

Planning, Taxi Licensing and Rights of Way Committee Report

Application Number: 21/0422/FUL

Grid Ref: E: 326265
N: 303958

Community Council: Forden With Leighton & Trelystan

Valid Date: 17.03.2021

Applicant: Mrs J Jones

Location: Land Near To St Mary The Virgin Church, Trelystan , Welshpool, SY21 8LD,

Proposal: 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

Application Type: Full Application

Report Update

This report forms an update to the previous report circulated to Members.

Public Representation

Two additional letters of public representation have been received raising a number of concerns regarding the proposed development, with the planning issues raised listed below:

- Activities at this location have gone well beyond simple weddings to large scale events with the operators already advertising Glamping facilities and fireworks.
- Glamping activities lasted for up to 4 days over the course of the wedding
- Highway infrastructure concerns and the proposed development will not be able to deal with additional traffic
- The operators web site indicate firework displays as an option for events, which would be very disruptive to the local community, wildlife, and livestock
- Incorrect financial information provided regarding the Economic Impact report

RECOMMENDATION – Conditional Consent Subject to S106

In line with previous Officer's recommendation it is therefore considered that the proposed development fundamentally complies with relevant planning policy and subject to the below updated conditions the recommendation is one of conditional consent subject to a S106 Legal agreement.

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).

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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).

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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.

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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