

PCC-Building Control

No comments received at time of writing report

Councillor Corfield

24th Mar 2021

Thank you for sending notification of the above planning application. Due to local interest could I please call this application into Committee.

Additional comments received 5th August 2021 -

I write as the County Councillor for the Forden Ward, regarding Planning Application number 21/0422/FUL. Following communication from neighbours to the site, I know you will already have received correspondence from them regarding this application. The application as submitted is for permission to permanently keep erected one marquee to hold receptions following weddings at the nearby Trelystan Church, from April to October each year.

Initially residents and the Forden with Leighton & Trelystan Community Council were tentatively supportive of this new venture, having been led to believe the application was for one marquee to hold a traditional wedding reception close to the unique Grade 11 listed Trelystan Church. However, it appears the venture is turning out to be somewhat different to that suggested in the application form and papers submitted supporting the planning application. It has become a bone of contention for residents in what is being promoted and advertised by the applicant as available at the venue site, via the applicant's 'Quaint Country Weddings' website, and what has actually been applied for within the planning application itself, are not exactly in tune. As stated, residents and the Community Council were given to understand from the planning application, one marquee was to be placed on site but not an additional array of Yurts/Tipis/Tents etc. as well.

Thus far I understand approx. 4 weddings have taken place at the Church this year, and whilst the marquee is used for the main wedding reception, the site is also hosting up to 29/30 Tipis, Yurts, Camping Tents etc. The problem without any constraint, is the site effectively becomes a camping site, with guests arriving on a Friday for a Saturday wedding and not leaving until Sunday at earliest. The temptation is seemingly for people invited to a wedding to make a short break 'holiday' out of this beautiful and tranquil location, adjacent to a listed building.

Anecdotally, I am told the current situation has already put some worshippers/visitors off attending the Church and Cemetery. The various Tipis, Yurts and Tents are erected adjacent to the track which leads down the field to Trelystan Church. When visiting or

attending a church service, following a wedding the day before, worshippers are currently having to negotiate their way through a 'campsite'. A recent monthly Sunday service held at 3.00 pm following a Saturday wedding, found many campers were still on site adjacent to the Church track. There will be occasions when funerals will take place at the Church, and mourners could find themselves negotiating their way to a personal solemn church service, having to make their way through the middle of campers still on site following, or setting up camp prior to a wedding. Campers maybe drinking and having a barbecue. Once people are on site this type of socialising is all but impossible to control and appear very insensitive to church attendees, particularly on a sad occasion. There has already been an issue with noise, not just at immediately neighbouring properties, but the sound carrying quite some way down the valley, and residents much further afield also being affected by this noise.

The main wedding marquee itself is not the issue for residents, who as earlier stated tentatively supported the venture, as this would provide funds for the Church. The issue is the unforeseen camping site which is developing and all that goes with that. For all concerned it would be more appropriate if the camping element were treated as a separate planning application, as this has not formed any part of the current application as submitted. It is the issue of the array of Tents and the camping which is creating tension locally and contributing to loss of amenity. I trust this application for all concerned will be given very careful consideration.

Hafren Dyfrdwy

29th Mar 2021

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 – Highways

19th Apr 2021

The Highway Authority (HA) has no fundamental objection to the proposed development on the basis of the proposed access improvements, and the proposed Section 106 agreement. We note that no drawing showing the highway access improvements has been submitted.

Clarity is sought from the Planning Authority that the ties of the Use[s] of the Church and Wedding Venue/Marquee is acceptable under a Section 106 agreement, and that a suitable condition/clause can be attached which restricts the maximum number of guests attending a wedding is 150. Furthermore, that the marquee is not used independently of the church, and that the marquee is not used for any other type of event such as parties

not in connection with a wedding at the church.

We also seek clarity as to whether for the purposes of condition and/or a S.106, the church should be included within the redline application site.

The HA shall consider the application in terms of highway safety, once clarity of the above points has been obtained.

Additional comments received 11th January 2022 –

The County Council as Highway Authority for the County Class III Highway, C2046

Wish the following recommendations/Observations be applied
Recommendations/Observations

The Highway Authority (HA) has reviewed the revised details submitted in support of the application.

We note the applicant's comments that the proposed development does not include any land for the purposes of camping, and/or holiday letting.

The Unilateral Undertaking has been updated to restrict the Use of the development, to that stated in the planning description. Namely, the erection of a temporary marquee for wedding receptions (between April and October each year), creation of access, installation of infrastructure and siting of a temporary toilet unit.

On the basis that the development and Section 106 agreement are as described on the application form dated the 8th of March 2021, and the following conditions are attached to any consent given, we withdraw our earlier objections.

Notwithstanding the submitted details on drawing numbers 20 1107A (03) 11 & 20 1107A (90) 10 Rev A the Highway Authority wish the following conditions to be applied to any consent given.

Prior to the first beneficial use of the development the access has been constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2 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 25 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

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

Prior to the first beneficial use of the development the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material, 60mm of bituminous macadam binder course material and be finished in a 40mm bituminous surface course material for a distance of 10 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

Prior to the first beneficial use of the development, provision shall be made within the curtilage of the site for the parking of not less than 60 cars and two heavy goods vehicles together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

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

The width of the access carriageway, constructed as Condition 2 above, shall be not less than 5.5 metres for a minimum distance of 10 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.

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

Advisory Notes

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

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

- a. The need to avoid interference with and to make provision for the carrying of existing highway drainage under the access to the satisfaction of the Highway Authority.
 - b. The requirement of the Highway Authority for the Developer to ensure that no surface water is discharged onto the County Highway or, without prior approval, into the highway drainage system.
2. Under Section 50 of the New Roads & Street Works Act 1991 it is a requirement that a Streetworks licence is obtained from the Highway Authority to place, or to retain, apparatus in the highway and thereafter to inspect, maintain, adjust, repair, alter or renew the apparatus, change its position or remove it.
 3. The need to inform and obtain the consent of Statuary Undertakers (Electricity, Water, Gas, BT), Land Drainage Authority, etc. to the works.
 4. The New Roads & Street Works Act 1991 requires that all works, be properly notified and approved prior to commencement.

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

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

Street Works
Powys County Hall
Spa Road East
Llandrindod Wells
Powys
LD1 5LG - 0845 6027035

PCC - Environmental Protection

19th Apr 2021

Foul drainage

The proposal is to utilise a portable toilet unit with built-in storage. Environmental Protection has no objection to this proposal.

Noise impact

The application has been accompanied by a supporting document, 'Environmental sound survey & Noise impact report' by TGS Acoustics. The report assessed the levels of noise at the three closest noise-sensitive properties which can be expected as a results of the

playing of recorded music at the marquee until 0100 hours. The report concludes that at only one property will the level of music noise exceed the existing background noise level. This property is owned by the applicant. Therefore it can be expected that there should be no adverse noise impact from the development at nearby residential properties.

Artificial light

The design and layout of the lighting scheme, the orientation of the development, and the topography of the area means that there should be no adverse impact on amenity due to artificial light.

I have no objection to the application.

Additional comments received 26th August 2021 -

I understand that the applicant has already been operating the site as a wedding venue this year. As a result of this, I have received a noise complaint. Based on the information I have received, I have concerns about the application and therefore I would like to add to my previous comments, as follows.

Noise

Noise from the campsite

It has been brought to my attention that wedding guests are being encouraged/allowed to camp at the site both the night before and after the wedding ceremony. In effect, this is creating a mini festival at the site. I feel the way the application has been presented, and the way the noise report focused purely on the noise from music inside the marquee, is not a true reflection of the reality of the development. I would have concerns if this camping/festival site were to be allowed because the potential for uncontrolled noise to have a negative impact on nearby residential properties would be significant. Potential noise sources from camping include the voices of the campers, plus any other noises they introduce such as the playing of musical instruments or recorded music. Unlike the music in the marquee, which has been the subject of a detailed noise impact assessment and can be controlled at source, monitored at the site boundary and stopped at a designated time, these noises have the potential to occur throughout the night on Friday and Saturday every weekend for 28 consecutive weeks.

Live bands and recorded music in the marquee

While I recognise the fact that the current position of the marquee does not reflect where it is proposed to be placed as part of this application, it is of concern that music from live bands has allegedly travelled long distances at a loud level. The noise impact assessment report concluded that these sort of noise levels would not be experienced.

The results of the noise report submitted in support of this application rely on the source noise being controlled and the event managed and monitored correctly. While I do not currently have evidence of the noise levels being exceeded, anecdotally the confidence in management of events would appear to be a concern.

Artificial light

Similarly to my above comments regarding noise, I am also concerned that the potential impact of artificial light from the site has not been properly assessed. As stated, the creation of a 'festival' site could introduce a number of light sources with the potential to adversely impact the amenity of nearby residential properties.

Therefore, I would like to change my position to an objection on the basis of insufficient information to reflect the true impact of noise and artificial light from the development.

Additional comments received 21st October 2021 –

I have met with the applicants to discuss the noise issues raised in my previous email. Before I make any further comments, and recommend conditions, specifically regarding music from the marquee, could I ask the applicants to provide as much detail as possible please regarding their proposals to provide overnight camping?

As previously stated, this aspect would appear to be very much part of the plan, however it has not yet been fully considered due to its absence from the application and supporting documents.

Additional comments received 12th November 2021 -

Re: 21/0422/FUL | Erection of a temporary marquee for wedding receptions (between April and October each year), creation of access, installation of infrastructure and siting of a temporary toilet unit | Land Near To St Mary The Virgin Church Trelystan Welshpool SY21 8LD.

Noise

To clarify my position on this one, unfortunately I have to disagree with the noise report that concluded there will be no noise impact from this development. Any noise report submitted at the planning application stage is by definition a prediction. I appreciate the fact that it is planned to locate the marquee in a slightly different position than that used this year. However, the use of the marquee this year has demonstrated that in reality there will be an unavoidable noise impact on nearby residents. Also, it has come to light that the site will be used for overnight camping which will create an additional source of noise.

Therefore, I object to the application unless the following conditions are applied to any permission granted:

- Music shall not take place anywhere on the site except within the marquee identified on plan 20 1107A (03).
- All live and recorded music at the site shall finish no later than midnight.
- Prior to the first beneficial use of the site, a Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include details of an acceptable noise limit at a noise monitoring location within the boundary of the development. It shall also include details about how camping at the site, associated with the development, will be managed to control the impact of noise.
- Use of the development shall be restricted to a maximum of 6 events per calendar year with a minimum of 14 days separation between events.

Additional comments received 2nd December 2021 –

Thank you for sending me the noise consultant's rebuttal to my previous comments.

I hope my previous comments have not been taken as a criticism. I have no reason to suggest that the noise monitoring and calculations presented in the report are not accurate. However, as a model for predicting the actual noise levels emanating from the site, there are clearly some aspects that have not been taken into account which will be present in real life (and have probably contributed to the complaints received). Therefore the report must be read as an indicative prediction, and its limitations need to be noted.

The noise report was prepared by playing music from a sound system at a set level. Noise measurements were made in close proximity to the noise source and at a distance. In addition to this, noise predictions were then made based on the fact that the application site is in a slightly different location from the measurement site. A few examples of how the reality of actual events may have differed (and might differ in future) are as follows.

Bass tones

The report does not make mention of any tonal aspects that can be present in music noise. The main example of this is the low frequency tone commonly referred to as the 'bass'. Bass tones can be annoying even at low levels, and can often be heard at greater distances than higher frequency tones. In addition to this, noise barriers which can be effective against higher frequency tones, are less effective against bass tones. As bass tones are present in a lot of popular music likely to be played at wedding receptions, it is important to expect disturbance from this type of noise.

Live bands

The report does not make mention of the effects of noise from a live band. One significant difference between the playing of recorded music and the playing of a live band, is that not all elements of a band can be controlled. For example, drums and other percussive instruments often do not run through the amplification system, and are therefore not subject to noise limiters.

People noise

The potential effect of people noise cannot be underestimated. I do not know the exact limit on the number of guests at the wedding receptions, but it is likely that guests will sing along to the music. In addition to this, there will also be the sound of guests laughing and shouting.

Camping

Over the summer just gone, there were apparently a number of guests camping at the site on the nights before and after the weddings. As stated previously, this can have the effect of turning the site into something more akin to a weekend festival site. From my experience of such sites, I know that people who are camping have been known to bring their own stereos to play music, to bring their own musical instruments, and even to let off fireworks in the middle of the night. This is all in addition to the sound of voices shouting/laughing/singing which, in the middle of the night in such a quiet location, have the potential to create a large negative noise impact on the area.

There will also be a certain amount of disturbance at the end of the night as vehicles (taxies, minibuses etc.) collect waiting guests from the venue.

I do not know of any other site in the county that has gone from being a field to an outdoor music event venue that operates for more than 6 days per year. Typically, wedding reception venues have indoor space and therefore can control noise emissions much more effectively.

Hopefully my examples above provide some further background for my previous comments on this application. I stand by my suggested conditions mentioned previously.

Additional comments received 22nd December 2021 -

Re: 21/0422/FUL | Erection of a temporary marquee for wedding receptions (between April and October each year), creation of access, installation of infrastructure and siting of a temporary toilet unit | Land Near To St Mary The Virgin Church Trelystan Welshpool SY21 8LD.

Further to my previous remarks in relation to noise issues from the development, I have taken into account all of the correspondence received from the noise consultant. It has

also been confirmed that any associated camping activities can take place under permitted development rights and, as such, will not form part of this application.

Given that control of noise from the development can be achieved by the use of planning conditions, it will not be necessary to put a limit on the number of events that can take place. However, in order to ensure the effective control of noise, it will be necessary to refine those conditions to set an acceptable noise limit and to require the applicant(s) to monitor and record noise emissions from the site to confirm compliance.

Therefore, I would like to change my recommended conditions to the following:

Condition 1

The level of noise emitted from the site shall not exceed $L_{Aeq (15 \text{ min})}$ 30 dB at any time as measured at Church House Farm.

(All measurements shall be taken using a type 1 sound level meter with a microphone height between 1.2m and 1.5m in free field conditions, 3.5 m from a reflective surface.)

Condition 2

All live and recorded music at the site shall finish no later than midnight.

Condition 3

Prior to the first beneficial use of the site, a Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented as approved throughout the lifetime of the development. The Plan shall include details of how events will be managed and monitored to control the impact of noise. This should include a provision for record-keeping in relation to noise monitoring and a protocol for how the applicant(s) can be contacted directly by anyone affected by noise.

PCC – Countryside Services

No comments received at time of writing report

PCC-Built Heritage Officer

25th May 2021

Background to Recommendation

Designation

Cadw ID 19546 Church of All Saints grade II* included on the statutory list on 26/10/1953

Cadw ID 7721 Lower House included on the statutory list on 26/10/1953

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 Change to Listed Buildings 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 asset

LDP Objective 13 - Landscape and the Historic Environment

Comments

The proposal is for the erection of a marquee on land in close proximity to Church of All Saints for wedding receptions. I note the previous application 20/0284/FUL which was refused.

The Church is an isolated building high up on Long Mountain and situated E of a minor road between Leighton and Marton. The church is reached down a private track and has a woodland plantation to its East. An early C15 church thoroughly restored in 1856, although its early roof survives. C15 arched-braced roof with some C19 timber, alternate bays of which have hammer beams (said to have been sawn off tie beams and now with iron ties inserted through them), and cusped wind bracing. The walls are boarded with pitch pine. Flagstone floor with C17 and C18 memorial slabs in floor at E end. Five-light

fragment of medieval rood screen; plain benches, Perpendicular-style octagonal font. The E window glass shows the Garden of Gethsemene, and is said to be by David Evans of Shrewsbury. The building is listed as grade II* as the only surviving timber-framed church in Montgomeryshire, retaining good external character and internal detail.

Lower House is located approximately 0.4km SE of Trelystan church and situated at the end of a farm road on the E side of a minor road between Trelystan and Marton. A C18 house with integral servants' wing, to which single-storey wing was added late C18. The property is a one-and-a-half storey house consisting of a main range with rear wing, forming an L-plan, with single-storey wing added to rear wing. Timber-framed in square panels with brick nogging painted white, and with slate roof. External stack to R; axial stack to L of centre. The main range is 2-unit with an additional unit to L with a separate entrance. Three dormers have 2-light small-pane casements while the lower storey windows have 3-light casements with transoms. The buildings is included on the statutory list as a good, late example of the local tradition of timber framing retaining its original character.

Cadw have prepared guidance on the setting of historic assets that in an annexe to TAN24 that came into effect on 31 May 2017 with advice on how to assess the setting of listed buildings. This document outlines the principles used to assess the potential impact of development or land management proposals on the settings of all historic assets but is not intended to cover the impact on the setting of the historic environment at a landscape scale.

It is noted that section 2.2 of Managing Setting of Historic Assets advises that applicants for planning permission should provide the local planning with sufficient, but proportionate, information to allow the assessment of the likely impact of proposal for development on a historic asset and its setting. It is noted that no such assessment accompanied the application.

The document advises that "Setting is the surroundings in which a historic asset is understood, experienced and appreciated, embracing present and past relationships to the surrounding landscape.....The setting of a historic asset is not fixed and can change through time as the asset and its surroundings evolve. These changes may have a negative impact on the significance of an asset; for example, the loss of the surrounding physical elements that allow an asset to be understood, or the introduction of an adjacent new development that has a major visual impact. But changes can also have a positive impact that may enhance the setting, such as the removal of traffic from part of a historic town, or the opening up of views, or the return of a sense of enclosure to sites where it has been lost"

I note the Heritage Impact Assessment undertaken by Green Planning Studio. I

acknowledge that the location of the marquee has changed from the previous application to be not directly adjacent to the church and the access road to the church which is on higher land than the church but is sited to the north of the access road, which is a more appropriate location. I also note that the marquee roof will be blue black to mimic slate roof which is welcomed.

However the Heritage Impact Assessment has identified that the proposed marquee would have a visual impact on the setting of the Church of All Saints and to a much lesser degree the setting of Lower House. Whilst I would not consider that the proposal would harm the setting of Lower House, I would agree that the proposal would have a harmful impact on the setting of in a visual sense and also non visual to the Church of All Saints. Paragraph 1.26 of TAN 24 identifies the other factors that may affect the setting of an historic asset to include inter-visibility with other historic or natural features, tranquillity, noise or other potentially polluting development though it may have little visual impact.

It is therefore considered that the proposal has the potential to harm the non visual aspect of the Church of All Saints through the loss of tranquillity or introduction of noise in an otherwise quiet location. This consideration perhaps has a greater significance when applied to Church buildings than to secular buildings.

However I note the comments from the Highway Authority which seek to restrict the numbers attending the events but also to restrict the use of the marquee so that it cannot be used independently of the church and can only be used for wedding receptions after the service at the church.

I understand that this is something that is being considered. If such a condition/section 106 or unilateral undertaken were in place thereby restricting the use of the marquee for events only in association with the church - presumably weddings/blessings/christenings etc then it could be argued that the non visual harm such as noise, disturbance from the Marquee would effectively be addressed as both the Church and the Marquee would be in some respects a joint venture albeit with 2 different landowners and as such the benefits to the Church would be obvious.

I would have some concern if the marquee could be used for any event - especially if a Saturday night event, however by working in association, I am assuming that the church car parking is being offered by the Church as the guests would have attended a church service and then move onto the Marquee and if there were any conflict with the loss of the car park for visitors to a separate church service then it is the control of the Church to prevent future use of the car park.

I also note the tight area of the application site which differs from the previous application that was a larger site to permit camping and other temporary structures to be erected,

and camping was advertised on the website for guests. As the application does not include camping or any other structure other than the marquee and disabled toilet, I am therefore assuming that no such uses are being considered as part of this application. Again this is welcomed due to the harm that such activities could pose to the grade II* listed Church. I would request that an informative be included in the decision reminding the applicant that the only structures hereby approved by this permission are the structures included in the application and as such any camping or other such temporary structures on the site or the adjacent site may require planning permission.

Whilst it is acknowledged that there will be some visual impact on the Church by the introduction of the marquee, it is also acknowledged that should the suggestion by the highways authority be included as a condition/section 106/unilateral undertaking then many of the concerns previously given could be alleviated. I also note that there are permitted development rights for the erection of a marquee for a much lower time period which is also a consideration. Noting that the building is temporary is also reassuring, however in addition to the months of the year limitation, I would be grateful if consideration could also be given to an end time limit for the marquee after which the permission would have to be renewed, such as 10 years or similar.

Noting the revised location of the marquee, the smaller site and that no other structures are being proposed, and that it is anticipated that the use of the marquee would be restricted to events in association with the Church and following a church service. As such it is considered that the proposal has the potential to have the same positive benefits as a large Church Hall but similar to a Church Hall would be sited in proximity to the church and as such have the potential to impact on its setting.

As such provided that there is a unilateral undertaking in respect of the marquee being used for events linked to the Church, I would consider that my concerns in respect of the previous application would be addressed and subject to the unilateral undertaking/s 106 agreement I would raise no objections to the current application.

In making this recommendation I am mindful of the advice in Sections 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which require authorities considering applications for planning permission or listed building consent for works which affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of the building. The setting is often an essential part of a building's character especially if a park, garden or grounds have been laid out to complement its design or function. Also, the economic viability as well as the character of historic buildings may suffer and they can be robbed of much of their interest and of the contribution they make to townscape or the countryside if they become isolated from their surroundings, e.g. by new traffic routes, car parks, or other development."

However, I would also refer to more recent guidance in paragraph 6.1.10 of Planning Policy Wales 11th edition 2021 which states, " For any development proposal affecting a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses."

Section 6.1.9 of PPW 11 advises that " Any decisions made through the planning system must fully consider the impact of the historic environment and on the significance and heritage values of individual historic assets and their contribution to the character of place"

Section 6.1.7 of Planning Policy Wales 11th edition requires that " it is important that the planning system looks to protect, conserve and enhance the significance of historic assets. This will include consideration of the setting of an historic asset which might extend beyond its curtilage. Any change that impacts on an historic asset should be managed in a sensitive and sustainable way"

PCC-Ecologist

18th May 2021

I have reviewed the proposed plans, aerial images as well as local records of protected and priority species and designated sites within 500m of the proposed development.

The data search identified 1 record of protected and priority species within 500m of the proposed development with no records found for the site itself. Species recorded within 500m of the proposed development include mistle thrush.

No statutory designated sites were identified within 500m of the proposed development.

One non-statutory designated sites were identified within 500m of the proposed development;

- o Trelystan Road Verge Nature Reserve (RVNR) - approximately 232m from the proposed development

The proposed development is located within the boundaries of an existing agricultural field adjacent to a woodland and existing church and is likely to impact areas of semi-improved grassland, a habitat considered to be of relatively low ecological value.

Wildlife Sensitive Lighting

I have reviewed the proposed external lighting plan detailed in section 5.23 of the submitted planning statement and illustrated on the submitted site layout plan. The measures proposed with regards to external lighting at the site are considered to be

appropriate and acceptable to minimise impacts to nocturnal wildlife at the site and in the wider environment.

It is recommended that adherence to the identified external lighting scheme is secured through an appropriately worded planning condition.

Biological Enhancement

In accordance with Part 1 Section 6 of the Environment (Wales) Act 2016 Local Authorities are required to Maintain and Enhance biodiversity through all of its functions - this includes the planning process. It will therefore need to be demonstrated as to how the proposed development will incorporate biodiversity enhancements to ensure net biodiversity benefits through the proposed development. These measures could include:

- o Provision of bird and bat boxes including the details of the number, type and location of these boxes;

- o A wildlife buffer strip and a scheme of appropriate management of these areas, hedgerows should be retained within buffer strips and should be unlit or lighting to be directed away from the hedgerows to create dark movement corridors for nocturnal wildlife through the site;

- o Provision of wildlife friendly landscape planting.

As the application has not indicated any proposed biodiversity enhancements I recommend that a condition is included to secure the submission of a biodiversity enhancement plan.

Further details regarding biodiversity and requirements associated with planning applications can be found in the Powys Local Development Plan (2011 to 2026) Supplementary Planning Guidance Biodiversity and Geodiversity (Adopted October 2018) which can be found at <https://en.powys.gov.uk/article/4907/LDP-Supplementary-Planning-Guidance-SPG>

Therefore should you be minded to approve the application I recommend inclusion of the following conditions:

External lighting at the site shall be undertaken strictly in accordance with the details identified in section 5.23 of the submitted planning statement and illustrated on drawing number (03) 11 produced by Green Planning Studios. The measures identified shall be adhered to and implemented in full and maintained thereafter.

Reason: To comply with Powys County Council's LDP DM2 and DM7 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 Part 1 Section 6 of the Environment (Wales) Act 2016.

Prior to 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.

Reason: To comply with Powys County Council's Policies LDP 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 Part 1 Section 6 of the Environment (Wales) Act 2016

In addition I recommend inclusion of the following informatives:

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 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.

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 at: Tel: 0300 065 3000.

Public Representations

Following the display of a site notice there has been 11 letters of support received and 10 letters of objecting to the proposed development. The main issues raised are as follows:

- Increase in traffic
- Concerns regarding the highway network
- Concerns regarding campsite being run in connection with the wedding business
- Concerns regarding noise impact
- Concerns regarding artificial lighting
- The development is out of keeping with the character of the area
- Landscape concerns
- Concerns regarding litter
- Concerns regarding no limit being placed on the number of weddings that can take place

Planning History

App Ref	Description	Decision	Date
P/2016/1221	Erection of Residential Extension	Consent	23rd Jan 2017
DIS/2017/00 86	Discharge of condition no.3 (P/2016/1221	Approve	4th May 2017
20/0284/FUL	Erection of a temporary marquee	Refused	8th Oct 2020

Principal Planning Constraints

Within 50m of Listed Building
Right of Way
Mineral Safeguarding Sandstone Cat
2

Principal Planning Policies

Policy	Policy Description	Year	Local Plan
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PPW	Planning Policy Wales (Edition 11, 2021)		National Policy
FWTNP	Future Wales: The National Plan 2040		National Policy
TAN5	Nature Conservation and Planning	2009	National Policy
TAN11	Noise		National Policy
TAN12	Design	2016	National Policy
TAN18	Transport	2007	National Policy
TAN23	Economic Development		National Policy
TAN24	The Historic Environment	2017	National Policy
DM2	The Natural Environment		Local Development Plan 2011-2026
DM4	Landscape		Local Development Plan 2011-2026
DM7	Dark Skies and External Lighting		Local Development Plan 2011-2026
DM8	Mineral Safeguarding		Local Development Plan 2011-2026
DM13	Design and Resources		Local Development Plan 2011-2026
DM15	Waste Developments	within	Local Development Plan 2011-2026
SP2	Employment Growth		Local Development Plan 2011-2026
SP5	Settlement Hierarchy		Local Development Plan 2011-2026

SP7	Safeguarding of Strategic Resources and Assets	Local Development Plan 2011-2026
E2	Employment Proposals on Non-Allocated Employment Sites	Local Development Plan 2011-2026
E6	Farm Diversification	Local Development Plan 2011-2026
T1	Travel, Traffic and Transport Infrastructure	Local Development Plan 2011-2026
SPG	Biodiversity and Geodiversity SPG (2018)	Local Development Plan 2011-2026
SPG	Historic Environment SPG (2020)	Local Development Plan 2011-2026
SPG	Landscape	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 Forden with Leighton and Trelystan. The proposed site is located approximately 4.5km to the south east of Welshpool, in the open countryside as defined by the Powys Local Development Plan (2018). The application site is in close proximity to the curtilage of the C15th grade II* listed building St Mary the Virgin Church (also known as Church of All Saints) which has a village hall and car park.

Farmland surrounds the site to the north, west and south with St. Mary the Virgin

Church approximately 90 metres to the south-east. Weddings are currently being offered utilising the marquee erected under the provisions of permitted development regulations.

Consent is sought for the erection of a temporary marquee for wedding receptions (between April and October each year), creation of access, installation of infrastructure and siting of a temporary toilet unit.

The proposed marquee will measure approximately 24 metres in length and 9 metres in width, reaching a height of 2.3 metre to eaves and 4 metres to ridge. The proposed marquee will be constructed using a metal frame with white pvc canvas sides. The proposed roof will be finished with a blue/grey canvas. The marquee would have clear plastic windows which would be south-facing. Parking will be alongside the track that leads from the public highway down to the site.

The other works associated with the development include the creation of a level platform for the marquee, a relocatable disabled toilet and a turning space and access tracks. A proposed 3.6m wide access track from the existing track to the marquee area will be created. Existing car parking at the church will also be utilised as part of the proposal.

Background

This application is a resubmission of application reference number 20/0284/FUL for the erection of a temporary marquee. The application was refused for the following reasons:

1. The development would create an unacceptable adverse impact on road safety, and is therefore contrary to the standards expected in LDP policy DM13 and T1. The application is therefore contrary to policies DM13 and T1 of the Powys Local Development Plan, Technical Advice Note 18: Transport and Planning Policy Wales.
2. Insufficient information has been submitted to fully assess the potential impacts of the proposed development on noise and light pollution. The proposed development is therefore contrary to policy DM13, part 11 of the Local Development Plan, and Planning Policy Wales (Edition 10, 2018).
3. The development would create an unacceptable adverse impact on built heritage, harming the setting of the listed building and therefore contrary to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 Local Development Plan (2018) policies SP7 and DM13, Technical Advice Note 24 (2018) and Planning Policy Wales (2018).
4. The development would create an unacceptable adverse impact on landscape, and is therefore contrary to the standards expected in LDP policy DM4, and SPG Landscape.

5. The development is considered unacceptable in terms of design and is contrary to the standards expected in LDP policy DM13, and Planning Policy Wales (2018).

The applicant has attempted to address these reasons for refusal in this revised application. The applicant proposes a new location for the marquee, hedgerow planting, revised lighting, a new colour roof and the provision of a draft S106 legal agreement.

Principle of Development

Policy E2 of the Powys Local Development Plan states proposals for employment development on non-allocated sites will be permitted where it is demonstrated that no other suitable existing or allocated employment sites or previously developed land can reasonably accommodate the proposal, and where at least one of the following criteria is met:

1. The proposal is up to 0.5ha. and is located within or adjoining a settlement with a development boundary.
2. The proposal is for the limited expansion, extension or environmental improvement of existing employment sites and buildings.
3. The proposal is appropriate in scale and nature to its location and is supported by a business case which demonstrates that its location is justified.

Policy E2 states the provision of new employment proposals within the open countryside is also supported where it can be demonstrated that such a location is justified by the nature of the proposal.

Quaint Country Weddings was set up in 2020 as a diversification from a family farm business. The farm has been in the family ownership since 1932. The farm no longer operates as a working farm therefore diversification provides a modern development in which to support the business owners. The first stage of the diversification was to operate the wedding venue under permitted development by hiring in marquee equipment to assist in setting up. The success of the pilot trials and interest of couples to celebrate their weddings at the venue led to the purchase of equipment to enable the business to provide a high-quality space and control of equipment.

In terms of the criteria above as set out within policy E2, the agent has submitted a business case to support the application to demonstrate that the location of the proposal is justified. Having considered the submitted Business Case it is considered that the location of the proposed development is justified and it is also noted that the marquee will only be erected between the months off April and October in any calendar year. The proposed marquee has been relocated to a different location from the previous application which was refused to ensure the siting of the proposal is acceptable. It is

therefore considered that sufficient information has been provided in the form of a business case and it is considered the location of the marquee is justified by the nature of the proposal.

Policy E6 of the Powys Local Development Plan states development proposals for farm diversification will be permitted where:

1. The proposed diversification will be of an intensity of use appropriate to the location and setting and will have no significant detrimental effect on the vitality and viability of any adjacent land uses, either individually or through cumulative impact;
2. Adequate provision is made for the parking of vehicles and the storage of materials/equipment; and
3. The construction of new, or conversions of existing buildings, that form part of the proposal lie within or immediately adjacent to the existing farm building complex.

As noted above Quaint Country Weddings was set up in 2020 as a diversification from a family farm business. The proposal would create an intensity of use which is therefore considered to be appropriate to its location and given that the proposal is a diversification measure it is not considered that it would impact the vitality/viability of the existing farm which has been demonstrated through the Economic Impact Statement submitted. Existing parking is located at the church and materials would be stored off site when the marquee is taken down. The proposed marquee is temporary in nature, though it has been assessed as a permanent feature. Due to farm diversification the venue will introduce new business and income to many local businesses as well as a strong support and a lifeline for St. Mary the Virgin Church.

In terms of the criteria of policy E6 the use of the proposed marquee would, through a S106 legal agreement, be tied to the adjoining church and church hall with numbers using the marquee limited to 150. This is considered to be within the capacity of the existing church. It also provides control over the intensity of use as opposed to operating under permitted development regulations.

It is considered that the principle of the proposal is acceptable, subject to the considerations below:

Design and External Appearance

With respect to design, specific reference is made to LDP policies DM13 (Part 1) and PPW. LDP policy DM13 and PPW require development to be able to demonstrate a good quality design and to have regard to the qualities and amenity of the surrounding area, local infrastructure and resources.

The proposed marquee will measure approximately 24 metres in length and 9 metres in width, reaching a height of 2.3 metre to eaves and 4 metres to ridge. The proposed marquee will be constructed using a metal frame with white pvc canvas sides. The

proposed roof will be finished with a blue/grey canvas. The marquee would have clear plastic windows which would be south-facing.

The previously refused application was proposed on an exposed plateau on the side of the wide valley. The revised location for the marquee is approximately 90m to the north, set amongst a backdrop of mature trees. While it proposes white elevations (one elevation being transparent windows), this would be offset to some extent by the proposed hedgerow and natural topography, with land rising from east to west. The proposed roof has been revised from white to blue/grey following concerns raised by the PCC Built Heritage officer, which is considered an improvement to the previously proposed white roof.

The temporary marquee is considered to be of an acceptable design and size and scale within this location. The minor change to the roof colour is a welcomed alteration and it is therefore considered the design and appearance of the marquee is acceptable within this location. It is also noted that landscaping in the form of trees and hedgerow planting is proposed as part of the application.

A condition will be attached to any consent granted controlling the time frame to which the marquee is erected and removed from site.

In light of the above and subject to the recommended condition, it is therefore considered that the design and external appearance of the proposed is consistent with LDP Policy DM13 and TAN 12.

Economic Impact

An Economic Impact Statement has been submitted in support of the proposal which highlights the potential economic benefit for local businesses and the adjacent Church. The Economic Report submitted demonstrates the economic potential of the proposal for the local community by employing local companies to carry out the wedding event services.

It is worth noting that the financial information provided has already been trialed via a number of weddings, under permitted development rights. These events took place during 2019 and 2020 season and it is noted that further bookings are in place for the 2022 and 2023 seasons.

The proposed development will support the local economy and increase the sustainability of many local companies as well as the adjoining church at Trelystan which is a grade II* listed building via hiring the Church and Church Hall facilities and donations to help sustain the future of the Church.

It is therefore considered that the proposal would have significant economic benefit consistent with Policy SP2 of the LDP (2018) and TAN 23.

Amenity

In considering the amenities enjoyed by the occupiers of local properties, consideration has been given to the LDP policy DM13 (Part 12).

PCC Environmental Protection has been consulted on the proposed development in terms of foul drainage, potential noise nuisance and artificial light. In relation to foul drainage, the proposal is to utilise a portable toilet unit with built-in storage. The PCC Environmental Protection officer raised no objection to the method of foul drainage.

In relation to noise, further to the officers previous concerns and objections in relation to noise issues from the development, the officer has taken into account all of the correspondence received from the noise consultant including the submitted Noise Impact Assessment. PCC's Environmental Protection officer noted given that control of noise from the development can be achieved by the use of planning conditions it would not be necessary to put a limit on the number of events that can take place.

However, in order to ensure the effective control of noise, it will be necessary to refine those conditions to set an acceptable noise limit and to require the applicant(s) to monitor and record noise emissions from the site to confirm compliance. Following additional information the officer raised no objection to the development subject to the inclusion of a number of noise conditions which will be attached to any consent granted.

In terms artificial light the PCC Environmental Protection officer noted the design and layout of the lighting scheme, the orientation of the development, and the topography of the area and noted there should be no adverse impact on amenity due to artificial light from the proposal.

In light of the above PCC Environmental Protection raised no objection to the proposal subject to the inclusion of the conditions regarding noise.

In light of the above and subject to the recommended conditions it is therefore considered that sufficient information has been submitted to demonstrate the proposal would not present an unacceptable adverse impact on the amenity of neighbouring dwellings and therefore the proposal is considered to be in accordance with LDP policy DM13.

Landscape

LDP policy DM4 and SPG "Landscape" deal with the impact of development proposals on the landscape. Landmap considers the area to be of high landscape value, with a strong sense of place / local distinctiveness. The landscape here is a wide valley with isolated farmsteads, small, scattered settlements and patches of woodland within an agricultural setting. Rights of way are located in close proximity to the site and one adjoins the area of the proposed track. It is not considered that the rights of way to the south and east would be significantly impacted. Views from the rights of way to the west and north west have been considered in the Landscape Impact Assessment submitted as part of the application considered below.

Initial concerns within the previously refused application stated that the proposed location did not take account for the lie of the land and the location of the marquee was considered to be intrusive to the landscape. The revised location (approximately 90m to the north) is considered to be an appropriate position, set within the backdrop of the mature trees and further away from the grade II* listed church which would be screened from the proposed marquee by the regrowth of the plantation between the two locations. It is noted that further landscaping is proposed in the form of hedgerow planting on the eastern and northern elevations. The location of the marquee has been carefully chosen to minimise the effects on the wider landscape and on the setting of the Church.

The application has been supported by a Landscape Impact Assessment (March 2021 – Green Planning Studio). The assessment provides a description of the site and the proposal, methodology, and an assessment of landscape and visual effects. The visual effect of the application proposal has been assessed from public view points. The assessment concludes that the proposed development, along with the increased activity that will inevitably result from the proposal will have a negative impact on the tranquillity of the area. However, the location of the proposed marquee has been carefully chosen to minimise the effects on the wider landscape. The visual impact on the landscape has been mitigated by careful choice of location, the colour of the marquee roof and proposed new planting. It is acknowledged that the proposed development also includes the creation of an access track to the marquee, having considered the proposed track it is not considered the access track will have a detrimental impact on the landscape. It is noted that tree planting has been proposed along a section of the access track with hedgerow planting beyond.

It is also noted that the proposed development includes ground works to create a flat platform for the marquee to be sited. As part of the application, site sections have been submitted to demonstrate the ground works required to create the flat platform. Having considered the proposed ground works required it is not deemed the proposal will have a detrimental impact on the landscape of the surrounding area.

Having considered the proposed location of the marquee and the amendments made to the roof colour and the landscaping proposed, it is considered on balance the proposal is deemed acceptable. A condition will be attached to any consent granted ensuring the implementation of the landscaping proposed.

It is therefore considered that the proposal would not have an unacceptable adverse effect on the valued characteristics and qualities of the Powys landscape in accordance with LDP Policies SP7, DM4 and the Landscape SPG.

Highways

A safe access and parking is a fundamental requirement of any development. TAN 18, LDP policy T1, and section 10 of LDP policy DM13, deals with highway provision for proposed developments and requires proposals to be designed so as to minimise the impacts on the transport network and demonstrate that the strategic and local network can absorb the traffic impacts and reduce or mitigate any adverse impacts from the

development.

The application is supported by a highways statement report from the Hurlestone Partnership Ltd (22/2/2021), which was prepared to address concerns raised following refusal of planning application 20/0284/FUL.

The Highway Authority has reviewed the revised details submitted in support of the application and noted the applicant's comments that the proposed development does not include any land for the purposes of camping, and/or holiday letting.

The Highway Authority noted on the basis that the development and the Section 106 legal agreement as described on the application form dated the 8th of March 2021, the Highway Authority raised no objection to the development subject to the inclusion of a number of conditions.

In light of the above and subject to a number of conditions and the proposed Section 106 Legal Agreement the Highway Authority raised no objection to the development.

Built Heritage

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'. The Barnwell Manor case the Court of Appeal made it clear that in enacting s.66 (1), Parliament had intended that the desirability of preserving the settings of listed buildings should not simply be given careful consideration by the decision-maker for the purpose of deciding whether there would be some harm, but should be given "considerable importance and weight" when the decision-maker carried out the balancing exercise. Therefore special regard must be given to the desirability of preserving listed buildings and their setting and any harm caused should be given considerable weight within the planning balance.

Policy SP7 seeks to protect strategic resources and assets from inappropriate development. Listed Buildings are listed within this policy under criterion 2 as assets to protect. Technical Advice Note 24 states the listed buildings are nationally important assets which represent a unique source of information about the past and make a valuable contribution to the quality and character of Welsh landscapes and townscapes. Special consideration should be given to the importance and grade of the building as well as its intrinsic architectural or historic interest especially the impact of the proposed works on the significance of the building. Attention should be given to the physical features of the building which justify its listing and contribute to its significance, including any features of importance such as the interior.

TAN 24 - The Historic Environment requires historic assets to be considered within the

planning process. A Heritage Impact Assessment (HIA) is the structured process that enables the significance of a designated asset to be assessed. The application has been supported by a Heritage Impact Assessment.

The application site is within close proximity to St Mary's Church which is a grade II* listed building (also recorded as All Saints Church by Cadw) which sits to the south-east of the proposed site and is surrounded by a stone wall. It is noted as being the only surviving timber-framed church in Montgomeryshire retaining good external and internal detail. The building is listed by Cadw as being an early C15th church which was thoroughly restored in 1856. The Cadw description of the Church is as follows:

“Consisting of nave and chancel under a single roof, with S porch, W bellcote and N vestry. Timber-framed with brick nogging painted white, on a rubble stone plinth with dressed coping. Slate roof. The S wall has, to R of porch, 3x2-light mullioned windows with trefoil heads and lattice glazing, with similar window to L of porch. The porch doorway has an arch with a pointed trefoil, while the side walls each have 2 small openings of cruciform shape. The porch is laid with red and black tiles in diaper fashion, and has a boarded S door.”

The application site is also within proximity of Lower House which is a grade II listed building. Lower House is located approximately 0.4km South East of Trelystan church and situated at the end of a farm road on the East side of a minor road between Trelystan and Marton. The Cadw description of Lower House is as follows:

“A C18 house with integral servants' wing, to which single-storey wing was added late C18. The property is a one-and-a-half storey house consisting of a main range with rear wing, forming an L-plan, with single-storey wing added to rear wing. Timber-framed in square panels with brick nogging painted white, and with slate roof. External stack to R; axial stack to L of centre. The main range is 2-unit with an additional unit to L with a separate entrance. Three dormers have 2-light small-pane casements while the lower storey windows have 3-light casements with transoms. The buildings is included on the statutory list as a good, late example of the local tradition of timber framing retaining its original character. “

Given the concerns raised on the previously refused application, the proposal is now located in a different position, approx. 90m to the north west of the Church with mature trees located between the proposed marquee and the church. Woodland continues to the east of the proposed site and north of the church. The application also proposes significant screening by way of a hedgerows adjacent to the eastern and northern elevations.

The PCC Built Heritage officer has been consulted on the development and noted the Heritage Impact Assessment undertaken by Green Planning Studio. The officer acknowledged that the location of the marquee has changed from the previous application to be not directly adjacent to the church and the access road to the church which is on higher land than the church but is sited to the north of the access road,

which is a more appropriate location. The officer also noted that the marquee roof will be blue grey to mimic slate roof which is welcomed.

The Built Heritage officer acknowledged the Heritage Impact Assessment has identified that the proposed marquee would have a visual impact on the setting of the Church of All Saints and to a much lesser degree the setting of Lower House. The officer noted whilst she does not consider that the proposal would harm the setting of Lower House, however would agree that the proposal would have a harmful impact on the setting of in a visual sense and also non visual to the Church of All Saints.

Paragraph 1.26 of TAN 24 identifies the other factors that may affect the setting of an historic asset to include inter-visibility with other historic or natural features, tranquillity, noise or other potentially polluting development though it may have little visual impact.

It is therefore considered that the proposal has the potential to harm the non visual aspect of the Church of All Saints through the loss of tranquillity or introduction of noise in an otherwise quiet location. This consideration perhaps has a greater significance when applied to Church buildings than to secular buildings.

The officer noted the comments from the Highway Authority which seek to restrict the numbers attending the events but also to restrict the use of the marquee so that it cannot be used independently of the church and can only be used for wedding receptions after the service at the church.

The officer noted such a condition/section 106 or unilateral undertaken were in place thereby restricting the use of the marquee for events only the non-visual harm such as noise, disturbance from the marquee would effectively be addressed.

The officer also noted the smaller site area of the application site which differs from the previous application that was a larger site to permit camping and other temporary structures to be erected, and camping was advertised on the website for guests. As the application does not include camping or any other structure other than the marquee and a disabled toilet, the officer therefore assumes that no such uses are being considered as part of this application. The Built Heritage officer welcomed the amended site area due to the harm that such activities could pose to the grade II* listed Church.

The officer requested that an informative be included in the decision reminding the applicant that the only structures hereby approved by this permission are the structures included in the application and as such any camping or other such temporary structures on the site or the adjacent site may require planning permission. The officer acknowledged that there will be some visual impact on the Church by the introduction of the marquee.

The officer also noted that there are permitted development rights for the erection of a marquee for a much lower time period which is also a consideration. Noting that the building is temporary is also reassuring, however in addition to the months of the year

limitation, the officer noted if consideration could also be given to an end time limit for the marquee after which the permission would have to be renewed, such as 10 years or similar.

Noting the revised location of the marquee, the smaller site and that no other structures are being proposed, and that it is anticipated that the use of the marquee would be restricted. The officer noted it is considered that the proposal has the potential to have the same positive benefits as a large Church Hall but similar to a Church Hall would be sited in proximity to the church and as such have the potential to impact on its setting.

The officer concluded as follows, provided that there is a unilateral undertaking in respect of the marquee being used for events linked to the Church, the officer considers that the concerns in respect of the previous application would be addressed and subject to the unilateral undertaking/s 106 agreement, the officer raised no objections to the current application.

Officers therefore consider that the proposed development would not detrimentally harm the setting of the listed buildings, having had special regard to this, and is in accordance with relevant planning policy and in particular LDP Policy SP7.

Ecology

With respect to biodiversity, specific reference is made to LDP policy DM2 which seeks to maintain biodiversity and safeguard protected important sites.

The PCC Ecologist has been consulted as part of the application. One record of protected and priority species within 500m of the proposed development with no records found for the site itself. No statutory designated sites were identified within 500m of the proposed development. One non-statutory designated site was identified within 500m of the proposed development (Trelystan Road Verge Nature Reserve (RVNR) – approximately 232m from the proposed development).

The Ecologist noted the proposed development is located within the boundaries of an existing agricultural field adjacent to a woodland and existing church and is likely to impact areas of semi-improved grassland, a habitat considered to be of relatively low ecological value.

With regard to external lighting, it is recommended that adherence to the identified external lighting scheme is secured through an appropriately worded planning condition, which will be attached to any consent granted.

As the application has not indicated any proposed biodiversity enhancements, a condition has been included to secure the submission of a biodiversity enhancement plan prior to the commencement of development. A condition will also be attached to any consent granted securing the implementation of the landscaping proposed in the form of native hedgerows and tree planting.

It is therefore considered that this application, subject to the recommended conditions and informative note, is acceptable in relation to ecology and in particular, LDP policy DM2 and the Biodiversity SPG.

Minerals Safeguarding

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

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

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

The application site is located within an area which has been designated for sand and gravel mineral safeguarding. Given the nature of the site and the proposed development being temporary in nature it is concluded that the proposal complies with the criteria of Policy DM8.

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

Public Footpath

It is acknowledged that Public Footpaths 259/19/1 and 259/28/1 run in close proximity to the proposed development. PCC Countryside Services has been consulted on the development, however no comments have been received at the time of writing this report.

Having reviewed the location of the public footpaths in connection with the proposed development it is not considered the development will impact upon the public footpaths. An informative note will be attached to any consent granted.

In light of the above and subject to an informative note it is therefore considered the proposed development fundamentally complies with relevant planning policy.

Section 106 Legal Agreement

The applicant has provided a draft s106 agreement, which has been shared with Powys County Council Solicitor, with the following two undertakings defined in the second schedule:

- 1 If Planning Permission is granted by the Council:
 - a. For the lifetime of the Development to only use the Development for wedding events held following a marriage ceremony at the Church and/or the Hall and/or the temporary marquee permitted by the Development
 - b. For the lifetime of the Development, to restrict use of the Development to events with, no more than 150 guests at any given time.

The definition of “wedding event” and “marriage ceremony” are as follows:

- 1) " wedding events" any celebrations that follow a marriage ceremony.
- 2) “marriage ceremony” a ceremony that results in or celebrates a relationship between two people.

The use of the proposed marquee would, through the S106 legal agreement, be tied to the adjoining church and hall with numbers limited to 150 guests. This is considered to be within the capacity of the existing church.

The applicant currently operates weddings from the site. These weddings utilise the marquee erected under the provisions of permitted development regulations, which permit such events to occur for 28 days per calendar year. It is noted that the existing activity has no restriction on visitor numbers, or times during the year when the marquee can be erected

It is acknowledged that the PCC Built Heritage noted consideration should be given to an end time limit for the marquee after which the permission would have to be renewed, such as 10 years or similar. Having considered the Built Heritage Officer’s suggestion, it is not considered necessary to attach a condition restricting the time frame of the development and a condition to this effect would not meet the 6 tests of being necessary, precise and enforceable, and ensuring conditions are effective and do not make unjustifiable demands of applicants as set out within the Welsh Government Circular 016/2014: The Use of Planning Conditions in Development Management.

In the light of the above, it is considered that the application is in accordance with the local and national policy context. The recommendation is for one of conditional consent

subject to a S106 Legal Agreement.

RECOMMENDATION – Conditional Consent Subject to S106

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: Site Location Plan 20 1107a (90) 10 rev A; Marquee Plan 20 1107a (03) 12; Site Layout 20 1107a (03) 11, 20 1107A (03) 11 & 20 1107A (90) 10 Rev A, Economic Impact Statement, Planning Statement dated March 2021, Landscape Impact Assessment dated March 2021, Bespoke Wooden Bollards, Highway Statement Report Hurlstone Partnership Ltd (22/2/2021), Noise Impact Assessment by TGS Acoustic.

3 External lighting at the site shall be undertaken strictly in accordance with the details identified in section 5.23 of the submitted planning statement and illustrated on drawing number (03) 11 produced by Green Planning Studios. The measures identified shall be adhered to and implemented in full and maintained thereafter.

4 Prior to commencement of development, a detailed Biodiversity Enhancement Plan shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.

5. All planting, seeding or turfing comprised in the approved landscaping plan drawing no: (20 1107A) (03)11 shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

6. Prior to the first beneficial use of the development the access has been constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2 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 25 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. Prior to the first beneficial use of the development the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material, 60mm of bituminous macadam binder course material and be finished in a 40mm bituminous surface course material for a distance of 10 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

9. Prior to the first beneficial use of the development, provision shall be made within the curtilage of the site for the parking of not less than 60 cars and two heavy goods vehicles together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

10. The gradient of the access shall be constructed so as not to exceed 1 in 20 for the first 10 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. The width of the access carriageway shall be not less than 5.5 metres for a minimum distance of 10 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.

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

13. The marquee hereby approved shall only be erected on site between 1st April and 31st October each year. The marquee shall be taken down and removed from site on/or before 31st October in any calendar year.

14. The level of noise emitted from the site shall not exceed $L_{Aeq(15\text{ min})}$ 30 dB at any time as measured at Church House Farm. (All measurements shall be taken using a type 1 sound level meter with a microphone height between 1.2m and 1.5m in free field conditions, 3.5 m from a reflective surface.)

15. All live and recorded music at the site shall finish no later than midnight.

16. Prior to the first beneficial use of the site, a Noise Management Plan shall be

submitted to and approved in writing by the Local Planning Authority and shall be implemented as approved throughout the lifetime of the development. The Plan shall include details of how events will be managed and monitored to control the impact of noise. This should include a provision for record-keeping in relation to noise monitoring and a protocol for how the applicant(s) can be contacted directly by anyone affected by noise

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 DM2 and DM7 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 Part 1 Section 6 of the Environment (Wales) Act 2016.

4 To comply with Powys County Council's Policies LDP 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 Part 1 Section 6 of the Environment (Wales) Act 2016.

5. To comply with Powys County Council's Policies LDP DM2 and DM4 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 Part 1 Section 6 of the Environment (Wales) Act 2016.

6 In the interests of highway safety in accordance with Policies T1 and DM13 of the Powys Local Development Plan (2018), Planning Policy Wales (2018) and Technical Advice Note (TAN) 18: Transport (2007).

7 In the interests of highway safety in accordance with Policies T1 and DM13 of the Powys Local Development Plan (2018), Planning Policy Wales (2018) and Technical Advice Note (TAN) 18: Transport (2007).

8. In the interests of highway safety in accordance with Policies T1 and DM13 of the Powys Local Development Plan (2018), Planning Policy Wales (2018) and Technical Advice Note (TAN) 18: Transport (2007).

9. In the interests of highway safety in accordance with Policies T1 and DM13 of the Powys Local Development Plan (2018), Planning Policy Wales (2018) and Technical Advice Note (TAN) 18: Transport (2007).

10. In the interests of highway safety in accordance with Policies T1 and DM13 of the Powys Local Development Plan (2018), Planning Policy Wales (2018) and Technical Advice Note (TAN) 18: Transport (2007).

11. In the interests of highway safety in accordance with Policies T1 and DM13 of the Powys Local Development Plan (2018), Planning Policy Wales (2018) and Technical Advice Note (TAN) 18: Transport (2007).

12. In the interests of highway safety in accordance with Policies T1 and DM13 of the Powys Local Development Plan (2018), Planning Policy Wales (2018) and Technical Advice Note (TAN) 18: Transport (2007).

13. In order to ensure control of the use as a temporary marquee and to prevent the establishment of permanent structure.

14. In order to control the level of noise associated with the development and to ensure the proposal does not have a detrimental impact on the neighbouring amenities of neighbouring properties in accordance with policy DM13 of the Powys Local Development Plan and TAN 11.

15. In order to control the level of noise associated with the development and to ensure the proposal does not have a detrimental impact on the neighbouring amenities of neighbouring properties in accordance with policy DM13 of the Powys Local Development Plan and TAN 11

16. In order to control the level of noise associated with the development and to ensure the proposal does not have a detrimental impact on the neighbouring amenities of neighbouring properties in accordance with policy DM13 of the Powys Local Development Plan and TAN 11

Informative Notes

- 1 The only structures hereby approved by this permission are the structures included in the application and as such any camping or other such temporary structures on the site or the adjacent site may require planning permission

- 2 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 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.

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 at: Tel: 0300 065 3000.

PCC – Highways

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

1. Under Section 184 of the Highways Act 1980, it is a requirement that a licence is obtained from the Highway Authority, in addition to Planning Permission, for vehicular access works.
 - a. The need to avoid interference with and to make provision for the carrying of existing highway drainage under the access to the satisfaction of the Highway Authority.
 - b. The requirement of the Highway Authority for the Developer to ensure that no surface water is discharged onto the County Highway or, without prior approval, into the highway drainage system.
2. Under Section 50 of the New Roads & Street Works Act 1991 it is a requirement that a Streetworks licence is obtained from the Highway Authority to place, or to

retain, apparatus in the highway and thereafter to inspect, maintain, adjust, repair, alter or renew the apparatus, change its position or remove it.

3. The need to inform and obtain the consent of Statuary Undertakers (Electricity, Water, Gas, BT), Land Drainage Authority, etc. to the works.
4. The New Roads & Street Works Act 1991 requires that all works, be properly notified and approved prior to commencement.

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

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

Street Works
Powys County Hall
Spa Road East
Llandrindod Wells
Powys
LD1 5LG - 0845 6027035

PCC – Countryside Services

- 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.
- 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 to be installed.

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 during construction, 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.

For advice, please contact Powys County Council Countryside Services with details of the development at:

rights.of.way@powys.gov.uk

01874 614057

Case Officer: Luke Jones, Principal Planning Officer
Tel: 01597 827115 E-mail: luke.jones@powys.gov.uk