

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

**Application Number:** 21/1399/FUL

**Grid Ref:** E: 293092  
N: 299437

**Community Council:** Llanbrynmair Community

**Valid Date:** 06.08.2021

**Applicant:** Ms Jan Coles

**Location:** Station House, Talerddig, Llanbrynmair, Powys, SY19 7AL

**Proposal:** Proposed change of use of residential dwelling to a registered childrens home

**Application Type:** Full Application

### The reason for Committee determination

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

### Consultee Responses

#### Consultee

#### Received

#### Community Council

No comments received at the time of writing this report.

#### PCC-Building Control

No comments received at the time of writing this report.

#### Councillor Jones-Poston

27th Aug 2021

I would like to call this application for a change of use to a safe accommodation for children and young people with complex needs in to the planning committee due to local concerns.

There are safety concerns relating to the close proximity of the railway to the property. There is also a designated passing place and a holding for waiting trains located very

close to the property.

The access from the A470 trunk road to the property is not suitable for the amount of additional vehicles needing to use the single lane to the property including staff and other professional personnel visiting the property for the needs of the children. Lorries have to currently reverse on the trunk road to access the lane from the direction of Carno. Welsh Government Highways and Trunk Roads department will need to be consulted on this change of use application for access issues and safety.

There are a number of young families living in the local area of Talerddig who are concerned with the proposed safe accommodation for children and young people with complex needs and the effect on the local community, activity clubs and schools. The local community need to be consulted and an opportunity for residents to provide their views and for their concerns to be taken into consideration in regards to this proposed safe accommodation

PCC-(N) Highways

3rd Sep 2021

The site is located adjacent to the former railway crossing which has been recently decommissioned by the Network Rail following construction of several over bridges serving the Aberystwyth to Shrewsbury railway line. Following the closure of the railway crossing the road leading to the site is now only serving the property with newly improved junction with U2529. We further note that the site benefits from adequate parking and turning area which enables vehicles to enter and leave the site in a forward gear.

The access to the site is via U2529 highway leading from junction with A470(T) Trunk Road. The unclassified highway U2529 is wide enough to allow passing of two-way traffic and benefits from suitable passing places.

Therefore, the Highway Authority confirms that the immediate highway network is suitable to accommodate development of this nature and the additional vehicular movements they would generate. We consider that the proposal will not be detrimental to the safety and convenience of all users of the adjoining highway network and as such we have no objection on this application.

Hafren Dyfrdwy

16th Aug 2021

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

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

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

Please note if you wish to respond to this email please send it to [applanning@hdcymru.co.uk](mailto:applanning@hdcymru.co.uk) where we will look to respond within 10 working days.

Network Rail

6th Sep 2021

Whilst there are no objections in principle to the above proposal, boundary measures around the development, especially direct interface areas should be improved to prevent trespass onto the railway - this may include bridge areas where applicable. The developer must provide a suitable trespass proof fence adjacent to Network Rail's boundary (minimum approx. 1.8m high) and make provision for its future maintenance and renewal. Network Rail's existing fencing / wall must not be removed or damaged. Due to the close proximity of the operational railway by the boundary area, these fencing changes will require safety supervision and further consultation with Network Rail before any works commence. All costs associated with this consultation and site safety measures required for rail site supervision etc. will be borne by the applicant.

These works will need to be undertaken following engagement with Asset Protection to determine the interface with Network Rail assets, buried or otherwise and by entering into a Basis Asset Protection Agreement, if required, with a minimum of 3 months notice before works start. Initially the outside party should contact [assetprotectionwales@networkrail.co.uk](mailto:assetprotectionwales@networkrail.co.uk).

WG - Highways Directorate

28th Sep 2021

I refer to your consultation of 23 September 2021 regarding the above application, and advise that the Welsh Government as highway authority for the A470 trunk road directs that planning permission is not granted at this time as the applicant has provided insufficient information to determine the application.

The applicant must provide the following information to support this application or resubmit the application with the following details;

1) The applicant must provide the existing and proposed Annual Average Daily Traffic (AADT - vehicle movement values) for the access onto the A470 trunk road.

If you have any further queries, please forward to the following Welsh Government Mailbox NorthandMidWalesDevelopmentControlMailbox@gov.wales

WG - Highways Directorate

28th Oct 2021

I refer to your consultation of 18th October 2021 regarding the above application, and advise that the Welsh Government as highway authority for the A470 trunk road directs that planning permission is not granted at this time as the applicant has provided insufficient information to determine the application.

The applicant must provide the following information to support this application or resubmit the application with the following details;

1) The applicant must provide the existing (permitted development) and proposed Annual Average Daily Traffic (AADT - vehicle movement values) for the access onto the A470 trunk road.

a) The applicant should break down the proposed values by type (resident, visitor, staff, servicing/cleaners etc.).

WG - Highways Directorate

17<sup>th</sup> Nov 2021

I refer to your consultation of 03/11/2021 regarding the above planning application and advise that the Welsh Government as highway authority for the A470 trunk road does not issue a direction in respect of this application.

If you have any further queries, please forward to the following Welsh Government Mailbox NorthandMidWalesDevelopmentControlMailbox@gov.wales

## **Representations**

Yn dilyn arddangos hysbysiad safle ar 13/08/2021 derbyniwyd nifer o wrthwynebiadau ar adeg ysgrifennu'r adroddiad hwn, ac ysgrifennwyd rhai ohonynt yn y Gymraeg. Mae'r gwrthwynebiadau hyn yn ymwneud â'r canlynol.

- Ddim yn hoffi'r cynnig yn gyffredinol
- Pryderon nad yw'r gyffordd a'r A470 yn ddiogel ar gyfer rhagor o symudiadau traffig
- Lleoliad gwledig
- Agosrwydd at y rheilffordd a iard y rheilffordd

- Fferm wrth ymyl gyda pheiriannau peryglus cysylltiedig
- Mynediad yn ystod tywydd garw

Following the display of a site notice on 13<sup>th</sup> August 2021 a number of objections have been received at the time of writing this report, some of which are written in the Welsh language. These objections relate to the following.

- General dislike of the proposal
- Concerns that the junction to the A470 is not safe for additional traffic movements
- Rural location
- Proximity to the railway and railway yard
- Neighbouring farm with associated hazardous machinery
- Access during inclement weather

### Planning History

App Ref	Description	Decision	Date
M/2001/0759	Erection of a two storey side extension to dwelling and erection of a single storey extension to provide garage	Refused	09/10/2001
M/2001/0955	Erection of a two storey side extension to existing dwelling and erection of single storey extensions to include a double garage	Refused	10/12/2001
M/2001/1108	Erection of a two storey side extension to existing dwelling and erection of a single storey extensions to include double garage (revised proposal)	Consent	07/02/2002

### Principal Planning Constraints

Open Countryside

### Principal Planning Policies

Policy	Policy Description	Year	Local Plan
PPW	Planning Policy Wales (Edition 11, February		National Policy

	2021)	
NATPLA	Future Wales - The National Plan 2040	National Development Plan 2021
TAN5	Nature Conservation and Planning	National Policy
TAN11	Noise	National Policy
TAN12	Design	National Policy
TAN18	Transport	National Policy
TAN23	Economic Development	National Policy
DM2	The Natural Environment	Local Development Plan 2011-2026
DM4	Landscape	Local Development Plan 2011-2026
DM7	Dark Skies and External Lighting	Local Development Plan 2011-2026
DM13	Design and Resources	Local Development Plan 2011-2026
SP7	Safeguarding of Strategic Resources and Assets	Local Development Plan 2011-2026
T1	Travel, Traffic and Transport Infrastructure	Local Development Plan 2011-2026
H3	Housing Delivery	Local Development Plan 2011-2026
SPGBIO	Biodiversity and Geodiversity SPG (2018)	Local Development Plan 2011-2026
SPGLAN	Landscape SPG	Local Development Plan 2011-2026
SPGRES	Residential Design Guide SPG (2020)	Local Development Plan 2011-2026

## **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 Llanbrynmair Community Council area. The site does not form part of any settlement boundary and is therefore considered to be development within the open countryside as defined by the Powys Local Development Plan (2018). The site features a detached property accessed via the U2529 to the South-East, which leads to the A470 some 600 metres North. The railway track sits immediately adjacent to the South-Western boundary, with the railway yard to the South-East.

This application seeks consent for the change of use of Station House from a residential dwelling (C3) to a residential care facility (C2). No external or internal alterations are proposed as part of the application, which relates solely to the change of use.

### Principle of Development

The development relates to C2 use (residential institution) as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended). There is not a specific policy for C2 uses within the Powys Local Development Plan (2018) but the thrust of both local and national planning policy is to locate new development, be it residential, employment or leisure uses, within or adjacent to settlements as this is the most sustainable option for service and infrastructure provision. However, there are occasions where development in the open countryside can be acceptable in principle; and one of those instances is the reuse of previously developed land.

Planning Policy Wales (PPW) Edition 11 (2021) defines 'previously developed land' as land *'which is or was occupied by a permanent structure (excluding agricultural or forestry buildings) and associated fixed surface infrastructure. The curtilage of the development is included, as are defence buildings and land used for mineral extraction and waste disposal where provision for restoration has not been made through development management procedures.'* Paragraph 3.44 of PPW states that only when it has been clearly demonstrated that there is no previously developed land, or underutilised sites (within the authority or neighbouring authorities), should greenfield sites within or on the edge of settlements be considered.

The proposed development seeks to change the use of an existing residential dwelling associated residential curtilage and access. Officers are satisfied that the proposal would constitute the re-use of previously developed land within open countryside as encouraged by the aforementioned policies. In addition, the development has been accompanied by justification in support of its location. A larger scale property is required to accommodate the proposal by virtue of its nature, which are not typically found within town settlement boundaries. The applicants have also been limited to properties which were available on the open market to purchase and met with budget requirements for their purchase and any alterations required in order to meet relevant regulations for care homes which are covered by legislation which is separate to the planning process.

Policy H3 – Housing Delivery, of the Powys Local Development Plan (2018) states the following.

*“Policy H3 seeks to achieve an appropriate range and mix of housing types to meet local needs, as identified in evidence such as Local Housing Market Assessment, in particular the needs of the county’s ageing population and decreasing household size, affordable housing and specialist housing needs such as supported accommodation, sheltered housing, care homes, low rise accessible development or bungalows, extra care developments”.*

The proposal seeks the change of use of the existing dwelling to form a residential care home for children. The proposed care home will reuse an existing building and does not propose any extensions to the existing size and scale of the property. Officers consider that the proposal complies with Policy H3 of the Powys LDP.

Therefore, based on the policy context and above observations, the proposed development is considered to be acceptable in principle, subject to material considerations which are considered in detail below.

### Highways

A safe access, parking and visibility splays are a fundamental requirement of any development and consideration has therefore been given to LDP: DM13, Part 10, T1 and TAN 18.

The application site gains its access from the A470 trunk road via the unclassified county highway U2529, and as such, PCC Highways Authority and Welsh Government Transport Division (WGTD) have been consulted on the proposed development. WGTD originally commented that they required further information to be able to assess the application. Following the submission of suitable information, they have confirmed that they do not issue a direction in respect of the proposed development.

PCC Highways have commented that the site is located adjacent to the former railway crossing which has been recently decommissioned by the Network Rail following construction of several over bridges serving the Aberystwyth to Shrewsbury railway line.



Following the closure of the railway crossing the road leading to the site is now only serving the property with newly improved junction with U2529. PCC Highways further note that the site benefits from adequate parking and turning area which enables vehicles to enter and leave the site in a forward gear. The access to the site is via U2529 highway leading from junction with A470(T) Trunk Road. The unclassified highway U2529 is wide enough to allow passing of two-way traffic and benefits from suitable passing places. PCC Highways have therefore confirmed that the immediate highway network is suitable to accommodate development of this nature and the additional vehicular movements they would generate, and that the proposal will not be detrimental to the safety and convenience of all users of the adjoining highway network. In light of this, PCC Highways have no objection to the application.

It is noted that third party comments have raised concerns with the vehicular access to the site, and the proposed increase in traffic movements. It is however further noted that both PCC Highways and WGTD do not raise any objection to the proposal.

Based on the above, and the consultation replies received from PCC Highways and WGTD, Officers consider that the proposal complies with relevant planning policies.

### Neighbour Amenities

In considering the amenities enjoyed by occupiers of neighbouring properties consideration has been given to the LDP Residential Design SPG & LDP: DM13 (Part 11).

The site has no immediate neighbours, with the closest neighbouring residential property approximately 550 metres away. The application does not propose any extensions that would have any impact upon light. Given the distance involved, the proposed development is also not considered to offer any adverse impacts to any neighbouring properties in terms of loss of privacy.

In light of the above it is not considered that the proposal will offer any additional impact upon the amenity of neighbouring properties.

### Railway

The application site is located adjacent to the Aberystwyth to Shrewsbury railway line, and as such Network Rail have been consulted on the proposal. Network Rail have confirmed that they have no objection to the proposal, but have requested that a suitable trespass proof fence, of a minimum approx. 1.8 metre height, be erected along the site boundary with the railway between separate agreement with the applicant and Network Rail. The applicants have confirmed that this will be adhered to, and a suitable fence to meet Network Rail's requirements will be installed through consultation with them.

In light of the above, it is considered that the proposal complies with relevant planning

policy.

### Biodiversity

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

The application does not propose any external changes and relates solely to the change of use of the existing building. A preliminary ecological assessment is therefore considered to be unnecessary on this occasion.

Further to the above, the application includes biodiversity enhancements in the form of a bird box and a bat box. Given the scale of the development, being solely a change of use, it is considered that sufficient enhancement has been proposed. The implementation of this enhancement will be secured through an appropriately worded condition placed upon any granting of consent.

In light of the above, and subject to the inclusion of an appropriately worded condition, it is considered that the proposed development is in accordance with policy DM2 of the Powys Local Development Plan, Technical Advice Note 5 and Planning Policy Wales.

### **RECOMMENDATION**

In light of the above and subject to the recommended conditions it is considered that the principle of the development fundamentally complies with relevant planning policy and the recommendation is one of conditional consent.

### **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; Location Plan (Title WA883786), Existing and Proposed Floor Plan, Email from Joanna Harris dated 18/11/2021.

3 Prior to the first beneficial use of the building, the biodiversity enhancements as detailed within the email from Joanna Harris dated 18/11/2021 shall be implemented as approved and maintained thereafter for as long as the development remains in existence.

4 Prior to the first beneficial use of the development hereby approved a plan

indicating the positions, height, design, materials and type of boundary treatment to be erected shall be submitted to and approved by the local planning authority. The boundary treatment shall be completed as approved before the building is occupied.

## **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, DM4, DM13 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 11, 2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
- 4 To protect the safety of the users in accordance with Part 5 of LDP Policy DM13.

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