



Planning, Taxi Licensing and Rights of Way Committee Report

Application Number: 21/0422/FUL

Grid Ref: E: 326265
N: 303958

Community Council: Forden With Leighton & Trelystan

Valid Date: 17.03.2021

Applicant: Mrs J Jones

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

Proposal: Erection of a temporary marquee for wedding receptions (between April and October each year), creation of access, installation of infrastructure and siting of a temporary toilet unit (Part Retrospective)

Application Type: Full Application

Report Update

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

Consultee Response

Forden with Leighton and Trelystan Community Council

14th October 2022 -

Unfortunately, due to the extremely tight time scale of Monday 17th October for extra responses to be received or representation to be organised regarding this planning application (when we only received notice on the 11th October), FLTCC is unable to call an extra-ordinary meeting in this 6 day period (which includes a weekend) and will therefore not be able to attend this meeting or add to their original response, as decisions like these have to be made at a constituted FLTCC meeting.

In future, FLTCC requests more notice of any future planning meetings that involve FLTCC please, so that we have the opportunity to call an extra ordinary meeting if needed to discuss the applications in full again and decide the way forward.

Additional comments received 15th October 2022 -

As a follow up to this, a number of our councillors wish to meet to discuss this further so would it be possible to postpone the discussion of this planning application please until FLTCC are able to meet and discuss the application in full to decide how we will respond? As I said previously, 6 days (including a weekend) is not enough notice to call

an extra-ordinary meeting.

I look forward to hearing from you with a revised meeting date.

Reverend Bill Rowell

27th May 2022

Re: Planning application number: P-09603158 – Land near to St Mary the Virgin Church, Trelystan, Welshpool SY21 8LD - Application to erect a temporary marquee for wedding receptions (between April-October each year), creation of access, installation of infrastructure and siting of a temporary toilet unit:

Because, as I understand it, concerns have been raised regarding the possible impact on local lanes were there to be an event using the Church Hall at Trelystan on the same day as a wedding making use of the facilities that are the subject of the present application, I have been asked to write to clarify matters.

It is important to note first of all that the hall at Trelystan is not a village or community hall, and is not used by community groups on a regular basis. It is a facility maintained by the church primarily for church use. It is used for meetings of the Parochial Church Council, and for two or three social and fundraising events in the year, which are: the annual Summer Fete (held on a Saturday which is always kept free for the purpose, i.e. no wedding would be booked on that day), the annual Harvest Supper (a Friday evening) and perhaps one other fund-raiser. These are the only planned events using the hall that would attract a large number of people, and large events would anyway require most of those attending to park vehicles on the adjacent field, with the permission of the owners, as the church car park would not be big enough. This clearly cannot happen if the wedding venue is in use. the chirbury hills group of parishes

Other than this, the hall may be used occasionally for tea and coffee after certain special Sunday services, and the Christmas carol service. These involve comparatively small numbers, and would never clash with weddings. Community use of the hall is very limited, as it is not hired out to user groups as a village or community hall might be; though a separate building, it is effectively part of the church and is located within the curtilage of the churchyard. Over the past five years, the hall has been used for one small children's party, one funeral tea (though the hall was opened for three other funerals so that shelter was available for the overspill congregation if needed - see below), the launch of a book on the history of the parish, a public meeting regarding this planning application, and occasional visits to the church by local groups, most recently a walking group, the local Field Society and a nearby Mothers' Union branch, in every case involving fairly small numbers of people. None of these uses coincided with the day of a wedding; and as the hall is normally always made available as a matter of course when any church service takes place, including all weddings, christenings and funerals, it would not be used for anything else when there is church wedding, whether or not that wedding was using the wedding venue's facilities.

I hope this information may be helpful; I remain happy of course to respond to any

questions or requests for further clarification. I can safely and categorically say that I can't envisage any occasion when a wedding and some other substantial event using the church premises would take place on the same day as each other. I feel therefore that concerns regarding substantially increased road usage are without foundation

Diocese of Hereford

24th May 2022

Dear Sir

Planning application number: P-09603158 – Land near to St Mary the Virgin Church, Trelystan, Welshpool SY21 8LD - Application to erect a temporary marquee for wedding receptions (between April-October each year), creation of access, installation of infrastructure and siting of a temporary toilet unit

We refer to our letter of 7 March concerning the above application.

We understand that there may be ongoing issues as to the potential impact on the public highway. It has been suggested to us that fears expressed by the Highways Department may, in fact, not be borne out. We have therefore invited the Incumbent, the Reverend Bill Rowell, to write with further information, which we hope may be of assistance.

In the meantime, we, as the church and the Diocese, wish to maintain our neutral stance on these matters, pending the outcome of the due process.

We would be grateful if this letter could be drawn to the attention of all those involved in the ongoing planning application, and we anticipate that you will be hearing further from the Reverend Bill Rowell shortly.

Public Representation

Two additional letters of public representation have been received in support of the application. The following benefits are highlighted:

- Benefit local economy
- No harm on neighbouring amenities
- Successful farm diversification proposal
- Increase in new people attending Church
- Support local business and tourism
- Support other Churches in the parish

One additional letter of public representations has been received objecting to the application. The main issues raised are as follows:

- Highway infrastructure concerns
- Impact on setting of the listed building

- Concerns regarding further landscaping making the development more obvious
- Request for a site visit
- Impact on the landscape

Officer Report

Economic Impact

The previous Officer Report references the incorrect Economic Impact Statement and therefore the Economic Impact of the proposal has been amended to reflect the most recent Economic Impact Statement below. The minor increase in annual income involves a small increase in the church fees as the Diocese has recently increased these.

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

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

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

The Quint Country Wedding Economic Impact Statement, as submitted, demonstrates that an annual income of £13,194 would be provided from church fees from 18 wedding events, with a proposed annual benefit of £9,270 to Trelystan Church and £3,924 to the Diocese of Hereford. The income will help sustain the future of the church.

The development has taken on board the concerns raised and proposes a reduction to 18 one day church wedding events per annum. The revised Economic Statement confirms there still remains financial benefit to the local economy and church whilst allowing the local community and worshippers the freedom to continue the use of the church facilities for their own uninterrupted uses on a regular basis.

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

RECOMMENDATION – Conditional Consent Subject to S106

In line with previous Officer's recommendation it is therefore considered that the

proposed development fundamentally complies with relevant planning policy and subject to the below updated conditions the recommendation is one of conditional consent subject to a S106 Legal agreement.

Conditions

1 This permission being part retrospective as prescribed by Section 73(a) of the Town and Country Planning Act 1990 (as amended) shall be deemed to take effect from XX/10/2022.

2 The development shall be carried out in accordance with the following approved plans and documents: Site Location Plan 20 1107a (90) 10 rev A; Marquee Plan 20 1107a (03) 12; Site Layout 20 1107a (03) 11, 20 1107A (03) 11 & 20 1107A (90) 10 Rev A, Economic Impact Statement Revised II, Planning Statement dated March 2021, Landscape Impact Assessment dated March 2021, Bespoke Wooden Bollards, Highway Statement Report Hurlstone Partnership Ltd (22/2/2021), Noise Impact Assessment by TGS Acoustic, Quaint Country Weddings Car Parking Management Plan.

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

4 Within two months of the date of this decision, a detailed Biodiversity Enhancement Plan shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.

5. Within two months of the date of this decision, 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 position.

6. Within two months of the date of this decision, a Hedgerow Replacement and Aftercare Scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include a scaled drawing identifying the location of hedgerow translocation or replacement planting and a written specification clearly describing the translocation method and/or species, sizes, densities and planting numbers proposed, as well as aftercare measures. The approved scheme shall be implemented in full and maintained thereafter

7. The approved schemes 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.

8. Prior to the first beneficial use of the development the access has been constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 25 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

9. 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.

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

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

12. The gradient of the access shall be constructed so as not to exceed 1 in 20 for the first 10 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.

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

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

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

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

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

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

Reasons

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

2 To ensure adherence to the approved plans in the interests of clarity and a satisfactory development.

3 To comply with Powys County Council's LDP DM2 and DM7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

4 To comply with Powys County Council's Policies LDP DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016

5. To comply with Powys County Council's Policies LDP DM2 and DM4 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016 and to safeguard the character and appearance of this grade II* listed building in accordance with TAN24 and policy SP7 of the Powys Local Development Plan.

6. To comply with Powys County Council's Policies LDP DM2 and DM4 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

7. To comply with Powys County Council's Policies LDP DM2 and DM4 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016 and to safeguard the character and appearance of this grade II* listed building in accordance with TAN24 and policy SP7 of the Powys Local Development Plan.

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

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

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

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

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

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

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

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

16. In order to control the level of noise associated with the development and to ensure the proposal does not have a detrimental impact on the neighbouring amenities of

neighbouring properties in accordance with policy DM13 of the Powys Local Development Plan and TAN 11.

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

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

Informative Notes

Biodiversity

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

- 2 Birds - Wildlife and Countryside Act 1981 (as amended)

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

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

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

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

Protected Species

Work should halt immediately and Natural Resources Wales (NRW) contacted for advice in the event that protected species are discovered during the course of the development. To proceed without seeking the advice of NRW may result in an offence under the Conservation of Habitats and Species Regulations 2017 and/or the Wildlife & Countryside Act 1981 (as amended) being committed. NRW can be contacted at: Tel: 0300 065 3000.

PCC – Highways

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

1. Under Section 184 of the Highways Act 1980, it is a requirement that a licence is obtained from the Highway Authority, in addition to Planning Permission, for vehicular access works.
 - a. The need to avoid interference with and to make provision for the carrying of existing highway drainage under the access to the satisfaction of the Highway Authority.
 - b. The requirement of the Highway Authority for the Developer to ensure that no surface water is discharged onto the County Highway or, without prior approval, into the highway drainage system.
2. Under Section 50 of the New Roads & Street Works Act 1991 it is a requirement that a Streetworks licence is obtained from the Highway Authority to place, or to retain, apparatus in the highway and thereafter to inspect, maintain, adjust, repair, alter or renew the apparatus, change its position or remove it.
3. The need to inform and obtain the consent of Statuary Undertakers (Electricity, Water, Gas, BT), Land Drainage Authority, etc. to the works.
4. The New Roads & Street Works Act 1991 requires that all works, be properly notified and approved prior to commencement.

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

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

Street Works
Powys County Hall
Spa Road East

Llandrindod Wells
Powys
LD1 5LG - 0845 6027035

PCC – Countryside Services

- Development over, or illegal interference with, a public right of way, is a criminal offence and enforcement action will be taken against a developer who ignores the presence of affected public rights of way.

This includes temporary obstructions such as rubble mounds, building materials, parked vehicles etc...

- Landscaping & Surfacing – Please seek advice before interfering or surfacing a public right of way.
- New fencing or boundaries – If intending to create a boundary across a public footpath or bridleway, advice must be sought. A section 147 Highways Act 1980 license is required for a structure to be installed.

We cannot authorise a structure across a Restricted Byway or Byway Open to All Traffic.

- Temporary closures – If the safety of the public cannot be guaranteed during construction, consideration should be given to applying for a temporary closure of the public right of way.

The process can take a couple of months to put into place so early consultation with Countryside Services is recommended if a temporary closure is required. This is a separate procedure for which a fee applies.

- Legal Diversion – If development will directly affect a public right of way and the affected public right of way cannot be appropriately incorporated into the development, the developer will need to seek advice from the council. No development can take place on a public right of way until a legal order is confirmed by the council.

A legal public path order process typically takes at least 6 months. This is a separate procedure for which a fee applies. For more information please discuss with Countryside Services at the earliest available opportunity.

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

rights.of.way@powys.gov.uk

01874 614057

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