

Planning, Taxi Licensing and Rights of Way Committee Update Report

Application Number: 21/2085/FUL

Grid Ref: E: 294204
N: 267941

Community Council: Rhayader Community

Valid Date: 30.11.2021

Applicant: Miss Charlotte Church

Location: Rhydoldog, Cwmdauddwr, Rhayader, Powys, LD6 5HB

Proposal: Change of use of dwelling (C3) to a D1 (wellbeing and healing retreat), conversion of part of barn to artist's studio and store, installation of solar arrays and all associated works

Application Type: Full Application

Reason for update report

A revised site plan and elevational drawings for the barn have been received which have resulted in amended conditions.

Furthermore, an additional public representations and a consultee response from Natural Resources Wales have been received since the preparation of the initial committee report.

Consultee Responses

Natural Resources Wales

28th Nov 2022

We have started to review the documents you have sent in consultation with regards to the above. Before we continue reviewing the information could you please seek clarification from the agent with regards to amended plan drw PL011 Rev. H. The lines representing the connections to the foul drainage system are not in line with the drainage strategy we commented to on 24/10/2022. The location of the originally proposed package treatment plant seems to be back in the plan as is the connection to the now withdrawn tree house development application. The wastewater to treatment plant (dark blue dashed line) doesn't actually go to the PTP which is represented by the circle within the dotted red line rectangular; and the outflow to reedbed (light blue dashed line) doesn't go to the reedbed. Can the plan be amended to reflect the actual proposal as understood in our latest response letter to this application. If there has been further proposed changes please inform us so we can amend our comments accordingly.

Public representations

One additional public representation has been received and is summarised as follows:

Supports a viable business both employing local people and making a financial contribution to the community.

The “P” factor of 50 (ie number of people using the waste facility) may be up to 50 percent too low. An effluent plant can very quickly become overwhelmed when there is an unprecedented number of users to quite catastrophic results. The reports outlines in some depth the requirements but does it take into account Summer flows of the watercourse; It is not uncommon for the small brook to dry up sometimes for a couple of weeks.

Increasing the traffic would endanger children and novice riders but would in all probability mean the end of a business. Has the conflicting traffic problem been considered and resolved?

It is noted that the use is for residents only and not day; how could this be policed? A new owner could very easily turn it into a wedding venue by manipulating this clause.

Objects to meetings being held via Zoom with members of the community unable to click onto the device needed.

Officer Appraisal

Highway access and safety

Public representations raise concerns over additional traffic using the C1219 highway and the effect on an established pony trekking business. The Highway Authority have considered the effect on all highways users within their response which is detailed in the initial committee report.

Foul drainage

Public representations have raised concerns over the capacity of the proposed treatment plant and that watercourses can run dry in the Summer months. It is proposed to discharge to ground rather than a watercourse. The proposed foul drainage arrangements have been carefully proposed, assessed and considered by the applicant’s consultant, the Council’s Ecologist and Environmental Protection department with confirmation that the proposed drainage arrangements would be sufficient, subject to the use of conditions and further assessment.

Natural environment

Natural Resources Wales have queried the revised site plan in respect of the proposed drainage arrangements. A revised site plan has been submitted and uploaded to the file, committee presentation and Natural Resources Wales to seek to address the query.

An additional condition requiring the submission of a report to confirm that the bat mitigation/enhancement measures have been implemented has also been recommended by the Council's Ecologist.

Restriction of use

Public representations have queried how the condition restricting the use to on-site residents would be monitored. If Development Management received concerns that day visitors were using the facility, there are tools such as a Planning Contravention Notice which are able to ask questions regarding the use.

RECOMMENDATION

Whilst the concerns raised from the Town Council, Local Member and Public Representations are noted, it is considered that through the use of planning conditions and the mitigation/enhancements proposed through the submission the impacts from the development can be managed to an acceptable level.

It should be noted that a statutory consultation response is awaited from Natural Resources Wales (NRW), the Statutory Nature Conservation Body, on the Appropriate Assessment undertaken by the Local Planning Authority. Therefore should Members be minded to approve the application, it is recommended that the final decision is delegated to the Professional Lead - Planning in consultation with the Chair and Vice Chair of the Committee subject to confirmation from NRW of agreement with the Appropriate Assessment.

Conditions

1. The development to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.
2. The development shall be carried out in accordance with the following approved plans and documents: 2101 Rev. A, 2103 Rev. A, 1028/PL000 Rev C, 1028/PL100 Rev. B, 1028/PL011 Rev. I, 1028/PL110 Rev. A, Ecological Services Ltd, Bat Survey: Rhydoldog House Barns, Rhayader, Powys, LD6 5HB October 2022 V3.0, Ecological Services Ltd, August 2021, Version 1, Bat Survey, section 10, Nutrient Neutrality Report by Marian Cameron Consultants Ltd dated September 2022, Report to Inform the Habitats Regulation Assessment by Marian Cameron Consultants Ltd dated September 2022, Drawing no. 1490-002-B of acstro Technical Note dated 14th January 2022, Drawing no. 1490-004-A of acstro Technical Note dated 14th January 2022, Drawing no. 1490-03-A of acstro Technical Note dated 14th January 2022, Ground Mounts HPV-Ground Mounts-

RevC-291121-ARC Rev. C.

3. No development shall take place until a programme of building recording and analysis, equivalent to an Historic England Level 2 building survey on the barn, has been secured and implemented, in accordance with a brief issued by the local planning authority and a written scheme of investigation which has been submitted and approved in writing by the local planning authority. The survey will be completed by a professional archaeological contractor. The programme of building analysis and recording must meet the standards laid down by the Chartered Institute for Archaeologists in their Standard and Guidance for the archaeological investigation and recording of standing buildings or structures. A copy of the resulting report should be submitted to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust (The Offices, Coed y Dinas, Welshpool, Powys, SY21 8RP Email: mark.walters@cpat.org.uk Tel: 01938 553670). After approval by the Local Planning Authority, a copy of the resulting report and digital archive should be sent to the Historic Environment Record Officer, Clwyd-Powys Archaeological Trust for inclusion in the regional Historic Environment Record and a copy of the report and whole project archive should also be sent to the National Monuments Record, RCAHMW, Aberystwyth.
4. Prior to any works being commenced on the development site the applicant shall complete the offsite highway works detailed on drawing 1490-004-A of the Technical Note dated 14th January 2022 to the written satisfaction of the Local Planning Authority. Such works shall include the replacement of a junction warning road sign and the installation of ARAF/SLOW painted signage on the B4518 county highway. The design of the traffic sign shall conform to BS EN 12899-1:2007.
5. Prior to any works being commenced on the development site the applicant shall construct 1 no. passing bay to an adoptable standard in the location shown on the approved Technical Note 'Proposed Passing Place' drawing 1490-03-A to the written satisfaction of the Local Planning Authority.
6. Prior to any works being commenced on the development site the applicant shall complete the offsite highway works detailed on drawing 1490-002-B of the Technical Note dated 14th January 2022 to the written satisfaction of the Local Planning Authority. Such works shall include the carriageway widening at locations 5 & 10, and the removal of overgrowth at locations 1-3, 9 & 11 (Drawing 001 B), together with any subsequent reinstatement works that may be required thereafter.

7. Prior to the first use of the development hereby approved, a minimum of 10% of the approved car parking spaces shall have electric vehicle charging points as indicated on drawing number 1028/PL011 Rev. I. The electric charging points shall comply with the size restrictions set out in Classes D and E of The Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2019 unless otherwise agreed in writing with the Local Planning Authority. This provision shall be maintained thereafter for as long as the approved development remains in existence.
8. Prior to first beneficial use of the hereby approved artist's studio, a report prepared by a suitably qualified ecological consultant confirming adequate installation or implementation of the approved bat mitigation and enhancement measures identified on drawing no. 1028 PL110 Rev. A, shall be submitted to and approved in writing by the Local Planning Authority.
9. Prior to first occupancy of the hereby approved development, evidence shall be submitted to and approved in writing by the Local Planning Authority demonstrating that:
 - i) the foul drainage connection from the property Rhydoldog, Cwmdauddwr, Rhayader, Powys, LD6 5HB, has been disconnected from the existing septic tank and connected to the approved package sewage treatment plant,
 - ii) that the existing septic tank has been emptied by an appropriately licensed waste contractor, and
 - iii) has been filled with an inert, non-degradable material such as aggregate or soil to prevent any future reuse.
10. Prior to first occupancy of the hereby approved development, a maintenance and management plan for the approved foul water drainage system shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include but not be limited to:
 - a. a timetable for its implementation
 - b. details of how the foul water drainage system will be maintained throughout the lifetime of the development, to include monitoring of the chemical levels within the dosing system and efficacy of the phosphorus removal system
 - c. contingency measures for foul water disposal in the event that the foul water drainage system, including the chemical dosing equipment, develops a faultThe approved plan shall be implemented in full and maintained thereafter. Documentary records demonstrating adherence to the approved measures shall be maintained by the operator of the development hereby permitted and be made available to the Local Planning Authority upon request.

11. The development shall be undertaken in strict accordance with Section 10 of Bat

Survey: Rhydoldog House Barns, Rhayader, Powys, LD6 5HB v3.0, by Ecological Services Ltd, dated October 2022. The measures identified shall be adhered to and implemented in full and maintained thereafter.

12. The external lighting identified on Artist Studio – Proposed Elevations, Drawing no. PL110, Rev. A shall be restricted to use of downlighters or cowled or hooded luminaries angled downwards preventing light spill above the horizontal plane and there shall be no direct or indirect illumination of adjacent woodland, trees, hedgerows or bat mitigation features including roost entrances (including bat boxes) and flightlines. Bulbs emitting light from the warm-white colour spectrum only (<2700°K) with a peak wavelength exceeding 550nm shall be used. Lighting shall be controlled using PIR motion sensors set to a maximum of 1 minute and angled to prevent accidental triggering.
13. Within 3 months of the first use/occupancy of the development, all existing external lighting on the approved development shall be replaced with external luminaries mounted at or below 2.5m above ground level, and luminary design and operation shall accord with condition 11 above.
14. Notwithstanding the details submitted, prior to the first occupancy of the approved development, 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.
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. The proposed Artist Studio and Store as indicated on drawing 1028/PL011 Rev. H shall not be used at any time other than for purposes ancillary to the well-being and healing retreat use of the premises known as Rhydoldog.
17. The premises known as Rhydoldog and the land the subject of the application shall be used for a well-being and healing retreat for persons resident at the retreat only and not for day visitors and for no other purpose (including any other purpose in class D1 of the schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that class in any statutory

instrument revoking and re-enacting that order with or without modification).

18. In the event that the presence of contamination is encountered when carrying out the approved development immediate contact must be made with the local planning authority and works must cease in that area. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the local planning authority. Following completion of the remedial works identified in the approved remediation scheme, a verification report that demonstrates compliance with the agreed remediation objectives and criteria shall be produced, and is subject to the written approval of the local planning authority, prior to commencement of use of the development.

Reasons

1. Required to be imposed by section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans approved by the Local Planning Authority in the interests of clarity and a satisfactory development.
3. To allow an adequate analytical record of the building to be made, before it is converted, to ensure that the buildings origins, use and development are understood and the main features, character and state of preservation are recorded in accordance with Technical Advice Note (TAN) 24: The Historic Environment (2017).
4. In the interests of highway safety in accordance with Policy T1 and DM13 of the Powys Local Development Plan (2011-2026).
5. In the interests of highway safety in accordance with Policy T1 and DM13 of the Powys Local Development Plan (2011-2026).
6. In the interests of highway safety in accordance with Policy T1 and DM13 of the Powys Local Development Plan (2011-2026).
7. In the interests of sustainability in accordance with Planning Policy Wales (Edition 11, 2021, part 4.1.41) and Future Wales: The National Plan 2040.
8. To comply with Policy DM2 of the Powys Local Development Plan (2011-2026) and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), Technical Advice Note (TAN) 5: Nature Conservation and Planning (2009) and Part1 Section 6 of the Environment (Wales) Act 2016.

9. To comply with Policy DM2 of the Powys Local Development Plan (2011-2026) and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), Technical Advice Note (TAN) 5: Nature Conservation and Planning (2009) and Part1 Section 6 of the Environment (Wales) Act 2016.
10. To comply with Policy DM2 of the Powys Local Development Plan (2011-2026) and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), Technical Advice Note (TAN) 5: Nature Conservation and Planning (2009) and Part1 Section 6 of the Environment (Wales) Act 2016.
11. To comply with Policy DM2 of the Powys Local Development Plan (2011-2026) and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), Technical Advice Note (TAN) 5: Nature Conservation and Planning (2009) and Part1 Section 6 of the Environment (Wales) Act 2016.
12. To comply with Policies DM2 and DM7 of the Powys Local Development Plan (2011-2026) and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), Technical Advice Note (TAN) 5: Nature Conservation and Planning (2009) and Part1 Section 6 of the Environment (Wales) Act 2016.
13. To comply with Policies DM2 and DM7 of the Powys Local Development Plan (2011-2026) and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), Technical Advice Note (TAN) 5: Nature Conservation and Planning (2009) and Part1 Section 6 of the Environment (Wales) Act 2016.
14. To comply with Policies DM2, DM4 and DM7 of the Powys Local Development Plan (2011-2026) and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), Technical Advice Note (TAN) 5: Nature Conservation and Planning (2009) and Part1 Section 6 of the Environment (Wales) Act 2016.
15. To comply with Policies DM2, DM4 and DM7 of the Powys Local Development Plan (2011-2026) and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), Technical Advice Note (TAN) 5: Nature Conservation and Planning (2009) and Part1 Section 6 of the Environment (Wales) Act 2016.
16. To ensure the use of the barn remains ancillary to the main property in accordance with Policies DM13 and T1 of the Powys Local Development Plan (2011-2026) and Technical Advice Note (TAN) 6: Planning for sustainable rural

communities (2010) and Technical Advice Note (TAN) 23: Economic development (2014).

17. In the interests of highway safety in accordance with Policies T1 and DM13 of the Powys Local Development Plan (2011-2026).

18. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy DM10 of the Powys Local Development Plan (2011-2026).

Informatives

Powys County Council Countryside Services:

It is strongly advised that the applicant checks the definitive line of the public rights of way on their land to ensure that they understand where they are located. You can access a digital interpretation of the Definitive Map using this link:

<https://data.gov.uk/data/map-preview?url=https://geo.powys.gov.uk/geoserver/openda/wms>

In addition to the above, Powys County Council has a duty to 'assert and protect' public rights of way under the Highways Act 1980. The applicant should note:

- Development over, or illegal interference with, a public right of way, is a criminal offence and enforcement action will be taken against any applicant 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 - Advice will need to be sought before interfering or surfacing a public right of way.
- New fencing or boundaries – The developer will need to seek a licence for a new structure if intending to create a boundary across a public footpath or bridleway. We cannot authorise a structure across a Restricted Byway or Byway Open to All Traffic.
- Temporary closures – The applicant can seek a temporary closure of a public right of way from the council if they feel the public may be at risk during the works. 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 directly affects a public right of way, the applicant will need to seek advice and apply for a legal diversion from the Council. No development can take place on a public right of way until a legal order is confirmed and the process may take at least 6 months. For more information please discuss with Countryside Services at the earliest available opportunity.

For advice, please contact Countryside Services with details of the development at: rightsofway@powys.gov.uk or 01597 827500

Highway Authority:

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 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

Contaminated Land:

Further advice on compliance with the contaminated land condition may be obtained by contacting the Council's Environmental Health Service on 01597 827645.

SAB Approval:

The SuDS Approval Body (SAB) deem that the construction area is greater than 100m² and therefore the development will require SAB approval prior to any construction works commencing onsite. Please contact the SAB Team on 01597 826000 or via email sab@powys.gov.uk For further information on the requirements of SAB and where relevant application forms/guidance can be accessed, please visit the following website <https://en.powys.gov.uk/article/5578/Sustainable-Drainage-Approval-Body-SAB> If for any reason you believe your works are exempt from the requirement for SAB approval, we would be grateful if you would inform us so we can update our records accordingly. The requirement to obtain SAB consent sits outside of the planning process but is enforceable in a similar manner to planning law. It is a requirement to obtain SAB consent in addition to planning consent. Failure to engage with compliant SuDS design at an early stage may lead to significant unnecessary redesign costs.

Ecology:

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

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

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

To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at [Natural Resources Wales /When you need to apply for a protected species licence](#)

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