

Planning, Taxi Licensing & Rights of Way Committee

Meeting Venue
**Council Chamber - Neuadd Maldwyn,
Welshpool, Powys**

Meeting Date
Wednesday, 12 July 2017

Meeting Time
10.00 am

For further information please contact
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County Hall
Llandrindod Wells
Powys
LD1 5LG

5th July, 2017

AGENDA

1.	APOLOGIES
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To receive apologies for absence.

2.	MINUTES OF THE PREVIOUS MEETING
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To authorise the Chair to sign the minutes of the previous meeting of the Committee held on 22nd June, 2017 as a correct record.

(Pages 5 - 16)

Planning

3.	DECLARATIONS OF INTEREST
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- a) To receive any declarations of interest from Members relating to items to be considered on the agenda.
- b) To receive Members' requests that a record be made of their membership of town or community councils where discussion has taken place of matters for the consideration of this Committee.

c) To receive declarations from Members of the Committee that they will be acting as 'Local Representative' in respect of an individual application being considered by the Committee.

d) To note the details of Members of the County Council (who are not Members of the Committee) who will be acting as 'Local Representative' in respect of an individual application being considered by the Committee.

4.	PLANNING APPLICATIONS FOR CONSIDERATION BY THE COMMITTEE
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To consider the reports of the Head of Regeneration, Property and Commissioning and to make any necessary decisions thereon.

(Pages 17 - 20)

4.1. Updates

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

(To Follow)

4.2. P/2017/0154 Land adjoining The Garage, Adfa, Newtown Powys SY16 3DW

(Pages 21 - 44)

4.3. P/2016/0940 Dolassey Farm, Bleddfa, Knighton, Powys LD7 1PA

(Pages 45 - 68)

4.4. P/2016 1337 Land adj Pant-y-Ddafad, Pontrobert, Meifod, Powys, SY22 6JF

(Pages 69 - 94)

4.5. P/2017/0217 Plot adjoining Brynperian, Penegoes, Machynlleth, Powys, SY20 8RP

(Pages 95 - 118)

4.6. P/2017/0329 Land adjoining Min-y-Fford, Adfa, Newtown, Powys, SY16 3DB

(Pages 119 - 140)

- 4.7. **P/2016/1132 Church House Farm, Llandeilo Graban, Builth Wells, LD2 3YJ**
(Pages 141 - 160)
- 4.8. **P/2017/0498 Land to the rear of Sunnysdale, Knighton Road, Presteigne, Powys, LD8 2ET**
(Pages 161 - 182)
- 4.9. **P/2017/0473 Land adj. Hafgan, Llan, Llanbryn-mair Powys SY19 7DR**
(Pages 183 - 202)
- 4.10. **P/2016/0719 Land adj to Dyffryn Foel, Llansantffraid, Powys, SY22 6DG**
(Pages 203 - 246)
- 4.11. **P/2017/0295 Land Adjacent to Ysgol Gynradd Llanerfyl, Llanerfyl, Welshpool Powys SY21 0HZ**
(Pages 247 - 258)
- 4.12. **AGRI/2017/0042 Land at Dyffryn, Meifod, Powys, SY22 6HL**
(Pages 259 - 266)

5.	DECISIONS OF THE HEAD OF REGENERATION, PROPERTY AND COMMISSIONING ON DELEGATED APPLICATIONS
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To receive for information a list of decisions made by the Head of Regeneration, Property and Commissioning under delegated powers.

(Pages 267 - 280)

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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, 22 JUNE 2017

PRESENT

County Councillor D R Price (Chair)

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

1.	APOLOGIES
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Apologies for absence were received from County Councillors L George and R. Williams

County Councillor M. Barnes advised that he would need to leave at 12.00 p.m.

2.	MINUTES OF THE PREVIOUS MEETING
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The Chair was authorised to sign as a correct record the minutes of the meeting held on 1st June, 2017.

Rights of Way

3.	DECLARATIONS OF INTEREST
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There were no declarations of interest for the next two agenda items.

4.	DETERMINATION OF 'CORRECTIVE' APPLICATIONS UNDER SECTIONS 19 AND 22 AND SCHEDULE 2 OF THE COMMONS ACT 2006
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The Committee received the report regarding the determination of 'Corrective' applications and proposals under sections 19, 22 and Schedule 2 of the Commons Act 2006. The Committee noted that the Cabinet on 20th June agreed that the determination of such applications and proposals be delegated to the Planning, Taxi Licensing and Rights of Way Committee, with opportunity for further delegation if appropriate.

The Committee was asked to consider if it wished to consider such applications and proposals or whether it considered that these should be considered by a sub-committee. The Definitive Map and Commons Registration Officer advised that training on this new legislation and the role of the Committee would be provided.

DECISION	REASON FOR DECISION
That the first determination of 'Corrective' applications and proposals under sections 19, 22 and Schedule 2 of the Commons	To ensure that the determination of 'Corrective' applications and proposals under sections 19, 22 and Schedule 2 of the Commons

Act 2006 be considered by the Committee after which it would review the process.	Act 2006 is undertaken by the Council.
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5. POWYS LOCAL ACCESS FORUM

The Committee received a report regarding the appointment of a Member to the Powys Local Access Forum.

DECISION	REASON FOR DECISION
That County Councillor M Barnes of the Planning, Taxi Licensing and Rights of Way Committee be appointed to the Local Access Forum for a period of three years.	To ensure that the Council is represented on the Local Access Forum.

Planning

6. DECLARATIONS OF INTEREST

- (a) There were no declarations of interest.
- (b) County Councillor M.J. Jones requested that a record be made of his membership of Churchstoke Community Council where discussion had taken place of matters for the consideration of this Committee and that he took no part in these discussions.

County Councillor J. Williams requested that a record be made of his membership of Llandrindod Wells Town Council where discussion had taken place of matters for the consideration of this Committee and that he took no part in these discussions.
- (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 County Councillor G. Pugh (who is not a member of the Committee) would be speaking as the 'local representative' in respect of application P/2017/0134 on the agenda.

County Councillor G. Pugh also declared a prejudicial interest in this application.

7. 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).

7.1 Updates

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

7.2 P/2016/0700 Land at Wern Farm, Gladestry Kington Hertfordshire HR5 3PP

Application No:	P/2016/0700
Grid Ref:	324073.7 256083.39
Valid Date:	15/07/2016
Officer:	Eddie Hrustanovic
Community Council:	Gladestry Community Council
Applicant:	Mr Stephen & Robert Watson, Gladestry, Kington, Herefordshire, HR5 3NS
Location:	Land at Wern Farm, Gladestry, Kington, Herefordshire, HR5 3PP
Proposal:	Construction of a 16,000 bird free range egg production unit, feed bins, formation of vehicular access, hardstanding areas and all associated works
Application Type:	Application for Full Planning Permission

The Planning Officer advised that the impact on Rights of Way and tourism and the cumulative impact of such developments had been considered by officers in their assessment of the application. The Committee noted that the proposed building was set into the landscape at a lower level than the current ground level. The Planning Officer advised that the Environmental Health Officer, in an update, had confirmed that the proposed development had no impact on any private water supply.

It was noted that Rights of Way issues were covered by different legislation. However, the applicant had discussed the rights of way with Countryside Services and had agreed to protect the footpath near the application site.

In response to comments regarding policing the conditions proposed the Professional Lead Development Management advised that approx. 1400 planning permissions were approved each year. Development Management did not have the resources to monitor the conditions imposed on all of these and so relied on third parties to advise them of any concerns. The Chair considered that this was an issue which should be raised with the Portfolio Holder for Regeneration and Planning.

The Planning Officer advised that a Manure Management Plan had been received and both Natural Resources Wales [NRW] and Natural England were satisfied with this. In response to questions regarding the colour of the roof the

Professional Lead Development Management advised that it was similar to other buildings in the area.

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

The Chair welcomed County Councillor M. Weale, Portfolio Holder Regeneration and Planning to the meeting.

7.3 P/2017/0134 Land adjacent to Abermule House, Abermule, Montgomery, Powys SY15 6NH

Application No: P/2017/0134

Grid Ref: 316400.28 294538.45

Valid Date: 07/02/2017

Officer: Tamsin Law

Community Council: Llandyssil Community Council

Applicant: Dolafon Gospel Hall Trust, Canal Close, c/o Ivycroft, Newtown, Powys SY16 2HG

Location: Land adjacent to Abermule House, Abermule, Montgomery, Powys, SY15 6NH

Proposal: Full: Proposed residential development of 4 no. dwellings, new access, highways improvements and erection of new Church building (Place of Worship)

Application Type: Application for Full Planning Permission

County Councillor G. Pugh spoke as the local representative and then, as he had declared a prejudicial interest, left the meeting room.
Mr D. Hughes, Agent, spoke on behalf of the applicant.

The Principal Planning Officer referred the Committee to the Update. She advised that if the Committee was minded to approve the application, that it be delegated to the Professional Lead Development Management to add a suitable condition in respect of affordable housing and to amend condition 2 in consultation with the Chair and Vice Chair.

The Highways Authority confirmed that the proposed footpath was a massive benefit to the area and created a sustainable link to the village. Issues were raised regarding the previous application which was refused and dismissed at appeal. The Principal Planning Officer advised that the applicant had

undertaken a lot of pre-application consultation. In addition the previous application was just for a larger church serving the region. This new application was for a smaller church to serve Abermule and the surrounding area. The Officer confirmed that the church in Newtown was not closing and that a church was being built in Shrewsbury. The Professional Lead Development Management advised that the changes to the application had made the proposed development more sustainable.

The Highways Authority advised that the highway had capacity for the traffic movements from the development and therefore it had no objections to the application subject to conditions.

RESOLVED:	Reason for decision:
<p>that the application be granted consent, subject to the conditions set out in the Update report which is filed with the signed minutes and that it be delegated to the Professional Lead Development Management to add a suitable condition in respect of affordable housing and to amend condition 2 in consultation with the Chair and Vice Chair.</p>	<p>As officers recommendation as set out in the report which is filed with the signed minutes.</p> <p>In line with policy HP5 of the Powys Unitary Development Plan (2010).</p>

County Councillor K. Silk asked that her vote against the application be recorded.

The Chair thanked the public for attending the meeting.

County Councillor M. Barnes left the meeting

The Committee adjourned for lunch at 12.40 p.m. and reconvened at 1.10 p.m.

County Councillors K. Laurie-Parry and P. Roberts sat in the public area and did not take part in considering the following application.

7.4 P/2016/0985 Sarn Meadow, Gwreiddyn Lane, Guilsfield, Welshpool, Powys, SY21 9DN.

Application No: P/2016/0985

Grid Ref: 322356.84 312184.76

Valid Date: 26/09/2016

Officer: Kevin Straw

Community Council: Guilsfield Community Council

Applicant: Mr C Wright, Gwreiddyn Lane, Sarn Meadow, Guilsfield, Welshpool, Powys SY21 9DN

Location: Sarn Meadow, Gwreiddyn Lane, Guilsfield, Welshpool, Powys SY21 9DN

Proposal: Outline application for 5 residential dwellings, improvement to existing vehicular access and formation of a pavement

Application Type: Application for Outline Planning Permission

In response to questions the Professional Lead Development Management advised that the mature hedge was included in the application and its retention was covered by conditions.

Concerns were raised regarding the proposed development being outside the development boundary and 115 metres by road from this and that previously the lack of a five year housing land supply was only relevant when a development was adjacent to a settlement. The Planning Officer advised that the applicant proposed to plant trees in the gap between the development and the settlement so that they would be seen to be connected.

It was moved and seconded to refuse the application as it represented an unacceptable development in the open countryside contrary to Policy HP6 and that it be delegated to the Professional Lead Development Management in consultation with the Chair and Vice Chair to agree the wording of the refusal.

RESOLVED:	Reason for decision:
that, contrary to the officer recommendation, the application be refused and that it be delegated to the Professional Lead Development Management in conjunction with the Chair and Vice Chair to agree the wording of the refusal.	The proposed development represented an unacceptable development in the open countryside contrary to policy including HP6.

County Councillors K. Laurie-Parry and P. Roberts resumed their seats in the Committee.

7.5 P/2016/1052 Land opposite Manor Cottage White Grit, Minsterley, Shrewsbury SY5 0JL

Application No: P/2016/1052

Grid Ref: 331858.68, 297368.3

Valid Date: 12/10/2016

Officer: Bryn Pryce

Community Council: Churchstoke Community Council

Applicant: Gricmanis c/o Agent

Location: Land opposite Manor Cottage, White Grit, Minsterley, Shrewsbury SY5 0JL

Proposal: Erection of a dwelling and construction of vehicular access

Application Type: Application for Outline Planning Permission

In response to comments about the use of the volume of housing on the site the Professional Lead Development Management advised that in rural settlements Development Management had taken the stance that it would only permit developments of one or two houses as an appropriate sustainable level of development.

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

7.6 P/2017/0081 Land at Kincoed, Mochdre, Newtown, Powys, SY16 4JT

Application No: P/2017/0081

Grid Ref: 307371.85 287813.66

Valid Date: 20/01/2017

Officer: Kevin Straw

Community Council: Mochdre Community Council

Applicant: Mr Rob Beardall, Kincoed, Mochdre, Newtown, Powys SY16 4JW

Location: Land at Kincoed, Mochdre, Newtown, Powys, SY16 4JT

Proposal: Reserved Matters: Erection of an affordable dwelling, formation of vehicle access, installation of septic tank and associated works

Application Type: Application for Approval of Reserved Matters

The Planning Officer confirmed that the revised plans stated that the development was under 130 sq metres. The Professional Lead Development Management advised that permitted development rights had been removed under the original planning permission. In response to questions the Planning Officer advised that the location of the proposed house meant it had no adverse impact on the bungalow opposite.

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

7.7 P/2017/0259 Riverside Caravan Park, Llangammarch Wells, Powys, LD4 4EP

Application No: P/2017/0259

Grid Ref: 293222.95 246980.22

Valid Date: 09/03/2017

Officer: Thomas Goodman

Community Council: Llangammarch Wells Community Council

Applicant: Mr John Carroll, Riverside Caravan Park, Llangammarch Wells, Powys LD4 4BY

Location: Riverside Caravan Park, Llangammarch Wells, Powys LD4 4EP

Proposal: Siting of 40 touring caravans and 13 static caravans for holiday use between 1st March through to 3rd January of the following year and the winter storage of 42 caravans

Application Type: Application for Full Planning Permission

The Committee noted that the site was entirely in flood zone C2. In response to questions the Planning Officer advised that Natural Resources Wales [NRW] stated that as there was no increase in the number of caravans on the site there was no increased risk and so the application complied with TAN15. The Professional Lead Development Management advised that if members were not happy with the NRW response it would be appropriate for them to defer for further consideration.

It was proposed and duly seconded to defer consideration of the application to seek further information from NRW as the application proposed the site to be open for a longer period each year.

RESOLVED:	Reason for decision:
that the application be deferred.	To enable officers to seek further clarification from Natural Resources Wales [NRW] regarding its views on the increase use of the site.

7.8 P/2017/0396 Sports Ground behind Pinetree Lodge, Ynyscedwyn, Ystradgynlais, Swansea SA9 2LB

Application No: P/2017/0396

Grid Ref: 277789.73 209707.84

Valid Date: 02/05/2017

Officer: Lorraine Jenkin

Community Council: Ystradgynlais Town Council

Applicant: Powys County Council

Location: Sports Ground behind Pinetree Lodge, Ynyscedwyn, Ystradgynlais, Swansea SA9 2LB

Proposal: Full: Formation of a cycle path to link two sections of existing path and all associated works

Application Type: Application for Full Planning Permission

The Planning Officer advised that an objection had been received the previous day regarding highways safety and the behaviour of children but did not affect the officer's recommendation.

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

7.9 P/2017/0361 The Old College, Newtown, Powys, SY16 1BE

Application No: P/2017/0361

Grid Ref: 311030.27 291356.43

Valid Date: 10/04/2017

Officer: Luke Jones
Community Council: Newtown Town Council
Applicant: Powys County Council
Location: The Old College, Newtown, Powys, SY16 1BE
Proposal: Erection of a single storey common room
Application Type: Application for Full Planning Permission

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

7.10 P/2017/0225 Unit 29, Ddole Industrial Estate Road, Llandrindod Wells, Powys, LD1 6DF

Application No: P/2017/0225
Grid Ref: 306077.19 262785.72
Valid Date: 01/03/2017
Officer: Thomas Goodman
Community Council: Llandrindod Wells Town Council
Applicant: Powys County Council
Location: Unit 29, Ddole Industrial Estate Road, Llandrindod Wells, Powys LD1 6DF
Proposal: Section 73 application for variation of condition 2 of P/2015/1211 in relation to alterations of approved plans (retrospective)
Application Type: Application for Removal or Variation of a Condition

The Planning Officer advised that if the Committee was minded to approve the application condition 1 should be removed as the development already had planning permission.

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

condition 2 set out in the report which is filed with the signed minutes.	the signed minutes.
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7.11 P/2017/0359 19 Holcombe Drive, Llandrindod Wells, Powys LD1 6DN

Application No: P/2017/0359

Grid Ref: 305624.31 262033.42

Valid Date: 03/04/2017

Officer: Isobel Davies

Community Council: Llandrindod Wells Town Council

Applicant: Mr Wyn Richards, 19 Holcombe Drive, Llandrindod Wells, Powys LD1 6DN

Location: 19 Holcombe Drive, Llandrindod Wells, Powys LD1 6DN

Proposal: Section 192 Certificate of Lawfulness for a proposed use in relation to replacement conservatory and installation of patio doors

Application Type: App. Proposed Certificate Lawful Development
Proposed use or development

RESOLVED:	Reason for decision:
that a certificate of lawfulness is granted.	As officers recommendation as set out in the report which is filed with the signed minutes.

8.	DECISIONS OF THE HEAD OF REGENERATION, PROPERTY AND COMMISSIONING ON DELEGATED APPLICATIONS
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The Committee received for information a list of decisions made by the Head of Regeneration, Property and Commissioning during the period between 19th April, 2017 and 15th June, 2017.

County Councillor K Laurie-Parry asked that it be recorded that she was not the Councillor when P/2017/0290 was being considered by Development Management.

9.	MINUTES OF TAXI REVIEW PANELS
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The Chairs presiding at the Taxi Review Panels held on 1st February, 2017 and 12th April, 2017 were authorised to sign the minutes as correct records. It was

noted that the Chairs always approved the draft minutes prior to them being published.

The Committee received the following updates:

- Upper Pengarth wind turbine – the Planning Solicitor advised that as a result of a second Judicial Review the planning permission had been quashed. The planning application would therefore come back to Committee for consideration.
- Correspondence to the Committee from a member of the public – the Professional Lead Development Management advised that an update had been provided to the Portfolio Holder. He assured the Committee that when issues were raised by the individual these were being investigated in a timely manner.

The Committee noted the following meeting dates:

12th July - Neuadd Maldwyn, Welshpool

18th July – Taxi Licensing training, County Hall, Llandrindod Wells

20th July – County Hall, Llandrindod Wells

3rd August – provisionally booked for Ystradgynlais

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

Planning, Taxi Licensing and Rights of Way Committee
12th July 2017

For the purpose of the Government (Access to Information) Act 1985, the background papers relating to each individual planning application constitute all the correspondence on the file as numbered in the left hand column.

Applications for consideration by Committee:

Application No:	Nature of Development:
Community:	Location of Development:
O.S. Grid Reference:	Applicant:
Date Received:	Recommendation of Head of Planning:

<p>P/2016/0154</p> <p>Dwyriw</p> <p>305746.64 301004.76</p> <p>10.02.17</p>	<p>Outline: Residential development of up to 9 dwellings, creation of access and associated works (some matters reserved)</p> <p>Land adjoining The Garage, Adfa, Newtown, Powys, SY16 3DW</p> <p>Mr T P Richards, Maenllengen, Adfa, Newtown, Powys, SY16 3DL</p> <p>Recommendation:</p> <p>Conditional Consent</p>
<p>P/2016/0940</p> <p>Llangunllo</p> <p>320592.09 268888.89</p> <p>19.09.16</p>	<p>Full: Change of use of land to site 4 holiday lodges, creation of access, installation of septic tanks and associated works</p> <p>Dolassey Farm, Bleddfa, Knighton, Powys LD7 1PA</p> <p>Mr Tom Jones, Dolassey Farm, Bleddfa, Knighton, Powys LD7 1PA</p> <p>Recommendation:</p> <p>Conditional Consent</p>
<p>P/2016/1337</p> <p>Llangyniew</p> <p>311255.28 312846.43</p>	<p>Outline: Proposed residential development comprising of up to 9 dwellings, formation of vehicular access and access road and all associated works</p>

<p>30.12.16</p>	<p>Land adj. Pant-y-Ddafad, Pontrobert, Meifod, Powys SY22 6JF</p> <p>Mr J M Evans, c/o Roger Parry and Partners</p> <p>Recommendation:</p> <p>Conditional Consent</p>
<p>P/2017/0217</p> <p>Cadfarch</p> <p>277887.52 300771.99</p> <p>21.02.17</p>	<p>Full: Erection of a dwelling, formation of vehicular access and all associated works</p> <p>Plot adjoining Brynperian, Penegoes, Machynlleth, Powys, SY20 8RP</p> <p>Mr Rhys Davies, Uwchygarreg, Blaen Llan, Machynlleth, Powys, SY20 8RP</p> <p>Recommendation:</p> <p>Conditional Consent</p>
<p>P/2017/0329</p> <p>Dwyriw</p> <p>306282.14 301102.68</p> <p>24.03.2017</p>	<p>Outline: Residential development of up to 9 dwellings, including new access and all associated works (some matters reserved)</p> <p>Land adjoining Min-y-Ffordd, Adfa, Newtown, Powys SY16 3DB</p> <p>Mr D T M Jones, Min-y Ffordd, Adfa, Newtown, Powys SY16 3DB</p> <p>Recommendation:</p> <p>Conditional Consent</p>
<p>P/2016/1132</p> <p>Painscastle</p> <p>309445.76 244645.34</p> <p>02.11.20116</p>	<p>Full: Reinstatement of a former dwelling to residential use, installation of septic tank, formation of vehicular access, change of use of agricultural land to form residential curtilage and all associated works.</p> <p>Church House Farm, Llandeilo Graban, Builth Wells, LD2 3YJ</p> <p>Mr & Mrs Pugh, Cwrt-y-Gribbin, Llandeilo Graban, Builth Wells, LD2 3YJ</p> <p>Recommendation:</p>

	Conditional Consent
<p>P/2017/0498</p> <p>Presteigne</p> <p>330903.98 265077.57</p> <p>04.05.17</p>	<p>Outline: Erection of 2 dwellings to include improvements to the existing access. Change of use of existing business to residential</p> <p>Land to the rear of Sunnydale, Knighton Road, Presteigne, Powys, LD8 2ET</p> <p>Messrs RM, C & T Layton, 1 Kings Court, Presteigne, Powys, LD8 2ET</p> <p>Recommendation:</p> <p>Conditional Consent</p>
<p>P/2017/0473</p> <p>Llanbrynmair</p> <p>288314.13 300652.15</p> <p>28.4.2017</p>	<p>Full: Erection of a detached dwelling and garage, formation of vehicular access and all associated works</p> <p>Land adj. Hafgan, Llan, Llanbrynmair, Powys SY17 5AZ</p> <p>Mr Philip Price, Coed y Gaer Fawr, Llandinam, Powys SY19 7DR</p> <p>Recommendation:</p> <p>Conditional consent</p>
<p>P/2016/0719</p> <p>Llansantffriad</p> <p>321782.49</p> <p>26.07.16</p>	<p>Outline: Erection of 16 no. dwellings and all associated works with all matters reserved</p> <p>Land adj to Dyffryn Foel, Llansantffraid, Powys SY22 6DG</p> <p>Mr R Roberts, Messers Roberts, Land adj to Dyffryn Foel, Llansantffraid, Powys SY22 6DG</p> <p>Recommendation:</p> <p>Consent – Subject to a S106 agreement</p>
<p>P/2017/0295</p>	<p>Full: Erection of a dwelling and garage, creation of access and all associated works</p>

<p>Llanerfyl</p> <p>303053.1 309313.75</p> <p>16.03.2017</p>	<p>(part retrospective)</p> <p>Land Adjacent to Ysgol Gynradd Llanerfyl, Llanerfyl, Welshpool Powys SY21 0HZ</p> <p>Miss Melany Price, Caddis Corner, Llanerfyl, Welshpool, Powys SY21 0HZ</p> <p>Recommendation:</p> <p>Conditional Consent</p>
<p>AGRI/2017/0042</p> <p>Meifod</p> <p>314833.69 312625.96</p> <p>31.05.2017</p>	<p>Application for prior Notification of Agricultural or Forestry development: proposed ereceion of an agricultural building</p> <p>Land at Dyffryn, Meifod, Powys, SY22 6HL</p> <p>J W Wilkinson, Dyffryn, Meifod, Powys SY22 6HL</p> <p>Recommendation:</p> <p>Conditional Consent</p>

4.2

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2017/0154	Grid Ref:	305746.64 301004.76
Community Council:	Dwyriw	Valid Date:	Officer: 10/02/2017 Eddie Hrustanovic
Applicant:	Mr T P Richards, Maenllengen, Adfa, Newtown, Powys SY16 3DL		
Location:	Land adjoining The Garage, Adfa, Newtown Powys SY16 3DW		
Proposal:	Outline: Residential development of up to 9 dwellings, creation of access and associated works (some matters reserved)		
Application Type:	Application for Outline Planning Permission		

The reason for Committee determination

The proposal is a departure from the development plan and is recommended for approval.

Site Location and Description

The application site is located on the western side of Adfa, along C2015 highway and to the south of cluster of existing properties. Adfa is classified as a Large Village within Powys Unitary Development Plan (insert map M103) and the site is adjacent to the designated settlement boundary. The Garage (tyre depot) is to the east of the site as well as the centre of the village. The site is currently in agricultural use and forms part of a larger field which is bound by a hedgerow on the norther boundary facing the County highway, a stock proof fence and hedgerows along the eastern, southern and western boundaries, while disused small agricultural building is located on the eastern corner of the application site/field.

The application is submitted in outline with access to be considered at the outline stage for the erection of up to nine detached dwellings. The proposal will consist of;

- Seven, open market four bedroom detached houses (125m² to 180m²) with detached garages; and
- Two, three bedroom semi-detached affordable units with single garages (up to 130m²).

The indicative layout indicates that access would be gained off the C2015 highway, opposite the exiting bungalows, with an adoptable road leading to a private drive providing access, turning and parking facilities for each dwelling. The application site has an area of 0.68 hectares.

Consultee Response

Dwyriw Community Council

Dwyriw Community Council has no objection to this application but would like the following points to be taken into consideration:

- There is concern about the high number of dwellings proposed at this stage.
- The impact on the traffic and highway due to the large number of extra vehicles associated with a development of this size.
- Current services and facilities are very limited in the village of Adfa.

PCC - Highways

Wish the following recommendations/Observations be applied
Recommendations/Observations

HC3 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.

HC4 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.

HC7 Prior 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 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.

HC9 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. The parking areas shall be retained for their designated use in perpetuity.

HC10 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.

HC11 Prior to the construction of any dwelling 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 access carriageway shall be not less than 5.5 metres and shall be maintained at this width for as long as the development remains in existence.

HC13 Prior to the occupation of any dwelling 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.

HC17 Prior to the occupation of any dwelling a 2.0 metre wide footpath shall be provided on the both sides of the site access and along the full frontage of the site onto the existing county class III road, C2015 and shall be retained for as long as the development hereby permitted remains in existence.

HC19 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.

HC20 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.

HC22 Within 30 days from the commencement of the development 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.

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 Condition 12, 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.

HC31 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.

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

Wales & West Utilities

Based on the information given and the address provided, Wales & West Utilities have no apparatus in the area of your enquiry. Our records show those pipes owned by Wales & West Utilities (WWU) in its role as a Licensed Gas Transporter (GT). Service pipes, valves, syphons, stub connections, etc. may not be shown but their presence should be anticipated. No warranties are therefore given in respect of it. They also provide indications of gas pipes owned by other GTs, or otherwise privately owned, which may be present in this area. This

information is not information of WWU and WWU is unable to verify this information or to confirm whether it is accurate or complete.

Severn Trent

Thank you for the opportunity to comment on this planning application. Please find our response noted below:

With Reference to the above planning application the company's observations regarding sewerage are as follows.

I can confirm that we have no objections to the proposals subject to the inclusion of the following condition:

- The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and
- The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to reduce or exacerbate a flooding problem and to minimise the risk of pollution.

PCC - Rights of Way

Countryside Service confirms that a public footpath 36 will be obstructed by the proposed development. We note that the development drawing does acknowledge the existence of the public footpath 36 and has incorporated it into the development on a diverted line. The success of incorporating public rights of way into a development scheme depends on ensuring that they are well catered for at design stage and some thought is put in as to their future maintenance. Unfortunately, this has not always been the case with developments throughout Powys. Poor design has often burdened Powys County Council with unresolvable maintenance issues.

We would therefore recommend that the developer discusses the details of any proposed diversion with Countryside Services before the development is finalised. Consideration should be given to:

- Width of a public right of way especially if it is to be enclosed.
- The surface of a right of way depending on its status and location.
- Clear responsibility of future maintenance including boundaries and surfacing.
- Lighting depending on location
- Proximity of car parking (i.e. potential to block access)
- Attention paid to least restrictive access (Equalities Act 2010)
- Associated development such as fencing and gates.
- Diverting a public right of way

Please see Powys County Council's 'Rights of Way and Development - A Practitioners Guide', for more information. Available from Countryside Services' or Planning Services' upon request or on-line at <http://www.powys.gov.uk/index.php?id=1756&L=0> We would

advise that until an application has been processed and confirmed no development can take place over the definitive line of the affected right of way. As the process will likely take a minimum of 6 months with no complications we would strongly urge the applicant to apply for a public path order as soon as possible to avoid works being held up. It should also be noted that new structures on a diverted right of way such as field gates would need to be licenced for under separate legislation. For more information and an application form for a Public Path Order please contact the Rights of Way Officer, Sian Barnes (01597 827595) sian.barnes@powys.gov.uk

PCC - Ecologist

Ecological Topic		Observations
EIA Screening Requirement	No	The site area is understood to be 0.68 hectares and includes up to 9 dwellings. Therefore, the development is not considered to meet or exceed the thresholds of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016 for the screening of dwelling house developments for EIA since it does not exceed five hectares; include more than 150 dwellings; or include more than one hectare of urban development that is not a dwelling house development.
Ecological Information included with application	No	No ecological information has been submitted with this application. These observations are based on an interpretation of available aerial and street imagery and historical biodiversity records provided by the Powys Biodiversity Information Service. The application site appears to be located within an improved grassland agricultural field and is bounded by a hedgerow to the north and partially to the east.
Protected Species & Habitats ¹	European Species <input checked="" type="checkbox"/>	There are no historical records of European protected species from the application site and the majority of the habitat at the site does not appear suitable to support such species. The northern boundary hedgerow could provide commuting and foraging habitat for bat species, and other nocturnal wildlife. It would seem likely that the creation of the new footpath would require the removal of the northern boundary hedgerow, with a new hedgerow planted along the new boundary (plan ref. RPP/TW-JOB05-03). I suggest that any removed hedgerow is translocated to the new northern boundary of the development site

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

		<p>instead of buying and planting new stock. The proposed new trees along the new northern boundary should also be incorporated within this.</p> <p>If external lighting is required for this development I recommend that an external lighting scheme sensitive to bats and other nocturnal wildlife, including low-powered and short-timed PIR lighting sensitive to large objects only, is used.</p>
	<p>UK Species <input checked="" type="checkbox"/></p>	<p>There are no historical records of UK protected species from the application site and the general habitat does not appear suitable for such species. However, the northern boundary hedgerow would appear to provide suitable nesting habitat for some bird species.</p> <p>I recommend that any vegetation clearance works are timed to avoid the bird nesting season (generally March to August inclusive). If work that could destroy bird nesting habitat is to proceed in the bird nesting season, a suitably-experienced ecologist should check for active bird nests immediately in advance of the works commencing.</p>
	<p>Section 7 Species & Habitat <input checked="" type="checkbox"/></p>	<p>The applicant should be mindful that, in accordance with Powys County Council's duty under Section 7 of the Environment (Wales) Act 2016, TAN 5, UDP policies and biodiversity SPG, as part of the planning process PCC should ensure that there is no net loss of biodiversity or unacceptable damage to a biodiversity feature.</p> <p>Hedgerows are a Section 7 Priority Habitat within Wales and it appears that the hedgerow that borders the north of the site is to be removed and replaced with a new hedgerow (plan ref. RPP/TW-JOB05-03). I suggest that any removed hedgerow is translocated to the new northern boundary of the development site instead of buying and planting new stock. The proposed new trees along the new northern boundary should also be incorporated within this.</p> <p>The proposals to plant additional new hedgerows to the southern and eastern boundaries and new trees within the development are welcomed as a biodiversity enhancement. Locally-occurring, native species will need to be used for this and the Species List will be required for approval by the local planning authority as part of a biodiversity enhancement plan for the site.</p>

	LBAP Species & Habitat <input checked="" type="checkbox"/>	See previous observations.
Protected Sites	International Sites ² <input type="checkbox"/>	None within the 2km search area.
	National Sites ³ <input type="checkbox"/>	None within the 2km search area.
	Local Sites (within 500m) <input type="checkbox"/>	None within 500m.
Invasive Non-Native Species	Unknown	No ecological information has been submitted with this application.
Cumulative Effect	Unknown / Unconfirmed	
Summary of recommendations / further assessment or work		<p>It would seem likely that the creation of the new footpath would require the removal of the northern boundary hedgerow, with a new hedgerow planted along the new boundary (plan ref. RPP/TW-JOB05-03). I suggest that any removed hedgerow is translocated to the new northern boundary of the development site instead of buying and planting new stock. The proposed new trees along the new northern boundary should also be incorporated within this.</p> <p>If external lighting is required for this development I recommend that an external lighting scheme sensitive to bats and other nocturnal wildlife, including low-powered and short-timed PIR lighting sensitive to large objects only, is used.</p> <p>I recommend that any vegetation clearance works are timed to avoid the bird nesting season (generally March to August inclusive). If work that could destroy bird nesting habitat is to proceed in the bird nesting season, a suitably-experienced ecologist should check for active bird nests immediately in advance of the works commencing.</p>

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

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

	<p>The proposals to plant additional new hedgerows to the southern and eastern boundaries and new trees within the development are welcomed as a biodiversity enhancement. Locally-occurring, native species will need to be used for this and the Species List will be required for approval by the local planning authority as part of a biodiversity enhancement plan for the site.</p>
<p>Recommended Conditions</p>	<p>Should you be minded to approve this application, I recommend the inclusion of the following conditions:</p> <p><i>Prior to commencement of development, a Biodiversity Enhancement Plan, including a Species List for the landscape planting, shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.</i></p> <p><u>Reason:</u> To comply with Powys County Council’s UDP Policies SP3, ENV2, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and the Environment (Wales) Act 2016.</p> <p><i>Prior to commencement of development a lighting design scheme to take any impacts on nocturnal wildlife into consideration shall be submitted for written LPA approval.</i></p> <p><u>Reason:</u> 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.</p> <p>Informatives</p> <p>Birds - Wildlife and Countryside Act 1981 (as amended)</p> <p>All nesting birds, their nests, eggs and young are protected by law and it is an offence to:</p> <ul style="list-style-type: none"> • 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

	<ul style="list-style-type: none"> intentionally take or destroy the egg of any wild bird intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird. <p>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.</p> <p>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.</p>
<p>Relevant UDP Policies</p>	<p>SP3 Natural, Historic and Built Heritage ENV 2: Safeguard the Landscape ENV 3: Safeguard Biodiversity and Natural Habitats ENV 7: Protected Species</p>
<p>Comments on Additional Information</p>	<p>N/A</p>

PCC - Environmental Health

I am concerned about locating residential dwellings next to the garage unit due to potential noise issues from the adjacent business. Upon visiting the site I note that there are a number of dwellings in closer proximity to the garage than those in the application, therefore I have no objection to the application. Could STW please confirm that the mains drainage has sufficient capacity to accommodate the additional waste.

Representations

Following the display of site notice and publicity in the local press, one representation of objection has been received. In summary comments relate to;

- Lack of mobile phone signal in the area;
- Bad internet signal;
- Lack of bus service;

- No local shop;
- Lack of social activities;
- The proposal will increase vehicular movements, increase pollution, and place extra pressure on sewage disposal facilities.

Planning History

No recent planning history noted.

Principal Planning Constraints

- Public Right of Way 246/36z/;
- C2015;
- Outside designated settlement boundary.

Principal Planning Policies

National Planning Policy

Planning Policy Wales (Edition 9, 2016)

TAN 1: Joint Housing Land Availability Studies (2015)
 TAN 2: Planning and Affordable Housing (2006)
 TAN 5: Nature Conservation and Planning (2009)
 TAN 6: Planning for Sustainable Rural Communities (2010)
 TAN 12: Design (2016)
 TAN 15: Development and Flood Risk (2004)
 TAN 18: Transport (2007)
 TAN 23: Economic Development

Welsh Government Circular 016/2014 – The Use of Planning Conditions for Development Management

Welsh Office Circular 13/97 - Planning Obligations

Local Planning Policy

Powys Unitary Development Plan (2010)

UDP SP1 – Social, Community and Cultural Sustainability
 UDP SP2 - Strategic Settlement Hierarchy
 UDP SP5 – Housing Developments
 UDP SP6 – Development and Transport
 UDP GP1 – Development Control
 UDP GP2 – Planning Obligations
 UDP GP3 – Design and Energy Conservation
 UDP GP4 – Highway and Parking Requirements
 UDP ENV1 – Agricultural Land
 UDP ENV2 – Safeguarding the Landscape

UDP ENV3 – Safeguarding Biodiversity and Natural Habitats
UDP ENV7 – Protected Species
UDP CS3 – Additional Demand for Community Facilities
UDP HP3 – Housing Land Availability
UDP HP4 – Settlement Development Boundaries and Capacities
UDP HP5 – Residential Developments
UDP HP6 – Dwellings in the Open Countryside
UDP HP7 – Affordable Housing within Settlements
UDP HP8 – Affordable Housing Adjoining Settlements with Development Boundaries
UDP HP10 – Affordability Criteria
UDP TR2 – Tourist Attractions and Development Areas
UDP DC10 – Mains Sewerage Treatment
UDP DC13 – Surface Water Drainage

Affordable Housing for Local Needs Supplementary Planning Guidance (SPG) Approved September 2010 Updated July 2011

Powys Residential Design Guide (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

Section 38 (6) of the Planning and Compulsory Purchase Act 2004

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

Principle of Development

National policy guidance contained within Planning Policy Wales (PPW) restricts new building outside settlement limits unless it is justified as an exception to the policy of restraint. PPW states that new house building away from established settlements should be strictly controlled. It goes on to advise that isolated new houses in the open countryside require special justification. The Council's current planning policy, Powys Unitary Development Plan 2010 (UDP), states that outside settlement development boundaries, proposals for new residential development are only approved in exceptional circumstances, where they comply with UDP Policies HP6 (Dwellings in the Open Countryside), HP8 (Affordable Housing adjoining Settlements with Development Boundaries) or HP9 (Affordable Housing in Rural Settlements).

Given the site's location, adjacent to the settlement development boundary of Adfa, UDP Policy HP8 would normally require 100% affordable dwellings on such a site, as an exception to normal housing policies and where there is an identified, proven need. Although the application proposes two affordable units, the remaining dwellings would be open market dwellings. The proposed development would result in open market residential development

outside of the defined settlement boundary and would therefore be contrary to the Unitary Development Plan.

Taking into account the policy context, the consultee and public responses, and the site constraints the main issues are considered below.

Housing land supply

The departure is being justified by the applicant on the basis that Powys County Council does not have a 5 year housing land supply.

Planning Policy Wales states that *'Local planning authorities must ensure that sufficient land is genuinely available or will become available to provide a 5 year supply of land for housing judged against the general objectives and the scale and location of development provided for in the development plan.'*

The Powys Joint Housing Land Availability Study (JHLAS) 2016 states that there was 2.2 years supply of housing land in the Powys Local Planning Authority (LPA) area. Failure to have a 5-year housing land supply is an important material consideration that should be taken into account when determining this scheme. Technical Advice Note 1: Joint Housing Land Availability Studies (2016) states as follows:

"The housing land supply should also be treated as a material consideration in determining planning applications for housing. Where the current study shows a land supply below the 5 year requirement or where the local planning authority has been unable to undertake a study, the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with development plan and national planning policies".

The JHLAS identified a significant undersupply of housing land within Powys. As mentioned above, TAN 1 confirms that the need to increase supply should be given considerable weight but only where the development would otherwise comply with development plan and national planning policies. Members are advised that the lack of housing land supply should be primarily considered on a county-wide basis. Four sites were allocated within the UDP for residential development and these sites have been developed.

In light of the above, whilst acknowledging that the proposal does constitute a departure from the development plan, Members are advised that the lack of a five year housing supply in Powys needs to be given considerable weight in the determination of this application.

However, before reaching a decision, the scheme will need to be considered against other policies contained within the UDP in order for a balanced view to be made on the acceptability of the development overall.

Adfa is designated as a large Village within Powys Unitary Development Plan (UDP), with four allocated sites for residential development which have been completed in the recent years. In addition, UDP recognises that further opportunities for frontage infill development may exist within the settlement, and that there may be other opportunities for affordable housing adjacent to the settlement development boundaries and within the nearby rural settlements of Llanwyddelan, Llanllugan and Pantycrai. Policy HP4 indicates that Large

Villages such as Adfa may be capable of accommodating an additional 10 dwellings on windfall sites without exceeding the overall capacity of the settlement. Based on the current need for housing supply within the county it is considered that there is sufficient justification for the proposed development and that the scale of the proposal would not significantly exceed the capacity of the settlement.

Principle of sustainable development

When providing additional housing it is important to consider whether the scheme can be considered to be sustainable development. This can relate to a wide range of matters including public transport provision and access to education, employment opportunities and other services.

PPW requires that development be sustainable and that adverse impacts do not outweigh the benefits. Furthermore PPW, it states that, in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and new isolated homes in the countryside should be avoided, unless special circumstances apply in compliance with provisions of TAN6.

The public representation is acknowledged, however it is noted that the village is served by a range of community service, although limited in nature, nevertheless a post office does operate on a part-time basis, there is a bus service to Welshpool, and there is a Community Hall and children's play area.

Therefore, on balance Officers consider that additional residential development in this location would accord with the provisions of Planning Policy Wales as it is considered to be a sustainable location.

Affordable housing provision

Given that the proposal is for more than five dwellings, the UDP requires a proportion of affordable housing. UDP Policy HP7 states that a proportion of affordable housing will be sought based on the extent and type of need as identified by the Council's Housing Needs Survey, successive surveys or other reliable robust data sources and the nature of the site.

In this instance the proposal indicates the provision of two affordable units

The applicant has offered to provide on-site provision of two affordable dwellings. This equates to a 22% provision which is below the 30-35% proportion advised that is normally achievable within the UDP.

The updated Affordable Housing Topic Paper (September 2016) which was produced to inform the LDP preparation recognises that that the Severn Valley area of Powys, of which Dwyriw is located, will viably be able to provide a 20% affordable housing contribution.

Therefore, on this basis, it is considered that the proposed level of affordable housing (two units) is acceptable and a condition should be attached to restrict the floor space of the dwellings to that set out within the UDP (130 square metres) as well as removing permitted development rights.

Design and layout and impact upon surrounding area – landscape and visual impacts

Guidance contained within UDP policy HP5 indicates that residential development will be permitted where the development is of an appropriate scale, form and design and general character, to reflect the overall character and appearance of the settlement and surrounding area. Whilst design and layout are reserved and will be dealt with at the reserved matters stage, it is relevant to consider whether the number of dwellings proposed could be appropriately developed on the site.

The site is an edge of settlement location which adjoins open countryside and therefore the locality is considered to be sensitive to visual change. The indicative layout and scale indicates nine, two storey dwellings, some with garages sited off the adoptable and private road. The layout demonstrates that the site can accommodate nine dwellings and detailed design would follow at reserved matters stage, if this outline application receives consent which would provide the opportunity to ensure that the dwellings have an acceptable appearance and design. The immediate surrounding properties consist of a mixture of one and two storey detached properties with a mixed palette of materials; including brick and render. Therefore, the proposed scale of two storeys is not considered to be out of character with the locality. The indicative layout provides a layout which results in the front elevations of the dwellings facing to the public highway which is recommended by Powys Residential Design Guide. The majority of dwellings at Adfa face onto the public highway and are set back with access driveways off the highway.

In terms of landscaping, the submission indicates that the proposal would provide an opportunity to provide additional native landscaping which would assist in mitigating visual impact. Landscaping is a reserved matter and therefore detailed proposals would be considered at a later date.

Whilst the site would be visible from public vantage points including the public highway and public rights of way and that the proposal would result in a visual change in comparison to the current agricultural use, taking into account the location opposite the cluster dwellings at Adfa and along the approach road to the Village, the development is considered to be acceptable. Furthermore, taking into account the character of existing development in the locality, and that landscaping measures would reduce the visual impact, the proposed scale of nine dwellings is considered to reflect the character of the development that has occurred along the highway at Adfa, it is considered that a satisfactory detailed design could come forward to reflect the overall character and appearance of the settlement and surrounding area. Therefore, the proposal is considered to comply with UDP Policy ENV2.

Public Right of Way

Countryside Service confirms that a public footpath number 36 will be obstructed by the proposed development, however Officers note that the development drawing does acknowledge the existence of the public footpath 36 and has incorporated it into the development on a diverted line. However in this instance it is recommended to place an informative on the decision notice drawing the attention to the applicant/developer in respect of the Public Right of Way route and their responsibilities to that regard.

Given that the applicant has acknowledged the existence of the public footpath and has incorporated it into the development on a diverted line, it is not considered that the proposal

would have an unacceptable adverse effect upon the environmental setting of established tourist attractions in accordance with UDP Policy TR2.

Residential amenity

Policy GP1 states that development proposals will only be permitted where the amenities enjoyed by the occupants of nearby or proposed properties will not be unacceptably affected. The Powys Residential Design Guide provides guidance on overshadowing and privacy.

The site is located opposite (across the C2015 highway) number of properties at a distance of approximately 20-23 metres from the northern boundary of the application site. The existing dwellings are also set back from the highway, with intervening hedge between.

The Residential Design Guide states that the acceptable distance between front elevations should normally be determined by character of road widths in the area. Whilst the layout is indicative to demonstrate that nine dwellings can be achieved on the site and as such the detailed layout will be considered at reserved matters stage. Given the separation of the site by the highway from the cluster of dwellings opposite the site, it is considered that there is sufficient distance across the intervening highway to ensure the protection of amenities enjoyed by the existing and proposed occupants. In addition, further consideration can be given to this element when the detailed design is considered.

In terms of overshadowing, the Residential Design Guide advises that where new development is less than 40 metres from the nearest habitable room and where the main front or rear (not flank) elevations of existing development is affected, the height of new development should generally be set below a line of 25 degrees taken from the nearest habitable room of adjoining existing property at a height of 2 metres. Whilst this distance is less than 40 metres in this instance given the separation of the site by intervening highway it is considered that overshadowing will not be an issue. However this could be further controlled at the reserved matter stage.

Taking into account the character of existing development in the locality and the highway, it is considered that the indicative layout demonstrates that residential development can be provided at this location without unacceptably adversely affecting the amenities enjoyed by occupants of existing residential properties and that of the proposed dwellings in accordance with UDP Policy GP1 and the Council's Residential Design Guide.

Highways and Infrastructure

Access would be gained via newly created access point to the north of the application site, and the indicative plan demonstrates that adequate highway access including visibility, turning and parking would be provided within the site in accordance with UDP Policy GP4.

The Highway Authority has not objected to the proposal and has recommended conditions to mitigate any impact upon the highway network and taking into account this advice, subject to the use of conditions, it is considered that the proposal would make adequate provision for highway access, parking and turning in accordance with UDP Policy GP4.

Foul sewage disposal

It is proposed to connect to the public sewerage system which is the preferred method of disposal. The public comments note the sewage disposal issues however Severn Trent Water has advised that they have no objection to the development and therefore Development Management is satisfied that the sewage disposal system has sufficient capacity to accommodate the additional flows generated as a result of the development. Severn Trent Water has advised that a condition should be attached to any consent granted to require the details of the foul drainage and as such it is recommended that such a condition should be attached to any consent granted to ensure a satisfactory means of drainage in accordance with UDP Policy DC10.

Surface water disposal

UDP Policy DC13 requires proposals to make adequate provision for land drainage and surface water disposal. The submission states that surface water would be disposed of via soakaways but no further details have been provided at this stage.

The site is classed as Greenfield. Therefore, proposed surface water flows should be equivalent to existing Greenfield run-off in accordance with the principles of TAN15 – Development and Flood Risk and good practice drainage design. The use of soakaways and or other infiltration techniques should be investigated in the first instance for surface water disposal. If soakaways are not feasible, drainage attenuation to limit the discharge rate from the site no greater than the Greenfield run-off rate should be applied. This is generally controlled via planning conditions with full details of a drainage scheme coming in a reserved matters stage or prior to commencement of development.

In order to ensure that adequate provision for surface water drainage would be made, a condition must be imposed on any consent granted to require the submission and implementation of a satisfactory drainage scheme.

Ecology

The Council acknowledges the need to protect biodiversity from adverse development through careful monitoring, maintenance and the protection of habitats and species worthy of conservation. Therefore the nature conservation policies in the UDP seek to safeguard and enhance biodiversity, and these objectives are also echoed in national policy (TAN5 and Planning Policy Wales). An ecological assessment has been submitted with the application.

No ecological information has been submitted with this application. The application site appears to be located within an improved grassland agricultural field and is bounded by hedgerows. The County Ecologist confirms that there are no historical records of European protected species from the application site and the majority of the habitat at the site does not appear suitable to support such species.

Subject to the use of appropriate conditions as advised by the ecologist, it is considered that the proposal would comply with the relevant nature conservation and biodiversity policies of the UDP and the objectives of Planning Policy Wales and TAN 5: Nature Conservation and Planning.

Loss of agricultural land

UDP Policy ENV1 provides safeguarding for the best and most versatile land. The land is not known to fall within grades 1, 2 and 3a and therefore is not considered to be of the best and most versatile agricultural land or of particular value to agriculture within the locality in accordance with the advice provided within UDP Policy ENV1 and Technical Advice Note 6.

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 the proposal is a departure from the development plan, the Council's current lack of housing land supply carries significant weight in favour of this development and given that the proposal would otherwise comply with development plan and national planning policies, the recommendation is one of conditional consent

Conditions

1. Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. The development shall be carried out in accordance with the plans stamped as approved on xxxx in so far as the extent of the application site is drawn and the access point onto the C2015 highway (drawing no: RPP/TW/JOB05-03).
5. 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 occupation of the dwellings hereby permitted and retained in perpetuity.
6. Prior to commencement of development the development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of TAN 2 or any future guidance that replaces it. The scheme shall include:
 - i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 20% affordable dwellings;
 - 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

7. The affordable dwellings shall have a maximum gross floor area of 130 square metres (measured internally and including garages where designed as an integral part of the dwelling) and notwithstanding the provisions of schedule 2, part 1, classes A, B, C and E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), the affordable dwelling shall not be subject to extensions, roof alterations and buildings other than those expressly authorised by the reserved matters approval.

8. A lighting plan showing the location and specification for any proposed lights on the site shall be submitted at the same time as the reserved matters referred to within Condition 1. The plan will include directing lighting away from retained and proposed trees and hedgerows around the application site and the use of downlighting to ensure suitable foraging and commuting habitats to remain unlit. The approved plan shall be implemented prior to the occupation of any of the dwellings.

9. All landscape works shall be carried out in accordance with the details approved at the reserved matters stage. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.

10. The centre line of the first 10 metres of the access road measured from the edge of the adjoining carriageway shall be at right angles to that edge of the said carriageway.

11. Before any other development commences the access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 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.

12. Before any other development commences the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 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.

13. 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. The parking areas shall be retained for their designated use in perpetuity.

14. 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.

15. Prior to the construction of any dwelling 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.

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

17. Prior to the occupation of any dwelling 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.

18. Prior to the occupation of any dwelling a 2.0 metre wide footpath shall be provided on the both sides of the site access and along the full frontage of the site onto the existing county class III road, C2015 and shall be retained for as long as the development hereby permitted remains in existence.

19. 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.

20. 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.

21. 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.

22. Upon formation of the visibility splays as detailed in Condition 12, 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.

23. 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.

24. 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 ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policies GP1, DC10 and DC13 of the Powys Unitary Development Plan (2010).
6. In order to ensure the provision of affordable housing in accordance with Policy HP7 of the Powys Unitary Development Plan (2010) and the Affordable Housing for Local Needs Supplementary Planning Guidance (2011).
7. In order to ensure that the dwellings serve an affordable need in perpetuity in accordance with the Affordable Housing for Local Needs Supplementary Planning Guidance (SPG) (July 2011), Policies HP7 and HP10 of the Powys Unitary Development Plan (2010) and Planning Policy Wales (2016).
8. To comply with Policies SP3, ENV3 and ENV7 of the Powys Unitary Development Plan (2010) in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, 2016), TAN 5: Nature Conservation and Planning.
9. To ensure a satisfactory and well planned development and to preserve and enhance the quality of the natural environment, visual amenity and privacy in accordance with Policies GP1, ENV2, ENV3 and SP3 of the Powys Unitary Development Plan (2010), Technical Advice Note 5: Nature Conservation and Planning (2009) and Planning Policy Wales (Edition 8, 2016).
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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23. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
24. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.

Informative Notes

- This development may affect a statutory Right of Way - Public Footpath 36. Developers should contact Powys County Council Rights of Way team prior to any works commencing.

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:

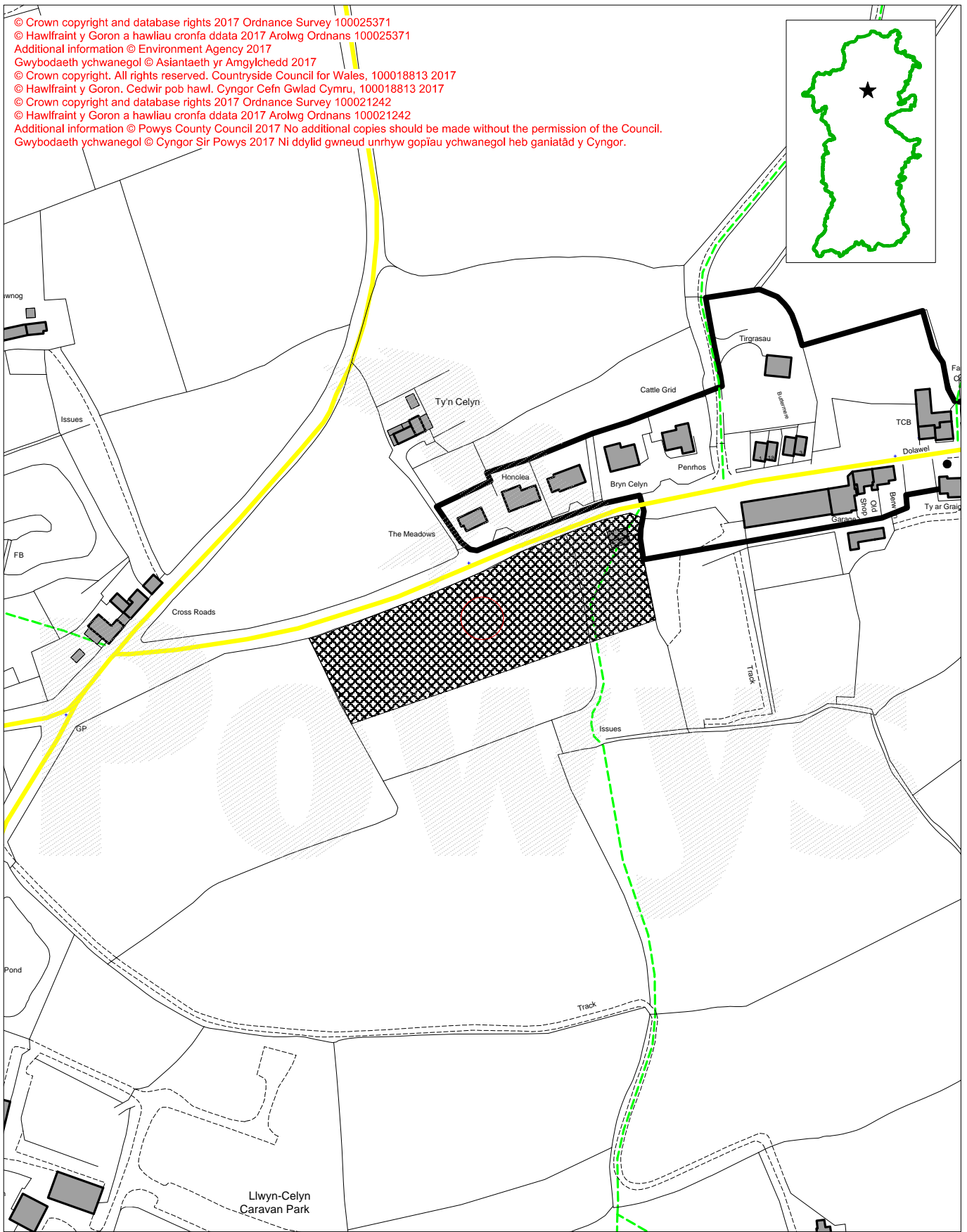
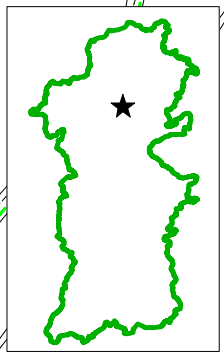
- intentionally kill, injure or take any wild bird
- intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built
- intentionally take or destroy the egg of any wild bird
- intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule 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.

Case Officer: Eddie Hrustanovic- Swyddog Cynllunio / Planning Officer
Tel: 01938 551231 E-mail: edin@powys.gov.uk

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4.3

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2016/0940	Grid Ref:	320592.09, 268888.89
Community Council:	Llangunllo	Valid Date:	Officer: 19/09/2016 Bryn Pryce
Applicant:	Mr Tom Jones, Dolassey Farm, Bleddfa, Knighton, Powys LD7 1PA		
Location:	Dolassey Farm, Bleddfa, Knighton, Powys LD7 1PA		
Proposal:	Change of use of land to site 4 holiday lodges, creation of access, installation of septic tanks and associated works		
Application Type:	Application for Full Planning Permission		

The reason for Committee determination

The application is to be determined by planning committee as it represents a departure from the development plan because part of the access lies within the C2 flood zone.

Site Location and Description

This site is accessed via a private track off the U1143 unclassified highway approximately 0.5 miles north of Bleddfa. The site currently consist of semi improved agricultural grazing land with existing crushed stone tracks and mature hedgerows bounding the site. The fields are accessed across an existing culverted stream.

This application seeks consent for the change of use of land to site 4 holiday lodges, creation of access, installation of septic tanks and associated works. Units 1 and 2 are proposed to be two storey in height and to measure 7 metres in width, 13 metres in length, 3.5 metres in height to the eaves and 6.5 metres in height to the ridge. These units are proposed to have three parking spaces each. Units 3 & 4 are proposed to be single storey to measure 7 metres in width, 13 metres in length, 2.25 metres in height to the eaves and 4.5 metres in height to the ridge. These units are to have two parking spaces each. The proposed access track is to be surface in hardcore with a new box culvert crossing to be provided to replace the existing crossing point.

Consultee Response

Llangunllo Community Council

Correspondence received 28th October 2017

Thank- you for allowing a short extension for the Community Council to comment on this planning application.

The Councillors have raised no objection to the siting of 4 holiday lodges at Dolassey Farm, Bleddfa, but they are concerned over the provision of passing bays on the lane (U1143) which have not yet been completed from a previous application.

PCC - Building Control

Correspondence received 13th June 2017

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

PCC - Highways

Correspondence received 30th September 2016

The County Council as Highway Authority for the County Unclassified Highway, U1143

Wish the following recommendations/Observations be applied

Recommendations/Observations

The Highway authority has no objection to the proposal in principle, but would point out that the provision of passing bays to adoptable standards along the U1143 county highway, secured through previous consents PR407504 & PR407505 in favour of the applicant, have not yet been fully completed. If action is taken to ensure these works are completed, or a suitable condition is attached as part of this application, then I would recommend that the following conditions be attached to any consent granted.

- HC4 Within 5 days from 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 **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.
- HC7 Within 5 days from 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 **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.
- HC21 Prior to the occupation of the lodges the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of **5.5 metres** from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.

Wales & West Utilities

Correspondence received 30th Septmebr 2016

Wales & West Utilities acknowledge receipt of your notice received on 26.09.2016, advising us of the proposals for: Dollasey, Bleddfa, KNIGHTON, Powys, LD7 1PA

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

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

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

Cllr Hywel Lewis

Correspondence received 5th October 2016

Thank you for notification of the above Planning application, I wish to offer the following observations.

I concur with the comments made by Steve Jones, Highways that the provision of passing bays to adoptable standards along the U1143 secured through a previous consent have not been fully completed, and that if you are so minded to approve the application a condition should be attached requiring these passing bays to satisfactorily finished to Highways adoptable standard prior to the commencement of any work on the new development.

PCC - Environmental Health – Public Protection

Correspondence received 18th January 2017

The calculations submitted satisfy concerns in relation to the foul drainage and in particular the drainage filed, I note the comments of our colleagues in the NRW and offer the following should permission be granted.

Any new system must comply with document H2 of the Building Regulations relating to design and installation of the foul drainage system.

The foul drainage from the development which is to be discharged to a septic tank and soak away system shall meet the requirements of British Standard BS 6297: and which complies with the following:

- (a) There is no connection to any watercourse or land drainage system and no part of the soak away system is situated within 10 metres of any ditch or watercourse.

PCC - Environmental Health – Contaminated Land

Correspondence received 7th October 2016

In relation to Planning Application P/2016/0940 the following advice is provided for the consideration of Development Control.

Advice

Historic ordnance survey (OS) maps identify that the application site is located within 100metres of an area of unknown filled ground, which is associated with a former quarry. The area of unknown filled ground could be a potential source of land contamination depending on the type and nature of the materials that have been placed.

Paragraph 13.5.1, of Chapter 13 'Minimising and Managing Environmental Risks and Pollution', of the Welsh Government document 'Planning Policy Wales' (2016) advises: *"responsibility for determining the extent and effects of instability or other risks. It is for the developer to ensure that the land is suitable for the development proposed, as a planning authority does not have a duty of care to landowners"*.

In consideration of the above it is recommended that the following Condition and Note to the applicant be attached to any permission granted for Planning Application P/2016/0940:

Potential Contamination

In the event that contamination is encountered at any time when undertaking the approved development immediate contact must be made with the Local Planning Authority.

The development must not proceed until an investigation and risk assessment has been undertaken, by a qualified and experienced environmental consultant, and where remediation is necessary a Remediation Strategy must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Following completion of the remedial works identified in the approved Remediation Strategy a Verification Report that demonstrates compliance with the agreed remediation objectives must be produced by a qualified and experienced environmental consultant, and is subject to the approval in writing of the Local Planning Authority, prior to commencement of use of the development.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with policy ____ of the adopted Local Plan (date)].

Note to Applicant

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.

PCC - Ecologist

Correspondence received 30th September 2016

Thank you for consulting me with regards to planning application P/2016/0940 which concerns change of use of land to site 4 holiday lodges, creation of access, installation of septic tanks and associated works.

A Extended Phase 1 Survey has been undertaken by PearceEnvironment LTD, the results of this assessment have been submitted with the application with additional information regarding potential impacts to biodiversity.

I have reviewed the Extended Phase 1 Survey produced by PearceEnvironment LDT dated June 2016. I consider that the survey effort employed was in accordance with National guidelines and that the assessment and conclusions identified are appropriate to enable the LPA to assess the impacts of the proposed development to biodiversity.

The report concluded that no evidence of protected species or habitats considered suitable for other protected species were identified during the scope of the study. A habitat suitability index was undertaken of the pond to the west of the application area, this scored poorly.

Great crested newts were thought not to be present as a result of the poor suitability of the pond 1 and the fast flowing stream acting as a barrier, no further surveys were deemed necessary. Reptiles were considered not to be present because of a lack of refugia as a consequence of high intensity grazing. No evidence of badgers or badger setts were observed and were not considered to be a constraint to the development. Birds were also not considered to be a constraint as hedgerows and trees on the property were to remain intact. Otters, water voles and dormouse were not considered to be present as a result of lack of suitable habitat.

A number of enhancements were suggested within the report. These included; a new native boundary hedge, a sensitive lighting strategy and erection of bird and bat boxes. These enhancements are in accordance with the requirements of Part 1 Section 6 of the Environment (Wales) Act 2016 which Local Authorities are required to Maintain and Enhance biodiversity through all of its functions – this includes the planning process. I therefore recommend that a biodiversity enhancement plan is secured through an appropriately worded condition to ensure net biodiversity benefits (biodiversity enhancements) through the proposed development. The enhancements detailed in the Extended Phase 1 Survey report are not considered sufficient for the size of the development and so the LPA would want additional biodiversity enhancements, which could include;

- Bat tubes included on the holiday homes e.g. <http://www.nhbs.com/title/162812/2fr-schwegler-bat-tube>

It is important to note that the number, location and type of bat boxes, bat tubes, bird boxes, hedge species must be detailed in the biodiversity enhancement plan.

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

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

Reason: 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 Section 6 of the Environment (Wales) Act 2016.

Correspondence received 20th June 2017

Thank you for re-consulting me with additional information submitted with regards to the change of use of land to site 4 holiday lodges, creation of access, installation of septic tanks and associated works at Dolassey Farm, Bleddfa, Knighton, Powys.

Having reviewed the additional information it is considered that the response submitted by my colleague Guy Bennet dated 26th September 2016 remains valid.

NRW

Correspondence received 19th October 2016

Thank you for referring the above consultation received by us on 25th September 2016.

We recommend that you should only grant planning permission if you attach the following conditions. These conditions would address significant concerns that we have identified and we would not object provided you attach them to the planning permission.

Summary of Conditions

Condition 1 - A condition requiring submission and implementation of a Pollution Prevention Plan

Pollution Prevention

In this instance the development proposal site is immediately adjacent to a watercourse that is a tributary of the River Lugg SSSI. The proposed access road crosses the watercourse. A pollution prevention plan should be created and implemented to prevent pollution of the water environment during construction.

Condition 1: A condition requiring submission and implementation of a Pollution Prevention Plan

We advise that your Authority includes a suitably worded planning condition on any planning consent requiring full details of the means for pollution prevention during construction

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

Pollution Prevention Guidance <https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg> is still applicable in Wales and PPG5 'Works in, near or over watercourses' and PPG6: 'Working at construction and demolition sites' are relevant.

Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of bunded compound should be 110% of the capacity of the tank, all filling points, gauges, vents and sight glasses must be located within the bund. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund. Refuelling should be supervised at all times – and preferably done on an impermeable surface.

The activity of importing waste onto the site for use as, for example hardcore, must be registered by the Natural Resources Wales as an exempt activity under the Environmental Permitting Regulations 2010. The developer should contact Natural Resources Wales to discuss the necessity for an exemption permit for any material imported to and exported from site.

Should any contaminated water or materials enter or pollute the watercourse or groundwater, Natural Resources Wales must be notified on immediately on Tel: 03000 65 3000.

Flood Risk

The proposed four holiday lodges are outside DAM C2. This has been corroborated by a desk top study which has confirmed that relative to the catchment size and site topography, the proposed built development satisfies Table A1.14 of TAN15. There is no perceived flood risk to the built development.

However, the proposed access route crosses the adjacent watercourse. NRW is not the appropriate body to comment upon the operational effectiveness of access routes. It is for the Planning Authority, in consultation with other appropriate bodies, to satisfy themselves that evacuation is possible if required.

The proposed crossing will require approval under the terms of the Land Drainage Act by the Lead Local Flood Authority. The Planning Authority should therefore liaise with the Drainage team to ascertain whether any existing crossing is adequate or a new crossing would require a Land Drainage Consent.

Foul Drainage

We have reviewed the percolation test results and as these show that the soakaway will need to accommodate more than 2 cubic metres per day to ground a permit will be required in this instance. The septic tank and soakaway must both be located more than 10 metres from controlled waters. The applicant should contact the NRW Permitting Service as soon as possible. All necessary NRW consents, or exemptions must be obtained prior to works progressing on site.

We only agree to developments involving sewage effluent, trade effluent or other contaminated discharges to ground if we are satisfied that it is not reasonable to make a connection to public sewer.

If you wish to discharge treated sewage or trade effluent into a surface water or to ground you may require an Environmental Permit from us. In some cases you may be able to register an exemption. Further information is available on our website. The granting of planning permission does not guarantee a permit under the Environmental Permitting Regulations 2010.

All works should also be undertaken in accordance with the relevant Pollution Prevention Guidance.

We recommend that the percolation test results are also checked by the LPA's Building Regulations team.

Protected Species

We note that your internal advisers have commented with respect to protected species and we agree with their advice. We would suggest that the Biodiversity Enhancement Plan should particularly include:

- The recommendation made in section 4.3 of the report regarding an external lighting strategy for retention of dark corridors along the stream
- Reasonable avoidance measures (RAMs) for otters during the construction phase to avoid harming / disturbing these species if they should happen to commute onto the site from the surrounding area although we note that the site is not considered to provide suitable habitat.

Scope of NRW Comments

Our comments above only relate specifically to matters that are included on our checklist "Natural Resources Wales and Planning Consultations" (March 2015) which is published on our website:

<https://naturalresources.wales/planning-and-development/planning-and-development/?lang=en>.

We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance. The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

Correspondence received 28th February 2017

Thank you for referring the above consultation received by us on 25th September 2016.

We recommend that you should only grant planning permission if you attach the following conditions. These conditions would address significant concerns that we have identified and we would not object provided you attach them to the planning permission.

Summary of Conditions

Condition 1 - A condition requiring submission and implementation of a Pollution Prevention Plan

Pollution Prevention

In this instance the development proposal site is immediately adjacent to a watercourse that is a tributary of the River Lugg SSSI. The proposed access road crosses the watercourse. A pollution prevention plan should be created and implemented to prevent pollution of the water environment during construction.

Condition 1: A condition requiring submission and implementation of a Pollution Prevention Plan

We advise that your Authority includes a suitably worded planning condition on any planning consent requiring full details of the means for pollution prevention during construction

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

Pollution Prevention Guidance <https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg> is still applicable in Wales and PPG5 'Works in, near or over watercourses' and PPG6: 'Working at construction and demolition sites' are relevant.

Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of bunded compound should be 110% of the capacity of the tank, all filling points, gauges, vents and sight glasses must be located within the bund. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund. Refuelling should be supervised at all times – and preferably done on an impermeable surface.

The activity of importing waste onto the site for use as, for example hardcore, must be registered by the Natural Resources Wales as an exempt activity under the Environmental Permitting Regulations 2010. The developer should contact Natural Resources Wales to discuss the necessity for an exemption permit for any material imported to and exported from site.

Should any contaminated water or materials enter or pollute the watercourse or groundwater, Natural Resources Wales must be notified immediately on Tel: 03000 65 3000.

Flood Risk

The proposed four holiday lodges are outside DAM C2. This has been corroborated by a desk top study which has confirmed that relative to the catchment size and site topography, the proposed built development satisfies Table A1.14 of TAN15. There is no perceived flood risk to the built development.

However, the proposed access route crosses the adjacent watercourse. NRW is not the appropriate body to comment upon the operational effectiveness of access routes. It is for the Planning Authority, in consultation with other appropriate bodies, to satisfy themselves that evacuation is possible if required.

The proposed crossing will require approval under the terms of the Land Drainage Act by the Lead Local Flood Authority. The Planning Authority should therefore liaise with the Drainage team to ascertain whether any existing crossing is adequate or a new crossing would require a Land Drainage Consent.

Foul Drainage

We have reviewed the percolation test results and as these show that the soakaway will need to accommodate more than 2 cubic metres per day to ground a permit will be required in this instance. The septic tank and soakaway must both be located more than 10 metres from controlled waters. The applicant should contact the NRW Permitting Service as soon as possible. All necessary NRW consents, or exemptions must be obtained prior to works progressing on site.

We only agree to developments involving sewage effluent, trade effluent or other contaminated discharges to ground if we are satisfied that it is not reasonable to make a connection to public sewer.

If you wish to discharge treated sewage or trade effluent into a surface water or to ground you may require an Environmental Permit from us. In some cases you may be able to register an exemption. Further information is available on our website. The granting of planning permission does not guarantee a permit under the Environmental Permitting Regulations 2010.

All works should also be undertaken in accordance with the relevant Pollution Prevention Guidance.

We recommend that the percolation test results are also checked by the LPA's Building Regulations team.

Protected Species

We note that your internal advisers have commented with respect to protected species and we agree with their advice. We would suggest that the Biodiversity Enhancement Plan should particularly include:

- The recommendation made in section 4.3 of the report regarding an external lighting strategy for retention of dark corridors along the stream
- Reasonable avoidance measures (RAMs) for otters during the construction phase to avoid harming / disturbing these species if they should happen to commute onto the site from the surrounding area although we note that the site is not considered to provide suitable habitat.

Scope of NRW Comments

Our comments above only relate specifically to matters that are included on our checklist “Natural Resources Wales and Planning Consultations” (March 2015) which is published on our website:

<https://naturalresources.wales/planning-and-development/planning-and-development/?lang=en>

We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance. The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

Correspondence received 12th June 2017

Thank you for re-consulting NRW with regards to the additional information received for this application. We confirm that the comments contained in our letter dated 19th September 2016 remain valid and advise that you should share the additional information with your Drainage Team as Lead Local Flood Authority.

PCC – Land Drainage

Correspondence received 24th February 2016

Having considered the information which has been submitted, the Lead Local Flood Authority (LLFA) would make the following observations/comments/recommendations.

Local Flood Risk/Land Drainage

Observation:

Comment: The holiday lodges are noted to be located a reasonable distance from the adjacent watercourse. However, the proposed vehicular access route crosses and is positioned alongside this watercourse. However, in order to provide a safe means of access/egress to the lodges, it may be necessary for the Applicant to either undertake improvements to the existing culvert crosser or provide a new structure.

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

Recommendation: No buildings, structures or alteration of contours shall take place within 5 metres of the top of the bank of any Ordinary watercourse, without prior permission from the Planning Authority.

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

Informative: The LLFA is, in general, opposed to culverting of 'Ordinary' watercourses but culverting for development access purposes is acceptable if this is kept to a minimum. Any proposed culverting or alteration of an existing culvert structure, which effects an Ordinary watercourse, will require the prior consent from the LLFA (Powys County Council) under the terms of the Land Drainage Act 1991 (as amended by the Flood & Water Management Act 2010). Relevant application forms and guidance should be sought from the County Council's Land Drainage team. Formal application would need to be accompanied by hydraulic calculations to determine the sizing of any new culvert in order to demonstrate that there will be no adverse effect on any third party.

Riparian rights and responsibilities exist in respect to this watercourse.

Surface Water Run-off

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

Comments: The site is classed as Greenfield. Therefore, proposed surface water flows should be equivalent to existing Greenfield run-off in accordance with the principles of TAN15 – *Development and Flood Risk* and good practice drainage design.

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

Full details, calculations and location of the porosity tests and the proposed soakaways should be submitted and approved in writing by the LPA.

If soakaways are not feasible, drainage calculations to limit the discharge rate from the site equivalent to a Greenfield run-off rate. The attenuation drainage system should be designed so that storm events of up to 1 in 100 year plus an allowance for climate change and will not cause flooding of any property either within the proposed development or any other in the vicinity. There must be no discharge to a surface water body that results from the first 5mm of any rainfall event.

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

Recommendation: No development shall commence until a scheme for the surface water drainage of the site has been submitted to and approved in writing by the local planning authority. The approved drainage scheme shall be completed before the site becomes operational.

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

Hope this is of assistance.

Correspondence received 9th June 2017

With regard to the above mentioned application and receipt of the recent hydrological/hydraulic report prepared by Francis Sant (dated May 2017) for the sizing of the access bridge, the Lead Local Flood Authority (LLFA) would make the following comments and recommendations:-

Local Flood Risk/Land Drainage

Observation: The holiday lodges are noted to be located a safe distance from the adjacent watercourse. However, the proposed vehicular access route is positioned alongside this watercourse.

With regard to the proposed works to replace the existing watercourse access bridge with a larger structure, the LLFA consider this acceptable. However, the invert of the proposed culvert should be sunken 300mm below existing bed level to avoid creating any barrier and thereby reducing connectivity within the catchment.

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

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

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

Recommendation: No buildings, structures or alteration of contours shall take place within 5 metres of the top of the bank of any Ordinary watercourse, without prior permission from the Planning Authority.

No development shall commence until a OWC for the proposed replacement bridge has been secured, the details of which shall be submitted to and approved in writing by the local planning authority. The approved bridge crossing shall be completed before the site becomes operational.

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

Surface Water Run-off

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

Comments: The site is classed as Greenfield. Therefore, proposed surface water flows should be equivalent to existing Greenfield run-off in accordance with the principles of TAN15 – *Development and Flood Risk* and good practice drainage design.

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

Full details, calculations and location of the porosity tests and the proposed soakaways should be submitted and approved in writing by the LPA.

If soakaways are not feasible, drainage calculations to limit the discharge rate from the site equivalent to a Greenfield run-off rate. The attenuation drainage system should be designed so that storm events of up to 1 in 100 year plus an allowance for climate change and will not cause flooding of any property either within the proposed development or any other in the vicinity. There must be no discharge to a surface water body that results from the first 5mm of any rainfall event.

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

Recommendation: No development shall commence until a scheme for the surface water drainage of the site has been submitted to and approved in writing by the local planning authority. The approved drainage scheme shall be completed before the site becomes operational.

Reason: To ensure that the proposed surface water drainage systems for the site are fully compliant with regulations and are of robust design.
Hope this is of assistance.

Representations

One third party response received by Development Management at the time of writing this report in support of the application.

Principal Planning Constraints

Flood Zone

Principal Planning Policies

National Policies

Planning Policy Wales (9th edition, 2016)

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) 13 – Tourism (1997)
Technical Advice Note (TAN) 15 – Development and Flood Risk (2004)
Technical Advice Note (TAN) 23 – Economic Development (2014)

Local Policies

Powys Unitary Development Plan (2010)

SP3 – Natural, Historic and Built Heritage
SP8 – Tourism Developments
SP14 – Development in Flood Risk Areas
GP1 – Development Control
GP3 – Design and Energy Conservation
GP4 – Highways and Parking Requirements
ENV1 – Agricultural Land
ENV2 – Safeguarding the Landscape
ENV3 – Safeguarding Biodiversity and Natural Habitats.
ENV7 – Protected Species
TR1 – New Tourism Developments
TR4- Self-Catering Visitor Accommodation
TR8 – Holiday Chalet and Cabin Development
DC1 – Access by Disabled Persons
DC3 – External Lighting
DC9 – Protection of Water Resources
DC11 – Non- Mains Sewage Treatment
DC13 – Surface Water Drainage
DC14 – Flood prevention measures
DC15 – Development on Unstable or Contaminated Land

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

Section 38 (6) of the Planning and Compulsory Purchase Act 2004

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

Principle of Development

Policy TR1 of the Powys Unitary Development Plan seeks to ensure that proposals for new tourism developments do not have an unacceptable adverse impact upon the character and

appearance of the area or the social and cultural fabric of the community. Proposals where possible should utilise existing building and or brownfield sites and should not have and unacceptable adverse effect upon the environment. The proposed development should be accessible by a variety of means of transport and not be detrimental to highway safety.

Policy TR8 of the Powys Unitary Development Plan seeks to ensure that development for holiday chalets and cabin developments are of an acceptable scale, location and density. They must occupy an inconspicuous site, incorporate landscaping, and be of modest scale and acceptable design so that the overall development would not have an unacceptable adverse impact upon the character and appearance of the area.

This proposed development is of an acceptable scale comprising of four holiday units which occupy and inconspicuous site. The development includes a number of additional landscaping features to enhance the existing planting and offer further screening from the wider landscape.

Due to its modest scale, its location and landscaping proposed it is considered that the proposed development would not have an unacceptable adverse impact upon the character and appearance of the surrounding area. In light of the above, it is considered that the proposed development fundamentally complies with policy TR1 and TR8 of the Powys Unitary Development Plan 2010.

Scale, Design and Appearance

With respect to design and appearance, reference is made to UDP policy GP1, GP3 and TR8. The respective policy indicates that development proposals will only be permitted where the design, scale, mass and materials used complement and wherever possible enhance the character and appearance of the surrounding area.

The proposed holiday units are to be of similar design, construction and materials with two of the units being two storey 3 bedroom units and two of the units being single storey 2 bedroom units. It is considered that the proposed units are of an appropriate scale for the intended use and sited to take account of the existing surrounding screening and existing mature hedgerows in line with policy TR8. The proposed units are to have a stone plinth with wood grain effect cladding above. The proposed windows and doors are to be of wood grain UPVC construction with the roofs being slate effect steel sheeting.

The proposed materials are considered to be appropriate to the character and appearance of the surrounding area and for the proposed use. However, it is considered that further details of the proposed materials would be required and secured via condition upon any grant of consent.

In light of the above observations, it is considered that the design and external appearance of the proposed holiday units fundamentally complies with policy GP1, GP3 and TR8 of the Powys Unitary Development Plan and as such, will complement and enhance the character and appearance of the area whilst safeguarding the character of the surrounding area.

Highways Safety and Movement

UDP policy GP4 indicates that development proposals will only be permitted where adequate provision is made for access, including visibility together with on-site parking and turning provision.

As part of this application process the highways authority have been consulted and have raised no objection to the scheme subject to a number of recommended conditions. Officers consider that the application details as submitted show an adequate access and parking facilities to be provided for the holiday units with the access route being acceptable and generally on existing routes or adjacent to existing field boundaries. Highways have suggested a condition would need to be attached in relation to passing bays, further information is currently being sought from the Highways Department and their response will be provided in the form of an update report.

In light of this, it is considered that the proposed development fundamentally complies with the policy GP4 of the Powys Unitary Development Plan 2010.

Landscape Impact

Policy ENV2 of the Powys Unitary Development Plan seeks to ensure that development proposals take account of the high quality landscape of Powys and are appropriate and sensitive to the character and surrounding landscape.

The proposed development is in a rural location near to the existing farmhouse and farm complex. The site itself is not highly visible to any neighbouring properties and is bound by some existing mature hedgerows and trees. The site is sloping to the north east and the topography of the land helps to screen the site from the wider landscape. The units are sited as such to remain discreet in the landscape and are of a height that will not have an unacceptable impact upon the visual appearance of the area and of the surrounding landscape. It is proposed that additional planting is provided between the units to provide a separation and separate amenity areas.

In light of the above, it is considered that the proposed development will not have an unacceptable adverse impact upon the character and appearance of the wider landscape with the proposed materials complementing that of the local area. The proposal complies with policy ENV2 of the Powys Unitary Development Plan 2010.

Ecology

As part of this application process the county ecologist and Natural Resources Wales have been consulted. No objections have been raised by either consultee but they have recommended conditions to be attached to any grant of consent. Officers consider that it is not appropriate to seek further biodiversity enhancements for the site above that needed to mitigate the development impact in light of recent appeal decisions, however consider that a condition to secure reasonable avoidance measures in respect of otters is appropriate for the proposed development.

In light of the above, it is considered that there is likely to be no unacceptable impact on protected species and biodiversity and therefore subject to the recommended condition, the proposed development complies with policy ENV7 of the Powys Unitary Development Plan 2010.

Flood Risk

The holiday unit site is to be accessed over an existing culverted stream crossing which lies within the C2 flood zone. Although the holiday units themselves lie outside of the flood zone the access itself must be considered. Natural Resources Wales initially provided comments regarding the access to the site and directed us to our land drainage officers for further advice on the crossing point. Further details in respect of a hydrological assessment of the crossing point and an upgraded crossing have been sought from the applicant. The details have been provided which illustrate a new box profile culvert crossing to be installed which will have an acceptable capacity to cope with future flooding events and not result in any unacceptable offsite flooding. The proposed crossing is considered to provide a safe access point to the holiday units in any flooding event.

As part of the application process our land drainage officer has been consulted and initially raised concerns over the proposed crossing point and suggested that a new crossing point was required. Amended plans were sought following the officers comments which now address the issues raised. Officers are satisfied that the proposed access and crossing point are considered to be acceptable in line with the requirements of planning policy.

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

Having carefully considered the proposed development, Development Management considers that the scheme as submitted is designed in a sympathetic manner and the proposed scale, design, roof pitches, proposed materials and fenestration will complement the character of the surrounding area. There will be no unacceptable adverse impacts arising from the proposed development in terms of highway safety, protected species, biodiversity or flood risk.

In light of the above, it is considered that the proposed development fundamentally complies with the relevant planning policies and therefore 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 received on 19th September 2016 (drawing no's: 4611/1, 4611/5, 4611/6) amended plans received 22nd October 2016 (Drawing no's: 4611/3A, 4611/4A, 4611/7A, 4611/8A) documents received 25th October 2016 (Percolation test results) and amended plans received 28th June 2017 (Drawing no's: 4611/9A).
3. Before any other development commences the access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 25 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

4. Before any other development commences the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 5.5 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.
5. Prior to the occupation of the lodges the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 5.5 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.
6. In the event that contamination is encountered at any time when undertaking the approved development immediate contact must be made with the Local Planning Authority. The development must not proceed until an investigation and risk assessment has been undertaken, by a qualified and experienced environmental consultant, and where remediation is necessary a Remediation Strategy must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Following completion of the remedial works identified in the approved Remediation Strategy a Verification Report that demonstrates compliance with the agreed remediation objectives must be produced by a qualified and experienced environmental consultant, and is subject to the approval in writing of the Local Planning Authority, prior to commencement of use of the development.

7. No buildings, structures or alteration of contours shall take place within 5 metres of the top of the bank of any Ordinary watercourse, without prior permission from the Planning Authority.
8. No development shall commence until a scheme for the surface water drainage of the site has been submitted to and approved in writing by the local planning authority. The approved drainage scheme shall be completed before the site becomes operational.
9. Prior to the construction of the holiday units hereby approved details and samples of the materials to be used in the construction of the external surfaces of the units shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
10. The development shall be occupied as holiday accommodation only and shall not be occupied as a person's sole or main place of residence. An up to date register shall be kept at the holiday accommodation hereby permitted and be made available for inspection by the local planning authority upon request. The register shall contain details of the names of all of the occupiers of the accommodation, their main home addresses and their date of arrival and departure from the accommodation.
11. Prior to the first occupation of the holiday units hereby approved the approved bridge crossing as detailed on plan number 4611/9A shall be fully completed.

12. Prior to commencement of development, an other Reasonable Avoidance Method Statement shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.

Reasons

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
3. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
4. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
5. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
6. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Powys County Council's Unitary Development Plan 2010.
7. To ensure that the proposed development does not compromise the function of the waterbody and that any proposed alterations are fully compliant with regulations and are of robust design.
8. To ensure that the proposed surface water drainage systems for the site are fully compliant with regulations and are of robust design.
9. In the interests of the visual amenity of the area and to ensure the satisfactory appearance of the buildings in accordance with policies GP1 and GP3 of the Powys Unitary Development Plan (2010).
10. In order to ensure proper control of the use of the holiday units and to prevent the establishment of permanent residency.
11. To ensure that the proposed development does not compromise the function of the waterbody and that any proposed alterations are fully compliant with regulations and are of robust design.
12. To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh Government strategies, and the Environment (Wales) Act 2016.

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.

Land Drainage

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

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

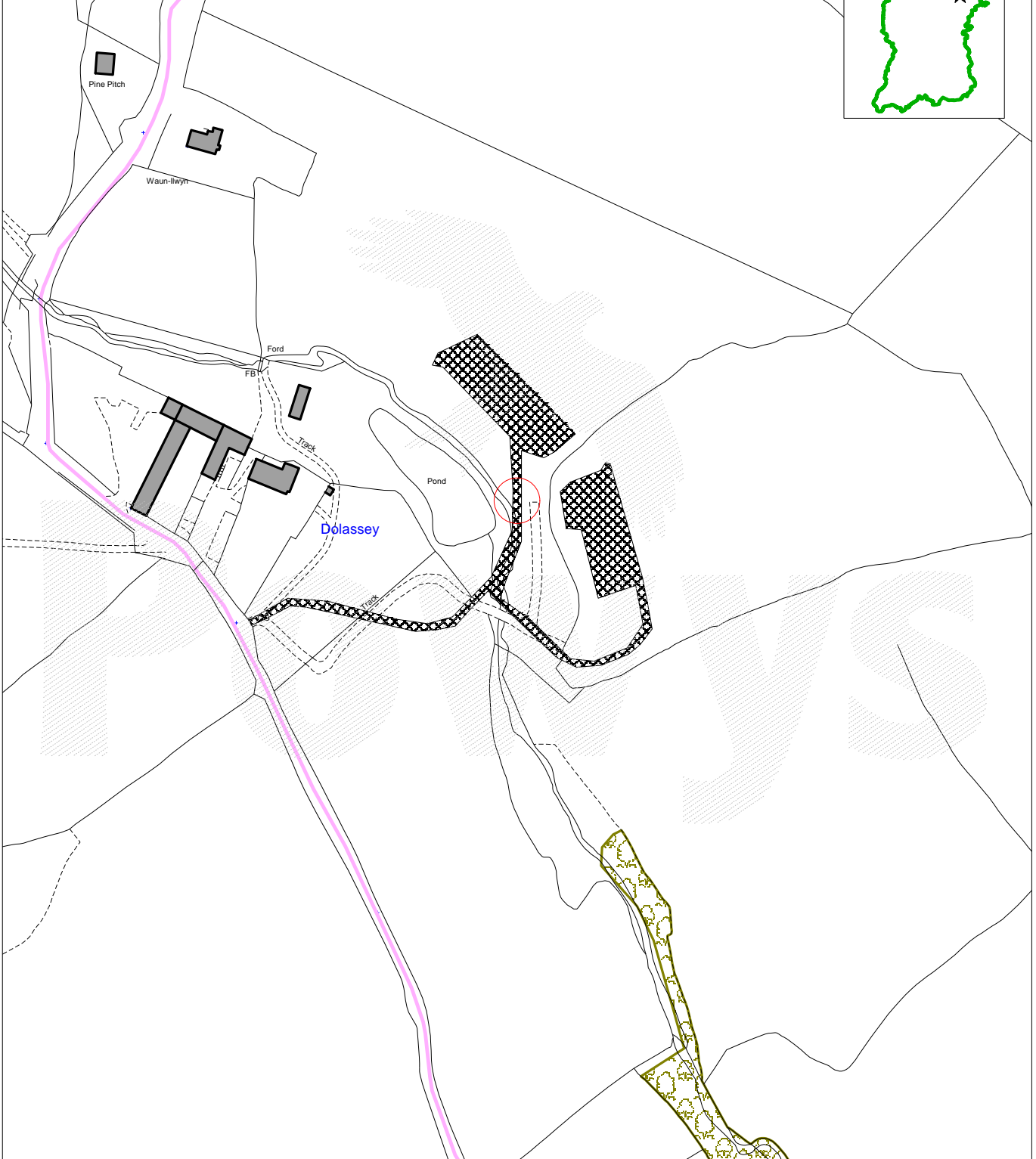
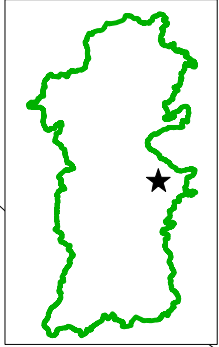
That prior to any commencement on site, an OWC for the replacement bridge crossing shall be secured.

Natural Resources Wales

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

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

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4.4

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2016/1337	Grid Ref:	311255.28 312846.43
Community Council:	Llangyniew	Valid Date:	Officer: 30/12/2016 Kate Bowen
Applicant:	Mr J M Evans, c/o Roger Parry and Partners		
Location:	Land adj Pant-y-Ddafad, Pontrobert, Meifod, Powys, SY22 6JF		
Proposal:	Proposed residential development comprising of up to 9 dwellings, formation of vehicular access and access road and all associated works		
Application Type:	Application for Outline Planning Permission		

Reason for Committee determination

The proposal is a departure from the development plan and is recommended for approval.

Site Location and Description

The application site is located on the western side of the C2031 highway and to the north east of a dwelling known as Llwyn Derw. The site rises from the south west to the north east and forms part of a larger field which is currently in agricultural use. The field is bound by mature hedgerows and trees with the southern part of the application site adjoining Llwyn Derw bound by post and wire fencing. The application site extends to 0.75 hectares.

The application is submitted in outline with all matters reserved for the erection of up to 9 dwellings, formation of vehicular access and access road and all associated works. The submission provides the following indicative scales:

- Three 4 bed detached houses - 9m x 8.5m and 8.3m to the ridge (145 square metres);
- Four 4 bed detached houses – 10.8m x 6.7m and 8m to the ridge (159 square metres);
- One 3 bed semi-detached house – 6m x 9.6m and 8.4m to the ridge (120 square metres);
- One 3 bed semi-detached house – 5.5m x 10.7m and 8.4m to the ridge (114 square metres); and
- Seven detached double garages – 6m x 6m and 6.4m to the ridge.

The submission indicates a new vehicular access off the C2031 highway with parking provision allocated for each dwelling. Amended plans have been received which propose a pedestrian footpath link to an existing footpath to the south of the application site.

Consultee Response

Llangyniew Community Council

Correspondence received 21/02/2017:

Llangyniew Community Council at its meeting tonight made the following comment on the above planning applications:

Council noted that neighbouring houses have not been informed of these planning applications. Has this practice now ceased?

P/2016/1337 for proposed residential development comprising of up to 9 dwellings, formation of vehicular access and access road and all associated works at land adj to Pant-y-Ddafad, Pontrobert.

Council **RESOLVED** to Refuse support for this application for the following reason:

Infrastructure of the Village.

Type of properties being proposed.

Road Access

Volume of traffic

No Local Needs houses

Cannot Sale properties already built in village

Correspondence received 23/05/2017:

Council **RESOLVED** not to support the amendments for this application and refers to Council's comments made in January 2017.

PCC Highway Authority

First response:

As you are aware the village of Pontrobert is very sparse in terms of its cluster of houses. However, it does offer local facilities/services such as a Primary School, Church, Chapel, Community Centre and Post Office.

In order for us to consider the requirements under the Active Travel Wales Act 2013, whenever we have a residential housing application we need to consider how the occupants can travel/visit the facilities that are mentioned above. Whilst the motor vehicle would be the obvious choice, cycling and walking should also be considered and indeed are ranked higher in the overall hierarchy.

From what is being proposed the application fails to tick any of those boxes and the site is therefore considered not to be sustainable in this location without extensive improvements to the existing highway infra-structure. It is noted that the new access would also be outside of the existing 30 mph speed limit and I suggest the agent speaks to our Traffic Engineer Mr Chris Lloyd to see if there is scope in this being moved as part of the planning application. It is also noted that the agent has drawn the visibility to the incorrect channel line to the North of the site.

In view of the above due its remoteness away from the key facilities of the village and lack of improvements being proposed the Highway Authority recommend REFUSAL in the interests of highway safety.

Second response following the receipt of amended plans:

Prior to any other works commencing on the development site, detailed engineering drawings for the new footway and carriageway widening along the Class III C2031 shall be submitted to and approved in writing by the Local Planning Authority.

Prior to any works commencing on the development site, all Highway Improvements, referred to above, shall be fully completed to the written satisfaction of the Local Planning Authority.

- HC1 Any entrance gates 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.
- HC3 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.
- HC4 Within 5 days from 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 60 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.
- HC7 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.
- HC9 Prior to the occupation of any of the dwellings, 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. The parking areas shall be retained for their designated use in perpetuity.

- HC10 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.
- 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 access carriageway, constructed as Condition HC7 above, shall be not less than 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.
- HC14 Any internal side-road junctions shall have a corner radii of 6 metres.
- HC15 The centre line radii of all curves on the proposed estate road shall be not less than 20 metres.
- HC19 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.
- HC20 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.
- HC21 Prior to the occupation of any of the dwellings 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,
- HC30 Upon formation of the visibility splays as detailed in HC4 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.
- HC31 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.
- HC32 No storm water drainage from the site shall be allowed to discharge onto the county highway.

PCC Building Control

Building Regulations application required.

Wales and West Utilities

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

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

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

Severn Trent Water

First response:

Thank you for the opportunity to comment on this planning application. Please find our response noted below:

With Reference to the above planning application the company's observations regarding sewerage are as follows.

I can confirm that we have no objections to the proposals subject to the inclusion of the following condition:

- The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and
- The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to reduce or exacerbate a flooding problem and to minimise the risk of pollution

Second response following receipt of amended plans:

Having viewed the amended proposals I can advise my comments remain the same as of 17/01/2017. When drainage proposals are submitted I kindly ask we are reconsulted.

Natural Resources Wales (NRW)

Thank you for consulting Natural Resources Wales (letter dated 13/01/2017) regarding the above.

We recommend that you should only grant planning permission if you attach the following conditions. These conditions would address significant concerns that we have identified and we would not object provided you attach them to the planning permission.

Summary of Conditions

Condition 1 – GCN: The submission and implementation of a method statement including Reasonable Avoidance Measures (RAM) for GCN.

Condition 2: Ecology – Bats: The submission and implementation of an external lighting scheme that will minimise light spill on wildlife corridors.

Condition 3: Ecology – EPS: The submission and implementation of a Root Protection Area plan to protect the existing hedgerows and trees during the construction phase.

Protected Species

We note that the Extended Phase One Habitat Survey report submitted in support of the above application dated November 2016 by Arbor Vitae Environment Ltd, has identified potential for presence of European Protected Species (EPS) on site, namely bat roosting potential within boundary trees and foraging areas for Great Crested Newts (GCN).

Bats, GCN, their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2010 (as amended). Any development that would contravene the protection afforded to bats under the Regulations would require a derogation licence from Natural Resources Wales. A licence may only be authorised if:

- i. There is no satisfactory alternative and
- ii. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range. In addition,
- iii. the development works to be authorised must be for the purposes of preserving public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.

Paragraph 6.3.7 of Technical Advice Note 5: Nature Conservation and Planning (TAN5) states that your Authority should not grant planning permission without having satisfied itself that the proposed development either would not impact adversely on any EPS on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied.

- **Protected Species – GCN:**

NRW hold records of GCN road casualties along the main road 100m away from the proposal. It is therefore likely that this species uses the hedgerows and habitats alongside and near the road as part of their seasonal movements.

We consider that the development and its subsequent operation is not be likely to be detrimental to the maintenance of the favourable conservation status of the GCN populations provided the RAMs measures recommended in section 5.2 of the survey report are implemented. In addition we would recommend further avoidance measures, namely:

- a. Excavated soil will be removed from the site immediately, alternatively
- b. Excavated soil will be stored in raised skips, trailers or containers on raised palettes.
- c. Construction materials such as rubble, timbers must be brought to the site daily or, if stored over time, then on a) raised palettes or timber bearers b) in trailers or in raised containers c) in raised bags or tarpaulings folded up and secured around the edges. No storage will take place on heavily vegetated areas or in close proximity to trees and hedgerows.

We note no consideration has been given to other aspects of the development that also have the potential to impact on GCN, such as water drainage schemes and kerb layout plans.

Amphibians are likely to get trapped in gully pots during migration and this can have a significant impact on the local population. Likewise, kerbs can impede road crossing by amphibians resulting in road deaths. Both impacts can be avoided / minimised by adopting amphibian friendly schemes.

We therefore recommend a method statement to address our concerns above is submitted to your authority prior to commencement of works (clearance and construction) on site.

Condition 1 – GCN: The submission and implementation of a method statement including Reasonable Avoidance Measures (RAM) for GCN.

- **Protected Species - Bats:**

The report has identified bat roosting potential within the mature boundary trees. We understand these trees are proposed for retention and integration within the proposal. Provided these trees are protected during the construction phase and a wildlife friendly exterior lighting scheme is implemented in the operational phase of the development we do not consider the proposal is likely to be detrimental to the maintenance of the favourable conservation status of any local bat populations.

Any security lighting must be installed in a way that minimises light spill in areas that could potentially be used by foraging and commuting bats (all tree lines and hedgerows surrounding the site).

Low level and low wattage, as well as low pressure sodium or high pressure sodium lamps, should be preferred to mercury or metal halide lamps.

Condition 2: Ecology – Bats: The submission and implementation of an external lighting scheme that will minimise light spill on wildlife corridors.

Condition 3: Ecology – EPS: The submission and implementation of a Root Protection Area plan to protect the existing hedgerows and trees during the construction phase.

Foul Drainage

Government policy states that, where practicable, foul drainage should be discharged to the mains sewer. Where this is not possible and private sewage treatment / disposal facilities are utilised, they must be installed and maintained in accordance with British Standard 6297 and Approved Document H of the Building Regulations 2000. You should also have regard to Welsh Office Circular 10/99 in respect of planning requirements for non mains sewerage.

The applicant will need to apply for a Permit or Exemption, if they wish to discharge anything apart from uncontaminated surface water to a watercourse/ditch. They may also need to apply for a Permit from our National Permitting Team to allow certain discharges into ground.

They must obtain any necessary Permit prior to works starting on site. The Welsh Government has also advised that all septic tanks and small sewage treatment plant discharges in Wales will need to be registered. More information, including a step by step guide to registering, is available on our website www.naturalresourceswales.gov.uk /

www.cyfoethnaturiolcymru.gov.uk

Pollution Prevention

Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily in accordance with the Duty of Care requirements under Section 34 of the Environmental Protection Act 1990. The waste shall be transported using

registered waste carriers to suitably permitted or exempt sites. Transfer notes shall be kept for each load for a minimum of 2 years.

Scope of NRW Comments

Our comments above only relate specifically to matters that are included on our checklist “Natural Resources Wales and Planning Consultations” (March 2015) which is published on our website: (<https://naturalresources.wales/planning-and-development/planning-and-development/?lang=en>). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance. The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

PCC Affordable Housing

I am happy with the application as long as the following guidelines are adhered to:

- 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.
- All units will have to meet the floor areas specified in Powys County Council’s Affordable Housing Supplementary Planning Guidance.
- The Design Quality Requirements will be those current at the time of the detailed planning application.
- All completed Affordable units that are being sold must reflect local incomes to the local area and shall be bound by the Affordable Housing policies as detailed in the Affordable Housing for Local Needs Supplementary Guidance sections HP7, HP8 or HP9 sites.

Public Representations

Following the display of a site notice and publicity in the local press, five public representations have been received and are summarised as follows:

Principle

- Site is outside the UDP plan area and 4 bedroomed houses are not affordable housing to justify the grant of planning approval;
- There are already numerous building plots and houses for sale in the village including four affordable plots adjoin the site and these plots have remained undeveloped for many years due to lack of demand. Until these plots are constructed it seems folly to build on prime agricultural land;
- The dwellings will not be affordable;

Highway access and parking

- The appropriate visibility cannot be achieved due to the proximity of two mature trees on the north side of the access. Vehicles travel at considerable speed down the hill, round a blind corner, outside the 30mph zone and these trees are valuable to wildlife and buzzards are seen perching;

- Access meets the council highway in a very dangerous location – on the bend of a steep narrow country road, outside of the 30mph speed limit and there are no footpaths;
- Increase in traffic movements;
- The safety of children and elderly people walking to school, bus stops or around the village will need to be safeguarded. There are increasing numbers of articulated vehicles in the village;
- The development should be designed to ensure off street parking;

Sustainability

- The supporting information states that public transport links are available within walking distance of the proposed development and the village is served by a bus service. The bus services comprises one bus on a Monday to Welshpool and one bus each day on Wednesdays and Fridays to Oswestry and therefore there are no transport links for commuting including rail;
- It is understood that the future of the school is in jeopardy. The proposed four bedroomed houses would not be affordable to most young families with primary school aged children. Starter homes would be much more appropriate to help regenerate the village but there is no demand for there is no demand, judging by the long vacant affordable plots;
- There is one half time post office but no real shop (mornings only);
- There is one public house;
- Transporting of children to schools outside the village increases the impact upon the environment;
- There is restricted employment opportunities;
- Planning Officer should be familiar with the Harlow New Town Report because the conclusions also apply to Pontrobert;

Surface water drainage

- The land in Pontrobert is on boulder clay and increased run-off is a concern and soakaways may not be possible;

Impact upon character and appearance of the area

- The village would be ruined by excessive development;
- The Council should not insist on white or cream rendered exterior walls because of the changes in the environment in recent years that causes maintenance problems;

Local Development Plan (LDP)

- The site was previously deemed unsuitable for inclusion within the LDP;
- Questions regarding the housing proposals for future planning policy;

Water supply

- Residents experience low water mains pressure and therefore question whether the infrastructure is sufficient;

Amenity

- Since the poultry unit was erected at Dolobran Hall, if the wind is in an easterly direction, there is odour from the unit;

Other matters

- Improvements to the village could be made including additional shop/post office facilities, public toilets, enhanced floral entrances to the village, an additional notice board.

Planning History

No history noted.

Principal Planning Constraints

- Class 3 Road (C2031); and
- Outside of settlement development boundary.

Principal Planning Policies

National Planning Policy

Planning Policy Wales (Edition, 9, November 2016)

TAN 1: Joint Housing Land Availability Studies (2015)

TAN 2: Planning and Affordable Housing (2006)

TAN 5: Nature Conservation and Planning (2009)

TAN 6: Planning for Sustainable Rural Communities (2010)

TAN 12: Design (2016)

TAN 15: Development and Flood Risk (2004)

TAN 18: Transport (2007)

TAN 20: Planning and the Welsh Language (2013)

TAN 23: Economic Development

Welsh Government Circular 016/2014 – The Use of Planning Conditions for Development Management

Welsh Office Circular 13/97 - Planning Obligations

Welsh Office Circular 10/99 - Planning requirements in respect of the use of non-mains sewerage incorporating septic tanks in new development

Letter from the Cabinet Secretary for Environment and Rural Affairs regarding the delivery of affordable homes through the planning system (2017)

Local Planning Policy

Powys Unitary Development Plan (2010)

UDP SP1 – Social, Community and Cultural Sustainability

UDP SP2 - Strategic Settlement Hierarchy
UDP SP3 – Natural, Historic and Built Heritage
UDP SP5 – Housing Developments
UDP SP6 – Development and Transport

UDP GP1 – Development Control
UDP GP2 – Planning Obligations
UDP GP3 – Design and Energy Conservation
UDP GP4 – Highway and Parking Requirements
UDP GP5 – Welsh Language and Culture
UDP ENV1 – Agricultural Land
UDP ENV2 – Safeguarding the Landscape
UDP ENV3 – Safeguarding Biodiversity and Natural Habitats
UDP ENV7 – Protected Species
UDP CS3 – Additional Demand for Community Facilities
UDP HP3 – Housing Land Availability
UDP HP4 – Settlement Development Boundaries and Capacities
UDP HP5 – Residential Developments
UDP HP6 – Dwellings in the Open Countryside
UDP HP7 – Affordable Housing within Settlements
UDP HP8 – Affordable Housing Adjoining Settlements with Development Boundaries
UDP HP10 – Affordability Criteria
UDP TR2 – Tourist Attractions and Development Areas
UDP DC8 – Public Water Supply
UDP DC10 – Mains Sewerage Treatment
UDP DC13 – Surface Water Drainage
UDP RL2 – Provision of Outdoor Playing and Recreation Space

Affordable Housing for Local Needs Supplementary Planning Guidance (SPG) Approved
September 2010 Updated July 2011

Powys Residential Design Guide (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

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 and Local Development Plan (LDP)

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.

Public representations have referred to the site being submitted and rejected as a candidate site for the LDP. Members will be aware that the examination of the LDP is currently in progress and at this current time the UDP is current adopted plan used for determining

planning applications. For information purposes only, the entire field to which the application site forms part of was submitted as a candidate site for residential development as part of the LDP process. The Site Status report includes comments from Planning Policy as follows:

'This is a slightly sloping site that would be a logical extension to the settlement. The site was considered as the UDP Inquiry 2006 but dismissed based on the fact there were already enough allocations in Pontrobert together with highways and land drainage issues. The highways constraint still remains making this site unsuitable for development'.

Procedure

Llangyniew Community Council and members of the public have stated that they were not informed of the application by letter. Publicity of the application has been carried out in accordance with the relevant legislative requirements as set out within The Town and Country Planning (Development Management Procedure) (Wales) Order 2012 where, for this type of application the following publicity is required:

By giving requisite notice—

- (a) by site display in at least one place on or near the land to which the application relates, for not less than 21 days; and
- (b) by publication of the notice in a newspaper circulating in the locality in which the land to which the application relates is situated.

A site notice was displayed near the land to which the application relates and also publicised in the County Times newspaper. Therefore, Development Management confirms that the application has been publicised in accordance with the relevant legislation.

Principle of development

As referred to within the response from the Community Council and within public representations, the proposed development lies wholly outside the development boundary of Pontrobert as detailed on inset map M186 and would result in nine dwellings being constructed outside the settlement boundary.

Outside of settlement boundaries, UDP Policy HP4 applies and states that *'outside settlement boundaries, proposals for new residential development will only be approved where they comply with UDP Policies HP6, HP8 or HP9'*. Policy HP6 relates to rural enterprise dwellings, policy HP8 relates to affordable dwellings adjoining a settlement boundary and Policy HP9 relates to affordable dwellings within rural settlements. It is considered that the proposed development does not comply with UDP Policy HP6, HP8 or HP9. The proposed development is therefore not in accordance with the UDP and should be considered a departure.

Housing land supply

The departure is being justified by the applicant on the basis that Powys County Council does not have a 5 year housing land supply.

Paragraph 9.2.3 of Planning Policy Wales states that ‘*Local planning authorities must ensure that sufficient land is genuinely available or will become available to provide a 5 year supply of land for housing judged against the general objectives and the scale and location of development provided for in the development plan.*’

The Powys Joint Housing Land Availability Study (JHLAS) 2016 states that there was 2.2 years supply of housing land in the Powys Local Planning Authority (LPA) area. Failure to have a 5-year housing land supply is an important material consideration that should be taken into account when determining this scheme. Technical Advice Note 1: Joint Housing Land Availability Studies (2015) states as follows:

“The housing land supply should also be treated as a material consideration in determining planning applications for housing. Where the current study shows a land supply below the 5 year requirement or where the local planning authority has been unable to undertake a study, the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with development plan and national planning policies”.

Public representations have raised concern over proposals for housing developments and that objections are not taking into account. Whilst TAN 1 confirms that the need to increase housing land supply should be given considerable weight, it is emphasised that this is only where the development would otherwise comply with development plan and national planning policies. Therefore, all material planning considerations are required to be taken into account as are all relevant national and local planning policies and balanced with the undersupply of housing land currently available in Powys.

Pontrobert is classified as a small village within the Powys Unitary Development Plan and one site was allocated within the UDP for residential development (site M186 HA1 – Land OS0886 Yew Tree House extending to 0.7 ha) and this site has been developed.

In light of the above, whilst acknowledging that the proposal does constitute a departure from the development plan, Members are advised that the lack of a five year housing supply in Powys needs to be given considerable weight in the determination of this application. However, before reaching a decision, the scheme will need to be considered against other policies contained within the UDP in order for a balanced view to be made on the acceptability of the development overall.

Sustainable location

Public representations have raised concern over the sustainability of the village particularly in terms of the future of the school, lack of transport links and employment opportunities. When providing additional housing it is important to consider whether the scheme can be considered to be sustainable development. This can relate to a wide range of matters including public transport provision and access to education, employment opportunities and other services.

As noted above, Pontrobert is identified as a small village within the UDP and it is noted that the village is served by a range of community services and facilities including primary school, community centre and public house. It is also noted that the village is served by a bus route and is located approximately 12 miles from Welshpool, 18 miles from Newtown, 20 miles

from Oswestry and 32 miles from Shrewsbury, however as public representations have stated, the bus service is limited in frequency.

In addition, comments within public representations regarding lack of employment opportunities in the settlement and threat of school closure are noted, however the settlement is typical of many settlements in Powys whereby travel to employment is common and the school is currently open. Whilst Pontrobert is classified as a small village within the UDP currently and UDP Policy HP4 indicates that the capacity of such small villages is generally sites up to 5 dwellings, it is noted that the direction of travel in the LDP is that Pontrobert is proposed to be upgraded. In addition, the services and facilities in Pontrobert are such that it is considered that the settlement has the capacity to accommodate 9 dwellings.

The site is detached from the settlement boundary of Pontrobert by approximately 30 metres with a dwelling approved as an affordable dwelling (Llywn Derw) sited between the site and the development boundary. Whilst the site is somewhat detached, it is considered that the site is reasonably well related to the settlement and with the provision of a new pedestrian footway to the existing footway outside Cofton, the site can be considered to accommodate a sustainable form of development.

Overall, taking all the above factors into account, it is considered that the proposed additional residential development in this location would accord with the provisions of Planning Policy Wales in so far as it is a sustainable location.

Affordable housing

With regards to affordable housing provision, the Unitary Development Plan Policy HP7 requires, among other matters, the provision of affordable housing within applications for five or more dwellings. The proportion secured should be based on the extent and type of need identified by a robust data source. The Affordable Housing for Local Needs Supplementary Planning Guidance (SPG) states that the Council's starting point for affordable housing provision on schemes of more than 5 dwellings should be 30-35%. However, the Viability Assessment forming part of the evidence base for the Local Development Plan identifies a guideline of 10% affordable provision in this area of Powys. It is contended that the CIL Viability Assessment provides a more up to date and robust basis for determining the affordable housing contribution than the now historic "guideline" figure contained within the UDP and on that basis, the 10% provision figure suggested is considered to be reasonable in this instance.

The outline submission indicates a mixture of dwellings, however Members are advised that this scale is indicative only with scale being a reserved matter for future consideration. Nevertheless, it is considered that there is scope to provide dwellings to match the need and whilst the proposed provision of one dwelling would equate to a lower proportion of affordable housing than that identified within the UDP, Development Management has taken account of the latest evidence on affordable housing as provided by the LDP evidence. Therefore, on this basis, it is considered that the provision of one unit as affordable housing is acceptable and it is recommended that a condition should be attached to require the submission of a scheme for the provision of affordable housing.

Design and impact upon character and appearance of the area

Public representations have raised concern over the impact of the development upon the character of Pontrobert. Guidance contained within UDP Policy HP5 indicates that residential development will be permitted where the development is of an appropriate scale, form and design and general character, to reflect the overall character and appearance of the settlement and surrounding area. Whilst all matters (including design and layout) are reserved and will be dealt with at the reserved matters stage, it is relevant to consider whether the number of dwellings proposed could be appropriately developed on the site.

The site is an edge of settlement location which adjoins open countryside and therefore the locality is considered to be sensitive to visual change. The site is detached from the development boundary although it is noted that the site adjoins a dwelling known as Llwyn Derw which was approved as an affordable dwelling under planning reference numbers M/2006/0050 and M/2007/0556. The site rises from the south west to the north east and residential development would be visible from public vantage points including the adjacent highway and residential properties in the locality.

The indicative layout resembles a modern residential layout which is broadly comparable to the existing modern development seen in the settlement. More importantly it shows that up to 9 dwellings could be accommodated on the site at a density of 12 dwellings per hectare. Building densities in rural areas are often low but in order to make efficient use of land, densities will need to be increased. 27 dwellings per hectare is the figure that is being promoted by the Planning Policy team for use in the Local Development Plan for towns and large villages and thus the proposed development has a lower density. However, given the edge of settlement location and the character of residential development in Pontrobert, it is not considered that a higher density is required.

Detailed design will follow at a later date (if this application is permitted) and this will give the opportunity to ensure the dwellings are designed in an appropriate manner to accord with the character of the settlement. Such detailed design would consider external materials and as such the concern expressed in the public representations over the use of render would be considered at that stage.

The properties in the locality consist of a mixture of one and two storey detached properties, predominantly of brick and render with older properties being stone. The proposed scale of two storeys is not considered to be out of character with the locality. Overall a mix of three and four bedroom properties over two storeys are detailed within the scheme and this is considered to be appropriate.

Whilst the site would be visible from public vantage points including the public highway, neighbouring residential properties and public rights of way in the wider area and that the proposal would result in a visual change in comparison to the current agricultural use, taking into account the location reasonably related to the built form of the settlement, that landscaping measures would reduce the visual impact, it is considered that a satisfactory detailed design could come forward to reflect the overall character and appearance of the settlement and surrounding area.

Impact upon amenities enjoyed by the occupants of neighbouring properties

UDP Policy GP1 states that development proposals will only be permitted where the amenities enjoyed by the occupants of nearby or proposed properties will not be

unacceptably affected. The Powys Residential Design Guide provides guidance on overshadowing and privacy. Public representations have raised concern over odour from a poultry unit at Dolobran Hall.

The site is located adjacent to the property known as Llwyn Derw. The indicative layout demonstrates that the rear elevations of the most south westerly dwelling would be approximately 23 metres from the rear elevation of Llwyn Derw. This distance complies with the guidelines set out within the Residential Design Guide in respect of privacy and overshadowing.

In terms of the concern over odour from a nearby poultry unit, the poultry unit referred to within the public representations is located approximately 650 metres to the south east of the application site at Dolobran Hall. Development Management is currently processing an application for an extension to the poultry unit under reference P/2017/0007. Taking into account the distance between the application site and the poultry unit and that there are dwellings closer to the poultry unit, whilst odour from the existing unit may be encountered on some occasions, it is not considered that the frequency of odour at the given distance would cause an unacceptable impact upon the amenities enjoyed the occupants of the proposed dwellings. The impact of the proposed extension to the unit upon relevant neighbouring dwellings will be considered when the P/2017/0007 is determined.

Taking into account the character of existing development in the locality, it is considered that the indicative layout demonstrates that residential development can be provided at this location without unacceptably adversely affecting the amenities enjoyed by occupants of existing residential properties and that of the proposed dwellings in accordance with UDP Policy GP1 and the Council's Residential Design Guide. In addition, this planning consideration can be considered further at the reserved matters stage.

Highway access and parking requirements

UDP Policy GP4 requires adequate highway provision in terms of a safe access, visibility, turning and parking. Access to the site would be gained off the C2031 class three highway via a new vehicular access, outside of the 30mph speed limit zone. The Community Council and public representations have raised concern over the proposed means of access particularly in terms of additional traffic movements, poor visibility and traffic speeds.

Initially the Highway Authority objected to the proposal on the basis that the site was not sustainable because the scheme originally submitted did not provide improvements to the highway infrastructure to enable connection with the facilities offered in the village.

Amended plans have been received which demonstrate that a new pedestrian footway can be provided from the access in a southerly direction to meet the existing footway outside the dwelling known as Cofton. Following the receipt of amended plans, the Highway Authority has removed its objection and recommended conditions relating to the construction of the access and footway. Therefore, upon the advice of the Highway Authority it is concluded that an acceptable means of access can be achieved for the proposal in accordance with UDP Policy GP4.

The Highway Authority has recommended conditions relating to the provision of the footway and road widening together with the construction of access and off street parking. Access is a

reserved matter and as such the reserved matters submission would be required to include the details of the access in terms of visibility etc. Therefore, it is recommended that for clarity, a condition is attached to require the submission of details of the footway and road widening at the same time of the other reserved matters.

Impact on historic environment

Impact upon setting of listed buildings

The general duty with regards to listed buildings in exercising planning functions is set out within Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. It states that the local planning authority shall have special regards to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses when considering whether to grant planning permission for a development. This duty is echoed in UDP Policy ENV14.

There are no listed structures immediately adjoining the development site but there are a number of listed features within the settlement of Pontrobert, the closest being located approximately 290 metres to the north west of the application site. Given the distance from the listed structures, the development is not considered to unacceptably adversely affect any listed structures in the locality.

Foul drainage

It is proposed to connect to the public sewerage system which is the preferred method of disposal. The Community Council has referred to concerns over the infrastructure of the village, although the exact concerns have not been identified. Severn Trent Water has advised that they have no objection to the development and therefore Development Management is satisfied that the sewerage and sewage disposal system has sufficient capacity to accommodate the additional flows generated as a result of the development. Severn Trent Water has advised that a condition should be attached to any consent granted to require the details of the foul drainage and as such it is recommended that such a condition should be attached to any consent granted to ensure a satisfactory means of drainage in accordance with UDP Policy DC10.

Flood risk and surface water drainage

The application site is within Zone A of the TAN15 Development Advice Maps and as such is not known to be at risk of flooding.

In respect of surface water disposal, public representations have referred to the ground conditions in the area being clay which is not suitable for soakaways. The submission indicates that surface water would be disposed via a sustainable drainage system. Severn Trent Water has not objected to the proposal, subject to the use of a condition to require the details of surface water drainage being submitted before works commence. The Council's Land Drainage Engineer has not commented on the proposal.

Whilst the submission indicates that surface water would be disposed to a sustainable drainage system no further details have been included. Generally, the Council's Land Drainage Engineer advises that the use of soakaways and or other infiltration techniques

should be investigated in the first instance for surface water disposal. Porosity tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365 to cater for a 1 in 100 year return storm event plus an allowance for climate change. If soakaways are not feasible (as may be the case as indicated by public representations), drainage calculations to limit the discharge rate from the site no greater than the Greenfield run-off rate shall be applied. The attenuation drainage system should be designed so that storm events of up to 1 in 100 year plus an allowance for climate change and will not cause flooding either on site or elsewhere in the vicinity.

Therefore, given that no drainage details have been submitted and taking into account the requirements of UDP Policy DC13, the advice received from Severn Trent Water and the general advice normally received from the Land Drainage Engineer, it is recommended that a condition should be attached to any consent granted to require the submission and approval of a surface water drainage scheme to ensure that adequate provision is made for surface water drainage.

Ecology

An ecological survey accompanies the application which identifies that there is the potential for European Protected Species on site, namely bat roosting potential within boundary trees and foraging areas for Great Crested Newts. NRW also holds records of Great Crested Newts in the locality.

In order to ensure protection and mitigation, NRW have recommended conditions requiring the submission and implementation of a method statement including Reasonable Avoidance Measures for Great Crested Newts, the submission and implementation of an external lighting scheme that will minimise light spill on wildlife corridors for bats and the submission and implementation of a Root Protection Area plan to protect the existing hedgerows and trees during the construction phase. These conditions are considered reasonable in order to ensure that the proposal complies with the relevant local and national planning policies and guidance in respect of ecology.

Loss of agricultural land

Public representations have referred to the loss of prime agricultural land. UDP Policy ENV1 provides safeguarding for the best and most versatile land (grades 1, 2 and 3a). The land is not known to fall within grades 1, 2 and 3a and therefore is not considered to be of the best and most versatile agricultural land or of particular value to agriculture within the locality in accordance with the advice provided within UDP Policy ENV1 and Technical Advice Note 6.

Public water supply

Public representations have referred to residents experiencing low water pressure in the settlement. The Community Council has also referred to concerns over the infrastructure of the village, although the exact concerns have not been identified. UDP Policy DC8 requires developments to be served by a wholesome and adequate water supply. Severn Trent Water has not objected to the proposal and has not advised that new or upgraded infrastructure is required as a result of the proposal and as such it is concluded that the proposal is not unacceptable in this respect. In addition, Under the Water Industry Act 1991 Severn Trent Water has a duty to provide a wholesome supply of mains water for public purposes, without

detriment to existing and as such members of the public should contact Severn Trent directly to express any concerns.

Other legislation

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)

Pontrobert is a settlement where the Welsh language has been identified within the UDP as being important to the social, cultural and community fabric. 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. In terms of housing provision, one way in which the developer can demonstrate that the language has been taken into account is by ensuring that there is provision of affordable homes. This approach does not seek to restrict occupancy on grounds of linguistic criteria but recognises that those meeting the affordable housing eligibility criteria are more likely to be able to support the Welsh language and culture. Therefore, given that one of the dwellings will be limited by condition as an affordable dwelling, which is considered an appropriate level of affordable homes for the proposal, it is concluded that the development would assist in contributing to the well-being of the Welsh language in Powys.

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

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. The proposed development is for the provision of 9 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. It is recommended that the application is approved subject to the conditions set out below

Conditions:

1. Details of the access, appearance, landscaping, layout, and scale, (hereinafter called ""the reserved matters"") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. The development shall be carried out in accordance with the plans stamped as approved on XXXX in so far as the extent of the application site is drawn.
5. Prior to commencement of development the development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of TAN 2 or any future guidance that replaces it. The scheme shall include:
 - i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 20% of housing units/bed spaces;
 - ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
 - iii) the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing (if no RSL involved)];
 - iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
6. No development shall take place until a method statement including Reasonable Avoidance Measures (RAM) for Great Crested Newts is submitted to and approved in writing

by the Local Planning Authority. The RAMs must include the measures recommended in section 5.2 of the Extended Phase One Habitat Survey dated November 2016 are implemented. In addition further avoidance measures shall be included, namely:

a. Excavated soil will be removed from the site immediately, alternatively
b. Excavated soil will be stored in raised skips, trailers or containers on raised palettes.
c. Construction materials such as rubble, timbers must be brought to the site daily or, if stored over time, then on a) raised palettes or timber bearers b) in trailers or in raised containers c) in raised bags or tarpaulings folded up and secured around the edges. No storage will take place on heavily vegetated areas or in close proximity to trees and hedgerows. The development shall be carried out in accordance with the approved method statement.

7. No development shall commence until an external lighting scheme to minimise light spill on wildlife corridors is submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

8. The development hereby permitted shall not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the first occupation of any of the dwellings hereby approved.

9. Upon the submission of the reserved matters referred to within Conditions 1 and 2, the landscaping details shall include a Root Protection Area plan to protect the existing hedgerows and trees during the construction phase. The approved plan shall be implemented during the construction phase.

10. Upon the submission of the reserved matters referred to in Conditions 1 and 2, a scheme for the provision of road widening along the Class III C2031 and a footway shall be submitted to and approved in writing by the Local Planning Authority. Prior to the first occupation of any dwellings hereby approved the approved road widening improvement along the C2031 and construction of a footway shall be fully completed.

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

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

Reasons:

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

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

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

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

5. In order to ensure the provision of affordable housing in accordance with Policy HP7 of the Powys Unitary Development Plan (2010), the Powys Affordable Housing for Local

Needs Supplementary Planning Guidance (2011) and Technical Advice Note 2: Planning and Affordable Housing (2006).

6. To ensure protection of an European Protected Species (Great Crested Newts) in accordance with Policy ENV7 of the Powys Unitary Development Plan (2010), Planning Policy Wales (2016) and Technical Advice Note 5: Nature Conservation and Planning (2009).

7. To minimise impacts on an European Protected Species (bats) in accordance with Policy ENV7 of the Powys Unitary Development Plan (2010), Technical Advice Note 5: Nature Conservation and Planning (2009) and Planning Policy Wales (2016).

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

9. To ensure a satisfactory and well planned development and to preserve and enhance habitat for protected species, the quality of the environment, visual amenity and privacy in accordance with Policies GP1, ENV2 and ENV3 of the Powys Unitary Development Plan (2010), Planning Policy Wales (2016) and Technical Advice Note 5: Nature Conservation and Planning (2009).

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

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

Informative Notes

Please note the comments from Wales & West Utilities:

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

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

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

Please note the comments from Natural Resources Wales in respect of the ecology conditions:

recommend further avoidance measures, namely:

- a. Excavated soil will be removed from the site immediately, alternatively
- b. Excavated soil will be stored in raised skips, trailers or containers on raised palettes.
- c. Construction materials such as rubble, timbers must be brought to the site daily or, if stored over time, then on a) raised palettes or timber bearers b) in trailers or in raised

containers c) in raised bags or tarpaulings folded up and secured around the edges. No storage will take place on heavily vegetated areas or in close proximity to trees and hedgerows.

We note no consideration has been given to other aspects of the development that also have the potential to impact on GCN, such as water drainage schemes and kerb layout plans. Amphibians are likely to get trapped in gully pots during migration and this can have a significant impact on the local population. Likewise, kerbs can impede road crossing by amphibians resulting in road deaths. Both impacts can be avoided / minimised by adopting amphibian friendly schemes.

We therefore recommend a method statement to address our concerns above is submitted to your authority prior to commencement of works (clearance and construction) on site.

The report has identified bat roosting potential within the mature boundary trees. We understand these trees are proposed for retention and integration within the proposal.

Provided these trees are protected during the construction phase and a wildlife friendly exterior lighting scheme is implemented in the operational phase of the development we do not consider the proposal is likely to be detrimental to the maintenance of the favourable conservation status of any local bat populations.

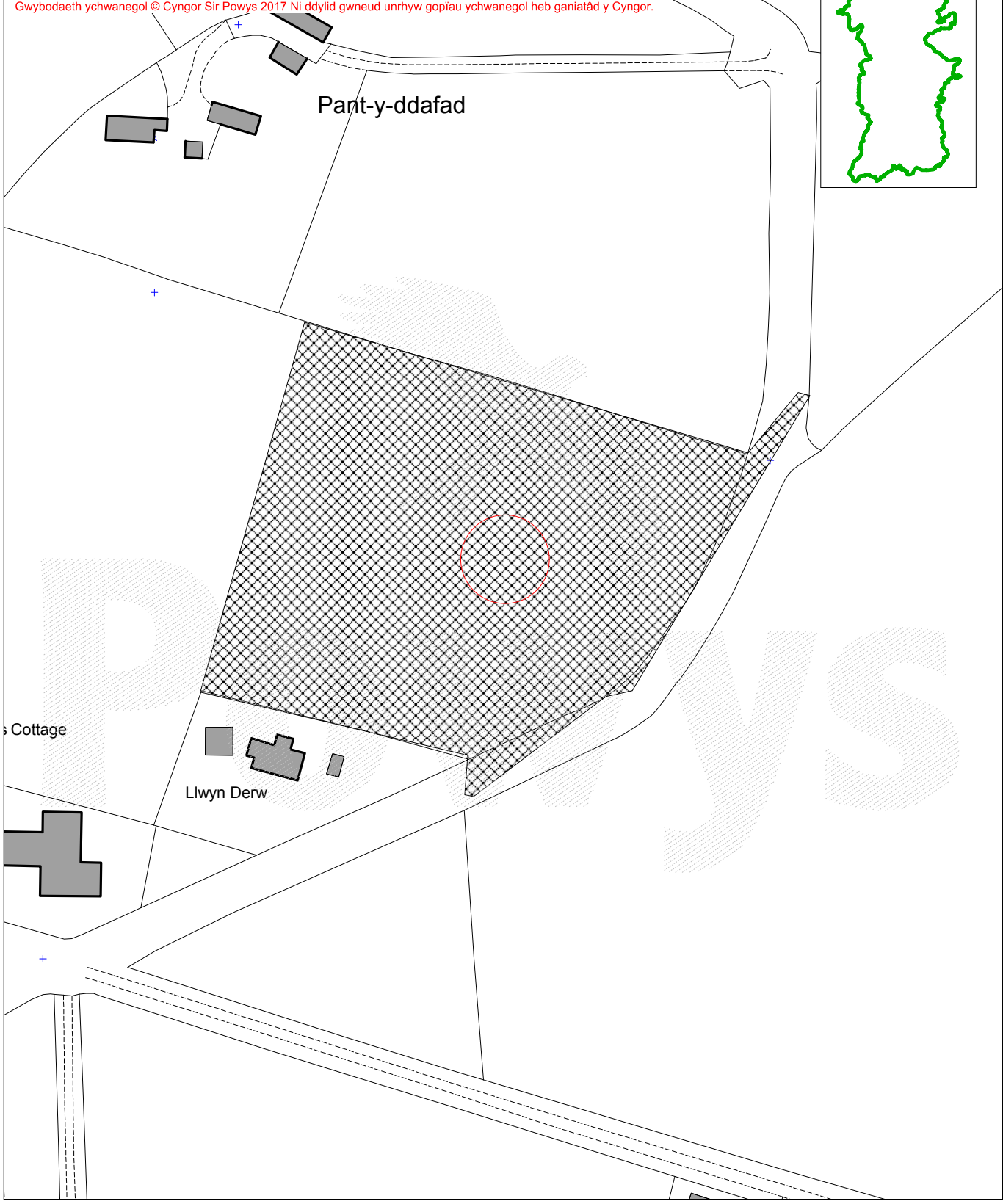
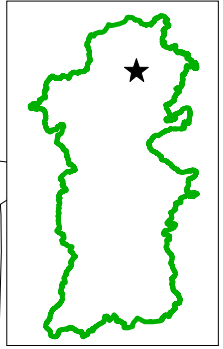
Any security lighting must be installed in a way that minimises light spill in areas that could potentially be used by foraging and commuting bats (all tree lines and hedgerows surrounding the site).

Low level and low wattage, as well as low pressure sodium or high pressure sodium lamps, should be preferred to mercury or metal halide lamps.

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

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Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2017/0217	Grid Ref:	277887.52 300771.99
Community Council:	Cadfarch	Valid Date:	Officer: 21/02/2017 Kevin Straw
Applicant:	Mr Rhys Lewis, Uwchygarrreg, Blaen Llan, Machynlleth, Powys, SY20 8RP.		
Location:	Plot adjoining Brynperian, Penegoes, Machynlleth, Powys, SY20 8RP.		
Proposal:	Full: Erection of a dwelling, formation of vehicular access and all associated works.		
Application Type:	Application for Full Planning Permission.		

The reason for Committee determination

The application requires a committee determination as it is recommended for approval and is a departure from the development plan.

Site Location and Description

The application site is located within the community council area of Cadfarch and is situated to the south-east of the village of Penegoes. The site is currently defined as open countryside and consists of agricultural grassland. An adjoining neighbouring dwelling is located to the west with further dwellings westwards leading into the village of Penegoes. The site is then bound by agricultural land to the east and south with the County Class III Highway, C2086 running directly to the north of the application site in which access is sought from.

The proposal seeks consent for the erection of a single dwelling with the formation of vehicular access and all associated works. The plot outlined for the development measures approximately 35 metres by 27 metres.

The proposed dwelling measures approximately 26 metres in length, 20.5 metres in width and reaches a height of approximately 6.8 metres to ridge, it is noted that the development also includes an integral garage. The dwelling is to be finished with a combination of external random coursed natural stone and white polymer render. The roof is to be provided in natural slate; with all windows and doors to be provided in aluminium frames of an anthracite colour.

Consultee Response

Cadfarch Community Council

No comments have been received at the time of writing this report.

PCC Highways

Comments received on 23/03/2017;

The County Council as Highway Authority for the County Class III Highway, C2086; Wish the following Observations be applied.

Observations

The visibility splays, as detailed on drawing 15/73 PI1, have been drawn incorrectly and do not accord with current design standards. In addition, the splays cross into land not within the control of the applicant on either side and consequently the applicant would be unable to provide the visibility splays as indicated. Whilst we are prepared to accept a reduced splay of 43 metres in each direction we must respectfully request that amended plans be submitted that clearly show the visibility splays within the red lined application site. Furthermore, we will require that the gradient, means of intercepting surface water drainage from the site and gate setback be detailed on the plans.

Additional comments received on 03/05/2017;

The County Council as Highway Authority for the County Class III Highway, C2086; Wish the following recommendations/Observations be applied.

Recommendations/Observations

HC1 Prior to the occupation of the dwelling any entrance gates 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.

HC3 The centre line of the first 5.5 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.

HC4 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.

HC7 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 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 the 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 access carriageway, constructed as Condition HC7 above, shall be not less than 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.

HC21 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.

HC26 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.

HC27 Any 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.

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

Reasons

To ensure the safety and free flow of traffic using the adjoining unclassified road.

Wales & West Utilities

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

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

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

Severn Trent Water

As the proposal is out of Severn Trent Waters area I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

Cllr G Vaughan

Further to our telephone conversation last week, I wish to call in the above application to Committee.

The application is by a local young man, Rhys Lewis, who suffered a terrible accident and is now confined to a wheelchair. Rhys has searched the Dyfi Valley for a site that is suitable for someone of his condition, & this is the only site that he has found that meets his special requirements.

Ecologist

Planning Application Reference	P/2017/0217
Project Name / Description	for Full: Erection of a dwelling, formation of vehicular access and all associated works at , Plot adjoining Brynperian , Penegoes, Machynlleth, Powys.
Consultation Deadline	20/03/2017

Ecological Topic		Observations
EIA Screening Requirement	No	The site area is understood to be 0.1 hectares and includes up to 1 dwelling. Therefore, the development is not considered to meet or exceed the thresholds of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016 for the screening of dwelling house developments for EIA since it does not exceed five hectares; include more than 150 dwellings; or include more than one hectare of urban development that is not a dwelling house development.
Ecological Information included with application	No	No ecological information has been submitted with this application. These observations are based on an interpretation of available aerial and street imagery, the submitted plan (ref. PL 1) and historical biodiversity records provided by the Powys Biodiversity Information Service.

		<p>The application site appears to be located within an improved agricultural field and is bounded by hedgerows to the north and west. The northern hedgerow would need to be removed to provide an adequate visibility splay for this development.</p>
<p>Protected Species & Habitats¹</p>	<p>European Species <input type="checkbox"/></p>	<p>There are records of Common and Soprano pipistrelle bats from within 2km of the site, but not within the vicinity of the site itself, and no roosting features would be affected. The northern hedgerow could provide some suitable bat foraging habitat but terminates at the western end on the outskirts of the village.</p> <p>Based on the location and habitats affected adverse impacts on European protected species are therefore considered unlikely.</p>
	<p>UK Species <input checked="" type="checkbox"/></p>	<p>There are records of badger and breeding bird species from within 2km of the application site. Badgers are unlikely to be affected by the development due to its location, but a variety of bird species could nest within the hedgerow to be removed.</p> <p>I therefore recommend that vegetation clearance works are timed to avoid the bird nesting season (generally March to August inclusive). If work that could destroy bird nesting habitat is to proceed in the bird nesting season, a suitably-experienced ecologist should check for active bird nests immediately in advance of the works commencing.</p>
	<p>Section 7 Species & Habitat <input checked="" type="checkbox"/></p>	<p>The applicant should be mindful that, in accordance with Powys County Council's duty under Section 7 of the Environment (Wales) Act 2016, TAN 5, UDP policies and biodiversity SPG, as part of the planning process PCC should ensure that there is no net loss of biodiversity or unacceptable damage to a biodiversity feature.</p> <p>Hedgerows are a Section 7 Priority Habitat and it appears that approximately 35m of hedgerow that borders the north of the site would need to be removed for this development. I suggest that any removed hedgerow is translocated to areas within the development site (e.g. the new eastern or southern boundary) instead of buying and planting new stock.</p> <p>Plan ref. PL 1 indicates new trees being planted within</p>

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

		<p>the site. I recommend that locally-occurring, native species are used and a Species List will be required for approval by the local planning authority as part of a biodiversity enhancement plan for the site.</p> <p>House sparrows have been recorded within the vicinity of the site and may use the affected hedgerow as nesting habitat. As House sparrows are a Section 7 Priority Species I recommend that suitable House sparrow nest boxes are installed within the development as a biodiversity enhancement.</p>
	<p>LBAP Species & Habitat <input checked="" type="checkbox"/></p>	<p>See observations above.</p>
Protected Sites	<p>International Sites² <input type="checkbox"/></p>	<p>None within the search area.</p>
	<p>National Sites³ <input type="checkbox"/></p>	<p>None within the search area.</p>
	<p>Local Sites (within 500m) <input type="checkbox"/></p>	<p>None within the search area.</p>
Invasive Non-Native Species	Unknown	<p>No ecological information has been submitted with this application.</p>
Summary of recommendations / further assessment or work		<p>I therefore recommend that vegetation clearance works are timed to avoid the bird nesting season (generally March to August inclusive). If work that could destroy bird nesting habitat is to proceed in the bird nesting season, a suitably-experienced ecologist should check for active bird nests immediately in advance of the works commencing.</p> <p>It appears that approximately 35m of hedgerow (a Section 7 Priority Habitat) that borders the north of the site would need to be removed for this development. I suggest that any removed hedgerow is translocated to areas within the development site (e.g. the new eastern or southern boundary) instead of buying and planting new stock.</p> <p>I recommend that locally-occurring, native tree species are used as part of the indicated tree planting and a Species List will be required for approval by the local planning authority as part of a biodiversity enhancement plan for the site.</p>

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

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

	<p>House sparrows have been recorded within the vicinity of the site and may use the affected hedgerow as nesting habitat. As House sparrows are a Section 7 Priority Species in Wales I recommend that suitable House sparrow nest boxes are installed within the development as a biodiversity enhancement.</p>
<p>Recommended Conditions</p>	<p>Should you be minded to approve this application, I recommend the inclusion of the following conditions:</p> <p><i>Prior to commencement of development, a Biodiversity Enhancement Plan including details of hedgerow translocation, a species list for the tree planting and House sparrow nest boxes shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.</i></p> <p><u>Reason:</u> To comply with Powys County Council's UDP Policies SP3, ENV2, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and the Environment (Wales) Act 2016.</p> <p>Informatives</p> <p>Birds - Wildlife and Countryside Act 1981 (as amended)</p> <p>All nesting birds, their nests, eggs and young are protected by law and it is an offence to:</p> <ul style="list-style-type: none"> • intentionally kill, injure or take any wild bird • intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built • intentionally take or destroy the egg of any wild bird • intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird. <p>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.</p> <p>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.</p>

Relevant UDP Policies	SP3 Natural, Historic and Built Heritage ENV 2: Safeguard the Landscape ENV 3: Safeguard Biodiversity and Natural Habitats ENV 7: Protected Species
Comments on Additional Information	N/A

Document Author	Chris Jones	Approved by	Rhydian Roberts
Version	1	Approved Date	13/03/2017

Natural Resources Wales

Comments received on 16/03/2017;

Thank you for consulting Natural Resources Wales (NRW) about the above, which was received on 27/02/2017.

We have significant concerns with the proposed development as submitted. We recommend that you should only grant planning permission if the scheme can meet the following requirements. We would object if the scheme does not meet this requirement.

Requirement 1 – Flood Risk – Submission of a flood consequence assessment (FCA)
Flood Risk

The application site lies entirely within zone C2, as defined by the development advice map referred to under TAN 15 Development and Flood Risk (July 2004). Our Flood Map information, which is updated on a quarterly basis, confirms the site to be within the extreme flood outline.

Requirement 1 – Flood Risk – Submission of a flood consequence assessment (FCA)

The applicant therefore needs to demonstrate, through the submission of a flood consequence assessment (FCA), that the consequences of flooding can be managed over the lifetime of the development. In the absence of this evidence, we object to this application. In accordance with TAN15, the development category is regarded as highly vulnerable. The TAN states that such developments should not be permitted within zone C2. If your Authority is minded to approve the application contrary to TAN 15, the applicant must be required to undertake a FCA prior to determination of the application. We should then be asked for advice on this assessment in accordance with TAN15. This will ensure that all parties are aware of the risks to, and from, the development, and ensure that if practicable, appropriate conditions to manage the risks can be incorporated in any planning permission.

The criteria for the FCA, which should normally be undertaken by a suitably qualified person carrying an appropriate professional indemnity, are given under Section 7 and Appendix 1 of TAN15. Prior to undertaking a FCA, the applicant is advised to contact Sue Williams, Flood Risk Engineer on 03000 653135 or susan.m.williams@cyfoethnaturiolcymru.gov.uk for additional advice and information on preparing a FCA which is appropriate to the scale and nature of the development.

If an FCA is not submitted or any subsequent FCA fails to demonstrate that the consequences of flooding can be acceptably managed over the lifetime of the development, then the application should be refused in accordance with the requirements of TAN 15.

We are required to report to the Welsh Assembly Government those instances in which recommendations for refusal on grounds of flood risk, have not been accepted by Local Planning Authorities.

Therefore, if planning permission is granted contrary to our recommendation, we would be grateful if you would provide us with a copy of the Committee report, relevant Committee minutes and the decision notice.

Foul Drainage

Government policy states that, where practicable, foul drainage should be discharged to the mains sewer. Where this is not possible and private sewage treatment / disposal facilities are utilised, they must be installed and maintained in accordance with British Standard 6297 and Approved Document H of the Building Regulations 2000. You should also have regard to Welsh Office Circular 10/99 in respect of planning requirements for non mains sewerage.

The written consent of NRW or registration for exemption by the developer will be required for any discharge e.g. foul drainage to a watercourse/ditch etc., from the site and may also be required for certain categories of discharges to land. All necessary NRW consents, or exemptions must be obtained prior to works progressing on site.

Any private sewage treatment / disposal facility must be installed and maintained in accordance with British Standard 6297, and Approved Document H of the Building Regulations 2000 (further details may be available from the local authority Building Control Officer). (NB Private treatment facilities are not considered environmentally acceptable in publicly sewered areas).

Please do not hesitate to contact us if you require further information or clarification on any of the above.

Our comments above only relate specifically to matters that are included on our checklist "Natural Resources Wales and Planning Consultations" (March 2015) which is published on our website:

<https://naturalresources.wales/planning-and-development/planning-and-development/?lang=en>.

We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance.

The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

Additional comments received on 02/05/2017;

RE: Proposed new dwelling at land adjacent to Brynpeiran, Penegoes, Machynlleth

Thank you for providing further information in the form of a Flood Consequences Assessment (FCA) (George & Tomos, proposed new dwelling at land adjacent to Brynpeiran, Penegoes, Machynlleth, dated 28/03/2017).

Before we advise the applicant/agent further regarding any further work which may be required in relation to the FCA we would re-iterate our comments in our formal response dated 07/03/2017 in relation to highly vulnerable development within zone C. As your authority is aware in accordance with TAN15, the development category is regarded as highly vulnerable. Section 6.2 of the TAN states that such developments should not be permitted within zone C2. We would welcome clarification on whether your Authority is minded to approve the application contrary to TAN 15, subject to a satisfactory FCA being received.

Should this be the case then we would be happy to advise the applicant/agent further as to our additional requirements in terms of the FCA.

Please do not hesitate to contact us if you require further information or clarification on any of the above.

Our comments above only relate specifically to matters that are included on our checklist "Natural Resources Wales and Planning Consultations" (March 2015) which is published on our website: <https://naturalresources.wales/planning-and-development/planning-and-development/?lang=en>. We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance.

The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

Additional comments received on 26/05/2017;

Thank you for consulting us on the above application.

We have the following comments in relation to the Flood Consequences Assessment (FCA) (Flood Consequences Assessment for proposed new dwelling at land adjacent to Bryn Peiran, Penegoes, Machynlleth, George and Tomos, Dated 28th March).

While the FCA has highlighted inconsistencies in the flood outline in terms of levels, it has not in any way demonstrated that the site will remain flood free in accordance with Section A1.14 of TAN 15. The only way to demonstrate this would be to undertake hydraulic modelling. Hydraulic modelling would also be necessary in order to change the flood outline.

Nevertheless following a visit to the site our officer is of the opinion that with a floor level of 46.8m AOD, as proposed in the FCA, the development can comply with the requirements of TAN 15 and in this instance no further work need be carried out in terms of the FCA.

We would also advise that the flood outlines are likely to be updated within the next year or two which will hopefully provide a more accurate guide as to where flooding is likely to be an issue. In the meantime the flood outlines will remain as they are at present which means that the site will remain within the C2 zone. This could have implications in terms of household insurance.

Therefore if your authority is minded to approve the above application we would ask that the following condition be placed on any planning permission granted;

Condition: The finished floor level of the development is set no lower than 46.8m AOD

Reason: to protect the development from flooding.

Representations

Following display of a site notice on 17/03/2017 there have been no public representations made.

Planning History

None.

Principal Planning Constraints

Floodzone 2 & 3

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 5: Nature Conservation and Planning (2009)

Technical Advice Note 11: Noise (1997)

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)

Local planning policies

Powys Unitary Development Plan (2010)

SP1 - Social, Community and Cultural Sustainability
SP2 - Strategic Settlement Hierarchy
SP5 - Housing Developments
SP6 - Development and Transport
SP12 - Energy Conservation and Generation
SP14 - Development In Flood Risk Areas

GP1 - Development Control
GP3 - Design and 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 Development
HP6 - Dwellings in the open Countryside
T2 - Traffic Management
DC1 – Access by Disabled Persons
DC3 – External Lighting
DC8 – Public Water Supply
DC9 – Protection of Water Resources
DC10 – Mains Sewage Treatment
DC13 - Surface Water Drainage
DC14 – Flood Prevention Measures

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

Section 38 (6) of the Planning and Compulsory Purchase Act 2004

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

Principle of Development

The application site lies wholly outside the settlement boundary of Penegoes, as detailed on inset map M183 and would result in an open market dwelling being constructed outside the settlement boundary.

It is therefore note that for the purposes of the Powys Unitary Development Plan, the site subject to this application lies within the open countryside. On this basis, the proposal constitutes a departure from the adopted Powys Unitary Development Plan.

Housing Land Supply

Members are advised that a decision to approve a departure can only be made where other material considerations outweigh the provisions of the development plan. Such material considerations include Planning Policy Wales (2016) and UDP policy HP3, which require the Local Planning Authority to ensure that sufficient land is genuinely available or will become available to provide a 5-year supply of land for housing.

The Powys JHLAS (2016) provides information on land availability and indicates a land supply of 2.2 years (as of 01/04/2016). Whilst it is anticipated that the new local development plan will allocate land for residential development to address the shortfall in supply, the current figure is below the supply required by Planning Policy Wales and the adopted Unitary Development Plan. Officers acknowledge that a number of departures have recently been justified and permitted on the grounds of housing land supply. Whilst it is accepted that these permissions will contribute to the supply of housing, based upon current evidence, the housing land supply within Powys remains below the 5 year supply as required by planning policy. As such, Members are advised that considerable weight needs to be given to this undersupply in considering proposals for new residential development as exceptions to normal housing policies.

Sustainability

When providing additional housing it is important to consider whether the scheme can be considered to be within a sustainable development. This can relate to a wide range of matters including public transport provision and access to education, employment opportunities and other services.

Penegoes is defined as a large village under the UDP and benefits from a Church, Chapels, a garage, children's play area and a phone box. The village is located approximately 2 kilometres distance from Machynlleth which is located to the west. The A489 links the two settlements which afford residents the opportunity to travel into the area centre of Machynlleth, which has a full range of community services and facilities.

The application site is located approximately 12 metres from the edge of the settlement boundary of Penegoes with the neighbouring property directly to the west of the application being located partially within the settlement.

In light of the above and the appreciation that the proposed site is outside of the settlement development boundary by approximately only 12 metres and it adjoins a linear line of residential development fronting the County Class III Highway, C2086, it is considered that on balance that the site will be situated within a sustainable location.

Design and layout

Guidance contained within UDP policy HP5 indicates that residential development will be permitted where the development is of an appropriate scale, form and design and general

character, to reflect the overall character and appearance of the settlement and surrounding area.

The design of the proposed dwelling is considered to have been carefully developed to accommodate the specific needs of the client with reference to UDP policies GP1 and GP3 as well as regard to policy DC1. The dwelling incorporates a single level accommodation to assist the applicant with their mobility around the dwelling and incorporates the specific requirements of the client to enable the dwelling to become a long-term residence. It is noted that there are existing dwellings in close proximity to the site of a single storey nature and as such it is considered a dwelling of this scale would not be out-of-keeping within the surrounding area.

The use of a combination of natural stone and render as external finish materials are considered acceptable in their use and common place for developments such as this. The use of natural slate as a roofing material is also considered to be acceptable; along with aluminium framed windows and doors.

In light of the above it is therefore considered that the proposals fundamentally comply with relevant planning policy.

Impact on residential amenity

UDP policy GP1 states that development proposals will only be permitted where the amenities enjoyed by the occupants of nearby or proposed properties will not be unacceptably affected. More specific guidance is set out in the Powys Residential Design Guide.

The siting of the proposed dwelling will limit the impact upon surrounding residential dwellings as the dwelling will form part of an existing row of dwellings situated to the southern side of the local county highway. The neighbouring dwelling to the immediate west is approximately 10 metres from the proposed dwelling and is of a two storey nature. It is considered that the proposed development will have limited adverse impacts upon this dwelling in terms of impacts upon loss of privacy as the principle elevations are facing out to the road at the front and out to the rear. It is considered that as the proposed dwelling is of a single storey nature the potential adverse impacts upon loss of daylight afforded to this neighbouring dwelling is minimal. It is also noted that an existing mature hedge exists on the boundary of this dwelling and the proposed site which assist in limiting adverse impacts of the proposed development further.

The neighbouring dwellings to the east and south-east are approximately 50 metres distance from the proposed dwelling and as such any adverse impacts are considered to be limited by this separation distance. The neighbouring dwelling to the north-west is screened in part by existing hedges and separated by the local county highway; this dwelling is approximately 40 metres distance from the proposed dwelling.

In light of the above it is therefore considered that the proposals fundamentally comply with relevant planning policy.

Landscape and visual impacts

UDP Policy ENV2 states that proposals should 'take account of the high quality of the landscape throughout Powys and be appropriate and sensitive to the character and surrounding landscape'. It goes on to state that proposals which are acceptable in principle should 'contain appropriate measures to ensure satisfactory integration into the landscape'.

The site occupies an edge of settlement location which adjoins open countryside and therefore the locality is considered to be sensitive to visual change. Plans submitted indicate tree planting which will be combined with the need to relocate sections of roadside hedgerow to accommodate vehicular visibility splays. Comments from the Ecologist indicated that they recommend that locally-occurring, native tree species are used as part of the proposed tree planting. To ensure appropriate planting is undertaken a condition will be attached to ensure correct planting species in this regard are utilised.

Whilst the proposal would result in a visual change in comparison to the current use, taking into account the location on the edge of settlement and the existing surrounding dwellings, it is considered that the proposal subject to an appropriately worded condition, is acceptable and in accordance with Policy ENV2 of the UDP.

Highway Safety and movement

UDP policy GP4 confirms that in the interests of highway safety, all development proposals that generate or involve traffic must be provided with an adequate means of access including visibility, parking and turning facilities.

The proposed development will be accessed from the local county highway. Initial comments from the highways officer raised concern as to the nature of the access from the road into the site and further information was requested. Following the submission of additional information in-line with the highway officers comments the officer was able to provide a series of conditions which would be required to be attached to any consent given.

In light of the officers comments and subject to the appropriately worded conditions, it is therefore considered that the development does not have a detrimental impact upon highway safety, access and parking and therefore fundamentally complies with policy GP4 of the Powys Unitary Development Plan (2010).

Drainage

NRW have indicated that Government policy states that, where practicable, foul drainage should be discharged to the mains sewer. Where this is not possible and private sewage treatment / disposal facilities are utilised, they must be installed and maintained in accordance with British Standard 6297 and Approved Document H of the Building Regulations 2000. Regard should also be given to Welsh Office Circular 10/99 in respect of planning requirements for non-mains sewerage. Following confirmation by the applicant it is noted that the proposed foul drainage will be made via a connection to the existing mains system. To ensure that this proposed connection is of an acceptable standard a suitably worded condition will be attached to secure this element.

In light of the above this information will be included as an informative in any decision notice issued; however, to ensure that a suitable foul drainage connection is to be made a suitably worded condition will be attached to any decision notice issued to ensure that plans relating

to the foul drainage system and connections are provided. Subject to the appropriately worded condition it is therefore considered that the proposed development fundamentally complies with relevant planning policy.

Biodiversity

With respect to Biodiversity, specific reference is made to UDP policies ENV3 and ENV7. The PCC Ecologist provided comments with regard to the proposed development.

The Ecologist noted that there are records of Common and Soprano pipistrelle bats from within 2km of the site, but not within the vicinity of the site itself, and no roosting features would be affected. The northern hedgerow could provide some suitable bat foraging habitat but terminates at the western end on the outskirts of the village. Based on the location and habitats affected adverse impacts on European protected species are therefore considered unlikely.

The Ecologist also noted that there are records of badger and breeding bird species from within 2km of the application site. Badgers are unlikely to be affected by the development due to its location, but a variety of bird species could nest within the hedgerow to be removed.

The officer therefore recommend that vegetation clearance works are timed to avoid the bird nesting season (generally March to August inclusive). If work that could destroy bird nesting habitat is to proceed in the bird nesting season, a suitably-experienced ecologist should check for active bird nests immediately in advance of the works commencing.

The Ecologist also noted that approximately 35m of hedgerow (a Section 7 Priority Habitat) that borders the north of the site would need to be removed for this development. They suggested that any removed hedgerow is translocated to areas within the development site (e.g. the new eastern or southern boundary) instead of buying and planting new stock. They also recommended that locally-occurring, native tree species are used as part of the indicated tree planting and a Species List will be required for approval by the local planning authority as part of a biodiversity enhancement plan for the site.

It was also noted that House sparrows have been recorded within the vicinity of the site and may use the affected hedgerow as nesting habitat. As House sparrows are a Section 7 Priority Species in Wales it was recommended that suitable House sparrow nest boxes are installed within the development as a biodiversity enhancement.

To encompass these comments the officer recommended the inclusion of a suitably worded condition to ensure that local biodiversity is accommodated within any future development of the site.

In light of the officers comments and subject to appropriately worded conditions, it is therefore considered that the development does not have a detrimental impact upon biodiversity, and therefore fundamentally complies with relevant planning policy.

Flood zone

NRW indicate the application site currently lies within Zone C2 of the development advice maps associated with TAN15 Development and Flood Risk (July 2004) and as such confirms the site to be within the extreme flood outline.

Initial comments received raised concern as to the proposed development and additional information was sought. Following receipt of the additional information and a site visit undertaken by NRW staff their concluding comments indicated that while the FCA has highlighted inconsistencies in the flood outline in terms of levels, it has not in any way demonstrated that the site will remain flood free in accordance with Section A1.14 of TAN 15. The only way to demonstrate this is to undertake hydraulic modelling. Hydraulic modelling would also be necessary in order to change the flood outline.

Nevertheless following a visit to the site by the NRW officer they were of the opinion that with a floor level of 46.8m AOD, as proposed in the FCA, the development can comply with the requirements of TAN 15 and in this instance no further work need be carried out in terms of the FCA.

As an informative NRW stated that the flood outlines are likely to be updated within the next year or two which will hopefully provide a more accurate guide as to where flooding is likely to be an issue. In the meantime the flood outlines will remain as they are at present which means that the site will remain within the C2 zone. This could have implications in terms of household insurance.

In light of the comments received from NRW they have recommended the inclusion of a suitably worded condition to assist in safeguarding the proposed dwelling from potential flooding impact.

In light of the above and subject to the recommended condition it is therefore considered that the proposal fundamentally complies with relevant planning policy.

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

Having carefully considered the proposed development, Officers consider that the proposal broadly complies with planning policy. 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.

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 XXXXXX (drawing no's: 01 A and PL 1a)
3. Prior to the occupation of the dwelling any entrance gates 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.
4. The centre line of the first 5.5 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.

5. 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.

6. 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 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 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.

8. 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.

9. The width of the access carriageway, constructed as Condition 6 above, shall be not less than 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.

10. 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.

11. 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.

12. Any 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.

13. Upon formation of the visibility splays as detailed in Condition 5 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.
14. No storm water drainage from the site shall be allowed to discharge onto the county highway.
15. Finished floor levels of the proposed dwelling should be set no lower than 46.8m AOD.
16. Prior to commencement of development, a Biodiversity Enhancement Plan including details of hedgerow translocation, a species list for the tree planting and House sparrow nest box locations shall be submitted to the Local Planning Authority; implemented as approved and maintained thereafter unless otherwise agreed in writing with the Local Planning Authority.
17. 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 dwellings or alterations to the roofs (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.
18. 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 occupation of the first dwelling and retained in perpetuity.

Reasons

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
3. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
4. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
5. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
6. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
7. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.

8. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
9. In the interests of 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.
12. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
13. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
14. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
15. To protect the development from flooding and avoid impact on extreme flood flow routes in accordance with policies GP1 and DC14 of the Powys Unitary Development Plan.
16. 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.
17. 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.
18. In order to ensure that satisfactory foul drainage arrangements are provided in accordance with policies GP1 and DC10 of the Powys County Council Unitary Development Plan.

Informative Notes

Biodiversity

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.

Foul Drainage

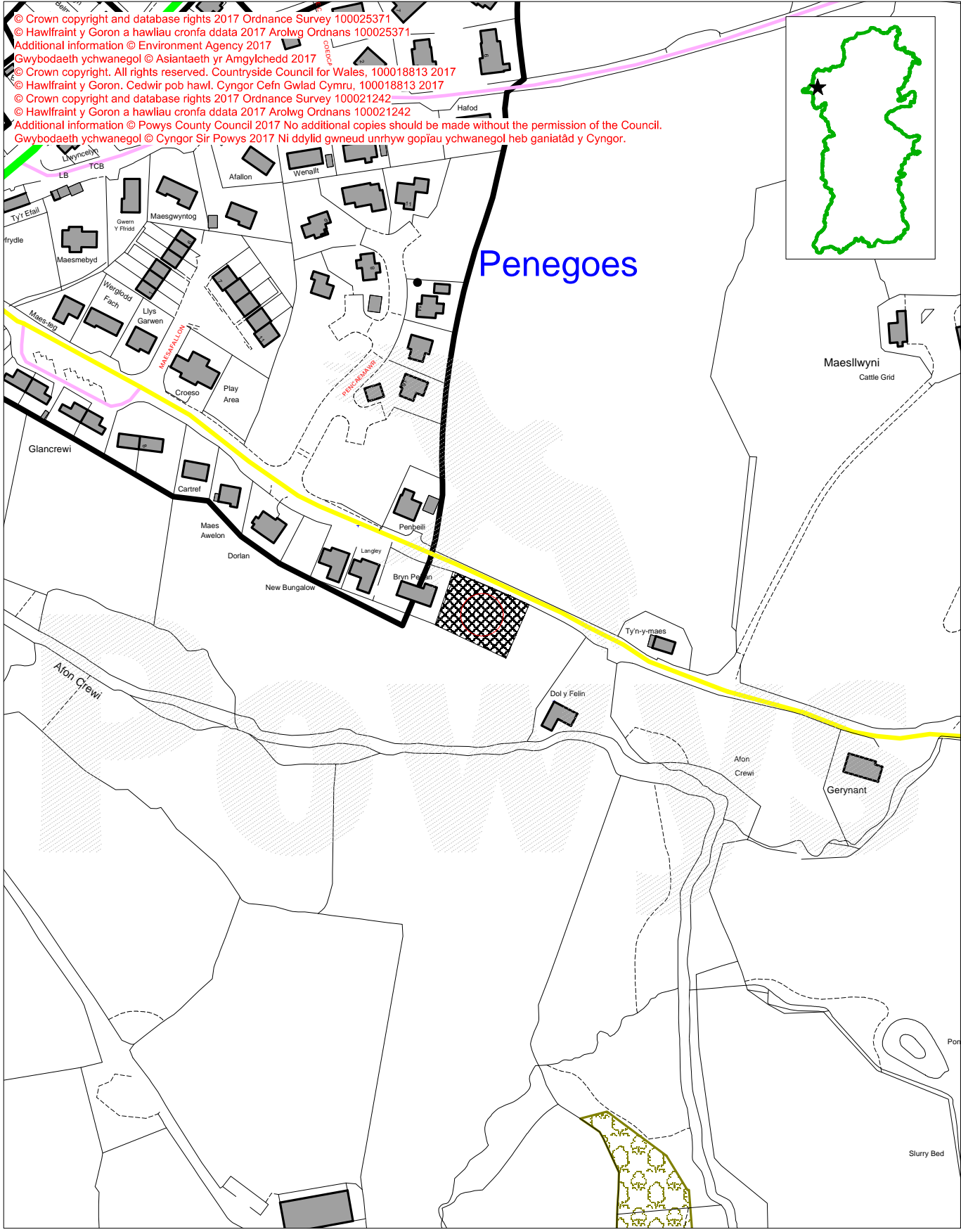
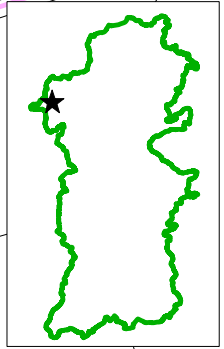
Government policy states that, where practicable, foul drainage should be discharged to the mains sewer. Where this is not possible and private sewage treatment / disposal facilities are utilised, they must be installed and maintained in accordance with British Standard 6297 and Approved Document H of the Building Regulations 2000. You should also have regard to Welsh Office Circular 10/99 in respect of planning requirements for non mains sewerage.

The written consent of NRW or registration for exemption by the developer will be required for any discharge e.g. foul drainage to a watercourse/ditch etc., from the site and may also be required for certain categories of discharges to land. All necessary NRW consents, or exemptions must be obtained prior to works progressing on site.

Any private sewage treatment / disposal facility must be installed and maintained in accordance with British Standard 6297, and Approved Document H of the Building Regulations 2000 (further details may be available from the local authority Building Control Officer). (NB Private treatment facilities are not considered environmentally acceptable in publicly sewered areas).

Case Officer: Kevin Straw - Planning Officer
Tel: 01597 827092 E-mail: kevin.straw@powys.gov.uk

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Penegoes

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Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2017/0329	Grid Ref:	306282.14 301102.68
Community Council:	Dwyriw	Valid Date:	Officer: 24/03/2017 Dunya Fourie
Applicant:	Mr D T M Jones, Min-Y-Fford, Adfa, Newtown, Powys, SY16 3DB.		
Location:	Land adjoining Min-y-Fford, Adfa, Newtown, Powys, SY16 3DB.		
Proposal:	Outline: Residential development of up to 9 dwellings, including new access and all associated works (some matters reserved)		
Application Type:	Application for Outline Planning Permission		

The reason for Committee determination

This application requires a committee determination as the development is a departure from the development plan and is recommended for approval.

Site Location and Description

The site extends to approximately 0.50 hectare and is located to the east of the settlement development boundary of Adfa. Adfa is classified as a large village within the Powys Unitary Development Plan (UDP). The settlement consists of a linear development along the highway to the north and south, this site comprises a parcel of land which abuts the settlement boundary. The site comprises level semi improved agricultural land.

The application has been submitted in outline with access to be considered at this stage. It is proposed to construct nine detached dwellings together with a new vehicular access. The proposal includes the offer of two of the dwellings to be for an affordable local need. Indicative scales of the properties have been submitted as follows:

- Size ranges from 8-15m and 6-12m
- Ridge heights varying from 5.5m to 8.5m

Consultee Response

Dwyriw Community Council

Letter of 20 May 2017

Further to the response sent on the 28 April it has now come to the attention of the Council that some of the points made were in-accurate.

Post Office

Please could it be noted that the Post Office in Adfa is open between 8.00am and 4.30pm on a Monday and between 8.00am and 12.00pm on a Tuesday.

Bus Routes

There are currently three buses picking up in Adfa:

1. Monday - Adfa to Welshpool
2. Tuesday - Adfa to Newtown
3. Thursday - Adfa to Newtown

Letter of 28 April 2017

I am writing on behalf of Dwyriw Community Council to let you know that the Council has considered the application above and would like to make the following points:

1. A development on this scale would lead to a greatly increased number of vehicles in an area which already has limited parking and where there is already insufficient parking for the existing residents.
2. The proposed access to the site would be unsuitable as it would mean the loss of the only extra parking space for existing residents.
3. There is no direct access to the existing play area so extra dwellings would mean more children and more traffic on the main road through Adfa – which would be a potential safety issue.
4. For a development of this size the Council would expect to see provision for extra play space.
5. Services are poor in the village and there is currently only one bus a week taking people to Welshpool for a 3 hour stop and then returning.
6. The Post Office opens for just a few hours on one day a week for a small number of people to collect their pensions.
7. The local primary school in Tregynon is already close to capacity.
8. There are already Broadband speed issues for the number of people in the area; extra local usage would compound this.

The affordable housing allocation of one does not seem enough

Powys Highways

Letter of 5 April 2017

The County Council as Highway Authority for the County Unclassified Highway, U2901 Wish the following recommendations/Observations be applied

Recommendations/Observations

It is noted that access is to be determined as part of this outline application. Unfortunately, the proposed block plan does not provide sufficient detail to confirm that a safe means of access will be provided. In order to consider the application in full, we will require that amended plans are submitted that clearly identify the access road together with dimensions of the carriageway, footway and service verge for the proposed new highway. In addition, they have indicated that all surface water will be discharged to an existing surface water drain that crosses the site and who is the responsible adopting authority, This drain will need to be clearly indicated on the drawing so that we may determine whether a diversion of this drain will be necessary.

Letter of 11 May 2017

Wish the following recommendations/Observations be applied

Recommendations/Observations

HC1 Any entrance gates 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.

HC3 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.

HC7 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.

HC9 Prior to the occupation of any of the dwellings, 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. The parking areas shall be retained for their designated use in perpetuity.

HC10 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.

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 access 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.

HC14 Any internal side-road junctions shall have a corner radii of 6 metres.

HC15 The centre line radii of all curves on the proposed estate road shall be not less than 20 metres.

HC19 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.

HC20 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.

HC21 Prior to the occupation of any of the dwellings 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,

HC31 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.

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

Wales and West Utilities

No response has been received at the time of writing this report.

Severn Trent

With Reference to the above planning application the company's observations regarding sewerage are as follows.

I can confirm that we have no objections to the proposals subject to the inclusion of the following condition:

- The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and
- The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with

a satisfactory means of drainage as well as to reduce or exacerbate a flooding problem and to minimise the risk of pollution

To help us provide an efficient response please could you send all responses to welshplanning@severntrent.co.uk rather than to named individuals, including the STW ref within the email/subject.

Powys Environmental Health

I have no objections to the application.

Powys Ecologist

Letter of 20 April 2017

Ecological information included with the application

No ecological information has been submitted with this application. These observations are based on an interpretation of available aerial and street imagery and historical biodiversity records provided by the Powys Biodiversity Information Service.

The application site appears to be located within an agricultural field and is bounded by hedgerows to the north and east. These hedgerows would appear to be retained by the proposal.

Protected species and habitats

Historic records of European protected species from the vicinity of the site are sparse, but there are records of at least two bat species from within 2km of the site and Great Crested Newt (GCN) from approximately 250m north-east.

No bat roosts or potential bat roosts would appear to be lost as a result of the proposals. However, the northern and eastern hedgerows are likely to provide linear commuting and foraging habitat for a range of bat species.

Given the proximity of development works to surrounding hedgerows, it is considered prudent to require information from the applicant as to how these features of biodiversity importance for wildlife will be protected during the construction period of works.

If additional lighting is required I recommend that a sensitive lighting scheme is implemented to avoid any negative impacts on nocturnal wildlife, including bats, which may use the boundary hedgerow habitats.

There are a number of great crested newt records in close proximity to the site and at least two ponds within approximately 250m. The aerial photographs of the site and street view images indicate that the hedgerow boundary habitat present is suitable terrestrial habitat and there is a high potential that it would be utilised by local great crested newt populations. Great Crested Newts are European Protected Species (EPS); the animals and their resting and breeding habitats are fully protected under European law, where impacts to EPS are identified, the LPA have to apply the three tests of the Habitats Regulations to ensure that there will be no adverse impact on the favourable conservation status of the EPS. In order for

the LPA to satisfy this requirement, full details of the potential impacts and proposed mitigation, are required to be submitted for approval prior to determination.

The three tests that must be satisfied are:

1. That the development is “in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment”.
2. That there is “no satisfactory alternative”
3. That the derogation is “not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range”

Therefore, a Newt Reasonable Avoidance Method Statement, produced by a suitably qualified and experienced ecologist to demonstrate that the proposed works, including construction activities, will be undertaken in a manner to ensure no negative impacts to GCN and/or their habitats on site needs to be provided before the planning application can be determined.

UK species

The boundary hedgerow to the north and east offer suitable habitat for a range of nesting bird species.

I recommend that any vegetation clearance works are timed to avoid the bird nesting season (generally March to August inclusive). If work that could destroy bird nesting habitat is to proceed in the bird nesting season, a suitably-experienced ecologist should check for active bird nests immediately in advance of the works commencing.

Section 7 species and habitat

The applicant should be mindful that, in accordance with Powys County Council’s duty under Section 7 of the Environment (Wales) Act 2016, TAN 5, UDP policies and biodiversity SPG, as part of the planning process PCC should ensure that there is no net loss of biodiversity or unacceptable damage to a biodiversity feature.

Hedgerows are a Section 7 Priority Habitat and I understand that those present within the site are to be retained. I recommend that these hedgerows are protected during the construction phase.

The proposed new planting within the site is welcomed and should consist of native, locally-occurring species.

LBAP species and habitats

See previous observations

International sites

None within the search area

National sites

None within the search area

Local sites (within 500m)

None within the search area

Summary of recommendations / further assessment or work

Given the proximity of development works to surrounding hedgerows, it is considered prudent to require information from the applicant as to how these features of biodiversity importance for wildlife will be protected during the construction period of works.

If additional lighting is required I recommend that a sensitive lighting scheme is implemented to avoid any negative impacts on nocturnal wildlife, including bats, which may use the boundary hedgerow habitats.

There are a number of great crested newt records in close proximity to the site and at least two ponds within approximately 250m. The aerial photographs of the site and street view images indicate that the hedgerow boundary habitat present is suitable terrestrial habitat and there is a high potential that it would be utilised by local great crested newt populations. Great Crested Newts are European Protected Species (EPS); the animals and their resting and breeding habitats are fully protected under European law, where impacts to EPS are identified, the LPA have to apply the three tests of the Habitats Regulations to ensure that there will be no adverse impact on the favourable conservation status of the EPS. In order for the LPA to satisfy this requirement, full details of the potential impacts and proposed mitigation, are required to be submitted for approval prior to determination.

A Newt Reasonable Avoidance Method Statement, produced by a suitably qualified and experienced ecologist to demonstrate that the proposed works, including construction activities, will be undertaken in a manner to ensure no negative impacts to GCN and/or their habitats on site needs to be provided before the planning application can be determined.

I recommend that any vegetation clearance works are timed to avoid the bird nesting season (generally March to August inclusive). If work that could destroy bird nesting habitat is to proceed in the bird nesting season, a suitably-experienced ecologist should check for active bird nests immediately in advance of the works commencing.

The proposed new planting within the site is welcomed and should consist of native, locally-occurring species.

Recommended conditions

Should you be minded to approve this application, and subject to receipt of the additional information requested above, I recommend the inclusion of the following conditions:

Prior to planning permission, a Newt Reasonable Avoidance Method Statement, produced by a suitably qualified and experienced ecologist to demonstrate that the proposed works, including construction activities, will be undertaken in a manner to ensure no negative impacts to GCN and/or their habitats on site needs to be provided before the planning application can be determined.

Reason: To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh Government strategies, and the Environment (Wales) Act 2016.

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

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

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

Reason: To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh Government strategies, and the Environment (Wales) Act 2016.

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

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

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.

Great Crested Newts – Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended)

Great Crested Newts are known to be present in the vicinity of the proposed development site. The great crested newt is fully protected under schedule 5 of the Wildlife and

Countryside Act 1981 (as amended) and Schedule 2 of The Conservation of Habitats and Species Regulations 2010 (as amended).

It is therefore an offence to:

- Deliberately capture, injure or kill a great crested newt;
- Deliberately disturb a great crested newt in such a way as to be likely to significantly

affect the local distribution, abundance or the ability of any significant group of great crested newts to survive, breed, rear or nurture their young;

- Damage or destroy a great crested newt breeding site or resting place;
- Intentionally or recklessly disturb a great crested newt; or
- Intentionally or recklessly obstruct access to a breeding site or resting place.

If a great crested newt is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. This advice may include that a European protected species licence is sought.

Relevant UDP policies

SP3 Natural, Historic and Built Heritage

ENV 2: Safeguard the Landscape

ENV 3: Safeguard Biodiversity and Natural Habitats

ENV 6: Sites of Regional and Local Importance

ENV 7: Protected Species

E mail of 25 April 2017

I was just looking through this application and I noticed that a recommendation had been made for a Great Crested Newt Reasonable Avoidance Strategy to be secured through a condition.

Given the proximity of the proposed development to known great crested newt breeding population and the nature of the proposed development i.e. a small housing development there is a potential that the proposed development would require measures to prevent harm to great crested newts that would potentially require an EPS Licence to be obtained e.g. installation of newt fencing etc. the nature of measures identified in a RAMS would not necessarily be appropriate for this site and the proposed development.

As such the requirement of a RAMS as a condition is considered to be inappropriate in this instance and further information is required prior to determination of the application – I understand from records that surveys were undertaken in 2006 therefore it is likely that update surveys would be required to inform any necessary mitigation measures and any subsequent licence application – as update surveys would need to be undertaken this will need to be addressed as a matter of urgency as the great crested newt survey season has already started.

The results of the survey and an appropriate mitigation strategy will need to be identified and submitted to the LPA prior to the determination of the application.

Representations

A site notice was erected on the boundary fence adjoining the access road to the residential development opposite the site. No decision was made regarding the suitability of the site for a continuous period of 21 days from the date of the site notice. A total of 4 letters of objection have been received and 1 letter of support.

The main points of objection are as follows:

- The development would exacerbate the existing on street parking issue at Treganol
- Adfa has limited facilities and existing services are already stretched
- Lack of public transport
- Increased traffic along the highway
- Not a large demand for properties in Adfa

The letter of support confirms they support local development where proper consideration is given to parking, amenities and local needs. The letter also states additional development strengthens the case for improved telecommunication services and allow rural villages to continue to grow and prosper.

Planning History

No recent planning history on the site

Principal Planning Policies

National Planning Policy

Planning Policy Wales (Edition 9, 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 (2014)
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 24: The Historic Environment

Welsh Office Circular 11/99 – Drainage

Welsh Office Circular 61/96 – Planning and the Historic Environment: Historic Buildings and Conservation Areas

Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management

Cadw's Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales, Part 1: Parks and Gardens (Powys)

Local Planning Policy

Powys Unitary Development Plan (2010)

UDP SP1 – Social, Community and Cultural Sustainability

UDP SP2 – Strategic Settlement Hierarchy

UDP SP5 – Housing Developments

UDP GP1 – Development Control

UDP GP3 – Design and Energy Conservation

UDP GP4 – Highway and Parking Requirements

UDP ENV1 – Agricultural Land

UDP ENV2 – Safeguarding the Landscape

UDP ENV3 – Safeguarding Biodiversity and Natural Habitats

UDP ENV4 – Internationally Important Sites

UDP ENV5 – Nationally Important Sites

UDP ENV7 – Protected Species

UDP ENV14 – Listed Buildings

UDP ENV16 - Landscapes, Parks and Gardens of Special Historic Interest

UDP HP4 - Settlement Development Boundaries and Capacities

UDP HP5 – Residential Development

UDP HP6 – Dwellings in the Open Countryside

UDP HP7 – Affordable Housing within Settlements

UDP HP8 – Affordable Housing Adjoining Settlements with Development Boundaries

UDP HP10 – Affordability Criteria

UDP HP3 – Housing Land Availability

UDP TR2 – Tourist Attractions and Development Areas

UDP DC10 – Mains Sewage Treatment

UDP DC13 – Surface Water Drainage

Powys Residential Design Guide (2004)

Affordable Housing for Local Needs Supplementary Planning Guidance (SPG) Approved September 2010 Updated July 2011

Powys Joint Housing Land Availability Study (2016) 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

Section 38 (6) of the Planning and Compulsory Purchase Act 2004

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. For the avoidance of doubt, the development plan in this instance is the Powys Unitary Development Plan 2001-2016.

Principle of Development

The application is for outline consent with some matters reserved. Should permission be granted, reserved matters (appearance, landscaping, layout and scale) will form a separate application(s) for consideration at a later date.

The application site lies wholly outside the settlement boundary of Adfa. Whilst the application proposes two affordable dwellings, the remaining dwellings would be open market dwellings. On this basis, the proposal constitutes a departure from the adopted Powys Unitary Development Plan.

Members are advised that a decision to approve a departure can only be made where other material considerations outweigh the provisions of the development plan. Such material considerations include Planning Policy Wales (2016) and UDP policy HP3, which require the Local Planning Authority to ensure that sufficient land is genuinely available or will become available to provide a 5-year supply of land for housing.

The Powys JHLAS (2016) provides information on land availability and indicates a land supply of 2.2 years (as of 01/04/2016). Whilst it is anticipated that the new local development plan will allocate land for residential development to address the shortfall in supply, the current figure is below the supply required by Planning Policy Wales and the adopted Unitary Development Plan. As such, Members are advised that considerable weight needs to be given to this undersupply in considering proposals for new residential development as exceptions to normal housing policies.

Sustainability

Adfa is classified as a large village within the Powys Unitary Development Plan. Four sites were allocated for housing development within the Unitary Development Plan (UDP); M103 HA1 (0.40ha Land adjacent to timber yard), M103 HA2 (0.44ha Land opposite Maesgwastad), M103 HA3 (0.65ha Land adjacent to village hall) and M103 HA4 (0.58ha Land opposite the Manse). In addition the UDP recognises that there may be further opportunities for infill development within the settlement and opportunities for affordable housing adjacent to the settlement development boundaries. On allocated sites it was stated that 42 dwellings would be an appropriate level of growth for Adfa within the plan period (which has now come to an end). Three out of the four allocated sites have been completed.

Representations made in response to the application have raised concern regarding the lack of services within Adfa to support additional new residential development.

Policy SP2 confirms land is allocated for development to reflect the needs and capacity of each planning area/community and principles of sustainability in accordance with the settlement hierarchy, for which 'large village' is third in the hierarchy. Adfa is classified as a large village within the UDP and has facilities including Chapel, community centre, garage, postbox, protected play area and post office. It is located on a public bus route and does connect to the A483 trunk road which allows access to Welshpool and Newtown. As such, while there are concerns regarding the lack of services and the village services becoming overstretched, the proposed development is not considered to exceed the capacity for the settlement as outlined in the UDP..

As well as contributing to the Council's housing land supply and the site being in a sustainable location, consideration must be given to other material planning considerations.

Affordable dwellings

The scheme proposes two affordable dwellings (20% affordable housing contribution). Although the UDP and Affordable Housing for Local Needs Supplementary Planning Guidance (SPG) (2011) requires a 30 to 35% affordable housing contribution, the evidence base for the LDP which has resulted in the written statement of the Powys LDP 2011-2026 Deposit Draft states that the target contribution required for the Adfa area (Severn Valley) would be 20%. Therefore, on the basis of this evidence, it is considered that the proposal for a 20% affordable housing provision would be acceptable.

Design and Layout

Guidance contained within UDP policy HP5 indicates that residential development will be permitted where the development is of an appropriate scale, form and design and general character, to reflect the overall character and appearance of the settlement and surrounding area.

Whilst appearance, scale and layout are reserved and will be dealt with at a later point in time, it is relevant to consider whether the number of dwellings proposed could be appropriately developed on the site.

The density of the development would be 18 dwellings per hectare, the adjacent site; Treganol (HA3) has a density of 16.9 dwellings per hectare. As such the proposed scheme is found to give a balanced layout and be in keeping with the design of the surrounding area. Furthermore, it is considered that in principle the provision of nine dwellings within the application site is considered to be acceptable and of sufficient size to allow for suitable space to accommodate private amenity space per dwelling and parking areas whilst still able to maintain the privacy of all existing neighbouring residential properties.

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

Impact upon character and appearance of surrounding area

The application site comprises a flat parcel of land on the eastern edge of Adfa and adjoins the existing modern residential development; Treganol (HA3). The site is agricultural land which is bounded by a post and wire fence along the south and west boundary and mature hedge along the north and east boundary.

Concern is expressed over the impact of the proposed development in terms of views into the site. However, the application site is an area of pasture land that when viewed from longer to mid- range views would be viewed as an extension of the existing settlement and it would arguably provide a natural rounding off of the settlement as the site does not extend beyond the existing building line along the highway. It is therefore difficult to sustain an argument that the proposal will be particularly detrimental to the character of the settlement.

It is therefore considered that the proposal is acceptable for the scale of development proposed, without causing unacceptable harm to the character or appearance of the area. Therefore, the proposal is considered to comply with UDP policies GP1, GP3 and ENV2.

Impact upon established tourist attractions

It is noted that there are a number of public rights of way in the locality, the closest route follows the line of the western boundary of the site. Given that the proposal would be residential housing development within an area where such development is not unusual and the development of the site would not restrict the use of any right of way, it is not considered that the proposal would unacceptably adversely affect the environmental setting of the identified tourist attraction or any others in the locality in accordance with UDP policy TR2.

Highway access and parking

UDP policy GP4 requires adequate highway provision in terms of a safe access, visibility, turning and parking.

A new vehicular access would be constructed off the access road to Treganol, the proposed access into the site would be on the western site boundary. The access road currently serves approximately 11 dwellings and does not connect to any other vehicle routes.

Public representations have raised concern over highway safety in terms of the increase in traffic levels on a highway and exacerbate the existing level of on street parking along the Treganol access route.

Matters relating to access and parking within the site are reserved for consideration under a later reserved matters application. The highway authority who are responsible for the U2901 and Treganol access road and as such their comments are restricted to the acceptable standard of the highway junction and its intensified use. The highway authority has previously adopted the junction and as such accepts that it meets highway safety standards, they raise no objection to the intensified use of the junction.

There is an existing footway along the Treganol access road, concern was raised within representations that development of the site would not link to existing areas of public open space or facilities. The proposal is for 9 dwellings and it would be difficult to sustain an argument to secure off site improvement works to the footway network. Footways within the site would be considered as part of a future 'layout' application, in addition each site would be required to provide parking facilities in line with the CCS Welsh Standards and as such should not exacerbate on street parking.

In respect of the vehicular access to the site itself, additional traffic movements along the U2901 highway was raised as a concern within public representations. This route through Adfa connects to the wider highway network and as such it would be difficult to demonstrate that this section of road would see a significant increase in traffic from the development.

Surface water runoff is proposed to be discharged to the existing mains network, a condition of any forthcoming consent would require the location of the proposed discharge point to be shown on a plan. Severn Trent raise no objection to the proposed discharge of surface water to the mains network provided details of the scheme are submitted and approved prior to any development commencing.

It is concluded that the proposal could make adequate provision for highway access subject to the use of planning conditions relating to surface water drainage. Therefore, the proposal is considered to comply with UDP Policy GP4.

Foul sewage disposal

The submission indicates that foul sewage would be disposed of to the mains sewer. This is the preferred method of foul sewage disposal as set out within UDP Policy DC10 and Welsh Office Circular 10/99.

Severn Trent raise no objection regarding the proposed connection, however prior to development commencing, details of the connection would need to be submitted and approved by the local planning authority.

On the basis that the proposal would connect to the mains sewer and subject to an appropriately worded condition, it is considered that the proposal would make adequate provision for the disposal of foul sewage in accordance with UDP Policy DC10.

Surface water disposal

UDP Policy DC13 requires proposals to make adequate provision for land drainage and surface water disposal. The submission states that surface water would be disposed of via a sustainable drainage system.

The site is classed as a Greenfield site, therefore, proposed surface water flows should be equivalent to existing Greenfield run-off in accordance with the principles of TAN15. The use of sustainable drainage system or other infiltration techniques should be investigated in the first instance for surface water disposal. If sustainable drainage system are not feasible, drainage attenuation to limit the discharge rate from the site no greater than the Greenfield run-off rate should be applied. This is generally controlled via planning conditions with full details of a sustainable drainage system coming in at reserved matters stage or prior to commencement development.

In order to ensure that adequate provision for surface water drainage would be made, a condition must be imposed on any consent granted to require the submission and implementation of a satisfactory drainage scheme.

Ecology

The Council acknowledges the need to protect biodiversity from adverse development through careful monitoring, maintenance and the protection of habitats and species worthy of conservation. Therefore the nature conservation policies in the UDP seek to safeguard biodiversity, and these objectives are also echoed in national policy (TAN5 and Planning Policy Wales).

Initial screening of the site identified great crested newt (GCN) records within 200m of the site. Following concerns raised from the Powys Ecologist an ecological report was subsequently conducted by Gerald Langley, dated May 2017. It is noted the site itself does not provide a breeding ground for GCN, however it does offer a suitable terrestrial habitat.

There is also a hedge boundary along the east and north boundary of the site, based on the indicative plan this boundary is to be retained in full and as such the consideration of impact on GCN and bats is made on the assumption this feature would remain.

Following further consultation, NRW confirmed that provided the ecological assessment is implemented in full and any forthcoming consent is conditioned where appropriate, including a construction avoidance scheme and mitigation scheme for GCN and an external lighting scheme. It is considered that the proposal would comply with the relevant nature conservation and biodiversity policies of the UDP and the objectives of Planning Policy Wales and TAN 5: Nature Conservation and Planning.

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

Although it is acknowledged that the development is a departure from the development plan, the shortfall in the Council's housing land supply carries significant weight in favour of the proposal as does the provision of two affordable dwellings.

The site is located adjacent to the settlement boundary of a sustainable settlement and given the scale and location of the development, it is considered that an acceptable development could come forward.

Highway safety and ecology have been identified as matters of concern for the development, but again it is considered that the development can be appropriately managed through the imposition of conditions.

The recommendation is therefore one of approval subject to the inclusion of the attached conditions.

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. Plan references include; site location plan (6563/17/01), Proposed block plan (6563/17/03), Existing block plan (6563/17/02).
5. Any entrance gates 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.
6. 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.
7. Prior to any other development commencing, 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 of the dwellings, 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. The parking areas shall be retained for their designated use in perpetuity.

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. Prior to the commencement of any other 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.

11. 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.

12. Any internal side-road junctions shall have a corner radii of 6 metres.

13. The centre line radii of all curves on the proposed estate road shall be not less than 20 metres

14. 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.

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

- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 20% of housing units/bed spaces;
- ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii) the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing (if no RSL involved)];
- iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

16. Prior to the occupation of any of the dwellings 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.

17. 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.

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

19. Prior to commencement of development, drainage plans for the disposal of foul and surface water flows shall be submitted to and approved in writing by the local planning authority, works shall be carried out in accordance with the approved scheme.
20. Prior to commencement of development, a lighting design scheme to minimise impact on nocturnal wildlife shall be submitted to and approved in writing by the local planning authority. Works shall be carried out in accordance with the approved scheme.
21. At the time of the submission of a reserved matters, a tree and hedgerow protection plan shall be submitted to and approved in writing by the local planning authority, works shall be carried out in accordance with the approved details.
22. Development shall be carried out in accordance with the Newt Mitigation Plan and Method Statement as detailed in Section 8 of the Great Crested Newt Survey and Mitigation Plan conducted by Gerald Longley Ecological Consultants and dated May 2017.
23. 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 affordable dwellings 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. In the interests of highway safety and to accord with Unitary Development Plan policies GP1 and GP4
6. In the interests of highway safety and to accord with Unitary Development Plan policies GP1 and GP4
7. In the interests of highway safety and to accord with Unitary Development Plan policies GP1 and GP4
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12. In the interests of highway safety and to accord with Unitary Development Plan policies GP1 and GP4
13. In the interests of highway safety and to accord with Unitary Development Plan policies GP1 and GP4
14. In the interests of highway safety and to accord with Unitary Development Plan policies GP1 and GP4
15. This condition is imposed to control the future affordability and management of the development in accordance with policies HP9 and HP10 of the Powys Unitary Development Plan (2010).

16. In the interests of highway safety and to accord with Unitary Development Plan policies GP1 and GP4
17. In the interest of highway safety and to accord with Powys Unitary Development Plan policies GP1 and GP4
18. In the interests of highway safety and to accord with Powys Unitary Development Plan for Powys policies GP1 and GP4
19. In the interests of suitable drainage from the site and to accord with Powys Unitary Development Plan policies DC10 and DC13
20. In the interests of ecology and to accord with Technical Advice Note 5-Planning and Nature Conservation (2009) and Powys Unitary Development Plan policy ENV7
21. In the interests of ecology and to accord with Technical Advice Note 5-Planning and Nature Conservation (2009) and Powys Unitary Development Plan policy ENV7
22. In the interests of ecology and to accord with Technical Advice Note 5-Planning and Nature Conservation (2009) and Powys Unitary Development Plan policy ENV7
23. 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

An European Protected Species mitigation licence from Natural Resource Wales will be required for development to proceed.

It is therefore an offence to:

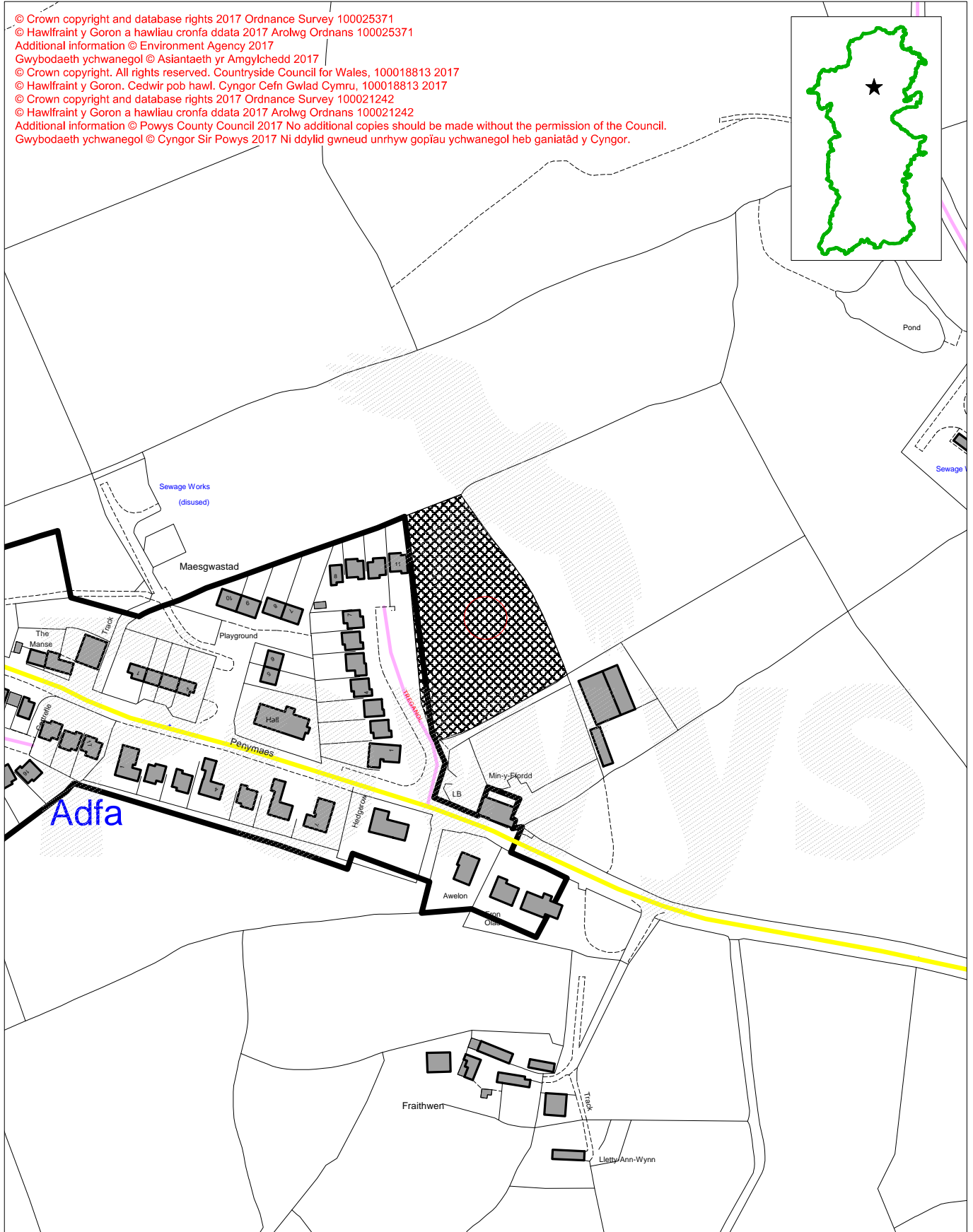
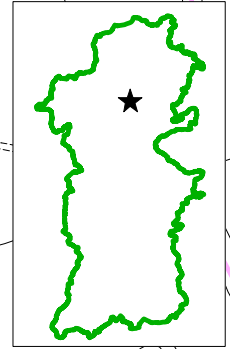
- Deliberately capture, injure or kill a great crested newt;
- Deliberately disturb a great crested newt in such a way as to be likely to significantly

affect the local distribution, abundance or the ability of any significant group of great crested newts to survive, breed, rear or nurture their young;

- Damage or destroy a great crested newt breeding site or resting place;
- Intentionally or recklessly disturb a great crested newt; or
- Intentionally or recklessly obstruct access to a breeding site or resting place.

If a great crested newt is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. This advice may include that a European protected species licence is sought.

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4.7

Planning, Taxi Licensing and Rights of Way Committee Report

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

The reason for Committee determination

The planning application in question constitutes a material departure from the Development Plan and the recommendation is that it should be approved.

Site Location and Description

The application site is located in Llandeilo'r Graban which is defined as open countryside within the Powys Unitary Development Plan.

The application seeks full planning permission for the reinstatement of an abandoned dwelling, known as Church House. The dwelling is located to the east of Llandeilo'r Graban Church and is bound to the north and east by agricultural land and to the south and west by the adjoining highway which runs from Llandeilo'r Graban to Erwood. Erwood is a large village and is located approximately 1.5m from the application site.

The proposed reinstatement will provide a three bedroom dwelling with bedrooms and bathrooms on the first floor and a lounge, kitchen/diner, utility and shower room on the ground floor. The existing barn on site will be retained and provision will be made for off street parking. An area of agricultural land to the east of the existing barn to be retained will become residential curtilage to allow for a safe access and parking.

Consultee Response

Painscastle CC

Painscastle Community Council fully support this application

Highways

The site is approached via the U1442 county highway which is narrow over much of its length, with limited numbers of formal passing bays available; it also has poor vertical and horizontal alignment which restricts forward visibility. It is noted that the building is currently abandoned and does not appear to have been used as either a dwelling or barn for quite some time, however, should the Planning Authority consider this application to represent a continuation of an C3 use, then the Highway Authority would recommend the following conditions be applied. If however, the application represents a change of use to C3, then the Highway Authority would seek the provision of passing bays along the U1442. Likewise, should the applicant look to convert the barn at a future date, the provision of passing bays would be sought.

The applicants' attention is drawn to the detail contained on drawing number BW568 revision 6A; the drawing appears to depict the boundary wall/fence encroaching upon the highway limits. The Highway Authority seeks assurance that the boundary lines remain in their current position as any encroachment will result in enforcement under the Highways Act 1980.

HC1 Prior to the occupation of the dwelling any entrance gates 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.

HC2 The gradient of the access shall be constructed so as not to exceed 1 in 12 for the first 5.5 metres measured from edge of the adjoining carriageway along the centre line of that access and shall be retained at this gradient for as long as the development remains in existence.

HC3 The centre line of the first 5.5 metres of the access 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.

HC4 Within 5 days from 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 45 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.

HC7 Within 5 days from the commencement of the development the area of 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.

HC9 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 as detailed on the approved drawing BW568 revision 6A. The parking areas shall be retained for their designated use in perpetuity.

HC11 Within 5 days from 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 0.3 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 access carriageway, constructed as Condition HC7 above, shall be not less than 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.

HC16 There shall only be a single vehicular and pedestrian access to serve the development hereby permitted.

HC21 Prior to the occupation of the dwelling the area of 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.

HC22 Within 5 days from the commencement of the development 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.

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

Welsh Water

We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

SEWERAGE

There is no public sewerage system in this area. Any new development will require the provision of satisfactory alternative facilities for sewage disposal.

WATER SUPPLY

Dwr Cymru Welsh Water has no objection to the proposed development.

The proposed development is crossed by a decommissioned watermain, the approximate position being shown on the attached plan. Dwr Cymru Welsh Water as Statutory Undertaker has statutory powers to access our apparatus at all times. I enclose our Conditions for Development near Watermain(s). It may be possible for this watermain to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged to the developer. The developer must consult Dwr Cymru Welsh Water before any development commences on site.

Please ensure easement of 4m is maintained, 2m either side of the centre of the main.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

If you have any queries please contact the undersigned on 0800 917 2652 or via email at **developer.services@dwrwymru.com**

Please quote our reference number in all communications and correspondence.

Environmental Health

1st Response Received

As a septic tank is to be utilised then prior to any planning permission being granted the applicant/agent should submit percolation test results in order to demonstrate that the ground conditions are suitable for the foul drainage soakaway. This should be carried out in accordance with document H2 of the Building Regulations.

In addition, Welsh Government has advised that, all septic tanks and small sewage treatment plant discharges in Wales will need to be registered with Natural Resources Wales. More information, including a step by step guide to registering can be found at the following link <http://www.naturalresources.wales/media/2879/septic-tank-registration-guidance.pdf?lang=en>.

2nd Response Received 12th May 2017

The percolation test result, as submitted by McCartneys in respect to the proposed septic tank installation for the above application, is acceptable.

Built Heritage Officer

No comments received by Development Management at the time of writing this report.

CPAT

1st response received 15th November 2016

Thank you for the consultation on this application.

Information retained within the Regional Historic Environment Record (HER) indicates that this application falls in an area of high archaeological sensitivity. The plot lies within the

medieval historic core of Llandeilo Graban (see <http://www.cpat.org.uk/ycom/radnor/radnor.htm> and click on Llandeilo Graban red spot for PDF download) and is located within the setting of the Grade II* listed St. Teilo's Church. The buildings are recorded on the HER as PRN 138399 (Church Farm House) and PRN 138396 (Church House Barn). The record for both buildings is very poor and their origin, dating and history of use is unknown. The house appears to have timber framed elements which may be 17th century or earlier in date and is potentially of listing quality. Nothing is known about the barn range which we assume will be the subject of a future conversion.

Works to insert a new access, parking, landscaping and a septic tank with new service connections may all impact sub-surface archaeology related to the former medieval layout of the village around the church.

The proposed development will disturb the standing building and sub-surface remains described above, but from present knowledge it is impossible to estimate how damaging this might be, and thus to frame an appropriate archaeological response. The planning authority appears to have insufficient information about this archaeological resource, or the applicant's intended treatment of it, to make a balanced decision. As archaeology is a material consideration here I would advise that this application is not determined until this resource has been properly evaluated.

Welsh Government **Planning Policy Wales** (Edition 8, Jan 2016), **Circular 60/96 - Archaeology and Planning** (Dec 96) and Powys UDP Policies ENV 17 and 18 suggest that planning authorities should require applicants to supply a suitable archaeological assessment in support of an application where a potential impact to archaeological remains is identified.

The developer will need to engage an archaeological contractor to complete this work in accordance with a brief written by this office on request. In response the archaeological contractor will need to supply a written scheme of investigation along with their cost estimate. The written scheme of investigation will need to be approved by me before work can commence on site.

I would advise that in order to allow sufficient time for an evaluation to be carried out, and the discussion of a subsequent mitigation strategy, the determination of the current application is delayed so that this information can be gathered and presented in support of the application.

I have attached information on archaeological contractors that the developer may wish to consider engaging to complete evaluation work together with advice on the evaluation process. Please forward these documents to the applicant so that they are fully aware of the requirements.

Please contact me if you wish to discuss the above advice or require any more information.

2nd Response Received 17th January 2017

A simple photo survey and watching brief would not be an appropriate response to the potential impact upon the archaeology in this case unfortunately. The house appears to have a complex history that we do not fully understand at this time and the potential for sub-surface archaeology within the medieval core of this settlement is unknown and needs to be tested for in advance. The building survey would probably be Level 3 to get a good

breakdown of the past phases of use and changes to the layout. The evaluation would consist of a number of trial trenches in the field to the east to assess whether any sub-surface medieval archaeology is present.

If the applicant wishes to proceed they will need a written brief from me which is then used to obtain an archaeological contractor to do the work.

Please let me know how the applicant/agent wish to proceed.

3rd Response Received 8th May 2017

We have now received a copy of the evaluation report from Archaeology Wales.

It is clear from the report that the evaluation trenches did not locate any significant archaeology and we would therefore have no issues with the exterior proposed access, parking, landscaping and soakaway proposals.

With regard to the house itself there is evidence of an earlier, possibly late 17th – 18th century, timber-framed farmhouse structure at the western end and the proposed reinstatement works should therefore take care to preserve the original historic features outlined in the Archaeology Wales report. Of particular interest are: the large inglenook fireplace with bressumer at the west end on the ground floor; the ground floor timber framed stud walls at the west end, in the north timber clad wall and around the staircase which continue to the first floor; the original lime plaster and lath and plaster walls; the fireplace with bread oven at the east end and the former copper on the ground floor; the upper floor fireplaces and chimney breasts. All of these features and the principal historic fabric of the barns (if they are to be converted at a future date) should be retained and sympathetically converted.

It is not entirely clear from the present design and access statement and the supplied drawing as proposed that these historic elements of the structure will be retained and we would wish to see confirmation of this in writing together with a detailed specification of works for each room which seeks to retain the historic features.

We therefore require this additional information from the architect/applicant to confirm that retention of key historic fabric can be achieved within this development proposal.

4th Response Received 11th May 2017

If the requirement for a detailed specification of works for each room, which seeks to preserve the key historic fabric and features of the building described in the Archaeology Wales report, could be supplied as a condition that would be fine.

Also if McCartneys can show the retention of historic features on floor plans and confirm in a statement that would be appreciated.

5th Response Received 13th June 2017

Thank you for forwarding the McCartneys plans and planning statement.

Having looked at these I am happy that the key historical features of the house will be retained and we would support the new plans as proposed. On the understanding that these measures are taken forward we would have no objection to the proposed development.

NRW

1st Response Received 26th November 2017

Thank you for consulting Natural Resources Wales (letter dated 09/11/2016) regarding the above.

We recommend that that you should only grant planning permission if the scheme can meet the following requirements and you attach the conditions listed below. These would address significant concerns that we have identified. Therefore, we would not object provided the requirements are met and you attach the conditions to the planning permission.

Summary of Requirements and Conditions

Requirement 1 – Bats: The applicant amends the drawings to incorporate the design features for bat mitigation as recommended in our letter and described in the bat report.

Condition 1 - Bats: No external lights shall be used on the eastern elevation, all Security lighting must be installed in a way that minimise/avoid light spill in areas that could potentially be used by foraging and commuting bats (all tree lines and hedgerows surrounding the site).

Condition 2 – Bats: Inclusion of a planning condition to any planning permission that prevents the commencement of development works until your authority has been provided with a licence that has been issued to the applicant by Natural Resources Wales pursuant to Regulation 53 of the Conservation of Habitats and Species Regulations (2010) authorizing the specified activity/development to ahead.

Protected Species

The bat survey and method statement report submitted in support of the above application dated October 2016 by Ecology Services has identified that at least 2 species of bats, common pipistrelle and Lesser Horseshoe bats (LHB), are present at the application site.

2nd Response Received 21st December 2016

Thank you for the consulting us on the amended plans for the above proposal. We are now satisfied that requirement 1 as referred to in our letter of the 26/11/2016 has been satisfied and we have no additional comments to make.

Representations

The application was advertised through the erection of a site notice and press advertisement. No representations or objections have been received.

Planning History

No history to report.

Principal Planning Constraints

Pipeline buffer
Listed Building – Llandeilo'r Graban Church

Principal Planning Policies

National Planning Policy:

- Planning Policy Wales (Edition 9, 2016)
- TAN1 – Joint Housing Land Supply
- TAN 5 - Nature Conservation and Planning (2009)
- TAN 6 – Planning for Sustainable Rural Communities (2010)
- TAN 12 – Design (2016)
- TAN 18 – Transport (2007)
- TAN 23 - Economic Development (2014)
- TAN 24 – The Historic Environment (2017)

Powys Unitary Development Plan:

- UDP DC11 - Non-mains Sewage Treatment
- UDP ENV 14 – Listed Buildings
- UDP ENV 17 - Ancient Monuments & Archaeological Sites
- UDP ENV 18 - Development Proposals Affecting Archaeological Sites
- UDP ENV 3 - Safeguarding Biodiversity & Natural Habitats
- UDP ENV 7 - Protected Species
- UDP GP1 - Development Control
- UDP GP4 - Highway and Parking Requirements
- UDP HP12 - Renovation of Former/Abandoned Dwellings
- UDP HP6 - Dwellings in the Open Countryside
- UDP SP3 - Natural, Historic and Built Heritage
- UDP TR2 – Tourist Attractions and Development Areas

Other:

- Enabling development and the conservation of heritage assets (English Heritage)

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

Section 38 (6) of the Planning and Compulsory Purchase Act 2004

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.

The building

The former dwelling known as Church House is likely to date back to at least the early 19th Century. The building is in a slightly dilapidated condition, however clearly has the

appearance of a dwelling and still retains features such as bread oven, fireplaces and staircases internally and window openings and a slate roof externally. The building is a substantial stone built structure and is seen in the setting of the listed Church on the opposite side of the road. Clwyd Powys Archaeological Trust has confirmed that there are records of this building on the Historic Environment Record, and that the building has local and regional architectural importance together with a high historical and archaeological value.

The proposal

The scheme put forward, seeks to restore and repair the existing abandoned dwelling and retain the existing footprint. The proposal does not seek to extensively change the external appearance of the barn with no additional openings proposed in the main building. A small existing extension to the north elevation of the building will be slightly altered to accommodate an additional window. Other alterations are on the eastern gable to provide access for bats to the bat loft and two small sun tunnels on the roof to provide additional light in to the first floor rooms.

The restored dwelling would provide largely retain the ground floor layout providing a lounge, kitchen/diner and a utility and shower room in the existing extension to the north elevation. To the first floor partition walls will be inserted to create 3 bedrooms and a bathroom.

Abandonment

The existing building is considered to be abandoned. Although there are no principles embodied in planning law assessments, there are certain cases where courts have laid down criteria to be considered when determining abandonment. The four factors relevant to an assessment of abandonment are stated below:

- 1) The physical condition of the building;
- 2) The length of time for which the building had not been used;
- 3) Whether it had been used for any other purposes; and
- 4) The owner's intentions.

Based on evidence available and having visited the site it is considered that the existing building has lost its residential use, due to its physical condition, the length of time it has not been used for residential purposes and that the owner has not looked to maintain it to a certain level.

Principle of the Development

The principal policy for the proposal, given the abandoned nature of the building is Powys unitary Development Plan Policy HP12 (Renovation of former/abandoned dwellings) which permit proposals of this ilk if they satisfy the criterion stated below:

1. THE PROPERTY SHALL POSSESS THE FUNDAMENTAL CHARACTERISTICS OF THE FORMER DWELLING INCLUDING FEATURES SUCH AS THE ORIGINAL WALLS, OPENINGS FOR DOORS AND WINDOWS AND A VISIBLE ROOFING PROFILE SO AS TO GAUGE THE ORIGINAL ROOF HEIGHT, SHAPE AND FEATURES.
2. THE DWELLING SHALL MEET A PROVEN NEED FOR EITHER:

- AN AGRICULTURAL OR FORESTRY WORKER, OTHER RURAL WORKER AS DEFINED AND IN ACCORDANCE WITH POLICY HP6; OR
- AN IDENTIFIED LOCAL NEED FOR AFFORDABLE HOUSING WHERE THE DWELLING WOULD BENEFIT FROM GOOD ACCESS TO COMMUNITY FACILITIES AND WHERE THE APPLICANT COMPLIES WITH AFFORDABILITY CRITERIA IN POLICY HP10. SATISFACTORY ARRANGEMENTS MUST BE IN PLACE TO ENSURE THE DWELLING REMAINS AFFORDABLE IN PERPETUITY AND FUTURE OCCUPANCY WILL BE LIMITED TO PERSONS COMPLYING WITH UDP POLICY HP10.
3. THE PROPOSED DWELLING SHALL BE SITED WITHIN THE FOOTPRINT OF THE FORMER DWELLING AND WOULD NOT BE OF A SCALE THAT IS INTRUSIVE IN RELATION TO THE SIZE OF THE PLOT OR THE SURROUNDING LANDSCAPE.
4. THE DWELLING SHALL BE CAPABLE OF BEING SATISFACTORILY SERVICED AND ACCESSED WITHOUT GIVING RISE TO PROBLEMS OF POLLUTION OR PUBLIC SAFETY.
5. THE DWELLING SHALL BE REPAIRED TO REFLECT THE DESIGN AND MATERIALS USED IN THE FORMER DWELLING, UNLESS IT IS POSSIBLE TO IMPROVE THE DESIGN TO BETTER REFLECT LOCAL LANDSCAPE CHARACTERISTICS AND ARCHITECTURAL STYLES.
6. THE DEVELOPMENT SHALL INCORPORATE WHERE PRACTICABLE THE HIGHEST STANDARDS OF ENERGY EFFICIENCY AND ENERGY CONSERVATION MEASURES.

Characteristics of a dwelling

The existing property is in a state of disrepair however it still retains the fundamental characteristics of the former dwelling. This includes the original walls and roof, openings, and internally fireplaces, bread oven and staircases.

Proven Need for a Rural Worker or Affordable Dwelling

The second criterion requires that the renovated dwelling must meet a proven need for a local need for affordable housing or an agricultural/forestry worker or other rural worker. The applicant is looking to provide an open market dwelling, and has attempted to justify the non-compliance of this criterion with a statement that the cost of renovation would be over and above the ability of a local need person and that it would be unviable to renovate with such restrictions. The applicant is looking for the Local Authority to consider the retention of this building which is of local and regional architectural importance and of high historical and archaeological value, outweighs the need to comply with the occupancy restrictions set out in UDP Policy HP12.

Siting of dwelling

No alterations to the building are proposed and as such the dwelling will be located on the same footprint as that currently existing on site. Whilst the proposal does seek to extend the curtilage of the site, this is to provide a safe access and parking for the site to the benefit of highway safety.

Environmental Health

The fourth criterion requires that the proposal is capable of being serviced and access without causing detrimental harm in regards to pollution or public safety. The foul sewage is proposed to be treated by a new septic tank. Following the submission of percolation tests no objections has been raised.

The application is therefore considered to be in accordance with policy DC11 of the UDP.

Highway Safety

In terms of access, the relevant highway authority was consulted as part of the planning process and raised no objection to the proposed development as it was a reinstatement of a dwelling. The Highways Authority have requested that conditions are attached to any consent and an additional condition regarding the provision of a passing bay will also be added.

As such it is considered that the proposed development fundamentally complies with Policy GP4 of the UDP.

Design

The fifth criterion stipulated under UDP Policy HP12 is that any proposal would need to be repaired to reflect the design and materials used in the former dwelling. The proposal is looking to repair and retain as much of the existing materials as possible. The proposal seeks to utilise existing openings and proposes only the addition of one window, two sun tunnels in the roof and access for a bat loft.

In light of the above considerations, the proposal broadly complies with the principle of development meeting all criterion apart from criterion 2 of policy HP12, in which the proposed dwelling is not going to meet a proven need of a local need person or a rural worker. The development is therefore considered a departure from the development plan.

Housing Land Supply

In considering this criterion consideration must also be given to Housing Land Supply. The opportunity of securing an unrestricted dwelling has arisen as the Council is unable to demonstrate a five year housing land supply. In fact, the latest JHLAS (2016) indicates a supply of only 2.2 years within the county. In such circumstances, the need to increase housing supply must be given considerable weight provided that the development would otherwise comply with development plan and national planning policies.

The housing supply is a material consideration that should be given considerable weight in the determination of this application and balanced against compliance with national planning policies as set out within Section 6.2 of TAN 1:

'The housing land supply figure should also be treated as a material consideration in determining planning applications for housing. Where the current study shows a land supply below the 5-year requirement or where the local planning authority has been unable to undertake a study, the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with development plan and national planning policies'.

The JHLAS identified a significant undersupply of housing land within Powys. As mentioned above, TAN 1 confirms that the need to increase supply should be given considerable weight but only where the development would otherwise comply with development plan and national planning policies.

In terms of national planning policy, Planning Policy Wales also requires developments to be built in sustainable locations. This can relate to a wide range of matters including public transport provision, access to education, employment opportunities and other services.

The Officers acknowledge that the proposal would be contrary to UDP Policies and as such this application is considered as a departure from the Powys UDP. Officers are also mindful of the recent letter published by the Cabinet Secretary for Environment and Rural Affairs regarding the delivery of affordable homes through the planning system. The advice clearly sets out that Local Planning Authorities are required to ensure that development proposals are well related to the existing settlement form and do not lead to unacceptable impacts of local economic, social and environmental infrastructure.

The village of Llandeilo'r Graban is served by a church which lies opposite the application site. Whilst lying in open countryside the site is located approximately 1.5 km from the development boundary of Erwood as defined by the Unitary Development Plan. Erwood is designated as a large village and offers a number of services and access to public transport. Recent appeal decisions have stated that 2km is not an unreasonable distance to travel in rural areas to access services.

In light of the above, it is considered that the site is a sustainable location for the development of a single residential unit.

Ecology

Given the location and condition of the application building an ecological survey has been carried out on the building. Having consulted National Resources Wales initial concerns were raised in relation to protected species, namely bats. Following the submission of amended plans they welcomed the addition of a bat loft and access points and offered no further objection to the proposed development.

The ecological survey specified some mitigation measures that will be incorporated within the scheme and these will be conditioned accordingly. The proposal therefore is considered to be in line with UDP Policies ENV3 and ENV 7 and Welsh Government Technical Advice Note 5.

Archaeology

The Unitary Development Plan provides an understanding of the strategic direction of Powys County Council by setting out the plan's strategic vision, aims and objectives of the plan period. UDP SP3 (Natural, Historic and Built Heritage) is one of the strategic policies that provide the strategic framework for the detailed policies in part 2 of the UDP. Part B of the strategic policy states that proposed developments should seek to protect, conserve and wherever possible enhance sites and features of historic and built heritage importance including those of archaeological, architectural and historic interest.

This objective is also emphasised by UDP Policies ENV17 and 18, which control development from detrimentally impacting upon important archaeological sites and relevant planning conditions are attached to ensure relevant archaeological mitigation is carried out prior to commencement.

As part of the planning process, consultation was carried out with Clwyd Powys Archaeological Trust, to gain a view on the historic importance of the abandoned dwelling. Following consultations CPAT stated that the building was located on the Historic Environment Register and additional information was sought.

Following the submission of additional information in the form of amended plans detailing the retention of historic features and an evaluation report from Archaeology Wales, CPAT removed their objection subject to a condition requiring a detailed specification for each room to be submitted.

In light of the above, it has been demonstrated that the building is of high historical and archaeological importance and that it meets the requirements of Powys UDP Policies SP3, ENV17, ENV18 and TAN24.

Listed Building

Policy ENV14 states that development that would unacceptably adversely affect a listed building or its setting should be refused.

The site lies opposite the listed Llandeilo'r Graban Church. The proposed development seeks to reinstate the former dwelling and proposes little alterations to the external appearance of the building. Officers consider that the proposal has been sensitively designed to alter the building as little as possible. Following discussions with the Built Heritage Officer it is considered that the proposed development has been sensitively designed, further formal comments from the Officer will be provided as part of an update report.

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

On balance, although it is accepted that the proposed development does not comply with criteria 2 of Policy HP12, the restoration of the application building which is of a high historical and archaeological value and the lack of housing land supply is considered to carry sufficient weight to recommend approval subject to the conditions below.

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 XXXXX (drawing no's: BW568 3A, BW568 4c, BW568 6C and BW568 8 and documents; Design and Access Statement,).
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order) nothing in Article 3 of, or Schedule 2 to that Order, shall operate so as to permit (within the area subject of this permission) any development referred to in Part 1 of the Second Schedule to the Order and no such development shall be carried out at any time within that area without the express grant of permission by the local planning authority.

4. Prior to any works being commenced on the development site the applicant shall construct 1 passing bay in a location to be agreed in writing by the Local Planning Authority. The passing bay shall be constructed up to an adoptable standard prior to any works commencing on site.
5. Prior to the occupation of the dwelling any entrance gates 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.
6. The gradient of the access shall be constructed so as not to exceed 1 in 12 for the first 5.5 metres measured from edge of the adjoining carriageway along the centre line of that access and shall be retained at this gradient for as long as the development remains in existence.
7. The centre line of the first 5.5 metres of the access 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.
8. Before any other development commences the access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 45 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.
9. Before any other development commences the area of 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.
10. 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 as detailed on the approved drawing BW568 revision 6A. The parking areas shall be retained for their designated use in perpetuity.
11. Before any other development commences 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 0.3 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.

12. The width of the access carriageway, constructed as Condition HC7 above, shall be not less than 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.
13. HC16 There shall only be a single vehicular and pedestrian access to serve the development hereby permitted.
14. Prior to the occupation of the dwelling the area of 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.
15. Prior to the beneficial use of the access hereby permitted 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.
16. Upon formation of the visibility splays as detailed in condition 7 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.
17. No storm water drainage from the site shall be allowed to discharge onto the county highway.
18. No external lights shall be used on the eastern elevation, all Security lighting must be installed in a way that minimise/avoid light spill in areas that could potentially be used by foraging and commuting bats (all tree lines and hedgerows surrounding the site).
19. Prior to the commencement of development a detailed specification of works detailing the preservation of key historic fabric and features of the building as described in the Archaeology Wales shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reasons

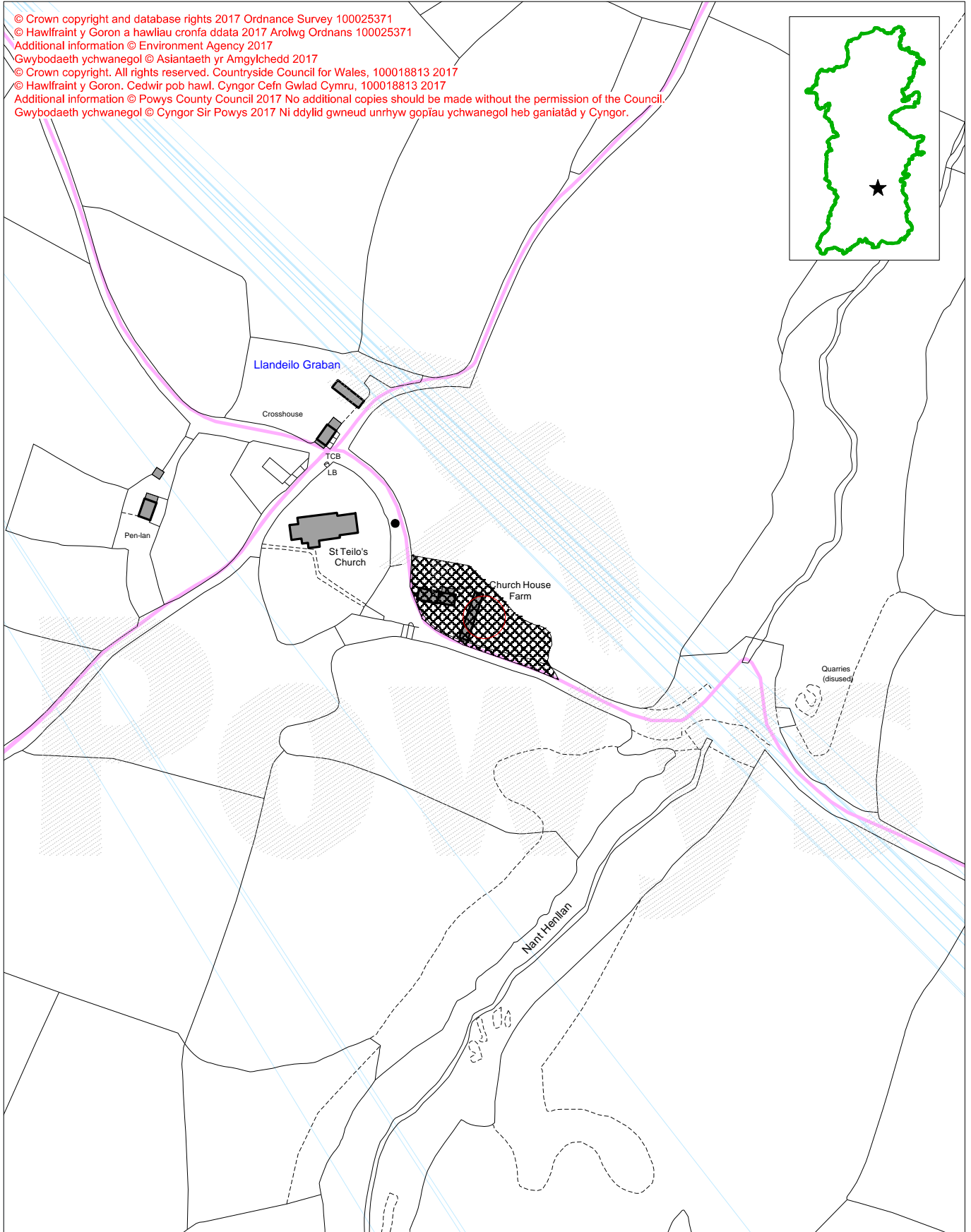
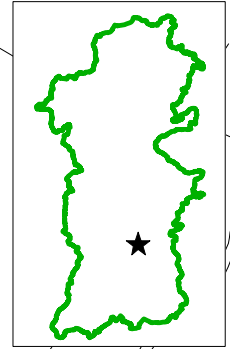
1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
3. In order to control further development which has the potential to have adverse effects on privacy and/or amenity in contradiction to policy GP1 of the Powys Unitary Development Plan.
4. In the interest of highway safety in accordance with policy GP4 of the Powys Unitary Development Plan (2010)

5. In the interest of highway safety in accordance with policy GP4 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)
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16. In the interest of highway safety in accordance with policy GP4 of the Powys Unitary Development Plan (2010)
17. In the interest of highway safety in accordance with policy GP4 of the Powys Unitary Development Plan (2010)
18. In accordance with policies ENV3 and ENV7 and Technical Advice Note 5 to ensure there is no impact on protected species.
19. In order to ensure that historic features are protected in accordance with Policy ENV 17 and ENV 18 of the Powys UDP.

Informative Notes

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

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Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2017/0498	Grid Ref:	330903.98 265077.57
Community Council:	Presteigne	Valid Date:	Officer: 04/05/2017 Kevin Straw
Applicant:	Messrs RM, C and T Layton, 1 Kings Court, Presteigne, Powys, LD8 2AJ.		
Location:	Land to the rear of Sunnydale, Knighton Road, Presteigne, Powys, LD8 2ET.		
Proposal:	Outline: Erection of 2 dwellings to include improvements to the existing access. Change of use of existing business to residential.		
Application Type:	Application for Outline Planning Permission.		

The reason for Committee determination

The application requires a committee determination as it is recommended for approval and is a departure from the development plan.

Site Location and Description

The application site is located within the community council area of Presteigne. The site is approximately 0.80Ha and is located approximately 300 metres outside of Presteigne's defined settlement development boundary as indicated on the Powys UDP Inset Map R84.

The site itself is currently agricultural land. The application site is located with neighbouring residential properties to the west and a commercial business to the east. To the north is agricultural land whilst to the south runs the private access track in which access is sought onto and which then joins onto the County Class II Highway, B4355. It is noted that there are also further residential properties located to the south-east of the application site which front onto the County Highway.

Consent is sought in outline with all matters reserved except for access, for the development of 2 new dwellings, including improvements to existing access and the change of use of an area of land from business (B1) to residential (C3). The plans submitted indicate two 3 bedroomed, open market dwellings.

Consultee Response

Presteigne Town Council

Resolved that the following comments be raised; the site is outside the existing UDP boundary and compliance with exception policies on the UDP is a matter for the County Council. The Town Council would also like to raise concerns over the access although it has

been improved from the earlier application and would ask that this be fully assessed by the Highways Department.

PCC Highways

The County Council as Highway Authority for the County Class II Highway, B4355; wish the following recommendations/Observations be applied.

Recommendations/Observations

The Highway Authority has no fundamental objection to this proposal if suitable conditions are imposed which extinguish the existing business uses currently operating from the site. It is considered that the proposed access improvements, which include the provision of widening, surfacing and improved visibility splays, will with the cessation of traffic associated with the existing business operations, significantly improve highway safety in the vicinity of the access. Highway safety will be further aided by the extension of the existing 40mph speed limit to the north of the site which was secured as part of a neighbouring development.

Accordingly the Highway Authority recommends that the following conditions be attached to any consent granted.

HC1 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.

HC4 Within 5 days from 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, 70 metres distant in a northerly direction and 100 metres distant in a southerly 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 Within 5 days from 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 6 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 3 cars per dwelling 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 Within 5 days from 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 0.35 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.

HC12 The width of the access carriageway, constructed as Condition HC7 above, shall be not less than 5.5 metres for a minimum distance of 6 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.

HC21 Prior to the occupation of any 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 6 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,

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

PCC Building Control

Building Regulations approval will be required.

Welsh Water

Sewerage

As the applicant intends utilising a private treatment works we would advise that the applicant contacts Natural Resources Wales who may have an input in the regulation of this method of drainage disposal.

However, should circumstances change and a connection to the public sewerage system/public sewerage treatment works is preferred we must be re-consulted on this application.

Water Supply

We would inform you that a water main is crossing the application site. We have attached a copy of the water main record indicating the location of these assets. We would therefore request that the following be included in any planning consent you are minded to grant:

The proposed development site is crossed by a water main with the approximate position being marked on the attached record plan. No development (including the raising or lowering of ground levels) will be permitted within the safety zone which is measured either side of the centre line. For details of the safety zone please contact Developer Services 0800 917 2652.

The developer must contact us if a sewer connection is required under section 106 of the Water Industry Act 1991 or any alteration to our apparatus is proposed prior to any development being undertaken.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

PCC Environmental Health

Comments received on 19/ 05/2017;

“Having taken a look at the residential nature of the area where the proposed development will be sited and given consideration to noise creation, I would firstly recommended that the landscaping and construction period working hours and delivery times be restricted as follows:

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.

Secondly regards possible dust control - During construction (including soil movement and landscaping activities) the contractor shall take all reasonable steps to prevent dust formation from dusty activities and any dust formed shall be prevented leaving the site by continuous watering down.

Thirdly I would require further information regards the intended foul drainage system for the proposed development. It is detailed it will be a packed treatment plant if this is proposed to discharge to a watercourse then there would be no objection, however consent would be from NRW.

However if the sewage treatment plant is to discharge to a drainage field then prior to any planning permission being granted the applicant/agent should submit percolation test results (including calculations) which demonstrate that the septic tank and soakaway are sufficiently sized and ground conditions are suitable for the foul drainage soakaway. This should be carried out in accordance with document H2 of the Building Regulations. Also we would like to be advised when the percolation testing is carried out so a site visit can be made to look at the exposed ground.

In addition, Welsh Government has advised that, all septic tanks and small sewage treatment plant discharges in Wales will need to be registered with Natural Resources Wales. More information, including a step by step guide to registering can be found at the following link

<http://www.naturalresources.wales/media/2879/septic-tank-registration-guidance.pdf?lang=en>”

Additional comments received on 07/06/2017;

“Having made some further checks on the current provisions on site which the proposed scheme intends to tap into , I am now satisfied the discharge goes to a watercourse and as such I would not object provided the relevant discharge consents are sought from Natural Resources Wales.

I would still advise that during the landscaping and construction period working hours and delivery times be restricted as follows to reduce noise creation :

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.”

PCC Ecologist

Thank you for consulting me with regards to Planning Application P/2017/0498 which concerns an outline application for the erection of 2 dwellings to include improvements to the existing access. Change of use of existing business to residential at Land to the rear of Sunnydale, Knighton Road, Presteigne, Powys.

I have reviewed the proposed plans, aerial photographs and streetview images of the site and surrounding habitats as well as local records of protected and priority species and designated sites within 1km of the proposed development. The data search identified 71 records of protected and priority species within 1km of the proposed development – no records were for the site itself.

The following statutory designated site is present within 500m of the proposed development:

- River Lugg SSSI

Having reviewed the location and nature of the potential development in relation to the SSSI it is considered that the potential development would not result in a negative impact to the SSSI or its associated features. The site of the proposed development is not immediately adjacent to the SSSI, the habitats present are considered unlikely to support mobile features of the SSSI. The proposed drainage for the site has been identified as connecting to the an adjacent treatment plant and therefore utilise the existing outfall system and require discharge consent from NRW.

There following non-statutory designated sites are present within 500m of the proposed development:

- Withybeds and Wentes Meadow Wildlife Trust Reserve
- Withybeds & Wentes Meadow Road Verge Nature Reserve

Having reviewed the location and nature of the potential development in relation to the Wildlife Trust Reserve and the RVNR it is considered that the proposed development would not result in a negative impact to these sites or their associated features.

The Proposed Block Plan drawing no. 4628/3C Rev C dated May 2017 indicates that there is an existing tree along the northern boundary of the proposed development which will be retained as well as existing areas of hedgerow to the south of the private access road and the to the east of the proposed development – in order to ensure that these features are protected during construction activities it is considered that an appropriate scheme of protection should be identified to demonstrate that the works will be undertaken in manner to avoid harm to the retained trees and hedgerows in accordance with Powys County Council UDP policy ENV2. It is therefore recommended that a Tree and Hedgerow Protection Plan is secured through an appropriately worded condition.

The Proposed Block Plan drawing no. 4628/3C Rev C dated May 2017 indicates that in order to accommodate the proposed access improvements and associated infrastructure there will be a requirement to translocate sections of the existing hedgerow either side of the junction adjacent to the B4355. It is recommended that a Hedgerow Translocation Method Statement is secured through an appropriately worded condition.

It is also noted that the Proposed Block Plan drawing no. 4628/3C Rev C dated May 2017 indicates that there will be provision of new native species hedgerow planting and new tree and shrub planting provided through the proposed development, these provisions are welcomed and considered to help provide biodiversity enhancements through the proposed development it is recommended that the details of any landscaping scheme including proposed species mixes, planting details and aftercare schedules are secured through an appropriately worded condition.

Careful consideration will need to be given to any external lighting design provided through the proposed development, measures will need to be identified to minimise impacts to nocturnal wildlife commuting and foraging in the local area. It is therefore recommended that an External Lighting Plan is secured through an appropriately worded condition.

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

Prior to the commencement of development a detailed method statement for the translocation of the section of hedgerow adjacent to the B4355 shall be submitted to and approved in writing by the local planning authority. The method statement shall also include a timetable for the proposed works and aftercare measures and all translocation works shall take place in accordance with the approved details.

Reason: To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

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

Reason: To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Planning Policy Wales (Edition 9, November 2016), and Section 6 of the Environment (Wales) Act 2016.

Prior to the commencement of development a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted landscaping scheme shall include a scaled drawing and a written specification clearly describing the species, sizes, densities and planting numbers proposed as well as aftercare measures. Drawings must include accurate details of all existing trees and hedgerows to be retained with their location, species, size and condition.

Reason: To comply with Powys County Council's UDP Policies SP3 and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

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.

Reason: 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.

In addition I recommend the inclusion of the following informative:

Birds - Wildlife and Countryside Act 1981 (as amended)

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

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

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

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

undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.

NRW

Thank you for your consultation received on 12th May 2017. We have reviewed the information submitted. This appears to be a re-submission of P/2016/1031 that we responded to on 15th November 2016 CAS-25683-R8Y6. We do not object to the proposal Our clarified advice is provided below.

Flood Risk

The red line of the planning application boundary is abuts C2 as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). Our Flood Map information, which is updated on a quarterly basis, confirms the site to be within the 0.1% (1 in 1000 year) annual probability fluvial flood outlines. The application proposes a highly vulnerable development (TAN15, 5.1) and is just outside 1 in 1000 year annual probability flood outline on elevated ground.

We agree with the planning statement that the topography dictates that there is no perceivable risk of flooding to the proposed development. A Flood Consequence Assessment has not been submitted with this application. We have no objections to the proposed, although we recommend that finished floor levels are set a nominal distance above ground level to safeguard against flooding from any other sources.

Foul Drainage

The proposed block plan shows that the proposed houses will be served by a treatment plant that will connect to an existing outfall of an existing treatment plant. We note that there an active discharge consent AN0270601 for Sunnydale, Wayside and the Willows.

The applicant is advised to contact NRW Permitting Service Tel: 0300 0653000 to ensure that the discharge consent is up to date and is sufficient for the number of occupants of the proposed houses. The following link will also provide helpful information.

<https://naturalresources.wales/permits-and-permissions/water-discharges/discharges-to-surface-water-and-groundwater/environmental-permitting-for-discharges-to-surface-water-and-groundwater/?lang=en>

Please note that the granting of planning permission does not guarantee the granting of a permit under the Environmental Permitting Regulations 2016. A permit will only be granted where the risk to the environment is acceptable.

Pollution Prevention

The development proposal site is located near the River Lugg SSSI. The developer should ensure there are measures in place to prevent pollution occurring to the nearby watercourse. No material should be deposited within 10m of any watercourse without discussion with Natural Resources Wales.

All works at the site must be carried out in accordance PPG6: 'Working at construction and demolition sites'. Any works and maintenance in or near water will need to follow Guidance for Pollution Prevention 5. Guidance for pollution prevention is available online at:

<http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>

Should any contaminated water or materials enter or pollute the watercourse or groundwater, Natural Resources Wales must be notified on immediately on Tel: 03000 65 3000.

Scope of NRW Comments

Our comments only relate specifically to matters that are included on our checklist "Natural Resources Wales and Planning Consultations" (March 2015) which is published on our website: (<https://naturalresources.wales/media/5271/150302-natural-resources-wales-and-planning-consultations-final-eng.pdf>). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance. Any site owner/developer should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

Representations

Following display of a site notice on 30/05/2017 there have been no public representations made.

Planning History

P/2016/1031 – Erection of 2 dwellings, alterations to existing vehicular access and all associated works (outline)- Withdrawn.

Principal Planning Constraints

Flood Zone 2 & 3.

Principal Planning Policies

National Planning Policy

Planning Policy Wales (9th Edition, November 2016)

Technical Advice Note 1 - Joint Housing Land Availability Study (2015)

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

Technical Advice Note 12 - Design (2016)

Technical Advice Note 15 - Development in Flood Risk Areas (2004)

Technical Advice Note 18 – Transport (2007)

Technical Advice Note 23 - Economic Development (2014)

Local Policies

SP2 - Strategic Settlement Hierarchy
SP3 - Natural, Historic and Built Environment
SP4 - Economic and Employment Developments
SP5 - Housing Development
SP6 - Development and Transport
SP9 – Local Community Services and Facilities
SP14 - Development in Flood Risk Areas

GP1 - Development Control
GP2 – Planning Obligations
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 Development
HP6 - Dwellings in the Open Countryside
CS3 – Additional Demand for Community Facilities
T2 - Traffic Management
DC1 – Access by Disabled Persons
DC3 – External Lighting
DC8 – Public Water Supply
DC9 – Protection of Water Resources
DC11 – Non-Mains Sewerage Treatment
DC13 - Surface Water Drainage
DC14 - Flood Prevention Measures
TR2 – Tourist Attractions and Development Areas

Powys Residential Design Guide

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

Section 38 (6) of the Planning and Compulsory Purchase Act 2004

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

Principle of Development

Consent is sought in outline with some matters reserved. Should permission be granted, reserved matters (appearance, landscaping, layout and scale) will form separate applications for consideration at a later date.

The application site lies wholly outside the settlement boundary of Presteigne, as detailed on inset map R84 and would result in 2 dwellings being constructed outside the settlement boundary.

For the purposes of the Powys Unitary Development Plan, the site subject to this application lies within the open countryside. On this basis, the proposal constitutes a departure from the adopted Powys Unitary Development Plan.

Members are advised that a decision to approve a departure can only be made where other material considerations outweigh the provisions of the development plan. Such material considerations include Planning Policy Wales (2016) and UDP policy HP3, which require the Local Planning Authority to ensure that sufficient land is genuinely available or will become available to provide a 5-year supply of land for housing.

The Powys JHLAS (2016) provides information on land availability and indicates a land supply of 2.2 years (as of 01/04/2016). Whilst it is anticipated that the new local development plan will allocate land for residential development to address the shortfall in supply, the current figure is below the supply required by Planning Policy Wales and the adopted Unitary Development Plan. Officers acknowledge that a number of departures have recently been justified and permitted on the grounds of housing land supply. Whilst it is accepted that these permissions will contribute to the supply of housing, based upon current evidence, the housing land supply within Powys remains below the 5 year supply as required by planning policy. As such, Members are advised that considerable weight needs to be given to this undersupply in considering proposals for new residential development as exceptions to normal housing policies.

Sustainability

When providing additional housing it is important to consider whether the scheme can be considered to be within a sustainable development. This can relate to a wide range of matters including public transport provision and access to education, employment opportunities and other services.

Presteigne is allocated as an area centre in the UDP. The town contains a wide range of facilities including Fire Station, School Hall, Health Centre, Library, Primary and Secondary School and a Recycling Centre as well as recreation related facility provision.

The application site is located approximately 310 metres from the settlement boundary of Presteigne and can be accessed via the existing highway network. There are noted to be a number of residential properties along the B4355 county highway already existing with a further two properties located directly west of the application site, one of which is within the ownership of the applicant.

It is considered that whilst located outside of the settlement development limits for Presteigne, there are links with the existing settlement of Presteigne which boasts a number

of services. Therefore, on balance it is considered that the site will be situated within a sustainable location.

Design and layout

Guidance contained within UDP policy HP5 indicates that residential development will be permitted where the development is of an appropriate scale, form and design and general character, to reflect the overall character and appearance of the settlement and surrounding area.

Whilst design and layout are reserved and will be dealt with at a later point it is considered that the plot sizes proposed are of a suitable size to be able to accommodate the number of dwellings proposed along with suitable parking area and amenity space per dwelling.

Although Officers acknowledge that a majority of the matters relating to this application have been reserved for future consideration, on the basis of the plans provided, it is considered that the application site is capable of accommodating 2 dwellings without unacceptably adversely affecting the character and appearance of the area or amenities enjoyed by occupants of neighbouring properties compliant with UDP policies SP5, GP1, GP3, ENV2 and HP5.

Landscape and Visual Impact

UDP Policy ENV2 states that proposals should 'take account of the high quality of the landscape throughout Powys and be appropriate and sensitive to the character and surrounding landscape'. It goes on to state that proposals which are acceptable in principle should 'contain appropriate measures to ensure satisfactory integration into the landscape'.

The site occupies a location outside of the settlement which is defined as open countryside and therefore the locality is considered to be sensitive to visual change. It is noted that there are existing residential dwellings to the immediate west and south-east of the application site and also further to the north-east and as such it is considered that this proposal would become part of this established development and therefore have a lessened visual impact to that of an application within a completely open, rural location.

In terms of landscaping the proposed block plan indicates that there will be the retention of an existing tree to the north of the site as well as new hedgerow planting around the exterior perimeter of the site to the north. It is noted that landscaping is reserved as a future matter for consideration and therefore detailed proposals would be considered at a later stage.

Whilst the proposal would result in a visual change in comparison to the current use, taking into account the location combined with the existing residential dwellings in the immediate area, it is considered that the proposal is acceptable and in accordance with Policy ENV2 of the UDP.

Highway Safety

UDP policy GP4 confirms that in the interests of highway safety, all development proposals that generate or involve traffic must be provided with an adequate means of access including visibility, parking and turning facilities.

The proposed development will be accessed from a private track linking to Knighton Road (B4355).

Consultation with the Highway Authority indicated that they had no fundamental objections to the proposed development subject to the inclusion of suitable conditions which also considered the cessation of the business use currently operating from part of the proposed site. As this application seeks in part a change of use with regard to this area of land from business use to residential use, it is considered this aspect of the officer's request is being addressed. The officer indicates that the proposed access improvements, which include the provision of widening, surfacing and improved visibility splays, will with the cessation of traffic associated with the existing business operation; significantly improve highway safety in the vicinity of the access. In addition the officer noted that highway safety will be further aided by the extension of the existing 40mph speed limit to the north of the site which was secured as part of a neighbouring development.

In light of the officers comments it is therefore considered that the proposed development would not have a detrimental impact upon highway safety, access and parking and therefore subject to appropriately worded conditions fundamentally complies with policy GP4 of the Powys Unitary Development Plan (2010).

Drainage

PCC Environmental Health, Welsh Water and NRW were consulted with regard to drainage.

The PCC officer initially requested further information with regards to the intended foul drainage system for the proposed development. Following further information being provided the officer concluded that they were satisfied that the existing discharge goes to a watercourse and as such they would not object provided the relevant discharge consents are sought from Natural Resources Wales.

NRW indicated that the block plan shows that the proposed houses will be served by a treatment plant that will connect to an existing outfall of an existing treatment plant. They also noted that there is active discharge consent AN0270601 for Sunnydale, Wayside and the Willows, which are the three dwellings to the south-east of the proposed site.

NRW advised that contact should be made with NRW permitting service to ensure that the discharge consent is up to date and is sufficient for the number of occupants of the proposed houses. However, it is noted that no objections were raised.

Welsh Water noted that as the applicant intends utilising a private treatment works they would advise that the applicant contacts Natural Resources Wales who may have an input in the regulation of this method of drainage disposal.

In light of the above it has therefore considered that the existing private treatment works will be utilised, NRW have been consulted and have raised no objections in principle to the proposed development. It is therefore considered that the proposed development fundamentally complies with relevant planning policy.

Environmental Health

The PCC Environmental Health officer indicated that due to the nature of the site and its proximity to other residential dwellings consideration should be given to any future hours of operation in association with development works and with specific regard to noise and dust creation. As such the officer recommended the inclusion of specific conditions to address this matter and ensure appropriate development in consideration of neighbouring amenity.

In light of the above and subject to the recommended conditions it is therefore considered that the proposed development fundamentally complies with relevant planning policy.

Flood Risk

Comments received from NRW indicate that the planning application boundary abuts a C2 flood zone as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). NRW's Flood Map information, which is updated on a quarterly basis, confirms the site to be within the 0.1% (1 in 1000 year) annual probability fluvial flood outlines. They indicate that the application proposes a highly vulnerable development (TAN15, 5.1) and is just outside 1 in 1000 year annual probability flood outline on elevated ground.

Nevertheless NRW agree with the planning statement that the topography dictates that there is no perceivable risk of flooding to the proposed development and they also highlight that no Flood Consequence Assessment was submitted along with the application. NRW concluded by stating that they had no objection to the proposals subject to the recommendation that finished floor levels are set at a nominal distance above ground level.

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

Biodiversity

Comments received from the PCC Ecologist have indicated that the SSSI River Lugg is within 500 metres of the site although it is considered that the potential development would not result in a negative impact to the SSSI or its associated features. The Ecologist noted 71 records of protected and priority species within 1km of the proposed development, although no records were for the site itself.

The following non-statutory designated sites were indicated by the Ecologist as present within 500m of the proposed development; those being Withybeds and Wentes Meadow Wildlife Trust Reserve and Withybeds & Wentes Meadow Road Verge Nature Reserve. The officer concluded that the proposed development would not result in a negative impact to these sites or their associated features.

The Ecologist went on to consider the proposed development in association with existing biological features surrounding the site and in conclusion subject to a number of recommended conditions, the officer did not raise any objections. As an addition the officer recommended the inclusion of an informative which will be attached to any decision notice issued.

In light of the above and subject to the recommended conditions it is therefore considered that the proposed development fundamentally complies with relevant planning policy.

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

Having carefully considered the proposed development, Officers consider that the proposal broadly complies with planning policy. 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.

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. 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. Prior to first beneficial use 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, 70 metres distant in a northerly direction and 100 metres distant in a southerly 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.
6. Prior to first beneficial use 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 6 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 any dwelling, provision shall be made within the curtilage of any dwelling for the parking of not less than 1 car per bedroom (maximum of 3) 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.

8. Within 5 days from 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 0.35 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.

9. The width of the access carriageway, constructed as Condition 6 above, shall be not less than 5.5 metres for a minimum distance of 6 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.

10. Prior to the occupation of any 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 6 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.

11. Upon formation of the visibility splays as detailed in Condition 5 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.

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

13. All works and ancillary operations in relation to this consent 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.

14. At all times during construction (including soil movement and landscaping activities) the contractor shall take all reasonable steps to prevent dust formation from dusty activities and any dust formed shall be prevented leaving the site by continuous watering down.

15. Prior to the commencement of development a detailed method statement for the translocation of the section of hedgerow adjacent to the B4355 shall be submitted to and approved in writing by the local planning authority. The method statement shall also include a timetable for the proposed works and aftercare measures and all translocation works shall take place in accordance with the approved details.

16. 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.

17. Prior to the first occupation of any dwelling hereby permitted the business use (class B1) associated within the application site shall cease and remain as approved for residential purposes thereafter in perpetuity.

18. 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 and retained in perpetuity.

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.

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.

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

13. To safeguard the amenities of the locality in accordance with policy GP1 of the Powys Unitary Development Plan.

14. To safeguard the amenities of the locality in accordance with policy GP1 of the Powys Unitary Development Plan.

15. 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 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. 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, Planning Policy Wales (Edition 9, November 2016), and Section 6 of the Environment (Wales) Act 2016.

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, 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.

Informative Notes

Water Supply

The proposed development site is crossed by a water main with the approximate position being marked on the attached record plan. No development (including the raising or lowering of ground levels) will be permitted within the safety zone which is measured either side of the centre line. For details of the safety zone please contact Developer Services 0800 917 2652.

The developer must contact us if a sewer connection is required under section 106 of the Water Industry Act 1991 or any alteration to our apparatus is proposed prior to any development being undertaken.

Biodiversity

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.

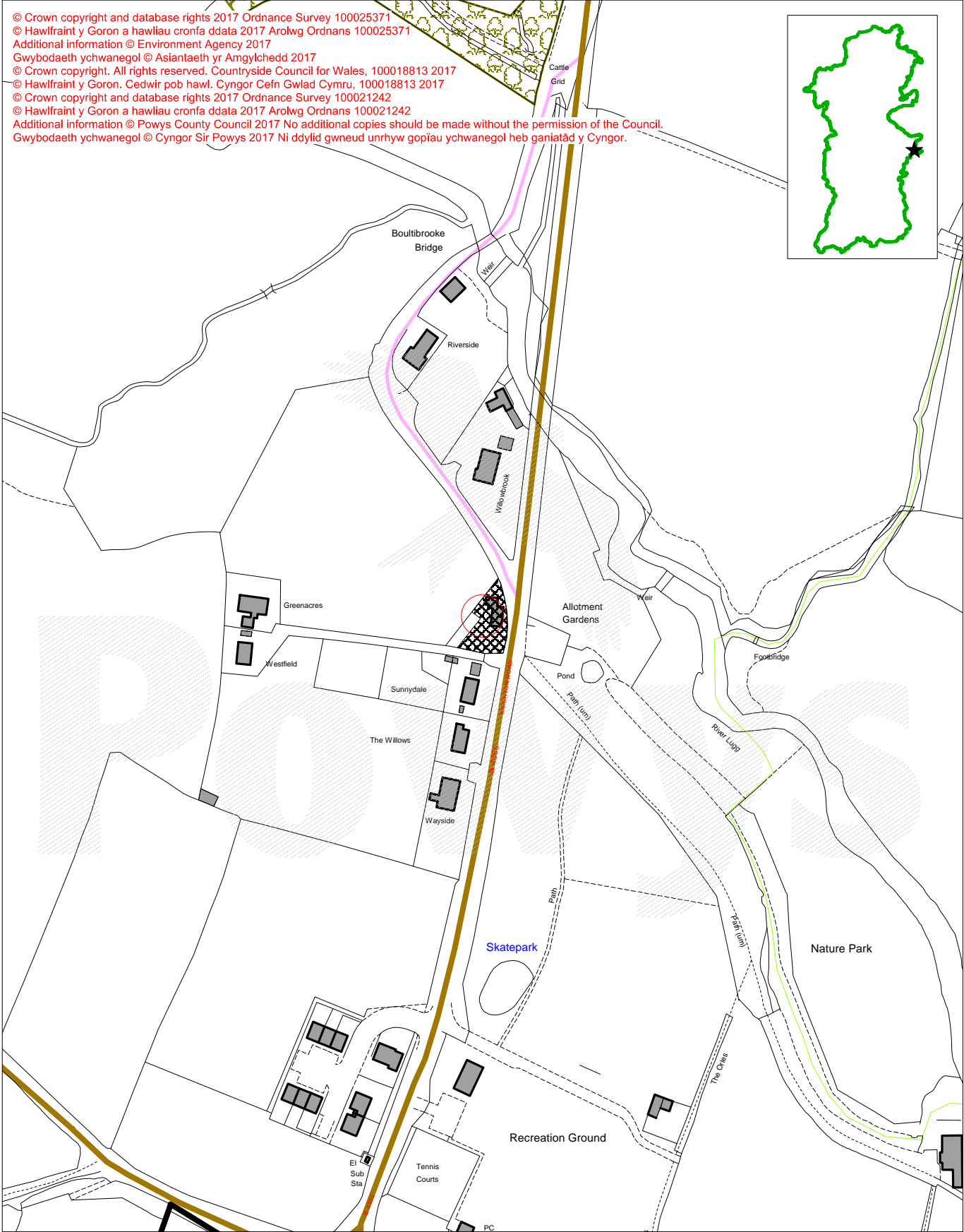
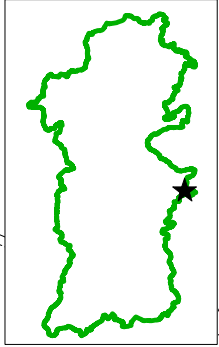
The maximum penalty that can be imposed - in respect of a single bird, nest or egg - is a fine of up to 5,000 pounds, six months imprisonment or both.

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.

Case Officer: Kevin Straw - Planning Officer
Tel: 01597 827092 E-mail:kevin.straw@powys.gov.uk

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4.9

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2017/0473	Grid Ref:	288314.13 300652.15
Community Council:	Llanbrynmair	Valid Date:	Officer: 28/04/2017 Kate Bowen
Applicant:	Mr Philip Pryce, Coed y Gaer Fawr, Llandinam, Powys, SY17 5AZ		
Location:	Land adj. Hafgan, Llan, Llanbrynmair Powys SY19 7DR		
Proposal:	Full: Erection of a detached dwelling and garage, formation of vehicular access and all associated works		
Application Type:	Application for Full Planning Permission		

Reason for Committee determination

The applicant is a family member of an employee of Development Management.

Site Location and Description

The application site is located within the centre of the settlement development boundary of Llan on the western side of the B4518 class two highway. The site forms part of a larger field which is currently grassland and is located between two dwellings (Hafgan and Llys Teg), with boundary hedgerows and scrub. A dry ditch travels to the north-west of the site and a stream travels to the south of the site. There is a tin building in the south west corner of the application site.

It is proposed to construct a single detached, two storey, four bedrooomed dwellinghouse measuring a maximum of approximately 17 metres by 13 metres and 7.5 metres in height to the ridge. These measurements include an attached garage. The dwelling would have brick and render walls with timber cladding under a slate roof. The site would accommodate a rear garden area and parking and turning facilities at the front. Access would be gained off the B4518 highway via the existing means of vehicular access.

Consultee Response

Llanbrynmair Community Council

No response received.

PCC Highway Authority

The County Council as Highway Authority for the County Class II Highway, B4518

Wish the following recommendations/Observations be applied Recommendations/Observations

- HC1 Prior to the occupation of the dwelling any entrance gates 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.
- HC3 The centre line of the first 5.5 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.
- HC4 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 0.26 metres above ground level at the edge of the adjoining carriageway and 59 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.
- HC7 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 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 the dwelling, provision shall be made within the curtilage of the site for the parking of not less than one cars 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 access carriageway, constructed as Condition HC7 above, shall be not less than 4.1 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.
- HC21 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,

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 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.

Wales & West Utilities

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

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

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

Severn Trent Water (STW)

As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied. Please note the site appears to be out of our Waste Water area and appears to be for Welsh Water.

Dŵr Cymru/Welsh Water

We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

We would request that if you are minded to grant Planning Consent for the above development that the Conditions and Advisory Notes provided below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

SEWERAGE Conditions

No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

Reason: 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.

Advisory Notes

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

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.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

PCC Environmental Health

Thank you for your consultation in respect of this application. With the dwelling discharging to mains drainage, I have no objection to this application.

PCC Land Drainage

The site is classed as Greenfield. Therefore, proposed surface water flows should be equivalent to existing Greenfield run-off in accordance with the principles of TAN15 – Development and Flood Risk and good practice drainage design.

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

If soakaways are not feasible, drainage to limit the discharge rate from the site equivalent to a Greenfield run-off rate should be applied. The attenuation drainage system should be designed so that storm events of up to 1 in 100 year plus an allowance for climate change and will not cause flooding of any property either within the proposed development or any other in the vicinity. There must be no discharge to a surface water body that results from the first 5mm of any rainfall event.

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

Recommendation: No development shall commence until a scheme for the foul and surface water drainage of the site has been submitted to and approved in writing by the local

planning authority. The approved scheme shall be completed before the dwelling are occupied. The scheme to be submitted shall show foul drainage being connected to the public sewerage system.

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

Informative: The applicant should consider employing measures such as the following:

Water Butts

Permeable paving on any new driveway/paved area
Greywater recycling system

Environment Protection

Informative: Foul drainage from the proposed development should be conveyed to the main foul sewer, subject to the agreement by Dwr Cymru Welsh water Ltd. There must be adequate capacity at the receiving sewage treatment works to treat the additional flows. Consent is required from the service provider to connect into the foul main sewer.

PCC Ecologist

Thank you for consulting me regarding the additional information submitted for planning application P/2017/0473. I have reviewed the Ecological Assessment of Land at Llan, Llanbrynmair, Powys (SH883006) by Jon Sloan dated November 2016.

Having revised the findings of the report it is noted several small areas of Japanese Knot weed on the site.

In addition to conditions previously submitted. I recommend the inclusion of the following condition:

Prior to commencement of development, a detailed Japanese Knotweed Management Plan shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter

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

In addition I recommend inclusion of the following informative:

Non-native Invasive Species - Wildlife and Countryside Act 1981 (as amended)

It is an offence under the Wildlife and Countryside Act 1981, as amended, to introduce, plant or cause to grow wild any plant listed in Schedule 9, Part 2 of the Act. Japanese Knotweed is included within this schedule. All Japanese Knotweed waste (the plant itself or material containing its rhizomes) is classed as a controlled/special waste and therefore needs to be disposed of in accordance with the Environmental Protection Act 1990 and the Environmental Protection Act Duty of Care Regulations 1991.

The submission of a Management Plan, to be agreed in writing with the local planning authority by condition, is to ensure that an adequate means of eradicating or containing the spread of the plant is considered and thereafter implemented to prevent further spread of the plant which would have a negative impact on biodiversity and existing or proposed landscape features.

Further information is available from the Non-native Species Secretariat (NNSS) website at <https://secure.fera.defra.gov.uk/nonnativespecies/home/index.cfm>

Further advice for the construction industry on legal responsibilities when dealing with Japanese knotweed, giant hogweed and other invasive plants is available on Netregs <http://www.netregs.org.uk>

Natural Resources Wales (NRW)

Thank you for consulting Natural Resources Wales (letter dated 22/05/2017) regarding the above.

NRW does not object to the proposal. In our opinion, as explained below, the proposal is not likely to adversely affect any of the interests listed, subject to use of appropriate conditions.

Summary of conditions:

Condition 1– ecology: The avoidance and mitigation measures described in section 4 of the ecological assessment are secured through planning conditions and/or a Section 106 agreement.

Condition 2 – INNS: the submission and implementation of a Biosecurity Risk Assessment to the satisfaction of the LPA.

Protected Species

NRW is satisfied that the Ecological Assessment (Churton Ecology and Jon Sloan Ecology, dated November 2016) has been carried out to an acceptable standard. The report states that no evidence of protected species was identified at the proposed development site. Due to the presence of hedgerows on site and areas surrounding the proposal bats are likely to use the site for foraging and use the hedgerows as flight lines. The recommendations made in the report appropriately address measures to be taken to minimise impact on flight lines.

Condition 1– ecology: The avoidance and mitigation measures described in section 4 of the ecological assessment are secured through planning conditions and/or a Section 106 agreement.

Pollution Prevention

Responsibility for preventing pollution rests with those in control of the site. Pollution Prevention Guidance should be read by those carrying out the work.

Any waste produced during the construction should be disposed of as per Waste regulations. It is the producer's responsibilities to ensure that Waste regulations are followed. Please see our website www.naturalresourceswales.gov.uk for Waste disposal Guidance.

Biosecurity

A stand of Japanese knotweed was found present on site. We consider biosecurity to be a material consideration owing to the nature and location of the proposal. In this case, biosecurity issues concern invasive non native species (INNS). We therefore advise that any consent includes the imposition of a condition requiring the submission and implementation of a Biosecurity Risk Assessment to the satisfaction of the LPA.

We consider that this assessment must include

- (i) appropriate measures to control any INNS on site; and
- (ii) measures or actions that aim to prevent INNS being introduced to /allowed to disperse from the site for the duration of construction and operational phases of the scheme.

Condition 2 – INNS: the submission and implementation of a Biosecurity Risk Assessment to the satisfaction of the LPA.

Scope of NRW Comments

Our comments above only relate specifically to matters that are included on our checklist “Natural Resources Wales and Planning Consultations” (March 2015) which is published on our website: (<https://naturalresources.wales/media/5271/150302-natural-resources-wales-and-planning-consultations-final-eng.pdf>). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance. The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

Public Representations

Following the display of a site notice, no public representations have been received.

Planning History

M2806 – Details of site layout for residential development. Consent 01/10/1976

M1881 – Outline application for residential development. Consent 05/12/1975

Principal Planning Constraints

- Within settlement development boundary;
- B4518 class two highway.

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) 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) 20: Planning and the Welsh Language (2013)

Technical Advice Note 23: Economic Development

Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management

Welsh Office Circular 10/99: Planning requirements in respect of the use of non-mains sewerage incorporating septic tanks in new development

Local Planning Policy

Powys Unitary Development Plan (2010)

UDP SP1 – Social, Community and Cultural Sustainability

UDP SP2 – Strategic Settlement Hierarchy

UDP SP3 – Natural, Historic and Built Heritage

UDP SP5 – Housing Developments

UDP GP1 – Development Control

UDP GP3 – Design and Energy Conservation

UDP GP4 – Highway and Parking Requirements

UDP GP5 – Welsh Language and Culture

UDP HP3 – Housing Land Availability

UDP HP4 - Settlement Development Boundaries and Capacities

UDP HP5 – Residential Development

UDP ENV2 – Safeguarding the Landscape

UDP ENV3 – Safeguarding Biodiversity and Natural Habitats

UDP ENV4 – Internationally Important Sites

UDP ENV5 – Nationally Important Sites

UDP ENV6 – Sites of Regional and Local Importance

UDP ENV7 – Protected Species

UDP DC10 – Mains Sewage Treatment

UDP DP13 – Surface Water Drainage

UDP DC15 – Development on Unstable or Contaminated Land

Powys Residential Design Guide (2004)

Powys Joint Housing Land Availability Study (2016)

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

Section 38 (6) of the Planning and Compulsory Purchase Act 2004

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

Principle

The site is not an allocated site for residential development, nevertheless, it is located within the development limits of Llan and as such, the site is considered appropriate in relation to UDP policy HP5 and there is a presumption in favour of its development. UDP Policy HP5(3) requires proposals not to result in the loss of land allocated for other purposes in the UDP and given that the site is not allocated, it is considered that the proposal does not conflict with UDP Policy HP5(3). A development of this scale (one dwelling) is not expected to lead to the overall capacity of the small village of Llan being significantly exceeded, and therefore meets the principles of UDP Policy HP4. Overall, it is considered that the principle of the development is acceptable at this location.

Powys County Council's Unitary Development Plan Policy HP5 sets out the criteria applied to residential development and permits development of appropriate sites within development boundaries providing that the development is of a scale, form, design and general character that reflects the character and appearance of the settlement and surrounding area; and would not create unacceptable safety, access, service, environmental or amenity problems.

In view of the policy context along with consultee responses and public representations received and taking into account any site-specific constraints the key issues are discussed below.

Sustainable location

When providing additional housing it is important to consider whether the scheme can be considered to be sustainable development. This can relate to a wide range of matters including public transport provision and access to education, employment opportunities and other services.

As noted above, Llan is identified as a small village within the UDP and it is noted that the village is served by limited facilities; namely a church. The village is located approximately 2 miles from Llanbrynmair which is classified as a large village in the UDP which has a wider range of facilities, 13 miles from Machynlleth and 20 miles from Newtown.

In consideration that Llan is classified as a settlement with a development boundary and given the proximity to Llanbrynmair which has a wider range of facilities (including a primary school, hotel/public house, shops, post office), it is considered that the proposed additional residential development of one dwelling in this location would accord with the provisions of Planning Policy Wales in so far as it is a sustainable location.

Housing land supply

Paragraph 9.2.3 of Planning Policy Wales states that '*Local planning authorities must ensure that sufficient land is genuinely available or will become available to provide a 5 year supply of land for housing judged against the general objectives and the scale and location of development provided for in the development plan.*'

The Powys Joint Housing Land Availability Study (JHLAS) 2016 states that there was 2.2 years supply of housing land in the Powys Local Planning Authority (LPA) area. Failure to have a 5-year housing land supply is an important material consideration that should be taken into account when determining this scheme. Technical Advice Note 1: Joint Housing

Land Availability Studies (2015) states as follows:

“The housing land supply should also be treated as a material consideration in determining planning applications for housing. Where the current study shows a land supply below the 5 year requirement or where the local planning authority has been unable to undertake a study, the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with development plan and national planning policies”.

The JHLAS identified a significant undersupply of housing land within Powys. As mentioned above, TAN 1 confirms that the need to increase supply should be given considerable weight but only where the development would otherwise comply with development plan and national planning policies.

Llan is classified as a small village within the Powys Unitary Development Plan with one site allocated for residential development in the UDP (M147 HA1 – Land opposite Ael y Bryn – 0.25Ha – capacity for 5 dwellings). This site remains undeveloped.

Members are advised that the lack of a five year housing supply in Powys needs to be given considerable weight in the determination of this application. However, before reaching a decision, the scheme will need to be considered against other policies contained within the UDP in order for a balanced view to be made on the acceptability of the development overall.

Design and impact upon character and appearance of area

The development in Llan is linear in form, along the B4518 highway with the majority of the dwellings in the village being detached, two storey dwellings. The site is not located within nor is adjacent to the conservation area which is centred around St Mary’s Church and the dwellings immediately adjacent to the site are detached, two or one and a half storey brick dwellings set in similar sized plots to that the subject of the application. It is proposed to retain the existing hedgerow boundaries with new post and rail fencing to demarcate the north western boundary and along part of the south western boundary.

The proposed dwelling is considered to be of a suitable scale in terms of floor space and height and subject to the retention of the existing hedgerows, it is considered that the scale, form and general design of the proposal reflect the overall character and appearance of the settlement and surrounding area. The proposal would benefit from additional hedgerow planting, particularly along the western boundary where the site meets the open countryside and as such it is recommended that a condition requiring additional landscape planting is attached to any consent granted.

Impact upon residential amenity

UDP Policy GP1 states that development proposals will only be permitted where the amenities enjoyed by the occupants of nearby or proposed properties will not be unacceptably affected. The Powys Residential Design Guide provides guidance on overshadowing and privacy.

The northern (side) elevation of the proposed dwelling would be located approximately 8.6 metres to the south west of the south western (side) elevation of the dwelling known as

Hafgan. The southern (side) elevation of the proposed dwelling would be approximately 8 metres from the northern (side) elevation of the dwelling known as Llys Teg. No windows are proposed in the side elevation facing Hafgan, however one window is proposed in the ground floor of the side elevation facing Llys Teg which would serve a utility room. There are currently no windows in the side elevation of Llys Teg which faces the side elevation of the proposed dwelling. Whilst there would be one window in the side elevation facing Llys Teg, windows in side elevations facing side elevations of existing dwellings do not contravene the privacy guidelines set out within the Powys Residential Design Guide (which predominantly apply to distances and design for front and rear elevations).

Taking into account that the affected elevations of both the existing and proposed properties are side elevations, it is considered that the proposal would not unacceptably affect the amenities enjoyed by the occupants of neighbouring properties in accordance with UDP Policy GP1 and the Powys Residential Design Guide.

Highway access and parking requirements

Access would be gained via the existing means of access off the class two highway and the submission demonstrates that adequate highway access including visibility, turning and parking would be provided in accordance with UDP Policy GP4. The Highway Authority has not objected to the proposal and has recommended conditions to mitigate any impact upon the highway network and taking into account this advice, subject to the use of conditions, it is considered that the proposal would make adequate provision for highway access, parking and turning in accordance with UDP Policy GP4.

Ecology/biosecurity

Impact upon protected species

The submission includes an Ecological Assessment which informs that the proposed development does not have the potential to adversely affect protected species. Due to the presence of hedgerows on site and areas surrounding the proposal, NRW has advised that bats are likely to use the site for foraging and use the hedgerows as flight lines. NRW has further advised that the recommendations made in the report appropriately address measures to be taken to minimise impact on flight lines and subject to the use of a condition to ensure the implementation of the mitigation measures set out within the report, NRW have not objected to the proposal. Therefore, subject to the use of such a condition, it is considered that the proposal would not have an adverse impact upon protected species.

Biosecurity

The Ecological Assessment identifies some areas of the site and within the boundaries of the site which accommodate Japanese Knotweed. Invasive non-native species (INNS) and diseases can be a material consideration in development proposals and given the advice from the Council's Ecologist and NRW which recommends the inclusion of a condition to require a Japanese Knotweed Management plan (Biosecurity Risk Assessment) and the contents of UDP Policy DC15, it is considered that such a condition would be appropriate.

Flood risk, surface water and foul drainage

The site is not located within B, C1 or C2 flood risk zones as defined by the Development Advice Map (DAM) referred to in Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004) and as such the site is not known to be at risk from flooding.

UDP Policy DC13 requires development proposals to make adequate provision for land drainage and surface water disposal. In terms of surface water run-off, the submission indicates that surface water is to be disposed to soakaway. However, no surface water drainage details/drawing(s) or an indication as to how the impermeable areas within the proposed application site will be drained/disposed. The Council's Land Drainage Engineer has advised that proposed surface water flows should be equivalent to existing Greenfield run-off in accordance with the principles of TAN15 and has recommended a condition to require the submission, approval and implementation of foul and surface water details. In addition, Welsh Water has advised that they have no objection subject to the use of a condition to prevent surface water from connecting into the public sewerage network. On the basis of this advice, to ensure adequate surface water drainage is provided for and to ensure that run-off from the proposed development is reduced or will not exceed existing runoff rates, it is considered reasonable and necessary to attach a condition to any consent granted to require the submission, approval and implementation of a surface water drainage scheme in accordance with UDP Policy DC13.

It is proposed to connect to the public sewerage system which is the preferred method of disposal set out within national policy and guidance and within UDP Policy DC10. Welsh Water has advised that they have no objection to the development and therefore Development Management is satisfied that the sewage disposal system has sufficient capacity to accommodate the additional flows generated as a result of the development.

Other legislation

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)

Llan is a settlement where the Welsh language has been identified as important to the social, cultural and community fabric and as such is a material consideration when determining this application. 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. Given the scale of the development for one dwelling, 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

The proposal would not lead to the loss of land allocated for other purposes within the UDP and it is considered that the proposal would not create unacceptable safety, access, service, environmental or amenity problems in accordance with UDP Policy HP5, subject to the use of conditions. In addition, the design is considered acceptable and the Council's current lack of housing land supply carries weight in favour of supporting the application. The proposal is considered to comply with the relevant national and local planning policy and the recommendation is one of conditional consent as set out below.

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 xxxx (drawing no's: Site Location Plan scaled to 1:1250, 836/D01, 836/D02, 835/D03, 836/D04).
3. 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 occupation of the dwelling hereby approved and retained in perpetuity. No surface water

and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

4. Prior to commencement of development, a Biosecurity Risk Assessment shall be submitted to and approved in writing by the Local Planning Authority. The assessment must include:

- (i) appropriate measures to control any INNS (invasive non native species) on site; and
- (ii) measures or actions that aim to prevent INNS being introduced to /allowed to disperse from the site for the duration of construction and operational phases of the scheme.

The development shall be carried out in accordance with the approved scheme.

5. A native species hedgerow shall be planted along the western boundary of the application site in the first planting and seeding seasons following the occupation of the dwelling; and any 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.

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

7. Prior to the commencement of any other 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 0.26 metres above ground level at the edge of the adjoining carriageway and 59 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.

8. Prior to the commencement of any other 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 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.

9. Prior to the commencement of any other 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. Prior to the occupation of the dwelling any entrance gates 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.

11. The centre line of the first 5.5 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.

12. Prior to the occupation of the dwelling, provision shall be made within the curtilage of the site for the parking of not less than one cars 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. The width of the access carriageway, constructed as condition 8 above, shall be not less than 4.1 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.

14. 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.

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 7 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.

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

18. The avoidance and mitigation measures described in sections 4.2.1 to 4.2.3 (inclusive) of the Ecological Assessment (report completed November 2016) must be implemented in full in accordance with the timings set out within sections 4.2.1 to 4.2.3 (inclusive).

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. To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal, to prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and to ensure no pollution of or detriment to the environment in accordance with Policies GP1, DC10 and DC13 of the Powys Unitary Development Plan (2010).
4. To prevent further spread of INNS (invasive non native species) and in particular Japanese Knotweed which would have a negative impact on biodiversity and existing or proposed landscape features in compliance with Policies SP3, ENV3 and DC15 of Powys County Council's Unitary Development Plan (2010), Planning Policy Wales (Edition 9, 2016) and TAN 5: Nature Conservation and Planning (2009).
5. To ensure that habitat enhancement is achieved and that the hedge planted is ecologically and environmentally rich and to assist their permanent retention in the landscape in accordance with policies ENV2 and ENV3 of the Powys Unitary Development Plan (2010).
6. In the interests of the visual amenity of the area and to ensure the satisfactory appearance of the building in accordance with policies GP1 and GP3 of the Powys Unitary Development Plan and the Councils Residential Design Guide (2004).
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.
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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 order to ensure that adequate mitigation and avoidance measures for protected species are provided in accordance with Policy ENV7 of the Powys Unitary Development Plan (2010), Planning Policy Wales (2016) and Technical Advice Note 5: Nature Conservation and Planning (2009).

Informative Notes

Please note the advice from Dwr Cymru / 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

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.

Please note the advice from Wales & West Utilities:

According to our mains records Wales & West Utilities has no apparatus in the area of your enquiry. However Gas pipes owned by other GT's and also privately owned may be present

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

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

Please note the advice from the Council's Ecologist:

Non-native Invasive Species - Wildlife and Countryside Act 1981 (as amended)

It is an offence under the Wildlife and Countryside Act 1981, as amended, to introduce, plant or cause to grow wild any plant listed in Schedule 9, Part 2 of the Act. Japanese Knotweed is included within this schedule. All Japanese Knotweed waste (the plant itself or material containing its rhizomes) is classed as a controlled/special waste and therefore needs to be disposed of in accordance with the Environmental Protection Act 1990 and the Environmental Protection Act Duty of Care Regulations 1991.

The submission of a Biosecurity Risk Assessment, to be agreed in writing with the local planning authority by condition, is to ensure that an adequate means of eradicating or containing the spread of the plant (in particular Japanese Knotweed) is considered and thereafter implemented to prevent further spread of the plant which would have a negative impact on biodiversity and existing or proposed landscape features.

Further information is available from the Non-native Species Secretariat (NNSS) website at <https://secure.fera.defra.gov.uk/nonnativespecies/home/index.cfm>

Further advice for the construction industry on legal responsibilities when dealing with Japanese knotweed, giant hogweed and other invasive plants is available on Netregs <http://www.netregs.org.uk>

Please note the advice from the Council's Land Drainage Engineer:

Foul drainage from the proposed development should be conveyed to the main foul sewer, subject to the agreement by Dwr Cymru Welsh water Ltd. There must be adequate capacity at the receiving sewage treatment works to treat the additional flows. Consent is required from the service provider to connect into the foul main sewer.

The applicant should consider employing measures such as the following:

Water Butts

Permeable paving on any new driveway/paved area

Greywater recycling system

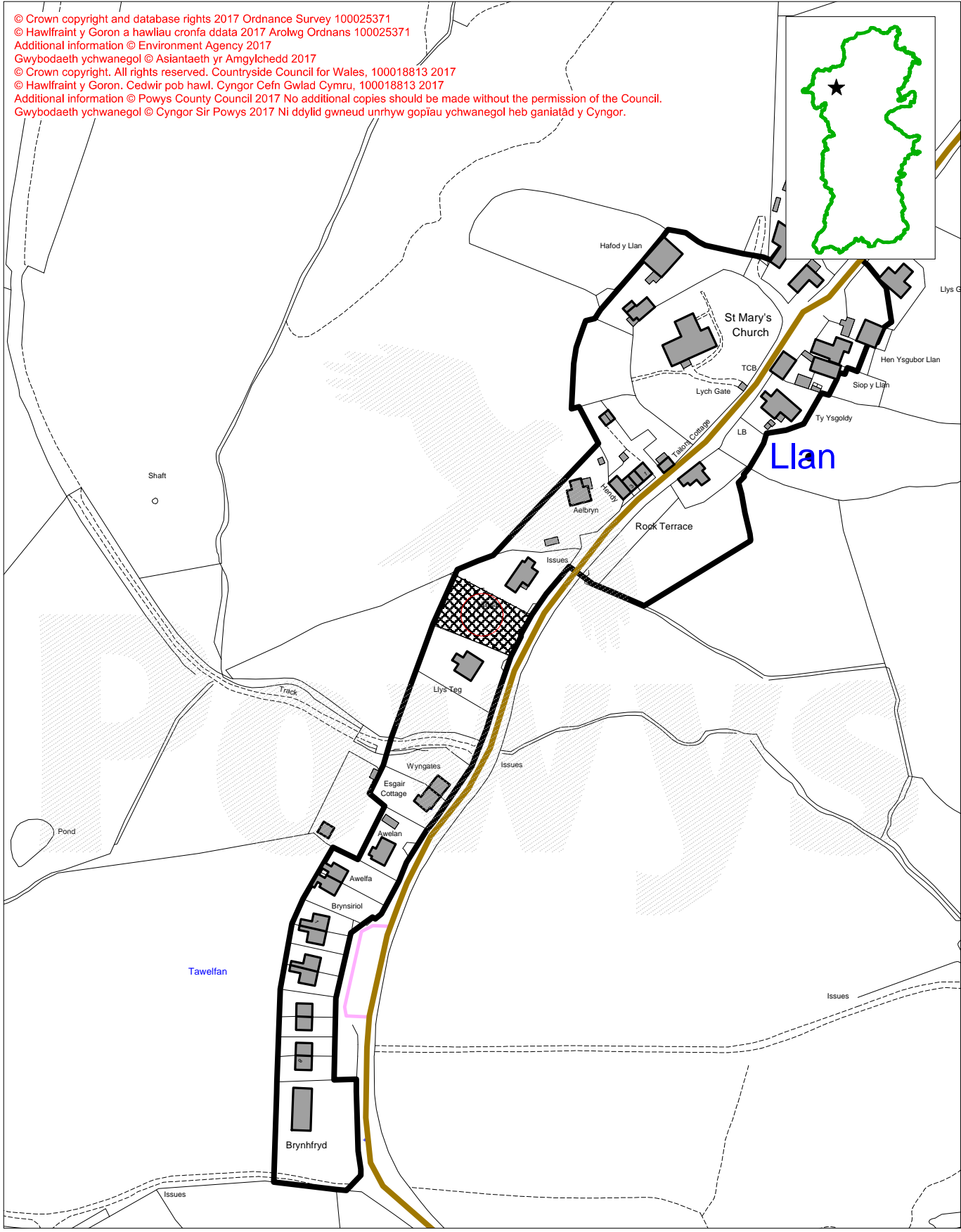
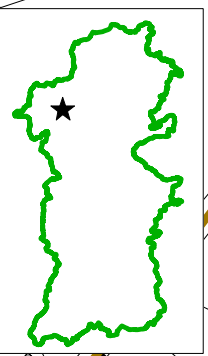
Please note the advice from Natural Resources Wales:

Responsibility for preventing pollution rests with those in control of the site. Pollution Prevention Guidance should be read by those carrying out the work.

Any waste produced during the construction should be disposed of as per Waste regulations. It is the producer's responsibilities to ensure that Waste regulations are followed. Please see our website www.naturalresourceswales.gov.uk for Waste disposal Guidance.

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

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4.10

Planning, Taxi Licensing and Rights of Way Committee Update Report

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

Reason for Update Report

It was resolved at the Planning, Taxi Licensing & Rights of Way Committee on 15th December 2016 that application P/2016/0719 be granted consent, subject to the conditions set out in the report (attached as appendix A to this report) and subject to the applicant entering into a Section 106 agreement to secure the following:

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

Following this resolution, amended plans have been received. The amended plans principally alter the application site area as denoted by the red line to enable vehicular access off the A495 highway (west of site) rather than through the residential housing estate of Dyffryn Foel (north of site) as previously proposed. The proposed number of dwellings remains 16 but with the layout amended. The mix dwelling sizes remains the same. A full reconsultation has been issued with additional comments included below as well as consideration of the amendment within the Officer Appraisal section of the report.

Consultee Response

The following additional consultee responses have been received following reconsultation:

PCC Highway Authority

HC1 Any entrance gates 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.

HC2 The gradient of the access 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.

HC3 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.

HC4 Within 5 days from 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.

HC7 Within 5 days from 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.

HC9 Prior to the occupation of any of the dwellings, 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. The parking areas shall be retained for their designated use in perpetuity.

HC10 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.

HC11 Within 5 days from 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 access 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.

HC13 Prior to the occupation of the development a radius of 10 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.

HC14 Any internal side-road junctions shall have a corner radii of 6 metres.

HC15 The centre line radii of all curves on the proposed estate road shall be not less than 20 metres.

HC19 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.

HC20 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.

HC21 Prior to the occupation of any of the dwellings 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.

HC22 Within 5 days from the completion of the new access in accordance with condition HC7 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.

HC31 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.

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

PCC Building Control

Building Regulations application required.

Wales & West Utilities

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

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

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

Severn Trent Water

Thank you for the opportunity to comment on this planning application. Please find our response noted below:

With Reference to the above planning application the company’s observations regarding sewerage are as follows.

I can confirm that we have no objections to the proposals subject to the inclusion of the following condition:

- The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and
- The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to reduce or exacerbate a flooding problem and to minimise the risk of pollution

PCC Ecologist

Ecological Topic		Observations
EIA Screening Requirement	No	
Protected Species & Habitats ¹	European Species	<p><input checked="" type="checkbox"/> The Ecological Report by Arbor Vitae Environment (04/07/16) concluded following the site visit that there was no evidence of Great Crested Newts. It was found that the hedgerows and trees could be used by foraging and commuting bats and nesting birds. Recommendations in Section 6 of the Ecology Report include a Lighting plan, bat boxes and enhancement planting of a belt of trees and shrubs along site boundary at its western end and along former railway track to provide increased habitat connectivity.</p> <p>NRW consultation response 15.08.16 impose two conditions on the scheme: Condition 1; To protect bats from light disturbance and to create ecological enhancements, recommendations from Section 6 of the ecological report should be implemented and included in the detailed design.</p> <p>Condition 2; To preserve flight lines and particularly</p>

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

		the retention of trees along the railway, appropriate root protection zones must be identified and fenced off during construction to avoid damage to retained trees. This would guarantee the retention of these valuable wildlife corridors.
	UK Species <input type="checkbox"/>	The Ecological Report by Arbor Vitae Environment (04/07/16) concluded that there was no evidence of badgers at this site. Although disturbance to breeding birds will be negligible, the ecological report recommended that the opportunity is taken to improve the habitat for birds. This can readily be achieved through installation of nest boxes in the trees along the edge of the site.
	Sect. 42 Species & Habitat <input type="checkbox"/>	See Protected Species above.
	LBAP Species & Habitat <input type="checkbox"/>	See Protected Species above.
Protected Sites	International Sites (within 2km) ² <input type="checkbox"/>	There are no International Protected Sites within the 2km search area.
	National Sites (within 500m) ³ <input type="checkbox"/>	There are no National Sites within the 500m search area.
	Local Sites (within 500m) <input type="checkbox"/>	There are no Local Protected Sites within the 500m search area.
Invasive Non-Native Species	No	The report by Arbor Vitae Environment did not identify any invasive species on the site.
Cumulative Effect	Unknown / Unconfirmed	
Summary of recommendations / further assessment or work		
Recommended Conditions		Should you be minded to approve this application, I recommend the inclusion of the following conditions: <i>The recommendations in Section 6 of the Ecological Report Arbro Vitae Environment 04/07/16 regarding Bats, Hedgerows Breeding Birds lighting, and</i>

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

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

	<p><i>Ecological enhancement shall be adhered to and implemented in full unless otherwise agreed in writing by the LPA.</i></p> <p>Reason: _To comply with Powys County Council's UDP Policies SP3, ENV2 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 7, July 2014), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.</p> <p><i>Prior to commencement of development, a detailed Ecological Enhancement Plan, Lighting Plan, Hedgerow and Tree Protection Plan and Planting Plan shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.</i></p> <p>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 Environment (Wales) Act 2016.</p>
<p>Relevant UDP Policies</p>	<p>Environmental Impact Assessment SP3 Natural, Historic and Built Heritage ENV 2: Safeguard the Landscape ENV 3: ENV 3: Safeguard Biodiversity and Natural Habitats ENV 7: Protected Species TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.</p>
<p>Comments on Additional Information</p>	<p>Additional Information:</p> <p>An amended location plan (Location plan RPP/RC-JOB33-01, Version B) has been submitted indicating that the site entrance has been repositioned to the west of the site rather than the north which would require the loss of a section of hedgerow. There is also a mature tree in the corner of the plot which may need to be felled and which could have potential as a bat tree roost.</p> <p>If possible it is recommended that this mature tree should be retained and protected from damage during construction works via the implementation of a tree protection plan in accordance with BS5837:2012.</p>

Bat tree-roosts are extremely difficult to identify, and it should be assumed that any mature native-species tree is an actual roost. Should the tree discussed above need to be felled it is recommended that the applicant and contractors be informed of the possibility of encountering bats unexpectedly during tree works. If bats are encountered on site works should stop immediately and NRW should be contacted.

As a precaution it is recommended that the following sensitive felling procedure be implemented to minimise disturbance to bat populations.

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

As mitigation for the loss of this mature tree, three additional bird and bat boxes on or near the site should be incorporated into the Ecological Enhancement plan which shall be submitted and agreed by the Local Planning Authority before commencement of the scheme.

It would seem likely that the creation of the new access point would require the removal of sections of hedgerow. I suggest that any removed hedgerow is

translocated to areas within the development site instead of buying and planting new stock.

If translocation is not feasible the Ecological Enhancement plan should also consider opportunities for new hedgerow and tree planting as landscaping within the development and a locally-occurring, native species list will be required for approval by the local planning authority.

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"> • 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. <p>Under the Habitats Regulations it is an offence to:</p> <ul style="list-style-type: none"> • 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. <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 enquiries@bats.org.uk</p>
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Public Representations

No additional public representations have been received as a result of the reconsultation.

Principal Planning Policies

National Planning Policy

Planning Policy Wales (9th Edition, 2016)
 Technical Advice Note 1 - Joint Housing Land Availability Study (2015)
 Technical Advice Note 2 - Planning and Affordable Housing (2006)
 Technical Advice Note 5 - Nature Conservation and Planning (2009)
 Technical Advice Note 12 - Design (2016)
 Technical Advice Note 15 - Development in Flood Risk Areas (2004)
 Technical Advice Note 18 – Transport (2007)
 Technical Advice Note 23 - Economic Development (2014)

Local Planning Policy

Unitary Development Plan for Powys (2010)
 UDP SP2 - Strategic Settlement Hierarchy
 UDP SP3 - Natural, Historic and Built Environment
 UDP SP4 - Economic Development and
 UDP SP5 - Housing Development
 UDP SP6 - Development and Transport

UDP SP9 – Local Community Services and Facilities
UDP SP14 - Development in Flood Risk Areas
UDP GP1 - Development Control
UDP GP2 – Planning Obligations
UDP GP3 - Design and Energy Conservation
UDP GP4 - Highway and Parking Requirements
UDP ENV1 - Agricultural Land
UDP ENV2 - Safeguarding the Landscape
UDP ENV3 - Safeguarding Biodiversity and Natural Habitats
UDP ENV7 – Protected Species
UDP HP3 - Housing Land Availability
UDP HP4 - Settlement Development Boundaries and Capacities
UDP HP5 - Residential Development
UDP HP6 - Dwellings in the Open Countryside
UDP HP7 - Affordable Housing within Settlements
UDP HP8 - Affordable Housing Adjoining Settlements with Development Boundaries
UDP CS3 – Additional Demand for Community Facilities
UDP T2 - Traffic Management
UDP TR2 - Tourist Attractions and Development Areas
UDP DC8 – Public Water Supply
UDP DC9 – Protection of Water Resources
UDP DC10 - Mains Sewerage Treatment
UDP DC13 - Surface Water Drainage
DC15 – Development on Unstable or Contaminated Land

Affordable Housing for Local Needs Supplementary Planning Guidance (SPG) (July 2011)

Powys Residential Design Guide

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

Outline Application

The application is for outline consent with all matters reserved. Should permission be granted, all reserved matters (access, appearance, landscaping, layout and scale) will form separate applications for consideration at a later date. The principle of accessing the site is required to be considered at the outline stage and therefore the amended access point onto the A495 highway will be discussed below.

Design and layout

Guidance contained within UDP Policy HP5 indicates that residential development will be permitted where the development is of an appropriate scale, form and design and general character, to reflect the overall character and appearance of the settlement and surrounding area.

Whilst design and layout are reserved and will be dealt with at a later point in time, it is relevant to consider whether the number of dwellings proposed could be appropriately developed on the site. The number of dwellings proposed has not been altered at 16 and overall as originally proposed a mix of two, three and four bedroom properties over two storeys are detailed within the scheme and this is considered to be appropriate.

Impact on residential amenity

UDP Policy GP1 states that development proposals will only be permitted where the amenities enjoyed by the occupants of nearby or proposed properties will not be unacceptably affected. More specific guidance is set out in the Powys Residential Design Guide.

Although layout is a reserved matter, consideration has been given to the potential separation distances between properties, as well as their siting and orientation as a result of the amendments.

The most sensitive location for the development regarding this matter will be along the southern boundary of the site where it adjoins existing residential developments of Bryn Awelon and Bryn Marian. Both of these dwellings are elevated above the application site but Bryn Marian in particular is orientated towards the proposed development. The indicative layout shows the closest properties orientated so that Bryn Marian will front their flank elevations and the reserved matters application could ensure that these elevations are devoid of windows to avoid overlooking. In addition, the amended indicative layout demonstrates that the garage attached to plot 6 would be approximately 12 metres from Bryn Awelon. The side elevation of plot 16 would be approximately 10 metres from the side elevation of the garage of Bryn Awelon. These distances accord with the advice set out in the residential design guide and it is therefore considered that appropriate levels of privacy could be achieved. The existing properties on Dyffryn Foel are approximately 55 metres from the proposed dwellings which is considered ample separation to ensure that amenity can be maintained.

The layout at this stage is indicative and full consideration of this matter will be given at the reserved matters stage when full details of the scheme will be available. However, it is considered that the proposal is capable of acceding with UDP policy GP1 and the guidance set out in the Powys Residential Design Guide so far as it relates to residential amenity.

Impact on highway network and parking arrangements

UDP Policy GP4 requires adequate highway provision in terms of a safe access, visibility, turning and parking. Access is indicative at this stage but is shown to be provided off the A495 class 1 highway.

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

Ecology

The amended scheme would require the loss of a section of hedgerow. There is also a mature tree in the corner of the plot which may need to be felled and which could have potential as a bat tree roost. The response on behalf of the Council's Ecologist has recommended that this mature tree should be retained and protected from damage during construction works via conditions and the implementation of a tree protection plan in accordance with BS5837:2012 and an informative attached in respect of the potential for bats. In addition, it is recommended that mitigation and enhancement for the loss of the hedgerow in the form of bird and bat boxes are provided and hedgerow translocation.

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

Other legislation

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

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. The proposed development is for the provision of 16 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 including the amended access point and indicative layout and it is considered that all issues can be adequately dealt with through the imposition of conditions or through planning obligations.

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

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

It is also recommended that a time limit of two months is given for the legal agreement to be completed and in the event that it is not concluded within such time period, delegation is given to the Professional Lead for Development Management, in consultation with the Chair and Vice Chair, to refuse the application, unless satisfied that the delay is unavoidable and that there is sufficient evidence to conclude that the matter will be concluded within a further reasonable time period.

Conditions

1. Details of the access, layout, appearance, landscaping and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

2. Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

4. A scaled plan showing the location of the affordable residential units shall be submitted to the Local Planning Authority at the same time as the other reserved matters referred to in Condition No. 1.

5. An affordable housing phasing statement detailing the precise phasing (completion details) of the affordable units proposed shall be submitted for approval at the same time as the other reserved matters referred to in Condition No. 1. The development shall be implemented in full accordance with the approved scheme.

6. The affordable dwellings shall have a maximum gross floor area of 130 square metres (measured internally and including garages where designed as an integral part of the dwelling) and notwithstanding the provisions of schedule 2, part 1, classes A, B, C and E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), the affordable dwelling shall not be subject to extensions, roof alterations and buildings other than those expressly authorised by the reserved matters approval.

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

8. No development shall commence until a scheme for the surface water and land drainage of the site has been submitted to and approved in writing by the local planning authority. The approved scheme shall be completed before any dwellings are occupied.

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

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

(ii) an assessment of the potential risks to:

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

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

This must be conducted in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*' and the WLGA document '*Development of land affected by contamination: a guide for developers*' 2012 .
Item (iii) above should not be submitted until written approval has been obtained from the Local Planning Authority for items (i) & (ii).

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

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

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

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

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 11.

13. A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of duration to be agreed in writing with the Local Planning Authority and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Within six months following the completion of the measures identified in that scheme and the achievement of the remediation objectives, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*'.

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

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

Reasons:

1. To enable the Local Planning Authority to exercise proper control over the development in accordance with Section 92 of the Town and Country Planning Act 1990.
2. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
3. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
4. In order to identify the affordable residential unit, in accordance with Policy HP7 of the Unitary Development Plan (2010).
- 5 & 6. In order to ensure the provision of affordable housing in accordance with Policy of HP7 of the Powys Unitary Development Plan (2010) and the Affordable Housing for Local Needs Supplementary Planning Guidance (2011).
7. To ensure that development is served by the public system in accordance with policy DC10 of the Powys Unitary Development Plan.
8. To ensure that the proposed surface water drainage system for the site are fully compliant with regulations and are of robust design in accordance with policy DC13 of the Powys Unitary Development Plan.
- 9 to 13. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy DC15 of the Powys Unitary Development Plan.
14. To comply with Powys County Council's UDP Policies SP3, ENV2 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 7, July 2014), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.
15. To comply with Powys County Council's UDP Policies SP3 and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 7, July 2014), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.

Informatives:

Please note the following advice in respect of ecology:

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

- Where tree felling or lopping is planned, such work should only be carried out between September and February to avoid the bird-breeding season.
- If the tree trunk is smaller than 200mm diameter **and** if it has no dense ivy, suitable holes, loose bark, and no holes associated with the root system, work can be carried out on the tree between September and February (ie avoiding the bird breeding season).

- To avoid disturbing nursery roosts, work will **never** be carried out between June and August inclusive.
- If the tree does have any of the features listed above or has a trunk size greater than 200mm, it should only be cut **only** in September and October when bats, including young are still mobile and able to fly-out.
- Any timber cut should be left lying on the ground for at least 24 hours to allow bats the opportunity to escape.
- Where the loss of mature trees is unavoidable, compensatory planting with appropriate locally native species, preferably of local provenance, should be undertaken.

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

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

Birds - Wildlife and Countryside Act 1981 (as amended)

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

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

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

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

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

It is an offence for any person to:

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

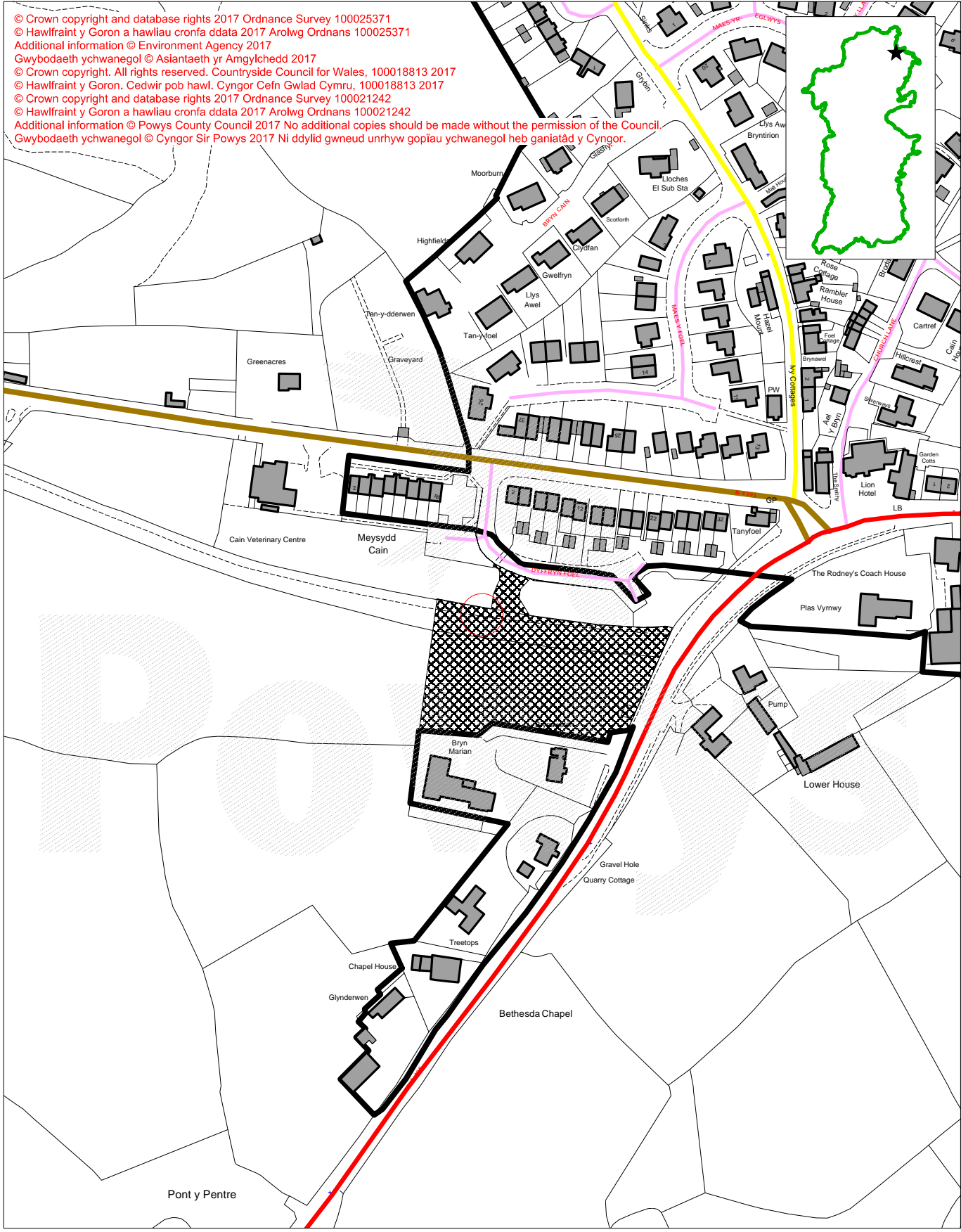
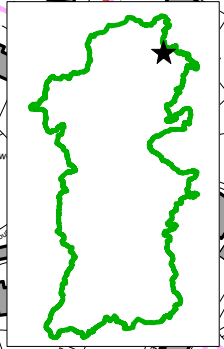
Under the Habitats Regulations it is an offence to:

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

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

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

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Annex A

Planning, Taxi Licensing and Rights of Way Committee Report

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

The reason for Committee determination

The application requires a committee determination as it is recommended for approval and is a departure from the development plan.

Site Location and Description

The site is approximately 0.57Ha in size and is located between the south western edge of the main development boundary of Llansantffriad and a small satellite cluster that accommodates six residential properties.

The site itself is currently agricultural land. It rises slightly from north to south and accommodates a line of mature and semi mature trees along the edge of the old railway line to the north of the site. Further to the north lies the residential estate of Dyffryn Foel with the B4394 beyond. To the immediate south of the site are the residential dwellings of Bryn Awelon and Bryn Marian and the A495 bounds the site to the east.

The application is an outline application for the development of up to 16 new dwellings. The applicant proposes that 20% of the new dwellings will be affordable. The application has been amended from first submission to accommodate site constrains and a reduced number of dwellings from 18 to 16. The description has been amended to accommodate the change.

Consultee Response

Llansantffraid Community Council

Planning application P2016 0719 land adjacent to Dyffryn Foel, Llansantffraid was discussed at a recent meeting of the above council, and the council objects to this application on the grounds that the development is not within the UDP. Also the primary school is full to capacity.

Local Highway Authority

First response

The issues I have is that they are showing 3 parking spaces in line with each other which just does not work 2 is the maximum so it would impact on the layout and the number of properties off a private drive are too many so will effect that layout. Also the main junction is directly opposite drives so I would like it to be offset so there no chance of somebody reversing out in somebody else path.

Second response

Happy with amended layout subject to David Micah being satisfied about land ownership.

PCC - Building Control

Building regulations application required.

Wales & West Utilities

According to our mains records Wales & West Utilities has no apparatus in the area of your enquiry. However Gas pipes owned by other GT's and also privately owned may be present in this area. Information with regard to such pipes should be obtained from the owners. Safe digging practices, in accordance with HS(G)47, must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all persons (either direct labour or contractors) working for you on or near gas apparatus. Please note that the plans are only valid for 28 days from the date of issue and updated plans must be requested before any work commences on site if this period has expired.

Severn Trent

I can confirm that we have no objections to the proposals subject to the inclusion of the following condition:

- The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and
- The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to reduce or exacerbate a flooding problem and to minimise the risk of pollution

PCC - Environmental Health

First response

I note from one of the representations on the planning portal that a foul sewage drainage field is located within the application site. If this is the case the Building Regulations state that all buildings should be sited at least 15 m from a drainage field and that no roads, driveways or paved areas should be located on top of a drainage field.

Second response

The amended site plan has taken into account the presence of the septic tank and drainage field for Brynawelon, designating the area public open space. The development itself is to connect to the mains foul sewer. I therefore have no further comments to make.

Contaminated Land Officer

Historic Ordnance Survey (OS) maps (1891, 1903 and 1954) identify that a railway line formerly occupied the Northern part of the application site.

Land associated with railways has the potential to be affected by land contamination; the Department of the Environment 'Industry Profile: Railway Land' (1995) document provides information concerning the potential contaminants of concern.

Paragraph 13.5.1, of Chapter 13 'Minimising and Managing Environmental Risks and Pollution', of the Welsh Government document 'Planning Policy Wales' advises:

“responsibility for determining the extent and effects of instability or other risk remains that of the developer. It is for the developer to ensure that the land is suitable for the development proposed, as a planning authority does not have a duty of care to landowners”.
Based on the land use history of the application site and the sensitivity of the proposed development (residential) it is recommended that the following Condition and Note to the applicant are attached to any permission granted for Planning Application P/2016/0719:

Condition A

Condition 1. Site Characterisation

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).

Condition 2. Submission of Remediation Scheme

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 1 has been received from the Local Planning Authority.

Condition 3. Implementation of Approved Remediation Scheme

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.*

Condition 4. Reporting of Unexpected Contamination

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 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, 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 3.

Condition 5. Long Term Monitoring and Maintenance

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'.

Reason (common to all): To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters,

property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with policy _____ of the adopted Local Plan (date)].

Note to Applicant

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.

PCC - Affordable housing

No response received.

PCC - Ecologist

EIA Screening Requirement - No

Protected Species & Habitats

European Species

The Ecological Report by Arbor Vitae Environment (04/07/16) concluded following the site visit that there was no evidence of Great Crested Newts. It was found that the hedgerows and trees could be used by foraging and commuting bats and nesting birds. Recommendations in Section 6 of the Ecology Report include a Lighting plan, bat boxes and enhancement planting of a belt of trees and shrubs along site boundary at its western end and along former railway track to provide increased habitat connectivity.

NRW consultation response 15.08.16 impose two conditions on the scheme:
Condition 1; To protect bats from light disturbance and to create ecological enhancements, recommendations from Section 6 of the ecological report should be implemented and included in the detailed design.

Condition 2; To preserve flight lines and particularly the retention of trees along the railway, appropriate root protection zones must be identified and fenced off during construction to avoid damage to retained trees. This would guarantee the retention of these valuable wildlife corridors.

UK Species -

The Ecological Report by Arbor Vitae Environment (04/07/16) concluded that there was no evidence of badgers at this site.

Although disturbance to breeding birds will be negligible, the ecological report recommended that the opportunity is taken to improve the habitat for birds. This can readily be achieved through installation of nest boxes in the trees along the edge of the site.

Sect. 42 Species & Habitat -

See Protected Species above.

LBAP Species & Habitat -

See Protected Species above.

Protected Sites –

International Sites (within 2km) -

There are no International Protected Sites within the 2km search area.

National Sites (within 500m) –

There are no National Sites within the 500m search area.

Local Sites (within 500m) –

There are no Local Protected Sites within the 500m search area.

Invasive Non-Native Species –

No

The report by Arbor Vitae Environment did not identify any invasive species on the site.

Cumulative Effect –

Unknown / Unconfirmed

Summary of recommendations / further assessment or work:

Recommended Conditions Should you be minded to approve this application, I recommend the inclusion of the following conditions:

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

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

Prior to commencement of development, a detailed Ecological Enhancement Plan, Lighting Plan, Hedgerow and Tree Protection Plan and Planting Plan shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

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

Relevant UDP Policies

SP3 Natural, Historic and Built Heritage

ENV 2: Safeguard the Landscape

ENV 7: Protected Species

TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.

Additional Information

• NRW consultation 15.08.16 Site Plan as proposed Land adjoining Dyffryn Foel, Llan RPP/RC-JOB 33-03

PCC - Land Drainage

First response

In response to your enquiry regarding the above mentioned application, the LLFA would make the following comments/recommendation.

Land Drainage / Flood Risk

Comment: The Authority holds no historical flooding information relating to the site. However, it is noted from the surface water flood mapping we hold there is a flood risk to part of the site. The same flood risk information can be seen on NRW's flood risk mapping webpage, in particular, flooding from surface water, where it shows an area with a high chance of flooding from surface water. Development should not be permitted within an area of high risk flooding unless it can be demonstrated that the consequences of any flooding would be acceptable for the development proposed and that it would not give rise to any unacceptable flooding impacts elsewhere.

Recommendation: The surface water flood risk identified on NRW's flood risk mapping should be appropriately assessed prior to the granting of any permission.

Surface Water Run-off

Observation: No surface water drainage details/drawing(s) or an indication to how the impermeable areas within the proposed application site are being drained/disposed, have been submitted.

Comments: The site is classed as Greenfield. Therefore, proposed surface water flows should be equivalent to existing Greenfield run-off in accordance with the principles of TAN15 – *Development and Flood Risk* and good practice drainage design.

The use of soakaways and or other infiltration techniques should be investigated in the first instance for surface water disposal. Porosity tests and the sizing of the soakaways should be

designed in accordance with BRE Digest 365 to cater for a 1 in 100 year return storm event plus an allowance of 30% for climate change.

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

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

Recommendation: No development shall commence until a scheme for the surface water drainage of the site has been submitted to and approved in writing by the local planning authority. The approved scheme shall be completed before any dwellings are occupied. The scheme to be submitted shall show foul drainage being connected to the public sewerage system.

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

Environment Protection

Informative: Foul drainage from the proposed development should be conveyed to the main foul sewer, subject to the agreement by Severn Trent Water Ltd. There must be adequate capacity at the receiving sewage treatment works to treat the additional flows. Consent is required from the service provider to connect into the foul main sewer.

Second Response

I note Richard's response.

Can I suggest the recommendation include 'land drainage', i.e. No development shall commence until a scheme for the surface water *and land drainage of the site* has been submitted.....

NRW

Thank you for referring the above consultation received by us on 28th July 2016. We note the location is candidate site 694 that has been submitted for consideration in the Powys Local Development Plan (LDP). However, as the LDP has not yet been adopted the candidate sites will not necessarily be carried forward as development sites.

If any of the details submitted with this outline planning application are amended (e.g. the proposed drainage arrangements) at the reserved matters stage the Local Planning Authority may be required to re-consult NRW.

We do not object, provided you ensure that the following elements of the proposal are conditioned:

Summary of Requirements

Condition 1 - Recommendations from section 6 of the ecological report should be implemented and included in the detailed design

Condition 2 - Root protection zones for trees during construction to preserve flight lines for bats Protected Species – Bats

We have considered the Extended Phase 1 Habitat Survey by Arbor Vitae. We advise that the recommendations from section 6 of the report should be appropriately conditioned by the LPA.

Condition 1 - Recommendations from section 6 of the ecological report should be implemented and included in the detailed design

Reason: To protect bats, a European protected species, from light disturbance and to create ecological enhancements.

The proposed block plan shows the retention of some of the trees along the railway embankment, these trees provide fundamental flight lines for bats of which we have several records in the vicinity of the proposal. Appropriate Root Protection Areas (RPA) must be identified and fenced off during construction to avoid permanent damage to any retained trees and to guarantee the retention of these valuable wildlife corridors.

Condition 2 - Root protection zones for trees during construction

Reason: To preserve flight lines for bats, a European protected species.

Former Railway

We note that the site has an old railway running along the northern boundary of the site and that this location is where the road for the development will be placed. We therefore request the following informative be imposed on any planning permission granted.

Informative/ advice to LPA

Natural Resources Wales considers that the controlled waters at this site are of low environmental sensitivity, therefore we will not be providing detailed site-specific advice or comments with regards to land contamination issues for this site.

It is recommended that the requirements of Planning Policy Wales and the Environment Agency Guiding Principles for Land Contamination (GPLC 1, 2, and 3), March 2010, should be followed. GPLC can be downloaded from the Environment Agency website.

These comments are based on our assumption that gross contamination is not present at this location. If, during development, gross contamination is found to be present at the site the Local Planning Authority may wish to re-consult the Natural Resources Wales.

Flood Risk

The site is not located within a flood plain or near a main river. The site is partly in the surface water flooding extent and we note that the Design and Access Statement has not made any reference to surface water control.

The proposal should be subject to further consideration by the LLFA and the applicants consultant to establish that if any surface water drainage from this site is to be discharged to a watercourse, ditch or culvert (excluding statutory main rivers) then that such discharge will not cause or exacerbate any flooding in this catchment.

Foul Drainage

We note that foul water disposal will be to mains sewer as stated in section 3.5 of the Design and Access Statement. When connecting to the public sewerage system, Severn Trent Water should be consulted on the proposals and be requested to confirm that the sewerage and sewage disposal system serving the development has sufficient capacity to accommodate the additional flows generated as a result of the development. This is to ensure that the development does not cause pollution of the water environment or potential deterioration in the Water Framework Directive classification.

Wherever practicable, Sustainable Urban Drainage Systems (SUDS) should be incorporated into the design with the reserved matters application and we note that the intention to do this has been stated in section 5.1 bullet 7 of the Design and Access Statement.

Scope of NRW Comments

Our comments above only relate specifically to matters that are included on our checklist "Natural Resources Wales and Planning Consultations" (March 2015) which is published on our website:

(<https://naturalresources.wales/planning-and-development/planning-and-development/?lang=en>).

We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance. The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

Second response

Thank you for referring the above consultation received by us on 28th September 2016. We previously responded to this case on 15th August 2016 (Ref: CAS-21672-Y7N8) when we did not object subject to conditions.

The amended plan shows a different layout and appears to include more trees along the access road. However, I understand that at the outline stage this plan is still indicative and may be subject to further change. We re-iterate our previous advice as given on 15th August 2016 (Ref: CAS-21672-Y7N8)

PCC - School Services

I refer to the above-mentioned residential development of 18 dwellings on land adjacent to Dyffryn Foel, Llansantffraid, and am writing to request a s106 financial contribution towards primary education provision at Llansantffraid C in W Aided School.

The current capacity at Llansantffraid Primary School for Reception to Year 6 pupils is 97. In January 2016 there were 100 Reception to Year 6 pupils on roll plus 26 Nursery aged pupils, a total of 126 pupils. However, with the change to the age of admission from September 2017 the capacity in relation to Reception to Year 6 year groups will increase to 102. Due to the fact that the school delivers education in 4 mixed age classes pupil number projections for the school show that Reception to Year 6 numbers will rise to 105 by January 2019.

Regarding the possibility of pupils from this development attending Llanfechain C in W School, although there is surplus capacity at the school the Authority would have to provide home to school transport at an annual ongoing cost of between £25,000 and £35,000 per annum.

A development of 18 dwellings is projected to generate 4 primary aged pupils and based on the Authority's formula for calculating the planning obligation gain a figure of £53,937 towards primary school provision at Llansantffraid Primary School is requested in respect of this development. The Authority has already received previous S106 funding for education provision at Llansantffraid which has yet to be utilised and it would be our intention to utilise the previous S106 and current S106 monies, if awarded, to extend the school by a single classroom.

In submitting this s106 bid the Authority will consider not just the planning application for this site but any further building proposals brought forward in the Llansantffraid Primary School catchment area.

PCC - Outdoor Leisure & Recreation

Outdoor Recreation Services would ask for a Section 106 contribution. Powys County Council unfortunately does not have a play area with fixed play equipment near to the proposed development, if the developer decided not to provide adequate play space on their land, then Outdoor Recreation would recommend that a monetary package to be offered to the local community council to upgrade an existing playground.

As part of the 106 planning gain, Outdoor Recreation Service's usually apply the following terms –

All social housing, size or number of bedrooms is not a factor is £ 800.00 per property.
All private housing up to three bedrooms is £ 1000.00 per property.
All private housing over three bedrooms is £ 1200.00 per property.

We refer to the 6 Acre Standard.

Representations

Objections have been received from 7 members of the public.

The grounds for objections are summarised as follows.

Ecology and biodiversity

- Removal of 15 mature trees including oaks
- Impact to the natural flight path of bats
- The proposed dwellings will emit light which will impact bats
- Tree planting in development schemes is unsuccessful – existing trees should be retained.

Environmental concerns

- Future possible flood impact with loss of trees and developing in a risk area.

- Residents have witness the flooding that occurs along the former railway line.
- Impact on private septic tank with an easement.
- Existing roads are unable to accommodate the construction vehicles that will be associated with this development.

Amenity

- The development will cause disruption to existing residents
- It will impact the views and devalue properties.
- Increased footfall along the B4393 will impact on the privacy of those living on Dyffryn Foel.

Social concerns

- The development is proposed outside the development boundary
- Other developments in the village are unfinished and housing is slow to sell
- The development will exacerbate strain on public services

Planning History

None on the site.

Principal Planning Constraints

A495 and B4393

Septic tank on site

Surface water flood risk

Principal Planning policies

National Planning Policy

Planning Policy Wales (9th Edition, 2016)

Technical Advice Note 1 - Joint Housing Land Availability Study (2015)

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

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

Technical Advice Note 12 - Design (2016)

Technical Advice Note 15 - Development in Flood Risk Areas (2004)

Technical Advice Note 18 – Transport (2007)

Technical Advice Note 23 - Economic Development (2014)

Local Planning Policy

Unitary Development Plan for Powys (2010)

UDP SP2 - Strategic Settlement Hierarchy

UDP SP3 - Natural, Historic and Built Environment

UDP SP4 - Economic Development and

UDP SP5 - Housing Development

UDP SP6 - Development and Transport

UDP SP9 – Local Community Services and Facilities

UDP SP14 - Development in Flood Risk Areas

UDP GP1 - Development Control
UDP GP2 – Planning Obligations
UDP GP3 - Design and Energy Conservation
UDP GP4 - Highway and Parking Requirements
UDP ENV1 - Agricultural Land
UDP ENV2 - Safeguarding the Landscape
UDP ENV3 - Safeguarding Biodiversity and Natural Habitats
UDP ENV7 – Protected Species
UDP HP3 - Housing Land Availability
UDP HP4 - Settlement Development Boundaries and Capacities
UDP HP5 - Residential Development
UDP HP6 - Dwellings in the Open Countryside
UDP HP7 - Affordable Housing within Settlements
UDP HP8 - Affordable Housing Adjoining Settlements with Development Boundaries
UDP CS3 – Additional Demand for Community Facilities
UDP T2 - Traffic Management
UDP TR2 - Tourist Attractions and Development Areas
UDP DC8 – Public Water Supply
UDP DC9 – Protection of Water Resources
UDP DC10 - Mains Sewerage Treatment
UDP DC13 - Surface Water Drainage
DC15 – Development on Unstable or Contaminated Land

Affordable Housing for Local Needs Supplementary Planning Guidance (SPG) (July 2011)

Powys Residential Design Guide

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

Section 38 (6) of the Planning and Compulsory Purchase Act 2004

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. For the avoidance of doubt, the development plan in this instance is the Powys Unitary Development Plan 2001-2016.

Outline Application

The application is for outline consent with all matters reserved. Should permission be granted, reserved matters (access, appearance, landscaping, layout and scale) will form separate applications for consideration at a later date. The plans to be considered in relation to this application are:

Location Plan RPP/RC-JOB33-01
Site Plan as proposed (indicative layout) RPP/RC-JOB33-03 A

Principle of Development

The proposed development lies wholly outside the settlement boundary of Llansantffriad Ym Mechain, as detailed on inset map M165, and would result in up to 16 dwellings being constructed outside the settlement boundary.

Outside of settlement boundaries, UDP Policy HP4 applies and this states that '*outside settlement boundaries, proposals for new residential development will only be approved where they comply with UDP Policies HP6, HP8 or HP9.*' Policy HP6 relates to rural enterprise dwellings, policy HP8 relates to affordable dwellings adjoining a settlement boundary and Policy HP9 relates to affordable dwellings within rural settlements. It is considered that the proposed development does not comply with UDP Policies HP6, HP8 or HP9. The proposed development is therefore not in accordance with the UDP and should be considered a departure.

Housing Land Supply

The departure is being justified by the applicant on the basis that Powys County Council does not have a 5 year housing land supply.

Paragraph 9.2.3 of Planning Policy Wales states that '*Local planning authorities must ensure that sufficient land is genuinely available or will become available to provide a 5-year supply of land for housing judged against the general objectives and the scale and location of development provided for in the development plan.*'

The Powys Joint Housing Land Availability Study (JHLAS) 2016 states that there was 2.2 years supply of housing land in the Powys Local Planning Authority (LPA) area. Failure to have a 5-year housing land supply is an important material consideration that should be taken into account when determining this scheme. Technical Advice Note 1: Joint Housing Land Availability Studies (2015) states as follows:

"The housing land supply should also be treated as a material consideration in determining planning applications for housing. Where the current study shows a land supply below the 5 year requirement or where the local planning authority has been unable to undertake a study, the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with development plan and national planning policies".

The JHLAS identified a significant undersupply of housing land within Powys. As mentioned above, TAN 1 confirms that the need to increase supply should be given considerable weight but only where the development would otherwise comply with development plan and national planning policies.

In light of the above, whilst acknowledging that the proposal does constitute a departure from the development plan, Members are advised that the lack of a five year housing supply in Powys does need to be given considerable weight in the determination of this application. However, before reaching a decision, the scheme will need to be considered against other

policies contained within the UDP in order for a balanced view to be made on the acceptability of the development overall.

Sustainable Location

When providing additional housing it is important to consider whether the scheme can be considered to be sustainable development. This can relate to a wide range of matters including public transport provision and access to education, employment opportunities and other services.

Llansantffraid is considered a key settlement in the UDP. Whilst key settlements do not have as wide a range of services and facilities as the area centres, they normally act as an important service hub to the surrounding area.

It is noted that the settlement of Llansantffriad is served by a church, chapel, primary school, football club and ground, public houses, shops, garage, doctor's surgery, community centre, veterinary surgery and industry. It is also noted that it is served by bus routes with regards to public transport.

In light of the above, the site is considered to be a sustainable due to the amenities and services provided locally and additional residential development in this location would accord with the provisions of Planning Policy Wales in so far as it is a sustainable location.

Affordable housing provision

With regards to affordable housing provision, the Unitary Development Plan Policy HP7 requires, among other matters, the provision of affordable housing within applications for five or more dwellings. The proportion secured should be based on the extent and type of need identified by a robust data source.

The Affordable Housing for Local Needs Supplementary Planning Guidance (SPG) states that our starting point for affordable housing provision on schemes of more than 5 dwellings should be 30-35%. However, the Viability Assessment forming part of the evidence base for the Local Development Plan identifies a guideline of 20% affordable provision in this area of Powys. It is contended that the CIL Viability Assessment provides a more up to date and robust basis for determining the affordable housing contribution than the now historic "guideline" figure contained within the UDP and on that basis, the 20% provision figure suggested is considered to be reasonable in this instance.

The applicant is prepared to accommodate a 20% provision of affordable housing which will be controlled through a section 106 agreement. In light of this, the proposal is considered compliant with the principle of policy HP7.

Impact on historic environment

Listed buildings:

The general duty with regards to listed buildings in exercising planning functions is set out within Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. It states that the local planning authority shall have special regards to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses when considering whether to grant planning permission for a development. This duty is echoed in UDP policy ENV14.

There are no listed structures immediately adjoining the development site but there are a number of listed features within the settlement of Llansantffriad. Although this is acknowledged, the development is not considered to impact these assets either directly or indirectly.

Conservation area:

The Llansantffraid conservation area is within close proximity to the application site. Special attention must be given to the desirability of preserving or enhancing the character or appearance of the conservation area under section 72(1) of the Planning (Listed Buildings and Conservation Areas) 1990.

Although the proposed development will be visible from parts of the conservation area and would affect views into the conservation area, these views would be at some distance. In addition, existing built form intercepts these views. Taking into account these factors, it is considered that proposal would not significantly detract from the character or appearance of the conservation area in accordance with UDP Policy ENV11.

Ancient monuments:

The desirability of preserving a scheduled ancient monument and its setting is a material consideration in determining a planning application whether the monument is scheduled or not. This is set out in Planning Policy Wales and Circular 60/96. UDP policies ENV17 and ENV18 also set out this consideration at a local level.

It is noted that Soldier's Mount (MG116), a scheduled ancient monument, is located approximately 300 metres north west of the application site. However the development is considered to have limited indirect impact, given the existing surrounding development, and no direct impact upon this feature.

Design and layout

Guidance contained within UDP policy HP5 indicates that residential development will be permitted where the development is of an appropriate scale, form and design and general character, to reflect the overall character and appearance of the settlement and surrounding area.

Whilst design and layout are reserved and will be dealt with at a later point in time, it is relevant to consider whether the number of dwellings proposed could be appropriately developed on the site.

The indicative layout resembles a modern residential layout which is broadly comparable to the existing modern development seen in the settlement. More importantly it shows that up to 16 dwellings could be accommodated on the site at a density of 27 dwellings per hectare. Building densities in rural areas are often low but in order to make efficient use of land, densities will need to be increased. 27 dwellings per hectare is the figure that is being promoted by the Planning Policy team for use in the Local Development Plan for towns and large villages and thus is considered to be appropriate in this instance.

Detailed design will follow at a later date (if this application is permitted) and this will give the opportunity to ensure the dwellings are designed in an appropriate manner to accord with the character of the settlement.

Overall a mix of two, three and four bedroom properties over two storeys are detailed within the scheme and this is considered to be appropriate.

Impact on residential amenity

UDP policy GP1 states that development proposals will only be permitted where the amenities enjoyed by the occupants of nearby or proposed properties will not be unacceptably affected. More specific guidance is set out in the Powys Residential Design Guide.

Although layout is a reserved matter, consideration has been given to the potential separation distances between properties, as well as their siting and orientation.

The most sensitive location for the development regarding this matter will be along the southern boundary of the site where it adjoins existing residential developments of Bryn Awelon and Bryn Marian. Both of these dwellings are elevated above the application site but Bryn Marian in particular is orientated towards the proposed development. The indicative layout does show the closest properties orientated so that Bryn Marian will front their flank elevations and the reserved matters application could ensure that these elevations are devoid of windows to avoid overlooking. It is therefore considered that appropriate levels of privacy could be achieved.

In relation to amenity more generally, it is noted that the indicative layout demonstrates that the proposed dwelling will be approximately 10 metres from Bryn Awelon and Bryn Marian at their closest points. This accords with the advice set out in the residential design guide.

The existing properties on Dyffryn Foel are approximately 55 metres from the proposed dwellings which is considered ample separation to ensure that amenity can be maintained.

Clearly, the layout at this stage is indicative and full consideration of this matter will be given at the reserved matters stage when full details of the scheme will be available. However, it is considered that the proposal is capable of accords with UDP policy GP1 and the guidance set out in the Powys Residential Design Guide so far as it relates to residential amenity.

Landscape and visual impacts

UDP Policy ENV2 states that proposals should *'take account of the high quality of the landscape throughout Powys and be appropriate and sensitive to the character and surrounding landscape'*. It goes on to state that proposals which are acceptable in principle should *'contain appropriate measures to ensure satisfactory Integration into the landscape'*.

The site occupies an infill site between the main developed area of Llansantffriad and a small cluster of existing residential units. In terms of LANDMAP Visual Sensory Areas (VSA), the site sits within the River Severn Floodplain (MNTGMVS650) which has a moderate evaluation and adjacent to Llansantffriad Ym Mechain VSA (MNTGMVS662) which also has a moderate classification. The area is characterised by a *'Relatively dispersed linear settlement without a distinct centre, based along the A495. Typified by modern infill/suburban style development with a few traditional style key buildings towards the geographical centre of the village.'* LANDMAP sets out the principal recommendations as *'Further development would benefit from enhancement with tree cover and greater definition of boundaries with hedgerow and trees, and should reflect existing field patterns in order to integrate into the existing landscape character'*. The proposed development has the potential to meet such objectives which could be secured at the reserved matters stage.

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

Impact on highway network and parking arrangements

UDP policy GP4 requires adequate highway provision in terms of a safe access, visibility, turning and parking. Access is indicative at this stage but is shown to be provided off the Dyffryn Foel estate road from the B4394.

Following the amendments to the indicative layout, the Local Highway Authority are satisfied that the development will not be detrimental to highway safety. Access is a reserved matter and full details of the scheme will be considered at the later stage.

Sewage disposal

The application details that the site will be served by mains systems in respect of the disposal of foul waters. The proposed use of mains sewerage disposal is compliant with UDP policy DC10.

Severn Trent Water have confirmed that they do not object to the proposed development subject to conditions relating to the agreement of surface and foul water drainage plans and have not raised concerns about the capacity of the system.

It is therefore considered that proposal in this regard is acceptable subject to conditions which have been attached at the end of this report.

Surface water drainage and flood risk

The application site is within Zone A of the TAN15 Development Advice Maps (areas not at risk of flooding). However, the site is partly in the surface water flooding extent as detailed on NRW mapping. Additional information has been received from the agent to indicate that there are means for appropriately attenuating the site which have been considered by the council's Land Drainage Engineer and who has confirmed that the detail of the matter can be controlled via planning condition prior to the commencement of development. The condition is detailed as suggested at the end of this report.

Impact on Ecology

The Council acknowledges the need to protect biodiversity from adverse development through careful monitoring, maintenance and the protection of habitats and species worthy of conservation. Therefore the nature conservation policies in the UDP seek to safeguard and enhance biodiversity, and these objectives are also echoed in national policy (TAN5 and Planning Policy Wales).

The application is supported by an extended phase 1 habitat survey which concludes that the two notable features of the site are the existing treeline along the northern boundary and the hedgerow along the roadside.

The plans indicate that the existing treeline will be removed to facilitate the creation of a roadway but that there will be the opportunity for additional tree and hedgerow planting within the development. Full consideration of this matter will also take place at the reserved matters stage and it is not considered that any individual trees need to be the subject of tree preservation orders at this time.

The roadside hedge will not be altered by the scheme.

Consultation with Natural Resources Wales and the County ecologist have resulted in conditions being suggested which are considered to be reasonable. The conditions are attached at the end of the report.

Planning obligations

Planning Authorities are permitted to seek planning obligations from developers of land in accordance with Circular 13/97. Development Management has consulted the Education Department and the Recreation Officer to see whether any planning obligations are necessary to serve the development.

In respect of recreation provision, it is noted that the plans detail an open space area in excess of 400 sq.m to serve the development. In accordance with the 6 acre standard, it is suggested that this area is equipped and the proposed section 106 agreement will ensure the provision and long term maintenance of this.

In respect of education, it is noted that the School Services have requested a contribution from the developer to serve the existing school in Llansantffriad that is over capacity. It is noted that previous developments have secured some funding and together with the proposed funding, it will enable the provision of an additional classroom. The figure suggested is £53,937. As this matter is still under negotiation with the agent, it is suggested that it be delegated to the Lead Professional for Development Management to negotiate a contribution that is appropriate to the development proposed.

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. The proposed development is for the provision of 16 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.

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

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

Conditions

1. Details of the access, layout, appearance, landscaping and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. A scaled plan showing the location of the affordable residential units shall be submitted to the Local Planning Authority at the same time as the other reserved matters referred to in Condition No. 1.
5. An affordable housing phasing statement detailing the precise phasing (completion details) of the affordable units proposed shall be submitted for approval at the same time as

the other reserved matters referred to in Condition No. 1. The development shall be implemented in full accordance with the approved scheme.

6. The affordable dwellings shall have a maximum gross floor area of 130 square metres (measured internally and including garages where designed as an integral part of the dwelling) and notwithstanding the provisions of schedule 2, part 1, classes A, B, C and E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), the affordable dwelling shall not be subject to extensions, roof alterations and buildings other than those expressly authorised by the reserved matters approval.

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

8. No development shall commence until a scheme for the surface water and land drainage of the site has been submitted to and approved in writing by the local planning authority. The approved scheme shall be completed before any dwellings are occupied.

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

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

(ii) an assessment of the potential risks to:

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

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

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

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

10. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and

site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990, The Contaminated Land (Wales) Regulations 2001 in relation to the intended use of the land after remediation. The detailed remediation scheme should not be submitted until written approval for Condition 9 has been received from the Local Planning Authority.

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

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

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

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 11.

13. A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of duration to be agreed in writing with the Local Planning Authority and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Within six months following the completion of the measures identified in that scheme and the achievement of the remediation objectives, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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

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

Reasons:

1. To enable the Local Planning Authority to exercise proper control over the development in accordance with Section 92 of the Town and Country Planning Act 1990.
2. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
3. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
4. In order to identify the affordable residential unit, in accordance with Policy HP7 of the Unitary Development Plan (2010).
- 5 & 6. In order to ensure the provision of affordable housing in accordance with Policy of HP7 of the Powys Unitary Development Plan (2010) and the Affordable Housing for Local Needs Supplementary Planning Guidance (2011).
7. To ensure that development is served by the public system in accordance with policy DC10 of the Powys Unitary Development Plan.
8. To ensure that the proposed surface water drainage system for the site are fully compliant with regulations and are of robust design in accordance with policy DC13 of the Powys Unitary Development Plan.
- 9 to 13. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policyDC15 of the Powys Unitary Development Plan.
14. To comply with Powys County Council's UDP Policies SP3, ENV2 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 7, July 2014), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.
15. To comply with Powys County Council's UDP Policies SP3 and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 7, July 2014), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.

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

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4.11

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2017/0295	Grid Ref:	303053.1 309313.75
Community Council:	Llanerfyl	Valid Date:	Officer: 16/03/2017 Eddie Hrustanovic
Applicant:	Miss Melany Price, Caddis Corner, Llanerfyl, Welshpool, Powys SY21 0HZ		
Location:	Land Adjacent to Ysgol Gynradd Llanerfyl, Llanerfyl, Welshpool Powys SY21 0HZ		
Proposal:	Full: Erection of a dwelling and garage, creation of access and all associated works (part retrospective)		
Application Type:	Application for Full Planning Permission		

The reason for Committee determination

The proposed development constitutes a departure from the adopted Powys Unitary Development Plan.

Site Location and Description

The site is located approximately 142 metres to the south of the development boundary of Llanerfyl and it is adjacent to Ysgol Gynradd Llanerfyl. Access is gained off the C2031 class three highway. Llanerfyl is classified as a small village within the Powys Unitary Development Plan with the information supplementing the inset map stating that there may be opportunities for affordable housing adjacent to the settlement development boundaries.

This application is in respect of the erection of a dwelling and garage and has been submitted in full. It is important to note that this application is resubmission of a recently approved application for dwelling and a garage; however the consented development was approved under Powys UDP Affordable Dwellings policy. The construction of the consented development has commenced, however it has ceased now due to the applicants financial difficulties. The current application is now seeking consent for an open market dwelling (without Affordable Occupancy restriction as originally approved under P/2014/1142 application).

The dwelling would be set within an existing field being some 20m back away from the adjoining highway. The proposal would be a 3 bedroomed detached dwelling with a detached double garage. The approximate dimensions are 8.7m in length, 11.6m in width with a maximum ridge height of 8.6m and 42m² decking at the rear. The garage measures 8m in length, 7m wide and 6m in height. The accommodation would comprise a kitchen, dining area, lounge, lobby and WC on the ground floor and 3 bedrooms, one ensuite and a bathroom. The internal gross floor area measures at approximately 130m². The dwelling would be externally finished in stone with natural slate roof tiles and the fenestration and

doors would be aluminium clad timber. The roof will also incorporate a single line of PV panels along the southern roof pitch.

The first 10m of the access shall be tarmac and the remainder of driveway and turning area would be laid with crushed stone.

Landscaping will include indigenous trees and plants within the curtilage and the existing vegetation around the boundary of the site shall remain. The only exception is that small section of the hedgerow either side of the access will be required to be removed in order to achieve highway visibility.

Consultee Response

Llanerfyl Community Council

Llanerfyl community council had no objections to the amendment

PCC - Highways

Please attach the following conditions:-

HC1 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.

HC2 The gradient of the access shall not exceed 1 in 15 for the first 10 metres measured from edge of the adjoining carriageway along the centre line of the access.

HC3 The centre line of the first 10 metres of the access road measured from the edge of the adjoining carriageway shall be at right angles to that edge of the said carriageway.

HC4 Within 5 days from 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 0.26 metres above ground level at the edge of the adjoining carriageway and 90 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway and 10 metres distant from the edge of the adjoining carriageway and 10 metres in each direction. Nothing shall be planted, erected or allowed to grow on the areas of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction thereafter.

HC7 Within 5 days from 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.

HC8 Prior to the occupation of the dwelling, provision shall be made within the curtilage of the site for the parking of not less than 1 cars 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 areas shall be retained thereafter and the turning areas shall be maintained at all times free from obstruction.

HC21 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.

HC30 The centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay.

Wales & West Utilities

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

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

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

Severn Trent

As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

PCC - Environmental Health

As the dwelling will be connected to the mains sewer I have no objection to the application.

Representations

Following display of a site notice, no public representations have been received.

Planning History

P/2015/0745 - Reserved Matters application for access, appearance, landscaping, layout & scale in connection with proposed dwelling & garage. Consent

P/2014/1142 - Outline application for a affordable dwelling and garage – Consent subject to a s106

Principal Planning Constraints

None

Principal Planning Policies

National planning policy

Planning Policy Wales (Edition 9, 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 18 – Transport (2007)
Technical Advice Note 23 – Economic Development (2014)

Local Planning Policies

Powys Unitary Development Plan (2010)
SP2 – Strategic Settlement Hierarchy
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
HP3 – Housing Land Availability
HP4 – Settlement Development Boundaries and Capacities
HP5 – Residential Development
HP6 – Dwellings in the Open Countryside
HP9 - Affordable Housing in Rural Settlements
HP10- Affordability Criteria
DC10 – Mains Sewage Treatment
DC13 – Surface Water Drainage

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

Section 38 (6) of the Planning and Compulsory Purchase Act 2004

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

Principle of Development

The site is located approximately 142 metres to the south of the development boundary of Llanerfyl and it is adjacent to Ysgol Gynradd Llanerfyl. Llanerfyl is classified as a small village within the Powys Unitary Development Plan with the information supplementing the inset map stating that there may be opportunities for affordable housing adjacent to the settlement development boundaries.

This application is in respect of the erection of a dwelling and garage and has been submitted in full. As noted above it is important to note that this application is resubmission of a recently approved application for a dwelling and a garage; however the consented development was approved under Powys HP8 (Affordable Housing Adjoining Settlements with Development Boundaries) policy. The said policy enables favourable consideration to proposals for affordable housing where the site adjoins a settlement with a development boundary, where the proposal is small in scale, well located and sensitively designed. In order to ensure that such properties remain affordable in perpetuity, the policy requires developers to enter into a section 106 agreement with the council.

In this instance the construction of the approved dwelling had commenced, however it had to cease due to the applicants financial difficulties and inability to gain a mortgage to finance the construction of the affordable dwelling. Therefore, the current application is now seeking consent for an open market dwelling (without Affordable Occupancy restriction as originally approved under P/2014/1142 application). It is also important to note that the principle of a dwelling at this location has already been established by granting the outline and reserved matter applications. Therefore, a further consideration is required in respect of the unrestricted dwelling, instead of affordable unit on the same site.

Housing land supply

The opportunity of securing an unrestricted dwelling has arisen as the Council is unable to demonstrate a five year housing land supply. In fact, the latest JHLAS (2016) indicates a supply of only 2.2 years within the county. In such circumstances, the need to increase housing supply must be given considerable weight provided that the development would otherwise comply with development plan and national planning policies.

The housing supply is a material consideration that should be given considerable weight in the determination of this application and balanced against compliance with national planning policies as set out within Section 6.2 of TAN 1:

'The housing land supply figure should also be treated as a material consideration in determining planning applications for housing. Where the current study shows a land supply below the 5-year requirement or where the local planning authority has been unable to undertake a study, the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with development plan and national planning policies'.

The JHLAS identified a significant undersupply of housing land within Powys. As mentioned above, TAN 1 confirms that the need to increase supply should be given considerable weight but only where the development would otherwise comply with development plan and national planning policies.

In terms of national planning policy, Planning Policy Wales also requires developments to be built in sustainable locations. This can relate to a wide range of matters including public transport provision, access to education, employment opportunities and other services.

The village is served by a church, primary school, community centre, garage/local shop. It is also served by a bus route. In light of the above, it is considered that the site is a sustainable location for the development of a single residential unit.

Siting, visual impact and design

Llanerfyl is classified as a small village within the Unitary Development Plan. The village has two separate development boundaries with the southernmost development boundary which encompasses the village workshops and the housing estates of Maesyllan and Maes Menial.

The proposed site is located some 142 metres from the development boundary, however, it is located close to the boundary of the playing fields associated with the primary school. The primary school is not located within the settlement development boundary either. Taking into account the nature of the locality and the location adjacent to the school, it is not considered that the proposed and previously consented development would appear detached from the settlement and would not appear as an isolated form of development which the national and local policies seeks to avoid. Overall, it is once again considered that the proposal site reasonably relates to the settlement of Llanerfyl.

The group of buildings adjacent to and including Pentre and the nearby school are noted to be stone. The dwelling is proposed to be stone thus in keeping with the character of the area which is welcomed. Taking into account the impact upon the character and appearance of the surrounding area, the scale and design of the dwelling are considered acceptable. The proposal would provide ample parking, turning and amenity space for occupants of the dwelling and the layout is considered to be appropriate in relation to the land levels and context of the site. Overall, it is considered that the height, proportion, scale, roof pitches, gable features, materials and fenestration of the proposal would reflect the overall character and appearance of the surrounding area.

Given that the nearest neighbouring property (Pentre) is located on the opposite side of the highway approximately 40 metres to the west of the application site, the proposal would not have any unacceptable adverse impact upon the amenities enjoyed by occupiers of neighbouring properties. Given that the permission was already granted for an affordable dwelling, it is noted that the scale of the dwelling would also be of similar proportions. Therefore it is considered that the proposal is in accordance with the provisions of UDP policy GP1 and Powys Residential Design Guide.

Landscaping

The submission indicates that the hedgerows and mature vegetation surrounding the site would be retained albeit slightly amended along the highway boundary to appease highway specification. Further planting of indigenous trees and vegetation is proposed around the curtilage to further minimise the impact and enhance the site in terms of biodiversity. Taking into account the location of the proposed dwelling, it is considered that the proposed landscaping measures are adequate and would assist in ensuring that the dwelling does not have an unacceptable detrimental impact upon the character and appearance of the surrounding locality.

Highway access

UDP policy GP4 confirms that in the interests of highway safety, all development proposals that generate or involve traffic must be provided with an adequate means of access including visibility, parking and turning facilities.

The outline consent included a number of conditions relating to access and visibility improvements in order to satisfy highway safety concerns. In this instance The Highway Authority has not objected to the proposal and has requested inclusion of identical conditions that were applied previously. Therefore it is considered that the proposed access arrangements would be provided in accordance with UDP Policy GP4.

Foul sewage disposal and surface water drainage

It is proposed to dispose of foul sewage to the mains sewer while the surface water will be disposed via soakaways. On the basis of Severn Trent Water confirms as the proposal has minimal impact on the public sewerage system that they don't have objections to the proposals and do not require a drainage condition to be applied. Therefore, it is considered that the proposal complies with the provisions of UDP Policies DC10 and DC13.

Impact on Ecology

The Council acknowledges the need to protect biodiversity from adverse development through careful monitoring, maintenance and the protection of habitats and species worthy of conservation. Therefore the nature conservation policies in the UDP seek to safeguard and enhance biodiversity, and these objectives are also echoed in national policy (TAN5 and Planning Policy Wales).

The proposed access will require a removal of a small section of hedgerow in order to facilitate vehicular access visibility splays. The loss of the hedgerow is considered to be minimal and the proposed landscaping will ensure that appropriate compensation and enhancement are secured in relation to biodiversity.

Overall, it is considered that the scheme would have minimal ecological impact and that appropriate enhancement can be secured with proposed landscaping.

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

The proposed development is for the provision of a single dwelling 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. It is recommended that the application be approved subject to the conditions set out below.

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 xxxx (drawing no's: PL1, PL2, PL3, L03a).
3. Prior to their first use full details or samples of materials to be used externally on walls and roofs shall be submitted to and approved in writing by the Local Planning Authority.

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

5. 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.

6. The gradient of the access shall not exceed 1 in 15 for the first 10 metres measured from edge of the adjoining carriageway along the centre line of the access.

7. The centre line of the first 10 metres of the access road measured from the edge of the adjoining carriageway shall be at right angles to that edge of the said carriageway.

8. Prior to the occupation of the dwelling the access shall be fully completed 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 0.26 metres above ground level at the edge of the adjoining carriageway and 90 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway and 10 metres distant from the edge of the adjoining carriageway and 10 metres in each direction. Nothing shall be planted, erected or allowed to grow on the areas of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction thereafter.

9. 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.

10. 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.

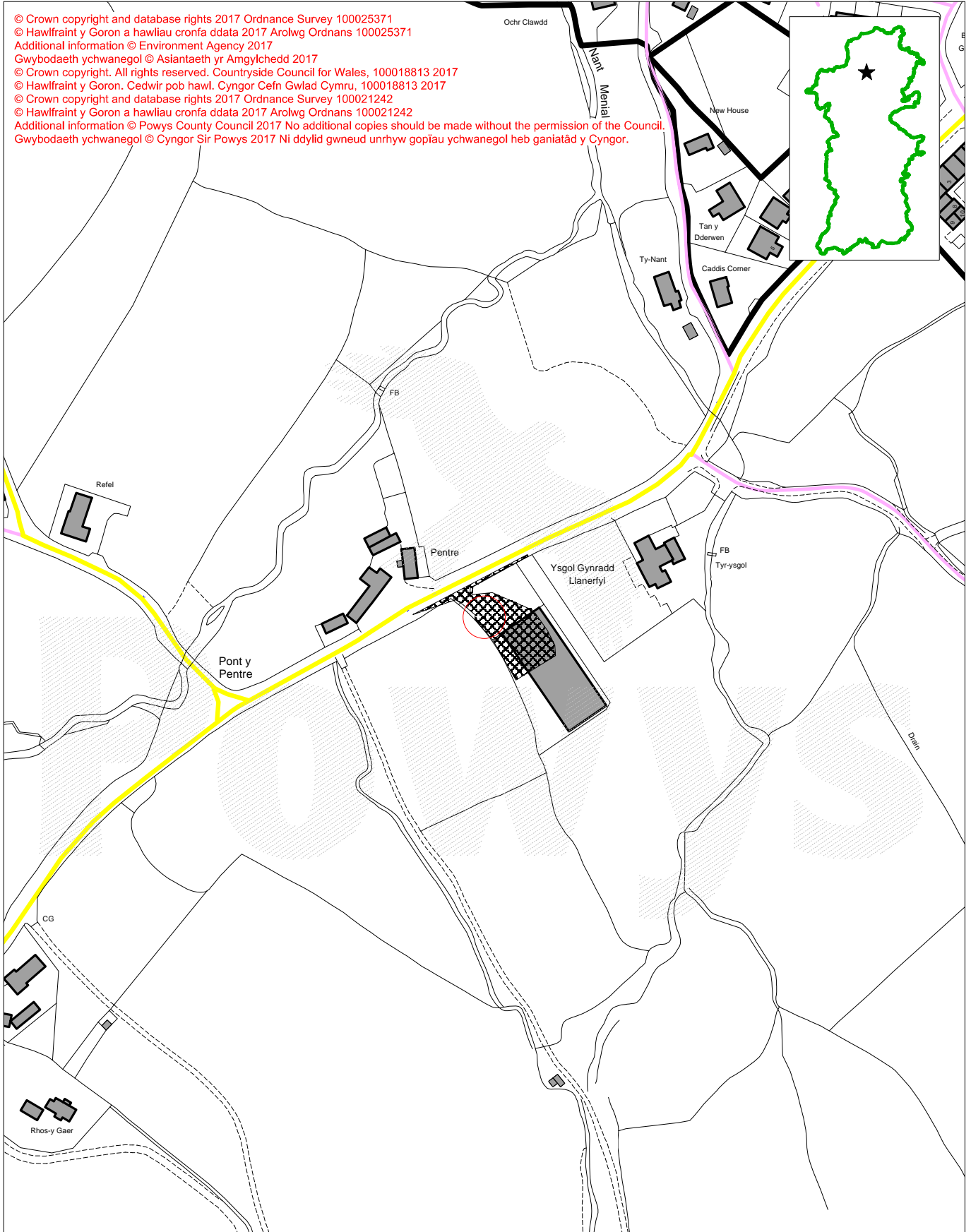
11. The centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay.

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 the visual amenity of the area and to ensure the satisfactory appearance of the building in accordance with policies GP1 and GP3 of the Powys Unitary Development Plan and the Councils Residential Design Guide.
4. To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment, visual amenity and privacy in accordance with policies GP1 and ENV2 of the Powys Unitary Development Plan.
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.
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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4.12

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	AGRI/2017/0042	Grid Ref:	314833.69 312625.96
Community Council:	Meifod	Valid Date:	Officer: 31/05/2017 Sara Robinson
Applicant:	J W Wilkinson, Dyffryn, Meifod, Powys, SY22 6HL.		
Location:	Land at Dyffryn, Meifod, Powys, SY22 6HL.		
Proposal:	AGRI: Application for prior notification for proposed erection of an agricultural building		
Application Type:	Application for prior Notification of Agricultural or Forestry development		

The reason for Committee determination

The applicant is a County Councillor.

Site Location and Description

The site subject to this notification is located to the south west of Meifod. The proposed agricultural building is located within the existing agricultural holding known as Dyffryn. To the north of the proposed development are existing agricultural buildings and the classified road A495 beyond; to the east, south and west are agricultural fields.

This prior notification is for the erection of an agricultural building. The proposed building is designed for the purposes of the storing of fodder. The proposed building measures a floor space of approximately 371 square metres. The proposed building measures approximately 30.48 metres in length and 12.19 metres in width and reaches a height of approximately 11.9 metres to ridge. The proposed building is to be finished with cement with box profile above for the walls and slate blue fibre cement profile sheets for the roof.

Under class A (2) of part 6 of The Town and Country Planning (General Permitted Development) Order 1995, developers are required to submit a prior notification for various agricultural developments to enable the planning authority to determine whether the prior approval of the planning authority will be required for the siting, design and external appearance of the building. In addition, the planning authority is required to determine whether the proposal would not be permitted development and as such would require full planning permission.

Consultee Response

CPAT

I can confirm that there are no archaeological impacts arising from the proposed new track location.

Planning History

M/2007/0946

Principal Planning Constraints

Flood Zone
Nat Flood zone 3
Nat Flood Zone 2

Principal Planning Policies

National Policies

The Town and Country Planning (General Permitted Development) Order 1995 – Schedule 2, Part 6 Agricultural Buildings and Operations.

Planning Policy Wales (9th Edition, 2016)

Local Policies

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
ENV14- Listed Buildings
EC9 – Agricultural Development
HP4 - Settlement Development Boundaries and Capacities
DC1 - Access by Disabled Persons
SP14 - Development In Flood Risk Areas

TAN 24 – The Historic Environment (2017)

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

Section 38 (6) of the Planning and Compulsory Purchase Act 2004

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.

Proposed Development

Schedule 2, Part 6, Class A, of the Town and Country Planning (General Permitted Development) Order 1995 allows works for the erection of an agricultural building for when that proposed building is to be used for agricultural purposes and the agricultural land unit is 5 hectares or more.

The proposed building will be located within the existing agricultural holding to the south of the existing agricultural buildings. The proposed agricultural shed covers a total floor space area less than 465 square metres. It is not within close distance of an aerodrome. The application site is located within the existing agricultural yard where the area of the land is greater than 1 hectare. The proposed shed is located over 100 meters from the classified road, A495. The nearest property to the application site is Hafod which is located approximately 200 meters to the north- west of the application site; however the building will not be used for the purposes of housing livestock or slurry.

Whilst it is noted the scale of the building reaching a height of approximately 11.9 metres, it is considered that this is required necessary for the use of the building to allow a tipper trailer to empty a load of fodder. Given the design of the proposed building (mono-pitched) and location adjoining existing agricultural buildings it is considered that whilst noting the height of the building when viewed within the landscape and in connection with the existing buildings it would not be seen as out of character or dominant. Furthermore the proposed materials of cement walls with box profiling slate blue for the roof are considered to be typical and practical for farming operations and complement the materials used on the existing holding, therefore again reducing the overall visual impact of the building.

It is therefore considered that the proposed building would not have an unacceptable impact on the character and appearance of the surrounding area and has been sensitively designed and located to reduce the overall visual impact of the proposed building.

Listed Buildings

It is noted that opposite the A495 County Highway there is a range of listed buildings. Policy ENV14 seeks to ensure that proposals that unacceptably adversely affect a listed building or its setting will be refused.

Following a site visit it is considered that given the location of the proposed building located to the rear of existing modern agricultural buildings on the opposite side of the A495 county highway some 160 metres distance from the listed buildings, that the proposed building would not be seen as having any unacceptable adverse impact on the setting of the listed buildings.

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

It is recommended that the proposed works shall be allowed to go ahead subject to the following:

1. The works hereby approved shall be carried out within two years from the date of this decision.

Informative Notes

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

Birds - Wildlife and Countryside Act 1981 (as amended)

The site of the proposed tree works is considered to have potential to support nesting birds during the breeding season. All nesting birds, their nests, eggs and young are protected under the Wildlife and Countryside Act 1981 (as amended).

It is therefore an offence to:

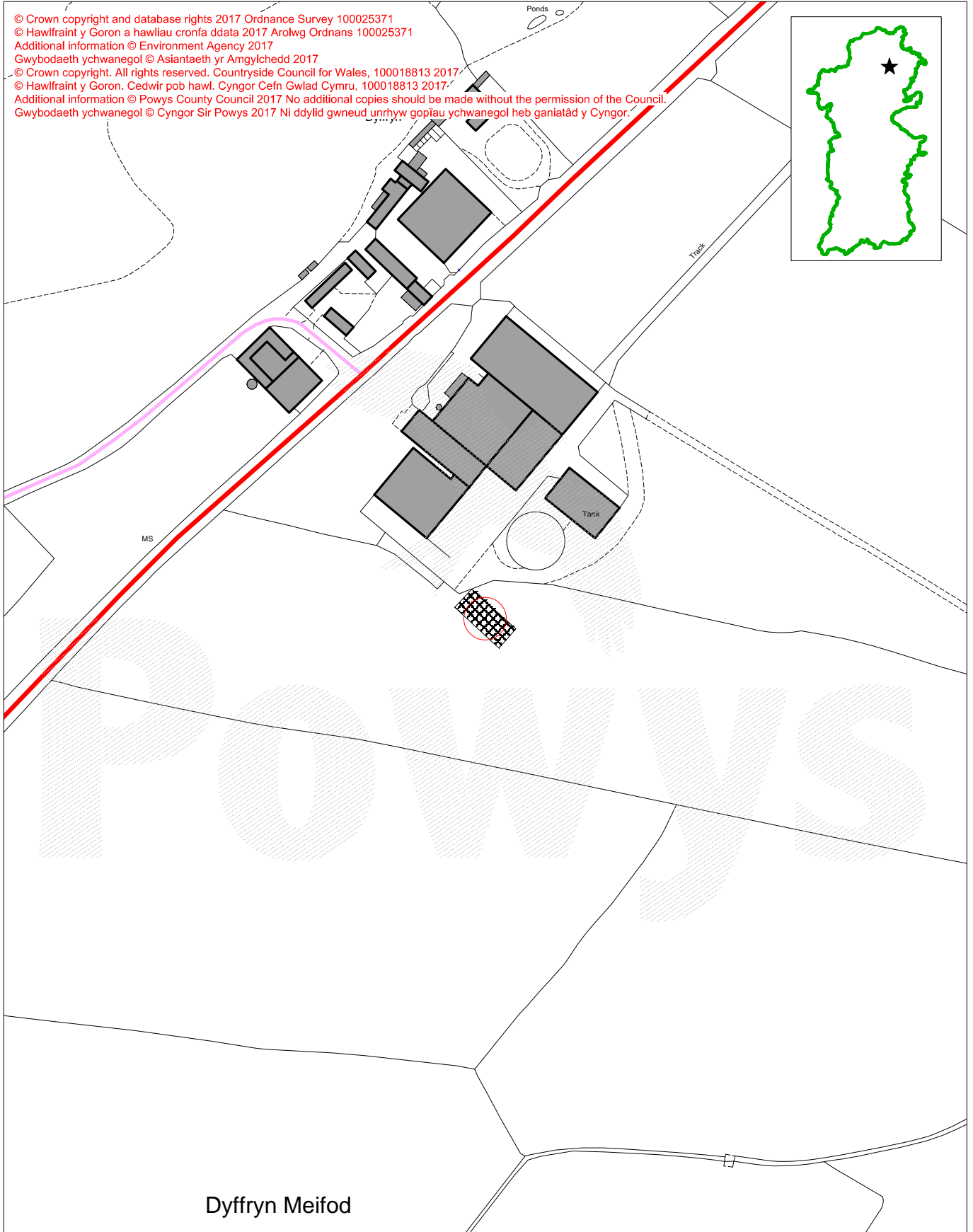
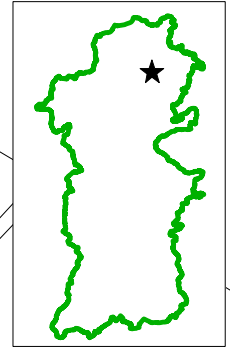
- intentionally kill, injure or take any wild bird
- intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built
- intentionally take or destroy the egg of any wild bird
- intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule 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.

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Delegated List

15/06/2017**04/07/2017**

For the purpose of the Local Government (Access to Information) Act 1985, the background papers relating to each individual planning application constitute all the correspondence on the file as numbered in the left hand column.

FOR INFORMATION
Decisions of the Head of Regeneration, Property & Commissioning on
Delegated Applications

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2016/1111 LBC	26/10/2016	CONSENT	16/06/2017	LBC: Removal of window and formation of a fire escape door	Red Lion Hotel Castle Caereinion Welshpool SY21 9AL
P/2017/0447 FULL	21/04/2017	CONSENT	16/06/2017	Full: Installation of an emergency external fire escape staircase together with new doorway to side elevation	Crown Inn North Street Rhayader LD6 5BT

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/0380 RES	25/04/2017	CONSENT	19/06/2017	Reserved matters application for appearance, landscaping, layout and scale relating to proposed dwelling following outline approval P/2014/0814	Land at Greenfields Forden Welshpool SY21 8LJ
P/2017/0426 HOUS	28/04/2017	REFUSE	19/06/2017	Householder: installation of new UPVC windows and door to front elevation	34 Victoria Avenue Llanidloes SY18 6AS
P/2017/0088 LBC	23/01/2017	REFCADW	20/06/2017	Listed Building Consent: Repair to internal stairs and rendering to external wall	Church View St. Edwards Close Knighton LD7 1AJ
P/2017/0391 REM	10/04/2017	REFUSE	20/06/2017	Section 73 application to vary condition no. 2 attached to planning permission P/2016/0868 (to lengthen hours) and to remove condition no's 3 & 5 (noise level restrictions and restriction on doors being kept closed)	Tyddyn Llwydion Cefn Coch Llanrhaeadr Ym Moch SY10 0BQ
P/2017/0428 REM	13/04/2017	CONSENT	20/06/2017	Section 73 application to vary condition no. 2 attached to planning permission P/2016/1009 (for installation of new windows and installation of new door to north elevation including widening of opening)	Midland Bank East Street Rhayader LD6 5DU

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/0495 FULL	03/05/2017	CONSENT	20/06/2017	Full: Alterations and extensions to surgery, formation of additional car parking area and new emergency ambulance access	Unit 2 Four Crosses Four Crosses Business Park Llanymynech SY22 6ST
P/2016/1245 OUT	15/12/2016	CONSENT	21/06/2017	Erection of a rural workers dwelling, new access, installation of septic tank and associated works	Fan Lland Llanfihangel Nant Melan New Radnor LD8 2TW
P/2017/0140 FULL	10/02/2017	CONSENT	21/06/2017	Creation of a single vehicular access and driveway off the A44	The Grange Nantmel Llandrindod Wells LD1 6EL
P/2017/0197 HOUS	14/02/2017	CONSENT	21/06/2017	Householder: Demolition of existing lean to and erection of a two storey side extension	Tanyllidiart Llangedwyn Bwlch-Y-Ddar Oswestry SY10 9LJ
P/2017/0300 FULL	20/03/2017	CONSENT	21/06/2017	Full: Erection of replacement dwelling	Caryleen Llandilo Graban Builth Wells LD2 3SX

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/0383 OUT	07/04/2017	CONSENT	21/06/2017	Outline: Erection of an affordable dwelling, installation of sewage treatment plant and formation of vehicular access	Land at Brynllwarch Garden Kerry Newtown SY16 4PD
P/2017/0433 FULL	04/05/2017	CONSENT	21/06/2017	Full: Erection of an agricultural shed	Tyn Y Celyn Bwlch-Y-Ddar, Llangedwyn Oswestry SY10 9LN
P/2017/0449 HOUS	24/04/2017	CONSENT	21/06/2017	Householder: Erection of a two storey extension	Bodkin House Llangunllo Knighton LD7 1SS
P/2017/0474 HOUS	26/04/2017	CONSENT	21/06/2017	Creation of replacement access to dwelling	Troedyrharn Garthbrenny LD3 9TN
P/2017/0509 HOUS	08/05/2017	CONSENT	21/06/2017	Householder: Erection of a single storey extension	Braeside Dark Lane Rhayader LD6 5DB

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/0469 FULL	27/04/2017	CONSENT	22/06/2017	Full: change of use of basement office (B1) to a residential flat (C3)	Trafford House Temple Street Llandrindod Wells LD1 5HG
P/2017/0100 FULL	31/01/2017	CONSENT	23/06/2017	Full: Erection of agricultural workers dwelling, creation of new access and installation of septic tank	The Porth Abbeycwmhir Llandrindod Wells LD1 6PT
P/2017/0192 FULL	10/03/2017	REFUSE	23/06/2017	Full: Conversion of freehold residence into 2 no. self contained flats	Hafod Llanfihangel Talylyn Brecon LD3 7TG
P/2017/0409 RECO	12/04/2017	CONSENT	23/06/2017	Reserved matters application for appearance, landscaping, layout & scale in connection with proposed dwelling and garage	Land adjoining Llidiartywaun Community Centre Llidiartywaun Llanidloes SY18 6JT
P/2017/0432 HOUS	02/05/2017	CONSENT	23/06/2017	Householder: Demolition of garage and erection of extensions	Bryn Nicholas Gwystre Llandrindod Wells LD1 6RW

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/0462 FULL	26/04/2017	CONSENT	23/06/2017	Full: Erection of a one bedroom dwelling, demolition of garage, formation of vehicular access and all associated works	Land adjoining Queens Court Old Kerry Road Newtown SY16 1BL
P/2017/0454 HOUS	25/04/2017	CONSENT	26/06/2017	Householder: Erection of extensions to an existing dwelling.	Lyndale Llanymynech Arddleen Welshpool SY22 6RU
P/2016/1024 LBC	17/10/2016	REFCADW	27/06/2017	Listed Building Consent: Internal and external alterations	Park Cottage Leighton Welshpool SY21 8HJ
P/2017/0029 FULL	20/03/2017	CONSENT	27/06/2017	Full: Erection of an extension to an agricultural building and all associated works (part retrospective)	Wernllwyd Berriew Welshpool SY21 8AA
P/2017/0275 HOUS	16/03/2017	REFUSE	27/06/2017	Householder: Removal of garage and erection of extensions. Alterations to conservatory roof, fenestrations and existing access	Frondirion Penegoes Machynlleth SY20 8NH

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/0319 ADV	05/05/2017	CONSENT	27/06/2017	Advertisement: Display of 2 no. non-illuminated roadside signage	Land off A479 at Bronllys/Talgarth Roundabout Bronllys LD3 0HN
P/2017/0354 FULL	31/03/2017	CONSENT	27/06/2017	Full: Change of Use of traditional agricultural building to residential dwelling, demolition of agricultural building to rear, installation of sewage treatment plant and improvements to existing vehicular access	Pinwydd Churchstoke Montgomery SY15 6TG
P/2017/0460 FULL	26/04/2017	CONSENT	27/06/2017	Full: Erection of a cattle shed	Cnwch Llanbister Road Llandrindod Wells LD1 6UG
P/2017/0517 FULL	04/05/2017	CONSENT	27/06/2017	Full: Erection of an agricultural building	Gwynfan Farm Llanyre Llandrindod Wells LD1 6EE
P/2017/0233 FULL	06/03/2017	CONSENT	28/06/2017	Full: Change of use of land to form site for holiday units comprising 6 no. cabins, formation of vehicular access and roadway, installation of sewage treatment plant and all associated works	Land at Rhyddyfeity Staylittle Llanbrynmair SY19 7BY

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/0247 FULL	13/03/2017	CONSENT	28/06/2017	Full: Erection of an agricultural building	Lower Trawscoed Newbridge-On-Wye Llandrindod Wells LD1 6HR
P/2017/0316 FULL	22/03/2017	CONSENT	28/06/2017	Full: Erection of a replacement dwelling and garage. Installation of a sewage treatment plant, formation of new vehicular access and all associated works	Glaslyn Llanfair Caereinion Welshpool SY21 0HB
P/2017/0424 FULL	13/04/2017	CONSENT	28/06/2017	Full: Erection of a replacement dwelling (demolition of existing dwelling) and associated works	Ty Newydd Erwood Builth Wells LD2 3EZ
P/2017/0446 HOUS	09/05/2017	CONSENT	28/06/2017	Householder: Erection of a first floor extension	32 Carno Maes y Dafarn Caersws SY17 5NG
P/2017/0493 ADV	16/05/2017	CONSENT	28/06/2017	Advertisement: Rebranding external signs. 2 Facia, 1 Illuminated hanging sign & 1 Illuminated store totem	Morrisons Supermarket Berriew Road SY21 7SJ

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/0511 HOUS	23/05/2017	CONSENT	28/06/2017	Householder: Erection of single storey extension to dwelling.	5 Tan-y-Mur Montgomery SY15 6PR
P/2017/0515 FULL	08/05/2017	CONSENT	28/06/2017	Full: Conversion of dwelling into 2 no. 1 bedroomed flats	214 Swallow Drive Newtown SY16 1JZ
P/2017/0516 HOUS	18/05/2017	CONSENT	28/06/2017	Householder: Timber decking with handrails and steps.	Old Vicarage Painscastle Builth Wells LD2 3JQ
P/2017/0526 FULL	10/05/2017	CONSENT	28/06/2017	Full: Erection of an agricultural livestock building	Building 3B Forden The Gaer Welshpool SY21 8NR
P/2017/0529 FULL	10/05/2017	CONSENT	28/06/2017	Full: Erection of an agricultural livestock building	Building 3A Forden The Gaer Welshpool SY21 8NR

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/0537 FULL	10/05/2017	CONSENT	28/06/2017	Full: Erection of an agricultural building	Building 2 Forden The Gaer Welshpool SY21 8NR
P/2017/0185 FULL	20/02/2017	CONSENT	29/06/2017	Full: Erection of Poultry unit with associated feed bins and associated works	Rallt Carno Caersws SY17 5JX
P/2017/0250 HOUS	05/04/2017	REFUSE	29/06/2017	Householder: Erection of an extension and all associated works	Dolbedwyn Newchurch Kington HR5 3QQ
P/2017/0251 LBC	05/04/2017	REFUSE	29/06/2017	LBC: Erection of an extension, internal alterations and all associated works	Dolbedwyn Newchurch Kington HR5 3QQ

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/0365 REM	11/04/2017	CONSENT	29/06/2017	Section 73 application for variation of conditions 6 and 14 of M/2004/0857 in relation to approved plans	Yr Hen Lety Llidiartywaun Llanidloes SY18 6JX
P/2017/0398 OUT	11/04/2017	CONSENT	29/06/2017	Outline: Erection of 1 no. dwelling within residential curtilage (all matters reserved)	Tynwtra Bwlch-Y-Ffridd Newtown SY16 3HX
P/2017/0484 HOUS	16/05/2017	CONSENT	29/06/2017	Householder: Demolition of existing attached garage and erection of extension & erection of detached garage.	Maenllwyd New Road Montgomery SY15 6UJ
P/2017/0531 CLA2	11/05/2017	APPROVE	29/06/2017	Section 192 application for certificate of lawful proposed development for changes to fenestrations	Christchurch Court Park Crescent Llandrindod Wells LD1 6AB
P/2017/0313 HOUS	22/03/2017	CONSENT	30/06/2017	Householder: Demolition of existing rear extension and external refurbishment to rear	14 Market Street Llanfyllin SY22 5BX

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/0314 LBC	22/03/2017	CONSENT	30/06/2017	Listed Building Consent: Demolition of existing rear extension and external refurbishment to rear	14 Market Street Llanfyllin SY22 5BX
P/2017/0418 FULL	13/04/2017	CONSENT	30/06/2017	Full: Erection of a free range poultry unit with associated silos together with formation of access track and associated works	Land at Middle Garth Aberhafesp Newtown SY16 3LN
P/2017/0585 HOUS	25/05/2017	CONSENT	30/06/2017	Householder: Replacement of front porch to existing dwelling & replacement of side extension.	Bank House Trewern Garreg Bank Welshpool SY21 8EA
P/2015/0029 OUT	06/01/2015	CONSENT	03/07/2017	Outline: Construction of 17 dwellings and associated infrastructure works	Highfields St Harmon Road Rear of Alston Rhayader LD6 5NR
P/2016/0615 FULL	08/06/2016	CONSENT	03/07/2017	Erection of an affordable dwelling, installation of septic tank, formation of vehicular access including improvements to existing access at junction opposite "The Pullets" (resubmission of P/2015/0915)	Land at Little Bank Farm Churchstoke Mellington Montgomery SY15 6TL

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/0253 FULL	02/03/2017	CONSENT	03/07/2017	Full: Erection of an agricultural livestock building and associated works	Land at Rhandregynwen Farm Four Crosses Llanymynech SY22 6SN
P/2017/0257 FULL	02/03/2017	CONSENT	03/07/2017	Full: Erection of an agricultural livestock building and associated works	Land at Rhandregynwen Farm Four Crosses Llanymynech SY22 6SN
P/2017/0356 HOUS	09/05/2017	REFUSE	03/07/2017	Householder: Removal of existing windows and replace with UPVC Sash Windows within a Conservation Area	1 Wellington Terrace Wellington Road Llandrindod Wells LD1 5NG
P/2017/0357 HOUS	24/04/2017	CONSENT	03/07/2017	Householder: Demolition of boiler room, erection of extensions, remodelling and modernisation of existing detached bungalow	2 Parc yr Irfon Builth Wells LD2 3NG
P/2017/0362 LBC	08/05/2017	REFCADW	03/07/2017	Listed Building Consent: Internal refurbishment with some external repairs to fenestrations, and all associated works.	12 A Broad Street Welshpool SY21 7SD

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/0410 LBC	12/04/2017	REFUSE	03/07/2017	LBC: Internal works and restructure, demolition of outbuilding, replacement of existing fenestrations and all associated works	Llys Maldwyn Heol Y Doll Machynlleth SY20 8BQ
P/2017/0479 HOUS	10/05/2017	CONSENT	03/07/2017	Demolition and replacement of single storey extension and internal alterations	Cwrtau Bach Barn Garthbregby Brecon LD3 9TN
P/2017/0518 FULL	09/05/2017	CONSENT	03/07/2017	Full: Application under the Telecommunications Act 1984 Schedule 2 for proposed installation of a telecommunications base station, 20m monopole supporting 3 no antennas, 2 no dishes with associated equipment cabinets and	Land at Old Impton Farm Norton Presteigne LD8 2EN
P/2017/0465 FULL	17/05/2017	CONSENT	04/07/2017	Full: Erection of 2 flats	Rhoslyn High Street Llandrindod Wells LD1 6AG