



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

**Application Number:** 20/1241/FUL      **Grid Ref:** E: 294486  
N: 299084  
**Community Council:** Carno Community Council      **Valid Date:** 30.09.2020

**Applicant:** Corrine Adlington

**Location:** Glanhanog Isaf Barns, Glanhanog Isaf, Carno, Caersws, Powys SY17 5JU

**Proposal:** Conversion of existing barn to 5 holiday let units, the change of use of an agricultural building to a communal recreational area and all associated works.

**Application Type:** Full Application

### The reason for Committee determination

The Local Member has exercised their right to call-in the application for Committee determination on the grounds of the public interest and planning history of the site.

### Consultee Responses

#### Consultee

#### Received

Carno Community Council

22nd Oct 2020

#### 1. Access A470/Site.

The proposed access from the A470 to site is completely inadequate for the level of traffic that will be generated by the proposal. The high level of accidents that have occurred along this stretch of the A470 at this location is a well-documented. The occupiers of the lets will be unaware of the danger entering and leaving the site will pose.

The Council understands that the current sight lines from the access along the A470 are inadequate for a road with a speed limit of 60 mph.

The Council also questions the validity of the statement made in the application to justify the proposed access. It states, ' the overall traffic is likely to decrease from the current permanent agricultural use'. No statistics have been submitted to support this statement. The Council is aware that there has been minimal agricultural traffic using the site for

many years. In addition, no mention is made regarding the traffic (including HGVs) generated from an adjoining manufacturing facility which uses the same access.

(For information, the Council can find no planning permission for facility on the Powys website).

## 2. Flooding.

Local knowledge confirms the site is liable to flood and this is confirmed when reviewing the NRA Flood Plain maps. This is contrary to the statement made in the application.

## 3. Overdevelopment of the Site.

With the adjoining development approved under P/2018/0050, and the adjoining, manufacturing facility, the Council believes that the site is being overdeveloped. In particular, the ability of the adjoining stream to cope with the output from the two treatment plants and increased number of soakaways.

In conclusion, the Community Council wishes to lodge a strong objection to the proposal. To this end the Council asks that the application is 'called in' to be decided by the Planning Committee rather than under Officer Delegation. We have discussed this with our Powys CC Ward Councillor, and he is in full agreement. The Council further believes that it would benefit the decision-making process if a site visit were to be made.

*Additional comments received 13<sup>th</sup> January 2021 -*

The Community Council objected to the above application and has received copies of letters of objection that have been submitted by adjoining properties.

The latest correspondence received by the Community Council relates to the Vehicle Movement Survey requested by the Trunk Road Authority and was submitted by the applicant's agent on 26.11.2020.

Following examination by the Council, we would like it recorded that the Council shares the concerns about the data that has been provided. In the correspondence we have received (which I also understand has been sent to Powys CC) it has been pointed out that:

1. How can daily figures be recorded for existing vehicle movements by residents/domestic deliveries when there are no residential properties on the site.
2. Local knowledge says that there has been minimal agricultural activity at the site for many years and none since the site was purchased by the current owners.

The Council would also like to add that no reference is made to the usage generated by traffic from the lane through Glanhanog Farm to properties beyond, an entrance, which can be seen from the plans, almost merges with that from the proposed development.

Part of the problem arises from a lack of information about the methodology used which would/may have helped clarify the information. As it stands, the report should not be taken as defacto until the issues that have been raised are fully addressed.

On behalf of Cyngor Cymuned Carno Community Council

### PCC-Building Control

No comments received at the time of writing this report

Councillor George

20th Oct 2020

In accordance to planning protocol may I draw your attention to Application Ref No. 20/1241/FUL, Grid Ref: E:294486 N:299084 conversion of existing barn to 5 holiday let units, to include demolition of an outbuilding and all associated works.

I have been approached by many residents in this immediate area who have major concerns about this application and also have grievances to previous developments.

I have also had discussions with Carno Community Council whose members have unprecedented knowledge of this site and are adamant that their views as a Community Council are heard and respected.

Please accept this email as notice to call the above planning application in.

CPAT

15th Oct 2020

The Glanhanog Isaf outbuilding is not currently recorded on the Historic Environment Record, but it is clear from early OS maps and photos in the ecological report that this is a traditional stone and timber framed barn of local vernacular interest, which dates to the late 18th and 19th centuries with later additions. It retains original timber framing, feeding stalls, floors and stone wall detailing in doors, windows and vents. As elements of the historic layout, function, fixtures and fittings will inevitably be lost through the conversion process it is important that a record of the building in its current form is made.

We would therefore recommend that suitable building recording is completed prior to the conversion works commencing to obtain a permanent record of the buildings in their present form. In this case we would advise that a Level 2 survey is completed in

accordance with the Planning Policy Wales (Dec 2018) and TAN 24 (May 2017) guidance and an appropriate condition is supplied below. The Level 2 survey would include a detailed photographic survey, written descriptive survey and a measured survey using annotated architects plans.

The condition in this case would be:

Suggested planning condition to facilitate a programme of historic building recording, the equivalent of an Historic England Level 2 building survey, in order to allow an adequate analytical record of the buildings to be made prior to alteration.

No development shall take place until a programme of building recording and analysis, equivalent to an Historic England Level 2 building survey, has been secured and implemented, in accordance with a brief issued by the local planning authority and a written scheme of investigation which has been submitted and approved in writing by the local planning authority.

The survey will be completed by a professional archaeological contractor. The programme of building analysis and recording must meet the standards laid down by the Chartered Institute for Archaeologists in their Standard and Guidance for the archaeological investigation and recording of standing buildings or structures.

A copy of the resulting report should be submitted to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust (The Offices, Coed y Dinas, Welshpool, Powys, SY21 8RP Email: mark.walters@cpat.org.uk Tel: 01938 553670). After approval by the Local Planning Authority, a copy of the report and resulting archive should also be sent to the Historic Environment Record Officer, Clwyd-Powys Archaeological Trust for inclusion in the regional Historic Environment

Record.

Reason:

To allow an adequate analytical record of the buildings to be made, before they are converted, to ensure that the buildings origins, use and development are understood and the main features, character and state of preservation are recorded.

I have attached a brief for the Level 2 survey and guidance on sources of archaeological contractors who may wish to tender for this work. The chosen archaeological contractor will need to submit a WSI (written scheme of investigation) document to me for approval before they can commence works on site.

Advice

1. The application proposal involves the conversion of an agricultural building to form a residential units/holiday lets. Agricultural buildings and land could contain potential sources of contamination, depending on what they were used for in the past, such as: pesticides, fuels and oils, slurry tanks and pits, fire sites, animal burial pits or other buried waste, fertiliser, sheep dip pits, asbestos, old machinery, waste chemical drums and ammunition. Any building constructed before 2000 may have asbestos products which should be considered.

2. Paragraph 6.9.14, of Chapter 6 'Distinctive and Natural Places', of the Welsh Government document 'Planning Policy Wales' (2018) states: "Responsibility for determining the extent and effects of surface and subsurface risks remains with the developer. It is for the developer to ensure that the land is suitable for the development proposed, as a planning authority does not have a duty of care to landowners."

3. In respect of contaminated land paragraph 5.55, of the Welsh Government (WG) circular 'The Use of Planning Conditions for Development Management' (ref: WGC 016/2014), states that: "Conditions might also be imposed requiring the developer to draw to the attention of the planning authority the presence of significant unsuspected contamination encountered during redevelopment".

Furthermore, in paragraph 5.56 of the WG circular (ref: WGC 016/2014) it is stated: "The level of work required must be proportionate to the problems that are envisaged and the more onerous conditions should not be imposed as a matter of course."

4. Based on the available information and current planning guidance, it is recommended that the following condition and note, to the applicant, are attached to any permission granted for planning application:

Potential Contamination

In the event that the presence of contamination is encountered when carrying out the approved development immediate contact must be made with the local planning authority and works must cease in that area. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the local planning authority.

Following completion of the remedial works identified in the approved remediation scheme, a verification report that demonstrates compliance with the agreed remediation objectives and criteria shall be produced, and is subject to the written approval of the

local planning authority, prior to commencement of use of the development.

Hafren Dyfrdwy

6th Oct 2020

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

12th Oct 2020

Powys County Council as Highway Authority do not wish to comment on this application as the access is onto a trunk road which comes under the jurisdiction of the Welsh Government.

PCC - Environmental Protection

9th Oct 2020

Thank you for the consultation in respect of this application. Please could the applicant confirm the size of the treatment plant which they are proposing and demonstrate that it is sufficient for the size of the development.

In addition please can they also confirm where the treatment plant will be discharging too.

*Additional comments received 15<sup>th</sup> October 2020 –*

Thank you for the clarification. Further to this information I have no objection subject to the necessary discharge consent being sought from NRW.

Having reviewed the plans again, I recall that there is also a business operating from the site, or at least a storage shed for materials. In order to avoid future conflict of land use and to protect amenity onsite I would strongly recommend a condition tying the use onsite together

*Additional comments received 28<sup>th</sup> June 2021 -*

Further to our discussion in relation to the updated plans, I can confirm that Environmental Protection have no objection subject to my previous comments.

PCC – Countryside Services

No comments received at the time of writing this report

Thank you for the opportunity to comment on planning application 20/1241/FUL which concerns an application for conversion of existing barn to 5 holiday let units, to include demolition of an outbuilding and all associated works at Glanhanog Isaf Barns, Glanhanog Isaf, Carno, Caersws, Powys SY17 5JU.

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

The data search identified 1 records 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 pipistrelle bat.

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

A preliminary bat roost assessment by Cambrian Ecology Ltd, dated 26th June 2020 has been submitted with the application. I consider that the survey methods and effort employed were in accordance with current National Guidelines.

The survey report details the findings of an internal and external inspection of the stone outbuilding and of two activity surveys. The internal inspection was undertaken on 28th May 2020. The outbuilding interior was separated into several single and two storey sections, with a slate roof in poor condition. The upper floor of the north-western end had been secured as a dedicated bat roost following previous planning approval for an adjacent development. No evidence of roosting bats was found during the inspection of the remainder of the building but several potential roost features were identified; raised ridge tiles, slipped and broken slates and crevices within the stonework. The surrounding habitat was considered to be of moderate potential for foraging bats. Two activity surveys were undertaken on 28th May 2020 (dusk) and 25th June (dusk). A static detector was left for 5 days (28th May -2nd June) in the upper storey of the building. Four bats; two common pipistrelles and two soprano pipistrelles, were identified emerging from east and west elevations and a roof ridge tile during the first survey. Three soprano pipistrelles were identified from the south-eastern gable end and the western elevation of the roof. The static detector recorded consistent activity by roosting common and soprano pipistrelle, as well as a flight behaviour (but not roosting ) of *Myotis* sp.

The proposed development will result in potential disturbance of bats and will result in the loss of roosts for at least four individual pipistrelle bats. Therefore, a European Protected Species will be required for the proposed development.

Mitigation has been proposed for the roosts to be lost as a result of the current proposal. Roosting provision will be retained on the converted building through installation of fascia boards with gaps retained behind suitable for crevice dwelling bats such as pipistrelles. A suitable method statement of to inform works has also been provided. Enhancement has been proposed through improvement to the current designated bat roost in the north-western end of the building. Re-roofing will take place to install an unlined slate roof, with no breathable membranes permitted. The works will be undertaken prior to commencement of the proposed conversion of the remaining building.

Swallows were confirmed to use the outbuilding for nesting. Multiple alternative nest sites exist in an adjacent building and, therefore, it was considered there would be no adverse impact to nesting birds as a result of development.

It is, therefore, recommended that adherence to the identified mitigation and enhancement measures are secured through an appropriately worded planning condition.

Mitigation measures are to be identified clearly on the approved architectural plans.

Careful consideration will need to be given to any external lighting of the proposed development. Measures will need to be identified to minimise impacts to nocturnal wildlife commuting or foraging in the local area or woodland. Any external lighting proposed will need to demonstrate compliance with the recommendations outlined in the BCT and ILP Guidance Note 8 Bats and Artificial Lighting (12th September 2018). Full details can be found at <https://theilp.org.uk/publication/guidance-note-8-bats-and-artificial-lighting/>.

It is, therefore, recommended that submission of an External Lighting Design Scheme is secured through an appropriately worded planning condition.

Therefore, should you be minded to approve the application the following conditions are recommended

The development shall be undertaken in strict accordance with the Proposed Plan, Drawing PL02 (floor plan showing bat roost). The measures identified shall be adhered to and implemented in full and maintained thereafter.

Reason: To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.

The development shall be undertaken in strict accordance with the bat mitigation and enhancement measures identified in section 9 of Glanhanog Isaf Long Barn, Carno Outbuilding Conversion Protected Species Survey, by Cambrian Ecology Ltd, dated 26th June 2020. The measures identified shall be adhered to and implemented in full and



maintained thereafter.

Reason: To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.

Prior to commencement of development, an External Lighting Design Scheme to avoid and reduce potential impacts on nocturnal wildlife shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate compliance with the recommendations outlined in the BCT and ILP Guidance Note 8 Bats and Artificial Lighting (12th September 2018). Full details can be found at <https://theilp.org.uk/publication/guidance-note-8-bats-and-artificial-lighting/>. The approved scheme shall be adhered to and be implemented in full.

Reason: To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and DM7 in relation to Dark Skies and External Lighting, and to meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.

In addition, I consider it would be appropriate to include the following informatives:

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

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

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

To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at <https://naturalresources.wales/permits-and-permissions/protectedspecies-licensing/european-protected-species-licensing/?lang=en>

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

It is an offence for any person to:

- o Intentionally kill, injure or take any bats.

- o Intentionally or recklessly damage, destroy or obstruct access to any place that a bat

uses for shelter or protection. This is taken to mean all bat roosts whether bats are present or not.

Under the Habitats Regulations it is an offence to:

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

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

Birds - Wildlife and Countryside Act 1981 (as amended)

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

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

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

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

Planning Department: Could the following be added as a recommendation for the application.

All: Having assessed the Planning Application Ref 20/1241/FUL, the SuDS Approval Body (SAB) deem that the construction area is greater than 100m<sup>2</sup> and therefore this proposed development will require SAB approval prior to any construction works commencing onsite.

Please contact the SAB Team on 01597 826000 or via email [sab@powys.gov.uk](mailto:sab@powys.gov.uk)

For further information on the requirements of SAB and where relevant application forms/guidance can be accessed, please visit the following website <https://en.powys.gov.uk/article/5578/Sustainable-Drainage-Approval-Body-SAB>

If for any reason you believe your works are exempt from the requirement for SAB approval, we would be grateful if you would inform us so we can update our records accordingly.

The requirement to obtain SAB consent sits outside of the planning process but is enforceable in a similar manner to planning law. It is a requirement to obtain SAB consent in addition to planning consent. Failure to engage with compliant SuDS design at an early stage may lead to significant un-necessary redesign costs.

*Additional comments received 16<sup>th</sup> July 2021 –*

I have considered the flood risk issues and note from NRW's National Flood Hazard and Risk Maps, in particular, the Flood Risk from Surface Water and Small Watercourses, the potential for this site to be seriously impacted.

Attached is a screenshot (20.1241.FUL – flood Mapping\_01) showing the extent and depth of flooding (during 'Low Risk' events), which indicates a depth greater than 0.9m in and around this location. The sewage treatment facility is also at risk from inundation and no doubt the internal areas of the proposed accommodation would be too.

Also attached is a screenshot (20.1241.Ful – flood Mapping\_02) showing the hazard rating, which is case is rated at 'Danger for All' (during 'Low Risk' event).

Further information in respect to the Extent/Depth/Hazard ratings can be found on NRW website.

The LLFA would have serious concerns and would recommend that the LPA does not approve the application without there being detailed analysis to assess these risks further.

*Additional comments received 10<sup>th</sup> January 2022 –*

Having reviewed the submitted FCA in respect to this application, the LLFA would deem matters acceptable and would recommend as a minimum that the design of the build follow the flood mitigation measures outlined in the assessment.

Natural Resources Wales

21st Oct 2020

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales (NRW) about the above, which we received on 01/10/2020.

We have significant concerns with the proposed development as submitted. We recommend you should only grant planning permission if you include the following documents within the condition identifying approved plans and documents on the decision notice:

- o Protected Species Survey: (Glanhanog Isaf Long Barn, Carno Out-building Conversion) Section 9 by Cambrian Ecology dated 26th June 2020

- o Proposed Plan Drawing: PL01(detailing bat roost area), by George and Tomos Architects dated March 20.

#### Protected Species

We note that the bat report 'Protected Species Survey: (Glanhanog Isaf Long Barn, Carno Out-building Conversion) by Cambrian Ecology dated 26th June 2020 has identified that four individual pipistrelle bats /roosts are present at the application site.

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

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

- i. the development works to be authorised are for the purpose of preserving public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.

ii. There is no satisfactory alternative and

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

Paragraph 6.3.7 of Technical Advice Note 5: Nature Conservation and Planning (TAN5) states that your Authority should not grant planning permission without having satisfied itself that the proposed development either would not impact adversely on any bats on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied.

On the basis of the above report, we do not consider that the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

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

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

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

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

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

To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at <https://naturalresources.wales/permits-and-permissions/protected-species-licensing/european-protected-species-licensing/information-on-european-protected-species-licensing/?lang=en>.

Development should not be commenced until the Applicant has been granted a licence by Natural Resources Wales pursuant to Regulation 55 of the Conservation of Habitats and Species Regulations (2017) authorizing the specified activity/development to go ahead.

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

We advise recipients of planning consent who are unsure about the need for a licence to submit a licence application to us.

### Foul Drainage

We note that the application information highlights that foul drainage for the converted barn will connect to the Package Treatment Plant (PTP) at the adjacent dwelling (which has already received planning approval). That the PTP is yet to be installed on the site and the plan is to install a larger PTP suitable for 20 persons (BioRock-treatment plant) as detailed in proposed Block Plan Drawing PL03A March 20.

Having considered this, we raise no further queries regarding this matter.

However, if a private drainage solution is to be progressed, the Applicant will need to apply for an Environmental Permit from us. It is important to note that a grant of planning permission does not guarantee that a permit will be granted, should a proposal be deemed to be unacceptable (either because of environmental risk or because upon further investigation, a connection to mains sewer was feasible). The Applicant is therefore advised to hold pre-application discussions with our Permitting Team on 0300 065 3000, at the earliest opportunity, to try to ensure that there is no conflict between any planning permission granted and the permit requirements.

### Other Matters

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

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

Advice for the Developer:

### Works Near Watercourse and Pollution Prevention

NRW maps indicate that a watercourse is immediately adjacent to the application site. Due to the proximity of the site to watercourses, all works at the site must be carried out in accordance with GPP5 and relevant PPGs. The developer should also take any precaution to prevent contamination of surface water drains and local watercourses. Oils and chemicals should be stored in bunded areas and spill kits should be readily available in case of accidental spillages. For further guidance please refer to GPP 5 and relevant

PPGs at the following link:

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

### Environmental Management

All works at the site must be carried out in accordance with relevant PPGs: 'Working at construction and demolition sites' which are available on the following website:

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

The activity of importing waste into the site for use as, for example hardcore, must be registered with Natural Resources Wales as an exempt/permittable activity under the Environmental Permitting Regulations 2016. The developer should contact Natural Resources Wales to discuss the necessity for an exemption/permit for any material imported to and exported from the site.

If during construction/excavation works any contaminated material is revealed, then the movement of such material either on or off site should be done in consultation with Natural Resources Wales. Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily and in accordance with Section 34 of the Environmental Protection Act 1990. Carriers transporting waste from the site must be registered waste carriers and movement of any Hazardous Waste from the site must be accompanied by Hazardous waste consignment notes.

Welsh Government Transport

22nd Oct 2020

I refer to your consultation of 2 October 2020 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](mailto:NorthandMidWalesDevelopmentControlMailbox@gov.wales)

*Additional comments received 20<sup>th</sup> January 2021 –*

I refer to your consultation of 09/12/2020 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](mailto:NorthandMidWalesDevelopmentControlMailbox@gov.wales)

*Additional comments received 12<sup>th</sup> March 2021 -*

I refer to your consultation of 26/02/2021 regarding the above planning application and advise that the Welsh Government as highway authority for the A470 trunk road directs that any permission granted by your authority shall include the following conditions:

The new access / junction and visibility requirements (approved in planning application P/2018/0050) shall be substantially complete and available for use to the written satisfaction of the local planning authority in consultation with the Welsh Government (Transport) prior to the commencement of any other works associated with the development.

The above conditions are included to maintain the safety and free flow of trunk road traffic.

If you have any further queries, please forward to the following Welsh Government Mailbox [NorthandMidWalesDevelopmentControlMailbox@gov.wales](mailto:NorthandMidWalesDevelopmentControlMailbox@gov.wales)

## **Public Representations**

Following the display of a site notice 5 letters of public representation have been received with 4 letters of objections received. The main issues raised are as follows:

- Out of keeping with the surrounding area
- Concerns regarding site access and highway infrastructure
- Increase in traffic movements from substandard access
- Concerns raised regarding siting of treatment plant
- Surface water flooding
- Incorrect details on application form in relation to site address
- Overlooking and loss of privacy concerns
- Noise issues
- Concerns raised regarding traffic movement data submitted.

A further representation has been received from Powys Ramblers which is as follows:

*“Powys ramblers wish to comment on this application please.*



*The two rights of way close to the development site would not appear to be adversely affected by the proposed development. It will however be important to make sure that the routes of these rights of way are signed accordingly as they follow rather a convoluted route through the farm. Can this be included as an informative note if planning application is granted please. This will be especially important for the people who use the holiday lets in future. Can the applicant also please be informed about the importance of making sure that the right of way is not obstructed during any development works and is kept open throughout.*

*In looking at the location plan it looks as though the right of way might be blocked at the northern end of the site albeit out of the development area. Can this be checked out please and if this is the case can appropriate steps be taken please to ensure that a formal diversion is put in place or some other solution found.”*

### **Planning History**

<b>App Ref</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
20/0366/DIS	Application to discharge conditions 6 and 12 of planning approval P/2018/0050	Approved	15/4/2020
P/2018/0050	Conversion of outbuilding into a dwelling and improvements to existing access and installation of a treatment plant	Conditional Consent	24/4/2018
P/2016/1311	Formation of access track and engineering works (retrospective)	Conditional Consent	16/2/2017
M/2006/0219	Conversion of farm buildings into 3 dwellings, installation of biodisc sewage treatment plant and alterations to vehicular access	Refused	8/5/2006

### **Principal Planning Constraints**

Right of Way  
 Trunk Road  
 Open Countryside  
 Surface Water Flooding

### **Principal Planning Policies**

<b>Policy</b>	<b>Policy Description</b>	<b>Year</b>	<b>Local Plan</b>
PPW	Planning Policy Wales (Edition 11, February 2021)		National Policy
FWTNP	Future Wales: The National Plan (2040)		National Policy
TAN5	Nature Conservation and Planning		National Policy
TAN 6	Planning for Sustainable Rural Communities		National Policy
TAN11	Noise		National Policy
TAN12	Design		National Policy
TAN13	Tourism		National Policy
TAN15	Development and Flood Risk		National Policy
TAN18	Transport		National Policy
TAN23	Economic Development		National Policy
TAN24	The Historic Environment		National Policy
SP1	Housing Growth		Local Development Plan 2011-2026
SP5	Settlement Hierarchy		Local Development Plan 2011-2026
SP6	Distribution of Growth across the Settlement Hierarchy		Local Development Plan 2011-2026
SP7	Safeguarding of Strategic Resources and Assets		Local Development Plan 2011-2026
DM2	The Natural Environment		Local Development Plan 2011-2026

DM4	Landscape	Local Development Plan 2011-2026
DM5	Development and Flood Risk	Local Development Plan 2011-2026
DM6	Flood Prevention Measures and Land Drainage	Local Development Plan 2011-2026
DM7	Dark Skies and External Lighting	Local Development Plan 2011-2026
DM10	Contaminated and Unstable Land	Local Development Plan 2011-2026
DM12	Development in Welsh Speaking Strongholds	Local Development Plan 2011-2026
DM13	Design and Resources	Local Development Plan 2011-2026
DM15	Waste within Development	Local Development Plan 2011-2026
T1	Travel, Traffic and Transport Infrastructure	Local Development Plan 2011-2026
TD1	Tourism Development	Local Development Plan 2011-2026
SPG	Landscape	Local Development Plan 2011-2026
SPG	Biodiversity and Geodiversity	Local Development Plan 2011-2026

### **Other Legislative Considerations**

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

Marine and Coastal Access Act 2009

## **Officer Appraisal**

### Site Location and Description

The application site lies within the Community Council area of Carno and is located within the open countryside as defined by the Powys Local Development Plan (2018). To the north of the application site is an existing agricultural building which is within the applicants ownership and to the south is an existing agricultural building which has been granted consent for the conversion to a dwelling under planning permission (P/2018/0050) also to the south is the A470 trunk road. To the east of the application site is an existing residential dwelling known as 'Glanhanog Isaf' and to the west is an Unclassified Highway U2531.

Consent is sought for the conversion of existing barn to 5no. holiday let units, the change of use of an agricultural building to a communal recreational area and all associated works. The accommodation will comprise of 2no. 2-bed units and 3no. 1-bed units. The existing agricultural building is constructed from stone for the external walls and slate tiles for the roof and timber windows and doors.

The agricultural building measures approximately 28.6 metres in length and 6.5 metres in width. The agricultural building reaches a height of approximately 5.1 metres to eaves and 7.3 metres to ridge at its highest point.

The application also includes the change of use of an existing agricultural building to a communal recreational area in association with the tourism development. The proposal does not involve any alterations to the agricultural building proposed for a change of use.

### Principle of Development

Local Development Plan Policy TD1 – Tourism Development, sets out the principle of development for tourism proposals of this nature. Policy TD1 can be read as follows;

#### *“Policy TD1 – Tourism Development*

*Development proposals for tourist accommodation, facilities and attractions, including extensions to existing development, will be permitted as follows:*

- 1. Within settlements, where commensurate in scale and size to the settlement.*
- 2. In the open countryside, where compatible in terms of location, siting, design and scale and well integrated into the landscape so that it would not detract from the overall character and appearance of the area and in particular where:*

- i. It is part of a farm diversification scheme; or*
  - ii. It re-uses a suitable rural building in accordance with TAN 6; or*
  - iii. It complements an existing tourist development or asset, without causing unacceptable adverse harm to the enjoyment of that development or asset; or*
  - iv. It is not permanent in its nature.*
- 3. Accommodation shall not be used for permanent residential accommodation”.*

The application is located within the open countryside as defined by the Powys Local Development Plan (2018) and involves the re-use of a suitable rural building. TAN 6 states the following with regard to conversion proposals;

*“Conversion proposals should respect the landscape and local building styles and materials. If a planning application is submitted for the re-use of a building which the planning authority considers has a significant adverse effect on the landscape in terms of visual amenity, it may be appropriate in connection with any proposed structural changes to impose conditions to secure an improvement in the external appearance of the building”.*

The application does include a structural report which concludes the existing structure is in a suitable condition for conversion. It is noted the damaged roof covering will require re-surfacing to a satisfactory standard. The structural report concludes the walls are in a sound condition and since there is likely to be very little increase in wall loadings, no structural problems are foreseen in carrying out a conversion as is proposed. The agricultural building is suitable for conversion without extensive alterations, rebuilding or extension.

It is therefore considered the proposed development re-uses a suitable rural building and fulfils the requirements of TAN 6. The principle of development is therefore acceptable, subject to a review of the design, character and landscape impact below.

#### Design, Character and Landscape Impact

With respect to design specific reference is made to LDP policy DM13 (Part 1). This policy indicates that development proposals will only be permitted where the development has been designed to complement and/or enhance the character of the surrounding area in terms of siting, appearance, integration, scale, height, massing, and design detailing. TAN 6 states that; *“conversion proposals should respect the landscape and local building styles and materials. If a planning application is submitted for the re-use of a building which the planning authority considers has a significant adverse effect on the landscape in terms of visual amenity, it may be appropriate in connection with any proposed structural changes to impose conditions to secure an improvement in the external appearance of the building”.*

Given that the proposal seeks to utilise the majority of existing openings with a small number of new openings it is considered that the proposal seeks to retain the character of the existing agricultural building. The use of timber windows and doors is

welcomed as is the use of slate tiles for the roof. Overall, the design is considered to respect the character of the existing building in accordance with LDP Policy DM13.

The existing stone walls will be retained and repointed, where required. Timber boards are proposed to clad over existing blockwork areas, this will match the adjacent dwelling and replicate other agricultural buildings in the local vernacular. The proposed development does not include any extensions to the existing footprint of the agricultural building. It is acknowledged that the existing slate roof will be stripped given it is in a poor condition and will be re-covered in natural slates, with existing slates re-used where possible.

The amount of new glazing and flues has been reduced from the initial proposal and given the reduction in new openings and flues it is not considered the proposed development will have a detrimental impact on the character and appearance of the building. The proposed works are considered acceptable and will have minimal impact upon the character of the existing building.

In terms of landscape impact, LDP Policy DM4 seeks to ensure that proposed development outside the Towns, Large Villages, Small Villages and Rural Settlements defined in the Settlement Hierarchy must not, individually or cumulatively, have an unacceptable adverse effect, on the valued characteristics and qualities of the Powys landscape. The visual and sensory LANDMAP classification for the site is moderate:

LANDMAP describes the area as a traditional livestock farming landscape with a strongly defined field pattern - managed hedgerow boundaries and small to medium sized field patterns are a signature element for the aspect. The area forms part of the A470(T) and rail transport corridor and as such is an important thoroughfare and tourist route attracting development. Grazing types range from semi-improved grassland to marginal grazing on the upper slopes. Settlements tend to be small, clustered and other than Carno in the centre of the area have few facilities. Some new development has taken place in the form of caravan parks and light industrial development that need careful design to integrate into the existing field patterns. The Carno windfarms to the south are apparent, especially Carno 2 which is prominent on the skyline.

Given that it is proposed to use an existing building without major modification or any extensions, the proposed design of the holiday lets is considered acceptable and in keeping with the character and appearance of an agricultural building. It is therefore concluded that the proposal would not have an unacceptable adverse impact upon the valued characteristics and qualities of the landscape in accordance with LDP Policy DM4. The proposed development is considered to be of an appropriate size and scale within this location and it is also considered that the proposed conversion has been sensitively designed. The proposed change of use of the agricultural building to a communal recreational area does not involve any external alterations to the building and therefore the proposal will not have a detrimental impact on the character and appearance of the surrounding area.

It is therefore concluded that the proposal would not have an unacceptable adverse impact upon the landscape and retains the character of the existing agricultural building.

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

#### Amenities enjoyed by occupiers of neighbouring properties

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

It is acknowledged that application P/2018/0050 was granted conditional consent for the conversion of outbuilding into a dwelling and improvements to existing access and installation of a treatment plant. The barn conversion approved under application P/2018/0050 is sited in front of the proposed development, having considered the proposed development it is not considered the proposal will have a detrimental impact on the neighbouring amenities of the approved barn conversion given the distance between and siting. It is also noted that the approved barn conversion under application P/2018/0050 is within the applicants ownership.

The proposed development is not considered to offer any adverse impacts to any neighbouring properties in terms of loss of privacy, overlooking or loss of light given the distance between.

In terms of noise and loss of privacy and disturbance PCC Environmental Health has been consulted on the proposed development and noted that there is also a business operating from the site, or at least a storage shed for materials on the site. The officer recommended in order to avoid future conflict of land use and to protect amenity onsite the officer recommended a condition tying the uses onsite together. Having considered the recommended condition it is not considered sufficient justification has been provided to attach this condition given that the proposed holiday lets where residents would only occupy the accommodation on a temporary basis, and the existing farm holding are both within the applicants ownership and therefore the recommended tie is not considered necessary. The proposed development, will however, be restricted to be used for holiday accommodation only.

The officer raised no objection in terms of noise to the change of use of the agricultural building to a communal recreational area in association with the holiday lets.

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

#### Highways

A safe access, parking and visibility splays are a fundamental requirement of any development (LDP: DM13, Part 10).

The Local Highway Authority has been consulted on the proposed development and did not wish to comment as the access is onto a trunk road which comes under the jurisdiction of the Welsh Government Transport.

Welsh Government Transport has also been consulted on the proposed development and requested the submission of an Annual Average Daily Traffic survey. Welsh Government Transport reviewed the attached survey and raised no objection to the development subject to the inclusion of a condition which will be attached to any permission granted.

In light of the above, and subject to the inclusion of appropriately worded condition, it is considered the proposed development complies with relevant planning policy.

### Biodiversity

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

The data search identified 1 records 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 pipistrelle bat.

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

The PCC Ecologist has noted the preliminary bat roost assessment by Cambrian Ecology Ltd, dated 26th June 2020 has been submitted with the application and considers that the survey methods and effort employed were in accordance with current National Guidelines.

The Ecologist noted the survey report details the findings of an internal and external inspection of the stone outbuilding and of two activity surveys. The internal inspection was undertaken on 28th May 2020. The outbuilding interior was separated into several single and two storey sections, with a slate roof in poor condition. The upper floor of the north-western end of the building had been secured as a dedicated bat roost following previous planning approval for an adjacent development.



The PCC Ecologist noted no evidence of roosting bats was found during the inspection of the remainder of the building but several potential roost features were identified; raised ridge tiles, slipped and broken slates and crevices within the stonework. The surrounding habitat was considered to be of moderate potential for foraging bats. Two activity surveys were undertaken on 28th May 2020 (dusk) and 25th June (dusk). Four bats; two common pipistrelles and two soprano pipistrelles, were identified emerging from east and west elevations and a roof ridge tile during the first survey. Three soprano pipistrelles were identified from the south-eastern gable end and the western elevation of the roof.

The Ecologist noted the proposed development will result in potential disturbance of bats and will result in the loss of roosts for at least four individual pipistrelle bats. Therefore, a European Protected Species will be required for the proposed development.

The Ecologist noted mitigation has been proposed for the roosts to be lost as a result of the current proposal. Roosting provision will be retained on the converted building through installation of fascia boards with gaps retained behind suitable for crevice dwelling bats such as pipistrelles. A suitable method statement has also been provided. Enhancements have been proposed through improvement to the current designated bat roost in the north-western end of the building. Re-roofing will take place to install an unlined slate roof, with no breathable membranes permitted. The works will be undertaken prior to commencement of the proposed conversion of the remaining building.

The Ecologist noted swallows were confirmed to use the outbuilding for nesting. Multiple alternative nest sites exist in an adjacent building and, therefore, it was considered there would be no adverse impact to nesting birds as a result of development.

It is, therefore, recommended that adherence to the identified mitigation and enhancement measures are secured through an appropriately worded planning condition.

The PCC Ecologist raised no objection to the development subject to the inclusion of a number of conditions regarding mitigation measures, external lighting and approved plans.

NRW has also been consulted on the proposed development and raised no objection to the development subject to the inclusion of a condition regarding approved plans as requested by the PCC Ecologist.

In light of the above, and subject to the inclusion of appropriately worded conditions, it

is considered the proposed development complies with relevant planning policy.

### Foul Drainage

Planning policy states that, where practicable, foul drainage should be discharged to the mains sewer. Where this is not possible and private sewage treatment / disposal facilities are utilised, they must be installed and maintained in accordance with British Standard 6297 and Approved Document H of the Building Regulations 2000.

The PCC Environmental Health officer has been consulted and noted further information is required to confirm the size of the treatment plant which they are proposing and demonstrate that it is sufficient for the size of the development. Following the submission of additional information the PCC Environmental Health officer raised no objection to the development subject to the necessary discharge consent being sought from NRW. Natural Resources Wales has also been consulted on the method of foul drainage and raised no objection to the proposal.

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

### Contaminated Land

With respect to land contamination, specific reference is made to LDP policy DM10 which seeks to control development on contaminated or unstable land.

PCC Contaminated Land has been consulted on the proposed development and noted agricultural buildings and land could contain potential sources of contamination, depending on what they were used for in the past, such as: pesticides, fuels and oils, slurry tanks and pits, fire sites, animal burial pits or other buried waste, fertiliser, sheep dip pits, asbestos, old machinery, waste chemical drums and ammunition. Any building constructed before 2000 may have asbestos products which should be considered.

The application site does have potential to affect land which has potential sources of contamination. The Contaminated Land Officer has stated that in the event that the presence of contamination is encountered when carrying out the approved development immediate contact must be made with the local planning authority and works must cease in that area. A condition will be attached to any consent granted which secures the above.

In light of the above, and subject to the inclusion of an appropriately worded condition, it is considered that the proposed development fundamentally complies with relevant planning policy.

### Archaeological Implications

CPAT has been consulted on the proposed development and noted the outbuilding at Glanhanog Isaf outbuilding is not currently recorded on the Historic Environment Record, but it is clear from early OS maps and photos in the ecological report that this is a traditional stone and timber framed barn of local vernacular interest, which dates to the late 18th and 19th centuries with later additions.

CPAT therefore recommended that suitable building recording is completed prior to the conversion works commencing to obtain a permanent record of the buildings and advised that a Level 2 survey is completed in accordance with the Planning Policy Wales and TAN 24 (May 2017) guidance. The Level 2 survey would include a detailed photographic survey, written descriptive survey and a measured survey using annotated architects plans.

In light of the above, and subject to the inclusion of an appropriately worded condition, it is considered that the proposed development fundamentally complies with relevant planning policy.

### Surface Water Drainage

Policy DM6 of the Powys LDP states development proposals must avoid unnecessary flood risk by assessing the implications of development within areas susceptible to all types of flooding; any development that unacceptably increases risk will be refused.

Powys County Council is responsible for managing local flood risk from other sources of flooding such as ordinary watercourses, surface runoff and groundwater.

PCC Land Drainage officer has been consulted on the proposed development and noted having considered the flood risk issues and note from NRW's National Flood Hazard and Risk Maps, in particular, the Flood Risk from Surface Water and Small Watercourses, there is potential for this site to be seriously impacted.

The Lead Local Flood Authority initially raised serious concerns and recommended that the Local Planning Authority did not approve the application without there being detailed analysis to assess these risks further.

NRW Flood Risk from Surface Water and Small Watercourses map demonstrates the extent and depth of flooding (during 'Low Risk' events), which indicates a depth greater than 0.9m in and around this location. The sewage treatment facility is also at risk from inundation and no doubt the internal areas of the proposed accommodation would be at risk.

NRW Flood Risk from Surface Water and Small Watercourses map demonstrates the hazard rating, which in this case is rated at 'Danger for All' (during 'Low Risk' event).

The PCC Land Drainage officer noted following the submission of a Flood

Consequence Assessment to support the application, the Lead Local Flood Authority would deem matters acceptable and would recommend as a minimum that the design of the build follow the flood mitigation measures outlined in the assessment.

The FCA has demonstrated that the proposed development has an acceptable flood risk within the terms and requirements of TAN15 and accompanying Technical Guidance. The development proposals are acceptable, as the flood risk from all sources are considered low.

The FCA states although Powys County Council LLFA has stated the existing building is in an area which is at 'Danger to All' in the Low Risk flood event, in fact on closer inspection only the proposed parking area of the development is an area for 'Danger for All'. The building subject to this proposal only partly resides in a 'Low Hazard' during the low risk flood event, with the remaining area not subject to flood risk from small watercourses.

The flood mitigation proposed under the submitted FCA includes finished floor levels above 150mm higher than external areas in accordance with building regulations requirement for the necessary damp-proof course. All drainage systems will be routinely maintained to reduce the blockage and surface water flood risk. Flood resilient materials will be used for flooring and on the walls to minimise the potential damage. Other mitigation measure such as raising the height of electric sockets will be incorporated in the design.

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

#### Countryside Services

PCC Countryside Services has been consulted on the proposed development, however no comments have been received at the time of writing this report. It is noted that public footpath 206/26/1 is located in proximity to the site, however the public footpath will not be obstructed by the development. An informative note will be attached to any consent granted ensuring the footpath is not obstructed at any time during and after construction work.

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

#### Welsh language

The site is located within Carno Community Council area which is identified within the LDP as a Welsh language stronghold. Given that the proposal is in relation to 5no. holiday units the requirements of LDP Policy DM12 are not applicable.

## Public Representations

Following the display of a site notice 5 letters of public representation have been received with 4 letters of objection received. The main issues raised are as follows:

- Out of keeping with the surrounding area – The proposed development is considered to comply with policy TD1 of the Powys LDP and TAN6 as it re-uses a building suitable for conversion within the open countryside.
- Concerns regarding site access and highway infrastructure – Welsh Government Transport has been consulted on the proposed development and following the submission of additional information in the form of an Annual Average Daily Traffic survey, WGT raised no objection to the development subject to the inclusion of a condition.
- Concerns raised regarding siting of treatment plant – PCC Environmental Health and NRW has been consulted on the proposal and raised no objection to the development.
- Surface water flooding – Matters in relation to surface water flooding have been considered above with a Flood Consequence Assessment submitted to support the application.
- Incorrect details on application form in relation to site address – The details submitted on the application form are not considered to be incorrect.
- Overlooking and loss of privacy concerns - Matters in relation to overlooking and loss of privacy have been considered above, it is not considered the proposal will have a detrimental impact on neighbouring amenities of any existing properties
- Noise issues - PCC Environmental Health has been consulted on the proposal and raised no objection to the development in terms of noise.
- Concerns raised regarding traffic movement data submitted - Welsh Government Transport has been consulted on the proposed development and following the submission of additional information in the form of an Annual Average Daily Traffic survey, raised no objection to the development subject to the inclusion of a condition.

## **RECOMMENDATION – Conditional Consent**

In light of the above it is considered that the proposed development 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: PL03C, PL01A, PL02A, Glanhanog Isaf Long Barn, Carno Out-

building Conversion Protected Species Survey, by Cambrian Ecology Ltd, dated 26th June 2020, Flood Consequence Assessment JN:1132, by Flume Consulting Engineers, dated October 2021, L01A, Structural Condition Report

3. Prior to commencement of development the new access / junction and visibility requirements (approved under planning application P/2018/0050) shall be completed and available for use to the written satisfaction of the local planning authority in consultation with the Welsh Government (Transport).

4. The development shall be undertaken in strict accordance with the Proposed Plan, Drawing PL01A (floor plan showing bat roost). The measures identified shall be adhered to and implemented in full and maintained thereafter.

5. The development shall be undertaken in strict accordance with the bat mitigation and enhancement measures identified in section 9 of Glanhanog Isaf Long Barn, Carno Out-building Conversion Protected Species Survey, by Cambrian Ecology Ltd, dated 26th June 2020. The measures identified shall be adhered to and implemented in full and maintained thereafter.

6. Prior to commencement of development, an External Lighting Design Scheme to avoid and reduce potential impacts on nocturnal wildlife shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate compliance with the recommendations outlined in the BCT and ILP Guidance Note 8 Bats and Artificial Lighting (12th September 2018). Full details can be found at <https://theilp.org.uk/publication/guidance-note-8-bats-and-artificial-lighting/>. The approved scheme shall be adhered to and be implemented in full.

7. In the event that the presence of contamination is encountered when carrying out the approved development immediate contact must be made with the local planning authority and works must cease in that area. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the local planning authority.

Following completion of the remedial works identified in the approved remediation scheme, a verification report that demonstrates compliance with the agreed remediation objectives and criteria shall be produced, and is subject to the written approval of the local planning authority, prior to commencement of use of the development.

8. No development shall take place until a programme of building recording and analysis, equivalent to an Historic England Level 2 building survey, has been secured and implemented, in accordance with a brief issued by the local planning authority and a written scheme of investigation which has been submitted and approved in writing by the Local Planning Authority.

The survey will be completed by a professional archaeological contractor. The programme of building analysis and recording must meet the standards laid down by the Chartered Institute for Archaeologists in their Standard and Guidance for the archaeological investigation and recording of standing buildings or structures. A copy of the resulting report should be submitted to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust (The Offices, Coed y Dinas, Welshpool, Powys, SY21 8RP Email: mark.walters@cpat.org.uk Tel: 01938 553670). After approval by the Local Planning Authority, a copy of the report and resulting archive should also be sent to the Historic Environment Record Officer, Clwyd-Powys Archaeological Trust for inclusion in the regional Historic Environment

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013, (or any Order revoking and re-enacting that Order) no development under Schedule 2, Part 1, Classes A to E other than that hereby permitted shall be carried out without the written permission of the Local Planning Authority.

10. The development shall be occupied as holiday accommodation only and shall not be occupied as a person's sole or main place of residence or by any persons. An up to date register shall be kept at the holiday accommodation hereby permitted and be made available for inspection by the local planning authority upon request. The register shall contain details of the names of all of the occupiers of the accommodation, their main home addresses and their date of arrival and departure from the accommodation.

11. The development shall be undertaken in strict accordance with the Flood Mitigation Measures outlined on page 12 of the Flood Consequence Assessment JN:1132, by Flume Consulting Engineers, dated October 2021. The measures identified shall be adhered to and implemented in full.

## **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 maintain the safety and free flow of trunk road traffic In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales (Edition 11, February 2021).
4. To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.

5. To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.
6. To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and DM7 in relation to Dark Skies and External Lighting, and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.
7. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy DM10 of the Powys Local Development Plan (2018)
8. To allow an adequate analytical record of the buildings to be made, before they are converted, to ensure that the buildings origins, use and development are understood and the main features, character and state of preservation are recorded in accordance with LDP Policy SP7 and TAN24: The Historic Environment 2017 and Planning Policy Wales (Edition 11, February 2021),
9. To protect the character and appearance of the building and the landscape in accordance with Policies DM4 and DM13 of the Powys Local Development Plan (2018), Technical Advice Note (TAN) 23: Economic Development (2014) and Planning Policy Wales (2018)
10. To prevent the establishment of permanent dwellings in open countryside locations and retention of tourist facilities in accordance with Powys Local Development Plan policy TD1, Technical Advice Note 6 (2010) and Planning Policy Wales (2018).
11. To comply with Powys County Council's LDP policy DM5 and DM6 in relation to Flood Risk and to meet the requirements of Planning Policy Wales (Edition 11,2021), TAN 15: Development and Flood Risk (2004).

## **Informative Notes**

### Biodiversity

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



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

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

To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at <https://naturalresources.wales/permits-and-permissions/protectedspecies-licensing/european-protected-species-licensing/?lang=en>

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

It is an offence for any person to:

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

Under the Habitats Regulations it is an offence to:

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

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

Birds - Wildlife and Countryside Act 1981 (as amended)

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

- o intentionally kill, injure or take any wild bird
- o intentionally take, damage or destroy the nest of any wild bird whilst it is in use

or being built

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

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

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

#### Sustainable Drainage Body

All: Having assessed the Planning Application Ref 20/1241/FUL, the SuDS Approval Body (SAB) deem that the construction area is greater than 100m<sup>2</sup> and therefore this proposed development will require SAB approval prior to any construction works commencing onsite.

Please contact the SAB Team on 01597 826000 or via email [sab@powys.gov.uk](mailto:sab@powys.gov.uk)

For further information on the requirements of SAB and where relevant application forms/guidance can be accessed, please visit the following website <https://en.powys.gov.uk/article/5578/Sustainable-Drainage-Approval-Body-SAB>

If for any reason you believe your works are exempt from the requirement for SAB approval, we would be grateful if you would inform us so we can update our records accordingly.

The requirement to obtain SAB consent sits outside of the planning process but is enforceable in a similar manner to planning law. It is a requirement to obtain SAB consent in addition to planning consent. Failure to engage with compliant SuDS design at an early stage may lead to significant un-necessary redesign costs.

#### Natural Resources Wales

Works Near Watercourse and Pollution Prevention

NRW maps indicate that a watercourse is immediately adjacent to the application site. Due to the proximity of the site to watercourses, all works at the site must be carried out in accordance with GPP5 and relevant PPGs. The developer should also take any precaution to prevent contamination of surface water drains and local watercourses. Oils and chemicals should be stored in bunded areas and spill kits should be readily available in case of accidental spillages. For further guidance please refer to GPP 5 and relevant PPGs at the following link:

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

### Environmental Management

All works at the site must be carried out in accordance with relevant PPGs: 'Working at construction and demolition sites' which are available on the following website:

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

The activity of importing waste into the site for use as, for example hardcore, must be registered with Natural Resources Wales as an exempt/permittable activity under the Environmental Permitting Regulations 2016. The developer should contact Natural Resources Wales to discuss the necessity for an exemption/permit for any material imported to and exported from the site.

If during construction/excavation works any contaminated material is revealed, then the movement of such material either on or off site should be done in consultation with Natural Resources Wales. Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily and in accordance with Section 34 of the Environmental Protection Act 1990. Carriers transporting waste from the site must be registered waste carriers and movement of any Hazardous Waste from the site must be accompanied by Hazardous waste consignment notes

### 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](mailto:rights.of.way@powys.gov.uk)

01874 614057

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