

conditions to the Local Planning Authority to mitigate this issue. However, the Local Planning Authority refused the original application on highways grounds.

The current application is now proposing to construct two passing bays, along U2477 after the junction with U2476 in order to mitigate previously raised concerns for the lack of adequate passing bays on this stretch of county highway. The proposed passing bays will be constructed within the highway verge.

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

1. Prior to the first beneficial use of the development, provision shall be made within the curtilage of the site for vehicular parking as indicated on the approved plans. The parking areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.
2. Prior to first beneficial use/operational use of any cabin hereby approved, the applicant shall construct 2 passing bays along the U2477 county highways in locations as indicated in the approved plans.
3. The passing bay(s) referred to above shall be constructed to an adoptable standard and shall be retained for their designated use for as long as the development hereby permitted remains in existence.

Hafren Dyfrdwy

9th Oct 2023

With reference to the above planning application the Company's observations regarding sewerage are as follows.

As the proposal has no impact on the public sewerage system, I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

Asset Protection having no comment / no objection to an application does not mean there will be no comment from HD; I have passed this application onto the Catchment Team within HD, who will respond directly to yourselves if they have any comments they wish for you to take into consideration

IMPORTANT NOTE: This response only relates to the public wastewater network and does not include representation from other areas of Severn Trent Water/Hafren Dyfrdwy, such as the provision of water supply or the protection of drinking water quality

Environmental Protection

27th Oct 2023

Foul drainage

I have no objection to the proposal to connect to a package treatment plant with discharge to watercourse.

Artificial lighting

I am satisfied that the detail provided about artificial light means there should not be an adverse impact on amenity.

Therefore I have no objection to the application.

Additional Consultation Response

1st Nov 2023

Further to my previous comment on this application, I would like to add the following:

To avoid any future nuisance potential (e.g. associated with noise and odour), it is recommended that an appropriate land use tie be employed between the existing and proposed land uses i.e. agriculture and holiday let.

PCC-Built Heritage Officer

30th Nov 2023

Background to Recommendation

Designation;

Adjacent to Leighton Registered Historic Park and Garden Grade I and its essential setting

Scheduled Monument

MG035 Offas Dyke section from North Lodge Leighton Park to Old Quarry Wood

Listed Buildings

Cadw ID 19572 Brook House Tank included on the statutory list on 20 March 1998

Cadw ID 19501 Brook House included on the statutory list on 20 March 1998

Cadw ID 19500 Park House included on the statutory list on 20 March 1998

Cadw ID 19502 Park Cottage included on the statutory list on 20 March 1998

Cadw ID 8665 The Old Cable House included on the statutory list on 24/12/1982

Policy Background

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

The Planning (Listed Buildings and Conservation Areas) Act 1990

Planning Policy Wales 11th edition 2021

Conservation Principles published by Cadw

TAN24

Managing Listed Buildings in Wales - Annexe to TAN24

Heritage Impact Assessments in Wales - Annexe to TAN24

Managing Conservation Areas in Wales - Annexe to TAN24

Setting of Historic Assets in Wales - Annexe to TAN24

Heritage Impact Assessments - Annexe to TAN24

Historic Environment Records

Local Development Plan

Strategic Policy SP7

DM13 Design and Resources Local Development Plan Themes and Objectives;

Theme 4 - Guardianship of natural, built and historic assets

LDP Objective 13 - Landscape and the Historic Environment

Comments

The proposal is a resubmission of 20/2103/FUL with additions in terms of highways information. The application had reached a point where positive Built Heritage comments were provided.

The previous application had not been objected to in principle by the former Built Heritage Officer, who stated; the location, siting, form, design and layout of this application for which I am raising objections and not the principle.

These matters were dealt with in the previous application, though some changes have been made in terms of the site in this application. It is noted that the iron estate fencing and some established trees/greenery has been removed.

The following listed assets are nearby and their setting requires assessment;

Cadw ID 19572 Brook House Tank, Cadw ID 19501 Brook House, Cadw ID 19502 Park

Cottage and Cadw ID 8665 The Old Cable House,

CADW have comments on the setting of the RHPG and raise no objections.

In particular, Grade II listed Brook House and Brook House Tank are adjacent to the proposed site with views of the proposal. Grade II listed Park Cottage is also adjacent to the site and there is intervisibility between the site and the public lane.

The planting scheme proposed is comprehensive, and the Tysor assessment of the setting has been taken into account. Plates 16, 17 and 18 demonstrate intervisibility with the adjacent structures. These demonstrate that there will be limited intervisibility with any main elevations of Brook House, and that Brook House is lower down and shielded from main view by topography. The increased planting will further limit inter-visibility. Brook House Tank is on a similar level to the proposed development, and one elevation does face the development. The proposed planting will limit this inter-visibility. Brook House Tank was constructed to hold manure slurry, and as such it is not constructed with any formal planned frontage which can be understood in the same way as, for example, a town house. The nature of the structure is architecturally interesting, with design details, but as a functional structure the setting is not impacted by the proposed development in the way a building designed as a dwelling would be. The Tysor assessment of the setting originally reads as follows;

'The choice of location for this tank house was determined purely to meet the needs of the slurry distribution system. The presence of a suitable slope at this point may have determined this to be a particularly suitable location, despite its proximity to Brook House and any inconvenience which may have arisen for the tenants of the property. Views to and from the tank house were not of concern in the siting or form of the structure.'

This would appear to be fairly accurate assessment. The Tysor assessment of the impact of the development goes on;

'The proposed chalets would be low structures (4.1 metres to ridge) and would not compete with Brook House Tank, which is seen as a higher, twostorey building when viewed from the south. The chalets would not therefore appear as higher structures and the mitigation of planting trees to the north the tank house will screen views of them.'

The argument appears accurate, that the structure is designed for agricultural purposes and has no designed outlook or views. That the main views of the structure, and how it is understood are from the South, and that from that vantage the building will appear as a two-storey structure, with planting behind.

It is broadly considered that the impact on the setting of the nearby listed buildings is offset by the planting scheme, and by the topography of the site. Further to this, the

development itself uses materials which are in keeping with the rural setting; timber, slate and a short brick plinth course. The lifespan of the proposal is limited, and it is screened on two sides by established planting, and will have further planting on the remaining South elevation.

Overall it is considered that the original concerns in regards to location, siting, form, design and layout have been overcome. These aspects have all been changed and the development is not considered to have a negative impact on the setting of the nearby heritage assets in terms of intervisibility.

In terms of the traffic movements and the listed buildings off the access track this should be considered in regards to setting. Principally, there will be parking for three holiday huts provided at the end of the track that goes behind Brook House, and is in front of Park Cottage. Park Cottage is partly on the highway, and by the nature of this location the additional traffic from three holiday huts cannot be said to have a negative impact on its setting. Brook House is set low down in the valley below the access track with no principal elevations facing in its direction. The views from windows to the rear of Brook House are more of the bank behind than the track above. It is not considered the impact of the additional traffic here will negatively impact the setting of Brook House.

Response

Approval on condition;

- o During construction the development hereby permitted shall be carried out in accordance with the approved Landscape Plan. Unless indicated on the approved Landscape Plan to be removed, all existing trees and hedges on the application site, or branches from trees on adjacent land that overhang the application site, shall be retained and shall not be felled or pruned or otherwise removed within the construction period and then for a period of five years from the completion of the development without the previous written consent of the local planning authority. If any retained tree/hedge is removed, uprooted or destroyed or dies, replacement planting shall be carried out in the first available planting season, in accordance with details to be approved in writing by the local planning authority.
- o Prior to the commencement of works, samples of all external materials shall be submitted to and approved in writing by the LPA. The works shall be in strict accordance with the details thereby approved.
- o Prior to their installation, details of the proposed windows and doors shall be submitted to and approved in writing by the Local Planning Authority. The works shall be in strict accordance with the details thereby approved.

o Prior to the commencement of work, a details scheme of external surfaces materials for any driveways, paths and terraces and any other external change of surface shall be submitted to and approved in writing by the Local Planning Authority and be implement prior to the first beneficial use in strict accordance with the details thereby approved.

o Prior to the commencement of works, a detail scheme of all external fencing and gates shall be submitted to and approved in writing by the Local Planning Authority and be implement prior to the first beneficial use in strict accordance with the details thereby approved.

Cadw - SAM

4th Oct 2023

Registered Parks and Gardens

PGW (Po) 34(POW) Leighton Hall

The above designated historic assets are located inside 500m of the proposed development.

The proposed development is located some 200m west of scheduled monument M MG035 Offa's Dyke: Section from North Lodge, Leighton Park to Old Quarry S of Green Wood and immediately south of the boundary of registered park and garden PGW (Po) 34(POW) Leighton Hall.

The application is accompanied by Impact on Setting (Historic Environment) produce by Trysor. This considers the effect of the proposed development on the settings of the above designated historic assets. The report determines that scheduled monument MG035 Offa's Dyke: Section from North Lodge, Leighton Park to Old Quarry S of Green Wood), on higher ground 200 metres to the east of the proposed development is on the very edge of theoretical visibility. As it is hidden in dense woodland/forestry the report considers it there will be no impacts, direct or indirect to the scheduled monument because of the proposed development. In relation to the registered park and garden the report identifies that the site of the proposed development is located within the setting of the registered park and garden. However, it notes that the scale of the development is modest, that it would be screened by vegetation from nearby listed buildings associated with the registered park and garden and where visible would be seen in the context of a block of landscape which is already characterized by residential properties. The report concludes there will be no impact on the setting of the registered park and garden.

We concur with these conclusions, the slight change resulting from the proposed development will not have any effect on the way the above designated historic assets are experienced, understood, and appreciated. Consequently, the proposed development will

have no impact on the settings of scheduled monument MG035 or registered park and garden PGW (Po) 34(POW) Leighton Hall.

CPAT

27th Sep 2023

Having consulted the information held within the Historic Environment Record I can confirm that there are no archaeological implications for the application.

The Built Heritage Conservation Officer should be consulted due to the nearby listed buildings, Brook House Tank (19572) and Brook House (19501) and Cadw should be consulted regarding the Leighton Hall registered Park, PGW(Po)34(POW), to the north and west of the site.

Powys Ramblers

17th Oct 2023

Powys ramblers wish to comment on this application please.

The applicant has helpfully marked the right of way that runs along the side of the proposed development on the location plan. It would not appear to be adversely affected by the plans although care needs to be taken to make sure that the privacy of occupants of the lodges is not compromised by the close proximity of the right of way.

In the event of permission being granted can the applicant please be informed about the importance of making sure that the right of way should not be obstructed during any development works and kept open throughout.

Community Council

31st Oct 2023

The above application was discussed at the meeting of Forden with Leighton & Trelystan Community Council. This application was not supported due to the issues with Highways, access and passing places.

Ward Councillor

28th Sep 2023

As the local member for the ward I would like to call in this planning application to the planning committee due to highways and access concerns raised by residents.

I should be grateful if you could please acknowledge this email and confirm the call in is accepted.

I intend to make further comments on this application in due course.

Natural Resources Wales

23rd Jan 2024

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 sites. 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, a condition regarding protected sites should be attached to any planning permission granted and the documents identified below should be included in the approved plans and documents condition on the decision notice.

- Condition:

Detailed Lighting Plan Documents: • Roger Parry & Partners, drawing no. GD-MZ589-03, dated 04/12/2020, Lighting Plan. • Arbor Vitae, 17/03/2021, Preliminary Ecological Appraisal (PEA), Land Adjacent Poplar Drive. Without the inclusion of this condition and documents we would object to this planning application.

Protected Sites

The application site lies immediately adjacent to the Leighton Bat Roosts Site of Special Scientific Interest (SSSI) which is designated for the important population of lesser horseshoe bats (LHB) it supports. It consists of three separate roosts, which together represent the largest maternity and hibernation roost in Montgomeryshire.

We have concerns that the development, as submitted, will damage the features for which the Leighton Bat Roosts Site of Special Scientific Interest (SSSI) is of special interest. We therefore advise that planning permission should only be granted if the scheme is modified as specified below and planning conditions are included to avoid damage to the special interest features of the SSSI. Paragraph 6.4.14 of Planning Policy Wales states development should be refused where there are adverse impacts on the features for which a site has been designated. We have considered all documents submitted in support of the above application. Based on the information submitted, we consider that the proposed development is likely to damage the features for which Leighton Bat Roosts SSSI is of special interest. More details are provided in the sections below.

Landscape Plan

We have reviewed the amended landscape plan (Drawing No GD-Mz589-02, dated 27/11/2017 – amended 13/03/2023 by Roger Parry & Partners) submitted in support of the application. The proposal to plant a hedgerow on top of the earth bund by the SSSI hibernation roost is welcomed. However, we note the landscape plan states that planting will take place in the first planting season after first occupation of the cabins, although temporary fencing is proposed around the bund in order to provide immediate screening whilst the planting establishes itself. We advise that all planting should be undertaken

during the first year after determination of this proposal, so that trees/hedgerows can become established before the first occupancy of the chalets. We therefore advise that an amended landscape plan is submitted with further information to clarify the timing of the proposed planting, as advised above.

We also advise the height of the temporary fence is included on the landscape plan; we advise a height of 6ft would be sufficient as indicated in the PEA.

Lighting plan

We have reviewed the amended lighting plan (drawing no. GD-MZ589-03, dated 04/12/2020, by Roger Parry & Partners). We consider the lighting plan to contain sufficient outline detail and advise that this is secured by including it in the list of approved plans and documents of the decision notice if planning permission is granted. We also advise that a pre-commencement condition for further lighting details should be included in the determination.

Condition: Prior to installation of any lighting or occupation of the buildings, a lighting design plan shall be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall be implemented in accordance with the approved plan. Full details of lighting shall be submitted to and agreed in writing by the Local Planning Authority. The Lighting Plan should be compliant with the Institute of Lighting Professionals 08/18 Bats and artificial lighting in the UK and include: • Details of the siting and type of external lighting to be used, • Drawings setting out light spillage in key sensitive areas, • Specifications of lighting to be used both during construction/conversion and post construction.

We recommend that you should only grant planning permission if you attach the above condition. Should you be minded to grant permission for the above planning application without requiring the specified modifications, we ask that you notify us under the provisions contained in Section 28I of the Wildlife and Countryside Act 1981 (as amended). Other Matters Our comments above only relate specifically to matters included on our checklist, Development Planning Advisory Service: Consultation Topics (September 2018), which is published on our website.

We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests. We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our website for further details. Advice for the Developer Foul Drainage

We understand foul drainage will be discharged to a package treatment plant with discharge to water via an existing drainage pipe system installed for the nearby housing

estate. With respect to the discharge of effluent to ground or surface water, the Applicant 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.

Public Responses

Following the display of a site notice, 9 public representations have been received at the time of writing this report. A summation of the points raised are detailed below:

- Affect local ecology
- Close to adjoining properties
- Development too high
- Inadequate access
- Increase in traffic
- Increase in pollution
- Loss of privacy
- Noise nuisance
- Out of keeping with character of the area
- Residential amenity
- Information missing from plans
- Conflict with local plan
- Inadequate public transport provisions
- Not enough information given on application
- Potentially contaminated land
- General dislike of proposal
- Loss of light
- Over development
- Strain on existing community facilities

Planning History

App Ref	Description	Decision	Date
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20/2103/FUL	Proposed log cabin development of 3 units and all associated works	Refused	12th May 2023
P/2017/0385	Outline: Erection of 4 no. dwellings and access road (all matters reserved)	Refused	19/01/2018

Principal Planning Constraints

Airport	Welshpool
Historic Parks and Gardens	Leighton Hall
Within 50m of Listed Building	Brook House Tank
Within 50m of Listed Building	Park Cottage
Within 50m of Listed Building	Brook House
Right of Way	259/38/1
Within a distance of 0.5km	
Mineral Safeguarding Cat 2	

Principal Planning Policies

Policy	Policy Description	Year	Local Plan
PPW	Planning Policy Wales (Edition 12, February 2024)		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
TAN11	Noise		National Policy
TAN12	Design		National Policy
TAN13	Tourism		National Policy
TAN18	Transport		National Policy

TAN23	Economic Development	National Policy
TAN24	The Historic Environment	National Policy
SP7	Safeguarding of Strategic Resources and Assets	Local Development Plan 2011-2026
DM2	The Natural Environment	Local Development Plan 2011-2026
DM4	Landscape	Local Development Plan 2011-2026
DM7	Dark Skies and External Lighting	Local Development Plan 2011-2026
DM13	Design and Resources	Local Development Plan 2011-2026
DM15	Waste Within Developments	Local Development Plan 2011-2026
T1	Travel, Traffic and Transport Infrastructure	Local Development Plan 2011-2026
TD1	Tourism Development	Local Development Plan 2011-2026
SPGBIO	Biodiversity and Geodiversity SPG (2018)	Local Development Plan 2011-2026
SPGLAN	Landscape SPG	Local Development Plan 2011-2026
SPGHIS	Historic Environment SPG	Local Development Plan 2011-2026

Other Legislative Considerations

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

Marine and Coastal Access Act 2009

Officer Appraisal

Site Location and Description

The application site is located within the community council area of Forden With Leighton and Trelystan and not within a settlement development boundary. The application site is therefore considered as development within the open countryside as defined by the Powys Local Development Plan (2018). The application site relates to a parcel of agricultural land adjacent to residential properties to the north and south.

Consent is sought for the erection of a tourism development comprising of 3 units and all associated works.

As background, Officers note that this application is a resubmission of previously refused application 20/2103/FUL. The grounds for refusal were:

1. The proposed development fails to demonstrate that a safe access and egress can be achieved without an unacceptable impact on highway safety contrary to policies DM13 and T1 of the Powys Local Development Plan (2018), Technical Advice Note 18 and Planning Policy Wales (Edition 11, 2021).

Principle of Development

The Powys LDP recognises the high-quality beauty and variety of the Powys landscape, which creates an area of great attractiveness and potential for high value tourism. The LDP further notes that tourism is one of the County's main employment sectors. It is an important component of the rural economy and can help to provide new jobs and it is therefore desirable to support appropriate tourism related developments in principle, whilst sustaining the outstanding natural beauty.

New tourist development is encouraged because of its contribution to the economy in terms of visitor spending, supporting local business and employment generation. However, the Council seeks to ensure that developments are sustainable and do not have an unacceptably adverse impact and effect upon the character and appearance of an area, the natural and historic environment or existing amenities, assets or designations.

LDP Policy TD1 supports tourism developments in the open countryside, where compatible in terms of location, siting, design and scale and are well- integrated into the landscape so that it would not detract from the overall character.

Further consideration of these points will be given in the following sections.

However, the proposed development relates to a tourism development and will not be for permanent residential occupation. An occupancy condition will be attached to any granting of planning permission to secure this use and is therefore considered compliant with policy TD1. It is also considered prudent to include a condition that would require the holiday units to be removed from site should they cease their use as holiday accommodation.

The principle of the development is therefore considered to be acceptable, subject to further consideration of the following key matters:

Design and Scale

With respect to design specific reference is made to LDP policies DM13 and TD1. These policies indicate that development proposals will only be permitted where the 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 proposed development relates to three, single storey holiday units all similar in scale and design. Concerns have been raised through public representations over the inaccuracy of the scale of the proposed units. The drawings, which will form a condition on any consent granted confirm that the proposed units each measure 12.19 metres in length and 6.1 metres in width with a height to the eaves of 2.97 metres and 5.45 metres to the ridgeline. The scale and height of the units are considered appropriate in the setting.

The proposed units will be constructed with a brick plinth and timber clad walls with wood frame gable end detail and a slate roof. The materials proposed in principle are considered sympathetic to the location and will help assimilate the proposals into the surrounding area. Given the sensitivity of the location and as recommended by the Built Heritage Officer, conditions in respect of external finishes and boundary treatments will be attached to any grant of planning permission so ensure the chosen materials are sympathetic to the surrounding character.

Landscape Impact

Policy DM4 of the Powys Local Development Plan (2018), states that development proposals must not, individually or cumulatively, have an unacceptable adverse effect, on the valued characteristics and qualities of the Powys Landscape.

With regards to LANDMAP, in terms of visual and sensory evaluation the area is classified as being of moderate value. LANDMAP defines the area as forming the topographical transition between the upland peaks of Breidden Hill and Long Mountain and the floodplain of the River Severn. Largely west facing and typified by a patchwork of grazed and some low intensity arable farming with managed hedgerows, occasional patches of woodland lie along stream courses and in lower lying areas.

Whilst the proposed site is located within the open countryside, it is noted to being adjacent to existing built development along Poplar Drive and therefore would be seen as one grouping already present within the surrounding landscape. The proposed landscaping plan has been submitted in support of the application which demonstrates significant additional planting in the way of trees and hedgerow along the eastern, southern and western boundaries of the site which will help screen the development and soften any potential impact on the immediate landscape.

Therefore, officers would not consider that the erection of 3 single storey holiday units would detrimentally impact the landscape from vantage points due to the buildings being closely grouped within the landscape and the additional natural screening provided. Therefore, it is not considered that the proposed development will adversely affect the character of the landscape as defined by LANDMAP.

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

Impact upon Neighboring Privacy & Amenity

In considering the impact upon amenities enjoyed by occupiers of neighbouring properties, consideration has been given to the adopted Residential Design SPG and LDP Policy DM13 (Criterion 11). For developments of this nature, considerations of impact upon neighbour amenities should include odour, flies, dust and noise.

Significant additional planting has been proposed as part of the development which will help screen the proposal from the nearby residential properties therefore mitigating potential impacts from overlooking or privacy.

Environmental Protection have been consulted on the proposed development and are satisfied with the external lighting measures in that they won't impact on amenity. It has also been recommended that a land use restriction is secured. Given the nature of the proposed development, an appropriately worded condition will be attached to any granting of planning permission which will seek the removal of structures and a return to an agricultural use if the tourism development is no longer viable.

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

Highways

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

The Highways Officer has been consulted on the proposed development and notes the application is a resubmission of a previously refused application. The proposed development will gain access off a private road which connects to the U2477.

It was previously noted that the U2477 is constrained by its width and availability of adequate passing bays, namely after the junction with the U2476. It is noted that through the previously refused application that the applicant did not previously offer any mitigation in this regard.

The current application proposes to construct two passing bays along the U2477 after the junction with the U2476 to mitigate previous concerns which will be constructed within the highway verge. The provision of the passing bays mitigates the refusal reason previously issued in respect of the development.

It is noted that public concerns have been raised in respect of the route in which vehicles will access the development. It has been confirmed by the agent that access will be through Poplar Drive.

The public highway terminates at the junction of the U2477 and then becomes a Restricted Byway. Officers are unable to restrict the route vehicles access the site by condition nor are they able to request the field gate is blocked up on the eastern boundary of the site given that this is an existing access and would not be considered reasonable in this instance.

Based on the above, the Highways Authority have not objected to the proposed development subject to conditions in respect of parking provision and passing bays which would appropriately overcome the concerns previously raised.

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

Natural Environment

LDP policy DM2 indicates that development proposals should demonstrate how they protect, positively manage and enhance biodiversity and geodiversity interests including improving the resilience of biodiversity through the enhanced connectivity of habitats within, and beyond the site. Proposals which unacceptably affect protected species or designated sites will not be supported. This is echoed within Technical Advice Note 5 and PPW.

There are no SACs located within 1km of the proposed development, however the Leighton Bat Roost SSSI is located approximately 25 metres to the south. There are also numerous sites of Ancient Woodland within 1km of the proposed development with the closest site being adjacent to the site to the east.

The site itself is noted of being improved agricultural land which is considered to be of

low ecological value as recognised by the preliminary ecological appraisal as submitted in support of the application.

Natural Resources Wales (NRW) have been consulted on the proposed development and have reviewed the submitted information including the Preliminary Ecological Appraisal produced by Arbor Vitae dated 17/03/2021.

NRW have reviewed the amended landscaping plan and have advised that all planting should be undertaken during the first year after determination to enable the trees and hedgerows time to establish before the occupancy of the chalets. However, officers consider that requiring mature trees to be planted rather than saplings would enable a greater benefit than allowing younger trees a year before the commencement of development. Whilst the landscaping details will require further information through the discharge of condition process, it will be expected that a scheme providing mature trees and not saplings will be put forward and that the planting specified will be reviewed by an ecologist to ensure that due consideration is given to the Leighton Bat Roost SSSI.

Notwithstanding the lighting details provided in support of the application, NRW have recommended further consideration is given to external lighting and have recommended a condition be attached to any granting of planning permission. Officers consider the proposed condition to be reasonable and will be attached to any granting of planning permission.

Where fencing or hedgerow is required to be removed to accommodate a passing bay, a suitable boundary feature must be reinstated, in order to protect flightlines used by bats. Officers would therefore consider it appropriate to condition a hedgerow translocation and replacement plan with any granting of planning permission.

Officers note that additional planting has been proposed throughout the application site which would be considered a net benefit for biodiversity.

Public comments have been received on the application which has raised comments in respect of the landscaping details whereby an existing earth bund which has been specified to incorporate hedgerow planting has now been removed, boundary treatments altered and some existing trees having been pollarded and removed since the previous application.

Having visited the site, it was noted that existing trees along the sites northern boundary had been pollarded. The trees subject to these works are not within a conservation area nor are they subject to a Tree Preservation Order therefore do not benefit from any protection. It is understood the works to the trees were undertaken in respect of impacts on neighbouring land. The trees are still in place and have not been removed with the works not considered to be a breach of planning control. Given the trees run along a boundary with overhanging branches onto neighbouring land, works to the trees may be undertaken by adjacent landowners, however this would be a civil matter between landowners. However, the works to the trees are not considered to conflict with the

landscaping plan as they are to be retained.

Given that the earth bund and boundary treatments have altered along with a concrete retaining structure having been built on site which are not accurately reflected on the submitted landscaping plan, officers consider that a condition to require further landscaping details can be attached to any granting of planning permission to resolve these inaccuracies. This will also ensure that an appropriate maturity of tree planting is secured on site.

A Green Infrastructure Statement has been submitted in support of the application which details the proposed works taking place on site. Given the additional tree planting secured across site, the measures provided are considered suitable.

In light of the above and subject to the conditions proposed, it is considered that the development complies with relevant planning policy.

Loss of Agricultural Land

Paragraph 3.58 of Planning Policy Wales (Edition 11, 2021) relates to the quality of agricultural land, and states that:

“Agricultural land of grades 1, 2 and 3a of the Agricultural Land Classification system (ALC) is the best and most versatile, and should be conserved as a finite resource for the future.”

Paragraph 3.59 of PPW (Ed. 11) further states that;

“Land in grades 1, 2 and 3a should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations.”

The Predictive Agricultural Land Classification (ALC) Map gives a predictive ALC of grade 3b which is classified as ‘*moderate quality agricultural land*’ for the application site. The proposed site is therefore of a classification that is not to be conserved unless an overriding reason for development.

Given the land classification, it is concluded that the proposal does not conflict with the national policy on agricultural land contained within Planning Policy Wales and TAN 6.

Minerals Safeguarding

The application site is located within a Category 2 Sandstone Mineral Safeguarding Area. Therefore, consideration is given to the requirements of Powys LDP Policy DM8 (Minerals Safeguarding), which reads:

“Non-mineral development proposals within Mineral Safeguarding Areas will only be permitted where it can be demonstrated by the developer that:

1. The mineral resource is not of potential future value; or
2. The development is of a temporary nature and can be completed and the site restored to a condition that would allow for future extraction; or
3. The mineral can be extracted satisfactorily prior to the incompatible development taking place; or
4. Extraction would not meet the tests of environmental acceptability or community benefit as set out in National Policy; or
5. There is an over-riding need in the public interest for the development; or
6. The development is householder development and / or of a very minor nature such as extensions to existing dwellings, and associated development within the curtilage of the property”.

On this occasion, whilst no information or justification has been submitted by the applicant or agent, given the nature of the proposal, it is considered the development would be compliant with Criterion 2, above. Indeed, the minerals could be extracted prior to the development taking place. The proposal is thus considered to be acceptable in this manner.

Cultural Heritage

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

Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990, in relation to development proposals within conservation areas, states that *“special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area”*. Further guidance has been provided in TAN 24 and its annexe *Managing Conservation Areas in Wales* which came into effect on 31 May 2017, and which advises in section 6.4 that *“Local planning authorities are involved in the management of conservation areas on a day-to-day basis through their duty to advise on, consider and respond to planning applications for new development.*

Because Local Planning Authorities must aim to preserve or enhance the character or appearance of conservation areas, they should scrutinise planning applications closely with these objectives in mind.”

The application site is located within close proximity to a number of listed buildings and also the boundary of the registered historic park and garden at Leighton Hall PGW(Po)34(POW).

The Authority's Built Heritage Officer has been consulted on the proposed development and notes that the proposal is a resubmission of previously refused application 20/2103/FUL which reached a point whereby positive Built Heritage comments were provided. The previous application was not objected to on built heritage grounds. With the current submission it is noted that the iron estate fencing and some established trees/greenery has been removed.

CADW have provided comments and have raised no objections in respect of Registered Historic Park and Gardens.

The Built Heritage officer considers the planting scheme proposed to be comprehensive with the Trysor assessment of the setting having been taken into account.

There will be limited inter-visibility with any main elevations of Brook House with the dwelling also being lower down and shielded from the main view by topography. Furthermore, the increased planting will further limit this inter-visibility. Brook House Tank was constructed to hold manure slurry and is therefore not constructed with any formal planned frontage which could be understood in the same way as a town house.

Having considered the Trysor assessment, the Built Heritage officer considers the original concerns in regard to location, siting, from design and layout have been overcome. The development is not considered to have a negative impact on the setting of the nearby heritage assets in terms of intervisibility.

In terms of the traffic movements and the listed buildings off the access track this should be considered in regards to setting. Principally, there will be parking for three holiday huts provided at the end of the track that goes behind Brook House, and is in front of Park Cottage. Park Cottage is partly on the highway, and by the nature of this location the additional traffic from three holiday huts cannot be said to have a negative impact on its setting. Brook House is set low down in the valley below the access track with no principal elevations facing in its direction. The views from windows to the rear of Brook House are more of the bank behind than the track above. It is not considered the impact of the additional traffic here will negatively impact the setting of Brook House.

The Built Heritage officer has raised no objections and has recommended conditions in respect of landscaping, external materials and surfaces, windows and doors and fencing.

Officers note the wording of the landscaping condition put forward by the Built Heritage officers seeks control of trees which are outside of the applicant's land ownership by ensuring that branches overhanging the site within or outside are retained. It is not considered that particular elements can be enforced this would form a civil matter if trees are encroaching on third party land. Officers have however considered that further details in respect of the landscaping scheme are required with further details to be secured by planning condition.

In light of the above and subject to having special regard to the setting along with the proposed conditions being included with any granting of planning permission, it is considered the proposed development would not harm the character and setting of the listed building or the RHPG.

Foul Drainage

The proposed development seeks to discharge foul drainage via a sewage treatment plant which will discharge into a watercourse. Environmental Protection have been consulted on this means of foul drainage and have offered no objection subject to the appropriate exemption being registered with NRW.

Rights of Way

Public Right of Way 259/12/3 which is unrestricted bridleway runs adjacent to the proposed site. Given the bridleways location in respect of the proposed development and that the development does not seek access onto the bridleway, it is not considered the proposed development will impact said bridleway. However, given that the bridleway is close, officers would consider it appropriate to attach an informative in respect of keeping the bridleway and unobstructed with any granting of planning permission.

Public/ Community Council Comments

The application has been subject to advertisement by site notice with 9 public representatives received at the time of writing this report. Concerns have been raised in respect of the location of the proposed development and the policy position of such a development along with access concerns. These points have been raised in the principle of development and highways section of the report. Public concerns in respect of ecology and neighbouring amenity have also been addressed in their respective sections of the report through consultee comment. Officers consider the comments raised through public consultation have been addressed and taken into consideration for the recommendation made against this planning application.

Recommendation

In light of the above comments and consideration the recommendation is one of conditional consent, subject to the recommendation being referred to Welsh Government to consider the call-in request.

Conditions

1. The development to which this 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 strictly in accordance with the plans and documents approved on the date of this consent:
 - Application Form
 - 589-POPLAR-GD-MZ589-01-LOCATION A3 REV A
 - 589-POPLAR-GD-MZ589-02 -BLOCK A3 REV A
 - 589-POPLAR-GD-MZ589-03-ELEV A3 REV
 - 589-POPLAR-GD-MZ589-05-PASS A3
 - 589-POPLAR-GD-MZ589-06-PASSDET A3
3. Notwithstanding the provisions of schedule 2, part 1, classes A, B, C, D, E, G & H of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (as amended) (or any order revoking and re-enacting that order with or without modification), the holiday units shall not be subject to extensions, roof alterations and buildings other than those expressly authorised by this approval.
4. The development shall be occupied as holiday accommodation only and shall not be occupied as a person's sole or main place of residence. An up-to-date register shall be kept at the holiday accommodation hereby permitted and be made available for inspection by the local planning authority upon request. The register shall contain details of the names of all of the occupiers of the accommodation, their main home addresses and their date of arrival and departure from the accommodation.
5. Prior to the first beneficial use of the development, provision shall be made within the curtilage of the site for vehicular parking as indicated on the approved plans. The parking areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.
6. Prior to first beneficial use/operational use of any cabin hereby approved, the applicant shall construct 2 passing bays along the U2477 county highways in locations as indicated in the approved plans.
7. The passing bay(s) referred to above shall be constructed to an adoptable standard and shall be retained for their designated use for as long as the development hereby permitted remains in existence.
8. Prior to the commencement of works, samples of all external materials shall be

submitted to and approved in writing by the Local Planning Authority. The works shall be in strict accordance with the details thereby approved.

9. Prior to their installation, details of the proposed windows and doors shall be submitted to and approved in writing by the Local Planning Authority. The works shall be in strict accordance with the details thereby approved.
10. Prior to the commencement of work, a detailed scheme of external surfaces materials for any driveways, paths and terraces and any other external change of surface shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented prior to the first beneficial use in strict accordance with the details thereby approved.
11. Prior to the commencement of works, a detailed scheme for all external fencing and gates shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details and sample of the fencing proposed including and finish/colour. The scheme as approved shall be implemented prior to the first beneficial use in strict accordance with the details thereby approved.
12. Prior to installation of any lighting or occupation of the buildings, a lighting design scheme shall be submitted to and approved in writing by the Local Planning Authority. The Lighting scheme should be compliant with the Institute of Lighting Professionals 08/18 Bats and artificial lighting in the UK and include:
 - Details of the siting and type of external lighting to be used,
 - Drawings setting out light spillage in key sensitive areas,
 - Specifications of lighting to be used both during construction/conversion and post construction.The lighting scheme as approved shall thereafter be implemented in full accordance with the details as approved only.
13. In the event of the lodges hereby approved ceasing their use as holiday accommodation, the lodges and their ancillary development shall be dismantled and removed from the site within 12 months of the deemed cessation date, and the site restored to its former (pre-development) condition and returned to agricultural land.
14. Notwithstanding the details submitted, prior to commencement of development and any site clearance, a detailed landscaping and biodiversity enhancement 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.

The approved scheme shall be implemented in the first planting season following the first occupation of the holiday units hereby approved 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.

15. Prior to the commencement of development, a Hedgerow Translocation/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.

Reasons

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans as approved in the interests of clarity and a satisfactory development.
3. In the interests of the visual amenity of the area and to ensure the satisfactory appearance of the buildings in accordance with policies DM13 of the Powys Local Development Plan and the Councils Residential Design Guide.
4. To ensure that the development is not used as a permanent residential accommodation contrary to policy TD1 of the Powys Local Development Plan (2018).
5. In the interests of highway safety in accordance with Policies DM13 and T1 of the Powys Local Development Plan (2018) and Technical Advice Note (TAN) 18: Transport (2017).
6. In the interests of highway safety in accordance with Policies DM13 and T1 of the Powys Local Development Plan (2018) and Technical Advice Note (TAN) 18: Transport (2017).
7. In the interests of highway safety in accordance with Policies DM13 and T1 of the Powys Local Development Plan (2018) and Technical Advice Note (TAN) 18: Transport (2017).

8. To safeguard the character and appearance of the Registered Historic Park and Garden in accordance with TAN24 and Policy SP7 of the Powys Local Development Plan (2018).
9. To safeguard the character and appearance of the Registered Historic Park and Garden in accordance with TAN24 and Policy SP7 of the Powys Local Development Plan (2018).
10. To safeguard the character and appearance of the Registered Historic Park and Garden in accordance with TAN24 and Policy SP7 of the Powys Local Development Plan (2018).
11. To safeguard the character and appearance of the Registered Historic Park and Garden in accordance with TAN24 and Policy SP7 of the Powys Local Development Plan (2018).
12. To comply with Powys County Council's LDP Policies DM2, DM4 and DM7 and to meet the requirements of Planning Policy Wales (Edition 12, February 2024), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016
13. To ensure that if the venture proves uneconomic in the future the land is restored to its former condition, and to protect the character and appearance of the landscape in accordance with Policies TD1, SP7, DM4 and DM13 of the Powys Local Development Plan (2011-2026) and Planning Policy Wales (Edition 12).
14. To comply with Powys County Council's LDP Policies DM2, DM4 and DM7 and to meet the requirements of Planning Policy Wales (Edition 12, February 2024), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016
15. To comply with Powys County Council's LDP Policies DM2, DM4 and DM7 and to meet the requirements of Planning Policy Wales (Edition 12, February 2024), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016

Case Officer: Richard Edwards, Senior Planning Officer
Tel: 01597 827218 E-mail: richard.edwards2@powys.gov.uk