

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

**Application Number:** 24/0279/FUL

**Grid Ref:** E: 325312  
N: 318965

**Community Council:** Llandysilio Community

**Valid Date:** 25.03.2024

**Applicant:** Mr and Mrs Pownall

**Location:** Land At Laburnum House, Brynmawr, Llanymynech, SY22 6PQ

**Proposal:** Siting of 4no. Geodome tents on decking areas and installation of 4no. associated decking areas for outdoor seating baths and bbq area (siting of 3no. Geodome tents and decking areas retrospectively and relocation of 1no. existing Geodome tent and associated decking area), retrospective formation of access pathways and car parking, proposed installation of 4no. structures to house toilet facilities, installation of a sewage treatment plant and construction of 2no passing places

**Application Type:** Full Application

### Reason for Committee determination

The Local Member has exercised their 'call-in' powers for the following reason:

As local member I wish to call this application to be determined by the Planning Committee given that the previous application was refused and that it does affect several residents within the area. Also, there is a massive Highways Issue as the site is only accessed via a single-track road with a few passing places.

### Consultee Responses

#### Consultee

#### Received

Community Council

3rd Apr 2024

The Community Council wishes to OBJECT to the above application and also requests to speak at the Planning Committee Meeting.

1. Contrary to Policy DM13 - Design and Resources

This Policy states that Development proposals must be able to demonstrate a good quality design and shall have regard to the qualities and amenity of the surrounding area, local infrastructure and resources.

Development does not complement or enhance the area. Planning permission has already been granted for 3 Holiday Chalets under 22/0811/FUL. The Community Council supported this application as felt there was scope for small scale Tourism in this area subject to the addition of passing bays. Any further development would be to the detriment of the area as it would create too much extra traffic and use too much water which is often in short supply in this area during the summer. The applicant also mentions in the planning statement submitted with the application that it is their intention for the site to grow further. The cumulative impact of this development in addition to the 3 Holiday Cabins must be considered.

The applicant has made the suggestion that the white vinyl could be coated green but that this would have to be renewed every 6 months. What has become blatantly clear over the last 12 months since this development commenced, without planning permission, is that the applicant pays no attention to planning conditions so there is no way of guaranteeing that this would happen so eventually, over time and weather, the tents would revert to white which resembles a giant golf ball on the landscape.

This development certainly does not contribute towards the preservation of local distinctiveness.

The application is very misleading in referring to the Geodome as tents - tents are not usually erected onto decking areas. The Geodomes are significant structures.

The development will have a significant impact on the local Highway network. The single track lane has limited passing opportunities. We have noted the extra proposed passing place on the U2226 cul-de-sac accessing Laburnum House but this would not alleviate the problems further down the lane particularly around the narrow corner.

This development has already impacted on the amenities previously enjoyed by the neighbouring properties - whilst we welcome the screening around the baths this is inadequate at 1 m and should be higher.

There is insufficient parking area as the parking space identified with the application is exactly the same parking area as that identified with the previous planning application for the 3 Holiday Chalets under 22/0811/FUL. The applicant states that there is room for 4 cars but with the Geodomes having enough room for 2 people per Tent there could easily be 8 cars.

## 2. Contrary to Policy T1 - Travel, Traffic and Transport infrastructure

The application does not allow the safe and efficient flow of traffic for all transport users. There are already 11 homes using the single track U2225 /U2226. The addition of 4 Geodome Tents to the 3 Holiday Cabins, already given permission, will mean an increase in traffic of

65%. Many of these will not be familiar with the area, will be unaware of where the passing bays are and not used to having to reverse, if necessary, into one of the passing bays.

### 3. Contrary to Policy SP7 - Safeguarding of Strategic Resources and Assets

The addition of a further 4 Geodomes will put significant pressure on the water capacity at Brynmawr Reservoir. Last summer Residents received regular texts from Hafren Dyfrdwy asking them to limit their intake of water and this is a pattern seen every Summer. It is important to safeguard the existing residents.

### 4. Contrary to Policy TD1 - Tourism Development

This Development is not commensurate in scale and size to the settlement of Bryn Mawr which is a small Hamlet of 11 homes.

The proposals do not integrate well into the Landscape.

The development will have an unacceptable adverse impact on the character and appearance of the area.

### 5. Contrary to Policy DM15 - Waste within developments

The proposed septic tank and soakaway needs to be a Package Treatment Plant.

There is another, even more important principle here, it has taken 5 months for the first application to be validated which was then refused. It has taken a further 6 months for the Applicant to stop Letting the Geodomes and at the time of writing this letter the Applicant has still not complied with the deadline given to them by the Planning Authority of the 20th February 2024 to dismantle the Geodomes and their structures.

There must be a clear message to the Residents of Powys that they simply cannot develop where they want - we have a Planning structure which has been agreed and which must be adhered to.

Community Council

1st May 2024

Re: 24/0279/FUL - amended application for the siting of 4 x Geodome Tents etc at Laburnum House, Brynmawr.

The Community Council considered the amendments to the above application at a meeting held on Thursday 25th April 2024.

The Community Council wished to maintain its OBJECTION and repeats its request to speak at the Planning Committee

- Contrary to Policy DM13 - Design and Resources

This Policy states that 'development proposals must be able to demonstrate a good quality design and shall have regard to the qualities and amenity of the surrounding area, local infrastructure and resources.

- Development does not complement or enhance the area due to the design of the Geodomes. Planning permission has already been granted for 3 Holiday Chalets under 22/0811/FUL - these have been built but not yet occupied. The Community Council supported this application as it felt that there was scope for small scale Tourism in this area subject to the addition of extra passing bays. Any further development would be to the detriment of the area as it would create too much extra traffic and use too much water which is often in short supply in this area during the summer. The applicant also mentions in the planning statement submitted with the application that it is their intention for the site to grow further. The cumulative impact of this development in addition to the 3 Holiday Cabins must be considered.
- The applicant has made the suggestion that the white vinyl could be coated green but that this would have to be renewed every 6 months. What has become blatantly clear over the last 12 months since this development commenced, without planning permission, is that the applicant pays no attention to planning conditions so there is no way of guaranteeing that this would happen so eventually, over time and weather, the tents would revert to white which resembles a giant golf ball on the landscape.
- This development certainly does not contribute towards the preservation of local distinctiveness
- The application is very misleading in referring to the Geodomes as 'tents' - tents are not usually erected onto decking areas. The Geodomes are significant structures.
- The development will have a significant impact on the local highway network. The single track lane has limited passing opportunities. We have noted the extra proposed passing places on the U2226 cul-de-sac accessing Laburnum House but this would not alleviate the problems further down the lane particularly around the narrow corner.
- The development has already impacted on the amenities previously enjoyed by the neighbouring properties - whilst we welcome the screening around the baths this is inadequate at only 1 m and should be higher.
- There is insufficient parking area as the parking space identified with the application is exactly the same parking area as that identified with the previous planning application for the 3 Holiday chalets under 22/0811/FUL which has been granted. The applicant states that there is room for 4 cars but with the geodomes having enough room for 2 people per tent the parking area should be able to accommodate at least 8 cars.

## 2. Contrary to Policy T1 - Travel, Traffic and Transport Infrastructure

- The application does not allow the safe and efficient flow of traffic for all transport users
- There are already 11 homes using the single track U225/U2226. The addition of 4

Geodome Tents to the 3 Holiday Chalets, already given permission, will mean an increase in traffic of 65%. Many of these will not be familiar with the area, will be unaware of where the passing bays are and not used to having to reverse, if necessary, into one of the passing bays.

### 3. Contrary to Policy SP7 - Safeguarding of Strategic Resources and Assets

- o The addition of a further 4 Geodomes will put significant pressure on the water capacity at Brynmawr reservoir. Last summer residents received regular texts from Hafren Dyfrdwy asking them to limit their intake of water and this is a pattern seen every Summer. It is important to safeguard the existing residents.

### 4. Contrary to Policy TD1 - Tourism Development

- o This Development is not commensurate in scale and size to the settlement of Bryn Mawr which is a small hamlet of 11 homes
- o The proposals do not integrate well into the Landscape
- o The development will have an unacceptable adverse impact on the character and appearance of the area.

### 6. Contrary to Policy DM15 - Waste within developments

- o Details of the Package Treatment Plant are needed to verify that it has sufficient capacity.

There is another, even more important principle here, in that it has taken 5 months for the first application to be validated which was then refused. It has taken a further 6 months for the Applicant to stop letting the geodomes and at the time of writing this letter the Applicant has still not complied with the deadline given to them by the Planning Authority to dismantle the Geodomes and their structures by the 20th February 2024. We have a Planning structure which has been agreed and this must be adhered to - there must be a clear message to all the residents of Powys that they simply cannot develop where and how they want.

Ward Councillor

1<sup>st</sup> April 2024

As local member I wish to call this application to be determined by the Planning Committee given that the previous application was refused and that it does affect several residents within the area. Also, there is a massive Highways Issue as the site is only accessed via a single-track road with a few passing places.

Hafren Dyfrdwy

5th Apr 2024

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.

Hafren Dyfrdwy

8th May 2024

On receipt of a formal application for a water connection, we undertake a detailed assessment that takes all relevant factors into account which includes but is not limited to:

- o The peak flows required to supply the new development.
- o Customers connected to the existing network that receive the lowest pressures.
- o The available capacity in the network.
- o Other capital investment programmes across the Company.

We have specialist software which enables us to carry out detailed "before and after" scenarios of the performance of the network which in turn and where necessary allows us to promote the most effective reinforcement solutions for our network. Additionally, we have flow and pressure monitors across the network providing us with live data, this allows us to check that our solutions meet our expectations as well as our statutory obligations. Where there is a risk to us not meeting these statutory obligations then further investigation will be undertaken and, where necessary, additional reinforcement to the network will be carried out. With regard to water being a precious resource there is a target introduced by the recent National Framework for Water Resources which aims to achieve a maximum usage of 110 litres per person per day by 2050.

PCC-(N) Land Drainage

11th Apr 2024

PCC Land Drainage have no comments to make on the application at this time.

However, we would like to inform you that the SuDS Approval Body (SAB) deem that the construction area is greater than 100m<sup>2</sup> and therefore this proposed development will require SAB approval.

For further information on the requirements of SAB and where relevant application forms/guidance can be accessed, please visit the following website <https://en.powys.gov.uk/article/5578/Sustainable-Drainage-Approval-Body-SAB>.

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

The requirement to obtain SAB consent sits outside of the planning process but is enforceable in a similar manner to planning law. It is a requirement to obtain SAB consent in addition to planning consent. Failure to engage with compliant SuDS design at an early stage may lead to significant unnecessary redesign costs.

Environmental Protection

15th Apr 2024

Re: 24/0279/FUL | Siting of 4no. Geodome tents on decking areas and installation of 4no. associated decking areas for outdoor seating baths and BBQ area (siting of 3no. Geodome tents and decking areas retrospectively and relocation of 1no. existing Geodome tent and associated decking area), retrospective formation of access pathways and car parking, proposed installation of 4no. structures to house toilet facilities, installation of a septic tank and construction of 2no passing places | Land At Laburnum House Brynmawr Llanymynech SY22 6PQ.

Foul drainage

The percolation test results demonstrate that the ground conditions are suitable and there is sufficient space available for the implementation of the proposed septic tank and drainage field system.

Therefore, I have no objection in principle to the use of this foul drainage system. However, the calculation to determine the size of the required drainage field has used 6 people instead of 8. Please can the applicant/agent confirm that the size of the drainage field will be based on 8 people, and also provide information to confirm that the septic tank will be of the required capacity?

Environmental Protection

3rd May 2024

Further to my original comments, I note the new block plan now shows a package sewage treatment plant instead of a septic tank. The percolation test form has also been amended so that the calculation of the drainage field area reflects the potential for up to 8 users on the system.

I have inspected the percolation test holes and I have no issue with the siting of the drainage system.

Therefore I have no objection to the application.

Natural Resources Wales (Mid Wales)  
DPAS

15th Apr 2024

Thank you for consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the above, which we received on 26 March 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 foul drainage. If this information is not provided, we would object to this planning application. Further details are provided below.

#### Foul Drainage

We note the retrospective nature of this application. The information provided indicates that disposal of foul drainage is via a non mains system, i.e. a septic tank with discharge to ground. We inform you we have no record of a permit/ exemption for foul water discharge at this location, other than the discharge linked to the main house.

We have reviewed the percolation tests submitted in support of the application which calculate the required drainage field area. The calculations have been made on the basis of a maximum population of six people. However, the site maximum capacity is eight people and therefore we do not consider the drainage field has been accurately calculated.

In addition, new developments proposing to use non mains drainage should follow the hierarchy within the Welsh Government Circular 008/2018 (July 2018). The Circular stresses the first presumption must be to provide a system of foul drainage discharging into a public sewer. Only where having taken into account the cost and/or practicability it can be shown to the satisfaction of the local planning authority that connection to a public sewer is not feasible, should non-mains foul sewage disposal solutions be considered.

We refer you to paragraphs 2.3-2.8 in the Circular, which set out the approach to be followed.



Section 2.4 in particular, indicates that 'If, by taking into account the cost and/or practicability, it can be shown to the satisfaction of the planning authority a connection to a public sewer is not feasible, a package sewage treatment plant should be considered' and Section 2.5 states that 'Only if it can be clearly demonstrated by the developer the sewerage and sewage disposal methods referred to in paragraphs 2.3 and 2.4 above are not feasible, taking into account cost and/or practicability, should a system incorporating septic tank(s) be considered.'

Whilst we accept the site does not fall within a mains sewer catchment and therefore connection to the mains is not possible, the applicant has not demonstrated the use of a package treatment plant is not viable.

We therefore require the submission of additional information to demonstrate the hierarchy within the Welsh Government Circular 008/2018 (July 2018) has been followed and appropriate foul water disposal measures will be in place to demonstrate that the proposed development will not lead to contaminated water entering and polluting surface or groundwater.

#### Protected Sites

The application is located within 300m from the Montgomery Canal Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI).

From the information provided, we consider that the proposal is not likely to have a significant effect on the Montgomery Canal SAC nor underpinning SSSI as no potential pathways to the protected site have been identified.

Our advice may change should modifications be made to the proposed development prior to the determination of the application. If there are any changes to the proposed development which may affect the consideration of potential environmental impacts, please consult us again before you determine the application.

As the competent authority under the Conservation of Habitats and Species Regulations 2017 (as amended), it is for your Authority to carry out the test of Likely Significant Effects for the proposed development. Should you conclude that the proposal is likely to have a significant effect on a SAC/SPA/Ramsar site, either alone or in combination with other plans or projects, an appropriate assessment must be made on the implications of the project for that site in view of its conservation objectives. You must for the purposes of the assessment consult NRW and have regard to any representations we make within such reasonable time as you specify.

Thank you for consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about additional information on the above, which we received on 23 April 2024.

We have no objection to the proposed development as submitted and provide the following advice.

#### Foul Drainage

Further to our response letter CAS-252415-Q2Q5 of 15/04/2024, we have reviewed the amended percolation tests dated 17/04/2024 submitted in support of the application which calculate the required drainage field area. The calculations have been revised to consider the maximum population capacity of the site (8 people). We are satisfied that the tests demonstrate it is appropriate to install a drainage field at the proposed location as indicated on the revised block plan (drawing SK05 C).

We also note the proposal had been modified to include the installation of a package treatment plant in line with the hierarchy within the Welsh Government Circular 008/2018 (July 2018).

For this reason we have no further concerns with regards to foul drainage.

Applicants wishing to operate a private sewerage system will need either to apply to us for an environmental permit or register with us for an exemption from the permit requirement. Septic tanks and small sewage treatment works that meet certain criteria may be registered as exempt.

A step by step guide to registering an exemption can be found on our website.

If the septic tank or private sewage treatment system is not eligible for an exemption, the Applicant will need to apply for an environmental permit, further details can be found here. Should a permit be required further information may be needed as part of that application process. The Applicant is therefore advised to contact us for pre-application advice at the earliest opportunity to try to ensure that there is no conflict between any planning permission granted and the permit requirements. Further details on how to access our pre-application advice service can be found here.

It is important to note that a grant of planning permission does not guarantee that a permit will be granted. A proposal may be deemed unacceptable either because of environmental risk or because upon further investigation, a connection to mains sewer was feasible. Applicants are encouraged to ensure they have all the required permissions, consents,

permits and any other approvals in place prior to commencement of works on the site.

Where private sewage treatment/disposal facilities are utilised, they must be installed and maintained in accordance with British Standard 6297 and Approved Document H of the Building Regulations. We also refer the Applicant to Guidance for Pollution Prevention 4 on the NetRegs website, which provides further information.

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#### 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.

If you have any queries on the above, please do not hesitate to contact us.

The County Council as Highway Authority for the County Unclassified Highway, U2226

Wish the following recommendations/Observations be applied.

#### Recommendations/Observations

The proposed development is a resubmission of 23/1071/FUL to which the Highway Authority (HA) offered support. A previous application (22/0811/FUL) for three holiday cabins was also supported by the HA.

The site gains access off the U2226 a short distance from the junction of the U2225/U2226, the junction has sufficient width for the passing of two cars and sufficient visibility in both directions.

The applicant under application number 22/0811/FUL constructed two passing bays on the U2226, as shown on Drawing Number SK06 Rev B. A further two passing bays are proposed under the current application, shown on the same drawing.

The HA has considered the locations of the proposed passing bays and note that there is insufficient width available for the passing bay shown on the U2226, and we understand that the County Ecologist would object to a passing bay being constructed in close proximity to mature trees, thus ruling out location 2. However, the HA are confident that there are alternative locations to which suitable passing bays could be constructed with sufficient land available within the highway extents and would not cause issue with mature trees. The HA acknowledges that a negative condition could be attached to any consent given.

Drawing Number SK05 Rev C demonstrates the car parking includes EV Charging points and is therefore compliant with Policy 12 of Future Wales and the EV Charging Strategy for Wales.

The Highway Authority therefore recommend the following conditions are attached to any consent given.

1. Prior to any works being commenced on the development site the applicant shall construct two passing bays along the county highway in locations to be agreed in writing by the Local Planning Authority.
2. The passing bays referred to above shall be constructed to adoptable standard prior first beneficial/operational use of the development hereby approved.
3. Prior to the first occupation of the development, provision shall be made within the curtilage of the site for the parking of vehicles in accordance with the approved site plan SK05 Rev C together with a turning area such that all vehicles serving the site may both

enter and leave the site in a forward gear. The parking and turning areas, shall be retained for their designated use for as long as the development hereby permitted remains in existence.

4. A minimum 10% of the parking allocation secured under condition 6 above (min of 1 space) shall be constructed to incorporate Fast Charge electric vehicle charging points. See the EV Charging Strategy for Wales for further information.

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

Heneb – Clwyd Powys Archaeology

2nd Apr 2024

Having consulted the information held within the Historic Environment Record I can confirm that there are no archaeological implications for the development. The applicant should consult Cadw on [cadwplanning@gov.wales](mailto:cadwplanning@gov.wales) due to potential setting issues with the nearby scheduled monument, MG158 - Bryn Mawr Camp, to the west of the site.

## **Representations**

Following the display of a site notice on 11 April 2024 and publicity in the local press on 12 April 2024, seven public representations of objection have been received and are summarised as follows:

- Development too high.
- Increase in traffic - traffic to the 11 properties on the U2226 has increased greatly with the advent of home deliveries without putting more vehicles on the highway.
- Traffic or Highways – others use the road such as walkers, motorcyclists and cyclists, one of the two passing places provided by planning permission 22/0811/FUL is in the incorrect location and the other has not been constructed to the correct standard, proposed passing places are on the straighter pieces of the highway where visibility is better than other areas and are otherwise inadequate, proposed alternative passing bay locations should be detailed and not conditioned to allow affected parties the opportunity to comment., parking places should be signposted 'passing bay only' to avoid them being used as parking spaces etc, development is served off a narrow unclassified road with high banks on either side in many places, few passing places, and difficult bends, also poor visibility at junctions, all vehicles have to arrive and leave the proposed complex the same way as the road culminates in a dead end
- Inadequate access.
- Inadequate parking provision – no more parking provision is proposed above that proposed for the cabins, EV charging points have to be available to the public so that would reduce available car parking for users of the development.

- Inadequate public transport provisions.
- Information missing from plans..
- Loss of privacy – screening of baths only screens small areas, screening should be higher
- Close to adjoining properties.
- Noise nuisance.
- Not enough info given on application.
- Out of keeping with character of area – proposed green painting will not blend anymore than the existing white, paint may crack and will need to be painted repeatedly, adverse impact on landscape not mitigated by painting green, existing/proposed landscaping details misleading, proposed planting upon completion of the development will not mitigate the existing impact, In particular “Meadow dome” remains in the same position as previously located, in isolation, located centrally within the field without the benefit of having the hedgerow as a backdrop. with no planting, and in a prominent position in the landscape, an unsightly blot on the beautiful landscape, it can be seen from the A483 as you travel down from Pant to Llanymynech, also as you go between Llanymynech and Four Crosses, also as you travel from Welshpool towards Four Crosses.
- Other - under application 22/0811/FUL the landowner stated that the remaining farmland (the site of the current application) would remain for agricultural use.
- Foul drainage - location of system and tests not shown on plans, percolation test holes should be dug where the proposed soakaway will be located, how will the septic tank be emptied as access is difficult. The previous percolation tests failed so how can new tests pass. A natural spring is located in the area of the foul drainage system, pollution could flow down the green lane.
- Excess water running down the green lane.
- Water shortage - Brynmawr has a water shortage (supplied from a small reservoir) often in summer months which will be made worse by fillings baths.
- Over development – size of the development is too disproportionate to the size of Brynmawr.
- Possibility of future extension of site.
- Strain on existing community facilities.
- Alleged breaches of planning control associated with previous approvals; 22/0811/FUL and 19/0446/FUL.
- Development is retrospective.
- Benefits of tourism not in evidence as local post office and convenience store closed.
- Conflict with local plan.
- General dislike of proposal.
- External lighting – proposed lighting conflicts with LDP Policy DM7 and the internal lighting from the domes already illuminates.
- Affect local ecology – passing places using verges having a detrimental impact on ecology.
- Increase in pollution – increase in air pollution from additional vehicles.
- Breaches of previous permissions – planning authority should prevent new application from being submitted.

## Planning History

App Ref	Description	Decision	Date
23/1071/FUL	Siting of 4 x Geodome tents for holiday use on decking areas, 4 x associated decking areas for outdoor seating, baths & bbq area provision of composting toilet for each unit including formation of access pathway and car parking area (retrospective)	Refused	30th Jan 2024
22/1383/DIS	Application to discharge Conditions 4, 5 and 6 from planning approval 22/0811/FUL	Approve	13 <sup>th</sup> Sep 2022
22/0811/FUL	Erection of 3 holiday cabins, alterations to the existing access and provision of two passing bays	Approve	15 <sup>th</sup> July 2022
19/0445/FUL	Change of use of residential annex into a holiday let	Approve	21 <sup>st</sup> Nov 2019
18/0586/HH	Demolition of the existing two storey rear extension and conservatory, erection of a two storey side & rear extension including internal and external alterations, improvement works to create enlarged car parking / access for vehicles at the front of the property	Approve	5 <sup>th</sup> March 2019
P/2010/0522	Change of use of agricultural building to domestic use	Approve	9 <sup>th</sup> July 2010

## Principal Planning Constraints

Right of Way	222/58/1
Right of Way	222/42/1
Special Area of Conservation	
Scheduled Ancient Monument	
Mineral Safeguarding Sandstone	Category 2

Site of Special Scientific Interest

### Principal Planning Policies

<b>Policy</b>	<b>Policy Description</b>	<b>Year</b>	<b>Local Plan</b>
NATPLA	Future Wales - The National Plan 2040		National Policy
PPW	Planning Policy Wales (Edition 12, February 2024)		National Policy
TAN5	Nature Conservation and Planning		National Policy
TAN6	Planning for Sustainable Rural Communities		National Policy
TAN11	Noise		National Policy
TAN12	Design		National Policy
TAN13	Tourism		National Policy
TAN15	Development and Flood Risk		National Policy
TAN18	Transport		National Policy
TAN23	Economic Development		National Policy
TAN24	The Historic Environment		National Policy
SP5	Settlement Hierarchy		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
TD1	Tourism Development		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
DM13	Design and Resources	Local Development Plan 2011-2026
DM14	Air Quality Management	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
SPGBIO	Biodiversity and Geodiversity SPG (2018)	Local Development Plan 2011-2026
SPGHE	Historic Environment SPG (2021)	Local Development Plan 2011-2026
SPGLAN	Landscape SPG	Local Development Plan 2011-2026
SPGRES	Residential Design Guide SPG (2020)	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, description and background

The application site lies within the Community Council area of Llandysilio and is located within the open countryside as defined by the Powys Local Development Plan (2011-2026). The application site is situated on agricultural grazing land approximately 1km north-west of Four Crosses within the area known as Bryn Mawr. It is accessed off the U2226 highway approximately 480m east off its junction with the U2225 highway. To the west of the site is agricultural grazing land and the property with which the development is associated, and to the south on the opposite side of the U2226 highway are three residential properties, one with an annexe. To the east is agricultural grazing land. To the north and northwest is agricultural grazing land, ancient woodland and a scheduled ancient monument – ref. MG158, known as Bryn Mawr Camp.

As some of the proposed development has already occurred, this application seeks retrospective planning permission for the siting of four Geodome tents on decking areas and installation of four associated decking areas for outdoor seating baths and bbq area, formation of access pathways and car parking, installation of four structures to house toilet facilities, installation of a sewage treatment plant and construction of two passing places. Three of the Geodome tents are proposed to be retained on the decking areas where they are currently sited and it is proposed to re-site one of the Geodome tents and associated decking area.

A previous planning application, reference 23/1071/FUL for siting of 4 x Geodome tents for holiday use on decking areas, 4 x associated decking areas for outdoor seating, baths & bbq area provision of composting toilet for each unit including formation of access pathway and car parking area (retrospective) was refused on 30 January 2024 for the following reasons:

1 The development creates an unacceptable adverse impact on the landscape and is therefore contrary to Future Wales, The National Plan 2040, Planning Policy Wales (ed.11 February 2021) the Powys Local Development Plan (2011-2026) policy DM4 and Supplementary Planning Guidance: Landscape (2019).

2 The proposed development fails to demonstrate that adequate sewage and foul waste disposal is provided without an unacceptable adverse effect on the surrounding environment through causing a pollution, health hazard or nuisance. The proposal is therefore considered contrary to Powys Local Development Plan (2011-2026) policy

DM13, Welsh Government Circular 008/2018 'Planning requirement in respect of the use of private sewerage in new development, incorporating septic tanks and small sewage treatment plants' and Planning Policy Wales (ed 11 February 2021).

### Principle

Public representations have raised concern that the development conflicts with the adopted Local Development Plan (LDP) and that the economic benefit of tourism accommodation is not apparent. 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. Tourist development is encouraged because of its contribution to the economy in terms of visitor spending, supporting local business and employment generation. However, policy seeks to ensure that developments are sustainable and do not have an unacceptable adverse impact and effect upon the character and appearance of an area, the natural and historic environment or existing amenities, assets or designations.

Criteria two and three of LDP policy TD1 state that development proposals for tourist accommodation, facilities and attractions, including extensions to existing development, will be permitted in the open countryside as follows:

- In the open countryside, where compatible in terms of location, siting, design and scale and well integrated into the landscape so that it would not detract from the overall character and appearance of the area and in particular where:
  - i. It is part of a farm diversification scheme; or
  - ii. It re-uses a suitable rural building in accordance with TAN 6; or
  - iii. It complements an existing tourist development or asset, without causing unacceptable adverse harm to the enjoyment of that development or asset; or
  - iv. It is not permanent in its nature.
- Accommodation shall not be used for permanent residential accommodation.

The general principle of the proposed development as a tourism facility is acceptable subject to the scheme being compatible in terms of location, siting, design and scale and being well integrated into the landscape. Three holiday cabins were approved under permission 22/0811/FUL on a site further up the hill adjoining the site the subject of this application. Given the location of the domes, lower on the hill and being a different type of accommodation, there is no information before Officers to suggest that the proposed development would not sit appropriately alongside the other tourism offer proposed at the site or in the locality more generally. If Members are minded to grant consent, conditions are recommended to remove permitted development rights, to restrict occupancy to holiday accommodation use only and to remove the development if the venture proves

uneconomic in the future.

### Design, visual and landscape impact

The Community Council and public representations have raised concerns over the visual and landscape impact of the development.

Four geodesic domes are proposed to be erected on site on raised decking areas secured by wooden posts. The maximum height of the decking is 0.40m to achieve levels. The domes are low density spread across approximately 200m<sup>2</sup> across 3 separate fields. The distances between each of the domes at approximately 50m at most and 20m at minimum. Each dome is 6m diameter to a height of 3.5m. Each dome comprises a “network” frame with a white/light grey canvas cover which is proposed to be painted green. Each dome would have associated solar panels and a wc housed in a timber building and outside bath on the decking.

The application site is located within the MNTGMVS612 Guilsfield Rolling Hills Visual and Sensory Aspect Area of LANDMAP which is evaluated as high. The other aspect areas are evaluated as follows:

Historic Landscape – high  
Landscape Habitats – moderate  
Geological Landscape – moderate

The Visual and Sensory Aspect Area is summarised as follows:

‘An extensive area of rolling hillsides and pasture land with rounded hill tops. Vegetation is predominantly oak/mixed broadleaf woodland patches with well defined small field parcels with a high incidence of overgrown/mature hedgerow trees. Strong sense of place with settled, domestic quality to the setting and displaying a traditional farmed landscape. Traditional farming techniques are evident i.e. hedge laying and general farming practice is extensive rather than intensive.’

The site is located within the Severn Farmlands Landscape Character Assessment area. The Development Management Guidelines for the Character Assessment Area advise that in rural areas, the impacts of new development for agriculture or tourism should be minimised through careful design, in terms of siting, form, scale / massing and materials. Tourist pressures should be carefully managed with a retention of an informal character to new tourist features such as car parks, footpaths and interpretation and visual intrusion should be managed arising from development on skylines to conserve the character of the wooded enclosing hillsides.

The application site is located within a rural area, typical of the landscape described by the landscape assessment tools referred to above. It is sited on the eastern side of a hill with Bryn Mawr Hillside Camp hillfort located at the top of the hill to the west. On the lower slopes of the hill to the east of the site, the land is in agricultural grazing use with

hedgerows and trees. To the west and north-west of the site and on the higher slopes of the hill is a designated ancient woodland (classified as a Restored Ancient Woodland Site) within which the hillfort sits. The site is highly visible from the two public rights of way which travel through the site (Footpath 225/58/1 runs along the access track and through the woodland to the north-west and Footpath 222/42/1 runs along part of the eastern part of the site between the U2226 highway and the B4393 highway). The U2226 highway travels to the south of the site and curves round to the east of the site, where it is identified as an unsurfaced and unclassified highway. There are properties to the south of the site and along the U2226 highway. In the wider landscape, the hillside is visible from the B4393 highway to the east/north-east of the site at a distance of approximately 220m and from locations along Offa's Dyke which runs along the Montgomery canal towpath also to the east/north-east of the site at a distance of approximately 300m. As stated within the public representations, it may also be possible to see the site from other highways, public rights of way and properties in the locality.

The four domes, whilst being low density, are situated in an open aspect in the wider landscape and are located on a slope rising to the west/north-west. The domes previously had white vinyl covering and were very visible in the wider landscape. Whilst the colour of the vinyl covering could be controlled via condition, it was considered that given that three of the four domes were located centrally within their relative fields without the benefit of having the hedgerow as a backdrop, their presence was even greater within the landscape and the impact could not be resolved by condition. The general scale, height, design in form and massing was considered acceptable. The current submission reflects the previous scale, height, form and massing with the same domes sited on decking areas with an outside bath beside the domes along with a timber toilet structure, a solar array sited adjacent to the south-west or south aspects of each dome. The parking area would be located on the existing hard surfaced area adjacent to an existing building. A pathway would provide access to each dome.

To seek to overcome the previous concerns, it is proposed to paint the vinyl covering using a green flexible vinyl paint, which is designed for outdoor structures. A relatively bright green has been proposed, whilst Officers consider that a darker green (Juniper green) would be more appropriate to reflect surrounding landscape features. It is considered that green would be an appropriate colour for the vinyl and conditions for the colour, application of the paint and maintenance are recommended.

Hill Top Dome has been relocated lower down the hill to the east and has been positioned in proximity to the hedged boundary. Meadow Dome and Oak Tree Dome have also been positioned in proximity to existing landscape features. Hillside Dome is less connected with existing landscape features but does benefit from screening by the existing trees to the east. As previously proposed, native species trees are proposed around each dome and additional hedgerow and groups of trees are proposed to be planted alongside the pathway.

Overall, based upon the LANDMAP classifications and information, the change in colour, the relocated dome and the additional planting, it is concluded that this application has

overcome the previous concerns and reason no.1 for refusal of application 23/1071/FUL. The site benefits from existing vegetation and additional landscape planting is proposed such that the development would not have an unacceptable adverse impact upon the valued characteristics and qualities of the landscape or detract from the overall character and appearance of the area or the identified public rights of way as recreational assets in accordance with LDP Policies SP7, DM4, DM13 and TD1. It is recommended that details of and implementation of the proposed planting and painting and maintenance of the vinyl is secured by condition as well the removal of permitted development rights and the domes physically if the venture proves uneconomic in the future.

#### Amenities enjoyed by occupants of neighbouring residential properties

The Community Council and public representations have raised concerns over loss of privacy and noise nuisance on neighbouring dwellings and their occupants. The Council's Environmental Protection team have not raised any concerns in respect of amenity.

The dome in the most southerly part of the site (Oak Tree Dome) would be located over 50m from the neighbouring residential properties which are located to the south-east and south of the site across the U2226 highway. The other domes would be located at greater distances.

In terms of overlooking and impact upon privacy, the domes at minimum are 50m from the properties to the south which is considered acceptable and the lower domes are screened by roadside hedges and mature trees. The "windows" of each dome are positioned away from these properties and therefore overlooking is minimised. Given the distances involved, land levels and intervening vegetation, the development is not contrary to the guidelines contained within the Residential Design SPG. The domes include outside baths and are visible to the neighbouring properties. Objections have raised concerns that whilst the proposed screening is an improvement on the previous application, the screening is still not high enough. The application now proposes 1.5m (5'9") high close boarded fencing on two sides of the decking which accommodates the baths. Three of the baths are sited on the northern sides of the domes, therefore screened from the neighbouring properties by the domes. The bath adjacent to Oak Tree Dome in the south-eastern part of the site would be located on the south-eastern side of the dome, but would be screened on the south-eastern and south-western sides by the fencing. Additionally, a hedgerow is proposed to be planted around each of the domes and outdoor baths. Given the existing vegetation features, the distance together with the proposed screening measures, subject to the use of conditions, it is not considered that the amenities of occupiers of nearby residential properties would be detrimentally affected in terms of outlook and privacy.

In terms of outlook, it is considered that occupiers would continue to have an open and attractive outlook. As such, it is not considered that the amenities of occupiers of nearby residential properties would be detrimentally affected in terms of outlook.

In respect of noise, there is physical separation and intervening features which mitigate

any impacts and generally tourist accommodation uses are not incompatible with the use of surrounding residential properties. It is appreciated, though, that the development would generate some additional noise in terms of additional persons on site and additional traffic.

The submission does not include details of proposed external lighting and as such a condition is recommended for the details of any proposed external lighting to be submitted and approved.

Overall, it is considered that the amenities enjoyed by the occupants of neighbouring residential properties would not be unacceptably affected by the development in accordance with LDP Policy DM13, subject to the use of conditions regarding external lighting and the erection of the fencing indicated on the plans.

### Natural environment

The application is not supported by an ecological survey, however given that the development is located on an area of improved grassland, which is of relatively low ecological value and the pathway uses an existing access into the fields, no adverse ecological impact appears to have occurred or will occur. The site is located approximately 300m from the Montgomery Canal Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI), however, NRW have advised that the proposal is not likely to have a significant effect on the Montgomery Canal SAC nor underpinning SSSI as no potential pathways to the protected site have been identified.

Careful consideration will be given to the locations of the passing bays to ensure no adverse ecological impact. The application is supported by a Green Infrastructure Statement which confirms that there has been no loss of trees or hedgerow as a result of the development and additional hedgerow and tree planting is proposed. The installation of a bat box and a bird box is also proposed as biodiversity enhancement.

The Council's Ecologist commented on the previous application and did not object subject to the use of conditions related to the submission and approval of detailed landscaping details, biodiversity enhancement, external lighting and a manure management plan. The amendments to the development do not impact ecological features any further than the previous application and given that the foul drainage system has been amended from compost toilets to disposal of foul waste to a sewage treatment plant, a manure management plan is not necessary. Conditions are still required in relation to landscaping, external lighting and biodiversity enhancement. Any comments received from the Council's Ecologist prior to the committee will be presented as an update report.

Based on the response provided by the Council's Ecologist on the previous application and NRW's comments on this application, and subject to the use of conditions, it is considered that the development does not have an unacceptable adverse impact upon the natural environment in accordance with LDP Policy DM2.

### Historic environment

- Setting of Scheduled Monument

The boundary of scheduled monument MG158 Bryn Mawr Camp is located approximately 150m north-west of the closest part of the application site. Cadw have not provided comments on the application, however comments were received from Cadw on the previous application reference: 23/1071/FUL as follows:

'The boundary of scheduled monument MG158 Bryn Mawr Camp is located some 85m west of the proposed development, but intervening topography and vegetation block all views between them. Consequently, the proposed development will have no impact on the setting of scheduled monument MG158'.

In terms of the current application, given that the application site has been amended, with the Hilltop Dome being relocated further away from the boundary of the scheduled monument and that Cadw previously identified that intervening topography and vegetation block all views between the site and the scheduled monument, it is concluded that the revised development continues to have no impact on the setting of scheduled monument MG158.

- Settings of listed buildings

There are three grade II listed buildings at Bryn Mawr Farm located approximately 150m to the south-west of the site across the U2226 highway (references 8513 Bryn Mawr, 8514 Barn to East of Bryn Mawr and 8515 - Cowsheds, Granary & Milking Parlour (Old Stables) at Bryn Mawr. Given the distance between the identified listed buildings and the intervening built form and topography, the development does not have an unacceptable adverse effect and does not harm the setting of the listed buildings.

- Archaeology

Heneb – Clwyd Powys Archaeology have advised that there are no archaeological implications for the development.

Based on the above discussion, the development is not considered to unacceptably adversely affect the settings of the identified historic assets in accordance with LDP Policy SP7.

#### Highway safety, access and parking provision

The Community Council and public representations have raised concerns over the increase in traffic, the adequacy of the local road network and passing places and parking at the site.

The site is accessed off the U2226 highway, approximately 500m from the junction of the U2225/U2226 highways, the junction has sufficient width for the passing of two cars and sufficient visibility in both directions. Two passing bays have been constructed along the



U2226 highway (Officers are currently investigating an alleged breach of planning control in relation to the passing bays). A further two passing bays are proposed under the current application.

The Highway Authority has considered the locations of the proposed passing bays and advised that there is insufficient width available for the passing bay shown on the U2226 highway, there is mature trees close to the location of the second proposed passing bay. However, the Highway Authority has advised that there are alternative locations for the construction of suitable passing bays. It is common practice to attach conditions for the submission and approval of details of the passing bays. Such applications for approval of details reserved by condition are made publicly available on the Council's website. Officers have been advised by the Highway Authority that signs advising 'no parking' are not usually installed at passing places because they are advisory only and the best prevention for using passing places for parking is to ensure that new passing places are sited appropriately, avoiding being too close to dwellings or popular recreational areas, for example.

In terms of parking provision, the Highway Authority has not raised concern over the proposed parking provision. The car parking area includes EV Charging points and is therefore compliant with Future Wales and the EV Charging Strategy for Wales. Officers are not aware that EV charging points must be made publicly available and the submission does not intend public use.

Based on the comments received from the Highway Authority, the development is considered to comply with LDP Policies T1 and DM13.

#### Foul drainage

Public representations have raised concerns over foul drainage. Previously it was proposed to use compost toilets for each dome and the 23/1071/FUL application was refused on the basis that the application failed to demonstrate that adequate sewage and foul waste disposal was provided.

During the processing of this application, it was initially proposed to install a septic tank, however in accordance with Welsh Government Circular 008/2018 (Planning requirement in respect of the use of private sewerage in new development, incorporating septic tanks and small sewage treatment plants), it is now proposed to install a sewage treatment plant with discharge to ground within the eastern part of the site, as indicated on the submitted block plan. Each dome would have a wc adjacent to the dome which would connect into the treatment plant. Revised drainage field calculations have been submitted and percolation test results have been carried out and the Council's Environmental Protection team and Natural Resources Wales (NRW) have not objected to the proposed foul drainage arrangements. An Officer of the Council's Environmental Protection team has visited the site and inspected the percolation test holes.

The Council's Environmental Protection department have advised that a spring is not

shown on the mapping in their possession and none was observed during the site visit. It is understood that if the spring arises/runs along the green lane (adjacent to the application site), it would not pose a problem provided the drainage system is sited at least 10m from the watercourse (as per Building Regulations).

Based on the revised foul drainage system and the advice received from the Council's Environmental Protection Team and NRW, the development would be served by an adequate means of foul drainage in accordance with LDP Policy DM13.

#### Water supply

The Community Council and public representations have raised concern over the capacity of the local reservoir, particularly in the summer months. Hafren Dyfrdwy have not raised concerns over the development, and have advised that upon receipt of a formal application for a water connection, a detailed assessment is undertaken. Where there is a risk to Hafren Dyfrdwy not meeting the statutory obligations then further investigation will be undertaken and, where necessary, additional reinforcement to the network will be carried out. Based on the advice from Hafren Dyfrdwy, Officers are satisfied that the water source is adequate in accordance with LDP Policy DM13.

#### Minerals safeguarding

The site is located within a minerals safeguarding area for sandstone (category 2). Given that the development is small scale and not permanent in nature, it is considered that there is little or no impact on the possible winning of the mineral in future. As such, the development is not considered contrary to LDP Policy DM8.

#### Public right of way

As noted above, two public rights of way pass through the site which are identified on the submitted plans. No comments have been received from the Council's Countryside Services department. The public rights of way would not be physically affected by the development and as such the development does not conflict with LDP Policy DM13. However, it would be beneficial to advise the developer of the presence of the rights of way within an informative.

#### Air quality

Public representations have raised concerns over an increase in traffic leading to an impact upon air quality. One of the main causes of poor air quality is road traffic emissions and currently planning applications proposing 10 or more parking spaces are required to be supported by an air quality assessment. The development does not meet this threshold and Environmental Protection have not objected to the development. Therefore, the development is not considered to conflict with LDP Policy DM14.

#### Loss of agricultural land

The site is located within an area classified as 3b and 4 within the Agricultural Land Classification Map and as such is not the best and most versatile land. Therefore, the development is not considered to conflict with Planning Policy Wales and TAN6.

### Other matters

The Community Council and public representations have raised concern over the retrospective nature of the development and the time it has taken to seek to resolve the matter. Officers have been working with the applicant to seek to resolve the matter which is the approach recommended by the Council's Planning Enforcement Policy and Procedure and national guidance. The planning legislation permits the submission of applications in retrospect.

In addition, concerns have been raised over breaches of planning control relating to previous planning consents at the same address. Officers are currently investigating the alleged breaches of planning control.

## **RECOMMENDATION**

The issues raised by the Community Council and within the public representations have been carefully considered as well as the contents of the Officer's report for the previously refused application. The provision of tourist accommodation is supported by planning policy and it is considered that the alterations to the development including the relocation of the Hill Top Dome, together with the proposed colour of the vinyl and additional screening and landscaping measures have overcome the previous concerns in terms of landscape impact. In addition, the amendment to the foul drainage system has addressed the previous concerns. Therefore, based on the above discussion, the recommendation is one of consent subject to the conditions and informatives set out below.

### **Conditions**

1. This permission, as prescribed by Section 73(a) of the Town and Country Planning Act 1990 (as amended), shall be deemed to take effect from the date of consent.
2. The development shall be carried out strictly in accordance with the following approved plans and documents: SK01 Amendment D, SK02 Amendment D, SK03 Amendment D, SK04 Amendment D, SK05 Amendment D, SK07 Amendment B, SK08 Amendment D, SK10 Amendment B, SK11 Amendment B, SK12 Amendment B, SK13 Amendment B, SK14 Amendment B.
3. Prior to occupation of the holiday units, a detailed landscaping scheme shall be submitted to and thereafter 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.

4. The approved landscaping scheme shall be implemented in the first planting season following approval of the planning application 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.
5. Prior to occupation of the holiday units, locations and details of the two proposed passing bays along the county highway shall be submitted to and thereafter approved in writing by the Local Planning Authority.
6. The passing bays referred to in condition 5 above shall be constructed to adoptable standard prior to first beneficial/operational use of the development hereby approved.
7. Prior to occupation of the holiday units, provision shall be made within the curtilage of the site for the parking of vehicles in accordance with the approved Block Plan SK05 Amendment D together with a turning area such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas, shall be retained for their designated use for as long as the development hereby permitted remains in existence.
8. Prior to occupation of the holiday units, the biodiversity enhancement measures shown on Block Plan SK05 Amendment D (bird box and bat box) shall be implemented in accordance with the approved details and maintained thereafter.
9. Prior to occupation of the holiday units, a minimum 10% of the parking allocation secured under condition 7 above (min of 1 space) shall be constructed to incorporate Fast Charge electric vehicle charging points. Please see the EV Charging Strategy for Wales for further information.
10. Prior to occupation of the holiday units, the timber close boarded fences indicated on Block Plan SK05 Amendment D shall be erected in accordance with the approved details. The fences shall be retained for the lifetime of the development.
11. Prior to occupation of the holiday units, the opaque vinyl covering of the domes shall be painted with two coats of Juniper Green flexible vinyl paint or other similar colour agreed in writing by the Local Planning Authority. The vinyl covering shall be painted with at least one coat of Juniper Green flexible vinyl paint every 6 months thereafter.

12. No surface water drainage from the site shall be allowed to discharge onto the county highway.
13. The WC buildings/toilet blocks shall be of timber construction as shown on drawing no. SK14 B, if a finish is required to the timber this shall be through a natural-wood coloured stain finish only and shall be retained as such in perpetuity.
14. 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.
15. Notwithstanding the provisions of schedule 2, part 1, classes A, B, C, D, E and G of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), no extensions, alterations to the roof, porches, chimneys, buildings shall be erected other than those expressly authorised by this permission and shown on drawing nos: SK01 Amendment D, SK02 Amendment D, SK03 Amendment D, SK04 Amendment D, SK05 Amendment D, SK07 Amendment B, SK08 Amendment D, SK10 Amendment B, SK11 Amendment B, SK12 Amendment B, SK13 Amendment B, SK14 Amendment B.
16. In the event of the domes ceasing their use as holiday accommodation, the domes and the 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 condition.
17. No external lighting shall be installed unless a detailed external lighting design scheme has been submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall identify measures to avoid impacts on nocturnal wildlife in accordance with the recommendations outlined in the BCT and ILP Guidance Note 08/23 Bats and Artificial Lighting at Night (2023). The development shall be carried out in accordance with the approved details.

## **Reasons**

1. Required to be imposed by section 63 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans approved by the Local Planning Authority in the interests of clarity and a satisfactory development.
3. To comply with Policies SP7, DM2, DM4, DM13 and TD1 of the Powys Local Development Plan (2011-2026) in terms of safeguarding the landscape, biodiversity enhancement, to build ecosystem reliance and to meet the

requirements of Planning Policy Wales (Edition 12, February 2024), Technical Advice Note (TAN) 5: Nature Conservation and Planning (2009) and Part1 Section 6 of the Environment (Wales) Act 2016.

4. To comply with Policies SP7, DM2, DM4, DM13 and TD1 of the Powys Local Development Plan (2011-2026) in terms of safeguarding the landscape, biodiversity enhancement, to build ecosystem reliance and to meet the requirements of Planning Policy Wales (Edition 12, February 2024), Technical Advice Note (TAN) 5: Nature Conservation and Planning (2009) and Part1 Section 6 of the Environment (Wales) Act 2016.
5. In the interests of highway safety in accordance with Policy T1 and DM13 of the Powys Local Development Plan (2011-2026).
6. In the interests of highway safety in accordance with Policy T1 and DM13 of the Powys Local Development Plan (2011-2026).
7. In the interests of highway safety in accordance with Policy T1 and DM13 of the Powys Local Development Plan (2011-2026).
8. To comply with Policy DM2 of the Powys Local Development Plan (2011-2026) in terms of biodiversity enhancement and to build ecosystem reliance in accordance with the requirements of Planning Policy Wales (Edition 12, February 2024), Technical Advice Note (TAN) 5: Nature Conservation and Planning (2009) and Part1 Section 6 of the Environment (Wales) Act 2016.
9. To support regional connectivity in accordance with Policy 12 of Future Wales: The National Plan 2040.
10. To safeguard the amenities enjoyed by the occupants of neighbouring residential properties in accordance with Policy DM13 of the Powys Local Development Plan (2011-2026).
11. To safeguard the landscape in accordance with Policies SP7, DM4, DM13 and TD1 of the Powys Local Development Plan (2011-2026).
12. In the interests of highway safety in accordance with Policy T1 and DM13 of the Powys Local Development Plan (2011-2026).
13. In the interests of clarity and a satisfactory development.
14. To ensure that the development is used for holiday accommodation purposes only because it is in a location where permanent residential accommodation is not permitted in accordance with Policy TD1 of the Powys Local Development Plan (2011-2026) and Planning Policy Wales (Edition 12, 2024).

15. To ensure that the development is of an appropriate design and scale which does not detract from the character and appearance of the area and is commensurate with its holiday accommodation use in accordance with Policies SP7, DM4, DM13 and TD1 of the Powys Local Development Plan (2011-2026) and Planning Policy Wales (Edition 12, 2024).
16. 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 area in accordance with Policies TD1, SP7, DM4 and DM13 of the Powys Local Development Plan (2011-2026) and Planning Policy Wales (Edition 12, 2024).
17. To comply with Policies DM2 and DM7 of the Powys Local Development Plan (2011-2026) and to meet the requirements of Planning Policy Wales (Edition 12, February 2024), Technical Advice Note (TAN) 5: Nature Conservation and Planning (2009) and Part1 Section 6 of the Environment (Wales) Act 2016.

## **Informatives**

- SAB Approval

The SuDS Approval Body (SAB) deem that the construction area is greater than 100m<sup>2</sup> and therefore this development will require SAB approval.

For further information on the requirements of SAB and where relevant application forms/guidance can be accessed, please visit the following website

<https://en.powys.gov.uk/article/5578/Sustainable-Drainage-Approval-Body-SAB>.

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

The requirement to obtain SAB consent sits outside of the planning process but is enforceable in a similar manner to planning law. It is a requirement to obtain SAB consent in addition to planning consent. Failure to engage with compliant SuDS design at an early stage may lead to significant unnecessary redesign costs.

- Nesting birds

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) disturb any wild bird listed on Schedule1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird. The maximum penalty that can be imposed - in respect of a single bird, nest or egg - is a fine of up to 5,000 pounds, six months imprisonment or both.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work

involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built, (usually between late February and late August). If a nest is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales.

- Public rights of way

Public rights of way 225/58/1 and 222/42/1 run through the application site. No public rights of way should be obstructed during the development process and at no time should any materials be placed or stored on the line of any public right of way; any damage caused to the surface of any public right of way must be made good to at least its current condition or better. Should the public footpath be required to be temporarily closed for development purposes then the applicant should make contact with Countryside Services directly to discuss, prior to any works taking place. Any application for a temporary closure needs to be processed and approved before the footpath can be legally stopped-up for a defined period.

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