

Public Document Pack



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Chief Executive

Os yn galw gofynnwch am - If calling please ask for

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PLANNING, TAXI LICENSING & RIGHTS OF WAY COMMITTEE

Thursday, 14th September, 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/2017/0455	Grid Ref:	302308.22 267083.4
Community Council:	Nantmel	Valid Date:	Officer: 24/05/2017 Thomas Goodman
Applicant:	Mr Steve Rowlands, Llanyre, Dan-y-Graig, Llandrindod Wells, Powys, LD1 6EF		
Location:	Cae A Llwyn, Llwyn Lane, Nantmel, Rhayader, LD6 5PE		
Proposal:	Full: Change of use to 'Mixed Use' of agricultural building and yard for parking of commercial vehicles together with alterations to roof design of building previously approved under permission P/2016/0149 (part retrospective)		
Application Type:	Application for Full Planning Permission		

Reason for Update

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

Consultee Response

Environmental Health

Having assessed the application, I note that the times the site would be used, as stated on the application, is between 07:30 to 16:00 Monday to Friday and at no time on Saturday and Sunday.

In order to protect the local residents amenity from the traffic noise generated by the vehicles, I would suggest that the following be attached as a condition should permission be given

The use shall not be carried out outside the hours of 07:30 to 1600 Monday to Friday, and at no time on Saturday, Sunday & Bank Holidays. "Access only" is permitted from 1600 to 1700 to allow staff to leave the site.

Deliveries shall not be taken at or dispatched from the site outside these hours.

Reason

To ensure that the amenities of neighbouring properties are not detrimentally impacted upon in terms of noise.

Representations

In order to provide clarity to the application there have been in total 8 representations received from 3 members of the public which relate to the concerns as stated within the original report.

Since the publication of the report an additional representation has been submitted as is summarised as follows;

- Concerns raised over the increase in traffic on the highway, the types of vehicles now using the highways (vans, trucks, trailers, heavy goods vehicles), and the timings which vehicles are moving along the highway
- Noise disturbance from vehicular movements with no restriction on hours or days of operation (use in the evening and weekends)
- The highway is used by walkers, bikers, horse riders, holiday makers etc and the increase in traffic would have impacts on their safety.
- The incorrect roof design was constructed and should have been submitted to planning again
- Concerns regarding contamination from the washing bays and the potential for contamination in the nearby river
- Concerns over potential damage to existing sewerage pipes which run under the highway
- Application sets a precedent for anything with agricultural status to be lifted
- If approved the application would have consequences and serious implications for residents, properties, the environment and overall public safety.

Further information

The agent has clarified that the proposed change of use should read as 'mixed use' so that the agricultural nature of the building may continue alongside the proposed development. The agent has also confirmed via e-mail that they have noted the conditions as recommended by the Highway Officer in relation to the construction of the access and the visibility splays and has stated the following:

These works will be completed within 4-6 weeks of the approval of the present application.

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.

Environmental Health

Following further consultation with the Environmental Health Officer confirmation has been received in order to provide clarification as to the wording of the condition restricting the operating hours of the business. Confirmation has been received, that by restricting the hours of operation, the amenities enjoyed by the neighbouring properties will not be detrimentally impacted upon in terms of noise from traffic generation.

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 conditional consent remains.

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 19/07/2017.
2. The development shall be carried out strictly in accordance with the plans stamped as approved on XX/XX/XX (drawing no's: 2017/15/06, 2017/15/04, 2017/15/01, 2017/15/05, 2017/15/02 & 2017/15/03).
3. Within 2 months of the date of the development hereby approved, a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted landscaping scheme shall include a scaled drawing and a written specification clearly describing the species, sizes, densities and planting numbers proposed. Drawings must include accurate details of all existing trees and hedgerows to be retained with their location, species, size and condition. The drawing shall include details of all hardstanding within the application site.
4. A landscape phasing scheme (implementation scheme) for the landscaping scheme as approved (condition 3) shall be submitted to and approved in writing by the Local Planning Authority within 2 months of the date of the development hereby approved. The landscaping scheme shall thereafter be fully implemented in accordance with the phasing scheme (implementation scheme) so approved.
5. The approved landscaping scheme as implemented by the landscape phasing scheme (condition 4) 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.
6. Within 2 months of the date of the development hereby approved the access shall be constructed so that there is a clear visibility splay 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 57 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.
7. Upon formation of the visibility splays as detailed in Condition 6 above the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.
8. Within 2 months of the date of the development hereby approved a scheme for the provision of a passing bay along the C1215 county highway shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the location of the passing bay and a timescale for completing the works. Development shall be carried out in strict accordance with the approved scheme.

9. The use shall not be carried out outside the hours of 07:30 to 1600 Monday to Friday, and at no time on Saturday, Sunday & Bank Holidays. ""Access only"" is permitted from 0700 to 0730 and 1600 to 1700 to allow staff to enter and leave the site. Deliveries shall not be taken at or dispatched from the site outside these hours.

Reasons

1. To comply with Section 63 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. To ensure that the application site is adequately landscaped in the interests of the character and appearance of the area, in accordance with policies GP1, ENV2, ENV7 and EC1 of the Unitary Development Plan (March 2010).
4. To ensure that the application site is adequately landscaped in the interests of the character and appearance of the area, in accordance with policies GP1, ENV2, ENV7 and EC1 of the Unitary Development Plan (March 2010).
5. In order to safeguard biodiversity and protect water resources in accordance with policies ENV3, ENV5, ENV6 and ENV7 of the Powys Unitary Development Plan (March 2010), Technical Advice Note 5 - Nature Conservation and Planning (2009) and Planning Policy Wales (2012).
6. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
7. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
8. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
9. In the interests of the amenities of existing residential property in the locality in accordance with policy GP1 of the Powys Unitary Development Plan.

Informative Notes

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

Planning, Taxi Licensing and Rights of Way Committee Report

UPDATE REPORT

Application No:	P/2017/0230	Grid Ref:	312302 326164
Community Council:	Llanrhaeadr Ym Mochnant	Valid Date:	Officer: 21/03/2017 Kate Bowen
Applicant:	Mr Keith Sandell, Dolawel, Waterfall Street, Llanrhaeadr-ym-Mochnant, Oswestry, SY10 0JS		
Location:	Former British Legion Hall, Waterfall Street, Llanrhaeadr, Powys, SY10 0JS		
Proposal:	Full: Conversion of community hall (Use Class D1) to residential use (Use Class C3) including alterations		
Application Type:	Application for Full Planning Permission		

Reason for update

To provide Members with further clarification with regards to the C2 flood zone.

Officer Appraisal

The application seeks full planning permission for the conversion of the British Legion Hall to a single residential dwelling. Technical Advice Note 15: Development and Flood Risk (2004) states that highly vulnerable development should not be permitted within a C2 flood zone. Residential dwellings are defined within TAN15 as being highly vulnerable development.

However, the existing use of a British Legion Hall is classified as a public building within TAN15 and these are also defined as highly vulnerable development. As such, the conversion of the building to a single dwelling would not increase the levels of highly vulnerable development within the C2 flood zone. Amended plans were also received detailing flood prevention measures that were suggested by Natural Resources Wales.

Conclusion

In light of the fact that the proposed development does not increase the amount of highly vulnerable development in the flood zone, flood prevention measures are included and Natural Resources Wales have not objected the application is considered to be acceptable, subject to the conditions outline in the original report.

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Planning, Taxi Licensing and Rights of Way Committee Report

UPDATE REPORT

Application No: P/2017/0574 **Grid Ref:** 327624.53, 311465.74

Community Council: Trewern **Valid Date:** 18/05/2017 **Officer:** Bryn Pryce

Applicant: Mr Chapman Trewern, Fronhaul, Welshpool Powys SY21 8DU

Location: Land at Gate Farm Criggion Lane, Trewern, Welshpool Powys SY21 8DU

Proposal: Outline application for residential development for up to 9 dwellings, garages, improvement to vehicular access, demolition of existing buildings and all associated works

Application Type: Application for Outline Planning Permission

The reason for Update Report

Comments have been received from the education service regarding the capacity of the local schools to the site and further comments have been received from the Cllr Amanda Jenner regarding the proposal.

Consultee Comments

PCC – Education Service

Correspondence received 7th September 2017

In respect of planning applications P/2017/0574 and P/2017/0299, as there is surplus capacity in the catchment schools I can confirm that the Schools Service will not be submitting S106 bids in respect of these developments.

Cllr Amanda Jenner

Correspondence received 11th September 2017

Further to our conversation, I wish to make the following written representations and I request that you put these before the planning committee on Thursday 14th September 2017.

Firstly, I am not opposed to this planning application, particularly as it is on a site which has previously been built upon. I have received no objections to the proposed development in principle, however, both I and the Community Council (as highlighted in their response to the consultation) have been made aware of a number of concerns. I request that these concerns are duly considered by firstly the Planning Committee when making their decision and

secondly the Council and Applicant when finalising any reserved or future matters (should the application be approved):

1. The access road for this site needs a number of safety improvements in order for the proposed site to be suitable for development.
 - a. Firstly, in order for pedestrians to walk from the proposed site to the main road to safely access the bus stop, school, community centre and play ground, there needs to be adequate street lighting. There is a significant stretch of the paved route to the main road without lighting. I request that the planning application is only approved with the condition of providing further street lights, as requested in the Highways response to the consultation on this application.
 - b. Secondly, I have been made aware from the applicant's agent that the applicant is willing to contribute to costs related to a Traffic Regulation Order, which will allow for the speed limit on this road to be reduced. I request that this is made a condition/requirement to the approval of this application. The access to the proposed site is currently on a residential road with a 60mph limit and this will cause risk to those entering/exiting the proposed development. The relevant section of this road is not suitable for this speed limit (as is regularly raised with me by residents neighbouring this proposed development) and it would be to the benefit of the future residents of this development (as well as to the other residents along this road) that the safety of the road is improved and the speed limit brought down.
2. I am also aware of drainage problems along the county highway and note that highways have requested a condition that "no storm water drainage shall be allowed to discharge onto the county highway". This condition is essential and I understand that Seven Trent has requested conditions regarding the provision of drainage plans for the disposal of foul and surface water and that such plans are approved before the development is brought into use. This is also fundamental to the adequate drainage/flood prevention for this development. As has been highlighted by a resident who has responded to the consultation, there is an underground culvert for drainage which runs under the boundary of No. 31 Criggion Lane (adjacent to the proposed development) and into the proposed development site. I have also been made aware of a septic tank within the development area, close to the boundary of No. 31 Criggion lane and this will need to be properly removed. Further, I have been shown that there is a ditch along the boundary between number 31 Criggion Lane and the proposed development area, which apparently fills up with storm water and helps to prevent local flooding. These matters will need to be taken into consideration when such drainage plans are drawn up in order to ensure the adequate drainage of the site and that the development and drainage systems do not cause any blockages/overuse of the current culvert or ditch.
3. Whilst this application is for outline permission, I wish to highlight the proximity of one of the proposed dwellings to the boundary of No. 31 Criggion Lane. I request that if this application is approved, then prior to submitting plans for detailed planning, the applicant consult and discuss with the resident of No. 31 Criggion lane, the exact positioning and heights of the dwellings closest to the relevant resident, and the positioning of windows within such dwellings, in order to ensure that the resident of

No. 31 Criggion Lane maintains their rights to privacy and light. Further, that the resident of No. 31 Criggion Lane maintains their right to access their boundary from within the proposed development area, so that they can adequately maintain their property given the proximity of the boundary to their property.

4. I have been asked by a resident to query whether the barns within the proposed site have asbestos roofs. I understand that the Environmental Health Officer has responded to the consultation for this application requiring that the relevant/necessary conditions dealing with potentially contaminated land are entered into. I also request that such conditions are attached to this application should it be approved by the committee.

I trust that the Committee will take the above into due consideration, particularly given that the applicant has been amenable to point 1(b) above.

Officer Appraisal

Having consulted the Powys Education Service, officers are satisfied that there is no requirement for any contribution towards education as the schools in the area have further capacity currently to accommodate the likely increase in numbers of pupils to be generated from a development of the proposed scale. No changes to the recommendation are considered necessary.

Following further comments from the local councillor regarding the above proposal the comments above have been raised regarding the speed limits in proposed site access location and also the street lighting proposed. Conditions have already been recommended by the highways authority to secure the provision of street lighting and this condition is considered to be appropriate in order to make the development acceptable in terms of highway safety in hours of darkness.

Comments have also been raised regarding drainage on the site. At the request of Severn Trent a condition has been recommended by officers to secure detailed drawings prior to commencement of the development to show a scheme for both foul and surface water drainage for the site. Officers are satisfied that these matters can be dealt with at the time of discharge of condition.

The local councillor has also reiterated concerns of a local resident with regarding to the layout of the site and proximity of one of the dwellings to no. 31 Criggion lane. Officers have considered this aspect and note that the buildings closest to no. 31 is shown to be two garages and two car ports likely to be single storey in height with the nearest proposed dwelling (plot 2) being to the south west. Officers consider that the proposed distances of the buildings to the existing dwelling given the likely height is considered to be acceptable, however the proposed layout of the site and scale of the proposed dwellings is not being considered as part of this outlie application. Details of the finalised layout and scale of dwellings are to be considered at a reserved matters stage.

The local councillor's final concerns regarding the potential for asbestos being on site has been addressed by comments received from PCC contaminated land officer who has suggested a number of conditions to be attached to any grant of consent to secure further

investigation and method statements for the clearance of the site. The suggested conditions have been included in the original officer's report.

Recommendation – Conditional Consent

In line with conditions as outlined in the officers original report to committee.

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

Planning, Taxi Licensing and Rights of Way Committee Report

UPDATE REPORT

Application No:	P/2017/0574	Grid Ref:	327624.53, 311465.74
Community Council:	Trewern Co	Valid Date:	Officer: 18/05/2017 Bryn Pryce
Applicant:	Mr Chapman Trewern, Fronhaul, Welshpool Powys SY21 8DU		
Location:	Land at Gate Farm, Criggion Lane, Trewern, Welshpool Powys SY21 8DU		
Proposal:	Outline application for residential development for up to 9 dwellings, garages, improvement to vehicular access, demolition of existing buildings and all associated works		
Application Type:	Application for Outline Planning Permission		

The reason for update report

Further comments received from Councillor Amanda Jenner.

Consultee Comments

Cllr Amanda Jenner

I haven't heard any further regarding the TRO condition and whether planning will agree to include this recommended condition at the Planning Committee tomorrow.

Should the Planning Officers not recommend the TRO condition which I have requested and highways have recommended for inclusion and which the agent has agreed to, I request that the following representation be put before the Planning Committee.

"As the Planning Committee, you have the discretion to include a condition to this planning application consent. The applicant has agreed to the condition and highways have also recommended it (see suggested condition below which was drafted by the agent for the applicant). Please see my previous written representations at point 1(b) for all the reasons why this condition is necessary. The Planning Officers' role is advisory, and in this instance, by not recommending this condition, they are going against a) what highways have suggested following consultation responses and representations from the Local Member b) what me, as the local member (representing the views of the community regarding the safety of the road) is requesting c) what the agent has agreed to do. I am informed that other authorities have attached similar conditions to application consents and I can see no reasonable reason why such a condition should not be included for both the good of the proposed site and the Community of Trewern. I urge you to use your discretion and include this condition.

“Prior to commencement of any works on site, details of the approved Traffic Regulation Order shall be submitted to and agreed by the LPA.”

I trust that this request will be taken into consideration.

RECOMMENDATION

Conditional Consent inline with the conditions as set out in the officer's original report to planning committee.

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

Planning, Taxi Licensing and Rights of Way Committee Report

UPDATE REPORT

Application No:	P/2017/0299	Grid Ref:	332459.64, 315599.25
Community Council:	Bausley	Valid Date:	Officer: 17/03/2017 Bryn Pryce
Applicant:	Mr & Mrs JT & GM Vaughan The Firs, Crewgreen, Shrewsbury SY5 9FB		
Location:	Land adj to Belin Mount, Crew Green, Shrewsbury SY5 9FB		
Proposal:	Outline: Proposed residential development of up to 9 no. dwellings, formation of a new vehicular access and associated works (with some matters reserved)		
Application Type:	Application for Outline Planning Permission		

The reason for the Update

A response has been received from the education department confirming that they will not be asking for a contribution to schools service as part of this application. The ecology response has been provided again below at a larger more readable scale. A welsh Language assessment has been carried out by officers for the site location.

Consultee Response

Powys Education Department

Correspondence received 7th September 2017

In respect of planning applications P/2017/0574 and P/2017/0299, as there is surplus capacity in the catchment schools I can confirm that the Schools Service will not be submitting S106 bids in respect of these developments.

Correspondence received 5th April 2017

Planning Application Reference	P/2017/0299
Project Name / Description	for Outline: Proposed residential development of up to 9 no. dwellings, formation of a new vehicular access and associated works (with some matters reserved) at , Land <u>adj</u> to Belin Mount , <u>Crewgreen</u> , Shrewsbury, .
Consultation Deadline	12/04/2017

Ecological Topic		Observations
EIA Screening Requirement	No	The site area is understood to be 0.76 hectares and includes up to 9 dwellings. Therefore, the development is not considered to meet or exceed the thresholds of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016 for the screening of dwelling house developments for EIA since it does not exceed five hectares; include more than 150 dwellings; or include more than one hectare of urban development that is not a dwelling house development.
Ecological Information included with application	No	<p>No ecological information has been submitted with this application. These observations are based on an interpretation of available aerial and street imagery, plans and statements submitted with the application, and historical biodiversity records provided by the Powys Biodiversity Information Service.</p> <p>The application site appears to be located in the south-western corner of a large improved agricultural field which is bounded by a hedgerow to the south and the west.</p>

	European Species	<p>There is a historical record of otters and various bat species within 2km of the application site, but none within the vicinity of the proposed development itself.</p> <p>The hedgerow that borders the site to the south and west could provide suitable foraging and commuting habitat for bat species. Based on the submitted plans, I understand that a section of the southern hedge is to be removed or re-positioned to accommodate the proposed access. I recommend that the length of removal is kept to a minimum and where it needs to be moved back the existing hedge should be translocated. Also a tree/hedge protection plan in accordance with BS5837: 2012 should be implemented during the construction phase to safeguard retained vegetation.</p> <p>I recommend that a sensitive lighting scheme is implemented to avoid adverse impacts on any nocturnal wildlife, such as bats, that may use the hedgerow.</p> <p>It is not considered that the proposed site represents suitable habitat for otters.</p>
	UK Species	<p>There are historic records of badgers and reptiles from within 2km of the site and several historic records of nesting bird species, although none from within the vicinity of the site.</p> <p>Nesting birds may use the hedgerows to the south and west of the proposed site. I therefore recommend that vegetation clearance works required to accommodate the proposed access are timed to avoid the bird nesting season (generally March to August inclusive). If work that could destroy bird nesting habitat is to proceed in the bird nesting season, a suitably-experienced ecologist should check for active bird nests immediately in advance of the works commencing. It is currently not envisaged that the south-eastern boundary which consists of hedgerow and trees would need to be removed as part of the proposals.</p> <p>The surrounding hedgerow could also provide suitable shelter for common reptile species. It is recommended that reasonable avoidance measures, including ecological supervision, are</p>

¹ Species records within 1km (minimum). Change distance dependant on project type, scale, etc.

		<p>employed to prevent potential harm to reptiles during creation of the new access to the proposed development. Such measures should be agreed with the LPA prior to commencement of works.</p> <p>It is not considered that the proposed site represents suitable resting or breeding habitat for badgers, though the current field may be within the foraging range of badger populations.</p>
	<p>Section 7 Species & Habitat</p> <p><input checked="" type="checkbox"/></p>	<p>The applicant should be mindful that, in accordance with Powys County Council's duty under Section 7 of the Environment (Wales) Act 2016, TAN 5, UDP policies and biodiversity SPG, as part of the planning process PCC should ensure that there is no net loss of biodiversity or unacceptable damage to a biodiversity feature.</p> <p>Hedgerows and rivers are included on Section 7 of the Act as Priority Habitat. Hedgerow borders the south and west of the proposed site. Based on the submitted plans, I understand that a section of the southern hedge is to be removed or re-positioned to accommodate the proposed access. I recommend that the length of removal is kept to a minimum and where it needs to be moved back the existing hedge should be translocated. Also a tree/hedge protection plan in accordance with BS5837:2012 should be implemented during the construction phase to safeguard retained vegetation.</p> <p>An existing stream runs along the eastern boundary of the field which would accommodate the proposed development. It is recommended that a pollution control plan is developed and implemented during the construction phase to reduce the risk of affecting the water quality of this watercourse.</p> <p>As a biodiversity enhancement to the site I recommend that native, locally-occurring plant species are included in landscaping proposals associated with this application and a species list for the landscaping should therefore be provided for approval prior to commencement of development. Also enhancement of the site by installation of bat and bird boxes as part of the proposals would be welcomed.</p>

	LBAP Species & Habitat <input checked="" type="checkbox"/>	See previous observations.
Protected Sites	International Sites ² <input type="checkbox"/>	None within the 2km search area.
	National Sites ³ <input type="checkbox"/>	None within the 2km search area.
	Local Sites (within 500m) <input type="checkbox"/>	None within 500m.
Invasive Non-Native Species	Unknown	No ecological information has been submitted with this application.
Cumulative Effect	Unknown / Unconfirmed	
Summary of recommendations / further assessment or work		<p>I recommend that a sensitive lighting scheme is implemented to avoid adverse impacts on any nocturnal wildlife that may use the hedgerow along the south and west field boundaries.</p> <p>It is recommended that reasonable avoidance measures, including ecological supervision, are employed to prevent potential harm to reptiles during creation of the new access to the proposed development. Such measures should be agreed with the LPA prior to commencement of works.</p> <p>I recommend that vegetation removal for the proposed access is kept to a minimum and where</p>

² Identify International designated site within 2km of the proposals. Consider International sites within 15km of proposals with bats as qualifying features, and 10km with otters as qualifying features if the proposal is likely to affect these features.

³ Any designated sites within 500m of the proposal, extending to 2km dependant on features of interest i.e. wetlands (Powys LDP)

	<p>required vegetation clearance works should be timed to avoid the bird nesting season (generally March to August inclusive). If work that could destroy bird nesting habitat is to proceed in the bird nesting season, a suitably-experienced ecologist should check for active bird nests immediately in advance of the works commencing.</p> <p>I recommend that the length of the southern hedge removed is kept to a minimum and where it needs to be moved back the existing hedge should be translocated. A tree/hedge protection plan in accordance with BS5837:2012 should be implemented during the construction phase to safeguard retained vegetation.</p> <p>As a biodiversity enhancement to the site I recommend that native, locally-occurring plant species are included in landscaping proposals associated with this application and a species list for the landscaping should therefore be provided for approval prior to commencement of development. Also enhancement of the site by installation of bat and bird boxes as part of the proposals would be welcomed.</p> <p>An existing stream runs along the eastern boundary of the field which would accommodate the proposed development. It is recommended that a pollution control plan is developed and implemented during the construction phase to reduce the risk of affecting the water quality of this watercourse.</p>
<p>Recommended Conditions</p>	<p>Should you be minded to approve this application, I recommend the inclusion of the following conditions:</p> <p><i>Prior to commencement of development, a Biodiversity Enhancement Plan shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.</i></p> <p><u>Reason:</u> 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.</p>

Prior to planning permission, a reptile Reasonable Avoidance Method Statement shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: 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.

Prior to commencement of development a lighting design scheme to take any impacts on nocturnal wildlife into consideration shall be submitted for written LPA approval.

Reason: 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 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.

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 and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 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.

Prior to commencement of development, a Species List for the Landscape Planting shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: 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 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.

Prior to commencement of development a Pollution Prevention Plan shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's UDP Policies ENV3 and ENV6 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.

Informatives

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 Schedule1 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

	<p>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.</p> <p>Reptiles - Wildlife & Countryside Act 1981 (as amended) All UK native reptile species are protected by law. The Wildlife & Countryside Act 1981 (and later amendments) provides the legal framework for this protection.</p> <p>The more widespread and common reptile species, namely common lizard, slow-worm, grass snake, and adder are protected against deliberate or reckless killing and injury</p> <p>All species of reptile are priority species in the UK BAP and have been adopted on the Section 7 list of the living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales, under the Environment (Wales) Act 2016.</p>
Relevant UDP Policies	<p>SP3 Natural, Historic and Built Heritage ENV 2: Safeguard the Landscape ENV 3: Safeguard Biodiversity and Natural Habitats ENV 6: Sites of Regional and Local Importance ENV 7: Protected Species</p>
Comments on Additional Information	N/A

Document Author	Rhydian Roberts	Approved by	Chris Jones
Version	1	Approved Date	05/04/2017

Officer Appraisal

Education

Officers have consulted the Powys Education Service officer regarding the capacity of the schools that would serve this site. The officer has confirmed that the school is not at full capacity and therefore no contributions are sought for this development.

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.

In the 2011 census the Llandrinio Ward reported 10.7% of the population spoke Welsh. This is an increase from the 2001 census which stated that 2.1% of the population of Llandrinio spoke Welsh. Officers consider that the development of nine dwellings in this settlement will not have an unacceptable detrimental impact on the cultural or linguistic vitality of the area.

Recommendation – Conditional Consent

Inline with conditions as set out in the Original officers Report.

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/2017/0320 **Grid Ref:** 309511.65 305977.04

Community Council: Llanfair Caerinion **Valid Date:** 29/03/2017 **Officer:** Dunya Fourie

Applicant: Mr Steve Andrew Pear Tree Lane Highbury Llanfair Caereinion Powys SY21 0BH

Location: Land east of Maes Hyfryd Llanfair Caereinion Welshpool Powys SY21 0RY

Proposal: Outline: Erection of a detached dwelling, installation of a sewage treatment plant and improvements to existing access

Application Type: Application for Outline Planning Permission

UPDATE REPORT

Ecology response

E mail of 7 September 2017

Thank you for consulting me with regards to the additional information submitted in relation to planning application P/2017/0320.

In response to comments made by colleagues at YGC regarding the application, an Ecological Constraints Assessment Report produced by Star Ecology dated 10th August 2017 has been submitted to address concerns regarding the potential for the development to result in negative impacts to biodiversity with particular regards to the proposed course of the outfall pipe and nearby watercourse.

An Ecological Survey was undertaken on the 7th August 2017 to assess the habitats affected and to assess potential for presence of protected species.

The survey concluded that the habitats present along the route of the proposed pipe are of very low/negligible ecological value.

The survey found no evidence of protected species along the route of the proposed outfall pipe or within approximately 50m of the proposed route. A small section of hedgerow that may require removal during the installation of the pipe was assessed as providing suitable habitat for nesting birds – mitigation to minimise impacts to nesting birds has been provided within Appendix 1 of the Report. No further surveys were considered necessary.

Having reviewed the submitted information it is considered that the survey effort and methodology was in accordance with National guidelines and that sufficient information to demonstrate that the proposed development would not result in a negative impact to biodiversity has been provided.

Therefore should you be minded to approve the application I recommend inclusion of the following condition:

The recommendations regarding Nesting Birds identified in Appendix 1 of the Ecological Constraints Assessment Report produced by Star Ecology dated 10th August 2017 shall be adhered to and implemented in full unless otherwise agreed in writing by the LPA.

Reason: 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 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

In addition I recommend inclusion of the following informative:

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.

Rhiwhiriaeth Isaf

Llanfair Caereinion

Welshpool

Powys

SY210DU

Dear Dunya

I am writing as the local member for Llanfair Caereinion re planning application **P/2017/0320** for Mr Steve Andrew

Like my predecessor Viola Evans I wish to fully support this application.

The applicants are a young couple with young children aged 2 and 8.

They have been living together for over 6 years in rented accommodation in Llanfair, both their Children attend Cylch and are in the welsh stream in Llanfair Primary School. Steve has played football for Llanfair for over 5 years, and both are active in local community events.

The young family want to remain in Llanfair, Fortunately, a relative has offered the piece of land in question, and given Mr Andrew builds for a living; it provides a much more viable option to build a self-build property that will suit the family needs. The proposed site directly adjoins onto a cluster of dwellings on the outskirts of Llanfair Caereinion, and will sit nicely within the built environment.

The proposal is a genuine case of where they want to create a family home for the future, and stay in the community.

The Town Council is fully supportive of the proposal, no objections have been received from any residents and the planning department has recommended approval, therefore I hope Councillors will support this planning application.

Kind regards

Cllr Gareth Jones

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Planning, Taxi Licensing and Rights of Way Committee Report

UPDATE REPORT

Application No:	P/2017/0542	Grid Ref:	322767.05 311683.64
Community Council:	Guilsfield	Valid Date:	Officer: 17/05/2017 Sara Robinson
Applicant:	Mr + Mrs Griffiths, Twin Oaks, Guilsfield, Welshpool, Powys, SY21 9PX		
Location:	Twin Oaks Guilsfield Welshpool Powys SY21 9PX		
Proposal:	Outline - Erection of one detached dwelling, formation of a new vehicular access and associated works		
Application Type:	Application for Outline Planning Permission		

Reasons for Update

Further correspondence has been received from the local Councillor which is to be considered at committee.

Consultee Response

Cllr David Jones

I write as the local member for Guilsfield. I will not be able to attend the Planning Committee on 14th September due to a prior commitment. Firstly I would like to congratulate you on such a comprehensive report but ask that my views be passed to the Planning Committee.

I note from your report that apart from the community council all the statutory consultees support this application. I believe that it is a matter of policy that they oppose all applications that are outside the development line. In this case the application site lies across the lane from the development line in Guilsfield. In this area that line has been breached several times in the last few years. In this case I understand the dwelling will be for Mr. and Mrs. Griffiths' son who went to Guilsfield school as do his children. He is a master craftsman who designed and built a new door for the parish church in Guilsfield. They are a local family.

I would further point out that the proposed dwelling is so close to the village that it will use the main sewer. It will be served by existing street lights and is only a few yards from the 30mph sign. I agree with your recommendation of conditional consent and in supporting this application urge the planning committee to also support it also.

Recommendation

In light of above the recommendation is one of approval.

Case Officer: Sara Robinson- Planning Officer
Tel: 01597 827229 E-mail:sara.robinson@powys.gov.uk