

Planning, Taxi Licensing and Rights of Way Committee Report

Application Number:	21/1749/RES	Grid Ref:	E: 324280 N: 308965
Community Council:	Welshpool Community	Valid Date:	27.09.2021

Applicant: Mr Delves

Location: Land at Rhallt View, Buttington, Welshpool, Powys, SY21 8SR.

Proposal: Reserved matters application in respect of outline planning permission 19/0494/OUT for the erection of a drive thru restaurant (class A3 use), formation of vehicular access roadway, parking area and all associated works together with demolition of 1 dwelling and associated buildings

Application Type: Reserved Matters

The reason for Committee determination

Called in by the Local Members in respect of access and the subsequent increase in traffic flow.

Consultee Responses

Consultee	Received
<u>Community Council</u>	19th Oct 2021

Members objected strongly to this application for the following reasons:

- proposed demolition of a residential property to this application,
- it is outside the boundary for development as identified in the LDP
- It would be a major Health and Safety issue with pedestrians crossing at the junction of the trunk roads, on the roundabout.

Councillors oppose such commercial development outside the town centre

The vote was unanimous.

PCC-Building Control

No comments received at the time of writing this report.

Ward Councillor

8th Oct 2021

I would like to call this application in as I am very concerned about the access to this development and the subsequent increase in traffic flow on an already congested roundabout.

Hafren Dyfrdwy

18th Oct 2021

Thank you for the opportunity to comment on this planning application. Please find our response noted below:

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

If there are drainage proposals available (as I have been unable to locate them), can you please email them to APPlanning@hdcymru.co.uk quoting the above HD ref.

PCC-(M) Highways

14th Oct 2021

Thank you for consulting the Highway Authority on this matter.

Powys County Council as Highway Authority do not wish to comment on this application as the access is onto a trunk roads A458(T) and A483(T) which come under the jurisdiction of the Welsh Government Highways.

Environmental Health

No comments received at the time of writing this report.

PCC-Ecologist

6th Apr 2022

Holding objection - further information is required

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

Comments:

The application is informed by the following information:

- o Jones, R.M (22 October 2021) Ecological Assessment: Land at Rhallt View and Tan Yr Allt View, Buttington, Welshpool, SY21 8SR, Ref. DC/2254/19.2. Star Ecology

Survey effort and methods employed in accordance with current national guidelines?

Yes

The supplementary bat activity survey confirmed no bats to be roosting in the farmhouse (building 1), which is to be retained within the development. The other buildings on site were previously assessed as having negligible potential for roosting bats. The surveys in 2021 confirmed little commuting and foraging activity around the farmhouse at the site. NRW's comments regarding wider impact to bat movements from increased levels of external lighting from the site (which is likely to be greater than current use) are of note. Condition 6 of 19/0494/OUT includes the requirement to provide external lighting details prior to commencement of development as part of the Landscape Ecological Management Plan. I also concur that a certain level of soft landscaping is required to be retained within the development in light of recent information regarding presence of local bat roosts. Sensitive landscaping design can assist in mitigating potentially disruptive light spill.

Conditions 6 and 8 of 19/0494/OUT remain valid.

I note previous ecology comments identified that the development site is located 120m from the Montgomery Canal SAC/SSSI. The site is actually located approximately 60m from the SAC. NRW have identified potential for airborne pollutants from demolition and construction works to reach the SAC. Therefore, to demonstrate that the proposed development would not result in a Likely Significant Effect on the Montgomery Canal SAC and/or its associated features during demolition or construction activities further information will be required prior to determination of the application.

The information is required to enable the Local Planning Authority to assess the potential impacts of the proposed development on the River Wye SAC, part of the national site network, in accordance with Regulation 63 of the Conservation of Habitats and Species

Regulations 2017 (as amended). This information is required to be submitted prior to determination of the application.

Further information required prior to determination:

i. Pollution Prevention Plan. It is recommended that preparation of the Pollution Prevention Plan refers to relevant guidance including GPP 1: A general guide to preventing pollution and GPP5 Works and maintenance in or near water, which can be found at: <https://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/>

Additional Consultation Response

9th Aug 2023

Previous comments provided 06/04/2022.

A Habitats Regulations Assessment (HRA) Test of Likely Significance has been undertaken to establish whether the proposed development could result in a likely significant impact to the Montgomery Canal SAC and/or its associated features. The HRA screening concluded that a likely significant effect to the Montgomery Canal SAC and/or its associated features could not be ruled out. (This conclusion was reached by assessing the proposed development in the absence of mitigation as required by legal ruling.) An Appropriate Assessment of the application has, therefore, been undertaken to determine whether the proposed development would result in an adverse effect on the integrity of the national site network. The report concludes that subject to inclusion of appropriate conditions the proposed development would not result in an adverse effect to the integrity of the Montgomery Canal SAC in light of its conservation objectives. I have attached a copy of the Habitat Regulations Appropriate Assessment report.

In accordance with the requirements of the Regulations, NRW as the Statutory Nature Conservation Body will need to be consulted to confirm that they are in agreement with the conclusion of the Appropriate Assessment.

The following condition must be applied to any consent to secure the proposed mitigation measures identified within the Appropriate Assessment (subject to NRW comment):

1. The development shall be undertaken strictly in accordance with the submitted Pollution Prevention Plan, dated 31/07/2023, by Arbor Vitae. The measures identified shall be adhered to and implemented in full.

Reason: To comply with Powys County Council's LDP Policies 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 Part1 Section 6 of the Environment (Wales) Act 2016.

PCC-(N) Land Drainage

No comments received at the time of writing this report.

Natural Resources Wales (Mid Wales)

22nd Oct 2021

DPAS

We have concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, you should seek further information from the applicant regarding protected species.

Requirement 1 - Protected Species: The submission of a bat activity survey report that informs the landscape plan and lighting scheme, to demonstrate the proposal is not detrimental to the maintenance of the population of any species of bats concerned at a favourable conservation status in its natural range.

If this information is not provided, we would object to this planning application.

Further details are provided below.

We also advise that based on the information submitted to date, condition 6 and condition 7 attached to planning permission 19/0494/OUT, regarding protected species remain applicable to this Reserved Matters application.

Condition 6: No development shall commence until a Landscape Ecological Management Plan (LEMP) for the provision, management and maintenance of the landscape and ecological features at the site, has been submitted to and approved in writing by the Local Planning Authority. The LEMP should include, but not limited to, the following: Details of habitats, landscape, ecological features present or to be retained/created at the site; Details of the desired conditions of the features at the site; Details of scheduling and timing of activities; Details of short and long term management to deliver and maintain the desired condition; Details of an exterior lighting scheme to demonstrate retention of dark wildlife corridors

Condition 7: No demolition shall take place until a pre-construction bat survey has been carried out. If the survey confirms the presence of bats the results of the survey together with proposed mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be carried out in accordance with the approved details.

Protected Species

We have reviewed the information submitted in support of this application and the proposed block plan (drawing 70108/21/02 dated May 2021). We note the plan has been changed

since the determination of the outline application. The new proposed layout includes the retention of the existing farmhouse and one outbuilding. We welcome the retention of the farmhouse, which was found to have moderate potential to host bats in the 2019 surveys carried out by Star Ecology, buildings and associated curtilage.

We refer you to our response letter to application 19/0494/OUT where we stated that 'At reserved matters we would expect to see a revised bat survey report which gives information of bat activity at the site, this should be used to inform an appropriate landscape ecological management plan that will aim at retention of habitat connectivity with the larger environs and an appropriate lighting scheme to demonstrate retention of dark flight lines.'

Whilst we have no objection to a detailed Landscape Ecological Management Plan (LEMP) being submitted prior to commencement of works as dictated by condition 6 of the outline permission, we consider further bat activity surveys are needed at this stage to inform the basic landscape design of the site. We note the observation made in section 5 (landscaping) of the Design and Access Statement dated August 2021 by Roger Parry & Partners. This section states 'We are not proposing a lot of landscaping, given the limited landscaping in the immediate area, and the site is integrated with the built environment of the area, which will look better if the development is seen in connection with the existing built development, rather than try and landscape it too much.'

We are concerned that the introduction of exterior lighting at this location could affect bat movements in and around the site and therefore further planting may be required to minimise the impact on bats. The comments are made taking into consideration the potential effect that artificial lighting would have on bat movements in general and the presence of a recently identified lesser horseshoe bat night roost within 100m of the proposal, which also has hibernation roost potential. The area around Buttington Cross roundabout is currently attracting interest for business development applications which could lead to a significant increase of artificial lighting. For this reason and as explained above, we consider it necessary to understand how bats use the site, not just for roosting, but for foraging, commuting and social interaction also, prior to finalising the landscape layout.

We also advise you request the submission of an indicative exterior lighting scheme, the details of which can be finalised within the LEMP.

Condition 7

We acknowledge that the development might take a phased approach to demolition and construction, therefore, whereas we are advising bat activity surveys are required to inform condition 6. Presence/likely absence surveys will still be required prior to demolition in compliance with condition 7 of the planning permission 19/0494/OUT.

Protected Sites

From the information provided, we consider that the proposals may affect the Montgomery Canal Special Area of Conservation (SAC). The application is located within 60m of the SAC which is also a Site of Special Scientific Interest (SSSI). NRW have identified potential impact pathways to features of this site:

o Pollution (airborne)

The above pathways may not result in a likely significant effect if the following measures are adhered to/ implemented:

o Developer adheres to pollution prevention guidelines which are available on the NetRegs website.

No assessment of likely significant effect under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) has been undertaken by your authority or it has not been forwarded to us for consideration. Should you conclude that the proposed development is likely to have a significant effect on the SAC, we look forward to being consulted on your appropriate assessment. In the absence of this assessment, we cannot offer assurances that the proposals would not result in an adverse effect upon the SAC.

Foul Drainage

There continues to be no information regarding the disposal of foul waters from the proposed development. We refer you to WG Circular 008/2018 on the use of private sewerage in new developments, and specifically paragraphs 2.3-2.5, which stress the first presumption must be to provide a system of foul drainage discharging into a public sewer.

We advise you the proposed development is in a publicly sewered area.

If the applicants intend to connect to a private system, they will need to apply for an environmental permit or register an exemption with us. Septic tanks and small sewage treatment works may be registered as exempt from the requirement to obtain an environmental permit if certain criteria are met.

It is important to note that a grant of planning permission does not guarantee that a permit will be granted, should a proposal be deemed to be unacceptable (either because of environmental risk or because upon further investigation, a connection to mains sewer was feasible). The Applicant should ensure that they have all the required permissions, consents, permits and any other approvals in place prior to commencement of works on the site.

More information, including a step by step guide to registering and the relevant application forms are available on our website. Where private sewage treatment/disposal facilities are utilised, they must be installed and maintained in accordance with British Standards 6297 and Approved Document H of the Building Regulations. We also refer the Applicant to the Guidance for Pollution Prevention 4 on the NetRegs website, which provides further information.

Other Matters

Our comments above only relate specifically to matters included on our consultation topic list, Development Planning Advisory Service: Consultation Topics (September 2019), which is published on our website. We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other environmental interests.

We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our website for further details.

Additional Consultation Response

12th Jan 2022

We continue to have concerns with the application as submitted. However, we are satisfied that these concerns can be overcome if the documents identified below are included in the approved plans and documents condition on the decision notice:

- o Star Ecology, Report DC/2254/19.2, 22 October 2021, Ecological Assessment: Land at Rhallt View and Tanyr Allt View, Buttington, Welshpool SY21 8SR
- o Roger Parry & Partners, drawing 70108/21/02, May 2021, Proposed Block Plan

Please note, without the inclusion of these documents we would object to this planning application. Further details are provided below.

We also advise that based on the information submitted to date, condition 6 and condition 7 attached to planning permission 19/0494/OUT, regarding protected species remain applicable to this Reserved Matters application.

Condition 6: No development shall commence until a Landscape Ecological Management Plan (LEMP) for the provision, management and maintenance of the landscape and ecological features at the site, has been submitted to and approved in writing by the Local Planning Authority. The LEMP should include, but not limited to, the following: Details of habitats, landscape, ecological features present or to be retained/created at the site; Details of the desired conditions of the features at the site; Details of scheduling and timing of activities; Details of short and long term management to deliver and maintain the desired

condition; Details of an exterior lighting scheme to demonstrate retention of dark wildlife corridors

Condition 7: No demolition shall take place until a pre-construction bat survey has been carried out. If the survey confirms the presence of bats the results of the survey together with proposed mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be carried out in accordance with the approved details.

Protected Species

We have reviewed the Ecological Assessment, report DC/2254/19.2 dated 22 October 2021 by Star Ecology. Since our comments on the original outline application two further bat activity, dusk surveys, carried out in June and September 2021. At the time of the surveys limited bat activity was detected in and around the buildings.

Based on the information within the Ecological Assessment, we are satisfied that the proposed development layout and landscape as illustrated in drawing 70108/21/02 Proposed Block Plan dated May 2021, is not going to negatively affect bat movements in the area.

We continue to have concerns with regards to the introduction of exterior lighting at this location and how it would affect bat movements in and around the site. The area around Buttington Cross roundabout is currently attracting interest for business development applications which could lead to a significant increase of artificial lighting. For this reason, we would expect that the recommendations on artificial lighting made in section 7.1 of the Ecological Assessment are given due consideration and details of an appropriate wildlife friendly exterior lighting scheme in line with Bats and artificial lighting in the UK Guidance Note 08/18, are included in the LEMP.

Protected Sites

Please refer to our letter of 22/10/2021 for comments on potential impacts on the Montgomery Canal Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI).

Foul Drainage

Please refer to our letter of 22/10/2021, our advice remains the same

Additional Consultation Response

24th Aug 2023

Thank you for consulting Natural Resources Wales (NRW) on your Habitats Regulations Assessment for the above development, which we received on 09/08/2023.

Our response should be taken as NRW's formal representation, as the appropriate nature conservation body, to your appropriate assessment (AA) (Habitats Regulations Assessment Record - 21/1749/RES - Land At Rhallt View Buttington Welshpool Powys SY21 8SR, dated 08/0823) under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, as amended.

In consideration of the mitigation measures detailed we agree with your conclusion that the development is unlikely to have an adverse effect upon the integrity of the Montgomery Canal SAC.

WG - Highways Directorate

8th Nov 2021

refer to your consultation of 6th October 2021 regarding the above application, and advise that the Welsh Government as highway authority for the A483 trunk road directs that planning permission is not granted at this time as the applicant has provided insufficient information to determine the application.

The applicant must provide the following information to support this application or resubmit the application with the following details;

1) The supplied proposed plan shows elongated splitter islands on the approach to the existing roundabout from both the A458 and A483 trunk road. The applicant is required to confirm whether such works are proposed as part of the design.

2) It is noted that 'No Entry' signs are proposed at the site access and exit locations to prevent trunk road traffic from performing right turn movements into the site from both the A458 and A483.

The applicant is required to confirm how such potential movements, in contravention of the proposed 'No Entry' signs will be prevented.

3) The visibility splay relating to the site exit on to the A483 is not in accordance with the requirements of CD 123 of the Design Manual for Roads and Bridges (DMRB).

The applicant shall provide updated visibility splay information. This should include vertical cross-sections in each direction at both proposed access points.

4) No information regarding traffic generation has been provided in respect of the proposed development. Existing and proposed AADT's are required for the site, with any percentage increase identified.

5) The applicant shall provide a full junction capacity assessment for all existing and permitted development within the vicinity of the roundabout to Welsh Government for

review.

Additional Consultation Response

9th May 2023

At its April meeting earlier today, the Technical Review Panel further considered this departure in conjunction with the additional information provided most recently yesterday from Michael Kitching at SK Transport Planning. This email is to confirm that the Panel now accept the departure.

Additional Consultation Response

23rd May 2023

I refer to your consultation of 09/05/2023 regarding the above planning application and advise that the Welsh Government as highway authority for the A483 trunk road directs that any permission granted by your authority shall include the following conditions:

The minimum visibility distance available for vehicles emerging from the proposed exit shall be 162m to the right of the site exit at a height of 1.05m, measured to a point 0.26m above the nearer running edge of the trunk road carriageway.

This visibility distance shall be available at a point 2.4m from the nearer running edge of the trunk road, measured along the centreline of the access road.

The visibility splay so formed shall be free of any growth or obstruction, which would interfere with the minimum visibility requirements.

1)

The proposed highway works on both the A458 and the A483 set be constructed in accordance with the approved drawing (Drwg no. 19061-C3001 Rev P10).

2)

The site access and exit shall be laid out and constructed strictly in accordance with the approved plan (Drwg no. 19061-C3001 Rev P10).

3)

No drainage from the development site shall be connected to or allowed to discharge into the trunk road drainage system, and the proposed site access and exit shall be constructed such that they do not drain onto the trunk road.

4)

The new vehicular entrance and exit shall be substantially complete and available for use to the written satisfaction of the local planning authority in consultation with the Welsh Government (Transport) prior to the commencement of any other works associated with

the development.

5)

The above conditions are included to maintain the safety and free flow of trunk road traffic.

The following point should be brought to the attention of the applicant:

The applicant should be advised that they will be required to enter into an Agreement with the Welsh Ministers under Section 278 of the Highways Act 1980 / Section 23 of the New Roads and Street Works Act 1991 to enable the Applicant to undertake agreed improvement works on the trunk road.

This Agreement will contain details of the improvement works, construction conditions and financial arrangements under which agreed measures can be put in place, including indemnifying the Welsh Ministers against third party claims.

Without such an agreement in place, any consent that may be granted by the Planning Authority cannot be implemented.

Canal & River Trust (Glandwr Cymru In
Wales)

21st Oct 2021

Based on the information available our substantive response (as required by the Town & Country Planning (Development Management Procedure) (Wales) Order 2012 (as amended)) is that the Trust has no comment to make on the proposal.

Cadw - SAM

No comments received at the time of writing this report.

CPAT

6th Oct 2021

Thank you for the reserved matters details. These show that the former Powis Castle Estate Managers office/dwelling is still retained within the development area, so we have no objection to the proposed layout.

Representations

Following the display of a site notice on 06/10/2021, no public representations have been received at the time of writing this report.

Planning History

App Ref	Description	Decision	Date
19/0494/OUT	Outline application (with all matters	Approve	6th Feb 2020

reserved) for erection of a restaurant (class A3 use), formation of vehicular access roadway, parking area and all associated works together with demolition of 1 dwelling and associated buildings

Principal Planning Constraints

Canals and Waterways	Notified area EIA and Major Sc Notified area Minor and Househ
Combined Pipes Within a distance of 2km Mineral Safeguarding Cat 1 Trunk Road	A483(T)

Principal Planning Policies

Policy	Policy Description	Year	Local Plan
PPW	Planning Policy Wales (Edition 11, February 2021)		National Policy
NATPLA	Future Wales - The National Plan 2040		National Policy
TAN4	Retail and Commercial Development		National Policy
TAN5	Nature Conservation and Planning		National Policy
TAN7	Outdoor Advertisement Control		National Policy
TAN11	Noise		National Policy
TAN12	Design		National Policy
TAN18	Transport		National Policy
TAN23	Economic Development		National Policy
TAN24	The Historic Environment		National Policy
SP2	Employment Growth		Local Development Plan 2011-2026

SP4	Retail Growth	Local Development Plan 2011-2026
SP6	Distribution of Growth across the Settlement Hierarchy	Local Development Plan 2011-2026
SP7	Safeguarding of Strategic Resources and Assets	Local Development Plan 2011-2026
DM1	Planning Obligations	Local Development Plan 2011-2026
DM2	The Natural Environment	Local Development Plan 2011-2026
DM4	Landscape	Local Development Plan 2011-2026
DM5	Development and Flood Risk	Local Development Plan 2011-2026
DM6	Flood Prevention Measures and Land Drainage	Local Development Plan 2011-2026
DM7	Dark Skies and External Lighting	Local Development Plan 2011-2026
DM8	Minerals Safeguarding	Local Development Plan 2011-2026
DM10	Contaminated and Unstable Land	Local Development Plan 2011-2026
DM13	Design and Resources	Local Development Plan 2011-2026
DM15	Waste Within Developments	Local Development Plan 2011-2026
DM16	Protection of Existing Employment Sites	Local Development Plan 2011-2026
E2	Employment Proposals on Non-Allocated Employment Sites	Local Development Plan 2011-2026

R1	New Retail Development	Local Development Plan 2011-2026
R3	Development Within Town Centre Areas	Local Development Plan 2011-2026
T1	Travel, Traffic and Transport Infrastructure	Local Development Plan 2011-2026
SPGBIO	Biodiversity and Geodiversity SPG (2018)	Local Development Plan 2011-2026
SPGLAN	Landscape SPG	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 to the north of Welshpool as defined by the Powys Local Development Plan (2018). The site lies adjacent to the development boundary for Welshpool and is bound to the north and east by agricultural land and to the south by the A458 (T) and Welshpool Livestock market and west by the A483 (T). To the south-east of the site lies a roundabout. The site currently comprises two residential dwellings and associated agricultural buildings. It is proposed to demolish one of these dwellings and the associated agricultural buildings. The remaining dwelling will be used for storage.

Reserved matters planning permission is sought in respect of outline planning permission 19/0494/OUT for the erection of a drive thru restaurant (class A3 use), formation of vehicular access roadway, parking area and all associated works together with demolition of 1 dwelling and associated buildings.

The reserved matters being considered by the application relate to:

- Access
- Appearance
- Layout
- Landscaping
- Scale

Principle of Development

The principle of development at this site was established by Outline planning application 19/0494/OUT which was determined by planning committee whereby all matters were reserved for future consideration. The scheme was determined in accordance with the Powys Local Development Plan (2018) and Technical Advice Note 4: Retail and Commercial Development (2016) which remain the relevant and current policies on this matter.

Access

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

Powys's Highways Officers have been consulted on the proposed development, however, do not wish to provide comment as the access is onto the A458(T) and A483(T) trunk roads. These roads come under the jurisdiction of Welsh Government Highways.

Extensive consultation has been undertaken between the LPA, Welsh Government Highways and the appointed agent given the initial comments received from Welsh Government issued a holding direction. Through the course of amended details and comments, as detailed in the consultation section above, Welsh Government Trunk Road have now removed their holding direction subject to conditions in respect of access and visibility being attached to any granting of planning permission. Given the nature of the proposed development and the means of access proposed, officers consider the conditions proposed to be reasonable and will be attached to any granting of planning permission.

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

Appearance, Layout and Scale

The Powys Local Development Plan's (2018) policy DM13, TAN 12 and Planning Policy Wales (PPW) all refer to good design and how development proposals should be of a

good design and have consideration to the surrounding area. PPW refers to good design as having a relationship between all elements of the natural and built environment.

Policy DM13 specifically states that proposals will only be permitted where development has been designed to complement and/or enhance the character of the surrounding area in terms of siting, appearance, integration, scale, height, massing and design detailing. The development must also contribute towards the preservation of local distinctiveness and sense of place.

The proposal relates to a Costa drive-thru with the building being of a typical single storey design seen across the country for this brand.

The proposed building measures approximately 18 metres in length and 13.7 metres in width with a gross internal floor area of 1800sq ft. The building will be mono-pitched with a ridge height of approximately 5.3 metres. An attached bin store will measure approximately 7.5 metres in length and 4.8 metres in width.

It is noted that the Costa branding will be erected on top of the building extending to a height of approximately 7.5 metres. The advertisement proposed will require advertisement consent and therefore further consideration of the adverts/signage proposed will be dealt with through this process.

The layout of the site has been designed to provide a functional purpose in that the business will facilitate a drive-thru function. The proposed building has been suitably orientated and positioned on site to allow vehicles to park and queue within the confines of the site.

The building is considered to be of appropriate design and scale for its intended commercial purpose.

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

Landscaping

Limited information has been submitted in respect of the landscaping measures proposed as part of the scheme. However, given the scale and location of the proposed scheme, adjacent to the settlement development boundary of Welshpool and adjacent to existing infrastructure, it is not considered the scheme as proposed will detrimentally impact the landscape and will be seen as a continuation of the existing built environment.

The site is bordered by existing established hedgerows along the trunk roads which provides a degree of natural screening to the development. Given the scale of the proposed development it is not considered that a high degree of landscaping would be required to assimilate the development into the surrounding area. Officers do note the proposed scheme would benefit from landscaping measures and given the lack of detail

provided in respect of hedgerow replacement/ translocation and additional tree planting, a suitably worded condition will be attached to any granting of planning permission.

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

Impact upon Neighbouring Amenity

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

The proposed development is not considered to offer any impact upon loss of daylight or considered to offer any adverse impact to any neighbouring properties in terms of loss of privacy.

Environmental Health have been consulted on the proposed development and no comments have received to date. It is however considered that the use of the site would have been considered through the outline application and due to the nature of the proposed development and its intended use, it is not considered that the development would adversely harm the amenity of neighbouring properties.

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

Biodiversity

Policy DM2 of the Powys Local Development Plan, TAN5 and PPW seek to safeguard protected species and their habitats. Policy DM2 states that proposed development should not unacceptably adversely affect any habitat or protected species.

Both Natural Resources Wales and Powys Ecology were consulted at outline stage with conditions attached to the permission in respect of:

- Landscape Ecological Management Plan (includes external lighting)
- Pre-Construction Bat Survey
- Hard & Soft Landscaping Measures

The conditions attached to the outline planning permission are still valid and will require the relevant information to be submitted for approval through the discharge of condition process.

The Powys Ecologist has been consulted on the Reserved Matters application and has reviewed the submitted report:

- Jones, R.M (22 October 2021) Ecological Assessment: Land at Rhallt View and

Tan Yr Allt View, Buttington, Welshpool, SY21 8SR, Ref. DC/2254/19.2. Star Ecology

The survey is considered to have been undertaken in accordance with current national guidelines. The supplementary bat activity survey confirmed no bats to be roosting in the farmhouse (building 1), which is to be retained within the development. The other buildings on site were previously assessed as having negligible potential for roosting bats. The surveys in 2021 confirmed little commuting and foraging activity around the farmhouse at the site. NRW are satisfied, based on the information submitted, the proposed development layout and landscape is not going to negatively affect bat movements in the area.

NRW have raised concern in respect of external lighting, however it is noted that condition 6 of outline approval secures external lighting with the condition still valid and will therefore require discharging prior to the commencement of development.

The Ecologist notes that the comments previously provided on the outline planning consent identified the development site being located 120m from the Montgomery Canal SAC/SSSI. However the site is actually located approximately 60m from the SAC.

Therefore, to demonstrate that the proposed development would not result in a Likely Significant Effect on the Montgomery Canal SAC and/or its associated features during demolition or construction activities further information was required prior to determination of the application.

The agent submitted a Pollution Prevention Plan to enable the Local Planning Authority to assess the potential impacts of the proposed development on the Montgomery Canal SAC/SSSI, part of the national site network, in accordance with Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).

An Appropriate Assessment of the application has been undertaken to determine whether the proposed development would result in an adverse effect on the integrity of the national site network. The report concludes that subject to inclusion of appropriate conditions the proposed development would not result in an adverse effect to the integrity of the Montgomery Canal SAC in light of its conservation objectives.

Natural Resources Wales have therefore been consulted on the HRA/AA and agree that the development is unlikely to have an adverse effect upon the integrity of the Montgomery Canal SAC. A condition as specified with the Appropriate Assessment will be attached to any granting of planning permission.

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

RECOMMENDATION

Conditional Consent

Conditions

1. The development hereby granted approval of reserved matters shall be begun before the expiration of two years from the date of this approval, or before the expiration of five years from the date of the outline planning permission whichever is the longer.
2. The development shall be carried out in accordance with the following approved plans and documents:
 - 70108/21/01 titled Location Plan
 - 70108/21/02 titled Proposed Block Plan
 - 70108/21/04 titled Proposed Floor Plan and Elevations
 - 19061-C3001 Rev P10 titled General Arrangement
 - 19061-C3002 Rev P03 titled Visibility Splay
 - 19061-C3003 Rev P04 titled Visibility Splay Long Sections
 - Ecological Assessment ref DC/2254/19.2 prepared by Start Ecology dated 22/10/2021
 - Pollution Prevention Plan, dated 31/07/2023, by Arbor Vitae
 - SK Transport and Planning Traffic, Transport, Highways – Welsh Government Departure from Standards Form 09/05/2023
 - Planning Statement August 2021
3. The minimum visibility distance available for vehicles emerging from the proposed exit shall be 162m to the right of the site exit at a height of 1.05m, measured to a point 0.26m above the nearer running edge of the trunk road carriageway.

This visibility distance shall be available at a point 2.4m from the nearer running edge of the trunk road, measured along the centreline of the access road.

The visibility splay so formed shall be free of any growth or obstruction, which would interfere with the minimum visibility requirements.
4. The proposed highway works on both the A458 and the A483 set be constructed in accordance with the approved drawing (Drwg no. 19061-C3001 Rev P10).
5. The site access and exit shall be laid out and constructed strictly in accordance with the approved plan (Drwg no. 19061-C3001 Rev P10).
6. No drainage from the development site shall be connected to or allowed to discharge into the trunk road drainage system, and the proposed site access and exit shall be constructed such that they do not drain onto the trunk road.
7. The new vehicular entrance and exit shall be substantially complete and available

for use to the written satisfaction of the local planning authority in consultation with the Welsh Government (Transport) prior to the commencement of any other works associated with the development.

8. The development shall be undertaken strictly in accordance with the submitted Pollution Prevention Plan, dated 31/07/2023, by Arbor Vitae. The measures identified shall be adhered to and implemented in full.
9. Prior to the commencement of development, a detailed hard and soft 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. The approved scheme shall be implemented in the first planting and seeding season following the first beneficial use 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. 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.

Reasons

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
3. To maintain the safety and free flow of trunk road traffic.
4. To maintain the safety and free flow of trunk road traffic.
5. To maintain the safety and free flow of trunk road traffic.
6. To maintain the safety and free flow of trunk road traffic.
7. To maintain the safety and free flow of trunk road traffic.
8. To comply with Powys County Council's LDP Policies 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 Part1 Section 6 of the Environment (Wales) Act 2016.
9. To comply with Powys County Council's LDP Policies 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 Part1 Section 6 of the Environment (Wales) Act 2016

Informative Notes

Trunk Road

The applicant should be advised that they will be required to enter into an Agreement with

the Welsh Ministers under Section 278 of the Highways Act 1980 / Section 23 of the New Roads and Street Works Act 1991 to enable the Applicant to undertake agreed improvement works on the trunk road.

This Agreement will contain details of the improvement works, construction conditions and financial arrangements under which agreed measures can be put in place, including indemnifying the Welsh Ministers against third party claims.

Without such an agreement in place, any consent that may be granted by the Planning Authority cannot be implemented.

Ecology

Bats - Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 (as amended).

It is an offence for any person to:

- Intentionally kill, injure or take any bats.
- Intentionally or recklessly damage, destroy or obstruct access to any place that a bat uses for shelter or protection. This is taken to mean all bat roosts whether bats are present or not.

Under the Habitats Regulations it is an offence to:

- Damage or destroy a breeding site or resting place of any bat. This is an absolute offence - in other words, intent or recklessness does not have to be proved.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 (as amended) that works to trees or buildings where that work involves the disturbance of a bat is an offence if a licence has not been obtained from Natural Resources Wales. If a bat is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. You can also call the National Bat helpline on 0345 1300 228 or email enquiries@bats.org.uk.

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:

- intentionally kill, injure or take any wild bird
- intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built
- intentionally take or destroy the egg of any wild bird
- 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.

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