

Summarisation of documents below.

The document outlines a planning application for non-material amendments to a housing development in Powys, including site descriptions, proposed changes, and responses to planning guidance.

Planning Permission and Non-Material Amendment

The Powys County Council has granted a non-material amendment to the original planning permission for a housing development, allowing for modifications to existing foundations and infrastructure. This amendment does not constitute a new planning permission and must be considered alongside the original approval.

- Non-material amendment approved on 18th February 2025.
- Application submitted on 5th February 2025 by Pickstock Homes Ltd.
- Original planning approval was granted on 27th September 2007.
- The site has been inactive for approximately twelve years.
- The amendment allows for the construction of affordable housing for Powys Housing Authority.

Site Description and Current Status

The site is part of a larger development where initial phases were completed, but subsequent phases were halted due to lack of sales interest. The existing infrastructure includes roads and sewer systems.

- Initial construction included thirteen dwellings by Mid-Wales Housing Association.
- Sixteen additional dwellings were partially constructed but not completed.
- Infrastructure such as roads and sewers is already in place.
- The site has remained dormant for around twelve years.

Proposed Changes to Housing Designs

The proposed changes involve utilizing existing foundations to create smaller, affordable dwellings, with several house types being modified for this purpose. The changes aim to enhance the affordability and accessibility of the housing.

- Eight house types are included in the remaining phase of construction.
- Modifications include reducing the size of several dwellings to meet affordability criteria.
- Four two-storey houses will be converted to single-storey bungalows.
- No changes in footprint for some designs, ensuring compliance with planning conditions.

Assessment of Non-Material Amendments

The council evaluated the proposed changes against specific criteria to determine if they qualify as non-material amendments. The assessment concluded that the changes would not negatively impact the area or conflict with planning policies.

- Changes assessed for scale, visual impact, and amenity.
- Proposed changes are the same size or smaller than previously approved designs.
- No detrimental visual impact anticipated; some changes may improve local amenity.
- No conflicts with national or local development policies identified.

Community Council Concerns and Environmental Issues

The Penybont & Llandegley Community Council expressed concerns regarding the sewage system's capacity to handle additional developments. Environmental Protection raised issues about drainage fields located in high-risk flood zones.

- Community Council supports additional engineering works but seeks clarity on maintenance responsibilities.
- Environmental Protection recommends refusal due to drainage field location in a flood zone.
- Concerns about the adequacy of private sewage systems in publicly sewerred areas.
- NRW requires further information on foul drainage and protected sites before supporting the application.



Deddf Cynllunio Gwlad A Thref 1990
Town & Country Planning Act 1990
Gorchymyn Cynllunio Gwlad a Thref (Newidiadau Ansylweddol a
ChywiroGwallau) (Cymru) 2014

Town and Country Planning (Non-Material Changes and Correction of
Errors) (Wales) Order 2014

25/0175/NMA relating to Non Material Amendment

Pickstock Homes Ltd
Mr James Ellis
17 Mile Oak
Oswestry
SY10 8 GA

Dear Applicant / Agent,

Applicant: Mr James Ellis

In pursuance of its powers under the Act described above, Powys County Council as Local Planning Authority hereby permit the following:

Application for non-material amendments to planning permission PR630000 in respect of revised house types for plots 14-29 at Land Off Old Market Meadows, Penybont, Llandrindod Wells, Powys

In accordance with the application and plan submitted to the Council on 5th February 2025. The approval of this non-material amendment does not result in a new planning permission. Therefore this non-material amendment should be read together with the original planning permission and its associated planning conditions.

Decision Date: 18th February 2025.

Gwilym Davies

Head of Planning and Regulatory Services
Pennaeth Gwasanaethau Cynllunio a Rheoleiddiol

Croeso i chi gysylltu â ni yn Gymraeg. Byddwn yn ymateb yn Gymraeg, heb oedi.
You are welcome to contact us in Welsh. We will respond in Welsh, without delay.

Pa mor dda ydyn ni'n neud? Rydym yn croesawu eich adborth, defnyddiwch y [ddolen yma](#).

How are we doing? We welcome your feedback, please use the following [link](#).

PLANNING STATEMENT.

PROPOSED NON-MATERIAL AMENDMENT TO PLANNING APPROVAL PR630000.

LAND OFF 'OLD MARKET MEADOWS' ROAD, PENYBONT, LLANDRINDOD WELLS.

Site description.

The site is part of an overall site that received planning approval on the 27th of September 2007 ref PR630000. The first thirteen dwellings were constructed and taken by Mid-Wales Housing Association now Barcud HA. The foundations for the last sixteen dwellings, except plot 14, were construction up to ground floor level but not completed due to no sales interest. The site has been left since the last works were stopped around twelve years ago. The estate road has been constructed and the footpaths on the occupied side of the road. The main foul and storm sewers have also been constructed.

Proposals.

It is proposed to utilize the exiting foundations and infrastructure to provide dwellings for Powys Housing Authority. Many of the dwellings are being reduced io size to provide affordable dwellings and rent level. There are eight house types in the remaining phase of build ref P1, P2, P3, P4, P5, P6, P24 & P32 which make up the remaining sixteen dwellings.

- P1 & P2house type.
The porch is proposed to be enclosed to attain the required WDQR floor area.
Window and door opening s are the same or reduced.
- P3 dwelling type.
Footprint reduced with the garage projection removed.
- P4 dwelling type.
House foundation used for bungalow design.
- P5 dwelling type.
House foundation used for bungalow design; footprint reduced with removal of garage.
- P6 dwelling type.
House foundation used for bungalow design; footprint reduced with removal of garage.
- P24 dwelling type.
Plot not started; footprint used for a 3 bed dwelling.
- P32 dwelling type.
3 bed dwelling used as 2 bed WDQR dwelling, no change in footprint.

The Planning Guidance-Approving Non-Material Amendments states that when assessing and determining whether or not a proposed change would qualify as a non-material amendment, Local Planning Authorities may consider the following tests:

- a) Is the scale of the proposed change great enough to cause an impact different to that caused by the original approved development scheme?

Response. The proposed changes to the dwellings are the same size as the approved or smaller.

- b) Would the proposed change result in a detrimental impact either visually or in terms of local amenity?

Response. There would be no detrimental impact and could be argued will be less due to four of the dwellings being changed from two storey housed to single storey bungalows.

- c) Would the interests of any third party or body be disadvantaged in planning terms?

Response. There would be no third party or body that would be disadvantaged.

- d) Would the proposed change conflict with national or development plan policies?

Response. The proposal would not conflict with these policies.

Chantelle Chalk

From: Richard Edwards
Sent: 05 April 2022 08:24
To: Planning Consultations
Subject: FW: 22/0191/FUL

Regards

Richard Kier Edwards MSc BSc
Uwch Swyddog Cynllunio / Senior Planning Officer
Cyngor Sir Powys / Powys County Council
Ffon / Tel: 01597 827218
E-bost / E-mail: richard.edwards2@powys.gov.uk
County Hall, Spa Road East, Llandrindod Wells, LD1 5LG

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

Byw, dysgu, gweithio a chwarae ym Mhowys
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From: Kevin Bray <kevin.bray@powys.gov.uk>
Sent: 05 April 2022 08:23
To: Richard Edwards <richard.edwards2@powys.gov.uk>
Subject: 22/0191/FUL

Hi Richard.

Environmental Protection cannot support this application and recommends refusal given that the proposed drainage fields are to be located within a High Risk flood zone, this would prevent the system from operating correctly and may also cause longer term issues following any subsequent flooding.

Guidance states that foul drainage should be connected to a public foul or combined sewer wherever this is reasonably practicable. For small developments connection should be made to a public sewer where this is within 30m.

Kind Regards

Kevin

Kevin Bray BSc (Hons) MCIEH

Swyddog Iechyd yr Amgylchedd
Environmental Health Officer

**Gwarchod yr Amgylchedd– Cyngor Sir Powys, The Gwalia,
Llandrindod Wells, Powys. LD1 6AA**
**Environmental Protection – Powys County Council, The Gwalia,
Llandrindod Wells, Powys. LD1 6AA**
01597 827343

Kevin.bray@powys.gov.uk

Lle gwyth i weithio, byw a chwarae
Gwledigaeth 2025

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Vision 2025



Cysylltwch â ni yn Gymraeg neu yn Saesneg. Ni fydd cysylltu yn Gymraeg yn arwain at oedi.
Contact us in Welsh or in English. Contacting in Welsh won't lead to a delay.

Er mwyn cyflenwi gwaith Gwasanaeth Iechyd yr Amgylchedd, mae angen prosesu data personol yn unol â'r ddeddfwriaeth berthnasol. Bydd y wybodaeth hon yn cael ei chadw yn unol â'r ddeddfwriaeth, a rhestr cadw gwybodaeth y Cyngor. Os oes gennych unrhyw bryder ynghylch y defnydd a wneir o'ch data personol cysylltwch â'r Swyddog Diogelu Data trwy anfon e-bost at Information.Compliance@powys.gov.uk <<mailto:Information.Compliance@powys.gov.uk>> neu ffoniwch 01597 826400. Sylwch fod modd dod o hyd i ragor o wybodaeth am Ddiogelu Data a Phreifatrwydd yn y cyfeiriad gwe canlynol: <http://www.powys.gov.uk/privacy>

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Spa Rd E,
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LD1 5LG

Ein cyf/Our ref: CAS-181335-J5D8
Eich cyf/Your ref: 22/0191/FUL

Welsh Government Building,
Rhodfa Padarn,
Llanbadarn Fawr,
Aberystwyth,
Ceredigion,
SY23 3UR

ebost/email:
MidPlanning@cyfoethnaturiolcymru.gov.uk

30/03/2022

Annwyl / Dear Mr Edwards,

BWRIAD / PROPOSAL: Engineering Works associated with foul drainage system in connection with Planning Application 20/1742/RES

LLEOLIAD / LOCATION: Land Off Old Market Meadows, Penybont, Llandrindod Wells, Powys LD1 5US

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales (NRW) about the above, which we received on 08/02/2022.

We have concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, you should seek further information from the applicant regarding foul drainage and protected sites. If this information is not provided, we would object to this planning application. Further details are provided below.

Foul Drainage

We note that the intention is to dispose of foul drainage to a private sewerage system, which includes two package treatment plants. According to our records, the proposed development is located within a publicly sewered area. The installation of private sewage treatment facilities within publicly sewered areas is not normally considered environmentally acceptable because of the greater risk of failures leading to pollution of the water environment compared to public sewerage systems.

Section 6.6.21 of Planning Policy Wales states '*Any development discharging domestic sewage should connect to the foul sewer where it is reasonable to do so. Development proposing the use of non-mains drainage schemes will only be considered acceptable where connection to the main sewer is not feasible...*'

Government guidance on private sewerage in Welsh Government Circular 008/2018 stresses that the first presumption must be to provide a system of foul drainage discharging

into a public sewer. Only where having taken into account the cost and/or practicability it can be shown to the satisfaction of the local planning authority that connection to a public sewer is not feasible, should non-mains foul sewage disposal solutions be considered.

We therefore advise that the proposals are either amended to ensure that the foul drainage is connected to the mains sewerage system or evidence is provided to demonstrate that it is not reasonable to connect.

The Applicant should thoroughly investigate the possibility of connecting to the foul sewer by taking the following steps:

- Formally approach the sewerage undertaker regarding a connection under Section 106 or a requisition under Section 98 of the Water Industry Act (WIA) 1991.
- Serve notice for connection under Section 106 of the WIA 1991 if the sewerage undertaker has refused connection.
- Provide details of the reasons given by the sewerage undertaker if it has refused connection under section 98 or section 106 of the WIA 1991 and confirmation that they have appealed against this decision.
- Demonstrate that it is not reasonable to connect to the public foul sewer.
- Where it is not reasonable to connect to the public foul sewer, demonstrate that they have considered requesting that the sewerage undertaker adopt their proposed system.

The Applicant should be aware that should a connection to the mains sewer not be feasible, they will also need to demonstrate that the proposal would not pose an unacceptable risk to the water environment. Welsh Government Circular 008/2018 advises that a full and detailed consideration be given to the environmental criteria listed under paragraph 2.6 of the Circular, in order to justify the use of private sewerage.

The Applicant should also be aware that should a connection to the mains sewer not be feasible, they will need to apply for an environmental permit or register an exemption with us. As stated above, we expect developers discharging domestic sewage to connect to the public foul sewer where it is reasonable to do so. We will not normally grant a discharge permit for a private sewage treatment system where it is reasonable to connect to the public foul sewer. We also expect discharges of trade effluent to connect to the public foul sewer where it is reasonable to do so and subject to the sewerage undertaker granting a trade effluent consent or entering into a trade effluent agreement.

Septic tanks and small sewage treatment works may be registered as exempt from the requirement to obtain an environmental permit if certain criteria are met. Please note, should a permit be required, further information may be required as part of that application and the Applicant is therefore advised to hold pre-application discussions with our Permitting Team on 0300 065 3000, at the earliest opportunity, to try to ensure that there is no conflict between any planning permission granted and the permit requirements. It is important to note that a grant of planning permission does not guarantee that a permit will be granted, should a proposal be deemed to be unacceptable (either because of environmental risk or because upon further investigation, a connection to mains sewer was feasible). The

Applicant should ensure that they have all the required permissions, consents, permits and any other approvals in place prior to commencement of works on the site.

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

Please note, a lack of capacity, or plans to improve capacity in the sewer, is not a valid reason for a sewerage undertaker to refuse connection under Section 106 of the Water Industry Act 1991 and we may refuse to issue an environmental permit or exemption for private treatment facilities in such circumstances.

Protected Sites

River Wye Special Area of Conservation (SAC)

We note the application site is within the catchment of the River Wye SAC. As you are aware, on the 21st January 2021, we published an evidence package outlining phosphorus levels for all river SACs across Wales. As part of this package, we issued a [Planning Position Statement](#), in which we advised that any proposed development that might increase the amount of phosphate (or phosphorus) within a river SAC catchment could lead to damaging effects to the SAC. Therefore, such proposals should be screened through a Habitats Regulations Assessment (HRA), to determine whether they are likely to have a significant effect on the SAC. We have also issued [Planning Advice](#) (May 2021) which gives specific advice in respect of foul drainage arrangements for new developments.

We note from the information submitted that two new package treatment plants are to be installed to provide foul drainage in connection with Planning Application (20/1742/RES which includes five dwellings) and therefore the development has the potential to increase the amount of phosphorus being discharged from the site. **As such, we refer you to our [Planning Advice](#) and advise you to seek further information from the applicant as identified in the section titled ‘What does this mean for development proposals involving private sewage treatment systems’ and also ‘What does this mean for development proposals involving connection to public wastewater treatment works’ of that advice.**

Construction Effects

The development site has an onsite watercourse which is hydrologically connected to the River Wye SAC. Therefore, **we advise that Construction and Environmental Management Plan (CEMP) should be sort to inform your HRA.** The CEMP should demonstrate how relevant pollution prevention measures will be adhered to, in accordance with pollution prevention guidance as well as detailing an incident response plan should the onsite watercourse become polluted from the construction works.

Provided this advice is followed and you are able to conclude that the development is not likely to have a significant effect on the SAC, we would have no objection to the proposal.

River Ithon Site of Special Scientific Interest (SSSI)

We consider the proposals have the potential to impact upon the River Ithon SSSI. Providing the impact pathways referenced above for the SAC is adequately addressed, we consider the features of the SSSI will also be adequately safeguarded.

Flood Risk

The planning application proposes engineering works associated with foul drainage system in connection with Planning Application (20/1742/RES). We note that planning application 20/1742/RES (for the Reserved Matters following the approval of P/2017/0815 for the erection of five dwellings and associated works) is currently pending approval.

Our Flood Risk Map, confirms that the application site boundary to be partially located within Zone C2 of the Development Advice Map (DAM) contained in TAN15 and the fluvial flood outline of the River Ithon. The Flood Map for Planning (FMfP) identifies the application site to be partially at risk of flooding and falls into Flood Zone 2 & 3 (Rivers).

We note that the five residential dwellings detailed on the block plan SAB 4960/3 dated February 2022 (which form part of planning application 20/1742/RES) are located outside of the C2 flood zone. However, the two newly proposed package treatment plants and the associated drainage fields that forms part of the development site are entirely located within the DAM C2 flood zone. Given the scale and nature of the proposed development, we consider the proposals could be acceptable (in terms of flood risk), subject to the developer being made aware of the potential flood risks.

We refer the applicant to our [website](#) for further advice and guidance available. Additional guidance can be found [here](#). The developer can also access advice and information on protection from flooding from the ODPM publication '*Preparing for Floods: Interim Guidance for Improving the Flood Resistance of Domestic and Small Business Properties*', can be found [here](#)

Please note any proposals for plant, machinery or moving parts within a flood zone should seek confirmation from the manufacturer that they can operate under flood conditions and retain their integrity to guarantee that pollution is not released to the watercourse.

Protected Species

We note that there is no information about protected species with the application and therefore, we are assuming that your Authority has screened the application and concluded that there is not a reasonable likelihood of protected species being present.

Other Matters

Our comments above only relate specifically to matters included on our checklist, *Development Planning Advisory Service: Consultation Topics* (September 2018), which is published on our [website](#). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests.

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

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

Yn gywir / Yours faithfully

Debra Renshaw

Cynghorydd - Cynllunio Datblygu / Advisor - Development Planning
Cyfoeth Naturiol Cymru / Natural Resources Wales