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Our Ref: 20/0175/PRE

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Dear Sir/Madam,

Reference: 20/0175/PRE

Proposal: Pre-planning application enquiry in relation to erection of retail/farm shop unit to include electric charging car park

Site Address: Greenfields Farm, Four Crosses, Llanymynech, Powys SY22 6RF

Thank you for the preliminary enquiry received by Development Management in respect of the above. Having now had the opportunity to consider the development proposals, I write to offer the following comments based on information provided with the submission and a desktop assessment of the site.

Principal Planning Policies & Guidance:

I would advise that the following planning policies are considered key to the proposed development;

National Planning Policies:

Planning Policy Wales (Edition 10, 2018)

Technical Advice Note 4 – Retail and Commercial Development (2016)

Technical Advice Note 5 - Nature Conservation and Planning (2009)

Technical Advice Note 11 – Noise (1997)

Technical Advice Note 12 - Design (2016)

Technical Advice Note 18 - Transport (2007)

Technical Advice Note 23 – Economic Development (2014)

Technical Advice Note 24 – The Historic Environment (2017)

Local Planning Policy:

Powys Local Development Plan (2018)

DM2 – The Natural Environment

DM4 – Landscape

DM7 – Dark Skies and External Lighting

DM13 – Design and Resources

E2 – Employment Proposals on Non-Allocated Sites

E6 – Farm Diversification

R1 – New Retail Development

R4 – Neighbourhood and Village Shops and Services

SP5 – Settlement Hierarchy

SP6 – Distribution of Growth across the Settlement Hierarchy

SP7 - Safeguarding of Strategic Resources and Assets

T1 – Travel, Traffic and Transport Infrastructure

Supplementary Planning Guidance – Biodiversity and Geodiversity

Planning History

P/2017/1259 – Outline: Proposed residential development of 5 no dwellings, formation of an access road and all associated works – Refused – 15/03/2018.

Principal Planning Constraints

Listed Buildings nearby

Scheduled Ancient Monument – 280m

SAC/SSSI – Montgomery Canal

Public Right of Way – 222/28/1

Proposal

This pre-planning application enquiry involves the creation of a farm shop unit to incorporate an electric charging car park. The application is located outside of any settlement development boundary, being located on the outskirts of Four Crosses, which is identified as a Large Village under the Powys Local Development Plan (2018). The proposed development is therefore located within the open countryside for the purposes of this pre-application enquiry. From the plans submitted, it is indicated the retail unit will measure 690sqm, with the total area covered by the car park appearing to amount to approximately 9700sqm.

Principle of Development

Policy R1 of the Powys Local Development Plan sets out the retail hierarchy of Powys in relation to new retail development

The retail hierarchy of Powys is:

Area Retail Centres:	Llandrindod Wells, Llanidloes, Machynlleth, Newtown
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	and Welshpool.
District Retail Centres:	Builth Wells, Knighton, Presteigne, Rhayader and Ystradgynlais.
Local Retail Centres:	Llanfair Caereinion, Llanfyllin, Llanwrtyd Wells and Montgomery.

Policy R1 goes on to state the following;

“Within defined retail centres proposals for new retail development which would be of a scale and design appropriate to the settlement and in accordance with the retail hierarchy will be supported. Proposals that would undermine the retail hierarchy will not be permitted.

In accordance with national planning guidance this policy defines a retail centre hierarchy which recognises the specific role and function of the current retail offer within the County and is a framework for determining future development proposals. All new retail proposals should form part of, or complement, the retail hierarchy which places area retail centres first and recognises the more local role of district and local retail centres This approach integrates land use planning so that, for instance, new retail development can be integrated with the provision of housing. In so doing this will reduce the need to travel, enhance existing centres and support the viability of existing retail providers.

It is the Council’s policy to locate future retail development within existing Town Centre Areas wherever possible. Therefore, in accordance with PPW and TAN 4, developers proposing new edge of centre or out-of-centre developments will be expected to demonstrate that there is a need for the additional retail provision, that it can be satisfactorily located and that it will not have an unacceptable adverse impact on existing retail centres”.

The application site is located outside any settlement development boundary and Four Crosses is not considered to be an Area, District or Local Retail Centre in accordance with the retail hierarchy. Therefore, in accordance with policy R1 above, out-of-centre developments will be expected to demonstrate that there is a need for the additional retail provision, that it can be satisfactorily located and that it will not have an unacceptable adverse impact on existing retail centres. As part of submitting a future planning application, a detailed justification statement would need to be submitted to demonstrate how the proposed development complies with this specific requirement of LDP Policy R1.

PPW emphasises the need for the planning system to promote viable urban and rural retail and commercial centres as the most sustainable locations to live, work, shop and socialise. The sequential test is used by the Welsh Government whereby they operate a ‘town centre first’ policy in relation to the location of new retail development. The first option for any new retail development should be town centre, and then work itself out of centre if justification leads to this. If a use or building is not available within a retail

centre of a Town, then consideration should be given to edge of centre sites and then if these are not available out of centre sites, that are accessible by a choice of travel modes. Out of centre sites should not be of a scale, type or location that is likely to undermine the vibrancy and viability of those retail centres within the town. PPW goes on to say that some types of retail uses are not suitable for town centre locations because of their very nature, and therefore out of centre locations is the only option.

Technical Advice Note 4 (2016) is an advice note by Welsh Government that fully considers retail and commercial development. The tests of retail need is the first step in considering the actual need of that use in that location. The sequential test is then emphasised again to choose the location and suitability of that use. Retail impact assessments are mentioned, but these are rarely required for developments of this nature, as the threshold is for retail applications with over 2500 sqm floor area. Powys' Local Development Plan is very succinct with its retail policies, with only one retail allocated site in the whole of Powys. Based upon the submitted floor plan, the retail floor area would measure approximately 690 sqm.

Test for Retail Need

PPW (Edition 10) and TAN 4 stipulate that the starting point for planning for new retail development is the test of retail need. It explains that this needs to be a quantitative needs test and a qualitative needs test, and normally this is based on forecasting expenditure of a certain type of retail good over a period of time.

These tests refer to major retail proposals such as supermarkets and other A1 retail uses which would take trade from town centre retail markets. The proposal is for a farm shop and electric charging station. The Local Planning Authority do not consider the types of uses proposed would be suitable within a Town centre area and its location within a more rural location is justified. It is not noted any retail stores of a similar nature in the immediate locality, therefore its need could be justified as part of submitting a detailed justification statement within a future planning application.

Sequential Test

The sequential test supports the Welsh Government's policy objective of promoting centres identified in the retail and commercial centre hierarchy, as the most sustainable locations to live, shop, socialise and conduct business.

The sequential location of planning applications should be considered in the following order:

- Firstly, within retail and commercial centres identified in the retail hierarchy where suitable sites, or buildings for conversion are available. Where this relates to a development plan allocation, they must be available for development within the plan period. Local planning authorities should ensure that any development plan allocation or planning application is of an appropriate scale in relation to the role and function of the

centre.

- If no suitable sites are available in retail and commercial centres then edge-of centre locations should be considered, with preference given to brownfield sites that are or will be well connected to the existing centre and accessible by a variety of means of transport, particularly walking, cycling and public transport.
- Only when retail and commercial centres and edge of centre locations have been considered and found to be unsuitable can out-of-centre options within, and then outside, a settlement area be considered. Where out of centre sites are concerned preference should be given to brownfield sites, which are or will be well served by a choice of means of transport and are close to an established retail and commercial centre.

It is acknowledged that the sequential test and tests of retail need is more specifically based on major supermarket proposals, which can have a degree impact on existing shops within a town centre. The preferred option would be to have new retail developments within the settlement development boundary of Four Crosses, however it is acknowledged that some retail uses are not suitable or cannot be accommodated within town or village centres and therefore out of centre locations need to be considered. The Local Planning Authority acknowledges that siting a farm shop and electric charging point within a town or village centre is not practical or the most viable option. In respect of the above comments, I would advise that a comprehensive Planning Supporting Statement is provided with any submission clearly addressing the raised issues in respect of the need for the development at this chosen location taking account Local and National Planning Policies. Any formal planning application will need to demonstrate that the development will not have a detrimental impact upon the retail hierarchy in accordance with LDP Policy R1.

Local Development Plan Policy E6 – Farm Diversification is also of relevance in the consideration of the principle of development and can be read as follows:

“Development proposals for farm diversification will be permitted where:

- 1. The proposed diversification will be of an intensity of use appropriate to the location and setting and will have no significant detrimental effect on the vitality and viability of any adjacent land uses, either individually or through cumulative impact;*
- 2. Adequate provision is made for the parking of vehicles and the storage of materials/equipment; and*
- 3. The construction of new, or conversions of existing buildings, that form part of the proposal lie within or immediately adjacent to the existing farm building complex.*

4.4.18 Farm diversification offers key benefits for the socio-economic growth of rural communities allowing the creation of commercial opportunities to provide rural employment that utilises existing resources; and helps maintain the viability of individual farm units or enabling the family unit to remain within the community and to have viable

employment.

4.4.19 *In considering development proposals for farm diversification activities consideration should be given in the first instance to the reuse of existing buildings. If this is not possible, a sensitively designed new building within the existing farm complex may be considered.*

4.4.20 *Farm diversification tends to occur in locations which may be distant from major centres and often served by low standard local roads. Thus farm diversification proposals may be at odds with transport policies if they cannot be served by means other than the private car. They may also generate additional traffic incompatible with the capacity of the road. As such farm diversification schemes may be required to address traffic generation issues in accordance with paragraph 3.14 of TAN 18”.*

From the information submitted, it appears clear that the proposed development will comply with criteria 1 and 2 of policy E6. Providing a farm shop at this location is considered to be sensitive to the existing and adjacent land uses, retaining links to agriculture. In addition, there appears to be ample room for parking as indicated on the submitted Location Plan, as such satisfying criteria 1 and 2 above. In terms of criterion 3, whilst the proposed location is not immediately adjacent to the existing farm building complex at Greenfields Farm, it is accepted there may be reasons for this such as amenity impacts and access concerns. As part of submitting a full planning application, it is requested that full details and justification as to why the proposed development is not located immediately adjacent to the main farm building complex is provided, in order to meet the requirements of LDP Policy E6 above. Overall, taking the policy context into account, it is considered that the principle of the development could be acceptable in this location, subject to the submission of detailed supporting evidence outlining how the proposed development satisfies the above policies.

Economic Benefit

In relation to economic benefits of development Planning Policy Wales 10, paragraph 5.4.4 states:

“Wherever possible, planning authorities should encourage and support developments which generate economic prosperity and regeneration. Sites identified for employment use in a development plan should be protected from inappropriate development.”

TAN 23 states:

“Allocated sites should be given priority, but development on unallocated sites could be permitted if the resulting benefits outweigh any adverse impacts of the development.”

It is anticipated the proposed development would provide a significant economic benefit to the surrounding area once operational through the creation of new jobs associated with the shop, as well as during the construction phase of the development. The economic benefits of the development are a material consideration of significant weight to overcome the location of the development within the open countryside. I would advise

that a comprehensive Planning Supporting Statement is provided with any submission evidencing the economic benefits of the development in respect of the need for the development at this chosen location taking account Local and National Planning Policies. A supporting statement evidencing the economic benefits of the development are a material consideration of significant weight to overcome the location of the development outside of a settlement development boundary.

Design, Scale and Layout

LDP Policy DM13 require development proposals to demonstrate a good quality design and still have regard to the qualities and amenity of the surrounding area and proposals will only be permitted where they enhance or complement the character of the surrounding area in terms of siting, appearance, integration, scale, height, massing and design detailing.

In the absence of detailed information regarding the design and materials to be used I am unable to comment specifically on this aspect of the proposal. No plans have been provided with regard to the design, however I would recommend that prior to the submission of any application, due consideration is given to the specifics of the design and materials to be used to ensure that the proposal is in keeping with the surrounding area and local vernacular.

I would recommend that the proposed development is of a low profile/height with a sympathetic design in order to assimilate the development into the surrounding area. I would also recommend using materials of a simple palette such as brickworks, render and cladding. It is also acknowledged that there is likely to be advertisement signage as part of the development, I would therefore recommend submitting details of any advertisement signage as part of any formal planning application.

Neighbouring Amenities

The application site is located within close proximity to neighbouring residential properties, particularly to the south. The proposed development should not have a detrimental impact on the neighbouring amenities of any residential property in terms of noise, light pollution. However, this will need to be confirmed as part of the submission of a full planning application. It is advised that any submission should include a noise assessment with evidence that at the most sensitive times of day, the operation of the site will not result in noise levels exceeding background noise levels. Full details of deliveries to the site will also need to be provided. Details of any external lighting will need to be submitted as well and designed as such to minimise light pollution.

Highway Safety

Adequate highway provision is a fundamental consideration of any planning application. A future planning application would need to comply with policies DM13 (Part 10) & T1 of the LDP (listed below). A planning application would need to demonstrate that a safe

access and egress from the site can be achieved. Plans should demonstrate parking in line with CSS Parking Standards Wales. Further to the above guidance, the Local Highway Authority have been consulted on the proposed development and have provided the following comments in respect of the proposals;

“The County Council as Highway Authority for the County Class II Highway, B4393

*Wish the following recommendations/Observations be applied
Recommendations/Observations*

Thank you for consulting with the Highway Authority (HA) on the pre-planning enquiry, which seeks to provide erection of retail/farm shop unit to include electric charging car park on land at Greenfields Farm, Four Crosses.

(Please note that the information provided is based on a desk top study of the site using satellite mapping imagery and planning records only; no site visit has been undertaken).

Whilst the HA would have no fundamental objection to the provision of a retail/farm shop at this location, the following matters will need to be addressed as part of any future formal planning submission.

- 1. The proposed field access would potentially give vehicular access to the site from the B4393 and U4902, which the HA would not support without improvements to any such access. As such, we suggest that access from the farm be limited to any residual land and not the proposed retail unit. It would, however, be advantageous to connect the unit with the dwellings to the east of the site by means of a footpath”.*

In addition to the above, the following policies are considered relevant in ensuring highway safety;

“DM13 – Design and Resources

The development has been designed and located to minimise the impacts on the transport network - journey times, resilience and efficient operation - whilst ensuring that highway safety for all transport users is not detrimentally impacted upon.

Development proposals should meet all highway access requirements, (for all transport users), vehicular parking standards and demonstrate that the strategic and local highway network can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network or that traffic impacts can be managed to acceptable levels to reduce and mitigate any adverse impacts from the development”.

“T1 – Travel, Traffic and Transport Infrastructure

Transport infrastructure, traffic management improvements and development proposals should incorporate the following principal requirements:

- 1. Safe and efficient flow of traffic for all transport users, including more vulnerable users, and especially those making 'Active Travel' journeys by walking or cycling;*
- 2. Manage any impacts to the network and the local environment to acceptable levels and mitigate any adverse impacts; and,*
- 3. Minimise demand for travel by private transport and encourage, promote and improve sustainable forms of travel including Active Travel opportunities in all areas.*

Transport infrastructure improvements will be supported where they promote sustainable growth, maximise the efficiency and safety of the transport systems, improve public and private transport integration and encourage passenger and freight rail operations”.

Biodiversity

In accordance with TAN 5: Nature, Conservation and Planning, and Powys LDP Policy DM2: The Natural Environment, as part of the planning process Powys LPA should ensure that there is no unacceptable damage to biodiversity as a result of a proposed development.

There are no areas of Ancient Woodland located within 1km of the application site, and the application site would appear to utilise an area currently used for agricultural grazing. It would also not appear that any areas of trees and hedgerow would be impacted by the proposed development or in the improvement of the access. The site, however, is located approximately 380 metres east of the Montgomery Canal SAC/SSSI. Upon reviewing aerial imagery there appears to be a lack of connecting features between the application site and the Montgomery Canal, however as part of submitting a full planning application this would be fully assessed by Natural Resources Wales and the Powys Ecologist. It is recommended that as part of a submitting a full planning application, as a minimum a Preliminary Ecological Assessment is submitted to inform such a decision. It is also recommended that a Pollution Prevention Plan is submitted to demonstrate that there will be no negative impacts upon the Montgomery Canal.

Further to the above, all development proposals are now required to enhance biodiversity on site and within surrounding areas. Therefore, as part of submitting a full planning application it will be necessary that the proposed development incorporates biodiversity enhancement measures. Typically, these enhancement measures could be made up of bird and bat boxes, as well as tree and hedgerow planting which would provide enhancement opportunities for wildlife in the surrounding area, as well as successfully assimilating the proposed development into its local setting. I would suggest that soft landscaping is proposed as part of the development in order to assimilate the proposed development into its local setting.

Subject to adherence to the above recommendations, it is considered that the proposed development complies with relevant planning policy.

Environmental Health

Comments Received from PCC – Environmental Health Officer, 22/12/2020;

“Re: Pre-planning application enquiry in relation to erection of retail/farm shop unit to include electric charging car park.

Address: Greenfields Farm, Four Crosses, Llanymynech, Powys SY22 6RF.

Foul drainage

At the planning application stage, Environmental Protection will require the detail relating to the foul drainage arrangements for the development.

Requirement to connect to an existing mains sewer

Foul drainage should be connected to a public foul or combined sewer wherever this is reasonably practicable.

Non-mains foul drainage

If they are utilising any current non-mains system, I will require information relating to the capacity and condition of the tank and drainage field with confirmation that it is of suitable size to accommodate any additional foul effluent from the new development.

Any new system must comply with document H2 of the Building Regulations relating to design and installation of the foul drainage system.

Plant noise

Environmental Protection will require the applicant to undertake a noise impact assessment for all fixed plant. The assessment should identify all noise sources, assess the noise impact at noise sensitive receptors, and include details of proposed noise mitigation measures.

Deliveries to the site

Environmental Protection will require the applicant to provide details of all deliveries to the site and, depending on the proposed timing of deliveries, may require a noise impact assessment to be undertaken.

Construction-phase noise control

Due to the residential nature of the setting, Environmental Protection will require that measures are in place to control the level of noise disturbance to neighbouring

properties during the construction phase of the development.

This department would recommend that the construction period working hours and delivery times be restricted as follows:

'All works and ancillary operations which are audible at the site boundary shall be carried out only between the following hours:

- *0800-1800 hrs Monday to Friday*
- *0800-1300 hrs Saturday*
- *At no time on Sundays and Bank Holidays*

Deliveries to and removal of plant, equipment, machinery and waste from the site must also only take place within the permitted hours detailed above."

Land Contamination

Comments Received from PCC – Contaminated Land Officer, 21/12/2020;

"There would be no requirements in respect of land contamination".

Built Heritage

It is noted the presence of a listed structure (War Memorial) approximately 250 metres north of the application site as well a listed building (Llysant Fach) approximately 450 metres south west of the application site.

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.

Given the distances to these listed buildings and the presence of existing built development and vegetation, it is considered unlikely that the proposed development would cause any unacceptable impact upon the above-mentioned listed buildings and structures. Subject to close attention being paid to the advice contained within the 'Design, Scale and Layout' section, and suitable soft landscaping being provided in

connection with the development, it is considered unlikely that the proposed development would cause any unacceptable impact upon the surrounding listed buildings.

Scheduled Ancient Monument (SAM) – MG033 Offa's Dyke

The application site lies approximately 280m west of scheduled ancient monument (SAM) MG033 – Offa's Dyke, because of this, consideration has been given to LDP Policy SP7 – Safeguarding of Strategic Resources and Assets.

Views of the proposed building will be limited from Offa's Dyke, with a high volume of intervening built development and vegetation.. Whilst any development will likely be visible from Offa's Dyke, it is not considered this would cause a negative impact or harm upon the way the SAM is experienced, understood or appreciated and is considered acceptable. CADW would be consulted as part of the submission of a future planning application in order to confirm this. Subject to close attention being paid to the advice contained within the 'Design, Scale and Layout' section, and suitable soft landscaping being provided in connection with the development, it is considered unlikely that the proposed development would cause any unacceptable impact upon the SAM.

Public Right of Way – 222/28/1

There is a public right of way that is located within the extent of the application site. Therefore, consideration has been given to LDP Policy SP7 – Safeguarding of Strategic Resources and Assets.

No development should block or obstruct this public right of way, and the right of way should not be obstructed at any point during the undertaking of any building works. I would advise you identify the exact location of the right of way and clearly mark this on a Location Plan when submitting a full planning application, in order to ensure that no part of right of way is obstructed by the development.

Conclusion

The development proposed is located within the open countryside and therefore justification is required to be submitted with any formal planning application outlining how the development complies with local and national policy. I would ask that consideration is given to the points raised above regarding design and appearance along with the consultee responses prior to the submission of any formal planning application.

Please note that any formal planning for this type of development will need to be supported by the following documents:

Application Form
Appropriate Fee

Plans (Location Plan, Site Plan, Floor Plans, Elevation Plans, Access Plans)
Design and Access Statement

Additional information likely to be required to determine the planning application:

Traffic Assessment
Noise Assessment
Waste Management Report
Artificial Light Assessment
Landscaping Plan and Boundary Treatments
Preliminary Ecological Assessment
Retail Assessment

I trust the above is of assistance. Should you require any further information, please do not hesitate to contact me.

Yours faithfully,

Rhys Evans
Senior Planning Officer
Powys County Council

Croesewir gohebiaeth yn y Gymraeg a'r Saesneg/Correspondence welcomed in Welsh and English

Data Protection and Privacy / Diogelu Data a Chyfrinachedd

In order to deliver the Planning Service (applications, complaints and appeals etc.) it is necessary for the council to process personal data, in accordance with relevant planning legislation, as listed on the Welsh Governments planning website (<https://gov.wales/topics/planning/?lang=en>). Information held by the Planning Service will be retained in accordance with the legislation and the Councils retention schedule. If you have any concerns regarding the use of your personal data please contact the Data Protection Officer by email at Information.Compliance@powys.gov.uk or by phone at 01597 826400. Please note that further information on the Data Protection and Privacy can be found at the following address: <https://en.powys.gov.uk/privacy>.

Er mwyn cyflawni ceisiadau, cwynion ac apeliadau'r Gwasanaeth Cynllunio mae angen i'r cyngor brosesu data personol yn unol â'r ddeddfwriaeth gynllunio berthnasol, sydd i'w weld ar wefan gynllunio Llywodraeth Cymru (<https://gov.wales/topics/planning/?skip=1&lang=cy>). Bydd y Gwasanaeth Cynllunio'n cadw Gwybodaeth yn unol â'r ddeddfwriaeth ac amserlen cadw'r Cyngor. Os oes gennych bryderon am sut rydym yn defnyddio'ch data personol cysylltwch â'r Swyddog Diogelu Data trwy e-bost Information.Compliance@powys.gov.uk neu drwy ffonio 01597 826400. Cofiwch y gallwch gael hyd i fwy o wybodaeth am Ddiogelu Data a Chyfrinachedd trwy fynd i: <https://cy.powys.gov.uk/article/653/Defnyddio-Cwcis>.