

1.1 no objections

Reason: It is considered that the proposal is in accordance with the policies and Guidance in PPW and Tan 24 including setting of historic assets with its annexes and the adopted Powys Local Development Plan

2.0 Background to Recommendation

2.1 Designations

In close proximity to 4 listed buildings included on the statutory list on 26/05/1995

Cadw ID 15968 Dyffryn Farmhouse including railings dwarf walls and gate piers

Cadw ID 15969 Cowhouse and granary on w side of farmyard at Dyffryn

Cadw ID 15970 Cowhouse forming N side of farmyard at Dyffryn Farm

Cadw ID 15971 Stone Building and Calf House, at the E side of the Farmyard at Dyffryn Farm

2.2 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 9th edition 2016

Conservation Principles published by Cadw

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

3.0 Comments

3.1 The proposal relates to the erection of an agricultural building south east of the A495 and to be sited to the rear (south east) of a range of modern agricultural buildings. The farm house and listed barns are sited to the north west of the A495.

3.2 The listed barns and farmhouse are a very attractive grouping of buildings, and it is noted that a few more modern buildings have been erected on that side of the road, the larger buildings are on the opposite side of the road, which has enabled the historic farmstead to be easily legible.

3.3 The proposed building will be largely obscured from view within the historic farmstead by the adjacent modern building, although there will be views of it when travelling westwards on the A495. However the alignment of the road results in the listed buildings not being viewed

from a distance when travelling westwards from Meifod on that road. The flat valley bottom and hedges make the existing modern farm buildings at Dyffryn not readily visible when travelling eastwards towards Meifod on the A495, until they are in the near distance. Any medium to long term glimpses of the modern buildings that do occur do not afford views of the listed buildings.

3.4 I have taken into account the guidance in section 16 and 66 of The Planning (Listed Buildings and Conservation Areas) Act 1990, Conservation Principles, section 6.5.11 of PPW, TAN24 and its annexes, and given the siting of the proposed building away from the listed group of buildings behind existing modern building I would have no objections to the proposal on the grounds of the setting of listed buildings.

NRW

First response

We recommend that that you should only grant planning permission if the scheme can meet the following requirement. This would address significant concerns that we have identified. Therefore, we would not object provided the requirements are met and you attach the conditions to the planning permission.

Requirement: Flood Risk: A Flood Consequence Assessment (FCA) to be produced to demonstrate that the site can be developed in accordance with TAN15 over the lifetime of the development.

Flood Risk

The application site lies within Zone C2, as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). Our Flood Map information, which is updated on a quarterly basis, confirms the site to be within the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the River Vyrnwy, designated as a main river.

Requirement: Flood Risk: A Flood Consequence Assessment (FCA) to be produced to demonstrate that the site can be developed in accordance with TAN15 over the lifetime of the development.

Should the applicant wish to pursue the application as submitted then an assessment of flooding consequences will be required. The criteria for the assessment is given under Section 7 and Appendix 1 of Technical Advice Note (TAN) 15. In consideration of the nature of the development proposed, however, we advise, in this instance, that the flood consequences assessment (FCA) should address, as a minimum, the acceptability criteria identified within the relevant part of Section 9 of the TAN.

The planning application form, however, has not acknowledged that flood risk is a constraint and so it is unclear whether the design has taken account of flood risk. This reach of the River Vyrnwy benefits from detailed hydraulic modelling. The outputs of this modelling should be sourced from the NRW Data Distribution team via a Product 4 data request. Further details are available here: <http://naturalresourceswales.gov.uk/evidence-and-data/access-our-data/?lang=en>. If

the building is shown to flood during events up to and including a predicted 0.1% flood event, the FCA should propose suitable and appropriate mitigation measures to reduce the effects and consequences of flooding, relative to the nature of use. This should include the floor level and placement of electrical items.

The FCA must also demonstrate that the development will not lead to an increase in flooding elsewhere. The attached photograph taken during the February 2002 flood event (not during flood peak) shows how the site is located in relation to an indicative flood extent. It also shows the remoteness in relation to other properties. In isolation, loss of floodplain storage may not be considered to be significant in this instance, but the Planning Authority should consider cumulative impact and any undesirable precedent that could be set.

The applicant should ensure that anyone using the barn is aware of the flood risk and is advised to visit the following Natural Resources Wales webpage:

What to do before a flood - <http://www.naturalresources.wales/flooding/what-to-dobefore-a-flood/?lang=en>

They should also ensure that they sign up for NRW's flood warning service. This can be done by calling Floodline Warnings Direct on 0345 9881188 or visiting <https://naturalresources.wales/flooding/sign-up-to-receive-flood-warnings/?lang=en>

Our comments above only relate specifically to matters that are included on our checklist "Natural Resources Wales and Planning Consultations" (March 2015) which is published on our website:

(<https://naturalresources.wales/media/5271/150302-natural-resources-wales-andplanning-consultations-final-eng.pdf>). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance.

Advice for the Developer

Pollution Prevention

All works at the site must be carried out in accordance with Pollution Prevention Guidance 6 (PPG6): 'Working at construction and demolition sites' which are available on the following website:

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

Please do not hesitate to contact us if we can be of any further assistance to you or if you wish clarification on the above.

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

Second response

NRW does not object to the proposal. In our opinion the proposal is not likely to adversely affect any of the interests listed. We have the following advice for your information.

Flood Risk

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2004). Our Flood Map information, which is updated on a quarterly basis, confirms the site to be within the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the River Vyrnwy, designated as a main river.

In our response dated 14th of June (Reference CAS-63421-T7M2), we requested that a requirement for a Flood Consequence Assessment (FCA) be submitted.

An FCA was submitted to us on the 3rd of July. We are satisfied that this FCA is sufficient for this less vulnerable, small scale development and do not require further information.

The developer should be made aware, however, as the proposed development is in Wales, it is Natural Resources Wales; rather than the Environment Agency (as advised in the FCA); with whom the developer needs to register for flood alerts. This can be done by calling Floodline Warnings Direct on 0345 9881188 or visiting <https://naturalresources.wales/flooding/sign-up-to-receive-flood-warnings/?lang=en>

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Our comments above only relate specifically to matters that are included on our checklist "Natural Resources Wales and Planning Consultations" (March 2015) which is published on our website: (<https://naturalresources.wales/media/5271/150302-natural-resources-wales->). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance. The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

Advice for the Developer

Pollution Prevention

During the works, the developer should take precautions to prevent contamination of surface water drains and local watercourses. Oils and chemicals should be stored in bunded areas and spill kits should be readily available in case of accidental spillages. For further guidance please check "Working at construction and Demolition Sites, Pollution Prevention Guidance 6":

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

Construction Waste

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

Representations

Following the display of a site notice on 19/06/2018 no public representations have been received.

Planning History

M/2007/0946 Erection of an agricultural building to be used as a dairy, parlour and collecting yard – Consent - 26/03/2008

AGRI/2017/0042

Principal Planning Constraints

Flood Zone

Class one highway (A495)

Four listed buildings on north western side of the A495 highway

Public right of way located to north east of the site at a distance of approximately 160 metres

Principal Planning Policies

National Policies

Planning Policy Wales (Edition 9, November 2016)

Technical Advice Note 6 - Planning for Sustainable Rural Communities (2010)

Technical Advice Note 12 – Design (2016)

Technical Advice Note 15 – Development and Flood Risk (2004)

Technical Advice Note 18 – Transport (2007)

Technical Advice Note 24 - The Historic Environment (2017)

Local Policies

Powys Local Development Plan (2018):

SP7 – Safeguarding of Strategic Resources and Assets

DM4 - Landscape

DM5 – Development and Flood Risk

DM6 – Flood Prevention Measures and Land Drainage

DM13 – Design and Resources

T1 – Travel, Traffic and Transport Infrastructure

RDG=Powys Residential Design Guide NAW=National Assembly for Wales TAN= Technical Advice Note
LDP=Powys Local Development Plan, MIPPS=Ministerial Interim Planning Policy Statement

Other Legislative Considerations

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

Officer Appraisal

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

Members are advised to consider this application 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.

Principle of Development

There is no specific Powys Local Development Plan (2018) policy which deals with agricultural development as it is considered that this matter is adequately covered within national planning policy, specifically Technical Advice Note (TAN) 6. The TAN sets out that the overall goal for the planning system is to support living and working rural communities in order that they are economically, socially and environmentally sustainable. The construction of agricultural buildings is therefore supported subject to the material considerations set out below.

Landscape Impact

Policy DM4 of the Powys Local Development Plan indicates that development proposals will only be permitted where they would not have an unacceptable impact on the environment and would be sited and designed to be sympathetic to the character and appearance of its surroundings. Policy DM4 requires a Landscape and Visual Impact Assessment to be undertaken where impacts are likely on the landscape and proposals should have regard to LANDMAP, Registered Historic Parks and Gardens, protected landscapes and the visual amenities enjoyed by users of the Powys landscape and adjoining areas.

The proposed site is located within the River Severn Flood Plain aspect area which is characterised as a significant open valley. LANDMAP recognises its scenic quality as moderate suggesting that it has 'generally high quality views but lessened by the association with urban areas and a heavily used road corridor'. Its overall visual and sensory evaluation is considered to be of moderate value.

The proposed building is sited directly adjacent to existing farm buildings on the main farm complex. The proposed building is designed so as to complement the character and appearance of the existing buildings. It is considered that the proposed siting and scale of the agricultural building will not have an unacceptable adverse impact upon the wider landscape.

In light of the above observations, it is considered that the proposed development is in accordance with planning policy DM4 of the Powys Local Development Plan.

Design

With respect to design, specific reference is made to LDP Policy DM13 which 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 agricultural building is of a standard construction and appearance for modern agricultural buildings. The scale and materials complement those used within the existing farmstead.

The building would be closely grouped with existing agricultural buildings and although would be visible to users of the A495 highway and a public right of way located to the north east of the application site, it is not considered that the building would have an unacceptable adverse effect on the Powys landscape. Given the open nature of the valley and the visibility of the development, it is considered that the proposal would benefit from some form of landscaping to break up the appearance of the proposed structure, and a condition is recommended to agree the details of this together with a control on implementation.

Subject to the use of the suggested condition, it is considered that the proposal complies with the relevant criteria of LDP Policy DM13.

Built Heritage

It is the responsibility of the Local Planning Authority when considering planning applications to have special regard to the desirability of preserving listed buildings or their settings as set out under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. In addition, national planning policy and guidance contained within PPW and TAN24 further detail this responsibility and LDP Policy SP7 seeks to safeguards such assets from unacceptable development.

Four listed buildings, including the farmhouse and farm buildings associated with the farmstead, are located on the north western side of the A495 highway at a distance of over 100 metres. As noted by the Council's Built Heritage Officer, the proposed building would be largely obscured from view within the historic farmstead by the adjacent existing modern buildings and would not be seen in conjunction with the historic buildings when travelling along the A495 highway. On this basis and the comments received from the Built Heritage Officer, it is considered that the proposal would not have an unacceptable impact upon the identified listed buildings.

Highway access and parking

Part 10 of LDP Policy DM13 requires development proposals to meet all highway access requirements, vehicular parking standards and demonstrate that the strategic and local highway network can absorb the traffic impacts of the development.

Given that the proposed building does not propose alterations to the existing means of access onto the A495 highway, it is considered that compliance with Part 10 of LDP Policy DM13 would be achieved. In addition, the Council's Highway Authority has not objected to the proposal.

Amenities enjoyed by occupiers of neighbouring properties

Part 11 of LDP Policy DM13 requires protection of the amenities enjoyed by occupants or users of nearby or proposed properties. In the case of agricultural buildings, amenity can be affected by factors such as noise, odour, dust and pests.

The agricultural building would be located over 200 metres to the south west of the nearest residential dwelling (other than that associated with the farmstead) and given that the proposed building would be located beyond other agricultural buildings associated with the farmstead, it is considered that the amenities enjoyed by users of nearby properties would

not be unacceptably affected by the proposal in compliance with Part 11 of LDP Policy DM13. In addition, the Council's Environmental Health section has not objected to the proposal.

Flood risk

LDP Policy DM5 requires development proposals to be located away from tidal or fluvial 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.

The application site lies within Zone C2 associated with the River Vyrnwy, as defined by the Development Advice Map referred to under Technical Advice Note 15: Development and Flood Risk. At the request of Natural Resources Wales (NRW) a Flood Consequence Assessment (FCA) has been submitted and NRW has confirmed that the FCA is sufficient for this less vulnerable, small scale development and do not require further information.

Taking into account that the FCA has satisfied NRW and the scale of the development, it is considered that the development has been designed to reduce/avoid and alleviate the consequences of flooding in compliance with LDP Policy DM5.

Surface water drainage

LDP Policy DM6 requires satisfactory provision to be made for land drainage in all developments, including the consideration of the use of Sustainable Drainage Systems (SUDS).

It is proposed that surface water would be disposed of via soakaway. Whilst this is not a SUD system, it is a recognised form of land drainage. Therefore it is considered that the proposal would make satisfactory provision for land drainage in accordance with LDP Policy DM6.

Pollution prevention and construction waste

NRW have also advised that the developer should take precautions to prevent contamination of surface water drains and local watercourses and that any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily. It is recommended that this advice should be attached to any consent granted.

RECOMMENDATION

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

Conditions

1. The development to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.

2. The development shall be carried out strictly in accordance with the plans stamped as received on 26/04/2018 (drawing no's: RJC-AZ144A-01, RJC-AZ144-02, RJC-AZ144A-03).

3. Within six months from the commencement of development, a native species landscaping plan and aftercare scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include a scaled drawing identifying the location of new planting and a written specification clearly describing the species, sizes, densities and planting numbers proposed as well as aftercare measures. The development must be carried out in accordance with the agreed details.

Reasons

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

2. To ensure adherence to the plans approved by the Local Planning Authority in the interests of clarity and a satisfactory development.

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

Informative Notes

Advice for the Developer from NRW

Pollution Prevention

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