessment of new work to listed buildings.
7. I consider that the design of the proposal is high quality. The glazing, the spacing of the timbers and the scale and form of the extension will allow the historic layout to be seen. However, the issue for my consideration is the extent of the additions to the original modest cottage and whether this further proposed addition would cause harm to the significance of the heritage asset.
8. The appellant refers to the mid twentieth century extension increasing the size of the original building. However, this extension was present when the building was listed. The appellant confirms that it obscured the south gable and western elevation of the cottage. The appellant also points out that the 1996 addition matches the original listed building in age and appearance. He states that it also screens the inappropriate brickwork in the older extension.
9. It is claimed that the proposal is justified by the need for additional protection to the north gable. The information is confusing as the applications were accompanied by a Heritage Impact Assessment, which states that the north gable has been re-built. However The appellant states in the appeal submissions that it was not re-built. The interior timbers are sound and were clad externally by sawn timbers to protect them from the elements. No structural report has been supplied to confirm the position.
10. The appellant states that the addition of a small garden room is necessary for proper living conditions as the remainder of the house is dark as a result of small windows. I also note the extensive maintenance and improvement works to the building that the appellant has undertaken. The proposed works to this listed building must be assessed against the statutory tests and relevant policy guidance.
11. Guidance in Managing Change to Listed Buildings in Wales refers to the size and form of listed buildings as important aspects of their architectural character and aesthetic value. They may also contribute to historic interest because a building's size is often directly related to its use and status. The layout and plan of a building is often the basis of its design and provides evidence for its purpose, age and development.
12. In this case the building has been extended on two sides. The proposal whilst in itself modest and well designed, would obscure the gable and although set back, would appear to extend the front elevation. The cumulative impact of a further extension in this position would have an adverse impact on the features of the original building that remain and would detract from its aesthetic value.

13. The proposal is largely reversible because the extension could be removed in the future, with minimum impact to the external fabric of later date. However, Cadw objects because should any historic fabric survive embedded within the structure, then the extension would not only result in some loss but would limit access to allow for any necessary structural interventions. It is also pointed out that whilst the appellant seeks to improve living conditions, no information has been provided on what other options have been considered to improve the internal layout without further extending the building.

Other Matters

14. In terms of the planning application, the Local Planning Authority considered the proposal against the relevant policies of the Plan and concluded that there was no other objections to the development. I agree that the proposal for a modest extension in this location would not give rise to any concerns other than those identified in the reason for refusal.

Conclusion

15. For the reasons given above I conclude that the proposal would adversely affect the features of special architectural or historic interest which the listed building possesses. Having considered all the relevant information I conclude that the proposal would not meet the statutory tests in Sections 16 (2) and 66 (1) of the Act and would also be contrary to Planning Policy Wales, TAN24 (and accompanying advice) and Policy SP7. The claimed justification for and benefits of the proposal would not outweigh its adverse impacts. I conclude that the appeals should fail.

16. I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act"). In reaching this decision, I have taken into account the ways of working set out at section 5 of the WBFG Act and I consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives set out as required by section 8 of the WBFG Act:

A L McCooey

Inspector

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Appeal Decision

by C MacFarlane BSc(Hons) MSc MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 02/10/2023

Appeal reference: CAS-02381-D1D2L9

Site address: Tanyfron, Broncafnt Lane, Llanfair Caereinion, Welshpool SY21 0BW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr Nigel Griffiths against the decision of Powys County Council.
- The application Ref 21/2225/REM, dated 6 December 2021, was refused by notice dated 14 September 2022.
- The application sought planning permission for erection of 3 dwellings and garages, creation of 3 vehicular access, installation of sewage treatment plant and all associated works (some matters reserved) at Tanyfron, Broncafnt Lane, Llanfair Caereinion, Welshpool SY21 0BW, without complying with conditions attached to planning permission Ref 20/0010/OUT, dated 1 July 2020.
- The conditions in dispute are Nos 5, 6, 7 and 14 which state that:
 - 5. Prior to the commencement of development, a scheme for the provision of affordable housing as part of the development shall be submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of TAN 2 or any future guidance that replaces it. The scheme shall include:*
 - i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than one housing unit;*
 - ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;*
 - iii) the arrangements for the transfer of the affordable housing to an affordable housing provider or the management of that affordable housing if no RSL is involved;*
 - iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and*
 - v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.*
 - 6. The affordable dwelling shall have a maximum gross floor area of 115 square metres (measured internally and including garages where designed as an integral part of the dwelling) and notwithstanding the provisions of schedule 2, part 1, classes A, B, C and E*

of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), the affordable dwelling shall not be subject to extension, roof alterations and buildings other than those expressly authorised by this permission and subsequent approval of reserved matters.

7. Prior to the commencement of development, a scheme for the provision of improvements to the public right of way network to serve the development must be submitted to and approved in writing by the local planning authority. The scheme shall include details of an implementation plan for any improvements. The development shall be carried out in accordance with the agreed scheme and its implementation plan.

14. Notwithstanding the provisions of schedule 2, part 1, classes A, B, C and E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), the dwellings hereby permitted shall not be subject to extensions, roof alterations and buildings other than those expressly authorised by this permission and subsequent approval of reserved matters. No dwellings shall exceed a maximum of three bedrooms.

- The reasons given for the conditions are:

5. To ensure that affordable housing is secured in accordance with policies SP3 and H5 of the Powys Local Development Plan (2018), Technical Advice Note 2 and Planning Policy Wales.

6. To ensure that affordable housing is secured in accordance with policies SP3 and H5 of the Powys Local Development Plan (2018), the Council's Affordable Housing Supplementary Planning Guidance, Technical Advice Note 2 and Planning Policy Wales.

7. To ensure that active travel and open space is secured in accordance with policies DM3 and DM13 of the Powys Local Development Plan, Technical Advice Note 16 and Planning Policy Wales.

14. In the interests of highway safety.

- A site visit was made on 18 July 2023.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the conditions are necessary and reasonable, having regard to (i) the provision of affordable housing, (ii) pedestrian accessibility, and (iii) highway safety.

Reasons

Affordable housing

3. The appeal site is a plot within a field and forming part of a larger undeveloped housing allocation for 40 dwellings, including 4 affordable dwellings, as identified within the Powys Local Development Plan 2011-2026 (LDP). In seeking to remove conditions 5 and 6, the appeal proposal would not make any provision towards affordable housing.
4. In accordance with Welsh Government's Planning Policy Wales (PPW), the need for affordable housing is a material planning consideration which must be taken into account in formulating development plan policies. LDP Policy SP3 sets the overarching target for

the delivery of affordable homes, and this is supported by Policy H5 which sets thresholds and quotas for affordable housing contributions from new developments. In seeking to achieve an appropriate range and mix of house types to meet local needs, a requirement of Policy H3 is that proposals to develop parts of sites must not prejudice the development of the remainder of the site or seek to avoid planning obligations. Policy DM1 further states that planning obligations will be sought, where necessary, to ensure that significant adverse socio-economic impacts are addressed and that benefits are secured in the public interest to meet the additional demands of development proposals. The Council's Affordable Housing Supplementary Planning Guidance (SPG) amplifies the policy framework by stating that the subdivision or phasing of development sites to avoid or reduce affordable housing contributions will not be permitted.

5. I acknowledge the provision of an affordable dwelling would be in excess of the requirements set in Policy H5, which were informed by financial viability considerations. However, paragraph 10.8 of Welsh Government's Technical Advice Note 2 'Planning and Affordable Housing' (TAN 2) specifically makes provision for Councils to seek contributions from developments falling below the policy threshold where the site forms part of a larger development, for example, part of a larger allocation. The appeal site clearly forms part of a larger allocation that is intended to make appropriate provision towards the countywide affordable housing target. Furthermore, no site-specific evidence has been provided to demonstrate that requiring a contribution would be unviable in this particular case.
6. The appellant refers to a willingness to provide affordable housing on the remaining allocated site area. However, there is insufficient evidence before me regarding the details of such a proposal, and to demonstrate that this could be appropriately secured. As such, I cannot be confident that delivery of the remainder of the allocation, including adequate provision for affordable housing, would be likely to occur.
7. The appellant has highlighted another permission granted by the Council, however I have not been provided with the full details of why this was considered acceptable. I therefore cannot be certain this is directly comparable with the appeal proposal, particularly in relation to the sub-division of an allocated housing site. The appeal decision referred to relates to the need to adhere to specific policy wording rather than assumed definitions. As there is no apparent uncertainty regarding the meaning of the wording in Policy H5, to which I have had due regard, I afford this example little weight. Regardless of whether a previous application without provision for affordable housing was supported by Council officers, this did not result in a grant of planning permission, and I must determine the case before me based on its own merits and taking account of the relevant policy framework.
8. Drawing together all of the above, whilst the requested level of provision would exceed the requirements of Policy H5, this cannot be considered in isolation. It is a well-established principle that the development plan must be read as a whole and it is clear when considering Policies SP3, H3 and DM1, as well as the SPG, PPW and TAN 2, that the appeal proposal would run counter to the overarching aims and requirements of these policies and guidance, which seek to make provision for affordable housing and resist piecemeal development that would potentially prejudice the delivery of planning obligations.
9. I therefore conclude that conditions 5 and 6 are necessary in order to make the development acceptable when assessed against the national and local policy framework and are not unduly onerous in nature or scale, or so restrictive, as to be considered unreasonable. The conditions are also relevant to planning and the development in question, as well as enforceable and the wording sufficiently precise. The tests within

Welsh Government Circular 016/2014 'The Use of Planning Conditions for Development Management' ('the Circular') are therefore met.

Accessibility

10. The appeal site is located near the end of Broncafnt Lane, which serves as the main access route for vehicles and pedestrians. A Public Right of Way (PROW) runs along the lane and connects to the settlement centre further to the north of the site. The appeal seeks the removal of condition 7, which requires the submission and implementation of a scheme of improvements to the PROW network serving the development.
11. Although the development is on an allocated site within the settlement boundary and not remote from nearby facilities, given the significant distance pedestrians would have to walk along the lane to access the settlement centre, with its lack of footways and lighting, and limited refuge space from vehicles due to its narrow nature, this would not represent a practical, safe and attractive route. The development would therefore be contrary to the principles of promoting active travel and commitment to reducing reliance on the private car as set out in PPW, as well as failing to comply with the requirements of Policy DM13 to enhance and integrate the PROW network within the layout of developments.
12. Whilst it may be the case that the lane and paths have been used by local residents to access the settlement, from the information before me, and taking account of the site location, it is apparent that some improvements to the network and/or extensions are required to ensure the development integrates with the existing routes and promotes non-car use.
13. I acknowledge the appellant's willingness to provide certain improvements and/or contributions. However, these must be secured through the use of a planning condition in order to ensure sufficient control and certainty of their nature and delivery. The condition does not specify the detail of the improvements to be delivered, rather this can be determined through continued dialogue with the Council, whilst taking account of landownership. I therefore conclude that the requirement of condition 7 to provide a scheme of improvements to the PROW network to serve the development is both necessary and reasonable in order to comply with Policy DM13 and PPW, and meets the tests in the Circular.
14. In refusing the application, the Council refers to Policy SP7, which seeks to safeguard strategic resources and assets, including the PROW network, from adverse impacts arising from development proposals. Any concerns regarding potential adverse impacts on the PROW network have not been articulated and, based on the siting of the development in relation to the network, I am unable to conclude that Policy SP7 is relevant in this instance.
15. Similarly, the reason for the condition refers to Policy DM3, which seeks to protect Public Open Space and secure its provision in new developments, however this is not presented as an argument by the Council. As nothing before me indicates that there would be a loss of Open Space, or failure to make provision, I do not consider Policy DM3 to be applicable.

Highway safety

16. Broncafnt Lane is a single vehicle width road, lacking in pedestrian facilities or formal passing places, and with limited visibility at its junction with the B4389 highway. In removing permitted development rights for alterations and extensions to the proposed dwellings, as well as additional outbuildings, the Council seeks to limit vehicle movements in the interests of highway safety. The appeal proposal seeks the variation

of condition 14 through the removal of this restriction, with the element of the condition limiting the dwellings to 3 bedrooms being undisputed.

17. In the absence of the element of the condition restricting permitted development rights, the dwellings could potentially be altered or extended, outwith the Council's control, resulting in increased occupancy and associated vehicle movements. Notwithstanding the provision of two passing places required by the original permission, due to the lack of pedestrian refuge and opportunities for vehicles to safely pass as a result of its narrow width, and substandard visibility, further intensification of the use of this road and junction would increase the potential for conflict between road users, to the detriment of highway safety. This is reflected in the response from the Highway Authority, who objected to the original application for three dwellings.
18. I note the references made to a legal agreement securing the closure of the nearby nursery. However, a copy has not been provided and I therefore cannot be certain of its content and relevance. Furthermore, the agreement has been entered into as part of the original permission on the site. In the event I were to allow this appeal, it would in effect create a new separate permission, which would require a separate legal agreement or deed of variation to the existing agreement in order to secure this measure. As no such documents have been put before me, I am unable to give weight to any potential alterations to vehicle movements that may result from the closure of the nursery.
19. Whilst the Circular states that conditions restricting permitted development rights should only be imposed in exceptional circumstances, given the severely restricted nature of the surrounding highway network, and the potential for accident or injury to occur because of increased use, the consequences of which may be serious, I consider such an approach is justified in this instance.
20. I therefore conclude that condition 14 meets the Circular tests and is both necessary and reasonable in order to comply with Policies T1 and DM13, which seek to ensure the safe and efficient flow of traffic for all transport users, and that highway safety for all users is not detrimentally impacted upon.

Other Matters

21. The appellant points to the development being acceptable in other respects, including constituting sustainable development and according with several of the objectives of the Well-Being of Future Generations Act. Even so, these are normal expectations of development and therefore are a neutral factor in my determination.
22. I note the appellants concerns regarding communication with the Council, however, this does not alter my assessment of the planning merits of the proposal.
23. In reaching my decision, I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (WBFG Act). I have taken into account the ways of working set out at section 5 of the WBFG Act and consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives, as required by section 8 of the WBFG Act.

Conclusion

24. For the reasons given above, the appeal is dismissed.

Claire MacFarlane **INSPECTOR**

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Appeal Decision

by I Stevens BA (Hons) MCD MBA MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 08/11/2023

Appeal reference: CAS-02710-M3B0F2

Site address: The Wood Yard, Broadaxe, Presteigne, LD8 2LA

- 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 Anethos Ltd against the decision of Powys County Council.
 - The application Ref 23/0236/FUL, dated 10 February 2023, was refused by notice dated 5 April 2023.
 - The development proposed is erection of a dwelling and all other associated works.
 - A site visit was made on 24 October 2023.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. I have taken the description of proposed development from the Council's Decision Notice, as it is more concise than that provided on the Application and Appeal Forms.
3. The Appeal Form indicates that the appeal site is in a green belt/green wedge. The appellant and Council have not referred to this elsewhere in their submissions and I have seen no indication from the evidence that the appeal site is in a green belt/green wedge.
4. On 18 October 2023, the Welsh Government published an update to Chapter 6 of Planning Policy Wales (PPW), which covers green infrastructure, net benefit for biodiversity, the protection afforded to Sites of Special Scientific Interest and trees and woodlands. I have not made a finding on the implications of the new policy change as it would not alter the outcome of the appeal, given that I find the proposal unacceptable on other substantive matters.

Main Issues

5. The main issues are:
 - Whether the proposal would comply with national and local planning policies relating to development in the countryside
 - The effect of the proposal on ecological interests
 - Whether there is sufficient information regarding the means of foul drainage disposal having regard to public health and the environment; and

- The effect of the proposal on the integrity on the River Wye Special Area of Conservation.

Reasons

Development in the countryside

6. The appeal site comprises a parcel of land in an elevated position to the south of Presteigne. The site adjoins an agricultural field on one side, with two local highways running along its other sides and meeting at a corner. It is overgrown with vegetation and is partly covered by an area of hardstanding, with hedgerows and trees defining its boundary adjacent to the highways. The surrounding area is characterised by fields and trees, with an ancient woodland immediately south of the appeal site.
7. In planning policy terms, the appeal site lies in open countryside, outside of the nearest settlement development boundary as defined in Strategic Policy SP5 of the Powys Local Development Plan 2011-2026 (LDP), adopted in April 2018. Policy H1 of the LDP identifies suitable locations for new housing within the Plan's settlement hierarchy. In the open countryside, new housing should meet current national policy on housing in such locations, or relate to a rural building conversion, or involve the renovation of a former abandoned building. The supporting text advises that Policy H1 applies a restrictive approach to housing development in the open countryside and identifies where development will be supported in accordance with national policy and advice. This includes rural enterprise dwellings, one planet development, and the re-use/adaptation of rural buildings.
8. The appeal proposal seeks to build a detached dwelling on a site where there are no other buildings. There is no evidence which indicates the dwelling would form part of an established or proposed rural enterprise, where the provisions of national advice in Technical Advice Note (TAN) 6: Planning for Sustainable Rural Communities (July 2010) apply. While I note that the dwelling would be contemporary in design and use sustainable technology and modern construction techniques, there is no indication that the proposal would satisfy the robust evidence requirements for one planet developments set out in TAN 6.
9. The approach in both LDP policy and TAN 6 is underpinned by PPW, which advises that new building in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled. The appeal site is both physically and visually separate from the Presteigne development boundary, and where there is a restrictive approach towards new build housing development in local planning policy and national planning advice.
10. The appellant refers to the planning history of the site, which has permission for two holiday let dwellings (Local Planning Authority Ref. P/2012/1375). I do not have any further details on the consent, although I note that hardstanding covers part of the area proposed for development. Notwithstanding any alleged visual impact benefits that the proposal may bring compared with the holiday let scheme, the uses are clearly different, as are the respective planning policy provisions. This is reinforced in LDP Strategic Policy SP6, which states that only housing development that complies with the national exceptions policies as set out in PPW and TAN 6 will be permitted in the open countryside.
11. For the reasons I have outlined, the proposal does not comply with the exceptions for development in the open countryside. Indeed, PPW states that new building away from settlements must continue to be strictly controlled, and the fact that a single house on a particular site would be unobtrusive is not, by itself, a good argument in favour of permission; such permissions could be granted too often, to the overall detriment of the

character of an area. I therefore conclude that the proposal does not comply with national and local planning policies regarding development in the countryside. It is therefore contrary to LDP Policies SP6 and H1, and advice in PPW and TAN 6.

Ecological interests

12. Given the overgrown nature of the appeal site and its location in open countryside adjacent to an ancient woodland, I consider it necessary to address any ecological issues of local importance. Indeed, PPW advises that planning authorities should ensure that features and elements of biodiversity or green infrastructure value are retained on site, and enhanced or created wherever possible, by adopting best practice site design and green infrastructure principles. It adds that the provision of up-to-date ecological survey information will assist in this process. Notwithstanding the proposal's inclusion of biodiversity enhancement measures such as a meadow zone and green flat roof, there is a lack of information on the baseline ecological conditions which could influence the overall measures proposed.
13. I am therefore unable to come to a positive finding that the proposed development would satisfy ecological interests. Contrary to the appellant's suggestion, it is not normally appropriate to provide a more detailed assessment of potential impacts on protected species through the means of a planning condition, requiring details to be submitted at a later date. National Advice in TAN 5: Nature Conservation and Planning (September 2009), says as much, because the issues will be material to the determination of whether planning permission should be granted. Neither does the previous grant of planning permission negate the need for an up-to-date survey in accordance with current policy and guidance.
14. The proposal therefore fails to comply with LDP Policy DM2, advice in TAN 5 and the Council's Biodiversity and Geodiversity Supplementary Planning Guidance, adopted in October 2018.

Foul drainage

15. The Application Form states that foul sewage disposal would be through a septic tank. It is understood that the foul drainage system is in place. However, no details have been provided on the specification, capacity, and condition of the existing system, to demonstrate that it could accommodate the rate of discharge and foul effluent loading from the proposed development, without causing pollution, health hazards or a nuisance. Such information is necessary given that PPW advises non-mains sewage proposals should be subject to an assessment of their effects on the environment, amenity, and public health in the locality, prior to the determination of the planning application.
16. Welsh Government Circular 008/2018 (July 2018) advises that the responsibility for demonstrating a new development is effectively served by a sewerage system rests with the developer, who should make a full assessment of the suitability of any proposals for non-mains sewerage systems at the project design stage. It adds that applications for planning permission should be supported by a full assessment of the proposed use of septic tanks, to confirm the adverse effects referred to in the Circular will not arise.
17. No such assessment has been provided with the application. While the appellant would be happy to accept a planning condition requiring details to be submitted at a later date, without establishing beforehand whether the form of private sewerage disposal would be suitable, in this instance it would not be appropriate to impose a condition. In the absence of necessary information, I am unable to conclude that the proposal would not have an adverse effect on public health or the environment, as sought by the utility services provision criteria of LDP Policy DM13, advice in PPW, and advice in Circular 008/2018.

River Wye Special Area of Conservation

18. The appeal site is within the catchment of the River Wye Special Area of Conservation (SAC), protected under the Conservation of Habitats and Species Regulations 2017, as amended (the 'Habitats Regulations'). Natural Resources Wales (NRW) has set new phosphate standards for the riverine SACs, where evidence indicated a widespread or severe failure to meet revised water quality targets for phosphorous in SACs, including the River Wye SAC.
19. Consequently, NRW considers any proposed development that might increase the amount of phosphate (or phosphorus) within a river SAC catchment could lead to damaging effects to the SAC. NRW issued planning advice (updated August 2023) requiring further details on sewerage treatment systems, and only where it can be shown that the systems meet several criteria, then proposals will not have a detrimental impact upon the River Wye SAC.
20. The nature of proposed development has the potential to increase the amount of phosphorous being discharged from the site, and consequently into the SAC. A significant effect on the SAC cannot therefore be ruled out. Consequently, the decision maker as the competent authority is required to carry out an appropriate assessment to determine whether the proposal is likely to have a significant effect on the SAC. As the decision maker in this appeal, this responsibility falls on me. However, there is insufficient information before me in terms of the levels of phosphates produced from the proposed development, to carry out a screening under the Habitats Regulations.
21. As I have found the proposal to be unacceptable on other grounds, I have not sought the views of parties, including NRW, to inform the screening. Even if the effects of sewage discharge on the River Wye SAC were found to be acceptable, this would not outweigh my conclusions on other grounds. In the absence of such information, I am unable to conclude that the development would not have any adverse effects on the River Wye SAC, contrary to LDP Policies SP7 and DM2.

Conclusion

22. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.
23. 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.

I Stevens

INSPECTOR



Appeal Decision

by N Jones BA (Hons) MSc MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 15/11/2023

Appeal reference: CAS-02618-Y9N2V7

Site address: Unity House, Llandrinio, Llanymynech, SY22 6SG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Charanjit Singh against the decision of Powys County Council.
 - The application Ref 21/0186/FUL is dated 3 February 2021.
 - The development proposed is a change of use and minor extensions to previously approved nursing home to form: 15 no 1 bed apartments, 2 no 2 bed apartments, 3 no studio apartments; total of 22 beds / 25 persons with associated parking for 27 vehicles together with amenity space.
 - A site visit was made on 4 October 2023.
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Decision

1. The appeal is dismissed.

Procedural Matters and Main Issues

2. The appeal is made against the failure of the Council to determine the application within the prescribed period. The Council prepared an officer report recommending approving the application, to which it has referred in commenting on the appeal. However, no formal decision has been made by the Council as consideration of the application was deferred at its Planning, Taxi Licencing and Right of Way committee on 16 June 2022 in order to address landownership matters. Nevertheless, from the information that is before me, including the representations made by interested parties, I consider the main issues to be (i) whether the principle of residential development on the appeal site would be acceptable; (ii) whether the proposal would be in an acceptable location having regard to planning policies relating to flood risk; (iii) the effect of the proposal on highway safety; and (iv) the effect of the proposal on heritage assets.

Application for costs

3. An application for costs has been made by Mr Charanjit Singh against Powys County Council. This application is the subject of a separate Decision.

4. A neighbouring occupier indicated an intention to submit a substantive claim for costs against the appellant however no further details were provided in order for that claim to be assessed.

Reasons

Residential development

5. Policy H1 of the Powys Local Development Plan (LDP) seeks to ensure that housing development is appropriately located and suitable in scale and type to support the delivery of a sustainable pattern of development. Housing is directed to towns as well as large villages such as Llandrinio. Within these areas, Policy H1 states that housing developments will only be permitted on sites allocated for housing or on other suitable sites within the development boundary. Unity House is located within an accessible location within the settlement development limits for Llandrinio. The proposal is to change the use of an existing large building to create residential units without extending the site footprint. It would therefore be of a type and scale commensurate to Llandrinio's place in the sustainable settlement hierarchy. The proposal would make an appropriate contribution towards affordable housing. There is no substantive evidence that unacceptable noise or disturbance would be caused by future occupiers. There would be adequate provision for parking and refuse bins. The scheme would involve only minor external alterations to the building and would have no discernible effects on the character and appearance of the wider area. Whilst I note the Community Council's concerns regarding the amenity of future residents, although two ground floor units would be served by a single external opening, they would not be overshadowed to an unacceptable extent. The proposal would have shared amenity space for future residents and although LDP Policy DM3 seeks further provision where ten or more dwellings are proposed, the Council does not identify a local shortfall and given the nature of the units proposed, being small flats, considers the incorporated area to be appropriate to the scale and type of proposal submitted. I have no reason to conclude differently in this regard.
6. I conclude that the principle of residential development on the appeal site would be acceptable and would comply with LDP Policies H1 and H5 which requires proposals for new housing development of five or more dwelling units to make contributions towards the provision of affordable housing. It would also comply with LDP Policy DM3 and be consistent with the aim of LDP Policy DM 13 to ensure the appearance of a development, its scale and its relationship to its surroundings achieves good design.

Flood risk

7. LDP Policy DM 5 states that development proposals must be located away from flood plains unless it can be demonstrated that the site is justified in line with national guidance and an appropriate detailed technical assessment has been undertaken to ensure that the development is designed to reduce / avoid the threat and alleviate the consequences of flooding over its lifetime. In addition, the development must not increase flood risk elsewhere. LDP Policy DM6 states that development proposals must avoid unnecessary flood risk by assessing the implications of development within areas susceptible to all types of flooding; any development that unacceptably increases risk will be refused. The appeal site is located within Flood Zone C2 according to the Development Advice Maps referred to in Technical Advice Note 15 'Development and Flood Risk' (TAN 15). It is within Flood Zone 3 on the Flood Map for Planning (FMfP) which contains up to date information in relation to flood risk. In these locations, the flooding consequences associated with highly vulnerable development, which includes all residential premises,

are not considered to be acceptable. Accordingly, TAN 15 advises that highly vulnerable development should not be permitted in Zone C2.

8. I have had regard to the appellant's evidence which purports to establish the lawfulness of the existing development as a nursing home for 40 residents, and which, it is claimed, would amount to a greater highly vulnerable use than that proposed by the appeal scheme. The Council's officer report accepts that proposition. However, a neighbouring occupier challenges the lawfulness of the operational development undertaken under planning permission ref. P/2008/0100 on the basis of an alleged failure to discharge a planning condition which, contrary to the Council's view, he considers is a condition precedent going to the heart of the consent. Nevertheless, it is not for me to decide whether the implementation of a planning permission is lawful in the context of an appeal made under section 78 of the Act. It is sections 191 and 192 of the Act that allow for evidence relating to lawfulness to be examined and lawfulness to be so determined as the case might be. Moreover, to demonstrate a realistic fallback position, any alternative development must be assessed on whether the likelihood of it taking place is more certain than a theoretical possibility. The appellant confirms no use has been made of the property as a nursing home, and I have no evidence that other conditions of the planning permission requiring the approval of the Council of various details prior to the occupation of the building, including the raising of the crest level of the flood defence bund, have been discharged. Furthermore, the appellant confirms that regulations and financial incentives appertaining to nursing homes changed during construction works and the operation of the premises for such purposes would have proved unviable. I have seen no evidence that these circumstances have changed such that the use is likely to come forward in a building which the appellant acknowledges to be dilapidated. Given these matters, I afford the nursing home use little weight as a fallback position.
9. The last known use of the appeal property was a dwelling with bed and breakfast accommodation and self-contained holiday apartments. Although such a use would also be highly vulnerable development within the meaning of TAN 15, the appellant confirms that the appeal building has been vacant since 2006/7 and I have seen no evidence of whether this use remains capable of subsisting following the operational works undertaken in relation to planning permission given for a nursing home. Nevertheless, the appellant has not sought to rely on this previous use as a fallback position and no substantive evidence of the extent of its use and occupation compared to that which would be generated by the appeal proposal has been provided. Accordingly, on the basis of the evidence before me, it has not been demonstrated that the balance of any existing highly vulnerable uses at the appeal site would be equal to or greater than what is proposed in the appeal scheme. The proposal is therefore contrary to TAN 15 advice. In these circumstances, I have not therefore considered the submitted flood risk assessment.
10. I conclude that the proposal would not be acceptably located in relation to flood risk. It would therefore conflict with LDP Policies DM 5 and DM6 and TAN 15 advice.

Highway safety

11. The B4393 in the area of the access to the appeal site is subject to a 50mph speed limit. Accordingly, the Highway Authority states that the design speed of the access visibility and forward visibility splays should be 160m. However, it calculates the available forward visibility to right turning traffic and visibility to the southeast to be about 80m, consistent with my own observations on my site visit. These available distances are significantly less than the 104m proposed by the appellant which are measurements based on traffic speeds observed by driving along the road rather than actual measured speeds.

Although the Highway Authority withdrew its objection to the appeal scheme, this was based on the appellant's Access Assessment (10 February 2022) which included TRICS data analysis which demonstrated that the number of vehicle movements associated with the proposed residential conversion would be less than the use as a nursing home advanced by the appellant as a fallback. However, no comparative data is provided for the last known use of the site as a dwelling with letting apartments and bed and breakfast accommodation. Accordingly, and given that I afford the alleged fallback limited weight, the proposal would increase use of a substandard access with drivers using the access and the road having inadequate warning of one another.

12. The appeal scheme would therefore harm highway safety. Accordingly, it would not comply with LDP Policy T1 which requires, amongst other things, that development proposals should incorporate safe and efficient flow of traffic for all transport users and manage any impacts to the network and the local environment to acceptable levels and mitigate any adverse impacts. It would also conflict with LDP Policy DM13 which states that development proposals will only be permitted where its listed criteria are met, including that the development ensures that highway safety for all transport users is not detrimentally impacted upon and that development proposals should meet all highway access requirements.

Heritage assets

13. The appeal site would be located some 320m west of the scheduled monument of Llandrinio Bridge and its associated World War II anti-invasion defences. Views out from these defences are integral to their historic function. However, although the proposal would be visible in significant views from the bridge and the defences, the proposed external alterations would be limited and would be screened by an existing building and mature vegetation. Cadw do not object to the proposal, and I have no reason to reach a different conclusion. The scheme would also be in close proximity to St Trunio's Church, a grade II* listed building, a sundial opposite the church porch, and the Old School Room near the church. Owing to the limited alterations proposed to the building and the presence of existing screening features, including the flood defence bund, the proposed change of use would not give rise to any material change in effects. However, and notwithstanding my findings on flood risk, no details are provided of the intended increase in height of the flood defence bund. The Council's officer report indicated that the height increase could be conditioned out of any consent meaning that the setting of nearby listed buildings could be preserved. However, this was based on the acceptance of the appellant's purported fallback position. Given the limited weight attributed to the fallback, I share the Council's Built Heritage Officer's concern that in the absence of details, the effects of any increase in the height of the bund on the setting of heritage assets locally cannot properly be assessed. It has not been demonstrated therefore that the proposal would preserve the setting of nearby listed buildings. The scheme consequently fails to comply with LDP Policy DM 13 which, amongst other things requires 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. The proposal would also conflict with the strategic aim of LDP Policy SP7 to safeguard important strategic resources and assets, including listed buildings, from unacceptable development.

Other matter

14. The appellant's Ecological Impact Assessment confirms the presence of a bat maternity roost within part of the building. The wider site is assessed as being an important habitat for breeding birds and hedgehogs. NRW and the Council's Ecologist raise no objection to the proposal subject to the proposed mitigation measures and planning conditions including the requirement for submission of a wildlife sensitive lighting scheme, a

biosecurity risk assessment, a landscaping scheme, including the retention of principal trees, and biodiversity enhancements. Nevertheless, on 17 September 2023 the Welsh Government announced changes to Planning Policy Wales (PPW) with immediate effect in relation to the incorporation of green infrastructure into development proposals, following a step-wise approach to demonstrate the steps which have been taken towards securing a net benefit for biodiversity and ecosystem reliance. However, I have not made a finding on the implications of the new policy change for the proposal as it would not alter the outcome of the appeal, given that I find it unacceptable in relation to the main issues.

Planning balance

15. I have found the principle of residential development on the appeal site acceptable. I also acknowledge the dilapidated condition of the building and that its redevelopment would provide for both open market and affordable housing locally. However, these matters, even taken together, do not outweigh the substantial harm I have identified in relation to flood risk, highway safety and the effects of the proposal on heritage assets.

Conclusion

16. For the reasons given above, and taking all other matters into account, I conclude that the appeal should be dismissed.

17. 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 this decision is in accordance with the Act's sustainable development principle through its contribution towards one or more of the Welsh Minister's wellbeing objectives as required by section 8 of the Act.

N Jones

Inspector

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Appeal Decision

by I Stevens BA (Hons) MCD MBA MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 28/11/2023

Appeal reference: CAS-02711-B6G1P8

Site address: Fir View Tan y Ffridd Caravan Park, Llangyniew, Welshpool, SY21 OLT

- 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 Sheehan Holdings Ltd against the decision of Powys County Council.
 - The application Ref 22/1342/FUL, dated 6 August 2022, was refused by notice dated 27 March 2023.
 - The development proposed is change of use of land to static caravan park, including the installation of 20 static caravans, creation of internal road layout and landscaping.
 - A site visit was made on 24 October 2023.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of land to static caravan park, including the installation of 20 static caravans, creation of internal road layout and landscaping at Fir View Tan y Ffridd Caravan Park, Llangyniew, Welshpool, SY21 OLT, in accordance with the terms of the application, Ref 22/1342/FUL, dated 6 August 2022, subject to the conditions set out in the schedule to this decision letter.

Procedural Matter

2. On 18 October 2023, the Welsh Government published an update to Chapter 6 of Planning Policy Wales (PPW), which covers green infrastructure, net benefit for biodiversity, the protection afforded to Sites of Special Scientific Interest and trees and woodlands. Both parties have had the opportunity to comment on the changes to PPW. I have taken the changes into account but in this case, they do not raise any new matters that have any significant bearing on the decision.

Application for Costs

3. An application for costs has been made by Sheehan Holdings Ltd against Powys County Council. This application is the subject of a separate Decision.

Main Issues

4. The main issues are:

- The effect of the proposal on the character and appearance of the surrounding area; and
- Whether the proposal would result in any unacceptable risks from flooding.

Reasons

Character and appearance

5. The appeal site comprises an agricultural field that is adjacent to a caravan park access road. The site adjoins existing static caravans along its eastern boundary, while additional static caravans are being placed on land to the west. The southern boundary of the site is separated from the A495 highway by a line of tall, mature trees. The highway is set down at a lower level than the sloping field. An agricultural field lies to the north of the site, beyond a row of trees. The proposal would provide 20 additional static caravans at the site, arranged in clusters around driveways, with raised external decking and vehicle parking adjacent to each unit.
6. The appeal site is characteristic of the lowlands meadows found within the Pont Llogel Landscape Character Area. The visual sensory aspect of the LANDMAP landscape resource assesses the surrounding area as moderate sensitivity, recognising the wide, open views over the valley floor, and the presence of sporadic clustered developments. From my site visit observations, the field is also viewed against the backdrop of the Ffridd Mathrafal woodland to the north.
7. The submitted Landscape and Visual Appraisal (Version 2 - December 2022) considers the appeal site to be low to moderate sensitivity, due to the presence of existing caravans on adjacent land. I am satisfied that the Appraisal has included a range of viewpoints reflective of the surrounding area from where development could be seen, given the undulating topography. These viewpoints are primarily concentrated to the east of the appeal site, along and adjacent to the A495, and near an elevated local highway to the south of the site on the opposite hillside.
8. The tree line along the A495 provides strong definition and screens much of the site in views from the highway, particularly when travelling westwards. In this direction, glimpses of the site are largely confined to the sloping land nearest the highway. Caravans would not be in this area, and would instead be set back within the site, extending eastwards behind the tree line.
9. When travelling eastwards along the A495, the sloping field can be seen above the existing hedgerow and fencing boundary near the highway. However, views in this direction would also be framed in part by existing development, with the recent addition of static caravans on land to the east of the appeal site being particularly evident given its position relative to the hedgerow boundary along the highway. The proposed development would therefore not be the key focus of prevailing views in this direction.
10. In longer-distance views from along the local highway on the hillside to the south of the appeal site, the upper portions of the field can be seen. From this distance, the caravans would be seen in the wider context of existing development positioned along similar ridge lines, which is broken up by planting. The extent of tree coverage, at Ffridd Mathrafal on land above the appeal site, and on the same hillside as the local highway, also frames views of the site and partially obscures full visibility. Views from the B4389 southeast of the site would be also confined to glimpses of upper portions of the site, due to the intervening tree cover and undulating landscape. In these distant views, the additional development would be nestled in between the tree coverage and would not appear harmful in its scale and siting.

11. The positioning of caravans next to existing development would assist with landscape integration, as the proposal would not appear as a standalone development or disconnected from its surroundings. I note that the proposal would add to the overall number of caravans within the park. However, the increase would be modest, whilst existing and proposed landscape measures would soften and break up the visual massing of development, rather than forming a continuous ribbon of development with its neighbours. Having regard to the visual context and proposed landscaping measures, the cumulative effect of caravan development in this location would not be significant.
12. Most of the tree planting would be located on the steeper slope towards the highway, supplementing the existing tree belt. The screening effects would reduce to some degree during winter months. However, existing vegetation would largely be retained. Additional tree planting towards the southern and eastern boundaries would also enclose development. The proposed hedgerows around each static caravan would define individual plots, soften the visual impact of development, and deliver biodiversity enhancement.
13. The Landscape and Visual Appraisal broadly follows advice on development in the open countryside contained in the Powys Supplementary Planning Guidance (SPG) – Landscape, adopted in April 2019. Having regard to the SPG advice on holiday park proposals, I am satisfied that the scheme would avoid changes to the area skyline. From my visit and observations of the surrounding area, the site's location towards the lower end of the valley slope, with surrounding dense tree coverage, significantly reduces the visual impact of the proposal. Existing access roads would be utilised. Caravans would have a similar green colour, thereby softening their assimilation in the landscape.
14. I acknowledge that some earthworks would be required to ensure suitable gradients for the positioning of caravans and the internal road layout. However, the variation in levels is less towards the upper portions of the site, compared with its lower sections nearer the highway. The proposed landscaping measures provide additional screening. I have no reason therefore to believe that the alterations to land levels would result in any significant visual impact. Additional cross-sectional details to control site level works could be secured by an appropriately worded planning condition.
15. The proposal would not harmfully affect the valued characteristics of the landscape. I am therefore satisfied that the proposal would not have a harmful effect on the character and appearance of the surrounding area. It would therefore comply with Policies DM4, DM13 and TD1 of the Powys Local Development Plan (LDP) 2011-2026, adopted in April 2018, and the broad thrust of advice in the Council's Landscape SPG.

Flood risk

16. While the proposed static caravans would be located on higher ground outside of any flood zone, the caravan site access at its junction with the A495 is in Zone C2 as defined on the Development Advice Maps (DAM) that accompany Technical Advice Note (TAN) 15: Development and Flood Risk (July 2004). Zone C2 indicates areas of the floodplain without significant flood defence infrastructure. A new version of TAN 15 is due to replace the existing version, while the Flood Map for Planning (FMfP) will replace the DAM.
17. In the case of the appeal proposal, the FMfP identifies the A495 access and sections of that highway to be in the new Flood Zones 2 and 3 Rivers, areas with 0.1% to 1% (1 in 1000 to 1 in 100) and more than 1% (1 in 100) chance of flooding from rivers in a given year, including the effects of climate change, respectively. The FMfP, as confirmed in a Welsh Government letter dated 15 December 2021, holds no formal weight as it is not yet national policy. However, it is publicly accessible and provides the best available

information that is more up to date than the DAM, which does not include any allowances for climate change and is no longer being updated.

18. TAN 15 advises that whether a development should proceed or not will depend upon whether the consequences of flooding of that development can be managed down to a level which is acceptable for the nature/type of development being proposed. The TAN adds that the instability of caravans places their occupants, and others, at special risk and it may be difficult to operate an effective flood warning system. Given that the principal point of access partially falls within a flood risk area, it is necessary to consider whether development would be acceptable in the event of flooding.
19. The appellant has provided evidence in the form of a Flood Evacuation Plan, which was prepared for a previously approved application for additional static caravans to the west of the appeal site (local planning authority ref. 20/1580/FUL). The plan indicates that the shortest evacuation route prior to a flood event occurring would be westwards along the A495.
20. The Council's Emergency Planning Team recommend the most appropriate plan in the event of flooding would be to remain in the caravans while flood water along the A495 subsides. In the event of an emergency, the team advises that occupants evacuate by 4x4 vehicle westwards along the A495. However, in the event of a flood I note that the proposed access would not comply with advice in paragraph A1.15 of TAN 15, as the maximum tolerable flood depth of 0.6m would be exceeded.
21. TAN 15 advises, amongst other things, that escape/evacuation routes are shown by the developer to be operational under all conditions. An alternative emergency evacuation route has been proposed along a forest track through Ffridd Mathrafal forest, adjacent to the caravan park. The evacuation route lies outside of any flood risk area and connects onto classified county highways to the north of the appeal site. The evacuation route is long and runs through the forest, with some hilly sections. However, from the evidence provided the track appears to be passable and appears in good condition to facilitate access to and from the caravan park, should it be required in emergency events. While concerns have been raised about the tree felling operations taking place along the evacuation route on land that falls outside of the appellant's control, I have seen no evidence that this is likely to block the route for extended periods of time.
22. TAN 15 adds that where planning permission is granted for caravan sites, a planning condition should require the erection of suitable warning notices to inform people entering the site and the preparation of effective warning and evacuation plans. Evidence has been provided of flood notices displayed at the caravan park, which identifies the evacuation route. Notwithstanding the advice for occupants to stay in their caravans, on the evidence provided, I am satisfied that there is a feasible and operational escape/evacuation plan, should it be required. The Flood Consequences Assessment (November 2020) includes a Flood Evacuation Plan (FEP) that identifies the different evacuation routes. Subject to a planning condition which requires the FEP to be placed in each caravan, the potential consequences of flooding would be acceptably managed.
23. I therefore conclude that the proposal would not result in any unacceptable risks from flooding, thereby complying with Policy DM5 of the Powys LDP, and advice in TAN 15.

Other Matters

24. Concerns have been raised regarding the impacts of the proposed development on local highways. I have seen no evidence that the associated vehicle movements and anticipated traffic volume would cause unacceptable highways impacts. The local highway authority has raised no objections, subject to imposition of conditions.

25. I have considered the statutory requirements for special attention to be paid to the desirability of preserving the setting of listed buildings. In doing so, given the intervening topography and tree coverage which limits intervisibility, and having regard to the evidence and professional advice of the Council's Conservation Officer and CADW, I am satisfied that the proposal would not harm the setting of listed buildings. I am also satisfied that the proposal would not cause material harm to the setting of the Pentre Camp Scheduled Monument to the south of the appeal site.

Conditions

26. I have considered the conditions recommended by the Council in the light of advice in Welsh Government Circular 016/2014 'The Use of Planning Conditions for Development Management' ('the Circular'). I have added a separate condition requiring the FEP as contained in the Flood Consequences Assessment to be placed within each caravan. I have omitted the surface water, permitted development rights and site restoration conditions, given they are covered by separate legislation, and are not necessary or reasonable given the Circular advice and development plan policy.

27. The appeal site would utilise an existing bound and hard surfaced established access and driveway from the A495 road which already serves the wider caravan park. Given that the proposal would not be a significant addition to the park, and that there is little evidence to suggest the existing access is substandard or unsafe, I have only imposed those highway conditions which are directly relevant to the placing of the caravans on the field. Given the limited scale of the development and likely construction works involved, I have no reason to believe that construction vehicles would interfere with the free and safe flow of traffic or any other highway users, and so a condition to require a parking / turning area for such vehicles is not necessary.

Conclusion

28. For the reasons given above I conclude that the appeal should be allowed.

29. 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.

I Stevens

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development shall begin not later than five years from the date of this decision.
Reason: To comply with Section 91 of the Town and Country Planning Act 1990.
- 2) The development shall be carried out in accordance with the following approved plans:
 - Proposed Location Plan, received 6 March 2023
 - Proposed Site Plan, Drawing No. Ki 5595 20, dated June 2022
 - Typical Caravan Proposed Floor Plans and Elevations, Drawing No. Ki 5595 25 dated August 2022
 - Landscaping Statement (McCartneys LLP, dated August 2022)
 - Email from Agent – Foul Drainage Information (Received: 12 September 2022)
 - Flood Consequences Assessment (Waterco, November 2020 – Revision 02)Reason: To ensure the development is carried out in accordance with the approved plans and drawings submitted with the application.
- 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 the occupiers of the accommodation, their main home addresses and their date of arrival and departure from the accommodation.
Reason: To ensure control of the use of the holiday units and to prevent the establishment of permanent residencies in accordance with Policy TD1 of the adopted Powys Local Development Plan 2011-2026.
- 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.
Reason: In the interests of the visual amenity of the area and 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, advice in Planning Policy Wales (Edition 11, February 2021) and Technical Advice Note 12: Design (March 2016).
- 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.
Reason: 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 Policies TD1, DM4 and DM13 of the adopted Powys Local Development Plan 2011-2026, advice in Planning Policy Wales (Edition 11, February 2021) and Technical Advice Note 12: Design (March 2016).

- 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 include an implementation programme (including phasing of work where necessary). The landscaping works shall be carried out in accordance with the agreed implementation plan and the completed scheme shall be maintained in accordance with an approved scheme of maintenance.

Reason: In the interests of the visual amenity of the area and 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, advice in Planning Policy Wales (Edition 11, February 2021) and Technical Advice Note 12: Design (March 2016).

- 7) All planting, seeding or turfing comprised in the approved details of soft landscaping, as per Drawing No: Ki 5595 20 dated June 2022 and the approved Landscaping Statement (McCartneys LLP, dated August 2022), shall be carried out in the first planting and seeding season following the first beneficial use of any static caravan unit hereby permitted or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To limit the landscape visual impact of the development and in the interests of maintaining and enhancing biodiversity, in accordance with Future Wales Policy 9, Policies DM2, DM4 and DM13 of the adopted Powys Local Development Plan 2011-2026, advice in Planning Policy Wales (Edition 11, February 2021) and advice in Technical Advice Note 5: Nature Conservation and Planning (September 2009).

- 8) No external lighting shall be installed within the application site 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 Bat Conservation Trust and Institute of Lighting Professionals Guidance Note 8 Bats and Artificial Lighting (12 September 2018). The development shall be carried out in accordance with the details once approved.

Reason: In the interests of landscape and biodiversity matters, in accordance with Policies DM2, DM4 and DM13 of the adopted Powys Local Development Plan 2011-2026, advice in Planning Policy Wales (Edition 11, February 2021) and Technical Advice Note 5: Nature Conservation and Planning (September 2009).

- 9) Prior to the first beneficial occupation of any static caravan hereby approved, provision shall be made within the curtilage of the application 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 as such for as long the development hereby permitted remains in existence.

Reason: In the interests of highway safety, in accordance with Policies T1 and DM13 (Criterion 10) of the adopted Powys Local Development Plan 2011-2026 and Technical Advice Note 18: Transport (March 2007).

- 10) Prior to the first beneficial occupation of any static caravan hereby approved, the area of the access within the caravan site field to be used by vehicles is to be finished in a 40mm bituminous surface course material (or a suitably bound material which is to be approved in writing by the local planning authority) for a distance of 12 metres from the

edge of the adjoining carriageway. This area will be retained as such for as long the development hereby permitted remains in existence.

Reason: In the interests of highway safety, in accordance with Policies T1 and DM13 (Criterion 10) of the adopted Powys Local Development Plan 2011-2026 and Technical Advice Note 18: Transport (March 2007).

- 11) The gradient of the access within the caravan site field 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 the development hereby permitted remains in existence.

Reason: In the interests of highway safety, in accordance with Policies T1 and DM13 (Criterion 10) of the adopted Powys Local Development Plan 2011-2026 and Technical Advice Note 18: Transport (March 2007).

- 12) Any vehicular entrance gates installed at the entrance to the caravan site field 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 development hereby permitted remains in existence.

Reason: In the interests of highway safety, in accordance with Policies T1 and DM13 (Criterion 10) of the adopted Powys Local Development Plan 2011-2026 and Technical Advice Note 18: Transport (March 2007).

- 13) No more than 20 holiday let units shall be on the application site at any one time.

Reason: To ensure adherence to the approved plans, in the interests of clarity and a satisfactory development.

- 14) A copy of the approved Flood Evacuation Plan shall be placed within each static caravan and made available for future occupants, for as long as the development hereby approved remains in existence.

Reason: To ensure the safety of occupants during an extreme flood event, in accordance with Policy DM5 of the adopted Powys Local Development Plan 2011-2026.

MINUTES OF A MEETING OF THE TAXI LICENSING SUB-COMMITTEE HELD AT HYBRID MEETING - TEAMS - COUNTY HALL ON THURSDAY, 12 OCTOBER 2023

PRESENT

County Councillor K Lewis (Chair)

County Councillors H Hulme and P James

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

2.	REVIEW OF A JOINT HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE - JD/02/23
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2.1. Sub-Committee procedures

The Chair introduced the Sub-Committee and its Clerk.

2.2. Review of a licence - JD/02/23

JD/02/23 Licence Holder – was not in attendance
Mr R Bowen, Dyfed Powys Police Licensing Officer

The Sub-Committee was advised that JD/02/23 the Licence Holder was not in attendance and was not represented by anyone. The Licensing Officer presented the licensing authority's position as outlined in the report [copy filed with the signed minutes].

Mr Bowen presented Dyfed Powys police's case as to the suitability of JD/02/23 to hold a joint hackney carriage and private hire driver's licence. He responded to questions from the Sub-Committee.

The Sub-Committee withdrew to consider, in private, the application and the evidence they had heard, with the support of the Clerk.

On their return the Chair announced their decision. In reaching the decision members took into account the relevant written and verbal representations.

RESOLVED	Reason for decision
To revoke the joint hackney carriage and private hire driver's licence held by JD/02/23.	That the licence holder is no longer a fit and proper person to hold a licence, in line with the Council's adopted suitability criteria.

The Clerk to the Sub-Committee advised that she would confirm the decision in writing and reminded parties of their right to appeal.

3.	APPLICATION FOR A JOINT HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE - JD/05/23
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3.1. Sub-Committee procedures

The Chair introduced the Sub-Committee and its Clerk.

3.2. Application for a licence - JD/05/23

Applicant – JD/05/23

Mr R Bowen, Dyfed Powys Police Licensing Officer

The Licensing Officer presented the licensing authority's position as outlined in the report [copy filed with the signed minutes]. The Licensing Officer advised that the applicant had declared the driving offences on their application form.

Mr R Bowen presented Dyfed Powys police's case as to the suitability of JD/05/23 to continue to hold a joint hackney carriage and private hire driver's licence. The three speeding offences between February 2022 – September 2022 meant that JD/05/23 currently has a total of 9 Penalty points on his licence.

JD/05/23 explained what had happened and his personal circumstances at the time. He advised that no one was in the car when the speeding offences occurred.

All parties confirmed that they had no further questions to raise.

The Sub-Committee withdrew to consider, in private, the application and the evidence they had heard, with the support of the Clerk.

On their return the Chair announced their decision. In reaching the decision members took into account the relevant written and verbal representations.

RESOLVED	Reason for decision
That the licence held by JD/05/23 be suspended for five years.	That the licence holder is no longer a fit and proper person to hold a licence, in line with the Council's adopted suitability criteria.

The Chair thanked all for attending.

County Councillor K Lewis (Chair)

**MINUTES OF A MEETING OF THE TAXI LICENSING SUB-COMMITTEE HELD AT
BY TEAMS ON MONDAY, 18 DECEMBER 2023**

PRESENT

County Councillors T Colbert, G D Jones and D H Williams [Chair for item 2]

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

Due to the availability of the applicant for a new drivers licence the application for the vehicle licence was taken first.

2. APPLICATION FOR PRIVATE HIRE VEHICLE LICENCE
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2.1. Introductions and Sub-Committee procedures

The Chair introduced the Sub-Committee and its Clerk.

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

2.2. Application for Private Hire Vehicle Licence - VL/01/23

Applicant – VL/01/23

The Licensing Officer presented the licensing authority's position as outlined in the report [copy filed with the signed minutes]. The Sub-Committee noted that the Council policy stated that a maximum age of 12 years had been agreed for vehicles the subject of an existing licence. Applications for licences for vehicles over this age would be considered by a sub-committee. In addition to MOTs, the Licensing Officer advised that the vehicle had been inspected by the Council's mechanic. The inspection by the Council's mechanic had been at the applicant's expense. There were no questions to the Licensing Officer from the Sub-committee members or the applicant.

The applicant explained how the vehicle was used and that the vehicle had three MOTs a year and was also inspected by a Council' mechanic each year, at his expense. The Sub-Committee noted the good condition and low mileage of the vehicle.

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

The Sub-Committee withdrew to consider, in private, the application and the evidence they had heard, with the support of the Clerk.

On their return the Chair announced their decision. In reaching the decision members took into account the relevant written and verbal representations.

Resolved	Reason for decision
That the application for a private hire vehicle licence for VL/01/23 be approved for a year.	The vehicle was well maintained, had low mileage and was in a good condition.

The Clerk to the Sub-Committee advised that she would confirm the decision in writing. The Chair thanked the applicant for attending the meeting.

County Councillor G Jones chaired the next application.

3.	APPLICATION FOR A JOINT HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE
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3.1. Introductions and Sub-Committee procedures

The Chair introduced the Sub-Committee and its Clerk and also advised that the public and press had been excluded from the meeting.

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

3.2. Application for a licence - JD/06/23

Applicant – JD/06/23

The Licensing Officer presented the licensing authority's position as outlined in the report [copy filed with the signed minutes]. There were no questions to the Licensing Officer from the Sub-Committee members or the applicant.

The applicant explained the circumstances around his police caution. He advised that he had previously held taxi licences and during this period had no dealings with the police and had not been reported to the Licencing Authority. In response to questions from the Sub-committee he explained how he would deal with situations with customers. The Licensing Officer confirmed that the applicant had previously held licences and he had never been before a Sub-Committee

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

The Sub-Committee withdrew to consider, in private, the application and the evidence they had heard, with the support of the Clerk.

On their return the Chair announced their decision. In reaching the decision members took into account the relevant written and verbal representations. The Chair advised that the licence would be granted but if JD/06/23 received a further caution a sub-committee may look at this differently.

RESOLVED	Reason for decision
That JD/06/23 be granted a licence.	That JD/06/23 is a fit and proper person to hold a licence, in line with the Council's adopted suitability criteria.

The Clerk to the Sub-Committee advised that she would confirm the decision in writing.

The Chair thanked all for attending.

County Councillors H Williams and G D Jones
Chairs

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**MINUTES OF A MEETING OF THE TAXI LICENSING SUB-COMMITTEE HELD AT
BY TEAMS ON TUESDAY, 19 DECEMBER 2023**

PRESENT

County Councillor E Vaughan (Chair)

County Councillors P James, A Jones and G E Jones

County Councillor P James [observer]

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

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

The Chair introduced the Sub-Committee and its Clerk.

2.2. Review of a licence - JD/07/23

Licence holder – JD/07/23

Mr F Lewendon, Counsel representing JD/07/23

Mr R Bowen, Licensing Officer Dyfed Powys Police

The Licensing Officer presented the licensing authority's position as outlined in the report [copy filed with the signed minutes]. There were no questions to the officer.

Mr Lewendon on behalf of JD/07/23 referred the Sub-Committee to his client's statement circulated the previous day. He provided as background, information relating to his client and his taxi business. He advised that his client had immediately contacted the Licensing Authority regarding the speeding offence which occurred in November 2021 and Mr Lewendon suggested that this showed that JD/07/23 had taken responsibility for his actions. He noted that the Licensing Authority took no action and so suggested that his client continued to be a "fit and proper person" to hold a taxi licence. In respect of the incident in March 2023, Mr Lewendon explained to the Sub-Committee what had happened and how his client had felt. Again the latter had immediately informed the Licensing Authority of the incident and reported this to the police. Mr Lewendon asked the Sub-Committee to consider what had changed since March 2023 to today. He suggested the review had only been triggered by his client now having more points on his driving licence and that no action had been taken by the Licensing Authority in March 2023 and therefore it seems his client had been considered to be a "fit and proper person" to hold a taxi licence for the last nine months.

In response to a question the Licensing Officer advised that the Licensing Authority had considered the incident in March 2023 but did not consider that this was of a serious nature and that JD/07/23 was not a danger to the travelling public. If an incident is considered as serious, a licence can be suspended, pending a sub-committee hearing.

Mr Bowen, Licensing Officer, Dyfed Powys Police presented the police case and referred to his report. The Sub-Committee viewed the CCTV submitted by the Police. In response to a question from the Sub-Committee, Mr Bowen advised that the exact speed, at the time of the incident, was not recorded but he suggested this was low. He also advised that the individual involved in the incident had suffered minor injuries. In response to a question from Mr Lewendon, Mr Bowen advised that it was an error on his part for stating in his statement that the individual had suffered serious injury when this was minor. He apologised for the error.

The Sub-Committee withdrew to consider, in private, the application and the evidence they had heard, with the support of the Clerk.

On their return the Chair announced their decision. In reaching the decision members took into account the relevant written and verbal representations.

RESOLVED	Reason for decision
That JD/07/23 retains his licence and that he advises the Licensing Authority when he has completed the driver training session in January 2024 and the outcome of this and that the Licensing Authority monitor the driver for 12 months.	That the licence holder is a fit and proper person to hold a licence, in line with the Council's adopted suitability criteria.

The Clerk to the Sub-Committee advised that she would confirm the decision in writing.

The Chair thanked all for attending.

County Councillor E Vaughan (Chair)