



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

**Application Number:** 22/1141/FUL

**Grid Ref:** E: 302150  
N: 293868

**Community Council:** Caersws Community

**Valid Date:** 15.08.2022

**Applicant:** Mr W W Wainwright

**Location:** Erection Of Two Dwellings At Post Office Field Adjacent To Yew Tree Barn, Llanwnog, Caersws, Powys, SY17 5JG

**Proposal:** Erection of 2 no dwellings incl. change of use

**Application Type:** Full Application

### The reason for Committee determination

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

### Consultee Responses

#### Consultee

#### Received

PCC-Rights Of Way Senior Manager

No comments received at the time of writing this report.

Cadw - Planning

No comments received at the time of writing this report.

The proposed development gains access off the U2587 County Highway, the U2587 is constrained by its narrow width and forward visibility due to the horizontal alignment of the carriageway, and the boundary of the adjacent church.

The existing access is severely substandard in terms of access visibility in both directions, access width, proximity of the vehicular access to Yew Tree Barn and the likely conflicts caused by the proximity of these two accesses.

The access visibility splays shown the submitted Location Plan cross third-party land (dwellings known as Yew Tree Barn & 1 Old Talbot). Visibility has not been shown to the northern arm of the U2587, however we note that the visibility to the north would cross third-party land (dwelling known as Tynllan). We note from the application form that Notice has not been served on the relevant landowners. We understand from the LPA that Notice should be served on third-party landowners in order to comply with Welsh Government Planning Circular WGC016/2014.

The applicant suggests access visibility splays of 45m, therefore, implying road speeds of 31mph, the Highway Authority (HA) consider road speeds in the area of the access are unlikely to exceed 20mph. Therefore, access visibility splays of 25m in each direction in accordance with Manual for Streets (MfS) would be appropriate. Notwithstanding this, the HA consider that third-party land is required in order to achieve access visibility in accordance with MfS.

The proposed access width of 4m is insufficient to allow the free flow of two-way movements in the area of the access. We note whilst the applicant controls the access there is insufficient width on the access bellmouth to allow for the passing of opposing vehicles.

The width of the U2587 in the area of the access is insufficient to allow for the passing of opposing vehicles and/or the stacking of vehicles. Therefore, vehicles would be forced to overshoot the access when met by an opposing vehicle then reverse along the U2587 with rear visibility obscured by means of vertical alignment of the carriageway.

The Common Standards Guide 2020 Section 3.62 (Section A - Residential) states "Private shared driveways should be a minimum of 4.5m wide to enable two vehicles to pass." Section 3.63 states "Private shared driveways must also incorporate a turning area for use by residents and visitors to facilitate access and egress from the shared driveway in forward gear."

The proposed development does not include any turning head for visitors including those in larger vehicles such as couriers and delivery vehicles to enter and exit the site in

a forward gear. Therefore, delivery vehicles shall be forced to reverse onto the U2587 with little visibility of pedestrians, cyclists and oncoming vehicles.

Drawing Number CW 7022.02 Rev A shows proposes that access to the rear of Yew Tree Barn, Tynllan and Brynawel/Gwyneira, and that additional parking is to be provided within the application site. The HA, therefore, consider that the vehicle movements through the severely substandard access shall be greater than associated with two the proposed three-bedroomed bungalows, and agricultural access to the land beyond.

No detail of the proposed waste and recycling collection point has been submitted for consideration, each of the proposed dwellings shall have at least one wheeled bin (a garden waste wheeled bin is available to all dwellings in Powys), and four recycling receptacles. There is no land available adjacent to the proposed access to allow a waste/recycling collection point to be constructed by the applicant, therefore is insufficient area within the highway to store the 10+ receptacles on collection day.

The applicant states in the application form that the land is currently used as a "Contractors Operating Centre (Construction)", no further detail in this regard has been submitted for consideration. A search of the Vehicle Operators Database reveals that the applicant benefits from a restricted Operators Licence OG1034151 which allows for a single vehicle to be operated from Old Post Office Building, Gwyneira, Llanwnog. Therefore, no evidence has been submitted that the "Contractors Operating Centre (Construction)" is based at the application site. The application site address differs from the address detailed on the Vehicle Operator Licence.

Planning consent is not required to obtain an operators licence, and the HA are unable to locate any planning consent for change of use of the application site from agricultural to any type of commercial, specifically construction. Therefore, we consider the fall-back position of the land is agricultural, rather than the commercial use suggested by the applicant.

We therefore consider the proposed development would generate a significant increase of movements through the severely substandard access, which would increase the risk of conflict in the area of the access. Should the application be granted consent, we consider the increase of movements and conflicts shall increase the risk of collision and therefore, be detrimental to highway safety.

As submitted, the application is contrary to LDP Policies DM13 (10) & T1, Manual for Streets 1 & 2, the Common Standards Guide 2020 and WGC016/2014. Therefore, the HA are unable to offer support to the application.

Hafren Dyfrdwy

31st Aug 2022

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

I can confirm that we have no objections to the proposals subject to the inclusion of the following condition:

- o The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and
- o The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to reduce or exacerbate a flooding problem and to minimise the risk of pollution

The developer's attention is also drawn to the legal requirement for all sites to enter into a Section 104 sewer adoption agreement with Hafren Dyfrdwy before any sewer connection can be approved, in line with the implementation Schedule 3 of the Floods and Water Management Act 2010. Full details of this are provided on our website [www.hdcymru.co.uk](http://www.hdcymru.co.uk) under the 'New Site Developments' section.

PCC-Ecologist

7th Sep 2022

Recommendation:

No objection - subject to planning conditions and/or planning obligations

Policy background:

- o Planning Policy Wales, Edition 11, 2021
- o Technical Advice Note (TAN) 5
- o Powys Local Development Plan 2011 - 2026:

DM2 - The Natural Environment

DM4 - Landscape

## DM7 - Dark Skies and External Lighting

- o Powys Supplementary Planning Guidance: Biodiversity and Geodiversity (2018)

### Legislative background:

- o The Conservation of Habitats and Species Regulations 2017 (as amended)
- o Environment (Wales) Act 2016

### Statutory sites within 500m:

- o None

### Non-statutory sites within 500m:

- o One or more Ancient Woodland (AW) sites are located within 500m of the development

Records of protected and/or priority species identified within 500m? Yes

### Comments:

No ecological information has been submitted with the application; the following comments are based on review of the proposed plans and aerial images, as well as records of protected and priority species and designated sites within 500m of the proposed development.

The development site appears to comprise an area of grassland used for storage of various equipment, materials and vehicles for the existing business. Metal-sided, open-fronted sheds are located in the eastern corner and based on their construction are considered unlikely to support roosting bats. Breeding birds may use the structures and demolition should avoid bird nesting season.

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. 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).

It is, therefore, recommended that adherence to wildlife sensitive lighting measures is secured through an appropriately worded planning condition.

### Biodiversity enhancement:

The Site/Block Plan, drawing no. CW7022.02 Rev. A identifies a native landscaping

scheme to be planted to provide biodiversity enhancement, which is welcome. Sufficient details for tree and hedgerow species are provided. Two bird nest boxes per dwelling will also be installed.

It is therefore recommended that adherence to the enhancements is secured through an appropriately worded planning condition.

Subject to inclusion of the conditions below, would the development result in a significant negative effect on biodiversity? No

Conditions:

Should Development Management be minded to approve this application, inclusion of the following conditions is recommended

1. The landscaping and biodiversity measures identified on Site/Block Plan, Drawing no. CW7022.02 Rev. A, shall be implemented in the first planting and seeding season following the first beneficial use of the dwellings 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. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5-year defects period. The approved details shall be implemented in full.

2. 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, including bats and otter, 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.

Reason: To comply with Powys County Council's LDP Policies DM2, DM4, DM7 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.

Informatives:

The following advice for the applicant is also considered appropriate

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 by phone at 0300 065 3000.

#### 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.

Environmental Protection

19th Aug 2022

Thank you for the consultation in respect of this application. I note that the applicant is intending to connect to the mains sewer, therefore I have no objection

PCC-(N) Land Drainage

2nd Sep 2022

PCC Land Drainage note that there is an area of surface water ponding in the south-western extent of the site identified as Flood Zone 2 on NRW's 'Flood Map for Planning -

Surface Water and Small Watercourses'. It is unclear from the information currently available whether any development will occur in this location. The applicant should be made aware of this ponding and should ensure that the proposed development will not exacerbate or create any flooding problems on site or elsewhere. No buildings, structures, fences, planting or changing of contours shall take place in this location without prior permission of the LPA.

Furthermore, 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.

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>.

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

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 unnecessary redesign costs.

#### Community Council

No comments received at the time of writing this report.

#### PCC-Building Control

No comments received at the time of writing this report.

#### Ward Councillor

26th Aug 2022

By requests of Constituents, may I implement the CALL - IN procedure , reasons being of interest of the community , on Application Reference No 22 / 1141 / ful , Erection of 2 / no Dwellings , incl / change of use at post office field, adjacent to yew tree barn, LLanwnog, Caersws, Powys, SY17 5JG



## Background to Recommendation

Designation; To the rear of Grade II listed Gwyneira with attached farm buildings (Cadw ID 17554). Near Grade II\* listed Church of St Cynog (Cadw ID 7580) and the adjacent to the Llanwnnog Conservation Area.

## Policy Background

The advice has been given with reference to relevant policies, guidance and legislation

The Planning (Listed Buildings and Conservation Areas) Act 1990

Planning Policy Wales 11<sup>th</sup> edition 2021

Conservation Principles published by Cadw

TAN24

Managing Listed Buildings in Wales – Annexe to TAN24

Heritage Impact Assessments in Wales – Annexe to TAN24

Managing Conservation Areas in Wales – Annexe to TAN24

Setting of Historic Assets in Wales – Annexe to TAN24

Heritage Impact Assessments – Annexe to TAN24

Historic Environment Records

Local Development Plan

Strategic Policy SP7

DM13 Design and Resources Local Development Plan Themes and Objectives;

Theme 4 – Guardianship of natural, built and historic assets

LDP Objective 13 – Landscape and the Historic Environment

## Comments

The proposal is to construct two bungalows in a field to the rear of grade II listed Gwyneira with attached farm buildings (Cadw ID; 17554). The barn was converted under P/2012/1343. The proposal will have an impact on the setting of the listed building, and an accompanying Heritage Impact Assessment should have been included with the proposal.

The proposal is for two identical bungalows. It is noted they will utilise natural slate roofing, semi-handmade bricks and proper radial arches. However, the use of K-rend and UPVC windows and facias would not be supported adjacent to a listed building and conservation area.

The repeat of the same design lacks variety and interest, perhaps a mirroring of the proposal would respond better to the setting. The inclusion of a chimney would add more interest to the large roof area, and a chimney breast appears to be present in the sitting room.

It is requested that a HIA assessing the impact on setting on the listed building Gwyneria and any other heritage considerations (such as the adjacent conservation area, and listed church).

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

Paragraph 6.1.10 of Planning Policy Wales 11th edition 2021 which states, “ For any development proposal affecting a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses.”

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

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

TAN 24 1.26 It is for the applicant to provide the local planning authority with sufficient information to allow the assessment of their proposals in respect of scheduled monuments, listed buildings, conservation areas, registered historic parks.

Preserving means “doing no harm” and the harm to the setting of the listed buildings identified should be afforded considerable weight.

TAN24 addresses setting with some of the factors to consider and weigh in the assessment including

- the prominence of the historic asset
- the expected lifespan of the proposed development
- the extent of tree cover and its likely longevity
- non-visual factors affecting the setting of the historic asset

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

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

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

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

The document provides advice on how to assess the setting

This section outlines the general principles that both assessors and decision makers should consider when assessing the impact of a proposed change or development on the setting of historic assets. There are four stages.

Stage 1: Identify the historic assets that might be affected by a proposed change or development and their significance.

Stage 2: Define and analyse the settings to understand how they contribute to the ways in which the historic assets are understood, appreciated and experienced.

Stage 3: Evaluate the potential impact of a proposed change or development on those settings.

Stage 4: Consider options to mitigate the potential impact of a proposed change or development on those settings.

## Recommendation

Further information and amended plans, however, should the officer be minded to determine the application in its current form then a recommendation for refusal is given.

## Reason

Insufficient information in relation to Tan 24 1.26 It is for the applicant to provide the local planning authority with sufficient information to allow the assessment of their proposals in respect of scheduled monuments, listed buildings, conservation areas, registered historic parks

## CPAT

6th Sep 2022

Information retained within the Historic Environment Record indicates that the proposed works will be completed inside the Medieval Core area of Llanwnnog. The area is to the rear of the former Medieval Street frontage, and these areas often contain sub-surface evidence of plot boundaries, gardens, cess pits, refuse pits, outbuildings and light industrial use. With the information available I recommend that a condition of an Archaeological Watching Brief be placed on the application as the groundworks may uncover earlier structures on the site, including refuse pits, property ditch boundaries and artefacts of all periods.

We would recommend that a qualified archaeologist is contracted to be present throughout the duration of the groundworks so that an adequate record of any archaeological features revealed by these works can be made. This advice is in accordance with the guidance set out in TAN 24 (May 2017) and Planning Policy Wales (Feb 2021).

The archaeologist should be part of a recognised professional archaeological organisation working to the Standard and Guidance of the Chartered Institute for Archaeologists (CIFA) relating to an Archaeological Watching Brief. The archaeologist should be working in accordance with an approved written scheme of investigation (WSI) and should preferably be part of a Registered Archaeological Organisation with the CIFA.

A suitable condition to facilitate the contracted watching brief is provided below:

Suggested planning condition to facilitate an archaeological watching brief the developer shall ensure that a suitably qualified archaeological contractor is present during the undertaking of any ground works in the development area so that an archaeological watching brief can be conducted. The archaeological watching brief must meet the

standards laid down by the Chartered Institute for Archaeologists Standard and Guidance for archaeological watching briefs.

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, SY21 8RP Email: neil.bayliss@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 and to the National Monuments Record, RCAHMW.

Reason: To secure preservation by record of any archaeological remains which may be revealed during ground excavations for the consented development.

I have attached a standard brief for this work and information on archaeological contractors that the applicant may wish to engage. Please forward all this information to the applicants so that they are fully aware of the requirements.

## Public Responses

Following the display of a site notice on 26/08/2022 one public representation has been received at the time of writing this report. This objection can be summarised as relating to the following points:

- Public right of way
- Bird boxes
- Vehicular access
- Proximity to poultry units

## Planning History

App Ref	Description	Decision	Date
P/2017/1477	Outline application (with some matters reserved) for erection of 2 no. dwellings, alterations to vehicular access and all associated works	Withdrawn	11/05/2018
20/1359/OUT	Outline application for erection of 3 dwellings, upgrading of existing vehicular and pedestrian access with some	Withdrawn	16/12/2020

matters reserved - (appearance, layout and landscaping only reserved) and associated works

## Principal Planning Constraints

Conservation Area  
 Historic Landscapes Register  
 Within 50m of Listed Building  
 Right of Way  
 Mineral Safeguarding Sand\_Gravel Cat 2

## 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 Development Plan 2021
TAN5	Nature Conservation and Planning		National Policy
TAN11	Noise		National Policy
TAN12	Design		National Policy
TAN18	Transport		National Policy
TAN24	The Historic Environment		National Policy
DM2	The Natural Environment		Local Development Plan 2011-2026
DM4	Landscape		Local Development Plan 2011-2026
DM7	Dark Skies and External Lighting		Local Development Plan 2011-2026
DM8	Minerals Safeguarding		Local Development

		Plan 2011-2026
DM13	Design and Resources	Local Development Plan 2011-2026
DM15	Waste Developments Within	Local Development Plan 2011-2026
H1	Housing Development Proposals	Local Development Plan 2011-2026
H3	Housing Delivery	Local Development Plan 2011-2026
H4	Housing Density	Local Development Plan 2011-2026
SP1	Housing Growth	Local Development Plan 2011-2026
SP5	Settlement Hierarchy	Local Development Plan 2011-2026
SP7	Safeguarding of Strategic Resources and Assets	Local Development Plan 2011-2026
T1	Travel, Traffic and Transport Infrastructure	Local Development Plan 2011-2026
SPGRES	Residential Design Guide SPG (2020)	Local Development Plan 2011-2026
SPGBIO	Biodiversity and Geodiversity SPG (2018)	Local Development Plan 2011-2026
SPGLAN	Landscape SPG	Local Development Plan 2011-2026
SPGARC	Archaeology SPG (2021)	Local Development Plan 2011-2026
SPGHE	Historic Environment SPG (2021)	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 rural settlement of Llanwnnog, as defined by the Powys Local Development Plan (2018), and within the Community Council area of Caersws. The site is North-West of St Gwynog's Church, to the rear of Yew Tree Barn.

Consent is sought for the erection of 2 open market, detached, single-storey dwellings. The proposed dwellings will each measure 14.5 metres in width (including side porch) and 8 metres in depth (not including front open-sided covered walkway) with an eaves height of 2.1 metres and a ridge height of 5.55 metres.

### Principle of Development

Within the adopted Local Development Plan (2018), Policy SP5 gives the criteria for rural settlements. According to this criteria Llanwnnog can be classified as being a rural settlement. LDP Policy H1 seeks to ensure that housing development is appropriately located and suitable in scale and type to meet Strategic Policies SP1, SP3, SP5 and SP6. This Policy states that "*housing development proposals will only be permitted:*

#### *3. In Rural Settlements:*

- i. For affordable housing in accordance with Policy H6 where the development proposal is for only a single dwelling on a site which is well integrated into the settlement; or*
- ii. Where development satisfies one of the criteria set out in 4. i) - iii) below.*

#### *4. In the Open Countryside:*

- i. Where the development relates to a need for housing which meets current national policy on housing in the open countryside; or*
- ii. Where the development relates to the conversion of a rural building(s) which accords with the current national policy on the sustainable re-use of rural buildings; or*
- iii. Where the development relates to the renovation of a former abandoned dwelling in accordance with Policy H8."*

The development does not relate to affordable dwellings and does not therefore comply with point 3i. As a result, the proposal must satisfy one of criteria set out in 4.i)-iii).



In terms of 4.i), the development proposes two open market dwellings and subsequently does not relate to a need for housing which meets current national policy for new housing in the open countryside. The proposal does not relate to the conversion of a rural building or the renovation of a former abandoned dwelling, and consequently does not comply with 4.ii) or 4.iii).

In light of the above, it is considered that the proposal would result in unjustified residential development. As such, the application as submitted is contrary to Policy SP1, SP5, SP6 and H1 of the Powys Local Development Plan (2018) and Planning Policy Wales (Edition 11, 2021).

### Design, Scale and Appearance

LDP Policy DM13 requires development proposals to demonstrate a good quality design and still have regard to the qualities and amenity of the surrounding area and proposals will only be permitted where they enhance or complement the character of the surrounding area in terms of siting, appearance, integration, scale, height, massing and design detailing.

The application proposes two detached dwellings of identical design. Each dwelling would measure 14.5 metres in width (including side porch) and 8 metres in depth (not including front open-sided covered walkway) with an eaves height of 2.1 metres and a ridge height of 5.55 metres. The two dwellings would be finished with a mixture of brick and render under a natural slated roof. These materials are in keeping with neighbouring properties. Fenestrations will be formed with UPVC windows featuring a radial arch and stone cill. Variations between the design for the two plots would be preferable to ensure visual interest and character in the properties.

Point 3 of Policy DM13 states that *“any development within or affecting the setting and/or significant views into and out of a Conservation Area has been designed in accordance with any relevant adopted Conservation Area Character Appraisals and Conservation Area Management Plans, or any other relevant detailed assessment or guidance adopted by the Council.”*

It is noted that the access to the proposed dwellings forms part of the Conservation Area, though the dwellings are proposed outside of the extent of this. It is also noted that the development is in close proximity to a number of listed buildings. As such, consideration to these features will be given below.

### Density

LDP Policy H4 states that in order to make the most sustainable and efficient use of land housing developments in rural settlements should generally propose between 10-15 dwellings per hectare. This equates to a plot size of approximately 666-1000 square metres. The policy does give flexibility however, cautioning that *“densities may vary from the guide where justified by other policy considerations and evidence such as an acknowledged physical, biodiversity or infrastructure constraint on a site.”*

This application proposes two dwellings on a site of 0.24 hectares, giving a density of 8.3 dwellings per hectare. Whilst it is acknowledged that a small part of the site is within Flood Zone 2 of Surface Water and Small Watercourses, this does not exclude it from development. It is also further noted that this particular area of Llanwnog on the West side of the Church features a much higher density (approximately 33 units per hectare).

No information has been submitted with the application to give justification for the proposed density, and its variation from both the existing dwellings in the vicinity and the guide parameters provided within Policy H4.

In light of the above, it is considered that insufficient information has been submitted to demonstrate that the proposed density is a sustainable and efficient use of land, in accordance with Policy H4 of the adopted Powys Local Development Plan (2018).

### Highways

Policies DM13 and T1 of the Powys Local Development Plan (2018) indicates that development proposals should incorporate safe and efficient means of access to and from the site for all transport users, manage any impact upon network and mitigate adverse impacts.

As part of the application process the Highway Authority (HA) were consulted on the development. The Highway Authority have commented that the U2587 County Highway, which the proposed development gains access off, is constrained by its narrow width and forward visibility due to the horizontal alignment of the carriageway, and the boundary of the adjacent church. The existing access is severely substandard in terms of access visibility, access width, proximity of the vehicular access to Yew Tree Barn and the likely conflicts caused by the proximity of these two accesses. Further, the HA have noted that third-party land would be required in order to achieve the required visibility splays, and that notice has not been served upon the relevant landowners.

In addition to the above, the proposed access width of 4 metres is insufficient to allow the free flow of two-way movements. The width of the U2587 in the area of the access is also insufficient to allow for the passing of opposing vehicles and/or the stacking of vehicles. The HA have also commented that the development does not include any turning space for visitors, including delivery vehicles, to enable them to enter and exit the site in a forward gear, and does not demonstrate suitable space for waste and recycling collection.

The HA have concluded that they consider the proposed development would generate a significant increase of movements through the severely substandard access, which would increase the risk of conflict in the area of the access. They consider that the proposed development would be detrimental to highway safety and have therefore objected to the development.

In light of the above, it is considered that the proposal has failed to demonstrate that the development would not create an unacceptable adverse impact on highway safety. The application is therefore contrary to Policies DM13 and T1 of the Powys Local Development Plan, Technical Advice Note 18: Transport, and Planning Policy Wales (Edition 11, 2021).

### Neighbour Amenity

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

Whilst the application site is surrounded by residential development to the North-East, East, and South, the proposed dwellings are sited sufficiently away that they do not breach either the 25- or 45-degree rules contained within the Residential Design SPG. It is noted that the plans indicate windows upon the first floor into the loft space, however given that these would not be habitable rooms, it is not considered that these would cause any overlooking concerns. The rear elevation of the proposed dwellings does not directly face the rear elevation of any neighbouring properties.

Environmental Protection have been consulted on the proposed development and have not raised any concerns in relation to noise.

In light of the above, it is considered that the proposal would comply with relevant planning policies in terms of neighbour amenity.

### Built Heritage

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'. The Barnwell Manor case the Court of Appeal made it clear that in enacting Powys County Council 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.

In considering this application, consideration has been given to Technical Advice Note 24: The Historic Environment (2017) and LDP Policy DM13 (Part 3).

The application site is located to the rear of Grade II listed Gwyneira with attached farm

buildings (Cadw ID 17554), and near Grade II\* listed Church of St Cynog (Cadw ID 7580). The development site also falls partially within Llanwnnog Conservation Area. As such, the Built Heritage Officer has been consulted on the proposed development.

The Built Heritage Officer has noted that the proposal relates to the erection of two identical detached bungalows which will utilise natural slate, semi-handmade bricks and proper radial arches which is supported. However, it is also proposed to use an element of K-rend and UPVC windows and facias which is not appropriate adjacent to the listed building and conservation area. The Built Heritage Officer has also commented that the repeat of the same design for both properties lacks variety and visual interest, and has suggested that a handed version *might* respond better to the setting. They have also suggested a chimney would break up the massing of the roof space.

Planning Policy Wales (Edition 11, 2021) makes clear that any decisions made through the planning system must fully consider the impact on the historic environment (paragraph 6.1.9). This goes on to state that *“for any development proposal affecting a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses”*. PPW also clarifies that the setting of a listed building can extend beyond its curtilage.

Technical Advice Note 24: The Historic Environment (2017) states within section 1.26 that *“it is for the applicant to provide the local planning authority with sufficient information to allow the assessment of their proposals in respect of scheduled monuments, listed buildings, conservation areas, registered historic parks and gardens, World Heritage Sites, or other sites of national importance and their settings”*.

In this instance, whilst the proposal will inevitably have an impact upon the setting of listed building 17554, no information or justification has accompanied the application to allow for any assessment to be made. As such, the Built Heritage Officer has commented that there is currently insufficient information to support the application, and that, in its current form, they would recommend the refusal of the application.

It is also noted that the site is within the Historic Landscapes Register. Given the site's location within close proximity to built development and vegetation such as mature trees, it is not considered that the proposal would have an unacceptable impact upon the Historic Landscape.

In light of the above, it is considered that insufficient information has been submitted to allow for a full assessment of the proposed development and its likely impacts upon the setting of nearby listed buildings, contrary to Planning Policy Wales (11th Edition, 2021), Technical Advice Note (TAN) 24 (2017), Policy SP7 of the Powys Local Development Plan 2018, and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### Mineral Safeguarding

The LDP Proposals maps show that the proposal lies above deposits of Category 2 Resources for sand and gravel and as such these deposits should, according to LDP Policy DM8, be safeguarded from needless sterilisation in the form of non-mineral related development.

Given the site's location within close proximity to residential properties, listed buildings, and its restricted vehicular access, it is considered that the site would not form a suitable site for mineral extraction. As such, it is considered that any deposits have already been sterilised by virtue of the site constraints.

As such, it is considered that the proposed development complies with relevant planning policies in terms of mineral safeguarding.

### Biodiversity

In accordance with TAN 5: Nature, Conservation and Planning, and Powys LDP Policy DM2: The Natural Environment, as part of the planning process Powys LPA should ensure that there is no unacceptable damage to biodiversity as a result of a proposed development.

Consideration has been given as to whether the proposed development would have a potential detrimental impact upon a natural environment asset, and the Powys Ecologist has been consulted on the proposal.

The Powys Ecologist has commented that no ecological information has been submitted with the application and that as such, their comments are based on a review of the proposed plans and aerial images, as well as records of protected and priority species and designated sites within 500m of the proposed development. They have noted that the site features open-fronted sheds which are considered unlikely, based on their construction, to support roosting bats however may be used by breeding birds during bird nesting season.

The submitted native landscaping scheme provides biodiversity enhancements, in the form of tree and hedgerow species and 2no. bird nest boxes per dwelling will also be installed.

It is therefore recommended that adherence to the enhancements is secured through an appropriately worded planning condition.

As such, the Powys Ecologist has recommended several conditions to be included in the event of consent being granted.

In light of the above, and subject to the inclusion of appropriately worded conditions in the event of consent being granted, it is considered that the proposal would comply with relevant planning policy in terms of biodiversity.

## Public Right of Way

Powys Local Development Plan policy SP7 states that to safeguard strategic resources and assets in the County, development proposals must not have an unacceptable adverse impact on the resource or asset and its operation. Policy SP7 (3) lists the Public Rights of Way Network as one of the strategic resources and assets in Powys. Policy DM13 further supports this, and states that the public rights of way network or other recreation assets listed in Policy SP7 (3) should be enhanced and integrated within the layout of the development proposal.

Public Right of Way (ROW) 244/9/1 is located within the development site, along the Southern boundary. PCC Rights of Way have been consulted on the application however no comments have been received at the time of writing this report. It is noted that under previous applications at the site PCC Rights of Way did not raise any objections. On this basis, it is considered that in the event of consent being granted, an informative regarding the right of way would be sufficient.

In light of the above it is considered that the proposal would comply with relevant planning policy in terms of the public right of way.

## Foul Drainage

The application proposes that the two dwellings would connect to the mains sewer. Hafren Dyfrdwy as the relevant sewerage undertaker have been consulted on the proposal and have confirmed that they do not have any objections, subject to the inclusion of recommended conditions in the event of any consent being granted.

In light of the above, and subject to the inclusion of appropriately worded conditions in the event of consent being granted, it is considered that the proposal would comply with relevant planning policy in terms of foul drainage.

## Flood Zone

The development site falls partially within Flood Zone 2 of Surface Water and Small Watercourses as defined by the Flood Maps for Planning (FMfP) and as such, PCC Land Drainage have commented on the application.

They have noted that it is unclear from the information submitted whether any development will occur in the location of the Flood Zone 2 and have requested that in the event of consent being granted, the developer be made aware of this ponding and should ensure that the proposed development will not exacerbate or create any flooding problems on site or elsewhere. They have also recommended that no buildings, structures, fences, planting or changing of contours shall take place in this location without prior permission of the Local Planning Authority. It is noted that the dwellings, which form highly vulnerable development, are outside of the flood extents.

In light of the above, and subject to the inclusion of appropriately worded conditions in the event of consent being granted, it is considered that the proposal would comply with relevant planning policy in terms of flooding.

### Archaeology

Information retained within the Historic Environment Record indicates that the proposed works will be completed inside the Medieval Core area of Llanwnog. The area is to the rear of the former Medieval Street frontage, and these areas often contain sub-surface evidence of plot boundaries, gardens, cess pits, refuse pits, outbuildings and light industrial use.

CPAT have therefore recommended that a condition be included on any granting of consent relating to an Archaeological Watching Brief as the groundworks may uncover earlier structures on the site, including refuse pits, property ditch boundaries and artefacts of all periods. Subject to the inclusion of this condition, CPAT have not objected to the development.

In light of the above, and subject to the inclusion of appropriately worded conditions in the event of consent being granted, it is considered that the proposal would comply with relevant planning policy in terms of archaeology.

### Conclusion

Having carefully considered the details submitted together with all statutory consultee responses, it is considered that the proposal would not comply with planning policy in that the proposed development would result in unjustified residential development in a Rural Settlement and fails to demonstrate that the proposed density forms a sustainable and efficient use of land. Further, insufficient information has been provided to demonstrate that the development would not create an unacceptable adverse impact on highway safety. Finally, insufficient information has been submitted to allow for a full assessment of the proposed development and its likely impacts upon the setting of listed buildings.

## **RECOMMENDATION**

Refusal

### **Reasons**

1 The proposed development would result in unjustified residential development in a Rural Settlement and as such fails to accord with Policy SP1, SP5, SP6 and H1 of the Powys Local Development Plan (2018) and Planning Policy Wales (11th Edition, 2021).

2 Insufficient information has been provided to demonstrate that the development,

by virtue of its housing density, would form a sustainable and efficient use of land space. The application is therefore contrary to policies H4 of the Powys Local Development Plan and Planning Policy Wales (Edition 11, 2021).

3 Insufficient information has been provided to demonstrate that the development would not create an unacceptable adverse impact on highway safety. The application is therefore contrary to policies DM13 and T1 of the Powys Local Development Plan, Technical Advice Note 18: Transport and Planning Policy Wales (Edition 11, 2021).

4 Insufficient information has been submitted to allow for a full assessment of the proposed development and its likely impacts upon the setting of listed buildings, contrary to Planning Policy Wales (11th Edition, 2021), Technical Advice Note (TAN) 24 (2017), Policy SP7 of the Powys Local Development Plan 2018, Powys Historic Environment SPG and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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