

# Public Document Pack



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## PLANNING, TAXI LICENSING & RIGHTS OF WAY COMMITTEE

Thursday, 7th December, 2017

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

1.	<b>MINUTES OF THE PREVIOUS MEETING</b>
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To authorise the Chair to sign the minutes of the previous meeting of the Committee held on 16 November, 2017 as a correct record.

(Pages 1 - 10)

#### 1.1. **Updates**

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

(Pages 11 - 72)

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## MINUTES OF A MEETING OF THE PLANNING, TAXI LICENSING & RIGHTS OF WAY COMMITTEE HELD AT COUNCIL CHAMBER - COUNTY HALL, LLANDRINDOD WELLS, POWYS ON THURSDAY, 16 NOVEMBER 2017

### PRESENT

County Councillor D R Price (Chair)

County Councillors K Lewis, M Barnes, L V Corfield, L George, H Hulme, E M Jones, M J Jones, K Laurie-Parry, H Lewis, I McIntosh, P C Pritchard, D Selby, K S Silk, D A Thomas, E Vaughan, G I S Williams, D H Williams, J Williams and R Williams

### 1. APOLOGIES

There were no apologies for absence.

### 2. MINUTES OF THE PREVIOUS MEETING

The Chair was authorised to sign as a correct record the minutes of the meeting held on 26 October, 2017.

## Planning

### 3. DECLARATIONS OF INTEREST

- (a) There were no declarations of interest.
- (b) The Committee noted that no Member requested that a record be made of their membership of a Community Council where discussion had taken place of matters for the consideration of this Committee.
- (c) The Committee noted that no Member (who is a member of the Committee) would be acting as 'local representative' in respect of any application on the agenda.
- (d) The Committee noted that the following Members (who are not members of the Committee) would be speaking as the 'local representative' as follows:  
County Councillor K W Curry – P/2017/0199  
County Councillor M Alexander - P/2017/0874.

### 4. PLANNING APPLICATIONS FOR CONSIDERATION BY THE COMMITTEE

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

#### 4.1 Updates

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

4.2 P/2017/0119 Wyese Caravan Park, Rhayader, Powys LD6 5LB

**Application No:** P/2017/0119

**Grid Ref:** 296834.02 268416.04

**Valid Date:** 07/02/2017

**Officer:** Karen Probert

**Community Council:** Rhayader Town Council

**Applicant:** Mr Nathan Goodyear, The Camping and Caravanning Club

**Location:** Wyese Caravan Park, Rhayader, Powys LD6 5LB

**Proposal:** Full: Upgrade of existing pitches to gravel hardstandings, replacement of site access road and stone car park and other associated works

**Application Type:** Full planning permission

County Councillor K Curry spoke as the local representative.

Councillor C Evans on behalf of Rhayader Town Council.

Mrs S Jones spoke against the application.

Miss S Butterfield spoke as the Agent and Mr N Goodyear spoke as the applicant.

Colin Edwards, Solicitor declared a non-prejudicial interest as he was a member of the Camping and Caravanning Club but having consulted the Monitoring Officer it had been confirmed that he could remain in the meeting to advise the Committee on any legal issues.

The Solicitor advised the Committee that it was not lawful to take into account any private property issues.

County Councillor R Williams left the meeting for other Council business.

In response to questions the Professional Lead Development Management advised that the distances between tents is likely to be regulated under licencing law if required. He reminded the Committee that the site is currently used for tents and there are no planning restrictions that he is aware of on the site.

County Councillor P Pritchard sought advice from the Solicitor as he advised he might be a member of the Camping and Caravanning Club. The Solicitor advised that if he was not sure if he was, he should err on the side of caution and declare a prejudicial interest and leave the meeting room. County Councillor P Pritchard therefore declared a prejudicial interest and left the meeting room.

Comments were made about the visual impact of the proposed changes compared to the current open field. The Planning Officer advised that consideration had been given to visual impact and advised that the site is well

screened from the road and houses and the application accords in her opinion with the Unitary Development Plan [UDP]. The Professional Lead Development Management advised that he did not consider that there was sufficient evidence to refuse the application on the grounds of landscape and visual impact.

In response to questions regarding flooding the Professional Lead Development Management advised the Committee that the whole site was within the C2 flood zone and the update report shows pictures provided by the Town Council of a flooding event. However, the site is currently used for tourism and the proposed development does not in his opinion add to the current risk as there are no planning restrictions on seasonal use or the use of the site by caravans.

The Committee referred to a similar application, at a previous meeting, which was refused and it considered that the principles were the same.

Comments were made that providing hard standing pitches would not only formalise the site but would also increase the usage of the site and it was considered that this intensification was unacceptable in a C2 flood zone.

It was proposed and duly seconded that the development would lead to an increase in usage of the site and that it would have a negative effect on a greenfield site in the upper Wye Valley and the impact on the amenity of the area. In response the Solicitor advised that these issues are material considerations but stated that each application had to be considered on its own merits and that as this was an existing site, he did not consider that the impact on the visual amenity was very strong. The Professional Lead Development Management advised that the other application, to which members were referring, was different because there was already a planning condition limiting the occupancy and that the application was to extend the occupation period. The current application site has no occupancy restrictions. In respect of character and appearance he advised that this was a subjective issue but did not consider it sufficient to justify refusal.

Due to comments being made by the public the Chair adjourned the meeting to allow the Professional Lead Development Management to speak to the local representative, Town Council representative and the Agent and applicant. On resuming the meeting the Professional Lead Development Management advised that the site has a licence for operation during the period February – November. The Applicant had also advised that they were happy for a planning condition to restrict the occupancy of the site to those in the licence (February – November).

In response to comments regarding the intensification of the use of the site the Professional Lead Development Management advised that the argument put forward by the applicant is that the facilities on site were being improved and the use of the site would not be intensified. However, some members argued that by putting in hard standing the site could be occupied more frequently, resulting in an intensification of use.

It was proposed and duly seconded that to be consistent with a similar application which the Committee had recently refused on the grounds of intensification of use in a C2 flood zone, the application should be refused as it was a development in a C2 flood zone and in addition that there was a visual impact on the historical importance of the Wye Valley.

The Professional Lead Development Management advised that he was concerned about referring to a previous application as the reason for refusal. The Solicitor advised the Committee that costs could be awarded if it was deemed that it acted unreasonably. It was noted that the Committee had gone against NRW's views on a previous application but the Solicitor reminded the Committee it had to consider each application on its own merits.

<b>RESOLVED:</b>	<b>Reason for decision:</b>
<b>That contrary to officer's recommendation that the application be refused.</b>	<b>That notwithstanding the statements by Natural Resources Wales, the intensification of use in a C2 flood zone was unacceptable. The proposed development would also have an unacceptable visual impact.</b>

The Committee took a short break and on resuming County Councillor K Laurie-Parry was out the room.

4.3 P/2017/0530 Land West of the Street, Four Crosses, Powys, SY22 6RE

**Application No:** P/2017/0530

**Grid Ref:** 326880.85 31853303

**Valid Date:** 19/05/2017

**Officer:** Tamsin Law

**Community Council:** Llandysilio Community Council

**Applicant:** Mr Mervyn Jones

**Location:** Land West of the Street, Four Crosses, Powys SY22 6RE

**Proposal:** Outline: Residential development, formation of vehicular access and estate roadway together with all associated works

**Application Type:** Application for Outline Planning Permission

In response to questions the Principal Planning Officer advised that a response had been sought from the Education Department but none had been received. When considering a previous application the Education Department had advised, at that time, that there was spare capacity at the local school. However, the Committee noted the comments from the Community Council, that the school was using mobile classrooms. The Chair asked the Portfolio Holder for Education, who was in attendance at the meeting, to take up with the Education

Department the lack of responses to Development Management's requests for information.

The Professional Lead Development Management advised that if the Committee was minded to approve the application that it be delegated to the Professional Lead Development Management to obtain information from the Education Department as to the need for a financial contribution and secure a S106 agreement, as appropriate.

In response to comments regarding the availability of housing for local people the Principal Planning Officer advised that 20% of the dwellings would be affordable.

Comments were made that in the Local Development Plan 46 houses were considered as being sustainable growth for this area. However, 59 houses had recently received permission and it was considered that this development was not sustainable. The Professional Lead Development Management advised that this was an argument, however it should be noted that there are a large number of facilities in the area, but having said this, this is a borderline application given the number of dwellings previously approved at Four Crosses. In response to comments regarding the lack of a five year housing land supply the Professional Lead Development Management advised that this should be given considerable weight but developments also have to be sustainable and case law has supported the latter.

<b>RESOLVED:</b>	<b>Reason for decision:</b>
<b>that the application be refused.</b>	<b>That this is an unsustainable development.</b>

The Chair agreed to move the items on the Agenda to accommodate the speakers and members of the public.

4.7 P/2017/0874 Land adjacent to Derwen Talerddig Road, Llanerfyl, Powys SY21 0EG

**Application No:** P/2017/0874

**Grid Ref:** 303420.03 309647.81

**Valid Date:** 31/07/2017

**Officer:** Steve Packer

**Community Council:** Llanerfyl Community Council

**Applicant:** Mrs Sioned Roberts, Llangadfan Parc, Welshpool, Powys, SY21 0EG

**Location:** Land adjacent to Derwen Talerddig Road, Llanerfyl, Powys SY21 0EG

**Proposal:** Outline (with some matters reserved):

for erection of 7 no. detached dwellings with detached dwellings, formation of vehicular access, access road and all associated works (amended from 9 dwellings)

**Application Type:** Application for Outline Planning Permission

County Councillor M Alexander spoke as the local representative.  
Mr G Davies spoke as the Agent.

In response to comments the Principal Planning Officer advised that there was no significant impact on the Welsh language and that the numbers of people speaking Welsh in Llanerfyl was stable. This was a departure from the Unitary Development Plan and the lack of a five year housing land supply should be given significant consideration. Taking all the issues into account the officers were recommending approval.

It was noted that the development included a number of affordable houses and that the later was limited to 130 sq. metres.

<b>RESOLVED:</b>	<b>Reason for decision:</b>
<b>that the application be refused.</b>	<b>That the development is outside the Unitary Development Plan [UDP] boundary and that it is an unsustainable development.</b>

The Committee adjourned at 12.30 p.m. for lunch and reconvened at 1.05 p.m.

County Councillors K Laurie-Parry resumed her seat in the Committee and County Councillor L George arrived at the meeting.

4.4 P/2016/0819 Land opposite Kings Court, Presteigne, Powys, LD8 2AJ

**Application No:** P/2016/0819

**Grid Ref:** 332156.74 263845.56

**Valid Date:** 29/07/2016

**Officer:** Gemma Bufton

**Community Council:** Presteigne Town Council

**Applicant:** Micharon Homes Ltd, c/o Agent

**Location:** Land opposite Kings Court, Presteigne, Powys, LD8 2AJ

**Proposal:** Outline: Proposed residential development to include creation of new access



**Application Type:** Application for Outline Planning Permission

The Principal Planning Officer advised that if the Committee was minded to approve the application, officers were also recommending a condition restricting the affordable dwellings to a maximum floor area of 130 sq. metres and a condition removing permitted development rights, as contained in the Update report.

<b>RESOLVED:</b> that the application be granted consent, subject to the conditions set out in the Update report which is filed with the signed minutes.	<b>Reason for decision:</b> As officers recommendation as set out in the report which is filed with the signed minutes.
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County Councillor R Williams returned to the meeting.

4.5 P/2017/0201 Cae Llwyn Poultry, Nantmel, Rhayader, Powys, LD6 5PE

**Application No:** P/2017/0201

**Grid Ref:** 302253.35 266821.44

**Valid Date:** 20/02/2017

**Officer:** Thomas Goodman

**Community Council:** Nantmel Community Council

**Applicant:** Mr Steve Rowlands, Dan-y-Graig, Llanyre, Llandrindod Wells, Powys, LD6 5PE

**Location:** Cae Llwyn Poultry, Nantmel, Rhayader, Powys, LD6 5PE

**Proposal:** Full: Erection of an agricultural workers dwelling to include a garage, installation of sewage treatment plant and all associated works

**Application Type:** Application for Full Planning Permission

In response to questions the Principal Planning Officer advised that that condition 10 removes permitted development rights. The proposed development meets the required criteria for such dwellings under TAN 6. The Professional Lead Development Management advised that the applicant had proved that the business was profitable and can sustain the dwelling proposed.

Concerns were raised regarding the development in the C2 flood zone. The Principal Planning Officer advised that Natural Resources Wales [NRW] had advised that its modelling information was out of date and therefore required a

Flood Consequences Assessment. On reviewing this information NRW had not objected to the application subject to conditions.

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

4.6 P/2017/0815 Land off Old Market Meadows, Penybont, Llandrindodd Wells, Powys LD1 5US

<b>Application No:</b>	P/2017/0815
<b>Grid Ref:</b>	311728.83 263867.71
<b>Valid Date:</b>	13/07/2017
<b>Officer:</b>	Kevin Straw
<b>Community Council:</b>	Penybont Community Council
<b>Applicant</b>	Brightwells Ltd, 33 High Street, Builth Wells, Powys LD2 3DL
<b>Location:</b>	Land off Old Market Meadows, Penybont, Llandrindod Wells, Powys LD1 5US
<b>Proposal</b>	Outline: Residential development for up to 5 dwellings with garages, formation of access road and all associated works
<b>Application Type:</b>	Application for Outline Planning Permission

The Planning Officer advised that if the Committee was minded to approve the application, officers were also recommending a condition restricting the affordable dwellings to a maximum floor area of 130 sq. metres and a condition removing permitted development rights, as contained in the Update report.

The Committee noted that 12 houses had not been developed on an adjacent site. The Professional Lead Development Management advised that Development Management did not know why these had not been developed. He advised that this was a sustainable location due to the local facilities and its proximity to Crossgates. The Professional Lead Development Management advised that appeal decisions had to be considered and that where sites within 2 km of appropriate facilities can where appropriate be considered as sustainable.

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

<b>conditions set out in the Update report which is filed with the signed minutes.</b>	<b>with the signed minutes.</b>
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4.8 P/2017/0989 Land adjacent 14 - 19 Hafen Deg, Llanfair Caereinion, Welshpool, Powys SY21 ORU

**Application No:** P/2017/0989  
**Grid Ref:** 310567.13 306506.27  
**Valid Date:** 11/09/2017  
**Officer:** Sara Robinson  
**Community Council:** Llanfair Caereinion Community Council  
**Applicant:** Powys County Council  
**Location:** Land adjacent 14 – 19 Hafen Deg, Llanfair Caereinion, Welshpool, Powys SY21 ORU  
**Proposal:** Formation of a car parking area  
**Application Type:** Application for Full Planning Permission

<b>RESOLVED:</b> that the application be granted consent, subject to the conditions set out in the report which is filed with the signed minutes.	<b>Reason for decision:</b> As officers recommendation as set out in the report which is filed with the signed minutes.
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4.9 HEDG/2017/0005 Maes Garthbeibio, Foel, Welshpool, Powys, SY21 ONJ

**Application No:** HEDG/2017/0005  
**Grid Ref:** 298735.15 311392.74  
**Valid Date:** 13/09/2017  
**Officer:** Richard Edwards  
**Community Council:** Banwy Community Council  
**Applicant:** Powys County Council  
**Location:** Maes Garthbeibio, Foel, Welshpool, Powys, SY21 ONJ

**Proposal:** Application for Hedgerow Removal

**Application Type:** Application for Hedgerow Removal

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

<b>5. DECISIONS OF THE HEAD OF REGENERATION AND REGULATORY SERVICES ON DELEGATED APPLICATIONS</b>
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The Committee received for information a list of decisions made by the Head of Regeneration and Regulatory Services during the period between 18 October, 2017 and 9 November, 2017. The Committee noted that P/2017/0898 [page 231] had been considered by the Committee.

A question was raised regarding the advice given by Development Management to applicants regarding the provision of bilingual signage. The Professional Lead Development Management advised he would provide information direct to the Member.

<b>Taxi and other licensing</b>
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<b>6. MINUTES OF TAXI REVIEW PANELS</b>
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The Chair presiding at the Taxi Review Panel held on 15 August, 2017 was authorised to sign the minutes as a correct record.

The Committee noted the dates and times of future meetings.

**County Councillor D R Price (Chair)**

## Planning, Taxi Licensing and Rights of Way Committee Report

<b>Application No:</b>	RAD/2004/0572	<b>Grid Ref:</b>	329478.73 271872.05
<b>Community Council:</b>	Knighton C	<b>Valid Date:</b>	<b>Officer:</b> 24/11/2004 Steve Packer
<b>Applicant:</b>	Messrs RR Price & Son & c/o Llanshay Farm Llanshay Lane Knighton Powys LD7 1LW		
<b>Location:</b>	Land at Llanshay Farm, Knighton, Powys		
<b>Proposal:</b>	Outline: Amended application for residential development of 103 dwellings, vehicular access and associated engineering works (all matters reserved)		
<b>Application Type:</b>	Application for Outline Planning Permission		

## Update Report for Committee Meeting of 7<sup>th</sup> December 2017

### Addendum

#### The Status of the UDP

Many representations including one in this update are arguing for a refusal of this application on the grounds that the UDP is no longer a principal policy consideration and that it is the emerging LDP which should form the basis for a decision.

It is important to consider the relevant section of Planning Policy Wales in this respect:

*2.14.1 The weight to be attached to an **emerging LDP** (or revision) when determining planning applications will in general depend on the stage it has reached, but does not simply increase as the plan progresses towards adoption. When conducting the examination, the appointed Inspector is required to consider the soundness of the whole plan in the context of national policy and all other matters which are material to it. Consequently, policies could ultimately be amended or deleted from the plan even though they may not have been the subject of a representation at deposit stage (or be retained despite generating substantial objection). Certainty regarding the content of the plan will only be achieved when the Inspector delivers the binding report. Thus in considering what weight to give to the specific policies in an emerging LDP that apply to a particular proposal, local planning authorities will need to consider carefully the underlying evidence and background to the policies. National planning policy can also be a material consideration in these circumstances.*

The Legal advice in this respect is that the UDP remains the policy basis on which a decision should be made.

## Impact on the Historic Environment

The location of the submission has the potential to have an impact on the historic environment and, more particularly on the setting of an Historical Asset, namely the Grade 2 Llanshay Farmhouse and its associated buildings which sit above the application site and may at one time have been part of the Stanage Estate.

In May 2017 new guidance was published in the form of TAN 24-The Historic Environment and the associated publication 'Setting of Historic Assets in Wales' the latter providing detailed guidance on appraisal of impacts of developments on the setting of historic assets. These latest publications, therefore, now need to be taken account of in the decision making process.

'Setting of Historic Assets' makes particular mention of the setting of farm buildings in the following statement:

*'The setting of a historic asset can include physical elements of its surroundings. These may be boundary walls, adjacent fields or functional and physical relationships with other historic assets or natural features. For example, the setting of a listed farmhouse might be its physical agricultural surroundings.'*

The guidance goes on to suggest a 4 stage approach to assessment namely:

Stage 1-Identify the Historic Asset.

Stage 2-Define and analyse the Setting.

Stage 3-Evaluate the potential Impact of a proposed change or development.

Stage 4-If necessary consider options to mitigate or improve potential impact

Having identified the Building complex at Llanshay Farm as an Asset the following matters therefore need to be considered:

### The Setting

Llanshay Farm sits above the fields which it is proposed to develop with trees and hedgerows between it and the lower fields fronting onto the Ludlow road.

The situation is particular in that, given their elevation and form, the buildings could be seen as dominating the fields to the north.

However, the principal frontages are not overlooking the northern fields but are facing south. One reason for this could be the need to mitigate against the impact of northerly winds, although the original medieval building has seen much external alteration, and this must remain as conjecture.

In some instances and, in particular, the placing of a house in parkland deliberately designed to be complementary (as at Stanage) where the setting is part of a coherent concept or with a fortified site where the setting would have needed to be kept open to guard against surprise intrusion, the need to retain views towards and from an historic asset would argue strongly against any development in its setting. With the farmhouse effectively with its back to the land in question this is not the case here.

In addition, views from the public domain are limited given the particular characteristics of topography and intervening hedgerows and trees. In other words, the setting, such as it is, is not one that is readily available for appreciation. In the C20th significant changes in the landscape and the relationship of the Heritage Asset to the built form of the town occurred with the construction of housing in Farrington Lane and the estates and industrial units on the opposite side of Ludlow Road, effectively resulting in the holding becoming edge of settlement.

### The Potential Impact

The orientation of the Listed Building complex means that there will be little impact of the proposed development on the setting of the principal elevation of the farmhouse and on the farm yard and buildings to the south.

The land to the west of Llanshay Lane (Phase 1) which abuts existing residential development is at such an orientation and distance from the Listed Building as to mitigate against any significant impacts on its setting.

It is the lower fields to the north between the buildings and the Ludlow road (Phase2) where there will be most impact and it is here that the potential for harm needs to be assessed.

It is likely that the land has been in agricultural use since medieval times although, given the topography and the particular orientation of the farm buildings, it is possible that the fields may not always have been managed from the farmhouse. Whilst it could be argued that the lower fields are not an intrinsic part of the setting of the Listed Buildings there is no doubt that the development of a large number of dwellings with associated access roads, gardens and street lighting will have a significant effect on the area and the formation of a new access has the potential to open up views of the farmhouse to the public domain.

The question is, therefore, whether the fields which it is proposed to develop are such a significant part of the setting of the Historic Asset that the proposal will be harmful and therefore could lead to a recommendation of refusal.

In this instance, and in light of the additional guidance which has become available in 2017, it is further concluded here that, given the particular circumstances of topography, orientation and relationship to the town's built form, the setting of the Listed Buildings will not be unduly compromised by the proposed development.

### Mitigation of Potential Impact

The current guidance suggests ways in which developments can be integrated in such a way as to minimise any impacts on Heritage Assets including landscaping and layout design.

It is considered that opportunities would exist at reserved matters stage to assist in this respect.

### **Additional Representations**

A response has now been received from the Powys Schools Service. However this is based on an assumption of 20% rather than 30% affordable Housing and will require further discussion:

‘ A contribution is sought in respect of primary education only as there is sufficient surplus capacity at Newtown High School – John Beddoes Campus to accommodate any secondary aged pupils as a result of this development.

Primary aged pupils from this development would attend Knighton C in W Primary School and the school is seeing an increase in pupil numbers in the catchment area of the school, with the number on roll projected to increase from 240 in January 2017 to 276 by January 2022. The development of 103 houses would increase the pupil roll by between 15 and 20 pupils and it is projected that the development would place pressure on both classroom accommodation and associated ancillary facilities at the school.

The Schools Service would therefore wish to submit a S106 bid for funding of £233,165 to facilitate the removal of temporary accommodation at the school, replacing it with a permanent build. The Authority would also undertake a re-configuration of any un-used internal classroom bases and extend and refurbish the Reception/Office/Waiting Area. The methodology used to arrive at the figure of £233,165 is attached.'

Two additional responses have been received from local residents following notification of the date of Committee:

### **Response 1**

On your next planning committee agenda you will find an outline planning application (RAD1200410572) for the proposed residential development of 103 dwellings, vehicular access and associated engineering works, on land at Llanshay Farm, Knighton, Powys. As our local elected representatives, we write to you as long-term residents of Knighton that support the sustainable growth of the town, but object to the proposed development at Llanshay Farm for the reasons set out in this letter. The proponent initially lodged the Llanshay Farm outline planning application with Powys County Council on 24th November 2004.

That's not a typo! At the time of writing this letter, Powys County Council will have taken over 678 weeks or 4,748 days or exactly 13 years to get this far. And the application is still to be determined. When this planning application was lodged, Tony Blair was still at No.10 and the launch of the iPhone was still over two years away.

This half-baked and poorly conceived outline planning application for Llanshay Farm Lane has caused significant concern and stress to our neighbours and us over the past 13 years. So, it is with significant dismay and anxiety that we now learn that Council officers are recommending approval of this outline planning application.

At the time of writing, we have not seen the planning assessment report and the reasons for this decision are not clear. But, we again object to this planning application in the strongest terms and request that Powys County Council see common sense and reject this specious proposal outright

### **FOUR REASONS WHY YOU SHOULD REFUSE THIS OUTLINE PLANNING APPLICATION**

This letter summarises four main reasons why you should refuse the Llanshay Lane outline planning application (RAD1200410572). We ask that you please take the



time to read these reasons before considering the application and making your decision.

1. Inadequate proposal. Unresolved access. Poor design.

Considering it has taken 13 years for this outline planning application to get to the planning committee, you'd expect that the actual proposal itself would be well resolved and comprehensive. Unfortunately, this is far from the case and we believe you will be disappointed.

In general, the planning and design documentation supporting the Llanshay Lane planning application and made publicly available has been woefully inadequate. The level of information made available started off reasonably well in 2004, but over time has reduced markedly over the years to the point now where this just an exercise in land development speculation supported with an absolute minimum of information. The most recent outline planning application documentation submitted to Council in July 2017 amends the design and dwelling yield. The supporting planning statement waxes lyrical about the amended design and layout for the site is very poor and would deliver a substandard addition to Knighton's footprint, should it be approved. The lack of coherent and integrated information about the site, its context and impact/integration of the proposed development is astounding and is an indictment of the inadequacy of the outlie planning application process. Because of these inadequacies, we doubt that in your review of the proposal, you will not be provided with a good appreciation of what's really proposed and the real impacts it will have.

Achieving site access goes to the heart of the problems and inadequacies of the outline planning application on process. In the original planning application documentation for Llanshay Farm I Lane sites submitted to Council in November 2004 and the July 2015 documentation sought to resolve and not reserve 'site access'. This is understandable, as resolving adequate site access is absolutely critical in achieving any form of development on the Llanshay Farm I Lane sites.

By July 2017, resolving site access became too hard and the proponent has now chosen to 'reserve' site access, to be dealt with at full and detailed level. It appears that the proponent has been unable to adequately resolve highway layout and access issues with the Highway Authority and has instead chosen to not deal with the issue.

In any 'in principle' (and use decision, site access and connectivity are critical elements that needs to be addressed and resolved. Fundamentally, if there is no access, there is no development. If there is limited access, there may be limited development. How can Council make a significant land use decision on the strategic growth of Knighton without adequate information?

If the proponent has failed to adequately resolve site access issues with the Highway Authority between 2004 and 2015, how can reserving access for the later detailed application resolve this fundamental planning and development issue?

On such a critical issue as site access, we believe it would be irresponsible to 'approve in principle' development of the Llanshay Farm I Lane site for 103 dwellings, but with no means of achieving adequate road access or services infrastructure. Matters of design are almost irrelevant if site access is not resolved adequately.

2. Not consistent with the Powys Local Development Plan (LDP)

What's the point of developing a strong contemporary planning policy and land use strategy if you then ignore it?

Our submissions to the Draft Local Development Plan process have advocated that the growth and development strategy for Knighton should seek to spatially consolidate the urban footprint of the town as a more compact, walkable and sustainable community. We argued that to achieve this objective requires that future housing supply focus on the redevelopment of brownfield and other infill sites close to the town centre and not support the development of rural sites at the periphery of the town, such as Llanshay Lane.

The Draft LDP puts forward a more conservative growth and spatial development strategy for

Knighton that proposed the development of a smaller number of brownfield infill sites housing sites, located closer to the town centre and did not include the Llanshay Lane site as a housing development site.

The Powys Unitary Development Plan expired In 2016 and will soon be being replaced by the Powys LDP, which represents Council's contemporary thinking in respect of the spatial growth and development of Powys and the strategic planning policy framework needed to deliver it.

The Llanshay Lane outline planning application is dependent upon the UDP's outdated planning policies and demographics and not is consistent with the LDP's best practice planning.

Whilst it is acknowledged that the assessment of this outline planning application legally needs to take account of the UDP, it is clear that the Llanshay Farm proposal is completely inconsistent with the LDP's proposed spatial planning and growth framework for Knighton.

As the Llanshay Lane site is no longer identified as a housing growth opportunity for Knighton, Powys County Council should refuse the Llanshay Lane outline planning application on planning policy grounds, as it is fundamentally inconsistent with the Draft Powys LDP, which represents Council's forward planning strategy for to 2026.

Knighton — A declining and ageing population

In late 2004, when the Llanshay Lane planning application was lodged, Knighton's population was estimated to be 3,338 persons. Up from 3,043 persons in 2001, 2004/2005 has proven to be somewhat of a peak for Knighton's population and the current estimate is lower again at around 2,960 persons.

What the population and census statistics clearly demonstrate is that Knighton's population is both declining and aging. Statistics indicate that 24.1% of Knighton's population was over 65, which compares to a figure of approximately 18% for Wales. This is reflective of the ageing Powys demographic, where 13.5% of the population were aged 65 to 74, (Wales 10.7%); and 11.1% were aged 75 and over (Wales 8.8%).

The key to returning Knighton to sustainable population growth does not rely upon the supply of additional housing rests, but with local job creation instead. Additional housing only makes economic and strategic planning sense if there are sufficient local jobs available or projected to be created.

Knighton does not lie within an area planned for economic growth within the Spatial Plan for Wales and therefore it is unreasonable to expect there will be significant local job growth.

If Knighton's population is to grow in concert with new jobs, a preferred and more sustainable approach is to plan and design Knighton as a more compact and

walkable town. This approach would be characterised by new housing developed on sites close to and supporting the activity of the town centre and not sites in rural areas at the periphery of the town, like Llanshay Lane.

Demographics and planning strategy are strongly correlated. Knighton's declining and ageing population does not require additional allocations of land for housing and that Powys County Council's planning policy decision to not include the Llanshay Farm/Lane site and other sites was indeed warranted and the correct planning strategy.

#### 4. A common sense decision with Integrity

If you ignore the inordinate amount of time it has taken for this outline planning application to get this far, this proposal provides the committee and Powys County Council with the opportunity to reinforce the inherent strategy and integrity of our emerging planning framework, namely the Powys Local Development Plan. We believe this plan presents a well-founded strategic plan for the future planning of the County's urban and rural settlements.

The Llanshay Farm/Lane planning proposal represents the antithesis of the vision, objectives and sustainable growth policies of the Powys LDP. It's a poorly conceived speculative land development proposal, which we believe represents the 'last roll of the dice' for the proponent and is not worthy of support or approval in any form.

### **Response 2**

We are writing to oppose the above development.

- This is an extremely large number of houses to build in an area with little industry and this coincides with another development up for planning for forty three houses about four hundred yards away on the same stretch of road (Ludlow Road).
- The amount of daily traffic that uses Llanshay Lane does not seem to have been taken into account. As well as cars there are tractors and lorries having to access the various farms in the area and they would present a hazard having to drive through a housing estate. The roads would have to be wide as residents often have the habit of parking on the street rather than on their drives. In order to make sure that cars do not block the road the drives of the houses will need to be large enough to accommodate two vehicles, and of course this may not be sufficient as there may be several members in one house requiring the use of cars in order to travel to get to their place of work outside Knighton.
- The access to Ludlow Road would become very dangerous as potentially there could be well over three hundred and fifty cars, as well as the existing lorries and cars that feed into the Knighton Enterprise Park. This would be in addition to the current number of vehicles that exit from Fronhir and Pontfaen.
- The industries that are situated opposite the proposed access to the above development tend to operate lorries for the majority of their business. Clayton Engineering builds large tractors that are used for RNLI life boat launches. They are tested up Llanshay Lane and the equipment is tending to become larger rather than smaller.

- How many restrictions would be put on these industries, if a housing estate was built virtually opposite, rendering it difficult to function?
- **Industrial businesses should be a priority.** Knighton has lost a lot of businesses in recent years so this number of house is unwarranted.
- The local infrastructure would struggle to accommodate the increased number of inhabitants.
- The lack of maintenance of local streams has led to flooding problems down Pontfaen. Care would be needed when developing the field.
- Ludlow Road has had several traffic accidents, one of which involved the use of the air ambulance. Large numbers of parents and children crossing Ludlow Road to access the local primary school would be an accident waiting to happen.



**Habitats Regulations Assessment Screening Report**

<b>Natura 2000 Site for consideration</b>	River Wye (Code UK0012642)
<b>Plan or Project Name</b>	P/2017/0700 - Outline: Residential development, formation of vehicular access and infrastructure, and all associated works (some matters reserved) at Land on Brecon Road, Builth Wells, Powys, LD2 3DY.
<b><i>Brief description of project or plan</i></b>	
<p>The application site comprises 1 no. field parcel extending to 2.3. hectares, located at OS grid reference SO0423850319. The site lies to the south of the residential estate at Brecon Road named Hillview.</p> <p>The planning application is an outline application with only the means of access to the site considered at this stage, all other matters will be considered at the Reserved Matters stage.</p> <p>Details concerning layout, scale, appearance and landscaping will all be reserved for approval via any subsequent Reserved Matters application. Notwithstanding this, the illustrative layout submitted with the application shows a development of approximately 40 dwellings along with associated car parking and landscaping, with an indicative mix of development:</p> <ul style="list-style-type: none"><li>• 3 bed bungalow x 9</li><li>• 2 bed semi-detached house x 10</li><li>• 3 bed semi-detached house x 12</li><li>• 4 bed detached house x 5</li><li>• 5 bed detached house x 4</li></ul> <p>It has been identified that the above mix has been developed to provide a variety of house types and sizes and in direct response to localized market demand.</p>	
<b>Is the project or plan directly connected with or necessary to the management of the site?</b>	No
<b>Description of the Natura 2000 site:</b>	

The River Wye, on the border of England and Wales, is a large river representative of sub-type 2. It has a geologically mixed catchment, including shales and sandstones, and there is a clear transition between the upland reaches, with characteristic bryophyte-dominated vegetation, and the lower reaches, with extensive *Ranunculus* beds. There is a varied water-crowfoot *Ranunculus* flora; stream water-crowfoot *R. penicillatus* ssp. *pseudofluitans* is abundant, with other *Ranunculus* species – including the uncommon river water-crowfoot *R. fluitans* – found locally. Other species characteristic of sub-type 2 include flowering-rush *Butomus umbellatus*, lesser water-parsnip *Berula erecta* and curled pondweed *Potamogeton crispus*. There is an exceptional range of aquatic flora in the catchment including river jelly-lichen *Collema dichotum*. The river channel is largely unmodified and includes some excellent gorges, as well as significant areas of associated woodland.

The Annex I habitats that are a primary reason for selection of the site are:

- Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation

Annex I habitats present as a qualifying feature, but not a primary reason for selection of this site:

- Transition mires and quaking bogs

The Annex II species that are a primary reason for selection of this site are:

- White-clawed (or Atlantic stream) crayfish
- Sea lamprey
- Brook lamprey
- River lamprey
- Twaite shad
- Atlantic salmon
- Bullhead
- Otter

Annex II species present as a qualifying feature, but not a primary reason for site selection:

- Allis shad

**Vulnerability:**

- Water quality impacts arising from changing agricultural land-use within the catchment are having direct and indirect effects on the SAC interests through effects of diffuse pollution such as nutrient run-off and increased siltation. The Countryside Council for Wales and Natural England are seeking to address such issues through improved targeting of existing and new agri-environment schemes and through improvements in compliance with agricultural Codes of Practice.
- Water quality is also affected by synthetic pyrethroid sheep-dips and by point-source discharges within the catchment. The impact of sewage treatment works on the SAC is being addressed through the Asset Management Plan process and review under the Habitats Regulations. Loss of riparian habitat is occurring as a result of changes in agricultural land-use practices and other factors, including riverside development and the loss of alder tree-cover through disease. These impacts and concerns over water quality will be identified and actions recommended within the joint The Countryside Council for Wales/Natural England Environment Agency conservation strategy for the river.
- Fishing activities are implicated in the decline of the salmon; initiatives such as the Wye Salmon Action Plan will help to address this issue.
- There is increasing demand for abstraction from the river for agriculture and potable water. The impact of this is still being investigated by the Environment Agency, but maintenance of water levels and flow will be addressed under the review of consents under the Habitats Regulations.
- Demand for increased recreational activities is a source of potential concern for the future. Regularisation of the functions of the competent authorities, currently being sought, should reduce the risk of damage to the SAC as a result of developments for such activities.
- Fish stocking can adversely affect population dynamics through competition, predation and alteration of population genetics and introduction of disease.
- Acoustic barriers (noise/vibration) – Shad and salmon can be affected by acoustic barriers and by high sediment loads, which can originate from a number of sources including construction works (piling, drilling)
- Artificial barriers restricting migration of allis and twaite shad.

### Assessment Criteria

*Describe the individual elements of the project (either alone or in combination with other plans or projects) likely to give rise to impacts on the European Site.*

Construction activities at the site have potential to result in the release of materials which could result in pollution of the River Wye SAC.

Waste water generated by the proposed development if improperly managed could result in an impact to water quality of the River Wye SAC.

Increased levels of activity of at the site have potential to disturb mobile species for which the River Wye is designated e.g. Otter.

*Describe any likely direct, indirect or secondary impacts of the project (either alone or in combination with other plans or projects) on the Natura 2000 site by virtue of:*

- Size and scale

The planning application is an outline application with only the means of access to the site considered at this stage, all other matters will be considered at the Reserved Matters stage.

Details concerning layout, scale, appearance and landscaping will all be reserved for approval via any subsequent Reserved Matters application. Notwithstanding this, the illustrative




	<p>layout submitted with the application shows a development of approximately 40 dwellings along with associated car parking and landscaping, with an indicative mix of development:</p> <ul style="list-style-type: none"> <li>• 3 bed bungalow x 9</li> <li>• 2 bed semi-detached house x 10</li> <li>• 3 bed semi-detached house x 12</li> <li>• 4 bed detached house x 5</li> <li>• 5 bed detached house x 4</li> </ul> <p>The application site comprises 1 no. field parcel extending to 2.3. hectares, located at OS grid reference SO0423850319.</p>
<ul style="list-style-type: none"> <li>• Land-take</li> </ul>	<p>No land take is required from the River Wye SAC.</p>
<ul style="list-style-type: none"> <li>• Distance from the Natura 2000 site or key features of the site</li> </ul>	<p>The proposed works are located approximately 796m from the River Wye SAC. The eastern boundary of the field proposed for development is formed by the Gloew Brook (approximately 125m east of the proposed works) which is a tributary of the River Wye SAC.</p> <p>A Preliminary Ecological Assessment of the site was undertaken by Turnstone Ecology Ltd in March 2014 and April 2016, no evidence of otter was found during the survey, the brook was considered unlikely to be suitable for foraging but could be used during movements between optimal breeding and foraging habitats. The habitats directly affected by the proposed development are not considered suitable to support mobile features of the River Wye SAC e.g. Otter.</p>
<ul style="list-style-type: none"> <li>• Resource requirements</li> </ul>	<p>There will be no resources taken from the River Wye SAC.</p>
<ul style="list-style-type: none"> <li>• Emissions (disposal to land, water, air)</li> </ul>	<p>Construction activities have the potential to release materials that if not properly managed could enter the River Wye SAC including sediments and fuel from machinery used.</p> <p>A Drainage Strategy Report by CB3 Consult Ltd dated 14/08/2017 has been submitted with the application. This report identifies the proposed drainage strategy for the development as:</p> <p>Foul drainage – An onsite foul pumping station will be required. A gravity foul drainage network in the adoptable estate road which will drain to the new pumping station, which will then pump to the public sewer.</p> <p>Surface water – soakaway tests undertaken in June 2017 indicated that ground conditions at the site generally will support infiltration methods of disposal of surface water from the proposed development. The surface water drainage strategy presented in the Drainage Strategy Report is therefore private plot infiltration, and an attenuated highway drainage outfall to the Gloew Brook – this arrangement is one option of several to illustrate viability for development of the site.</p> <p>A surface water removal scheme has been identified to enable capacity in the local DCWW infrastructure. The scheme has</p>

	been approved in principle by DCWW for the purposes of planning, and scheme details will be provided as part of information to clear drainage-related planning conditions.
<ul style="list-style-type: none"> <li>Excavation requirements</li> </ul>	<p>There will be no excavation requirements within the River Wye SAC.</p> <p>There will be excavations requirements in relation to the proposed development. These works will be located approximately 796m from the River Wye SAC. The eastern boundary of the field proposed for development is formed by the Gloew Brook (approximately 125m east of the proposed works) which is a tributary of the River Wye SAC.</p>
<ul style="list-style-type: none"> <li>Transportation requirements</li> </ul>	There will be no transportation requirements from the River Wye SAC.
<ul style="list-style-type: none"> <li>Duration of construction, operation etc.</li> </ul>	<p>Construction is likely to commence once Reserved Matters have been approved and following discharge of any pre-commencement planning conditions.</p> <p>It is anticipated that operation of the development will continue for the lifetime of the site.</p>
<ul style="list-style-type: none"> <li>Other</li> </ul>	N/A.
<i>Describe any likely changes to the site arising as a result of:</i>	
<ul style="list-style-type: none"> <li>Reduction of habitat area</li> </ul>	<b>The proposed development will not result in a reduction in the habitat area of the River Wye SAC</b>
<ul style="list-style-type: none"> <li>Disturbance to key species</li> </ul>	<p>The proposed development is located approximately 796m from the River Wye SAC. The eastern boundary of the field proposed for development is formed by the Gloew Brook (approximately 125m east of the proposed works) which is a tributary of the River Wye SAC.</p> <p>A Preliminary Ecological Assessment of the site was undertaken by Turnstone Ecology Ltd in March 2014 and April 2016, no evidence of otter was found during the survey, the brook was considered unlikely to be suitable for foraging but could be used during movements between optimal breeding and foraging habitats. The habitats directly affected by the proposed development are not considered suitable to support mobile features of the River Wye SAC e.g. Otter.</p> <p><b>It is therefore considered that the proposed development would not result in significant negative impacts through disturbance to key species for the River Wye SAC.</b></p>
<ul style="list-style-type: none"> <li>Habitat or species fragmentation</li> </ul>	<p>The proposed development is located approximately 796m from the River Wye SAC. The eastern boundary of the field proposed for development is formed by the Gloew Brook (approximately 125m east of the proposed works) which is a tributary of the River Wye SAC.</p> <p>A Preliminary Ecological Assessment of the site was</p>

	<p>undertaken by Turnstone Ecology Ltd in March 2014 and April 2016, no evidence of otter was found during the survey, the brook was considered unlikely to be suitable for foraging but could be used during movements between optimal breeding and foraging habitats. The habitats directly affected by the proposed development are not considered suitable to support mobile features of the River Wye SAC e.g. Otter.</p> <p><b>It is therefore considered that the proposed development would not result in significant negative impacts through habitat or species fragmentation in relation to key habitats and species for the River Wye SAC.</b></p>
<ul style="list-style-type: none"> <li>• Reduction in species density</li> </ul>	<p>The proposed development is located approximately 796m from the River Wye SAC. The eastern boundary of the field proposed for development is formed by the Gloew Brook (approximately 125m east of the proposed works) which is a tributary of the River Wye SAC.</p> <p>A Preliminary Ecological Assessment of the site was undertaken by Turnstone Ecology Ltd in March 2014 and April 2016, no evidence of otter was found during the survey, the brook was considered unlikely to be suitable for foraging but could be used during movements between optimal breeding and foraging habitats. The habitats directly affected by the proposed development are not considered suitable to support mobile features of the River Wye SAC e.g. Otter.</p> <p><b>It is therefore considered that the proposed development would not result in significant negative impacts through reduction in density of key species for the River Wye SAC.</b></p>
<ul style="list-style-type: none"> <li>• Changes in key indicators of conservation value (water quality etc.)</li> </ul>	<p>The proposed development is located approximately 796m from the River Wye SAC.</p> <p>The following information has been provided as part of the application as mitigation in relation to the proposed development:</p> <p>A Preliminary Ecological Assessment of the site was undertaken by Turnstone Ecology Ltd in March 2014 and April 2016, the recommendations included within this report include recommendations regarding protection of the watercourse during construction phase of the development.</p> <p>A detailed Pollution Prevention Plan produced by CB3 Consult dated 06/10/2017 has been submitted with the application. The measures identified in the submitted pollution prevention plan are considered to be appropriate, acceptable and in line with national guidance on this matter.</p> <p>A Drainage Strategy Report by CB3 Consult Ltd dated 14/08/2017 has been submitted with the application. This report identifies the proposed drainage strategy for the development as:</p> <p>Foul drainage – An onsite foul pumping station will be required. A gravity foul drainage network in the adoptable</p>

	<p>estate road which will drain to the new pumping station, which will then pump to the public sewer.</p> <p>Surface water – soakaway tests undertaken in June 2017 indicated that ground conditions at the site generally will support infiltration methods of disposal of surface water from the proposed development. The surface water drainage strategy presented in the Drainage Strategy Report is therefore private plot infiltration, and an attenuated highway drainage outfall to the Gloew Brook – this arrangement is one option of several to illustrate viability for development of the site.</p> <p>A surface water removal scheme has been identified to enable capacity in the local DCWW infrastructure. The scheme has been approved in principle by DCWW for the purposes of planning, and scheme details will be provided as part of information to clear drainage-related planning conditions.</p> <p><b>It is therefore considered that the development will not result in significant negative impacts to key indicators i.e. water quality of the River Wye SAC.</b></p>
<ul style="list-style-type: none"> <li>• Climate change</li> </ul>	<p><b>No changes to the River Wye SAC are considered likely from the proposed development as a result of climate change.</b></p>
<p><i>Describe any likely impacts on the European Site as a whole in terms of:</i></p>	
<ul style="list-style-type: none"> <li>• Interference with the key relationships that define the structure of the site</li> </ul>	<p><b>No impacts considered likely.</b></p>
<ul style="list-style-type: none"> <li>• Interference with key relationships that define the function of the site</li> </ul>	<p><b>No impacts considered likely.</b></p>
<p><i>Indicate the significance as a result of the identification of impacts set out above in terms of:</i></p>	
<ul style="list-style-type: none"> <li>• Loss</li> </ul>	<p><b>Not Significant</b></p>
<ul style="list-style-type: none"> <li>• Fragmentation</li> </ul>	<p><b>Not Significant</b></p>
<ul style="list-style-type: none"> <li>• Disruption</li> </ul>	<p><b>Not Significant</b></p>
<ul style="list-style-type: none"> <li>• Disturbance</li> </ul>	<p><b>Not Significant</b></p>
<ul style="list-style-type: none"> <li>• Change to key elements of the site</li> </ul>	<p><b>Not Significant</b></p>
<p><i>Describe from the above those elements of the project or plan, or combination of elements, where the above impacts are likely to be significant or where the scale or magnitude of impacts is not known.</i></p>	
<p><b><i>Having reviewed the information submitted regarding the proposed development and measures that will be implemented to prevent potential impacts to the River Wye SAC and its associated features it is considered that the proposed development would not be likely to result in a significant negative impact to the River Wye SAC either alone or in combination with other plans or projects.</i></b></p>	

<i>Outcome of screening stage (delete as appropriate)</i>	<b>Not Likely to be Significant Effects</b>
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	<b>Author</b>
<i>Name</i>	<b>Rachel Probert</b>
<i>Organisation</i>	<b>Powys County Council</b>
<i>Date</i>	<b>04/12/2017</b>
<i>Signature</i>	

## **Representations**

An additional representation has been received since the application was published and it appended to this report.

## **Officer Appraisal**

### River Wye SAC

The additional comments received from Ecology confirm the stance set by Natural Resources Wales that the development will not have a likely significant effect on the River Wye SAC. As such the application fundamentally complies with the relevant policies within the Powys UDP, TAN5 and Planning Policy Wales.

### Third Party Representation

The additional comments received raise concerns regarding neighbour amenity, biodiversity, highway safety, trees and the principle of development. These issues have all been covered in the original report.

### Agricultural Land Classification

New agricultural land classification predictions were released by Welsh Government on the 26<sup>th</sup> November 2017. This classified the land of the application as grade 3b and 4 and therefore is not classified as the best and most versatile agricultural land. As such, it is considered that the loss of this land for residential development would not be contrary to policy ENV1, Planning Policy Wales or Technical Advice Note 6,

## **RECOMMENDATION**

Although it is noted that the proposed development is a departure from the adopted development plan, considerable weight must be given to the need to increase housing land supply. The proposed development is for the provision of 40 dwellings in a sustainable location. It 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. Consideration has been given to all material planning matters and it is

considered that all issues can be adequately dealt with through the imposition of conditions or through planning obligations.

The recommendation is one of conditional approval subject to a Section 106 agreement to secure amenity space provision within the application site in accordance with fields in trust standards within 3 months from date of the committee meeting. If an agreement is not signed within the specified time period, it is recommended that delegation be given to the Lead Professional for Development Management to determine the application.

## **Conditions**

1. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. Prior to commencement of development the development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of TAN 2 or any future guidance that replaces it. The scheme shall include:
  - i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 30% of housing units/bed spaces;
  - ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
  - iii) the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing (if no RSL involved)];
  - iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
  - v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
5. The affordable dwelling/s 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.

6. No development shall commence until a scheme for the reduction of the speed of traffic travelling past the new access has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in strict accordance with the approved scheme.
7. Prior to any works being commenced on the site the applicant shall submit and have approved in writing by the local planning authority full engineering details for the new footway along the B4520 which shall link into the existing footway at the Hill View estate to the north of the site.
8. Prior to the occupation of any dwelling the footway, referred to above, shall be fully completed to the written approval of the local planning authority and retained for as long as the development hereby permitted remains in existence
9. The gradient from the back of the footway/verge to the vehicle parking areas shall be constructed so as not to exceed 1 in 15 and shall be retained at this gradient for as long as the dwellings remain in existence.
10. No other development shall commence until provision within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area has been completed. This parking and turning area shall be constructed to a depth of 0.300 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.
11. The centre line radii of all curves on the proposed estate road shall be not less than 20 metres.
12. The gradient of the access road shall be constructed so as not to exceed 1 in 30 for the first 10 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.
13. No building shall be occupied before the estate road carriageway and one footway shall be constructed to and including binder course level to an adoptable standard including the provision of any salt bins, surface water drainage and street lighting in front of that building and to the junction with the county highway.
14. The estate road carriageway and all footways shall be fully completed, in accordance with the details to be agreed in writing by the Local Planning Authority, upon the issuing of the Building Regulations Completion Certificate for the last house or within two years from the commencement of the development, whichever is the sooner. The agreed standard of completion shall be maintained for as long as the development remains in existence.
15. No other development shall commence until the access has been 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 0.26 metres above ground level at the edge of the adjoining carriageway and 77 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.

16. Before any other development is commenced 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 10 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.

17. Prior to the occupation of the any dwelling, provision shall be made within the curtilage of the site for the parking of not less than one car per bedroom to a maximum of three spaces excluding any garage space provided. The parking areas shall be retained for their designated use in perpetuity.

18. The width of the access carriageway, constructed as Condition 16 above, shall be not less than 5.5 metres and shall be maintained at this width for as long as the development remains in existence.

19. Prior to the beneficial use of the new access any existing means of access shall be stopped up, in materials to be agreed in writing by the Local Planning Authority and this shall be retained for as long as the development is in existence.

20. Upon formation of the visibility splays as detailed in 15 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.

21. The area of each private drive and any turning area is to be metalled and surfaced in bituminous macadam, concrete or block pavements, prior to the occupation of that dwelling and retained for as long as the development remains in existence.

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

23. No development shall commence on site until a comprehensive surface water strategy has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the removal of existing surface water from the offsite public sewerage network as outlined in the Drainage Strategy Report ref C915. No dwellings shall be occupied until the agreed scheme has been completed.

24. Prior to the commencement of development a Construction Method Statement shall be submitted to and agreed in writing by the Local Planning Authority in respect of the control of noise and dust during the landscaping and construction phases.

25. All works and ancillary operations which are audible at the site boundary shall be carried out only between the following hours:

0800 - 1800 hrs Monday to Friday

0800 – 1300 hrs Saturday

At no time on Sunday and Bank Holidays



Deliveries to and removal of plant, equipment, machinery and waste, including soil, from the site must also only take place within the permitted hours detailed above.

26. Prior to the commencement of development an external lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

27. No development or site clearance shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.

28. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

29. Prior to the commencement of development a method statement for the mitigation measures identified within Section 4. of the Preliminary Ecological Assessment Report shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in strict accordance with the approved details.

30. No development shall take place, nor any site clearance, until there has been submitted to and approved in writing by the local planning authority details of a scheme for the protection of trees and hedgerows shown to be retained on the drawing entitled 'Illustrative Layout Only'. The approved scheme shall be carried out throughout the course of the development and shall include:

a) a plan showing the position of every tree and hedgerow on the site and on land adjacent to the site (including street trees) that could influence or be affected by the development, indicating which trees are to be removed;

b) and in relation to every tree identified a schedule listing:

- information as specified in paragraph 4.4.2.5 of British Standard BS5837:2012 - Trees in Relation to Design, Demolition and Construction - Recommendations;

- any proposed pruning, felling or other work;

c) and in relation to every existing tree identified to be retained on the plan referred to in (a) above, details of:

- any proposed alterations to existing ground levels, and of the position of any proposed excavation, that might affect the root protection area;

- all appropriate tree and hedgerow protection measures required before and during the course of development (in accordance with BS5837:2012).

d) areas of existing landscaping to be protected from construction operations and the method of protection.

31. The works at the site must be undertaken in accordance with the Pollution Prevention Plan (Pollution Prevention Plan, CB3 Consult, Ref. C914/PPP dated October 2017).

## Reasons

1. To enable the Local Planning Authority to exercise proper control over the development in accordance with Section 92 of the Town and Country Planning Act 1990.
2. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
3. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
4. To ensure that a proportion of affordable housing is sought in accordance with Policy HP7 of the Powys Unitary Development Plan (2010).
5. To ensure that a proportion of affordable housing is sought in accordance with Policy HP7 of the Powys Unitary Development Plan (2010)
6. In the interest of highway safety in accordance with policy GP4 of the Powys Unitary Development Plan (2010) and Technical Advice Note 18: Transport (2007).
7. In the interest of highway safety in accordance with policy GP4 of the Powys Unitary Development Plan (2010) and Technical Advice Note 18: Transport (2007).
8. In the interest of highway safety in accordance with policy GP4 of the Powys Unitary Development Plan (2010) and Technical Advice Note 18: Transport (2007).
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15. In the interest of highway safety in accordance with policy GP4 of the Powys Unitary Development Plan (2010) and Technical Advice Note 18: Transport (2007).
16. In the interest of highway safety in accordance with policy GP4 of the Powys Unitary Development Plan (2010) and Technical Advice Note 18: Transport (2007).
17. In the interest of highway safety in accordance with policy GP4 of the Powys Unitary Development Plan (2010) and Technical Advice Note 18: Transport (2007).
18. In the interest of highway safety in accordance with policy GP4 of the Powys Unitary Development Plan (2010) and Technical Advice Note 18: Transport (2007).
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20. In the interest of highway safety in accordance with policy GP4 of the Powys Unitary Development Plan (2010) and Technical Advice Note 18: Transport (2007).
21. In the interest of highway safety in accordance with policy GP4 of the Powys Unitary Development Plan (2010) and Technical Advice Note 18: Transport (2007).
22. In the interest of highway safety in accordance with policy GP4 of the Powys Unitary Development Plan (2010) and Technical Advice Note 18: Transport (2007).
23. To ensure that the proposed drainage systems for the site are fully compliant with regulations and are of robust design in accordance with UDP Policy DC13.
24. In order to protect the amenity of neighbouring properties during construction in accordance with UDP policy GP1.
25. In order to protect the amenity of neighbouring properties during construction in accordance with UDP policy GP1.

26. To ensure that any external lighting does not impact on any protected biodiversity features in accordance with TAN5 and UDP policies ENV4, ENV5, ENV6 and ENV7.
27. To comply with Powys County Council's UDP Policies SP3, ENV2, ENV3, ENV4, ENV5, ENV6 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.
28. To comply with Powys County Council's UDP Policies SP3, ENV2, ENV3, ENV4, ENV5, ENV6 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.
29. To comply with Powys County Council's UDP Policies SP3, ENV2, ENV3, ENV4, ENV5, ENV6 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.
30. To ensure that trees and hedgerows are protected and retained during the construction of the site in accordance with policy ENV8 of the Powys Unitary Development Plan (2010) and Technical Advice Note 10: Tree Preservation Orders (1997).
31. To comply with Powys County Council's UDP Policies SP3, ENV2, ENV3, ENV4, ENV5, ENV6 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.

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

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5 Hill View  
Brecon Road,  
Builth Wells, Powys. LD2 3DY

04.12.2017

County Planning, Taxi Licensing  
and Rights of Way Committee  
The Council Chamber of County Hall  
Landrindod Wells  
Powys  
LD1 5LG

Dear Sirs,

**Re: Outline Planning Application P/2017/0700**  
**Proposed Development at Land on Brecon Road, Builth Wells. LD2 3DT**  
**by Mr. and Mrs. J. G. Evans**  
**Architects – Hughes Architects (Mr. Doug Hughes)**

I refer to the above proposed planning application and my previous letters of objection dated 11<sup>th</sup> April, 21<sup>st</sup> August and 5<sup>th</sup> September 2017 and would now like to address my serious concerns directly to the Committee today. Unfortunately it is not possible for me to attend personally but I feel so strongly about the proposed development that I feel I must write again.

I am very worried about the safety of the public and the amount of traffic this site would generate on the Brecon Road. Tests have proved that traffic travels at speeds over the existing speed limits and with two already existing junctions close together, one at Hill View and the other nearby at Pen y Bryn, with any additional junctions and increase in traffic this would make Brecon Road very dangerous. There is also the existing bottle neck at the bottom of the hill by Plough Corner. Lorries back and forth to the Co-op, farm vehicles to the Cattle Market and the thought of more heavy lorries to a building site would cause serious problems. May I remind you there is only one narrow pavement here which makes it dangerous for pedestrians, prams and wheelchair users already.

Regarding the site itself, the plans show a number of trees to be planted which will eventually grow to a great height overshadowing the bungalows on Hill View and blocking out sun and daylight. The bungalows on Hill View were built and designed with the lounge at the back to take full advantage of the south facing aspect.

There is also a hedge shown on the plans to run parallel with Hill View. This may seem a good idea in principle but who is to maintain the hedge?

I should also like to draw your attention to the fact that Hill View is, all but for two properties, bungalows and bungalows abutt the field in question. To think about building houses with up to five bedrooms, which will be quite large presumably, will overshadow the existing development on Hill View. The site is steep and any houses built would be on top of the hillside, again overshadowing the bungalows below.

The development of the new site would cause an immense amount of noise, dust and distruption for all the residents on Hill View which could go on for years to come which is a very worrying prospect.

As I have emphasised before, there are a number of sites available in Builth Wells that already have planning permission. There are also green fields within the bounday which could offer better facilities being closer to the town centre and more level for developing. The Government are also currently talking about land with planning approval that is not being built on and the laws could probably change in the near future regarding those sites.

I am also concerned about the oak trees being some 150 years old and the wildlife in general and distruption of their habitats.

I trust every consideration will be made to my objections to Outline Planning Approval being given to the land adjacent Hill View and how this will affect the decision made regarding the Local Development Plan for now and the future.

Yours faithfully,

Susan E. Straw (Mrs.)



Consultation response received 05/12/2017:

Please find attached a spreadsheet which provides 2 sets of data in respect of Newbridge C in W School.

The first sheet (Primary) is the data in relation to the School for the last Census date January 2017, this shows in cell G9 that the school has a calculated capacity of 107, with actual pupil numbers on roll of 111 shown in Cell F9, which gives a school that is already oversubscribed by 4 places.

The second sheet (Primary Projections) provides out estimates of the future pupil numbers at the school based on our statistical analysis, using live birth data and other school choice trends. This sheet shows that based on the current projections we are expecting the demand for places at the school to continue at a level over and above the capacity of the school.

The answer to your last question is that for the Primary Sector of 7 year groups (Reception to Year 6) we expect that we have a primary aged pupil for every four to five dwellings therefore for a development of 19 houses we would expect between 4 and 5 primary aged pupils from this size of development.

Projections of Primary Pupil Numbers 2018-2022									
LA No:	666								
LA Name:	Powys								
School number	School Name	Projected NOR for Jan 17 as reported in Jan 16	Actual NOR at 10 Jan 2017	%age variance	Projected NOR at Jan 2018	Projected NOR at Jan 2019	Projected NOR at Jan 2020	Projected NOR at Jan 2021	Projected NOR at Jan 2022
3031	New bridge-on-Wye C. in W.	106	111	4.6%	117	125	126	130	129

## Representations

An additional objection has been received which in summary raises the following concerns:

- Increase in traffic
- Impact on the landscape
- Presence of Red Kites within the area

## Principal Planning Policies

### National planning policy

Planning Policy Wales (Edition 9, November 2016)

Technical Advice Note 1 – Joint Housing Land Availability Studies (2015)

Technical Advice Note 2 – Planning and Affordable Housing (2006)

Technical Advice Note 5 – Nature Conservation and Planning (2009)

Technical Advice Note 6 – Planning for Sustainable Rural Communities (2010)

Technical Advice Note 12 – Design (2016)

Technical Advice Note 15: Development and Flood Risk (2004)

Technical Advice Note 18 – Transport (2007)



Technical Advice Note 23 – Economic Development (2014)  
Technical Advice Note 24: The Historic Environment (2017)

### Local planning policies

Powys Unitary Development Plan (2010)

SP2 – Strategic Settlement Hierarchy  
SP3 – Natural, Historic and Built Heritage  
SP5 – Housing Developments  
GP1 – Development Control  
GP2 – Planning Obligations  
GP3 – Design and Energy Conservation  
GP4 – Highway and Parking Requirements  
GP5 – Welsh Language and Culture  
ENV1 – Agricultural Land  
ENV2 – Safeguarding the Landscape  
ENV3 - Safeguarding Biodiversity and Natural Habitats  
ENV7 – Protected Species  
ENV17 – Ancient Monuments and Archaeological Sites  
ENV19 – Amenity Open Spaces  
HP3 – Housing Land Availability  
HP4 – Settlement Development Boundaries and Capacities  
HP5 – Residential Developments  
HP6 – Dwellings in the Open Countryside  
HP8 – Affordable Housing Adjoining Settlements with Development Boundaries  
HP10 – Affordability Criteria  
DC8 – Public Water Supply  
DC9 – Protection of Water Resources  
DC10 – Mains Sewage Treatment  
DC13 – Surface Water Drainage  
TR2 – Tourist Attractions  
RL6 - Rights of Way and Access to the Countryside

Powys Residential Design Guide (October 2004)

RDG=Powys Residential Design Guide NAW=National Assembly for Wales TAN= Technical Advice Note  
UDP=Powys Unitary Development Plan, MIPPS=Ministerial Interim Planning Policy Statement

### **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.

### Schools Services

Powys County Council's School Services have been consulted on the proposed development and have stated that a financial contribution is sought in respect of primary education only. The School Services team has stated that there is sufficient capacity at Builth Wells High School to accommodate any secondary aged pupils as a result of this development. However, a development of this size is projected to generate 4 additional primary aged pupils. The School Services have acknowledged that the Authority is seeing an increase in pupil numbers in the catchment area of Newbridge on Wye and currently three year groups (Years 1, 3 and 5) are over the admission number of 17 as a result a number of admission appeals have taken place.

The Schools Service team have therefore asked that a S106 agreement is sought for funding of £42,138 towards primary school provision at Newbridge-on-Wye Primary School in respect of this development.

Justification has been provided by the School Services team that provides Census data from January 2017 showing that the school (Newbridge on Wye – Primary School) has a capacity of 107 and currently has 111 pupils which means that at present the school is oversubscribed. They have also provided estimates of the future pupil numbers at the school based on statistical analysis and live birth data. This data shows that there will be a demand at a level over and above the capacity for places at the school. It is noted that for a development of this size in this location the School Services team would expect 4 and 5 primary aged pupils.

In light of the above it is therefore considered that a S106 agreement will be required in order to secure the financial contribution towards the school.

#### Agricultural Land

Policy ENV1 states that when considering proposals for development, the best and most versatile agricultural land will be safeguarded wherever possible. It may be appropriate to safeguard lower quality agricultural land in situations where such land is of particular value to agriculture within the locality. The land classification is a mix of urban towards the north of the site and 3b which is classed as moderate quality agricultural land. It is therefore considered that the proposed development is not located on the best and most versatile agricultural land and therefore complies with policy ENV1 of the Powys Unitary Development Plan (2010).

#### Concerns raised by members of the public

Highway Safety - Concerns have again been raised in relation to the increase in traffic numbers within the area caused from the proposed development. Highway safety was considered in detail within the original report and focused on the speed restrictions within the locality as well as the visibility splays and the creation of an appropriate access. Powys County Council Highway Authority and the Welsh Government Trunk Road Agency were consulted and have confirmed that the proposed development would not have a detrimental impact upon the highway safety and therefore complies with Policy GP4 of the Powys UDP.

Impact on Landscape – Concerns were raised in relation to the impact the proposed development will have on the character and appearance of the surrounding area. As mentioned within the original report UDP policy HP5 (Residential Development) indicates that

development proposals will only be permitted where the scale, form and appearance of the development generally reflects the character and appearance of the existing settlement.

The site slopes gently upwards to the north of the site away from the dwelling known as Dolithon towards the settlement development boundary of Newbridge on Wye. The indicative site layout details a cul-de-sac formation which is consistent with the surrounding built form and development within the wider settlement.

Although Officers acknowledge that matters relating to appearance, layout and scale have been reserved for future consideration, on the basis of the plans provided, detailing a mix of dwelling types and sizes, it is considered that the application site is capable of accommodating 19 dwellings without unacceptably adversely affecting the character and appearance of the area compliant with UDP policies SP5, GP1, GP3, ENV2 and HP5.

Red Kites – Concerns have been raised by an objector about Red Kites located within the surrounding area, although no comments have been received about the Red Kites being present at the site. Policies ENV3 and ENV7 of the Powys Unitary Development Plan (2010) seek to safeguard and wherever possible enhance the habitats of protected species. This is further emphasised within Technical Advice Note (TAN) 5. Careful consideration has been taken by NRW and Powys County Council's Ecologist with regards to the impact the proposed development would have on protected species. NRW and the Ecologists have stated that the proposed development would not have a detrimental impact upon protected species and biodiversity in the vicinity subject to the attachment of appropriately worded conditions.

The proposed development therefore complies with policies ENV3 and ENV7 of the Powys UDP and TAN 5.

### Other Legislative Considerations

#### Crime and Disorder Act 1998

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

#### Equality Act 2010

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

Having due regard to advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these differ from the need of other people; and

- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

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

#### Planning (Wales) Act 2015 (Welsh language)

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

#### Wellbeing of Future Generations (Wales) Act 2015

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

### **Recommendation**

Whilst this report forms an update to the original report, it is considered that the recommendation has now changed from one of conditional consent to one of conditional consent subject to the signing of a S106 agreement to secure a financial contribution to education.

### **Conditions**

1. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. The development shall be carried out strictly in accordance with the plans stamped as approved on XX/XX/XX (drawing no's: S.7594-SK01, (03)02 Revision. F, S.7594-SK02, S.7594-SK03, NOW/AP/1B, (00)01 Revision. B & NOW/AP/1B).
5. No other development shall commence until provision is made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of 0.35 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the

site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.

6. No other development shall commence until the area of the access to be used by vehicles is 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 10 from the edge of the adjoining estate road. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

7. No storm water drainage from the site shall be allowed to discharge onto the adjoining estate road.

8. No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

9. The development shall be carried out strictly in accordance with the measures identified regarding Pollution Prevention as identified in the Pollution Prevention Plan produced by Asbri dated September 2017 and maintained thereafter.

10. The development shall be carried out strictly in accordance with the measures identified regarding bats as identified in the Situation Report Ref: Proposed Removal of the Mature Oak, T10 produced by Dusk to Dawn Ecology Ltd dated 27/09/2017 and maintained thereafter.

11. The mitigation and enhancement measures identified in Section 6 of the Extended Phase One Survey produced by Dusk to Dawn Ecology Ltd dated March 2017 shall be adhered to and implemented in full and maintained thereafter.

12. Prior to commencement of development a Tree and Hedgerow Protection Plan shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.

13. Prior to the commencement of the development a Landscaping and Management Plan shall be submitted to and agreed with the Local Planning Authority and shall be implemented in the first planting season of the following occupation of the development. The Plan shall include the use of native species, details of the planting specification – the species, sizes and planting densities – and a timetable for implementation and future management to ensure good establishment and long-term retention.

14. No external lighting shall be installed unless a detailed external lighting design scheme has been submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall identify measures to avoid impacts on nocturnal wildlife. The development shall be carried out in accordance with the approved details.

15. No development shall take place (including, ground works, site clearance) until a CEMP for Great Crested Newt, dormice and bats has been submitted to and approved in writing by the local Planning authority. The content of the method statement shall include the:

(a) Purpose and objectives for the proposed works;

(b) Detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of material to be used);

(c) Extent and location of proposed works shown on appropriate scale maps and plans;

(d) Persons responsible for implementing the works;

(e) Measures undertaken to prevent or reduce incidental capture/killing during and post construction. This to include details concerning:

- the erection of barrier fencing along the edge of the identified Root Protection Zone (RPZ) for the existing trees and hedgerows;
- retention of a short grass sward prior and during the construction phase to discourage use by GCN;
- raised storage of building materials to deter GCN from sheltering on site.
- surface water management schemes that do not include gullypots;
- exterior lighting scheme which will ensure boundary hedgerows will be retained as dark wildlife corridors.

(f) Initial aftercare and long term maintenance (where relevant) of hedgerows

The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

16. The minimum visibility distances available for vehicles emerging from the proposed access / junction shall be 90m metres in each direction at a height of 1.05 metres, measured to a point 0.26 metres above the nearer running edge of the trunk road carriageway. These visibility distances shall be available at a point 4.5m metres from the nearer running edge of the trunk road, measured along the centreline of the access road. The visibility splay so formed shall be free of any growth or obstruction, which would interfere with the minimum visibility requirements.

17. The centre-line of any existing hedge-row or fence must be positioned not less than 1.0m to the rear of the visibility splay line in both directions.

18. The access shall be at right angles to the trunk road carriageway for a distance of at least 15m, over which it shall not exceed a gradient of +/- 4%.

19. The access and visibility requirements shall be substantially complete and available for use prior to the commencement of any other works associated with the development.

20. The access shall be constructed to appropriate standards with either concrete or bituminous surfacing for at least the first 5.0m from the running edge of the trunk road carriageway.

21. Adequate provision shall be made within the development to enable vehicles to turn around, so they may enter and leave the site in a forward gear.

22. The applicant shall provide wheel-washing facilities or an alternative method to be approved by the Local Planning Authority in consultation with the Welsh Government at the site exit. Such facilities shall thereafter remain available during the construction stage and be used by all vehicles exiting the site.

23. The proposed access shall meet the standards required by the Design Manual for Roads and Bridges (DMRB).

24. No development shall commence until 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).

25. 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 24 has been received from the Local Planning Authority.

26. 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.

27. 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 24, and where remediation is necessary a

remediation scheme must be prepared in accordance with the requirements of condition 25, 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 26.

28. 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'.

29. Prior to commencement of development the development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of TAN 2 or any future guidance that replaces it. The scheme shall include:

- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 30% of housing units;
- ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii) the arrangements for the transfer of the affordable housing to an affordable housing provider;
- iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

30. The affordable dwelling/s 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.

## **Reasons**

1. To enable the Local Planning Authority to exercise proper control over the development in accordance with Section 92 of the Town and Country Planning Act 1990.
2. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
3. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
4. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
5. In 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. To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment and to safeguard the public sewerage system and reduce the risk of surcharge flooding and in accordance with policies GP1 and DC13 of the Powys Unitary Development Plan.
9. To comply with Powys County Council's UDP Policies SP3, ENV2, ENV3, ENV4, ENV5, ENV6 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
10. To comply with Powys County Council's UDP Policies SP3 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.
11. 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.
12. 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.
13. To comply with Powys County Council's UDP Policies SP3 and ENV2 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.
14. To comply with Powys County Council's UDP Policies SP3, ENV3, ENV5 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.
15. To comply with Powys County Council's UDP Policies SP3, ENV3, ENV5 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.
16. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
17. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
18. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
19. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
20. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
21. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
22. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
23. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.

24. To ensure that potential contamination of the site is satisfactorily dealt with in accordance with policies GP1 and DC15 of the Powys Unitary Development Plan.
25. To ensure that potential contamination of the site is satisfactorily dealt with in accordance with policies GP1 and DC15 of the Powys Unitary Development Plan.
26. To ensure that potential contamination of the site is satisfactorily dealt with in accordance with policies GP1 and DC15 of the Powys Unitary Development Plan.
27. To ensure that potential contamination of the site is satisfactorily dealt with in accordance with policies GP1 and DC15 of the Powys Unitary Development Plan.
28. To ensure that potential contamination of the site is satisfactorily dealt with in accordance with policies GP1 and DC15 of the Powys Unitary Development Plan.
29. To ensure the provision of housing to meet the demand for affordable housing in the locality in accordance with policies HP7-HP10 of the Powys Unitary Development Plan.
30. To ensure the provision of housing to meet the demand for affordable housing in the locality in accordance with policies HP7-HP10 of the Powys Unitary Development Plan.

## **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.

### Affordable Housing

All Affordable units will have to be constructed to Welsh Government Design Quality Requirements which include all of the Lifetime Homes and Secured by Design Standards.

### Welsh Water

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com). The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

### Trunk Road Agency

The following points should be brought to the attention of the applicant:

A. The applicant should be advised that they may be required to enter into an agreement with the Welsh Ministers under Section 278 of the Highways Act 1980 / Section 23 of the New Roads and Street Works Act 1991 to enable the applicant to undertake agreed improvement works on the trunk road. This Agreement will contain details of the improvement works, construction conditions and financial arrangements under which agreed measures can be put in place, including indemnifying the Welsh Ministers against third party claims. Without such an agreement in place, any consent that may be granted by the Planning Authority cannot be implemented.

B. The applicant should be advised that all temporary or permanent signage, road markings or traffic orders shall be at the expense of the developer and agreed with the Highway Authority before works commence.

C. Any adjustment, re-siting and / or protection of any statutory undertakers apparatus in the highway shall be undertaken with the prior written consent of the relevant Authority and shall be carried out at the Applicant's own expense.

D. The applicant should note that planning permission does not constitute permission under the Highways Act for various activities that may be associated with the development i.e. use of the highway/footway/verge to: for example; deposit material, deposit skips, erect scaffolding, excavate within the highway or erect traffic management apparatus. Such activities will require the separate consent of the Highway Authority;

E. Any temporary traffic management arrangements required in connection with this application shall be in accordance with Chapter 8 of the Traffic Signs Manual and in accordance with the Safety at Street Works and Road Works Code of Practice, and shall be approved by the highway authority.

F. Road traffic signs in Wales must be bilingual, Welsh above English, and adhere to Welsh Government specifications, see following link for standard details; [http://www.traffic-wales.com/traffic\\_signs.aspx](http://www.traffic-wales.com/traffic_signs.aspx)

If you have any further queries, please forward to the following Welsh Government Mailbox  
NorthandMidWalesDevelopmentControlMailbox@Wales.GSI.Gov.UK

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 0345 1300 228 or email [enquiries@bats.org.uk](mailto:enquiries@bats.org.uk)

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Case Officer: Thomas Goodman- Planning Officer  
Tel: 01597 827655 E-mail: [thomas.goodman@powys.gov.uk](mailto:thomas.goodman@powys.gov.uk)

## Planning, Taxi Licensing and Rights of Way Committee Report

**Application No:** P/2015/0803 **Grid Ref:** 277025.28 207387.59

**Community Council:** Ystradgynlais **Valid Date:** 17/09/2015 **Officer:** Gemma Bufton

**Applicant:** Ystalyfera Wind Energy Ltd

**Location:** Varteg Hill Land South of Ystalyfera, Neath and Port Talbot.

**Proposal:** Construction and improvement of access track and improvement to the junction access point to serve wind farm comprising four wind turbines (with tip height upto 115m), internal access tracks, substation building, associated infrastructure

**Application Type:** Application for Full Planning Permission

### REPORT UPDATE

#### Consultee Response-

##### Ecologist-

Following my previous report consideration has been given to the quality of the Ecologist comments as attached to my previous report and therefore I attach hereto a clearer copy for Members consideration:

Ecological Topic		Observations
EIA Screening Requirement	Not applicable	The development as a whole falls within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999. Following a Screening Opinion in August 2011 an Environmental Statement has been completed and submitted with the planning application.
Protected Species Habitats <sup>1</sup>	European Species ☒	<p>The following information, suggestions and conditions are based on as review of the details provided in Chapter 6 of the submitted Environmental Statement.</p> <ul style="list-style-type: none"> <li>• One medium – high potential roost building in Farteg Isaf, adjacent to the proposed access corridor, but direct impacts on this building unlikely.</li> <li>• Nine trees of moderate – high potential for roosting bats, mostly adjacent to the proposed access track. However, these trees understood to be retained so no significant impacts have been predicted.</li> <li>• No direct impacts on flightlines or commuting routes used by bats as no tree or hedgerow removal proposed for the access tracks. Disturbance during construction unlikely as construction limited to times of day when bats are inactive.</li> </ul>

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

	Local Sites (within 500m) <input type="checkbox"/>	None within 500m.
Invasive Non-Native Species	No	None recorded within the site.
Cumulative Effect	No	This application forms part of a larger application to provide four wind turbines and associated infrastructure. The cumulative effect of the whole development with other developments within 10km has been considered in the ES that has been submitted. No significant cumulative effects on biodiversity have been identified.
Page 53 Summary of recommendations / further assessment or work		<p>1) Paragraphs 6.6.26 and 6.6.28 (Chapter 6, Environmental Statement) refer to the main bird breeding season as being March to July inclusive. To accord with RSPB and Powys County Council guidance I suggest that this is extended up to the end of August.</p> <p>2) Paragraph 6.6.6 (Chapter 6, Environmental Statement) proposes agreement of mitigation requirements with Neath CBC, but does not mention the inclusion of Powys CC. I suggest that Powys CC is involved in agreeing mitigation requirements for the element of the development that falls within the Powys unitary boundary.</p>
Recommended Conditions		<p>Should you be minded to approve this application, I recommend the inclusion of the following conditions:</p> <p><i>1) The recommendations and mitigation measures proposed in Section 6.6 (Mitigation) and summarised in Table 6.2.4 of Chapter 6 of the Environmental Statement shall be adhered to and implemented in full unless otherwise agreed in writing with the LPA.</i></p> <p><u>Reason:</u> To comply with Powys County Council's UDP Policies SP3, ENV3 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 NERC Act 2006.</p>

*2) Mature Oak and Ash trees that are retained alongside the access track shall be protected from being damaged during the construction works in accordance with BS 5837:2012.*

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 7, July 2014), TAN 5: Nature Conservation and Planning and the NERC Act 2006.

*3) Prior to commencement of development the Site-specific Ecological Mitigation Strategy referred to in Paragraph 6.6.3 (Chapter 6, Environmental 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 ENV3, ENV5 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 NERC Act 2006.

*4) Prior to commencement of development the Pre-construction Ecological Mitigation Strategy referred to in Paragraph 6.6.5 (Chapter 6, Environmental 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 ENV3, ENV5 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 NERC Act 2006.

*5) Prior to commencement of development the Habitat Management Plan referred to in Paragraph 6.6.13 (Chapter 6, Environmental 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 ENV3, ENV5 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 NERC Act 2006.

#### **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 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.

	<ul style="list-style-type: none"> <li>• 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.</li> <li>• Under the Habitats Regulations it is an offence to:</li> <li>• 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.</li> </ul> <p>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 <a href="mailto:enquiries@bats.org.uk">enquiries@bats.org.uk</a></p>
Relevant UDP Policies	<p>UDP SP3 – Natural, Historic and Built Heritage  Policy E3 – Wind Power  Policy Env 3 – Safeguarding biodiversity and natural habitats  Policy Env 5 – Nationally important sites  Policy Env 7 – Protected Species</p>



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Where impacts to hedgerows are identified an appropriate compensation strategy will be required, where possible translocation of the existing hedgerow should be considered, if this is not considered possible at this location replacement hedgerow planting would need to be identified.

Where it is necessary to remove any trees or hedgerows a Tree and Hedgerow Replacement and Protection Plan. This plan will need to identify appropriate compensation planting for the loss of any trees or hedgerow – details of the location, length and species as well as an appropriate aftercare scheme will need to be identified – species used will need to be native and reflect the hedgerows present in the local area.

Details of a Tree and Hedgerow Protection Plan should be provided under the requirements of condition 5 of the outline application.

### **Principal Planning Policies**

Planning Policy Wales (Edition 9, November 2016)

Technical Advice Note (TAN) 5 – Nature Conservation and Planning (2009)

Technical Advice Note (TAN) 12 – Design (2016)

Technical Advice Note (TAN) 15 - Development and Flood Risk (2004)

Technical Advice Note (TAN) 18 – Transport (2007)

Technical Advice Note (TAN) 23 – Economic Development (2014)

### Local planning policies

Powys Unitary Development Plan (2010)

SP5 – Housing Developments

SP14 - Development In Flood Risk Areas

GP1 – Development Control

GP3 – Design and Energy Conservation

GP4 – Highway and Parking Requirements

ENV2 – Safeguarding the Landscape

ENV3 – Safeguarding Biodiversity and Natural Habitats

ENV7 – Protected Species

HP4 - Settlement Development Boundaries and Capacities

HP5 – Residential Developments

DC10 – Mains Sewerage Treatment

Residential Design Guide (October 2004)

RDG=Powys Residential Design Guide NAW=National Assembly for Wales TAN= Technical Advice Note  
UDP=Powys Unitary Development Plan, MIPPS=Ministerial Interim Planning Policy Statement

### **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.

This update report is to provide additional comments received from the Ecologist.

### Biodiversity

Policy ENV3 and ENV7 of the Powys Unitary Development Plan (2010) seek to ensure that protected species and their habitats are not impacted upon by development and seeks to improve habitats wherever possible. This is further emphasised within Technical Advice Note (TAN) 5.

Biodiversity and protected species were considered under the outline planning application (P/2017/0211) and appropriately worded conditions as recommended by the ecologist were attached to that granting of consent. The ecologist has been consulted on the proposed development and has confirmed that no further information is required, but asked that the applicant is reminded of the conditions as attached to the outline application. In order to ensure that a tree and hedgerow protection plan is submitted prior to the commencement of development as well as a species list for the landscape planting also prior to commencement. Informative notes were attached to the P/2017/0211 consent in relation to birds and bats, in order to ensure that they are well received shall be attached should this application be granted consent.

The proposed development therefore fundamentally complies with policy ENV3 and ENV7 of the Powys Unitary Development Plan (2010).

### Other Legislative Considerations

#### Crime and Disorder Act 1998

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

#### Equality Act 2010

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

Having due regard to advancing equality involves:

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

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

#### Planning (Wales) Act 2015 (Welsh language)

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

#### Wellbeing of Future Generations (Wales) Act 2015

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

#### **Recommendation**

Whilst this report forms an update to the original report, it is considered that the recommendation remains the same which is one of conditional consent.



## Conditions

1. The development hereby granted approval of reserved matters shall be begun before the expiration of two years from the date of this approval, or before the expiration of five years from the date of the outline planning permission whichever is the longer.
2. The development shall be carried out strictly in accordance with the plans stamped as approved on XX/XX/XX (drawing no's: HLND 004, HLND003, HLND005, HLND 002, HLND, HLND010 & HLND011).
3. No other development shall commence until provision is made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of 0.35 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.
4. No other development shall commence until the access has been 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 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.
5. Upon formation of the visibility splays as detailed 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.
6. Before any other development is commenced 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.
7. Prior to the occupation of the dwelling, provision shall be made within the curtilage of the site for the parking of not less than 3 cars together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.
8. Prior to the occupation of the dwelling 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.
9. Any entrance gates erected shall be set back at least 5.5 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.
10. No storm water drainage from the site shall be allowed to discharge onto the county highway.

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

### **Informative Notes**

#### Birds - Wildlife and Countryside Act 1981 (as amended)

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- 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.

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- 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 0345 1300 228 or email

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Tel: 01597 827655 E-mail:thomas.goodman@powys.gov.uk

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HC4a Prior to the commencement of the development the access to the existing dwellings as shown on drawing number 5140/17/03 Rev A 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 59 metres distant in a easterly direction and 33 metres in a westerly 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.

HC7 Prior to the commencement of the development the area of the access for plots 1 & 2 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 10 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.

HC7a Prior to the commencement of the development the area of the access for the existing dwellings 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.

HC8 Prior to the occupation of any dwelling, provision shall be made within the curtilage of the site for the parking of not less than one car per bedroom excluding any garage space provided together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

HC11 Prior to the commencement of the development provision shall be made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of 0.4 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.

HC12 The width of the accesses carriageway, constructed as Condition HC7 above, shall be not less than 5.5 metres for a minimum distance of 10 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.

HC12a The width of the access carriageway, constructed as Condition HC7a above, shall be not less than 5.5 metres for a minimum distance of 5.5 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.

HC13 Prior to the occupation of plots 1 or 2 a radius of 10.5 metres shall be provided from the carriageway of the county highway on each side of the access to the development site and shall be maintained for as long as the development remains in existence.

HC13a Prior to the occupation of plots 1 or 2 a radius of 6 metres shall be provided from the carriageway of the county highway on each side of the access to the existing dwellings and shall be maintained for as long as the development remains in existence.

HC21 Prior to the occupation of any dwelling the area of the accesses to be used by vehicles for plot 1 or 2 is to be finished in a 40mm bituminous surface course for a distance of 10 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

HC21a Prior to the occupation of either plot 1 or 2 the area of the accesses to be used by vehicles is for the existing dwellings 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,

HC29 All surface water run-off is to be collected and discharged via a piped system to a soakaway located within the site no less than 6 metres from the highway. This system shall be retained and maintained for as long as the development remains in existence.

HC30 Upon formation of the visibility splays as detailed in HC4 and HC4a 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.

HC32 No storm water drainage from the site shall be allowed to discharge onto the county highway.

To ensure that adequate provision is made for highway access onto the County Class III road to serve the approved development in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan.

## **RECOMMENDATION**

Although it is noted that the proposed development is a departure from the adopted development plan, considerable weight must be given to the need to increasing housing land supply. It is considered that the need to increase housing land supply within the county warrants the approval of this development contrary to the provisions of the development plan. The recommendation is therefore one of conditional consent.

## **Conditions**

1. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. The development shall be carried out strictly in accordance with the plans stamped as approved on XXX (drawing no's: Location Plan 5140/17/01 Rev A and Proposed Block Plan, 5140/17/03 Rev A ).
5. Prior to commencement of development, a great crested newts Reasonable Avoidance Method Statement shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.
6. Prior to the first installation of any external lighting a lighting design scheme to take into account any impacts on nocturnal wildlife into consideration shall be submitted for written Local Planning Authority approval and implemented as approved and maintained thereafter.
7. Prior to the occupation of any dwelling any entrance gates shall be set back at least 10 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.
8. Prior to the commencement of the development the access to plots 1 & 2 as shown on drawing number 5140/17/03 Rev A 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 160 metres distant in a easterly direction and 59 meters in a westerly 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.
9. Prior to the commencement of the development the access to the existing dwellings as shown on drawing number 5140/17/03 Rev A 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 59 metres distant in a easterly direction and 33 meters in a westerly 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.
10. Prior to the commencement of the development the area of the access for plots 1 & 2 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 10 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.
11. Prior to the commencement of the development the area of the access for the existing dwellings 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.
12. Prior to the occupation of any dwelling, provision shall be made within the curtilage of the site for the parking of not less than one car per bedroom excluding any garage space



provided together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

13. Prior to the commencement of the development provision shall be made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of 0.4 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.

14. The width of the accesses carriageway, constructed as Condition HC7 above, shall be not less than 5.5 metres for a minimum distance of 10 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.

15. The width of the access carriageway, constructed as Condition 11 above, shall be not less than 5.5 metres for a minimum distance of 5.5 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.

16. Prior to the occupation of plots 1 or 2 a radius of 10.5 metres shall be provided from the carriageway of the county highway on each side of the access to the development site and shall be maintained for as long as the development remains in existence.

17. Prior to the occupation of plots 1 or 2 a radius of 6 metres shall be provided from the carriageway of the county highway on each side of the access to the existing dwellings and shall be maintained for as long as the development remains in existence.

18. Prior to the occupation of any dwelling the area of the accesses to be used by vehicles for plot 1 or 2 is to be finished in a 40mm bituminous surface course for a distance of 10 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

19. Prior to the occupation of either plot 1 or 2 the area of the accesses to be used by vehicles is for the existing dwellings 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,

20. All surface water run-off is to be collected and discharged via a piped system to a soakaway located within the site no less than 6 metres from the highway. This system shall be retained and maintained for as long as the development remains in existence.

21. Upon formation of the visibility splays as detailed in 8 and 9 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.

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

## **Reasons**

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

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

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

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

5. 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 NERC Act 2006.

6. 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 Part 1 Section 6 of the Environment (Wales) Act 2016.
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 highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
10. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
11. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
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