

Planning, Taxi Licensing & Rights of Way Committee

Meeting Venue
**Council Chamber - County Hall,
Llandrindod Wells, Powys**

Meeting Date
Thursday, 14 September 2017

Meeting Time
10.00 am



County Hall
Llandrindod Wells
Powys
LD1 5LG

For further information please contact
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7 September, 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 24th August, 2017 as a correct record.

(Pages 5 - 20)

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 and Regulatory Services and to make any necessary decisions thereon.

(Pages 21 - 24)

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/2017/0455 Cae A Llwyn, Llwyn Lane, Nantmel, Rhayader, LD6 5PE

(Pages 25 - 38)

4.3. P/2017/0230 Former British Legion Hall, Waterfall Street, Llanrhaeadr, Powys, SY10 0JS

(Pages 39 - 64)

4.4. P/2017/0574 Land at Gate Farm, Criggion Lane, Trewern, Welshpool, Powys SY21 8DU

(Pages 65 - 90)

4.5. P/2017/0299 Land adj to Belin Mount, Crewgreen, Shrewsbury SY5 9FB

(Pages 91 - 114)

4.6. P/2017/0245 Land Adjoining Trem Hirnant, Manafon, Welshpool, Powys SY21 8BX

(Pages 115 - 144)

- 4.7. **P/2017/0320 Land east of Maes Hyfryd, Llanfair Caereinion, Welshpool, Powys, SY21 0RY**
(Pages 145 - 166)
- 4.8. **P/2017/0318 Land at Oakleigh, Refail, Berriew, Powys SY21 8AJ**
(Pages 167 - 184)
- 4.9. **P/2017/0542 Twin Oaks, Guilsfield, Welshpool, Powys, SY21 9PX**
(Pages 185 - 206)
- 4.10. **DIS/2017/0088 Clyro Primary School, Clyro, Hereford, Powys, HR3 5LE**
(Pages 207 - 214)
- 4.11. **DIS/2017/0091 Clyro Primary School, Clyro, Hereford, HR3 5LE**
(Pages 215 - 220)
- 4.12. **DIS/2017/0099 Clyro C in W Primary School, Clyro, Hereford, HR3 5LE**
(Pages 221 - 228)
- 4.13. **DIS/2017/0119 Land at Baskerville Hall Hotel, Clyro Court, Clyro, Hereford, Powys, HR3 5LE**
(Pages 229 - 234)

5.	DECISIONS OF THE HEAD OF REGENERATION AND REGULATORY SERVICES ON DELEGATED APPLICATIONS
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To receive for information a list of decisions made by the Head of Regeneration and Regulatory Services under delegated powers.

(Pages 235 - 248)

6.	APPEAL DECISION
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To receive the Planning Inspector's decision regarding an appeal.

(Pages 249 - 250)

MINUTES OF A MEETING OF THE PLANNING, TAXI LICENSING & RIGHTS OF WAY COMMITTEE HELD AT COUNCIL CHAMBER - COUNTY HALL, LLANDRINDOD WELLS, POWYS ON THURSDAY, 24 AUGUST 2017

PRESENT

County Councillor D R Price (Chair)

County Councillors K Lewis, L George, H Hulme, E M Jones, K Laurie-Parry, H Lewis, D Selby, E Vaughan, G I S Williams, J Williams and R Williams

1.	APOLOGIES
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Apologies for absence were received from County Councillors M Barnes, L V Corfield, M J Jones, I McIntosh, P C Pritchard, P Roberts, K S Silk, D A Thomas and D H Williams.

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 3 August, 2017.

Taxi and other licensing

3.	DECLARATIONS OF INTEREST
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There were no declarations of interest in respect of the next item on the Agenda.

County Councillors L. George and H. Hulme moved to the public seating area as they had not been present at the previous meeting where the following item was considered.

4.	VEHICLE LICENCE CONDITIONS
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In response to the Committees' comments at the previous meeting regarding the proposed revision of the Authority's conditions for licensed Hackney Carriage and Private Hire Vehicles, the Senior Licensing Officer had further reviewed the proposed conditions. The Committee considered the further amendments [copy filed with the minutes].

The Committee noted the proposed conditions regarding wheelchair accessible vehicles. It considered the timescale in which the taxi trade would be required to comply with the condition, to ensure the safety of the public. In respect of possible exemptions for private hire operators providing Executive Hire, the Committee considered that there should be no exemptions, as display fixings would not impact on the bodywork of a vehicle.

RESOLVED	Reason for decision
1. That wheelchair accessible vehicles [WAVs] must meet European Community Whole Vehicle Type Approval [EWVTA]	To ensure the safety of people who use wheelchairs.

<p>within 12 months of the new conditions coming into force.</p>	
<p>2. That all hackney carriage or private hire vehicles shall display an identification and signage plate approved by the Licensing Authority.</p>	<p>To ensure that the public know that a vehicle is licensed.</p>
<p>3. That subject to the above: (i) the revised vehicle licence conditions set out at Agenda Item 4 be approved for consultation with the taxi trade via a trade newsletter sent to all drivers. The trade will have 14 days to respond. (ii) That the consideration of any objections to the revised conditions be delegated the Chair and Vice Chair of the Planning, Taxi Licensing and Rights of Way Committee in consultation with the Senior Licensing Officer. (iii) That subject to (ii) above, the revised vehicle conditions will come into effect for vehicle licences issued after the end of consultation.</p>	<p>To commence consultation on revised vehicle licence conditions for hackney carriages and private hire vehicles licensed by Powys County Council.</p> <p>To ensure up to date vehicle conditions are applied to all licensed hackney carriage and private hire vehicles in Powys to promote public safety.</p>

County Councillors L. George and H. Hulme resumed their seats in the Committee.

County Councillor R Williams arrived.

<p>5.</p>	<p>DECLARATIONS OF INTEREST</p>
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(a) County Councillor K Lewis declared a personal and prejudicial interest in applications P/2026/0796 and P/2016/0797 because he knows the applicant's family.

County Councillor K Laurie-Parry declared a personal non-prejudicial interest in application TREE/2017/0025 as she had been appointed as a school governor to Gwernyfed High School.

(b) The Committee noted that no Member requested that a record be made of their membership of a Community Council where discussion had taken place of matters for the consideration of this Committee.

(c) County Councillor H Hulme (who is a member of the Committee) declared that she would be acting as 'local representative' in respect of application P/2017/0154.

(d) The Committee noted that the following Councillors (who are not members of the Committee) would be speaking as the 'local representative' as follows:
P/2017/0010 County Councillor A Jenner
P/2017/0200 County Councillor G. Jones

6. 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).

6.1 Updates

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

County Councillor K Laurie-Parry moved to the public seating area as she was not at the previous meeting when the following application was considered.

County Councillor H Hulme moved to the public seating area as she was acting at the "local representative" for the next application.

6.2 P/2017/0154 Land adjoining "The Garage", Adfa, Newtown, Powys SY16 3DW

Application No:	P/2017/0154
Grid Ref:	305746.64 301004.76
Valid Date:	10/02/2017
Officer:	Eddie Hrustanovic
Community Council:	Dwyriw Community Council
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 5 dwellings, creation of access and associated works (some matters reserved)
Application Type:	Application for Outline Planning Permission

The Planning Officer advised that the applicant had reduced the number of proposed dwellings from 9 to 5 [4 open market dwellings plus 1 affordable dwelling] as a result of the discussions at the last Committee.

County Councillor H Hulme spoke as the local representative.

The applicant had now provided information regarding sustainability and the impact on the Welsh language.

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.

County Councillor H Hulme resumed her seat on the Committee.

County Councillor K Laurie-Parry remained in the public seating area as she was not at the previous meeting when the following application was considered.

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

Application No: P/2017/0329

Grid Ref: 306282.14 301102.68

Valid Date: 24/03/2017

Officer: Dunya Fourie

Community Council: Dwyriw Community Council

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 Principal Planning Officer advised that the applicant had reduced the number of proposed dwellings from 9 to 5 [4 open market dwellings plus 1 affordable dwelling] as a result of the discussions at the last Committee. The applicant had now provided information regarding sustainability and the impact on the Welsh language.

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.

County Councillor K Laurie-Parry resumed her seat on the Committee.

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

Application No: P/2017/0119

Grid Ref: 296834.02 268416.04

Valid Date: 07/02/2017

Officer: Karen Probert

Community Council: Rhayader Town Council

Applicant: Mr Nathan Goodyear, The Camping and Caravanning Club

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

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

Application Type: Application for Full Planning Permission

Councillor C Evans spoke on behalf of Rhayader Town Council.
 Mrs S Jones spoke against the application.
 Miss S Butterfield and Mr N Goodyear spoke as the Agent and applicant.

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

The Planning Officer advised that if the Committee was minded to approve the application, Development Management recommended that the wording of condition 3 should include “to be fully implemented thereafter.” and condition 8 should be amended to refer to the fact that the Site Managers hardstanding should be temporary for three years as Development Management did not believe full details were available to justify a permanent residential pitch, with the wording of the condition being delegated to the Professional Lead Development Management.

In response to questions regarding the gift of the land to the town and the terms of the lease the Solicitor advised that these were not issues for the Committee to

consider. Neither had any bearing of the determination of the planning permission.

In response to questions the Planning Officer advised that the access to Capel Parc would be retained. The Professional Lead Development Management advised that the existing use went up to the riverside but the application provided for a buffer zone and that the common land and public rights of way rights would not be affected by the application.

The Planning Officer advised that the original proposal was for 41 pitches and this had been reduced to 31, retaining an area of grass for tents. The Committee noted that Natural Resources Wales [NRW] and other statutory consultees had not objected to the application. The Committee acknowledged that the site was already used and was in a C2 flood zone but raised concerns that the installation of 31 hardstanding areas could divert flood water to other areas. It was noted that NRW had only considered whether the proposal intensified the use of the area, which it did not.

It was proposed and duly seconded to defer the application.

RESOLVED:	Reason for decision:
that the application be deferred.	To enable officers to ask Natural Resources Wales [NRW] to provide further comments regarding the potential impact of the proposed hardstanding on the flooding in the area and impact on other areas.

6.5 P/2017/0010 Land adjoining The Fron, Middletown, Welshpool, Powys, SY21 8EN

Application No: P/2017/0010

Grid Ref: 330432.21 312640

Valid Date: 20/01/2017

Officer: Kate Bowen

Community Council: Trewern Community Council

Applicant: E M & A R Paddock, c/o Agent

Location: Land adjoining The Fron, Middletown, Welshpool, Powys, SY21 8EN

Proposal: Outline: Residential development of up to 25 dwellings, construction of vehicular access, car parking facilities and attenuation pond

Application Type: Application for Outline Planning Permission

The Committee noted that the application was for outline planning permission, rather than full planning permission as shown on the front of the report.

County Councillor A Jenner spoke as the local representative.
Mr N Williams spoke as the Agent.

The Planning Officer advised that if the Committee was minded to approve the application, the Update report contained the revised conditions and it was recommended to the Committee that it be delegated to the Lead Professional Development Management in consultation with the Chair and Vice Chair to add a condition regarding the on-site open space/play area and to resolve with Education Services its request for a contribution for improvements to parking a Buttington/Trewern County Primary School.

In response to comments the Planning Officer advised that the application was for a maximum of 25 dwellings. She advised that in respect of capacity issues, it was considered that on balance, Middletown had the facilities and transport links to make the development sustainable, but this was an issue for the Committee to consider. Comment was made about the level of vehicle movements to and from the site. Officers advised that access was from the trunk road and the Trunk Road Agency had no objections to the development subject to conditions.

In respect of the provision by the applicant of a car parking area for visitors to the neighbouring Church the Committee noted the offer by the Agent to include this area via an appropriately worded condition. The Planning Officer advised that the provision had been withdrawn from the submitted plans and a condition as recommended by the agent would not comply with the tests for planning 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 Lead Professional Development Management in consultation with the Chair and Vice Chair</p> <ul style="list-style-type: none"> • the addition of an appropriately worded condition regarding a management agreement for on-site open space/play area to secure its provision, retention and maintenance and • to resolve with Education Services its request for a contribution for improvements to parking a Buttington/Trewern County Primary School. 	<p>As officers recommendation as set out in the report which is filed with the signed minutes.</p> <p>To ensure the provision of amenity space and to secure an appropriate contribution to parking facilities at Buttington/Trewern school if appropriately justified by Education Services.</p>

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The Committee adjourned for lunch at 12.30 p.m. and reconvened at 1.10 p.m.

6.6 P/2017/0200 Land adj Llys Awel, Pool Road, Llanfair Caereinion, Welshpool, Powys, SY21 0SF

Application No: P/2017/0200

Grid Ref: 310686.84 307007.83

Valid Date: 23/02/2017

Officer: Tamsin Law

Community Council: Llanfair Caereinion Community Council

Applicant: Mr JPR Andrew, Bronheulog, Manafon, Welshpool, Powys, SY21 8BW

Location: Land adj Llys Awel, Pool Road, Llanfair Caereinion, Welshpool, Powys, SY21 0SF

Proposal: Outline: Proposed residential development comprising of up to 42 no. dwellings, formation of estate road and all associated works (all matters reserved)

Application Type: Application for Outline Planning Permission

County Councillor G Jones spoke as the local representative.
Councillor K Roberts spoke on behalf of Llanfair Caereinion Town Council.
Mr R Corbett spoke as the Agent.

The Principal Planning Officer advised that if the Committee was minded to approve the application it was recommended that it be delegated to the Lead Professional Development Management, in consultation with the Chair and Vice Chair, to resolve with the Education Services as to the level of financial contribution for education services. In addition Development Management recommended that the affordable houses should be restricted to 130sqm. and permitted development rights should be removed.

In response to a question the Principal Planning Officer advised that the site was rejected during the development of the Local Development Plan [LDP]. However, the applicant had addressed the issues raised during the LDP process. The Committee noted that the applicant had referred to a Welsh Language Plan and officers advised that this would be considered in more detail at reserved matters. In respect of education capacity, the Principal Planning Officer advised that the High School had surplus capacity but a financial contribution was required by the primary school.

The Highways Authority advised that the site was accessed from the Trunk Road. Although the Welsh Government Transport had not required the provision of a footpath, the Highways Authority was concerned about a lack of a safe link to the town and considered that a footpath was imperative. The Professional Lead Development Management advised that if the Committee was minded to approve the application he recommended a condition for the provision of a footpath and that it be delegated to him to investigate matters to ensure that the condition can be complied with and that if this is not feasible the application is referred back to the Committee.

RESOLVED:	Reason for decision:
<p>that the application be granted consent, subject to the conditions set out in the report which is filed with the signed minutes and that the affordable houses should be restricted to 130 sqm and permitted development rights be removed and that it be delegated to the Lead Professional Development Management to resolve with the Education Services as to the level of financial contribution for education services and that a condition regarding the provision of a footpath from the site to the town and that it be delegated to the Professional Lead Development Management to investigate matters to ensure that the condition can be complied with and that if this not complied with that the application be referred back to the Committee.</p>	<p>As officers recommendation as set out in the report which is filed with the signed minutes.</p> <p>To ensure an appropriate education contribution is secure where justified by the Education Service.</p> <p>To ensure highways safety and a sustainable development.</p>

County Councillor D Price left the meeting and County Councillor K Lewis took the Chair.

The applications were then considered as follows.

6.11 P/2017/0647 Land forming part of Rhallt Field, Rhallt Lane, Buttington, Welshpool, SY21 9JP

Application No: P/2017/0647

Grid Ref: 324016.07 308909.80

Valid Date: 14/06/2017

Officer: Rachel Mulholland

Community Council: Welshpool Community Council

Applicant: Mr & Mrs Roberts, Land forming part of Rhallt Field, Rhallt Lane, Buttington, Welshpool, SY21 9JP

Location: Land forming part of Rhallt Field, Rhallt Lane, Buttington, Welshpool, SY21 9JP

Proposal: Erection of a dwelling and detached garage, formation of vehicular access and all associated works (with all matters reserved)

Application Type: Application for Outline Planning Permission

County Councillor F Jump spoke as the local representative.
Mr Roberts spoke as the applicant and Mr Corbett spoke as the Agent.

In response to a question the Planning Officer advised that the application had previously been refused due to the lack of information regarding ecology matters and that it was considered that as the development was outside of the rural settlement of Buttington. The ecology information had now been received and the local community had now confirmed that the site formed part of Buttington.

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.

6.12 P/2017/0670 Land adjacent to Nant Y Waen, Abermule, SY15 6NR

Application No: P/2017/0670

Grid Ref: 316158.50 292849.37

Valid Date: 13/06/2017

Officer: Rachel Mulholland

Community Council: Llandyssil Community Council

Applicant: Mr & Mrs Bebb, Waen, Llanmerewig, Abermule, Montgomery, Powys, SY15 6NR

Location: Land adjacent to Nant Y Waen, Abermule, SY15 6NR

Proposal: Erection of two dwellings and installation of sewerage treatment plant (with some matters reserved)

Application Type: Application for Outline 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.

6.13 TREE/2017/0025 Land at Ysgol Uwchradd Gwernyfed, Three Cocks, Brecon, LD3 0SG

Application No: TREE/2017/0025

Grid Ref: 317182.44 237423.11

Valid Date: 17/07/2017

Officer: Thomas Goodman

Community Council: Gwernyfed Community Council

Applicant: Powys County Council, Cambrian Way, Neuadd Brycheiniog, Brecon LD3 7HR

Location: Land at Ysgol Uwchradd Gwernyfed, Three Cocks, Brecon, LD3 0SG

Proposal: Application for works to a tree subject to a tree preservation order

Application Type: Works to trees subject to a TPO and/or Notification of proposed works to trees in conservation areas

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.

6.9 P/2016/1126 Land at Pen y lan & adjacent to Woodluston, Forden, Welshpool, Powys SY21 8NE

Application No: P/2016/1126

Grid Ref: 322608.01, 301110.5

Valid Date: 09/11/2016

Officer: Bryn Pryce

Community Council: Forden Community Council

Applicant: Mr & Mrs DA & OE Williams DA & OE Williams c/o Roger Parry and Partners LLP

Location: Land at Pen y lan & adjacent to Woodluston, Forden, Welshpool, Powys SY21 8NE

Proposal: Proposed residential development comprising of up to five dwellings and all associated works

Application Type: Application for Outline Planning Permission

RESOLVED: that the application be granted consent, subject to the conditions set out in the report which is filed with the signed minutes.	Reason for decision: As officers recommendation as set out in the report which is filed with the signed minutes.
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6.10 P/2017/0111 Montgomeryshire Natural Spring Water Co, Crosslikely, Churchstoke, Montgomery Powys SY15 6AR

Application No: P/2017/0111

Grid Ref: 327914.26, 293690.04

Valid Date: 13/02/2017

Officer: Bryn Pryce

Community Council: Churchstoke Community Council

Applicant: Mr P Delves, Crosslikely, Montgomeryshire Natural Spring Water Co, Churchstoke, Montgomery, Powys SY15 6AR

Location: Montgomeryshire Natural Spring Water Co, Crosslikely, Churchstoke, Montgomery Powys SY15 6AR

Proposal: Section 73 application to vary condition 2 of permission P/2015/0180 relating to the approved plans

Application Type: Application for Removal or Variation of a Condition

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.

County Councillor D R Price returned to the meeting and resumed the Chair.

County Councillor K. Lewis having declared a pecuniary interest left the room for the next two applications.

6.7 P/2016/0796 Land to the south of A489 West of Mochdre Brook, Newtown, Powys, SY16 4HZ

Application No: P/2016/0796

Grid Ref: 308602.37 290319.98

Valid Date: 28/07/2016

Officer: Tamsin Law

Community Council: Mochdre Community Council

Applicant: Melrose Developments, Shrewsbury Business Park, c/o Willow House East, Shrewsbury SY2 6LG

Location: Land to the south of A489 West of Mochdre Brook, Newtown, Powys, SY16 4HZ

Proposal: Outline application for erection of up to 60 dwellings and construction of vehicular access

Application Type: Application for Outline Planning Permission

The Principal Planning Officer advised that the Education Service had confirmed that it was now not seeking a financial contribution, from the development.

The Built Heritage Officer advised the Committee that new guidance regarding the protection of listed buildings was published in May 2017. She advised that the building had been designed to take advantage of the views to the land in front of it and the building of houses in this area would divorce the building from the landscape. She considered that the development would adversely impact on the house. The Principal Planning Officer stated that the proposed development could be designed to retain important views and that on balance, taking into the appropriate weighting that needs to be allocated to safeguarding listed buildings and their setting, the development was considered acceptable.

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

set out in the report which is filed with the signed minutes.	the signed minutes.
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County Councillor G Williams left the meeting.

6.8 P/2016/0797 Land to the north of A489 west of Mochdre Brook, Newtown, Powys, SY16 4HZ

Application No: P/2016/0797

Grid Ref: 308602.37 290383.72

Valid Date: 28/07/2016

Officer: Tamsin Law

Community Council: Mochdre Community Council

Applicant: Melrose Developments, Shrewsbury Business Park, c/o Willow House East, Shrewsbury SY2 6LG

Location: Land to the north of A489 west of Mochdre Brook, Newtown, Powys, SY16 4HZ

Proposal: Outline application for erection of up to 30 dwellings and construction of vehicular access

Application Type: Application for Outline Planning Permission

The Principal Planning Officer referred the Committee to the Update report and advised that if the Committee was minded to approve the application that a condition be added to provide a footpath from the site.

RESOLVED:	Reason for decision:
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 a condition be added to provide a footpath from the site linking it with Newtown.	As officers recommendation as set out in the report which is filed with the signed minutes. To ensure highways safety.

County Councillor K Lewis returned to the meeting room.

7.	DECISIONS OF THE HEAD OF REGENERATION AND REGULATORY SERVICES ON DELEGATED APPLICATIONS
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The Committee received for information a list of decisions made by the Head of Regeneration and Regulatory Services during the period between 13th July, 2017 and 16th August, 2017.

The Committee noted the dates and venues for future meetings.

County Councillor D R Price
Chair

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**Planning, Taxi Licensing and Rights of Way Committee
14th September 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/2017/0455</p> <p>Nantmel</p> <p>302308.22 267083.4</p> <p>24.05.2017</p>	<p>Full: Change of use of agricultural building and yard for parking of commercial vehicles together with alterations to roof design of building previously approved under permission P/2016/0149 (part retrospective)</p> <p>Cae A Llwyn, Llwyn Lane, Nantmel, Rhayader, LD6 5PE</p> <p>Mr Steve Rowlands, Llanyre, Dan y Graig, Llandrindod Wells, Powys LD1 6EF</p> <p>Recommendation:</p> <p>Conditional Consent</p>
<p>P/2017/0230</p> <p>Llanrhaeadr Ym Mochnant</p> <p>312302 326164</p> <p>21.03.2017</p>	<p>Full: Conversion of community hall (Use Class D1) to residential use (Use Class C3) including alterations</p> <p>Former British Legion Hall, Waterfall Street, Llanrhaeadr, Powys SY10 0JS</p> <p>Mr Keith Sandell, Dolawel, Waterfall Street, Llanrhaeadr-ym-Mochnant, Powys SY10 3JS</p> <p>Recommendation:</p> <p>Conditional Consent</p>

<p>P/2017/0574</p> <p>Trewern</p> <p>327624.53 311465.74</p> <p>18.05.2017</p>	<p>Outline: Application for residential development for up to 9 dwellings, garages, improvement to vehicular access, demolition of existing buildings and all associated works</p> <p>Land at Gate Farm, Criggion Lane, Trewern, Welshpool, Powys SY21 8DU</p> <p>Mr Chapman, Trewern, Fronhaul, Welshpool, Powys, SY21 8DU</p> <p>Recommendation:</p> <p>Conditional Consent</p>
<p>P/2017/0299</p> <p>Bausley with Criggion</p> <p>332459.64 315599.25</p> <p>17.03.2017</p>	<p>Outline: Proposed residential development of up to 9 no. dwellings, formation of a new vehicular access, and associated works (with some matters reserved)</p> <p>Land adj to Belin Mount, Crewgreen, Shrewsbury</p> <p>Mr & Mrs JT & GM Vaughan The Firs, Crewgreen, Shrewsbury SY5 9FB</p> <p>Recommendation:</p> <p>Conditional Consent</p>
<p>P/2017/0245</p> <p>Manafon</p> <p>310991.61 302302.72</p> <p>14.03.2017</p>	<p>Outline: Residential development of up to 15 no. dwellings and all associated works</p> <p>Land adjoining Trem Hirnant, Manafon, Welshpool, Powys SY21 8BX</p> <p>Mr JPR & JR Andrew JPR & JR Andrew Bronheulog Manafon Welshpool Powys SY21 8BW</p> <p>Recommendation:</p> <p>Conditional Consent</p>
<p>P/2017/0320</p> <p>Llanfair Caereinion</p> <p>309511.65 305977.04</p>	<p>Outline: Erection of a detached dwelling, installation of a sewage treatment plant and improvements to existing access</p> <p>Land east of Maes Hyfryd, Llanfair</p>

<p>29.03.2017</p>	<p>Caereinion, Welshpool, Powys, SY21 0RY</p> <p>Mr Steve Andrew, Pear Tree Lane, Highbury, Llanfair Caereinion, Powys, SY21 0BH.</p> <p>Recommendation:</p> <p>Conditional Consent</p>
<p>P/2017/0318</p> <p>Berriew</p> <p>319245.69 299822.98</p> <p>23.03.2017</p>	<p>Full : Erection of 2 dwellinghouses with detached garages, installation of new septic tank for plot 2 only and all associated works</p> <p>Land at Oakleigh, Refail, Berriew, Powys SY21 8AJ</p> <p>Lucy & Dominic Freeman Brithdir, The Horseshoes, Berriew, Welshpool Powys</p> <p>Recommendation:</p> <p>Conditional Consent</p>
<p>P/2017/0542</p> <p>Guilfield</p> <p>322767.05 311683.64</p> <p>17.05.2017</p>	<p>Outline: Erection of one dwelling, formation of vehicular access and associated works</p> <p>Twin Oaks, Guilfield, Welshpool, Powys, SY21 9PX</p> <p>Mr & Mrs Griffiths, Twin Oaks, Guildfield, Welshpool, Powys SY21 9PX</p> <p>Recommendation:</p> <p>Conditional Consent</p>
<p>DIS/2017/0088</p> <p>Clyro</p> <p>321162.66 243368.85</p> <p>18.04.2017</p>	<p>Discharge of conditions 4,5,6 & 23 pf P/2016/0802</p> <p>Clyro Primary School, Clyro, Hereford, Powys, HR3 5LE</p> <p>Powys County Council, County Hall, Spa Road East, Llandrindod Wells, LD1 5LE</p> <p>Recommendation:</p> <p>Formally discharge conditions</p>

<p>DIS/2017/0091</p> <p>Clyro</p> <p>321161.58 243367.94</p> <p>24.04.2017</p>	<p>Discharge of Conditions 9, 10, and 12 of P/2016/0802</p> <p>Clyro Primary School, Clyro, Hereford HR3 5LE</p> <p>Powys County Council, County Hall, Spa Road East, Llandrindod Wells, LD1 5LG</p> <p>Recommendation:</p> <p>Formally discharge conditions</p>
<p>DIS/2017/0099</p> <p>Clyro</p> <p>321163.64 243371.81</p> <p>27.04.2017</p>	<p>Discharge of conditions no 3,15,19, 20 & 21 of P/2016/0802</p> <p>Clyro C of W Primary School, Clyro, Hereford, HR3 5LE.</p> <p>Powys County Council, Spa Road East, Llandrindod Wells, Powys, LD1 5LG</p> <p>Recommendation:</p> <p>Formally discharged</p>
<p>DIS/2017/0119</p> <p>Clyro</p> <p>321081.74 243017.78</p> <p>06.06.2017</p>	<p>Discharge of conditions no 3 of P/2017/0159</p> <p>Land at Baskerville Hall Hotel, Clyro Court, Clyro, Hereford, Powys HR3 5LE</p> <p>Powys County Council, Spa Road East, County Hall, Llandrindod Wells, Powys LD1 5LG</p> <p>Recommendation:</p> <p>Formally discharged</p>

4.2

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2017/0455	Grid Ref:	302308.22 267083.4
Community Council:	Nantmel	Valid Date:	Officer: 24/05/2017 Thomas Goodman
Applicant:	Mr Steve Rowlands, Llanyre, Dan-y-Graig, Llandrindod Wells, Powys, LD1 6EF		
Location:	Cae A Llwyn, Llwyn Lane, Nantmel, Rhayader, LD6 5PE		
Proposal:	Full: Change of use of agricultural building and yard for parking of commercial vehicles together with alterations to roof design of building previously approved under permission P/2016/0149 (part retrospective)		
Application Type:	Application for Full Planning Permission		

The reason for Committee determination

Cllr David Evans has called the application in to be determined at Committee for the following reasons:

- The change of use from Agricultural to an Industrial Site
- The increase in volume of commercial vehicles on an already busy and narrow lane
- Potential for environmental contamination from fuel, oil and wash down
- The land was originally designated as a run out area for the free range poultry in a previous application.

Site Location and Description

The application site is located to the west of Nantmel. The C1215 runs to the east of the application site, to the south of the site is the private access to the development site and beyond that a poultry unit, to the north and west is agricultural land.

Consent is sought in full for the change of use of an agricultural building and yard for contractor's storage place (B8 use) together with alterations to the roof design of the existing building. The building measures approximately 36.8 metres in length and 24.2 metres in width. The building measures approximately 5.7 metres in height. The building is constructed using dark slate box profile sheeting to the walls and roof.

Consultee Response

Nantmel CC

The above application was placed before Nantmel Community Council at its meeting held on 15th June 2017.

My Council objects to this application for the following reasons:

- The change of use from Agricultural to an Industrial Site
- The increase in volume of commercial vehicles on an already busy and narrow lane
- Potential for environmental contamination from fuel, oil and wash down
- The land was originally designated as a run out area for the free range poultry in a previous application.

The Community Council has requested that Cty Cllr David Evans calls in this application to be heard before the Full Planning Committee.

Highways Dept south

The site is served by a relatively short section of the C1215 county highway known as Llwyn Lane, which in turn connects to the A44 county highway some half mile distant to the south. This section of Llwyn Lane has been subject to a number of highway improvements over recent years, including the provision of passing bays secured following the grant of a number of planning approvals, including that of a neighbouring poultry building. The road itself is therefore considered generally suitable to serve a development of this nature although the provision of an additional passing bay would help to further mitigate any increase in traffic this development is likely to generate.

In addition to the above, it was noted during a recent site visit that the access visibility requirements secured as as part of the previously approved planning consent P/2013/0173, have not been fully implemented on site. It is therefore recommended that these same conditions be reapplied in this instance.

Accordingly the Highway Authority recommends 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 0.26 metres above ground level at the edge of the adjoining carriageway and 120 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.

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.

HC37 Prior to any works being commenced on the development site the applicant shall construct a passing bay along the C1215 county highway, in a location to be agreed in writing by the Local Planning Authority. The passing bay shall be constructed up to adoptable standard prior to any works being commenced on the development site

Building Control

Building regulations may be required, if you require any further information please do not hesitate to contact me.

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.

Welsh Water

We have no comment to make regarding application reference P/2017/0455 as our assets will not be affected by the development.

Environmental Health

I was concerned to how many vehicles would use the lane, between 3 and 4 will not pose an issue especially between the hours stated.

I have no further comments to make.

Consultation response received 28/06/2017:

I am still trying to sort a suitable condition, who is the highways officer dealing?

Regarding an interceptor, dependant on its use, it's a method for collecting oil, silt etc from water such as a vehicle wash before discharge to drainage so to prevent pollution . It's usually a tank of some sort.

Consultation response received 01/09/2017:

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

In order to protect the local residents from the extra traffic noise from potentially 9 vehicles I would suggest that the following be attached as a condition should permission be given

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

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

Reason

To protect the amenity from vehicles leaving and entering the site

NRW

Thank you for consulting Natural Resources Wales on the above application.

We have reviewed the planning application submitted to us, and from the information provided we do not consider that the proposed development affects a matter listed on our Checklist, Natural Resources Wales and Planning Consultations (March 2015): <https://naturalresources.wales/planning-and-development/planning-and-development/?lang=en>. We therefore do not have any comment to make on the proposed development.

Please note that our decision not to comment does 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.

We trust that the above comments are of assistance however, should you have any queries, please do not hesitate to contact me.

Public Rights of Way

The development area (as on plan 2017/15/06) is close to footpath NL169. In an email (received 11th August from the planning officer) regarding the parking of employees vehicles; the agent has stated that they will be parked within the curtilage of the building during the day, and this should be maintained in order to leave the footpath clear and available at all times.

No public rights of way should be obstructed during the development process and at no time should any materials be placed or stored on the line of any public right of way; any damage caused to the surface of any public right of way must be made good to at least its current condition or better.

Countryside Services therefore has no objections to the proposed application at this time, subject to the guidance information detailed above.

Cllr Nantmel

I write in connection with the attached planning application which you sent to me on 1st June 2017.

As can be seen by the email below Nantmel Community Council have asked me to call in the application in order for it to be considered by the Powys Planning Committee. Their reasons are as set out below.

As per the decision made at last night's meeting of Nantmel Community Council.

The Community Council request that you call in the above planning application (P/2017/0455) to be heard by the Full Planning Committee for the reasons stated in the email below which formulate the Community Council objections.

- The change of use from Agricultural to an Industrial Site
- The increase in volume of commercial vehicles on an already busy and narrow lane
- Potential for environmental contamination from fuel, oil and wash down
- The land was originally designated as a run out area for the free range poultry in a previous application.

Representations

Following the display of a site notice, public representations have been made which make reference to the following matters:

- Parking areas
- Change in use from agricultural to commercial
- Passing places
- HGV activity
- Noise
- Dirty water disposal
- Operational times

Planning History

P/2016/0149 - Erection of extension to existing agricultural building – Conditional Consent – 18/04/2016

P/2012/1307 – Full: Erection of an agricultural building for storage of hay and implements (retrospective) – Conditional Consent – 09/01/2013

P/2013/0173 - Full: Change of use of land for the siting of two mobile chalets, creation of new access and installation of private treatment plant – Conditional Consent – 04/06/2015.

Principal Planning Constraints

Open Countryside

Principal Planning Policies

National planning policy

Planning Policy Wales (Edition 9, November 2016)

Technical Advice Note (TAN) 4: Retail and Commercial Development (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) 11: Noise (1997)

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

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

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

Local planning policies

Powys Unitary Development Plan (2010)

SP1 – Social, Community and Cultural Sustainability
SP4 – Economic and Employment Developments
GP1 – Development Control
GP3 – Design and Energy Conservation
GP4 – Highway and Parking Requirements
GP6 – Conversion of Buildings in the Countryside
ENV1 – Agricultural Land
ENV2 – Safeguarding the Landscape
ENV3 – Safeguarding Biodiversity and Natural Habitats
ENV7 - Protected Species
EC1 – Business, Industrial and Commercial Developments
EC2 – Business Sites Hierarchy
EC3 – Protection of Employment Sites
EC4 – Local Employment Sites Within or Adjoining Settlements
EC5 – Expansion of Existing Employment Sites
T6 – Walking and Cycling
DC3 – External Lighting
DC11 – Non-mains Sewage Treatment
DC13 – Surface Water Drainage
TR2 – Tourist Attractions and Development Areas

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 EC1 of the Powys Unitary Development Plan (2010) states that proposals for business, industrial or commercial development will be permitted where they would comply with the following relevant criteria:

“1. The development would be located within a settlement or in another location complying with the economy policies in the UDP and would be of a scale and type in keeping with this plan’s sustainable settlement and business sites hierarchies;

2. The development would not have an unacceptable impact on the environment and would be sited and designed to be sympathetic to the character and appearance of its surroundings;

3. Wherever possible, proposals should utilise an existing building or previously developed or disused “brownfield” land.

4. The development should be accessible by a choice of means of travel including foot, cycle and public transport. The proposal should not be detrimental to highway safety and approach roads to the site should be of adequate quality to accommodate any additional traffic likely to be generated by the development.

5. The proposed development would not increase or inhibit traffic circulation to the extent that the amenity of the area is unacceptably adversely affected in terms of congestion, pollution, highway safety or other disturbance;

6. Where relevant, a condition will be imposed on any grant of planning permission or a planning obligation sought, in order to secure necessary highway, public transport or other highway infrastructure improvements.”

This proposal would seek to make use of an existing building and hardstanding for contractor’s storage place (B8 use), Policy EC1 states that developments should utilise an existing building or previously developed or disused ‘brownfield’ land site. It is noted that there is an agricultural building on the site and therefore would fundamentally comply with policy EC1 part 3 of the hierarchy.

With regard to the highway related matters within Policy EC1 these will be covered within the Highway Safety section of this report.

Although not considered relevant in this case, Officers are also of the opinion that if Policy GP6 applied, it is considered that the proposed development would fundamentally comply with this policy as it meets with the first element of the hierarchy which is for a conversion for employment/industrial/commercial use and has a history of agriculture and industrial.

Based on the above criteria it is considered that the proposed development for a contractors storage place (B8 use) within this location fundamentally complies to policy EC1, EC5 and GP6 of the Powys Unitary Development Plan (2010).

Design

With respect to design, appearance and location specific reference is made to UDP policies GP1 and EC1. The respective policies indicate 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 building will measure approximately 30 metres in length, 12 metres in width 3.2 metres in height to the eaves and 5 metres in height to the ridge. The building will be constructed with a steel framed structure with insulated cladded panels which will be finished in Juniper Green. The scale and size of the proposed development is seen to be in-keeping

with the surrounding areas character and appearance and has utilised materials that are regularly used in the rural agricultural industry.

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

Highway Safety

Policy GP4 of the Powys Unitary Development Plan (2010) requires a safe access, parking and accessibility which are a fundamental requirement of any development.

Powys County Council's Highway Authority has been consulted on the proposed development. The Officer has stated that they would have no objection to the proposed development subject to the attachment of appropriately worded conditions. The Officer has stated that the site is served by a relatively short section of the C1215 county highway. The C1215 leading to this development site has been subject to a number of highway improvements over recent years, including the provision of passing bays. The Highway Officer has therefore stated that the road is considered to be generally suitable to serve a development of this nature. It is considered that there are sufficient parking spaces at the site to serve the development as detailed in drawing number 2017/15/06 (parking layout). The conditions would ensure that an appropriate access is constructed so that there are appropriate visibility splays and that the construction of a passing bay is installed along the C1215.

In light of the above and subject to the attachment of appropriately worded conditions it is considered that in this instance that the proposed development fundamentally complies with planning policy GP4.

Environmental Health

Policy GP1 of the Powys Unitary Development Plan (2010) relates to the amenities enjoyed by the occupants of nearby or proposed properties shall not be unacceptably affected by levels of noise, light, dust, odour, hours of operation or any other planning matter.

Powys County Council's Environmental Health Officer has been consulted on the proposed development. The Officer has stated that they would have no objections to the proposed development subject to the attachment of an appropriately worded condition. The condition would restrict the hours of operation and movements to and from the site. This condition would ensure that the site does not operate during unsociable hours and would therefore ensure that noise levels are restricted to those hours of operation.

NRW and the Environmental Health Officers have been consulted on the proposed development and considered the wash down area that has been proposed. Neither NRW nor the Environmental Health Officer have raised any concerns over the wash down area proposed that includes the inclusion of an interceptor. As stated by the Environmental Health Officer an interceptor is a method for collecting oil, silt etc from water such as a vehicle wash before discharge to drainage so to prevent pollution.

In light of the above comments and subject to the attachment of appropriately worded conditions it is considered that the proposed development in this instance fundamentally complies with relevant policy.

Landscape Impact

Development proposals should give careful consideration to the surrounding landscape. Policies ENV2 and GP1 seek to safeguard and enhance Powys' landscape wherever possible through development proposals.

Policy ENV2 states that proposals should also contain appropriate measures to ensure satisfactory integration into the landscape. The development site is located in a hollow and has had fencing erected surrounding the site which minimises the impact the site has on the surrounding landscape. In order to further aid in minimising the impact the proposed development has on the surrounding landscape appropriately worded conditions will be attached to any granting of consent.

In light of the above and subject to the attachment of appropriately worded conditions the proposed development fundamentally complies with policies ENV2 and GP1 of the Powys UDP.

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 the retention/creation of an employment site would not have an adverse impact on the Welsh language or culture.

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

In light of the above it is therefore considered that the proposed development fundamentally complies with relevant planning policy. The recommendation is one of conditional consent.

Conditions

1. The development to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.
2. The development shall be carried out strictly in accordance with the plans stamped as approved on XX/XX/XX (drawing no's: 2017/15/06, 2017/15/04, 2017/15/01, 2017/15/05, 2017/15/02 & 2017/15/03).
3. Within 2 months of the date of the development hereby approved, a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted landscaping scheme shall include a scaled drawing and a written specification clearly describing the species, sizes, densities and planting numbers proposed. Drawings must include accurate details of all existing trees and hedgerows to be retained with their location, species, size and condition. The drawing shall include details of all hardstanding within the application site.
4. A landscape phasing scheme (implementation scheme) for the landscaping scheme as approved (condition 3) shall be submitted to and approved in writing by the Local Planning Authority Within 2 months of the date of the development hereby approved. The landscaping scheme shall thereafter be fully implemented in accordance with the phasing scheme (implementation scheme) so approved.
5. The approved landscaping scheme as implemented by the landscape phasing scheme (condition 4) shall thereafter be maintained for a period of five years. Such maintenance is to include the replacement of any plant/tree/shrub/hedge that is removed, significantly damaged, diseased or dying, with plants/trees/shrubs/hedges of the same species and size within the next planting season, unless otherwise agreed in writing by the Local Planning Authority.
6. Within 2 months of the date of the development hereby approved the access shall be constructed so that there is a clear visibility splay from a point 1.05 metres above ground

level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 57 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

7. Upon formation of the visibility splays as detailed in Condition 4 above the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.

8. Within 2 months of the date of the development hereby approved the applicant shall construct a passing bay along the C1215 county highway, in a location to be agreed in writing by the Local Planning Authority. The passing bay shall be constructed up to adoptable standard prior to any works being commenced on the development site

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

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

Reasons

1. 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 ensure that the application site is adequately landscaped in the interests of the character and appearance of the area, in accordance with policies GP1, ENV2, ENV7 and EC1 of the Unitary Development Plan (March 2010).

4. To ensure that the application site is adequately landscaped in the interests of the character and appearance of the area, in accordance with policies GP1, ENV2, ENV7 and EC1 of the Unitary Development Plan (March 2010).

5. In order to safeguard biodiversity and protect water resources in accordance with policies ENV3, ENV5, ENV6 and ENV7 of the Powys Unitary Development Plan (March 2010), Technical Advice Note 5 - Nature Conservation and Planning (2009) and Planning Policy Wales (2012).

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

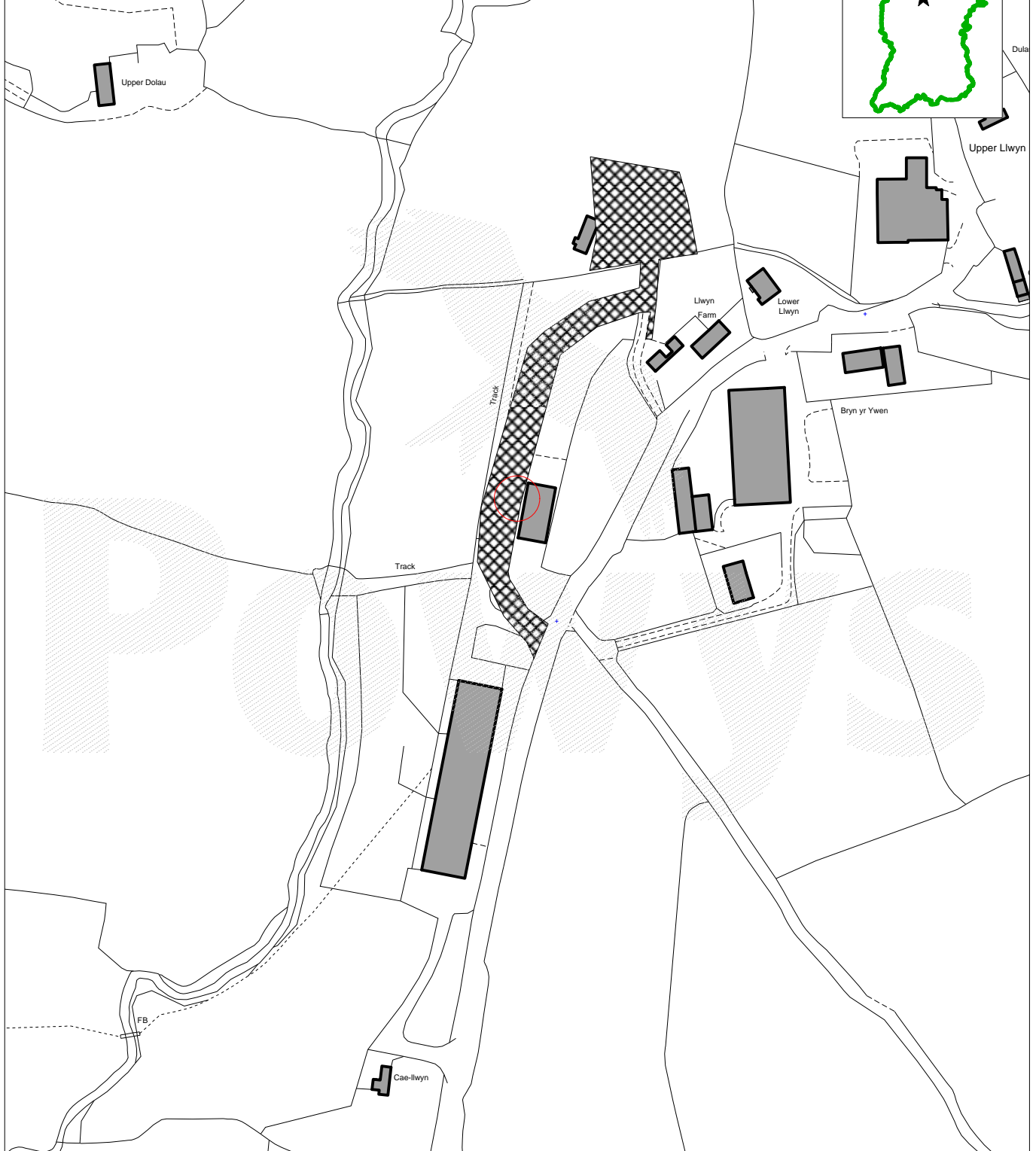
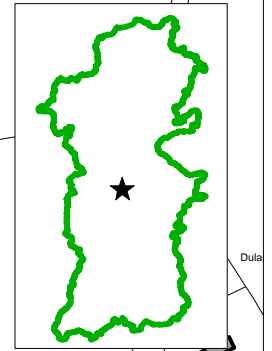
7. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.

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

9. In the interests of the amenities of existing residential property in the locality in accordance with policy GP1 of the Powys Unitary Development Plan.

Informative Notes

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4.3

Planning, Taxi Licensing and Rights of Way Committee Report

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

Reason for Committee determination

Part of the application site is located within the C2 Flood Zone and given that consent is recommended, this represents a departure from the development plan.

Site Location and Description

The Former British Legion Hall is located on the western side of Waterfall Street in the village of Llanrhaeadr Ym Mochnant. The building is a former chapel which is located to the east of and at a higher level than the Afon Rhaeadr. It is proposed to convert the existing building into a single residential dwelling. The proposal includes the following alterations to the building:

- Installation of upvc windows on the front elevation and alterations to the window openings on the rear elevation; and
- Loss of the original ground floor windows on the rear elevation.

Amended plans have been received during the processing of the application which remove/amend some elements of the proposal (including retention of railings and wall to front of the building and removal of proposed oil tank at front of the building and removal of proposed balcony at rear of building) as a result of public and consultee responses. A full reconsultation has been issued on the revised proposal.

Consultee Response

Llanrhaeadr Ym Mochnant Community Council

No response received.

PCC Highway Authority

Correspondence dated 04/04/2017:

Can you request further data from the applicant for me, please?

I need to know the following details which are missing from the submission:

- Plan of the proposed access to include the current & proposed visibility splay
- Composition of the proposed access
- Plan showing the number, size and location of the proposed parking bays (in line with CSS Wales)

The application does not state what number of bedrooms are proposed, this has a bearing on the number of parking bays required.

I shall review the application following the submission of the above details.

Correspondence dated 16.05.2017:

The County Council as Highway Authority for the County Unclassified Highway, U5203

**Wish the following recommendations/Observations be applied
Recommendations/Observations**

The Highway Authority in principle has no objection to the change of use of the building.

There is insufficient space within the proposed parking area to provide a parking bay of the required dimensions and as such any vehicle parked within this space would potentially overhang the public highway.

We are therefore unable to accept this element of the application and request that the application is amended to exclude the proposed vehicle access and parking bay.

Correspondence dated 09/08/2017:

We have noted that the amended plans have removed the sub-standard off road parking area and as such since only a pedestrian access is proposed we have no further comment to make.

PCC Building Control

Building Regulations application required.

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.

PCC Built Heritage Officer

Correspondence dated 05/05/2017:

Thank you for consulting me on the above application. I can confirm that the property is unlisted and within the Llanrhaeadr Ym Mochnant Conservation area and is adjacent to a terrace of three listed buildings (Lloran House Cadw ID 81825 Bodawel Cadw ID 81815, Arwelfa Cadw Id 81814) and opposite a listed building (11 Waterfall Street Cadw ID 81810). I also note the listed building in the open land to the rear of the site The Waterloo Stone Cadw ID 81790.

It is noted that the building was formerly a chapel built in 1855 and has been used as a British Legion club for a number of years.

The proposal would involve the change of the use of the premises to a residential use with a number of external changes namely;

- Replacement of windows to front elevation
- Loss of railings to front elevation (conservation area consent applied for independently)
- Installation of oil tank on front elevation
- Replacement of windows on rear elevation with white upvc and the enlargement of existing openings
- Insertion of balcony and enlargement of window on rear elevation.

Paragraph 8 of welsh Office Circular 61/96 reminds us of our duties in that “Authorities are also required by Section 72 of the Act, in the exercise in a conservation area of their powers under the Planning Acts, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.”

Local Plan policies reflect national legislation and I am mindful of Policy ENV11 of the Powys UDP which reflects national aims and states that; *“Proposals for development within or adjoining a Conservation Area should be of a high quality design and should preserve or enhance the character or appearance of that area. Inappropriate developments that would significantly detract from that character will be opposed”*. Paragraph 4.5.9 of the justification for Policy ENV11 advises that *“When considering development proposals affecting a designated conservation area, the Council will seek to ensure that all proposals do not compromise the desire to preserve or enhance the character or appearance of the area and that they are acceptable in terms of setting, form, scale, materials, design and detailing. They will take account of the desirability of retaining traditional buildings, groups of buildings, existing street patterns, spaces, building lines and hard landscape surfaces. The retention or restoration of architectural features as part of the development together with the need to protect valuable existing trees, open spaces and landscape features will also be considered”*

I am also aware of UDP policy SP3 b which states that *“Proposals for development should seek to protect, conserve and wherever possible enhance sites and features of historic and built heritage importance including those of archaeological, architectural and, heritage conservation and historic interest”*.

P2017/0307 CAC: Conservation Area Consent for removal of railings, gate, cement posts and low stone wall to frontage (in order to form vehicular access) at Former British Legion Hall Waterfall Street Llanrhaeadr Ym Mochnant

Application P2017/0307 is for the loss of the wrought iron railings to the front of the chapel. Paragraph 33 of Welsh Office Circular advises that, "*The general presumption should be in favour of retaining buildings which make a positive contribution to the character or appearance of a conservation area. Proposals to demolish such buildings should be assessed against the same broad criteria as proposals to demolish listed buildings. In cases where a building makes little or no such contribution the authority will normally need to have full information about what is proposed for the site after demolition. Consent for demolition should not be given unless there are acceptable and detailed plans for redevelopment. It has been held that the decision-maker is entitled to consider the merits of any proposed development in determining whether consent should be given for the demolition of an unlisted building in a conservation area.*"

Section 34 of WO61/96 advises that "it will be appropriate to impose on the grant of consent for demolition a condition under Section 17(3) of the Act - as applied by Section 74(3), that demolition shall not take place until a contract for carrying out development work has been made and planning permission granted."

I acknowledge the advice given in paragraph 20 of WO 61/96 that details the criteria to be used in the designation of a conservation area, which is not only the individual buildings but the spaces between buildings.

"Quality of place should be the prime consideration in identifying conservation areas. This depends on more than individual buildings. It is recognised that the special character of a place may derive from many factors, including: the grouping of buildings; their scale and relationship with outdoor spaces; the network of routes and nodal spaces; the mix and relative importance of focus and background buildings; vistas and visual compositions; hierarchies of public and private space; materials used in buildings and other surfaces (pavements, roads, garden walls, railings, ...); architectural detailing (of windows, doors, eaves, gates, kerbs, ...); patterns of use; colours; hard and soft landscaping; street furniture; and so on. Conservation area designation should be seen as the prime means of recognising, protecting and enhancing the identity of places with special character; local conservation policy should be sensitive to quality of place (townscape) in the broadest sense. Authorities should seek to establish consistent criteria against which they should periodically review existing conservation areas and their boundaries. Cancellation of designation should be considered where an area or part of an area is no longer considered to possess the special interest which led to its designation".

I would also refer to the guidance in paragraph 6.5.20 of Planning Policy Wales 9th Edition 2016 which states that there "should be a general presumption in favour of the preservation or enhancement of the character or appearance of a conservation area or its setting". In addition PPW continues in paragraph 6.5.21 that "There will be a strong presumption against the granting of planning permission for developments, including advertisements, which damage the character or appearance of a conservation area or its setting to an unacceptable level"

It is not considered that the loss of architectural detailing such as railings would not preserve the character or appearance of the conservation area. As the proposal would fail to preserve,

it would need to enhance the character and appearance of the conservation area. It is noted that the railed yard would be replaced with a car parking space and an oil tank and it is considered that the loss of the wrought iron railings and their replacement with a car parking space and oil tank would fail to enhance the character and appearance of the Llanrhaeadr Ym Mochnant conservation area and as such would be contrary to national legislation in terms of Section 72 of The Planning (Listed Buildings and Conservation Areas) Act, paragraph 6.5.20 of Planning Policy Wales 9th Edition 2016, and local Unitary Development Plan policies, ENV11 and UDP SP3.

I would have to **object** to the application for conservation area consent for the following reasons.

The loss of the wrought iron railings to the front of this chapel would neither preserve or enhance the character or appearance of the Llanrhaeadr Ym Mochnant Conservation Area and as such would be contrary to Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990, and paragraph 6.5.20 of Planning Policy Wales 9th Edition 2016 and Unitary Development Plan Policies ENV11 and SP3b of the adopted Powys UDP which seeks to protect, conserve and enhance sites and features of historic and built heritage importance.

P/2017/0230 Full: Conversion of community hall to residential use including alterations; new windows and door; new door and balcony to rear first floor elevation; siting of 1225 litre oil tank to front; formation of vehicular access and parking area (removal of railings, gate and low wall to frontage)

Whilst there is no objection to the principle of the development the proposed changes to the rear are of some concern in this conservation area and in such close proximity to listed buildings.

The rear elevation would be visible over a relatively wide area across the public park with the listed Waterloo Stone and across the park to the unclassified road that leads to Cefn Coch. Views from this road and the parkland clearly indicate the rear of this building adjacent to the terrace of listed buildings.

The ground floor windows appear to be original and their loss and replacement with upvc windows are not supported. The change in the location is noted. The reopening of the entire height of the upper floor windows would be encouraged, however I note the enlargement of the window to form a balcony. This elevation is visible from the conservation area, and as such I would raise concerns with the proposed alterations to the rear elevation. It would be preferable for the ground floor windows to be retained and repaired, and the original upper floor windows to be reinstated without enlargement, or if a modest enlargement is required that the symmetry of the rear elevation should be respected as opposed to one window lengthened and one window shortened. The introduction of a balcony on a former chapel is not supported and it is suggested that this element of the application be withdrawn.

I would not encourage the use of upvc in this location and would seek more appropriate alternatives.

I also note with concern the quality of the submitted drawings that do not accurately depict the works proposed.

The view across the open space towards the rear of Waterfall Street illustrates the 2 storey rear of the chapel adjacent and projecting in front of the listed terrace.

The alterations proposed would adversely affect the character and appearance of this gable within the conservation area and also the setting of the adjacent listed buildings.

I am mindful of the advice in Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and paragraph 11 of Welsh Office Circular 61/96 which states "Sections 16 and 66 of the Act require authorities considering applications for planning permission or listed building consent for works which affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of the building. The setting is often an essential part of a building's character especially if a park, garden or grounds have been laid out to complement its design or function. Also, the economic viability as well as the character of historic buildings may suffer and they can be robbed of much of their interest and of the contribution they make to townscape or the countryside if they become isolated from their surroundings, e.g. by new traffic routes, car parks, or other development."

However, I would also refer to more recent guidance in paragraph 6.5.9 of Planning Policy Wales 8th edition 2016 which states, "Where a development proposal affects a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses."

Powys Unitary Plan policies reflect national legislation and guidance; Powys Unitary Development Plan Policy Env14 (Listed Buildings) states that "proposals for development unacceptably adversely affecting a listed building or its setting will be refused". UDP Policy SP3b states that "proposals for development should seek to protect, conserve and wherever possible enhance sites and features of historic and built heritage importance including those of archaeological, architectural and heritage conservation and historic interest". UDP Policy GP1 states "development proposals will only be permitted if they take into account the following – the design, layout, size, scale, mass and materials of the development shall complement and where possible enhance the character of the surrounding area".

Whilst not objecting to the principle of the proposal, I must express grave concerns with the treatment of the rear elevation and would request that a more sympathetic approach with appropriate materials is sought for this prominent elevation.

I would also have concerns with the proposal for the front elevation. The loss of the railings and the introduction of an oil tank would fail to preserve or enhance the character or appearance of the conservation area and has been addressed in the application for conservation area consent.

I would not encourage the use of upvc windows in this location and would seek more appropriate alternatives in this location. The replacement of the existing windows and the reopening of the entire depth of the window is welcomed.

On balance I would have no objections in principle, and in many respects the proposal would secure the long term future of this building. However the external changes that are proposed

would severely and adversely affect this external character of this building and would impact on the setting of the adjacent listed building and as such I could not support the proposal in its current form.

I would suggest that the conservation area consent application is withdrawn, and the planning application be withdrawn prior to a resubmission, or accurate amended plans taking into account the concerns raised above be received.

Should the application not be withdrawn or amended elevations received I would have to **object** to the proposal and **recommend refusal** on the following grounds.

The proposal introduces many elements to the building such as upvc windows on the prominent rear elevation, the enlargement of one upper floor windows and the creation of a balcony, and also the loss of existing architectural details such as the ground floor rear windows and the railings to the front of the chapel. It is considered that the inappropriate additions and the insensitive loss of architectural detailing would neither preserve or enhance the character or appearance of the Llanrhaeadr Ym Mochnant Conservation Area and as such would be contrary to Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990, and paragraph 6.5.20 of Planning Policy Wales 9th Edition 2016 and Unitary Development Plan Policies ENV11 and SP3b of the adopted Powys UDP which seeks to protect, conserve and enhance sites and features of historic and built heritage importance.

The development would adversely affect the setting of the designated heritage assets; Lloran House, Bodawel and to a lesser degree Arwelfa which lie to the north of the application site. The application site is a former chapel that projects south westwards towards the Afon Rhaeadr in front of the listed terrace and as such is highly visible from the public open space and other roads within Llanrhaeadr Ym Mochnant. The loss of the original ground floor windows, the introduction of white upvc windows and the introduction of lengthened window and balcony would have a significant and adverse impact on the character and appearance of the conservation area and the setting of the listed terrace. As a result of the significant impacts outlined above, it is considered that the proposal is contrary to national legislation and policy in terms of Sections 16 and 66 of the Planning (Listed Buildings and Conservation areas) Act 1990, and paragraph 11 of Welsh Office Circular 61/96, Paragraph 6.5.9 of Planning Policy Wales 8th edition 2016, and Local Plan Policies Policy SP3b, ENV14 and GP1

Correspondence dated 03/07/2017:

Further to our discussion, I note the style of window that is being proposed albeit of a cruciform style to accommodate the two floors accessing a single window.

Whilst having no objection to the upvc window in this instance – given the maintenance issues and the size of the opening, however as the details indicate the type of window and not the exact window I would suggest that a condition be imposed for clarity of detailing.

I would suggest the following condition.

The windows shall be of a cruciform style, flush fitting and designed to accommodate the window opening and set back from the front edge of the stonework Prior to works

commencing on site details of all the new windows, (including details of the trickle vents) to be submitted to the Local Planning Authority, at a scale of not less than 1: 20, and agreed in writing. The details should include where relevant the relationship with the inserted floor. The development shall be carried out in accordance with the approved details.

Correspondence dated 10/08/2017:

Thank you for consulting me on the amendments to the above application. I note that the accompanying application for conservation area consent has been withdrawn and that the railings are to remain.

My previous concerns were;

The loss of the railings and the siting of the oil tank

The proposed upvc windows on the front and the alterations to the window openings at the rear elevation

The proposed balcony to the rear

The loss of the original ground floor windows on the rear elevation.

I note that the railings are to be retained and the oil tank is no longer proposed and as such my concerns have been addressed in this regard.

I note the discussions that have been undertaken with the windows and that they would be of a cruciform style indicative of other windows in the conservation area.

The balcony has been removed from the plans and the original size openings retained.

Paragraph 8 of welsh Office Circular 61/96 reminds us of our duties in that "Authorities are also required by Section 72 of the Act, in the exercise in a conservation area of their powers under the Planning Acts, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area."

Local Plan policies reflect national legislation and I am mindful of Policy ENV11 of the Powys UDP which reflects national aims and states that; *"Proposals for development within or adjoining a Conservation Area should be of a high quality design and should preserve or enhance the character or appearance of that area. Inappropriate developments that would significantly detract from that character will be opposed"*. Paragraph 4.5.9 of the justification for Policy ENV11 advises that *"When considering development proposals affecting a designated conservation area, the Council will seek to ensure that all proposals do not compromise the desire to preserve or enhance the character or appearance of the area and that they are acceptable in terms of setting, form, scale, materials, design and detailing. They will take account of the desirability of retaining traditional buildings, groups of buildings, existing street patterns, spaces, building lines and hard landscape surfaces. The retention or restoration of architectural features as part of the development together with the need to protect valuable existing trees, open spaces and landscape features will also be considered"*

I am also aware of UDP policy SP3 b which states that *"Proposals for development should seek to protect, conserve and wherever possible enhance sites and features of historic and built heritage importance including those of archaeological, architectural and, heritage conservation and historic interest"*.

I note the revised fenestration treatment to the rear retaining the existing opening sizes, the intention to have a traditional cruciform glazing pattern and the loss of the balcony and would consider that my concerns have been met in this regard and would consider that the amended plans would not adversely affect the setting of the adjacent listed building or the character or appearance of the conservation area.

My concerns with the loss of the railings and the siting of the oil tank have also been addressed.

I note that it is still proposed to remove the ground floor windows on the rear elevation and given the limited viewpoints of these windows I would not wish to object to this element of the application in isolation.

I would have no objections to the amended proposal received on 2 August 2017 subject to the following conditions.

The development shall be undertaken in accordance with the amended plans received on 2 August 2017.

Reason: For the avoidance of doubt as to the approved plans.

The windows shall be of a cruciform style, flush fitting and designed to accommodate the existing window opening and set back from the front edge of the stonework Prior to works commencing on site details of all the new windows, (including details of the trickle vents) to be submitted to the Local Planning Authority, at a scale of not less than 1: 20, and agreed in writing. The details should include where relevant the relationship with the inserted floor. The development shall be carried out in accordance with the approved details.

Reason: To preserve or enhance the character and appearance of the Llanrhaeadr Ym Mochnant Conservation Area.

Capel

This was indeed a chapel, Salem Independent. It was built in 1855, closed 1919. Community/British Legion use has retained the form of the building. The proposal retains the façade to an acceptable degree, but the loss of the characteristic railed forecourt is a shame and has a real impact on character. For this reason, we would recommend refusal.

Natural Resources Wales (NRW)

Correspondence dated 07/04/2017:

Thank you for consulting Natural Resources Wales (letter dated 24/03/2017) regarding the above.

NRW does not object to the proposal but would like to raise the matters detailed below.

Flood Risk

The application boundary lies partly within Zone 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 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outline of the Afon Rhaedr, designated as a main river along this reach.

We refer you to Section 6 of TAN15 and the Chief Planning Officer letter from Welsh Government, dated 9th January 2014, which affirms that highly vulnerable development should not be permitted in Zone C2 (paragraph 6.2 of TAN15).

Should you be minded to permit the application, contrary to Welsh Government policy on development and flood risk, our advice on the acceptability of flooding consequences in terms of risks to people and property, is limited to a site visit carried out by the Development.

Given the scale of the proposed development (and in the absence of a flood consequence assessment) we consider the risk could be acceptable subject to the developer being made aware of the potential flood risks, and advised to install flood-proofing measures as part of the development, if necessary as part of the basement redevelopment.

These could include flood barriers on ground floor doors, windows and access points, implementation of suitable flood proofing measures to the internal fabric of the ground floor, and locating electrical sockets/components at a higher level above possible flood levels. We refer the applicant to insurance and flood proofing information. As the NRW website is being continually updated, we suggest that reference is made to the 'Flooding' pages of the website which includes useful information on these matters, <http://naturalresources.wales/flooding/?lang=en>

We suggest you consult other professional advisors (e.g. Emergency Planners, Emergency Services, Building Control) on the acceptability of proposals and on matters we cannot advise on, such as, emergency evacuation plans, procedures and measures to address structural damage that may result from flooding. Please note, we do not normally comment on or approve the adequacy of flood emergency response and procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement during a flood emergency would be limited to delivering flood warnings to occupants/users. From 6th April 2016, the Flood Defence Consenting process changed, you will need to apply for a Flood Risk Activity Permit if you wish to undertake any work in, over, under or adjacent to a main river. Please use the following links for further information

<http://www.naturalresources.wales/apply-for-a-permit/flood-risk-activities/?lang=en>

QUICK GUIDE –

<http://naturalresources.wales/apply-for-a-permit/flood-risk-activities/guidance/?lang=en>

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.

All works at the site must be carried out in accordance with PPG5: 'Works in, near or over watercourses' which is available at the Gov.uk website:

<https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>

Although this document is withdrawn, the advice it provides is still relevant.

If a pollution incident does arise the site must inform us immediately via our incident hotline **03000653000**

Any waste produced during the demolition/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.

Protected Species

We note that no ecological report was submitted with the application. We are unable to make informed comments on bats without being consulted on a bat survey report. The building in consideration and its surrounding habitat has the potential to provide an ideal roosting and foraging place for bats. The conversion of this property and associated works to the roof have therefore the potential to cause harm and disturbance to bats, a European Protected Species.

We believe this proposal would benefit from the Authority's ecological advisor(s) screening opinion on:

- The potential for the presence of European Protected Species (EPS) and national protected species.
- The need for an appropriate survey and report to assess any effects of the proposal on protected species and the detail of mitigation to ensure any effects are acceptable.

If the presence of protected species such as bats is considered likely following screening by the LPA then we can provide further advice if necessary when ecological reports are available.

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 dated 28/04/2017:

We will only make additional comments if we receive a bat report.

PCC Emergency Planning Section

Introduction

01. Thank you for the opportunity to comment on the above application which we were informed of on **19 Apr 2016**. The Emergency Planning & Resilience Section (EP&R Sect) of Powys County Council (PCC) would like to make a number of 'Generic' Observations (applicable to all sites) regarding access and evacuation at sites considered to be at risk of flood.

02. Information on the registration process for the Natural Resources Wales Flood Warning Service (formally referred to as Flood Warning Direct) and the completion of Community and Personal Flood Plans is also listed.

03. Please note that, whilst the PCC EP&R Sect (together with other professional partners including Natural Resources Wales and the Emergency Services) are always willing to provide advice and guidance on Site or Property Flood Plans (i.e. Personal or

Community Flood Management Plans) they will not 'Rubber Stamp' or 'Sanction' these plans as this is the legal responsibility of the Site / Property Owner and not the Local Authority.

Generic Observations

04. The following Generic Observations are made:

- a. Working with partners in the Dyfed Powys Local Resilience Forum PCC has very robust contingency plans in place including Severe Weather, Evacuation & Shelter, and Humanitarian Assistance.
- b. Whilst PCC is a Category 1 (Main) Responder (Civil Contingencies Act 2004 refers) the Authority acts in support of the Emergency Services and responds to their requests. PCC has no legal authority to instruct or advise people to evacuate their property.
- c. The Police coordinate the emergency response and not the Local Authority.
- d. During a severe weather incident (including flooding) PCC will concentrate its efforts in supporting those individuals who are unable to protect their properties (i.e. vulnerable clients, the elderly and infirm). Able bodied house / building owners are expected to make prior arrangements to protect their properties, including the purchase of commercially available flood defence products. Whilst sandbags (and ballast) will be provided by PCC where possible, the Authority may request that (able bodied) individuals collect these from local Highways Depots.

Flood Warning Service (FWS) Messages

05. Property holders who believe that their properties are likely to flood should register for free Environment Agency (EA) 'Flood Warning Service' messages. Further information on this and registration details can be found on the EA website at the following link:

<https://naturalresources.wales/flooding/flood-warning-service/?lang=en>

06. Please note that the (UK) EA provides FWS services to customers in Wales on behalf of Natural Resources Wales.

07. During heavy and persistent rainfall individuals should remain alert and not be fully reliant on the above warnings. Where safe to do so they should pro-actively monitor river and stream levels in their immediate area and take appropriate action (including evacuation).

Community & Personal Flood Plans

08. Any Community or private individual that believes they are at risk of flood are strongly encouraged to complete a 'Community Flood Plan' or 'Personal Flood Plan' and templates and guidance instructions can be found on the GOV.UK website:

<https://www.gov.uk/government/publications/community-flood-plan-template>

<https://www.gov.uk/government/publications/personal-flood-plan>

Dynamic Risk Assessment

09. Evacuation from a property is not always the best option and can actually increase the risk. It is sometimes (dependant on predicted flood depths) safer to move to a higher floor within a building and wait for water levels to dissipate. This decision should be taken after undertaking a Dynamic Risk Assessment.

Representations

Following the display of site notices and publicity in the local press, two representations (from one source) have been received and are summarised as follows:

- Lloran House and two adjacent properties are listed buildings and the British Legion Hall is a historic building, being present in 1857 and was former Baptist Chapel which adds character to the street and conservation area;
- Welcome any re-development on the use of the vacant property but have some concerns in relation to the impact upon Lloran House because the property physically adjoins the Former British Legion Hall;
- Plans are not detailed enough;
- Neighbours have not been consulted on the application by the applicant;
- The ownership certificate has not been completed correctly;
- The proposed balcony structure should be minimised in scale to prevent overlooking and affecting the view down the river;
- A soil pipe is shown to connect into the existing downpipe on Lloran House with the owners of Lloran House intending to remove the downpipe so the soil pipes location should be reconsidered;
- The majority of windows in the locality are not UPVC white windows which are proposed;
- Unclear as to whether it is proposed to adjust the overall heights of the windows. Baptist Chapels typically had high window sills to focus the congregation on the service;
- Concern over internal alterations causing structural issues with Lloran House;

Following reconsulation on amended plans:

- Welcome the retention of the original railings and the removal of the oil tank at the front of the property;
- The plans remain unclear and there is no block plan providing an aerial view. As such it is unclear as to whether the balcony has been removed;
- Amended plans make reference to windows being glazed but there is no detail provided;
- The original plans referred to the building of a mezzanine floor to the internal structure. Can we clarify if this is included in the application or subject to a separate building control request?

Planning History

P/2017/0307 - CAC: Conservation Area Consent for removal of railings, gate, cement posts and low stone wall to frontage (in order to form vehicular access). Application withdrawn

Principal Planning Constraints

- Flood Zone;
- Historic Landscapes Register;
- Llanrhaeadr Ym Mochnant Conservation Area;
- Adjacent to a terrace of three listed buildings (Lloran House Cadw ID 81825 Bodawel Cadw ID 81815, Arwelfa Cadw Id 81814) and opposite a listed building (11 Waterfall Street Cadw ID 81810). In addition, The Waterloo Stone (Cadw ID 81790) is located in the open land to the rear of the site; and
- U5203 unclassified highway (Waterfall Street).

Principal Planning Policies

National Planning Policy

Planning Policy Wales (Edition 9, 2016)

TAN 1 - Joint Housing Land Availability Studies (2015)

TAN 5 - Nature Conservation and Planning (2009)

TAN 12 - Design (2016)

TAN 15 - Development and Flood Risk (2004)

TAN 20 - Planning and the Welsh Language (2013)

TAN 24 – The Historic Environment (2017)

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

Local Planning Policy

Powys Unitary Development Plan (2010)

UDP SP3 - Natural, Historic and Built Heritage

UDP SP14 - Development In Flood Risk Areas

UDP GP1 – Development Control

UDP GP4 – Highway Access and Parking Requirements

UDP GP5 – Welsh Language and Culture

UDP ENV3 – Safeguarding Biodiversity and Natural Habitats

UDP ENV7 – Protected Species

UDP ENV11 - Development in Conservation Areas

UDP ENV14 – Listed Buildings

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

UDP HP3 – Housing Land Availability

UDP HP4 - Settlement Development Boundaries and Capacities

UDP HP5 – Residential Developments

UDP DC10 – Mains Sewage Treatment

UDP DC13 – Surface Water Drainage

UDP CS2 – Protecting Existing Community Facilities and Services

UDP TR2 – Tourist Attractions and Development Areas

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.

Procedure

Public representations refer to the ownership form being incorrectly completed. A revised ownership form was received and publicised accordingly. Therefore, Development Management is satisfied that there has been ample opportunity for the owner of the application building to make representations on the proposed development (no such representations have been received).

Public representations also refer to neighbours not having been consulted. Given that the Local Planning Authority has carried out statutory publication of the application by publicity in the local press and display of site notices, it is understood that the representations are referring to no consultation having been carried out by the applicant. Whilst the application form asks whether neighbour consultation has been carried out, such consultation is not a statutory requirement of applicants and as such is not a material planning consideration in this instance.

Public representations and the Built Heritage Officer refer to the plans not being clear. Whilst the original plans were somewhat basic, the amended plans are drawn to an identified scale and include a layout plan to enable identification of the proposal accurately and as such the plans are sufficient to describe the proposal and enable determination.

Principle

UDP Policy CS2 states that the loss of premises through alternative development proposals used for community purposes including meeting halls will be resisted unless it can be demonstrated that the premises are no longer required for community use, that alternative solutions to support the long term use of the facility for the community have been adequately explored and that appropriate alternative provision exists or is available elsewhere in the community that is of a satisfactory accessibility to the community. The building was formerly in use as the British Legion Hall with the submission indicating that since 2006 there have been 2 members in the community with the hall mainly used for cubs and scouts meetings which finished 7 years ago when they moved to the new school. Development Management is aware that the building has been marketed prior to the submission of the application.

Alternative meeting facilities such as the community hall and a hall at the school are known to exist within Llanrhaeadr Ym Mochnant and it is also noted that no objections have been received in respect of the loss of this particular facility. A reasonable period has now passed for other persons or organisations wishing to utilise the building for a community purpose to come forward and there are other meeting places available in the village for those persons who seek the use of such a facility. In light of these matters, it is considered that the proposal satisfies the objectives of UDP policy CS2.

Otherwise, given that the site is located within the settlement development boundary of Llanrhaeadr Ym Mochnant, there is a presumption in favour of appropriate residential development in accordance with UDP Policies HP4 and HP5. In addition, taking into account that Llanrhaeadr Ym Mochnant is classified as a large village within the UDP, the

development of one residential unit is not expected to lead to the overall capacity of the settlement being exceeded in accordance with UDP Policy HP4. Therefore, subject to consideration of the material planning issues below, it is considered that the principle of residential use is acceptable at this location and is compatible with surrounding land uses.

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.

Given that the site is located within a settlement, Members are advised to give considerable weight to the current lack of housing land supply.

Design and impact upon character and appearance of surrounding area

Waterfall Street is a narrow street with terraced housing, predominantly of stone facing under slated roofs and the building the subject of the application is a former stone chapel which Capel advises was constructed in 1855. As can be noted from the comments included within the responses from the Built Heritage Officer and Capel and within public representations, concerns were raised initially over the proposed changes to the rear (including the introduction of a balcony, use of upvc windows and alteration to the windows), as well as the loss of the railings and wall to the front of the building. The rear elevation is visible over a relatively wide area and from public vantage points such as the highway through the village. Amended details and plans were submitted which amended the inappropriate aspects of the proposal to reflect the concerns raised by the Built Heritage Officer and Capel including the retention of the railings at the front, the removal of the oil tank from the proposal, the removal of the rear balcony, retention of the original sized dwellings and some further detail in respect of the proposed windows (traditional cruciform glazing pattern). Revised fenestration treatment to the rear retaining the existing opening sizes has now been included and it is intended to have a traditional cruciform glazing pattern. Therefore, whilst it is still proposed to

remove the ground floor windows on the rear elevation, given the limited viewpoints of these windows, the Built Heritage Officer has removed their objection subject to the use of conditions, in particular to require the submission and approval and use of agreed windows.

Therefore, taking into account the revised proposal together with the Built Heritage Officer's comments, subject to the use of conditions, particularly in respect of the submission and approval of window details and their implementation, it is considered that the proposal would reflect the overall character and appearance of the settlement and surrounding area in accordance with UDP Policy HP5.

Impact upon heritage assets

Llanrhaeadr Ym Mochnant Conservation Area

The authority is required to have special attention 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) Act 1990. UDP Policy ENV11 states that proposals located within conservation areas should be of high quality design and should preserve or enhance the character or appearance of the area. Proposed developments that would significantly detract from the character of the area will be opposed.

As detailed above and within the Built Heritage Officer's comments, the initial proposal was considered unacceptable in terms of its impact upon the character and appearance of the conservation area, particularly in respect of the proposed alterations to the rear elevation and the loss of the railings to the front of the building which are features of the historical use as a chapel.

Taking into account the comments of the Built Heritage Officer, Capel and public representations and the discussion above in respect of the revised design, subject to the suggested conditions, it is considered that the revised proposal would not have an unacceptable impact upon the character or appearance of the conservation area in accordance with the relevant legislation and planning policies.

Physical impact upon Lloran House (Listed building)

In terms of listed buildings, the authority is required have special regard to the desirability of preserving listed buildings or their settings under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. UDP Policy ENV14 states that proposals unacceptably adversely affecting a listed building or its setting will be refused taking into account the desirability of preserving the listed building and its setting, the importance of the building, the effects of the proposal on any particular features and the contributions of the building to the local scene.

Public representations have raised concerns over the impact of internal alterations potentially causing structural issues with Lloran House which is attached to the building the subject of the application and is a listed building. Particular concern over a proposed mezzanine floor requiring supporting beams to be built into the wall adjoining Lloran House have been raised. Internal structural works would fall under the Building Regulations and also would be administered under the Party Wall Act which is a separate legislative control and as such the concerns are not a material planning consideration in this instance.

Setting of listed buildings

As stated above, the Authority is required to have special regard to the desirability of preserving the settings of listed buildings and UDP Policy ENV14 states that proposals unacceptably adversely affecting the setting of a listed building will be refused.

Initially the Built Heritage Officer concluded that the inappropriate design features of the proposed development result in the proposal adversely affect the setting of neighbouring listed dwellings known as Lloran House, Bodawel and to a lesser degree Arwelfa. The application site is a former chapel that projects south westwards towards the Afon Rhaeadr in front of the listed terrace and as such is highly visible from the public open space and other roads within Llanrhaedr Ym Mochnant.

Initially the Built Heritage Officer objected to the proposal on the basis that the proposed external alterations to the building would unacceptably adversely affect the setting of the identified listed buildings. Taking into account the revised proposal, the relevant local and national planning policies, the Built Heritage Officer's comments and the discussion above in respect of design and the use of conditions, it is considered that the proposal would not have an unacceptable adverse impact upon the settings of the identified listed buildings in accordance with UDP Policy ENV14.

Dyffryn Tanat/Tanat Valley Landscape of Outstanding Historic Interest

The building is located within the Dyffryn Tanat Landscape of Outstanding Historic Interest. Planning Policy Wales and Technical Advice Note 24 advise that information on historic landscapes in the second part of the Register should be taken into account by local planning authorities in considering the implications of developments which are of such a scale that they would have a more than local impact on an area on the Register. The effect of proposed development on a park or garden contained in the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales, or on the setting of such a park or garden, may be a material consideration in the determination of a planning application. UDP Policy ENV16 requires consideration to be given to the protection of the special historic interest of historic landscapes included in part 2 of the register of landscapes, parks and gardens of special historic interest in Wales will be sought.

The landscape is summarised as a narrow lowland river valley situated between the Berwyn Mountains and the Montgomery Hills, containing diverse evidence of land use from prehistoric to recent times. The area includes significant crop-marks of hidden prehistoric ritual and funerary sites; large well-preserved Iron Age hillforts; prehistoric to recent mining remains; medieval mottes, settlements and Pennant Melangell Church.

Given that the proposal utilises an existing building within a settlement and that the design is acceptable subject to the use of conditions in relation to windows and the removal of permitted development rights, it is not considered that the proposal would have more than a local impact upon the Landscape of Outstanding Historic Interest and would not have an unacceptable impact upon the character or appearance of the overall landscape asset in accordance with UDP Policy ENV16.

Impact upon amenities of occupants of neighbouring properties and the proposed residential unit

The building is located within the settlement of Llanrhaeadr and as such is located in close proximity to neighbouring residential dwellings. In particular, the building is attached to Lloran House, opposite a terrace of dwellings and to the north of another dwelling. Whilst the character of the use of the building would be changed to residential from a community use, given that the balcony has been removed from the rear elevation which removes any concerns regarding overlooking over Lloran House and that it is not proposed to insert new openings into the front and side elevations which face neighbouring dwellings, it is considered that the proposal would not unacceptably affect the amenities enjoyed by existing occupants of neighbouring dwellings or the proposed occupants of the building itself in accordance with UDP Policy GP1(3).

Highway access and parking requirements

The building currently has no means of vehicular access or parking provision with pedestrian access off Waterfall Street. Initially it was proposed to remove the railings at the front of the building to provide vehicular access and a parking space, however there was insufficient space within the proposed parking area to provide a parking bay of the required dimensions and as such any vehicle parked within this space would potentially overhang the public highway. As a result of these comments, the vehicular access and parking space were removed from the proposal and the Highway Authority has removed their objection.

Whilst the benefits of off street parking provision are recognised, taking into account the Highway Authority's comments together with the former use of the building which had the potential to create more traffic movements than the proposed residential single dwelling and there is public car parking facilities in the village it is considered that the proposed development is acceptable in terms of highway access and parking requirements.

Flood zone and surface water drainage

The application site lies partly within Zone C2 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 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outline of the Afon Rhaedr, designated as a main river along this reach.

Section 6 of TAN15 and UDP Policy SP14 state that highly vulnerable development (residential dwellings) should not be permitted in Zone C2. However, NRW has advised that given the scale of the proposed development (and in the absence of a flood consequence assessment) they consider that the risk could be acceptable subject to the developer being made aware of the potential flood risks, and advised to install flood-proofing measures as part of the development, if necessary as part of the basement redevelopment. NRW has further advised that such measures could include flood barriers on ground floor doors, windows and access points, implementation of suitable flood proofing measures to the internal fabric of the ground floor, and locating electrical sockets/components at a higher level above possible flood levels. The Council's Emergency Planning Section has provided generic observations and advice for times of flooding.

The applicant has stated that they have no knowledge of flooding having occurred in the past 60 years, however given that the climate is changing the applicant has proposed to install a collapsible flood barrier to the rear door. In addition, the applicant has stated that given that the windows are 1.2 metres off the ground and the internal floor in the basement is proposed by 400mm to 600mm with a step down to the rear door with all sockets to be waist height.

Whilst TAN15 and UDP Policy SP14 state that residential development should not be permitted in Zone C2, taking into account the comments received from the applicant, that they are aware of the flood risk and are proposing to install flood proofing/alleviation measures and that NRW are satisfied that the risk could be acceptable subject to the advisory comments provided by NRW and the Emergency Planning Section being included as an informative, it is recommended that the proposal is acceptable in flood risk terms.

Information contained within the application form states that it is proposed to dispose of surface water to an existing watercourse. No further details are provided, however taking into account that the roof area of the building would not change as a result of the development, it is considered that this matter can be adequately dealt with via the Building Regulations.

Foul drainage

It is proposed to dispose of foul sewage to the mains sewer which is the preferred method of disposal set out within national and local planning policy. Public objections have referred to soil pipe being shown to connect into the existing downpipe on Lloran House with the owners of Lloran House intending to remove the downpipe. This downpipe has been removed from the amended plans and therefore the matter appears to have been resolved. However, any new means of connection into the mains system will need to be agreed with any relevant third parties and Severn Trent. Otherwise, Severn Trent Water has not objected to the principle of mains connection and given the scale of the proposal, it is considered that adequate provision would be made for foul drainage in accordance with UDP Policy DC10.

Ecology

Protected species

As NRW comment, no ecological report was submitted with the application and therefore NRW has not considered the impact of the proposed alterations upon bats which are an European Protected Species. Given the age of the building and the location, adjacent to a watercourse and with suitable habitat in the surrounds, NRW advise that the building may provide opportunities for roosting and foraging for bats. NRW refer to works to the roof having the potential to cause harm and disturbance to bats, a European Protected Species.

Whilst the Council's Ecologist has not formally commented upon the planning application, verbal discussions between Development Management and the Ecologist have taken place. The gable end (side elevation) has been covered in ivy for some time and the Ecologist queried whether this was to be removed along with the extent of the proposed works to this elevation and the roof. The submission details that whilst it is proposed to remove the ivy to benefit the building, there are no new openings in this gable end and the applicant has clarified that a roofer has viewed the roof and does not expect there to be repairs or disturbance. Therefore, whilst a bat survey has not been submitted, on the basis of the verbal advice received from the Ecologist and the additional information received from the applicant,

subject to an informative advising on bat legislation, it is concluded that no further information is required in respect of bats.

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)

Llanrhaeadr Ym Mochnant is a settlement where the Welsh language has been identified as being important to the social, cultural and community fabric of the settlement. Section 31 of the above 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 a single residential unit within the settlement development limits of Llanrhaeadr Ym Mochnant, it is considered that there would be no material unacceptable effect upon the Welsh language in the village or 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. In addition, the design is considered acceptable as is the impact upon the character and appearance of the conservation area and the setting of the identified listed buildings. Furthermore given the location within the settlement development boundary of Llanrhaeadr Ym Mochnant the Council's current lack of housing land supply which adds weight in favour of approval. Overall, the proposal is considered to comply with the relevant national and local planning policy and the recommendation is one of conditional consent as set 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.
3. Notwithstanding the provisions of schedule 2, part 1, classes A, B, C, D, E, F, G and H 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), no extensions, alterations, roof alterations or buildings, chimneys etc shall be erected other than those expressly authorised by this permission.
4. Prior to works commencing on site detailed scaled drawings (at a scale of not less than 1:20) of all the new windows, (including details of the trickle vents) must be submitted to and approved in writing by the Local Planning Authority. The windows shall be of a cruciform style, flush fitting and designed to accommodate the existing window opening and set back from the front edge of the stonework. The details should include where relevant the relationship with the inserted floor. The 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. To ensure that the character and appearance of the Llanrhaeadr Ym Mochnant Conservation Area is preserved in accordance with Policies GP1 and ENV11 of the Powys Unitary Development Plan (2010), Planning Policy Wales (2016) and Technical Advice Note 24: The Historic Environment (2017).
4. To preserve the character and appearance of the Llanrhaeadr Ym Mochnant Conservation Area in accordance with Policies GP1 and ENV11 of the Powys Unitary Development Plan (2010), Planning Policy Wales (2016) and Technical Advice Note 24: The Historic Environment (2017).

Informative Notes

Please note the comments below from the Council's Emergency Planning Team in respect of flooding:

- a. Working with partners in the Dyfed Powys Local Resilience Forum PCC has very robust contingency plans in place including Severe Weather, Evacuation & Shelter, and Humanitarian Assistance.
- b. Whilst PCC is a Category 1 (Main) Responder (Civil Contingencies Act 2004 refers) the Authority acts in support of the Emergency Services and responds to their requests. PCC has no legal authority to instruct or advise people to evacuate their property.
- c. The Police coordinate the emergency response and not the Local Authority.
- d. During a severe weather incident (including flooding) PCC will concentrate its efforts in supporting those individuals who are unable to protect their properties (i.e. vulnerable clients, the elderly and infirm). Able bodied house / building owners are expected to make prior arrangements to protect their properties, including the purchase of commercially available flood defence products. Whilst sandbags (and ballast) will be provided by PCC where possible, the Authority may request that (able bodied) individuals collect these from local Highways Depots.

Flood Warning Service (FWS) Messages

05. Property holders who believe that their properties are likely to flood should register for free Environment Agency (EA) 'Flood Warning Service' messages. Further information on this and registration details can be found on the EA website at the following link:

<https://naturalresources.wales/flooding/flood-warning-service/?lang=en>

06. Please note that the (UK) EA provides FWS services to customers in Wales on behalf of Natural Resources Wales.

07. During heavy and persistent rainfall individuals should remain alert and not be fully reliant on the above warnings. Where safe to do so they should pro-actively monitor river and stream levels in their immediate area and take appropriate action (including evacuation).

Community & Personal Flood Plans

08. Any Community or private individual that believes they are at risk of flood are strongly encouraged to complete a 'Community Flood Plan' or 'Personal Flood Plan' and templates and guidance instructions can be found on the GOV.UK website:

<https://www.gov.uk/government/publications/community-flood-plan-template>

<https://www.gov.uk/government/publications/personal-flood-plan>

Dynamic Risk Assessment

09. Evacuation from a property is not always the best option and can actually increase the risk. It is sometimes (dependant on predicted flood depths) safer to move to a higher floor within a building and wait for water levels to dissipate. This decision should be taken after undertaking a Dynamic Risk Assessment.

Please note the comments from Natural Resources Wales:

Flood-proofing measures could include flood barriers on ground floor doors, windows and access points, implementation of suitable flood proofing measures to the internal fabric of the ground floor, and locating electrical sockets/components at a higher level above possible flood levels.

We refer the applicant to insurance and flood proofing information. As the NRW website is being continually updated, we suggest that reference is made to the 'Flooding' pages of the website which includes useful information on these matters,
<http://naturalresources.wales/flooding/?lang=en>

From 6th April 2016, the Flood Defence Consenting process changed, you will need to apply for a Flood Risk Activity Permit if you wish to undertake any work in, over, under or adjacent to a main river. Please use the following links for further information

<http://www.naturalresources.wales/apply-for-a-permit/flood-risk-activities/?lang=en>

QUICK GUIDE –

<http://naturalresources.wales/apply-for-a-permit/flood-risk-activities/guidance/?lang=en>

Responsibility for preventing pollution rests with those in control of the site. Pollution Prevention Guidance should be read by those carrying out the work.

All works at the site must be carried out in accordance with PPG5: 'Works in, near or over watercourses' which is available at the Gov.uk website:

<https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>

If a pollution incident does arise the site must inform us immediately via our incident hotline 03000653000

Any waste produced during the demolition/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.

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.

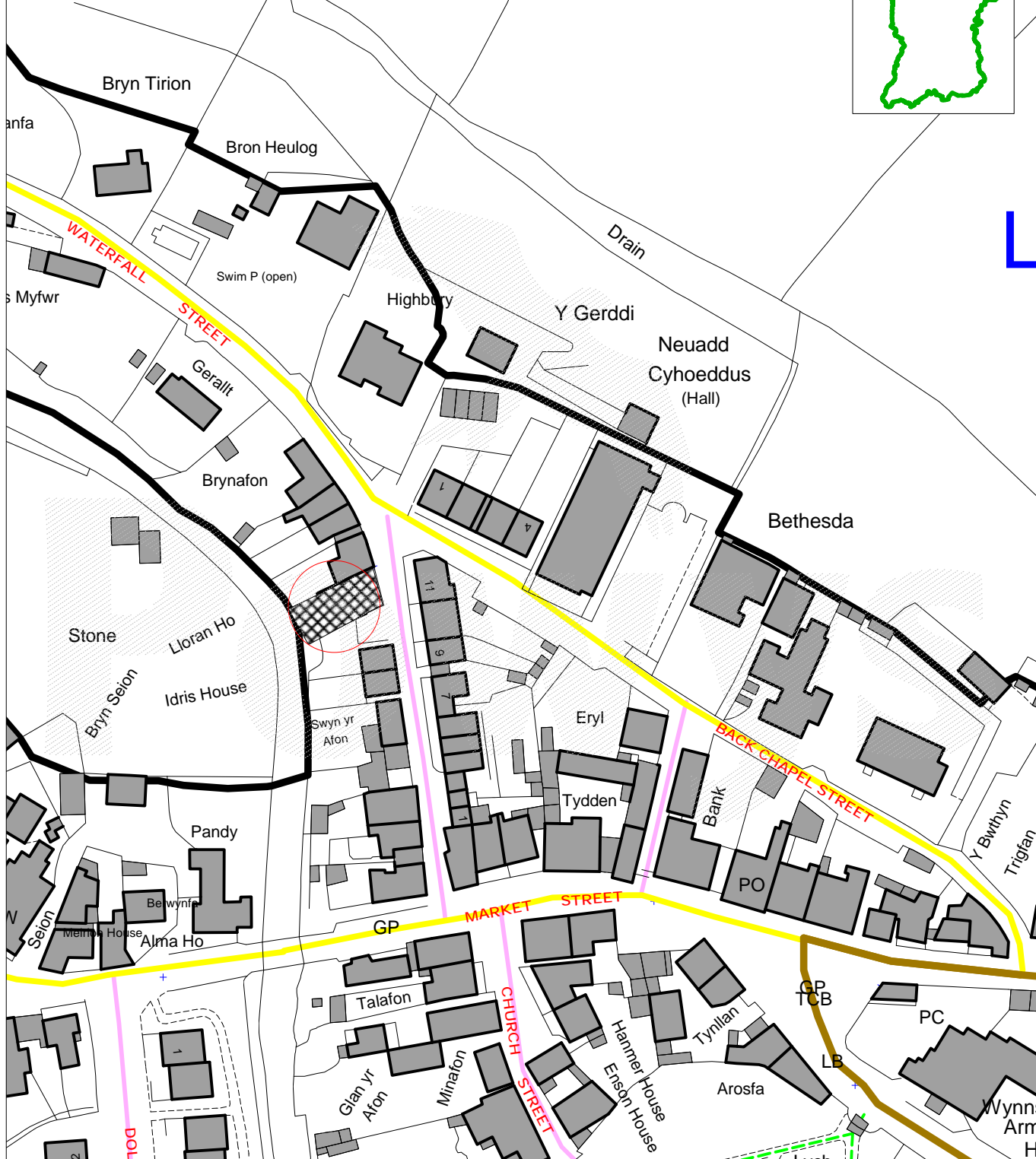
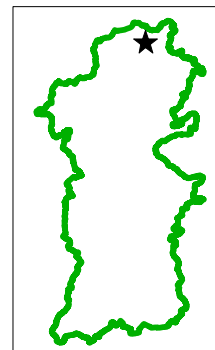
Under the Habitats Regulations it is an offence to:

- 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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Planning, Taxi Licensing and Rights of Way Committee Report

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

The reason for Committee determination

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

Site Location and Description

This site is located off the C2039 classified highway within the key settlement of Trewern. This site is located off a private lane. The site is currently occupied by a number of traditional red brick agricultural farm buildings and modern steel framed buildings bound by post and wire fencing.

This application seeks outline consent for residential development for up to 9 dwellings, garages, improvement to vehicular access, demolition of existing buildings and all associated works. This outline application considers the principle of residential development on the site and access. All other matters are reserved for future consideration.

Consultee Response

Trewern CC

Correspondence received 21st June 2017

Trewern Community Council considered this application at its meeting on 20 June 2017.

We considered that the application should not be approved until measures have been taken to improve safety along Criggion Lane. The issues which particularly concern us are:

- the dangerous access from Criggion Lane onto the A458
- the narrowness of the road and deficiency of pavements
- inadequate street lighting

- absence of a speed limit

These issues create risks for vulnerable pedestrians including children who need to walk to the main road in order to catch school buses. Further housing without attention to these issues would add to the dangers.

In addition whilst we support sustainable development in Trewern we feel that it is important that the most suitable sites are properly prioritised. This is very difficult in the absence of an up to date development plan. We are very concerned that the cumulative impact of the current planning proposals would put an unacceptable strain on local infrastructure.

Highways Dept north

Correspondence received 27th July 2017

The County Council as Highway Authority for the County Class III Highway, C2079

**Wish the following recommendations/Observations be applied
Recommendations/Observations**

Prior to any works being commenced on the development site the applicant shall submit and have approved in writing by the Local Planning Authority a scheme for the erection of additional three street lights on the C2039. The street lights shall be erected/energised prior to any of the dwellings being occupied on the development site.

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

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 30 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.

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.

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.

In the interests of highway safety.

Building Control

Correspondence received 30th May 2017

Building Regulations application required.

Wales & West Utilities

Correspondence received 2nd June 2017

According to our mains records Wales and West Utilities has no apparatus in the area of your enquiry. However Gas pipes owned by other GTs 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

Correspondence received 5th June 2017

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

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.

Environmental health – Environmental Protection

Correspondence received 8th June 2017

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

Foul drainage

Environmental Protection has no objection to the proposal to connect to the Severn Trent Water mains sewer.

Construction-phase noise impact

Due to the residential nature of the setting, Environmental Protection recommends that measures are in place to control the level of noise disturbance to neighbouring properties during the construction phase of the development.

This department would recommend that the 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 Sundays and Bank Holidays

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

Environmental Health – Contaminated Land

Correspondence received 9th June 2017

In relation to Planning Application P/2017/0574 the following advice is provided for the consideration of Development Control.

Advice

1. The application proposal involves a residential development on land that is currently occupied by Gate Farm and associated buildings and infrastructure. Former agricultural buildings and land may contain potential sources of contamination depending on what they were used for in the past such as: pesticides, fuels and oils, slurry tanks and pits, fire sites, animal burial pits or other buried waste, fertiliser, sheep dip pits, asbestos, old machinery, waste chemical drums and ammunition.

Furthermore, historic ordnance survey (OS) maps identify that the application site adjoins an area of unknown filled ground. Areas of unknown filled ground could be potential sources of land contamination depending on the type and nature of the materials that have been used as fill.

2. 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 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”*.

3. Based on the available information the following is recommended:

1. The planning applicant could submit a preliminary investigation and preliminary risk assessment (‘Phase 1’ report) in support of Planning Application P/2017/0574. A preliminary investigation and preliminary risk assessment should be completed by a qualified and

experienced environmental consultant, and in accordance with current guidance and best practice. If a preliminary risk assessment identifies that there are potentially unacceptable risks a detailed scope of works for an intrusive investigation, prepared by a qualified and experienced environmental consultant, should also be submitted for review and approval.

II. Alternatively, the following Condition and Note to the applicant could be attached to any permission granted for Planning Application P/2017/0574:

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 Ecologist

Correspondence received 27th July 2017

Thank you for consulting me with regards to planning application P/2017/0574 which concerns an Outline application for residential development for up to 9 dwellings, garages, improvement to vehicular access, demolition of existing buildings and all associated works at Land at Gate Farm, Criggion Lane, Trewern, Welshpool.

I have reviewed the proposed plans submitted with the application as well as photographs of the site and surrounding habitats, local records of protected and priority species and designated sites within 500m of the proposed development.

The data search identified 37 records of protected and priority species within 500m of the proposed development. No records were for the site itself.

No statutory or non-statutory designated sites are present within 500m of the proposed development.

The site of the proposed development comprises areas of improved grassland and hardstanding habitats of low ecological value. The boundaries of the site comprises areas of hedgerows and trees habitats of high ecological value. In addition there are a number of agricultural buildings present on the site that would need to be demolished to accommodate the proposed development.

Where applications involve works to barns consideration is given to the potential for bats to be impacted by the works – barn structures are often used by bats for roosting purposes. I have reviewed photographs taken during your site visit to consider the potential for the agricultural buildings that would be demolished to accommodate the proposed development to support roosting bats.

Having reviewed these images it is noted that the agricultural buildings affected are of a mixture of construction types including modern steel portal framed structures and a more traditional brick barn structure.

Having reviewed the external and internal photos of these structures it is considered unlikely that the structures affected provide suitable features or conditions to be used by roosting bats.

- The nature of the modern barn structures lack suitable features and the necessary conditions favoured by bats for roosting purposes.
- The traditional barn structure may have previously had potential to support roosting bats however it is noted from the site visit photographs that the roof covering has been removed leaving only exposed roof support timbers - which would expose any potential roosting features to the elements which would reduce their potential. A review of the photos of the interior of the ground floor

of this structure showed that no suitable roosting features are present at this level.

Given the lack of suitable features for use by roosting bats in the agricultural buildings affected by the proposed development it is considered that no further information regarding potential impacts to roosting bats is required to support the application. Whilst it is considered that the traditional agricultural barn in its current state lacks features suitable to support roosting bats it is considered that prior to removal of the roof covering the building could have had potential to support roosting bats. **It is recommended that the provision of compensation measures for roosting bats should be secured through the proposed development through an appropriately worded condition.**

Whilst the agricultural buildings are considered unsuitable to support roosting bats it is considered that they have potential to support nesting birds. Consideration will need to be given to the provision of compensation nesting habitat for nesting birds as part of the proposed development. **It is recommended that the provision of compensation measures for nesting birds should be secured through the proposed development through an appropriately worded condition.**

With regards to other protected and priority species identified as present in the local area by the data search it is not considered likely that the proposed development would result in negative impacts to these species and no surveys are considered necessary.

The submitted plans and associated information identify that an improved access is proposed for the site off Criggion Lane. In order to improve the access and achieve the required visibility splays it has been identified that it is proposed to remove the existing conifer hedgerow, this will be replaced by a new native species hedgerow behind a new grass verge north west of the access to the site.

Hedgerows are listed as a "habitat of principal importance for the purposes of conserving biodiversity" as identified in on Section 7 of the Environment (Wales) Act 2016, and are beneficial to a wide range of biodiversity including bats, nesting birds, small mammals, lichens and fungi. Hedgerows and linear tree features are also included in the Powys LBAP under the Linear Habitats Action Plan – 'Linear habitats are important to a wide variety of species as refuges, breeding and feeding sites and as links between habitats of high biodiversity value'. Powys UDP Policy ENV2 states that

'Proposals which are acceptable in principal should:

3. Seek to conserve native woodlands, trees and hedgerows'

Where impacts to hedgerows or trees are identified an appropriate compensation strategy will be required, it is noted that the submitted plans indicate that the boundary hedgerow affected by the proposed access will be replaced by a new native species hedgerow behind the required visibility – the provision of new hedgerow planting to replace the hedgerow that will be removed is welcomed and the provision of a new native species hedgerow in place of the existing conifer hedgerow is considered to provide benefits for biodiversity – biodiversity enhancements in accordance with the requirements of Section 6 of the Environment (Wales) Act 2016. **Details of the native hedgerow planting should be secured as part of a Landscaping Scheme condition.**

Whilst it is acknowledged that the submitted plans are indicative at this stage and that further detailed design will be provided as reserved matters it is noted that the proposed plans indicate the provision of landscaping including what appears to be some hedgerow and tree planting as part of the proposed development. The provision of landscaping is welcomed, it is recommended that species used in landscaping are native (in accordance with UDP policy GP1) this would also serve to provide biodiversity enhancements in accordance with the requirements of Section 6 of the Environment (Wales) Act 2016. **It is recommended that a detailed landscaping scheme is secured through an appropriately worded condition.**

Given the relatively rural location of the proposed development careful consideration will need to be given to any proposed external lighting design within the detailed design of the development to minimise impacts to nocturnal wildlife commuting and foraging in the local area. **It is recommended that a planning condition securing a wildlife sensitive lighting scheme 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 works, a bat and nesting bird compensation scheme, to include provision of at least five features for bat roosting or bird nesting, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be undertaken and/or installed prior to the first beneficial use of the development hereby approved, in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To comply with Powys County Council's UDP Policies SP3, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.

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

Reason: To comply with Powys County Council's UDP Policies SP3 and ENV2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

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 inclusion of the following Informative:

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.

Cllr Amanda Jenner

As the relevant local member, I wish to make the following comments:

This application should not be approved until there have been substantial measures taken to improve the safety of the access lane, Criggion Lane. This lane is narrow in places and does not have a speed restriction. I have been contacted by a number of residents who are concerned about the lack of speed restriction given the narrowness of the road and that there are residential developments along this road. Further development will add to the dangers. Further, there is an absence of street lighting, deficient pavements and therefore, there could be a significant risk to pedestrians who would need to walk along this road. The road adjoins the A458 which is the main Trunk road to both Welshpool and Shrewsbury and therefore used by school children and elderly residents.

Further, there are a number of other applications (in Middletown) and I am of the view that each of the current applications for development in Middletown and Trewern cannot be considered in isolation. It is important that there is sustainable development within these villages (given their shared services) and therefore, that only the most suitable of sites are

selected. This is difficult as there is no up to date development plan. Consideration needs to be given to the cumulative impact of all of the planning applications and the potential strain that they would cause on the current infrastructure, including the school (in Trewern).

I also understand that there has been no visible notice for this application on the site where it is proposed. This should be addressed immediately and residents given further time to respond to this application.

Representations

A public site notice was displayed at the site for a period of 21 days. One letter of objection was received in response. Comments raised were in relation to the points as below:

- Drainage
- Loss of Amenity

Principal Planning Policies

National Planning Policy

Planning Policy Wales (9th Edition, 2016)

Technical Advice Note (TAN) 1 - Joint Housing Land Availability Study (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) 12 - Design (2016)

Technical Advice Note 20: Planning and the Welsh Language (2013)

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

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

Local Planning Policies

Powys Unitary Development Plan 2010.

SP2 – Strategic Settlement Hierarchy

SP4 – Economic and Employment Developments

SP5 – Housing Developments

SP6 – Development and Transport

SP12 – Energy Conservation and Generation

GP1 – Development Control

GP2 – Planning Obligations

GP3 – Design and Energy Conservation

GP4 – Highway and Parking Requirements

GP5 – Welsh Language and Culture

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
HP8 - Affordable Housing adjoining Settlements with Development Boundaries
HP14 – Sustainable Housing
DC1 – Access by Disabled Persons
DC3 – External Lighting
DC8 – Public Water Supply
DC10 – Mains Sewage Treatment
DC13 – Surface Water Drainage
TR2 – Tourist Attractions and Development Areas

Powys County Council 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

This application site lies mostly within but part adjacent to the settlement boundary of Trewern which is classified in the Powys Unitary Development Plan 2010 as a Key Settlement. The proposal is for up to 9 dwellings two of which are to be affordable dwellings. The proposed development therefore represents a departure from the adopted Unitary Development Plan.

Housing Land Supply

Planning policy (TAN1 and UDP HP3) states that the Council needs to have a five year supply of land available for housing. The Powys Joint Housing Land Availability Study (2016) concludes that there is 2.2 years of housing supply.

Housing supply is a material consideration that should be given considerable weight in the determination of this application. TAN 1 states:

‘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’.

Sustainability

In considering a departure from the Powys Unitary Development plan policies consideration must be given to must consider the location of the proposed development in terms of the sustainability of the development. Account should be given to the range of services and facilities available within close proximity to the site.

Trewern is defined in the UDP as a Key Settlement with two allocated sites (M195 – HA1 and M195 – HA2) which have been completed. The settlement itself has a chapel, primary school, community centre, playground, recycling centre and public transport links. Trewern is located approximately 4.6 miles driving distance north east of the area centre of Welshpool which has a wide range of key services and facilities. Welshpool is readily accessible via public transport from bus stops a short walking distance from the site. The proposed location is considered to be sustainable for the scale of development proposed.

Scale, Design and Appearance

Policy GP3 of the Powys Unitary Development Plan seeks to ensure that development proposals are of an appropriate design, scale, layout and of materials that shall complement or where possible enhance the character of the surrounding area.

Whilst scale, appearance, layout and landscaping are reserved matters not to be considered as part of this application process, the applicant has provided an indicative layout for the site. The submitted plans and indicative site plan layout shows the site to accommodate 6 no. 3 bedroom dwellings and 3 no. 4 bed dwellings. Two of the six 3 bed dwellings are to be allocated as affordable dwellings. This is in line with the 20% affordable housing contribution requirements as evidenced for the area through evidence provided as part of the LDP process.

The dwellings will vary in length from 8-15 metres, width from 6-12 metres, with a mix of single and two storey dwellings ranging from 5.5 – 8.5 metres in height.

No indicative details of design of the dwellings but they are intended to reflect the character and appearance of the surrounding area. The design and access statement suggests that the proposed dwellings would be finished with facing brickwork with an element of white painted render.

Although Officers acknowledge that matters relating to appearance, layout and scale have been reserved for future consideration, on the basis of the plans provided, it is considered that the application site is capable of accommodating nine 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

Policy ENV2 of the Powys Unitary Development Plan seeks to ensure that proposed development will not have an unacceptable adverse impact upon the Powys Landscape. Development proposals should be design in a way to be sensitive to the character and appearance of the surrounding area and landscape.

The proposed site is located mostly within the settlement boundary of Trewern with part of the site directly adjacent to the boundary. It is considered that the siting of the proposed dwellings is acceptable in the proposed location. Although landscaping is not considered as part of this application process it is considered that the proposed site is well integrated within the existing key settlement and would not have an unacceptable adverse visual impact upon the character and appearance of the surrounding area. The replacement of the existing agricultural buildings which are in a poor state of repair would be a visual improvement to the area whilst making good use of a brownfield site.

In light of the above, it is considered that the proposed development complies with policy ENV2 of the Powys Unitary Development Plan 2010.

Highways Safety and Movement

UDP policy GP4 indicates that planning permission will be dependent upon adequate provision for access including visibility, turning and parking.

As part of this application process the highways authority have been consulted and no objections have been raised subject to the inclusion of the recommended conditions upon any grant of consent. Whilst taking into account the Community Councils and County Councillors comments, Officers are satisfied that subject to the conditions as suggested that the proposed development is considered to have an acceptable access.

In light of the highways officers comments it is considered that the proposed dwellings fundamentally comply with Policy GP4 of the Powys Unitary Development Plan 2010.

Drainage

Policy DC13 of the Powys Unitary Development plan seeks to ensure that development proposals should provide adequate provisions for land drainage and surface water disposal. Development should not give rise to unacceptable on or off site flooding. Policy DC11 seeks to ensure that the adequate provision for foul sewerage can be provided on site via the public foul sewerage system or private treatment plants.

Apart of this application process the council's environmental health officers have been consulted who have raised no objection to the scheme as it is to feed into the public sewerage system. Severn Trent have also been consulted and have raised no objection to the proposal but have requested conditions in relation to the routing of the foul and surface water drainage.

Officers consider that subject to the suggested condition that the proposed development fundamentally complies with policy DC11 and DC13 of the Powys Unitary Development Plan 2010 in respect of foul and surface water drainage.

Ecology and Biodiversity

As part of this application process our county ecologist has been consulted and has provided comments on the application. No objections have been raised by the ecologist to the proposed development subject to the inclusion of the suggested conditions.

In light of the above and comments received, subject to the suggested conditions officers consider that the proposed development fundamentally complies with Policy ENV7 of the Powys Unitary Development Plan 2010.

Contaminated Land

As part of this application process the council contaminated land officer has been consulted and has provided comments. The existing site houses agricultural buildings and areas of hardstanding. The officer has raised the potential for sources of contamination on the site given the sites current use. Evidence is also held that the land adjoins an area of unknown filled ground. As a result the contaminated land officer has recommended that a number of conditions be attached to any grant of consent to seek information and remediation measures for the site. Officers consider given the current and previous uses on the site it is necessary to attach such conditions to any grant of consent.

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.

In the 2011 census the Trewern Ward reported 14% of the population spoke Welsh. This is an increase from the 2001 census which stated that 2.4% of the population of Trewern spoke Welsh. Officers consider that the development of nine dwellings in this settlement will not have an unacceptable detrimental impact on the cultural or linguistic vitality of the area.

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 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 subject to conditions.

Conditions:

1. Details of the access, appearance, landscaping, layout, and scale, (hereinafter called ""the reserved matters"") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. The development shall be carried out strictly in accordance with the plans stamped as received on 17th May 2017 (drawing no's: RPP/GD-JOB23-01, RPP/GD-JOB23-02, RPP/GD-JOB23-03).
5. Prior to any works being commenced on the development site the applicant shall submit and have approved in writing by the Local Planning Authority a scheme for the erection of additional three street lights on the C2039. The street lights shall be operational prior to any of the dwellings being occupied on the development site.
6. No other development shall commence until the access has been constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of

the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 43 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

7. Before any other development commences the access to be used by vehicles shall be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 10 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.
8. Prior to the occupation of any dwelling, provision shall be made within the curtilage of the site for the parking of not less than one car per bedroom excluding any garage space provided together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.
9. The gradient from the back of the footway/verge to the vehicle parking areas shall be constructed so as not to exceed 1 in 30 and shall be retained at this gradient for as long as the dwellings remain in existence.
10. 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 0.4 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. 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 prior to the commencement of development, 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.
13. Upon formation of the visibility splays as detailed in condition 6 above the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.

14. 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.
15. No storm water drainage from the site shall be allowed to discharge onto the county highway.
16. Prior to the commencement of development works, a bat and nesting bird compensation scheme, to include provision of at least five features for bat roosting or bird nesting, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be undertaken and/or installed prior to the first beneficial use of the development hereby approved, in accordance with the approved details.
17. Prior to the commencement of the development a Landscaping and Management Plan shall be submitted to and agreed with the Local Planning Authority and shall be implemented in the first planting season of the following occupation of the development. The Plan shall include the use of native species, details of the planting specification - the species, sizes and planting densities - and a timetable for implementation and future management to ensure good establishment and long-term retention
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.
19. 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. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.
20. 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 Sundays and Bank Holidays

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

21. 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).

22. 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 22 has been received from the Local Planning Authority.
23. 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.

24. 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 23, 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 24.

25. 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'.

26. 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 type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 2 housing unit space;

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.

27. 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 reenacting that order with or without modification), the affordable dwelling shall not be subject to extensions, roof alterations and buildings other than those expressly authorised by the reserved matters approval.

Reasons

1. To enable the Local Planning Authority to exercise proper control over the development in accordance with Section 92 of the Town and Country Planning Act 1990.
2. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
3. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
4. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
5. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
6. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
7. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
8. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
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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. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
16. To comply with Powys County Council's UDP Policies SP3, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.

17. To comply with Powys County Council's UDP Policies SP3 and ENV2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
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.
19. 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
20. To safeguard the amenities of the locality in accordance with policy GP1 of the Powys Unitary Development Plan.
21. 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 the Powys Unitary Development Plan 2010.
22. 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 Unitary Development Plan 2010.
23. 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 Unitary Development Plan 2010.
24. 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 Unitary Development Plan 2010.
25. 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 the Powys Unitary Development Plan 2010.
26. The dwellings are hereby permitted as an exception to normal housing policies. This condition is imposed to control the future affordability and management of the

development in accordance with policies HP7 of the Powys Unitary Development Plan (2010).

27. In order to ensure the provision of affordable housing in accordance with policies HP5, HP7 and HP10 of the Powys Unitary Development Plan (2010), Technical Advice Note 2: Planning and Affordable Housing (2006) and Planning Policy Wales (2016).

Informative Notes

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.

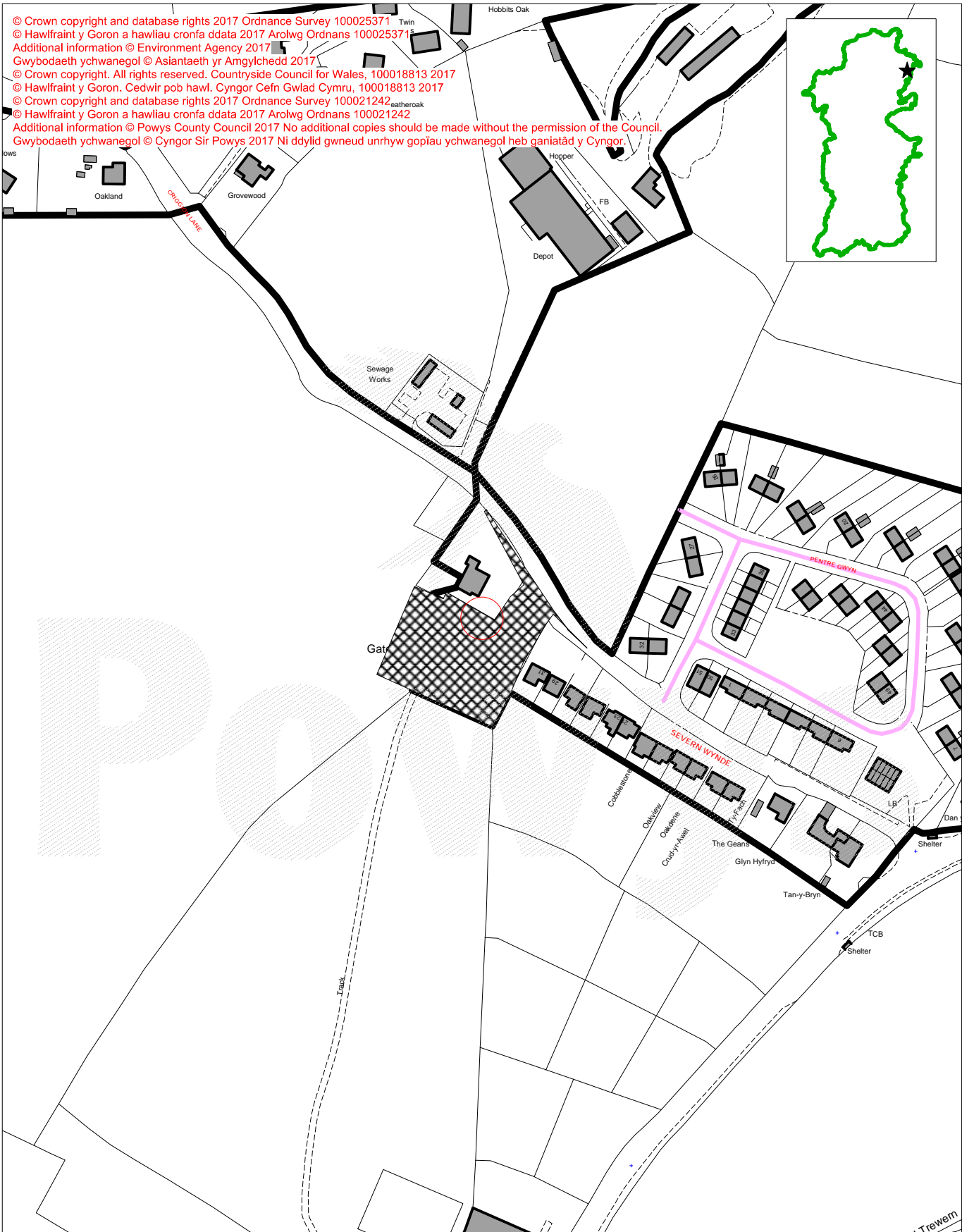
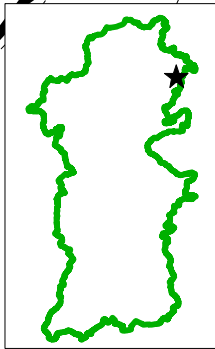
The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built, (usually 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.

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.

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

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Planning, Taxi Licensing and Rights of Way Committee Report

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

The reason for Committee determination

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

Site Location and Description

This site is located off the B4393 classified highway adjacent to the large village of Crewgreen. The site is currently agricultural land used for the purposes of grazing the site is bound by mature hedgerows to the south, west and agricultural land to the north and east.

This application seeks outline consent for a residential development of up to 9 no. dwellings, formation of a new vehicular access and associated works (with some matters reserved). This outline application considers the principle of residential development on the site and also the highways access to the proposed development. All other matters are reserved for future consideration.

This application represents a departure from the current adopted plan as the proposed site lies outside but adjacent to the settlement boundary of Crewgreen which is defined as a large village within the Unitary Development Plan.

Consultee Response

Bausley Community council

Correspondence received 26th April 2017

The Council have reviewed this application.

Whilst we appreciate that Powys overall has a housing supply requirement, we have a general concern in respect of the amount of new housing currently with applications in our community as, in total, they would be in excess of any needs that the community has,

particularly when including the site already identified in the LDP. There have also been concerns about the capacity of the sewerage system in the area for new development (as expressed in our responses to the LDP) as there are already instances of 'backing up' in the area.

No objections to this application in principle, in order to get safe access any highways conditions imposed to be met - the proposed LDP site would have access on the other side of the road on this stretch. As commented above the relevant authorities to confirm that there is capacity for mains drainage.

PCC - Highways (North)

Correspondence received 30th August 2017

The County Council as Highway Authority for the County Class II Highway, B4393

Wish the following recommendations/Observations be applied Recommendations/Observations

Prior to any other works commencing on the development site, detailed engineering drawings for a footway, forward visibility chord and pedestrian crossing point along the Class II B4393 and associated works, 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 and shall be retained for their designated use for as long as the development hereby permitted remains in existence.

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 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 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 160 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.

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

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 30 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.

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

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.

HC29 All surface water run-off is to be collected and discharged via a piped system 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.

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.

In the interests of highway safety.

PCC - Building Control

Correspondence received 23rd March 2017

Building Regulations application required.

Severn Trent

Correspondence received 24th March 2017

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

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.

Correspondence received 18th August 2017

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

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.

PCC - Environmental Helath

Correspondence received 28th March 2017

Re: Outline: Proposed residential development of up to 9 no. dwellings, formation of a new vehicular access and associated works (with some matters reserved).

Foul drainage

The proposal is to connect the foul drainage to the mains Severn Trent sewer network. I have no objection to this proposal.

Construction-phase noise control

Due to the residential nature of the setting, Environmental Protection would recommend that measures are in place to control the level of noise disturbance to neighbouring properties during the construction phase of the development.

This department would recommend that the 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 Sundays and Bank Holidays*

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

PCC - Ecologist

Correspondence received 5th April 2017

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

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

Protected Species & Habitats¹	European Species	<input checked="" type="checkbox"/>	<p>There is a historical record of otters and various bat species within 2km of the application site, but none within the vicinity of the proposed development itself.</p> <p>The hedgerow that borders the site to the south and west could provide suitable foraging and commuting habitat for bat species. Based on the submitted plans, I understand that a section of the southern hedge is to be removed or re-positioned to accommodate the proposed access. I recommend that the length of removal is kept to a minimum and where it needs to be moved back the existing hedge should be translocated. Also a tree/hedge protection plan in accordance with BS5837: 2012 should be implemented during the construction phase to safeguard retained vegetation.</p> <p>I recommend that a sensitive lighting scheme is implemented to avoid adverse impacts on any nocturnal wildlife, such as bats, that may use the hedgerow.</p> <p>It is not considered that the proposed site represents suitable habitat for otters.</p>
	UK Species	<input checked="" type="checkbox"/>	<p>There are historic records of badgers and reptiles from within 2km of the site and several historic records of nesting bird species, although none from within the vicinity of the site.</p> <p>Nesting birds may use the hedgerows to the south and west of the proposed site. I therefore recommend that vegetation clearance works required to accommodate the proposed access are timed to avoid the bird nesting season (generally March to August inclusive). If work that could destroy bird nesting habitat is to proceed in the bird nesting season, a suitably-experienced ecologist should check for active bird nests immediately in advance of the works commencing. It is currently not envisaged that the south-eastern boundary which consists of hedgerow and trees would need to be removed as part of the proposals.</p> <p>The surrounding hedgerow could also provide suitable shelter for common reptile species. It is recommended that reasonable avoidance measures, including ecological supervision, are</p>

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

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

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

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

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

	<p>required vegetation clearance works should be timed to avoid the bird nesting season (generally March to August inclusive). If work that could destroy bird nesting habitat is to proceed in the bird nesting season, a suitably-experienced ecologist should check for active bird nests immediately in advance of the works commencing.</p> <p>I recommend that the length of the southern hedge removed is kept to a minimum and where it needs to be moved back the existing hedge should be translocated. A tree/hedge protection plan in accordance with BS5837:2012 should be implemented during the construction phase to safeguard retained vegetation.</p> <p>As a biodiversity enhancement to the site I recommend that native, locally-occurring plant species are included in landscaping proposals associated with this application and a species list for the landscaping should therefore be provided for approval prior to commencement of development. Also enhancement of the site by installation of bat and bird boxes as part of the proposals would be welcomed.</p> <p>An existing stream runs along the eastern boundary of the field which would accommodate the proposed development. It is recommended that a pollution control plan is developed and implemented during the construction phase to reduce the risk of affecting the water quality of this watercourse.</p>
<p>Recommended Conditions</p>	<p>Should you be minded to approve this application, I recommend the inclusion of the following conditions:</p> <p><i>Prior to commencement of development, a Biodiversity Enhancement Plan shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.</i></p> <p><u>Reason:</u> To comply with Powys County Council’s UDP Policies SP3, ENV2, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and the Environment (Wales) Act 2016.</p>

	<p><i>Prior to planning permission, a reptile Reasonable Avoidance Method Statement shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.</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><i>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.</i></p> <p><u>Reason:</u> 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.</p> <p><i>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.</i></p>
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	<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 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.</p> <p><i>Prior to commencement of development a Pollution Prevention Plan shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.</i></p> <p>Reason: To comply with Powys County Council's UDP Policies ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.</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 • <u>intentionally</u> (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</p>
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WELSHPLANNING

	<p>the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built, (usually between late February and late August or late September in the case of swifts, swallows or house martins). If a nest is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.</p> <p>Reptiles - Wildlife & Countryside Act 1981 (as amended)</p> <p>All UK native reptile species are protected by law. The Wildlife & Countryside Act 1981 (and later amendments) provides the legal framework for this protection.</p> <p>The more widespread and common reptile species, namely common lizard, slow-worm, grass snake, and adder are protected against deliberate or reckless killing and injury</p> <p>All species of reptile are priority species in the UK BAP and have been adopted on the Section 7 list of the living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales, under the Environment (Wales) Act 2016.</p>
Relevant UDP Policies	<p>SP3 Natural, Historic and Built Heritage ENV 2: Safeguard the Landscape ENV 3: Safeguard Biodiversity and Natural Habitats ENV 6: Sites of Regional and Local Importance ENV 7: Protected Species</p>
Comments on Additional Information	N/A

WELSHPLANNING

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

Representations

A public site notice was displayed at the site for a period of 21 days. One representation was received in response from a neighbour to the site. A summary of the concerns raised are listed below:

- Indicative layout is not sympathetic to neighbouring existing dwellings.
- Proposed indicative layout would result in loss of residential amenity.
- Proximity of Plot 1 and Plot 5 to the existing adjacent properties gardens would result in loss of amenity and be overbearing.

Principal Planning Policies

National Planning Policy

Planning Policy Wales (9th Edition, 2016)

Technical Advice Note (TAN) 1 - Joint Housing Land Availability Study (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) 12 - Design (2016)

Technical Advice Note 20: Planning and the Welsh Language (2013)

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

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

Local Planning Policies

Powys Unitary Development Plan 2010.

SP2 – Strategic Settlement Hierarchy

SP4 – Economic and Employment Developments

SP5 – Housing Developments

SP6 – Development and Transport

SP12 – Energy Conservation and Generation

GP1 – Development Control

GP2 – Planning Obligations

GP3 – Design and Energy Conservation

GP4 – Highway and Parking Requirements

GP5 – Welsh Language and Culture

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

HP8 - Affordable Housing adjoining Settlements with Development Boundaries

HP14 – Sustainable Housing

DC1 – Access by Disabled Persons

DC3 – External Lighting
DC8 – Public Water Supply
DC10 – Mains Sewage Treatment
DC13 – Surface Water Drainage
TR2 – Tourist Attractions and Development Areas

Powys County Council 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

This application site lies adjacent to the settlement boundary of Crewgreen which is classified in the Powys Unitary Development Plan 2010 as a large village. The proposal is for nine dwellings two of which are to be affordable dwellings. The proposed development represents a departure from the adopted Unitary Development Plan as it included open market dwellings.

Housing Land Supply

Planning policy (TAN1 and UDP HP3) states that the Council needs to have a five year supply of land available for housing. The Powys Joint Housing Land Availability Study (2016) concludes that there is 2.2 years of housing supply.

Housing supply is a material consideration that should be given considerable weight in the determination of this application. TAN 1 states:

'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'.

Sustainability

In considering a departure from the Powys Unitary Development plan policies consideration must be given to must consider the location of the proposed development in terms of the

sustainability of the development. Account should be given to the range of services and facilities available within close proximity to the site.

Crewgreen is defined in the UDP as a Large Village with three allocated sites (M121 – HA1, M121 – HA2, M121 – HA3 a total of 23 dwellings) which have been completed. The settlement itself has a school, community centre, children's play area, football pitch and public transport links. Crewgreen is located approximately 1.1 north west of Coedway which also benefits from a public house. There are public transport links within walking distance which provide links to the area centre of Welshpool which offers a wide range of services and facilities. The proposed location is considered to be sustainable for the scale of development proposed.

Scale, Design and Appearance

Policy GP3 of the Powys Unitary Development Plan seeks to ensure that development proposals are of an appropriate design, scale, layout and of materials that shall complement or where possible enhance the character of the surrounding area.

Whilst scale, appearance, layout and landscaping are reserved matters not to be considered as part of this application process, the applicant has provided an indicative layout for the site. The submitted plans include an indicative site layout and shows the site to accommodate nine dwellings with a mix of 3 - 4 bed properties. The dwellings are to comprise of 7 four bed detached dwellings and two 3 bed detached dwellings that are to be affordable dwellings. All dwellings are to have detached garages. The affordable housing contribution is in line with the 20% affordable housing contribution requirements as evidenced for the area through evidence provided as part of the LDP process.

The dwellings are proposed to measure between 8-15 metres in length, 6-12 metres in width and ridge heights of between 5.5 -8.5 metres. No indicative details of design of the dwellings or materials to be used in their construction are given at this stage, but they are intended to reflect the character and appearance of the surrounding area.

It is noted by officers that comments raised by neighbouring properties to the proposed development have raised concerns over the indicative layout as submitted and raised concern over the proximity of plots 1 and 5 in particular to the adjacent existing dwellings. Concerns have been raised by residents over the potential impact upon residential amenity and overlooking onto their residential garden area. However, this outline application includes an indicative layout for the site and this could be subject to change at a reserved matters stage. It is considered that it would be possible to reduce the potential impact upon residential amenity to an acceptable level through a revised layout of the site at a reserved matters stage and careful design of plots 1 and 5 in terms of the dwelling heights and distances between the boundaries of properties.

Although Officers acknowledge that matters relating to appearance, layout and scale have been reserved for future consideration, on the basis of the plans provided, it is considered that the application site is capable of accommodating nine 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

Policy ENV2 of the Powys Unitary Development Plan seeks to ensure that proposed development will not have an unacceptable adverse impact upon the Powys Landscape. Development proposals should be design in a way to be sensitive to the character and appearance of the surrounding area and landscape.

The proposed site is located adjacent to the settlement boundary of Crewgreen. The siting of the proposed dwellings is considered to be well related to the existing settlement of Crewgreen and the proposed site location is considered to be acceptable. Although landscaping is not considered as part of this application process it is considered that the proposed site is well integrated within the existing large village and would not have an unacceptable significant adverse visual impact upon the character and appearance of the surrounding area.

In light of the above, it is considered that the proposed development complies with policy ENV2 of the Powys Unitary Development Plan 2010.

Highways Safety and Movement

UDP policy GP4 indicates that planning permission will be dependent upon adequate provision for access including visibility, turning and parking.

As part of this application process the highways authority have been consulted and no objections have been raised subject to the inclusion of the recommended conditions upon any grant of consent. Officers are satisfied that subject to the conditions as suggested that the proposed development is considered to have an acceptable access.

In light of the highways officers comments it is considered that the proposed dwellings fundamentally comply with Policy GP4 of the Powys Unitary Development Plan 2010.

Drainage

Policy DC13 of the Powys Unitary Development plan seeks to ensure that development proposals should provide adequate provisions for land drainage and surface water disposal. Development should not give rise to unacceptable on or off site flooding. Policy DC11 seeks to ensure that the adequate provision for foul sewerage can be provided on site via the public foul sewerage system or private treatment plants.

Apart of this application process the council's Environmental Health Officers have been consulted who have raised no objection to the scheme as it is to feed into the public sewerage system. Severn Trent have also been consulted and have raised no objection to the proposal but have requested conditions in relation to the routing of the foul and surface water drainage.

Officers consider that subject to the suggested condition that the proposed development fundamentally complies with policy DC11 and DC13 of the Powys Unitary Development Plan 2010 in respect of foul and surface water drainage.

Ecology and Biodiversity

As part of this application process our county ecologist has been consulted and has provided comments on the application. No objections have been raised by the ecologist to the proposed development subject to the inclusion of the suggested conditions.

In light of the above and comments received, subject to the suggested conditions officers consider that the proposed development fundamentally complies with Policy ENV7 of the Powys Unitary Development Plan 2010.

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. An assessment of the development impact on the Welsh language and culture will be provided as a Committee update.

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 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 subject to 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 received on 9th August 2017 (drawing no's: RPP/TW-JOB10-01 REV A, RPP/TW-JOB10-02 REV A, RPP/TW-JOB10-02.1, RPP/TW-JOB10-03 REVA, RPP/TW-JOB10-03.1).
5. No development shall commence on site until detailed engineering drawings for a footway, forward visibility chord and pedestrian crossing point along the Class II B4393 and associated works, shall be submitted to and approved in writing by the Local Planning Authority.
6. 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 and shall be retained for their designated use for as long as the development hereby permitted remains in existence.
7. 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 development hereby permitted remains in existence.
8. 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.

9. No other development shall commence until the access has been 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 160 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.
10. 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 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.
11. Prior to the occupation of any dwelling, provision shall be made within the curtilage of the site for the parking of not less than one car per bedroom excluding any garage space provided together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.
12. The gradient from the back of the footway/verge to the vehicle parking areas shall be constructed so as not to exceed 1 in 30 and shall be retained at this gradient for as long as the dwellings remain in existence.
13. 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 0.4 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.
14. The width of the access carriageway, constructed as condition 10 above, shall be not less than 5.5 metres for a minimum distance of 10 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.
15. There shall only be a single vehicular and pedestrian access to serve the development hereby permitted.
16. 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 prior to the commencement of development, 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.

17. All surface water run-off is to be collected and discharged via a piped system no less than 6 metres from the highway. This system shall be retained and maintained for as long as the development remains in existence.
18. Upon formation of the visibility splays as detailed in condition 9 above the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.
19. 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.
20. No storm water drainage from the site shall be allowed to discharge onto the county highway.
21. Prior to the commencement of development, a reptile Reasonable Avoidance Method Statement shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.
22. Prior to commencement of development a lighting design scheme to take any impacts on nocturnal wildlife into consideration shall be submitted for written Local Planning Authority approval.
23. No development shall commence until 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.
24. 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.
25. Prior to commencement of development a Pollution Prevention Plan shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.
26. 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 Sundays and Bank Holidays

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

27. 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. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.
28. 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 type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 2 housing unit space;
 - 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.
29. 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 reenacting that order with or without modification), the affordable dwelling shall not be subject to extensions, roof alterations and buildings other than those expressly authorised by the reserved matters approval.

Reasons

1. To enable the Local Planning Authority to exercise proper control over the development in accordance with Section 92 of the Town and Country Planning Act 1990.
2. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
3. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
4. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
5. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.

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.
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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. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
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21. 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.

22. 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.
23. 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.
24. 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.
25. To comply with Powys County Council's UDP Policies ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.
26. To safeguard the amenities of the locality in accordance with policy GP1 of the Powys Unitary Development Plan.
27. 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.
28. The dwellings are hereby permitted as an exception to normal housing policies. This condition is imposed to control the future affordability and management of the development in accordance with policies HP7 of the Powys Unitary Development Plan (2010).
29. In order to ensure the provision of affordable housing in accordance with policies HP5, HP7 and HP10 of the Powys Unitary Development Plan (2010), Technical Advice Note 2: Planning and Affordable Housing (2006) and Planning Policy Wales (2016).

Informative Notes

Birds - Wildlife and Countryside Act 1981 (as amended)

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

- intentionally kill, injure or take any wild bird
- intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built
- intentionally take or destroy the egg of any wild bird

- intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird.

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

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

Reptiles - Wildlife & Countryside Act 1981 (as amended)

All UK native reptile species are protected by law. The Wildlife & Countryside Act 1981 (and later amendments) provides the legal framework for this protection.

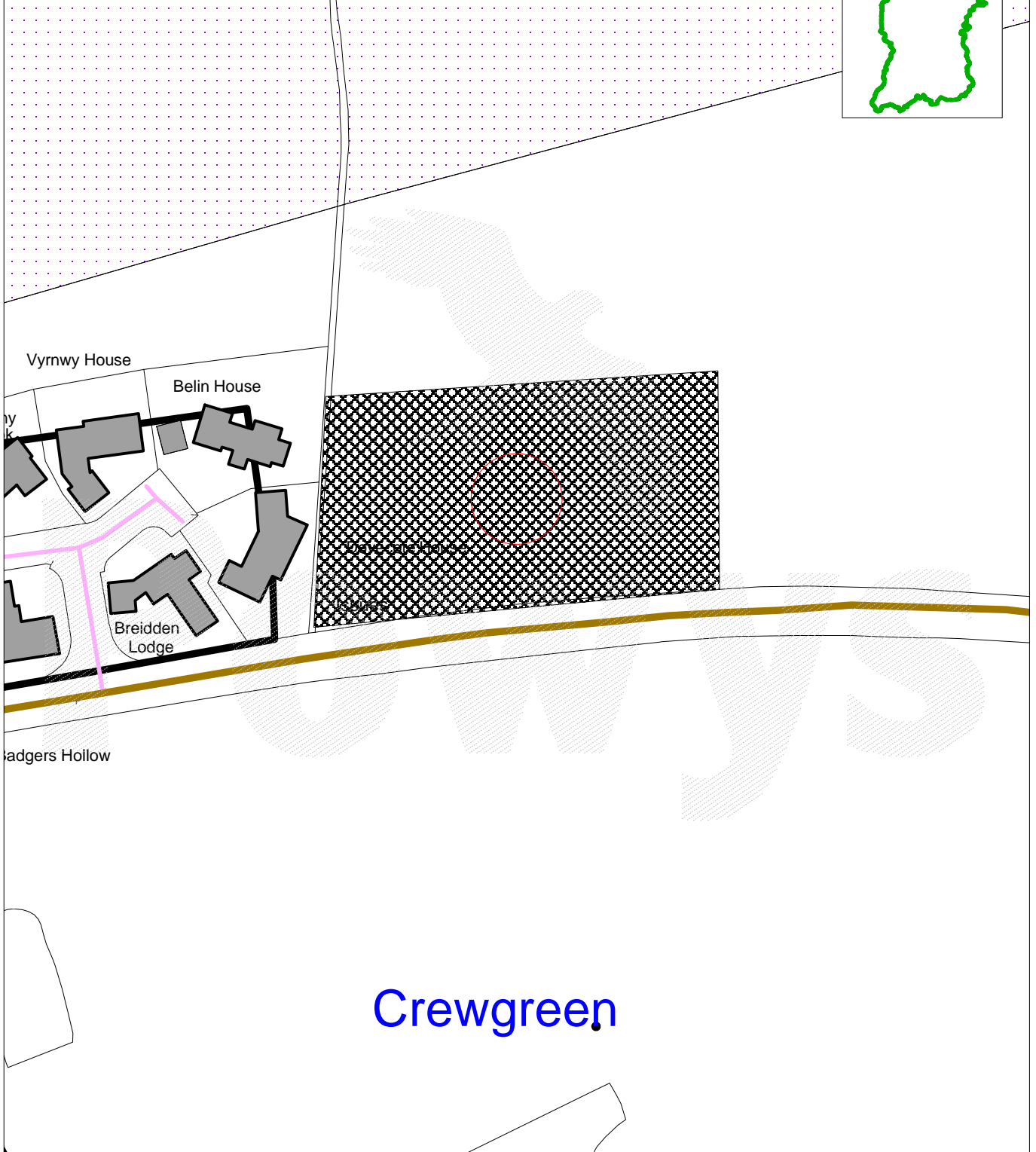
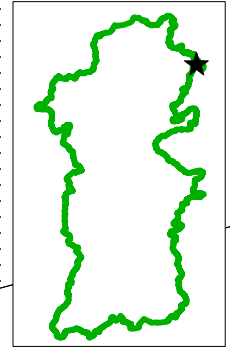
The more widespread and common reptile species, namely common lizard, slow-worm, grass snake, and adder are protected against deliberate or reckless killing and injury

All species of reptile are priority species in the UK BAP and have been adopted on the Section 7 list of the living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales, under the Environment (Wales) Act 2016.

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

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4.6

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2017/0245	Grid Ref:	310991.61 302302.72
Community Council:	Manafon	Valid Date:	Officer: 14/03/2017 Eddie Hrustanovic
Applicant:	Mr JPR & JR Andrew JPR & JR Andrew, Bronheulog, Manafon, Welshpool Powys SY21 8BW		
Location:	Land Adjoining Trem Hirnant Manafon Welshpool Powys SY21 8BX		
Proposal:	Outline: Residential development of up to 5 dwellings and all associated works		
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 proposed development is for five detached dwellings with associated garages, a shared private access road and private gardens. The application is submitted in outline with access to be considered at the outline stage. The indicative layout indicates that access would be gained off the B4390 highway with an adoptable road leading to a private drive providing access, turning and parking facilities. The application site has an area of 0.44 hectares.

The site is bordered by residential properties (Trem Hirnant) to the south, woodland to the north-west and agricultural land to the north east and south west.

Consultee Response

Manafon Community Council

Whereas Manafon Community Council has no objections to the proposed planning application either in its proposed location or scale of development, it appears there are serious issues and concerns with facilitating sewage from the proposed housing development site and that Severn Trent have disclosed no current plans to upgrade or replace current sewage facility. Severn Trent stated in their planning application P/2015/0760 in 2015 (refused because of location) that *quote: - the existing sewage treatment works (STW) is currently running beyond its operational capacity.* Frequent visits by STW tanker to empty sewage works is verification of problem with capacity.

It is noted by MCC that planning application P/2016/0168 for previous development had been granted permission (not yet developed), despite STW clearly not then or now having the sewage works capacity to discharge its obligation to provide sewage service provision for

such increase in loading on its Manafon facility, we consider that this may have been an error by STW when consulted on reference P/2016/0168 application knowing the shortfall in the then current available capacity of their sewage works. STW Development Management is clearly not familiar with the current operational restrictions affecting Manafon sewage works. Because of the above statement from STW and no plans submitted by STW since that time to replace the sewage treatment works in Manafon. MCC would insist that further time and consideration be given before this planning application is approved because of the issue as stated.

Apart from the issues in respect of sewerage disposal outlined above, there are additional questions/comments as follows:

1. Alongside the current development of Trem Hirnant there is a public footpath, what we cannot ascertain from the plans submitted is whether or not that footpath is compromised by the additional development or not.
2. We were not able to verify from the design statement and plans if provisions were being made for affordable housing, Manafon CC are committed to supporting local people to ensure there is sufficient, appropriate and affordable accommodation that enables them to live within their own communities.
3. With regard to the proposed open areas, Manafon CC have concerns as to the maintenance of those areas and whose responsibility it would be to ensure adequate maintenance of the site.

PCC – Highways

Wish the following recommendations/Observations be applied Recommendations/Observations

Prior to any other works commencing on the development site, detailed engineering drawings for a footway and traffic calming measures along the Class II B4390 and associated works, 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 set 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 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 90 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 from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

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

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.

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

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.

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.

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.

In the interests of highway safety.

PCC - Building Control

Building regulations required

PCC - Environmental Health

I have no objection to the application, however I would suggest that STW confirm there is adequate capacity within the foul drainage system within the development.

Severn Trent

As the proposal has no / 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.

NRW

Thank you for consulting Natural Resources Wales (NRW) about the above, which was received on 17/03/2017.

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 - Flood Risk - Finished floor levels of the proposed dwellings should be set at 300mm or above the adjacent ground level*
- *Condition 2 - Flood Risk - No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water*

regulation system has been submitted to and approved in writing by the Local Planning authority.

- *Condition 3 - EPS – Bats light spillage scheme*

Flood Risk

The built development is in DAM Zone A. However, the planning authority and applicant should be aware that part of the site access is within Zone C2 and potentially at risk of surface water flooding and/or fluvial from the River Rhiw to the south of the site.

The previously submitted FCA has highlighted a potential risk to part of the site from surface water flooding as defined on the 'Risk of Flooding from Surface Water' map. It is proposed to mitigate for this risk by raising finished floor levels at least 300mm above adjacent ground level.

We advise that the Lead Local Flood Authority is consulted with regards to any historic records of overland flooding but, as a minimum mitigation requirement we advise that finished floor levels being set at least 300mm above adjacent ground level is conditioned as part of any approval, as advised in the FCA.

Condition 1 - Finished floor levels of the proposed dwellings should be set at 300mm or above the adjacent ground level

Reason: To protect the development from residual flood risk events, including surface water flooding.

With regards to safe access/egress to and from the site, whilst we acknowledge that there are no records of the B4390 being affected by fluvial flooding, we reiterate that 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.

Surface water will be discharged to soakaway where feasible. If not, discharge to River Rhiw at a controlled rate may be necessary. We would encourage alternative methods which control run-off at source which are discussed within the FCA. As part of any formal approval, we advise;

Condition 2 - No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water regulation system has been submitted to and approved in writing by the Local Planning authority.

Surface water generated from the site shall be limited to the equivalent greenfield runoff rate for the site. The scheme shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the LPA.

Reason: To prevent the increased risk of flooding and provide water quality benefits by ensuring the provision of a satisfactory means of surface water disposal.

Protected Species

Bats

Bats are protected under the Wildlife and Countryside act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended)

Condition 3 - EPS – *Bats light spillage scheme*

Care should also be taken in the type and location of any external lighting within the new development, to ensure that the hedgerows and trees identified on the site are not illuminated. We advise that a spillage scheme from the development should be agreed to the satisfaction of the local authority. If any mature trees will need to be felled as part of the scheme, they will need to be checked for features that may be used by bats (i.e cavities, cracks, holes and ivy cover) where impacts on bats are considered likely, then those trees should be subject to emergence surveys at an appropriate time of year.

Should bats be found to be using the trees as roosting sites, then we would expect you to propose and deliver appropriate mitigation and/or compensations scheme, along with Reasonable Avoidance Measures, to ensure the favourable conservation statues of the species is maintained.

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 sewerred 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.

PCC – Ecologist

Ecological Topic	Observations
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EIA Screening Requirement	No	The site area is understood to be 0.44 hectares and includes up to 5 dwellings. Therefore, the development is not considered to meet or exceed the thresholds of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016 for the screening of dwelling house developments for EIA since it does not exceed five hectares; include more than 150 dwellings; or include more than one hectare of urban development that is not a dwelling house development.
Ecological Information included with application	No	<p>No ecological information has been submitted with this application. These observations are based on an interpretation of available aerial and street imagery, the submitted plans and planning design and access statement and historical biodiversity records provided by the Powys Biodiversity Information Service.</p> <p>The application site appears to be located within an improved agricultural field and is located between a strip of woodland to the north and a recent housing development to the south. A hedgerow runs along the southern boundary, part of which would be removed to create a new access and footpath.</p>
Protected Species & Habitats¹	European Species <input checked="" type="checkbox"/>	<p>There are historical records of various bat species and otters within 2km of the application site, but none within the vicinity of the proposed development itself.</p> <p>A long-eared bat roost is present in the nearby vicinity. The hedgerow that borders the site to the south could provide suitable foraging and commuting habitat for bat species. Based on submitted plans these are to be partly removed to provide new access.</p> <p>I recommend this hedgerow is translocated along the boundary of the new track. The remainder of the track should be replanted with native species. The hedge specification and seed mix should be agreed with the LPA prior to commencement of works.</p> <p>I recommend that a sensitive lighting scheme is implemented to avoid adverse impacts on any nocturnal wildlife that may use the hedgerows.</p> <p>It is not considered that the proposed site represents suitable habitat for otters.</p>
	UK Species <input checked="" type="checkbox"/>	Nesting birds may use the hedgerow to the southern boundary. Should any vegetation removal be required I recommend that vegetation clearance works are timed to

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

		<p>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>The north-west and southern field boundary and highway verge consists of hedgerow which could provide suitable shelter for reptiles. It is recommended that reasonable avoidance measures, including ecological supervision, are employed to prevent potential harm to reptiles during creation of the new access to the proposed development. Such measures should be agreed with the LPA prior to commencement of works.</p>
	<p>Section 7 Species & Habitat</p> <p style="text-align: center;">☒</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 one hedgerow borders the south of the site. Based on the submitted plans, I understand that this is to be partially removed to create a new access. A hedgerow translocation should be completed to retain this landscape feature. For the remainder of the area which a new hedge is required the hedge specification and species mix should be agreed with the LPA prior to commencement of works.</p> <p>There are previous records of hedgehogs and polecat from within 2km of the application site and there would appear to be suitable habitat for hedgehog within the existing southern field boundary. It is therefore recommended that reasonable avoidance measures applied during construction to prevent impacts upon the local reptile population (discussed above) are extended to consider hedgehogs.</p> <p>As a biodiversity enhancement to the site I recommend that native, locally-occurring plant species are included in any landscaping associated with this application and a species list for the landscaping should therefore be provided for approval prior to commencement of development.</p>
	<p>LBAP Species & Habitat</p> <p style="text-align: center;">☒</p>	<p>See observations above.</p>

Protected Sites	International Sites ² <input type="checkbox"/>	None identified with the search area.
	National Sites ³ <input type="checkbox"/>	None identified with the search area.
	Local Sites (within 500m) <input checked="" type="checkbox"/>	Moat Wood SINC is located 472m east of the site. Due to the nature and scale of the works and distance from the protected site it is not expected that there would be any negative effect on this site associated with this development.
Invasive Non-Native Species	Unknown	No ecological information has been submitted with this application.
Summary of recommendations / further assessment or work		<p>A hedge translocation is undertaken so that this feature is not lost. Given the proximity of development works to surrounding trees and hedgerows, it is considered prudent to require information from the applicant as to how these features biodiversity importance for wildlife will be protected during the construction period of works. 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.</p> <p><i>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.</i></p> <p><u>Reason:</u> 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.</p> <p>The hedge specification and species mix proposed for the new site boundaries should be agreed with the LPA prior to commencement of works, along with details of wider landscape planting within the proposed site.</p> <p>I recommend that a sensitive lighting scheme is implemented to avoid adverse impacts on any nocturnal wildlife that may use the hedgerow along the field boundary.</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>It is recommended that reasonable avoidance measures, including ecological supervision, are employed to prevent potential harm to reptiles and hedgehogs during creation of the new access to the proposed development. Such measures should be agreed with the LPA prior to commencement of works.</p> <p>Should any vegetation removal be required I 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>Recommended Conditions</p>	<p>Should you be minded to approve this application, I recommend the inclusion of the following conditions:</p> <p><i>Prior to commencement of development, a Biodiversity Enhancement Plan shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.</i> <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> <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><i>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.</i> <u>Reason:</u> 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.</p>

*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.

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.

Reptiles - Wildlife & Countryside Act 1981 (as amended)

All UK native reptile species are protected by law. The Wildlife & Countryside Act 1981 (and later amendments) provides the legal framework for this protection.

The more widespread and common reptile species, namely common lizard, slow-worm, grass snake, and adder are

	protected against deliberate or reckless killing and injury All species of reptile are priority species in the UK BAP and have been adopted on the Section 7 list of the living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales, under the Environment (Wales) Act 2016.
Relevant UDP Policies	SP3 Natural, Historic and Built Heritage ENV 2: Safeguard the Landscape ENV 3: Safeguard Biodiversity and Natural Habitats ENV 4: Internationally Important Sites ENV 5: Nationally Important Sites ENV 6: Sites of Regional and Local Importance ENV 7: Protected Species
Comments on Additional Information	N/A

Representations

Two letters of objection have been received from the local residents. In summary they relate to:

- Concerns with regards to the land drainage of the site despite the existing land drainage provision by the site owner.
- Backland development contrary to the provisions of Development Plan,
- Impact on privacy of the existing residents,
- Increase highway movements'
- Inadequate sewage disposal and capacity.

Planning History

P/2016/0168 – Adjacent site (Phase 1) - Outline permission for 5 residential dwellings and associated works. Outline Consent Granted 2017.

Principal Planning Constraints

Flood Zone
Public Right of Way

Principal Planning Policies

National Planning Policy and Other Guidance

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 16: Sport, Recreation and Open Space (2009)
TAN 18: Transport (2007)
TAN 20: Planning and the Welsh Language (2013)
TAN 24: The Historic Environment (2017)

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

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

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

Fields in Trust Guidance for Outdoor Sport and Play – Beyond the 6 Acre Standard Wales (January 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 SP9 – Local Community Services and Facilities
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 ENV4 – Internationally Important Sites
UDP ENV5 – Nationally Important Sites
UDP ENV7 – Protected Species
UDP ENV14 – Listed Buildings
UDP ENV17 – Ancient Monuments and Archaeological Sites
UDP ENV18 – Development Proposals Affecting Archaeological Sites
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 HP9 – Affordable Housing in Rural Settlements
UDP HP10 – Affordability Criteria
UDP RL2 – Provision of Outdoor Playing and Recreation Space
UDP RL6 - Rights of Way and Access to the Countryside
UDP TR2 – Tourist Attractions and Development Areas
UDP T2 - Traffic Management
UDP DC3 – External Lighting
UDP DC8 – Public Water Supply
UDP DC9 – Protection of Water Resources
UDP DC10 – Mains Sewerage 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.

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.

Principle of development

The proposed development lies wholly outside the development boundary of Manafon as detailed on Unitary Development Plan (2010) inset map M173 and would result in five dwellings being constructed outside the settlement boundary. The site is located north of the existing housing estate within the western part of the settlement boundary which is known as Trem Hirnant.

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 is 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.

Manafon is classified as a large village within the Powys Unitary Development Plan (insert map number M173) and two sites were allocated within the UDP for residential development. Site M173 HA1 – Land to the rear of Church Cottage (0.67Ha.), and M173 HA2 – Land adjacent to the Filling Station (0.34Ha.).

One of the sites has been developed with M173 HA1 remaining undeveloped.

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.

Sustainable location

Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 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).

Therefore, 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 within the community.

Manafon is classified as a large village in the UDP where it was considered that 20 dwellings would be an appropriate level of growth for the plan period. This plan period has come to an end but the circumstances of the village have not altered significantly and it is considered that the site is relatively well connected to the surrounding larger settlements, such as Berriew or Tregynon.

It is noted that there is an opportunity for the provision of a footpath link between the application site and the rest of the village. The community council has requested this provision (during the Phase 1 application) to link into the existing footpath which finishes at Trem Hirnant and would allow safe access to the rest of the village. The provision of a pedestrian footpath is considered a benefit and would assist in sustainability terms and as such it is recommended that any consent includes a condition requiring a pedestrian link to be provided.

The site is considered to be within a sustainable location due to the services provided locally and the submission also suggests further improvement in sustainability in terms of the provision of a pedestrian link between the two settlement boundaries. Furthermore, it is understood that existing Public House is in use.

In light of the above it is considered that additional residential development of this scale in this location would accord with the provisions of Planning Policy Wales in so far as it is a sustainable location.

Affordable housing provision

Given that the proposal is for more than five dwellings, the UDP requires a proportion of affordable housing.

The applicant has offered to provide on-site provision of a single affordable dwelling in this instance. This equates to a 20% provision. Given evidence produced to support the LDP suggests that 20% is the viable level at this location, it is considered that the proposed level of affordable housing (a single unit) is acceptable. A condition is recommended to 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 five dwellings, with garages sited off the adoptable and private road, located north of the cluster of existing dwellings. The layout demonstrates that the site can accommodate five dwellings. 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.

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 Trem Hirnant and along the approach road to Manafon if traveling from Tregynon/Adfa direction, 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 five dwellings is considered to reflect the character of the development that has already occurred along the highway at Manafon, 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.

The site is bounded to the south by existing properties on Trim Hirnant estate. The public representation has been noted in respect of potential negative impact in respect of their property (3 Trem Hirnant), however it is important to note that indicative plans show that there is sufficient distance (approximately 17 metres from the wall-to-wall between the existing and proposed property at Plot 6) with intervening estate road between to ensure the protection of amenities enjoyed by the existing and future occupants. It is important to note that Plot 6 is not indicated to directly overlook no. 3 Trem Hirnant. In addition, given that the layout is indicative, amendments could be proposed to mitigate any impacts further.

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 relation to plot 6 of the proposed site and no.3 and no.4 Trem Hirnant in particular, the detailed design could take account of the overshadowing guidelines and as such would be considered at reserved matters 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.

Highway and Infrastructure

Policy GP4 requires adequate highway provision in terms of a safe access, visibility, turning and parking. Details of the proposed access have been submitted and form part of current consideration. Access to the application site will be provided via existing agricultural access off the private lane leading from junction with B4568 road, whilst parking and turning provision will be provided within the site boundary. It is important to note that the proposed access will lead through the adoptable access road which will link through the Phase 1 development.

The Highways Department recommend that a footway link is built within the improved forward visibility splay from the new development to the adjoining housing estate, as the requirement of original planning application (P/2016/0160, Phase 1) as well as the current scheme. Powys Highways Department as highway authority for the County highway has not raised objections to the proposed development and has recommended that any permission granted must include conditions securing a suitable standard of access and the provision of suitable footway as per Phase 1 scheme.

Therefore it is considered that the proposed development could be served with an adequate means of access and sufficient parking and turning areas within the site to ensure that the scheme would not be detrimental to highway safety. The proposal is therefore considered to comply with UDP policy GP4

Impact on biodiversity and suitability of landscaping

The proposed development would result in the loss of an area of approximately 0.4ha of agricultural land. The land is grazed and considered of low ecological value. No negative comments were made by NRW with respect to the ecology of the site.

The applicant has identified there to be potential to strengthen local landscape character and to soften views of the development through the use of boundary hedgerows, with occasional planting of trees and the strengthening and retention of existing boundary hedges and trees. Existing wildlife corridors can be enhanced through the creation of habitats and by joining existing hedgerows and trees through the planting of new hedges and trees.

The wider area is characterised by the existing landform, woodlands and existing hedgerow trees. The incorporation of trees and hedges within the development layout will help to blend the development into the existing surroundings.

It is considered that through the introduction of appropriate planting, landscape impacts would be minimised and biodiversity enhanced. Natural Resources Wales and the County Ecologist have recommended a number of safeguarding conditions to be attached if the application is approved. Therefore, on the basis of this advice, it is recommended that any consent should include conditions requiring the submission of details with the reserved matters application which will increase site biodiversity in accordance with UDP Policy ENV3.

Having taken the above into account it considered that, subject to conditions, the ecological impacts of the proposed development are considered acceptable and are therefore in accordance with relevant planning policy.

Foul water disposal

It is proposed to connect to the public sewerage system which is the preferred method of disposal. 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.

Development Management fully acknowledges comments made by two public representations and Community Council in respect of their concerns for foul water disposal, however it is important to note that Severn Trent Water has clearly stated that they have no objections to the proposed scheme nor did they have any objection with approved Phase 1 development. Development Management considers that 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

NRW notes that the built development is in DAM Zone A (*Considered to be at little or no risk of fluvial or coastal/tidal flooding*), however, they note that part of the site access is within Zone C2 and potentially at risk of surface water flooding and/or fluvial from the River Rhiw to the south of the site, however NRW acknowledge that there are no records of the B4390 being affected by fluvial flooding.

NRW also notes that the previously submitted FCA has highlighted a potential risk to part of the Phase 1 site from surface water flooding as defined on the 'Risk of Flooding from Surface Water' map. It is proposed to mitigate for this risk by raising finished floor levels at least 300mm above adjacent ground level.

In respect of the current proposal (Phase 2) as a minimum mitigation requirement NRW advise that finished floor levels are also being set at least 300mm above adjacent ground level as a condition, as advised in the original FCA for the Phase 1 development.

Therefore, on the basis of the comments from the applicant's agent and NRW, it is considered that the recommendations from the NRW should be attached as conditions to any consent granted to in respect of finished floor levels.

In this instance no surface water drainage details/drawing(s) have been submitted, apart from application form stating that surface water will be drained via soakaways. Therefore, 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.

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.

Welsh Language and Culture

Planning Policy Wales (PPW) notes the Welsh Governments commitment to ensuring the Welsh Language is supported and encouraged to flourish as a language of many communities all over Wales. It highlights that it should be the aim of local planning authorities to provide for the broad distribution and phasing of housing development taking into account the ability of different areas and communities to accommodate the development without eroding the position of the Welsh language. It does however also note that policies must not introduce any element of discrimination between individuals on the basis of their linguistic ability, and should not seek to control housing occupancy on linguistic grounds.

With regards to the Development Management function, PPW states as follows:

“Consideration relating to the use of the Welsh Language may be taken into account by decision makers so far as they are material to applications for planning permission. If required, language impact assessments may be carried out in respect of large developments not allocated in, or anticipated by, a development plan proposed in areas of particular sensitivity or importance for the language. Any such areas should be defined clearly in the development plan. Decisions on applications for planning permission must not introduce any element of discrimination and should not be made on the basis of any person(s) ‘linguistic ability’.”

Technical Advice Note 20: Planning and the Welsh Language provided further guidance. Within TAN 20 it is noted that it is estimated that between 1,200 and 2,200 fluent Welsh speakers are moving out of Wales each year. The Welsh Government aims to reverse this trend.

With regards to the Development Management function, TAN 20 states as follows:

“4.1.2 In determining individual planning applications and appeals where the needs and interests of the Welsh language may be a material consideration, decisions must, as with all other planning applications, be based on planning grounds only and be reasonable. Adopted development plan policies are planning grounds, including those which have taken the needs and interests of the Welsh Language into account”.

Policy GP5 of the Powys UDP states that within identified settlements proposals will only be acceptable where developers can demonstrate that they have taken full account of the importance of the Welsh Language and culture, including through the provision of an appropriate level of affordable homes. Manafon has not been identified as one of the settlements under policy GP5.

The following analysis of the census information provides an indication of the health of Welsh Language within the Rhiwycynon ward which the application site is located:

- Number of people aged 3 and over within the Rhiwycynon ward has increased by 311 between the 2001 and 2011.
- The number of people (people aged 3 and over) who understand Welsh only, has increased from 26% of the population to 30% between 2001 and 2011.
- The number of people (people aged 3 and over) who can speak but cannot read or write Welsh has increased from 75% of the population to 76% between 2001 and 2011.
- The number of people (people aged 3 and over) who can speak and read but cannot write Welsh has decreased 1.6% of the population to 1.4% between 2001 and 2011.
- The number of people (people aged 3 and over) who can speak, read and write Welsh has decreased from 18% to 15% between 2001 and 2011.
- The number of people (people aged 3 and over) with other combination of skills in Welsh has decrease from 4.8% to 3.6% between 2001 and 2011.

The number of people (people aged 3 and over) with no skills in Welsh has increase from 64% to 66% between 2001 and 2011.

It is considered that the introduction of five dwellings will help sustain the viability of the facilities that are vital in supporting Welsh language and culture. It is not considered that a development of the scale proposed would threaten local facilities or force sections of the population away from these facilities.

It is also considered that there is an intrinsic link between the provision of affordable housing and the cultural and linguistic vitality of an area. Affordable dwellings allow existing residents to remain in the area and where the area has a strong Welsh Language presence this aids in retaining those residents and helps mitigate against the impact of a development on the Welsh language, the applicant has highlighted that the provision of affordable housing will be approximately 20% with a number of other houses of a modest scale.

In relation to economic development, it is considered that the potential construction of the dwellings would contribute to the economy of the local area. This is based on the assumption that most construction projects of this scale are normally undertaken by local trade's people. It is therefore considered that the construction of this development would have a neutral or positive impact on the local economy and jobs which is considered positive from a Welsh language and culture perspective.

Therefore, given that one of the dwellings will be limited by condition as an affordable unit, 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.

In relation to economic development, it is considered that the potential construction of the dwellings would contribute to the economy of the local area. This is based on the assumption that most construction projects of this scale are normally undertaken by local trade's people. It is therefore considered that the construction of this development would have a neutral or

positive impact on the local economy and jobs which is considered positive from a Welsh language and culture perspective.

With regard to the developments impact on schools, given the scale of the proposed development, the impact on nearby schools is considered to be minimal. No adverse or positive impact can therefore be identified in relation to the balance between Welsh-speaking and non-welsh speaking students.

In relation to impact on health care provision, given the scale of the proposed development, the impact on health care provision is also considered to be minimal. No adverse or positive impact can therefore be identified in relation to Welsh medium services.

With regard to social tensions, conflict or divisions, given the scale of the proposed development, it is not considered that the proposal would have a significant uneven effect on different parts of the local community, which would potentially advantage some groups and disadvantage others. No evidence has been identified that the proposed development would violate traditional values of certain parts of the community.

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 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 5 dwellings in what is considered to be a sustainable location given the existing services in Manafon and in nearby settlements. 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 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 and the access point onto the B4390 highway (drawing no: RPP/RC-JOB54-03).
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 dwelling 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 Biodiversity Enhancement Plan shall be submitted at the same time as the reserved matters referred to within Condition 1. The approved plan shall be implemented prior to the occupation of any of the dwellings.

9. A Tree and Hedgerow Protection Plan in accordance with BS:5837:2012 shall be submitted at the same time as the reserved matters referred to within Condition 1. The approved plan shall be implemented prior to the occupation of any of the dwellings.

10. A Species List for the Landscape Planting shall be submitted at the same time as the reserved matters referred to within Condition 1. The approved plan shall be implemented prior to the occupation of any of the dwellings.

11. 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.

12. 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.

13. Finished floor levels of the proposed dwellings should be set 300mm above the adjacent ground level.
14. Prior to any works commencing on the development site, detailed engineering drawings for a footway and traffic calming measures along the Class II B4390 and associated works, shall be submitted to and approved in writing by the Local Planning Authority.
15. Any entrance gates shall be set 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.
16. 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.
17. 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.
18. No other development shall commence until the access has been 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. 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.
19. 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.
20. Prior to the occupation of any dwelling, provision shall be made within the curtilage of the site for the parking of not less than one car per bedroom excluding any garage space provided together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.
21. 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.
22. 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 0.4 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.

23. The width of the access carriageway, constructed as per above conditions, 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.

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

25. No dwelling shall be occupied before the estate road carriageway and one footway shall be constructed to and including binder course level to an adoptable standard.

26. 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.

27. 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.

28. Upon formation of the visibility splays as detailed in the above conditions 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

29. 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.

30. 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 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.

10. 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.

11. 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.

12. 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).

13. To protect the development from residual flood risk events, including surface water flooding in accordance with the provisions of Technical Advice Note 15.

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

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

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

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

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

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

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

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

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

Informative Notes

Birds - Wildlife and Countryside Act 1981 (as amended)

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.

Reptiles - Wildlife & Countryside Act 1981 (as amended)

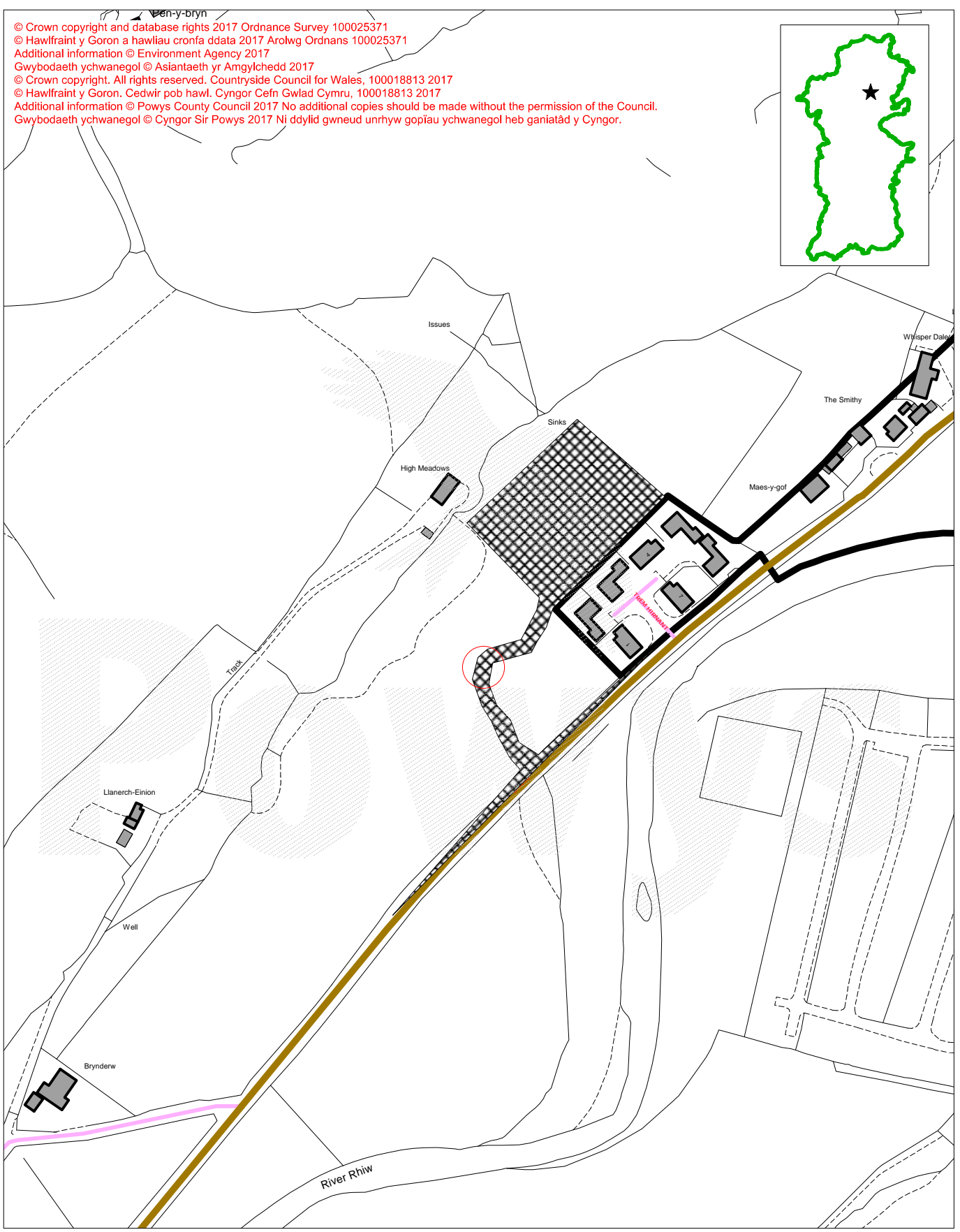
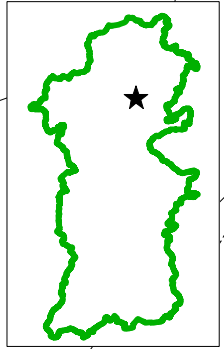
All UK native reptile species are protected by law. The Wildlife & Countryside Act 1981 (and later amendments) provides the legal framework for this protection.

The more widespread and common reptile species, namely common lizard, slow-worm, grass snake, and adder are protected against deliberate or reckless killing and injury

All species of reptile are priority species in the UK BAP and have been adopted on the Section 7 list of the living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales, under the Environment (Wales) Act 2016.

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

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4.7

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2017/0320	Grid Ref:	309511.65 305977.04
Community Council:	Llanfair Caereinion	Valid Date:	Officer: 29/03/2017 Dunya Fourie
Applicant:	Mr Steve Andrew, Pear Tree Lane, Highbury, Llanfair Caereinion, Powys, SY21 0BH.		
Location:	Land east of Maes Hyfryd, Llanfair Caereinion, Welshpool, Powys, SY21 0RY.		
Proposal:	Outline: Erection of a detached dwelling, installation of a sewage treatment plant and improvements to existing access		
Application Type:	Application for Outline Planning Permission		

The reason for Committee determination

The proposed development constitutes a departure from the adopted Powys Unitary Development Plan and is recommended for approval.

Site Location and Description

The site extends to approximately 0.10 hectares and is located to the south west of Llanfair Caereinion. The site adjoins New Road to the south and abuts the curtilage area of Maes Hyfred. There is further residential development at Whiteoaks to the west and the farm holding; Cae Garreg and its associated dwellings are located to the north of the site.

The application has been submitted in outline with access to be considered at this stage. It is proposed to construct a single dwelling together with a new vehicular access off New Road.

Indicative scale parameters of the property have been submitted as follows:

- Size ranging from 8-18m and 7-15m
- Eaves height of 5.5m
- Ridge height of 7.5m

Consultee Response

County Councillor Viola Evans (prior to election of 4th May 2017)

I write in support of planning application made or shortly to be made by Mr Steven Andrew and Ms Natalie Lee on land on the Cefn Coch Road just out of Llanfair; and adjacent to two properties already close to the proposed site.

Steven and Natalie are members of local amenities, they both are employed in the area, and wishing to stay in the community.

I do hope that their planning application is looked at favourably, as I am sure you will agree, we wish to retain our young people in our community.

Llanfair Caereinion Community Council

No response received at the time of writing this report.

Severn Trent Water

E mail of 18 May 2017

I have checked the records and the nearest surface water sewer is roughly 270 meters away (as the crow flies) and foul approx. 340 meters away (as the crow flies) – both to the west of the site.

Powys Environmental Health

E mail of 6 April 2017

I have no objection to the application provided that the NRW allow the foul drainage to be discharged to the watercourse.

Powys Ecologist

EIA Screening

The site area is understood to be 0.10 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 submitted 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 grazed by sheep and is bounded by a hedgerow to the north and west. The majority of the northern hedgerow would appear to be removed and replaced to facilitate a visibility splay. The western hedgerow, bordering a residential garden, would appear to be retained.

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 3 bat species and otter from within 2km. No bat roosts or potential bat roosts would appear to be lost as a result of the proposals. However, the northern hedgerow is likely to provide linear commuting and foraging habitat for a range of bat species.

It would seem likely that the creation of the new visibility splay would require the removal of a large section of hedgerow. I suggest that any removed hedgerow is translocated along the new visibility splay instead of buying and planting new stock.

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.

The foul water discharge from the development would be via an outfall to an existing watercourse. Since no ecological information has been submitted with this application and considering the habitat present at the site of the proposed outfall, there is insufficient information available to determine the potential ecological impact of this proposal on otters and other species using the watercourse and riparian habitats.

A Preliminary Ecological Appraisal including a background data search from the Powys and Brecon Beacons National Park Biodiversity Information Service (BIS) will need to be undertaken to identify the habitats present on and adjacent to the site and potential to support protected species as well as the presence of invasive non-native species.

It is important to note that further surveys following National guidelines at the appropriate time of year will be required for any species that are found or have potential to be present. These surveys would need to be carried out prior to determination of the planning application. Mitigation and compensation strategies will be required for any impacts upon protected species and loss of habitat.

Ecological reports submitted to support a planning application should include the required information identified in Appendix A of Powys UDP, Interim Development Control Guidance - Biodiversity (April 2009).

UK Species

There are historic records of badger and nesting bird species from the vicinity of the site; the boundary hedgerow to the north offers 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.

Badgers could be present within the vicinity of the proposed foul outfall. Since no ecological information has been submitted with this application and considering the habitat present at the site of the proposed foul outfall, there is insufficient information available to determine the potential ecological impact of this proposal. Please see previous comments regarding a Preliminary Ecological Appraisal being required.

Section 7 Species & 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 and rivers are Section 7 Priority Habitats that are present within the site. There are historic records of the Section 7 Priority Species Hedgehog and Hare from within 2km of the site, and suitable habitat for hedgehog at the site. I have therefore recommended that the section of northern hedgerow that would be removed for the visibility splay is translocated along the new visibility splay instead.

Since no ecological information has been submitted with this application and considering the habitat present at the site of the proposed foul outfall, there is insufficient information available to determine the potential ecological impact of this proposal on the river. Please see previous comments regarding a Preliminary Ecological Appraisal being required.

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

LBAP Species & Habitat

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

Invasive Non-Native Species

No ecological information has been submitted with this application. There is a risk of invasive, non-native species being present on the watercourse affected by the proposed foul outfall. Please see previous comments regarding a Preliminary Ecological Appraisal being required at this location.

Summary of recommendations / further assessment or work

Since no ecological information has been submitted with this application and considering the habitat present at the site and historic biodiversity records from the vicinity, there is insufficient information available to determine the potential ecological impact of this proposal on species and habitats affected by the proposed foul outfall.

A Preliminary Ecological Appraisal including a background data search from the Powys and Brecon Beacons National Park Biodiversity Information Service (BIS) will need to be undertaken to identify the habitats present on and adjacent to this location and potential to support protected species as well as the presence of invasive non-native species.

It is important to note that further surveys following National guidelines at the appropriate time of year will be required for any species that are found or have potential to be present. These surveys would need to be carried out prior to determination of the planning application. Mitigation and compensation strategies will be required for any impacts upon protected species and loss of habitat.

Ecological reports submitted to support a planning application should include the required information identified in Appendix A of Powys UDP, Interim Development Control Guidance - Biodiversity (April 2009).

It would seem likely that the creation of the new visibility splay would require the removal of a large section of hedgerow. I suggest that any removed hedgerow is translocated along the new visibility splay instead of buying and planting new stock.

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.

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 hedgerow planting around the site boundary 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 Preliminary Ecological Assessment report of the proposed foul discharge location undertaken by a competent ecologist shall be submitted to the Local Planning Authority and any recommendations incorporated within the proposed development.
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 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.

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.

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

Otters are known to be present on the majority of watercourses in Powys. The otter 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 an otter;
- Deliberately disturb an otter in such a way as to be likely to significantly affect the local distribution or abundance of otters or the ability of any significant group of otters to survive, breed, rear or nurture their young;
- Damage or destroy an otter holt;
- Intentionally or recklessly disturb any otter whilst it is occupying a holt; or
- Intentionally or recklessly obstruct access to a holt.

Reasonable avoidance measures need to be implemented to ensure minimal impact to otter activity in the local area. These will include:

- No night working or lighting of the works area;

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

Highway Authority

E mail of 3 May 2017

Wish the following recommendations/Observations be applied
Recommendations/Observations

HC1 Prior to the occupation of the dwellings 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.

HC2 The gradient of each access shall be constructed so as not to exceed 1 in 15 for the first 10 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 10 metres of each 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 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 120 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 each 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 dwellings, provision shall be made within the curtilage of the site for the parking of not less than one car per bedroom in accordance with CSS Wales Parking Standards excluding any garage space provided together with a turning space such that all vehicles serving each plot 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 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.

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

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.

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 class III road.

Natural Resource Wales

Letter of 20 April 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 these requirements.

Requirement 1: A Foul Drainage Assessment

We would object to non mains drainage in a sewered area or within 30m of a sewerage network.

We advise the LPA to consult Severn Trent Water to ascertain whether a connection to the main sewer is viable. Unfortunately we do not hold the data for their network although the proximity to other houses and a discharge consent at for a sewer company at Watergate Street indicate that the property could be near the main sewer network.

We note that no "Foul Drainage Assessment" has been submitted with the application. Welsh Office Circular 10/99 (DETR Circular 03/99) advises that planning applications involving proposed non-mains foul drainage should be accompanied by a Foul Drainage Assessment. The assessment is designed to give Local Planning Authorities and statutory consultees, such as NRW, sufficient information to enable them to determine these planning applications. The WO Circular also sets out a hierarchy when considering the options for dealing with non-mains sewerage. NRW's preferred option would be for the foul drainage to go to foul sewer. Where this is not an option, then the hierarchy in the circular should be followed. Pollution Prevention Guidelines 4 (PPG4), July 2004, produced by SEPA and the Environment Agency, also provides useful guidance. Note that PPG4 advises that septic tanks or other package sewage treatment plants of any sort must not be located in an area at risk of flooding.

Should it be demonstrated that sewage treatment plant is the most appropriate and acceptable system, then the applicant should be advised that it is likely that a permit to discharge treated sewage effluent from this development into a surface water or to ground will be required from Natural Resources Wales. Applications can be made online through the NRW website or contact us for an Environmental Permit application form and further details on 0300 0653000.

Please note that the granting of planning permission does not guarantee the granting of a permit under the Environmental Permitting Regulations 2010. A permit will only be granted where the risk to the environment is acceptable.

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.

Representations

Following display of a site notice and publication in the local press, no decision was made for a continuous period of 21 days from the date of the site notice.

No third party representations have been received.

Planning History

No relevant planning history on the site

Principal Planning Policies

National Planning Policy

Planning Policy Wales (9th Edition, November 2016)
Technical Advice Note 1-Joint Housing Land Availability Studies (2015)
Technical Advice Note 5-Nature Conservation and Planning (2009)
Technical Advice Note 6-Planning for Sustainable Rural Communities (2010)
Technical Advice Note 12-Design (2014)
Technical Advice Note 18-Transport (2007)
Technical Advice Note 20: Planning and the Welsh Language (2013)
Technical Advice Note 23: Economic Development (2014)

Local planning policy

Unitary Development Plan for Powys (March 2010)

UDP SP1-Social, Community and Cultural Sustainability
UDP SP2-Strategic Settlement Hierarchy
UDP SP5-Housing Development

UDP GP1-Development Control
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 HP3-Housing Land Availability
UDP HP4-Settlement Development Boundaries
UDP HP5- Residential Developments
UDP HP6-Dwellings in the Open Countryside
UDP TR2-Tourist Attractions and Development Areas
UDP DC11-Non Mains Sewerage Treatment
UDP DC13-Surface Water Drainage

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 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 separate applications for consideration at a later date.

The application site lies wholly outside the settlement boundary of Llanfair Caereinion, and would therefore result in a new dwelling being constructed outside the settlement boundary. For the purposes of the Powys Unitary Development Plan, the site subject to this application

therefore lies within the open countryside. On this basis, the proposal constitutes a departure from the adopted Powys Unitary Development Plan as it proposes an open market dwelling in the open countryside.

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). As such, Members are advised that as stated in TAN1, 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.

Llanfair Caereinion is classified as an area centre within the UDP. The town has a full range of community services and facilities. The Secondary School and Leisure Centre act as a focus for community activities, whilst the town centre provides a range of retail and financial services with employment being provided at the existing industrial estate.

The application site is approximately 250 metres by road to the edge of the settlement development boundary of Llanfair Caereinion.

The settlement is located on a public bus route and has good road connections with the A458 trunk road providing good access between Welshpool, Shrewsbury and Newtown. Llanfair Caereinion is therefore considered an appropriate location for further development on the grounds of sustainability.

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

The application site comprises a modest plot which adjoins the curtilage of an existing dwelling. The site is currently semi improved agricultural land with a mature hedgerow separating the site from the highway. Given the natural boundary with the unclassified highway and the level aspect of the site and that there are other residential dwellings in the area, no concern is raised regarding the short range views along Watergate Street.

The site is in an area of agricultural land that when viewed from longer to midrange views sits between existing farm and residential development to the north, east and west, it is therefore considered development of the site would broadly be in keeping with the character of the area and development along Watergate Street.

The existing character of Llanfair Caereinion is a settlement with its development core flanking the River Banwy and extending out along the feeder roads, including Watergate Street, this development would broadly continue the existing form of development. Based on this appraisal it is considered that a satisfactory development could come forward that would not unacceptably harm the character of the settlement or surrounding area.

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

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 C2013 (Watergate Street) to the north east of the development site. Vehicles could then enter or leave the site using the C2013 and connect to the wider highway network.

The Highway Authority have raised no objection to the construction of a new access onto the C2013 classified highway, subject to the recommended conditions forming part of any forthcoming consent. Subject to the recommended conditions it is therefore considered that the proposed development fundamentally complies with relevant planning policy.

Impact upon amenities enjoyed by occupiers of neighbouring residential properties and the proposed dwellings

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.

Although layout is a reserved matter, consideration has been given to the potential separation distances between properties, as well as their siting, orientation and elevation, and it is not believed that the proposal would unacceptably impact on residential amenity.

The closest neighbouring property is Maes Hyfryd which adjoins the site boundary to the west, taking into consideration the small scale of the proposal and siting of Maes Hyfryd away from the curtilage boundary, it is not believed that the proposal would unacceptably impact on residential amenity.

As such, subject to details on appearance and layout which would be considered at reserved matters stage, it is considered that adequate provision could be made for amenity in terms of privacy as set out within the Powys Residential Design Guide and UDP policy GP1.

Foul sewage disposal

The submission indicates that foul sewerage would be disposed of via a private means of treatment: package treatment works.

The preferred method of foul sewage disposal is via the mains sewer, Severn Trent confirm the mains sewer is over 300metres from the site, taking into consideration the cost and practicality of connecting to the mains sewerage network, in accordance with Circular 10/99 a private means of sewerage treatment is accepted.

Natural Resource Wales confirm in their response details of the proposed private treatment scheme are required, it is considered appropriate to secure this information via a condition of any forthcoming consent. The scheme would also need a permit from NRW if they are proposing to discharge to a stream.

Provided a scheme for the method of private foul drainage is secured via condition, it is considered that the proposal would make adequate provision for the disposal of foul sewage in accordance with Welsh Officer Circular 10/99 and 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.

It is noted that the proposed surface water drainage arrangements (soakaways) are based on the assumption that ground conditions will be suitable for soakaways which is not an unusual occurrence for an outline application where only the principle of development is sought.

Having considered the detail of the submission, it is considered that there is satisfactory space within the development to secure a drainage scheme that would manage the existing drainage on the site and not exacerbate or create flooding elsewhere.

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 with any forthcoming reserved matters application.

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 (TAN1 5 and Planning Policy Wales).

The site is primarily grazed semi improved agricultural land, the site is bounded by a hedgerow to the north and west. The majority of the northern hedgerow would appear to be removed and replaced to facilitate a visibility splay. The western hedgerow forms a boundary with the neighbouring property and as such is likely to be retained.

The County ecologist notes that records of European protect species in the area are sparse, however there are records of at least 3 bat species. The proposal would not result in the loss of any roosts and provided the northern hedgerow is translocated along the new visibility splay any linear foraging route would be maintained.

The ecologist in their response highlights the need for a preliminary ecological assessment to be carried out in order to identify any species within the watercourse planned to receive the clean water discharge from the package treatment plan. An ecological survey conducted by Star Ecology was received on the 10th August 2017. This report concluded the location of the proposed pipe infrastructure is considered to be of low ecological value and no further ecological work is recommended.

Any discharge from the package treatment plant to a watercourse requires a license from NRW and only clean water is permitted to be discharged. It is therefore considered that the ecological report, together with the permit is sufficient to ensure only clean water is discharged to the stream and the proposed method of foul drainage would not have a detrimental impact on ecology. Further comments from the Ecologist will be included within an update report to Members.

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)

Planning Policy Wales (PPW) notes the Welsh Government's commitment to ensuring the Welsh Language is supported and encouraged to flourish as a language of many communities all over Wales. It highlights that it should be the aim of local planning authorities to provide for the broad distribution and phasing of housing development taking into account the ability of different areas and communities to accommodate the development without eroding the position of the Welsh language. It does however also note that policies must not introduce any element of discrimination between individuals on the basis of their linguistic ability, and should not seek to control housing occupancy on linguistic grounds.

With regards to the Development Management function, PPW states as follows:

“Consideration relating to the use of the Welsh Language may be taken into account by decision makers so far as they are material to applications for planning permission. If required, language impact assessments may be carried out in respect of large developments not allocated in, or anticipated by, a development plan proposed in areas of particular sensitivity or importance for the language. Any such areas should be defined clearly in the development plan. Decisions on applications for planning permission must not introduce any element of discrimination and should not be made on the basis of any person(s) ‘linguistic ability’.”

Technical Advice Note 20: Planning and the Welsh Language provided further guidance. Within TAN 20 it is noted that it is estimated that between 1,200 and 2,200 fluent Welsh speakers are moving out of Wales each year. The Welsh Government aims to reverse this trend.

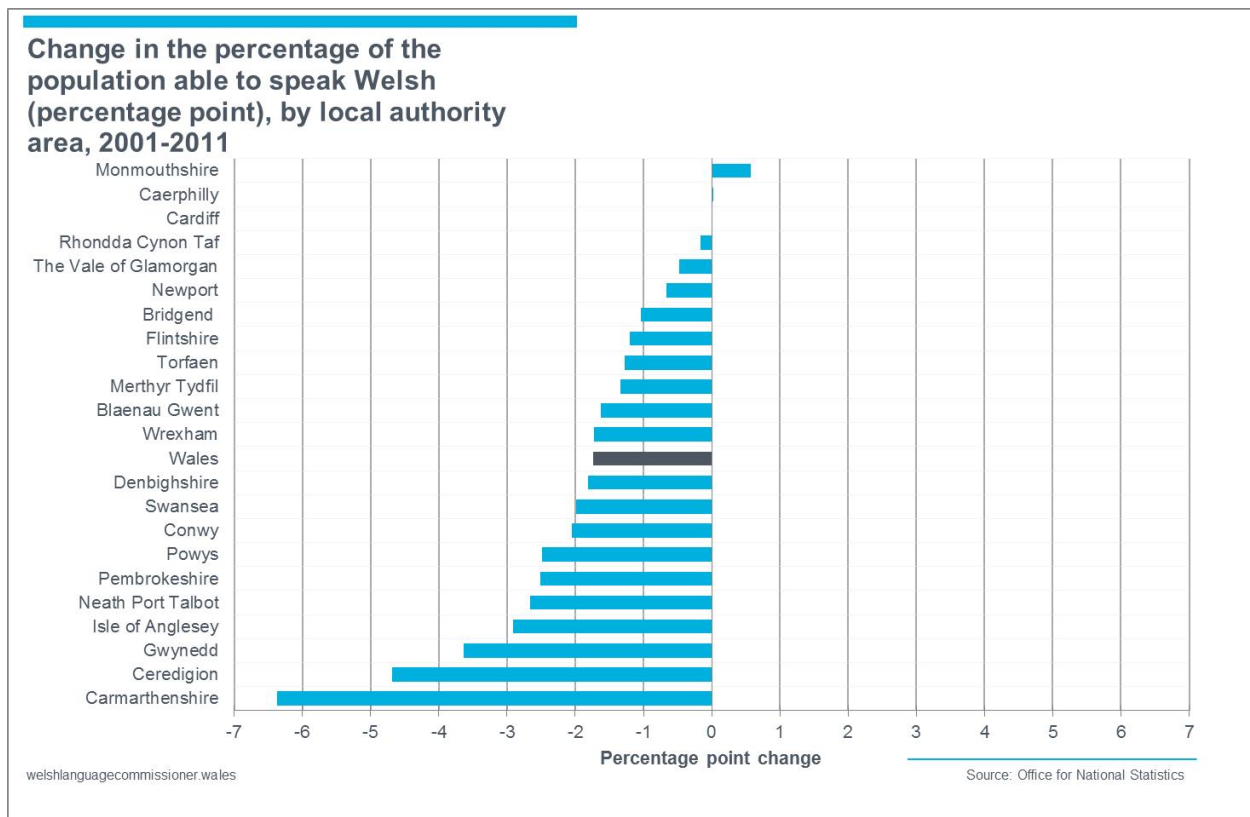
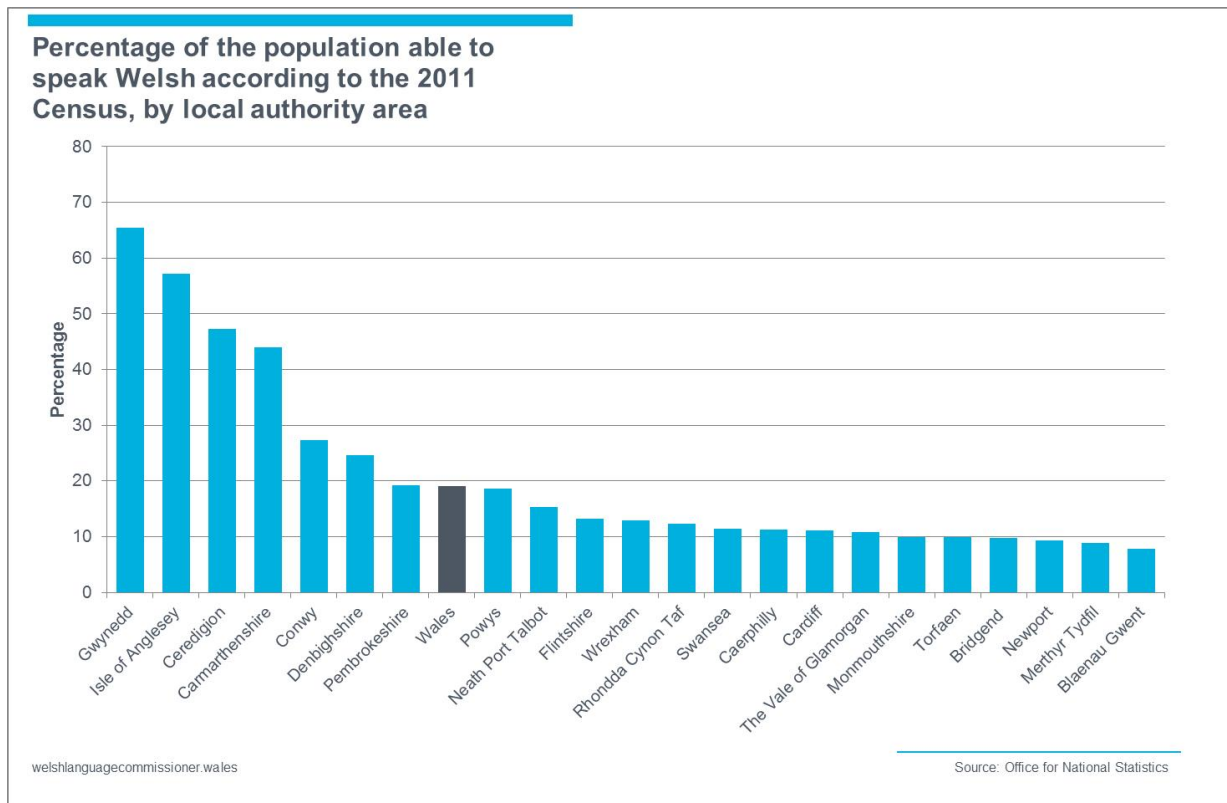
With regards to the Development Management function, TAN 20 states as follows:

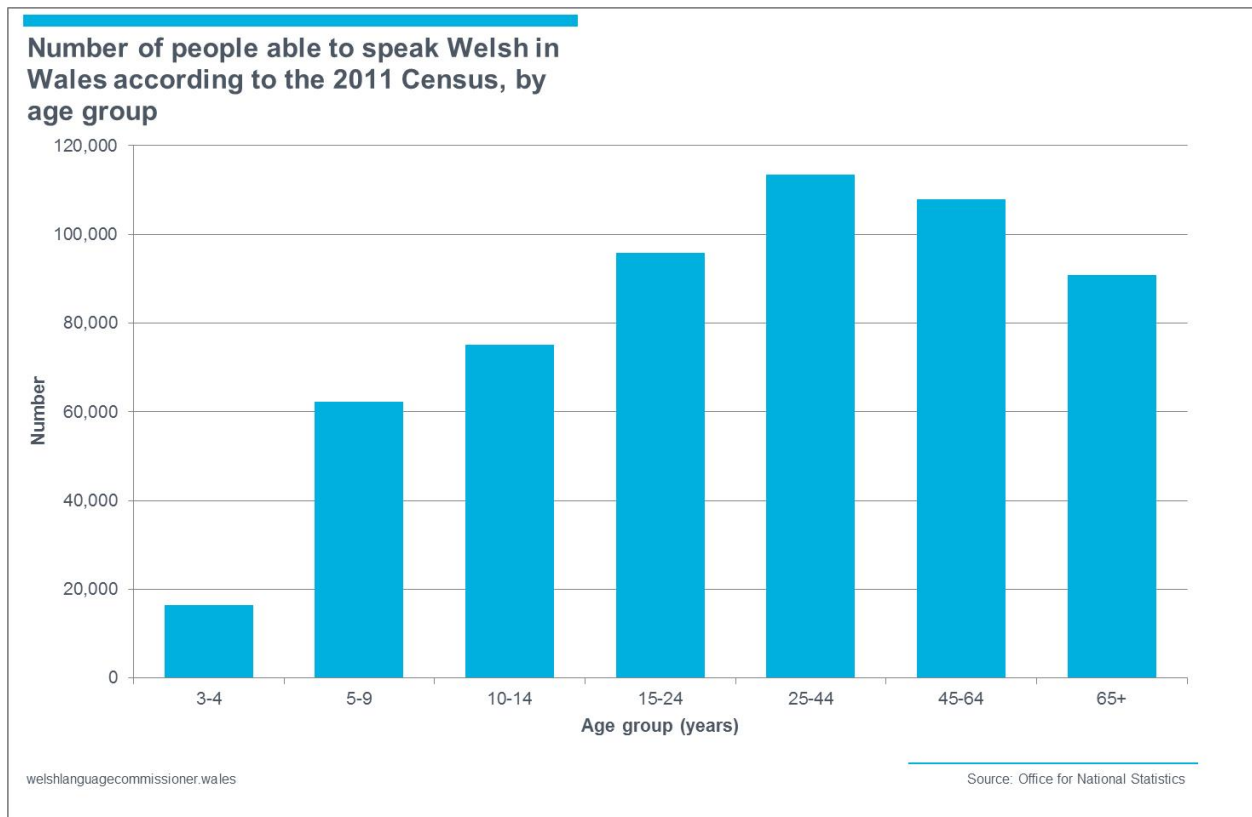
“4.1.2 In determining individual planning applications and appeals where the needs and interests of the Welsh language may be a material consideration, decisions must, as with all other planning applications, be based on planning grounds only and be reasonable. Adopted development plan policies are planning grounds, including those which have taken the needs and interests of the Welsh Language into account”.

Policy GP5 of the Powys UDP states that within identified settlements proposals will only be acceptable where developers can demonstrate that they have taken full account of the importance of the Welsh Language and culture, including through the provision of an appropriate level of affordable homes. Llanfair Caereinion has been identified as one of the settlements under policy GP5.

Census Information

Looking at a Local Authority level the graph below provides a picture of the Welsh Language in Powys compared to that in the rest of Wales;





2001 Census

All people aged 3 and over	Understands spoken Welsh only	Speaks but does not read or write Welsh	Speaks and reads but does not write Welsh	Speaks, reads and writes Welsh	Other combination of skills	No knowledge of Welsh
1,563	122	79	24	499	55	784

2011 Census

All usual residents aged 3 and over	No skills in Welsh	Can understand spoken Welsh only	Can speak Welsh	Can speak but cannot read or write Welsh	Can speak and read but cannot write Welsh	Can speak, read and write Welsh	Other combination of skills in Welsh
1,757	910	148	632	74	40	512	73

The census information has been looked at by the Welsh Language Commissioner who has provided the following breakdown regarding the ability to speak Welsh in the area.

	2011	2001	2011	2001
Age	%	%	Number	Number
3+	36	39	632	613
3-15	62.3	56.5	198	183
16-64	29.5	31.9	326	313
65+	32.2	43.8	108	117

It is apparent from the figures above that the numbers of people speaking Welsh in the Llanfair Caereinion ward has decreased by 3% overall with 2.4% being dropped in the 16-64 age category. However consideration should be given to the fact that the percentage of Welsh speakers in the 3 – 15 age group has increased by 5.8%.

It is considered that the introduction of one new dwelling would not threaten these facilities or force sections of the population away from these facilities. In light of the above it is therefore considered that the proposed would not be seen as having an unacceptable impact on the cultural and linguistic vitality of the area.

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 the development is a departure from the development plan, it is considered that the council's shortfall in housing land supply justifies the proposal. The recommendation is one of approval.

Conditions:

1. Details of the 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. No development shall commence until details of a scheme for the disposal of foul and surface water drainage, including a timetable for implementation, has been submitted to and agreed in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details and retained in perpetuity.
5. Prior to the occupation of the dwelling any entrance gates shall be set back at least 10 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.
6. The gradient of each access shall be constructed so as not to exceed 1 in 15 for the first 10 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 10 metres of each 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. Prior to the commencement of the any other development hereby approved, 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 120 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. Prior to the commencement of any other development hereby approved, the area of each 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 dwellings, provision shall be made within the curtilage of the site for the parking of not less than one car per bedroom in accordance with CSS Wales Parking Standards excluding any garage space provided together with a turning space such that all vehicles serving each plot 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.

11. Prior to the commencement of any other development hereby approved, 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.

12. The width of the access carriageway, constructed as Condition 9 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.

13. Prior to the occupation of the dwelling the area of each 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.

14. 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.

15. Upon formation of the visibility splays as detailed in 8 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.

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

17. Notwithstanding the information submitted with the application, any hedgerow removed as part of the formation of visibilities splays shall be removed outside of the bird breeding season (May-September) and shall be translocated within the site.

Reasons

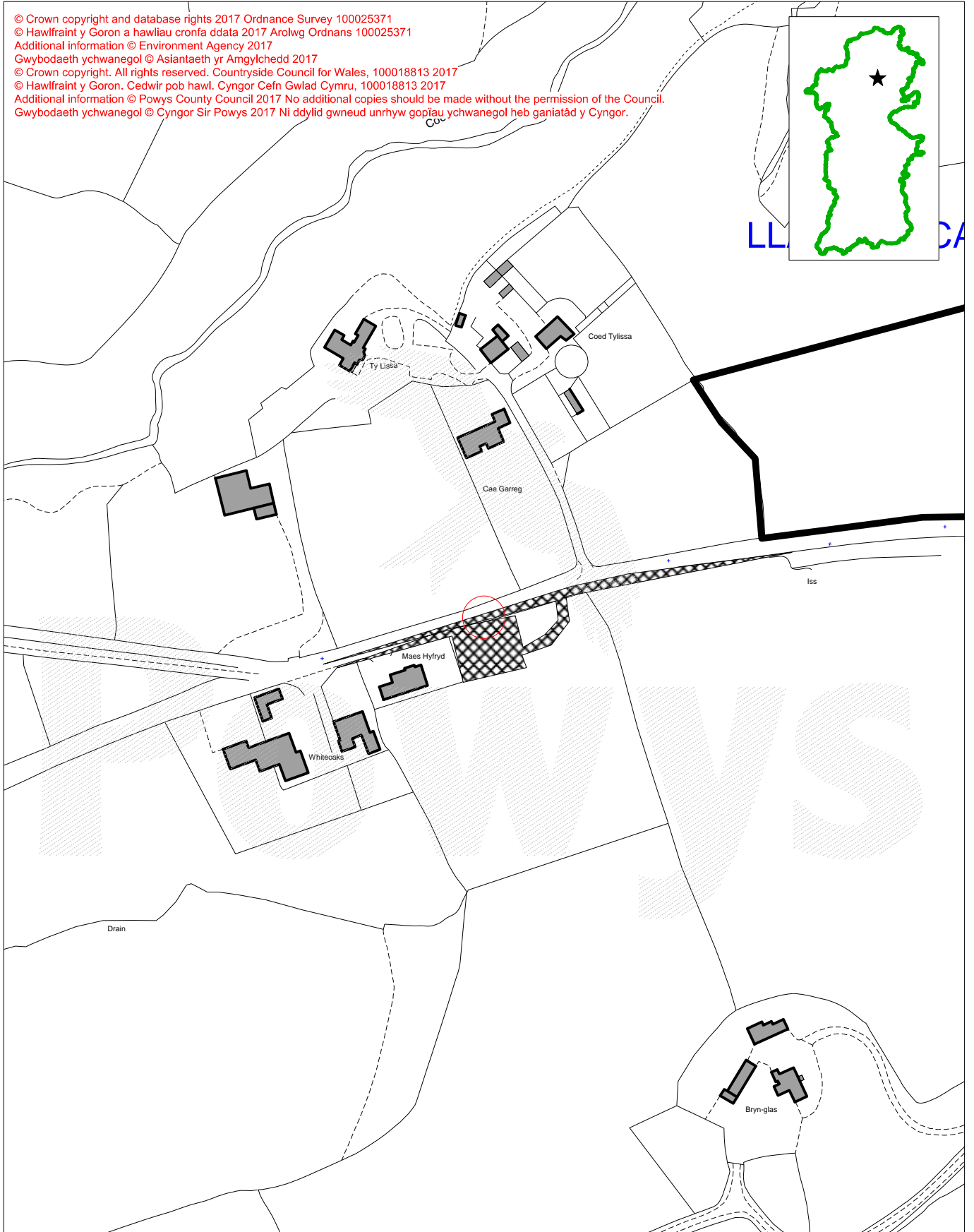
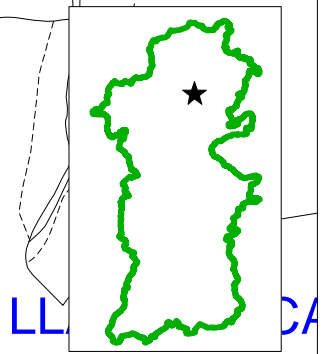
1. To enable the Local Planning Authority to exercise proper control over the development in accordance with Section 92 of the Town and Country Planning Act 1990.
2. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
3. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
4. To ensure that the proposed foul and 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.
- 5 to 16. In the interests of highway safety in accordance with policy GP4 of the Powys Unitary Development Plan (2010).
17. To comply with Powys County Council's UDP Policies SP3, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.

Informative Notes

Should it be demonstrated that sewage treatment plant is the most appropriate and acceptable system, then the applicant should be advised that it is likely that a permit to discharge treated sewage effluent from this development into a surface water or to ground will be required from Natural Resources Wales. Applications can be made online through the NRW website or contact us for an Environmental Permit application form and further details on 0300 0653000.

Case Officer: Dunya Fourie- Planning Officer
Tel: 01597 82 7319 E-mail:dunya.fourie@powys.gov.uk

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The proposed development will lead to the creation of a Private Street and as such we must advise that with regards to the Highways Act 1980 that these two plots will incur Advance Payment Code Notices (Highways Charges).

Furthermore we require that full details of the proposed new estate road be submitted for consideration since the red lined application site includes access from the Trunk Road

Correspondence received 22nd August 2017

The County Council as Highway

**Wish the following recommendations/Observations be applied
Recommendations/Observations**

- HC1 Any entrance gates shall be 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.
- 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.
- HC8 Prior to the occupation of any dwelling, provision shall be made within the curtilage of the site for the parking of not less than one car per bedroom excluding any garage space provided together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.
- 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 30 and shall be retained at this gradient for as long as the dwellings remain in existence.
- HC17 Prior to the occupation of the development a 2.0 metre wide footpath shall be provided on the one/both side(s) of the site access, and shall be retained at 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.

HC27 The septic tank effluent in connection with the development hereby permitted shall not interfere or connect in any way with the highway surface water drainage or give rise to a nuisance upon the highway.

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.

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.

In the interests of highway safety.

Building Control

Correspondence received 3rd April 2017

Building Regulations application required.

Severn Trent Water

Correspondence received 29th March 2017

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.

Environmental Health

Correspondence received 5th April 2017

Environmental Protection has no objection to the above application.

PCC Ecologist

Correspondence received 27th July 2017

Thank you for consulting me with regards to planning application P/2017/0318 which concerns an application for the Erection of 2 dwelling houses with detached garages, installation of new septic tank for plot 2 only and all associated works.

I have reviewed the proposed plans submitted with the application as well as photographs of the site and surrounding habitats, local records of protected and priority species and designated sites within 500m of the proposed development.

The data search identified 47 record of protected and priority species within 500m of the proposed development, no records were for the site itself. Records identified within 500m of the site included floating water-plantain, otter, grass snake, bat species and Environment (Wales) Act 2016 Section 7 list bird species.

The following statutory designated sites are present within 500m of the proposed development:

- Montgomery Canal SAC/SSSI

These designated sites are located along the western boundary of the site of the proposed development, given the proximity of the proposed development to the Montgomery Canal SAC the potential for the construction and operation phases of the development to result in a Likely Significant Effect to the Montgomery Canal SAC and/or it's associated features has been considered.

Having reviewed the information provided by the applicant as well as comments received from NRW it has been determined that the proposed development would not result in a likely significant effect to the Montgomery Canal SAC and/or it's associated features – I have attached a copy of the Screening Assessment for your records.

There are no non-statutory designated sites within 500m of the proposed development.

The site of the proposed developments comprises an area of improved sheep grazed grassland and an area of scrub and what appears to be partially developed land– I understand from the Planning Overview document submitted that the proposed site already has permission in place for two affordable dwellings however there have been issues securing funding for the affordable developments.

The habitats present and affected by the proposed development are considered to be of low ecological importance.

It is noted that the proposed plans and associated Design and Access statement indicate the provision of landscaping i.e. hedgerow planting around the boundaries of each dwelling as part of the proposed development. The provision of landscaping is welcomed, it is recommended that species used in landscaping are native (in accordance with UDP policy GP1) this would also serve to provide biodiversity enhancements in accordance with the requirements of Section 6 of the Environment (Wales) Act 2016. **It is recommended that a detailed landscaping scheme is secured through an appropriately worded condition.**

Given the relatively rural location of the proposed development careful consideration will need to be given to any proposed external lighting design within the detailed design of the development to minimise impacts to nocturnal wildlife commuting and foraging in the local area. **It is recommended that a planning condition securing a wildlife sensitive lighting scheme 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 the development a detailed Landscaping and Management Plan shall be submitted to and agreed with the Local Planning Authority and shall be implemented in the first planting season of the following occupation of the development. The Plan shall include the use of native species, details of the planting specification – the species, sizes and planting densities – and a timetable for implementation and future management to ensure good establishment and long-term retention

Reason: To comply with Powys County Council's UDP Policies SP3 and ENV2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

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.

NRW

Correspondence received 25th April 2017

Thank you for consulting Natural Resources Wales (NRW) about the above, which was received on 28/03/2017.

NRW have no objection to the above development. In our opinion, as explained below, will not adversely effect any of the interests listed.

Pollution Prevention

When working near watercourses, work must be carried out in a manner so as not to cause pollution of controlled waters. It is an offence under Regulations 38 of the Environmental Permitting Regulations 2010 to cause or knowingly permit a water discharge activity.

All works at the site must be carried out in accordance with GGP5 and PPG6: 'Works in, near or over watercourses' and 'Working at construction and demolition sites' which are available at the Gov.uk website: <https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>

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.

Welsh Government Transport

Correspondence received 19th April 2017

I refer to your consultation of 28 March 2017 regarding the above application and advise that the Welsh Government as highway authority for the A483 trunk road does not issue a direction in respect of this application.

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

Canal & Rivers Trust

Correspondence received 5th April 2017

Thank you for your consultation.

Glandŵr Cymru, the Canal & River Trust in Wales, cares for Wales' historic canals, made up of the Swansea, Llangollen, Montgomery and Monmouthshire & Brecon Canals. Our canals perform many different functions and are a haven for people and wildlife and a national treasure. We are a statutory consultee in the development management process.

Glandŵr Cymru has reviewed the consultation. This is our substantive response under the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, as amended. Based on the information available we have **concerns** relating to the lack of ecological assessment.

The site is adjacent to the Montgomery Canal which is designated as a Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC), however no ecological investigation or survey appear to have been undertaken, consequently it is not known whether or not the development would have an impact on these designations. Equally, without such investigation, it is not possible to ascertain the extent to which mitigation may be necessary to ensure that the adjacent canal is adequately protected during and after development.

Given the above designations we are surprised that at Section 14 of the application form it is indicated that there are no designated sites, important habitats or other biodiversity features on or adjacent to the site or any protected and priority species. The application details do not appear to acknowledge the designation or the importance of the adjacent canal.

In the absence of this we would have concerns relating to the potential for pollution or run-off during construction and ongoing occupation which may adversely impact the water quality or result in contamination of the canal, which in turn would have an adverse impact on the

statutory designations. Any impacts on boundary habitats would also need to be considered and addressed.

In light of the above, we consider that it is reasonable to request that an ecological survey is undertaken before the application is determined. Depending on the findings of the survey and assessments then appropriate consideration of, and mitigation against potential impacts on the designated sites would need to be addressed directly with Natural Resources Wales as the regulator.

For Glandŵr Cymru to effectively monitor our role as a statutory consultee, please send me a copy of the decision notice.

If you have any queries please contact me, my details are below.

Representations

No third party responses received by Development Management at the time of writing this report.

Planning History

P/2016/0399 - Erection of an affordable dwellinghouse, detached garage, installation of septic tank and all associated works - CC

P/2015/1113 - P/2015/1113 - Erection of affordable dwelling and detached garage and installation of a septic tank - WITHDRAWN

P/2012/0442 - Erection of a local needs dwelling - CC

M/2002/0055 - Change of use of land

M2005/0358 - Erection of dwelling and installation of sewage treatment - Refused 11/5/05

Principal Planning Policies

National Planning Policy

Planning Policy Wales (9th Edition, 2016)

Technical Advice Note (TAN) 1 - Joint Housing Land Availability Study (2015)

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

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

Technical Advice Note 20: Planning and the Welsh Language (2013)

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

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

Local Planning Policies

Powys Unitary Development Plan 2010.

SP2 – Strategic Settlement Hierarchy
SP4 – Economic and Employment Developments
SP5 – Housing Developments
SP6 – Development and Transport
SP12 – Energy Conservation and Generation
GP1 – Development Control
GP2 – Planning Obligations
GP3 – Design and Energy Conservation
GP4 – Highway and Parking Requirements
GP5 – Welsh Language and Culture
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
HP14 – Sustainable Housing
DC1 – Access by Disabled Persons
DC3 – External Lighting
DC8 – Public Water Supply
DC11 – Non-Mains Sewage Treatment
DC13 – Surface Water Drainage
TR2 – Tourist Attractions and Development Areas

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

This application site lies near to the settlement boundary of Refail (approximately 40 metres) which is classified in the Powys Unitary Development Plan 2010 as a large village. There are two existing dwellings between the settlement boundary and the proposed application site. The proposal is for two market dwellings and therefore the proposed development represents a departure from the adopted Unitary Development Plan.

Housing Land Supply

Planning policy (TAN1 and UDP HP3) states that the Council needs to have a five year supply of land available for housing. The Powys Joint Housing Land Availability Study (2016) concludes that there is 2.2 years of housing supply.

Housing supply is a material consideration that should be given considerable weight in the determination of this application. TAN 1 states:

'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.'

Sustainability

In considering a departure from the Powys Unitary Development plan policies consideration must be given to the location of the proposed development in terms of the sustainability of the development. Account should be given to the range of services and facilities available within close proximity to the site.

Refail is defined in the UDP as a large village with two allocated sites (M188 HA1 and M188 HA2, allocated for 13 dwellings in total). The settlement itself has a range of community facilities and services. There are public transport links within walking distance of the site on the main trunk road with the Key Settlement of Berriew being a short driving distance of 0.9 miles to the north west of Refail which offers a range of facilities and services. The proposed location is considered to be a sustainable location for the scale of the development proposed.

Scale, Design and Appearance

Policy GP3 of the Powys Unitary Development Plan seeks to ensure that development proposals are of an appropriate design, scale, layout and of materials that shall complement or where possible enhance the character of the surrounding area.

This application is submitted in full and therefore all matters are to be considered as part of this application process. Both plots 1 and 2 are to be 3 bedroomed market dwellings each to have a separate detached garage.

The dwelling on plot one is to be two storey in height to measure 12.4 metres in length, 7.9 metres in width, 5.2 metres in height to the eaves and 8.4 metres in height to the ridge. Plot 1 dwelling is to be faced in Blockleys Heritage Shropshire Blend brickwork with Spanish slate clad roof and UPVC windows, doors, barge boards, fascia boards and rainwater fittings. Plot 1 garage is to measure 6 metres in length and 6 metres in width with a height to the eaves of 2.4 metres and height to the ridge of 5.2 metres. The garage is to be constructed of solid brickwork to match that of the proposed dwelling, with windows, doors and rainwater fittings being upvc and the front main garage door being a metal roller door.

Plot 2 is to have a 3 bedroomed market dwelling also to measure 11.9 metres in length, 6 metres in width, 4.8 metres in height to the eaves and 7.5 metres in height to the ridge. Plot 2 is to have walls of Ibstock Bexhill Purple facing bricks with Pizarras Cupa 5 natural slate, windows, doors, barge boards and fascia boards to be upvc in construction with woodgrain effect. The proposed garage for plot 2 is to measure 6.7 metres in length, 6.2 metres in width, 2.2 metres in height to the eaves and 5.3 metres in height to the ridge. The materials are to match that of the proposed dwelling for plot 2.

Officers consider that the proposed dwellings are of an appropriate design, materials and scale to complement the character and appearance of the surrounding dwelling and of the surrounding area. It is considered that the proposed dwellings fundamentally comply with policies GP1 and GP3 of the Powys Unitary Development Plan 2010.

Landscape and Visual Impact

Policy ENV2 of the Powys Unitary Development Plan seeks to ensure that proposed development will not have an unacceptable adverse impact upon the Powys Landscape. Development proposals should be design in a way to be sensitive to the character and appearance of the surrounding area and landscape.

This proposed site is considered to be well connected to the large village of Refail being adjacent to the built up area and existing dwellings. It is considered that the proposed site is well integrated with the existing large village and would not have an unacceptable significant adverse visual impact upon the character and appearance of the surrounding area.

In light of the above, it is considered that the proposed development complies with policy ENV2 of the Powys Unitary Development Plan 2010.

Highways Safety and Movement

UDP policy GP4 indicates that planning permission will be dependent upon adequate provision for access including visibility, turning and parking.

As part of this application process the highways authorities have been consulted and have provided comments. The proposed development is to utilise the existing access onto the trunk road and therefore the trunk road authority have not issued a direction in respect of this. The county highways have provided comments on the plans originally submitted and sought further information in respect of the access roads off the trunk road to be provided as part of the development. Further plans and information have been provided in respect of this and our county highways officer has no objection to the proposal subject to the suggested conditions.

In light of the highways officers comments it is considered that the proposed dwellings fundamentally comply with Policy GP4 of the Powys Unitary Development Plan 2010.

Drainage

Policy DC13 of the Powys Unitary Development plan seeks to ensure that development proposals should provide adequate provisions for land drainage and surface water disposal. Development should not give rise to unacceptable on or off site flooding. Policy DC11 seeks to

ensure that the adequate provision for foul sewerage can be provided on site via the public foul sewerage system or private treatment plants.

This application includes the installation of a septic tank and soakaway system and the applicant has provided information in respect of capacity and porosity tests for the drainage field. As part of this application process our Environmental Health officers have been consulted and they have raised no objection to the proposal with the information being submitted in support of the application being sufficient.

Officers consider that the proposed development fundamentally complies with policy DC11 and DC13 of the Powys Unitary Development Plan 2010 in respect of foul and surface water drainage.

Ecology and Biodiversity

As part of this application process our county ecologist has been consulted and has provided comments on the application. No objections have been raised by the ecologist to the proposed development subject to the inclusion of the suggested conditions.

In light of the above and comments received, subject to the suggested conditions officers consider that the proposed development fundamentally complies with Policy ENV7 of the Powys Unitary Development Plan 2010.

Habitats Regulations Assessment (HRA)

This site is located within 500 metres of the Montgomery Canal SSSI and SAC and therefore must be subject to a Habitats Regulations Assessment. The county ecologist was requested to carry out an assessment of the proposed development and the likely significant effects. The HRA has been carried out by our ecologist and has screened the proposed development as no likely significant effects.

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.

In the 2011 census the Refail Ward reported that 9.5% of the population spoke Welsh. This is an increase from the 2001 census which stated that 3.7% of the population of Berriew Spoke Welsh. Officers consider that the development of two dwellings in this settlement will not have an unacceptable detrimental impact on the cultural or linguistic vitality of the area.

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 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 consent subject to conditions.

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 21st March 2017 (drawing no's: 2687.01, 2687.02, 2687.03, 3407.01, 3407.02, 3407.03, 3407.04, 3407.05, 3407.06, 3407.06A) and amended plans received 5th July 2017 (drawing no's: 2687.04A, 2687.05).

3. Any entrance gates shall be 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. 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.
5. Prior to the occupation of any dwelling, provision shall be made within the curtilage of the site for the parking of not less than one car per bedroom excluding any garage space provided together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.
6. The gradient from the back of the footway/verge to the vehicle parking areas shall be constructed so as not to exceed 1 in 30 and shall be retained at this gradient for as long as the dwellings remain in existence.
7. 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.
8. The septic tank effluent in connection with the development hereby permitted shall not interfere or connect in any way with the highway surface water drainage or give rise to a nuisance upon the highway.
9. 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.
10. 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.
11. No storm water drainage from the site shall be allowed to discharge onto the county highway.
12. Prior to the commencement of the development a detailed Landscaping and Management Plan shall be submitted to and agreed with the Local Planning Authority and shall be implemented in the first planting season of the following occupation of the development. The Plan shall include the use of native species, details of the planting specification - the species, sizes and planting densities - and a timetable for

implementation and future management to ensure good establishment and long-term retention.

13. 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.

Reasons

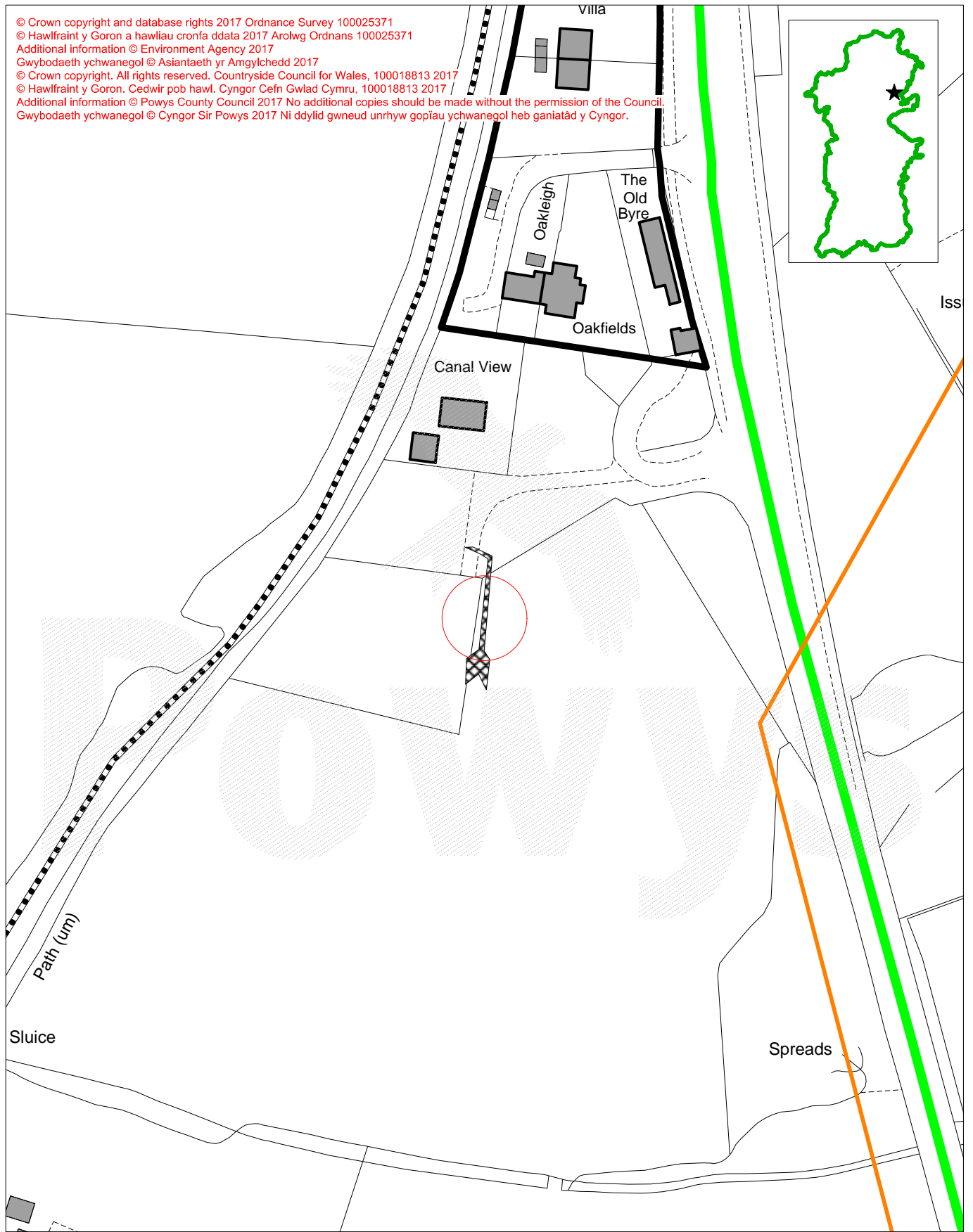
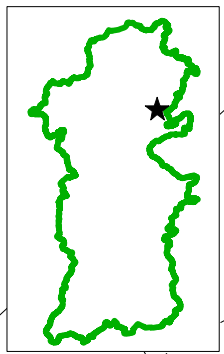
1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
3. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and 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.
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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. To comply with Powys County Council's UDP Policies SP3 and ENV2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
13. 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.

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

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PCC Highways

The County Council as Highway Authority for the County Unclassified Highway, U2203

Wish the following recommendations/Observations be applied
Recommendations/Observations

Prior to any other works commencing on the development site, detailed engineering drawings for a carriageway widening on the Unclassified U2203 & U2204, new footway and associated works along the Unclassified U2204 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 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, shall be not less than 5.5 metres for a minimum distance of 5.5 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.

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.

In the interests of highway safety.

PCC Environmental Health

As the foul drainage for the dwelling will connect to mains, I have no objection to the application.

PCC Ecologist

Thank you for consulting me with regards to the planning application P/2017/0542 which concerns an Outline planning application for erection of one detached dwelling, formation of a new vehicular access and associated works at Twin Oaks, Guilsfield, Welshpool, Powys.

I have reviewed the proposed plans, aerial and streetview images as well as local records of protected and priority species and designated sites within 500m of the proposed development. The data search identified 222 records of protected and priority species within 500m of the proposed development – there are no records for the site itself. However, the records included 50 records for Great Crested Newts.

There are no non-statutory designated sites are present within 500m of the proposed development.

The following statutory designated sites present within 500m of the proposed development:

Granllyn SSSI
Granllyn SAC

Having reviewed the location and nature of the proposed development in relation to the Granllyn SAC/SSSI it is considered that there is no direct connection between the site of the proposed development and the Granllyn SAC/SSSI. There is a roadways and residential properties between the site and the Granllyn SAC/SSSI. Given the lack of direct connection between the development site and the SAC, it is considered that there is no potential for a Likely Significant Effect to the SAC or its associated features and that a HRA would not be required.

A General Ecological Appraisal of the proposed developed land was undertaken by Oakwood Ecology dated September 2016. I have reviewed the Ecological Appraisal, I consider that the survey effort employed was in accordance with National Guidelines.

I note that the General Ecological Appraisal refers to a proposed development for three detached dwellings which I understand was a previous application which has now been withdrawn and a new submitted proposed plan for one dwelling has been put forward for the same site.

The appraisal consisted of a combination of desktop searches and a site visit which took place on the 25th August 2016. The report noted the habitat on the site include Arable and Species-rich intact Hedgerow. *The report in summary concluded that Great Crested Newts are the only species that may be present on the site, although it is unlikely that they will be directly affected by the proposed development.* The report identified that the *only terrestrial habitat on the development site that moderately suitable as commuting and foraging habitat for GCN is the hedgerow.* It is also noted that the hedgerows were moderately suitable for reptiles.

The report identifies the importance for hedgerows for GCN for commuting to other ponds and for foraging. However the hedgerow that maybe affected by the proposed development does not provide an obvious link between quality habitat for GCN therefore it is seen that any changes to the hedgerow boundary of the proposed site would not impose a significant barrier to movement within local GCN population.

In section 5 Conclusions and recommendations it includes recommendations for mitigation with regards to Hedgerow relocation and further protection of Great Crested Newts. I recommend a condition is included to ensure implementation of these recommendations.

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 a Wildlife Sensitive Lighting Plan is secured through an appropriately worded condition.

The submitted Planning Statement has identified that the proposed development will include a good level of landscaping to ensure integration of the development within the landscape – 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.

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.

The recommendations regarding Great Crested Newts identified in section 5 of the Ecological Report by Oakwood Ecology dated September 2016 shall be adhered to and implemented in full unless otherwise agreed in writing by the LPA.

Reason: To comply with Powys County Council's UDP Policies SP3, ENV2 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

Prior to commencement of development a detailed lighting design scheme to take any impacts on nocturnal wildlife into consideration 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 Section 6 of the Environment (Wales) Act 2016.

Prior to commencement of development, a detailed landscaping scheme including details of species mix, planting specification and appropriate aftercare measures shall be submitted to and approved in writing by 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, November 2016), TAN 5: Nature Conservation and Planning and Section 6 of the Environment (Wales) Act 2016.

Natural Resources Wales

Erection of one detached dwelling, formation of a new vehicular access and associated works Twin Oaks, Guilsfield, Welshpool, Powys. P/2017/0542

Thank you for your consultation received on 19th May 2017. We have reviewed the information submitted. We have previously commented on a similar application P/2016/0972 CAS-24411-B8N5 at this site and the ecological report is still valid.

We have significant concerns with the proposed development as submitted. We recommend that you should only grant planning permission if you attach the conditions listed below. We would object if the consent does not include these conditions

Summary of Conditions

Condition 1: Sites: No development shall take place until a scheme to contribute to the safeguard and protection of the Granllyn SAC newt population has been submitted and approved in writing by the local planning authority.

Condition 2: EPS: No development shall take place (including, ground works, site clearance) until a GCN Reasonable Avoidance Measures Scheme (RAMS) in line with the recommendations made in the ecological report, has been submitted to and approved in writing by the local Planning authority

Condition 3: EPS: No development shall take place (including, ground works, site clearance) until an amphibian friendly water drainage scheme and kerb layout plan has been submitted and approved by the LPA.

Condition 4: Biosecurity: No development shall take place until a Biosecurity Risk Assessment has been submitted and approved to the satisfaction of the LPA.

Protected Sites

The proposal is in the vicinity of the following protected sites:

- Granllyn Site of Special Scientific Interest (SSSI)
- Granllyn Special Area of Conservation (SAC)

This site supports a nationally important population of great crested newt (*Triturus cristatus*). In our view the potential range of the local population of newts at Granllyn includes the application site.

We advise that the proposal may have implications for the SAC, SPA or Ramsar sites listed above and you should carry out a test of likely significant effects under Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended).

As detailed below under 'Protected Species' the submission includes GCN Reasonable Avoidance Measures (RAMS).

We consider that further mitigation proposals are required for the purposes of addressing direct and indirect impacts on the SAC, including those associated with potential in combination increases in recreational pressures and disturbance/predation of wildlife.

We consider that planning conditions or obligations can be used to address the impacts of these identified effects. Possible options include the payment of a commuted sum that would be specifically used to support the conservation of this species of amphibian

Condition 1: Sites: No development shall take place until a scheme to contribute to the safeguard and protection of the Granllyn newt population has been submitted and approved in writing by the local planning authority.

A scheme to contribute to the safeguard and protection of the Granllyn newt population is required to ensure the proposal does not affect the conservation objectives of the Granllyn population of great crested newts.

We remind you that, as a competent authority for the purposes of the 2010 Regulations, your authority must not normally agree to any plan or project unless you are sure beyond reasonable scientific doubt that it will not adversely affect the integrity of a SAC, SPA or Ramsar site.

NRW consider that provided the reasonable avoidance measures are adhered to, the proposal is not likely to have significant adverse effect on the features of the above named SAC.

Protected Species

The applicant has submitted an ecological appraisal (Oakwood Ecology Sept 2016). NRW consider the assessment in respect of great crested newts to be satisfactory. As identified above, the application site is located in the vicinity of Granllyn Special Area of Conservation (SAC) and SSSI, which supports a nationally and local important population of great crested newt (*Triturus cristatus*).

It is considered that the proposal will not be detrimental to the maintenance of the favourable conservation status of any great crested newt populations present in the vicinity of the application site provided adequate measures are taken to minimise incidental killing during and post construction.

The presence of a protected species is listed as a material planning consideration under the provisions of Planning Guidance Wales and Technical Advice Note (TAN) Number 5.

We anticipate that appropriate avoidance and mitigation measures (Reasonable Avoidance Measures - RAMs), such as the ones listed in section 5 of the ecological appraisal as well as the erection of a 1-way amphibian fence, prior to and throughout the duration of the project, will guarantee suitable precautions are taken to avoid detrimental impact during the construction phase.

Although some recommendations are made within the report, consideration of the long term impact on this species must also be considered.

Whilst relocating the existing hedgerow and planting of a new hedgerow around the perimeter will increase the amount of suitable habitat for this species in the long term, consideration must be 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 population of the GCN at Granllyn SAC. Likewise, kerbs can impede road crossing by amphibians resulting in road deaths. Both impacts can be avoided / minimised by adopting amphibian friendly schemes.

Condition 2: EPS: No development shall take place (including, ground works, site clearance) until a GCN Reasonable Avoidance Measures Scheme (RAMS) in line with the

recommendations made in the ecological report, has been submitted to and approved in writing by the local Planning authority

Condition 3: EPS: No development shall take place (including, ground works, site clearance) until an amphibian friendly water drainage scheme and kerb layout plan has been submitted and approved by the LPA in consultation with NRW.

We advise that works must immediately stop in the event of the great crested newt being found. Operations can recommence on receipt of the appropriate licence issued by NRW.

Biosecurity

We consider biosecurity to be a material consideration in respect of this proposal. In this case, biosecurity issues concern invasive non-native species (INNS) and diseases.

Condition 4: Biosecurity: No development shall take place until a Biosecurity Risk Assessment has been submitted and approved 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 the site for the duration of development and restoration.

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.

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

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 and publicity in the local press no written representations have been received.

Planning History

P/2016/0972 - Outline – Residential development to include formation of a new vehicular access and associated works – Application Withdrawn

Principal Planning Constraints

None.

Principal Planning Policies

National Policies

Planning Policy Wales (9th Edition, 2016)

Technical Advice Note (TAN) 1 - Joint Housing Land Availability Study (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) 18 – Transport (2007)

Technical Advice Note (TAN) 20 – Planning and the Welsh Language (2013)

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

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

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

Welsh Office Circular 13/97 - Planning Obligations

Local Policies

Powys Unitary Development Plan 2010

SP2 – Strategic Settlement Hierarchy

SP4 – Economic and Employment Developments

SP5 – Housing Developments

SP6 – Development and Transport

GP1 – Development Control

GP2 – Planning Obligations

GP3 – Design and Energy Conservation
GP4 – Highway and Parking Requirements
GP5 - Welsh Language and Culture
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
DC3 – External Lighting
DC8 – Public Water Supply
DC10 – Mains Sewage Treatment
DC13 – Surface Water Drainage
TR2 – Tourist Attractions and Development Areas

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 outside of any development boundaries identified in the Powys Unitary Development Plan (2010). 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 considered as 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”.

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.

Sustainability

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.

The site itself is adjacent to the development boundary of Guilsfield which is identified in the UDP as a Large Village. Guilsfield is served by a wide range of community services and facilities including a primary school, numerous shops and public houses. It is also easily accessible by public transport with regular bus services which provide transport to Welshpool.

The development site is approximately 3 Kilometres to the north of Welshpool which is identified in the UDP as an Area Centre. Welshpool is served by a wide range of community services and facilities including a hospital, secondary school, primary schools, leisure centre, library, museum, numerous shops and public houses. It is also easily accessible by public transport with regular bus services and a main line railway station.

In light of the range of services located within a short travelling distance of the development site, officers consider that there is an argument to support the principle of residential development. Therefore, the proposed site is considered to be a sustainable location for residential development.

Scale, Design and Appearance

Policy GP3 of the Powys Unitary Development Plan seeks to ensure that development proposals are of an appropriate design, scale, layout and of materials that shall complement or where possible enhance the character of the surrounding area.

Whilst scale, appearance, layout and landscaping are reserved matters not to be considered as part of this application process, the applicant has provided an indicative layout for the site

and stated that the proposed dwelling is to be detached dwelling with three or four bedrooms with a detached garage.

Although Officers acknowledge that matters relating to appearance, layout and scale have been reserved for future consideration, on the basis of the plans provided, it is considered that the application site is capable of accommodating a dwelling 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.

Amenity

Policy GP1 of the Powys Unitary Development Plan states that the amenities enjoyed by the occupants of nearby neighbouring properties should not be unacceptably affected by development proposals.

The site layout is a reserved matter and not to be determined at this stage; however, the indicative site layout plan indicates that the site will be located approximately 7.5 metres from the nearest neighbouring residential dwelling to the west with the right of way/access track between. It is considered that the proposed dwelling would be located further from the existing dwelling, the indicative plans demonstrate that the proposed dwelling could be located approximately 22 metres from the nearest neighbouring dwelling.

This layout is for indicative purposes only and the layout of the site could be altered to increase the distances between the properties if deemed necessary at any reserved matters application stage. The indicative layout is considered to be appropriate and would comply with policy GP1 and GP3 of the Powys Unitary Development Plan 2010.

Landscape and Visual Impact

Policy ENV2 of the Powys Unitary Development Plan seeks to ensure that proposed development will not have an unacceptable adverse impact upon the Powys Landscape. Development proposals should be design in a way to be sensitive to the character and appearance of the surrounding area and landscape.

In terms of landscaping the submission includes the planting of additional trees and the relocation of part of the existing hedgerow to create road visibility improvements and the required access. 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 the proposal would result in a visual change in comparison to the current agricultural use, taking into account the location opposite to existing dwellings within the area, that landscaping measures would reduce the visual impact and the proposed scale of one dwelling, it is considered that a satisfactory detailed design could come forward to reflect the overall character and appearance of the settlement and surrounding area.

In light of the above, it is considered that the proposed development complies with policy ENV2 of the Powys Unitary Development Plan 2010.

Highways Safety and Movement

UDP policy GP4 indicates that planning permission will be dependent upon adequate provision for access including visibility, turning and parking. Access to the site would be gained off the C2058 via an existing access.

The Highway Authority have been consulted on this application and have raised no objections to the development but have suggested a number of conditions regarding engineering drawings, highways improvements, entrance gates, parking provision and access construction methods and materials.

In light of the Highway Officer's comments it is considered that a safe access can be achieved and the proposed dwelling. Therefore, in light of the above and subject to the appropriately worded condition, it is considered that the proposed development complies with policy GP4 of the Powys Unitary Development Plan 2010.

Ecology

A General Ecological Appraisal has been submitted with the application and the Powys Ecologist as well as Natural Resources Wales have been consulted on the development and have provided comments.

A General Ecological Appraisal of the proposed developed land was undertaken by Oakwood Ecology dated September 2016. The report noted the habitat on the site include Arable and Species-rich intact Hedgerow. The report in summary concluded that Great Crested Newts are the only species that may be present on the site, although it is unlikely that they will be directly affected by the proposed development. The report identified that the only terrestrial habitat on the development site that moderately suitable as commuting and foraging habitat for GCN is the hedgerow. It is also noted that the hedgerows were moderately suitable for reptiles.

The report identifies the importance for hedgerows for GCN for commuting to other ponds and for foraging. However the hedgerow that maybe affected by the proposed development does not provide an obvious link between quality habitat for GCN therefore it is seen that any changes to the hedgerow boundary of the proposed site would not impose a significant barrier to movement within local GCN population. In section 5 Conclusions and recommendations it includes recommendations for mitigation with regards to Hedgerow relocation and further protection of Great Crested Newts.

No objection has been raised to the scheme; however, the inclusion of several conditions has been recommended to secure the recommendations identified in the Appraisal, and tree and hedgerow protection plan, submission of a Landscaping Scheme and an External Lighting Design Scheme. In terms of the landscaping plan it is noted that this is a reserved matter and, as such, these details will be considered at a later stage. It is, therefore, not necessary to condition the submission of a detailed landscaping scheme on this application.

It is considered that, in light of the Ecologist's comments and subject to the inclusion of the suggested conditions excluding the landscaping scheme, the proposed development fundamentally complies with policies ENV7 of the Powys Unitary Development Plan (2010) and Technical Advice Note (TAN) 5 Nature Conservation and Planning (2009).

Surface Water Drainage

Policy DC13 of the Powys Unitary Development plan seeks to ensure that development proposals should provide adequate provisions for land drainage and surface water disposal. Development should not give rise to unacceptable on or off site flooding.

In respect of surface water disposal, it has been stated that provisions will be put in place to ensure that surface water drainage will be dealt with appropriately. In light of this, subject to appropriately worded conditions it is considered that surface water drainage can be appropriately managed.

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. Technical Advice Note 20: Planning and the Welsh Language provides further advice on how the planning system considers the implications of the Welsh Language. Within the Powys UDP policy GP5 identifies settlements where the Welsh Language is important to the social, cultural and community fabric of the area.

Whilst Guilsfield has not been identified as one of these areas it is considered that the Welsh Language is a material consideration across the County.

In the 2011 census the Guilsfield Ward reported that 11.7% of the population can speak, read and write in Welsh. This is an increase from the 2001 census which stated that 9.1% of the population of Guilsfield could speak, read and write in Welsh. The development of a single dwelling in this settlement is not considered to have a detrimental impact on the cultural or linguistic vitality of the area.

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.

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 considerable 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 appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. The development shall be carried out strictly in accordance with the plans stamped as approved on XXXX in so far as the extent of the application site is drawn.
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 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.
7. 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.
8. 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.
9. 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.
10. 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.
11. The width of the access carriageway, shall be not less than 5.5 metres for a minimum distance of 5.5 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.
12. Prior to the occupation of the dwelling the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 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.
13. 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.

14. 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.
15. No storm water drainage from the site shall be allowed to discharge onto the county highway.
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 unless otherwise agreed in writing with the Local Planning Authority.
17. Prior to the first use of any external lighting a detailed lighting design scheme to take any impacts on nocturnal wildlife into consideration shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the Local Planning Authority.
18. No development shall take place until a scheme to contribute to the safeguard and protection of the Granllyn SAC newt population has been submitted to and approved in writing by the local planning authority. Development thereafter shall be completed in full accordance with the details as approved.
19. No development shall take place (including, ground works, site clearance) until a Great Crested Newt Reasonable Avoidance Measures Scheme (RAMS) in line with the recommendations made in the ecological report, have been submitted to and approved in writing by the local Planning authority. Development thereafter shall be completed in full accordance with the details as approved.
20. No development shall take place (including, ground works, site clearance) until an amphibian friendly water drainage scheme and kerb layout plan has been submitted and approved by the Local Planning Authority. Development thereafter shall be completed in full accordance with the details as approved.
21. No development shall take place until a Biosecurity Risk Assessment has been submitted and approved to the satisfaction of the Local Planning Authority. Development thereafter shall be completed in full accordance with the details as approved.
22. At the time of the reserved matters a scheme for the surface water shall be 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 use of the development 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. 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.
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15. In the interests of highway safety and to accord with Unitary Development Plan policies GP1 and GP4.
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. 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 Section 6 of the Environment (Wales) Act 2016.

18. 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.
19. To comply with Powys County Council's UDP Policies SP3, ENV2 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
20. To comply with Powys County Council's UDP Policies SP3 and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Section 6 of the Environment (Wales) Act 2016.
21. 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 Section 6 of the Environment (Wales) Act 2016.
22. In the interests of surface water drainage and to accord with Unitary Development Plan policy DC13.

Informative Notes

A Building regulations application will be required for this development, please contact Building Regulations on 01874 612290.

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.

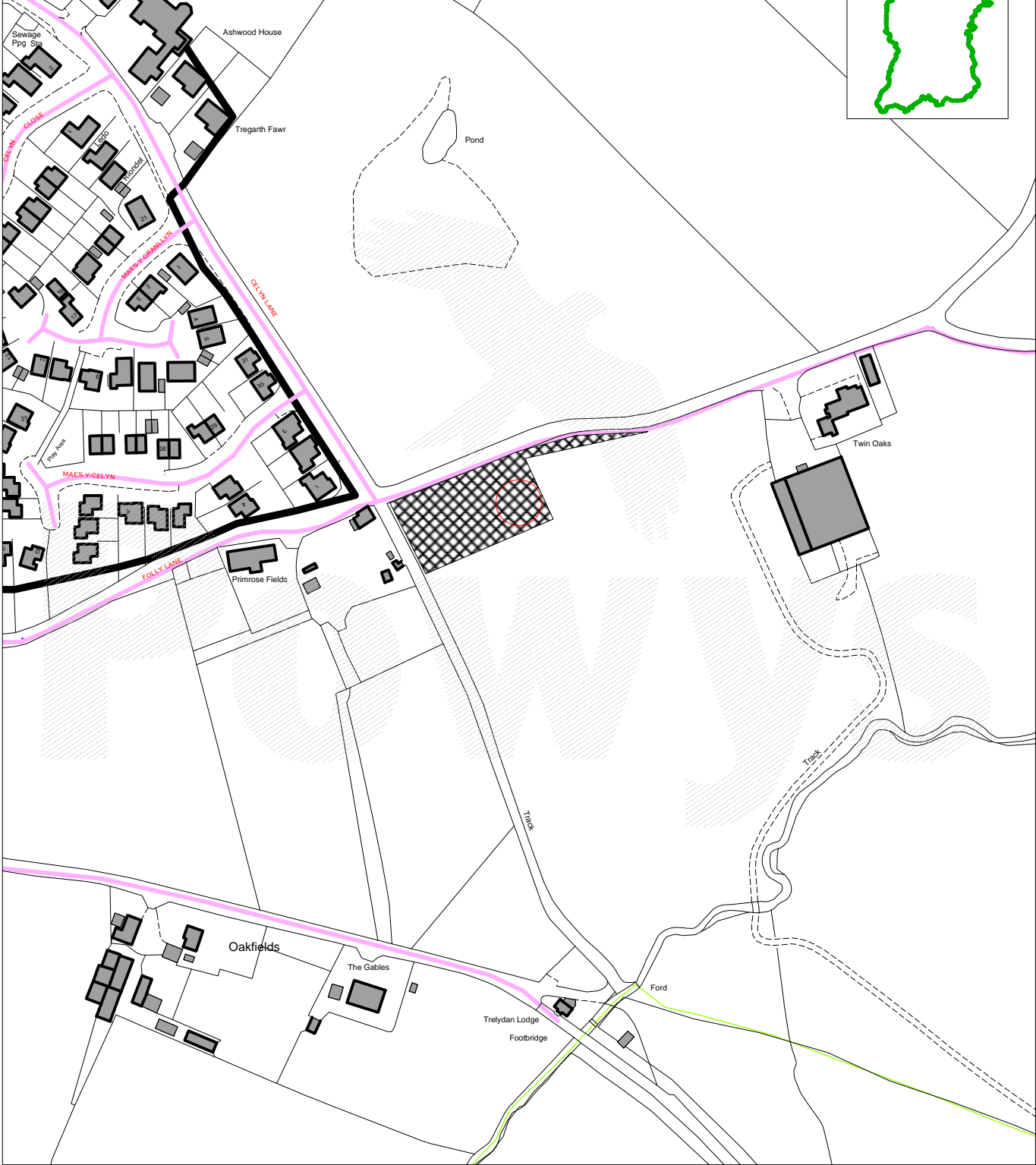
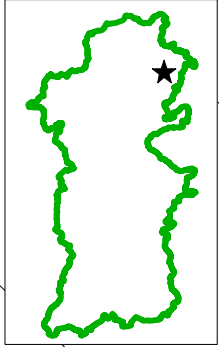
Under the Habitats Regulations it is an offence to:

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

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Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	DIS/2017/0088	Grid Ref:	321162.66 243368.85
Community Council:	Clyro	Valid Date:	Officer: 18/04/2017 Kevin Straw
Applicant:	Powys County Council, Ithon Road, The Gwalia, Llandrindod Wells, Powys, LD1 6AA.		
Location:	Clyro Primary School, Clyro, Hereford, Powys, HR3 5LE		
Proposal:	Discharge of conditions no.4, 5, 6 & 23 of P/2016/0802.		
Application Type:	Application for Approval of Details Reserved by Condition.		

The reason for Committee determination

This application comes before Members of the planning committee as it is being made by Powys County Council.

Site Location and Description

The application site is located within the community council area of Clyro and is located to the south of the village of Clyro. Conditional consent was granted for the construction of a new Primary school and associated works.

This application seeks to discharge conditions 4, 5, 6 & 23 of planning consent P/2016/0802.

Condition 4 states:

Prior to the commencement of development a drainage scheme for the site shall be submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the first use of the development.

Condition 5 states:

Prior to the commencement of development details of a grease trap to be fitted to prevent any grease entering the public sewerage system shall be submitted to and approved in writing by the Local Planning Authority. Development thereafter must be completed in full accordance with the details as approved.

Condition 6 states:

Prior to the commencement of development a Construction Method Statement and Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The schemes should include details on the control of noise and dust during the demolition, landscaping and construction phases. Development thereafter shall be completed in full accordance with the details as approved.

Condition 23 states:

Prior to the commencement of any works on site a Construction Management Plan shall be submitted and approved in writing by the local planning authority. Development thereafter must be completed in full accordance with the details as approved.

Consultee Response

PCC Environmental Health – Environmental Protection

Comments received on 20/06/2017:

I have no comment in respect of the above discharge of conditions application.

PCC Land Drainage

Comments received on 15/08/2017:

Having reviewed the submitted drainage details, from a land drainage perspective all seems generally acceptable. However, I would suggest you consult Welsh Water (if you haven't already done so) as a good majority of surface water run-off from the developed site will connect to the public sewerage system. Welsh Water in their earlier consultation response (P/2016/0802) had recommended that surface water and land drainage be disposed via sustainable means, in order to reduce possible hydraulic overload of the public sewerage system.

It seems there is no alternative other than to connect this surface water run-off to the public sewerage system but would recommend you seek Welsh Water's clarification that this is acceptable before the condition is discharged.

Welsh Water

Comments received on 31/08/2017:

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

I can confirm that we have looked over the drainage proposals as part of the above application and have the following comments: We note condition 4 of the original planning application (planning ref: P/2016/0802) states: Prior to the commencement of development a

drainage scheme for the site shall be submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the first use of the development. From reviewing the submitted drainage plan with this most recent application (drawing number: 103 Rev C2) (attached for convenience), it is proposed for a connection of surface water to be communicated to the existing public combined sewer within the site at a rate of 2 l/s.

We have recently been in dialogue with the developer regarding the drainage proposals for this site. It was explained that all options of sustainable surface water disposal would first need to be exhausted before we could consider a connection of surface water from the development. We have not yet received demonstration that all sustainable drainage options have been exhausted. Therefore for the above reasons, we do NOT recommend the discharge of this condition at this time.

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.

Additional comments received on 01/09/2017:

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

I can confirm that we have looked over the drainage proposals as part of the above application and have the following comments: We note condition 4 of the original planning application (planning ref: P/2016/0802) states: Prior to the commencement of development a drainage scheme for the site shall be submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the first use of the development. From reviewing the submitted drainage plan with this most recent application (drawing number: 103 Rev C3) (attached for convenience), it is proposed for a connection of surface water to be communicated to the existing public combined sewer within the site at a betterment of 2.1 l/s.

From reviewing the drainage strategy report (July 2016) submitted with the original planning application, we are satisfied that all other options of sustainable surface water disposal have been exhausted. Therefore in principle a connection of surface water at no more than 2.1 l/s into the existing combined sewer is acceptable. Therefore for the above reasons, we recommend the discharge of condition 4 of planning permission P/2016/0802.

However, please note the applicant has not gained approval under Section 104 of the Water Industry Act 1991, and therefore amendments may be required through this process. The applicant will be responsible for notifying the Local Planning Authority of any amendments made through this adoption process.

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.

Public Representations

No public representations have been received.

Officer Appraisal

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

Discharge of Conditions

The PCC Environmental Health officer was consulted and in response they did not wish to make any comments in respect of the information submitted in support of the discharge of the conditions stated above.

The PCC Land Drainage officer was consulted and in summation they raised no general concerns as to the information submitted in support of the discharge of the conditions. The officer did indicate however that comments should be sought directly from Welsh Water as they may have comments to make in respect of the discharge of water into the public sewerage system. Comments were requested from the water utility company in respect of the submitted information.

Welsh Water was consulted and in their initial response they raised concern with particular regard to condition 4. They indicated that they had not yet received clarification that all sustainable drainage options have been exhausted. Additional information and clarification was sought from the applicant and the water authority was re-consulted. In response to the additional information Welsh Water indicated that they were now satisfied that all other options of sustainable surface water disposal have been exhausted. They confirmed that in principle a connection of surface water at no more than 2.1 l/s into the existing combined sewer is acceptable. They concluded by recommending that the condition could now be discharged.

In light of the above it is recommended that conditions 4, 5, 6 & 23 of planning consent P/2016/0802 can be formerly discharged as the information provided is considered to be acceptable.

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.

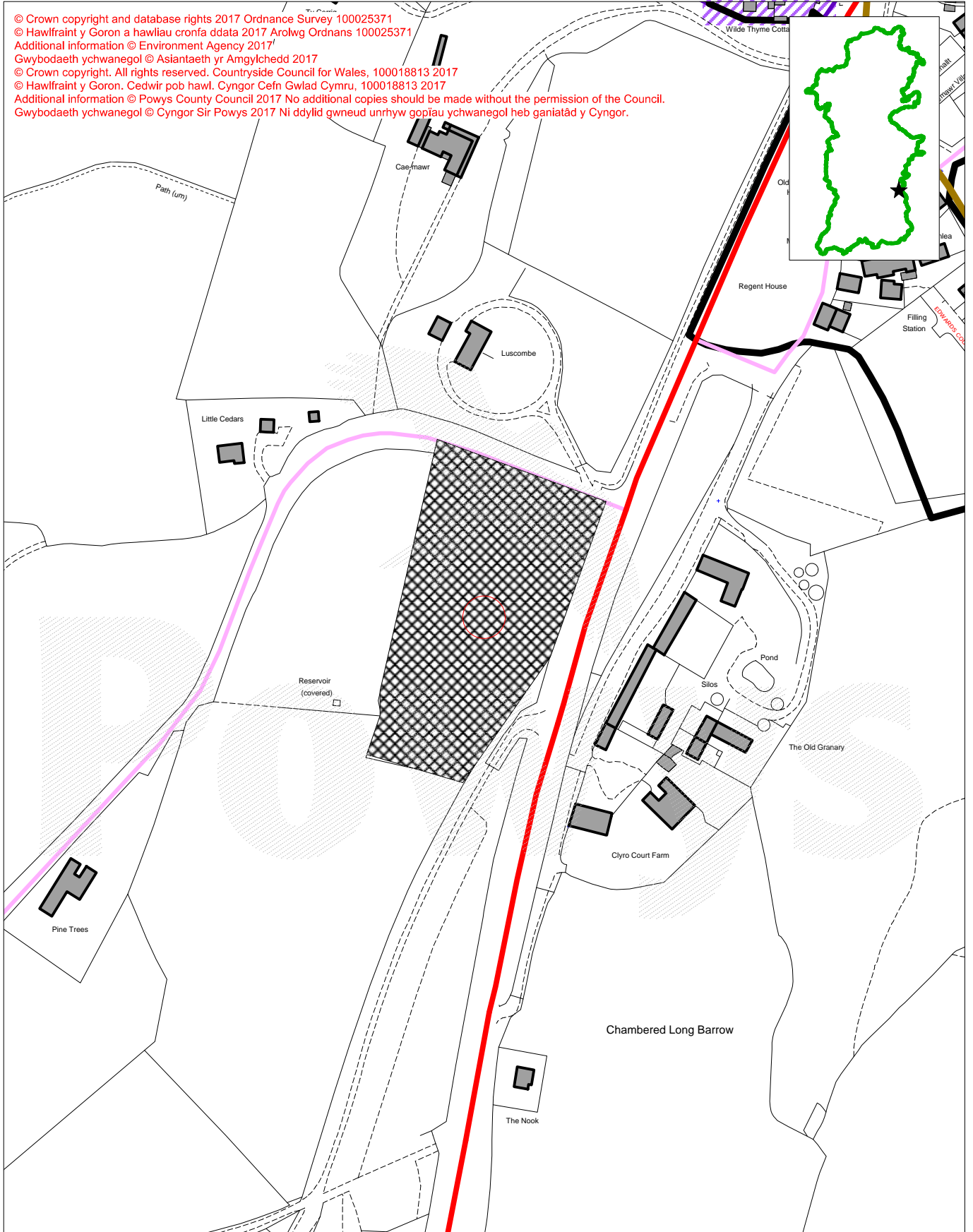
Wellbeing of Future Generations (Wales) Act 2015

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

In light of the above it is therefore considered that sufficient information has been submitted and conditions 4, 5, 6 & 23 of planning consent P/2016/0802 can therefore be formerly discharged.

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4.11

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	DIS/2017/0091	Grid Ref:	321161.58 243367.94
Community Council:	Clyro	Valid Date:	Officer: 24/04/2017 Kevin Straw
Applicant:	Powys County Council, Spa Road East, County Hall, Llandrindod Wells, Powys, LD1 5LG.		
Location:	Clyro Primary School, Clyro, Hereford, HR3 5LE.		
Proposal:	Discharge of Conditions: Conditions 9, 10 and 12 of P/2016/0802.		
Application Type:	Application for Approval of Details Reserved by Condition.		

The reason for Committee determination

This application comes before Members of the planning committee as it is being made by Powys County Council.

Site Location and Description

The application site is located within the community council area of Clyro and is located to the south of the village of Clyro. Conditional consent was granted for the construction of a new Primary school and associated works.

This application seeks to discharge conditions 9, 10 and 12 of planning consent P/2016/0802.

Condition 9 states:

Prior to the commencement of development, an investigation and risk assessment, shall be undertaken to assess the nature and extent of any contamination within the application site. The contents of the contamination report shall be submitted to and approved in writing by the Local Planning Authority.

The contamination report must include:

- (i) A survey of the extent, scale and nature of contamination;
- (ii) An assessment of the potential risks to (a) Human health (b) Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes (c) Adjoining land (d) Groundwaters and surface waters (e) Ecological systems (f) Archaeological sites and ancient monuments
- (iii) 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.

Condition 10 states:

The approved remediation scheme shall be fully implemented as approved prior to the commencement of development, unless otherwise agreed in writing by the Local Planning Authority. Upon the completion of the remediation scheme a verification report (validation report) that demonstrates the effectiveness of the remediation undertaken shall be submitted to and approved in writing by the Local Planning Authority.

Condition 12 states:

Prior to the commencement of development, a Contamination Monitoring and Maintenance Method Statement for the application site shall be submitted to and approved in writing by the Local Planning Authority. The Contamination Monitoring and Maintenance Method Statement shall be implemented as approved, unless otherwise agreed in writing by the Local Planning Authority.

Consultee Response

PCC Land Contamination

Comments received on 02/08/2017:

On the basis of the Ian Farmer Associates reports that no remedial works are required I can confirm that conditions 9, 10 & 12 can be discharged.

Public Representations

No public representations have been received.

Officer Appraisal

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

Discharge of Conditions

The PCC Contaminated Land officer was consulted on the information submitted in support of the discharge of conditions 9, 10 & 12 of planning consent P/2016/0802, as indicated above.

The officer confirmed that no remedial works are required and concluded that the conditions could be discharged.

In light of the above it is recommended that conditions 9, 10 & 12 of planning consent P/2016/0802 can be formally discharged as the information provided is considered to be acceptable.

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

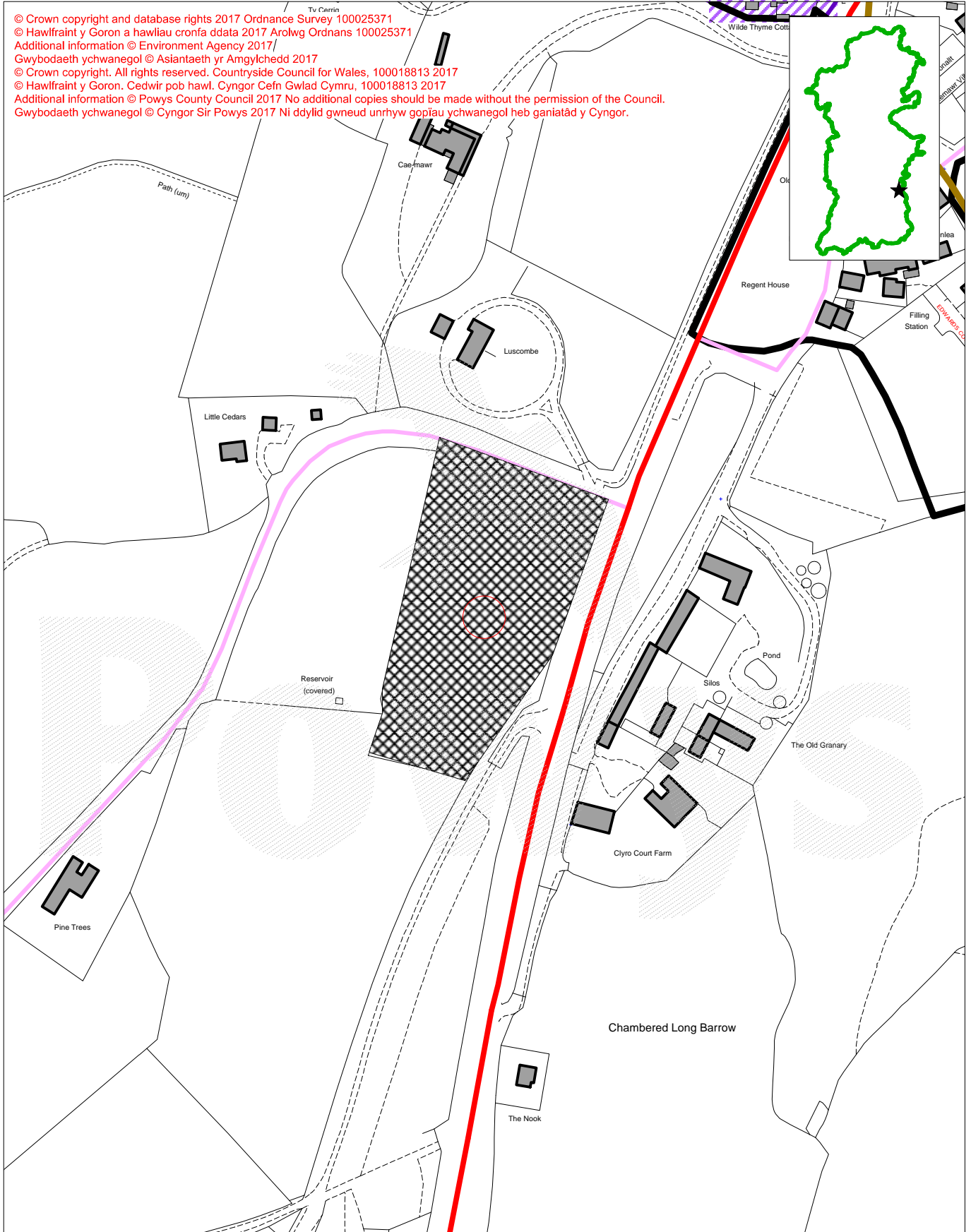
Section 3 of the Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (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

In light of the above it is therefore considered that sufficient information has been submitted and conditions 9, 10 & 12 of planning consent P/2016/0802 can therefore be formerly discharged.

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

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4.12

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	DIS/2017/0099	Grid Ref:	321163.64 243371.81
Community Council:	Clyro	Valid Date:	Officer: 27/04/2017 Kevin Straw
Applicant:	Powys County Council, Spa Road East, Powys County Hall, Llandrindod Wells, Powys, LD1 5LG.		
Location:	Clyro C in W Primary School, Clyro, Hereford, HR3 5LE.		
Proposal:	Discharge of conditions no. 3,15,19, 20 & 21 of P/2016/0802.		
Application Type:	Application for Approval of Details Reserved by Condition.		

The reason for Committee determination

This application comes before Members of the planning committee as it is being made by Powys County Council.

Site Location and Description

The application site is located within the community council area of Clyro and is located to the south of the village of Clyro. Conditional consent was granted for the construction of a new Primary school and associated works.

This application seeks to discharge conditions 3, 15, 19, 20 & 21 of planning consent P/2016/0802.

Condition 3 states:

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

Condition 15 states:

Prior to the commencement of development, a Biodiversity Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. Development thereafter must be completed in full accordance with the details as approved.

Condition 19 states:

Prior to the commencement of development the submission and implementation of a detailed great crested newt avoidance and mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. This is to include details of exclusion and barrier

fencing and a long term conservation proposal and habitat management and surveillance. Development thereafter must be completed in full accordance with the details as approved.

Condition 20 states:

Prior to the commencement of any of the works identified as having impact on biodiversity a Biosecurity Risk Assessment and implementation scheme shall be submitted to and approved in writing by the Local Planning Authority. Development thereafter must be completed in full accordance with the details as approved.

Condition 21 states:

Prior to the commencement of any of the works identified as having an impact on biodiversity an ecological compliance audit (ECA) scheme and implementation scheme shall be submitted to and approved in writing by the Local Planning Authority. Development thereafter must be completed in full accordance with the details as approved.

Consultee Response

YGC - Ecology

Comments received on 14/06/2017:

Thank you for consulting me with regards to the information submitted to discharge conditions 3, 15, 19, 20 & 21 of P/2016/0802.

Condition 3 requires that:

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

Condition 15 requires that:

Prior to the commencement of development, a Biodiversity Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. Development thereafter must be completed in full accordance with the details as approved.

Condition 19 requires that:

Prior to the commencement of development the submission and implementation of a detailed great crested newt avoidance and mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. This is to include details of exclusion and barrier fencing and a long term conservation proposal and habitat management and surveillance. Development thereafter must be completed in full accordance with the details as approved.

Condition 20 requires that:

Prior to the commencement of any of the works identified as having impact on biodiversity a Biosecurity Risk Assessment and implementation scheme shall be submitted to and approved in writing by the Local Planning Authority. Development thereafter must be completed in full accordance with the details as approved.

Condition 21 requires that:

Prior to the commencement of any of the works identified as having an impact on biodiversity an ecological compliance audit (ECA) scheme and implementation scheme shall be submitted to and approved in writing by the Local Planning Authority. Development thereafter must be completed in full accordance with the details as approved.

I have reviewed the information submitted by the applicant to discharge these conditions, which consists of indicative building material photographs provided by Wilmott Dixon, a biodiversity enhancement plan (RPS, April 2017), a reasonable avoidance measures method statement (RPS, April 2017), a biosecurity risk assessment and implementation scheme (RPS, April 2017) and an ecological compliance audit (RPS, April 2017).

Having reviewed the information above I consider that sufficient information has been submitted to enable discharge of conditions 3, 19, 20 and 21.

I would however wish to point out the following comments regarding the Biodiversity Enhancement Plan:

- Paragraph 4.1.8 refers to bat boxes and not bird boxes.
- It is not clear from plan reference JER-6824-CLY-005 where the indicative flowering lawn mix and wildflower meadow planting would be located.

I would therefore recommend clarification of these matters before discharging Condition 15.

Additional comments received on 05/07/2017:

Thank you for consulting me with regards to the updated information submitted to discharge Condition 15 of P/2016/0802.

Condition 15 requires that:

Prior to the commencement of development, a Biodiversity Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. Development thereafter must be completed in full accordance with the details as approved.

I initially reviewed the information submitted by the applicant to discharge this condition, which consists of a biodiversity enhancement plan (RPS, April 2017), on 14/06/17.

During my initial review I recommended that the following matters regarding the Biodiversity Enhancement Plan were clarified:

- Paragraph 4.1.8 refers to bat boxes and not bird boxes.
- It is not clear from plan reference JER-6824-CLY-005 where the indicative flowering lawn mix and wildflower meadow planting would be located.

Having reviewed the updated biodiversity enhancement plan (RPS, June 2017) I consider that sufficient information has now been submitted to enable discharge of Condition 15.

NRW

Comments received on 16/06/2017:

Thank you for your consultation received on 9th June 2017 regarding discharge of conditions for 3, 15, 19, 20 & 21 of P/2016/0802. We have reviewed the ecological submissions and we can confirm that we consider them to be satisfactory for the purposes of discharging Conditions 15, 19, 20 & 21.

Condition 3 - no comment.

Condition 15 - Prior to the commencement of development, a Biodiversity Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. Development thereafter must be completed in full accordance with the details as approved.

Condition 19 - Prior to the commencement of development the submission and implementation of a detailed great crested newt avoidance and mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. This is to include details of exclusion and barrier fencing and a long term conservation proposal and habitat management and surveillance. Development thereafter must be completed in full accordance with the details as approved.

Condition 20 - Prior to the commencement of any of the works identified as having impact on biodiversity a Biosecurity Risk Assessment and implementation scheme shall be submitted to and approved in writing by the Local Planning Authority. Development thereafter must be completed in full accordance with the details as approved.

Condition 21 - Prior to the commencement of any of the works identified as having an impact on biodiversity an ecological compliance audit (ECA) scheme and implementation scheme shall be submitted to and approved in writing by the Local Planning Authority. Development thereafter must be completed in full accordance with the details as approved.

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.

Public Representations

No public representations have been received.

Officer Appraisal

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

Discharge of Conditions

With regard to condition 3 of the P/2016/0802 planning consent, details relating to the external materials and finishes of the proposed development have been submitted for consideration. The details indicate the proposed use of;

Aluminium curtain walling – RAL 7012

Composite aluminium-timber windows – RAL 7012

Fibre cement weatherboarding – Boothbay Blue

Composite metal panel (alongside organic patina standing seam roof) – RAL 7012

Steel door – RAL 7012

Painted render on blockwork – RAL 9001 (Cream)

Clyro school colour – RAL 5010 (alternating between class bases)

Clyro school colour – RAL 5018 (alternating between class bases)

Brick detail – Weinerberger from their Terca wall solutions. Product Ref: Grove Orange Multi Stock

Photovoltaic Panels

Weldmesh anti-intruder perimeter – RAL 6005

Having considered the proposed materials and external finishes as detailed above officers consider the use of such materials and colour finishes are acceptable in their use and consistent with developments of this kind.

In light of the above submitted information it is recommended that condition 3 of planning consent P/2016/0802 can be formally discharged as the information as provided is considered to be acceptable.

Ecological consultation company YGC and Natural Resources Wales were consulted on the discharge of conditions 3, 15, 19, 20 & 21 of planning consent P/2016/0802, as indicated above.

In light of the above consultation responses received from both YGC and NRW it is recommended that conditions 3, 15, 19, 20 & 21 of planning consent P/2016/0802 can be formally discharged as the information as provided is considered to be acceptable.

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

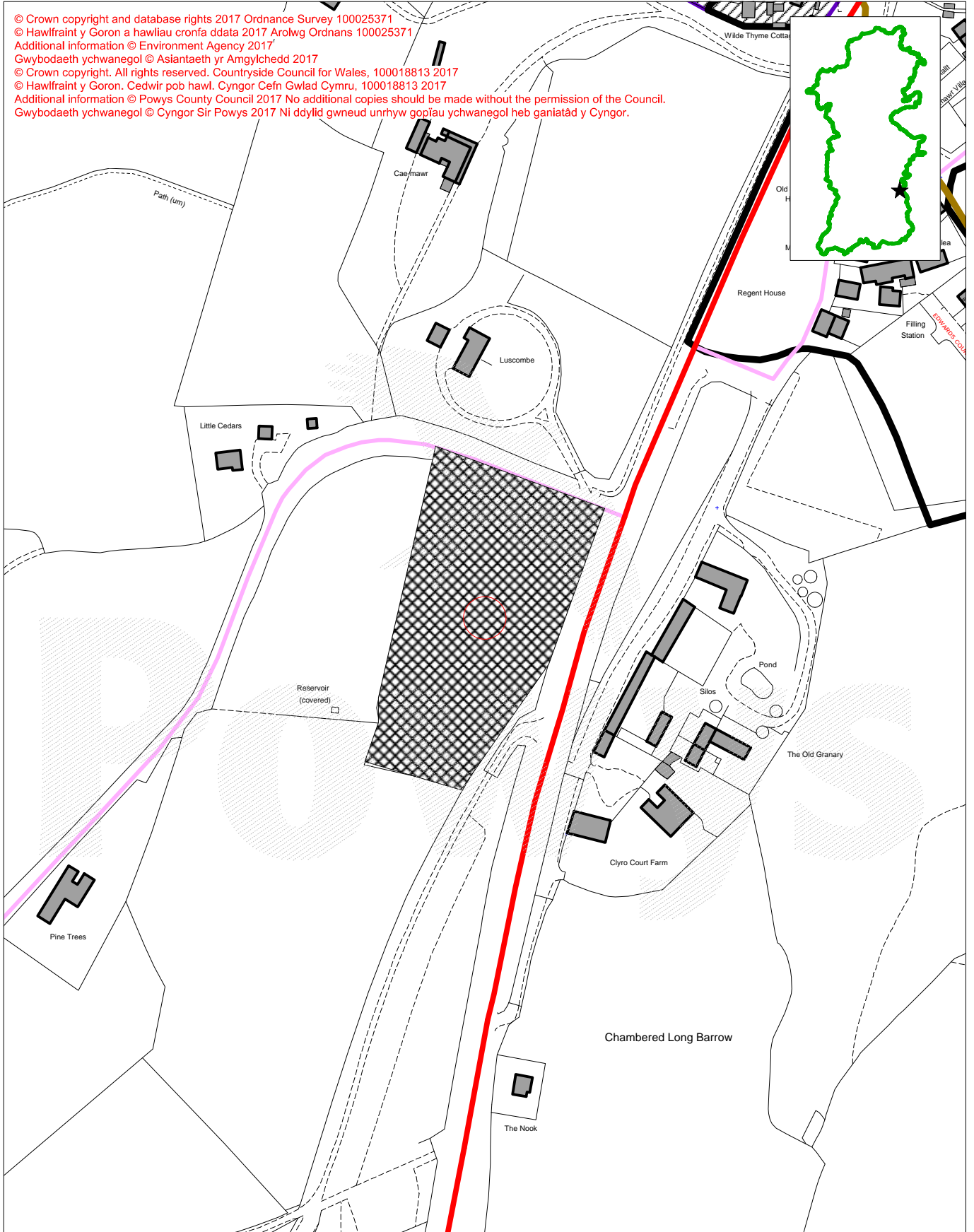
Section 3 of the Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (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

In light of the above it is therefore considered that sufficient information has been submitted and conditions 3, 15, 19, 20 & 21 of planning consent P/2016/0802 can therefore be formerly discharged.

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

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4.13

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	DIS/2017/0119	Grid Ref:	321081.74 243017.78
Community Council:	Clyro	Valid Date:	Officer: 06/06/2017 Kevin Straw
Applicant:	Powys County Council, Spa Road East, County Hall, Llandrindod Wells, Powys, LD1 5LG.		
Location:	Land at Baskerville Hall Hotel, Clyro Court, Clyro, Hereford, Powys, HR3 5LE.		
Proposal:	Discharge of conditions no. 3 of P/2017/0159.		
Application Type:	Application for Approval of Details Reserved by Condition.		

The reason for Committee determination

This application comes before Members of the planning committee as it is being made by Powys County Council.

Site Location and Description

The application site is located within the community council area of Clyro and is located to the south of the village of Clyro. Conditional consent was granted for the construction of a temporary primary school and associated works.

This application seeks to discharge condition 3 of planning consent P/2017/0159.

Condition 3 states:

Prior to the first use of the application site a Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall thereafter be implemented as approved prior to the first beneficial use of the site.

Consultee Response

PCC Highways

Comments received on 26/07/2017:

I can confirm that the Traffic Management Plan is acceptable and I am content that the condition 3 can now be discharged.

Public Representations

No public representations have been received.

Officer Appraisal

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

Discharge of Conditions

PCC Highways have been consulted with regard to condition 3 of planning consent P/2017/0159, as indicated above.

In light of the above consultation responses received from PCC Highways it is recommended that condition 3 of planning consent P/2017/0159 can be formally discharged as the information as provided is considered to be acceptable.

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.

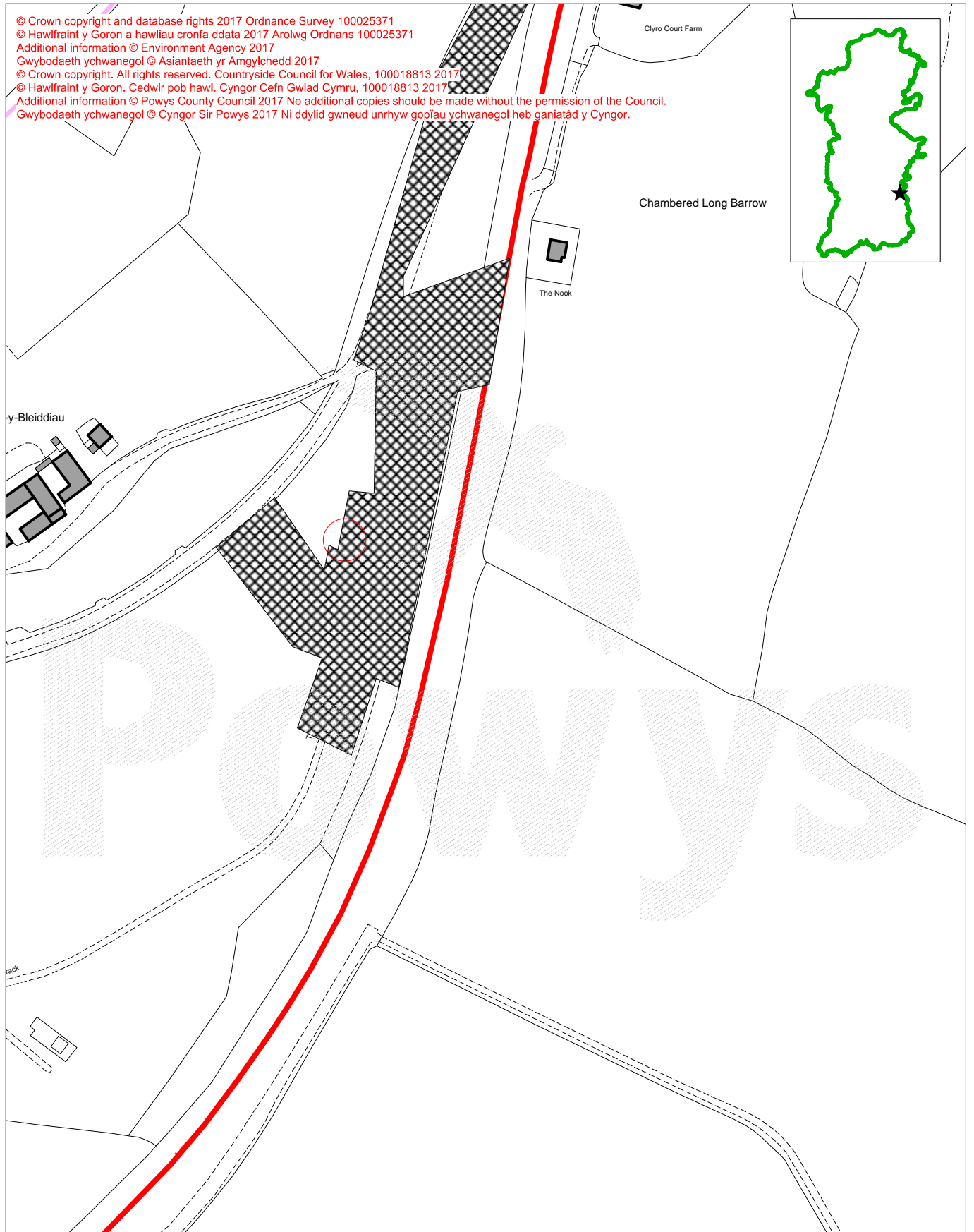
RECOMMENDATION

In light of the above it is therefore considered that sufficient information has been submitted and condition 3 of planning consent P/2017/0159 can therefore be formerly discharged.

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

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Delegated List

16/08/2017**07/09/2017**

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/2017/0095 REM	01/02/2017	CONSENT S106	17/08/2017	Section 73 application for variation of condition 12 (size restriction) of planning permission P/2011/0741 to rural enterprise occupancy condition	Rhosddu Farm New dwelling at Meifod SY22 6TH
P/2017/0505 LBC	18/05/2017	CONSENT	17/08/2017	Listed Building Consent: Internal works to include the replacement of a window and door in Cottage 2, and relocation of the bathroom and kitchens.	1 and 2 Pensarn Glas Pwll Machynlleth SY20 8TX

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/0705 FULL	23/06/2017	CONSENT	17/08/2017	FULL: Erection of agricultural building	Lynwood Churchstoke Montgomery SY15 6TD
P/2017/0717 ADV	26/06/2017	CONSENT	17/08/2017	Application to display 1 no. illuminated fascia sign	Wye Garage Llyswen Brecon LD3 0UR
P/2017/0718 FULL	26/06/2017	CONSENT	17/08/2017	Full: Installation of ATM Cash Machine through existing window opening	Wye Garage Llyswen Brecon LD3 0UR
P/2017/0749 ADV	30/06/2017	CONSENT	17/08/2017	Advertisement application for consent to display of various non-illuminated and illuminated signs	Supermarket and premises Llangurig Road Llanidloes SY18 6ES
P/2017/0786 CLA1	07/07/2017	APPROVE	17/08/2017	Application for certificate of lawfulness for an existing use and operation namely erection of dwelling and use as a dwelling (class C3 use)	Moor House Kinnerton Presteigne LD8 2PD

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/0787 FULL	07/07/2017	CONSENT	17/08/2017	Full: Proposed formation of horse menage and two stable blocks (stables applied for in retrospect)	Brickyard Cottage Penybont LD1 5SR
P/2017/0168 OUT	09/02/2017	CONSENT	18/08/2017	Outline (all matters reserved): Erection of rural enterprise dwelling	Land at Cwmdu Field Ffynnon Gynydd Upper Pentre Hereford HR3 5LZ
P/2017/0736 HOUS	06/07/2017	CONSENT	18/08/2017	Householder: Erection of a two story extension and alterations to dwelling, demolition of outbuilding, improvements to existing vehicular access together with closing up of existing access.	New House Farm Arddleen Trederen Lane Llanymynech SY22 6RZ
P/2016/0243 FULL	09/05/2016	CONSENT	22/08/2017	Erection of agricultural building and associated works (part retrospective)	Coed-y-dinas Farm Belan Welshpool SY21 8RP
P/2016/0989 OUT	27/09/2016	REFUSE	22/08/2017	Outline: Erection of two detached dwellings and associated works	Ystradgynlais James Street SA9 1EX

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/0414 OUT	30/05/2017	REFUSE	22/08/2017	Outline: Erection of 3 dwellings, demolition of outbuildings and all associated works	Land to the rear of Tan y Waen Penrhos Tan y Waen Ystradgynlais SA9 1QY
P/2017/0727 FULL	27/06/2017	CONSENT	22/08/2017	Full: Erection of a new 7 no. garage block to replace existing garage block	Dolafan Yard Dolafon Road Newtown SY16 2JB
P/2017/0794 HOUS	11/07/2017	CONSENT	22/08/2017	Householder: Erection of a sun room extension.	Maenllwyd New Road Montgomery SY15 6UJ
P/2017/0590 LBC	06/06/2017	CONSENT	23/08/2017	LB Consent - Installation of external boiler and flue pipe (retrospective)	3 Victoria Terrace Llansanffraid SY22 6AB
P/2017/0632 HOUS	12/06/2017	CONSENT	23/08/2017	Householder: To replace existing boundary fence including gate.	Awelfa Llanrhaeadr Ym Mochrean Street Oswestry SY10 0JX

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/0656 LBC	15/06/2017	CONSENT	23/08/2017	Listed building consent for internal alterations involving raising the floor levels in the property and installation of 1m high damp proof membrane on walls	Old School Llandrinio SY22 6SG
P/2017/0726 HOUS	28/06/2017	CONSENT	23/08/2017	Householder: Erection of a second storey over existing single storey extension.	Llanfrome Cottage Rhulen Builth Wells LD2 3UY
P/2017/0166 HOUS	20/02/2017	CONSENT	24/08/2017	Householder - Proposed erection of a side extension	Brynlllys Llanerfyl SY21 0EL
P/2017/0528 FULL	15/06/2017	CONSENT	24/08/2017	Full: Erection of an agricultural building and all associated works	Lower Hall Meifod SY22 6HR
P/2017/0586 HOUS	19/05/2017	CONSENT	24/08/2017	Householder - Enlargement of roof light	The Vicarage Church Lane Llansantffraid ym Mec SY22 6TZ

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/0651 RES	16/06/2017	CONSENT	24/08/2017	Reserved matters application for Plot 3 following the outline approval of P/2015/0197 for the erection of 5 no. dwellings	Development West of Graig Wen Plot 3 Llanllwchaearn Newtown
P/2017/0773 ADV	04/07/2017	CONSENT	24/08/2017	ADVERT: Consent to display advertisements (36 signs - 4 illuminated and 32 non-illuminated)	80-88 Maengwyn Street Cooperative Supermarket Machynleth SY20 8EA
P/2017/0793 FULL	13/07/2017	CONSENT	24/08/2017	Replacement of 20m floodlight with 25m mast to support 3x telecommunications antennae (floodlight to be refitted at 20m height). Installation of 2x dishes and 5x group based equipment cabinets.	Football Ground Victoria Avenue Llanidloes SY18 6AS
P/2017/0273 FULL	20/03/2017	CONSENT	25/08/2017	Full: Erection of a replacement dwelling and all associated works	Little Cedars Clyro Hereford HR3 5LD
P/2017/0408 FULL	12/04/2017	CONSENT	25/08/2017	Full: Erection of free range poultry building (16,000 birds) associated feed bins and associated works	Land at The Bache Farm New Radnor Presteigne LD8 2TG

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/0647 OUT	14/06/2017	CONSENT	25/08/2017	Outline: Erection of a dwelling and detached garage, formation of vehicular access and all associated works	Land forming part of Rhallt Field Buttington Rhallt Lane Welshpool SY21 9JP
P/2017/0670 OUT	13/06/2017	CONSENT	25/08/2017	OUTLINE: Erection of two dwellings and installation of sewerage treatment plant (with some matters reserved)	Land Adjacent to Nant Y Waen Abermule SY15 6NR
P/2017/0544 FULL	04/07/2017	CONSENT	29/08/2017	Full: Proposed extension to agricultural building	Upper Farm Llechfaen Brecon LD3 7SP
P/2017/0614 RES	12/06/2017	CONSENT	29/08/2017	Reserved matter application in respect of approved outline permission P/2017/0041	Land at Cae Sgybor Llanrhaedr ym Mochn:
P/2017/0799 HOUS	18/07/2017	CONSENT	29/08/2017	Householder: Erection of a front porch on the existing dwelling.	7 Sarn Min Y Sarn Newtown SY16 4EH

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/0425 FULL	26/06/2017	CONSENT	30/08/2017	Full: Change of use of ground floor from Charity Shop (A1) to Cafe (A3)	The Old Bank 36 High Street Llanfyllin SY22 5AQ
P/2017/0510 FULL	27/06/2017	CONSENT	30/08/2017	FULL: Proposed new warehouse for storage and distribution	Heartsease Knighton LD7 1LU
P/2017/0663 HOUS	14/06/2017	CONSENT	30/08/2017	Householder: Erection of a garden shed.	Saddlers Cottage Llaithddu Llaithddu Village LD1 6YS
P/2017/0712 HOUS	07/07/2017	CONSENT	30/08/2017	Householder: Erection of a single storey oak framed extension to replace existing conservatory and dining room at rear of the property.	Glanant Cefnlllys Lane Llandrindod Wells LD1 5LE
P/2017/0779 FULL	06/07/2017	CONSENT	30/08/2017	Full: Formation of new vehicular access, parking and turning area (relocation of existing access)	Rosedale Pontithel Brecon LD3 0SA

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/0828 ADV	17/07/2017	CONSENT	30/08/2017	Advert: Consent to display 3 replacement non illuminated fascia signs	HSBC Bank Royal Welsh Showground Llanerwedd Builth Wells LD2 3TU
P/2017/0475 FULL	28/04/2017	CONSENT	31/08/2017	Full: Erection of an agricultural workers dwelling, improvement of access, and all associated works	Land adjacent to Dol-Y-Wern Knucklas Knighton LD7 1PL
P/2017/0671 FULL	21/06/2017	REFUSE	31/08/2017	Full: Sub-division of existing Unit 2 into 3 no. separate units and change of use class for proposed Unit 2a from A1 to A3	Unit 2 Mill Lane Mill Lane Retail Park Welshpool SY21 7BL
P/2017/0905 CLA2	04/08/2017	APPROVE	31/08/2017	Certificate of lawfulness for a proposed use namely - single storey extension and erection of a detached garage.	Gorwallt Fach Llanrhaeadr Ym Morchudd Oswestry SY10 0BT
P/2017/0329 OUT	24/03/2017	CONSENT	01/09/2017	Outline: Residential development of up to 5 dwellings, including new access and all associated works (some matters reserved)	Land adjoining Min-y-Fford Adfa Newtown SY16 3DB

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/0533 FULL	07/07/2017	CONSENT	01/09/2017	Full: Change of use from doctors surgery to residential (C3), and the erection of a boundary fence and gate (part retrospective)	The Meadows Medical Practice Penybont Road Knighton LD7 1HB
P/2017/0246 FULL	10/03/2017	CONSENT	04/09/2017	Full: Change of use of land to residential curtilage, creation of access and erection of a garage (part retrospective)	Oak View Leighton Trelystan Welshpool SY21 8HZ
P/2017/0710 FULL	29/06/2017	CONSENT	04/09/2017	Full: Erection of a agricultural building.	Birchfield Farm Nant Glas Llandrindod Wells LD1 6PD
P/2017/0738 CLA1	29/06/2017	LAWFUL USE	04/09/2017	Section 191 application for lawful development certificate for the occupation of a dwelling in breach of condition 5 of planning permission M26143	Stable Mews North Road Llanymynech SY22 6EZ
P/2017/0782 FULL	10/07/2017	CONSENT	04/09/2017	Full: Conversion of part of ground floor and loft space of existing detached garage into a self-contained holiday let	Uluru Glasbury-on-Wye HR3 5NT

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/0816 FULL	14/07/2017	CONSENT	04/09/2017	Full: Application for existing 50m high anemometer mast to remain in place for a further 3 no. years	Land at Old Neuadd Bank North of Llanbadarn Eysod A483 SY16 4BW
P/2017/0829 FULL	17/07/2017	CONSENT	04/09/2017	Full: Erection of an agricultural building together with the erection of a lean to extension to existing agricultural building	Land south of Rhos y Glascoed Meifod Pont Robert SY22 6HW
P/2017/0172 OUT	10/02/2017	APPROVE	06/09/2017	Outline: Erection of two dwellings, a treatment plant and all associated works (all matters reserved)	The Rhos Franksbridge Llandrindod Wells LD1 5SA
P/2017/0485 LBC	11/05/2017	REFCADW	06/09/2017	LBC: Replacement windows, works to roof and external repainting of property	Gwernaffel Farm Knighton LD7 1SE
P/2017/0798 CLA2	11/07/2017	REFUSE	06/09/2017	Section 192 application for lawful development certificate for construction of carport/ log store	The Belan Guilsfield Welshpool SY21 9NS

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/0802 FULL	12/07/2017	CONSENT	06/09/2017	Full: Erection of an extension to an existing agricultural shed	Vronganllwyd Llanbister LD1 6SS
P/2017/0841 HOUS	31/07/2017	CONSENT	06/09/2017	Householder: Application for an extension and adaption of an ancillary domestic carport and store to provide 2 bedrooms, breakfast room and relax area for bed and breakfast and family guest accommodation.	Llwynceilyn Rhosgoch Builth Wells HR3 5SG
P/2017/0431 FULL	23/05/2017	CONSENT	07/09/2017	Full: Erection of a reception building and a safari tent for holiday purposes together with associated works to include improvements to the existing access	Banwy View Llangyniew Welshpool SY21 9EJ
P/2017/0599 FULL	26/05/2017	CONSENT	07/09/2017	Full: Proposed slate hanging of the west gable end and insertion of new vents into the glazing	ST Cynog's Church Llangynog Berwyn Street Oswestry SY10 0EX
P/2017/0847 HOUS	19/07/2017	APPROVE	07/09/2017	Householder: Erect conservatory to the side elevation	1 Ynys Tre Deg Upper Cwmtwrch Heol Gwys Swansea SA9 2XP

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/0908 CLA2	07/08/2017	REFUSE	07/09/2017	Section 192 application for a lawful development certificate of proposed use in relation to the erection of a garage	Riverside Old Mill Llansantffriad-ym-Mec SY22 6SU

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Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 30/08/17

gan **Richard Duggan BSc (Hons)**
DipTP MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 05.09.2017

Appeal Decision

Site visit made on 30/08/17

by **Richard Duggan BSc (Hons) DipTP**
MRTPI

an Inspector appointed by the Welsh Ministers

Date: 05.09.2017

Appeal Ref: APP/T6850/D/17/3181096

Site address: Frondirion, Penegoes, Machynlleth SY20 8NH

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Anthony Roberts against the decision of Powys County Council.
- The application Ref P/2017/0275, dated 2 March 2017, was refused by notice dated 27 June 2017.
- The development proposed is described as 'removal of garage and construction of two storey side extension and single storey rear extension, re-roofing of existing conservatory, installation of energy saving measures and improvements to access visibility'.

Decision

1. The appeal is dismissed.

Main Issues

2. I consider the main issues in this case to be the impact of the development on the character and appearance of the existing dwelling and on highway safety.

Reasons

Character and appearance

3. The Council's Adopted Supplementary Planning Guidance (SPG) 'The Powys Residential Design Guide' (2004) advises that extensions can have a pronounced effect on the appearance of a dwelling through the balance and proportions of the property, and that attention should be paid to the height, proportion, scale, roof pitches, gable features, materials and fenestration. Although the SPG provides guidance only, it goes on to state that side extensions should be subordinate to the original dwelling in terms of scale and positioning, and they should ideally be set back from the main building line. The front elevation of the proposed side extension would project out from the existing front elevation of the host dwelling and the ridge line would have the same ridge height, thus conflicting with the advice contained within the SPG.
4. The proposed side extension would be a significant addition to the appeal property and would unbalance the simple form of the existing dwelling. The scale and mass of the side extension would be out of proportion with the existing house and it would not seem subordinate to it as a result, despite the attempt to set part of the extension

down from the existing roofline. In my judgement, the dwelling would be overwhelmed by the proposal, and its identity and composition lost in particular when seen from the main road.

5. The proposal also includes a single-storey rear extension. The Council has not put forward any objections to the proposed rear extension, and I agree with this assessment. However, as the rear extension would be connected to the rear of the proposed side extension it would not be possible to separate them.
6. In the context that I have described, and by reason of its design, scale and siting forward of the front elevation, the proposed side extension would have a harmful impact on the character and appearance of the existing dwelling contrary to Policies GP1 and HP16 of the Adopted Powys County Council Unitary Development Plan (UDP) 2010 and the advice contained within the SPG.

Highway safety

7. Due to the alignment of the current access it is proposed to make alterations to it to improve visibility for vehicles. However, the Welsh Government (WG) Highways Directorate objects to the proposal as the submitted information does not adequately demonstrate compliance with the standards contained within the Design Manual for Roads and Bridges (DMRB).
8. As the Appellant has not addressed the concerns of WG the Council objects to the proposed works to the access. Having regard to the evidence, I have no reason to reach a different conclusion on this issue and that it would have a harmful impact on highway safety contrary to Policy GP4 of the UDP.
9. The Appellant's grounds of appeal requests that the proposed improvements to the access can be removed from the appeal development to avoid refusal. Irrespective of whether this part of the development is removed from the appeal proposal, this does not negate or outweigh my concerns regarding the harmful effect of the development on the character and appearance of the host dwelling.

Conclusions

10. My attention has been drawn to a similar development in Machynlleth. However, I do not have the full details of this scheme and so cannot be sure that it represents a direct comparison to the appeal proposal. In any case, I have considered the appeal proposal on its own planning merits.
11. I appreciate that the extension would provide the additional living accommodation required by the Appellant and his family. However, this does not carry sufficient weight to overcome the concerns already identified in respect of the appeal.
12. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objective of supporting safe, cohesive and resilient communities.
13. For the reasons given above I conclude that the appeal should be dismissed.

Richard Duggan

INSPECTOR