

Public Document Pack



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Jeremy Patterson

Chief Executive

Os yn galw gofynnwch am - If calling please ask for

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PLANNING, TAXI LICENSING & RIGHTS OF WAY COMMITTEE **Wednesday, 12th July, 2017**

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

1.1. Updates

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

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Planning, Taxi Licensing and Rights of Way Committee Report

Update Report

Application No: P/2016/0940 **Grid Ref:** 320592.09, 268888.89

Community Council: Llangunllo **Valid Date:** 19/09/2016 **Officer:** Bryn Pryce

Applicant: Mr Tom Jones Dolassey Farm, Bleddfa, Knighton, Powys LD7 1PA

Location: Dolassey Farm, Bleddfa, Knighton, Powys LD7 1PA

Proposal: Change of use of land to site 4 holiday lodges, creation of access, installation of septic tanks and associated works

Application Type: Application for Full Planning Permission

Update Report

Highways Safety and Movement

Officers have sought further information since the initial report regarding securing passing bays as part of this application in response to highways concerns and the views shared by the local member. As a result the applicant has provided additional information to show the proposed location of five passing bays and their construction (plan no's: 4611/4A, 4611/PassingBay). The highways officer has been consulted on the revised plans and has provided the below comments:

Thanks for forwarding the additional passing bay information submitted by the agent. The proposals put forward are in line with those submitted and duly approved as part of the previously consented scheme PR407504 and are therefore considered appropriate in this instance. Accordingly I would recommend that the following highway condition be included alongside those provided as part of my initial response.

HC37 Prior to any works being commenced on the development site the applicant shall construct 5 passing bays along the U1143 county highway in locations as detailed on submitted drawing 4611/4A. The passing bays shall be constructed to an adoptable standard prior to any works being commenced on the development site to the written satisfaction of the Local Planning Authority.

Subject to the inclusion of the above condition officers are satisfied that the proposed development fundamentally complies with policy GP4 of the Powys Unitary Development Plan 2010.

Flood Risk

Further to my original report further information was sought with regards to the hydrological report submitted in support of the application. The report confirmed details for the appropriate

sized replacement culvert crossing point that should be installed. Further details have been received in terms of maximum depth of flooding at the proposed access point. The consultant who produced the hydrological report has confirmed that during a 1 in 1000 year flooding event the maximum flood depth above the crossing access point would be 100mm (assuming a partial blockage of the culvert). It is likely that in any flood event this would be localised to a few metres from the crossing point and within the applicants land ownership.

TAN 15 table A1.15 gives guidance that the maximum depth of flooding that would be considered to be acceptable for access to a residential development would be 600mm. The applicant has provided information to demonstrate that the maximum depth of flooding at this access point is likely to be 100 mm in a 1 in 1000 year flood event. Officers consider that the proposed development and information submitted in support complies with the guidance as set out in TAN 15 and therefore the proposed crossing point within the C2 flood zone is acceptable.

RECOMMENDATION

The officer's recommendation remains one of conditional consent in line with the revised and additional conditions as set out in this update report.

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 stamped as received on 19th September 2016 (drawing no's: 4611/1, 4611/5, 4611/6) amended plans received 22nd October 2016 (Drawing no's: 4611/3A, 4611/7A, 4611/8A) documents received 25th October 2016 (Percolation test results) amended plans received 28th June 2017 (Drawing no's: 4611/9A) and additional plans received 10th July 2017 (drawing no's: 4611/4A, 4611/PassingBay).
3. Before any other development commences the access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 25 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.
4. Before any other development commences the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 5.5 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

5. Prior to the occupation of the lodges the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 5.5 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.
6. 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.

7. No buildings, structures or alteration of contours shall take place within 5 metres of the top of the bank of any Ordinary watercourse, without prior permission from the Planning Authority.
8. 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 drainage scheme shall be completed before the site becomes operational.
9. Prior to the construction of the holiday units hereby approved details and samples of the materials to be used in the construction of the external surfaces of the units shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
10. The development shall be occupied as holiday accommodation only and shall not be occupied as a person's sole or main place of residence. An up to date register shall be kept at the holiday accommodation hereby permitted and be made available for inspection by the local planning authority upon request. The register shall contain details of the names of all of the occupiers of the accommodation, their main home addresses and their date of arrival and departure from the accommodation.
11. Prior to the first occupation of the holiday units hereby approved the approved bridge crossing as detailed on plan number 4611/9A shall be fully completed.
12. Prior to commencement of development, an other Reasonable Avoidance Method Statement shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.
13. Prior to any works being commenced on the development site the applicant shall construct 5 passing bays along the U1143 county highway in locations as detailed on submitted drawing 4611/4A. The passing bays shall be constructed to an

adoptable standard prior to any works being commenced on the development site to the written satisfaction of the Local Planning Authority.

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. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
4. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
5. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
6. 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 Powys County Council's Unitary Development Plan 2010.
7. To ensure that the proposed development does not compromise the function of the waterbody and that any proposed alterations are fully compliant with regulations and are of robust design.
8. To ensure that the proposed surface water drainage systems for the site are fully compliant with regulations and are of robust design.
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 (2010).
10. In order to ensure proper control of the use of the holiday units and to prevent the establishment of permanent residency.
11. To ensure that the proposed development does not compromise the function of the waterbody and that any proposed alterations are fully compliant with regulations and are of robust design.
12. To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh Government strategies, and the Environment (Wales) Act 2016.
13. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.

Informative Notes

Potential Contamination

The Council's guidance leaflet on the development of sites with potential land contamination is attached. Further advice on compliance with this condition may be obtained by contacting the Environmental Health Service on 0870 1923757.

The Applicant should be made aware that prior to any work to replace the existing culvert structure, prior consent to work in the watercourse will need to be secured under the terms of the Land Drainage Act 1991 (as amended by the Flood & Water Management Act 2010) from the LLFA (Powys County Council's Land Drainage team). Relevant Ordinary Watercourse Consent (OWC) application forms and guidance can be found on the public website at <http://www.powys.gov.uk/en/roads-transport-and-parking/ordinary-watercourses-applying-for-consent-for-works/>. The overall depth of culvert will therefore need to be finalised, the details of which can be agreed as part of an OWC application prior to commencement on site.

In order to safeguard the watercourse channel the minimum requirement would be to allow for a 5 metre buffer strip adjacent to top of bank of the watercourse, which would also allow for any overland flows. No buildings, structures or alteration of contours shall take place within this 5 metre strip without prior permission from the Planning Authority.

That prior to any commencement on site, an OWC for the replacement bridge crossing shall be secured.

Natural Resources Wales

No material should be deposited within 10 metres of any watercourse without discussion with Natural Resources Wales

Case Officer: Bryn Pryce- Planning Officer
Tel: 01597 82 7126 E-mail: bryn.pryce@powys.gov.uk

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Planning, Taxi Licensing and Rights of Way Committee Report

Application No: P/2017/0329 **Grid Ref:** 306282.14 301102.68

Community Council: Dwyriw Com **Valid Date:** 24/03/2017 **Officer:** Dunya Fourie

Applicant: Mr D T M Jones Min-Y-Fford Adfa Newtown Powys SY16 3DB

Location: Land adjoining Min-y-Fford Adfa Newtown Powys SY16 3DB

Proposal: Outline: Residential development of up to 9 dwellings, including new access and all associated works (some matters reserved)

Application Type: Application for Outline Planning Permission

Neighbour representation
Letter of 11 July 2017

Min-y-Fford Adfa Newtown

1) Objection to Planning Application P/2017/0329 Land adjoining

Lack of decent bus service couple of hours twice a week twice to Newtown once to Welshpool which is not known to locals no bus stop i have been here 15 years and did not know it existed.

2) Local roads are inadequate and narrow not suited to the amount of traffic which is being created for example i and my next door neighbour no 7 have had our car wing mirrors knocked off my other neighbour no 5 has just had her car repaired after an accident with a car and trailer.

3) Already in Treganol people regularly use the turning area as parking neighbours try to be helpful by parking on the footpath to allow people access to their homes.

4) Local infant school 4 miles away i believe is already getting strained.

5) At least 22 house planning is being submitted at this time in Adfa 2 x 9 house 1 x 4 houses all Family homes this is a minimum 44 more cars potentially a lot more as these are family homes. THE VILLAGE consists of 60 houses at the moment so this is going to grow the village by 33% at least.

6) Lack of facilities there is a small inadequate play area which young children have to walk along the main village road to get to.

7) House are taking on average 18 months to sell so why build so many?.

8) Mobile phone signal is virtually non-existent.

9) Broadband is very poor and already stretched.

10) The DANGER dust and mess mud a building site like this will cause are all reasons to object to this planning application.

11) At the Adfa Community Meeting on the 27 April 12 residents of Treganol attended to object to this planning application.

12) Also i have to say that we have a village shop and post office is very questionable the post office sign has only gone up since this planning application was disputed.

Ps i believe a councillor who i saw a letter from posted on the planning portal submitted her approval for the planning is also on the planning committee surely this must be a conflict of interests.

Yours sincerely
Dan Gallimore
Meg Heward

Planning, Taxi Licensing and Rights of Way Committee Report

UPDATE REPORT

Application No:	P/2016/1132	Grid Ref:	309445.76 244645.34
Community Council:	Paincastle	Valid Date:	Officer: 02/11/2016 Tamsin Law
Applicant:	Mr & Mrs B Pugh Llandeilo Graban Cwrt-y-Gribbin Builth Wells LD2 3UQ		
Location:	Church House Farm Llandeilo Graban Builth Wells LD2 3YJ		
Proposal:	Reinstatement of a former dwelling to residential use, installation of septic tank, formation of vehicular access, change of use of agricultural land to form residential curtilage and all associated works		
Application Type:	Application for Full Planning Permission		

The reason for update

Further correspondence has been received from the Built Heritage Officer.

Consultee Response

Built Heritage Officer

Thank you for consulting me on the above application.

I note the proposal is close to a number of designated heritage assets namely;

Listed Buildings

Church to St Teilo grade II* Cadw ID 8767 included on the statutory list on 18/09/1960
Telephone box at Churchyard Wall Cadw ID 15905 included on the list on 09/03/1995

In addition the application site is included on the Historic Environment Record:

PRN 138396 – Church House Farm – post medieval farm building
PRN 138397 – Church House Farm – post medieval farm building
PRN 138398 – Church House Farm – post medieval farm building
PRN 138399 – Church House Farm – post medieval farm building

Recent Guidance Historic Records in Wales issued by Cadw ISBN 978 1 4734 8710 9 on 21 April which came into effect on 31 May 2017 and from that date, this authority must have regard for the guidance in the discharge of its functions. The guidance advises in Paragraph 4.3 that the historic environment records are key sources of information that should be used

to support the planning process, including the determination of planning applications. The information held in the historic environment records supports a proper consideration of the impact of a proposal on the historic environment, including advice on schemes to avoid or mitigate any adverse impacts.

TAN 24 advises (section 1.10) that Conservation Principles for the Sustainable Management of the Historic Environment in Wales (Conservation Principles) were published in 2011 and provide the basis upon which Cadw discharges certain statutory duties on behalf of the Welsh Ministers. Conservation Principles should be used by others (including owners, developers and other public bodies) to assess the potential impacts of a development proposal on the significance of any historic asset/assets and to assist in decision making where the historic environment is affected by the planning process.

There are six principles.

1. Historic assets will be managed to sustain their values.
2. Understanding the significance of historic assets is vital.
3. The historic environment is a shared resource.
4. Everyone will be able to participate in sustaining the historic environment.
5. Decisions about change must be reasonable, transparent and consistent.
6. Documenting and learning from decisions is essential.

Applicants and other organisations are strongly encouraged to make use of these Conservation Principles when considering development proposals and other works to historic assets. It is important for those responsible to understand the heritage values and assess the significance of the historic assets that will be affected.

There are four heritage values which need to be understood before the significance of the asset can be assessed.

- Evidential value
- Historical value
- Aesthetic value
- Communal value

Evidential value

This derives from those elements of an historic asset that can provide evidence about past human activity.

The building in question has lost its chimneys and as such could be easily mistaken for a barn. However the interior details evidence of habitation as detailed in the Archaeological Report submitted with the application Report 1572 by Archaeology Wales.

Historical value

Llandeilo Graban is a small church settlement centred around the church. However the CPAT report on historic settlements suggests that the field system to the west of the church may indicate medieval open field agricultural system.

Aesthetic value

The grouping of the buildings around the church is very attractive and the proximity of the application site to the church contributes towards the setting of this grade II* building.

Communal value

The third principle contained within Conservation Principles is that heritage assets are a shared resource, valued by people as part of their cultural and natural heritage, and gives distinctiveness, meaning and quality to the places where we live providing a sense of continuity and a source of identity. The Conservation Principles identify heritage assets as having the potential to give distinctiveness, meaning and quality to the places in which people live, and provide people with a sense of continuity and a source of identity will be diminished. The historic environment is a social and economic asset and a cultural resource for learning and enjoyment.

Cadw have prepared guidance on the setting of all historic assets which came into force on 31 May. In addition to advice on how to assess the visual setting of listed buildings, advice on less tangible elements, including sensory perceptions such as noise and smell are included in the guidance.

This document outlines the principles used to assess the potential impact of development or land management proposals on the settings of all heritage assets but is not intended to cover the impact on the setting of the historic environment at a landscape scale.

The document advises that “Setting is the surroundings in which a historic asset is understood, experienced and appreciated, embracing present and past relationships to the surrounding landscape.....The setting of a historic asset is not fixed and can change through time as the asset and its surroundings evolve. These changes may have a negative impact on the significance of an asset; for example, the loss of the surrounding physical elements that allow an asset to be understood, or the introduction of an adjacent new development that has a major visual impact. But changes can also have a positive impact that may enhance the setting, such as the removal of traffic from part of a historic town, or the opening up of views, or the return of a sense of enclosure to sites where it has been lost”

The document provides advice on how to assess the setting

This section outlines the general principles that both assessors and decision makers should consider when assessing the impact of a proposed change or development on the setting of historic assets. There are four stages.

Stage 1: Identify the historic assets that might be affected by a proposed change or development and their significance.

Stage 2: Define and analyse the settings to understand how they contribute to the ways in which the historic assets are understood, appreciated and experienced.

Stage 3: Evaluate the potential impact of a proposed change or development on those settings.

Stage 4: Consider options to mitigate the potential impact of a proposed change or development on those settings.

The heritage assets have been identified above;

The application site is in close proximity to the grade II* listed church and contributes greatly to its setting particularly when viewed from the approach road to the south. The building has been last used as a barn and from the exterior appears barn like. The building is well maintained for its use.

The proposal relates to the conversion of this building to bring it back into habitable use. The existing openings are to be retained reflecting its original use. The scheme has been well thought out and it is considered that its reuse as a house would not affect the setting of this listed building and could even enhance the setting of the listed church. I note the proposed materials to be used.

It would have been preferable if chimneys could have been reintroduced to the property to illustrate its original use as opposed to a barn conversion.

The reinstatement of this building as a dwelling is supported.

Officer Appraisal

In light of the above comments received from the Built Heritage Officer and that no objection is offered, it is considered that the proposed development would not have a detrimental impact on the nearby Listed Buildings and as such is in accordance with policy ENV 14 and TAN 24.

RECOMMENDATION

In light of the above the applications is considered to be acceptable and is recommended for approval subject to the conditions outlined in the main report.

Case Officer: Tamsin Law- Principal Planning Officer
Tel: 01597 82 7230 E-mail: tamsin.law@powys.gov.uk

Planning, Taxi Licensing and Rights of Way Committee Update Report

Application No:	P/2016/0719	Grid Ref:	321782.49 320221.57
Community Council:	Llansantffraid	Valid Date:	Officer: 26/07/2016 Kate Bowen
Applicant:	Mr R Roberts, Messrs Roberts, Land adj to Dyffryn Foel, Llansantffraid, Powys, SY22 6DG		
Location:	Land adj to Dyffryn Foel, Llansantffraid, Powys, SY22 6DG		
Proposal:	An outline application for the erection of 16 no. dwellings and all associated works with all matters reserved		
Application Type:	Application for Outline Planning Permission		

UPDATE REPORT

Reason for Update

Additional representations from members of the public have been received following the preparation of the earlier update report.

Public Representations

One further public representation has been submitted on behalf of two households located in the residential housing estate of Dyffryn Foel and is copied below:

Unfortunately we will not be available to attend, we would have if able to and, would have reiterated the contents of our previous correspondence and concerns. We included concerns for the mature trees/ trees in which the removal is now the full length of this significant tree line which is situated on the proposed development together with the impact on the Bats not having their natural flight paths or habit. Additional light pollution would also impact the Bats and the local residents. This proposal also being outside the development area and the impact in general to the area as a whole with regards to the increased strains to the local school, increased traffic, increased footfall, increased noise pollution as outlined in our previous correspondence.

Officer Appraisal

Principle of Development

As public representations have stated, the proposed development lies wholly outside the settlement boundary of Llansantffraid Ym Mechain, as detailed on inset map M165, and would result in up to 16 dwellings being constructed outside the settlement boundary and as such is a departure from the development plan.

The original Committee report concluded that considerable weight must be given to the need to increasing housing land supply where the proposed development is for the provision of 16 dwellings in a sustainable location.

Landscape and visual impacts

As referred to within public representations, the revised plans indicate that the proposal would result in the loss of a section of hedgerow to accommodate the vehicular access. There is also a mature tree in the north eastern corner of the application site which may need to be felled, although it is shown to be retained on the indicative layout. Hedgerow planting behind the visibility splays of the access is shown on the indicative layout plan and landscaping is also a reserved matter to be further considered at a later stage.

As stated within the previous update report, whilst the site would be visible from public vantage points and the proposal would result in a visual change in comparison to the current agricultural use, taking into account the location adjacent to existing residential properties, the development is considered to be acceptable. Furthermore, taking into account the character of existing development in the locality, and that landscaping measures would reduce the visual impact and the proposed scale of the development is considered to reflect the character of the development that has occurred within Llansantffraid, it is considered that a satisfactory detailed design including landscaping measures could come forward to reflect the vernacular character and appearance of the settlement and surrounding area.

Ecology

As stated within the previous update report and referred to within public representations, the proposal could affect vegetation (the mature tree located in the north eastern corner of the application site in particular) which could have potential as a bat tree roost. The response on behalf of the Council's Ecologist has recommended that the mature tree in particular should be retained and protected from damage during construction works via conditions and the implementation of a tree protection plan in accordance with BS5837:2012 and an informative attached in respect of the potential for bats. In addition, it is recommended that mitigation and enhancement for the loss of the hedgerow in the form of bird and bat boxes are provided and hedgerow translocation.

Therefore, as concluded within the original report and the previous update report, subject to the use of conditions and additionally informatives, it is considered that the proposal would not unacceptably affect ecological interests.

Impact on highway network and parking arrangements

The Local Highway Authority is satisfied that the development and access off the A495 highway will not be detrimental to highway safety, subject to the conditions set out within the Highway Authority's response. Access is a reserved matter and full details of the scheme will be considered at the later stage.

Impact on residential amenity

The impact upon the amenities enjoyed by occupiers of existing neighbouring properties and the proposed dwellings was primarily considered in terms of impact upon privacy and overshadowing. Public representations have also raised concern over increased light levels, noise pollution, traffic generation and general disturbance as a result of the development.

UDP Policy GP1 states that development proposals will only be permitted where the amenities enjoyed by the occupants of nearby or proposed properties will not be unacceptably affected including from levels of light, noise or any other planning matter.

In terms of noise, it is appreciated that there will be noise during the construction phase as well as additional noise from the occupants of residential properties and disturbance from additional traffic movements. However, given that the site is located between residential properties which are similar land uses to that proposed and that the relocated access would remove vehicular movements for the proposed development from travelling via the residential estate of Dyffryn Foel, it is not considered that this would cause an unacceptable effect on the existing dwellings.

In terms of light pollution, paragraph 13.13.2 of Planning Policy Wales (PPW) states:

‘There is a need to balance the provision of lighting to enhance safety and security to help in the prevention of crime and to allow activities like sport and recreation to take place with the need to:

- protect the natural and historic environment including wildlife;*
- retain dark skies where appropriate;*
- prevent glare and respect the amenity of neighbouring land uses; and*
- reduce the carbon emissions associated with lighting.*

Lighting to provide security can be particularly important in rural areas’.

Furthermore, paragraph 13.15.3 of PPW states that:

‘Local authorities can attach conditions to planning permissions for new developments that include the design and operation of lighting systems (for example, requiring energy-efficient design) and prevent light pollution’.

Whilst it is appreciated that there would be increased lighting provision for the proposed development from street lighting as well as private lighting inside and externally at the dwellings, given that the application site is located between existing residential housing developments within a settlement, it is not considered that this would cause an unacceptable effect on the existing dwellings.

Education

Public representations have raised concern over an increased strain on the local school. Within the original Committee report, Members will note that the School Services Section of Powys County Council requested a contribution from the developer to serve the existing school in Llansantffraid that is over capacity. Further comments have not been received from the School Services Section prior to the preparation of this Update Report. It is noted that

previous developments have secured some funding and together with the proposed funding, it will enable the provision of an additional classroom. This contribution has been included within the section 106 agreement instructions to the Legal Department, although it is understood that the exact monetary figure is still under negotiation.

RECOMMENDATION

Consideration has been given to all material planning matters and it is concluded that all issues can be adequately dealt with through the imposition of conditions or through planning obligations. It was and still is considered that the material consideration of the lack of housing land supply within the county warrants the approval of this development contrary to the provisions of the development plan.

It is recommended that the application be approved subject to the conditions set out below and subject to the applicant entering into a Section 106 agreement to secure the following:

- Provision of affordable housing
- A management agreement for on-site open space/play area (to secure provision, retention and maintenance).
- Education contribution

Conditions

1. Details of the access, layout, appearance, landscaping 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. A scaled plan showing the location of the affordable residential units shall be submitted to the Local Planning Authority at the same time as the other reserved matters referred to in Condition No. 1.
5. An affordable housing phasing statement detailing the precise phasing (completion details) of the affordable units proposed shall be submitted for approval at the same time as the other reserved matters referred to in Condition No. 1. The development shall be implemented in full accordance with the approved scheme.
6. 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) and notwithstanding the provisions of schedule 2, part 1, classes A, B, C and E 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), the

affordable dwelling shall not be subject to extensions, roof alterations and buildings other than those expressly authorised by the reserved matters approval.

7. The development hereby permitted must be served by the public foul sewerage system (mains) prior to the occupation of any of the units.

8. No development shall commence until a scheme for the surface water and land 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 dwellings are occupied.

9. An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons (*a contaminated land specialist with proven experience within the contaminated land industry*) and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*' and the WLGA document '*Development of land affected by contamination: a guide for developers*' 2012 .

Item (iii) above should not be submitted until written approval has been obtained from the Local Planning Authority for items (i) & (ii).

10. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990, The Contaminated Land (Wales) Regulations 2001 in relation to the intended use of the land after remediation. The detailed remediation scheme should not be submitted until written approval for Condition 9 has been received from the Local Planning Authority.

11. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning

Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority. *The verification report contents must be agreed with the Local Planning Authority before commencement of the remediation scheme.*

12. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 9, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 10, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 11.

13. A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of duration to be agreed in writing with the Local Planning Authority and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Within six months following the completion of the measures identified in that scheme and the achievement of the remediation objectives, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

14. The recommendations in Section 6 of the Ecological Report Arbro Vitae Environment 04/07/16 regarding Bats, Hedgerows Breeding Birds lighting, and Ecological enhancement shall be adhered to and implemented in full.

15. Prior to commencement of development, a detailed Ecological Enhancement Plan, Lighting Plan, Hedgerow and Tree Protection Plan and Planting Plan shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.

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. In order to identify the affordable residential unit, in accordance with Policy HP7 of the Unitary Development Plan (2010).
- 5 & 6. In order to ensure the provision of affordable housing in accordance with Policy of HP7 of the Powys Unitary Development Plan (2010) and the Affordable Housing for Local Needs Supplementary Planning Guidance (2011).

7. To ensure that development is served by the public system in accordance with policy DC10 of the Powys Unitary Development Plan.

8. To ensure that the proposed surface water drainage system for the site are fully compliant with regulations and are of robust design in accordance with policy DC13 of the Powys Unitary Development Plan.

9 to 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.

14. To comply with Powys County Council's UDP Policies SP3, ENV2 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 7, July 2014), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.

15. To comply with Powys County Council's UDP Policies SP3 and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 7, July 2014), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.

Informatives:

Please note the following advice in respect of ecology:

The following sensitive felling procedure is recommended to minimise disturbance to bat populations.

- Where tree felling or lopping is planned, such work should only be carried out between September and February to avoid the bird-breeding season.
- If the tree trunk is smaller than 200mm diameter **and** if it has no dense ivy, suitable holes, loose bark, and no holes associated with the root system, work can be carried out on the tree between September and February (ie avoiding the bird breeding season).
- To avoid disturbing nursery roosts, work will **never** be carried out between June and August inclusive.
- If the tree does have any of the features listed above or has a trunk size greater than 200mm, it should only be cut **only** in September and October when bats, including young are still mobile and able to fly-out.
- Any timber cut should be left lying on the ground for at least 24 hours to allow bats the opportunity to escape.
- Where the loss of mature trees is unavoidable, compensatory planting with appropriate locally native species, preferably of local provenance, should be undertaken.

As mitigation for the loss of the mature tree, three additional bird and bat boxes on or near the site should be incorporated into the Ecological Enhancement plan required by condition 15.

Any removed hedgerow should be translocated to areas within the development site instead of buying and planting new stock and this should be set out within the proposed landscaping scheme. If translocation is not feasible the Ecological Enhancement plan should also consider opportunities for new hedgerow and tree planting as landscaping within the development and a locally-occurring, native species list will be required.

Birds - Wildlife and Countryside Act 1981 (as amended)

All nesting birds, their nests, eggs and young are protected by law and it is an offence to:

- intentionally kill, injure or take any wild bird
- intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built
- intentionally take or destroy the egg of any wild bird
- intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird.

The maximum penalty that can be imposed - in respect of a single bird, nest or egg - is a fine of up to 5,000 pounds, six months imprisonment or both.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built, (usually between late February and late August or late September in the case of swifts, swallows or house martins). If a nest is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.

Bats - Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended)

It is an offence for any person to:

- Intentionally kill, injure or take any bats.
- Intentionally or recklessly damage, destroy or obstruct access to any place that a bat uses for shelter or protection. This is taken to mean all bat roosts whether bats are present or not.

Under the Habitats Regulations it is an offence to:

- Damage or destroy a breeding site or resting place of any bat. This is an absolute offence - in other words, intent or recklessness does not have to be proved.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended) that works to trees or buildings where that work involves the disturbance of a bat is an offence if a licence has not been obtained from Natural Resources Wales. If a bat is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. You can also call the National Bat helpline on 0845 1300 228 or email enquiries@bats.org.uk

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