
Penrhos Farm, Penrhos

Planning Statement

Prepared on behalf of James Owen, Rebo UK Ltd

July 2021

Penrhos Farm, Penrhos

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1.0 INTRODUCTION

Background

- 1.1 This Planning Statement has been prepared by Barton Willmore LLP on behalf of James Owen the Director of Rebo UK Ltd (the 'Applicant'), in support of a full planning application for employment development (retrospective), and retention of a haulage yard in haulage yard use, at Penrhos Farm (incorporating Deytheur Yard), Penrhos, Llansantffraid-ym-Mechain SY22 6QH (the 'Site').
- 1.2 The application follows previous applications for employment development, the most recent being two applications submitted in March 2019, one for "**Retrospective planning for a steel portal frame building and all associated works (including demolition of dated agricultural buildings)**" – reference 19/0467/FUL – and one for "**Change of use of Agricultural Building to B1/B8 use, erection of gates and all associated works**" – reference 19/0610/FUL. Powys County Council (the 'Council') refused both applications planning permission by notices dated 12th June 2020, and both applications are now subject of linked appeals submitted 10th December 2020 – appeal references APP/T6850/A/20/3264861 & 3264880.
- 1.3 This application for employment development (retrospective), and retention of a haulage yard in haulage yard use, takes a comprehensive approach to the employment development that has taken place at the Site to date, encompassing both the new building and change of use of a building. These buildings are used for storage (Class B8) in association with the Applicant's toy supply business, which specialises in the sale of large outdoor toys, such as climbing frames, through online retail. There is an element of manufacturing (Class B1, light industry) within the change of use building, and a site office. For avoidance of doubt, the Class B1 uses are ancillary; there are no primary B1 uses on the Site. The application also extends the Site to incorporate the adjacent operational haulage yard. The Applicant acquired the haulage yard and associated buildings in July 2020 – that is, after applications 19/0467/FUL and 19/0610/FUL were determined. This is a material change of circumstance. The haulage yard is to be retained in haulage yard use.
- 1.4 Reflecting the above, the description of development is as follows:

Change of use of land and buildings from agricultural to storage use (Class B8), with ancillary business use (Class B1), erection of a steel portal frame building (including demolition of agricultural buildings), associated access, fence and gate, hardstanding, and landscaping, and retention of haulage yard in haulage use.

The Planning Application

1.5 The application is supported by extensive documentation, which together comprise the application submission and should be read in conjunction with this Statement.

1.6 The application documents comprise:

- Completed Application Form and Certificates.
- Location Plan (Roger Parry & Partners, Dwg No. RJC-MZ331-12).
- Topographical Survey (ARM Surveys Ltd, Dwg No. 01/01).
- 'Existing' Block Plan (Advance Building Designs, Dwg No. 13).
- 'Existing' Buildings A-B-C (Advance Building Designs, Dwg No. 7).
- 'Existing' Buildings E-D-F-G-H (Advance Building Designs, Dwg No. 7).
- Existing Block Plan – Haulage Yard (Advance Building Designs, No Dwg No.).
- Building J (Advance Building Designs, Dwg No. 5).
- Buildings KLMN (Advance Building Designs, No Dwg No.).
- Buildings O,P (Advance Building Designs, No Dwg No.).
- Buildings Q,R (Advance Building Designs, Dwg No. 5).
- Building S (Advance Building Design, No Dwg No.).
- Block Plan (Roger Parry & Partners, Dwg No. RJC-MZ331-13 Rev A).
- Elevations and Floor Plan – New Build (Roger Parry & Partners, Dwg No. RJC-MZ331-03 Rev A).
- Cross Section and Floor Plan – New Build (Advance Building Designs, Dwg No. 10.4).
- Elevations and Floor Plan – Change of Use (Roger Parry & Partners, Dwg No. RJC-MZ243-03 Rev B).
- New Office Building- Plan View – Showing Elevations (Advance Building Design, No Dwg No.).
- Office Elevations (Advance Building Design, No Dwg No.).
- Fence & Gate (Roger Parry & Partners, Dwg No. RJC-MZ331-15).
- Planning Statement (Barton Willmore, July 2021).
- Design and Access Statement (Barton Willmore, July 2021).
- Lighting Design Scheme (Roger Parry & Partners, July 2021).
- Report on the Availability of Industrial Warehousing Accommodation in North Powys (TSR, June 2019).
- Addendum to Report on the Availability of Industrial Warehousing Accommodation in North Powys (TSR, November 2020).

- Economic Benefits of Rebo UK Ltd’s Activities at Penrhos Farm (Pegasus, April 2021).
- Transport Statement (The Hurlstone Partnership, May 2021).
- Travel Plan Statement (The Hurlstone Partnership, December 2020).
- Historic Environment Desk-Based Assessment (DBA) (Trysor, July 2021).
- Impact on Setting and Significance (Trysor, July 2021).
- Landscape and Visual Impact Assessment (LVIA) (Viento, April 2021).
- Typical Built Development in Powys, Visual Matters (Viento, April 2021).
- Note on Landscape and Visual Matters Relating to the Permitted Agricultural Building on the Site (Viento, April 2021).
- Noise Impact Assessment (NIA) (Matrix, July 2021).
- Protected Species Assessment (Arbor Vitae, April 2021).
- Biodiversity Enhancement (Arbor Vitae, April 2021).
- Energy and Sustainability Appraisal (Scotch Partners, December 2020).
- Draft Unilateral Undertaking (dated 2021).

Environmental Impact Assessment

- 1.7 In accordance with the *Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017* (as amended) (the ‘EIA Regulations’), the Applicant requested an Environmental Impact Assessment (EIA) Screening Opinion from the Council on 27th April 2021. This was received by the Council on the 28th April 2021 and given the application reference 21/0859/SO. The Council issued their Screening Opinion, dated 24th June 2021, on 9th July 2021. This concludes that the development does not constitute EIA development. The Council’s Screening Opinion is provided at **Appendix 1**.

Statement Structure

- 1.8 This Statement provides a general overview of the development and justifies it within the context of the development plan and other material considerations. It should be read in conjunction with the other application documents listed above at paragraph 1.6.
- 1.9 The remainder of this Statement is structured as follows:
- **Section 2 Application Site and Development** provides a description of the Site and surrounding area, including the development that has taken place.
 - **Section 3 Planning History** sets out the planning history of the Site.
 - **Section 4: Planning Policy Context** identifies the planning policy framework relevant to the application and from this identifies relevant policies within the

development plan and other material considerations which set the context for consideration of the development.

- **Section 5 Planning Assessment** evaluates the principle of development, then highways, heritage and landscape impact, followed by other matters. It concludes on overall compliance with the development plan and other material considerations.
- **Section 6 Conditions and Obligations** summarises the proposed conditions and obligations put forward for discussion and agreement with the Council.
- **Section 7: Overall Planning Balance** concludes that the application complies with the development plan and will result in significant benefits, and it is, therefore, respectfully requested that planning permission be granted.

2.0 APPLICATION SITE AND DEVELOPMENT

- 2.1 The Site is edged red on the Location Plan (Roger Parry & Partners, Dwg No. RJC-MZ331-12) and totals 1.63 hectares, of which around 1 hectare comprises a former farmyard and the remainder an established operational haulage yard with associated buildings. The Site forms part of a larger area of land within the control of the Applicant that is edged blue on the Location Plan.
- 2.2 The Site is located within open countryside, around 2 miles from the A483, accessed along the C2035/C2034. The C2304 bounds the Site to the east with agricultural fields beyond. Agricultural fields are also to the north, beyond the haulage yard. To the west, beyond the blue line, lies Penrhos Coppice, and to the south two dwellings and a coppice beyond the C2304. The Holy Trinity Church, a Grade II listed building, lies to the southwest.
- 2.3 Vehicular access is taken from the C2304. The employment development utilises the access that served the former farmyard (the 'northern access to Penrhos Farm') and the haulage yard is served by an established access to the north (the 'haulage yard access'). The northern access to Penrhos Farm has been provided with a sliding gate, set back from the highway, and close boarded fencing. Two buildings have been demolished in the vicinity of the northern access to Penrhos Farm and the area is used for parking.
- 2.4 The steel portal frame building has been erected on the western side of the former farmyard on land that was in part previously occupied by agricultural buildings of a smaller footprint. The steel portal frame building measures 36.6m in depth by 79.05m in width, which equates to a floorspace of 2,893.23sqm. The maximum height of the building is 9.56m at the ridge, falling to 7m at the eaves. The building has a concrete panel base and box profile metal cladding walls and roof. The building was grey in colour but has, in part, been changed to a green tone. Four entrance bays are provided to the eastern elevation. Hardstanding wraps around the building and provides for vehicle circulation and parking.
- 2.5 An earth bund has been provided to the south/ southwest of the building and hardstanding area with leylandii and semi-mature deciduous trees planted along the bund. In addition, four semi-mature birch trees have been planted within the field to the south of the building. Wider landscaping proposals are yet to be implemented, as are biodiversity enhancements. These mitigation/ enhancement measures are detailed in the LVIA (Viento, April 2021) and Biodiversity Enhancement (Arbor Vitae, April 2021) reports submitted in support of the application and can be secured by planning conditions.

- 2.6 A former agricultural building is to the northeast of the steel portal frame building and is also in use associated with the Applicant's business. This building measures 18m in depth by 27.6m in width and has a floorspace of 460 sqm. The maximum height of the building is 6.79m at the ridge, falling to around 3m at the eaves.
- 2.7 There are also a cluster of buildings further to the east. These include the former farmhouse, within the blue line, which is occupied by an employee of the Applicant, and barns that are subject to an extant planning permission for conversion to a single dwelling. A Draft Unilateral Undertaking has been submitted in support of the application, in which the Owner covenants with the Council that if permission is granted neither the farmhouse or barn will be occupied for residential purposes other than by persons employed on the Site and persons living with them as part of their household.
- 2.8 The haulage use at Deytheur Yard has been incorporated into the Site. This is an established haulage business owned and run by JS Evans & Son under a Vehicle Operator Licence, which is valid to 31st August 2022 and permits 15 vehicles and 11 trailers. The haulage yard is to be retained in haulage use. The draft Unilateral Undertaking includes an obligation that ties use of the haulage yard to the employment use on the wider Site.
- 2.9 The surrounding area comprises a valley landscape that is generally well vegetated, particularly in the vicinity of Penrhos Farm where a number of woodlands are located including Penrhos Coppice to the west. Sarnau and Deuddwr form the main small settlements local to the Site. Beyond this, residential properties and farms tend to be scattered throughout the area, with a wide variety of rural buildings, both traditional and modern, and with large buildings a common feature.

3.0 PLANNING HISTORY

Steel Portal Frame Building

3.1 The erection of the steel portal frame building has been subject to two previous applications – references 18/0854/FUL and 19/0467/FUL. An appeal against the refusal to grant planning permission under application 18/0854/FUL was submitted on 8th July 2019 – appeal reference APP/T6850/A/19/3232845. The appeal was started on 22nd July 2019 but held in abeyance and then suspended due to the coronavirus pandemic. The appeal resumed on 21st October 2021 and withdrawn on the 21st June 2021. The appeal’s withdrawal followed confirmation on 15th April 2021 of the procedure for the linked appeals submitted on 10th December 2020 against the refusal of planning permission under applications 19/0467/FUL and 19/0610/FUL – appeal references APP/T6850/A/20/3264861 & 3264880.

Application 18/0854/FUL

3.2 Application 18/0854/FUL, dated 12th October 2018, was refused by notice dated 14th March 2019, and sought permission for “**Retrospective planning for a steel portal frame building and all associated works (including demolition of dated agricultural buildings)**”.

3.3 The application was refused for five reasons:

- i. Failure to demonstrate that no suitable or allocated employment sites or previously developed land could reasonably accommodate the development and that the scale and nature of the development in relation to its location is unacceptable.
- ii. Failure to demonstrate that there would not be an unacceptable impact on highway safety.
- iii. Detrimental impact on the setting of the Grade II listed Church of the Holy Trinity.
- iv. Insufficient information to assess the impact of the development on biodiversity.
- v. Detrimental impact on the surrounding landscape.

Application 19/0467/FUL

3.4 Application 19/0467/FUL, dated 15th March 2019, was refused by notice dated 12th June 2020, and sought permission for “**Retrospective planning for a steel portal frame building and all associated works (including demolition of dated agricultural buildings)**”.

- 3.5 The application was refused for four reasons, with the matter of biodiversity, a reason for refusal of application 18/0854/FUL, having been addressed:
- i. Failure to demonstrate that no suitable or allocated employment sites or previously developed land could reasonably accommodate the development and that the scale and nature of the development in relation to its location is unacceptable and does not contribute to national sustainable placemaking outcomes.
 - ii. Failure to demonstrate that there would not be an unacceptable impact on highway safety.
 - iii. Detrimental impact on the setting of the Grade II listed Church of the Holy Trinity.
 - iv. Detrimental impact on the surrounding landscape.

Change of Use

- 3.6 The change of use of a building has been subject to three previous applications – references P/2018/0326, 18/0345/FUL and 19/0610/FUL. An appeal against the refusal of planning permission under application 18/0345/FUL was dismissed 10th July 2019 – appeal reference APP/T6850/A/19/3225076. An appeal against the refusal to grant planning permission under application 19/0610/FUL was submitted 10th December 2020 – appeal reference APP/T6850/A/20/3264880. This has been linked to the appeal against the refusal of planning permission under application 19/0467/FUL – appeal reference APP/T6850/A/20/3264861.

Application P/2018/0326

- 3.7 Application P/2018/0326, dated 9th March 2018, was refused by notice dated 13th June 2018, and sought permission for **“Change of use of Agricultural Building to B1/B8 use, erection of gates and all associated works”**.

- 3.8 The application was refused for two reasons:
- i. Failure to demonstrate that there would not be an unacceptable impact on highway safety; and
 - ii. Insufficient information to demonstrate that there would not be an unacceptable impact on the amenity of the area.

Application 18/0345/FUL

- 3.9 Application 18/0345/FUL, dated 17th July 2018, was refused by notice dated 14th March 2019, and sought permission for **“Change of use of Agricultural Building to B1/B8 use, erection of gates and all associated works”**.

- 3.10 The application was refused for the same two reasons as application P/2018/0326:
- i. Failure to demonstrate that there would not be an unacceptable impact on highway safety; and
 - ii. Insufficient information to demonstrate that there would not be an unacceptable impact on the amenity of the area.

[Appeal APP/T6850/A/19/3225076](#)

- 3.11 An appeal was made against the refusal of planning permission under application 18/0345/FUL. The appeal was dismissed on 10th July 2019 on the grounds of detrimental impact on highway safety and residential living conditions by reason of noise and light.

[Application 19/0610/FUL](#)

- 3.12 Application 19/0610/FUL, dated 29th March 2019, was refused by notice dated 12th June 2020, and sought permission for **“Change of use of Agricultural Building to B1/B8 use, erection of gates and all associated works”**. The application was refused for the single reason of failure to demonstrate that there would not be an unacceptable impact on highway safety, with the matter of living conditions, a reason for refusal for applications P/2018/0326 and 18/0345/FUL and dismissal of appeal reference APP/T6850/A/19/3225076, having been addressed.

[Live Appeals - APP/T6850/A/20/3264861 & 3264880](#)

- 3.13 Appeals were submitted on 10th December 2020 against the refusal of planning permission for the steel portal frame building and change of use of a building under applications 19/0467/FUL and 19/0610/FUL – appeal references APP/T6850/A/20/3264861 & 3264880. The appeals started on the 15th January 2021 and have been linked. The appeals are being dealt with by the combined procedure of written evidence and a joint hearing. The hearing is set to open on 2nd November 2021.

[Enforcement](#)

- 3.14 The Site is subject to two Enforcement Notices for breach of planning control. The Council served the Notices on 25th September 2018, to take effect on 24th October 2018.
- 3.15 Notice reference E/01/2018 relates to *“the construction of a building for the purposes of storage and distribution (B1/B8) ... and associated fence and entrance gate”*. The Notice requires the building to be demolished and removed from the land, together with the fence and access gate, and for the land to be returned to a condition suitable for agricultural use.

- 3.16 Notice reference E/04/2018 relates to *"the material change of use of the land ... from agricultural use to storage and distribution use within Use Class B1/B8"*. The Notice requires the change of use of the land to cease and for it to be returned to a condition suitable for agricultural use.
- 3.17 An appeal was made against Notice reference E/04/2018. This started on 30th November 2018 but was subsequently withdrawn – appeal reference APP/T6850/C/18/3214675.

Other

Agricultural

- 3.18 An Agricultural Notification application for erection of an agricultural building for fodder and machinery storage was submitted on 26th July 2017 – reference AGRI/2017/0057. The decision that prior approval is not required was issued on 11th August 2017. This is valid to 26th July 2022.

Residential

- 3.19 Barns to the east of the Site have an extant planning permission for conversion to a single dwelling under application reference P/2009/0956.
- 3.20 A further application, reference 19/0342/FUL dated 27th February 2019, sought a revised permission for conversion to form three dwellings. This application was withdrawn on 14th May 2019.

4.0 PLANNING POLICY CONTEXT

Introduction

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004, and paragraph 1.22 of *Planning Policy Wales* (Edition 11, February 2021) (PPW11), set out that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 4.2 The starting point for determining the application is, therefore, the development plan which comprises *Future Wales: The National Plan 2040* ('The National Plan'), which was published February 2021, and the *Powys Local Development Plan 2011-2026* (the 'Local Plan'), which was adopted April 2018.
- 4.3 National planning policy within PPW11 is a key material consideration, together with Technical Advice Notes (TANs). At the local level, Supplementary Planning Guidance (SPG) is a material consideration.

The Development Plan

Future Wales: The National Plan 2040

- 4.4 Policy 5 of The National Plan sets out the national strategic approach to supporting rural economies. For the Mid Wales Region, outside of the Regional Growth Area, Policy 26 (Growing the Mid Wales Economy) focuses on supporting the growth and development of existing and new economic opportunities across Mid Wales to support a strong regional economy.

Powys Local Development Plan 2011-2026

- 4.5 Policy SP2 (Employment Growth) allocates 45 hectares of land for employment purposes of which 39 hectares is allocated for new Class B1, B2 and B8 employment in accordance with Policy E1. Policy E1 (Employment Proposals on Allocated Sites) sets out the allocations by area with 24.08 hectares located across 9 sites within the Severn Valley and North area.
- 4.6 The spatial strategy is based on Policy SP5 (Settlement Hierarchy) with land outside of defined settlements classed as open countryside. Policy SP6 (Distribution of Growth across the Settlement Hierarchy) distributes development in accordance with a settlement hierarchy and exercises strict control over new development in the open countryside, noting there are no allocations for employment development within this tier. However,

Policy SP6 acknowledges that employment development may come forward in the open countryside stating:

"Proposals may be acceptable where they are justified and comply with policy."

4.7 Policy E2 (Employment Proposals on Non-Allocated Employment Sites) supports the provision of new employment proposals within the open countryside as follows:

"Proposals for employment development on non-allocated sites will be permitted where it is demonstrated that no other suitable existing or allocated employment sites or previously developed land can reasonably accommodate the proposal, and where at least one of the following criteria is met:

- 1. The proposal is up to 0.5ha. and is located within or adjoining a settlement with a development boundary.*
- 2. The proposal is for the limited expansion, extension or environmental improvement of existing employment sites and buildings.*
- 3. The proposal is appropriate in scale and nature to its location and is supported by a business case which demonstrates that its location is justified."*

4.8 Policy SP7 (Safeguarding of Strategic Resources and Assets) identifies historic environment designations, including listed buildings and their settings, and the valued characteristics and qualities of the landscape thorough Powys as strategic resources and assets to be safeguarded from *"unacceptable adverse impact"*.

4.9 Policy DM4 (Landscape) requires development, individually or cumulatively, to not have an *"unacceptable adverse effect"* on the valued characteristics and qualities of the Powys landscape. All development needs to:

- "1. Be appropriate and sensitive in terms of integration, siting, scale and design to the characteristics and qualities of the landscape including its: topography; development pattern and features; historical and ecological qualities; open views; and tranquillity; and*
- 2. Have regard to LANDMAP, Registered Historic Landscapes, adjacent protected landscapes (National Parks and Areas of Outstanding Natural Beauty) and the visual amenity enjoyed by users of both Powys landscapes and adjoining areas."*

4.10 Policy DM13 (Design and Resources) requires developments to demonstrate a good quality design and have regard to the qualities and amenity of the surrounding area, local infrastructure and resources. It sets 14 criteria to be met where relevant. Taking account of the planning history, criterion 10 as follows is of particular relevance:

"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."

4.11 Policy T1 (Travel, Traffic and Transport Infrastructure) requires development proposals to incorporate the following principal requirements:

*"1. Safe and efficient flow of traffic for all transport users ...
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."*

4.12 Other policies of relevance are:

- Policy DM1 – Planning Obligations;
- Policy DM2 – The Natural Environment; and
- Policy DM7 – Dark Skies and External Lighting.

Other Material Considerations

Planning Policy Wales

4.13 PPW11 sets out national sustainable placemaking outcomes based around five key planning principles:

- Creating and Sustaining Communities.
- Growing Our Economy in a Sustainable Way.

- Facilitating Accessible and Healthy Environments.
- Maximising Environmental Protection and Limiting Environmental Impact.
- Making Best Use of Resources.

4.14 At paragraph 2.17, PPW11 requires all developments to seek to address the national sustainable placemaking outcomes. However, it acknowledges, at paragraph 2.20, that not every development will be able to demonstrate that they can meet all of the outcomes, but that consideration should be given to the outcomes to see if the development can be improved or enhanced to promote wider well-being.

4.15 In respect of the rural economy, PPW11 states, at paragraphs 5.6.1 and 5.6.2, that:

"5.6.1 The rural economy must develop a wide base if it is to be adaptable and resilient to the challenges it faces now and in the future. Events such as the climate emergency, the coronavirus pandemic and exiting the European Union all bring economic and societal uncertainty, and the ability to respond flexibly to these issues will be key to the future success of rural areas.

5.6.2 Planning authorities should plan positively to meet rural employment needs by identifying policies in their development plans. By supporting the development of a broad range of employment opportunities in rural areas planning authorities can increase economic prosperity and help address the effects of rural decline or depopulation where it occurs. Greater opportunity can support and strengthen the future well-being and sustainability of rural communities."

4.16 It goes on, at paragraph 5.6.3, to recognise that whilst some employment may be created in rural areas by the reuse of existing building, new development will be required in many areas. Furthermore, at paragraph 5.6.4, it sets out that proposals for diversification should be encouraged to generate new job and wealth creating opportunities.

4.17 At paragraph 5.6.6, PPW11 sets out that local planning authorities should include criteria-based policies in their development plans to consider proposals outside of settlement boundaries.

4.18 PPW11 also provides guidance on transport, the historic environment and landscape.

Technical Advice Notes

4.19 *TAN6 Planning for Sustainable Rural Communities* (July 2010) and *TAN23 Economic Development* (February 2014) are of particular relevance.

4.20 In planning for sustainable rural communities, TAN6 at paragraph 2.2.1 sets out that:

"A key question for the planning authority, when identifying sites in the development plan or determining planning applications, is whether the proposed development enhances or decreases the sustainability of the community. In particular, planning authorities should support developments that would help to achieve a better balance between housing and employment, encouraging people to live and work in the same locality."

4.21 It requires, at paragraph 2.2.2, that local planning authorities define local needs taking account of the characteristics of the area, and goes on, at paragraph 2.2.3, to set out that where development proposals are intended to meet local needs then planning authorities should recognise that a site may be acceptable even though it may not be accessible other than by private car.

4.22 In planning for sustainable rural economies, TAN6, at paragraph 3.1.2, sets out that:

"Planning authorities should support the diversification of the rural economy as a way to provide local employment opportunities, increase local prosperity and minimise the need to travel for employment."

4.23 At paragraph 3.1.3 TAN6 encourages the use of criteria-based policies to consider planning applications for employment uses on unallocated sites.

4.24 TAN23, in considering high level planning objectives, sets out, at paragraph 1.2.1, that:

"The economic benefits associated with development may be geographically spread out far beyond the area where the development is located. As a consequence it is essential that the planning system recognises, and gives due weight to, the economic benefits associated with new development."

4.25 At paragraph 1.2.7, TAN23 encourages a sequential approach to economic development with first preference to sites within the boundaries of settlements, second preference to edge-of-settlement sites, and third preference to land in the open countryside. It goes

on to state that land may be identified in less preferable locations if the resulting benefits outweigh any adverse impacts of the development.

4.26 Section 2 provides guidance on weighing economic benefits where there is environmental or social harm, and Section 3 supports strong rural economies, with paragraph 3.1.5, requiring development plans to include criteria-based policies to assess applications on land not allocated in the plan, again stressing at paragraph 3.1.6, that development on unallocated sites could be permitted if the resulting benefits outweigh any adverse impact of the development. It goes on to state that development on unallocated land should only be permitted in exceptional circumstances and where fully justified.

4.27 Other TANs of particular relevance are:

- *TAN18 Transport* (March 2007), which, at paragraph 3.10, acknowledges the importance for the car for accessibility in rural areas and, at paragraph 3.11, seeks to balance the need to support the rural economy with the wider environmental and social quality of rural areas, requiring "most" development to be located in places accessible by a range of travel modes. At paragraph 3.13, TAN18 requires local authorities to consider a flexible approach to employment location in rural areas.
- *TAN24 The Historic Environment* (May 2017) provides guidance on decision taking on applications and requires that Cadw best practice guidance is taken into account.

4.28 Other TANs of relevance are:

- *TAN5 Nature Conservation* (September 2009); and
- *TAN12 Design* (March 2016).

Supplementary Planning Guidance

4.29 SPGs of relevance are:

- *Landscape SPG*, adopted April 2019;
- *Biodiversity and Geodiversity SPG*, adopted October 2018; and
- *Planning Obligations SPG*, adopted October 2018.

Procedural Guidance

4.30 Procedural guidance of particular relevance is:

- Welsh Government Circular 016/2014 *The Use of Planning Conditions for Development Management*; and

- Welsh Office Circular 13/97 *Planning Obligations*.

5.0 PLANNING ASSESSMENT

Introduction

5.1 Taking account of the planning history, as set out at Section 3, the key planning considerations arising from the development are:

- Principle of Development;
- Highway Safety and Accessibility;
- Built Heritage; and
- Landscape/ Visual Impact.

5.2 This section considers each of the key considerations in turn, followed by consideration of other matters of design, living conditions, and ecology. The section concludes on overall compliance with the development plan and other material considerations.

Principle of Development

5.3 It is accepted that the employment development, encompassing erection of a new building and change of use of a building and land at Penrhos Farm, has taken place on unallocated land within the open countryside. It is also accepted that Local Plan Policy SP6 (Distribution of Growth across the Settlement Hierarchy) exercises strict control over new development in the open countryside. However, Policy SP6 does not preclude new development in the open countryside, and acknowledges that employment development may come forward in the open countryside stating (our emphasis):

"Proposals may be acceptable where they are justified and comply with policy."

5.4 Local Plan Policy E2 (Employment Proposals on Non-Allocated Employment Sites) sets out the approach to consideration of employment development on non-allocated sites across Powys County including rural areas. Reflecting national planning policy and advice in PPW11, TAN6 and TAN23, which encourage a sequential approach to economic development (TAN23, paragraph 1.2.7) and use of criteria-based policies to assess development on unallocated land (PPW11, paragraph 5.6.6/ TAN6, paragraph 3.1.3/ TAN23, paragraph 3.15), Policy E2 permits employment development on non-allocated sites subject to meeting two tests – of which the first may be deemed a sequential approach, and the second a criteria-based approach.

5.5 The first test is that it is:

"...demonstrated that no other suitable existing or allocated employment sites or previously developed land can reasonably accommodate the proposal".

5.6 The second test is that (our emphasis):

*"... **at least one** of the following criteria is met:*

1. The proposal is up to 0.5ha. and is located within or adjoining a settlement with a development boundary.

2. The proposal is for the limited expansion, extension or environmental improvement of existing employment sites and buildings.

3. The proposal is appropriate in scale and nature to its location and is supported by a business case which demonstrates that its location is justified."

5.7 It is fact that the employment development exceeds 0.5 hectares and is not located within or adjoining a settlement with a development boundary. Whilst Penrhos Farm adjoins an employment site – that is, Deytheur Yard – which has subsequently been incorporated into the Site, it is also fact that the employment development does not relate to the limited expansion, extension, or environmental improvement of an existing employment site. As such, the employment development falls to be considered under the third criterion.

5.8 Regarding the third criterion, this supports new employment development within the open countryside where it is demonstrated that the location is justified. Unlike the first and second criterion it does not seek to limit the size of the development but requires its scale to be appropriate to its location. In considering application 19/0467/FUL, the Officer's Report (page 50) is clear that consideration of the scale and nature of the development in relation to its location relates to the effect of the development on highway safety and built heritage, matters this Statement turns to following consideration of the principle of development.

5.9 In light of the above, consideration of the principle of development focuses on demonstrating that the employment development that has taken place at Penrhos Farm is justified as there are no other suitable existing or allocated employment sites or previously developed land that can reasonably accommodate the Applicant's development.

5.10 To demonstrate that there are no alternative sites that could reasonably accommodate the development, the application is supported by two reports – (i) *Availability of Industrial Warehousing Accommodation in North Powys* (TSR, June 2019) (the 'TSR Report'), and (ii) *Addendum to Report on the Availability of Industrial Warehousing Accommodation in North Powys* (TSR, November 2020) (the 'TSR Addendum'). TSR are chartered surveyors specialising in commercial property, including within North Powys and Mid-Wales, and the TSR Report 2019 considers the availability of buildings and sites within North Powys to meet the Applicant's requirements, with the TSR Addendum updating the position to November 2020.

5.11 In terms of the Applicant's requirements, key points to note are that:

- Rebo UK Ltd are a local business – The business was founded in Powys, and prior to locating at Penrhos Farm the business was operating from four sites around Welshpool and Trewern in North Powys.
- The multi-site location was failing the business – Factors in this included that the staff were travelling between sites costing the business time and money, the warehouses were substandard and not fit for purpose, and the business was incurring costs with separate rents. Overall, the multi-site solution was unsustainable.
- Consolidation onto a single site was required for stability and growth to meet increased demand for online retail – With a commitment to the local area and to safeguard the jobs of current employees a location within North Powys was required.
- Specific requirements in relation to the building and site included:
 - A floorspace of 2,850sqm (30,000sqft) and a minimum eaves of 6.5m to allow use of high bay racking systems and to optimise storage capabilities.
 - A soundly constructed, single building with a regular layout and multiple service doors for efficiency of operations.
 - A sufficient yard area for delivery vehicles to manoeuvre, which together with the building footprint requires a minimum site size of 0.75 hectares.

5.12 In respect of the availability of buildings to meet the Applicant's requirements, the TSR Report sets out that there were no available buildings of sufficient floorspace in North Powys in the three years to June 2019. TSR note that two buildings in Newtown of a suitable size were sold around 2014, but this was a private sale with the buildings never being offered for sale on the open market, illustrating the demand for buildings of this size and the challenge faced by the Applicant in finding a suitable building. Overall, the

TSR Report concludes that there is a shortage of buildings in excess of 1,850sqm (20,000sqft) in North Powys (with the Applicant's requirement 2,850sqm (30,000sqft)).

- 5.13 Turning to the availability of sites, the TSR Report sets out that there were no existing employment sites being marketed that would meet the Applicant's requirements, and, as such, focuses on consideration of sites within the Severn Valley and North area (and Machynlleth area) which are allocated in the Local Plan under Policy E1 (Employment Proposals on Allocated Sites). The allocated sites considered include land around towns and large villages (that is, more sustainable locations) and previously developed land¹.
- 5.14 The TSR Report considers each allocated site in turn, and, by way of example, in respect of nearby allocated sites at Welshpool and Four Crosses, the TSR Report 2019 concludes:
- Buttington Cross Enterprise Park, Welshpool - Comprising two plots across 1.5 hectares, both of which were marketed from Autumn 2007 and under offer when the Applicant commenced their search.
 - Offa's Dyke Business Park, Welshpool - Comprising a series of plots across 7.3 hectares, with the remaining available plot being severely restricted and not able to accommodate the floorspace required by the Applicant.
 - Four Crosses - Comprising 0.5 hectares, which is not of a sufficient size to meet the Applicant's requirements.
- 5.15 Overall, the TSR Report concludes that all suitable allocated sites have already been utilised with the remainder either unsuitable or of insufficient size to accommodate any units larger than 1,850 sqm (20,000sqft) (with the Applicant's requirement 2,850sqm (30,000sqft)).
- 5.16 In conclusion TSR set out that there are no available buildings or sites to meet the Applicant's requirements, noting that there is significant demand from local businesses seeking buildings for employment uses with discussions ongoing through representative organisations, such as Mid Wales Manufacturing Group (MWMG), and the Council and Welsh Government. Indeed, the challenges faced by businesses and efforts of the MWMG in highlighting this to the Council and Welsh Government are outlined in a letter from the MWMG to the Applicant dated 16th April 2019, which is provided at **Appendix 2**. This refers to a potential Growth Deal for Mid Wales, the Heads of Term for which were signed in December 2020.

¹ The Council's assessment of the allocated sites, provided at Appendix 1 of the Local Plan, indicates that some of the allocated sites were previously developed.

- 5.17 The TSR Addendum updates the position to November 2020. In respect of building availability, a number of buildings have come to the market and whilst one could have been potentially suitable in terms of floorspace the eaves height at 4.3m was much lower than the minimum 6.5m required for high bay racking systems and there was limited yard space for access and servicing. In respect of site availability, TSR remain of the opinion that there are no available sites to meet the Applicant's requirements, providing an update including on the allocated site at Abermule Business Park which has been developed in part by the Council.
- 5.18 To expand on Abermule Business Park, an allocated site of 2.6 hectares, key points to note from Barton Willmore's review of the planning history is that:
- The site, which is owned by the Council, comprises three parts, with an internal access road splitting the central and northern parts.
 - The southern part is being developed as recycling bulking facility under planning permission P/2018/0587, which granted full consent for the facility and outline consent for the erection of business units (B1/B2/B8) on the central and northern parts in August 2018.
 - The central part comprising 0.5 hectares has recently been granted planning permission (Ref: 20/01820/FUL) for nine units with a total floorspace of 1,825sqm (and maximum eaves height of 5.9m). This part of the site does not meet the Applicant's requirements of a minimum site of 0.75 hectares and floorspace in a single building of 2,850sqm (with minimum eaves height of 6.65m).
 - The northern part remains to come forward under planning permission P/2018/0587 or a further full planning permission. This part of the site is similar in size to the central part and, as such, does not meet the Applicant's requirements.
- 5.19 The TSR Addendum confirms that it remains the case that there are no suitable buildings or sites to meet the Applicant's requirements. Indeed, it is again emphasised that there a general shortage of buildings and sites in North Powys.
- 5.20 In accordance with Policy E2, the consideration of existing and allocated employment sites, which include previously developed land and land in more sustainable locations, as presented in the TSR Report and TSR Addendum, demonstrates that there are no alternative sites that could reasonably accommodate the Applicant's requirements.

Highway Safety and Accessibility

- 5.21 The application is supported by a Transport Statement (The Hurlstone Partnership, May 2021) and Travel Plan Statement (The Hurlstone Partnership, December 2020), which together demonstrate that: (i) adequate arrangements for access, parking and circulation can be provided; (ii) the local road network can safely accommodate traffic movements associated with the development; and (c) the accessibility of the Site is acceptable.

Access, parking and circulation

- 5.22 Vehicular access is taken from the C2034. The employment development utilises the access that served the former farmyard (that is, northern access to Penrhos Farm), which is approximately 275 metres to the north of the junction with the C2035. The access is 6.7 metres wide and has been provided with a gate set back approximately 8.9m from the edge of the carriageway. Appropriate visibility can be secured by condition, and the Applicant would also accept a condition for the gate to be set back further if required. The established access to the haulage yard (that is, the haulage yard access) is located approximately 27m further north (centreline to centreline) and has a width of 6.6m. It is also gated, and the gates are set back approximately 3.5m from the edge of the carriageway.
- 5.23 The Site surfacing is predominantly gravel with no formal marked parking bays. However, based on the actual parking demand, this has not led to problems as there is more than adequate space to accommodate staff and visitor vehicles. In accordance with *CSS Wales Parking Standards for Distribution Centres*, the Transport Statement (Figure 2) demonstrates that parking for 57 vehicles can be accommodated, comprising 47 car spaces (including 3 spaces for disabled people), plus 3 cycle and 7 motorcycle spaces.
- 5.24 In respect of servicing, vehicles enter the Site using the northern access to Penrhos Farm and then turn around within the yard where they are loaded or unloaded. The Transport Statement (Figure 3) illustrates how this may be accommodated with the aforementioned parking, which demonstrates that a large, articulated HGV can enter and leave the Site in a forward gear. As such, it is confirmed that the access, parking and internal circulation arrangements should not be considered a constraint in the context of the planning application.

Highway safety

- 5.25 In preparing the Transport Statement, The Hurlstone Partnership, has, amongst other things, undertaken several site visits and reviewed empirical traffic survey data, the

visibility at the Site access and neighbouring junction, local collision data, and relevant design guidance. From this it is demonstrated that the existing road network can safely accommodate the employment development traffic whilst retaining sufficient capacity to ensure delays do not reach unacceptable levels when considered against published guidance, even if more than the total daily traffic attractions to the Site are artificially compressed to a single hour then added to the peak hour flow observed on the busiest route within the study area, with no allowance of offsetting of trips.

- 5.26 Furthermore, the Applicant has acquired the haulage yard and the draft Unilateral Undertaking submitted with the application includes an obligation that ties the use of the haulage yard to the employment use on the Site, which offers reductions and control over the lawful fall-back in terms of HGV activity on the local road network. In this respect, the haulage yard is licenced to run 15 HGVs and 11 trailers with no known restrictions on vehicle movements or operating hours. This could meet the demands of the Applicant's business at peak trading times. Whilst the Applicant's hauliers may not be based at the haulage yard, the cumulative HGV flows on the road network, when the Applicant's business is operating at peak levels, would remain below those previously associated with the haulage yard alone.
- 5.27 Notwithstanding the above, if considered necessary, the Applicant is willing to revise the existing layout of the C2034/C2035 junction and provide localised widening of the carriageway within the existing verges on the route between the Site and A483, which is the route that the HGV traffic associated with the employment development takes. These works, if required, would be delivered by a S278 agreement in accordance with a standard planning condition. In addition, the draft Unilateral Undertaking includes an obligation to encourage HGVs to travel to and from the Site in accordance with an identified route.

Accessibility

- 5.28 The Transport Statement assesses the accessibility of the Site and demonstrates that, despite its rural location, average journey to work distances and modal choice for staff travel to/ from the employment development to be comparable with those for the County as a whole. In this respect it sets out that:
- Average travel distance across the workforce at 14.668 miles is only slightly longer than the 13.795 mile average for Powys as a whole, which includes main towns and service centres with greater opportunities to travel by public transport. Furthermore, the figure for the employment development assumes all staff are travelling to/ from the Site, whereas 13.33% work partly from home and do not travel every day, which reduces the average journey length.

- Of all staff, 26.6% travel to/ from work by sustainable modes comprising walk, cycle and car share, compared to 26.2% by sustainable modes in Powys. That is, sustainable travel to/ from the Site is 0.46% higher than within Powys as a whole.

5.29 Notwithstanding the above, the Applicant is committed to reducing independent car travel and proposes to operate a Travel Plan to further encourage a shift towards sustainable travel.

Highway safety and accessibility – Conclusion

5.30 In accordance with Policies DM13 and T1 of the Local Plan, the Transport Statement demonstrates adequate arrangements for access, parking and circulation and that the traffic associated with the development can be accommodated on the road network whilst ensuring the safe and efficient flow of traffic for all users, irrespective of whether or not the highway improvements offered by the Applicant are provided. Furthermore, and notwithstanding that TAN18 requires a flexible approach to the accessibility of employment development in rural areas, it demonstrates that the Site is in a relatively accessible location, with further opportunities to encourage sustainable forms of travel through the operation of a Travel Plan.

Built Heritage

- 5.31 Taking account of the planning history, the Council's concerns in respect of built heritage relate to the effect of the steel portal frame building on the setting of the Holy Trinity Church, a grade II listed building that lies to the southwest of the Site. Accordingly, this application is supported by a Historic Environment DBA (Trysor, July 2021) and Impact on Setting and Significance (Trysor, July 2021) report, with the latter providing a full assessment of the impact of the steel portal frame building on the setting and significance of the Holy Trinity Church following current Cadw guidance *Managing the Setting of Historic Assets in Wales*.
- 5.32 The Impact on Setting and Significance report demonstrates that the significance of Holy Trinity Church is mainly drawn from its evidential value, historical value, aesthetic value (with regard to its architecture, not its setting) and communal value. The Church is situated in a relatively secluded position, surrounded by trees on three sides and is currently understood and appreciated from close range where its evidential and aesthetic values relating to its architecture, internal as well as external, can be viewed.
- 5.33 The steel portal frame building lies within the wider landscape setting of the Holy Trinity Church but does not impact on key views which are either from the east or from within

the churchyard. Trees and hedgerows limit views of the Church and the steel portal frame building does not appear in any clear view of the Church from the surrounding landscape. Moreover, trees within the churchyard ensure that the best views of the Church are gained from points from which the steel portal frame building cannot be seen. Whilst the churchyard is relatively large, only a partial view of one side of the steel portal frame building is visible, and only from parts of the churchyard and when by looking away from the Church.

- 5.34 Furthermore, mitigation is already in place on Site including an earth bund with planting of leylandii and semi-mature deciduous trees and the visible sides of the steel portal frame building have been repainted green. This mitigation has already reduced partial views of the building from the vicinity of the churchyard and the Sarnau to Penrhos road to the south and will increasingly reduce views in future. In addition, further landscape enhancements are proposed and discussed below in respect of Landscape/ Visual Impact.
- 5.35 Overall, the impact of the steel portal frame building on the setting of the Holy Trinity Church is negligible with no impact on its significance. The key characteristics of the Church can be understood, appreciated and experienced unhindered.
- 5.36 In accordance with Policy SP7 of the Local Plan, the assessments of Trysor demonstrate that the steel portal frame building does not have an unacceptable adverse effect on any listed buildings and their settings, with specific regard to the Holy Trinity Church. It should be noted that this is also the position of Cadw, with their representations to the live appeals (provided at **Appendix 3**), concluding that *"... the development has not resulted in an unacceptable adverse impact on the setting of the grade II listed Church in accordance with national and local policy."*

Landscape/ Visual Impact

- 5.37 Taking account of the planning history, the Council's concerns in respect of landscape and visual impact relate to the effect of the steel portal frame building on the character and appearance of the surrounding landscape, and from the Officer's Report (page 57) for application 19/0467/FUL, it is clear that the Council's main concern is with views from the highway leading from Sarnau towards Penrhos in which they consider the building to be *"an incongruous addition to the landscape."*
- 5.38 It is acknowledged that the steel portal frame building is visible, but visibility does not automatically infer an unacceptable adverse impact on the surrounding landscape. To demonstrate this, this application is supported by a LVIA (Viento, April 2021), together with a review of the visual nature of the application in comparison with rural

developments within neighbouring parts of Powys, which is reported in the Typical Built Development in Powys, Visual Matters (Viento, April 2021) report, and consideration of the potential landscape and visual impact of the permitted agricultural building², which is reported in the Note on Landscape and Visual Matters Relating to the Permitted Agricultural Building on the Site (Viento, April 2021).

- 5.39 The LVIA sets out that great care has been taken to integrate the steel portal frame building into its surroundings. In this respect, consideration has been given to the colour of the building and landscape enhancements have taken place, notably an earth bund to the south/ south west of the building with leylandii and semi-mature deciduous trees planted along the bund. A series of photographs taken between 2018 and 2021 from Viewpoints 3, 6, 7 and 8, which includes the Sarnau to Penrhos road, illustrate how these measures have assisted integration. This process will continue with the further proposed landscape enhancements, which can be secured by condition and include a sizable native woodland block wrapping around the southern and western sides of the Site, as illustrated in the LVIA through photomontages giving an indication of likely views ten years after planting.
- 5.40 Overall, through the series of photographs and photomontages, the LVIA demonstrates that the development sits comfortably within its surroundings. This includes demonstration of the extremely limited and very partial visibility available of the development from the Sarnau to Penrhos road.
- 5.41 Moreover, a number of large buildings are located within and visible from the local area, as set out in the Typical Built Development in Powys, Visual Matters report, including a barn near Ty Top which stands out locally due to its elevation, position and colour. As such, the steel portal frame building is not incongruous as it is not unusual or out of keeping with the area.
- 5.42 Furthermore, the Note on Landscape and Visual Matters Relating to the Permitted Agricultural Building on the Site demonstrates that the agricultural building, permitted to be built on part of the location where the steel portal frame building stands, would have been more noticeable within the surrounding landscape through the colours and materials of the built form and due to the lack of the currently existing tree planting associated with the development, subject of this application.
- 5.43 In accordance with Local Plan Policy DM4, and as demonstrated in the LVIA and its supporting reports, the steel portal frame building is appropriate and sensitive in terms

² Application reference AGRI/2017/0057 – See Section 3, Planning History (paragraph 3.18).

of integration, siting, scale and design and does not have an unacceptable adverse effect on the valued characteristics and qualities of the Powys landscape.

Other Matters

Design

- 5.44 The application is supported by a Design and Access Statement (Barton Willmore, July 2021), which demonstrates that the development responds to the five objectives for good design set by PPW11 and TAN12 – that is, character, access, movement, environmental sustainability, and community safety.
- 5.45 In summary, the amount, scale and appearance of the development, together with the layout and landscape design, meets operational needs whilst responding to the Site and its context, resulting in a development that sustains and enhances local character. The approach to access and movement ensures ease of access for all and promotes sustainable means of travel. Environmental sustainability is integrated into the development with the steel portal frame building being built to last and incorporating measures to reduce its environmental impact, and the wider development taking opportunities to enhance both the landscape and biodiversity. The development has natural surveillance and the approach to external lighting balances safety and security with the Site's rural location, the amenities of occupiers of nearby dwellings, and interest of biodiversity.
- 5.46 Overall, it is demonstrated that the development is of a good quality design in accordance with Local Plan Policy DM13, together with Policies SP7, DM2, DM7 and T1. It should be noted that whilst the Council have concerns with the landscape and visual impact of the steel portal frame building, design itself has never been a reason for refusal of any of the preceding applications.

Living Conditions

- 5.47 The application is supported by a NIA (Matrix, July 2021) which considers the impact on the occupiers of the nearest noise sensitive receptors – that is, two dwellings to the south of the Site given that residential occupation of the former farmhouse and barn at Penrhos Farm can be restricted, through a planning obligation, to persons employed on the Site. The application is also supported by a Lighting Design Scheme (Roger Parry & Partners, July 2021).
- 5.48 With reference to TAN11 Noise, the NIA concludes that the noise emissions from the existing use of both the steel portal frame building and change of use building will not

result in an unacceptable degree of disturbance. As daytime only operations are considered, a condition controlling the hours of operation is acceptable to the Appellant. Regarding light, the Lighting Design Scheme sets out that external lighting is limited and directed away from the main residential areas.

- 5.49 In accordance with Local Plan Policies DM7 and DM13, it is demonstrated that the amenities of occupants of nearby dwellings are not unacceptably affected by levels of noise or external lighting. It should be noted that living conditions was not a reason for refusal for the two most recent applications preceding this application.

Biodiversity

- 5.50 The application is supported by a Protected Species Assessment (Arbor Vitae, April 2021) and a Biodiversity Enhancement (Arbor Vitae, April 2021) report. The Protected Species Assessment concludes that although two ponds are in the vicinity of the Site, with one partially within the haulage yard, these were not likely to support breeding populations of Great Crested Newts (GCN). Furthermore, the buildings that were demolished to make way for the development were not suitable bat roost sites and bat roosting habitat has not been impacted by the development.
- 5.51 Notwithstanding the findings of the Protected Species Assessment, biodiversity enhancements are proposed to improve future conditions for GCN, bats, and breeding birds. These are detailed in the Biodiversity Enhancement report and include: construction of a pond in the field to the southwest of the steel portal frame building, together with the creation of two GCN refuges; the erection of three artificial bat roosting boxes and limiting external lighting to the rear (west) of the steel portal frame building; and the erection of three nest boxes for breeding birds. The proposed biodiversity enhancements can be secured by condition, together with a condition to control external lighting.
- 5.52 In accordance with Local Plan Policies SP7 and DM2, it is demonstrated that the development has not had an unacceptable adverse impact on biodiversity and, moreover, will enhance biodiversity. It should be noted that ecology was not a reason for refusal for the two most recent applications preceding this application.

Compliance with the Development Plan and Other Material Considerations

- 5.53 It is demonstrated that there are no alternative sites that could reasonably accommodate the development. In addition, it is demonstrated that the scale and nature of the development is acceptable in relation to the location of Site. In this respect, it is demonstrated that the arrangements for access, parking and circulation are adequate, that the traffic associated with the development can be accommodated whilst ensuring

the safe and efficient flow of traffic for all uses, and that the Site is in a relatively accessible location, with sustainable travel encouraged through a Travel Plan. Furthermore, it is demonstrated that the impact of the development on the setting of the Holy Trinity Church is negligible with no impact on its significance, and that it sits comfortably within the surrounding landscape. The development is also demonstrated to be acceptable in terms of design, living conditions and biodiversity.

- 5.54 In light of the above, it is concluded that the development accords with Policy E2 of the Local Plan, which permits employment development on non-allocated sites where it is demonstrated that no other suitable existing or allocated employment sites or previously developed land can reasonably accommodate the development, and where one of three criteria is met, which, in this instance, is the third criterion that the development is appropriate in scale and nature to its location and is supported by a business case that demonstrates its location is justified. In this respect, the development accords with Policies T1 and DM13 of the Local Plan which are concerned with highway safety and minimising demand for travel by private transport. Furthermore, it accords with Policies SP7 and DM4 which respectively require development to not have an unacceptable adverse impact on listed buildings and their settings and the Powys landscape. It also accords with Local Plan policies in respect of design, living conditions and biodiversity, including, but not limited to, Policy DM13. As a consequence, the development also accords with Policy SP6 which supports development in the open countryside where it is justified and complies with policy.
- 5.55 Furthermore, the development accords with Policy 26 (Growing the Mid Wales Economy) of The National Plan which focuses on supporting the growth and development of existing and new economic opportunities across Mid Wales to support a strong regional economy. In this respect, the development delivers significant economic benefits, together with social and environmental benefits, and in doing so contributes to national sustainable placemaking outcomes.
- 5.56 PPW11 sets out national sustainable placemaking outcomes based around five key planning principles, and, at paragraph 2.17, requires all developments to seek to address the outcomes. However, it acknowledges, at paragraph 2.20, that not every development will be able to demonstrate that they can meet all of the outcomes, but that consideration should be given to the outcomes to see if the development can be improved or enhanced to promote wider well-being. Taking account of this, each of the key principles is considered in turn below.

Creating and Sustaining Communities

- 5.57 The development makes a significant contribution to creating and sustaining communities by supporting jobs to meet society's needs, as demonstrated in the report Economic Benefits of Rebo UK Ltd's Activities at Penrhos Farm (Pegasus, April 2021).
- 5.58 First, the business supports 29 full-time equivalent (FTE) jobs at Penrhos Farm, with a further 9 FTE jobs supported in the office, equating to 38 direct FTE jobs supported by Rebo UK Ltd. Moreover, 90% of employees live in Powys and average journey lengths are similar to journeys to work in Powys for a whole. As such, taking account of the characteristics of the area, as required by paragraph 2.2.2 of TAN6, the development clearly provides local jobs.
- 5.59 In addition to direct jobs, the business supports 47 indirect jobs through supply chain spend, such as couriers. This is based on £7.4 million supply chain spend in 2019/2020 of which £5.2 million or 70% is estimated to be spend with companies in Powys.
- 5.60 Furthermore, it is estimated that the development supported around 17 temporary jobs, both on the Site and in the wider economy, during the build phase.

Growing Our Economy in a Sustainable Way

- 5.61 The development makes a significant contribution to sustainable economic growth by fostering economic activity. In this respect, the Economic Benefits of Rebo UK Ltd's Activities at Penrhos Farm (Pegasus, April 2021) report demonstrates that in addition to supporting 85 direct and indirect FTE jobs, the economic benefits include:
- Total annual wages of more than £700,000 paid to employees of Rebo UK Ltd.
 - Annual business rates paid estimated at £31,500.
 - Economic output associated with the business over a 10 year period estimated to be £22 million.
 - Investment in skills, including apprenticeships and training.

Facilitating Accessible and Healthy Environments

- 5.62 Taking account of the Officer's Report for application 19/0467/FUL, it is clear that the main concern of the Council in relation to the national sustainable placemaking outcomes is the sustainability of the location in terms of travel. It is acknowledged that the Site being in a rural area is not as accessible as a site within a town or large village and that there is no convenient public transport provision. However, as demonstrated above, there are no alternative sites available in a more sustainable location.

- 5.63 Moreover, as set out in the Transport Statement (The Hurlstone Partnership, May 2021), and outlined above, the Site compares favourably with Powys as a whole in terms of sustainable travel, and, in line with PPW11, consideration is given to how the development can be improved with the Travel Plan Statement (The Hurlstone Partnership, December 2020) encouraging car sharing and cycling.

Maximising Environmental Protection and Limiting Environment Impact

- 5.64 The development makes a positive environmental contribution in respect of biodiversity. Whilst the Site was unlikely to have supported GCN, the Biodiversity Enhancement (Arbor Vitae, April 2021) report proposes to improve future conditions for GCN with construction of a pond and creation of two GCN refuges. In addition, whilst the buildings demolished to make way for the development were not suitable bat roost sites and bat roosting habitats have not been impacted, to improve roosting habitats for bats it is proposed to erect three bat roosting boxes. Similarly, to enhance opportunities for breeding birds, three nest boxes are proposed to be installed. Furthermore, the native woodland proposed within the LVIA (Viento, April 2021) will also enhance the biodiversity of the Site.

Making Best Use of Resources

- 5.65 Whilst the haulage yard comprises previously developed land, it is acknowledged that the employment development is not on previously developed land. However, as demonstrated above, there are no alternative sites available, including no available previously developed sites.
- 5.66 The development does, however, make a positive contribution by prioritising the use of an existing building. However, as acknowledged in PPW11, at paragraph 5.6.3, whilst some employment may be created in rural areas by the reuse of existing buildings, new development will be required in many areas. In this respect, other buildings on the Site have been demolished and replaced by a new building. This new building is high quality and built to last. The environmental benefits of the new building, with comparison to the buildings it replaced, are demonstrated in the Energy and Sustainability Appraisal (Scotch Partners, December 2020). In summary, the new building:
- Achieves high thermal performance and efficient lighting to reduce carbon emissions.
 - Provides a healthy internal environment, including good indoor air quality, good thermal comfort and good access to natural daylight.
 - Uses materials chosen for their resilience, durability and recyclability.

5.67 It is evident from the above that the development accords with the development plan and delivers significant benefits and in doing so contributes to national sustainable placemaking outcomes. The Applicant is not aware of any national or local planning policies that indicate that the development, which accords with the development plan, should not be allowed. To the contrary, national planning policy, within PPW11 (paragraph 5.6.4) and TAN6 (paragraph 3.1.2), supports diversification of the rural economy, with recent updates in PPW11 (paragraphs 5.6.1 and 5.6.2) requiring local planning authorities to broaden the economic base of rural areas in order for the rural economy to be adaptable and resilient to challenges such as the coronavirus pandemic and exiting the European Union as follows:

"5.6.1 The rural economy must develop a wide base if it is to be adaptable and resilient to the challenges it faces now and in the future. Events such as the climate emergency, the coronavirus pandemic and exiting the European Union all bring economic and societal uncertainty, and the ability to respond flexibly to these issues will be key to the future success of rural areas.

5.6.2 Planning authorities should plan positively to meet rural employment needs by identifying policies in their development plans. By supporting the development of a broad range of employment opportunities in rural areas planning authorities can increase economic prosperity and help address the effects of rural decline or depopulation where it occurs. Greater opportunity can support and strengthen the future well-being and sustainability of rural communities."

6.0 CONDITIONS AND OBLIGATIONS

Planning Conditions

6.1 Welsh Government Circular 016/2014 *The Use of Planning Conditions for Development Management*, at paragraph 4.3, encourages local planning authorities to engage with applicants during the application process and share draft conditions. In advance of this, the Applicant confirms that conditions to secure/ control the following would be acceptable if considered necessary for planning permission to be granted:

- Date the permission for the development (excluding the haulage use as shown shaded green on the approved Block Plan Dwg No. RJC-MZ331-13 Rev A) is deemed to take effect from.
- Approved plans and documents, with the plans and documents listed as part of the condition wording.
- Use of the premises/ land (excluding the haulage yard as shown shaded green on the approved Block Plan Dwg No. RJC-MZ331-13 Rev A) restricted to Class B8 and ancillary Class B1 uses.
- Use of the haulage yard (as shown shaded green on the approved Block Plan Dwg No. RJC-MZ331-13 Rev A) restricted to haulage use.
- Hours of operation (excluding the haulage yard as shown shaded green on the approved Block Plan Dwg No. RJC-MZ331-13 Rev A) of 0730 and 1700 Monday-Friday.
- The colour of the steel portal frame building, with a three-month time limit for implementation from the grant of permission and a retention clause.
- Layout and visibility splays for the northern access to Penrhos Farm, with detailed design to be submitted to the Council within 3 months of the grant of planning permission, implementation to be completed within 6 months of approval of the detailed design, and a retention clause.
- Entrance gate/s to the northern access to Penrhos Farm to be set back 18m from edge of carriageway and incapable of opening towards the highway.
- Areas for parking and circulation (as shown on approved Block Plan Dwg No. RJC-MZ331-13 Rev A) to be used for parking and circulation only.
- Surface water drainage, which is not to discharge onto County highway.
- Improvement to the highway network in terms of (i) localised widening of the carriageway within the existing verges along the C0234 and C0235 between the Site and the A483 and (ii) revisions to the C2034/C2035 junction, with detailed designs to be submitted to the Council within 3 months of the grant of planning

permission and implementation to be completed within 6 months of approval of the detailed design.

- Travel Planning, with appointment of a travel plan co-ordinator within 3 months of the grant of planning permission and thereafter to maintain a travel plan co-ordinator who shall be responsible for the implementation and monitoring of the approved Travel Plan Statement (The Hurlstone Partnership, December 2020), details of the travel plan coordinator and annual monitoring reports to be provided to the Council within 1 month of request.
- Biodiversity enhancements, in accordance with the approved Biodiversity Enhancement (Arbor Vitae, April 2021) report and timetable for implementation which is to be submitted to the Council within 2 months of the grant of permission, and a retention clause.
- Landscape enhancement, as set out in the LVIA (Viento, April 2021) to be implemented in accordance with a detailed landscaping scheme be submitted to the Council within 3 months of the grant of planning permission, the details to include a planting plan and written specification of species mix (including native species), planting numbers and densities, timetable for implementation and aftercare measures.
- External Lighting, with no external lighting to be installed, other than as set out in the Lighting Design Scheme (Roger Parry & Partners, July 2021), until details have been submitted to and approved by the Council.

Planning obligations

6.2 A draft Unilateral Undertaking is submitted in support of the application. This includes three obligations, for discussion with the Council. The obligations are to:

- Limit occupation of the farmhouse and barn for residential purposes to persons employed on the Site and persons living with them as part of their household.
- Encourage HGVs to travel to and from the Site in accordance with an identified route.
- Tie use of the haulage yard to the employment use of the wider Site.

7.0 OVERALL PLANNING BALANCE

7.1 This Planning Statement demonstrates that the development is acceptable in principle and results in no material harm, including in respect of highway safety and accessibility, built heritage, and landscape/ visual impact. Moreover, it is demonstrated that the development delivers significant benefits, and in particular significant economic benefits.

Economic Benefits

7.2 The economics benefits are demonstrated in the report Economic Benefits of Rebo UK Ltd's Activities at Penrhos Farm (Pegasus, April 2021). In summary:

- The business supports 29 FTE jobs at Penrhos Farm, with a further 9 FTE jobs supported in the office, equating to 38 direct FTE jobs supported Rebo UK Ltd. With 90% of employees living in Powys, these are local jobs.
- In addition to direct jobs, the business supports 47 indirect jobs through supply chain spend, such as couriers. This is based on £7.4 million supply chain spend in 2019/2020 of which £5.2 million or 70% is estimated to be spend with companies in Powys.
- It is estimated that the development supported around 17 temporary jobs, both on site and in the wider economy, during the build phase.
- Total annual wages of more than £700,000 are paid to employees of Rebo UK Ltd.
- Annual business rates paid are estimated at £31,500.
- Economic output associated with the business over a 10 year period is estimated to be £22 million.
- The business invests in skills, including apprenticeships and training.

7.3 Significant weight should be attached to the economic benefits in line with TAN23, which states at paragraph 1.2.1, that **"...it is essential that the planning system recognises, and gives due weight to the economic benefits associated with new development"**. The majority of the economic benefits benefit the local economy and are very significant. TAN23 also requires benefits that spread beyond the area where the development is located to be taken into account.

7.4 In line with TAN23, the economic benefits of the development should not be underplayed, especially when considered against the background of the Powys labour market, even before the Coronavirus pandemic. The Economic Benefits of Rebo UK Ltd's Activities at

Penrhos Farm (Pegasus, April 2021) report sets out that job numbers in Powys fell significantly between 2015 and 2019, with Powys experiencing the largest absolute decline in employment of any Welsh district over this timeframe. Supporting existing Powys businesses to grow their operations and create new job opportunities is therefore vital, in particular those businesses in growth sectors, such as online retail, which has seen the upward trajectory over a number of years accelerated by the Coronavirus pandemic.

Other Benefits

7.5 The development makes a positive environmental contribution in respect of biodiversity. Whilst the Site was unlikely to have supported protected species, the Biodiversity Enhancement (Arbor Vitae, April 2021) report proposes to improve future conditions for wildlife through:

- Construction of a pond and creation of two refuges for GCN.
- The erection of three bat roosting boxes.
- The erection of three bird nesting boxes.

7.6 Furthermore, the native woodland, proposed within the LVIA (Viento, April 2021) will also enhance the biodiversity of the Site.

7.7 The development has also delivered a building that is high quality and built to last. The environmental benefits of the new building, with comparison to the buildings it replaced, are demonstrated in the Energy and Sustainability Appraisal (Scotch Partners, November 2020). In summary, the new building:

- Achieves high thermal performance and efficient lighting to reduce carbon emissions.
- Provides a healthy internal environment, including good indoor air quality, good thermal comfort and good access to natural daylight.
- Uses materials chosen for their resilience, durability and recyclability.

7.8 These environmental benefits, as set out at paragraphs 7.5-7.7, should be accorded moderate weight.

7.9 In addition, whilst it is demonstrated that the local highway network can safely accommodate the development, the Applicant is willing to revise the existing layout of the C2034/C2035 junction and provide localised widening of the carriageway within the existing verges on the route between the Site and the A483 that the HGV traffic associated

with the employment development takes. These improvements should also be given some weight.

Planning Balance

- 7.10 Section 38(6) of the Planning and Compulsory Purchase Act 2004, and paragraph 1.22 of PPW11, set out that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 7.11 This Planning Statement demonstrates that the development is acceptable in principle and results in no material harm, including in respect of highway safety and accessibility, built heritage, and landscape/ visual impact, and, as such, it is in accordance with the development plan. Furthermore, it is demonstrated that the development delivers significant benefits and in doing so contributes to national sustainable placemaking outcomes as set out in PPW11.
- 7.12 The Applicant is not aware of any material considerations that indicate that the development, which accords with the development plan, should not be allowed. To the contrary, national planning policy, within PPW11 (paragraph 5.6.4) and TAN6 (paragraph 3.1.2), supports diversification of the rural economy, with recent updates in PPW11 (paragraphs 5.6.1 and 5.6.2) requiring local planning authorities to broaden the economic base of rural areas in order for the rural economy to be adaptable and resilient to challenges such as the coronavirus pandemic and exiting the European Union.
- 7.13 Taking account of the planning balance, it is, therefore, respectfully requested that planning permission granted.

APPENDIX 1
ENVIRONMENTAL IMPACT SCREENING OPINION

**THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS
2017 SCREENING MATRIX**

| 1. CASE DETAILS | | | |
|---|----------------------|---|---|
| Case Reference | 21/0859/SO | Brief description of the project / development | change of use of land and buildings from agricultural to storage use (Class B8), with ancillary business use (Class B1), erection of a steel portal frame building (including demolition of agricultural buildings), associated access, fence and gate, hardstanding, and landscaping, and retention of haulage yard in haulage use |
| Applicant | James Owen | | |
| LPA | Powys County Council | | |
| 2. EIA DETAILS | | | |
| Is the project Schedule 1 development according to Schedule 1 of the EIA Regulations? | | No | |
| If YES, which description of development (THEN GO TO Q4) | | N/A | |
| Is the project Schedule 2 development under the EIA Regulations? | | Yes | |
| If YES, under which description of development in Column 1 and Column 2? | | 10b | |
| Is the development within, partly within, or near a 'sensitive area' as defined by Regulation 2 of the EIA Regulations? | | No | |
| If YES, which area? | | Click here to enter text. | |
| Are the applicable thresholds/criteria in Column 2 exceeded/met? | | Yes | |
| If yes, which applicable threshold/criteria? | | Development exceeds 1ha (the development is 1.63ha) | |
| 3. LPA/SOS SCREENING | | | |
| Has the LPA or SoS issued a Screening Opinion (SO) or Screening Direction (SD)? (In the case of Enforcement appeals, has a Regulation 37 notice been issued) | | N/A | |
| If yes, is a copy of the SO/SD on the file? | | N/A | |
| If yes, is the SO/SD positive? | | N/A | |
| 4. ENVIRONMENTAL STATEMENT | | | |
| Has the appellant supplied an ES for the current or previous (if reserved matters or conditions) application? | | No | |

| Question | (Part 2a) / (Part 2b) – Answer to the question and explanation of reasons (Yes/No or Not Known (?) or N/A) Briefly explain answer to Part 2a and, if applicable and/or known, include name of feature and proximity to site (If answer in Part 2a / 2b is 'No', the answer to Part 3a / 3b is 'N/A') | | (Part 3a) / (Part 3b) (only if Yes in part 2a) – Is a Significant Effect Likely? (Yes/No or Not Known (?) or N/A) Is a significant effect likely, having regard particularly to the magnitude and spatial extent (including population size affected), nature, intensity and complexity, probability, expected onset, duration, frequency and reversibility of the impact and the possibility to effectively reduce the impact? If the finding of no significant effect is reliant on specific features or measures of the project envisaged to avoid, or prevent what might otherwise have been, significant adverse effects on the environment these should be identified in bold. | |
|--|---|--|--|--|
| 1. NATURAL RESOURCES | | | | |
| 1.1 Will construction, operation or decommissioning of the project involve actions which will cause physical changes in the topography of the area? | Yes | Yes - the erection of building has caused physical and visual changes. The land use will also intensify. | No | land take up would be relatively minimal. |
| 1.2 Will construction or operation of the project use natural resources above or below ground such as land, soil, water, materials/minerals or energy which are non-renewable or in short supply? | No | Not that are in short supply or non-renewable | N/A | |
| 1.3 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, e.g. forestry, agriculture, water/coastal, fisheries, minerals? | Yes | Agricultural land and land identified for aggregate safeguarding (category 2 Sandstone) | No | Not high quality agricultural land (ALC Grade 3b) Development on the site of existing buildings/ use. |
| 2. WASTE | | | | |
| 2.1 Will the project produce solid | Yes | | No | Not significant |

| Question | (Part 2a) / (Part 2b) – Answer to the question and explanation of reasons (Yes/No or Not Known (?) or N/A) | | (Part 3a) / (Part 3b) (only if Yes in part 2a) – Is a Significant Effect Likely? (Yes/No or Not Known (?) or N/A) | |
|--|--|--|---|--|
| wastes during construction or operation or decommissioning? | | | | |
| 3. POLLUTION AND NUISANCES | | | | |
| 3.1 Will the project release pollutants or any hazardous, toxic or noxious substances to air? | Yes | Dust and pollutant emissions from vehicles and machinery. | No | Not significant within the meaning of the regulations. |
| 3.2 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation? | Yes | Potential for noise from employees and mechanical equipment/vehicles. Light emitted from vehicles and buildings. | No | Not significant within the meaning of the regulations. |
| 3.3 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea? | Yes | Hydrocarbons | No | Not significant within the meaning of the regulations. The site is not located in a groundwater source protection zone. |
| 3.4 Are there any areas on or around the location which are already subject to pollution or environmental damage, e.g. where existing legal environmental standards are exceeded, which could be affected by the project? | No | | N/A | |
| 4. POPULATION AND HUMAN HEALTH | | | | |
| 4.1 Will there be any risk of major accidents (including those caused by climate change, in accordance with scientific knowledge) during construction, operation or decommissioning? | Yes | Risk of accident during construction and operation. | No | The risk of accident during construction was minimal due the nature of of construction (not complex) and use of standard best practice. Risk of accident during operation is also minimal and can be reduced by best practice. |
| 4.2 Will the project present a risk to the population (having regard to | Yes | | No | Not significant or complex -will be assessed through the planning system. The population |

| Question | (Part 2a) / (Part 2b) – Answer to the question and explanation of reasons (Yes/No or Not Known (?) or N/A) | | (Part 3a) / (Part 3b) (only if Yes in part 2a) – Is a Significant Effect Likely? (Yes/No or Not Known (?) or N/A) | |
|--|--|---|---|------------------|
| population density) and their human health during construction, operation or decommissioning? (for example due to water contamination or air pollution) | | | | affected is low. |
| 5. WATER RESOURCES | | | | |
| 5.1 Are there any water resources including surface waters, e.g. rivers, lakes/ponds, coastal or underground waters on or around the location which could be affected by the project, particularly in terms of their volume and flood risk? | No | | N/A | |
| 6. BIODIVERSITY (SPECIES AND HABITATS) | | | | |
| 6.1 Are there any protected areas which are designated or classified for their terrestrial, avian and marine ecological value, or any non-designated / non-classified areas which are important or sensitive for reasons of their terrestrial, avian and marine ecological value, located on or around the location and which could be affected by the project? (e.g. wetlands, watercourses or other water-bodies, the coastal zone, mountains, forests or woodlands, undesignated nature reserves or parks. (Where designated indicate level of designation (international, national, regional or local))). | No | Previous planning applications have identified that no protected sites would have been/are affected by the construction or operation of the site. | N/A | |
| 6.2 Could any protected, important or sensitive species of flora or fauna which | No | Previous planning applications have identified that no protected species would have been/are | N/A | |

| Question | (Part 2a) / (Part 2b) – Answer to the question and explanation of reasons (Yes/No or Not Known (?) or N/A) | | (Part 3a) / (Part 3b) (only if Yes in part 2a) – Is a Significant Effect Likely? (Yes/No or Not Known (?) or N/A) | |
|---|--|---|---|---|
| use areas on or around the site, e.g. for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project? | | affected by the construction or operation of the site. | | |
| 7. LANDSCAPE AND VISUAL | | | | |
| 7.1 Are there any areas or features on or around the location which are protected for their landscape and scenic value, and/or any non-designated / non-classified areas or features of high landscape or scenic value on or around the location which could be affected by the project? ¹ Where designated indicate level of designation (international, national, regional or local). | Yes | LANDMAP defined the area as being located within the Guilsfield Rolling Farmlands aspect area and is given a high evaluation for its visual and sensory qualities. | No | Not significant within the meaning of the regulations. Previous planning applications for the site and development have been supported by an LVIA and the matter will be dealt with through the planning system. The issues surrounding assessment are not unusual. |
| 7.2 Is the project in a location where it is likely to be highly visible to many people? (If so, from where, what direction, and what distance?) | Yes | Views from the highway leading from Sarnau towards Penrhos in a north easterly direction, from the site to approximately 1200m distant. | No | Not significant within the meaning of the regulations. Previous planning applications for the site and development have been supported by an LVIA and the matter will be dealt with through the planning system. The issues surrounding assessment are not unusual. |
| 8. CULTURAL HERITAGE/ARCHAEOLOGY | | | | |
| 8.1 Are there any areas or features which are protected for their cultural heritage or archaeological value, or any non-designated / classified areas and/or features of cultural heritage or archaeological importance on or around | Yes | The following statutory listed buildings have been identified within proximity to the site. Cadw ID 15427 Church of the Holy Trinity Cadw ID 15428 Old Rectory Cadw ID 15433 Llwyn Farmhouse Cadw ID 15434 Granary at Llwyn Farmhouse | No | Not significant within the meaning of the regulations. The issues surrounding assessment are not unusual. |

¹ See question 8.1 for consideration of impacts on heritage designations and receptors, including on views to, within and from designated areas.

| Question | (Part 2a) / (Part 2b) – Answer to the question and explanation of reasons (Yes/No or Not Known (?) or N/A) | | (Part 3a) / (Part 3b) (only if Yes in part 2a) – Is a Significant Effect Likely? (Yes/No or Not Known (?) or N/A) | |
|---|--|---|---|---|
| the location which could be affected by the project (including potential impacts on setting, and views to, from and within)? Where designated indicate level of designation (international, national, regional or local). | | No archaeological implications identified. | | |
| 9. TRANSPORT AND ACCESS | | | | |
| 9.1 Are there any routes on or around the location which are used by the public for access to recreation or other facilities, which could be affected by the project? | Yes | There are public rights of way within the vicinity of the development. | No | Not significant within the meaning of the regulations. The issues surrounding assessment are not unusual. |
| 9.2 Are there any transport routes on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project? | Yes | The application site is approximately 3km from the A483 Trunk Road and is accessed via the C2035 and C2034, or from the north from the same unclassified road, the C2034. | No | Not significant within the meaning of the regulations. The issues surrounding assessment are not unusual. |
| 10. LAND USE | | | | |
| 10.1 Are there existing land uses or community facilities on or around the location which could be affected by the project? E.g. housing, densely populated areas, industry / commerce, farm/agricultural holdings, forestry, tourism, mining, quarrying, facilities relating to health, education, places of worship, leisure /sports / recreation. | No | There are other land uses within the vicinity of the site including housing and agriculture. | No | Not significant within the meaning of the regulations. The issues surrounding assessment are not unusual. |
| 10.2 Are there any plans for future land uses on or around the location which could be affected by the project? | No | | N/A | |

| Question | (Part 2a) / (Part 2b) – Answer to the question and explanation of reasons (Yes/No or Not Known (?) or N/A) | | (Part 3a) / (Part 3b) (only if Yes in part 2a) – Is a Significant Effect Likely? (Yes/No or Not Known (?) or N/A) | |
|---|--|--|---|---|
| 11. LAND STABILITY AND CLIMATE | | | | |
| 11.1 Is the location susceptible to earthquakes, subsidence, landslides, erosion, or extreme /adverse climatic conditions, e.g. temperature inversions, fogs, severe winds, which could cause the project to present environmental problems? | No | | N/A | |
| 12. CUMULATIVE EFFECTS | | | | |
| 12.1 Could this project together with existing and/or approved development result in cumulation of impacts together during the construction/operation phase? | Yes | Cumulative impacts particularly in relation to highway safety along minor county highways. | No | Not significant within the meaning of the regulations. The issues surrounding assessment are not unusual in terms of their scale or complexity. |
| 13. TRANSBOUNDARY EFFECTS | | | | |
| 13.1 Is the project likely to lead to transboundary effects? | No | | N/A | |

5. CONCLUSIONS – ACCORDING TO EIA REGULATIONS SCHEDULE 3

Taking into account the sensitivity of the site combined with the nature and characteristics of the potential impacts, it is considered by Development Management that the proposed development as outlined is unlikely to have a significant effect upon the surrounding environment within the meaning of the regulations. It is therefore the opinion of Development Management that the development does not constitute EIA development. No Environmental Impact Assessment report is required.

6. SCREENING DECISION

If a SO/SD has been provided do you agree with it?

N/A

Is it necessary to issue a SD?

No

Is an ES required?

No

7. ASSESSMENT (EIA REGS SCHEDULE 2 DEVELOPMENT)

OUTCOME

Is likely to have significant effects on the environment

ES required

Not likely to have significant effects on the environment

ES not required

✓

More information is required to inform direction

Request further info

NAME

Louise Evans

DATE

24 June 2021

APPENDIX 2

MID WALES MANUFACTURING GROUP LETTER, 16TH APRIL 2019



Mid Wales Manufacturing Group

The Business Unit
NPTC Group Newtown Campus
Llanidloes Road
Newtown
SY16 4HU
Tel/ ffon: [REDACTED]



Mr. James Owen
Rebo Trampoline
Penrhos Farm
Penrhos
Llanymynech
Powys
SY22 6QH

16th April 2019

Dear Mr. Owen

Thank you for your enquiry regarding the availability of commercial premises in North Powys and the activity of Mid Wales Manufacturing Group in highlighting the issue.

Following a members survey in 2014 the lack of commercial property became apparent, a meeting with Russell George AM to discuss the issue resulted in a visit by the then Minister for Economy & Transport Edwina Hart in November 2014. This resulted in the subsequent further development of the Offa's Dyke Industrial estate in Welshpool and other interventions to assist those companies with immediate critical needs.

In June 2017 our submission to the **National Assembly for Wales' Economy, Infrastructure and Skills Committee Inquiry into City Deals and the Regional Economies of Wales, raised the issue of Industrial property**

"Industrial Property - The availability of suitable industrial premises in the region is a major barrier to growth of businesses and despite inward investment enquiries we are unable to attract new business as the property and land is unavailable, Planning regulations are stifling, and BREEAM regulations a large expense. Addressing this issue is a major priority and can be addresses though the partnership by ensuring appropriate sites are available and addressing market failure."

A snapshot survey of members on 19th June 2017 showed demand for 275K sq ft of Production, Storage & Distribution within the North Powys/ Severn Valley region from existing businesses, the majority between 10 - 20K sq ft units.

A meeting with the Welsh Government's Cabinet Secretary for the Economy and Transport, Ken Skates, AM to discuss commercial property needs in the Severn Valley was held on 24th July 2018 to discuss the difficulties in obtaining suitable sites to develop and expand.

We continue to raise the issues with Welsh Government and Powys/ Ceredigion County Councils to find a solution and address the needs of our growing businesses and looking at opportunities within a potential Growth Deal for Mid Wales.

Regards

[REDACTED]

Ceri Stephens
Group Manager



APPENDIX 3
CADW RESPONSE
TO APPEALS REFERENCES APP/T6850/A/20/3264861 & 3264880
12TH FEBRUARY 2021



Llywodraeth Cymru
Welsh Government

Plas Carew, Uned 5/7 Cefn Coed
Parc Nantgarw, Caerdydd CF15 7QQ
Ffôn 0300 025 6000
Ebost cadw@llyw.cymru
cadw.llyw.cymru

Plas Carew, Unit 5/7 Cefn Coed
Parc Nantgarw, Cardiff CF15 7QQ
Tel 0300 025 6000
Email cadw@gov.wales
cadw.gov.wales

Max Thomas
Case Officer
The Planning Inspectorate
Crown Buildings
Cathays Park
Cardiff
CF10 7QQ

Eich cyfeirnod
Your reference

3264861 & 3264880

Ein cyfeirnod
Our reference

qA1457885

Dyddiad
Date

12 February 2021

Llinell uniongyrchol
Direct line

Ebost
Email:

Dear Mr Thomas,

**APPEALS BY: JAMES OWEN
SITE AT: PENRHOS FARM, PENRHOS, LLANSANTFFRAID YM MECHAIN**

Thank you for your letter of 15 January 2021, inviting our views on two appeals against the refusal of planning permission by Powys County Council for works at Penrhos Farm, Llansantffraid-ym-mechain. The buildings at Penrhos Farm are not listed. However, the grade II Church of the Holy Trinity is near to the development site.

The Welsh Government's policies for the protection of designated historic assets are set out in Planning Policy Wales (PPW), Technical Advice Note 24: The Historic Environment, Conservation Principles for the Sustainable Management of the Historic Environment in Wales and accompanying best practice guidance. This appeal should be considered in the context of those documents, which are available [here](#).

PPW explains that where development proposals affect a listed building or its setting, the primary consideration is the statutory requirement to 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 role of Cadw in the appeal process is to advise the Planning Inspector about the effect of proposals on any designated historic assets.

Cadw's Inspector of Historic Buildings, Anna Irwin, has looked at the appeal documentation provided with this case, and her assessment is at Annex A.

Mae Gwasanaeth Amgylchedd Hanesyddol Llywodraeth Cymru (Cadw) yn hyrwyddo gwaith cadwraeth ar gyfer amgylchedd hanesyddol Cymru a gwerthfawrogiad ohono.

The Welsh Government's historic environment service (Cadw) promotes the conservation and appreciation of Wales' historic environment.

Rydym yn croesawu gohebiaeth yn Gymraeg ac yn Saesneg.
We welcome correspondence in both English and Welsh.



BUDDSODDWR MEWN POBL
INVESTOR IN PEOPLE



This advice is provided without prejudice to consideration of the appeal, or any associated matter, by officials of the Welsh Government or the Welsh Ministers.

If you require any further information, please contact me.

Yours sincerely

A solid black rectangular box redacting the signature of Rhodri Kelly.

Rhodri Kelly
Designations and Building Consents

Annex A

INSPECTOR'S ASSESSMENT:

Penrhos Farm, Penrhos, Llansantffraid-Ym-Mechain SY22 6QH

Appeal Ref: 3264861

The planning application (reference 19/0467/FUL), subject to this appeal, relates to the retrospective demolition of existing agricultural buildings and the erection of an industrial storage building at Penrhos Farm.

I understand this appeal is being considered alongside appeal reference 3264880, in relation to the change of use of an agricultural building to B1/B8 use, erection of gates and all associated works. This application was refused solely on highway safety grounds and as such my comments are made in relation to appeal case reference 3264861 only.

The decision notice issued by Powys County Council cites four reasons for refusal. My assessment concerns the third of these, which states that the development, by virtue of its size, scale and location is considered to have a detrimental impact upon the setting of the Grade II Listed Church of the Holy Trinity, contrary to section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, PPW, TAN 24 and Local Development Plan Policy SP7.

The Church of the Holy Trinity is listed grade II as an interesting lancet style church of early Victorian date by an eminent London architect, Sidney Smirke, better known for his classical secular designs.

This is the second appeal submitted for this development. An earlier planning application (reference: 18/0854/FUL) was submitted with the same description and refused on 14 March 2019. The reason for refusal on built heritage grounds was as per application (19/0467/FUL. Application 18/0854/FUL is also subject to a live appeal (reference 3232845) upon which Cadw has previously advised the planning inspector on the effect of the proposals on designated assets concluding that:

'The duty placed on the decision-maker to pay special attention to the desirability of preserving the listed building, its setting and any features of special architectural or historic interest which it possesses is the primary material consideration in this case. There is nothing in the appeal statement or supporting documents to outweigh this consideration and no compelling evidence has been provided to contradict the views expressed by the Council. I have therefore concluded that the development has failed to preserve the setting of the Listed Building, contrary to national policy and guidance.'

The previous application was supported by a desk based assessment (May 2018) and a LVIA. The same documentation was submitted with application 19/0467/FUL, upon which Powys County Council's Built Heritage Officer assessed the proposals commenting that: *'the buildings as constructed are highly visible on elevated land when travelling westwards from Sarnau. The buildings as erected are highly visible in the landscape and are large and dominant above the Church.'*

The officer continues stating that *'considering the scale and location of the building it is considered that the building has an overbearing and dominant impact on the Church of the Holy Trinity.'*

These comments are reflected in the Councils delegated report which states that:

'The size and elevated nature of the building has produced a dominant building in the landscape that overshadows this small rural church when travelling along the road. The officer considered that the building has an overbearing and dominant impact on the Church of the Holy Trinity and that the building by its size and location harms the setting of the listed church.'

Following initial comments made by the Built Heritage Officer an addendum to the desk based assessment was submitted and subsequently the applicants submitted an assessment, 'Impacts on the Setting of Holy Trinity Church, Penrhos (June 2019). This document was carried out in accordance with Cadw Guidance 'Managing Setting of Historic Assets in Wales' (May 2017) and concludes that:

- *The new building does not lie within the setting of the Holy Trinity Church;*
- *The new building does not have a direct impact on Holy Trinity Church or its setting;*
- *The new building at Penrhos Farm has no impact on key views of Holy Trinity Church, which are either from the east or within the Churchyard;*
- *The development does not appear in any clear view of the church from the surrounding landscape;*
- *As there is no impact on the setting of the Holy Trinity Church, its significance remains unaltered.*

The assessment follows the four stage approach advocated in Cadw Guidance 'Managing Setting of Historic Assets in Wales' (May 2017).

Stage 1 requires the assessor to identify the historic assets that might be affected by a proposed change or development. In this case it is concluded that the only historic asset under consideration is the grade II listed Church of the Holy Trinity. This is a view shared by the Local Planning Authority as confirmed within the statement of common ground.

Stage 2 requires the assessor to define and analyse the setting, considering its current surroundings, our present understanding and appreciation of the historic asset and what survives of its historic surroundings. Within the report both the historic and modern settings of the Church have been defined following an assessment of the significance of the asset.

In relation to the historic setting the report states that:

'The overriding impression therefore is that the present Church, when built in 1846, was built in a relatively secluded and sheltered position with no important views to or from the site apart from that towards Penrhos Hall.'

This is a view supported by Historic Ordnance Survey mapping. The report continues by stating that,

'By the early 20th Century the role of Holy Trinity Church as a focal point within its own consolidated chapelry had seen the building of the vicarage to its western side

and a Church school a short distance to the east. These tangible additions became part of the historic setting of the Church, along with Penrhos Hall and the Churchyard in which the church stood.'

In defining the modern setting the report suggests that following the demolition of Penrhos Hall, the conversion of the vicarage and closure of the school, *'the church has become somewhat isolated within its Churchyard as a result, which now forms the core of the modern setting of the Church.'*

In terms of the wider setting, the report goes on to state that the felling of conifer plantations along the slopes rising to the north, which enable views of the development, has had less impact on the modern setting as many trees still remain along the lower slope and boundary and block northward views.

The modern setting is defined as *'a well-maintained church, which remains in use as a place of worship and stands within a well-managed and relatively large churchyard. Mature yews, conifers and deciduous trees encircle the building to create and intimate and secluded atmosphere in the area immediately surrounding the Church. The trees screen most views of the Church, especially during the summer and the building can therefore only be truly appreciated from close up. Therefore there are no clear views of the church from outside the ring of trees both within the remainder of the churchyard and from most points in the surrounding landscape.'*

However, the report goes on to say that the clearest views of the church from outside the churchyard are gained from the Penthryn Road along a stretch of road some 800 metres to the east when travelling west. *'This section of road is therefore considered to form part of the modern setting of the church.'*

A further note on the setting of the Holy Trinity Church, Penrhos (December 2020) was subsequently submitted which seeks to redefine the modern setting of the church to include the new building at Penrhos Farm and to reassess the impact on the setting of the Church accordingly.

This report recognises that in felling the coniferous plantation on the slopes to the north of the church, this has opened up a partial view of the south west part of the new building from the south west and it states 'it could be argued' brings the new building into the wider modern landscape setting of the church. This being most evident from the road from Sarnau to the south.

The northern slopes form a backdrop to the Church, particularly on its approach from Sarnau within which changes made to the landscape, particularly through the further loss of woodland, trees or vegetation could result in a greater impact from the development upon the setting of the Church. Cadw guidance states that stage 2 of the assessment should identify key viewpoints from which the impact of the proposed development should be assessed which includes taking account of important views to, from and across the historic asset. As a key approach, for the purposes of using or visiting the asset, the view from the south on the road from Sarnau places the asset in a wider landscape context, I suggest this view forms part of the modern setting of the Church.

The description of the modern setting has also been amended to state that the trees screen most views of the church and so the building can only truly be appreciated from within the circle of trees but goes on to say that *'the only clear views of the*

church from outside this ring of trees both from within the remainder of the churchyard and from points in the surrounding landscape are from the east.'

These amendments represent a more accurate description of the modern setting of the building than previously stated.

The third stage in the assessment process is to evaluate the potential impact of the development.

In the most recent report 'a Further Note on the Setting of the Holy Trinity Church, Penrhos (December 2020), it is concluded that, having redefined the setting, the new building at Penrhos still has a very low, indirect, visual impact on the listed building.

In referring back to Cadw guidance 'Managing Setting of Historic Assets in Wales' (May 2017), this states that '*the setting of an asset includes the surroundings in which it is understood, experienced and appreciated, embracing present and past relationships to the surrounding landscape. Its extent is not fixed and may change as the asset and its surroundings evolve.*'

In concurring that the best views of the asset, from which it can be understood, experienced and appreciated are from within the churchyard and in views from the east, I am satisfied that the development does not impact upon the setting of the Church within these key views.

The road from Sarnau is a key approach to the asset which places the Church within a wider landscape context. The report states that the development when viewed from this road does not significantly impact on key views of the church since only partial views of the new building would be seen within some partial views of the church. I would add that due to the size, scale and elevated location of the new building even partial views may have a considerable visual impact. However, it is my opinion that whilst this may be a key approach to the church and the development is currently obvious within this view, there are no meaningful views of the Church from which it can be fully understood, experienced and appreciated. Mature trees within the churchyard limit views of the church, even within winter months and historic mapping indicates that this is representative of both the modern and historic setting of the asset. As such I am of the opinion that the changes to the wider setting of the Church, resulting from the development, do not alter the significance of the asset.

The final stage in the assessment process is to consider options to mitigate the impacts of the development.

Mitigation has already been put in place by way of an earthwork bund planted with a Leylandii hedge which in time will assist, to a certain extent, in screening the building, particularly when viewed on the approach from Sarnau. As such it is essential that this planting is retained in perpetuity in order to safeguard the wider landscape setting.

In conclusion, I am satisfied that an assessment of setting has been undertaken in accordance with best practice guidance. I concur with the findings of the assessment as set out in the Further Note on the setting of the Holy Trinity Church, Penrhos (Dec 2020) and therefore conclude that the development has not resulted in an unacceptable adverse impact upon the setting of the grade II listed Church of the Holy Trinity in accordance with national and local policy.