



Planning, Taxi Licensing and Rights of Way Committee Report

Application Number: 22/0415/FUL

Grid Ref: E: 322513
N: 329665

Community Council: Llansilin Community

Valid Date: 05.04.2022

Applicant: Mr D Thomas

Location: Land Near to Lledrod, Llansilin, Oswestry, Powys, SY10 7PU

Proposal: Change of use of agricultural land and a building to a mixed use of agriculture along with machinery/vehicle repairs and servicing, to include hard standing and all associated works (part retrospective)

Application Type: Full Application

The reason for Committee determination

The application has been called in by the Local Member to be considered by the Planning, Taxi Licensing and Rights of Way Committee due to concerns regarding highway safety.

Consultee Responses

Consultee

Received

Environmental Protection

22nd Apr 2022

Environmental Protection has no objection to the application

Additional Comments 31st May 2022

Further to my previous email, I was not entirely aware of the scale and type of business at the site, so I would like to add some further comments please with regard to potential noise

issues.

In the absence of a noise impact assessment report being provided by the developer, I would suggest that a working hours restriction would be the most suitable way to ensure that the amenity of nearby residential properties is protected. Therefore I would recommend the following condition:

The use shall not be carried out outside the hours of 0800 to 1800 Monday to Friday, 0800 to 1300 on Saturdays and 0800 to 1300 on Sundays.

Hafren Dyfrdwy

8th Apr 2022

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.

Llansilin Community Council

14th May 2022

Llansilin Community Council will support this application should all highways conditions be carried out.

Llansilin Community Council

Additional comments 24th Sept 2022

Comments:

22/0415/FUL | Change of use of agricultural land and a building to a mixed use of agriculture along with machinery/vehicle repairs and servicing, to include hard standing and all associated works (part retrospectively).

Llansilin Community Council have previously considered and were unable to support a similar application for building extension and associated works at the same site. Comments were recorded on the planning portal under the application 21/2005/FUL. | Erection of an extension to an agricultural livestock building and all associated works | Land Opposite Lledrod Llansilin Oswestry Powys SY10 7PU

With reference to this current application Llansilin Community Council once again express disappointment that the application for the above planning is vague in its completion, a number of areas had been left blank where it was felt a full explanation was required.

Our concerns include:

- Hours of opening - the application says these are not relevant; We feel that they are relevant if they are to impact on the quality of life to occupiers of residential properties close by.
- From 7 January 2019, all new developments of more than 1 dwelling house or where the construction area is 100 square metres or more, require Sustainable Drainage Systems (SuDS) for surface water designed and built in accordance with the Welsh Ministers Statutory SuDS Standards. SuDS Schemes must be approved by your local authority acting in its SuDS Approving Body (SAB) role. Please contact your local authority for details of how to apply.

Despite stating the area in question is 0.1 hectare (1000 sq metres) this question remained unanswered. Enquiries have been made by local residents to PCC asking if such SuDS are in place and they are still waiting for a reply.

- Agricultural Holding Certificate Town and Country Planning (Development Management Procedure) (Wales) Order 2012

(A) None of the land to which the application relates is, or is part of an agricultural holding. This is a dubious reply as the application is for a Change of use of agricultural land which is in direct conflict to their answer.

- Foul sewerage disposal? Answer unknown- when will it be known?
- Trade Effluent Does the proposal involve the need to dispose of trade effluents or trade waste? Answer NO- the community council feel that an Agricultural Engineers would have dirty oil to dispose of-but no details as to how this will be done.
- Industrial or Commercial Processes and Machinery -Does this proposal involve the carrying out of industrial or commercial activities and processes? Answered No, the community council feel that the agricultural business WILL and ARE involved in such activities.
- Highways: The community council wish to request that Powys County Council pursue a formal investigation the concerns raised by the community members into the entry/ exit safety to the site in question

In conclusion, as commented in the previous application (21/2005/FUL), Llansilin Community Council would normally aim to support any such application which includes the benefit for small local enterprise however on this occasion with the absence of sufficient information to mitigate concerns raised are unable to do so. The Council however, would be willing to reconsider this decision if enquiries by Powys planning / Building Control are able to provide adequate information to mitigate the concerns of the community.

PCC-Building Control

No comments received at the date of writing this report.

Ward Councillor

12th Apr 2022

I wish to call in this application so that the planning committee can consider, my reason for which is the local communities concern about the safe access to the B4580.

Natural Resources Wales (Mid Wales) DPAS

11th May 2022

We have no objection to the proposed development as submitted and provide the following advice:

Pollution Prevention

Our maps indicate that the application site has a small watercourse present. We also note that the change of use will include machinery/vehicle repairs and serving.

Due to the presence of an onsite watercourse, 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: [Guidance for Pollution Prevention \(GPPs\)](#)

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 <https://naturalresources.wales/guidance-and-advice/business-sectors/planning-and-development/our-role-in-planning-and-development/our-role-in-planning-and-development/?lang=en> 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 <https://naturalresources.wales/permits-and->

permissions/?lang=en for further details.

If you have any queries on the above, please do not hesitate to contact us.

PCC – Highways

4th May 2022

Thank you for consulting the Highway Authority on this planning application at land near to Lledrod Llansilin Oswestry Powys SY10 7PU. The proposal seeks Change of use of agricultural land and a building to a mixed use of agriculture along with machinery/vehicle repairs and servicing, to include hard standing and all associated works (part retrospective).

Access to the site would be gained via the existing access from B4580 which appears to be improved by the applicant recently, although not to the Highway Authority requirements. During our recent site inspection, we have noted that improved the access is substandard in terms of access visibility, radii, finish and width. The available visibility splays in both directions currently measures 7m which is considerably less than required by the Manual for Streets/Manual for Streets 2 (MfS/MfS 2). We note that the applicant did not offer any mitigation in this respect.

Perceived speeds in this area are 30mph, therefore the requisite visibility splays should be 43m in each direction. The Highway Authority notes that the applicant controls sufficient frontage to carry out required improvements.

Therefore, should the planning authority be minded to support the proposal, it is recommended that the following highway conditions be attached.

1. Within 30 days of the date of this permission the access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 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 43 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.
2. 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.
3. Within 30 days of the date of this permission 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 and

60mm of bituminous macadam binder course material for a distance of 15m 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.

4. Within 30 days of the date of this permission the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course material or (a suitably bound material which is to be approved in writing by the LPA) for a distance of 15 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.

5. Within 30 days of the date of this permission a radius of 10 metres shall be provided from the carriageway of the county highway on each side of the access to the development site and shall be maintained for as long as the development remains in existence.

6. The width of the access carriageway, constructed as per Condition 1 above, shall be not less than 5.5 metres for a minimum distance of 15 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.

7. The gradient of the access shall be constructed so as not to exceed 1 in 20 for the first 15 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.

8. Any vehicular entrance gates installed within the application site shall be set back at least 15 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.

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

Advisory Notes

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

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

access works.

- a. The need to avoid interference with and to make provision for the carrying of existing highway drainage under the access to the satisfaction of the Highway Authority.
 - b. The requirement of the Highway Authority for the Developer to ensure that no surface water is discharged onto the County Highway or, without prior approval, into the highway drainage system.
2. Under Section 50 of the New Roads & Street Works Act 1991 it is a requirement that a Streetworks licence is obtained from the Highway Authority to place, or to retain, apparatus in the highway and thereafter to inspect, maintain, adjust, repair, alter or renew the apparatus, change its position or remove it.
 3. Under section 171 of the Highways Act 1980 it is a requirement that a licence is obtained from the Highway Authority, in addition to Planning Permission, for the creation of passing bays or highway re-alignment works.
 4. The need to inform and obtain the consent of Statutory Undertakers (Electricity, Water, Gas, BT), Land Drainage Authority, etc. to the works.
 5. The New Roads & Street Works Act 1991 requires that all works, be properly notified and approved prior to commencement

Additional comments received

10th May 2022

Thank you for consulting the Highway Authority on this planning application at land near to Lledrod, Llansilin, Oswestry, Powys, SY10 7PU. The proposal seeks Change of use of agricultural land and a building to a mixed use of agriculture along with machinery/vehicle repairs and servicing, to include hard standing and all associated works (part retrospective).

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4. The need to inform and obtain the consent of Statuary Undertakers (Electricity, Water, Gas, BT), Land Drainage Authority, etc. to the works.

5. The New Roads & Street Works Act 1991 requires that all works, be properly notified and approved prior to commencement.

Representations

Following the display of a site notice on 14th April 2022, 15 representations have been received from 5 members of the public at the time of writing this report. Public comments

are summarised as follows:

- Noise pollution and impact on neighbouring amenity.
- Reduction of owners' peaceful enjoyment of nearby properties
- Light pollution and impact on neighbouring amenity
- Adverse impact on visual amenity
- Environmental pollution
- Adverse effect on landscape amenity and hedgerow removal
- Working hours concerns
- Highway safety concerns and site access concerns
- Application does not include the creation and subsequent use of the entrance and driveway to the site
- The precedent the use of the site for a light industrial use would set in an open rural area
- Proposed use is inappropriate to the location
- Allowing the application could set a precedent
- There are anomalies in the application form
- Application process concerns
- Site notice not displayed correctly
- Insufficient drainage details
- Question NRW response on the application
- Developer has no concerns about effect on the surrounding area
- What arrangements are there for disposal of waste products
- Inappropriate, dangerous and antisocial disposal of trade effluent and waste
- Bonfires being lit on site
- Confirm method of foul drainage and provision of fresh water and sanitary washing facilities for workers on site

Planning History

App Ref	Description	Decision	Date
21/2005/FUL	Erection of an extension to an agricultural livestock building and all associated works	Application Withdrawn	
AGRI/2015/0024	Agri: Erection of building for storage of fodder and machinery	Permitted Development	28 th May 2015

Principal Planning Constraints

Open Countryside

Unrestricted Highway: B4580

Restored Ancient Woodland Site

Approximately 305 metres northeast

Grade II Listed Buildings

Approximately 65 metres north

Principal Planning Policies

Policy	Policy Description	Year	Local Plan
PPW	Planning Policy Wales (Edition 11, February 2021)		National Policy
NATPLA	Future Wales - The National Plan 2040		National Policy
TAN5	Nature Conservation and Planning		National Policy
TAN6	Planning for Sustainable Rural Communities		National Policy
TAN11	Noise		National Policy
TAN12	Design		National Policy
TAN15	Development and Flood Risk		National Policy
TAN18	Transport		National Policy
TAN23	Economic Development		National Policy
TAN24	The Historic Environment		National Policy
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
DM12	Development in Welsh		Local Development

	Speaking Strongholds	Plan 2011-2026
DM13	Design and Resources	Local Development Plan 2011-2026
DM15	Waste Within Developments	Local Development Plan 2011-2026
E6	Farm Diversification	Local Development Plan 2011-2026
SP7	Safeguarding of Strategic Resources and Assets	Local Development Plan 2011-2026
T1	Travel, Traffic and Transport Infrastructure	Local Development Plan 2011-2026
SPGBIO	Biodiversity and Geodiversity SPG (2018)	Local Development Plan 2011-2026
SPGHE	Historic Environment SPG (2021)	Local Development Plan 2011-2026
SPGLAN	Landscape SPG	Local Development Plan 2011-2026

Other Legislative Considerations

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

Marine and Coastal Access Act 2009

Officer Appraisal

Site Location and Description

The application site is located within the Community Council area of Llansilin and is located within the open countryside as defined by the Powys Local Development Plan (2018). The site comprises a detached steel portal framed agricultural building with hardcore yard area to the south and is surrounded to all sides by agricultural land,

currently cropped to permanent pasture. The building has vehicular access onto the County Highway B4580 via a hardcore track. There are neighbouring residential properties to the north approximately 80 metres away and to the northeast approximately 160 metres away.

This application seeks part retrospective consent for the change of use of agricultural land and a building to a mixed use of agriculture along with machinery/vehicle repairs and servicing, to include hard standing and all associated works.

Principle of Development

The change of use relates to an existing agricultural building. As stated within paragraph 3.2.1 of Technical Advice Note 23, national planning policy supports the re-use and adaptation of existing rural buildings which the policy advises has an important role in meeting the needs of rural areas for commercial and industrial development, and tourism, sport and recreation. The policy further advises "In recognising this, local planning authorities are expected to adopt a positive approach to the conversion of rural buildings for business re-use, especially those buildings located within or adjoining farm building complexes on the basis that:

- they are suitable for the specific use;
- conversion does not lead to dispersal of activity on such scale as to prejudice town and village vitality;
- their form, bulk and general design are in keeping with their surroundings;
- imposing conditions on a planning permission overcomes any planning objections, for example on environmental or traffic grounds, which would otherwise outweigh the advantage of re-use;
- if the buildings are in the open countryside, they are capable of conversion without major or complete reconstruction;
- conversion does not result in unacceptable impacts upon the structure, form, character or setting where the building is of historic and / or architectural interest".

The submission indicates that the building is appropriate for the use in terms of space, and type of building required. Therefore, in consideration of the first bullet point criterion above, the building is considered suitable for the specific use.

In terms of the second bullet point, the dispersal of activity leading to the prejudice of town and village vitality, LDP Policy E2 and the supporting text states:

"Proposals for employment development on non-allocated sites will be permitted where it is demonstrated that no other suitable existing or allocated employment sites or previously developed land can reasonably accommodate the proposal, and where at least one of the following criteria is met:

1. The proposal is up to 0.5ha. and is located within or adjoining a settlement with a development boundary.

2. The proposal is for the limited expansion, extension or environmental improvement of existing employment sites and buildings.

3. The proposal is appropriate in scale and nature to its location and is supported by a business case which demonstrates that its location is justified.

4.4.5 Given the dominance in the Plan area of micro and small businesses dispersed over a large geographic area it is evident that not all employment proposals will be appropriately accommodated on allocated employment sites. Policy E2 therefore supports the economy by enabling, in both urban and rural areas, the provision of economic opportunities on non-allocated sites, including the development of new small businesses and in so doing it will address any local need for neighbourhood employment accommodation.

4.4.6 In addition, the appropriate expansion or modernisation of existing businesses in-situ is supported to reduce the inconvenience and disruption of moving, whilst retaining the source of employment within the local community. The provision of new employment proposals within the open countryside is also supported where it can be demonstrated that such a location is justified by the nature of the proposal. Such employment proposals may include the reuse of existing buildings and farm diversification, or homeworking in accordance with policies E6 or E7”.

The proposed site is not located within or adjoining a settlement boundary and therefore does not meet criterion 1 above. The application seeks the change of use to mixed agricultural and machinery repair and servicing, and therefore the machinery repair and servicing will run alongside the existing agricultural use of the site and assist in diversifying the agricultural unit. The proposed development meets criteria 3 of policy E2 above; it is considered that information has been supplied within the application submissions which provides justification of the location of this business.

In addition, Farm diversification is assessed under policy E6 of the Powys LDP (2018). Policy E6 states that development proposals for farm diversification will be permitted where the proposed diversification will be of an intensity of use appropriate to the location and setting and will have no significant detrimental effect on the vitality or viability of any adjacent land uses, either individually or through cumulative impact; adequate provisions is made for the parking of vehicles and the storage of materials/equipment; and the construction of new, or conversions of existing buildings, that form part of the proposal lie within or immediately adjacent to existing farm building complex.

Farm diversification offers key benefits for the socio-economic growth of rural communities allowing the creation of commercial opportunities to provide rural employment that utilises existing resources. Farm diversification also helps maintain the viability of individual farm units, enables family units to remain within the community and have viable employment.

In consideration of developments for farm diversification activities, consideration should be given in the first instance to the reuse of existing buildings. Due to their location, farm diversification proposals may be required to address traffic generation issues.

The application states that the agricultural building was constructed in 2016 and between 2016 and 2021 the building was used for agricultural purposes of storage of agricultural machinery and fodder. The proposal is for a change of use for a mixed use of agriculture along with machinery/vehicle repairs and servicing. The land and building subject to the application and within the red-edged area of development would be used for 50% agriculture and 50% repair and maintenance of machinery. Agricultural use of the land and building would therefore continue and the proposed change of use would represent a diversification development to support the agricultural use of the unit.

The proposed change of use would utilise an existing building. It is considered that due to its construction the existing building is suitable for its intended use as mixed use of agriculture along with machinery/vehicle repairs and servicing. Adequate provision has been made within the proposal for the parking of vehicles and storage of materials associated with the change of use and the existing hardcore yard is suitable for this use. In these respects, the visual and landscape impact of the change of use would be limited. Furthermore, it is noted that the barn is not listed nor of traditional construction and the proposed development would therefore not have an impact on a building considered to be of historic or architectural interest.

In light of the above, it is considered that the principle of development is acceptable on this occasion, in compliance with Policies E2 and E6 of the Powys LDP, TAN 6 and TAN 23. This is, however, subject to a review of the broader material planning considerations, which are addressed in-turn below.

Design, Scale and Appearance

With respect to design, specific reference is made to Policy DM13 of the Powys Local Development Plan (2011-2026). This policy indicates that development proposals must be able to demonstrate a good quality design and shall have regard to the qualities and amenity of the surrounding area, local infrastructure and resources.

With regard to the potential impact upon the surrounding landscape, regard must be paid to LDP Policy DM4 (Landscape) which states that proposals for new development must not, individually or cumulatively, have an unacceptable adverse effect on the valued characteristics and qualities of the Powys landscape.

The building comprises a steel portal frame building with part concrete block and part box profile cladding walls under a box profile clad sheet roof. There is a roller shutter door to the south elevation and personnel door to the side elevation. This application does not propose any alterations to the building. There is a roadside hedgerow, although it is lower in height than the building and some hedgerow and scattered trees surround the site otherwise; it is noted that land adjacent to the site is being used for agricultural purposes,

however this land has not been included within the application site area and as such will not be considered in the design and landscape consideration below.

The reuse of an existing building is supported through policy E6 of the Powys LDP (2018). The area of land to the south of the building proposed which forms part of this change of use application is typical of a hardstanding yard used for storage and parking of agricultural machinery, which is commonly seen and permitted on agricultural units. In light of this, and that no changes to the exterior fabric of the building are proposed, it is considered that the design of the proposal is acceptable. Overall, the proposal from design perspective is considered to respect the character of the existing building in accordance with LDP Policy DM13.

The site is located within the Llanrhaedr Farmlands Visual and Sensory Aspect Area of LANDMAP and is evaluated as high. The other aspect areas are evaluated as follows:

Geological landscape – moderate

Landscape habitats – moderate

Historic Landscape – high

The Visual and Sensory aspect area is summarised as follows:

‘Rolling plateau farmland complex typified by small irregular field patterns following the contours. Strongly defined field boundaries managed and overgrown hedgerows with mature hedgerow trees. Area feels secure, settled and safe with a definite sense of enclosure emanating from the upland scarps rising to the west and north at the heads of the valleys.

It is acknowledged that the building and site are visible from the public highway. A visual and sensory evaluation of the site using LANDMAP classifies this area of land as being of high value. No external alterations are proposed to the building, with the application solely relating to the change of use of existing permitted buildings. The parking and storage of machinery within a yard associated with an agricultural unit is expected and permitted and as such the character and appearance of the area would not be further compromised by the development to warrant refusal. However, it is recommended that a condition is attached to the consent to require a landscaping scheme to be submitted for approval and thereafter implemented.

Therefore, the development is in-keeping with the surrounding area in accordance with bullet point 3 of paragraph 3.2.1 of TAN23 and is not considered to have an unacceptable adverse effect, on the valued characteristics and qualities of the Powys landscape in accordance with LDP Policies DM4 and DM13.

In light of the above it is therefore considered that the proposed development fundamentally complies with relevant planning policies and guidance.

Neighbouring Amenity

In considering the impact upon amenities enjoyed by occupiers of neighbouring properties, consideration has been given to the adopted Residential Design SPG and LDP Policy DM13 (Criterion 11).

There are neighbouring residential properties to the north approximately 80 metres distant and to the northeast approximately 160 metres distant. The development does not raise concern in respect of impacts over overshadowing, privacy etc, based on the distances from neighbouring properties, however given the nature of the use, noise is a material consideration.

The site has permitted agricultural use, which would include the use and repair of the necessary agricultural equipment related to the agricultural use and noise associated with this.

With regards to artificial light on the site, a lighting plan has not been included with the application and the proposed plans did not demonstrate that any external lighting would be incorporated into the development. However, given the nature of the use of the building there is potential for additional external lighting to be incorporated into the development. Therefore, a condition will be attached to the granting of any consent securing the submission of a detailed external lighting design scheme, should any external lighting be proposed.

The Council's Environmental Protection Team have been consulted on the proposed development and have not objected to the application, subject to the inclusion of suitably worded condition regarding working hours. In consideration of the application, Environmental Protection have not requested a noise assessment and are satisfied that the recommended working hours conditions would mitigate any adverse effect on residential amenity of the proposal.

In light of the above, and subject to suitably worded planning conditions being attached to any grant of planning consent, the development is considered to be acceptable in this regard, and compliant with planning policy and guidance.

Highways

Criterion 10 of LDP Policy DM13 states that development proposals should meet all highway access requirements (for transport users) and parking standards. This is reinforced by Policy T1 (Travel, Traffic and Transport Infrastructure) of the Powys LDP, which refers to the transport network implications of development, and the importance of highway safety in all development proposals.

The proposed development seeks to gain vehicular access via the existing farm track onto the B4580 county highway. The Local Highway Authority have been consulted on the proposed development and have noted that, subject to the inclusion of recommended conditions, they do not raise any objection to the development. It is considered that the

recommended conditions are commensurate to the scale of the development and are necessary and would be to the benefit of all users.

In light of the above, and subject to the inclusion of the recommended conditions, the proposal is deemed to be acceptable and compliant with planning policy.

Natural Environment

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

Protected sites

There are no protected sites within 1km of the proposed development. There are several parcels of Ancient Woodland (Restored Ancient Woodland Sites and Ancient Semi-Natural Woodland Site) within 500 metres of the proposed development. However, due to the separation between the proposed development and ancient woodland site and lack of connectivity, it is Officer opinion that the proposed development will not have any adverse effect on these sites.

Protected Species

The application has not been accompanied by any ecological information. The proposal includes the change of use of an agricultural building and land to a mixed agricultural and vehicle machinery repair and servicing use. Due to the construction and condition of the building, being of modern construction, and that no changes are proposed to the building, it is Officer opinion that the existing building offers negligible opportunities for ingress by bats and therefore the proposed development will not have an adverse effect on roosting bats or nesting birds.

Natural Resources Wales (NRW) have been consulted and not raised any objections to the proposal. Their comments regarding pollution prevention are noted and a suitably worded advisory note will be attached to any grant of planning consent. Pollution prevention measures were included within part of the planning application submissions which are deemed acceptable.

A lighting plan has not been included with the application and the proposed plans did not demonstrate that any external lighting would be incorporated into the development. However, given the nature of the use of the building there is potential for additional external lighting to be incorporated into the development. Therefore, a condition will be attached to the granting of any consent securing the submission of a detailed external lighting design scheme, should any external lighting be proposed.

Therefore, subject to the inclusion of suitably worded conditions to any grant of planning consent, the development is not considered to conflict with LDP Policy DM2 in respect of protected species.

Biodiversity Enhancements

In accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, Local Authorities are required to maintain and enhance biodiversity through all its functions – this includes the planning process. As part of the application, biodiversity enhancements have not been directly proposed; although the implementation of a landscaping scheme secured by a relevant condition would provide some bio-diversity enhancement. It is also considered that this may be overcome with a carefully worded condition to ensure the provision of 1no. bird/bat box on the site of development. A suitably worded condition securing these enhancement measures will be attached to any grant of planning consent and would help to achieve a biodiversity net gain within the site and its vicinity.

Subject to the inclusion of a suitably worded condition to the grant of any planning permission, this measure is considered appropriate to provide biodiversity enhancement in accordance with the Biodiversity SPG and LDP Policy DM2.

Built Heritage

Local Development Plan (2018) policy SP7 seeks to safeguard strategic resources and assets in the County, whilst development proposals must not have an unacceptable adverse impact on the resource or asset and its operation.

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

It is acknowledged that grade II listed buildings Lledrod Farmhouse, Shed and Stable range at Lledrod and the Lofted Cartshed range at Lledrod are located approximately 65 metres from the application site. Having considered the proposal and the distance between the listed buildings and the application site and the existing screening in the form of trees and hedgerows, it is considered that the proposed development will not harm the setting of these listed buildings.

It is therefore considered that the proposed development would not detrimentally harm the setting of the listed buildings and is in accordance with relevant planning policy and in particular LDP Policy SP7.

Surface Water Flooding

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.

It is noted that a small section of the hardstanding area is located within Flood Zone 2 and 3 of the Surface Water and Small Watercourses as identified within the Flood Map for Planning.

Given the proposed development and the area impacted being an area of hardstanding, it is considered the proposed development is acceptable and will not have an impact on flood risk elsewhere. It is also noted the area of hardstanding covered by the flood zone is very minor.

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

Welsh Language Stronghold

The site is located within a community identified as a Welsh language stronghold within the LDP. Given that the application does not propose new housing development, the requirements of LDP Policy DM12 are not applicable.

Public Representations

As forementioned, 15 representations have been received from 5 members of the public at the time of writing this report. A summary of the representations has been included above. Public comments have been taken into account in the consideration of the application.

The principle of change of use of the existing building at this location, within the open countryside, has been assessed against policies E2 and E6 of the Powys LDP (2018) and TAN6 and TAN 23 and is considered to be acceptable. Therefore, concerns regarding the open countryside location have been addressed accordingly. Concerns have been raised that if this application was approved, precedence for similar proposals in open countryside locations will be set; each planning application is determined on individual merits in accordance with relevant planning policies taking into account material planning considerations.

Concerns raised regarding the impact of the proposal on neighbouring properties amenity in respect to noise, light and landscape have been addressed within the relevant sections above.

Noise nuisance can be controlled through the provisions within the Environmental Protection Act 1990. During operation of the premises, if members of the public are concerned about noise nuisance above that acceptable for the use of the premises, there would be provisions in place for them to raise concerns through the Local Authority's Environmental Health Department.

Concerns have been raised regarding highway safety and the site access. Local Authority Highways have been consulted and, subject to the inclusion of a number of suitably worded conditions attached to any grant of planning consent, have not raised any objections to the application.

Concerns have been raised regarding potential pollution and waste at the site. Natural Resources Wales (NRW) have been consulted and not raised any objection to the application. Application submissions have included a pollution prevention measures which are considered acceptable. A suitably worded informative note should be included on any grant of planning consent. It is therefore considered that these concerns have been addressed.

Concerns have been raised with regards to method of foul drainage and provision of fresh water and sanitary washing facilities for workers on site. The application is seeking change of use for the building and did not include any proposed foul drainage proposals for consideration.

Concerns have been raised regarding bonfires being lit on site. This is not of a material planning consideration and regulated under separate regulations. Provisions are in place for concerns to be raised through the Local Authority's Environmental Health Department.

RECOMMENDATION – Conditional Consent

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

Conditions

1 This permission being retrospective as prescribed by Section 73(a) of the Town and Country Planning Act 1990 (as amended) shall be deemed to take effect from the date of consent.

2 The development shall be carried out in accordance with the following approved

plans and documents:

Application Form (dated: 10/03/2022)

Location Plan (Drawing No.: RJC-MZ745-06)

Block Plan (Drawing No.: RJC-MZ745-07)

Proposed Elevation and Floor Plan (Drawing No.: RJC-MZ745-08)

Justification Statement (Dated: February 2022 and Received: 6th April 2022)

3. Within 6 months of the date of this permission hereby approved, at least two bat or bird boxes shall be erected on the exterior of the building and shall be retained thereafter for as long as the development remains in existence.

4. Within 30 days of the date of this permission the access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 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 43 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.

5. 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.

6. Within 30 days of the date of this permission 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 and 60mm of bituminous macadam binder course material for a distance of 15m 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.

7. Within 30 days of the date of this permission the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course material or (a suitably bound material which is to be approved in writing by the Local Planning Authority) for a distance of 15 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.

8. Within 30 days of the date of this permission a radius of 10 metres shall be provided from the carriageway of the county highway on each side of the access to the development site and shall be maintained for as long as the development remains in existence.

9. The width of the access carriageway shall be not less than 5.5 metres for a minimum distance of 15 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.

10. The gradient of the access shall be constructed so as not to exceed 1 in 20 for the first 15 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. Any vehicular entrance gates installed within the application site shall be set back at least 15 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.

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

13. The use of the building for machinery/vehicle repairs and servicing shall not be carried out outside the hours of 0800 to 1800 Monday to Friday, 0800 to 1300 on Saturdays and 0800 to 1300 on Sundays.

14. Within 6 months of this permission hereby approved, a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted landscaping scheme shall include a scaled drawing and a written specification clearly describing the species, sizes, densities and planting numbers proposed as well as aftercare measures. Drawings must include accurate details of any existing trees and hedgerows to be retained with their location, species, size and condition.

15. All planting, seeding or turfing comprised in the approved details of landscaping 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.

16. No external lighting shall be installed unless a detailed external lighting design scheme has been submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall identify measures to avoid impacts on nocturnal wildlife in accordance with the recommendations outlined in the BCT and ILP Guidance Note 8 Bats and Artificial Lighting (12th September 2018). The development shall be carried out in accordance with the approved details.

Reasons

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

2. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
3. To comply with Policies DM2, DM4 and DM13 of the Powys Local Development Plan in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 11, 2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
4. In the interests of highway safety in accordance with Policies DM13 and T1 of the Powys Local Development Plan (2018) and Technical Advice Note (TAN) 18: Transport (2017).
5. In the interests of highway safety in accordance with Policies DM13 and T1 of the Powys Local Development Plan (2018) and Technical Advice Note (TAN) 18: Transport (2017).
6. In the interests of highway safety in accordance with Policies DM13 and T1 of the Powys Local Development Plan (2018) and Technical Advice Note (TAN) 18: Transport (2017).
7. In the interests of highway safety in accordance with Policies DM13 and T1 of the Powys Local Development Plan (2018) and Technical Advice Note (TAN) 18: Transport (2017).
8. In the interests of highway safety in accordance with Policies DM13 and T1 of the Powys Local Development Plan (2018) and Technical Advice Note (TAN) 18: Transport (2017).
9. In the interests of highway safety in accordance with Policies DM13 and T1 of the Powys Local Development Plan (2018) and Technical Advice Note (TAN) 18: Transport (2017).
10. In the interests of highway safety in accordance with Policies DM13 and T1 of the Powys Local Development Plan (2018) and Technical Advice Note (TAN) 18: Transport (2017).
11. In the interests of highway safety in accordance with Policies DM13 and T1 of the Powys Local Development Plan (2018) and Technical Advice Note (TAN) 18: Transport (2017).
12. In the interests of highway safety in accordance with Policies DM13 and T1 of the Powys Local Development Plan (2018) and Technical Advice Note (TAN) 18: Transport (2017).
13. In the interests of the amenity of the area in accordance with the requirements of

Policy DM13 of the Powys Local Development Plan (2018) and Planning Policy Wales (Edition 11).

14. To comply with Policy DM4 of the Powys Local Development Plan (2018) and meet the requirements of Planning Policy Wales (Edition 11, February 2021), Technical Advice Note (TAN) 5: Nature Conservation and Planning (2009) and Part 1 Section 6 of the Environment (Wales) Act 2016.

15. To comply with Policy DM4 of the Powys Local Development Plan (2018) and meet the requirements of Planning Policy Wales (Edition 11, February 2021), Technical Advice Note (TAN) 5: Nature Conservation and Planning (2009) and Part 1 Section 6 of the Environment (Wales) Act 2016.

16. To comply with Policies DM2 and DM7 of the Powys Local Development Plan (2018) in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), Technical Advice Note (TAN) 5: Nature Conservation and Planning (2009) and Part 1 Section 6 of the Environment (Wales) Act 2016.

Informative Notes

1 County Highways Authority

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. Under section 171 of the Highways Act 1980 it is a requirement that a licence is obtained from the Highway Authority, in addition to Planning Permission, for the creation of passing bays or highway re-alignment works.

4. The need to inform and obtain the consent of Statuary Undertakers (Electricity,

Water, Gas, BT), Land Drainage Authority, etc. to the works.

5. 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

2. Pollution Prevention

Due to the presence of an onsite watercourse, 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: [Guidance for Pollution Prevention \(GPPs\)](#)