

# Public Document Pack



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

Os yn galw gofynnwch am - If calling please ask for  
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## **PLANNING, TAXI LICENSING & RIGHTS OF WAY COMMITTEE**

**Thursday, 18th January, 2018**

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

#### **1.1. Updates**

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

**(Pages 1 - 24)**

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## **Principal Planning Policies**

### National planning policy

Planning Policy Wales (Edition 9, November 2016)

Technical Advice Note (TAN) 1: Joint Housing Land Availability Studies (2015)  
Technical Advice Note (TAN) 2: Planning and Affordable Housing (2006)  
Technical Advice Note (TAN) 5: Nature Conservation and Planning (2009)  
Technical Advice Note (TAN) 6: Planning for Sustainable Rural Communities (2010)  
Technical Advice Note (TAN) 12: Design (2016)  
Technical Advice Note (TAN) 18: Transport (2007)  
Technical Advice Note (TAN) 23: Economic Development (2014)

### Local planning policies

Powys Unitary Development Plan (2010)

SP1 – Social, Community and Cultural Sustainability  
SP5 – Housing Developments  
GP1 – Development Control  
GP3 – Design and Energy Conservation  
GP4 – Highway and Parking Requirements  
ENV1 – Agricultural Land  
ENV2 – Safeguarding the Landscape  
ENV3 – Safeguarding Biodiversity and Natural Habitats  
ENV7 – Protected Species  
HP3 – Housing Land Availability  
HP4 – Settlement Development Boundaries and Capacities  
HP5 – Residential Developments  
HP6 – Dwellings in the Open Countryside  
HP9 – Affordable Housing in Rural Settlements  
HP10 – Affordability Criteria  
DC11 – Non-mains Sewage Treatment  
TR2 – Tourist Attractions and Development

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.

### Additional Information received

The additional information from the Brecon & Radnor Branch for the Protection of Rural Wales is noted and it is considered that these matters have already been discussed within the original report.

In relation to the additional information submitted by the Agent/Applicant and the concerns raised regarding the recommendations for refusal and compliance with HP10 of the Powys UDP (2010). The following comments are made in response:

Whilst a member of the public may comply with the affordability criteria set out within policy HP10, the setting/location of an affordable dwelling as set out within policies HP6, HP7, HP8 and HP9 needs to be complied with first. Only then once compliance is met with the setting/location of the affordable dwelling, does the affordability criteria of policy HP10 get considered. The proposed development is not located within a settlement, nor does it adjoin a settlement with a development boundary, it is also not located within a rural settlement as defined by the Powys UDP. The nearest settlement is Erwood located approximately 3,900 metres to the south east of the application site. The proposed development therefore does not comply with policy HP7, HP8 or HP9 of the Powys UDP (2010). In this instance as set out within the original report, the location of the affordable dwelling does not comply with policies HP6, HP7, HP8 and HP9.

In relation to the concerns regarding the reason for refusal based on highway safety grounds the following comments are made:

Welsh Government Trunk Road Agency (TRA) has been consulted on the proposed development. The TRA has stated that the applicant has provided insufficient information to determine this application has been submitted in support of this application and would require information relating to visibility splays and details regarding the access. It is noted that the agent/applicant has stated that the dwelling has been in this location for 3 years, however, no permission has been given for this dwelling which therefore means that an appropriate assessment of the access has not been carried out. Given the insufficient information submitted in support of this application it is considered that the reason for refusal remains.

#### 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 as set out in the original report.

The proposed development is a departure from the Powys Unitary Development Plan (2010) and does not comply with affordable housing policies HP6, HP7, HP8 and HP9 of the Powys UDP (2010). The recommendation is therefore one of refusal on the following grounds:

### **Refused**

1. The proposed development constitutes unjustified development in the open countryside contrary to adopted policies on development in the open countryside. The proposed development does not comply with policies HP6, HP7, HP8 and HP9 of the Powys Unitary Development Plan (2010).
2. Insufficient information has been provided to properly assess the acceptability of the development as to whether the development will have a detrimental impact upon highway safety. The proposed development therefore does not comply with policy GP4 of the Powys Unitary Development Plan (2010) and Technical Advice Note: 18 Transport (2007).

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Case Officer: Thomas Goodman- Planning Officer  
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## Planning, Taxi Licensing and Rights of Way Committee Report

**Application No:** P/2017/1252

**Grid Ref:** 321054.4 240280.57

**Community  
Council:** Llanigon

**Valid Date:** 26/10/2017  
**Officer:** Thomas Goodman

**Applicant:** Mr & Mrs RK & PA Bishop, Llanigon, Llanthomas Cottage, Llanthomas Lane, Hereford, HR3 5PU

**Location:** Land adjoining Gardeners Barn, Llanthomas Lane, Llanigon, Hereford, HR3 5PU

**Proposal:** Outline: Erection of two detached dwellings

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

### Reason for Update

The update report is to provide comments received from Llanigon Community Council and the addition of a condition that removes permitted development rights.

### Consultee Response

Llanigon CC

*Consultation response received 12/01/2018:*

Following last night's Llanigon Community Council Meeting I have been asked to send the following comment to Outline Planning P/2017/1252 - Gardeners Barn Llanthomas Lane for Mr & Mrs Roger Bishop

Llanigon Community Council have no objections to this Planning Application

### Principal Planning Policies

National planning policy

Planning Policy Wales (Edition 9, November 2016)

Technical Advice Note (TAN) 1 – Joint Housing Land Availability Studies (2015)  
Technical Advice Note (TAN) 2 – Planning and Affordable Housing (2006)  
Technical Advice Note (TAN) 5 – Nature Conservation and Planning (2009)  
Technical Advice Note (TAN) 6 – Planning for Sustainable Rural Communities (2010)  
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)

## Technical Advice Note (TAN) 24 – The Historic Environment (2017)

### Local planning policies

#### Powys Unitary Development Plan (2010)

SP1 – Social, Community and Cultural Sustainability  
SP3 - Natural, Historic and Built Heritage  
SP5 – Housing Developments  
SP14 - Development In Flood Risk Areas  
GP1 – Development Control  
GP3 – Design and Energy Conservation  
GP4 - Highway and Parking Requirements  
HP1 – Shire Housing Allocations  
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  
ENV 2 - Safeguarding the Landscape  
ENV 3 - Safeguarding Biodiversity & Natural Habitats  
ENV 4 - Internationally Important Sites  
ENV 5 - Nationally Important Sites  
ENV 7 - Protected Species  
ENV 8 - Tree Preservation Orders  
ENV 14 - Listed Buildings  
ENV 17 - Ancient Monuments & Archaeological Sites  
ENV 18 - Development Proposals Affecting Archaeological Sites  
DC11 – Non-mains Sewage Treatment  
TR3 – Tourist Attractions and Development.

#### 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.

### Additional Information received

The additional comments from Llanigon Community Council are noted and do not alter the recommendation as set out in the original report.

### Additional Condition

It is considered appropriate to remove permitted development rights in this instance in order to restrict future extensions upon the consented dwellings. It is considered that the removal of permitted development rights will ensure that extensions are retained outside of the C2 flood zone, which is a small corner of the development site.

### 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 as set out in the original report with the additional condition removing permitted development rights.

## **Conditions**

1. Details of the access, appearance, landscaping, layout, and scale, (hereinafter called ""the reserved matters"") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. The development shall be carried out strictly in accordance with the plans stamped as approved on XX/XX/XX (drawing no's: 1500/PLN/01, 1500/S/01 & Site Location Plan).
5. The Reasonable Avoidance Measures / Precautionary Method Statement for Great Crested Newts by Europaeus Land Management Services dated 13th December 2017 shall be adhered to and implemented in full.
6. The Landscaping Scheme specifications and aftercare measures identified in Drawing Number 1500/PLN/01 shall be adhered to and implemented in full.
7. Prior to the commencement of development a lighting design scheme to take any impacts on nocturnal wildlife into consideration shall be submitted to and approved in writing by the Local Planning Authority.
8. Prior to commencement of development a Tree and Hedgerow Protection Plan in accordance with BS:5837:2012 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.
9. 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.

10. No development shall commence until details of a scheme for the disposal of foul and surface water has been submitted to and agreed in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details prior to the first beneficial use of the development and retained in perpetuity.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013, (or any Order revoking and re-enacting that Order) no extensions to the dwelling(s) or alterations to the roof (including the

introduction of roof lights or dormers), or the erection of garages or sheds shall be undertaken without the prior express consent of the Local Planning Authority.

## **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 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.
6. 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 the Environment (Wales) Act 2016.
7. To comply with Powys County Council's UDP Policies SP3 and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.
8. 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.
9. To safeguard the amenities of the locality in accordance with policy GP1 of the Powys Unitary Development Plan.
10. 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.
11. In order to control further development which has the potential to have adverse effects on privacy and/or amenity in contradiction to policy GP1 of the Powys Unitary Development Plan.

## **Informative Notes**

Birds - Wildlife and Countryside Act 1981 (as amended)

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

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

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

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work

involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built, (usually between late February and late August or late September in the case of swifts, swallows or house martins). If a nest is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.

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

It is an offence for any person to:

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

Under the Habitats Regulations it is an offence to:

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

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

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Case Officer: Thomas Goodman- Planning Officer  
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## Planning, Taxi Licensing and Rights of Way Committee Report

<b>Application No:</b>	P/2017/0969	<b>Grid Ref:</b>	300661.43 294136.08
<b>Community Council:</b>	Caersws	<b>Valid Date:</b>	<b>Officer:</b> 22/08/2017 Gemma Bufton
<b>Applicant:</b>	Mr L George, Pontdolgoch Mill, Pontdolgoch, Caersws, Powys, SY17 5JE,		
<b>Location:</b>	Land opposite Cefn y Wern, Pontdolgoch, Caersws, Powys, SY17 5NJ.		
<b>Proposal:</b>	Outline: Proposed residential development of up to 3 dwellings, formation of vehicular access & access road & all associated works (some matters reserved).		
<b>Application Type:</b>	Application for Outline Planning Permission		

### REPORT UPDATE

This report forms as an update to the previous report circulated to Members and I can confirm that the applicant is a Local Member.

### Public Representation

A further letter was received from one of the public representations as follows:

*We do not wish to attend the committee.*

*Please find our further comments, in regards to the revised plans.*

*Our previous objections stand in relation to privacy due to the elevated ground of the site in relation to our property and the two storey construction. Bedroom windows on the front elevation of our property would be overlooked from the proposed development's second story windows.*

*Considering the possibility of a further eight vehicles routinely manoeuvring at the junction, the reduction in proposed dwellings does not in our minds mitigate the potential for a significant increase in risk at the junction to the public highway as previously detailed.*

### Officer Appraisal

#### Neighbouring Residential Amenity

The additional comments received from a public representation have raised further concerns over the impact the proposed development may have on their privacy as a neighbouring residential property. It is noted that the property in question is located approximately 45 metres from the application site boundary and located on the opposite side of the A470 Trunk

Road. Taking into consideration guidance contained within the Residential Design Guide and distances between the application site and the residential property it is considered that at the time of the submission of a reserved matters application the amenity of the property can be secured appropriately.

In light of the above it is therefore considered that the proposed development fundamentally complies with relevant planning policy.

## **RECOMMENDATION**

Therefore my recommendation still remains as per my previous report whereby whilst a departure from the development plan, in this instance, the provision of housing is considered to outweigh the plan and therefore justifies the grant of consent as an exception to normal housing policies. The recommendation is therefore one of conditional approval.

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 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.
5. The centre line of the first 10 metres of the access road measured from the edge of the adjoining carriageway shall be constructed at right angles to that edge of the said carriageway and be retained at that angle for as long as the development remains in existence.
6. Prior to the commencement of the development the access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 43 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.
7. Prior to the commencement of the development 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 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.
8. 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.

9. 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.

10. The width of the access carriageway, constructed as Condition 7 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.

11. Prior to the occupation of the development a radius of 6 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.

12. 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 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.

13. When installed there shall be a minimum clearance of 6 metres from the nearest part of the adjoining highway verge or footpath to any part of the septic tank or its soakaway installation.

14. The septic tank effluent in connection with the development hereby permitted shall not interfere or connect in any way with the highway surface water drainage or give rise to a nuisance upon the highway.

15. 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.

16. Upon formation of the visibility splays as detailed in Condition 6 above the centreline of any new or relocated hedge/fence/wall 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.

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

18. The recommendations regarding hedgerows, bats, birds and hedgehogs identified in Section 6 of the Ecological Report by Arbor Vitae dated October 2017 shall be adhered to and implemented in full.

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

20. Prior to the first use of any external lighting a lighting design scheme to take any impacts on nocturnal wildlife into consideration shall be submitted for written Local Planning Authority approval and development thereafter shall be completed in full accordance with the details as approved.

## **Reasons**

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

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

3. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
4. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
5. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
6. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
7. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
8. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
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14. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
15. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
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. 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 the Environment (Wales) Act 2016.
19. To comply with Powys County Council's UDP Policies ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.
20. To comply with Powys County Council's UDP Policies SP3 and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.

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

### UPDATE REPORT

**Application No:** P/2017/1112 **Grid Ref:** 308200.64 289379.51

**Community Council:** Mochdre **Valid Date:** 04/10/2017 **Officer:** Karen Probert

**Applicant:** Mr Emyr Davies, Tynypwll, Llandinam, Powys, SY17 5BQ.

**Location:** Site Next to Manteg, Stepside, Newtown Powys, SY16 4JJ.

**Proposal:** Outline: Erection of an eco-friendly dwelling (all matters reserved)

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

#### **The reason for Committee determination**

The application is to be determined by planning committee as it represents a departure from the development plan and is recommended for approval.

#### **Update:**

Please note the application is to be determined in accordance with the list of conditions as set out below which supersede the previously published committee report:

#### **Conditions**

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

4. Prior to commencement of development, a Species List for the Landscape Planting shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.
5. Prior to commencement of development, a reptile and small animal Reasonable Avoidance Method Statement shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.
6. Prior to commencement of development a lighting design scheme to take any impacts on nocturnal wildlife into consideration shall be submitted for written approval by the Local Planning Authority.
7. Prior to commencement of development a Tree and Hedgerow Protection Plan in accordance with BS:5837:2012 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.

## **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 comply with Powys County Council's UDP Policies SP3 and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.
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 Environment (Wales) Act 2016.
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 the Environment (Wales) Act 2016.
7. To comply with Powys County Council's UDP policies SP3, ENV2 and ENV3 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.

## **Informative Notes**

### Building Regulations

Please be aware that the proposed scheme will require Building Regulations approval.

### Biodiversity

The applicant's attention is drawn to the comments of the County Ecologist which are attached for information.

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Case Officer: Karen Probert- Planning Officer  
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## **Planning, Taxi Licensing and Rights of Way Committee Report**

**Application No:** P/2017/1215

**Grid Ref:** 309545.09  
297741.08

**Community Council:** Tregynon

**Valid Date:** 19/10/2017  
**Officer:** Luke Jones

**Applicant:** Mr & Mrs T Jones, 2 Tynybryn Cottages, Tregynon, Newtown, Powys, SY16 3PJ

**Location:** 2 Tynybryn Cottages, Tregynon, Newtown, Powys, SY16 3PJ

**Proposal:** Householder: Erection of a two storey extension and all associated works

**Application Type:** Householder Application

### **REPORT UPDATE**

This report forms an update to the previous report circulated to Members.

### **Consultee Response**

#### CADW-

Thank you for your email of 5th January 2018 inviting our comments on the above planning application.

#### Advice

Having carefully considered the information provided with this planning application, we have no objections to the impact of the proposed development on the registered park and garden at Gregynog PGW (Po)33(POW). Our assessment of the application is given below.

#### Our role

Our statutory role in the planning process is to provide the local planning authority with an assessment concerned with the likely impact that the proposal will have on scheduled monuments, registered historic parks and gardens, registered historic landscapes where an Environmental Impact Assessment is required and development likely to have an impact on the outstanding universal value of a World Heritage Site. We do not provide an assessment of the likely impact of the development on listed buildings or conservation areas, as these are matters for the local authority.

It is for the local planning authority to weigh our assessment against all the other material considerations in determining whether to approve planning permission.

## National Policy

Applications for planning permission are considered in light of the Welsh Government's land use planning policy and guidance contained in Planning Policy Wales (PPW), Technical Advice Notes and circular guidance.

PPW (Chapter 6 – The Historic Environment) explains that the conservation of archaeological remains is a material consideration in determining a planning application, whether those remains are a scheduled monument or not. Where nationally important archaeological remains, whether scheduled or not, and their settings are likely to be affected by proposed development, there should be a presumption in favour of their physical protection in situ. It will only be in exceptional circumstances that planning permission will be granted if development would result in an adverse impact on a scheduled monument (or an archaeological site shown to be of national importance) or has a significantly damaging effect upon its setting. Technical Advice Note 24 : The Historic Environment elaborates by explaining that when considering development proposals that affect scheduled monuments or other nationally important archaeological remains, there should be a presumption in favour of their physical preservation in situ, i.e. a presumption against proposals which would involve significant alteration or cause damage, or would have a significant adverse impact causing harm within the setting of the remains.

PPW also explains that local authorities should protect parks and gardens and their settings included in the first part of the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales, and that the effect of a proposed development on a registered park or garden or its setting should be a material consideration in the determination of a planning application.

## Assessment

The proposed development is located within the setting of the registered historic park and garden at Gregynog PGW (Po) 33(POW). The proposed extension will be partly visible from the Galloping Drive at Gregynog, however, we consider that the impact will not be significant.

## Officer Appraisal

### Historic Park and Gardens

The proposed development is located in close proximity to Gregynog Registered Historic Park and Garden and therefore CADW and Welsh Historic Gardens have been consulted on the application.

In relation to considering applications which may affect the setting of Historic Parks and Gardens, Planning Policy Wales states that 'Local planning authorities should protect and conserve parks and gardens and their settings included in the register of historic parks and gardens in Wales'. TAN 24 and UDP Policy ENV16 reflects this requirement and UDP ENV16 states that development unacceptably adversely affecting the character or appearance of historic parks and gardens and their setting will be opposed.

The Welsh Historic Parks and Garden were consulted regarding the application but did not wish to comment on the proposed development. However, CADW have now responded



which noted the proposed development is located within the setting of the registered historic park and garden at Gregynog PGW (Po) 33(POW). The proposed extension will be partly visible from the Galloping Drive at Gregynog, however, CADW consider that the impact will not be significant.

In light of the above it is therefore considered that the proposed development fundamentally complies with Policy ENV16 and TAN 24: The Historic Environment (2017).

### **RECOMMENDATION - Conditional Consent**

In light of the additional information received above it is considered that the development fundamentally complies with relevant planning policy and the recommendation is one of conditional consent.

### **Conditions**

1. The development to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.
2. The development shall be carried out strictly in accordance with the plans stamped as approved on XXXXXXXX (drawing no's:RPP08.1.3.02, RPP08.1.3.03, RPP08.1.3.04, RPP08.1.3.05, RPP08.1.3.06, RPP08.1.3.07, RPP08.1.3.08).

### **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.

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