

Public Document Pack



Neuadd y Sir / County Hall, Llandrindod, Powys, LD1 5LG

Jeremy Patterson

Chief Executive

Os yn galw gofynnwch am - If calling please ask for

Carol Johnson

Ffôn / Tel: 01597826206

Ffôn Symudol / Mobile:

Llythyru Electronig / E-mail: carol.johnson@powys.gov.ukl

PLANNING, TAXI LICENSING & RIGHTS OF WAY COMMITTEE Thursday, 20th April, 2017

S U P P L E M E N T A R Y P A C K

1.	MINUTES OF THE PREVIOUS MEETING	PTLRW39 - 2017
----	---------------------------------	----------------

To authorise the Chair to sign the minutes of the previous meeting of the Committee held on 6 April 2017 as a correct record.

(Pages 3 - 12)

1.1. Updates

Any Updates will be added to the Agenda, as a Supplementary Pack, wherever possible, prior to the meeting.

(Pages 13 - 32)

This page is intentionally left blank

MINUTES OF A MEETING OF THE PLANNING, TAXI LICENSING & RIGHTS OF WAY COMMITTEE HELD AT COUNCIL CHAMBER - NEUADD MALDWYN, WELSHPOOL, POWYS ON THURSDAY, 6 APRIL 2017

PRESENT

County Councillor D R Price (Chair)

County Councillors L V Corfield, S Davies, W J Evans, E M Jones, G M Jones, F H Jump, P J Medlicott, R H Mills, K S Silk, D A Thomas, D G Thomas, G I S Williams and D H Williams

Apologies for absence were received from County Councillors J C Holmes, Eldrydd M Jones and J M Williams

1.	APOLOGIES	PTLRW31 - 2017
-----------	------------------	-----------------------

Apologies for absence were received from County Councillors Eldrydd Jones, WD Powell and JM Williams and from County Councillor JC Holmes who was on other Council business.

2.	MINUTES OF THE PREVIOUS MEETING	PTLRW32 - 2017
-----------	--	-----------------------

The Chair was authorised to sign as a correct record the minutes of the meeting held on 16th March, 2017.

Planning

3.	DECLARATIONS OF INTEREST	PTLRW33 - 2017
-----------	---------------------------------	-----------------------

(a) County Councillor MJ Jones declared a personal interest in application P/2016/0047 as a member of the Brecon Beacons National Park Authority appointed by the County Council where highways access matters to this site were discussed,

(b) The Committee noted that no Member requested that a record be made of their membership of a Community Council where discussion had taken place of matters for the consideration of this Committee.

(c) County Councillor LV Corfield (who is a member of the Committee) declared that she would be acting as 'local representative' in respect of application P/2016/0953.

(d) The Committee noted that the County Councillor EA Jones (who is not a member of the Committee) would be speaking as the 'local representative' in respect of application P/2016/0787.

4.	PLANNING APPLICATIONS FOR CONSIDERATION BY THE COMMITTEE	PTLRW34 - 2017
-----------	---	-----------------------

The Committee considered the report of the Head of Regeneration, Property and Commissioning (copies filed with the signed minutes).

4.1. Updates

The Members confirmed that they had received and had time to read the update circulated the previous day and prior to the meeting.

4.2. P/2016/0787 Domgay Hall, Llanymynech, Powys, SY22 6SW

- Application No:** P/2016/0787
- Grid Ref:** 327913.04 319288.53
- Valid Date:** 28/07/2016
- Officer:** Louise Evans
- Community Council:** Llandysilio Community Council
- Applicant:** Mr M Evans, E M Evans, Llangedwyn, Priddbwl, Oswestry, Shropshire, SY10 9JZ
- Location:** Domgay Hall, Llanymynech, Powys, SY22 6SW
- Proposal:** Erection of intensive poultry installation to include highway improvements, landscaping, demolition of building and all associated works
- Application Type:** Application for Full Planning Permission

County Councillor EA Jones spoke as the local member to support the application.

Mr M. Evans spoke as the applicant and Mr R. Corbett as the agent.

The Committee was advised that Officers were not completely satisfied with the response on the impact of the development on nearby SSSIs and therefore asked to give the Professional Lead Development Management delegated authority to determine subject to suitable conditions.

RESOLVED:	Reason for decision:
that the Committee is minded to grant consent, subject to suitable conditions to be imposed by the Professional Lead for Development.	As officers recommendation as set out in the report which is filed with the signed minutes.

4.3. P/2016/0953 Land adjacent to Heritage Green, Kingswood, Forden, Powys, SY21 8LH

Application No: P/2016/0953

Grid Ref: 324093.02 302462.76

Valid Date: 10/11/2016

Officer: Louise Evans

Community Council: Forden with Leighton and Trelystan Community Council

Applicant: Mr Steve Jennings, Primesave Properties, C/O Agent

Location: Land adjacent to Heritage Green, Kingswood, Forden, Powys, SY218LH

Proposal: Application for outline planning permission for a residential development and formation of new access with some matters reserved

Application Type: Application for Outline Planning Permission

County Councillor LV Corfield spoke as the Local Representative to oppose the application and sat apart from Committee.
Mrs Jean Taylor spoke against the application.

The Committee was asked to give delegated authority to the Professional Lead for Development Management to grant conditional approval subject to an appropriate education contribution being secured if considered justified and to consult with the contaminated land officer.

The Committee asked about the concerns raised about the overshadowing of neighbouring properties and was advised that this was an outline application. If the future design did not comply with the Powys Residential Design Guide with respect to overshadowing of neighbouring properties the application is likely to be refused.

The Committee asked for permitted development rights for the erection of fencing to be removed. The Committee also asked for condition 13 to be amended so that a scheme for the provision of on-site recreational facilities would be put forward on submission of the design.

RESOLVED:	Reason for decision:
that the Professional Lead for Development Management be given delegated authority to grant approval, subject to securing an education	As officers recommendation as set out in the report which is filed with the signed minutes.

<p>contribution if justified, consultation with the Contaminated Land Officer, the inclusion of an additional conditions relating to permitted development rights and the conditions set out in the report which is filed with the signed minutes as amended above.</p>	
--	--

Councillor Corfield returned to sit with the Committee.

4.4. P/2016/1077 Land North of the B49393, Coedway, Shrewsbury, SY5 9AR

Application No: P/2016/1077

Grid Ref: 333758.07, 315067.58

Valid Date: 28/10/2016

Officer: Bryn Pryce

Community Council: Bausley with Criggion Community Council

Applicant: L A Pugh C/O Agent

Location: Land North of the B4393 Coedway, Shrewsbury SY5 9AR

Proposal: Outline: Erection of up to two dwellings, construction of vehicular access and installation of sewage treatment plants, with some matters reserved

Application Type: Application for Outline Planning Permission

<p>RESOLVED:</p>	<p>Reason for decision:</p>
<p>that the application be granted consent, subject to the conditions set out in the report which is filed with the signed minutes.</p>	<p>As officers recommendation as set out in the report which is filed with the signed minutes.</p>

The Chair advised that he would change the order of the agenda to accommodate members of the public who were speaking.

4.5. P/2017/0181 Llwyn Derw, Bwlch-y-Cibau, Llanfyllin, Powys, SY22 5LN

Application No: P/2017/0181

Grid Ref: 317908.03 317349.7

Valid Date: 14/02/2017

Officer: Kate Bowen

Community Council: Meifod Community Council

Applicant: Lady Linlithgow, Bryngwyn Hall, Bwlch-y-Cibau, Llanfyllin, SY22 5LF

Location: Llwyn Derw, Bwlch-Y-Cibau, Llanfyllin, Powys, SY22 5LN

Proposal: Full: Erection of detached dwelling and installation of sewage treatment plant

Application Type: Application for Full Planning Permission

Professor David Watkins spoke against the application.
Mr Richard Corbett spoke as the agent.

RESOLVED:	Reason for decision:
that the application be granted consent, subject to the conditions set out in the report which is filed with the signed minutes.	As officers recommendation as set out in the report which is filed with the signed minutes.

4.6. P/2016/0047 Land at Former Cynlais School - Playing Field, Ystradgynlais, Powys

Application No: P/2016/0047

Grid Ref: 279041.35 211067.57

Valid Date: 15/02/2016

Officer: Gemma Bufton

Community Council: Ystradgynlais Town Council

Applicant: Mr Craig Hopkins, Station Road, Oak Lodge, Coelbryn, Neath, SA10 9PN.

Location: Land at Former Cynlais School - Playing Field, Ystradgynlais, Powys

Proposal: Residential development, formation of vehicular access road and all associated works (outline)

Application Type: Application for Outline Planning Permission

Members of the Committee questioned why there was no provision for affordable housing on the site and were reminded that the Viability Assessment for the LDP had concluded that it would not be viable to introduce an affordable housing contribution on housing developments in this area. Whilst the developer could choose to provide affordable units the Authority could not seek to enforce that through a Section 106 Agreement.

RESOLVED:	Reason for decision:
that the application be granted consent, subject to the conditions set out in the report which is filed with the signed minutes.	As officers recommendation as set out in the report which is filed with the signed minutes.

4.7. P/2017/0159 Land at Baskerville Hall Hotel, Clyro Court, Clyro, Hereford, HR3 5LE

Application No: P/2017/0159

Grid Ref: 321114.55 243170.44

Valid Date: 07/03/2017

Officer: Gemma Bufton

Community Council: Clyro Community Council

Applicant: Powys County Council

Location: Land at Baskerville Hall Hotel, Clyro Court, Clyro, Hereford, HR3 5LE

Proposal: Full: Construction of a temporary primary school and associated works

Application Type: Application for Full Planning Permission

RESOLVED:	Reason for decision:
that the application be granted consent, subject to the conditions set out in the report which is filed with the signed minutes.	As officers recommendation as set out in the report which is filed with the signed minutes.

4.8. P/2016/1327 Land at Llwynmelyn, Crossgates, Llandrindod Wells, Powys LD1 6RE

Application No: P/2016/1327

Grid Ref: 309162.99 264899.77

Valid Date: 29/12/2016

Officer: Karen Probert

Community Council: Llanbadarn Community Council

Applicant: Mr Richard Lewis (MG and ES Lewis and Sons), Llwynmelyn, Crossgates, Llandrindod Wells, Powys, LD1 6RE

Location: Land at Llwynmelyn, Crossgates, Llandrindod Wells, Powys, LD1 6RE

Proposal: Outline - all matters reserved: Residential development of 4 dwellings and associated works

Application Type: Application for Outline Planning Permission

RESOLVED:	Reason for decision:
that the application be delegated to the Lead Professional for Development Management to grant consent, subject to the conditions set out in the report and amended conditions relating to submission of a lighting plan pre-commencement and the removal of PD rights and floorspace limited to 130 sq metres on the affordable dwelling.	As officers recommendation as set out in the report which is filed with the signed minutes.

4.9. P/2017/0058 Ffyrdd Vaughan, Dolfor Road, Newtown, SY16 4BQ

Application No: P/2017/0058
Grid Ref: 310583.47 289877.27
Valid Date: 12/01/2017
Officer: Tamsin Law
Community Council: Newtown Town Council
Applicant: Mr R Evans, Canal Road Riverside, Newtown, Powys SY16 2AS
Location: Ffyrdd Vaughan, Dolfor Road, Newtown, SY16 4BQ
Proposal: Engineering operations involving re-profiling of land for agricultural use
Application Type: Application for Full Planning Permission

RESOLVED:	Reason for decision:
that the application be granted consent, subject to the conditions set out in the report which is filed with the signed minutes.	As officers recommendation as set out in the report which is filed with the signed minutes.

4.10. TREE/2017/0010 5 Llys Derw, Tregynnon, Newtown, Powys SY16 3EY

Application No: TREE/2017/0010
Grid Ref: 309817.8 298737.65
Valid Date: 22/01/2017
Officer: Sara Robinson
Community Council: Tregynon Community Council

Applicant: Powys County Council

Location: 5 Llys Derw, Tregynon, Newtown, Powys, SY16 3EY

Proposal: Crown reduction and pruning of an oak tree subject to a TPO

Application Type: Works to trees subject to a TPO and/or Notification of proposed works to trees in conservation areas

County Councillor GM Jones advised that although he had been given a dispensation he would not take part in considering this application and he sat apart from the Committee.

RESOLVED:	Reason for decision:
that the application be granted consent, subject to the conditions set out in the report which is filed with the signed minutes.	As officers recommendation as set out in the report which is filed with the signed minutes.

Councillor Jones returned to sit with the Committee.

5.	DECISIONS OF THE HEAD OF REGENERATION, PROPERTY AND COMMISSIONING ON DELEGATED APPLICATIONS	PTLRW35 - 2017
-----------	--	-----------------------

The Committee received for information a list of decisions made by the Head of Regeneration, Property and Commissioning during the period between 9th March, 2017 and 29th March, 2017.

6.	APPEAL DECISION	PTLRW36 - 2017
-----------	------------------------	-----------------------

The Committee received a copy of the Planning Inspectorate's letter regarding an appeal in respect of the following application:
P/2015/1102 Box Bush Farm, Three Cocks, Brecon, LD3 0SH. The Committee noted that the Inspector had upheld the appeal.

The Committee also received a copy of the Planning Inspectorate's letter regarding the application for costs in respect of the appeal and that this application had been refused. The Professional Lead for Development Management noted that it was important for consultees who had withdrawn objections to inform him in a timely manner in order to avoid costs.

Taxi and other licensing

7. MINUTES OF TAXI REVIEW PANELS

PTLRW37 - 2017

The Committee was advised that the minutes needed to be corrected as the resolution to exclude the public was not passed at the meeting.

Subject to this amendment, the Chair presiding at the Taxi Review Panel held on 21st March, 2017 was authorised to sign the minutes as a correct record.

The Chair reminded members that there would be meetings of the Committee on 20th April in Welshpool and 27th April in Llandrindod Wells. A number of members queried why the meeting on 20th April was being held in Welshpool and were advised that there were a number of applications from Montgomeryshire to be considered and that the Chamber in County Hall was required for the issue of postal votes for the forthcoming local government elections.

The Chair closed the meeting by congratulating those members who had been returned unopposed, by wishing those with elections well and by thanking those standing down for their support and friendship.

County Councillor D R Price (Chair)

PTLRW41 - 20171

Planning, Taxi Licensing and Rights of Way Committee Report

UPDATE REPORT

Application No: P/2016/1227 **Grid Ref:** 275758.08 300886.9

Community Council: Machynlleth **Valid Date:** 05/12/2016 **Officer:** Louise Evans/Tamsin Law

Applicant: Powys County Council

Location: Land adjoining cemetery, Machynlleth, Powys, SY20 8HE

Proposal: Change of use of land to form a Gypsy and Traveller Site for 5 families to include erection of 3 buildings to house welfare facility units, improvements to existing vehicular access shared with cemetery, formation of footway link and internal roadway, installation of a sewage treatment plant and all associated works

Application Type: Application for Full Planning Permission

The reason for the update

A consultation response from Powys Land Drainage has been received.

Consultee Response

PCC Land Drainage

Thanks for consulting the Lead Local Flood Authority (LLFA).

Local Flood Risk/Land Drainage

Observation: Item 13 - *Assessment of Flood Risk* on the planning application form indicates that the proposal is not within 20 metres of a watercourse, however, the Nant yr Adrian watercourse does flow through the proposed development site.

Comments: LLFA holds no historical flooding information relating to the development site.

Having reviewed the amended FCA prepared by WHS (dated March 2017), it is noted there is a proposal to culvert the Nant yr Arian. The LLFA, in general, is opposed to culverting of watercourses and whenever practical will seek to have culverted watercourses restored to open channels. However, culverting for access purposes is generally acceptable. The LLFA suggest the Nant yr Adrian watercourse channel remain as an open channel, where practical, and that a suitable buffer strip adjacent the watercourse channel is provided for future maintenance purpose. The minimum requirement on this site would be to allow for a 4 metre maintenance strip adjacent to the watercourse, where no buildings, structures, or tree planting shall take place within 4 metres of the top of the bank of the watercourse.

Any proposed diversion or culverting of the Nant yr Adrian watercourse will require the prior consent from the LLFA under the terms of the Land Drainage Act 1991 (as amended by the Flood & Water Management Act 2010).

It is presumed Riparian rights and responsibilities exist in respect to the Nant yr Adrain watercourse.

Recommendation: No development shall commence until full engineering details and drawings to reflect the flood risk mitigation works recommended in WHS' FCA report dated March 2017, have been submitted and approved in writing by the Local Planning Authority. These details shall include the agreed scheme for the Nant yr Adrian watercourse approved by the LLFA.

The flood risk mitigation works shall be operational prior to first occupation on the site.

Reason: To ensure that the proposed development does not compromise the function of the existing waterbody and that any proposed alterations are fully compliant with regulations and are of robust design.

Surface Water Drainage

Observation: Reference to the management of surface water run-off is indicated under Item 13 – 'Assessment of Flood Risk' on the planning application form, where it states surface water is to be disposed to a sustainable drainage system.

No proposed surface water drainage details or layout drawing(s) have been submitted.

Comment: This site should be regarded a Greenfield site. Therefore, proposed surface water flows should be equivalent to existing Greenfield run-off in accordance with the principles of TAN15 – Development and Flood Risk and good practice drainage design.

The use of soakaways and or other sustainable drainage techniques should be investigated in the first instance for surface water disposal. Porosity tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365 to cater for a 1 in 100 year return storm event plus an allowance of 30% for climate change.

If soakaways are not feasible, drainage calculations to limit the discharge rate from the site no greater than the Greenfield run-off rate shall be applied. The attenuation drainage system should be designed so that storm events of up to 1 in 100 year + 30% for climate change and will not cause flooding either on site or elsewhere in the vicinity. There must be no discharge to a surface water body that results from the first 5mm of any rainfall event.

No surface water run-off shall flow onto the existing public highway.

Recommendation: No development shall commence until a scheme for the surface water drainage of the site has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed before any plots are occupied.

Reason: To ensure that the proposed drainage systems for the site are fully compliant with regulations and are of robust design.

Officer Appraisal

In light of the above comments received by the Powys Land Drainage Officer, to ensure that the drainage of the site is acceptable it is considered acceptable to attached the requested conditions to any grant of consent.

RECOMMENDATION

Having carefully considered the development, Officers conclude that the principle of development accords with the provision of local and national planning policy and that there are no other material considerations that would warrant the refusal of this planning application. Therefore, subject to the use of the conditions set out below and the withdrawal of the direction from Welsh Government with regards to highway safety, it is recommended that the development be granted consent.

Conditions

1. The development to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.
2. The development shall be carried out strictly in accordance with the plans and documents stamped as approved (2550 L_001, PL_001A, PL_002A, PL_003B and PL_004B).
3. The occupation of the site shall only be by Gypsies and Travellers as defined by paragraph 3 of Circular 30/2007 and their resident dependents.
4. There shall be no more than five pitches on the site hereby approved with no more than ten caravans being stationed at any time, of which only five shall be static caravans.
5. Prior to the occupation of the site for the development proposed, the site must be raised to a minimum level of 18.4m AOD and remain as such over the lifetime of the development.
6. No development shall commence until a scheme for the surface water drainage of the site has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed before any pitches are occupied.
7. The reptile reasonable avoidance measures detailed in Appendix 1 of the Extended Phase 1 Habitat Survey Produced for Powys County Council by Rachel Probert (PCC) dated 16/01/17 shall be adhered to and implemented in full.
8. The recommendations regarding nocturnal wildlife, breeding birds, reptiles, hedgerows, woodland and watercourse identified in Section 10 of the Extended Phase 1 Habitat Survey Produced for Powys County Council by Rachel Probert (PCC) dated 16/01/17 shall be adhered to and implemented in full.

9. Prior to commencement of development, a Biodiversity Enhancement Plan (see Section 10.8 of the Ecology Report, 16/01/17) shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter. The scheme shall include a Species List for the Landscape Planting.

10. Prior to commencement of development a Pollution Prevention Plan shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.

11. Prior to commencement of development, a lighting design scheme to take any impacts on nocturnal wildlife into consideration shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.

12. Prior to commencement of development a Tree and Hedgerow Protection Plan in accordance with BS:5837:2012 shall be submitted to the Local Planning Authority, implemented as approved and maintained thereafter.

13. In the event that contamination is encountered at any time when undertaking the approved development immediate contact must be made with the Local Planning Authority. The development must not proceed until an investigation and risk assessment has been undertaken, by a qualified and experienced environmental consultant, and where remediation is necessary a Remediation Strategy must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of the remedial works identified in the approved Remediation Strategy a Verification Report that demonstrates compliance with the agreed remediation objectives must be produced by a qualified and experienced environmental consultant, and is subject to the approval in writing of the Local Planning Authority, prior to commencement of use of the development.

14. No development shall commence until full engineering details and drawings to reflect the flood risk mitigation works recommended in WHS' FCA report dated March 2017, have been submitted and approved in writing by the Local Planning Authority. These details shall include the agreed scheme for the Nant yr Adrian watercourse approved by the Local Lead Flood Authority. The flood risk mitigation works shall be operational prior to the first occupation of the site.

15. No development shall commence until a scheme for the surface water drainage of the site has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed before any plots are occupied.

Reasons

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
- 3 & 4. To define the extent of the permission hereby granted in accordance with policy HP20 of the Powys Unitary Development Plan (2010).

5. To ensure that the site remains flood free and does not pose a risk of flooding in accordance with Technical Advice Note 15 (2004).
6. To ensure that the proposed development does not compromise the function of the existing surface water drainage systems and that any proposed alterations are fully compliant with regulations and are of robust design in accordance with policy DC13 of the Powys Unitary Development Plan.
- 7 to 12. To comply with Powys County Council's UDP Policies SP3, ENV2, ENV3, ENV6 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.
13. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy DC15 of the Powys Unitary Development Plan (2010).
14. To ensure that the proposed development does not compromise the function of the existing waterbody and that any proposed alterations are fully compliant with regulations and are of robust design.
15. To ensure that the proposed drainage systems for the site are fully compliant with regulations and are of robust design.

Case Officer: Louise Evans- Planning Officer
Tel: 01938 551127 E-mail:louise.evans1@powys.gov.uk

This page is intentionally left blank

Planning, Taxi Licensing and Rights of Way Committee Update Report

Application No:	P/2016/1036	Grid Ref:	325504.56 315560.38
Community Council:	Llandrinio	Valid Date:	Officer: 06/10/2016 Kate Bowen
Applicant:	Mr & Mrs RG & JB Ashton, c/o Roger Parry and Partners		
Location:	Land adjacent to Windy Ridge, Arddleen, Llanymynech, Powys, SY22 6PY		
Proposal:	Development of up to 9 dwellings, formation of vehicular access and associated works (outline)		
Application Type:	Application for Outline Planning Permission		

UPDATE

Reason for Update Report

An additional response from Llandrinio Community Council has been received since the original report was prepared.

Consultee Response

Llandrinio Community Council

Correspondence received 15/04/2017:

Many thanks Kate for informing the Community Council that the above application is going to Planning Committee on the 20th April – the Community Council maintains its objection and would ask that you note the planning report in respect of P2016 1189 development on the opposite side of the road land off Penthryn Lane which states that a footway should be stipulated for this development at land adj Windy Ridge.

Officer Appraisal

Highway access and parking requirements

Additional comments from the Community Council request that the planning report in respect of P/2016/1189 development on the opposite side of the road land off Penthryn Lane which states that a footway should be stipulated for this development at land adj Windy Ridge is noted.

As included within the original Committee report, Development Management agrees that in combination with the separate application for up to four dwellings on land opposite the application site (reference number P/2016/1189), improvements to the C2106 highway would

be of benefit and are required, involving widening of the C2106 and the provision of a footway to the village.

Overall, subject to the use of conditions to ensure that the access is completed to the required standard together with the road widening and the provision of a footway, it is considered that the proposal makes adequate provision for highway access and parking in accordance with UDP Policy GP4.

RECOMMENDATION

The additional comments from the Community Council are noted in respect of their objection and that a footway should be provided to serve the development. In line with the original report, the recommendation is one of conditional consent as set out below, including a condition requiring the submission of a scheme for the provision of a footway.

Conditions:

1. Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. The development shall be carried out in accordance with the plans stamped as approved on XXXX in so far as the extent of the application site is drawn.
5. Prior to commencement of development the development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of TAN 2 or any future guidance that replaces it. The scheme shall include:
 - i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 20% of housing units/bed spaces;
 - ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
 - iii) the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing (if no RSL involved)];
 - iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
6. The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the first occupation of any of the dwellings hereby approved.
7. Upon the submission of the reserved matters referred to within Conditions 1 and 2, the landscaping details shall include indications of all existing trees (including spread and

species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.

8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year defects period.

9. Prior to the construction of the dwellings hereby approved details and/or samples of the materials to be used in the construction of the external surfaces of the dwellings shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

10. Upon the submission of the reserved matters referred to in Conditions 1 and 2, a scheme for the provision of road widening along the C2106 and a footway shall be submitted to and approved in writing by the Local Planning Authority. Prior to the first occupation of any dwellings hereby approved the approved road widening improvement along the C2106 and construction of a footway shall be fully completed.

Reasons:

1. To enable the Local Planning Authority to exercise proper control over the development in accordance with Section 92 of the Town and Country Planning Act 1990.

2. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

3. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

4. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.

5. In order to ensure the provision of affordable housing in accordance with Policy HP7 of the Powys Unitary Development Plan (2010), the Powys Affordable Housing for Local Needs Supplementary Planning Guidance (2011) and Technical Advice Note 2: Planning and Affordable Housing (2006).

6. To ensure that the development is provided with a satisfactory means of drainage as well as to reduce or exacerbate a flooding problem and to minimise the risk of pollution in accordance with Policies GP1, DC10 and DC13 of the Powys Unitary Development Plan (2010).

7. To ensure a satisfactory and well planned development, to ensure protection is afforded to mature trees on the southern boundary of the site and to preserve and enhance the quality of the environment, visual amenity and privacy in accordance with Policies GP1 and ENV2 of the Powys Unitary Development Plan (2010).

8. To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment, visual amenity and privacy in accordance with Policies GP1 and ENV2 of the Powys Unitary Development Plan (2010).

9. In the interests of the visual amenity of the area and to ensure the satisfactory appearance of the buildings in accordance with policies GP1 and GP3 of the Powys Unitary Development Plan and the Councils Residential Design Guide.

10. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.

Informative Notes

Please note the comments from Wales & West Utilities:

According to our mains records Wales & West Utilities has no apparatus in the area of your enquiry. However Gas pipes owned by other GT's and also privately owned may be present in this area. Information with regard to such pipes should be obtained from the owners.

Safe digging practices, in accordance with HS(G)47, must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all persons (either direct labour or contractors) working for you on or near gas apparatus.

Please note that the plans are only valid for 28 days from the date of issue and updated plans must be requested before any work commences on site if this period has expired.

Case Officer: Kate Bowen- Planning Officer
Tel: 01938 551268 E-mail:kate.bowen@powys.gov.uk

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	M/2003/0613	Grid Ref:	310467.85 306612.46
Community Council:	Llanfair	Valid Date:	Officer: 04/06/2003 Steve Packer
Applicant:	M D Broxton & Co Castle Works, Hendomen, Montgomery, Powys		
Location:	Former Morgan Bros depot, Bridge Street, Llanfair Caereinion, Welshpool, Powys, SY210SA		
Proposal:	Erection of 10 dwellings, conversion of existing building into 2 self contained residential units, erection of a building to form 10 self contained residential units, construction of vehicular access and car parking		
Application Type:	Application for Full Planning Permission		

Reason for Update:

Following further consideration and a review of the conditions proposed in the report it is recommended that these conditions be amended to reflect the fact that the development has been commenced in advance of any approval being issued and to include additional highway recommendations.

The recommendation is one of conditional consent (part retrospective) subject to the signing of a Section 106 Agreement relating to a financial contribution of £10,000 towards recreational facilities and the provision of a footpath link to Glan-yr -Afon, and the following revised conditions:

1. This permission being retrospective as prescribed by Section 73(a) of the Town and Country Planning Act 1990 (as amended) shall be deemed to take effect from.....
2. Notwithstanding the provisions of schedule 2, part 1, classes A, B, C and E and part 2, class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), no extensions, additions, roof alterations or buildings, gates, fences, walls or other means of enclosure shall be erected other than those expressly authorised by this permission and shown on the approved plan
3. Prior to their first use full details or samples of materials to be used externally on walls and roofs of the dwellings hereby permitted shall be submitted to and approved in writing by the Local Planning Authority.
4. Areas of hard surfacing and the gabion and retaining walls on the south east boundary of the site within the development hereby permitted shall be constructed in materials of a type and colour to be agreed in writing by the Local Planning Authority prior to their first use.
5. All hard and soft landscape works shall be carried out in accordance with the approved details(plan no:06/121/01) and the recommendations contained in the Churton Ecology

report dated 03/02/2017. The works shall be carried out prior to the occupation of any of the units numbered 3-22 of the development or in accordance with the programme to be agreed in writing by the Local Planning Authority.

6. The approved landscaping scheme shall thereafter be maintained for a period of five years. Such maintenance is to include the replacement of any plant/tree/shrub/hedge that is removed, significantly damaged, diseased or dying, with plants/trees/shrubs/hedges of the same species and size within the next planting season, unless otherwise agreed in writing by the Local Planning Authority.

7. No further works shall be carried out on site until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of TAN 2 or any future guidance that replaces it. The scheme shall include:

- i) the arrangements for the management of the affordable housing;
- ii) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- iii) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

8. The affordable dwellings shall have a maximum gross floor area of 130 square metres (measured internally and including garages where designed as an integral part of the dwelling).

9. No further works shall be carried out on site until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development consisting of plots 3-22 is first brought into use.

10. A lighting scheme for the development shall be submitted to and approved in writing by the Local Planning Authority prior to any further works being undertaken on site.

11. The development/construction platforms shall be raised/ levelled to 117.25mAOD and finished floor levels set at 117.55mAOD.

12. The level of the highway and flat parking area shall be set below surrounding ground levels.

13. Prior to any further works being undertaken on the site the alteration at the access to provide a 1.5 metre footway as specified on drawing no 25011-4-2 revision A shall be implemented to the satisfaction of the Local Planning Authority.

14. Detailed drawings showing modified bridge railings to improve visibility at the access shall be submitted to and approved in writing by the Local Planning Authority and installed prior to the first occupation of any dwelling unit on plots 3-22.

15. Prior to any further works being undertaken on site full engineering drawings detailing the construction of gabion and dwarf walls adjoining the estate access road shall be submitted to and approved in writing by the Local Planning Authority and installed at the same time as the access road.

16. The gradient of the access shall not exceed 1 in 30 for the first **9 metres** measured from the edge of the adjoining carriageway along the centre line of the access.

17. Additional clear visibility shall be provided from a point **1.05 metres** above ground level at the centre of the access and **5.5 metres** distant from the edge of the adjoining carriageway to points **0.26 metres** above ground level at the edge of the adjoining carriageway and **12 metres** distant in each direction measured from the centre of the access along the edge of the adjoining carriageway, prior to any further works on site..

18. Nothing shall be planted, erected, or allowed to grow on the areas of land so formed which would obstruct the visibility described in condition 17.

19. The area of the access to be used by vehicles is to be constructed to a minimum of 450mm depth, comprising of 350mm of sub –base material, 60mm of bituminous macadam

base course material and 40mm of bituminous macadam wearing course material, for a distance of **15 metres** from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed with the Local Planning Authority prior to any further works on site.

20. Prior to the first occupation of the housing plots 3-22, provision shall be made within the curtilage of the site for the parking of not less than two cars per house and 1.5 cars per flat, excluding any garage space provided.

21. No further works shall be carried out on site until provision is made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of **0.3 metres** in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site may park within the site and both enter and leave the site in a forward gear.

22. The estate road carriageway and one footway shall be constructed to and including base course level to an adoptable standard including the provision of any salt bins, surface water drainage and street lighting in front of any building and to the junction with the county highway before any occupation of plots 3-22.

23. The estate road carriageway and all footways shall be fully completed, to a standard to be agreed in writing by the Local Planning Authority, upon the issuing of the Building Regulations Completion Certificate for the last dwelling unit or within two years of the commencement of plots 3-22, whichever is the sooner.

24. The area of the access to be used by vehicles shall be completed to base course level, as specified in condition 19 above, before any further works are undertaken on site, and fully completed prior to the occupation of any part of the development.

25. No storm water drainage from the site shall be allowed to discharge onto the county highway.

26. No building or construction works shall take place on the site between 18.00 and 8.00 hours on weekdays and Saturdays and none at all on Sundays and Bank Holidays.

27. No further works shall be undertaken on site until the tree protection measures shown on the approved plan no 06/121/01 have been implemented in full and all construction works shall thereafter comply with the measures outlined in the Churton Ecology Report dated 03/02/2017.

28. The Habitat Enhancement Recommendations contained in section 4.3 of the Churton Ecology Report dated 3/02/2017, including amendments to plant species in the approved landscaping plan no:06/121/01, shall be fully implemented, in accordance with a scheme to be submitted to, and approved in writing by the Local Planning Authority prior to the first occupation of a dwelling unit on the site.

Reasons

1. To comply with Section 73A of the Town and Country Planning Act 1990.

2. In order to control further development, which has the potential to have an impact upon the integrity of the design of the development and upon the character and appearance of the surrounding area, in contradiction to Policy GP1, of the Powys Unitary Development Plan (2010), and Planning Policy Wales (2016).

3. In the interests of the visual amenity of the area and to ensure the satisfactory appearance of the building in accordance with policies GP1, GP3 and HP5 of the Powys Unitary Development Plan and the Councils Residential Design Guide.

4. In the interests of the visual amenity of the area and to ensure the satisfactory appearance of the development in accordance with policies GP1, GP3 and HP5 of the Powys Unitary Development Plan and the Councils Residential Design Guide.
5. To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment, visual amenity and privacy in accordance with policies GP1, HP5, and ENV2 of the Powys Unitary Development Plan (2010).
6. To ensure a satisfactory and well planned development, and to preserve and enhance the quality of the environment, visual amenity and privacy in accordance with policies GP1, HP5, and ENV2 of the Powys Unitary Development Plan (2010).
7. In order to ensure the provision of affordable housing in accordance with Policy HP9 of the Powys Unitary Development Plan (2010) and the Affordable Housing for Local Needs Supplementary Planning Guidance (2011).
8. In order to ensure that the dwelling serves an affordable need in perpetuity in accordance with the Affordable Housing for Local Needs Supplementary Planning Guidance (SPG) (July 2011), Policies HP9 and HP10 of the Powys Unitary Development Plan (2010) and Planning Policy Wales (2016).
9. To ensure that the development is provided with a satisfactory means of sustainable drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policies DC10 and DC13 of the Powys Unitary Development Plan (2010).
10. To reduce the impact on wildlife and protected species in accordance with Policies ENV3 and ENV7 of the Powys Unitary Development Plan (2010), Planning Policy Wales (2016) and Technical Advice Note 5: Nature Conservation and Planning (2009).
11. To minimise risk in the event of extreme flooding events and minimise impact on flood flow routes in accordance with Policy SP14 of the Powys Unitary Development Plan (2010), Planning Policy Wales (2016) and Technical Advice Note 15: Development and Flood Risk (2004).
12. To maintain a flood flow route through the site if required during an extreme event in accordance with Policies SP14 and DC13 of the Powys Unitary Development Plan (2010).
- 13-25. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
26. In the interests of the protection of the amenity of local residents and in accordance with Policy GP1 of the Powys Unitary Development Plan (2010).
27. To ensure a satisfactory and well planned development, and to preserve and enhance the quality of the environment, visual amenity and privacy in accordance with policies GP1, HP5, and ENV2 of the Powys Unitary Development Plan (2010).
28. In the interests of the protection of species and enhancement of biodiversity on the site in accordance with Policies ENV3 and ENV7 of the Powys Unitary Development Plan (2010).

Notes

Severn Trent Water advise that there are public sewers located within the application site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building. Please note, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 metres of a public sewer. In many cases under the provision of Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulations approval.

If you require any further information please contact 01902 793883.

The Flood and Water Management Act 2010 (Schedule 3), which has not been commenced, requires new developments to include Sustainable Drainage

Systems (SuDS) features that comply with national standards. The Welsh Government has published interim national standards on an advisory basis until such time as it determines the most effective way of embedding SuDS principles in new developments in the longer term. This will enable designers, property developers, local authorities and other interested parties to both demonstrate that they have taken account of the Welsh Government's planning advice on Development and Flood Risk, Nature Conservation and Planning and to test the standards.

These interim non-statutory national standards and guidance can be downloaded from The Welsh Government's website at

<http://gov.wales/topics/environmentcountryside/epq/flooding/drainage/?lang=en>. They set out the hierarchy standard and minimum design criteria on the design, construction, operation and maintenance of SuDS serving new developments in urban or rural areas. They also contain links to additional supporting information relating to SuDS.

This page is intentionally left blank

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2017/0130	Grid Ref:	289762.46 242629.24
Community Council:	Llangamarch Wells	Valid Date:	Officer: 30/01/2017 Thomas Goodman
Applicant:	Mr Peter Smith & Mrs Lisa O'Neil Smith, Oak House Farm, Tirabad, Llangammarch Wells, Powys, LD4 4DU		
Location:	Oak House Farm, Tirabad, Llangammarch Wells, Powys, LD4 4DU		
Proposal:	Section 73 application to remove condition 3 of permission B/96/0182 relating to occupancy restrictions		
Application Type:	Application for Removal or Variation of a Condition		

Report Update

Please note that this report forms an update to the previous report circulated to Members.

Representations

Following the original Committee Report, a public consultations has been received which states the following:

"I have contacted your office today with regard to Oakhouse farm Llangammarch Wells as I am a prospective buyer of the farm that has been advertised for sale on UK land and farms through the agent James Dean.

I have made two appointments which were very difficult to arrange as claims were made that they could not take a viewing due to other commitments away from the farm and agreed for a Saturday appointment then within a few days cancelled the appointment because they were too busy lambing!!! To take the viewing which was a complete surprise and we had already employed someone to look after our farm for the day which we are currently tenants on in order to view the property.

The second appointment which has been made verbally and has not been confirmed to date in an email as requested, is for the 22nd April which I have noted is after the decision for lifting the current Agricultural tie which has been requested in a planning application to yourself.

I feel that if this restriction was put on to keep the holding available for the future to be farmed in keeping with the locality then we as purchasers would have fitted that criteria and it is not necessary to lift the tie currently on the property. Also if the route to achieve the lifting of this restriction involves innocent parties like ourselves who are genuine hard working farming people and we have put our lives on hold to view the property and go forward with such a purchase then this route of lifting the application should never be considered as a good

reason to lift the tie either now or in the future of any privately owned section 106 accommodation.”

Officer Appraisal

Members are advised to consider this application in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, which requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Principle of Development

UDP policy HP6 relates to dwellings in the open countryside. HP6 states that the removal of an occupancy condition or planning obligation will only be considered on the basis of realistic assessments of the continuing need for its retention and where genuine but unsuccessful attempts have been made to market the dwelling in connection with the existing use for a period of at least 12 months at a price that realistically reflects the existence of the occupancy condition.

Condition 3 of the permission B96/0182 states:

“The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants.

Reason: The dwelling is proposed for a site where a dwelling would not normally be permitted other than for agricultural or forestry purposes, and to ensure that the dwelling is available to meet the special needs of agriculture or forestry.”

Information submitted in support of the application demonstrates that the property has been marketed at various locations for the required time period as stated within policy HP6.

Powys County Council’s Property department has been consulted on the proposed development. The Officer has stated that the proposed development has now been marketed within the agricultural press as well as Rightmove and the Local Press. The property has been advertised in excess of 12 months. The property has been marketed at £450,000, James Dean Estate Agents have stated that a realistic asking price for this property without the occupancy restriction would be marketed in the region of £625,000. Despite the property being marketed for in excess of 12 months no offers have been made. However, the comments received from the member of the public as a prospective purchaser states that they have made attempts to view the property, but have been informed that the viewings were cancelled and could not view the property. Regardless of this information, the property has been appropriately marketed at a reasonable price for a continuous period in excess of 12 months and therefore meets the requirements of HP6.

Given that the property has been appropriately marketed for a continuous period exceeding 12 months, it is considered that there has been a genuine but unsuccessful attempt at marketing the dwelling. It is therefore considered that the proposed development satisfies the requirements of HP6 and therefore Condition 3 of the B/96/0182 application can be removed.

Section 106 Agreement

The original planning application (B/96/0182) also had a Section 106 Agreement which ties the agricultural dwelling to the land forming the agricultural holding. In determining a Section 73 application consideration must be given to the planning obligation that was originally applied to the consent.

It is no longer the practice to tie agricultural dwellings to the holding as it is considered that the rural enterprise dwelling condition is appropriate. As it is clear that unsuccessful efforts have been made to secure a future owner who meets the planning condition it would be unreasonable to re-issue the Section 106 Agreement tying the dwelling to the land.

Other Legislative Considerations

Crime and Disorder Act 1998

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

Equality Act 2010

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership.

Having due regard to advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these differ from the need of other people; and
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

The above duty has been given due consideration in the determination of this application. It is considered that there would be no unacceptable impact upon persons who share a protected characteristic, over and above any other person, as a result of the proposed decision.

Planning (Wales) Act 2015 (Welsh language)

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. This duty has been given due consideration in the determination of this application. It is considered that there would be no material unacceptable effect upon the use of the Welsh language in Powys as a result of the proposed decision.

Wellbeing of Future Generations (Wales) Act 2015

Section 3 of the Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5). This duty has been considered in the evaluation of this application. It is considered that the proposed development is in accordance with the sustainable development principle through its contribution towards the well-being objectives.

Recommendation

This updated report should be read in conjunction with the previous report. Officers consider that the additional information supports the original recommendation and therefore it is considered that the recommendation of Consent remains.

Case Officer: Thomas Goodman- Planning Officer
Tel: 01597 827655 E-mail:thomas.goodman@powys.gov.uk