

Planning, Taxi Licensing & Rights of Way Committee

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

Meeting Date
Thursday, 16 November 2017

Meeting Time
9.30 am



County Hall
Llandrindod Wells
Powys
LD1 5LG

For further information please contact
Carol Johnson
01597826206
carol.johnson@powys.gov.uk

9 November, 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 26 October, 2017 as a correct record.

(Pages 5 - 24)

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 25 - 28)

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/2017/0119 Wyeside Caravan Park, Rhayader, Powys LD6 5LB

(Pages 29 - 74)

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

(Pages 75 - 108)

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

(Pages 109 - 132)

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

(Pages 133 - 158)

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

(Pages 159 - 182)

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

(Pages 183 - 208)

4.8. P/2017/0989 Land adjacent 14 - 19 Hafn Deg, Llanfair Caereinion, Welshpool, Powys SY21 ORU

(Pages 209 - 216)

4.9. **HEDG/2017/0005 Maes Garthbeibio, Foel, Welshpool, Powys, SY21 ONJ**

(Pages 217 - 224)

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 225 - 238)

Taxi and other licensing

6.	MINUTES OF TAXI REVIEW PANELS
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To authorise the Chair presiding at the Taxi Review Panel held on 15 August, 2017 to sign the minutes as a correct record.

(Pages 239 - 242)

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MINUTES OF A MEETING OF THE PLANNING, TAXI LICENSING & RIGHTS OF WAY COMMITTEE HELD AT COUNCIL CHAMBER - COUNTY HALL, LLANDRINDOD WELLS, POWYS ON THURSDAY, 26 OCTOBER 2017

PRESENT

County Councillor D R Price (Chair)

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

1.	APOLOGIES
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Apologies for absence were received from County Councillors M Barnes, K Laurie-Parry and D Selby.

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 5 October, 2017. [However, see section at the end of the minutes.]

Taxi and other licensing

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

As the following report on vehicle licence conditions had been considered by the Committee at two previous meetings the following Members could not consider the report as they had not been in attendance for the two meetings: County Councillors L Corfield, H Hulme, MJ Jones, I McIntosh, D Thomas and D H Williams. County Councillor P Roberts could not consider the report as he had not completed the taxi licensing training.

4.	VEHICLE LICENCE CONDITIONS
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The Committee noted that the revisions made to the proposed revised vehicle licence conditions agreed by the Committee on 24 August 2017, the amended proposed vehicle licence conditions were consulted on with the taxi trade in Powys and placed on the Council's website. Two responses were received in relation to the proposal that there would be no exemptions to display the licence plate on a licensed private hire vehicle.

The Committee noted the advice received from an independent solicitor specialising in licensing law and the policies in other Welsh Authorities. The Committee noted that a blanket ban on the exemption from displaying plates could be open to challenge.

RESOLVED	Reason for decision
1. That the vehicle licence conditions set out at Annex A of	To ensure up to date vehicle licence conditions are applied to

<p>the officer's report, which incorporate the amendment set out at 2.5 of the report, be approved and 2. That decisions in respect of a plate exemption request backed up by a business case are delegated to a sub-committee.</p>	<p>all licensed hackney carriage and private hire vehicles in Powys to promote public safety.</p>
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County Councillors L Corfield, H Hulme, MJ Jones, I McIntosh, D Thomas and D H Williams resumed their seats in the Committee.

County Councillor P Roberts could not consider the next report as he had not completed the taxi licensing training.

5.	TAXI LICENSING FEES
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The Committee received the report regarding revised fees for the Hackney Carriage and Private Hire Licensing to commence from April 2018.

RESOLVED	Reason for decision
<p>That the revised Taxi Licensing fees be approved for consultation and if following consultation no objections are received then they will come into effect on 1st April 2018.</p>	<p>To enable a new compliant fee to be set for licences issued under The Local Government (Miscellaneous Provisions) Act 1976.</p>

County Councillor P Roberts resumed his seat in the Committee.

County Councillor K Silk arrived.

Planning

6.	DECLARATIONS OF INTEREST
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(a) County Councillor D Thomas declared a prejudicial interest in application P/2017/0812 as a close relative was an objector to the original application.

County Councillor H Hulme declared a prejudicial interest in application P/2017/0708 as she had been involved in discussions regarding the application.

(b) County Councillor J Williams requested that a record be made of his membership of Llandrindod Wells Town Council where discussion had taken place of matters for the consideration of this Committee, but he did not take part in these.

County Councillor G Williams requested that a record be made that he is not a member of Dissert and Trecoed Community Council and did not take part in discussions.

(c) The following County Councillors (who are members of the Committee) declared that they would be acting as 'local representative' in respect of the following applications:

County Councillor DH Williams – application P/2017/0812

County Councillor P Roberts – application P/2016/1145

(d) The Committee noted that County Councillor A Jenner (who is not a member of the Committee) would be speaking as the 'local representative' in respect of applications P/2017/0942 and P/2017/0949.

Prior to the consideration of the applications the Chair advised that in respect of application P/2017/0119 the Committee was not quorate. He advised that the application had been considered by the Committee on 24 August, 2017 when nine members had given their apologies, leaving 12 members able to consider this application. Of these, two had given apologies for the meeting today, which meant that only 10 members were able to consider the application. However, the Committee needed 11 members [50% of membership] to be quorate. As a result the Committee could not consider the application.

The Chair advised that if the Committee considered this as a new application the public speakers had to be given the time to prepare for this and so the application could not be considered at this meeting. He suggested to the Committee that the application be deferred and considered as a new application at a future meeting.

It was proposed and duly seconded that application P/2017/0119 be deferred and considered as a new application at a future meeting.

RESOLVED	Reason for decision
that application P/2017/0119 be deferred and considered as a new application at a future meeting.	To ensure that the Committee is quorate when considering this application.

The Chair apologised to the members of the public in attendance for this application and this was an unprecedented position for the Committee.

7. PLANNING APPLICATIONS FOR CONSIDERATION BY THE COMMITTEE

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

7.1 Updates

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

County Councillor H Hulme having declared a prejudicial interest left the meeting room for the following application.

7.2 P/2017/0708 Land at Ty'n y Bryn Farm, Tregynon, Newtown, Powys, SY16 3PG

Application No:	P/2017/0708
Grid Ref:	309397.37 297156.1
Valid Date:	22/06/2017
Officer:	Dunya Fourie
Community Council:	Tregynon Community Council
Applicant:	CTIL And Telefonica UK Ltd, 260 Bath Road Slough, Berkshire, SL1 4DX.
Location:	Land at Ty'n y Bryn Farm, Tregynon, Newtown, Powys, SY16 3PG
Proposal:	Full Installation of a 17.5m high lattice tower supporting 3 no. antennas and 2 no. dish antennas together with ground based equipment cabinets and ancillary development
Application Type:	Application for Full Planning Permission

Mr A Southerby and Mr P Harris spoke against the application.
Ms J Hann spoke as the applicant.

In response to questions the Planning Officer advised that initially the Community Council supported the application but in further correspondence it had asked for the application to be deferred in light of a possible application for an Emergency mast, in the same area. The Officer advised that the Committee could only consider the current application. It was noted that 58 letters of objection and 14 in support had been received. The Environmental Health Officer advised that the application was within the Public Health Wales mast guidelines and the current evidence was that the mast as proposed was unlikely to pose a risk to health.

In response to questions the Professional Lead Development Management advised that the Unitary Development Plan [UDP] states that where feasible, proposals shall share the site of existing facilities. He advised that little to no weight should be given to a possible application for an Emergency Mast. He also advised that Emergency Services sought good coverage over the road network whereas the telecommunications systems looks for coverage over a wider area. The commercial property near the proposed site was considered to be less sensitive receptor than the nearby residential property.

Members discussed the option of deferring the application. The Solicitor advised that the applicant had a legitimate expectation that the application is determined and that if the Committee considered deferment it had to have sound reasons for this. The need for further information about alternative sites was suggested but the Professional Lead Development Management advised that the applicant had

provided this information in the update and he could not see what other information would be available.

It was proposed that the application be approved as set out in the report. The Chair asked that if Members were minded to vote against the application would the reasons given by members of impact on the landscape and impact on the residential property be sound reasons for refusal. The Professional Lead Development Management advised that the landscape and visual impact were sound reasons for refusal.

The motion to approve the application was seconded and was lost on the vote.

RESOLVED:	Reason for decision:
That the application be refused and that it be delegated to the Professional Lead for Development Management in consultation with the Chair and Vice Chair to determine the wording of the reasons for refusal.	That the development would have a detrimental landscape and visual impact.

County Councillor H Hulme resumed her seat in the Committee.

As previously agreed the following application was deferred for consideration at a future meeting.

7.3 P/2017/0119 Wyeside 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: Wyeside 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

The application was deferred.

7.4 P/2016/1145 Site Adjacent to Cae Eithin, Cefnlllys Lane, Llandrindod Wells, Powys, LD1 5LE

Application No: P/2016/1145

Grid Ref: 307169.13 261392.84

Valid Date: 21/11/2016

Officer: Thomas Goodman

Community Council: Llandrindod Town Council

Applicant: Mr Paul Rowlands, PAR Homes Ltd, Lower Gaufron Farm, Howey, Llandrindod Wells, Powys, LD1 5RG

Location: Site Adjacent to Cae Eithin, Cefnlllys Lane, Llandrindod Wells, Powys, LD1 5LE

Proposal: Outline (some matters reserved): Erection of 4 dwellings, new access and associated works

Application Type: Application for Outline Permission

The Principal Planning Officer confirmed that the application was for outline planning permission.

Councillor P Roberts spoke as the local representative.
Councillor W Francis spoke on behalf of Llandrindod Wells Town Council.
Mr J Mason spoke against the application.
Mr G Price spoke as the Agent.

The Principal Planning Officer advised that Welsh Water had no objections and the conditions included one relating to surface water.

In response to questions the Highways Authority advised that as part of the application a speed survey had been undertaken over a seven day period. As a result of this, a condition had been recommended regarding the required levels for visibility distances at the site access. It was noted that a footway would be provided through the site and this would join the road approx. 110 meters away from the existing footpath. The Highways Authority advised that there was no space to extend the current footpath and that future residents would not be walking any further distances than current residents and therefore they had no objections.

The Principal Planning Officer advised that the site was not big enough to be included in the Local Development Plan [LDP] and that the LDP looked at sites in much less detail. It was only when an application is made can the feasibility of a site be fully considered.

In response to questions regarding land drainage and surface water run-off the Principal Planning Officer advised that the Land Drainage Officer had originally objected to the application. However, a Flood Consequences Assessment had been completed and the applicant had agreed to provide attenuation on site and

a culvert which would ensure that there was no increase in surface water runoff, and so the Land Drainage Officer had withdrawn his objections.

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

The Committee adjourned for lunch at 1230 hrs and resumed at 1300 hrs.

The Chair changed the order of the applications to accommodate the public in attendance.

7.6 P/2017/0420 Land adjacent to Oldcastle Avenue, Guilsfield Welshpool Powys SY21 9PA

Application No: P/2017/0420

Grid Ref: 322050.04 311028.19

Valid Date: 18/04/2017

Officer: Tamsin Law

Community Council: Guilsfield Community Council

Applicant: Mr D Neville, Oakwood, Guilsfield, Welshpool, Powys, SY21 9PP

Location: Land adjacent to Oldcastle Avenue, Guilsfield, Welshpool, Powys, SY21 9PA

Proposal: Outline: Erection of up to 8 dwellings, formation of vehicular access, access road, and all associated works (all matters reserved)

Application Type: Application for Outline Planning Permission

Mr R Hardman spoke against the application.
Mr R Corbett spoke as the agent.

It was noted that two of the eight houses would be affordable and this was conditioned.

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 Thomas having declared a prejudicial interest left the meeting room for the next application.

7.7 P/2017/0812 Development at Bryngroes Farm, Ystradgynlais, SA9 1LF

Application No: P/2017/0812
Grid Ref: 278740.62 210906.61
Valid Date: 13/07/2017
Officer: Lorraine Jenkin
Community Council: Ystradgynlais Town Council
Applicant: CME Developments Limited, Bryngroes Farm, Ystradgynlais
Location: Development at Bryngroes Farm, Ystradgynlais, SA9 1LF
Proposal: Section 73 application to remove Condition 19 of approve outline consent P/2014/1133 relating to affordable local needs housing
Application Type: Application for Removal or Variation of a Condition

The Principal Planning Officer confirmed that the application was for the removal of condition 19 which was for the phasing of the provision of affordable housing.

County Councillor D H Williams spoke as the local representative.
Mr B Davies spoke as the agent.

The Principal Planning Officer advised that the Committee needed to take into account and give weight to the current evidence. The District Valuer's [DV] 2016 viability assessment provided evidence that the building of affordable housing within the Ystradgynlais area is economically unviable.

The Committee raised concerns that this is a deprived area of the County and yet they are being advised that there should be no provision for affordable housing. The Committee considered that although the removal of the phasing for affordable housing was being requested it could mean that no affordable housing would be provided.

The Committee noted that the original DV report [2014] was only valid for three months and was considered out of date. In response to a question regarding the DV report for the Local Development Plan [LDP] in 2016, the Professional Lead Development Management advised that he did not know for how long this report was valid but it was the most current evidence. In response to questions he advised that normally applicants submit a viability appraisal and this is assessed by the DV. He advised that it was likely that by the time a report is

commissioned and secured the LDP could be in place, which in its current form states that 0% affordable housing was required at this location.

The Committee acknowledged that building costs rise. However, they could not see justification for such a change in costs which the developer stated made the provision of affordable housing unviable.

The officer's recommendation to approve the application was proposed and duly seconded. It was put to the vote and lost.

The Chair asked those members voting against the application to indicate their reasons for refusal. It was considered that the application was against the Unitary Development Plan under which the original application was considered and that the LDP was not yet in existence. The Solicitor advised that the Committee however had to take into account its own evidence which indicated that due to viability 0% affordable housing was considered the right level in this area.

Members stated that the reason for refusal was that the DV 2016 report was not up to date and therefore should be considered invalid. The Professional Lead Development Management advised that if there was an appeal Development Management would need to provide evidence and that there was no other evidence more up-to-date than the 2016 DV report.

In light of the fact that the Committee was being advised that these were not sound reasons for refusal the Chair advised that, as available in the Planning Protocol, there would be a "cooling off period" so that counsel's advice could be obtained on the proposed reasons for refusal.

The Committee adjourned for a short break.

County Councillors D Thomas and D H Williams resumed their seats in the Committee.

County Councillor G Williams was absent for the next application.

7.8 P/2017/0688 Land adj Waen Meadows, Waen Trederwen, Llansantffraid-ym-Mechain, Powys, SY22 6SZ

Application No: P/2017/0688

Grid Ref: 323437.48 319840.08

Valid Date: 19/06/2017

Officer: Sara Robinson

Community Council: Llansantffraid Community Council

Applicant: Mrs E Hughes, Waen Farm, Llansantffraid-Ym-Mechain, SY22 6SX

Location: Land adj Waen Meadows, Waen Trederwen, Llansantffraid-Ym-Mechain, Powys, SY22 6SX

Proposal: Outline: Residential development of up to 2 no. dwellings, formation of vehicular access and associated works

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.

County Councillor G Williams resumed his seat in the Committee.

7.19 P/2017/0825 Land at Cynefin, Penrhos, Llanymenech, Powys, SY22 6QB

Application No: P/2017/0825

Grid Ref: 325368.46 316471.4

Valid Date: 07/07/2017

Officer: Sara Robinson

Community Council: Llandrinio Community Council

Applicant: Mr Richard Corbett, Cynefin, Penrhos, Llanymynech, Powys, SY22 6QB

Location: Land adj Cynefin, Penrhos, Llanymynech, Powys, SY22 6QB

Proposal: Outline: Erection of one detached private dwelling with all associated works including installation of a new septic tank (all matters reserved)

Application Type: Application for Outline Planning Permission

Mrs C Davies spoke on behalf of the Llandrinio Community Council.
Mr R Corbett spoke as the applicant.

In response to questions the Planning Officer confirmed that the application site was adjacent to the rural settlement of Penrhos.

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

out in the report which is filed with the signed minutes.	with the signed minutes.
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7.10 P/2017/0259 Riverside Caravan Park, Llangammarch Wells, Powys, LD4 4EP

Application No: P/2017/0259

Grid Ref: 293222.95 246980.22

Valid Date: 09/03/2017

Officer: Thomas Goodman

Community Council: Llangammarch Wells Community Council

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

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

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

Application Type: Application for Full Planning Permission

The Committee confirmed that they had received and had time to read the further update received at the meeting.

The Principal Planning Officer advised that the application had been deferred to obtain further information from Natural Resources Wales [NRW] in relation to the flood risk caused by the increase period of occupation. NRW had requested a Flood Consequence Assessment [FCA]. On considering the FCA, NRW had advised that there was a slight increase in risk in opening the site for a longer period. In response to questions the Principal Planning Officer advised that although NRW had not objected to the application, Development Management had to take into account a recent appeal decision where the Planning Inspector had dismissed an appeal regarding the refusal of an application, where NRW had not objected to the application.

The Chair adjourned the meeting to allow the Principal Planning Officer to speak to the applicant's agent. The Principal Planning Officer advised that the applicant referred to the FCA and that NRW was not objecting to the development. The Principal Planning Officer however, advised that Development Management considered that the proposed development would result in an increased period of occupation of a caravan site located within a flood zone and therefore the flood risk is considered to be unacceptable.

RESOLVED:	Reason for decision:
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<p>That the application be refused.</p>	<p>1. The proposal will lead to an increase of the occupation period of highly vulnerable development within Zone C2 as defined by the development advice maps referred to under TAN15 Development and Flood Risk (2004). The development is contrary to policy SP14 of the Powys Unitary Development Plan (adopted 2010), Technical Advice Note 15 TAN 15 Development and Flood Risk (2004) and Planning Policy Wales (2016).</p>
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7.12 P/2017/0667 Gaufron Farm, Howey, Llandrindod Wells, Powys LD1 5RG

Application No: P/2017/0667

Grid Ref: 304017.92 256724.39

Valid Date: 20/06/2017

Officer: Thomas Goodman

Community Council: Dissersh & Trecoed Community Council

Applicant: Mr J Nicholls, Cargill Meats Europe, Feed Mill Allensmore, Hereford HR2 9AW

Location: Gaufron Farm, Howey, Llandrindod Wells, Powys, LD1 5RG

Proposal: Full: Redevelopment of site, including the demolition of 5 poultry units, and the erection of 2 replacement poultry units and all associated works

Application Type: Application for Full 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 the conditions were those contained in the Update report and that the wording regarding the vehicle movements of birds be delegated to the Professional Lead Development Management in consultation with the Chair and Vice Chair.

<p>RESOLVED: that the application be granted consent, subject to the conditions set out in the Update report which is filed with the signed minutes and that it be delegated to the Professional Lead</p>	<p>Reason for decision: As officers recommendation as set out in the report which is filed with the signed minutes.</p>
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<p>Development Management to agree the wording of a condition regarding the vehicle movements of birds, in consultation with the Chair and Vice Chair.</p>	<p>In order to safeguard the amenity of the area.</p>
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County Councillor P Pritchard left the meeting and County Councillor G Williams left the meeting for other Council business.

7.13 P/2017/0765 Dyfnant, Llanidloes, Powys, SY18 6HR

Application No: P/2017/0765

Grid Ref: 295052.24 285424.67

Valid Date: 10/07/2017

Officer: Luke Jones

Community Council: Llanidloes Town Council

Applicant: Mr & Mrs Emyr Davies, Tynypwll, Llandinam, Powys, SY17 5BQ

Location: Dyfnant, Llanidloes, Powys, SY18 6HR

Proposal: Full: Erection of 3 dwelling, formation of new vehicular access and all associated works

Application Type: Application for Full Planning Permission

The Planning Officer advised that if the Committee was minded to approve the application, the recommendation and conditions were contained in the Update Report.

The Professional Lead Development Management in response to a question advised that in respect of affordable housing this and the other application site [P2017/0766] were being considered as one site. The applicant was being asked for a financial contribution of £52,200 towards affordable housing. The funds would be held by the Council's Housing Department for the provision of affordable housing. The Section 106 agreement however, was only linked to this site.

<p>RESOLVED: that the application be granted consent, subject to the conditions set out in the Update Report which is filed with the signed minutes and subject to the signing of Section 106 legal agreement to secure an affordable housing contribution within 3 months</p>	<p>Reason for decision: As officers recommendation as set out in the report which is filed with the signed minutes.</p>
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<p>from the committee meeting. If an agreement is not signed within the specified time period, it is recommended that delegation be given to the Lead Professional for Development Management to determine the application appropriately.</p>	
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7.14 P/2017/0766 Dyfnant, Llanidloes, Powys, SY18 6HR

Application No: P/2017/0766

Grid Ref: 295115.63 285301.93

Valid Date: 10/07/2017

Officer: Luke Jones

Community Council: Llanidloes Town Council

Applicant: Mr & Mrs Emyr Davies, Tynypwll, Llandinam, Powys, SY17 5BQ

Location: Dyfnant, Llanidloes, Powys, SY18 6HR

Proposal: Full: Erection of 2 dwelling, formation of new vehicular access and all associated works

Application Type: Application for Full Planning Permission

In response to a question the Highways Authority confirmed that there were no concerns in respect of the two separate access points for this and the previous application.

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

7.15 P/2017/0942 Land at Pigeon House, Trewern, Welshpool, Powys SY21 8EE

Application No: P/2017/0942

Grid Ref: 327282.13, 311864.15

Valid Date: 17/08/2017

Officer: Bryn Pryce

Community Council: Trewern Community Council

Applicant: Mrs Helen Dart Gwelfryn, Trewern, Welshpool Powys SY21 8ED

Location: Land at Pigeon House, Trewern, Welshpool Powys SY21 8EE

Proposal: Outline: Erection of a dwelling, installation of a sewage treatment plant and associated works (some matters reserved)

Application Type: Application for Outline Planning Permission

County Councillor A Jenner spoke as the local representative.

The Committee noted that the application site was adjacent to the settlement boundary.

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

7.16 P/2017/0949 Hill Cottage, Middletown, Welshpool, Powys, SY21 8DJ

Application No: P/2017/0949

Grid Ref: 330235.87, 312766.67

Valid Date: 01/09/2017

Officer: Bryn Pryce

Community Council: Trewern Community Council

Applicant: Miss A Hilditch, Land adj Hill Cottage, Middletown, Welshpool Powys SY21 8DJ

Location: Hill Cottage, Middletown, Welshpool Powys SY21 8DJ

Proposal: Full: Erection of a 3 bedroomed dwelling and associated access and landscaping

Application Type: Application for Full Planning Permission

County Councillor A Jenner spoke as the local representative.

The Planning Officer confirmed that the proposed dwelling was 130 sq. metres.

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

7.5 P/2017/0604 Land adjacent to Seven Oaks Holiday Park, Crewgreen, Powys SY5 9AS

Application No: P/2017/0604

Grid Ref: 333548.41315198.46

Valid Date: 08/06/2017

Officer: Rachel Mulholland

Community Council: Bausley with Criggion Community Council

Applicant: Mr Philip Bewley, Border Shires, Crewgreen, Powys, SY5 9AS

Location: Land adjacent to Seven Oaks Holiday Park, Crewgreen, Powys, SY5 9AS

Proposal: Outline: Proposed residential development of up to 3 dwellings, formation of a vehicular access and associated works (some matters reserved).

Application Type: Application for Outline Planning Permission

In response to a question regarding when a development exceeded the sustainability of a location the Professional Lead Development Management advised that this was a judgement call and the facilities in an area need to be considered. In respect of this application Development Management considered that this was within a sustainable location.

The Professional Lead Development Management advised that the application site was half way from the centre of Crew Green and Coed Way but very close to the edge of the settlement of Crew Green and linked with other residential properties.

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

7.11 P/2017/0571 Phase 2, Land adjoining Brynderw Park Street, Llanrhaeadr Ym Mochnant Oswestry SY10 0JJ

Application No: P/2017/0571
Grid Ref: 312659.85 326184.17
Valid Date: 18/05/2017
Officer: Eddie Hrustanovic
Community Council: Llanrhaeadr Community Council
Applicant: Mr N Jones, Tanat Valley Developments, Woolston Bank, Fairfields, Oswestry, SY10 8HZ
Location: Phase 2, Land adjoining Brynderw Park Street, Llanrhaeadr Ym Mochnant, Oswestry SY10 0JJ
Proposal: Outline application for residential development for up to 5 dwellings, formation of access road and all associated works
Application Type: Application for Outline Planning Permission

The Principal Planning Officer advised that if the Committee was minded to approve the application the recommendations and conditions were as stated in the Update Report and that it be delegated to the Professional Lead Development Management to agree the wording of the condition regarding the open space, in consultation with the Chair and Vice Chair.

Concerns were raised regarding the impact of the development on the Welsh Language.

It was proposed and duly seconded to defer consideration of the application to enable officers to consider the effect of developments in Llanrhaedr on the Welsh Language.

RESOLVED: that the application be deferred.	Reason for decision: To enable officers to consider the effect of developments in Llanrhaedr on the Welsh Language.
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7.17 P/2017/0730 Land over River Carno, between Talerddig and Carno, Powys

Application No: P/2017/0730
Grid Ref: 294097.54 298835.91
Valid Date: 06/07/2017

Officer: Luke Jones

Community Council: Carno Community Council

Applicant: Powys County Council

Location: Land over River Carno, Between Talerddig and Carno, Powys

Proposal: Full: Construction of new public footbridge on diverted Footpath 29 to facilitate the elimination of five level crossings on the Cambrian Railway Line

Application Type: Application for Full Planning Permission

In response to comments the Chair advised that the questions regarding the need for the replacement bridge were not a material planning consideration. Such concerns should be forwarded to the relevant Portfolio Holder.

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

7.18 P/2017/0845 11 Burgess Croft, Welshpool, Powys, SY21 7RJ

Application No: P/2017/0845

Grid Ref: 322508.59 308227.47

Valid Date: 19/07/2017

Officer: Luke Jones

Community Council: Welshpool Town Council

Applicant: Powys County Council

Location: 11 Burgess Croft, Welshpool, Powys, SY21 7RJ

Proposal: Householder: Alterations to highway/kerb to provide access to driveway. Creation of new driveway and all internal and external adaptation works.

Application Type: Householder Application

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

the signed minutes.	
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8. DECISIONS OF THE HEAD OF REGENERATION AND REGULATORY SERVICES ON DELEGATED APPLICATIONS

The Committee received for information a list of decisions made by the Head of Regeneration and Regulatory Services during the period between 27 September, 2017 and 18 October, 2017.

The Chair allowed County Councillor K Silk to raise an issue regarding the minutes of the last meeting as she was not in attendance at the beginning of the meeting, when this item was taken.

County Councillor K Silk raised a concern that the resolution in respect of P/2017/0423 did not reflect the recommendation in respect of restricting the affordable housing to 130 sq. metres proposed by the Professional Lead Development Management, if the Committee was minded to approve the application.

The Committee confirmed that minutes were a correct record subject to the amended wording in respect of **P/2017/0423**:

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</p> <p>1. subject to it being delegated to the Professional Lead Development Management to add a suitably worded condition restricting the affordable housing to 130 sq. metres and a condition removing permitted development rights for the affordable dwellings, in consultation with the Chair and Vice Chair and</p> <p>2. subject to the signing of a Section 106 agreement to secure the education contribution if considered to be appropriate in consultation with the Lead Professional within 3 months from date of the committee meeting. If an agreement is not signed within the specified time period, delegation is given to the Lead Professional for</p>	<p>As officers recommendation as set out in the report which is filed with the signed minutes.</p> <p>To ensure that the affordable dwellings remain at a size that is affordable.</p> <p>To ensure an appropriate contribution to Education Services.</p>

Development Management to determine the application.	
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The Professional Lead Development Management asked the Committee if the first meeting in January 2018 could be changed from 11 to 18 January, so giving officers and interested parties more time over the holiday period. The Committee agreed to this change.

County Councillor D R Price (Chair)

**Planning, Taxi Licensing and Rights of Way Committee
16th November 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/2017/0119</p> <p>Rhayader</p> <p>296834.02 268416.04</p> <p>07.02.2017</p>	<p>Full: Upgrade of existing pitches to gravel hardstandings, replacement of site access road and stone car park and other associated works</p> <p>Wyeside Carvan Park, Rhayader, Powys LD6 5LB</p> <p>Mr Nathan Goodyear, The Camping and Caravanning Club</p> <p>Recommendation:</p> <p>Conditional Consent</p>
<p>P/2017/0530</p> <p>Llandysilio</p> <p>326880.85 31853303</p> <p>19.05.2017</p>	<p>Outline: Residential development, formation of vehicular access and estate roadway together with all associated works</p> <p>Land West of the Street, Four Crosses, Powys SY22 6RE</p> <p>Mr Mervyn Jones</p> <p>Recommendation:</p> <p>Conditional Consent</p>

<p>P/2016/0819</p> <p>Presteigne</p> <p>332156.74 263845.56</p> <p>29.07.2016</p>	<p>Outline: Proposed residential development to include creation of new access</p> <p>Land opposite Kings Court, Presteigne, Powys, LD8 2AJ</p> <p>Micharon Homes Ltd, c/o Agent</p> <p>Recommendation:</p> <p>Conditional Consent, subject to a S106 agreement</p>
<p>P/2017/0201</p> <p>Nantmel</p> <p>302253.35 266821.44</p> <p>20.02.2017</p>	<p>Full: Erection of an agricultural workers dwelling to include a garage, installation of sewage treatment plant and all associated works</p> <p>Cae Llwyn Poultry, Nantmel, Rhayader, Powys, LD6 5PE</p> <p>Mr Steve Rowlands, Dan-y-Graig, Llanyre, Llandrindod Wells, Powys, LD6 5PE</p> <p>Recommendation:</p> <p>Conditional Consent</p>
<p>P/2017/0815</p> <p>Penybont</p> <p>311728.83 263867.71</p> <p>13.07.2017</p>	<p>Outline: Residential development for up to 5 dwellings with garages, formation of access road and all associated works</p> <p>Land off Old Market Meadows, Penybont, Llandrindod Wells, Powys LD1 5US</p> <p>Brightwells Ltd, 33 High Street, Builth Wells, Powys LD2 3DL</p> <p>Recommendation:</p> <p>Conditional Consent</p>
<p>P/2017/0874</p> <p>Llanerfyl</p> <p>303420.03 309647.81</p> <p>31.07.2017</p>	<p>Outline (with some matters reserved): for erection of 7 no. detached dwellings with detached dwellings, formation of vehicular access, access road and all associated works (amended from 9 dwellings)</p> <p>Land adjacent to Derwen Talerddig Road,</p>

	<p>Llanerfyl, Powys SY21 0EG</p> <p>Mrs Sioned Roberts, Llangadfan Parc, Welshpool, Powys, SY21 0EG</p> <p>Recommendation:</p> <p>Conditional Consent</p>
<p>P/2017/0989</p> <p>Llanfair Caereinion</p> <p>310567.13 306506.27</p> <p>11.09.2017</p>	<p>Full: Formation of a car parking area</p> <p>Land adjacent 14 – 19 Hafan Deg, Llanfair Caereinion, Welshpool, Powys SY21 ORU</p> <p>Powys County Council</p> <p>Recommendation:</p> <p>Conditional Consent</p>
<p>HEDG/2017/0005</p> <p>Banwy</p> <p>298735.15 311392.74</p>	<p>Application for Hedgerow Removal:</p> <p>Maes Garthbeibio, Foel, Welshpool, Powys, SY21 ONJ</p> <p>Powys County Council</p> <p>Recommendation:</p> <p>Approval</p>

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In addition, on the 12th September 2017 the Agent submitted a revised site layout plan. The amendment removes one hardstanding from the south east corner of the site resulting in 30 hardstanding pitches and 30 grass pitches within the site, a total of 60 visitor pitches. This plan was revised on the 13th October 2017 on request of the Planning Officer which alters the date and revision number of the plan only for clarity. The plan under consideration is 'Proposed layout - WYE/000/17 Rev C'.

On the 13th September 2017, Officers forwarded the Clarification Statement and amended site layout plan to NRW and asked for comments on the potential impact of the hardstanding's and new road. In addition, a query regarding the extended season of the site was raised with NRW.

On the 27th September 2017 an email response was received from NRW which is detailed below:

- In response to the question "Will the change to gravel hardstanding's have an impact on flooding issues? NRW have responded that they have no concerns regarding the proposed permeable gravel hardstanding's, which they understand are only intended to formalise the existing pitches.
- In response to the question "Will the tarmac access road within the site have any impact on the site with regards to flooding?" NRW have responded "Also, on the basis that construction of the tarmac access road does not involve land raising, we have no concerns with that proposal"
- An addition a query was raised by Officers with regard to the seasonality of the site. It is noted that the "season" is to be extended as part of the application and NRW's views were sought on this matter. NRW responded "It is not clear from the information provided whether there will actually be an extension to the Opening Season. However should this be the case, whilst this would extend the time period during which occupants of the site would be at risk, this in itself would not be grounds for NRW to raise any objection to this application.

Our advice remains that we recommend an emergency evacuation plan is prepared for the site, in conjunction with Powys CC, the Emergency Planners, Emergency services etc.; Any proposed extension to the Opening Season should be addressed within this Plan. As previously advised, you should note that we do not normally comment on or approve the adequacy of flood emergency response plans 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. Therefore, we recommend you consider consulting other professional advisors on the acceptability of any emergency plan that is submitted following our advice".

Recommendation

Whilst this report forms an update to the original report, it is considered that the recommendation remains the same with the amendment of condition 3 to include the

submission of a Flood Management and Evacuation Plan prior to commencement of the development.

In addition, as recommended at the August 24th 2017 Planning Committee meeting, Condition 8 is to be amended to read

“8. The site manager’s pitch is to be a temporary residential pitch for a time period of three years from the implementation of this planning permission. Upon the expiry of temporary time period, the pitch shall cease to be occupied and the land shall be restored to its former condition”.

Two additional conditions have been included which relate to the submission of levels of the site (Condition 10) and the submission of details of the hardstandings and access road (Condition 11).

In light of the latest amended proposed site layout plan which indicates 30 hardstanding (plus site managers pitch) and the response of NRW with regard to flooding issues and the extended season of the site, Officers consider that the proposal broadly complies with planning policy and therefore recommendation is one of conditional approval subject to the inclusion of appropriately worded 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 and supporting documents stamped as approved on XXXX , Amended Layout Plan Drawing No. WYE/000/17 Rev C (received 13th October 2017), Hardstanding detail STD.15, Tarmacadam Road / Pathway Detail STAND/0009, Bin Store STAND/010, Site manager pitch STAND/016/CED, Service Area STD.04, Motorhome service point combined with service area STAND/030, Hook up bollard and plinth detail STAND/028, Construction Method Statement (May 2017), Information to support an Assessment of Likely Significant Effects under the Habitat Regulations (June 2017), Flood Procedure and Policy (as amended) received 14th March 2017, Biodiversity Enhancement Report (June 2017), Flood Risk Consequences Assessment (January 2017), Clarification Statement (received on 12th September 2017).
3. Prior to the commencement of the development hereby permitted a Flood Management and Evacuation plan shall be submitted to and approved in writing by the Local Planning Authority and to be fully implemented thereafter.
4. The development shall be carried out strictly in accordance with the measures identified regarding Pollution Prevention within the Construction Method Statement produced by Camping and Caravanning Club date May 2017 and maintained thereafter unless otherwise agreed in writing by the Local Planning Authority.
5. The development shall be carried out strictly in accordance with the measures identified in Section 4.0 - Retention and Enhancement: Habitats and Section 5.0 - Mitigation and

Enhancement: Protected Species of the Biodiversity Enhancement Report produced by WYG dated June 2017 and maintained thereafter unless otherwise agreed in writing by the LPA.

6. Prior to the occupation 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 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

7. No external lighting, with the exception of electric hook-up bollards, 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.

8. The site manager's pitch is to be a temporary residential pitch for a time period of three years from the implementation of this planning permission. Upon the expiry of temporary time period, the pitch shall cease to be occupied and the land shall be restored to its former condition.

9. The development shall be occupied as holiday accommodation only and shall not be occupied as a person's sole or main place of residence or by any persons exceeding a period of 28 days in any calendar year. An up to date register shall be kept at the Wyeside Caravan Park as shown on site layout plan drawing No. WYE/000/17 Rev C. and be made available for inspection by the local planning authority upon request. The register shall contain details of the names of all of the occupiers of the tourers, tented camping and motorhome accommodation, their main home addresses and their date of arrival and departure from the site.

10. Prior to the commencement of development contoured plans of the site and immediately adjoining land and cross sections through the site itself sufficient to demonstrate the existing and proposed levels including finished levels of the proposed road shall be submitted to and approved in writing by the Local Planning Authority and to be fully implemented thereafter.

11. Notwithstanding the approved drawings, full details (including design and materials) of the following shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any works:-

- (a)The proposed hardstanding areas
- (b)The new road

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 all occupants of the park are aware and informed of the measures to take prior to a possible flood event.
4. To comply with Powys County Council's UDP Policies SP3, ENV2, ENV3, ENV4, ENV5, ENV6 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
5. To comply with Powys County Council's UDP Policies SP3, ENV2, ENV3, ENV4, ENV5, ENV6 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
6. To comply with Powys County Council's UDP Policies SP3 and ENV2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
7. To comply with Powys County Council's UDP Policies SP3, ENV3, ENV4, 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.
8. In order to ensure that residential development in the open countryside is justified, in accordance with policy HP4 of the Powys Unitary Development Plan (2010).
9. In order to ensure proper control of the use of the site and to prevent the establishment of permanent residency, in accordance with policy TR7 of the Powys Unitary development Plan (2010).
10. In order to ensure the tarmac access road does not involve land raising, in accordance with policies DC13 and DC14 of the Powys Unitary Development Plan (2010).
11. In order to ensure control of the materials proposed for the hardstanding's and road, in accordance with policies DC13 and DC14 of the Powys Unitary Development Plan (2010).

Informative Notes

Recreation and Countryside Services:

- The public access 'on foot' granted by the Countryside and Rights of Way Act 2000 must not be impeded or prevented at any time.
- There is no encroachment onto the common during the construction phase of the improvements i.e. building materials must not be stored on the common.
- Any inadvertent damage caused is made good as soon as possible.

Countryside Services – Rights of Way

The applicant must be advised that at no time during the development phase should any public right of way be obstructed. No materials should be placed or stored on the line of any

public right of way and any damage caused to the surface of any public right of way must be made good to at least its current condition or better. Any unlawful disturbance, damage or obstruction to any public right of way could have legal repercussions.

Dwr Cymru / Welsh Water

The proposed development site is crossed by a public sewer with the approximate position being marked on the attached record plan. No development (including the raising or lowering of ground levels) will be permitted within the safety zone which is measured either side of the centre line. For details of the safety zone please contact Developer Services 0800 917 2652. The developer must contact us if a sewer connection is required under Section 106 of the Water Industry Act 1991 or any alteration to our apparatus is proposed prior to any development being undertaken.

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

Wales and West

The applicant's attention is drawn to the comments of Wales and West Utilities which are attached to this decision notice for attention.

Case Officer: Karen Probert- Planning Officer
Tel: 01597827372 E-mail:karen.probert1@powys.gov.uk

- Appendix 1. – Clarification Statement – submitted by Agent on 12th September 2017.
- Appendix 2 - Report taken to Planning, Taxi Licensing and Rights of Way Committee Report on the 24th August 2017

Appendix 1.

PLANNING APPLICATION REFERENCE P/2017/0119 – WYESIDE CAMPING AND CARAVANNING CLUB SITE, LLANGURIG ROAD, RHAYADER, POWYS, LD6 5LB

CLARIFICATION STATEMENT

Following the Planning Committee meeting on 24th August 2017 where Members considered the planning application for site upgrades and improvements at the Wyeside Camping and Caravanning Club site at Rhayader, this Clarification Statement has been prepared to specifically address the concerns and requests raised by the Planning Committee Members. The Clarification Statement addresses the following matters, referred to under separate subheadings below:

1. Total Number of Pitches
2. Proposed Hardstandings
3. Site Manager's Pitch
4. Public Right of Way

1. Total Number of Pitches

The Site will, as a result of The Camping and Caravanning Club lease and operation, provide a blend of pitches for tented camping, touring caravans and motorhomes with a total of 60 pitches. Of these 60 pitches, 30 existing grass pitches will be converted to hardstanding pitches whilst 30 will remain grass pitches. However, there is no restriction on the number of pitches which may be provided for tented camping, with tents able to pitch on the grass whilst associated vehicles park on adjacent hardstands. In essence, the site will cater for demand.

The number of pitches is dictated by the Caravan Sites and Control of Development Act 1960 which sets out Model Standards for Touring Caravan Sites. The Model Standards, which the applicant complies with on all of their UK sites dictates standards on density, spacing of units/pitches, amenity facilities, chemical disposal points, washing points, electrical installations, refuse disposal, site notices and fire precautions.

The current application seeks to ensure that the applicant is able to provide all relevant amenities to serve the site in accordance with the requirements of the Model Standards and it is the spacing requirements which dictates the number of pitches that the Club is able to provide on the site.

2. Proposed Hardstandings

During the consideration of the planning application, Natural Resources Wales (NRW) have provided a number of consultation responses. These have confirmed, most recently on 23rd May 2017 that as the application seeks only to convert hardstanding pitches and not increase the overall number of pitches, nor change the use from camping and caravanning or increase the opening season (on which there are no restrictions), the proposals will "not increase the level of flood risk and as we have explained in our previous correspondence [that] the primary mitigation is a robust flood management plan." The proposed conditions that would be attached to any planning permission issued would require a detailed Flood

Management Plan and indeed this is something which the applicant employs on all of their UK sites. This point was not disputed by Committee Members. However, Committee Members did request confirmation that NRW had no objection on flood risk grounds with regard to the proposed hardstanding pitches. NRW's consultation response dated January 2017 stated that it would be preferable if the proposed hardstanding pitches are permeable in nature and during the Planning Committee meeting the applicant was specifically asked to seek confirmation from NRW that the proposed hardstanding pitches were acceptable to them in terms of flood risk.

The Flood Consequences Assessment submitted with the planning application set out the drainage proposed for the site following the improvements.

Currently, the runoff generated by the site informally infiltrates from grassed areas and runs off in wet weather conditions to the River Wye, with no formal drainage network on site. Following the implementation of the proposed site upgrades and improvements the hardstanding pitches created will be permeable. They will be finished in stone/gravel and surface water will infiltrate through.

In addition, as shown on the Drainage Plan (Drawing No. WYE/000/17/PB: Proposed Drainage Layout) accompanying the application, a filter drain will be located either side of the proposed road, for its whole length. The road will be cambered to allow surface water to fall to the channels and filter drains and soakaways will be provided to ensure that runoff does not reach the river.

3. Site Manager's Pitch

The Wyese Camping and Caravanning site that is the subject of this application will be managed by the site management team, consisting of four people who will be based on site. Staff roles include taking bookings, dealing with all site enquiries and ensuring that the site is operated within the policies and procedures of the Club and also relevant law. Staff guide each camper to the pitches and ensure that they are positioned within the fire regulation requirements. They are also the first point of call to assist the campers for general enquiries and in the case of an emergency. During the opening season, a campsite is operation 24 hours a day, 7 days a week so staffing is carefully managed to ensure working time regulations are met and sufficient cover is always in place to manage the site. The roles and duties of the site staff, require them to reside on site whilst the site is open, hence the need for the site staff pitch as proposed within the planning application. The site staff will reside within their own caravan accommodation on this staff pitch.

Prior to the Applicant's lease and operation of the site it is noted that the site staff lived in the reception building that is within the wider blueline, but the Applicant is no longer using this for living accommodation. The Applicant intends to fully refurbish the reception to provide their customers with a modern and accessible reception facility, including meeting current Disability Discrimination Act requirements.

In order to ensure that the Site Manager's Pitch is occupied only for the purpose of staff employed by the Applicant a suitably worded condition could be attached to the grant of any planning permission as follows:

At no time shall the Site Manager's Pitch shown on Proposed Site Layout Plan WYE/000/17/PB be occupied by any persons other than those employed in the daily functions / operations of maintaining the Wyese Camping and Caravanning Site.

4. Public Right of Way

Public Byway RD420 crosses the site between the A470(T) across the development site to the River Wye. This is outside of the redline application area but no development will affect the byway which will remain fully accessible.

Should further clarification be needed on any matter relating to the application we would be pleased to answer any queries and trust that this Statement answers the outstanding matters, to enable Members to follow the Planning Officer's recommendation for approval of the application.

The extent of the development site is 1.1 ha in size and currently accommodates touring caravans, motorhomes and tented camping. The site is operated by the Camping and Caravanning Club who also control the adjacent static caravan site which has 40 pitches. Consent is sought in full for the upgrade of 31 pitches to gravel hard standings, replacement of the site access road and stone car park and other associated works.

Consultee Response

Cllr. Kelvyn Curry

Received 30th March 2017

I wish to object to the above application.

As previously indicated, I intend to speak when the above planning application goes to the Planning Committee for decision. However, as the application may now come to Committee sooner than it would have done had the applicant submitted their anticipated revised “camping field” layout plan, I am, in addition to applying to speak at Committee, now submitting this brief written overview of my objections. I will elaborate on each point at Committee in due course.

I’ve also yesterday had the benefit of reading in County Hall the Assent and Land Registry record relating to the “camping field” which was given to the people of Rhayader on the 11th April 2002.

My objections relate to the following:

- The current application eliminates the opportunity for visitors to the camp site to camp in tents;
- The application is contrary to the terms of the lease agreement between Powys County Council and the Caravan and Camping Club;
- The application flies in the face of the Assent which gave the “camping field” to the people of Rhayader. It states: “not to use the property for subject of this assent or any part thereof otherwise than for its present use as a caravan and camping site ...”;
- It is detrimental to tourism and the economy of Rhayader and surrounding area;
- The flood risk is underestimated;
- No emergency evacuation meeting location has been negotiated with surrounding land owners;
- Other on-site proposed developments will also reduce available land for tent camping;
- No consideration has been given regarding access to Waun Capel Parc;
- Inadequate information has been provided in relation to the effect on the ecology.

Rhayader Town Council

First response received 24th February 2017

The following points are noted for your consideration:

1) Councillors had held a meeting at the site on 16th February 2017. For decades the "Camping Field" has been used predominantly for pitching tents on grass. This has allowed many groups, families and individuals to stay in Rhayader on a budget and this has helped the local economy. In the proposed application there is to be virtually no provision for this type of space and Councillors believed that would have a massively detrimental effect on the number of people using the site as well as the range of people who would be able to use the site.

2) Councillors also cited that when the land was gifted to the Rhayader Rural District Council, it was designated to be used as a Camping Field in the traditional sense. Provision of hard standing would preclude such use. Some Councillors had been party to discussions with the lady who had gifted the field. Despite several requests to PCC, County Cllr. Kelvyn Curry had not received sight of the transfer deed and covenant relating to the original gift of the land comprising the Camping Field.

3) It was noted that despite the existing provision of Warden's accommodation on the adjoining caravan site (run in tandem with the applicant site) additional Warden accommodation is also proposed along with a service area, a motorhome service point and a stoned parking area, all of which reduce even further the area available for camping.

4) Councillors had also received sight of correspondence from PCC Legal Services which indicated that the proposed removal of camping provisions is contrary to the plans which were authorised under the terms of the lease.

5) The Council were particularly disappointed to note that there was no indication in the application of the access routes into and through the Camping Field to the Pavilion in Waun Capel Park which have traditionally been used by the public and which PCC had stated would be maintained and included as part of any lease or transfer of the land.

6) As the site is located within Flood Zone C, there is a requirement for a Flood Consequence report to be submitted with the application form in accordance with the guidelines for TAN 15. Councillors were extremely surprised that the planning application and supporting documents, particularly the 'Flood Risk Consequence Assessment' suggested on page '10', section '4.2 that

'the proposed development can be classified as 'less vulnerable' given that it can be considered an employment/commercial site and that the occupants fully accept the risk of flooding'.

Councillors absolutely refute this statement in its entirety. As the local authority will be well aware, the site cannot possibly be classed as an employment or commercial site, neither can those who book their camping trips there or turn up on the day to stay be said to 'fully accept the risk of flooding'. When one consults the table provided on page 11, '*Vulnerability of a development according to TAN 15*' it becomes obvious that the proposed site clearly fits in

the 'Highly Vulnerable' part of the table which includes: *'all residential premises (including hotels and caravan parks), public buildings (e.g. schools, libraries, leisure centres), especially vulnerable industrial development (e.g. power stations, chemical plants, incinerators), and waste disposal sites'*

7) Councillors were also surprised to note that the applicant's 'Flood Procedure and Policy' makes reference to the Cattle Market as the flood evacuation point. It just so happens that the Chairman and Treasurer of the Rhayader Market Hall and Smithfield Trust (the freeholder of the 'cattle market' site) along with a few more members of that Trust are also Town Councillors and they could confirm that the Trust has not been approached by the applicant in this regard at all. They remind the local authority that this facility is not open to all and that is in unavailable to the general public on many days throughout the year. This document should therefore not be relied upon.

In view of all the above, Councillors were unanimous in their decision to recommend that the application should be refused.

Second response received 14th July 2017 :

Councillors agreed that, despite this "upgrade", the original concerns raised by RTC still stand and had still not been addressed. Their original letters and comments therefore remain applicable. It was therefore resolved to recommend that the application be denied.

PCC - Highway

Email received 21st February 2017

Powys County Council as Highway Authority do not wish to comment on this application as the access is onto a trunk road which comes under the jurisdiction of the Welsh Government.

PCC - Building Control

No response at the time of writing this report.

Wales and West Utilities

Received 3rd July 2017

We enclose an extract from our mains records of the area covered by your proposals together with a comprehensive list of General Conditions for your guidance. This plan shows only those pipes owned by Wales and West Utilities in its role as a Licensed Gas Transporter (GT). Gas pipes owned by other GT's and also privately owned pipes may be present in this area. Information with regard to such pipes should be obtained from the owners. The information shown on this plan is given without obligation, or warranty and the accuracy thereof cannot be guaranteed. Service pipes, valves, siphons, stub connections etc are not shown but their presence should be anticipated. No liability of any kind whatsoever is accepted by Wales & West Utilities, its agents or servants for any error or omission.

Wales and West has pipes in the area. Our apparatus may be affected and at risk during construction works. Should the planning application be approved then we require the

promoter of these works to contact us directly to discuss our requirements in detail before any works commence on site. Should diversion works be required these will be fully chargeable.

You must not build over any of our plant or enclose our apparatus.

Please note 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.

Welsh Water

First email received 16th February 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

As the applicant intends utilising a septic tank facility we would advise that the applicant contacts Natural Resources Wales who may have an input in the regulation of this method of drainage disposal. However, should circumstances change and a connection to the public sewerage system is preferred we must be re-consulted on this application. We would inform you that a public sewer is crossing the application site. We have attached a copy of the public sewer record indicating the location of these assets. We would therefore request that the following be included in any planning consent you are minded to grant: The proposed development site is crossed by a public sewer with the approximate position being marked on the attached record plan. No development (including the raising or lowering of ground levels) will be permitted within the safety zone which is measured either side of the centre line. For details of the safety zone please contact Developer Services 0800 917 2652. The developer must contact us if a sewer connection is required under Section 106 of the Water Industry Act 1991 or any alteration to our apparatus is proposed prior to any development being undertaken.

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

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

Second email response received 4th July 2017 (following revised drawings):

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

We would inform you that a public sewer is crossing the application site. We have attached a copy of the public sewer record indicating the location of these assets. We would therefore request that the following be included in any planning consent you are minded to grant: The

proposed development site is crossed by a public sewer with the approximate position being marked on the attached record plan. No development (including the raising or lowering of ground levels) will be permitted within the safety zone which is measured either side of the centre line. For details of the safety zone please contact Developer Services 0800 917 2652. The developer must contact us if a sewer connection is required under Section 106 of the Water Industry Act 1991 or any alteration to our apparatus is proposed prior to any development being undertaken.

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

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

PCC - Ecologist

First email response received 16th May 2017

Thank you for consulting me with regards to planning application P/2017/0119 which concerns the upgrade of existing pitches to gravel hardstandings, replacement of site access road and stone car park and other associated works at Wyeside Caravan Park, Rhayader, Powys, LD6 5LB.

Given the proximity of the proposed development to the River Wye SAC it will be necessary to undertake a Habitats Regulations Assessment of the proposed development as required by Regulation 61 of the Conservation of Habitats and Species Regulations.

Mitigation measures proposed to reduce any potential adverse effects can be considered during the screening stage of the proposed development, given the nature of the proposed development consideration will need to be given to the potential for negative impacts to water quality from construction activities it is therefore recommended that a Construction Pollution Prevention Plan is requested from the applicant to demonstrate that the construction phase of the development can be undertaken in manner that will not significantly negatively affect the River Wye or it's associated features. I recommend that reference is made to the EA pollution Prevention Guidelines Series in particular PPG 6 - Working at construction and demolition sites; the EA in England withdrew these documents as guidelines last year but they are still available and provide a useful reference source – I have provided a link to the document below

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/485215/pmho0412bwfe-e-e.pdf

In the absence of the identified information prior to determination of the application the potential for the proposed development to result in a Likely Significant Effect to the River Wye SAC and/or it's associated features cannot be ruled out.

Where a potential impact to the European Designated site cannot be ruled out at the screening stage, either alone or in combination with other plans or projects, then an Appropriate Assessment would be required to be undertaken by the LPA. The Appropriate Assessment establishes whether in the view of the site's conservation objectives the

development would have an adverse effect on the integrity of the site or any of its features. Where such an adverse effect on the site cannot be ruled out, and no alternative solutions can be identified, then the development can only then proceed if there are no alternative solutions, there are imperative reasons of over-riding public interest and if the necessary compensatory measures can be secured.

Further details regarding the assessment of Development Proposals Likely to Affect an Internationally Designated Nature Conservation Site can be found in Annex 3 of Welsh Government Technical Advice Note 5, Nature Conservation and Planning (2009).

Therefore it is considered that currently there is insufficient information to enable the LPA to assess the potential impacts to a European Designated Site – The River Wye SAC – and further information in the form of a pollution prevention plan is requested.

In addition in accordance with PCC's Environment (Wales) Act 2016 Duty, TAN 5, PCC's Biodiversity SPG and UDP Policy SP3, a scheme of Ecological Enhancements should be secured as part of the application thus ensuring net biodiversity benefits (biodiversity enhancements) through the proposed development. This could include:

- provision of bird and bat boxes including the details of the number, type and location of these boxes;
- provision of wildlife sensitive landscaping.

Measures identified will need to be specific (i.e. details regarding locations, dimensions and numbers will need to be provided) and achievable. A Biodiversity Enhancement Plan could be secured through a planning condition, however as further information has been requested, the provision of information at this stage regarding the details and locations of any biodiversity enhancements to be provided would avoid the need for a pre-commencement condition.

2nd email response received 8th August 2017

Thank you for consulting me with regards to planning application P/2017/0119 which concerns an application for the upgrade of existing pitches to gravel hardstandings, replacement of site access road and stone car park and other associated works at Wyeside Caravan Park, Rhayader, Powys.

I have reviewed the proposed plans submitted with the application, photographs taken during your site visit as well as aerial 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 214 record of protected and priority species within 500m of the proposed development, no records were identified for the site itself. A number of records identified within 500m of the site were for otter, bat species and W&CA Schedule 1 and Environment (Wales) Act 2016 Section 7 bird species.

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

- River Wye SAC
- River Wye (Upper Wye) SSSI

Given the proximity of the proposed development to the River Wye SAC the potential for the construction and operation phases of the development to result in a Likely Significant Effect to the River Wye SAC and/or its associated features has been considered.

In order to ensure all relevant Natura 2000 sites were considered a search for Natura 2000 sites within 2km of the proposed development was carried out, the following Natura 2000 sites were identified:

- River Wye SAC
- Elan Valley Woodlands SAC
- Elenydd – Mallaen SPA

Having reviewed the nature of the proposed development and the distance from the site to the identified Natura 2000 sites as well as potential pathways and associated mobile species it was identified that the proposed development had potential to impact the River Wye SAC and that HRA Screening would be required to determine whether there would be a Likely Significant Effect to the SAC and/or its associated features from the proposed development.

The potential for the proposed development to result in a Likely Significant Effect to the River Wye SAC and/or its associated features has been considered.

Having reviewed the information provided by the applicant it has been determined that the proposed development would not result in a likely significant effect to the River Wye SAC and/or its associated features – I have attached a copy of the Screening Assessment for your records.

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

The proposed development seeks to upgrade facilities at the existing site to enable improved access to the site in all weather conditions, the Design and Access Statement identifies that the purpose of the proposed development is not to increase the visitors to/users of, the Site.

The site affected by the proposed development comprises an area of amenity grassland which is intensively managed through cutting, a mixture of native species-rich and species poor hedgerows are present along the eastern and southern boundaries, the western boundary adjacent to the River Wye is formed by linear trees. The habitats affected by the proposed development are considered to be of low ecological value, habitats of high ecological value are present along the boundaries of the site but it is understood that there will not be affected by the proposed development.

A Construction Method Statement produced by Camping and Caravanning Club date May 2017 has been submitted with the application, this document details Pollution Prevention Measures that will be implemented during the construction phase of the proposed development. I have reviewed the proposed measures and consider that they are appropriate and in line with current recommendations and guidelines with regards to pollution prevention. It is recommended that adherence to and implementation of the identified measures within the Construction Method Statement is secured through an appropriately worded condition.

A Biodiversity Enhancement Report produced by WYG dated June 2017 has been submitted as part of the application, this report considers the habitats present, potential for presence of protected species and identifies mitigation and enhancement measures to protect and

enhance biodiversity through the proposed development. I have reviewed the proposed measures and consider that they are appropriate and in line with National guidelines. I consider that the proposed mitigation measures would be sufficient to ensure that the proposed development would not result in the loss of or significant impacts to biodiversity at the site or in the wider environment. It is recommended that adherence to and implementation of the identified measures within the Biodiversity Enhancement Report is secured through an appropriately worded condition.

It is noted that the proposed plans and associated Design and Access statement indicate the provision of landscaping as part of the proposed development. The provision of landscaping is welcomed, and it is noted that the Biodiversity Enhancement Report identifies that species to be used in the proposed landscaping are native this is considered to be in accordance with UDP policy GP1 and 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 and proximity to the River Wye and features identified as having potential to be used by foraging or commuting nocturnal wildlife 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 noted that lighting is referred to in the Biodiversity Enhancement Report – however no specific details have been provided. 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:

The development shall be carried out strictly in accordance with the measures identified regarding Pollution Prevention within the Construction Method Statement produced by Camping and Caravanning Club date May 2017 and maintained thereafter unless otherwise agreed in writing by the LPA.

Reason: To comply with Powys County Council's UDP Policies SP3, ENV2, ENV3, ENV4, ENV5, ENV6 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

The development shall be carried out strictly in accordance with the measures identified in Section 4.0 - Retention and Enhancement: Habitats and Section 5.0 - Mitigation and Enhancement: Protected Species of the Biodiversity Enhancement Report produced by WYG dated June 2017 and maintained thereafter unless otherwise agreed in writing by the LPA.

Reason: To comply with Powys County Council's UDP Policies SP3, ENV2, ENV3, ENV4, ENV5, ENV6 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

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, ENV4, 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.

PCC - Land Drainage

No response at the time of writing this report.

Natural Resources Wales

First response received 9th March 2017

Thank you for your consultation advice received on 10th February 2017. We have previously provided pre-app advice to WYG Engineering Ref: CAS-27220-G1Y4. In our response we detailed a requirement, "The applicant will need to provide detailed hydraulic modelling in support of any planning application and address the bullet points below".

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

Condition1 - Prior to occupation of the replacement static caravans, a Flood Management Plan must be compiled and submitted for approval by Powys County Council.

Condition 2 - A condition requiring submission and implementation of a Pollution Prevention Plan

Condition 3 - A scheme of Reasonable Avoidance Measures for otters should be submitted

Condition 4 - Any security lighting must be installed in a way that minimise/avoid light spill in areas that could potentially be used by foraging and commuting bats / otters (all tree lines, river bank and hedgerows surrounding the site).

Flood Risk

The application site, relating to existing highly vulnerable development, lies entirely within zone C2, as defined by the Development Advice Map (DAM) referred to in Technical Advice Note 15: Development and Flood Risk (TAN15). Our flood map information, which is updated on a quarterly basis, confirms the site is within the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the River Wye, designated as an ordinary watercourse along this reach.

The following flood risk advice is based on there being no increase in occupancy as a result of the proposed pitch upgrades. However, for existing camping and caravan sites that are sited in floodplain, the opportunity should be taken to increase resilience and understanding of the flood risk posed.

General Comments

- A proposed 5 m watercourse corridor must be agreed with the Lead Local Flood Authority. All works affecting the River Wye and its banks may need prior consent from Powys CC as LLFA for this reach of the Wye.
 - Drainage proposals to be commented on by the Lead Local Flood Authority.
- Comments on the Flood Procedure & Policy Document

We note that references are made to the Environment Agency and we consider that this indicates that there is a misunderstanding of roles and responsibilities along this reach of the River Wye.

We advise that the Flood Procedure & Policy document should be rebranded and amended in line with the attached guidance, 'Your Caravan/Camping/Holiday Park Site Could be at Flood Risk > Practical Advice on Keeping You, Your Residents and Your Visitors Safe in a Flood' and agreed with Powys County Council Emergency Planning Department, prior to granting of any planning permission.

Condition1 - Prior to occupation of the replacement static caravans, a Flood Management Plan must be compiled and submitted for approval by Powys County Council.

Reason: To ensure all occupants of the park are aware and informed of the measures to take prior to a possible flood event.

Comments: It is strongly advised that the site is evacuated before any part of the site becomes inundated with floodwater. The management plan must be a 'living' document, to be amended when and as improved flood data becomes available.

We recommend that your consideration is given to consulting other professional advisors on the acceptability of the developer's proposals, on matters that we cannot advise on such as emergency 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 plans 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.

This includes assessment of residual risks, including impacts on access. 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 escape / evacuation is feasible.

Comments on FCA dated January 2017, Ref A100799, compiled by WYG

We consider that the FCA does not appropriately address the issues with this application in a flood plan and we re-iterate our previous advice below. We advise that the primary source of mitigation is a detailed and approved flood management plan.

We observe that section 4.2.1 of the FCA suggests that the proposed development is less vulnerable however section 5.1 of TAN15 advises that caravan parks should be considered as highly vulnerable for justification purposes.

Our previous development & Flood risk advice stated; “The applicant would be advised provide detailed hydraulic modelling however, the indicative flood levels suggest that detailed hydraulic modelling may not assist in the justification of the proposed development other than to corroborate the flood map extent and highlight that the current location is not sustainable or safe in flood risk terms.”

We advise the LPA that criteria within tables A1.14 and A1.15 of TAN15 cannot be met without detailed modelling and we cannot quantify the extent of the risk.

Without the benefit of detailed modelling, we can only advise the Planning Authority that criteria within tables A1.14 and A1.15 of TAN15 would fail. However, we would be unable to quantify extent of risk. However as we deduce that there will be no intensification of occupancy nor will there be any consideration to siting permanent static caravans on the proposed pitches the need for detailed modelling is not considered proportionate.

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 escape / evacuation is feasible.

However, we would advise that evacuation once a flood warning is issued may be considered too late, depending on the trigger levels, especially if river levels were rising during the night, say. Previous advice and relevant references to sections of TAN15 should help inform a proportionate and sustainable management plan.

Compilation of an updated robust management plan will be a key element to the safety of occupants and should be included as a condition in any planning approval. This is the only element that can offer betterment over the current situation and so should be maintained on a regular basis for the lifetime of the development.

We emphasise that acknowledgment of this betterment is based on there being no intensification of the site in terms of occupancy or nature of caravans, i.e. no static caravans.

Any future proposals to increase numbers of pitches would be resisted, if we were consulted as part of any planning application. Introducing more people into flood risk areas is not considered sustainable in flood risk terms.

River Wye SAC/Upper River Wye SSSI

The proposal site is already in use for camping and tourer caravans and it is immediately adjacent to the River Wye SAC/Upper River Wye SSSI. The pre-application information has not included detail on the composition of the additional bases. It would be preferable that permeable surfaces are used. Provided that a pollution prevention plan is implemented during the construction process we consider that there would be no likely significant effect on the River Wye SAC.

A pollution prevention plan should be created and implemented to prevent pollution of the water environment during construction.

Condition 2 - A condition requiring submission and implementation of a Pollution Prevention Plan

We advise that your Authority includes a suitably worded planning condition on any planning consent requiring full details of the means for pollution prevention during construction. No material should be deposited within 10m of any watercourse without discussion with Natural Resources Wales.

Guidance for Pollution Prevention GPP5 "Works and maintenance in or near water" has recently been updated (January 2017) and will be found at <http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>

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

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

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

Provided that there is sufficient capacity on site for handling waste from mobile units with chemical toilet waste and this is managed to prevent runoff or overflow into the river there is not likely to be an impact on the protected sites. We consider that subject to chemical toilet waste being appropriately managed, there would be no likely significant effects on the River

Wye SAC/Upper River Wye SSSI. Further information is provided under the relevant sections below.

Chemical Toilet Waste

Existing permits may need to be revised to ensure that there is sufficient capacity for increased occupancy and it advised that you contact the NRW Permitting Service.

Chemical toilet waste must be contained within a sealed and watertight cesspool, fitted with a level warning device to indicate when the tank needs emptying. The contents of the cesspool shall be taken to an identified sewage treatment works for full biological treatment.

The cesspool must be installed and maintained in accordance with British Standard 6297 and Approved Document H of the Building Regulations 2000. You should also have regard to Welsh Office Circular 10/99 in respect of planning requirements for non-mains sewerage. The applicant must obtain any necessary permit prior to any works starting on site.

Foul Drainage

We note that the site is near the Dwr Cymru / Welsh Water main sewer catchment for Rhayader. Government policy states that, where practicable, foul drainage should be discharged to the mains sewer.

Dwr cymru / Welsh Water should be consulted on the proposals and be requested to confirm that the sewerage and sewage disposal system serving the development has sufficient capacity to accommodate the additional flows generated as a result of the development. This is to ensure that the development does not cause pollution of the water environment or potential deterioration in the Water Framework Directive classification.

European Protected Species – Bats and Otters

An ecological report has not been provided with this proposal. Bats and Otters and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2010 (as amended). Otters are a feature of the River Wye SAC as well as being a European protected species.

Possible effects on bats could be mitigated by directing site lighting away from the river banks and to limit the impacts of light pollution on bats using the river corridor. We consider that otters using the nearby river would be used to levels of human activity as the camp site is already in use. We recommend that any permission should include a condition for Reasonable Avoidance Measures to avoid disturbance and injuries to otters.

The planning submissions did not included any information as the whether the pitches will have electricity supply points or whether there will be any security lighting near access barriers. Therefore we recommend the following conditions should be included in any permission.

Condition 3 - A scheme of Reasonable Avoidance Measures for otters should be submitted to include the following;

- No works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect otters from being trapped in open excavations and / or pipe and culverts are submitted to and approved in writing by the local planning authority. The measures may include a) creation of sloping ramps to allow otters to exit excavations; b) open pipework greater than 150mm outside diameter, being blocked off at the end of each working day.
- Construction works to be carried out during daylight hours only.
- Creation of a fenced off buffer area separating the hedgerow / river / woodland from the development site. No machinery or works to be carried out within the buffer zone.

Condition 4 - Any security lighting must be installed in a way that minimise/avoid light spill in areas that could potentially be used by foraging and commuting bats / otters (all tree lines, river bank and hedgerows surrounding the site).

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.

To conclude, we trust that the pre-application advice provided above is of assistance to you and provides details of the information and surveys that NRW would expect any application to be supported by. This information will allow NRW to fully assess the possible impact of the proposal on natural heritage interests.

Second - Revised response received 24th March 2017 (amended response so Condition 1 is appropriately worded)

Thank you for your consultation advice received on 10th February 2017. We have previously provided pre-app advice to WYG Engineering Ref: CAS-27220-G1Y4. In our response we detailed a requirement, “The applicant will need to provide detailed hydraulic modelling in support of any planning application and address the bullet points below”.

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

Condition1 - Prior to occupation of the improved pitches, a Flood Management Plan must be compiled and submitted for approval by Powys County Council.

Condition 2 - A condition requiring submission and implementation of a Pollution Prevention Plan

Condition 3 - A scheme of Reasonable Avoidance Measures for otters should be submitted

Condition 4 - Any security lighting must be installed in a way that minimise/avoid light spill in areas that could potentially be used by foraging and commuting bats / otters (all tree lines, river bank and hedgerows surrounding the site).

Flood Risk

The application site, relating to existing highly vulnerable development, lies entirely within zone C2, as defined by the Development Advice Map (DAM) referred to in Technical Advice

Note 15: Development and Flood Risk (TAN15). Our flood map information, which is updated on a quarterly basis, confirms the site is within the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the River Wye, designated as an ordinary watercourse along this reach.

The following flood risk advice is based on there being no increase in occupancy as a result of the proposed pitch upgrades. However, for existing camping and caravan sites that are sited in floodplain, the opportunity should be taken to increase resilience and understanding of the flood risk posed.

General Comments

A proposed 5 m watercourse corridor must be agreed with the Lead Local Flood Authority. All works affecting the River Wye and its banks may need prior consent from Powys CC as LLFA for this reach of the Wye.

Drainage proposals to be commented on by the Lead Local Flood Authority.

Comments on the Flood Procedure & Policy Document

We note that references are made to the Environment Agency and we consider that this indicates that there is a misunderstanding of roles and responsibilities along this reach of the

River Wye.

We advise that the Flood Procedure & Policy document should be rebranded and amended in line with the attached guidance, 'Your Caravan/Camping/Holiday Park Site Could be at Flood Risk > Practical Advice on Keeping You, Your Residents and Your Visitors Safe in a Flood' and agreed with Powys County Council Emergency Planning Department, prior to granting of any planning permission.

Condition1 - Prior to occupation of the improved pitches, a Flood Management Plan must be compiled and submitted for approval by Powys County Council.

Reason: To ensure all occupants of the park are aware and informed of the measures to take prior to a possible flood event.

Comments: It is strongly advised that the site is evacuated before any part of the site becomes inundated with floodwater. The management plan must be a 'living' document, to be amended when and as improved flood data becomes available.

We recommend that your consideration is given to consulting other professional advisors on the acceptability of the developer's proposals, on matters that we cannot advise on such as emergency 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 plans 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.

This includes assessment of residual risks, including impacts on access. 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 escape / evacuation is feasible.

Comments on FCA dated January 2017, Ref A100799, compiled by WYG

We consider that the FCA does not appropriately address the issues with this application in a flood plan and we re-iterate our previous advice below. We advise that the primary source of mitigation is a detailed and approved flood management plan.

We observe that section 4.2.1 of the FCA suggests that the proposed development is less vulnerable however section 5.1 of TAN15 advises that caravan parks should be considered as highly vulnerable for justification purposes.

Our previous development & Flood risk advice stated; "The applicant would be advised provide detailed hydraulic modelling however, the indicative flood levels suggest that detailed hydraulic modelling may not assist in the justification of the proposed development other than to corroborate the flood map extent and highlight that the current location is not sustainable or safe in flood risk terms."

We advise the LPA that criteria within tables A1.14 and A1.15 of TAN15 cannot be met without detailed modelling and we cannot quantify the extent of the risk.

Without the benefit of detailed modelling, we can only advise the Planning Authority that criteria within tables A1.14 and A1.15 of TAN15 would fail. However, we would be unable to quantify extent of risk. However as we deduce that there will be no intensification of occupancy nor will there be any consideration to siting permanent static caravans on the proposed pitches the need for detailed modelling is not considered proportionate.

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 escape / evacuation is feasible.

However, we would advise that evacuation once a flood warning is issued may be considered too late, depending on the trigger levels, especially if river levels were rising during the night, say. Previous advice and relevant references to sections of TAN15 should help inform a proportionate and sustainable management plan.

Compilation of an updated robust management plan will be a key element to the safety of occupants and should be included as a condition in any planning approval. This is the only element that can offer betterment over the current situation and so should be maintained on a regular basis for the lifetime of the development.

We emphasise that acknowledgment of this betterment is based on there being no intensification of the site in terms of occupancy or nature of caravans, i.e. no static caravans.

Any future proposals to increase numbers of pitches would be resisted, if we were consulted as part of any planning application. Introducing more people into flood risk areas is not considered sustainable in flood risk terms.

River Wye SAC/Upper River Wye SSSI

The proposal site is already in use for camping and tourer caravans and it is immediately adjacent to the River Wye SAC/Upper River Wye SSSI. The pre-application information has not included detail on the composition of the additional bases. It would be preferable that permeable surfaces are used. Provided that a pollution prevention plan is implemented during the construction process we consider that there would be no likely significant effect on the River Wye SAC.

A pollution prevention plan should be created and implemented to prevent pollution of the water environment during construction.

Condition 2 - A condition requiring submission and implementation of a Pollution Prevention Plan

We advise that your Authority includes a suitably worded planning condition on any planning consent requiring full details of the means for pollution prevention during construction. No material should be deposited within 10m of any watercourse without discussion with Natural

Resources Wales.

Guidance for Pollution Prevention GPP5 “Works and maintenance in or near water” has recently been updated (January 2017) and will be found at

<http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>

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

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

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

Provided that there is sufficient capacity on site for handling waste from mobile units with chemical toilet waste and this is managed to prevent runoff or overflow into the river there is

not likely to be an impact on the protected sites. We consider that subject to chemical toilet waste be appropriately managed, there would be no likely significant effects on the River Wye SAC/Upper River Wye SSSI. Further information is provided under the relevant sections below.

Chemical Toilet Waste

Existing permits may need to be revised to ensure that there is sufficient capacity for increased occupancy and it is advised that you contact the NRW Permitting Service.

Chemical toilet waste must be contained within a sealed and watertight cesspool, fitted with a level warning device to indicate when the tank needs emptying. The contents of the cesspool shall be taken to an identified sewage treatment works for full biological treatment.

The cesspool must be installed and maintained in accordance with British Standard 6297 and Approved Document H of the Building Regulations 2000. You should also have regard to Welsh Office Circular 10/99 in respect of planning requirements for non-mains sewerage. The applicant must obtain any necessary permit prior to any works starting on site.

Foul Drainage

We note that the site is near the Dwr Cymru / Welsh Water main sewer catchment for Rhayader. Government policy states that, where practicable, foul drainage should be discharged to the mains sewer.

Dwr cymru / Welsh Water should be consulted on the proposals and be requested to confirm that the sewerage and sewage disposal system serving the development has sufficient capacity to accommodate the additional flows generated as a result of the development. This is to ensure that the development does not cause pollution of the water environment or potential deterioration in the Water Framework Directive classification.

European Protected Species – Bats and Otters

An ecological report has not been provided with this proposal. Bats and Otters and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2010 (as amended). Otters are a feature of the River Wye SAC as well as being a European protected species.

Possible effects on bats could be mitigated by directing site lighting away from the river banks and to limit the impacts of light pollution on bats using the river corridor. We consider that otters using the nearby river would be used to levels of human activity as the camp site is already in use. We recommend that any permission should include a condition for Reasonable Avoidance Measures to avoid disturbance and injuries to otters.

The planning submissions did not include any information as to whether the pitches will have electricity supply points or whether there will be any security lighting near access barriers. Therefore we recommend the following conditions should be included in any permission.

Condition 3 - A scheme of Reasonable Avoidance Measures for otters should be submitted to include the following;

- No works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect otters from being trapped in open excavations and / or pipe and culverts are submitted to and approved in writing by the local planning authority. The measures may include a) creation of sloping ramps to

- allow otters to exit excavations; b) open pipework greater than 150mm outside diameter, being blocked off at the end of each working day.
- Construction works to be carried out during daylight hours only.
- Creation of a fenced off buffer area separating the hedgerow / river / woodland from the development site. No machinery or works to be carried out within the buffer zone.

Condition 4

- Any security lighting must be installed in a way that minimise/avoid light spill in areas that could potentially be used by foraging and commuting bats / otters (all tree lines, river bank and hedgerows surrounding the site).

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.

To conclude, we trust that the pre-application advice provided above is of assistance to you and provides details of the information and surveys that NRW would expect any application to be supported by. This information will allow NRW to fully assess the possible impact of the proposal on natural heritage interests.

Third response received 23rd May 2017

We have previously provided advice regarding this case on;
22nd December 2016 CAS-27220-G1Y4
9th March 2017 CAS-29467-Z1Z2
24th March CAS-29467-Z1Z2

In addition we sent an email to the LPA on 19th April 2017 to query whether the application relates to formalisation of pitches or an intensification of occupancy.

We have now seen the email from Sarah Butterfield of WYG (12th May) which confirms that “the application only seeks to formalise existing grass pitches and not to intensify the use of the site in terms of the overall number of pitches nor change the use from camping and caravanning. In terms of the opening season the applicant understands there are no current restrictions on the opening season and this is not proposed to be altered as part of the current application.”

Formalisation of grass pitches with no increase in season does not increase the level of flood risk and as we have explained in our previous correspondence that the primary mitigation is a

robust flood management plan. Further flood modelling would be helpful in terms of quantifying the level of flood risk.

The Planning Authority, Emergency Planner and operator of the site need to provide a robust management plan which ensures occupants remain safe during a predicted flood event.

We advise that conditions, as we previously detailed in CAS-29497-Z1Z2 24th March 2017 should be attached to any planning permission granted.

Fourth response received 19th July 2017

Thank you for consulting Natural Resources Wales (letter dated 02/07/2017) regarding additional information on the above.

Our latest response to this consultation was on 24/03/2017 (CAS-29467-Z1Z3) when we recommended that the application could be approved subject to the following conditions:

Condition 1: Prior to occupation of the improved pitches, a Flood Management Plan must be compiled and submitted for approval by Powys County Council.

Condition 2: A condition requiring submission and implementation of a Pollution Prevention Plan.

Condition 3: A scheme of Reasonable Avoidance Measures for otters should be submitted

Condition 4: Any security lighting must be installed in a way that minimise/avoid light spill in areas that could potentially be used by foraging and commuting bats/otters (all tree lines, river bank and hedgerows surrounding the site).

We note the additional information submitted to your authority, namely, Biodiversity Enhancement Report dated June 2017 by WYG, construction method statement dated May 2017 by P Bagnall, Information to Support Assessment of Likely Significant Effects under the Habitat Regulations report dated June 2017 by WYG and drawing plan WYE/000/17. Information within the above mentioned additional documents indicates that certain concerns we suggested to address via conditions 1 to 5 in our response of 24/3/2017 have already been addressed.

NRW does not object to the proposal, subject to the use of appropriate conditions.

Summary of Conditions

Condition 1 - FMP: Prior to occupation of the improved pitches, a Flood Management Plan must be compiled and submitted for approval by Powys County Council.

Condition 2 - PPP: Submission and implementation of a Pollution Prevention Plan.

Condition 3 - RAMS: The implementation of the Reasonable Avoidance Measures for otters and bats as described in the Biodiversity Enhancement Report dated June 2017 by WYG, construction method statement dated May 2017 by P Bagnall, Information to Support Assessment of Likely Significant Effects under the Habitat Regulations report dated June 2017 by WYG and drawing plan WYE/000/17.

Flood risk

We have no additional comments to add on flood risk, please refer to our letter of 24/3/2017 (CAS-29467-Z1Z3).

Condition 1 - FMP: Prior to occupation of the improved pitches, a Flood Management Plan must be compiled and submitted for approval by Powys County Council.

River Wye SAC / Upper River Wye SSSI

A pollution prevention plan (PPP) should be created and implemented to prevent pollution of the water environment and nearby SAC during construction.

Condition 2 - PPP: Submission and implementation of a Pollution Prevention Plan.

We note that some recommendations have been made in the construction method statement dated May 2017 by P Bagnall and the Information to Support Assessment of Likely Significant Effects under the Habitat Regulations report dated June 2017 by WYG.

We recommend that a comprehensive PPP is also submitted and implemented in line with Guidance for Pollution Prevention GPP% "Works and maintenance in or near water" which has recently been updated (January 2017) and can be found at:

<http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>

Should any contaminated water or material enter or pollute the nearby River Wye or ground water, NRW must be notified immediately on Tel: 03000653000.

Chemical Toilet Waste and foul drainage

We have no additional comments to add on foul drainage, please refer to our letter of 24/3/2017 (CAS-29467-Z1Z3).

Protected Species

We recommend the reasonable avoidance measures described in the Biodiversity Enhancement Report dated June 2017 by WYG, the construction method statement dated May 2017 by P Bagnall, the Information to Support Assessment of Likely Significant Effects under the Habitat Regulations report dated June 2017 by WYG and drawing plan WYE/000/17 are implemented as part of the development.

Condition 3 - RAMS: The implementation of the Reasonable Avoidance Measures for otters and bats as described in the Biodiversity Enhancement Report dated June 2017 by WYG, construction method statement dated May 2017 by P Bagnall, Information to Support Assessment of Likely Significant Effects under the Habitat Regulations report dated June 2017 by WYG and drawing plan WYE/000/17.

Scope of NRW Comments

Our comments above only relate specifically to matters that are included on our checklist "Natural Resources Wales and Planning Consultations" (March 2015) which is published on our website: (<https://naturalresources.wales/media/5271/150302-natural-resources-wales-and-planning-consultations-final-eng.pdf>). We have not considered potential effects on other

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

Welsh Government Transport (Trunk Road)

First email received 3rd March 2017

I refer to your consultation of 10 February 2017 regarding the above application and advise that the Welsh Government as highway authority for the A470 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.

Second email received 13th July 2017

I refer to your consultation of 3 July 2017 regarding the above application and advise that the Welsh Government as highway authority for the A470 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.

Countryside Services – Rights of Way

First email received 6th March 2017

Thank you for your consultation regarding the above application.

Public byway RD420 extends from the A470(T) south-west across the development site to the River Wye. The byway is crossed by the current and proposed access road and must remain accessible to users on foot, horse, horse-drawn cart and vehicular traffic. Any works resulting in a change of level, such as kerbside edging, at the edges of the access road must be avoided. Two upright metal poles installed on the byway at the intersection of the access road appear to fall within the development area. These constitute an unlawful obstruction to users of the byway and should be removed as soon as possible.

The applicant must be advised that at no time during the development phase should any public right of way be obstructed. No materials should be placed or stored on the line of any public right of way and any damage caused to the surface of any public right of way must be made good to at least its current condition or better. Any unlawful disturbance, damage or obstruction to any public right of way could have legal repercussions.

Second email received 11th July 2017

Re the additional information submitted for application P/2017/0119 – there are no additional comments in relation to the public rights of way.

Environmental Health

Received 1st March 2017

I have no comments to make.

Commons Registration (Recreation and Countryside Services)

Email Received 7th March 2017

I refer to the above Planning Application which was brought to my attention by a colleague because registered Common Land Unit Number RCL072 is situated within the Wyeside Caravan Park. I attach an extract from the Commons Registration Map as it is worth the applicant being aware of the location of RCL072. The original map can be inspected at the Gwalia Offices, Llandrindod Wells.

Commons Registration Records show that:

- The land is in the ownership of Powys County Council
- All registered Common Land is subject to a public right of access on foot for informal recreation granted under the Countryside & Rights of Way Act 2000.

It is noted from the planning application documents submitted that permission for a replacement internal site access road is sought. Part of this road travels across the piece of common land. In this case the laying of tarmac is for the repair of an existing surface and no additional consent under Section 38 of the Commons Act 2006 from the Welsh Government is required, however the applicants should ensure that:

- The public access 'on foot' granted by the Countryside and Rights of Way Act 2000 must not be impeded or prevented at any time.
- There is no encroachment onto the common during the construction phase of the improvements i.e. building materials must not be stored on the common.
- Any inadvertent damage caused is made good as soon as possible.

Second response received 5th July 2017 following submission of revised plans:

Commons Registration has no additional comments.

PCC Emergency Planning Officer

No response at the time of writing this report.

Wales and West Fire Service

No response received at the time of writing this report.

Open Spaces Society

No response received at the time of writing this report.

Powys Ramblers Association

No response received at the time of writing this report.

Representations

A public site notice was displayed on the 24th February 2017. A revised site layout and supporting information were received on the 29th June 2017 and revised site notices were displayed on the 3rd July 2017 together with a re-consultation of all consultees. At the time of writing this report 11 individual representations have been made (from 8 different properties), which are summarised below:

- Concerns raised regarding the site being “gifted” to the town of Rhayader for camping and touring use.
- Flood risk concerns.
- Biodiversity concerns.
- Impact on tourism.
- Will prevent access to river bank for local fishing club.
- Increased traffic activity.
- Noise concerns.
- Concerns over the formality of the proposed site.

Planning History

CL42 – Certificate of Lawful use or development – for up to 30 touring caravans on land at Wyeside Caravan Park. Approved.

Principal Planning Constraints

Flood Zone
Public Right of Way - 157/420/1,4
Radnor Common Land - RCL072
A470 Trunk Road
SSSI – River Wye
SAC – River Wye

Principal Planning Policies

National planning policy

Planning Policy Wales (Ed 9, 2017)
Technical Advice Note 5: Nature Conservation and Planning (2009)
Technical Advice Note 11: Noise (1997)
Technical Advice Note 13: Tourism (1997)
Technical Advice Note 15: Development and Flood Risk (2004)
Technical Advice Note 23: Economic Development (2014)

Local Policies

Unitary Development Plan, March, 2010

GP1 - Development Control
GP3 - Design and Energy Conservation

GP4 – Highway and Parking Requirements
ENV 2: Safeguarding the Landscape
ENV 3: Safeguarding Biodiversity and Natural Habitats
ENV 5: Nationally Important Sites
ENV 7: Protected Species
EC1 – Business, Industrial and commercial developments
DC1 - Access by Disabled Persons
RL4 - Outdoor Activity and Pony Trekking Centres
RL6 - Rights of Way and Access to the Countryside
SP3 – Natural, Historic and Built Heritage
SP8 – Tourism Developments
SP14 - Development in Flood Risk Areas
T6 – Walking and Cycling
TR7 – Touring Caravan and Camping Sites

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

Consideration has been given to Policy TR7 of the Unitary Development Plan (2010) which is of particular relevant to this planning application.

Policy TR7 of the Unitary Development Plan (2010) indicates that proposals for new touring caravan and camping sites or for extensions to existing sites will be permitted where the site would be located within 1 kilometre of suitable roads, where a safe access is available, where the site can be assimilated into the landscape and screened from the public highway and where the site is not to be used for the permanent siting of caravans or permanent residential use and a seasonal occupancy condition is attached to any planning permission.

Having considered the submission, the proposal is to offer pitches on the existing camping site for tented camping, touring caravans and motorhomes. The planning application is for site upgrades and improvements that will include:

- The conversion of 31 existing grassed pitches to gravel hardstanding's (the original submission was for 42 hardstanding's which was amended on the 29th June 2017 after concerns were raised by the Town Council and local residents).
- Provision of a replacement site access road (including drainage channels) to serve the pitches and a stoned car park area near to the entrance to the site.

- Provision of a service area and a motorhome service point including drainage attenuation cells.
- Provision of a site managers pitch.
- Provision of a bin storage area.
- Provision of electric site access and egress barriers.
- Provision of approximately 15 electricity hook-up bollards to serve the pitches.
- On site landscaping.

Having considered the application, the site is located off the A470 trunk road with a safe access. The site is an existing tourist facility used for camping, touring caravan and motorhomes and is screened from the highway and assimilated into the landscape. It is therefore considered that the proposal as submitted fundamentally complies with Policy TR7 of the Unitary Development Plan (2010) and therefore the principle of development is deemed acceptable.

Highway safety

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

The proposed development will be accessed from the existing access off the A470 trunk road.

The Highway Authority has been consulted on the application and has confirmed that they do not wish to comment on this application as the access is onto a trunk road which comes under the jurisdiction of the Welsh Government.

The Trunk Road Agency has been consulted and has confirmed that the Welsh Government as highway authority for the A470 trunk road does not wish to issue a direction in respect of this application.

In light of the above consultee responses, it is considered that the proposal is in accordance with Policy GP4 of the Unitary Development Plan.

Impact on ecology

Consideration has been given to Policies ENV 2, ENV 3 and ENV 7 of the UDP which state that development proposals are to take into consideration the need to maintain biodiversity and the nature conservation and amenity value of habitats and features that are of importance.

The River Wye Special Area of Conservation (SAC) and a Site of Special Scientific Interest (SSSI) border the western boundary of the site. A Biodiversity Enhancement Plan (June 2017) has been submitted by the Agent on the 29th June 2017 as supporting information.

This plan indicates that all hedgerows and trees within the site are to be retained and protected and a 5 metre buffer adjoining the western boundary of the site has been retained and is not included within the site boundary.

As part of the application areas of habitat are to be created which include; proposed new hedging in the centre of the site and along the western boundary to provide additional wildlife habitats. Areas of long grassland will be created along the eastern and southern boundary, nesting features to increase opportunities for breeding birds on site are to be installed and roosting features to increase opportunities for bats on site are to be installed. The Agent has confirmed that there will be a net loss of 0.3 hectares of amenity grassland to accommodate the proposed conversion of grass pitches.

A Construction Method Statement has been submitted as supporting information on the 29th June 2017 which details Pollution Prevention Measures that will be implemented during the construction phase of the proposed development.

The County Ecologist has been consulted and has provided comments with regard to the proposed development and has confirmed that the River Wye SAC and the River Wye (Upper Wye) SSSI fall within 500 metres of the site. The River Wye SAC, the Elan Valley Woodlands SAC and Elenydd-Mallaen SPA are noted to fall within 2km of the proposed development. Due to the proximity of the development to the River Wye SAC it was deemed necessary for a Habitat Regulations Assessment (HRA) to be undertaken. The County Ecologist confirms that having considered the information provided by the applicant it has been determined that the proposed development would not result in a likely significant effect to the River Wye SAC and / or its associated features.

The County Ecologist has noted that should the local planning authority be minded to approve the application then the inclusion of suitably worded conditions are to be included which will ensure that the development is carried out in accordance with the measures identified within the Construction Method Statement and the Biodiversity Enhancement Report (June 2017). In addition a request for a detailed Landscape and Management Plan and lighting design scheme through condition has been requested.

In light of the above and having considered the comments of the County Ecologist it is considered that subject to the inclusion of suitably worded conditions, the proposed development can be managed to an acceptable level and therefore complying with relevant planning policy, particularly policies ENV 2, ENV 3 and ENV 7 of the UDP.

Flooding

The site as submitted is located in Flood Zone C, as defined by the Development Advice Map (DAM) referred to in Technical Advice Note 15: Development and Flood Risk (TAN15) and hence a Flood Consequences Assessment (FCA) was submitted in support of the application.

The Agent has confirmed that the application only seeks to formalise existing grass pitches and not to intensify the use of the site in terms of the overall number of pitches nor change the use from camping and caravanning. In terms of the opening season the Agent has noted that there are no current restrictions on the opening season and this is not proposed to be altered as part of the current application.

NRW have been consulted as part of the application and do not have objections subject to the use of appropriately worded conditions relating to the submission of a flood management plan prior to occupation of the improved pitches, the submission of a pollution prevention plan and the implementation of the reasonable avoidance measures as outlined in the Biodiversity Enhancement Plan (dated June 2017).

In light of the above, and having considered Policy SP14, it is considered that the submission has demonstrated that an intensification of the current use is not taking place and that the consequence of any flooding would be acceptable for the development proposed and that the works will not give rise to any unacceptable flooding impacts elsewhere. It is therefore considered that the proposal fundamentally accords with Policy SP14 of the UDP subject to appropriately worded conditions.

Appearance, materials, layout and scale

For clarification the submission includes the following proposals:

- The conversion of 31 existing grassed pitches to part gravel hardstanding's. Hardstanding details have been submitted (drawing no.STD.15) which indicate a 5 metre by 9 metre stone hardstanding (within an 11 metre by 11 metre pitch plot) with timber edging, sub-base, geo-lay matting and stone to finish. The remainder of each pitch will remain grassed.
- Provision of a replacement tarmac site access road (including drainage channels) to serve the pitches. Details of the road (Drawing no: STAND/0009) indicate an 8 metre wide single / one way system road with 500mm wide gravel drainage strips on either side.
- Provision of a stone car park area close to the existing entrance to the site measuring approximately 24 metres by 5 metres.
- Provision of a motorhome service point (combined with a service area) is to be located near the site entrance in the northern part of the site. Plans submitted STAND/030 indicate a 22 metre by 6 metre pull in bay located directly north west of the entrance to the site. The service point allows touring caravans to dispose of foul water and replenish clean water. The proposed pull-in area will have a tarmacadam surface with a service area located directly west of the pull-in layby.
- A further service area will be located in the southern section of the site. This area will incorporate a service area with bollard for both drinking water and wash out taps. The 4 metre by 3 metre service area will be secured on all sides by a timber fence. The service area will provide for the disposal of general waste water and the replenishment of drinking water.(Plan STD.04)
- The site manager's pitch is proposed on the eastern boundary of the site close to the entrance area. The 11 metre by 9 metre pitch will include a 6 metre by 9 metre hardstanding and bounded on all sides by a low timber enclosure

fence. A service bollard with integral bottle trap is to be included within the pitch (Plan Stand/016/CED)

- The proposed bin storage is to be located near the site entrance and will comprise a 4.4 metre by 6 metre with concrete slab base and secured by a 1.8 metre high wooden fence. The area is to be accessed by gates (Plan Stand/010).
- Provision of electric site access and egress barriers at the entrance to the site. The barriers are shown on drawing Stand/013 and include a 1.1 metre high barrier with a 6 metre barrier arm and to be operated by a keypad pedestal stand.
- Provision of approximately 15 electricity hook-up bollards to serve the pitches.
- On site landscaping to be undertaken at the entrance and around the proposed motorhome service point and within the site. Landscaping is to be secured through condition.

Consideration has been given to Policy GP1 in relation to the appearance of the proposed works, the proposed materials together with site layout and scale.

GP1 states that the design, layout, size and scale, mass and materials of the development shall complement and where possible enhance the character of the surrounding area.

Having assessed the proposals as outlined above, it is considered that the proposed works are of a suitable scale and design with appropriate materials to the location. Concerns have been raised by the Town Council and local residents during the course of the application and the applicant provided revised plans on the 29th June 2017 which reduced the proposed number of hardstanding pitches from 42 to 31. This reduction now shows an area of open grassland along the western boundary of the site (adjoining the river) which can be accessed for tented accommodation. The hardstanding pitches are also available for tented accommodation across the site. With regard to the proposed site manager's pitch, the Agent has confirmed that the site manager is required to have a presence on site at all times and hence the proposal for a permanent pitch.

In consideration of the appearance of the proposed works, materials proposed and the layout and scale it is considered that the proposal fundamentally complies with Policy GP1 of the Unitary Development Plan (2010).

Impact on residential amenity

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

Objections have been submitted by local residents that offer concern regarding noise and amenity impacts from the proposed development.

Environment Health has been consulted regarding this matter and do not have any objections.

The nearest properties to the proposed site are Upper Ffynnon Fair which is located approximately 22 metres from the proposed site manager's pitch in an easterly direction. No 1 and 2 Ffynnon Fair are located approximately 25 metres distant in an easterly direction from the proposed hardstanding pitches located on the lower southern section of the site. The development proposals along the eastern boundary of the site closest to nearby properties are to include the site manager's pitch, and 10 pitches (to include a hardstanding area).

The use of the field currently is for touring caravans, motorhomes and tented camping and the total number of pitches the site currently accommodates is 60. The application does not increase the number of pitches but formalises the layout by providing a hardstanding area and electric hook up point for those that require it. The proposed number of hardstanding pitches is 31.

Taking into account the comments of Environmental Health and the established use of the site at present, it is considered that issues with regard to noise and associated amenity issues will not unacceptably affect the nearby residents due to the use currently established on the site and the distance of approximately 25 metres between neighbouring properties and the application site.

In light of the consultee responses and taking into account the proposed development, it is therefore considered that the application fundamentally accords with Policy GP1 of the UDP.

Landscape and visual impacts

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

The application as submitted is on an existing camping site on the edge of the settlement of Rhayader. The site is already well screened from the adjoining A470 trunk road to the east and an existing tree line exists along the river edge which also provides screening to the west. Having considered Policy ENV2 of the UDP, the high quality of the landscape in this location is recognised, however, as the application is for works that are commonly found on a camping site of this nature, it is considered that the application fundamentally accords with Policy ENV2 in this respect.

Land ownership issues

During the course of the application the Town Council and public representations have made reference to the site being "gifted" to the town of Rhayader.

It is understood that Powys Council have leased the land the subject of this planning application to the Camping and Caravanning Club (lease dated 1st June 2016) and any issues with regards to the breach of the lease are to be dealt with as a legal matter between

the Council Legal Team and the Camping and Caravanning Club. Matters relating to the lease are not planning considerations and as such should not be considered in determining this application. With regard to the public byway RD420 that crosses the site, the Agent has confirmed that this will remain accessible with no changes proposed.

Other 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.

Decision

Having carefully considered the proposed development, Officers consider that the proposal broadly complies with planning policy and therefore the recommendation is one of conditional approval.

Conditions

1. The development to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.
2. The development shall be carried out strictly in accordance with the plans and supporting documents stamped as approved on XXXX .(Amended Proposed Site Layout Plan Drawing No. WYE/000/17 Rev A, Hardstanding detail STD.15 and STAND/0009, Bin Store STAND/010, Site manager pitch STAND/016/CED, Service Area STD.04, Motorhome service point combined with service area STAND/030, Hook up bollard and plinth detail STAND/028, Construction Method Statement (May 2017), Information to support an Assessment of Likely Significant Effects under the Habitat Regulations (June 2017), Flood Procedure and Policy (as amended) received 14th March 2017, Biodiversity Enhancement Report (June 2017), Flood Risk Consequences Assessment (January 2017)
3. Prior to occupation of the improved pitches, a Flood Management Plan must be compiled and submitted for approval by Powys County Council.
4. The development shall be carried out strictly in accordance with the measures identified regarding Pollution Prevention within the Construction Method Statement produced by Camping and Caravanning Club date May 2017 and maintained thereafter unless otherwise agreed in writing by the LPA.
5. The development shall be carried out strictly in accordance with the measures identified in Section 4.0 - Retention and Enhancement: Habitats and Section 5.0 - Mitigation and Enhancement: Protected Species of the Biodiversity Enhancement Report produced by WYG dated June 2017 and maintained thereafter unless otherwise agreed in writing by the LPA.
6. Prior to the occupation 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 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
7. No external lighting, with the exception of electric hook-up bollards, 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.

8.The occupation of the Site Managers accommodation shall be limited to a person solely or mainly employed or last employed in the business occupying the site identified as the Wyeside Caravan Park edged in red on site layout plan drawing No. WYE/000/17 Rev A.

9. The development shall be occupied as holiday accommodation only and shall not be occupied as a person's sole or main place of residence or by any persons exceeding a period of 28 days in any calendar year. An up to date register shall be kept at the Wyeside Caravan Park as shown on site layout plan drawing No. WYE/000/17 Rev A. and be made available for inspection by the local planning authority upon request. The register shall contain details of the names of all of the occupiers of the tourers, tented camping and motorhome accommodation, their main home addresses and their date of arrival and departure from the site.

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 all occupants of the park are aware and informed of the measures to take prior to a possible flood event.

4. To comply with Powys County Council's UDP Policies SP3, ENV2, ENV3, ENV4, ENV5, ENV6 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

5. To comply with Powys County Council's UDP Policies SP3, ENV2, ENV3, ENV4, ENV5, ENV6 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

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

7.To comply with Powys County Council's UDP Policies SP3, ENV3, ENV4, 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.

8.In order to ensure proper control of the use of the Site Managers accommodation.

9. In order to ensure proper control of the use of the site and to prevent the establishment of permanent residency.

Informative Notes

Recreation and Countryside Services:

- The public access 'on foot' granted by the Countryside and Rights of Way Act 2000 must not be impeded or prevented at any time.
- There is no encroachment onto the common during the construction phase of the improvements i.e. building materials must not be stored on the common.
- Any inadvertent damage caused is made good as soon as possible.

Countryside Services – Rights of Way

The applicant must be advised that at no time during the development phase should any public right of way be obstructed. No materials should be placed or stored on the line of any public right of way and any damage caused to the surface of any public right of way must be made good to at least its current condition or better. Any unlawful disturbance, damage or obstruction to any public right of way could have legal repercussions.

Dwr Cymru / Welsh Water

The proposed development site is crossed by a public sewer with the approximate position being marked on the attached record plan. No development (including the raising or lowering of ground levels) will be permitted within the safety zone which is measured either side of the centre line. For details of the safety zone please contact Developer Services 0800 917 2652. The developer must contact us if a sewer connection is required under Section 106 of the Water Industry Act 1991 or any alteration to our apparatus is proposed prior to any development being undertaken.

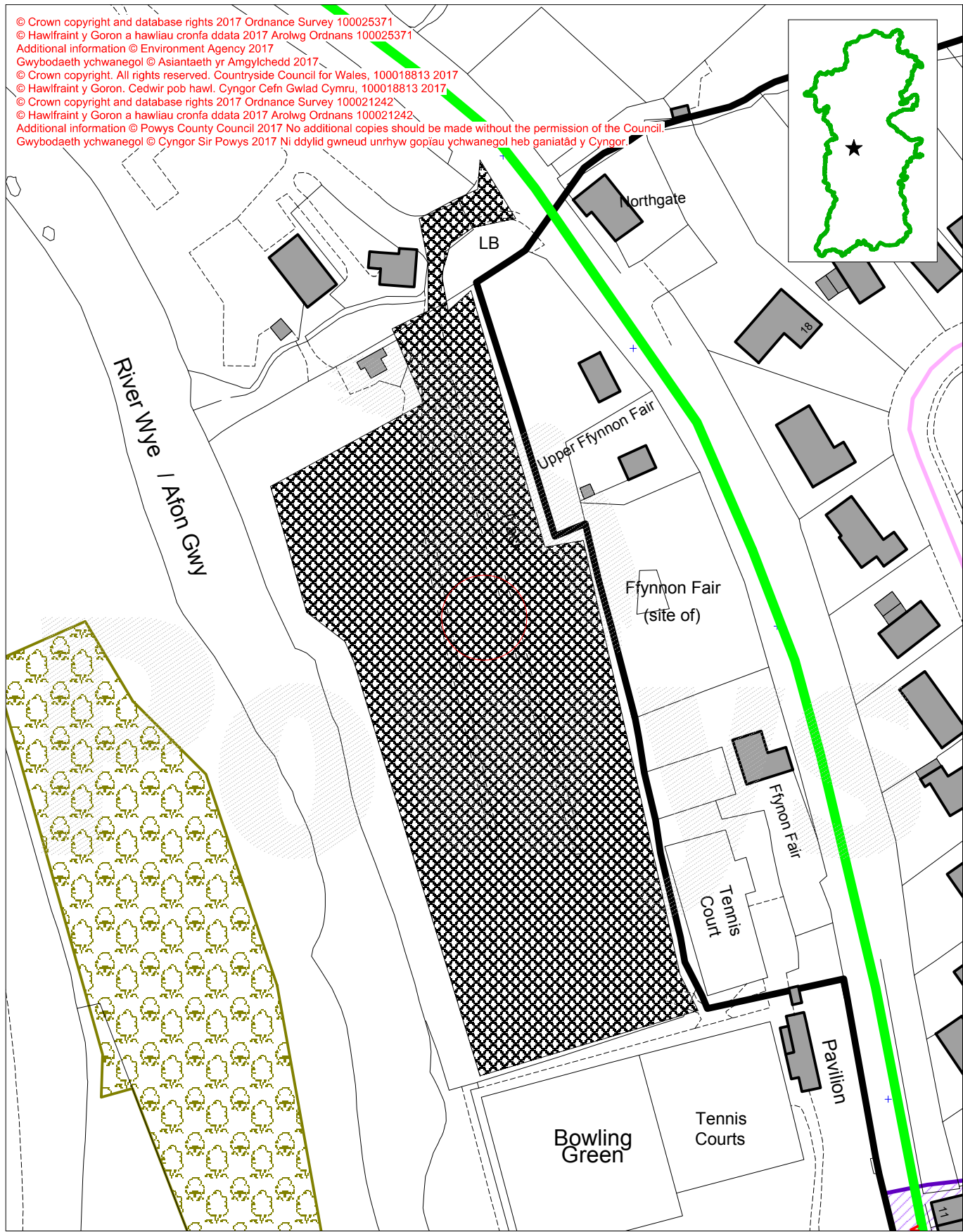
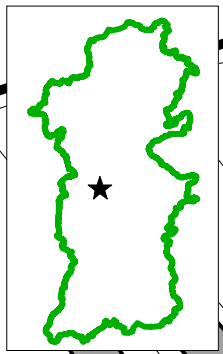
If you have any queries please contact the undersigned on 0800 917 2652 or via email at developer.services@dwrwymru.com

Wales and West

The applicant's attention is drawn to the comments of Wales and West Utilities which are attached to this decision notice for attention.

Case Officer: Karen Probert- Planning Officer
Tel: 01597827372 E-mail:karen.probert1@powys.gov.uk

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4.3

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2017/0530	Grid Ref:	326880.85 318533.03
Community Council:	Llandysilio	Valid Date:	Officer: 19/05/2017 Tamsin Law
Applicant:	Mr Mervyn Jones		
Location:	Land West of the Street, Four Crosses, Powys, SY22 6RE		
Proposal:	Outline: Residential development, formation of vehicular access and estate roadway together with all associated works		
Application Type:	Application for Outline Planning Permission		

The reason for Committee determination

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

Site Location and Description

The site is approximately 1.42 Ha in size and is located adjacent to the western edge of the development boundary of Four Crosses (Llandysilio).

The site itself is currently agricultural land and is relatively flat. The site is bound to the north by existing agricultural land, to the east and south by existing residential dwellings and to the east by the A483 trunk road.

The application is an outline application for the development of 36 new dwellings. The application proposes 8 affordable dwellings which equates to approximately a 22% contribution. Whilst in outline the plans give an indication to the housing types to be provided for within the development and are outline below;

- 7 two-bedroom semi-detached dwellings
- 5 three-bedroom semi-detached dwellings
- 3 two-bedroom terraced dwellings
- 6 three-bedroom detached dwellings
- 7 four-bedroom detached dwellings
- 5 two-bedroom bungalows
- 3 three-bedroom bungalows

The application is in outline with all matters reserved for future consideration.

Consultee Response

Llandysilio CC

Llandysilio Community Council have considered the above applications and wish to Object to the application for reasons outlined below and request the right to speak at the Planning Committee.

1. Policy GP 1 – Development Control

The application site lies outside the existing settlement boundary for Four Crosses and whilst the new Unitary development Plan is in the course of being adopted it must still be considered as a departure from the Plan.

21 sites in Four Crosses were submitted as candidate sites as part of the preparation of the emerging UDP covering an area of 34 Hectares – this was not one of these sites. The argument for the supply of housing in Powys cannot be allowed to overrule planning policies and principles.

2. Contrary to Policy GP4 – Highway & parking Requirements

No details have been submitted as to how the entrance to the proposed development would work in relation to the existing traffic calming measure on this section of road – a road safety audit needs to be carried out before outline permission is granted.

3. Contrary to Policy DC9 – Protection of Water Resources

With reference to the Surface & Foul Water Drainage Strategy submitted by Weetwood Services Ltd the unmade watercourse on the map in 2.1 is actually the Sarn Wen brook which is an important drainage feature of Four Crosses and the surrounding area. Drainage into this brook is at a critical point as any extra water would have a direct impact on residents of Sychpwl further downstream. We note that the development will involve a attenuation pond – there are already 3 in the village as a result of the bypass and these ponds require a lot of maintenance. Details need to be established as to the future maintenance of the pond

4. Inadequate infrastructure

This is a key element in the development of Large Villages such as Four Crosses.

I attach a letter from the Medical Centre asking that any future development be asked to make a direct contribution so that the planned extension can go ahead.

Llandysilio Church in Wales is also having to manage in mobile classrooms and we would ask that a contribution is also sought to improve their learning environment.

Highways Dept

Since this application has reserved all matters for future consideration we must advise that the principle of development at this site is considered to be acceptable. The proposed access onto the existing County highways will be in the vicinity of the existing traffic calming chicane and therefore the relocation of this feature must form part of any detailed submission. Furthermore, we will be seeking improvements and enhancements to the Active Travel network in order to comply with the Active Travel (Wales) Act 2013.

Whilst only indicative at this stage, the site layout provided, demonstrates that the potential development is likely to be of a scale that will require an internal access road built to

adoptable standards. It is therefore considered appropriate to advise the applicant at this stage that any future reserved matters application would need to include an appropriate highway layout and drainage strategy to meet those standards. The applicant is further advised that Advanced Payment Code Notices in line with legislation contained within the Highways Act 1980, will be served as and when building regulation approval is granted on any of the proposed dwellings.

Severn Trent Water

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

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

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

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

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

Construction-phase noise control

Due to the residential nature of the setting, Environmental Protection 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.”

Construction-phase dust control

Environmental Protection would also recommend that before development commences a Dust Management Method Statement be submitted to and agreed in writing by the Local Planning Authority. This document should include measures to prevent the formation of dust, and specify what actions will be taken for its suppression so that it does not have an adverse impact on nearby properties.

PCC Heritage Officer

Thank you for consulting me on the above application.

I can confirm that the proposal is close to a number of designated historic assets namely;

Scheduled Ancient Monument

MG033 Offas Dyke Section extending 300m SE to Bele Brook

Listed Buildings

Cadw ID 8532 Domgay House included on the statutory list on 05/04/1993

Cadw ID 8531 Former Domgay Chapel included on the statutory list on 05/04/1993

Cadw ID 8530 Street House included on the statutory list on 05/04/1993

Planning Policy Wales advises 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”

TAN 24 advises (section 1.10) that Conservation Principles for the Sustainable Management of the Historic Environment in Wales (Conservation Principles) were published in 2011 and provide the basis upon which Cadw discharges certain statutory duties on behalf of the Welsh Ministers. Conservation Principles should be used by others (including owners, developers and other public bodies) to assess the potential impacts of a development proposal on the significance of any historic asset/assets and to assist in decision making where the historic environment is affected by the planning process.

There are six principles.

1. Historic assets will be managed to sustain their values.
2. Understanding the significance of historic assets is vital.
3. The historic environment is a shared resource.
4. Everyone will be able to participate in sustaining the historic environment.
5. Decisions about change must be reasonable, transparent and consistent.
6. Documenting and learning from decisions is essential.

Applicants and other organisations are strongly encouraged to make use of these Conservation Principles when considering development proposals and other works to historic assets. It is important for those responsible to understand the heritage values and assess the significance of the historic assets that will be affected.

The historic environment is defined in the document as an environment made up of individual historic features, archaeological sites and historic buildings as well as the landscapes in which they are found. Any part of the historic environment to which people have given a distinctive historical association or identity is considered here to be an historic asset.

The document continues with the following advice on page 15. Every reasonable effort should be made to eliminate or minimize adverse impacts on historic assets. Ultimately, however, it may be necessary to balance the benefit of the proposed change against the harm to the asset. If so, the weight given to heritage values should be proportionate to the importance of the assets and the impact of the change upon them. The historic environment is constantly changing, but each significant part of it represents a finite resource. If it is not sustained, its heritage values will be eroded or lost. In addition, its potential to give distinctiveness, meaning and quality to the places in which people live, and provide people with a sense of continuity and a source of identity will be diminished. The historic environment is a social and economic asset and a cultural resource for learning and enjoyment.

There are four heritage values which need to be understood before the significance of the asset can be assessed.

- Evidential value
- Historical value
- Aesthetic value
- Communal value

Evidential Value

This derives from those elements of an historic asset that can provide evidence about past human activity.

The area is currently grassland and appears to have been agricultural land. The Four Crosses bypass has dissected this portion of land from the adjoining farmland visually bringing into the village.

Four Crosses has a number of historic buildings of both secular ecclesiastical and commercial reflecting the past historical uses of the area.

Historical Value

Historic maps indicate that the site has been in agricultural land for some years and not readily associated with the adjacent listed buildings.

Domgay House is a mid C19th house incorporating an older cottage in the cottage ornee style.

Domgay Chapel first built in 1823 and rebuilt in 1854 in a simple Gothic style is historically interesting being the only non-conformist place of worship in the parish.

Street House dates from the first half of the C19 and is believed to originally been a pair of properties. The properties are three storey and have the appearance of town houses rather than agricultural workers properties.

Aesthetic Value

The land is currently undeveloped but is open pasture land adjacent to a number of historic assets.

Communal Value

The third principle contained within Conservation Principles is that heritage assets are a shared resource, valued by people as part of their cultural and natural heritage, and gives distinctiveness, meaning and quality to the places where we live providing a sense of continuity and a source of identity. The Conservation Principles identify heritage assets as having the potential to give distinctiveness, meaning and quality to the places in which people live, and provide people with a sense of continuity and a source of identity will be diminished. The historic environment is a social and economic asset and a cultural resource for learning and enjoyment.

TAN24 which was issued and came into effect on 31 May 2017 addresses setting with some of the factors to consider and weigh in the assessment including

- the prominence of the historic asset
- the expected lifespan of the proposed development
- the extent of tree cover and its likely longevity
- non-visual factors affecting the setting of the historic asset

Paragraph 1.26 identifies the other factors that may affect the setting of an historic asset to include inter-visibility with other historic or natural features, tranquillity, noise or other potentially polluting development though it may have little visual impact.

Cadw have prepared guidance on the setting of all historic assets which came into force on 31 May. In addition to advice on how to assess the visual setting of listed buildings, advice on less tangible elements, including sensory perceptions such as noise and smell are included in the guidance.

This document outlines the principles used to assess the potential impact of development or land management proposals on the settings of all heritage assets but is not intended to cover the impact on the setting of the historic environment at a landscape scale.

The document advises that “Setting is the surroundings in which a historic asset is understood, experienced and appreciated, embracing present and past relationships to the surrounding landscape.....The setting of a historic asset is not fixed and can change through time as the asset and its surroundings evolve. These changes may have a negative impact on the significance of an asset; for example, the loss of the surrounding physical elements that allow an asset to be understood, or the introduction of an adjacent new development that has a major visual impact. But changes can also have a positive impact that may enhance the setting, such as the removal of traffic from part of a historic town, or the opening up of views, or the return of a sense of enclosure to sites where it has been lost”

The document provides advice on how to assess the setting

This section outlines the general principles that both assessors and decision makers should consider when assessing the impact of a proposed change or development on the setting of historic assets. There are four stages.

Stage 1: Identify the historic assets that might be affected by a proposed change or development and their significance.

Stage 2: Define and analyse the settings to understand how they contribute to the ways in which the historic assets are understood, appreciated and experienced.

Stage 3: Evaluate the potential impact of a proposed change or development on those settings.

Stage 4: Consider options to mitigate the potential impact of a proposed change or development on those settings.

The Historic Assets have been identified above .

Paragraph 1.24 of TAN 24 advises that “Local Planning Authorities are required to consult the Welsh Ministers through Cadw, on certain development proposals which affect Scheduled Ancient Monuments, registered historic parks, gardens and landscapes and the Outstanding value of World Heritage sites and their settings. It is for the local planning authority to consider the effect of proposed developments within the settings of listed buildings, conservation areas, unscheduled monuments of national importance and other undesignated historic assets.”

My comments will therefore not include the setting of Offas Dyke Scheduled Ancient Monument which is for Cadw to comment upon.

Cadw document Setting of Historic Assets in Wales advises on how to consider the setting of listed buildings. “Setting is the surroundings in which a historic asset is understood, experienced and appreciated, embracing present and past relationships to the surrounding landscape. It often extends beyond the property boundary or ‘curtilage’ and into the surrounding landscape or townscape. Although many historic assets are visible and their settings are obvious, those that are buried also have a setting. “

“The setting of a historic asset can include physical elements of its surroundings. These may be boundary walls, adjacent fields or functional and physical relationships with other historic assets or natural features.”

The Cadw document advises on steps to be undertaken to define and analyse the setting with a series of questions.

- How do the present surroundings contribute to our understanding and appreciation of the historic asset today?
- Thinking about when the historic asset was first built and developed:
 - what were its physical, functional and visual relationships with other structures/
historic assets and natural features?
 - what topographic or earlier features influenced its location?

- what was its relationship to the surrounding landscape/streetscape?
- was it constructed to take advantage of significant views or to be a part of a significant view? Although there may be a 360 degree view, some areas of the view may be more significant than others.
- Thinking about changes since the historic asset was built:
 - has its function or use changed?
 - what changes have happened to the surrounding landscape/streetscape?
 - have changes happened because of changes to the historic asset or to its historical setting?
 - has the presence of the historic asset influenced changes to the landscape, for example, where a monument has been used as a marker in the layout of a field enclosure?
 - has the presence of the historic asset influenced the character of the surrounding landscape/streetscape?
 - have historic and designed views to and from the historic asset changed?
- Thinking about the original layout of the historic asset and its relationship to its associated landscape:
 - were these relationships designed or accidental?
 - how did these relationships change over time?
 - how do these relationships appear in the current landscape; are they visual or buried features?

Stage 2 should also identify the viewpoints from which the impact of the proposed change or development should be assessed, taking into account, for example:

- views to, from and across the historic asset that were designed and developed when the historic asset was first created — for example, in the case of a defensive or ritual structure
- views to, from and across the historic asset which are linked with a time in its history for example, a historic artistic depiction of the site
- important modern views to, from and across the historic asset – for example, popular visitor viewing points.

The closest listed building is Domgay House which is orientated NW to SE with the principal windows to the SE towards the road. Domgay Chapel is directly adjacent and its door faces eastwards towards the road. Street House is orientation E-W with its principal windows facing East towards the road. Street House has a range of outbuildings to its rear.

The site is sited between the petrol filling station and the 2 unlisted buildings to the SW of Domgay House and whilst it is likely that the site and Domgay House and the adjacent Chapel could be viewed together from The Street, both Domgay House and Domgay Chapel were designed to take advantage of their village location with the principal views towards the village. There are a number of newer houses that have been constructed in the C20th along The Street that have enlarged Four Crosses.

Street House is sited to the NW of Domgay Chapel and the curvature of the road would make views of this property and the development site not readily visible.

It is not considered that the proposed development of this site would have an adverse affect on the setting of the above three listed buildings. However whilst noting that the submitted plans are indicative at outline stage, I would request that consideration be given at reserved matters stage (if the application is approved) to the reorientation of plots 34,35 and 36 in order that they face The Street and are not at right angles to The Street thereby retaining the traditional street pattern. The provision of a terrace in this location is welcomed again as it replicates a traditional street layout.

I can confirm that I would have no objections to the proposal as submitted

Contaminated Land Officer

Advice

1. It is identified that the application site is adjoined, to the East, by a petrol filling station which is a potential source of land contamination. The Department of the Environment document 'Industry Profile – Road Vehicle Fuelling, Servicing and Repair-Garages and Filling Stations' (1996) provides information concerning the potential sources of land contamination.
2. Records in relation to the dispensing and storage of petroleum fuels at the adjoining filling station may be available from the Petroleum Enforcing Authority: Powys County Council Trading Standards Service (trading.standards@powys.gov.uk).
3. No information appears to have been submitted, in support of Planning Application P/2017/0530, in respect of the potential land contamination risks to the proposed development from the adjoining filling station.
4. Paragraph 13.5.1, of Chapter 13 'Minimising and Managing Environmental Risks and Pollution', of the Welsh Government '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"*.
5. *Based on the available information the following is recommended:*

I. The planning applicant could submit a preliminary investigation and preliminary risk assessment ('Phase 1' report) in support of Planning Application P/2017/0530
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/2017/0530:

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

I have reviewed the proposed development associated with planning application P/2017/0530 to determine whether a Habitats Regulations Assessment would be required.

A Habitats Regulations Assessment is required to be undertaken when there is potential for a plan or project to impact a European Site (SAC, SPA or Ramsar Site).

The Montgomery Canal SAC is approximately 300m west of the proposed development site.

· There are no watercourses in close proximity to the proposed development site that would provide a pathway between the proposed development and the SAC that could result in risks to water quality as a result of pollution impacts;

· There are a number of significant barrier between the SAC and the proposed development e.g. A483 trunk road.

Having reviewed the location and nature of the proposed development with regards to the Montgomery Canal it is considered that there is no potential for the proposed development to directly or indirectly impact the Montgomery Canal SAC and or its associated features, therefore it is not considered necessary for the LPA to undertake a Habitats Regulations Assessment.

Land Drainage Officer

Apologies for the delay in getting back to you on this one. Having considered the drainage proposals, the LLFA would make the following observations, comments and recommendations:-

Local Flood Risk.

Comment: Having reviewed the FCA prepared by Weetwood Services Ltd (dated 26th April 2017), the LLFA is satisfied with the report findings.

Surface Water Drainage.

Observations/Comments: reference is made within the Surface and Foul Water Drainage Strategy (Final Report v1.1) prepared by Weetwood Services Ltd (dated April 2017), on the disposal of surface water. Having reviewed the drainage strategy, the LLFA find the proposed drainage principles generally acceptable. However, the following points will need to be re-considered/addressed.

1. Clause 2.3 - *Waterbodies in the vicinity of the site*. The un-named watercourse is the Sarn Wen Brook, which is a watercourse operated and managed by NRW as part of the Powysland Internal Drainage District.
2. Clause 3.2 – *Disposal Of Surface Water*. Although the Building Regulation Approved Doc Part H hierarchy for methods of disposal are in principle acceptable, the LLFA would recommend the design standards for surface water disposal follow those principles set out in Welsh Government's 'Recommended Non-statutory standards for sustainable drainage (SuDS) in Wales' dated Jan 2017 (<http://gov.wales/docs/desh/publications/151230-suds-standards-en.pdf>).
3. Clause 3.2 – *Disposal Of Surface Water*. Final paragraph refers to the utilisation of the proposed drainage ditch along the site's eastern boundary, which ultimately outfalls to the watercourse to the south. This principle is acceptable, however, the drainage ditch along the site's eastern boundary is to connect to an existing draining ditch (see Figure 1: Site Location) prior to its connection with the 300mm dia culvert referred to in Clause 2.3 - *Waterbodies in the vicinity of the site*. The effectiveness of the proposed drainage system will be dependent upon the management of this existing section of drainage ditch. LLFA is aware that the area of intervening land in which this existing ditch passes is under the control of Welsh Government (Trunk Road). The LLFA would recommend that this section of existing drainage ditch forms part of the overall SuDS proposals and is maintained by the suggested

management company outlined in Clause 3.4.3 – *Maintenance of SuDS*. The LLFA would recommend that the Applicant/Agent consult NMWTRA to secure such.

Recommendation: No development shall commence until a scheme for the surface water and land drainage of the site has been submitted to and approved in writing by the local planning authority. The approved scheme shall be completed before any dwellings are occupied. The scheme to be submitted shall show foul drainage being connected to the public sewerage system.

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

Environment Protection

Informative: Foul drainage from the proposed development should be conveyed to the main foul sewer, subject to the agreement by Severn Trent Water Ltd. There must be adequate capacity at the receiving sewage treatment works to treat the additional flows. Consent is required from the service provider to connect into the foul main sewer.

NRW

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 Requirements and Conditions

Condition 1- Submission and implementation of an external lighting scheme to the satisfaction of the LPA

Protected Species

We note the Phase 1 Ecological Appraisal by Greenscape Environmental Ltd (June 2016) submitted as part of the application. NRW considers that the report has been carried out to a satisfactory standard. We have the following comments for your consideration:

We welcome the recommendations outlined within Section 6 of the submitted phase one report to improve the biodiversity potential of the site.

Care should 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 light spillage scheme from the development should be agreed to the satisfaction of the local authority.

Condition 1- Submission and implementation of an external lighting scheme to the satisfaction of the LPA

Flood Risk

As the development is in an area potentially at risk from surface water flooding, a Surface Water Drainage Strategy has been compiled. Information pertaining to surface water or groundwater flooding is to be assessed by the Local Authority in their role as Lead Local Flood Authority (LLFA), as per the Floods and Water Management Act 2010.

Surface Water

This application is at Four Crosses, 10Km north of Welshpool. Whilst this development is outside Powysland IDD, it will have a possible/likely impact on the IDD. The 'Surface and Foul Water Drainage Strategy' written by Weetwood in the application details how surface water will be discharged into an unnamed watercourse. This Watercourse is called Sarn Wen Brook, which is an ordinary watercourse maintained by NRW as Powysland IDB. Sarn Wen Brook flows into Afon Vyrnwy at Syllpwll via a gravity outfall and a pumping station. Additional surface water generated as a result of the development should be attenuated to the greenfield run-off rate. To achieve any attenuation of surface waters on site, the Agency advocates the use of Sustainable Urban Drainage Systems (SuDS), further information about which can be found in CIRIA publications C522 SuDS - Design manual for England and Wales & C523 SuDS - Best practice Manual.

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 /](http://www.naturalresourceswales.gov.uk/) www.cyfoethnaturiolcymru.gov.uk

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.

Cadw

Thank you for your letter of 26 May 2017 inviting our comments on the above planning application.

Advice

Having carefully considered the information provided with this planning application, we have no objections to the impact of the proposed development. Our assessment of the application is given below.

Our role

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

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

National Policy

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

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

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

Assessment

The application area is located some 70m west of scheduled monument MG033 Offa's Dyke: Section extending 3000m SE to Bele Brook, Llandrinio. However due to intervening buildings and vegetation the proposed development will not be seen from the scheduled monument. Consequently the proposed development will have no impact on the setting of scheduled monument MG033.

Cllr Arwel Jones

I refer to the above application I would request that this application is determined by the Committee, which I think it will have to be as its a development outside the settlement boundary.

I would anticipate that the Clerk to the Council and myself will speak on the application.

CPAT

1st Response

Thank you for the consultation paperwork relating to the above proposals.

Information retained within the Regional Historic Environment Record indicates that this application falls in an area of broad archaeological sensitivity related to the former prehistoric funerary and ritual activity in Four Crosses during the Late Neolithic and Bronze Age periods. Numerous burial mounds formerly occupied the land to the east and north east of the old A483 route through the village and an additional large burial mound was found 300 metres north of the development site during the Four Crosses Bypass construction. Also during this construction an undated rectangular enclosure was found within 20 metres of the application boundary to the south west and numerous linear ditches to the north.

Despite the geophysical survey there is still a largely unquantified potential for sub-surface archaeology of prehistoric and later date in this area. The geophysical survey clearly found it difficult to see through the later ridge and furrow field system earthworks which may mask earlier archaeology beneath and there were issues with some areas being magnetically disturbed by modern metallic features nearby (petrol tanks).

As reported in the archaeological assessment conclusions (9.3) there are a number of geophysical anomalies which remain unexplained and undated and these will need to be explored by evaluation in advance of consent so that the applicant and the planning committee are fully informed about the archaeological potential of the site.

The proposed development will disturb any such remains surviving here, but from present knowledge it is impossible to estimate how damaging this might be, and thus to frame an appropriate archaeological response. The planning authority appears to have insufficient information about this archaeological resource, or the applicant's intended treatment of it, to make a balanced decision. As archaeology is a material consideration here I would advise that this application is not determined until this resource has been properly evaluated.

Welsh Government **Planning Policy Wales, Circular 60/96 - Archaeology and Planning** (Dec 96) and Powys UDP Policies SP3, ENV 18 suggest that planning authorities should require applicants to supply a suitable archaeological assessment in support of an application where a potential impact to archaeological remains is identified.

The developer will need to engage an archaeological contractor to complete this work in accordance with a brief written by this office on request. In response the archaeological contractor will need to supply a written scheme of investigation along with their cost estimate. The written scheme of investigation will need to be approved by me before work can commence on site.

I would advise that in order to allow sufficient time for an evaluation to be carried out, and the discussion of a subsequent mitigation strategy, the determination of the current application is delayed so that this information can be gathered and presented in support of the application.

I have attached information on archaeological contractors that the developer may wish to consider engaging to complete evaluation work.

Please contact me if you wish to discuss the above advice or require any more information.

2nd Response

We received the report from Archaeology Wales on 16/10/17 and approved it the same day. The report has been sent to the HER. There were no significant archaeological features within the development area other than some late post medieval boundary and pit features which are of low archaeological value. No further archaeological work is required here and we would have no objection to the development.

Representations

The application was advertised through the erection of a site notice and press advertisement. Two objections have been received and are summarised below;

- Concerns in relation to highway safety
- The application would remove traffic calming measures currently in place
- Concerns regarding the number of houses proposed
- Concerns regarding impact on neighbour amenity and the blocking of a view

Planning History

No relevant planning history

Principal Planning Constraints

Scheduled Ancient Monument – Offa’s Dyke

Principal Planning Policies

National Planning Policy

Planning Policy Wales (9th Edition, 2016)
Technical Advice Note 1 - Joint Housing Land Availability Study (2015)
Technical Advice Note 2 - Planning and Affordable Housing (2006)
Technical Advice Note 5 - Nature Conservation and Planning (2009)
Technical Advice Note 12 - Design (2016)
Technical Advice Note 15 - Development in Flood Risk Areas (2004)
Technical Advice Note 18 – Transport (2007)
Technical Advice Note 20 – Planning and the Welsh Language (2017)
Technical Advice Note 23 - Economic Development (2014)
Technical Advice Note 24 – The Historic Environment (2017)

Local Planning Policy

Unitary Development Plan for Powys (2010)

UDP SP2 - Strategic Settlement Hierarchy
UDP SP3 - Natural, Historic and Built Environment
UDP SP4 - Economic Development and
UDP SP5 - Housing Development
UDP SP6 - Development and Transport
UDP SP9 – Local Community Services and Facilities
UDP SP14 - Development in Flood Risk Areas
UDP GP1 - Development Control
UDP GP2 – Planning Obligations
UDP GP3 - Design and Energy Conservation
UDP GP4 - Highway and Parking Requirements
UDP ENV1 - Agricultural Land
UDP ENV2 - Safeguarding the Landscape
UDP ENV3 - Safeguarding Biodiversity and Natural Habitats
UDP ENV7 – Protected Species
UDP HP3 - Housing Land Availability
UDP HP4 - Settlement Development Boundaries and Capacities
UDP HP5 - Residential Development
UDP HP6 - Dwellings in the Open Countryside
UDP HP7 - Affordable Housing within Settlements
UDP HP8 - Affordable Housing Adjoining Settlements with Development Boundaries
UDP CS3 – Additional Demand for Community Facilities
UDP T2 - Traffic Management
UDP TR2 - Tourist Attractions and Development Areas
UDP RL6 - Public Rights of Way and Access to the Countryside
UDP DC8 – Public Water Supply
UDP DC9 – Protection of Water Resources
UDP DC10 - Mains Sewerage Treatment
UDP DC13 - Surface Water Drainage

Affordable Housing for Local Needs Supplementary Planning Guidance (SPG) (July 2011)

Powys Residential Design Guide

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 proposed development lies wholly outside the settlement boundary of Four Crosses, as detailed on UDP inset map M133, and would result in a residential development of 36 dwellings being constructed outside the settlement boundary.

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

Housing Land Supply

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

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

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

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

The JHLAS identified a significant undersupply of housing land within Powys. As mentioned above, TAN 1 confirms that the need to increase supply should be given considerable weight but only where the development would otherwise comply with development plan and national planning policies.

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

Sustainable Location

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

Four Crosses is considered a key settlement in the UDP. Key settlements normally act as an important service hub to the surrounding area.

It is noted that the settlement of Four Crosses is served by a church (St Tysilio), primary school, community centre, shop, garage, doctor's surgery, sports pitch and industrial development. It is also noted that it is served by bus routes with regards to public transport.

Consideration must also be given to previously permitted developments within Four Crosses and the sustainability of the growth of Four Crosses. Evidence provided for the LDP examination demonstrates that there is a planned future growth for Four Crosses of 46 dwellings and that taking into consideration developments that benefit from consent, this would bring the total planned for dwellings to 91. The Inspector's report on the LDP has yet to be submitted and as such little weight can be afforded to its content.

Officers acknowledge that a number of dwellings have already been consented in and adjoining the settlement and if developed could have an impact on the services within the settlement. If Members are minded to approve the application consideration should be given to the sustainability of the development and its potential impact on local services.

In light of the above, the site is considered to be a sustainable due to the amenities and services provided locally and additional residential development in this location would accord with the provisions of Planning Policy Wales in so far as it is a sustainable location.

Affordable housing provision

With regards to affordable housing provision, the Unitary Development Plan Policy HP7 requires, among other matters, the provision of affordable housing within applications for five or more dwellings. The proportion secured should be based on the extent and type of need identified by a robust data source.

The Viability Assessment forming part of the evidence base for the Local Development Plan identifies a guideline of 20% affordable provision in this area of Powys. It is contended that the CIL Viability Assessment provides a more up to date and robust basis for determining the affordable housing contribution than the now historic “guideline” figure contained within the UDP and on that basis, the 20% provision figure suggested is considered to be reasonable in this instance.

In light of this, the proposal is considered compliant with the principle of policy HP7.

Historic environment

Listed Buildings:

The general duty with regards to listed buildings in exercising planning functions is set out within Technical Advice Note 24: The Historic Environment. It states that the local planning authority shall have special regards to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses when considering whether to grant planning permission for a development. This duty is echoed in UDP policy ENV14.

The application site does lie in close proximity to three Grade II listed buildings, Domgay House, Former Domgay Chapel and Street House. The Powys Built Heritage Officer was consulted on the application and stated that they did not consider that the proposed development would have an adverse effect on the setting of the three listed buildings. They confirmed that they had no objections to the proposed development.

Cadw have also been consulted and offer no objection to the proposed development.

As such the proposed development is considered to be in accordance with TAN24 and UDP Policy ENV14.

Ancient monuments:

The desirability of preserving a scheduled ancient monument and its setting is a material consideration in determining a planning application whether the monument is scheduled or not. This is set out in Planning Policy Wales and Technical Advice Note 24: The Historic Environment. UDP policies ENV17 and ENV18 also set out this consideration at a local level.

The Clwyd Powys Archaeological Trust (CPAT) acts as Powys Planning Authority’s advisor on matters relating to archaeology. On first submission of the application they advised that the development lies in an area of high archaeological potential, the full extent of which could only be revealed through a pre-determination archaeological evaluation. The evaluation was received and further comments from CPAT confirmed that no significant archaeological features were found to be present and therefore no objection has been raised to the development proceeding.

Cadw were also consulted on the application as the Offa’s Dyke Scheduled Monument lies approximately 70 metres to the east of the site. Cadw comment that due to intervening buildings and vegetation the proposed development will not be seen from the scheduled

monument. Cadw conclude that the proposed development will have no impact on the setting of the scheduled monument.

As such the application is considered to be in accordance with Planning Policy Wales, TAN24 and UDP policies ENV17 and ENV 18.

Design and layout

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

Whilst design and layout are reserved for future consideration, it is relevant to consider whether the number of dwellings proposed could be appropriately developed on the site. The cumulative impact of this scheme in addition to the consented developments on the settlements character and appearance is also relevant to consider.

The indicative layout resembles a modern residential layout which is broadly comparable to the existing development to the west. More importantly it shows that a residential development of 36 dwellings could be accommodated on the site. Detailed design will follow at a later date (if this application is permitted) and this will give the opportunity to ensure the dwellings are designed in an appropriate manner to accord with the character of the settlement.

Residential amenity

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

Although layout is a reserved matter, consideration has been given to the potential separation distances between properties, as well as their siting and orientation. The most sensitive location for the development regarding this matter will be along the north eastern and south eastern boundary of the site where it adjoins existing residential development properties. Officers consider that the indicative layout demonstrated that the development can be accommodated on site without having a detrimental impact on neighbour amenity. Full consideration of this matter will be given at the reserved matters stage when full details of the scheme will be available.

Concerns raised by third parties regarding the impact on amenity and view are acknowledged however Officers consider that the indicative layout demonstrates a development that would not have a detrimental impact on neighbour amenity. Regarding views from existing properties, this is not a material planning consideration and therefore cannot be considered during the determination of the application.

The comments from the Environmental Health Department are noted with regards to the potential for amenity to be affected during the construction phase of the development and the suggested conditions to control this matter has been set out at the end of this report.

It is considered that the proposal is capable of according with UDP policy GP1 and the guidance set out in the Powys Residential Design Guide so far as it relates to residential amenity.

Landscape and visual impacts

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

The site lies between the existing boundary and built form of Four Crosses and the A483 Trunk Road. Following construction of the A483 bypass an area of land remained to the rear of west of the existing built form of Four Crosses.

In terms of LANDMAP Visual Sensory Areas (VSA), the site sits within the River Severn Floodplain (MNTGMVS650) which has a moderate evaluation but sits adjacent to Four Crosses VSA (MNTGMVS635) which has a low classification. The area is characterised by a *'dispersed collection of linear settlements surrounding the junctions of the A483(T) and the B4393 comprising Llandrinio, Rhos Common and Four Crosses. No defined village centre, rather an amalgamation of smaller settlements into one'*. LANDMAP sets out the key elements that should be changed are to *'encourage development as a more nucleated settlement rather than sprawling linear settlement'*. The proposed development is considered to meet such objectives and occupies a site between the existing settlement and the A483 Trunk Road effectively infilling an area of land.

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 adjacent to an existing residential estate and the A483 Trunk Road, 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 the development is considered to reflect the character of the development that has occurred along the highway within Four Crosses, 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 on highway network and parking arrangements

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

Access to the development will be through a new access off the U4908 highway called 'The Street'. It is located within the 30mph speed limit and the indicative layout demonstrates the removal of a traffic calming chicane.

Access is a reserved matter for future consideration however in determining this application consideration must be given to whether, in principle, a safe access can be achieved. Following consultation with the Highways Authority they commented stating that the principle of development at this site is considered to be acceptable. Comments were also made that the access would be in the vicinity of existing traffic calming measures and therefore the relocation of this feature must form part of any detailed submission.

It is considered that subject to conditions the proposal in respect of highway safety is acceptable and accords with the provisions of UDP policy GP4.

Sewage disposal

The application details that the site will be served by mains systems in respect of the disposal of foul waters. The proposed use of mains sewerage disposal is compliant with UDP policy DC10.

Severn Trent Water have confirmed that they do not object to the proposed development subject to conditions relating to the agreement of surface and foul water drainage plans and have not raised concerns about the capacity of the system.

It is therefore considered that proposal in this regard is acceptable subject to conditions which have been attached at the end of this report.

Surface water drainage

The application was supported by a Surface and Foul Water Drainage Strategy, Infiltration Tests and Microdrainage Results. Following consultation with the Powys Land Drainage Officer no objections have been received on the proposed development subject to a condition being attached to any consent requiring the submission of surface water details.

It is therefore considered that proposal in this regard is acceptable subject to conditions which have been attached at the end of this report.

Ecology

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

The site also lies approximately 300 metres to the east of the Montgomery Canal SAC.

The application is supported by an extended phase 1 habitat survey and tree protection plan. Following consultation with both Natural Resources Wales and the Powys Ecologist no

objections were received subject to a condition relating to external lighting being attached to any consent.

With regards to the Montgomery Canal SAC the Powys Ecologist has commented stating that there are no watercourse in close proximity to the proposed development site that would provide a pathway between the site and the SAC and that there are a number of significant barriers (such as the A483 Trunk Road) between the site and the SAC. As such their comments concluded that there is no potential for the proposed development to directly or indirectly impact on the SAC or its associated features and as such it is not necessary for a Habitats Regulation Assessment to be undertaken.

In light of the above, the proposed development is considered to be acceptable subject to a condition relating to external lighting.

Agricultural Land

A small section to the north of the site is currently classified as Grade 2 agricultural land. The majority of the site is not classified as either 1, 2 or 3a. Policy ENV1 states that the best and most versatile agricultural land will be safeguarded wherever possible. Due to the small amount of grade 2 classified land falling within the development site and the fact that this area of land was effectively separated from the wider agricultural land by the A483 bypass, it is considered that the loss of this small amount of land would not be sufficient to warrant refusal of the application on this ground.

Education and Recreation

Planning Authorities are permitted to seek planning obligations from developers of land in accordance with Circular 13/97. Development Management has consulted the Education Department and the Recreation Officer to see whether any planning obligations are necessary to serve the development.

The consultation on this application has not to date received a response from the education department; previous application in Four Crosses had a response from Education stating that the school had not reached its capacity. Further information has been requested and will be provided in an update report.

With regards to open space, it is noted that Powys County Council does not have a play area with fixed equipment near to the proposed development. The indicative layout does not demonstrate a provision of public open space as such a S106 agreement will be sought to secure open space provision and retention.

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. Information is currently being gathered and will be reported via an update report.

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 increase housing land supply. The proposed development is for the provision of 36 dwellings in a sustainable location. It is considered that the material consideration of the lack of housing land supply within the county warrants the approval of this development contrary to the provisions of the development plan. Consideration has been given to all material planning matters and it is considered that all issues can be adequately dealt with through the imposition of conditions or through planning obligations.

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

Conditions

1. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. 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 in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.
5. 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.

6. Prior to the commencement of development a Dust Management Method Statement shall be submitted to and approved in writing by the Local Planning Authority. This document should include measures to prevent the formation of dust, and specify what actions will be taken for its suppression so that it does not have an adverse impact on nearby properties.
7. 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).

8. 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.

9. 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.*

10. 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.

11. 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'.

12. No development shall commence until a scheme for the surface water and land drainage of the site has been submitted to and approved in writing by the local planning authority. The approved scheme shall be completed before any dwellings are occupied. The scheme to be submitted shall show foul drainage being connected to the public sewerage system.

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

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

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

15. The affordable dwelling/s shall have a maximum gross floor area of 130 square metres (measured internally and including garages where designed as an integral part of the dwelling) and notwithstanding the provisions of schedule 2, part 1, classes A, B, C and E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended

for Wales) (or any order revoking and re-enacting that order with or without modification), the affordable dwelling shall not be subject to extensions, roof alterations and buildings other than those expressly authorised by the reserved matters approval.

16. A scheme for the provision of on-site recreational facilities shall be submitted as part of any reserved matters application as required by conditions 1 & 2 of this consent. The scheme shall accord with the Fields in Trust Standards.

17. No development shall commence within the application site until a scheme for the management of the recreational area together with the timing of construction and completion in relation to the housing units hereby permitted has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details and the recreational area shall be managed in full accordance with the approved scheme

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. 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 in accordance with UDP Policy DC10.
5. In order to protect the amenity of neighbouring properties during construction in accordance with UDP policy GP1.
6. In order to protect the amenity of neighbouring properties during construction in accordance with UDP policy GP1.
7. 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 UDP Policy DC15.
8. 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 UDP Policy DC15.
9. 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 UDP Policy DC15.
10. 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 UDP Policy DC15.
11. 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 UDP Policy DC15.

12. To ensure that the proposed drainage systems for the site are fully compliant with regulations and are of robust design in accordance with UDP Policy DC13.

13. To ensure that any external lighting does not impact on any protected biodiversity features in accordance with TAN5 and UDP policies ENV4, ENV5, ENV6 and ENV7.

14. To ensure that a proportion of affordable housing is sought in accordance with Policy HP7 of the Powys Unitary Development Plan (2010).

15. To ensure that a proportion of affordable housing is sought in accordance with Policy HP7 of the Powys Unitary Development Plan (2010)

16. To ensure that on-site recreational facilities are secured in accordance with the Fields in Trust Standards and in accordance with Policy RL2 of the Powys Unitary Development Plan (2010).

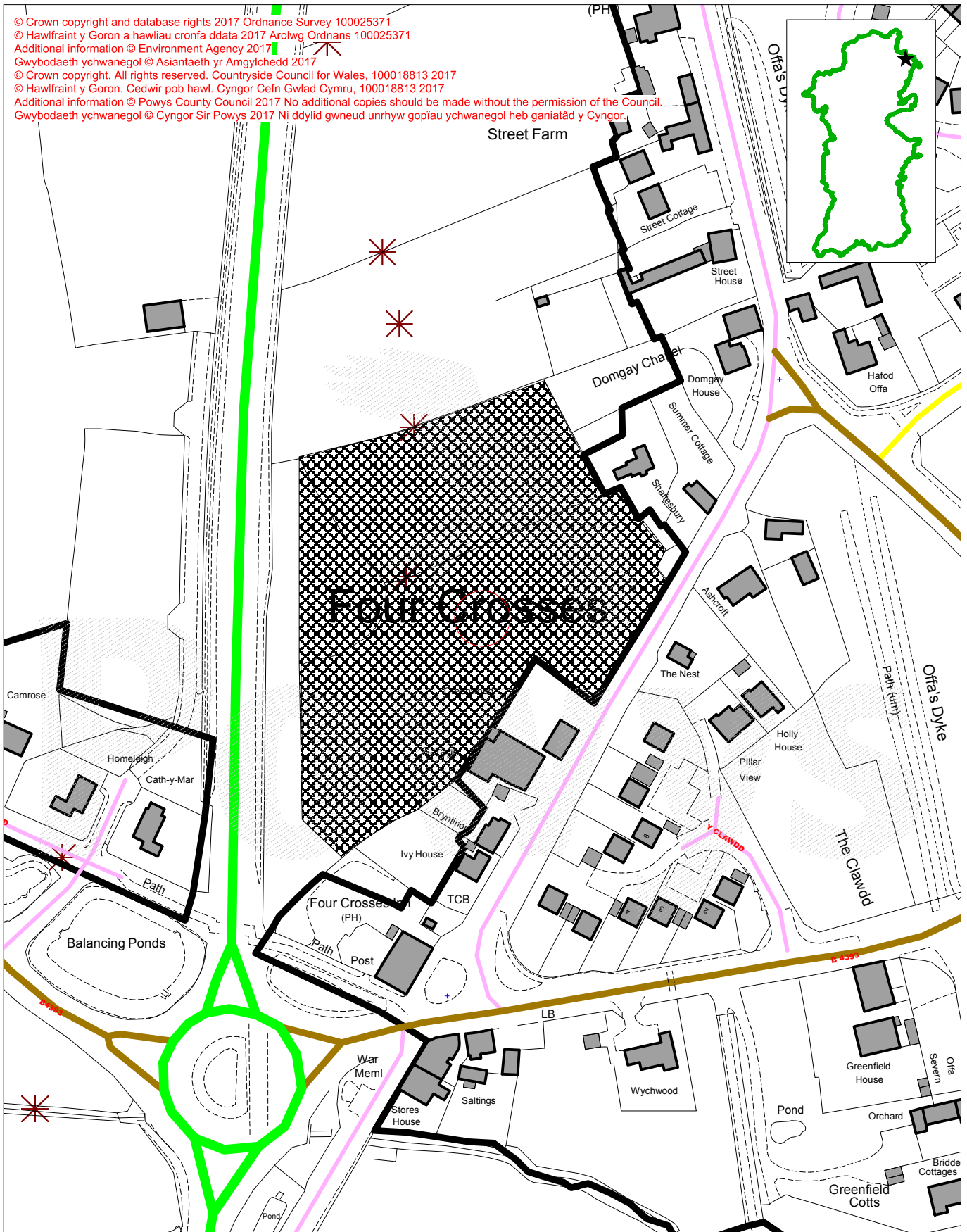
17. To ensure that on-site recreational facilities are secured in accordance with the Fields in Trust Standards and in accordance with Policy RL2 of the Powys Unitary Development Plan (2010).

Informative Notes

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

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4.4

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2016/0819	Grid Ref:	332156.74 263845.56
Community Council:	Presteigne	Valid Date:	Officer: 29/07/2016 Gemma Bufton
Applicant:	Micharon Homes Ltd, c/o Agent.		
Location:	Land Opposite Kings Court, Presteigne, Powys, LD8 2AJ.		
Proposal:	Outline: Proposed residential development to include creation of new access		
Application Type:	Application for Outline Planning Permission		

The reason for Committee determination

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

Site Location and Description

The application site is located outside but adjacent the settlement development limits for Presteigne.

The application site is currently grazed agricultural land and is bound by further agricultural land located to the east and south. Whilst to the north and west runs the B4362 County Class II Highway. Access is sought to the site from the B4362 via a new access to the west of the application site.

Consent is sought in outline with all matters reserved except for access for the proposed residential development of 27 houses to include creation of a new vehicular access.

Consultee Response

Presteigne Town Council-

The above application was considered at the Town Council Meeting last night. Members wish to make the following comments:

The need to retain or replace existing hedgerows must be a condition of the application and fully enforced; the Town Council would like to point out that it was consulted on the principle of development on the site but not on the actual application itself;

The Town Council assumes that Welsh Water will be fully consulted on the sewerage capacity in the town but would like to point out that there are serious capacity issues in the town;

Page 7(2.1) of the Flood Risk Assessment refers to a different site completely - the Town Council would like the accompanying data to be checked and confirmed in case of further 'cut and paste' issues;

Finally and most importantly the Town Council has sought clarification from Hughes Architects on the amount of affordable housing to be provided and has received an email confirmations that "4 of the self -building shall be affordable via a Section 106 and that 5 other houses shall be provided by a Section 106 as affordable houses also". The Town Council would wish these to be provided and asks that this is ensured through a relevant Section 106 agreement.

Given the short time scale the Council may add to or amend these comments at a later date should it receive representations from the public.

Subject to the above the Town Council has no objections to the application.

PCC - Building Control-

Building regulation approval will be required.

PCC – Highways-

The County Council as Highway Authority for the County Class II Highway, B4362

Wish the following recommendations/Observations be applied Recommendations/
Observations

The highway Authority has no objection to the principle of the development, in terms of the potential impact the development would have on the immediate and wider highway network. Although the current proposal only shows an indicative layout with most matters reserved for future consideration, it is noted that the means of access to the development is to be determined at this stage.

The B4362 county highway which serves the site is within a 40mph speed limit and therefore the proposed site access visibility splays of 2.4 metres x 90 metres are considered appropriate in this instance and will be conditioned accordingly. The footway provision shown across the development frontage will provide adequate links to the wider pedestrian facilities available. The adjacent field gate will need closed up as part of the proposals and therefore access to the field to the south will need to be provided from a new access off the new estate road; the location and construction details for such will need to be agreed as part of the "reserved matters" application

The proposed road geometry and road widths shown on the drawing are generally in line with PCC design standards and would therefore in principle appear satisfactory; however footway provision and suitable pedestrian crossing facilities will be required on both sides of the internal developed frontage. Detailed longitudinal and cross sectional drawings showing the vertical and horizontal alignments of the internal access road and surface water drainage levels will also need to be submitted as part of the reserved matters application.

Whilst the Drainage Strategy for the site alludes to the use of Suds techniques to manage highway surface water “runoff” it is noted that no detail has been submitted, or land set aside to house such a system. The detail will need to be considered and agreed at the reserved matters stage. Accordingly, I would recommend that the following conditions be attached to any consent granted.

HC2 The gradient of the access shall be constructed so as not to exceed 1 in 30 for the first 15 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 15 metres of the access road measured from the edge of the adjoining carriageway shall be constructed at right angles to that edge of the said carriageway and be retained at that angle for as long as the development remains in existence.

HC4 Within 5 days from the commencement of the development the access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 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 Within 5 days from the commencement of the development the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 15 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

HC9 Prior to the occupation of the development, provision shall be made within the curtilage of each dwelling for the parking of vehicles in line with CSS Wales 2008 Parking Standards. The parking areas shall be retained for their designated use in perpetuity.

HC10 The gradient from the back of the footway/verge to the vehicle parking areas shall be constructed so as not to exceed 1 in 15 and shall be retained at this gradient for as long as the dwellings remain in existence.

HC11 Within 5 days from the commencement of the development provision shall be made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of 0.3 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.

HC19 No building shall be occupied before the estate road carriageway and one footway, to include the frontage footway, shall be constructed to and including binder course level to an

adoptable standard including the provision of any salt bins, surface water drainage and street lighting in front of that building and to the junction with the county highway.

HC20 The estate road carriageway and all footways shall be fully completed, in accordance with the details to be agreed in writing by the Local Planning Authority, upon the issuing of the Building Regulations Completion Certificate for the last house or within two years from the commencement of the development, whichever is the sooner. The agreed standard of completion shall be maintained for as long as the development remains in existence.

HC22 Within 5 days from the commencement of the development any existing means of access shall be stopped up, in materials to be agreed in writing by the Local Planning Authority and this shall be retained for as long as the development is in existence.

HC30 Upon formation of the visibility splays as detailed in HC4 above the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.

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.

18th October 2016-

I refer to the amended plan relating to the above site and have no further comments to make.

Welsh Water-

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

We would request that if you are minded to grant planning consent for the above development that the Conditions and Advisory Notes provided below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

I refer to our recent telephone conversation and planning application P/2016/0819 for 27 dwellings on Land opposite Kings Court, Presteigne. As you will be aware, the foul discharges from the development would drain to our Presteigne Waste Water Treatment Works (WwTW). On the 16 February 2016 we wrote your colleague Holly Hobbs regarding our concerns around the capacity of our WwTW to accommodate all the proposed Local Development Plan allocated growth.

In light of our concerns regarding the impact of anticipated growth in the catchment we have worked closely with our Operational colleagues to review the issues at the WwTW. Consequently we advised that we were satisfied that the works can, as of 16 February, accommodate the foul discharges only from a maximum of 31 residential properties only. The Commissioning of any additional properties would require improvements to be undertaken at the WwTW, derived from Studies to be funded by developer(s).

In light of the above, and mindful that there are planning application currently before your Authority for determination as well as those which have been determined since the 16 February, see below

P/2016/0137 2 no. dwelling pending
P/2016/0128 4 no. dwellings pending
P/2016/0393 1 no. dwelling pending
P/2016/0819 27 no. dwellings pending

P/2016/0405 Live/work unit approved
P/2015/1122 1 no dwelling approved
P/2015/1257 1 no dwelling approved

We are conscious that you will need to consider how the available capacity at the Works will be proportioned to development in the area. For the avoidance of doubt, we maintain our objection to any development that would exceed the maximum available capacity at Presteigne WwTW, and therefore look to you to ensure that this public asset is protected via the planning process.

In relation to the proposed development currently being considered in the catchment by the Local Planning Authority we would be grateful for clarification of your intentions at the earliest opportunity.

We trust the above information is self-explanatory. However, if you have any queries please contact Maria Evans.

National Resources Wales-

1st September 2016

Outline: Proposed residential development of 27 dwellings to include creation of new access Land opposite Kings Court, Presteigne

Thank you for referring the above consultation received by us on 7th August 2016.

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 and you attach the conditions listed below. Otherwise, we would object to this planning application.

Summary of Requirement & Conditions

Requirement 1

Submission of an adequate site specific Flood Consequence Assessment in support of this application utilizing the best available information available and with level of flood risk posed to the site quantified in terms of flood depths and associated hazards.

Condition 1- Mitigation described in section 4.3.2 Habitats. 4.4.2 Badger. 4.4.3 Bats. of

Wilson. S. (2016). Land opposite Kings Court Presteigne. Turnstone Ecology Limited - should be Implemented and included In the detailed design

Condition 2 - A condition requiring submission and implementation of a Pollution Prevention Plan.

Flood Risk

The planning application proposes highly vulnerable development within Zone C2 of the Development Advice Map (DAM) contained in TAN1 5. Our Flood Map information, which is updated on a quarterly basis, confirms the site to be at risk from the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outline of the Clatter Brook.

We refer you to Section 6 of TANI 5 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 TANI 5).

Notwithstanding this policy advice, the decision as to whether a development is justified is entirely a matter for your authority. For this reason, we have reviewed the flood consequences assessment (FCA) (Compiled by Woodsyde Developments, dated May 2015, no other reference) submitted in support of the application, to enable us to provide you with technical advice on the acceptability of flooding consequences in terms of risks to people and property. Our advice to you is that the FCA is inadequate relative to the scale and nature of the proposed and does not allow us to make an informed response to you in relation to TAN15 criteria.

The deficiencies in the FCA are;

References to flood zones 1, 2 and 3 and PPS25 are misleading in terms of TAN15. A large portion of the site is in DAM C2, so the above policy advice is relevant. The FCA has clearly been used as a template for another site and so incorrect grid refs and site addresses are not helpful to all parties.

The Stage 2 Strategic Flood Consequences Assessment considered this site specifically, under site ref 414. Halcrow produced detailed hazard and flood extent maps for Presteigne and an explanation of the flood risk associated with the Clatter Brook, not the River Lugg. References in the May2015 FCA to the River Lugg are therefore misleading in the context of this site.

Recommendations from the Stage 2 SFCA include;

‘The modelling suggests that the overland flow route from the Clatter Brook to the west, is caused by out of bank flows upstream of the Hereford Street structure. If this structure is blocked, as demonstrated by the blockage scenario, then this route causes an increased Flood risk to the site.

The LPA need to consider whether this site should proceed, as management of consequences are unknown. In addition, the LPA Will need to be satisfied that access I egress to the site can be achieved In line with guidance set out in TAN15. Consultation with Emergency Services I Emergency Planners re access I egress is recommended. Any site

specific FCA should consider access to the site to the north via the B4362. It should also consider blockage of the Hereford Rd. culvert and the impact of the development on third-parties.'

The site specific FCA has not made any reference to the SFCA. Halcrow were specifically commissioned to consider promoted sites and perceived risks. Any site specific FCA should consider the findings of any SFCA work and take advantage of the detailed modelling that Halcrow carried out. Whilst the hydrology may require updating, it is still considered to be the best information available and should form the basis of any FCA in terms of assessment of level of risk, hazard and possible mitigation.

Proposed re-contouring of the site in order to mitigate against overland flood flow routes has not been supported by any detailed calculations to quantify that such mitigation would be feasible or whether third parties could be affected as result of alteration to the existing topography.

We would advise that the source of the flooding is addressed, i.e. has culvert blockage problem been resolved or could it in conjunction with the Lead Local Flood Authority, rather than the consequences of flooding on the site. Relative to the scale and nature of the proposed, an off-site problem should be considered proportionate in order to facilitate a highly vulnerable development. Of course, there would be a wider benefit to existing properties that could be considered at risk of flooding.

All surface water drainage proposals will need consideration by the Lead Local Flood Authority.

In summary, the site specific FCA submitted in support of this application is inadequate as It has not used best information available nor has it quantified the level of flood risk posed to the site in terms of flood depths and associated hazards.

We advise that the FCA sources the SFCA information from Powys County Council and interrogates that data in relation to TAN15 requirements.

European Protected Species

The application is supported by an Ecological Assessment (1 August 2016) by Stephen Wilson of Turnstone Ecology. We consider the ecological submission to be appropriate and proportionate for the purposes of informing the planning decision making process and we concur with the submitted conclusions and mitigation in sections 4.3.2 Habitats, 4.4.2 Badger, and 4.4.3 Bats. If badgers are disturbed a license would be required from NRW.

We consider the proposal is not likely to be detrimental to the maintenance of the favourable conservation status of any local populations of European protected species.

The proposal is not likely to affect any fully protected British protected species. Therefore we have no objection regarding species to the submitted proposals. We advise that the following conditions are attached to any planning consent;

Condition 1 —Mitigation described in section 4.3.2 Habitats. 4.4.2 Badger. 4.4.3 Bats, of Wilson. S. (2016). Land opposite Kings Court Presteigne. Turnstone Ecology Limited -should be implemented and Included in the detailed design

Reason: To mitigate adverse effects on protected species and enhance natural habitats.

Pollution Prevention

The pollution prevention guidelines have been withdrawn from the English Environment Agency website although they are still applicable in Wales and can be found on the netregs website at the following link

Condition 2- A condition requiring submission and implementation of a Prevention Plan

Reason: To protect the water environment from potential pollution during the construction phase.

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

All surface water must be discharged via an interceptor. If any dewatering is to occur NRW must be notified first as a permit may be required. Any excavation water must be free of contaminants (e.g., fuel soils etc). If concrete wash water is to be discharged this may require treatment before discharge and may require a permit.

Any waste material stored, used or disposed of must be done so in accordance with the Duty of Care Regulations and may require a permit or exemption under the Environmental Permitting Regulations 2010. The developer should contact Natural Resources Wales to discuss the necessity for an exemption permit for any material imported to and exported from site.

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

Should any contaminated water or materials enter or pollute the watercourse or groundwater, Natural Resources Wales must be notified on 080080 7060.

Foul Drainage

The proposal site is within the sewerage catchment area for Presteigne. For a housing development of this size we strongly recommend that it is connected to the main sewer network of Presteigne.

Any private waste water treatment plant would require a permit from NRW and elsewhere we have refused such permits in areas served by mains sewer networks.

When connecting to the public sewerage system, Dwr Cymru / Welsh Water should be consulted on the proposals and be requested to confirm that the sewerage and sewage disposal system serving the development has sufficient capacity to accommodate the

additional flows generated as a result of the development. This is to ensure that the development does not cause pollution of the water environment or potential deterioration in the Water Framework Directive classification.

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.

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

Additional correspondence received on the 13th November 2017-

Thank you for your consultation received on 5th October 2017. We previously responded to this case on 1st September 2016 (CAS-22193-P4S5), 7th November 2016 (CAS-24778-J2G9) and 14th February 2017 (CAS-28868-F6J5). Please see our letter of 1st September 2016 as the advice on European protected species, pollution prevention and foul drainage is still applicable to this case.

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: To mitigate the residual flooding risks a combination of options 1 and 3 as detailed in the Flood Consequence Assessment (FCA) (Ref K0795/2 (Rev)) July 2017) section 4.5 Residual Risks should be utilised.

Condition 2: There should be no ground raising within the southern section of the red line boundary, nor should there be any future built development within the southern field.

Flood Risk

In our previous responses, we had significant concerns relating to flood risk and there was an outstanding requirement - 1: Submission of an adequate site specific Flood Consequence Assessment in support of this application utilizing the best available information available and with level of flood risk posed to the site quantified in terms of flood depths and associated hazards - to be resolved prior to determination of the case.

The planning application proposes highly vulnerable development within Zone C2 of the Development Advice Map (DAM) contained in TAN15. Our Flood Map information, which is updated on a quarterly basis (pending due to flood map challenge), confirms the southern field to be at nominal risk from the 0.1% (1 in 1000 year) annual probability fluvial flood outline of the Clatter Brook.

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).

If your Authority is minded to approve the application contrary to TAN15, our advice in accordance with TAN15 is as follows;

A Flood Map Challenge Report (K0795Rep1Rev1) compiled by Hydrologic Services has now been reviewed and accepted by NRW.

The flood map and Development Advice Map (DAM) are now pending updates due to the flood map challenge, please see Figures 1 and 2 for the revised outlines.

The revised flood map indicates that the proposed 'built' development is outside DAM C2 and therefore there is no predicted flood risk to the built development during the recognised extreme flood event.

A Flood Consequence Assessment (FCA) (Ref K0795/2 (Rev)) July 2017) compiled by Hydrologic Services has also considered the residual flood risks associated with various scenarios.

Results show there is a residual risk that the proposed development could be flooded as a result of Culvert 2 (Greenfield Road) on the Clatter Brook being blocked (90% blockage scenario modelled). However, the risk of Culvert 2 becoming blocked is considered small. It is likely that debris leading to blockage would be trapped by Culvert 1, located upstream of Culvert 2 and leading to flooding on other routes. Due to the small section of open channel between Culvert 1 and Culvert 2, it is unlikely that enough debris could accumulate to create a 90% blockage of Culvert 2.

However, to address this low probability, low consequence risk, mitigation measures have been considered within the FCA under section 4.5 Residual Risks on page 30 including;

- Option 1: Perimeter ditch
- Option 2: Raise ground levels on site by 0.245 m, and
- Option 3: Finished Flood Level of dwellings

We advise that any mitigation to safeguard against low risk of residual shallow flooding should be sustainable rather than requiring extensive maintenance and intervention during the operational phase of the development. A composite solution of raised floor levels and a perimeter ditch would be a proportionate solution to the residual risk.

If the finished floor levels of the proposed buildings are located at least 0.245 m above current ground levels (as detailed in Option 3) this would place the northern field of the site beyond the limits of the 1:1,000 year fluvial flood on the Clatter Brook, with a 90% blockage of Culvert 2. A perimeter ditch (as detailed in Option1) would provide further assurance mitigating residual flood risks.

Condition 1: To mitigate the residual flooding risks a combination of options 1 and 3 as detailed Flood Consequence Assessment (FCA) (Ref K0795/2 (Rev)) July 2017) section 4.5 Residual Risks should be utilised.

With regards to assessment of residual risks, including impacts on access, NRW is not the appropriate body to comment upon the operational effectiveness of access routes. It is for the LPA, in consultation with other appropriate bodies, to satisfy themselves that escape/evacuation is feasible. However, access within tolerable limits defined in Table A1.15 of TAN15 is achievable.

The southern section of the red line boundary is within DAM C2 which is not a suitable location for highly vulnerable development. The plans and the FCA show that while the access road is partly located at the northern edge of the field, there would not be any houses with the DAM C2 area.

Condition 2: There should be no ground raising within the southern section of the red line boundary, nor should there be any future built development within the southern field.

Advisory: All surface water drainage issues should be agreed with the Lead Local Flood Authority. The Lead Local Flood Authority should be consulted with regards to how successful/reliable the flood alleviation measures and warning scheme on the Clatter Brook have been. The long term maintenance of which will further reduce any perceived, remote risk to the development site.

Public Response

Six letters of objection and one letter of support have been received. The letters can be summarised as follows:

Objections

- No need for further housing
- Outside of development plan
- Dangerous access/highway impact
- Impact on local schools and services
- Prime agricultural land
- Sewerage impact
- Obstruction of views
- Limited bus routes in the area
- Affordable housing
- Surface Water impact

Support

- Never floods
- Close to school
- Good walking facilities in area
- Lovely place to live

Planning History

None

Principal Planning Constraints

Flood Zone

Principal Planning Policies

National Policies

Planning Policy Wales (Edition 9, November 2016)

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

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

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

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

Technical Advice Note 11- Noise (1997)

Technical Advice Note 12 – Design (2016)

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

Technical Advice Note 18 – Transport (2007)

Technical Advice Note 20- Planning and the Welsh Language (2017)

Technical Advice Note 23 – Economic Development (2014)

Welsh Government Practice Guidance: Planning for Sustainable Buildings (2014)

Welsh Government Circular 016/2014: The Use of Conditions

Welsh Office Circular 10/99: Drainage

Local Policies

Unitary Development Plan (March 2010)

SP3 – Natural, Historic and Built Heritage

SP5 – Housing Developments

SP14- Development in Flood Risk Areas

GP1 – Development Control

GP3 – Design and Energy Conservation

GP4 – Highway and Parking Requirements

ENV1 – Agricultural land.

ENV2 – Safeguarding the Landscape

ENV3 – Safeguarding Biodiversity and Natural Habitats

ENV7 – Protected Species

HP3 – Housing Land Availability

HP4 – Settlement Development Boundaries and Capacities

HP6 – Dwellings in the Open Countryside

HP9 – Affordable Housing in Rural Settlements

HP10 – Affordability Criteria

TR2- Tourist Attractions and Development Areas

DC9- Protection of Water Resources

DC10- Mains Sewage Treatment

DC11 – Non-Mains Sewage Treatment

DC13 – Surface Water Drainage

DC14- Flood Prevention Measures

Affordable Housing for Local Needs Supplementary Planning Guidance (SPG) (2011)

Powys Residential Design Guide (2004)

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

Officer Appraisal

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

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

Principle of Development

The application site is located entirely outside but adjoins the settlement development limits for Presteigne as defined by 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 therefore not in accordance with the UDP and should be 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 latest Joint Housing Land Availability Study (JHLAS) published in 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

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 Presteigne which is identified in the UDP as an area centre. Presteigne is served by a large range of community services and facilities including a primary and high school, leisure centre and fire station, day centres, numerous shops and public houses.

In light of the range of services located within a short distance of the development site, Officers consider that the development site to be a sustainable location for residential development.

Scale, Design and Appearance

UDP policy HP5 (Residential Development) indicates that development proposals will only be permitted where the scale, form and appearance of the development generally reflects the character and appearance of the existing settlement.

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. The proposed scheme indicates 27 dwelling of varying designs and scales including a mixture of detached, semi-detached and terraced dwellings.

The application is located adjoining the roundabout of the B4362 and B4356 county highways. Whilst separated by the County highway the site is considered to form a natural extension to the existing settlement of Presteigne and will follow on the built form of the adjacent residential estate of Kings Court and other residential 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 the 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.

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 and the proposal should complement and where possible enhance the character of the surrounding area.

The site layout is a reserved matter and not to be determined at this stage; however, the indicative site layout plan indicates that the proposed dwellings have sufficient distance to not have an unacceptable adverse impact upon the amenities enjoyed by the occupants of neighbouring properties.

This layout is for indicative purposes only however it is considered that the layout indicated is considered to be appropriate and would provide ample space for the proposed dwellings to be developed without compromising the amenity of neighbouring residential properties and therefore 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 the 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 retention of the exiting native hedgerows which surround the application site. 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 highways, taking into account the location of the application site which is adjacent to existing residential development it is considered that the proposed developments landscape and visual impact can be appropriately managed.

In light of the above, it is considered that the proposed development fundamentally 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 B4362 of which is within a 40mph speed limit.

The Highway Authority has been consulted on this application and notes that the provision of a footway across the frontage will provide adequate links to the wider pedestrian facilities available.

The Highway Authority has confirmed that they have no objection to the principle of the development, in terms of the potential impact the development would have on the immediate and wider highway network subject to a number of recommended conditions.

In light of the Highway Officer's comments, and subject to the suggested conditions, it is considered that the proposed dwellings fundamentally comply with Policy GP4 of the Powys Unitary Development Plan 2010.

Ecology

An Ecological Assessment by Turnstone was submitted in support of the application.

NRW have been consulted and have confirmed that they consider that the mitigation in sections 4.3.2 habitats, 4.4.2 Badgers and 4.4.3 bats are considered to be appropriate and proportionate, they therefore consider that the proposal is not likely to be detrimental to the maintenance of the favourable conservation status of any local populations of European Protected Species. The proposal is not likely to affect any fully protected British protected species and therefore subject to a number of conditions which secure the avoidance measures as identified within the Ecological report, NRW have confirmed that they have no objection to the proposed development.

It is considered that, in light of NRW's comments and subject to the inclusion of the suggested conditions, the proposed development fundamentally complies with policies ENV3 and ENV7 of the Powys Unitary Development Plan (2010) and Technical Advice Note (TAN) 5 Nature Conservation and Planning (2009).

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.

Policy GP5 indicates certain settlements where the Welsh Language has been identified as being important to the social, cultural and community fabric. Presteigne is not identified as being one of those settlements under GP5. However, it is considered that Welsh Language is a material consideration across the County.

In the 2011 census the Presteigne ward reported that 9.3% of the population 3 years old and above spoke Welsh which was a decrease from the 2001 census which was 11.6%. It is considered that given the scale of the proposed development and importance of providing affordable housing, that the proposal would not have an adverse impact on Welsh Language and culture.

Affordable Housing/ Amenity Space

Under the Powys Local Plan Affordable Housing Topic Paper (Update), September 2016 the target affordable housing contribution for the 'Central' area is indicated as a 30% contribution.

Consent is sought in outline for 27 dwellings with 30% of the site being offered as affordable housing (8 dwellings). The provision and implementation of the affordable housing will be secured via an appropriately worded condition.

It is also noted that play areas/public amenity spaces have also been provided for within the proposed development. An appropriate amenity space in accordance with Field in Trust standards and its long term maintenance is recommended to be secured via an appropriately worded S106 agreement.

Subject to appropriately worded conditions and S106 agreement it is considered that the proposed development fundamentally complies with relevant planning policy.

Welsh Water

Concerns have been raised over the capacity of Presteigne Waste Water Treatment Works (WwTW) and Welsh Water have indicated that it is nearing capacity and that it can accommodate the foul discharges only from a maximum of 31 residential properties only. The connection of any additional properties would thereafter require improvement to be undertaken and funded by developers.

Given the scale of development is below the 31 specified within the Welsh water correspondence, it is considered that the proposed development is in accordance with relevant policies. A condition is recommended to be attached to any grant of consent ensuring that a scheme and full details of any proposed connection is submitted to the Local Planning Authority prior to the commencement of development.

Flood Zone

The application site is located partially within a C2 flood zone under the Development Advice Maps contained within Technical Advice Note 15. NRW were consulted and noted that insufficient information had been submitted to fully consider the potential impact of providing highly vulnerable development within a C2 flood zone.

A further Flood Consequence Assessment was submitted. The report was followed with a flood map challenge report which was compiled by Hydrologic Services which has been reviewed and accepted by NRW.

It was noted that the revised flood map indicates that the proposed built development is outside of the C2 flood zone and therefore there is no predicted flood risk to the built development during any recognised extreme flood event.

Therefore in light of the above and subject to the recommended conditions it is considered that flood risk can be managed to an acceptable level.

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

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

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

Conditions

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

3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. The gradient of the access shall not exceed 1 in 30 for the first 15 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.
5. The centre line of the first 15 metres of the access road measured from the edge of the adjoining carriageway shall be at right angles to that edge of the said carriageway and be retained at that angle for as long as the development remains in existence.
6. Prior to the commencement of the development the access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 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.
7. Prior to the commencement of the development the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 15 metres from the edge of the adjoining carriageway.
8. Prior to the occupation of the development, provision shall be made within the curtilage of each dwelling for the parking of vehicles in line with CSS Wales 2008 Parking Standards. The parking areas shall be retained for their designated use in perpetuity.
9. The gradient from the back of the footway/verge to the vehicle parking areas shall not exceed 1 in 15 and shall be retained at this gradient for as long as the dwellings remain in existence.
10. Prior to the commencement of the development provision shall be made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of 0.3 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the -site may park within the site and both enter and leave the site in a forward gear.
11. No building shall be occupied before the estate road carriageway and one footway are 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.
12. The estate road carriageway and all footways shall be fully completed, to a standard 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.
13. Prior to the first use of the new access provided any existing means of access shall be stopped up, in materials to be agreed in writing by the Local Planning Authority and this shall be retained for as long as the development is in existence.
14. Upon formation of the visibility splays as detailed in 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. 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.

16. The mitigation described in section 4.3.2 habitats, 4.4.2 badgers and 4.4.3 bats as outlined in the Ecological Assessment completed by Turnstone Ecology shall be implemented and completed in full accordance with the details as approved.

17. Prior to the commencement of development a pollution prevention plan shall be submitted to and approved in writing by the Local Development Plan. Development shall thereafter be completed in full accordance with the details as approved.

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

i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 30% of housing units/bed spaces;

ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;

iii) the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing (if no RSL involved)];

iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and

v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

19. Prior to the commencement of development a phasing scheme for the provision of housing and affordable housing shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in strict accordance with the approved scheme.

20. No development shall commence until a scheme, including an implementation scheme, for the connection with the public foul sewerage system has been submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details.

21. Prior to the commencement of development a scheme for the disposal of surface water shall be submitted to and approved in writing by the Local Planning Authority.

Thereafter the scheme shall be implemented in accordance with the approved details prior to the first beneficial use of the development.

22. Prior to the first occupation of the any dwelling on site Section 4.5 Residual Risks and in particular options 1 and 3 of the Flood Consequence Assessment (Ref K0795/2 Rev) (July 2017) shall be completed and implemented in full in accordance with the details as approved.

23. No permission is hereby granted for any ground raising within the southern section of the red line boundary.

Reasons

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

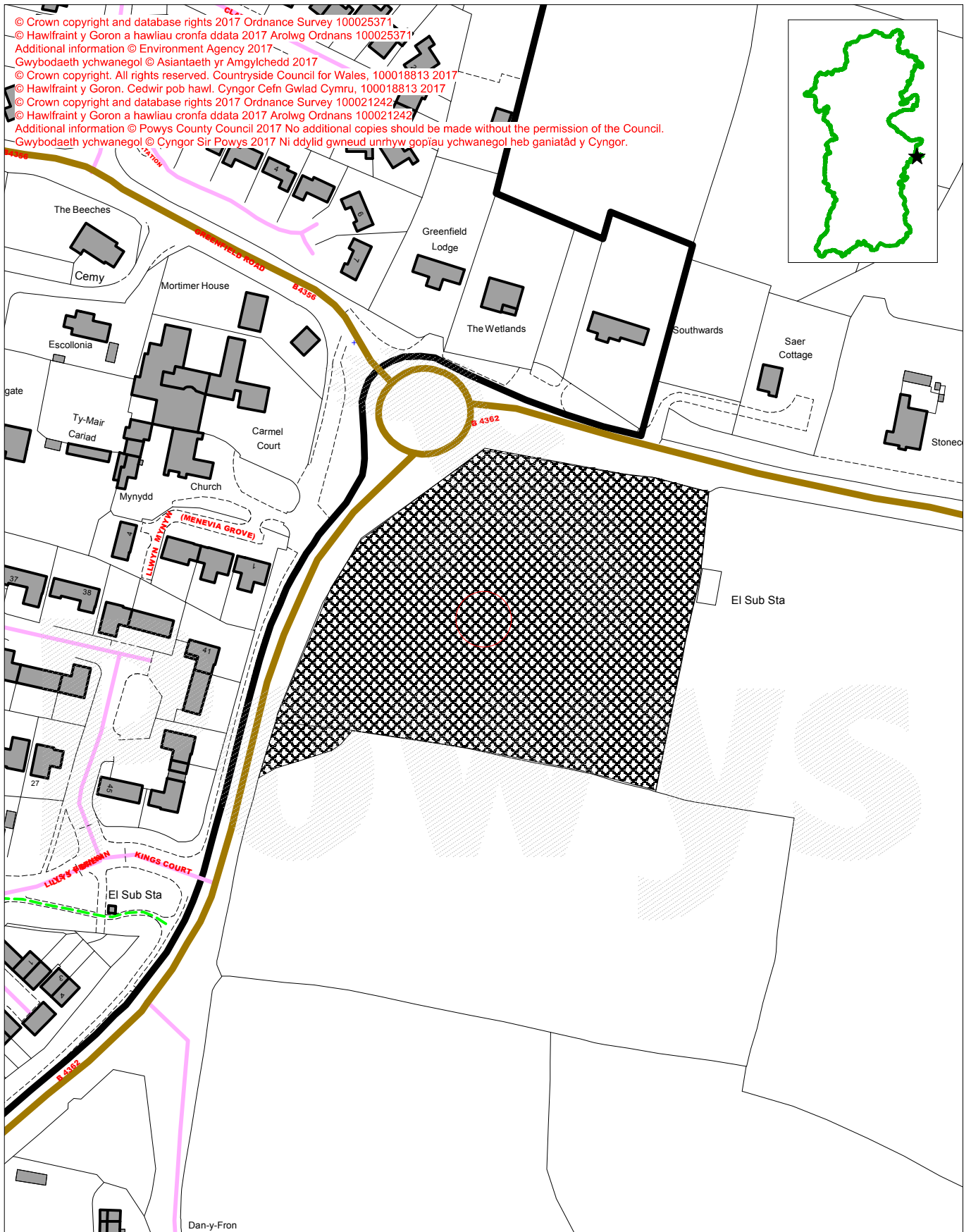
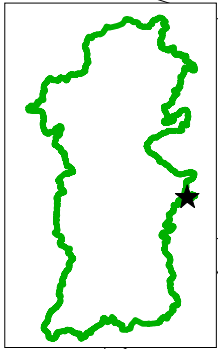
2. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

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

4. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
5. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
6. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
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14. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
15. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
16. In the interest of the protection and preservation of biodiversity in accordance with policy ENV3 of the Powys Unitary Development Plan.
17. In the interest of the protection and preservation of biodiversity in accordance with policy ENV3 of the Powys Unitary Development Plan.
18. In the interest of the protection and preservation of biodiversity in accordance with policy ENV3 of the Powys Unitary Development Plan.
19. In the interest of the protection and preservation of biodiversity in accordance with policy ENV3 of the Powys Unitary Development Plan.
20. To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment in accordance with Policy DC10 of the Powys Unitary Development Plan (2010).
21. In order to ensure adequate land drainage is provided in line with policy DC13 of the Powys Unitary Development Plan (2010).
22. To protect the development from flooding in accordance with policies GP1 and DC14 of the Powys Unitary Development Plan.
23. To protect the development from flooding in accordance with policies GP1 and DC14 of the Powys Unitary Development Plan.

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4.5

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2017/0201	Grid Ref:	302253.35 266821.44
Community Council:	Nantmel	Valid Date:	Officer: 20/02/2017 Thomas Goodman
Applicant:	Mr Steve Rowlands, Dan-y-Graig, Llanyre, Llandrindod Wells, Powys, LD1 6EF		
Location:	Cae Llwyn Poultry, Nantmel, Rhayader, Powys, LD6 5PE		
Proposal:	Full: Erection of an agricultural workers dwelling to include a garage, installation of sewage treatment plant and all associated works		
Application Type:	Application for Full Planning Permission		

The reason for Committee determination

The proposed development is a departure from the adopted plan as the application seeks approval for highly vulnerable development within a C2 flood zone.

Site Location and Description

The proposed development is located within the open countryside as defined by the Powys Unitary Development Plan (2010). To the north of the application site is the existing site access and the poultry unit associated with the proposed development. To the east runs the C1215 and to the south and west is agricultural land.

Consent is sought in full for the erection of an agricultural workers dwelling to include a garage and the installation of a sewage treatment plant. The dwelling will measure approximately 16.2 metres in length by 8.7 metres in width. The dwelling would measure approximately 7.7 metres in height to ridge and 4.8 metres to the ridge. As well as a garage that will measure approximately 6.4 metres in length and width and 4.5 metres in height. The dwelling will be finished using oak timbers and brick under a natural slate roof.

Consultee Response

Nantmel Community Council

No objections were made.

PCC - Building Control

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

PCC - Highways

The County Council as Highway Authority for the County Class III Highway, C1215 wish the following recommendations/observations be applied:

Recommendations/Observations:

The Highway Authority has no objection to the proposal on the basis that the new dwelling will replace the temporary accommodation required to service the poultry unit. Accordingly the Highway Authority recommends that the following condition be attached to any consent granted.

HC9 Prior to the occupation of the dwelling, provision shall be made within the curtilage of the site for the parking of not less than 3 cars. The parking areas shall be retained for their designated use in perpetuity.

Wales & West Utilities

Wales & West Utilities apparatus may be directly affected by these proposals and the information you have provided has been forwarded to Asset Management for their comments. If Wales and West are affected an Engineer will then contact you direct.

Please note this is in regard only to those pipes owned by Wales & West Utilities in its role as a licensed Gas Transported (GT). Gas pipes owned by other GT's and also privately owned may be present in this area and information with regards to such pipes should be obtained from the owners.

You must not build over any of our plant or enclose our apparatus.

Welsh Water

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

Sewerage

As the applicant intends utilising a private treatment works we would advise that the applicant contacts Natural Resources Wales who may have an input in the regulation of this method of drainage disposal.

However, should circumstances change and a connection to the public sewerage system/public sewerage treatment works is preferred we must be re-consulted on the application.

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

If you have any queries please contact the undersigned on 08009172652 or via email at developer.services@dwrcymru.com

PCC - Environmental Health

In relation to the above application, as the applicant is proposing to install a sewage treatment plant:

Can the applicant please confirm how the above plant will be discharged? If this is to a water course then consent would need to be obtained from NRW for the sewage discharge.

Consultation response received 08/03/2017:

Based on the supplied information Environmental Health have no objection to the above application.

PCC - Ecologist

Consultation response received 13/03/2017:

The site area is understood to be up to 0.2 hectares and includes 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.

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.

The application site appears to be located within an agricultural field, with a mobile home currently located within it. There is an existing access to the site and I understand that no changes to this or any boundary features are required for the proposal.

There are records of otter and bat species from within 2km of the site. The footprint of the new building appears to be within an agricultural field, but the new septic tank would appear to discharge into a tree-lined stream via a marshy area of grassland. Insufficient information has been provided to determine the potential impact on otters and other wildlife associated with these habitats.

A Preliminary Ecological Assessment will therefore 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).

There are records of various breeding bird species, water vole, badger and common lizard from within 2km of the site. These species could be present within the marshy and riparian habitats potentially affected by the new septic tank discharge. Please refer to my comments above regarding the need for a Preliminary Ecological Assessment.

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.

There appears to be an area of marshy grassland to the south of the site. This could be a potential Section 7 Priority Habitat, but there is insufficient information available to determine this. Rivers and streams are also a Section 7 Priority Habitat.

I therefore recommend that these habitats are considered as part of the Preliminary Ecological Assessment, and appropriate measures to protect them from damage during the construction phase are outlined. If the area of marshy grassland is within the footprint of the proposed development, and it cannot be avoided via alternative design, appropriate mitigation/compensation would be required to avoid or reduce the impact of the development on this habitat.

As a biodiversity enhancement I recommend that native, locally-occurring species are incorporated within the landscaping scheme for this development. A Species List for the landscape planting should therefore be provided for local authority approval prior to development.

The closest component of the Afon Gwy SAC is located approximately 750m to the south via the closest apparent drainage pathway. I recommend that Natural Resources Wales are consulted regarding potential impacts to this European site as part of the registration process for the installation of and discharge from the proposed septic tank.

The closest component of the River Ithon SSSI is located approximately 750m to the south via the closest apparent drainage pathway. I recommend that Natural Resources Wales are consulted regarding potential impacts to this National site as part of the registration process for the installation of and discharge from the proposed septic tank.

A mobile home is currently located at the site (to be removed subject to planning permission for this development) and the site is adjacent to an existing chicken shed.

Insufficient information has been provided to determine the potential impact on otters and other wildlife associated with these habitats. A Preliminary Ecological Assessment will therefore 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).

The Afon Gwy SAC/River Ithon SSSI is located approximately 750m to the south via the closest apparent drainage pathway. I recommend that Natural Resources Wales are consulted regarding potential impacts to these designated sites as part of the registration process for the installation of and discharge from the proposed septic tank.

As a biodiversity enhancement I recommend that native, locally-occurring species are incorporated within the landscaping scheme for this development. A Species List for the landscape planting should therefore be provided for local authority approval prior to development.

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 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.

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.

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;
- Ensuring that no barriers to movement of otters along the river are created;
- Keep unnecessary noise to a minimum during the works; and
- Do not light any fires close to areas of vegetation.

Consultation response received 18/05/2017:

We provided ecological observations on this application on 20/03/2017. Additional information provided subsequent to these comments includes a Preliminary Ecological Appraisal report by Mid Wales Ecology (April 2017).

Comments made following receipt of this information are included in bold text below. Otherwise the original observations remain valid.

The site area is understood to be up to 0.2 hectares and includes 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 development 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.

Additional information provided subsequent to our original comments includes a Preliminary Ecological Appraisal report by Mid Wales Ecology (April 2017). These observations are based on an interpretation of the PEA report, 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.

The application site appears to be located within an agricultural field, with a mobile home currently located within it. There is an existing access to the site and I understand that no changes to this or any boundary features are required for the proposal.

There are records of otter and bat species from within 2km of the site. The footprint of the new building appears to be within an agricultural field, but the new septic tank would appear to discharge into a tree-lined stream via a marshy area of grassland.

The PEA report (Mid Wales Ecology, April 2017) concludes that the potential for European protected species including otter and roosting bats within the proposed site is low.

Precautionary avoidance measures are proposed in Section 8 of the PEA report to avoid disturbance, harm and injury to otters and bat species during the construction phase. Additional bat boxes are proposed on the proposed building or on nearby suitable trees in order to provide additional roosting opportunities for the local bat population.

There are records of various breeding bird species, water vole, badger and common lizard from within 2km of the site. These species could be present within the marshy and riparian habitats potentially affected by the new septic tank discharge.

The PEA report (Mid Wales Ecology, April 2017) concludes that the potential for Nationally protected species including amphibians, reptiles, badger and water vole within the proposed site is low; the potential for nesting birds within boundary features is high.

Avoidance and mitigation measures for badgers, nesting birds, amphibians and reptiles are proposed within Section 8 of the PEA report. A sensitive lighting plan is proposed to safeguard against bat disturbance and displacement.

At least two bird nest boxes (with standard 32mm entrance hole) are recommended to be installed either on the proposed building positioned under the roof eaves preferably on a north to east facing aspect, or on nearby suitable trees within ownership of the client.

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.

The PEA report (Mid Wales Ecology, April 2017) concludes that the habitats located within the proposed work area are existing native species – rich hedgerows and single mature birch tree which have high biodiversity value; scattered planted young broad-leaved trees which currently have low value but as they age they will have increased biodiversity value; semi-

improved neutral grassland; poor semi-improved grassland which has low biodiversity value, and hard standing parking area which has negligible biodiversity value. The wet channel has moderate biodiversity value.

The report confirms that habitat loss will be restricted to within the boundary area of the Site, to include small areas of existing poor semi-improved grassland, two young planted trees and hard standing area. All existing boundary features including hedgerows, single mature tree and wet channel will be retained in situ. Access will be through the existing route with no new access created. Tree and hedgerow protection measures in accordance with BS5837:2012 will be required during the construction phase.

Two existing young planted trees (one oak, one holly) located in the south western quarter of the small field, are likely to be lost during siting of septic tank discharge route. The PEA report recommends that these should either be dug out to include all main root systems during tree dormancy autumn/winter period and relocated within new guards within the small field, or replaced using similar tree species.

A proposed species list for the landscape planting consisting of locally occurring native tree species has been included within the PEA report and should be adopted for any landscape planting at the site.

The closest component of the Afon Gwy SAC is located approximately 750 metres to the south via the closest apparent drainage pathway. I recommend that Natural Resources Wales are consulted regarding potential impacts to this European site as part of the registration process for the installation of and discharge from the proposed septic tank.

The closest component of the River Ithon SSSI is located approximately 750 metres to the south via the closest apparent drainage pathway. I recommend that Natural Resources Wales are consulted regarding potential impacts to this National site as part of the registration process for the installation of and discharge from the proposed septic tank.

No invasive non-native species have been identified in the PEA report (Mid Wales Ecology, April 2017).

A mobile home is currently located at the site (to be removed subject to planning permission for this development) and the site is adjacent to an existing chicken shed.

I consider that sufficient information has now been provided to determine the ecological impact of this application.

The Afon Gwy SAC/River Ithon SSSI is located approximately 750 metres to the south via the closest apparent drainage pathway. I recommend that Natural Resources Wales are consulted regarding potential impacts to these designated sites as part of the registration process for the installation of and discharge from the proposed septic tank.

Should you be minded to approve this application, I recommend the inclusion of the following conditions:

The mitigation and enhancement regarding bats, otters, badgers, reptiles, amphibians and nesting birds in Section 8 of the ecological report by Mid Wales Ecology dated April 2017 shall be adhered to and implemented in full unless otherwise agreed in writing with 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 the Environment (Wales) Act 2016.

A lighting design scheme to take any impacts on nocturnal wildlife into consideration shall be submitted for written LPA approval.

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

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

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

The Species List for the Landscape Planting contained within Section 8 of the ecological report by Mid Wales Ecology (April 2017) shall be 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.

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;
- Ensuring that no barriers to movement of otters along the river are created;
- Keep unnecessary noise to a minimum during the works; and
- Do not light any fires close to areas of vegetation.

NRW

Consultation response received 24/03/2017:

- 1) The current DAM map needs updating as the hydrological modelling is now 7 years old
- 2) We need updated hydrological modelling and an updated FCA so that we can determine the depth of flooding and advise on finished floor levels
- 3) This would be beneficial to the applicant for insurance purposes
- 4) There is no problem with flood storage at this location

Consultation response received 03/04/2017:

Thank you for referring the above consultation received by us on 27th February 2017. We understand that there have been previous applications at this location.

The Environment Agency Wales (EAW) objected to P/2010/1143 Full: Siting of a mobile home as a temporary agricultural worker's dwelling in connection with free range egg unit proposal, creation of new access and installation of a package treatment plant and the application was withdrawn

A subsequent planning application P/2012/1051 Change of use of land to permit the siting of an agricultural workers mobile home was given conditional consent although we have no record of an Environment Agency Wales consultation and conditions on flood risk are not attached to the permission.

We recommend that you should only grant planning permission for the scheme if it can meet the following requirements, to address significant concerns that we have identified. Provided these requirements are met, we would not object to the scheme.

Summary of Requirements

Requirement 1 – Updated Detailed hydraulic modelling and a Flood Consequences Assessment (FCA)

Flood Risk

Requirement 1 – Updated Detailed hydraulic modelling and a Flood Consequences Assessment (FCA)

The application site lies partially within zone C2, as defined by the Development Advice Map (DAM) referred to in Technical Advice Note 15: Development and Flood Risk (TAN15). Our flood map information, which is updated on a quarterly basis, confirms the site is partially within the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the River Dulas

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).

The current Development Advice Map (DAM) requires updating as the hydrological modelling is now more than seven years old. The updated hydrological modelling and FCA will enable us to determine the depth of flooding and advise on finished floor levels. This would be beneficial to the applicant for insurance purposes and flood storage is not a concern in this particular location.

We should be re-consulted when the necessary information is available so that we can give further advice on conditions that should be attached to any permission granted.

Foul Drainage

We note that the drawing submitted shows a Klargester Bio-disc with a discharge to the River Dulas which flows into the River Wye SAC downstream. Our permitting team should be contacted as soon as possible to determine whether a bespoke permit will be required as the proximity to the River Wye SAC may mean that it is not eligible for an exemption. More information, including a step by step bilingual guide to registering, is available on our website at; 'Do I need to apply for a permit' >><https://naturalresources.wales/apply-for-a-permit/water-discharges/discharges-to-surface-water-and-groundwater/environmental-permitting-for-discharges-to-surface-water-and-groundwater/?lang=en>

During determination of a bespoke permit the Permitting Service will assess whether there is any likely significant effect to the features of the River Wye SAC.

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 Permitting Service 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.

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.

Consultation response received 11/09/2017:

Thank you for re-consulting Natural Resources Wales (NRW) about the above, which was received on 10/08/2017.

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.

Condition 1 Flood Risk – Finished floor levels should be set at a minimum of 218.37 meters AOD

Flood Risk

The application site lies partially within zone C2, as defined by the Development Advice Map (DAM) referred to in Technical Advice Note 15: Development and Flood Risk (TAN15).

Development & Flood Risk and Flood Mapping & Data Management NRW teams have reviewed the supporting documents (2399-FCA vF1 (Aug 17) complete (NXPowerLite Copy).pdf) with this site, we can make the following comments:

- The hydrology estimates have been reviewed and approved by the Technical Hydrology team.
- In agreement with the DFR officer, a review of the modelling report has taken place only. No review of modelling files has taken place. This approach is because of the small scale of the proposed, historic modelling work and timescales stipulated by the Planning Authority.
- The modelling submission has taken a precautionary approach:
 - The design event has been considered as the 1 in 100+30% year scenario, instead of the required 25%.
 - The two culverts under the A44 have been blocked as part of the modelling submission.
- The model extent has been located far enough upstream and downstream to take into consideration any overland flow paths or downstream influences.
- Recognised modelling approach and software. 5m grid used, with a 5 second time step. Recommended time step should be half to quarter of model grid cell size.
- Figure 8 appears to show some oscillation in the stage hydrographs, this suggests there may be issues with model stability near the peak of the simulation for a short period of time.
- Appendix E includes a series of maps of model outputs, however there is no site boundary outlines on the map, to give a clear indication of the depth grid relative to the proposed development site.

This submission is purely a model to support a development site. Further work would be required (i.e. a full model review) if the applicant wishes to challenge the flood map in this area.

Given the comments above, there are no significant concerns with the outputs from this modelling exercise and are considered acceptable to support the development.

Given the scale and nature of the proposed and relative predicted low flood risk, the following flood levels have been extracted from the submissions in support of the recommended mitigation measures;

Existing ground level of the proposed building plot is 217.71 mAOD.

Peak flood levels range from 217.72 mAOD for the 1 in 20 year event to 217.79 mAOD for the 1 in 1000 year event, therefore theoretical flood depths are minimal.

Additional sensitivity analysis indicates that overland flow route on the western bank dominates and so any variations to flood levels at the development site are predicted to be minimal.

Mitigation measures described in section 7 of the FCA are acknowledged and reiterated below for inclusion in any planning approval;

Condition 1 Flood Risk – Finished floor levels should be set at a minimum of 218.37 meters AOD

Reason: To protect the development from predicted flood risk extents.

Advice: The proposed finished floor level is 600mm above the 1 in 100 plus 30% climate change elevation.

Recommendation: Registration to the NRW flood warning service is advised to allow for preparatory action to be taken and reduce residual flood risk, particularly in relation to safe access/egress.

Foul Drainage

We note that the drawing submitted shows a Klargester Bio-disc with a discharge to the River Dulas which flows into the River Wye SAC downstream. Our permitting team should be contacted as soon as possible to determine whether a bespoke permit will be required as the proximity to the River Wye SAC may mean that it is not eligible for an exemption.

More information, including a step by step bilingual guide to registering, is available on our website at; 'Do I need to apply for a permit' <https://naturalresources.wales/apply-for-a-permit/water-discharges/discharges-to-surface-water-and-groundwater/environmental-permitting-for-discharges-to-surface-water-and-groundwater/?lang=en>

During determination of a bespoke permit the Permitting Service will assess whether there is any likely significant effect to the features of the River Wye SAC.

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 Permitting Service 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.

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.

Representations

Following display of a site notice, 3 public representations have been received objecting to the application. In summary the following points have been raised:

- The character and appearance of the dwelling in relation to the surrounding environment.
- Flood plain
- The permanent residential need
- Whether or not there is an agricultural business being run
- Impact on the landscape
- Scale and size of the dwelling

Planning History

P/2010/1141 - Full: Erection of an agricultural building for free range eggs and creation of new access – Conditional Consent

P/2010/0520 - Full: Erection of an agricultural building for free range hens - Withdrawn

P/2010/0555 - Full: Change of use of land for the siting of a mobile home for use as a temporary agricultural worker's dwelling, creation of new vehicular access and installation of private treatment plant - Withdrawn

P/2012//1051 - Full: Change of use of land to permit the siting of an agricultural workers mobile home. – Conditional Consent

P/2010/1143 - Full: Siting of a mobile home as a temporary agricultural worker's dwelling in connection with free range egg unit proposal, creation of new access and installation of a package treatment plant - Withdrawn

P/2013/0862 - Full: Siting of mobile home (revision of external materials) (retrospective) – Conditional Consent

P/2015/1074 - Section 73 application to vary Condition no. 1 of planning permission P/2013/0862 to allow sitting of a mobile home for a further 3 years – Conditional Consent – 20/01/2016

P/2015/1076 - Section 73 application to vary Condition no. 1 of planning permission P/2013/0862 to allow change of use of land to extend domestic curtilage and formation of porch and timber decked area for a further 3 years. – Conditional Consent

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

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

Principal Planning Constraints

Open Countryside

Principal Planning Policies

National planning policy

Planning Policy Wales (Edition 9, November 2016)

Technical Advice Note (TAN) 2: Planning and Affordable Housing (2006)

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

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

Technical Advice Note (TAN) 12 Design (2016)

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

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

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

Local planning policies

Powys Unitary Development Plan (2010)

SP5 – Housing Developments

SP14 – Development in Flood Risk Areas

GP1 – Development Control

GP2 – Planning Obligations

GP3 – Design and Energy Conservation

GP4 – Highway and Parking Requirements

ENV1 – Agricultural Land

ENV2 – Safeguarding the Landscape

ENV3 – Safeguarding Biodiversity and Natural Habitats

ENV7 – Protected Species

HP4 – Settlement Development Boundaries and Capacities

HP6 – Dwellings in the Open Countryside

HP10 – Affordability Criteria

HP14 – Sustainable Housing

DC11 – Non Mains Sewerage Treatment

DC13 – Surface Water Drainage

Powys Residential Design Guide (October 2004)

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

Officer Appraisal

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

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

Background of Development

Consent was granted in November 2012 under planning application P/2012/1051 for the change of use of land to permit the siting of an agricultural workers mobile home for a temporary period of three years together with the installation of a private treatment plant which has been occupied in connection with the poultry unit which was approved under the application reference number P/2010/1141.

The mobile caravan was implemented under the reference number P/2012/1051 and an additional application was made under the reference number P/2013/0862 which extended the temporary period. A further application was submitted under the reference number P/2015/1074 which was granted conditional consent on the 20/01/2016 to extend the period for a further three years until 2019.

Principle of Development

As an exception to housing policies, provision is made within Planning Policy Wales, Technical Advice Note 6 and the Powys Unitary Development Plan (2010) for new isolated residential development in the open countryside where the said accommodation is required to enable a rural worker to live at, or close to their place of work.

UDP policy HP6 sets out the general requirements applied to all residential developments within the open countryside such as this proposal. Proposals for dwellings in the open countryside will only be permitted for agricultural or forestry uses or in association with a suitable rural enterprise, such dwellings will only be permitted where they meet a required criteria. The criterion requires that the development:

- A. Clearly demonstrates that there is a functional need for the development and that the proposed enterprise would be financially viable.
- B. The dwelling should utilise an existing building in accordance with the conversion policy (GP6) or if none is available, any new dwelling shall be located adjacent to existing buildings wherever possible.

For the purposes of Technical Advice Note 6, qualifying rural enterprises are defined as those enterprises which comprise land related businesses including agriculture, forestry and other activities that obtain their primary inputs from the site, such as the processing of agricultural, forestry and mineral products together with land management activities and support services (including agricultural contracting), tourism and leisure enterprises.

- Functional & Time Test

The functional test requires that it is demonstrated to be essential for a worker to be readily available at most times, at or in close proximity to the site of need, for an appropriate rural enterprise to function properly.

In terms of an existing functional need, the applicants have indicated that a residential accommodation adjacent to the business is essential for its continued running and expansion as it will enable the applicant to invest more time in the running of the business.

The free range unit has a substantial requirement for labour which is outside normal working hours. This involves ensuring that the pop holes are open at 8.00 a.m every morning of the year, rounding up the birds and the closing of the pop holes at 9.00 pm (or dusk) every night of the year. Monitoring of ventilation and temperatures, monitoring of feeding and water system and monitoring of the lighting system is also required. Failure of any of these system would have an adverse effect on bird welfare and production

The functional need is principally determined by the nature and scale of the enterprise operated and the agricultural systems employed. This business operates a free range egg enterprise of some 12 000 free range eggs which has a labour requirement of 2.4 full time workers, based on standard data from Poultry Farm Management Information. The availability of supervision is stated to be necessary to ensure that the business regulations 1994 and in the case of Poultry Enterprise, the Code of Recommendation for the Welfare of Laying Hens are adhered to.

- Financial Test

Accounts have been provided by A J Accountancy Limited (Chartered Accountants, Llandrindod Wells) that show the enterprise to be making a reasonable profit for a period of 3 consecutive years. The information within the submitted report demonstrates that the financial test have been complied with and that the rural enterprise can sustain a dwelling proposed.

- Other Dwellings

Having visited the site and reviewed the information that has been submitted it is considered that there are no agricultural buildings present on site that would be capable of conversion and no suitable alternative residential properties available.

In light of the above it is considered that the proposed development meets with policies HP6 and GP6 of the Powys Unitary Development Plan as well as Technical Advice Note 6.

Site Location and External Appearance

With respect to design, appearance and location specific reference is made to UDP policies GP1 and HP6. 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.

It is considered that the proposed dwelling would be grouped with existing buildings and would not appear as an isolated dwelling in the open countryside. The design is considered to complement the area. The proposed development is therefore considered to comply with policies relating to location and appearance.

Highways Safety

Powys UDP policy GP4 requires that all developments have a safe access, parking and visibility splays which are a fundamental requirement of any development.

Powys County Council's Highway Authority has been consulted on the proposed development and has stated that they would have no objections to the proposed development subject to the provision of an appropriately worded condition.

In light of the above the proposed development fundamentally complies with policy GP4 of the Powys Unitary Development Plan (2010) subject to the attachment of appropriately worded conditions.

Flooding

Policy SP14 of the Powys UDP refers to development in flood risk areas. The proposed development is within the C2 flood zone and is considered as highly vulnerable development. Policy SP14 states that highly vulnerable development and emergency services will not be permitted in C2 flood zones.

Natural Resources Wales (NRW) been consulted on the proposed development. NRW initially stated that they required an updated hydrological model and an updated FCA in order to determine the depth of flooding so as to advise on the finished floor levels and confirmed from the outset that there is not a problem with flood storage in this location. NRW confirmed that the site lies partially within the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the River Dulas within the C2 flood zone as defined by the Development Advice Map (DAM) referred to in Technical Advice Note 15: Development and Flood Risk.

Following the submission of a Flood Consequence Assessment (FCA) NRW were re-consulted and confirmed that they would no longer object to the proposed development subject to the attachment of an appropriately worded condition to address their concerns. The condition will ensure that the finished floor levels are set at a minimum of 218.37 metres AOD. NRW have stated that there are no significant concerns with the outputs from the modelling exercise and are considered acceptable to support the development. NRW have recommended that the applicant register to the NRW flood warning service.

In light of the above advice received from NRW and the submitted FCA it is considered that flood risk can be managed to an acceptable level.

Biodiversity

Policy ENV3 and ENV7 of the Powys Unitary Development Plan (2010) seeks to ensure that protected species and their habitats are safeguarded and enhanced wherever possible. This is further emphasised within Technical Advice Note (TAN) 5.

Powys County Council's Ecologist has been consulted on the proposed development and noted that no ecological information had initially been submitted in support of the application. The Ecologist has stated that there are records of otter and bat species within 2km of the site. A preliminary ecological assessment will be required to be submitted prior to determination to identify the habitats present on and adjacent to the site and the potential to support protected species as well as the presence of invasive non-native species.

A Preliminary Ecological Appraisal report by Mid Wales Ecology (April 2017) was submitted as additional information and the Ecologist has been re-consulted. The Ecologist has noted that precautionary avoidance measures are proposed within Section 8 of the preliminary ecological appraisal report to avoid disturbance, harm and injury to otters, badgers, nesting birds, amphibians, reptiles and bat species during the construction phase. Additional bat boxes are proposed on the proposed building and nearby suitable trees in order to provide additional roosting opportunities for the local bat population. A sensitive lighting plan has also been proposed to safeguard against bat disturbance and displacement. The Ecologist has now confirmed that sufficient information has been submitted to identify that the proposed development would not have a detrimental impact upon protected species and their habitats and provides enhancement measures through the development. The Ecologist therefore considers that should planning permission be granted consent that appropriately worded conditions be attached to any granting of consent in order to ensure compliance with policies ENV3 and ENV7 of the Powys Unitary Development Plan (2010) and Technical Advice Note (TAN) 5.

In light of the above and subject to an appropriately worded condition it is considered that the proposed development fundamentally complies with policies ENV3 and ENV7 of the Powys Unitary Development Plan (2010) and TAN 5.

Environmental Health

Policy DC11 of the Powys UDP states that where it is not feasible for development proposals to connect to the public foul sewerage system, permission will be granted for the provision of private sewage treatment plants and septic tanks where appropriate. Powys County Council's Environmental Health Officer has been consulted on the proposed development and requested that clarification be sought as to how the plant will be discharged. Confirmation was received that the foul drainage will be discharged to a water course and therefore Powys County Council's Environmental Health Officer has stated that no further information is required and the application would need to obtain a permit/consent for NRW for the sewage discharge.

In light of the above it is considered that the proposed development fundamentally complies with policy DC11 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. Given the scale of the development and the need for the development to contribute towards the economy of the area, it is considered that there would be no unacceptable effect upon the use of 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

Subject to conditions it is considered that flood risk can be managed to an acceptable level. The recommendation is therefore one of conditional consent.

Consent

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: 2016/03/07, 2016/03/08, 2016/03/06, 2016/03/05, 2016/03/02, 2016/03/01, 2016/03/09 & 2016/03/03).
3. Prior to the occupation of the dwelling, provision shall be made within the curtilage of the site for the parking of not less than 3 cars. The parking areas shall be retained for their designated use in perpetuity.
4. The mitigation and enhancement regarding bats, otters, badgers, reptiles, amphibians and nesting birds in Section 8 of the ecological report by Mid Wales Ecology dated April 2017 shall be adhered to and implemented in full.
5. Prior to the 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. Development shall be carried out in accordance with the approved scheme.
6. 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.
7. The Species List for the Landscape Planting contained within Section 8 of the ecological report by Mid Wales Ecology (April 2017) shall be implemented as approved and maintained thereafter.
8. Finished floor levels should be set at a minimum of 218.37 meters above Ordnance Datum.
9. The occupancy of the dwelling shall be restricted to:
 - a) a person solely or mainly working, or last working on a rural enterprise in the locality, or a widow, widower or surviving civil partner of such a person, and to any resident dependants; or if it can be demonstrated that there are no such eligible occupiers,
 - b) a person or persons who would be eligible for consideration for affordable housing under the local authority's housing policies, or a widow, widower or surviving civil partner of such a person, and to any resident dependants.
10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013, (or any Order revoking and re-enacting that Order) no extensions to the dwelling or alterations to the roof (including the introduction of roof lights or dormers), or the erection of garages or sheds shall be undertaken without the prior express consent of the local planning authority.
11. Within two months of occupation of the new dwelling hereby approved, the existing temporary mobile home on the site shall be removed.

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. To comply with Powys County Council's UDP policies SP3, ENV2 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.
5. To comply with Powys County Council's UDP policies SP3, ENV2 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.
6. To comply with Powys County Council's UDP policies SP3, 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.
7. To comply with Powys County Council's UDP Policies SP3 and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.
8. To protect the development from flooding in accordance with policies GP1 and DC14 of the Powys Unitary Development Plan.
9. The dwelling is proposed for a site which would not normally be permitted other than for the running of the defined rural enterprise in accordance with the requirements of policy HP6 of the Powys Unitary Development Plan.
10. In order to control further development which has the potential to have adverse effects on privacy and/or amenity in contradiction to policy GP1 of the Powys Unitary Development Plan.
11. To prevent the establishment of separate use in the interests of privacy and amenity in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan.

Informative Notes

Birds - Wildlife and Countryside Act 1981 (as amended)

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

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

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

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

case of swifts, swallows or house martins). If a nest is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.

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:

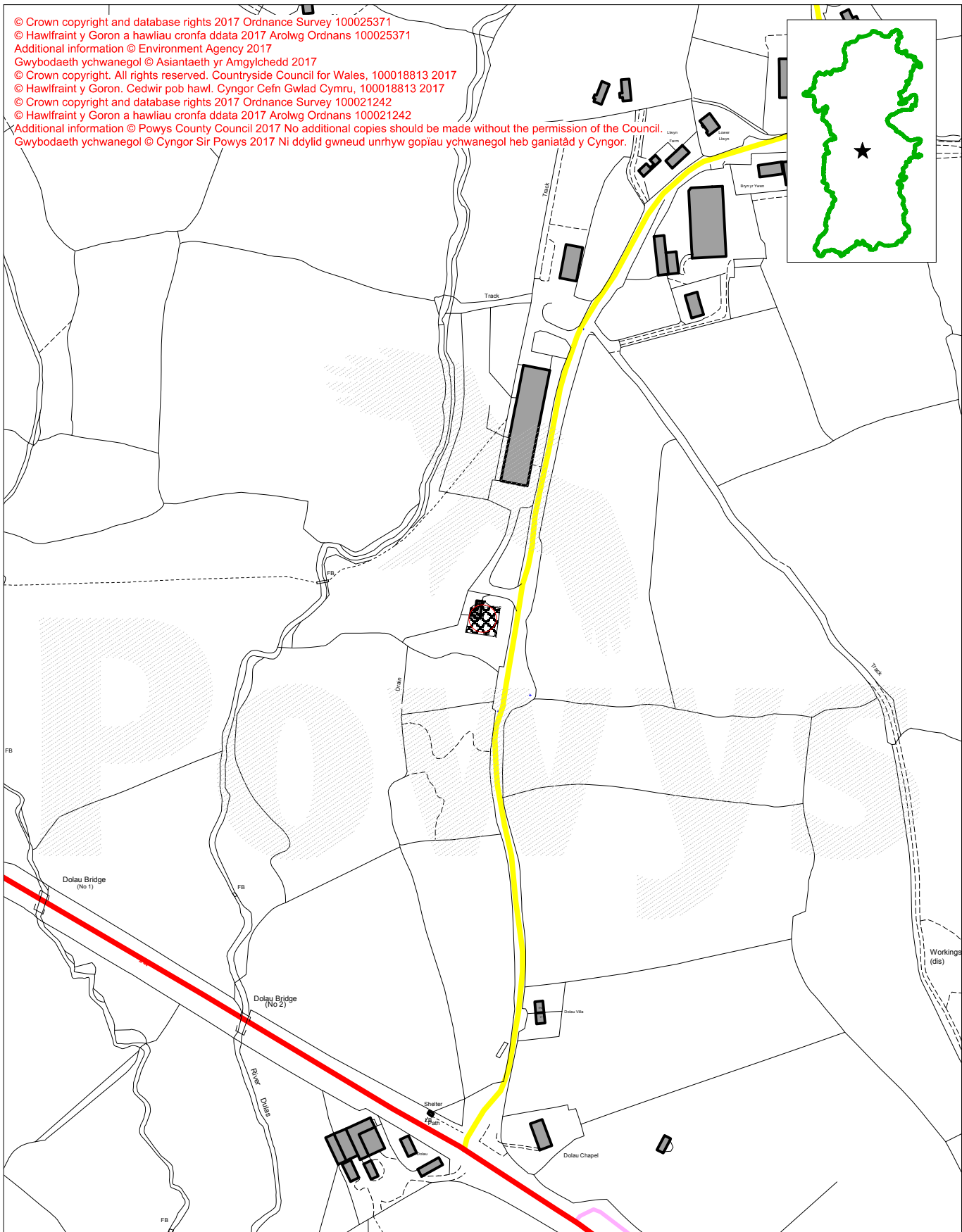
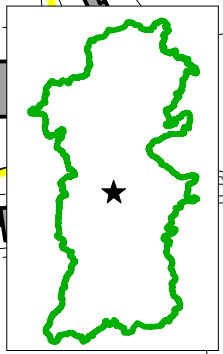
- Deliberately capture, injure or kill an otter;
- Deliberately disturb an otter in such a way as to be likely to significantly affect the local distribution or abundance of otters or the ability of any significant group of otters to survive, breed, rear or nurture their young;
- Damage or destroy an 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;
- Ensuring that no barriers to movement of otters along the river are created;
- Keep unnecessary noise to a minimum during the works; and
- Do not light any fires close to areas of vegetation.

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

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4.6

Planning, Taxi Licensing and Rights of Way Committee Report

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

The reason for Committee determination

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

Site Location and Description

The site is indicated to cover an area of 0.33 hectares and is located to the east of Penybont. The site is considered to lay part within and part outside of the development boundary of Penybont, as indicated in Inset Map R83 of the Powys UDP.

The site is currently open agricultural grassland and is bound by the A44 to the north-east, existing dwellings to the north-west and with a cemetery to the immediate west. To the south-west there is agricultural grassland leading down to the River Ithon; a residential dwelling is located to the south-east of the site with an existing farm holding located due south. The proposed site is to be accessed via a driveway linking to Market Meadows, which in turn links out to the A44.

Consent is sought in outline with all matters reserved, for the development of up to 5 new dwellings with garages, formation of access road and all associated works.

Consultee Response

Penybont Community Council

Penybont Council met on 8th August and resolved to make no objections to this application. However, they are concerned that the long-established car parking area to the cemetery will be lost to an access road and this should be taken into consideration by the owners.

PCC Highways

Comments received on 18/08/2017:

The County Council as Highway Authority for the County Class I Highway, A44; wish the following recommendations/Observations be applied.

Recommendations/Observations

The Highway Authority has no fundamental objection to this proposal, however it is noted that width of the proposed access at 4.2m, does accord with the 5m access approved under the original consent PR6300/00. It is the opinion of the Highway Authority that a minimum access width of 4.8 metres is required to afford simultaneous access and egress from such an access.

The applicant is therefore advised to reconsider the width of the access, if sufficient land is available, or provide requisite detail to demonstrate that the access as proposed is capable of providing simultaneous access and egress. This information is required before the application is determined.

Additional comments received on 19/09/2017:

Thank you for providing the revised access detail as shown on drawing 3145 (03)01 Revision B. The detail submitted clearly demonstrates that an appropriate vehicular access can be provided to serve the site and therefore the Highway Authority has no objection to the proposal.

Appropriate highway conditions will be provided at the Reserved Matters stage.

PCC Building Control

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

Wales & West Utilities

Old Market Meadows, Penybont, Llandrindod Wells, Powys, LD1 5US.

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

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

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

PCC Environmental Health

Comments received on 26/07/2017:

Due to the close proximity of the A44 I will require a traffic noise assessment to be undertaken, also if foul drainage is to be discharged to soakaway then a porosity test will also need to be submitted. If the discharge will be to the river, consent will be needed from the NRW.

Additional comments received on 06/10/2017:

The noise report supplied in support of this application is clear in that the proposed dwellings will need to be designed to accommodate noise from the A44, suitable acoustic glazing which would result in the need for alternative methods of ventilation as the windows will not be of an openable design will need to be incorporated.

The biggest area of concern is with regard to plots 2 and 3 as they are the closest to a cattle grid and the report demonstrates that this will be of a high volume and impulse in nature. I would strongly recommend that the applicant seeks advice from Highways to ascertain if there are options open to reduce the level of noise from the cattle grid, at their expense.

With regards to the dwellings I would suggest the following condition be attached should permission be granted. The figure of 30dB (A) is the level at which above, sleep disturbance is experienced.

The building envelope of plot numbers 1, 2, 3, 4 shall be constructed so as to provide sound attenuation against the external noise of 55dB (A), with windows shut and other means of ventilation provided, the internal volume of habitable rooms shall be 30 dB(A). A written attenuation and Ventilation scheme shall be supplied to the Planning Authority and agreed in writing prior to construction.

The sound attenuation works shall be completed before the use of the building begins and thereafter retained in perpetuity and.

Additional comments received on 13/10/2017:

As per the recent communication please find my comments for the above application.

Condition:

A scheme for sound insulation and noise control measures shall be submitted to and approved in writing by the Local Planning Authority prior any superstructure works commencing on site.

The sound insulation and noise control measures shall achieve the following internal noise targets (in line with BS 8233:2014):

Bedrooms (23.00-07.00 hrs) 30dB LAeq, 8 hour and 45dB Lmax (fast)

Living/dining Rooms (07.00-23.00 hrs) 35dB LAeq, 16 hour and

Living/Dining Rooms (23.00-07.00 hrs) 30dB LAeq, 16 hour.

The sound insulation and noise control measures shall be carried out strictly in accordance with the details so approved, shall be implemented prior to the first occupation of the development hereby approved, shall be maintained as such thereafter and no change there from shall take place without the prior written consent of the Local Planning Authority.

Reason: To ensure appropriate internal acoustic amenity levels for future residents.

PCC Ecologist

Comments received on 15/08/2017:

Thank you for consulting me with regards to the planning application P/2017/0815 which concerns an outline application for residential development for up to 4 dwellings with garages, formation of access road and all associated works at Land off Old Market Meadows, Penybont, Llandrindod Wells, Powys.

I have reviewed the proposed plans, aerial images as well as local records of protected and priority species and designated sites within 500m of the proposed development. The data search identified 60 records of protected and priority species within 500m of the proposed development – there are no records for the site itself.

There are two statutory designated sites are present within 500m of the proposed development site.

- River Ithon – SSSI
- River Wye – SAC

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

The proposed development is within close proximity <90m to the River Ithon SSSI which is part of the River Wye SAC. As such the potential for the proposed development to impact the River Wye SAC during the construction and/or operation phases of the proposed development and potential for a Likely Significant Effect to the Wye River SAC and/or its associated features has been considered.

Given the proximity of the proposed development to watercourses connected to the River Wye SAC and the nature of the proposed development it is considered that there is a potential for the proposed development to impact the River Wye SAC and that pollution from construction activities could result in a Significant Effect, it is therefore considered that to demonstrate that the proposed development would not result in a Likely Significant Effect the River Wye SAC and/or it's associated features a Pollution Prevention Plan will need to be identified to ensure no negative impact is caused during construction activities and during operation of the site – this information is required to be submitted prior to determination of the application and to enable a Habitats Regulations Screening to be undertaken.

I note that identification of the need for a Pollution Prevention Plan to ensure no negative impacts to the River Wye SAC was also identified in section 5.2 of the submitted Ecological Survey.

Therefore it is considered that further information is required to enable the LPA to assess the potential impacts of the proposed development the River Wye SAC – A European Designated Site – in accordance with Regulation 61 of the Conservation of Habitats and

Species Regulations 2010 (as amended). This information is required to be submitted prior to any further works of the development.

It is recommended that the identified Pollution Prevention Plan refers to guidance identified in to the Pollution Prevention Guidelines Series in particular PPG 6 - Working at construction and demolition sites and GPP 5 – Works and maintenance in or near water; these documents can be found at:

<http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>

An extended Phase 1 ecological survey of the proposed developed land was undertaken by Dusk to Dawn Ecology Ltd dated July 2017. I have reviewed the Extended Phase 1 Ecology Report, I consider that the survey effort employed was in accordance with National Guidelines.

The Extended Phase 1 ecological survey consisted of a combination of desktop searches and a site visit which took place on the 23rd May 2017. Surveys that were undertaken during the site visit included an extended Phase 1 habitat survey and protected fauna surveys and assessments. At the time of the site visit the field was grazed by horses. The grassland within the site is considered to be species poor semi improved grassland. Hedgerow along the east, south and western boundary are not considered as important hedgerow as the hedgerows lack diversity – whilst these features lack species diversity it should be noted that linear habitat features are a Powys LBAP habitat.

The ecology survey noted that the development is unlikely to result in the loss of any habitat suitable for great crested newts, otters, or hazel dormice and as such no further surveys for these species are recommended.

It was considered that the hedgerow and field may be used by small numbers of common bat species for commuting and foraging. The site is considered to have some potential for foraging and commuting use by badgers, however no further survey work is deemed necessary.

No birds nest were found during the site visit, however appropriate steps and mitigation for nesting birds have been recommended to be undertaken as part of the development.

The site was assessed as low potential for reptiles however the root system of the hedgerow had limited potential to be used by reptiles for hibernation and commuting purposes. Therefore precautionary measures are recommended if hedgerow is required to be removed. The UDP policies ENV2 and ENV6 identify the need to protect or provide compensation for impacts to hedgerows and trees. UDP Policy ENV2 states that:
'Proposals which are acceptable in principal should:

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

UDP Policy ENV6: Sites of Regional and Local Importance, makes reference to Powys LBAP habitats and species which include hedgerows 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'. Hedgerows are also 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.

As such I recommend that a Tree Protection Plan is secured through an appropriately worded condition where it is necessary to remove any trees or hedgerow this plan will need to identify appropriate compensation planting for the loss of these features to maintain the important foraging commuting features used by bats and other species at the site – details of the location, length and species as well as an appropriate aftercare scheme will need to be identified – species used will need to be native and reflect the hedgerows present in the local area. As identified the submission of this information could be secured through a planning condition.

Section 6 of the Ecological report provided mitigation and recommendation provision which include retention on the hedgerow boundary, implementation of a root protection zone, timings of work regarding hedgerow removal, provision of bird boxes and gaps under proposed fencing for small mammals. I consider these measure acceptable and appropriate for the habitats present on site.

If it is proposed to provide landscaping as part of the potential development consideration should be given to the development of a native landscape planting scheme. It is recommended that details of any landscaping proposed are submitted in a detailed Landscape Planting Scheme including proposed species mixes, planting and aftercare schedules. A Landscaping Plan could be secured through a planning condition, however as further information has been requested the provisions of details submitted at this stage would avoid the need for a pre-commencement condition requiring this information.

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.

As the application is an outline application further details will be submitted at a later date as reserved matter consideration should be given to incorporate biodiversity enhancements. In accordance with Part 1 Section 6 of the Environment (Wales) Act 2016 Local Authorities are required to Maintain and Enhance biodiversity through all of its functions – this includes the planning process. It is therefore recommend that consideration is given to opportunities to incorporate biodiversity enhancements to ensure net biodiversity benefits through the proposed development. These measure could include:

- Provision of bird and bat boxes including the details of the number, type and location of these boxes;
- A wildlife buffer strip and a scheme of appropriate management of these areas, hedgerows should be retained within buffer strips and should be unlit or lighting to be directed away from the hedgerows to create dark movement corridors for nocturnal wildlife through the site;
- Provision of wildlife friendly landscape planting.

Should biodiversity enhancement measures such as the bird nesting boxes - be proposed as part of the development details of these features identified will need to be specific and

detailed on submitted plans (i.e. details regarding locations, dimensions and numbers will need to be provided) and achievable.

Additional comments received on 12/10/2017:

Thank you for consulting me with regards to the additional information submitted in relation to planning application P/2017/0815.

The additional information submitted has been provided in response to a request for further information to enable the LPA to assess the potential impacts of the proposed development to biodiversity, in particular with regards to the River Ithon SSSI which is part of the River Wye SAC - statutory designated site.

The proposed development is within close proximity <85m to a River Wye SAC as such the potential for the proposed development to impact the River Wye SAC during the construction and operation phases of the development and likelihood to result in a Likely Significant Effect to the River Wye SAC and/or its associated features has been considered.

Having reviewed the information submitted in the form of a Pollution Prevention Statement it has been determined that the proposed development would not result in a likely significant effect to the River Wye SAC and/or its associated features – I have attached a copy of the Screening Assessment for your records.

In addition to my previous response sent 15th August 2017 - should you be minded to approve the application I recommend inclusion of the following conditions:

The Pollution Prevention Plan produced by asbri Planning dated on the September 2017 shall be adhered to and implemented in full and maintained thereafter unless otherwise agreed in writing by the LPA.

Reason: To comply with Powys County Council's UDP Policies ENV3, ENV4, ENV5 and ENV6 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act.

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

Reason: To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and Part 1 Section 6 of the Environment (Wales) Act.

Prior to the commencement of development a detailed lighting design scheme to take into account any impacts on nocturnal wildlife into consideration shall be submitted for written LPA approval 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, 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 Part 1 Section 6 of the Environment (Wales) Act.

Prior to the commencement of development a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted landscaping scheme shall include a scaled drawing and a written specification clearly describing the species, sizes, densities and planting numbers proposed as well as aftercare measures. Drawings must include accurate details of any existing trees and hedgerows to be retained with their location, species, size and condition.

Reason: To comply with Powys County Council's UDP Policies SP3 and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

PCC Commons Registration

Thank you for your consultation email received on 20/07/2017 concerning the above application.

From the information provided on the Powys Planning Portal, I can confirm that the application site at Grid Ref: 311728,263867 as shown edged red on the Site Location Plan, ABUTS land to the east, that is registered as common land under the Commons Registration Act 1965 as Register Unit No. CL 14 (Radnor) and known as Rhos-Swydd Common and shown on the attached copy of the Register Map.

Commons Registration Records show that:

- The owners of the common are Mrs Diana Batty of 127 Headlands, Kettering, Northants NN15 6AD and Mrs Hermione R Twiss of 19 Rylet Rd, London W12 9SS
- The Common is subject to grazing rights.

The Applicant should therefore ensure that:

- The public access 'on foot' granted by the Countryside and Rights of Way Act 2000 must not be impeded or prevented at any time.
- There is no encroachment onto the common during the construction phase of the development i.e. building materials must not be stored on the common.
- Any inadvertent damage caused is made good as soon as possible

NRW

Comments received on 11/08/2017:

Can you confirm what type of foul drainage the applicant is proposing for the above application? We've got records of a main sewer within close proximity of the site.

Additional comments received on 11/08/2017:

Thank you for consulting Natural Resources Wales (NRW) about the above, which was received on 25/07/2016.

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 – The possibility of connecting to the foul sewer to be thoroughly investigated prior to determination of the planning application

Foul Drainage

We note that the application documentation includes documents from B M Evans Groundwork & Drainage dated 18th of May 2017 which includes a percolation test for the proposed site. The letter confirms that the applicant is proposing to install a package treatment plant.

We would be opposed to a proposal to install a private treatment facility as detailed in the Foul Proposals letter dated 18th May 2017 unless the developer can demonstrate that it is not reasonable to connect to the public system.

Government policy states that, where practicable, foul drainage should be discharged to the mains sewer. Our definition of a sewer area for a single dwelling is where the site area is within 33 metres of the nearest public foul sewer line. Where proposals are for more than one dwelling, the distance is multiplied by the number of units proposed, i.e. in this instance $33\text{m} \times 4 = 132\text{m}$.

Requirement 1 – The possibility of connecting to the foul sewer to be thoroughly investigated prior to determination of the planning application.

In order to therefore confirm the method of disposing foul sewage from the development prior to the determination of the planning, the applicant is advised to thoroughly investigate the possibility of connecting to the foul sewer by taking the following steps:

1. Formally approach the sewerage undertaker regarding a connection under Section 98 or Section 106 of the Water Industry Act (WIA) 1991, as appropriate
2. Serve notice for connection under Section 98 or Section 106 of the WIA 1991 if the sewerage undertaker has refused connection
3. Provide details of the reasons given by the sewerage undertaker if it has refused connection under Section 106 of the WIA 1991 and confirm that this decision has been appealed to Ofwat

OR:

Provide details of the undertakings, security and payment required by the sewerage undertaker under Section 98 of the WIA 1991.

Provide confirmation that the applicant considers these to be reasonable and does not intend to appeal against them.

4. Demonstrate that it is not reasonable to connect to the public foul sewer

Lack of capacity or absence of future plans to improve capacity in the main sewer are not valid reasons for a sewerage undertaker to refuse connection under Section 106 of the Water

Industry Act 1991. We may refuse to issue an Environmental Permit or exemption for private treatment facilities if these are the sole reason for non-connection.

Notwithstanding the above advice, the Applicant should be aware that should a connection to the mains sewer not be feasible, they will be required to apply for a permit for the operation of a non-mains drainage facility. It should be noted that at that stage, further information may be required as part of the permit application.

Should it be demonstrated that it is not feasible to connect to the mains we would advise the Applicant to hold pre-application discussions with our Permitting Team at the earliest opportunity, to try to ensure that there is no conflict between any planning permission granted and the NRW permit requirements.

Protected Species

Bats and their roosts are protected under the Conservation of Habitats and Species Regulations 2010 (as amended) and the Wildlife and Countryside Act 1981 (as amended). We advise that you should consult your internal ecologist with regards to the potential impact of the proposed development on the favourable conservation status of populations of bats.

The site has been subject to ecological survey and assessment in respect of statutory protected species by Reported Dusk to Dawn Ecology Ltd dated 3rd of July 2017. We consider that this assessment has been carried out to a satisfactory standard and we therefore concur with the conclusion. The results of the survey found no evidence of the surveyed buildings being used or having been used by bats.

The recommendation section should be implemented and if bats are found at any time during the development works, the works should cease immediately and NRW or a licenced bat worker be contacted for further advice.

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

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

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

Additional comments received on 04/09/2017:

Apologies for the delay in our response, we've received further information regarding the proposed method of foul waste. This has demonstrated that they will be connecting to the main sewer which is our preferred option.

We assume that the drainage strategy will be a formal document associated with the application. The information submitted has satisfied our previous requirement.

Representations

Following display of a site notice on 21/07/2017 there have been no public representations made.

Planning History

None.

Principal Planning Constraints

Radnor Common Land RCL014, Penybont (Rhos-Swydd)

Principal Planning Policies

National Planning Policy

Planning Policy Wales (9th Edition, November 2016)
Technical Advice Note 1 - Joint Housing Land Availability Study (2015)
Technical Advice Note 2 - Planning and Affordable Housing (2006)
Technical Advice Note 5 - Nature Conservation and Planning (2009)
Technical Advice Note 11 – Noise (1997)
Technical Advice Note 12 - Design (2016)
Technical Advice Note 15 – Development and Flood Risk (2004)
Technical Advice Note 18 – Transport (2007)
Technical Advice Note 20- Planning and the Welsh Language (2017)
Technical Advice Note 23 - Economic Development (2014)

Local Planning Policies

SP2 - Strategic Settlement Hierarchy
SP3 - Natural, Historic and Built Environment
SP4 - Economic and Employment Developments
SP5 - Housing Development
SP6 - Development and Transport
SP9 – Local Community Services and Facilities

GP1 - Development Control
GP2 – Planning Obligations
GP3 - Design and Energy Conservation
GP4 - Highway and Parking Requirements
ENV1 - Agricultural Land
ENV2 - Safeguarding the Landscape
ENV3 - Safeguarding Biodiversity and Natural Habitats
ENV4 – Internationally important Sites
ENV5 – Nationally Important Sites
ENV6 – Sites of Regional and Local Importance

ENV7 – Protected Species
HP3 - Housing Land Availability
HP4 - Settlement Development Boundaries and Capacities
HP5 - Residential Development
HP6 - Dwellings in the Open Countryside
CS3 – Additional Demand for Community Facilities
RL6 – Rights of Way and Access to the Countryside
T2 - Traffic Management
DC8 – Public Water Supply
DC9 – Protection of Water Resources
DC10 - Mains Sewerage Treatment
DC13 - Surface Water Drainage
TR2 – Tourist Attractions and Development Areas/

Affordable Housing for Local Needs Supplementary Planning Guidance (SPG) (July 2011)

Powys Residential Design Guide (2004)

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

Officer Appraisal

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

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

Principle of Development

The application site is located partially outside but adjoins the settlement development limits for Penybont as defined by 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 therefore not in accordance with the UDP and should be 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 latest 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 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.

Penybont is considered a large village in the UDP. Whilst large villages do not have as wide a range of services and facilities as the area centres, they normally act as an important service hub to the surrounding area. It is noted that the settlement of Penybont is served by a number of facilities including a pub, community centre, trotting race track and football pitch. The village also benefits from good transport links to surrounding settlements including the larger settlements of Crossgates and Llandrindod Wells. Penybont is also serviced by a railway station (located outside the village boundary limits, as part of the Heart of Wales line).

The application site does lay part within and part outside of the development boundary of Penybont and is considered to link to the edge of the village via existing footways and the road network.

In light of the above the site is considered to be situated within a sustainable location.

Affordable housing provision

The Unitary Development Plan Policy HP7 requires the provision of affordable housing within applications for five or more dwellings or sites of 0.3 hectares and over. It is noted that this application seeks consent for five dwellings and as such a single affordable dwelling is being provided. Subject to appropriately worded conditions it is considered that the proposed development fundamentally complies with relevant planning policy.

Design and layout

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

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

The indicative layout resembles a modern residential layout which is broadly comparable to those as seen in the settlement. More importantly it shows that up to 5 dwellings could be accommodated on the site.

Although Officers acknowledge that all matters relating to this application have been reserved for future consideration, on the basis of the plans provided, it is considered that the application site is capable of accommodating 5 dwellings without unacceptably adversely affecting the character and appearance of the area or amenities enjoyed by occupants of neighbouring properties compliant with UDP policies SP5, GP1, GP3, ENV2 and HP5.

Landscape and Visual Impact

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

The site occupies an edge of settlement location which adjoins open countryside and therefore the locality is considered to be sensitive to visual change.

In terms of landscaping the indicative layout plan indicates that there will be existing hedgerows retained within the site to the east, west and south. It is noted that landscaping is reserved as a future matter for consideration and therefore detailed proposals would be considered at a later stage.

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

Highway Safety

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

The proposed development will be accessed from Market Meadows.

Consultation with the highways Authority did not raise any fundamental objections, however the officer did indicate that the initial proposed access at 4.2 metres was insufficient and that a revised plan would be required improving this aspect. Following the submission of an amended plan the officer confirmed that detail submitted clearly demonstrated that an appropriate vehicular access can be provided to serve the site; as such the Highway Authority had no objection to the proposal.

The officer indicated that appropriate highway conditions would be provided at the Reserved Matters stage, given that access is a reserved matter.

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

Drainage

PCC Environmental Health and NRW were consulted with regard to drainage.

The PCC officer noted that if foul drainage is to be discharged to soakaway then a porosity test will need to be submitted; if however the discharge will be to the river, then consent will be needed from the NRW.

Initial comments from NRW requested confirmation of what type of foul drainage the applicant is proposing. NRW indicated that they had records of a main sewer within close proximity of the site. NRW indicated in their comments that they would oppose a proposal to install a private treatment facility as detailed in the Foul Proposals letter dated 18th May 2017 unless the developer can demonstrate that it is not reasonable to connect to the public system.

Following the provision of additional information for consideration NRW provided further comments. They indicated that they had received further information regarding the proposed method of foul waste. This information had demonstrated that they will be connecting to the main sewer which is their preferred option. NRW confirmed that the information submitted had satisfied their previous requirement.

In light of the above it is considered that the proposals fundamentally comply with Policy DC10 of the Powys Unitary Development Plan (2010).

Biodiversity

The PCC Ecologist and NRW have provided comments with regard to the proposed development.

The PCC Ecologist stated that they had reviewed the proposed plans, aerial images as well as local records of protected and priority species and designated sites within 500m of the proposed development. The data search identified 60 records of protected and priority species within 500m of the proposed development, however there were no records for the site itself. The officer indicated that there are two statutory designated sites are present within 500m of the proposed development site; namely the River Ithon – SSSI and the River Wye –

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

The officer noted that the proposed development is within close proximity, i.e. less than 90 metres to the River Ithon SSSI, which is part of the River Wye SAC. As such the potential for the proposed development to impact the River Wye SAC during the construction and/or operation phases of the proposed development and potential for a Likely Significant Effect to the Wye River SAC and/or its associated features has been considered.

The officer stated that given the proximity of the proposed development to watercourses connected to the River Wye SAC and the nature of the proposed development it is considered that there is a potential for the proposed development to impact the River Wye SAC and that pollution from construction activities could result in a Significant Effect, it is therefore considered that to demonstrate that the proposed development would not result in a Likely Significant Effect the River Wye SAC and/or its associated features a Pollution Prevention Plan will need to be provided.

The officer went on to comment that an extended Phase 1 ecological survey of the proposed developed land was undertaken by Dusk to Dawn Ecology Ltd dated July 2017. The officer had reviewed the Extended Phase 1 Ecology Report and considered that the survey effort employed was in accordance with National Guidelines.

The ecology survey noted that the development is unlikely to result in the loss of any habitat suitable for great crested newts, otters, or hazel dormice and as such no further surveys for these species are recommended.

It was considered that the hedgerow and field may be used by small numbers of common bat species for commuting and foraging. The site is considered to have some potential for foraging and commuting use by badgers, however no further survey work is deemed necessary. No birds nest were found during the site visit, however appropriate steps and mitigation for nesting birds have been recommended to be undertaken as part of the development.

The site was assessed as low potential for reptiles however the root system of the hedgerow had limited potential to be used by reptiles for hibernation and commuting purposes. Therefore precautionary measures are recommended if any hedgerow is required to be removed.

The officer also considered other aspects as detailed within the report covering landscaping and external lighting; the officer commented that these aspects would be covered by suitable conditions attached to any decision notice issued.

Following the provision of the requested Pollution Prevention information the officer provided additional comments. They stated that having reviewed the information submitted in the form of a Pollution Prevention Statement it has been determined that the proposed development would not result in a likely significant effect to the River Wye SAC and/or its associated features. The officer provided the Habitats Regulations Assessment Screening Report for note.

In connection with their previous comments the officer recommended a series of appropriate conditions to be attached to any decision notice issued.

Comments in respect of local Biodiversity from NRW stated that Bats and their roosts are protected under the Conservation of Habitats and Species Regulations 2010 (as amended) and the Wildlife and Countryside Act 1981 (as amended).

The comments noted that the site has been subject to an ecological survey and assessment in respect of statutory protected species by Reported Dusk to Dawn Ecology Ltd dated 3rd of July 2017. NRW considered that this assessment had been carried out to a satisfactory standard and they therefore concur with the conclusion. The results of the survey found no evidence of the surveyed buildings being used or having been used by bats.

NRW indicated that the recommendation section of the report should be implemented and if bats are found at any time during the development works, the works should cease immediately and NRW or a licenced bat worker be contacted for further advice.

In light of the above and subject to the inclusion of appropriately worded conditions it is considered that the proposals fundamentally comply with policies ENV2, ENV3 and ENV7 of the Powys Unitary Development Plan (2010).

Local Amenity

Consideration has been given to the proposed development of up to 5 dwellings in this location with regard to potential adverse impact upon local amenity. Whilst it is noted that all matters are reserved for a future date, consideration has been given to the proposed site plan provided. It is considered that any potential likely adverse impacts upon existing neighbouring dwellings can be addressed through design and should be considered at the reserved matters stage.

Comments received from PCC Environmental Health raised initial concern as to the proximity of the A44 to the site and associated traffic noise for the proposed dwellings once constructed. The officer requested the provision of a traffic noise assessment for further consideration. Following provision of the report the officer provided additional comments. The officer indicated that the noise report supplied in support of this application is clear in that the proposed dwellings will need to be designed to accommodate noise from the A44, suitable acoustic glazing which would result in the need for alternative methods of ventilation as the windows will not be of an openable design will need to be incorporated.

The officer noted that the biggest area of concern was with regard to plots 2 and 3 as they were the closest to a cattle grid and the report demonstrates that this will be of a high volume and impulse in nature.

Following these comments further discussions were undertaken between the applicant and the officer. As a result the officer provided a final comment which raised no objections and in which they recommended the inclusion of a suitably worded condition to be attached to any decision notice issued.

In light of the above and subject to the inclusion of appropriately worded condition it is considered that the proposals fundamentally comply with relevant planning policy.

Common Land

Comments received from the PCC Common Land Registration officer indicate the site is situated abutting a registered common. An informative provided by the officer will be attached to any decision notice issued.

Community Council

Comments received from the local community council indicate that whilst they have no objections they do raise concern as to the retention of the car parking area to the cemetery. Having reviewed the proposed site plan (3145 (03)01 Rev.B) it is noted that cemetery parking bays are clearly indicated and as such the provision of parking for visitors to the cemetery is indicated to be available.

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.

Policy GP5 indicates certain settlements where the Welsh Language has been identified as being important to the social, cultural and community fabric. Penybont is not identified as being one of those settlements under GP5. However, it is considered that Welsh Language is a material consideration across the County.

From the 2011 census for the Penybont Ward there was a slight increase in the number of people speaking Welsh (3 years of age and above) from the 2001 census (12.7% up to 12.8%).

Given the scale of the proposed development and the provision of affordable housing it is not considered that the proposal would have an unacceptable adverse impact on Welsh Language and culture.

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 a departure from the development plan, in this instance, the provision of housing is considered to outweigh the plan and therefore justifies the grant of consent as an exception to normal housing policies. The recommendation is therefore one of conditional approval.

Conditions

1. Details of the 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. A scheme for sound insulation and noise control measures shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site.

The sound insulation and noise control measures shall achieve the following internal noise targets (in line with BS 8233:2014):

Bedrooms (23.00-07.00 hrs) 30dB LAeq, 8 hour and 45dB Lmax (fast)
Living/dining Rooms (07.00-23.00 hrs) 35dB LAeq, 16 hour and
Living/Dining Rooms (23.00-07.00 hrs) 30dB LAeq, 16 hour.

The sound insulation and noise control measures shall be carried out strictly in accordance with the details so approved. They shall be implemented prior to the first occupation of the development hereby approved and shall be maintained as such thereafter.

5. The Pollution Prevention Plan produced by Asbri Planning dated September 2017 shall be adhered to and implemented in full and maintained thereafter.

6. 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.

7. Prior to the first installation of any external lighting a detailed lighting design scheme to take into account any impacts on nocturnal wildlife into consideration shall be submitted for written Local Planning Authority approval and implemented as approved and maintained thereafter.

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

- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 30% of housing units/bed spaces;
- ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii) the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing (if no RSL involved)];
- iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

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 appropriate internal acoustic amenity levels for future residents.

5. To comply with Powys County Council's UDP Policies ENV3, ENV4, ENV5 and ENV6 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act.

6. 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 Part 1 Section 6 of the Environment (Wales) Act.

7. 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 Part 1 Section 6 of the Environment (Wales) Act.

8. In accordance with policy HP7 and HP10 of the Unitary Development Plan (March 2010)

Informative Notes

Common Land

The Applicant should therefore ensure that:

- The public access 'on foot' granted by the Countryside and Rights of Way Act 2000 must not be impeded or prevented at any time.
- There is no encroachment onto the common during the construction phase of the development i.e. building materials must not be stored on the common.
- Any inadvertent damage caused is made good as soon as possible.

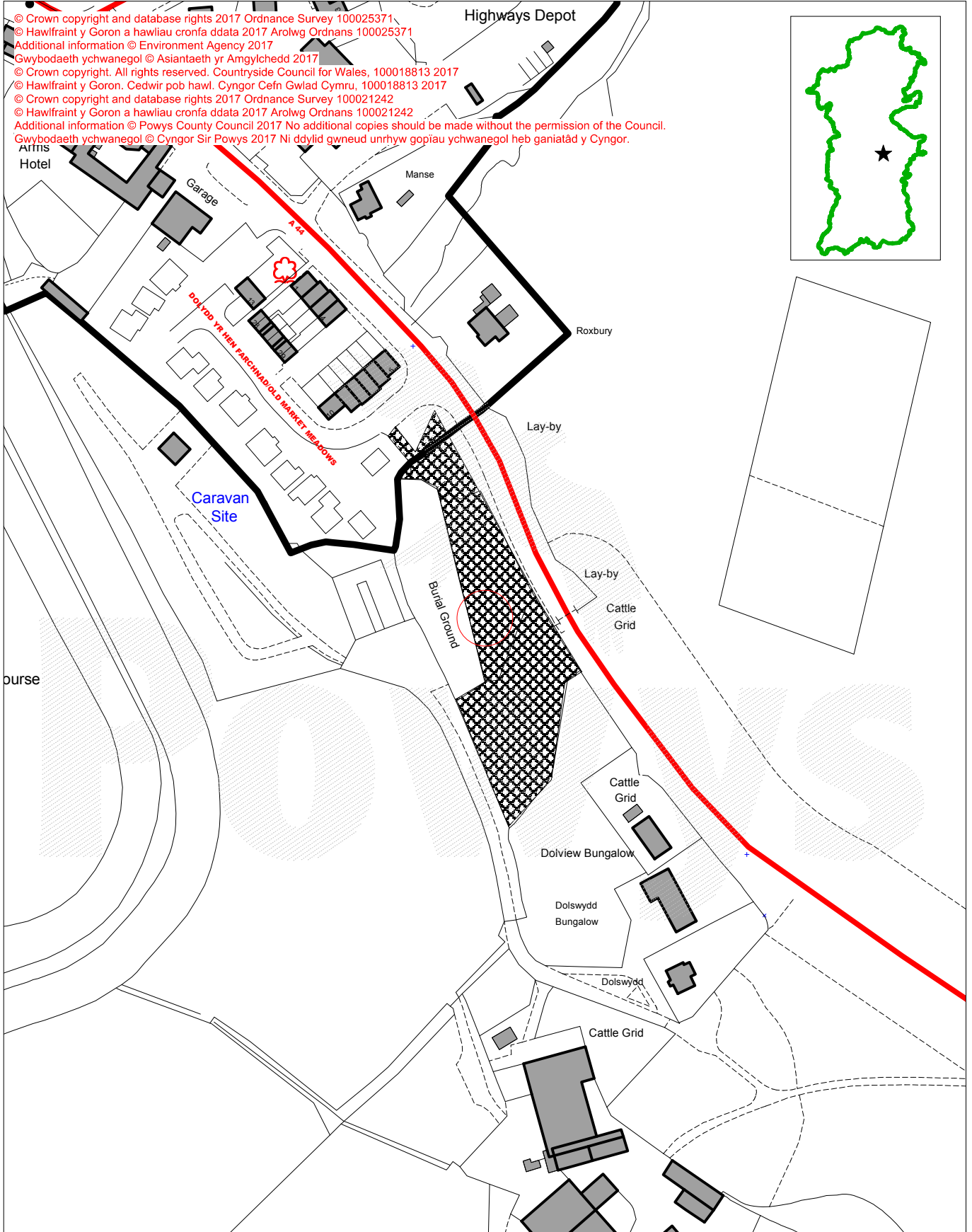
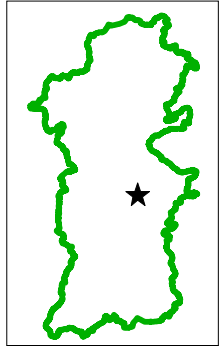
NRW

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.

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

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4.7

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2017/0874	Grid Ref:	303420.03 309647.81
Community Council:	Llanerfyl	Valid Date:	Officer: 31/07/2017 Steve Packer
Applicant:	Mrs Sioned Roberts, Llangadfan Parc, Welshpool, Powys, SY21 0PJ		
Location:	Land adjacent to Derwen, Talerddig Road, Llanerfyl, Powys, SY21 0EG		
Proposal:	Outline application (with some matters reserved) for erection of 7 no. detached dwellings with detached garages, formation of vehicular access, access road and all associated works (amended from 9 dwellings).		
Application Type:	Application for Outline Planning Permission		

The reason for Committee determination

The proposal is a departure from the Unitary Development Plan and the recommendation is one of approval.

Site Location and Description

The proposed housing site is in the northern portion of two large fields used for grazing on the edge of the village of Llanerfyl. The fields are divided by a substantial hedgerow which terminates just short of a field access onto the Talerddig Road opposite the Bethel Chapel. The site is open to the south, is relatively flat and extends 30 metres back from a substantial mixed species hedgerow which forms the northern boundary. A public right of way runs in a southerly direction along the dividing hedge. The western boundary is defined by the curtilage of a dwelling known as Derwen. A line continued north from the site's proposed north-eastern boundary would cross the road and the village car park and would intersect with the steps leading up to the Village Hall.

Two majestic Wellingtonia trees are close-by and mark the access of the Talerddig Road onto the A438 highway and are at a distance from the amended proposal to either threaten or be threatened by the construction of housing.

Previously proposing 9 dwellings, two of which would have fronted onto the A438, the application has been amended to have a frontage exclusively onto the Talerddig road and faces the Hall, Chapel, two bungalows and a paddock on the other side of the highway.

The proposal is in outline but offers an indicative layout of four bungalows and three houses, with the house element suggesting smaller units than those originally applied for.

Vehicular access is shown some 20 metres east of the current field access with the dwellings being served by shared private drives running parallel with the existing hedgerow

from an adopted hammerhead. New tree planting is proposed in the hedgerow with the wide grass verge retained and a new, 2 metre wide footpath along the road. The remaining boundaries would be the subject of hedge and tree planting.

Consultee Response

Llanerfyl CC

1st response

Following a unanimous vote against the proposed development above, Llanerfyl Community Council comment as follows:

The reasons given for the application are not believed to be correct.

Llanerfyl is a small village which holds generations of predominantly welsh speaking local families wishing to remain in the village. There is currently no provision for their dependants to get on the property ladder in the locality.

There are numerous mature couples who have moved from other parts of the UK who have purchased housing stock similar to that which is proposed.

There are a number of properties of this nature currently on the market in the village and in surrounding villages. We feel there is not a need or demand for anymore and therefore do not support this application. To facilitate this development would only further encourage people from outside of the community to buy up this stock. The market aim here is simply not within the financial reach of local young adults/families.

There are no properties of a 'first time buyer' nature available to retain local, predominantly welsh speaking young adults/families wishing to buy their first homes in the village.

We are not against development in the identified land but we feel that If there is land available such as the proposed (which adjoins and would extend the development boundary of the existing UDP for Llanerfyl) then the best use of this would be to provide a range of homes starting at a group of 2-3 bedroom terraced houses graduating up through to range of 3/4 bedroom properties with some detached properties. As part of any development for which its purpose is to extend and strengthen village life (as depicted in this application), facilities should be considered such as a community shop, bus shelter, sports pitch and play area which would encourage a merge of community involvement.

There is doubt whether there is a need for more bungalows as the numerous bungalows we have in Llanerfyl seem to be purchased again by urban downsizers moving into the area as the prices are advantageous for facilitating their retirement.

There are a number of local, predominantly welsh speaking young adults/families wishing to buy their first homes in the area who known by the council. These young adults aspire to, but just cannot afford to buy properties of the nature proposed in the village nor similar existing properties already on the market. Salaries do not dictate a borrowing of what we

estimate to be the lowest value property in the proposed development being circa £250,000 - £300,000.

We fail to see how plots 1 and 2 on the proposed plan will be 'affordable housing' being 4 bed detached houses. Potential buyers of these plots will need to have extreme cash reserves of over £200,000 available as there are no lenders who will facilitate a mortgage for a property with a local needs restriction.

To summarise Llanerfyl is a settlement where the Welsh language has been identified as being important to the social, cultural and community fabric and will be a material consideration when determining development proposals. Consequently, it is considered that housing development in the future will be in the form of infill, individual plots of which there have been/are available but have not sold, or small groups of dwellings. In order to provide local employment opportunities in the upper Banwy valley, land has been allocated for the expansion of the existing village workshops site, therefore the provision of housing for predominantly Welsh speaking young adults/families on average salaries would be appropriate.

The size and therefore the purchase prices of the proposed properties are not aimed at the market to which the applicant has aimed its application at.

2nd response

Following a unanimous vote against the amended proposed development above, Llanerfyl Community Council comment as follows:

As previously commented there are a number of 3 / 4 bedroomed properties currently on the market in the village and in surrounding villages which remain unsold. There is not a need or demand for anymore and therefore we do not support this application. We have not been presented with any evidence to the contrary.

If the applicant is in disagreement with the fact that there is not a need, we would consider an application for a single dwelling to adjoin Derwen. If this plot is successfully sold at an **affordable** price and developed by (or developed for) the target market of the applicant (i.e. generational, local, predominantly Welsh speaking young adults/families), then consideration would be given to further single applications to connect. Single applications would not have an issue with their own individual access onto the Talerddig Road as there are currently over 10 properties accessing Talerddig road in the same manner. This would also be of major benefit to PCC as it would relinquish the ongoing cost implications of the proposed 'access road' (maintenance, street lighting, etc.).

If the applicant is minded to be in agreement to the above thus proving that the true reasoning of their application is to provide local housing for local people rather than simply applying to elevate their land from agricultural to highly valuable development land ahead of changes to planning policy, then the voice of the community has been heard and accepted.

We must stress again that, as housing development in the future will be in the form of infill and individual plots, there does exist, within the village the facility for such plots to be marketed – If questioned why the owners of such areas have not submitted applications themselves, it is felt, as affirmed above, that the need is not there. (Such plots incidentally

have been available in Llanerfyl but have not sold). Therefore to side step this issue and to support the spill out of the settlement boundary is not supported by the community.

Highway Authority

The County Council as Highway Authority for the County Class III Highway, C2031

Wish the following recommendations be applied

Recommendations

1. Prior to any works being commenced on site the applicant shall submit and have approved in writing by the Local Planning Authority full engineering details for the new footway and access road.
2. Prior to the occupation of any dwelling the highway works, referred to above, shall be fully completed to the written satisfaction of the Local Planning Authority and shall be retained for as long as the development hereby permitted remains in existence.
3. Prior to the occupation of any dwelling any entrance gates shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.
4. The gradient of the private accesses 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 the access and shall be retained at this gradient for as long as the development remains in existence
5. No other development shall commence until the access has been constructed so that there is a clear visibility splay from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.26 metres above ground level at the edge of the adjoining carriageway and 60 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.
6. Before any other development is commenced the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 10 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.
7. Prior to the occupation of any dwelling, provision shall be made within the curtilage of the site for the parking of not less than one car per

bedroom excluding any garage space provided. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

8. Within 5 days from the commencement of the development provision shall be made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of 0.4 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.

9. The width of the access carriageway, shall be not less than 5.5 metres from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.

10. Prior to the occupation of the development a radius of 6 metres shall be provided from the carriageway of the county highway on each side of the access to the development site and shall be maintained for as long as the development remains in existence.

11. 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.

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, 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. Within 5 days from the commencement of the development any existing means of access shall be stopped up, in materials to be agreed in writing by the Local Planning Authority and this shall be retained for as long as the development is in existence.

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

Wales & Utilities

According to our mains records we have no apparatus in the area. However Gas Pipes owned by other GT's and also privately owned may be present. 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 position of mains pipes, services and other apparatus on site before any mechanical plant is used and this information must be provided to all persons (either direct labour or contractors) working on or near gas apparatus

Environmental Health

Foul drainage

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

Construction-phase noise control

For the protection of amenity for nearby residential properties, Environmental Protection recommends the following condition for the control of construction-phase noise:

“Demolition or construction works shall not take place outside the hours of 0800 to 1800 Mondays to Fridays and 0800 to 1300 on Saturdays and at no time on Sundays or Public Holidays.”

Rights of Way

- Initial response

Thank you for consulting Countryside Services on the above application.

There is a right of way at this development site. It is good to see that the plan of the existing site shows this very clearly as this is often not the case with other applications we see. The plan for the proposed development seems to show a slight change in the line of this right of way as it passes through the new dwellings. This will clearly need some conversation with Countryside Services as it may require a diversion.

As this is an outline application we assumed that there will be further discussions with Countryside Services at the detailed stage if outline permission is granted. We think it would be reasonable at that time to seek from the developer some mitigation measures to improve existing footpaths in the village and the way marking.

At this stage, without full details of how the right of way at the site will be accommodated in the new development, we are not able to comment fully on this application. Should more details be made available on this matter we would be happy to comment further.

- Second response

A Public Right of Way (Footpath 21) crosses the site of the proposed development and does not appear to have been protected on its current alignment, and would be obstructed by the proposal. Countryside Services therefore objects to the application in its present form.

The applicant/developer will need to modify the plans and/or seek a diversion of the public right of way to ensure that it is protected within the proposed development.

PCC Ecologist

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 106 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 an area of improved grassland a habitat of low ecological value. The northern and western boundaries of the proposed development site comprise areas of hedgerows habitats of high ecological value.

Having reviewed the records of protected and priority species present within 500m of the proposed development it is considered that the site lacks suitable habitat to support protected species identified in the local area, therefore it is considered unlikely that the proposed development would result in negative impacts to protected species.

The submitted plans and associated information identify that a new access is proposed for the site off Talerddig Road. In order to achieve the access and associated visibility splays it has been identified that it is proposed to remove a section of the hedgerow at the front of the site, in addition it is noted that a section of hedgerow that bisects the site will be removed to accommodate the proposed development.

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 a new hedgerow will be planted will be planted along the southern and eastern boundary of the proposed development site – the provision of new hedgerow planting to replace the sections of hedgerow that will be removed is welcomed, the length of new hedgerow planting exceeds that which would be lost as a result of the proposed development – the additional hedgerow planting is considered to provide additional benefits for biodiversity i.e. biodiversity enhancements in accordance with the requirements of Section 6 of the Environment (Wales) Act 2016. **Details of the replacement 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, shrub 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. It is also recommended that in order to ensure the safeguarding of existing hedgerows that are to be retained as part of the development a hedgerow protection plan is secured through an appropriately worded condition.**

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

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

Prior to 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.

Welsh Gov Transport

Advise that Welsh Government as highway authority or the A458 trunk road does not issue a direction in respect of this application

Cadw

The proposed development lies c 465m to the south east of scheduled monument MG072 Llysun Motte and Bailey. Rising ground, Intervening trees and buildings means the two sites are not inter-visible; we therefore, have no objections to the proposed development.

Our role

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

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

National Policy

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

PPW (Chapter 6 – The Historic Environment) explains that the conservation of archaeological remains is a material consideration in determining a planning application, whether those remains are a scheduled monument or not. Where

nationally important archaeological remains, whether scheduled or not, and their settings are likely to be affected by proposed development, there should be a presumption in favour of their physical protection in situ. It will only be in exceptional circumstances that planning permission will be granted if development would result in an adverse impact on a scheduled monument (or an archaeological site shown to be of national importance) or has a significantly damaging effect upon its setting. Technical Advice Note 24: The Historic Environment elaborates by explaining that there is a presumption against proposals which would involve significant alteration or cause damage, or which would have a significant impact on the setting of remains. PPW also explains that local authorities should protect parks and gardens and their settings included in the first part of the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales, and that the effect of a proposed development on a registered park or garden or its setting should be a material consideration in the determination of a planning application.

Representations

Two letters of objection have been received to the original scheme from local residents and these have been sustained for the amendment. A third letter has been received objecting to the amended scheme.

The objections and points raised are as follows:

- Too many houses have already been built in this area without due consideration of their effect on the community.
- Prior development has not contributed anything towards the prosperity of the area
- In spite of houses being built over the last few years there is no shop and no increase in the number attending the local school.
- There is only one bus service
- Previous development has not succeeded in attracting or keeping young people but rather people reaching retirement with additional pressure on health and care services which are being overwhelmed.
- A review of the effect of such development should be undertaken to determine its effect on the Welsh language culture and social life in this one of the most Welsh areas in Wales.
- There is no shop, post office or bank in the village.
- Developments such as this should go to larger villages.
- The size of dwellings proposed would make them unaffordable.
- If the current development plan is out of date and the new plan has not been adopted the application should be refused.
- The application has not been properly advertised.
- The site does not adjoin the development boundary and is a greenfield site which should be protected.
- There are still infill plots available in the village.
- The land is waterlogged in the winter.
- Access opposite the village hall car park will cause problems as this is where the bus waits for schoolchildren and drops them off at the end of the day.
- Far more children go to school in Llanfair than attend the Llanerfyl school.
- There is a lack of demand for housing in the area.

- Local needs should not just be for Welsh speakers.

Planning History

No history

Principal Planning Constraints

Public Right of Way

Principal Planning Policies

National Planning Policy

Planning Policy Wales (9th Edition, 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 (2016)

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

Technical Advice Note 18: Transport (2007)

Technical Advice Note 20: Planning and the Welsh Language (2017):

Technical Advice Note 23: Economic Development (2014)

Welsh Government Practice Guidance: Planning for Sustainable Buildings (2014)

Welsh Government Circular 016/2014: The Use of Conditions

Welsh Office Circular 10/99: Drainage

Local Planning Policy

Powys Unitary Development Plan (2010)

UDP SP3 – Natural, Historic and Built Heritage

UDP SP5 – Housing Developments

UDP DC1-Access by disabled persons

UDP E7- Solar technologies

UDP ENV1-Agricultural land

UDP ENV2 - Safeguarding the Landscape

UDP ENV3 – Safeguarding Biodiversity and Natural Habitats

UDP ENV7 - Protected Species

UDP GP1 - Development Control

UDP GP2 – Planning Obligations

UDP GP4 - Highway and Parking Requirements

UDP GP5 - Welsh Language and Culture

UDP HP3 - Housing Land Availability

UDP HP4 – Settlement Development Boundaries and Capacities

UDP 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 DC13 – Surface Water Drainage
UDP RL6 - Rights of Way and Access to the Countryside
Affordable Housing for Local Needs Supplementary Planning Guidance (SPG) Approved
September 2010, Updated July 2011

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

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*. Llanerfyl has a development boundary so the relevant policy is HP8 which states that favourable consideration will be given to proposals for affordable housing where sites adjoin settlements with development boundaries. The site is therefore not in accordance with the UDP policies and is considered to be a departure from the adopted plan

Reference has been made in the objections to the status of the UDP and the emerging LDP. The UDP still carries weight as the adopted plan.

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 a later point in time, it is relevant to consider whether the number of dwellings proposed could be appropriately developed on the site. The site is considered to have a reasonable relationship to the settlement's built form being between the village workshops and the dwelling known as Derwen and the trunk road and facing properties on the other side of the Talerddig Road. The existing hedgerow is to be largely retained and, although reserved for a later date, the landscaping of the site would assist with integration. Therefore, it is not considered that a reason for refusal on landscape and visual grounds could be sustained.

Highway access and parking requirements

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

The local resident's comments regarding additional traffic are noted. The Highway Authority are however not objecting to the proposal subject to the placing of conditions. In light of this it is not considered that there is sufficient evidence to justify a reason for refusal.

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 latest Powys Joint Housing Land Availability Study (2016) concludes that there is 2.2 years of housing supply which is a considerable shortfall.

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.'

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.

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.

Llanerfyl accommodates a school, Community centre and a garage and is served by a bus service. In light of this, it is considered sustainable for the scale of development proposed.

Economic Development:

In relation to economic development, it is considered that the potential construction of the dwellings would contribute to the economy of the local area. The development is therefore considered to have a neutral to positive impact on the local economy and jobs.

Social Cohesion

The objectors hint at potential for negative effects on social cohesion, conflict or divisions. However, given the scale of the proposed development, it is not considered that the proposal would have a significant effect on different parts of the local community, which would potentially advantage some groups and disadvantage others. It is considered that no

robust evidence has been identified that the proposed development would undermine traditional values and community culture.

The fact that approval of the application would enable the provision of two affordable housing units which could assist the aim of retaining younger, economically active members of the Community, is considered to be positive.

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.

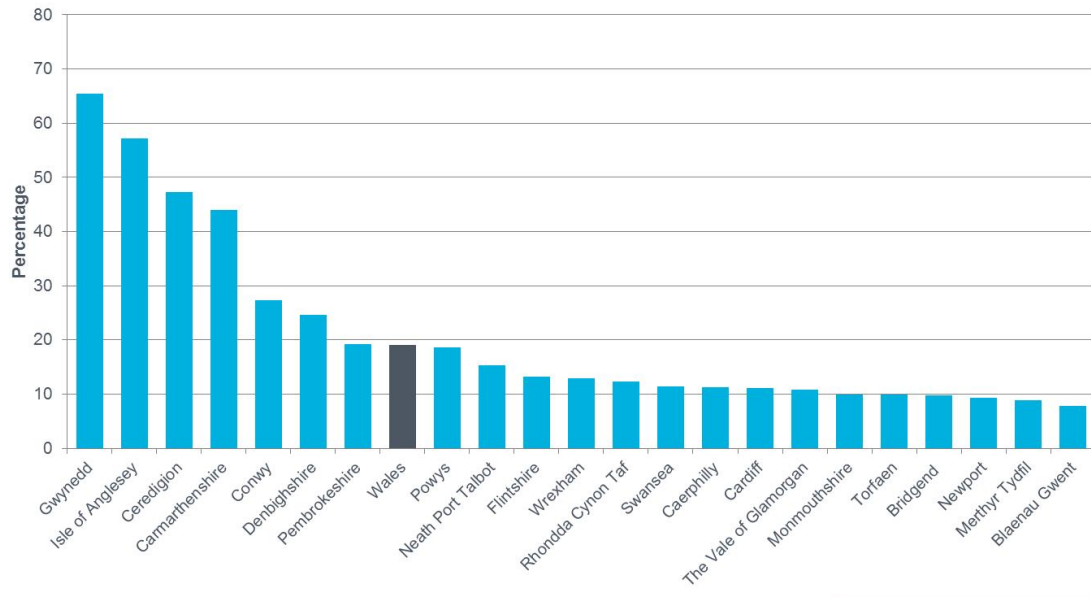
With regards to the Development Management function, PPW states as follows:

“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’.”

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. Llanerfyl is one such settlement.

The national picture and the place of Powys within it is shown below

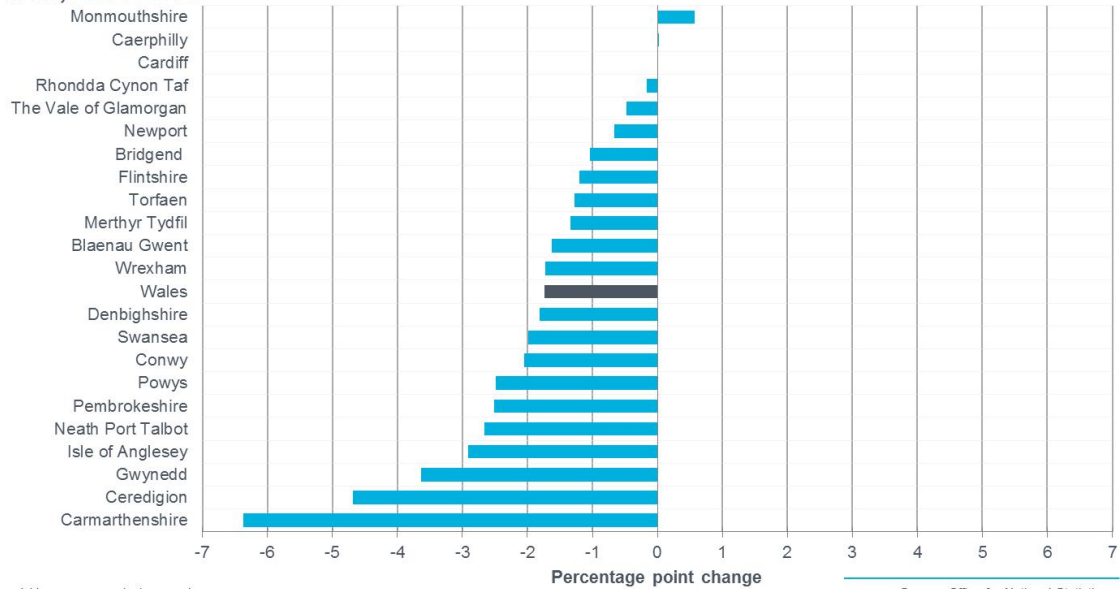
Percentage of the population able to speak Welsh according to the 2011 Census, by local authority area



welshlanguagecommissioner.wales

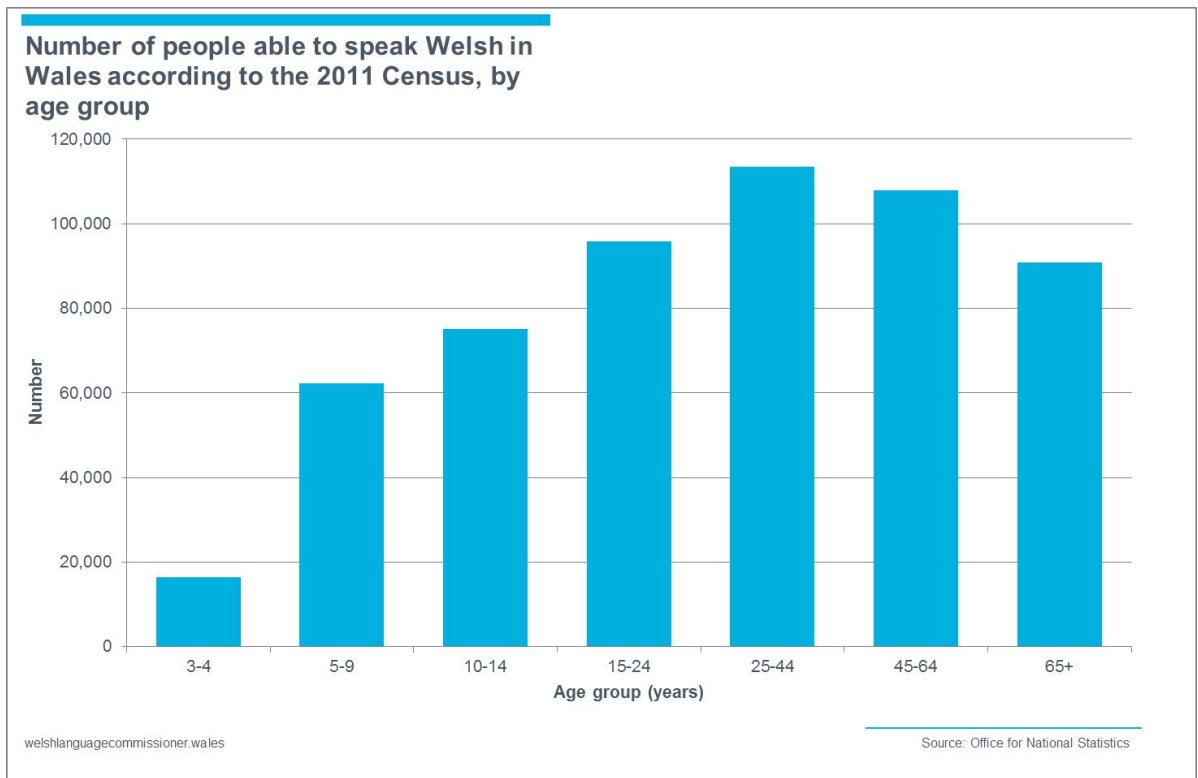
Source: Office for National Statistics

Change in the percentage of the population able to speak Welsh (percentage point), by local authority area, 2001-2011



welshlanguagecommissioner.wales

Source: Office for National Statistics



Llanerfyl is above the national and Powys average when it comes to the extent of Welsh speaking as shown in the following table and is acknowledged in UDP policy GP5 as a settlement where the Welsh Language is identified as being important to the social, cultural and community fabric. The applicant's agent has provided a section within the Planning Statement devoted to Welsh Language and Culture in which it is pointed out that there is not a serious decline in speakers of the Welsh Language and arguing that new housing will provide young families with the opportunity to live in the village.

The census data does show that there is a small decline in a modestly growing population and a heartening increase in the 3-15 age group reflecting the teaching of the Welsh language in schools

Ability to speak Welsh-Llanerfyl

Age	2011 %	2001 %	2011 Number	2001 Number
3+:	56.5	57.9	223	221
3-15:	92.1	75.3	70	55
16-64:	47.3	51.8	116	129
65+:	50.0	61.7	37	37

Number of residents aged 3 and over:

Census	Number
2011	395
2001	382

On balance, therefore, and given the element of affordable housing proposed, the impact of the development on Welsh Language and culture is likely to be neutral rather than negative.

Impact upon amenities enjoyed by the occupants of neighbouring properties

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 location of the site and the indicative layout demonstrate that there will be no unacceptable negative impact on the amenities of existing dwellings.

Foul and surface water disposal

It is proposed to dispose of foul sewage to the mains system which is the preferred method of disposal within planning policy. It is recommended that a condition is attached to any consent granted to ensure a satisfactory means of drainage in accordance with UDP Policy DC10.

Impact upon nature conservation

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

The County Ecologist has confirmed that there are no adverse biodiversity impacts associated with the proposal and has recommended conditions. Detailed landscaping would be considered at the reserved matters stage and as such this would provide biodiversity enhancements in accordance with UDP Policy ENV3.

Impact on Rights of Way

Although, in a second response, the Rights of Way Officer has objected to the minor alteration to the footpath this is considered to be a matter that can be dealt with at reserved matters stage when the final design is being considered.

Impact upon heritage assets

It has been confirmed by Cadw that there is no objection to the proposal and there are no known archaeological remains which would be affected by the development.

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.

Other Legislation

Crime and Disorder Act 1998

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

Equality Act 2010

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

Having due regard to advancing equality involves:

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

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

Planning (Wales) Act 2015 (Welsh language)

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. This duty has been given due consideration in the determination of this

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.

Conditions:

1. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. Prior to any works being commenced on site the applicant shall submit and have approved in writing by the Local Planning Authority full engineering details for the new footway and access road
5. Prior to the occupation of any dwelling the highway works, referred to above, shall be fully completed to the written satisfaction of the Local Planning Authority and shall be retained for as long as the development hereby permitted remains in existence.
6. Prior to the occupation of any dwelling any entrance gates shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.
7. The gradient of the private accesses 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 the access and shall be retained at this gradient for as long as the development remains in existence
8. No other development shall commence until the access has been constructed so that there is a clear visibility splay from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.26 metres above ground level at the edge of the adjoining carriageway and 60 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.
9. Before any other development is commenced the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 10 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 any dwelling, provision shall be made within the curtilage of the site for the parking of not less than one car per bedroom excluding any garage space provided. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.
11. Within 5 days from the commencement of the development provision shall be made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of 0.4 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.
12. The width of the access carriageway, shall be not less than 5.5 metres 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 development a radius of 6 metres shall be provided from the carriageway of the county highway on each side of the access to the development site and shall be maintained for as long as the development remains in existence.
14. No building shall be occupied before the estate road carriageway and one footway shall be constructed to and including binder course level to an adoptable standard 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.
15. 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.
16. Within 5 days from the commencement of the development any existing means of access shall be stopped up, in materials to be agreed in writing by the Local Planning Authority and this shall be retained for as long as the development is in existence.
17. No storm water drainage from the site shall be allowed to discharge onto the county highway.

18. 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 2 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.*

19. 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.

20. 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.

21. 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

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

23. 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.

24. Demolition or construction works shall not take place outside the hours of 0800 to 1800 Mondays to Fridays and 0800 to 1300 on Saturdays and at no time on Sundays or Public Holidays.

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.
- 4-17 In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
18. In order to ensure 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).
19. 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).
20. 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).
21. 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.
22. 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.
23. 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.
24. In the interest of protecting the amenity of nearby dwellings in accordance with Policy GP1 of the Powys Unitary Development Plan (2010).

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.

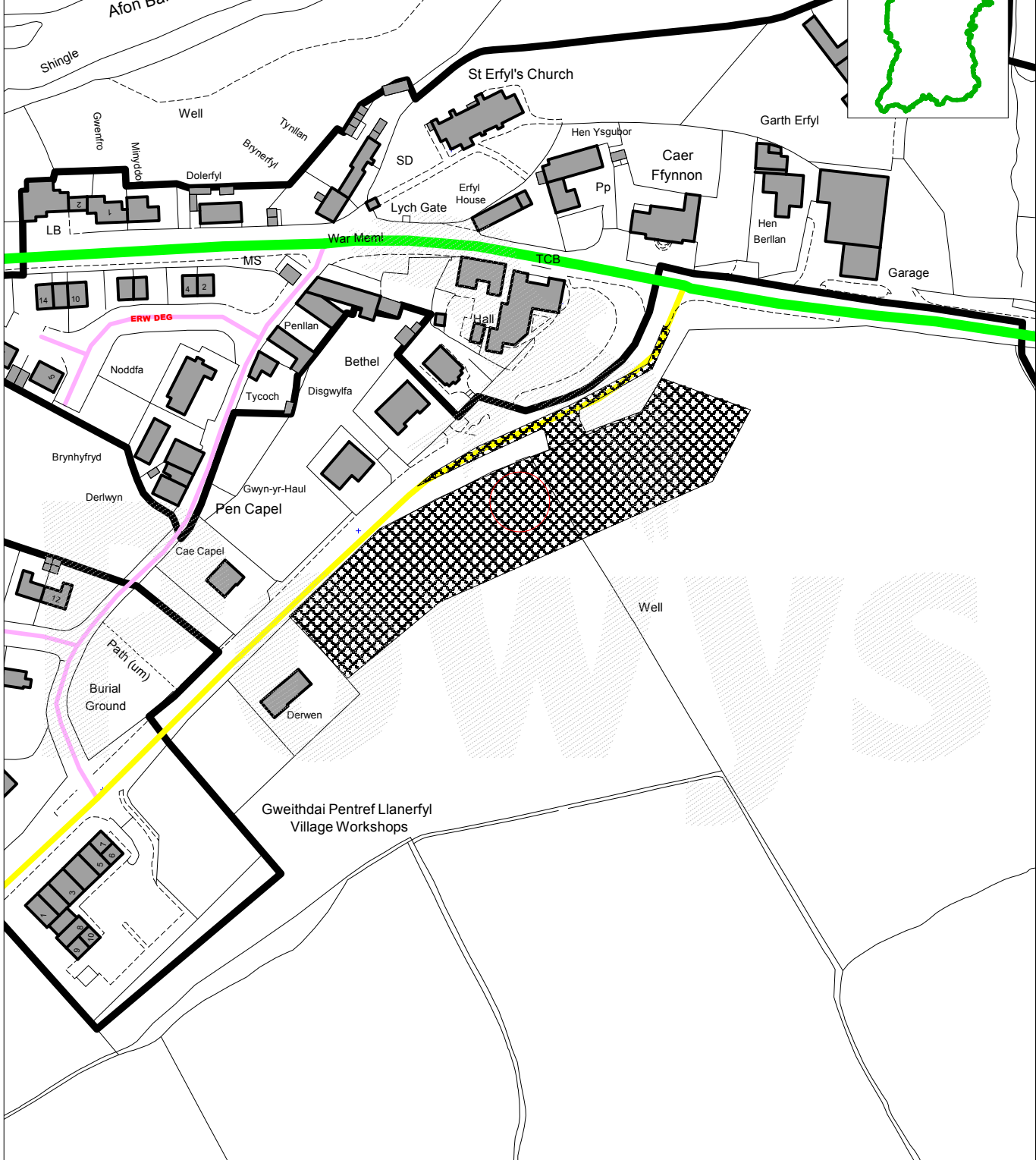
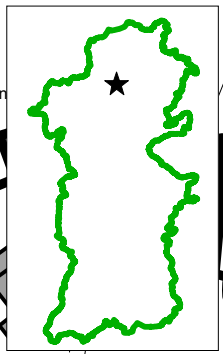
The maximum penalty that can be imposed - in respect of a single bird, nest or egg - is a fine of up to 5,000 pounds, six months imprisonment or both.

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.

Case Officer: Steve Packer- Principal Planning Officer
Tel: 01597 827228 E-mail: steve.packer@powys.gov.uk

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4.8

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2017/0989	Grid Ref:	310567.13 306506.27
Community Council:	Llanfair Caereinion	Valid Date:	Officer: 11/09/2017 Sara Robinson
Applicant:	Powys County Council		
Location:	Land adjacent 14 - 19 Hafen Deg, Llanfair Caereinion, Welshpool, Powys, SY21 0RU		
Proposal:	Full: Formation of a car parking area		
Application Type:	Application for Full Planning Permission		

The reason for Committee determination

The applicant is Powys County Council.

Site Location and Description

The application site is located with numbers 14 and 19 Hafen Deg located directly to the north whilst to the south is Welsley Street, C2197 County Highway. To the east and west are then residential footpaths.

The proposed parking area will provide 5 disabled parking spaces and a dropped kerb for wheelchair access onto the adjacent footpath. There will also be a formation of a reinforced wall with an English garden wall bond to the north east and south west elevation with post and rail fencing to the north west of the proposed parking area. The parking area will be approximately 6.2 metres in width and approximately 17.4 metres in length with the boundary fencing/wall reaching a height approximately 1 metre.

Consultee Response

Llanfair Caereinion Town Council

No comments were received at the time of writing this report.

Highways Department-

The County Council as Highway Authority for the County Class III Highway, C2197

Wish the following recommendations/Observations be applied
Recommendations/Observations

The Highway Authority have no objection to this application on the principle that the car parking area is designed, and works completed, to the specification outlined on drawing D-001 within 1 month from commencement of the development.

Wales & West Utilities-

Wales & West Utilities acknowledge receipt of your notice received on 19.09.2017, advising us of the proposals for:

14-19, Hafendeg, Llanfair Caereinion, Welshpool, Powys, SY21 0RU

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

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

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

Severn Trent Water

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

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

As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

Please note if you wish to respond to this email please send it to Planning.apwest@severntrent.co.uk where we will look to respond within 10 working days. Alternately you can call the office on 01902 793851.

Representations

Following display of a site notice on 03/07/2017 for a period of 21 days no public representations have been received by Development Management at the time of writing this report.

Principal Planning Policies

National Policies

Planning Policy Wales (Edition 9, November 2016)
Technical Advice Note 5 – Nature Conservation and Planning (2009)

Local Policies

Unitary Development Plan (March 2010)

SP6- Development and Transport
GP4 - Highway and Parking Requirements
ENV 2 - Safeguarding the Landscape
ENV 3 - Safeguarding Biodiversity & Natural Habitats
ENV 7 - Protected Species
T5 - New Public Parking Facilities
DC1 - Access by Disabled Persons
DC13 - Surface Water Drainage

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 T5 states that proposals for new parking facilities as part of an integrated transport strategy for town and villages will be approved where this would reduce congestion, pollution of accidents, lessen conflict between vehicles and pedestrians, improve the local environment, or where it is vital to the local economy.

The proposal seeks to alter the existing on street parking which is currently in the form of a narrow layby with 5 disabled parking spaces. The parking area will have boundary treatment in the form of an English garden wall bond to the north east and south west elevation with post and rail fencing to the north west of the proposed parking area. The parking area will be approximately 6.2 metres in depth and approximately 17.4 metres in length and the fence will reach a height of approximately 1 metre to the north east and south west elevation and the wall to the north- west will reach a height of approximately 1 metre in height.

The Local Highway Authority is content with the proposed parking subject to appropriately worded conditions securing that development is completed in accordance with the proposed plans. This will be secured through an appropriately worded condition.

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

Landscape, Design and Siting

UDP policy ENV2 requires proposals to take into account the high quality of the landscape in Powys and to be appropriate and sensitive to the landscape surroundings. In considering landscape impact, consideration should be given to the sensitivity of the particular landscape and the potential impact on its character and appearance.

The proposed development includes the formation of 5 new disabled parking spaces and the erection of boundary treatment. The wall will not exceed 1.1 metre in height and the fence will reach a height of approximately 1 metre.

It is considered that as the height of the wall will not exceed 1.1 metres that this will not affect the light afforded to 14 and 19 Hafan Deg. It is also considered that due to the boundary treatment already serving these dwellings that their privacy will not be impacted upon.

The proposed disabled parking areas are replacing existing on street parking in the form of a narrow layby and therefore it is considered that the proposal will have limited impact upon the landscape due to its locality within a built up residential area.

The proposed parking area and proposed boundary treatment is therefore considered to be acceptable and in accordance with relevant planning policy.

Other Legislative Considerations

Crime and Disorder Act 1998

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

Equality Act 2010

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

Having due regard to advancing equality involves:

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

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

Planning (Wales) Act 2015 (Welsh language)

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

Wellbeing of Future Generations (Wales) Act 2015

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

RECOMMENDATION

Having carefully considered the proposed development, Officers consider that the proposal complies with relevant planning policy. The recommendation is therefore 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 XXXXXX (drawing no's: D-001 & D-004).

Informative Notes

Wales & West Utilities

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.

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

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4.9

Planning, Taxi Licensing and Rights of Way Committee Report

Application No: HEDG/2017/0005 **Grid Ref:** 298735.15 311392.74

Community Council: Banwy **Valid Date:** 13/09/2017 **Officer:** Richard Edwards

Applicant: Powys County Council

Location: Maes Garthbeibio, Foel, Welshpool, Powys, SY21 0NU

Proposal: Application for hedgerow removal

Application Type: Application for Hedgerow Removal Notice

The reason for Committee determination

The applicant is Powys County Council.

Site Location and Description

The proposed hedgerow to be relocated is to the south-west of the village of Foel adjacent to class 3 road, C2111 towards Felin Fach Bridge. To the north of the proposed site is agricultural land with the river Banwy to the west. Running south and east of the proposed site is the C2111 county highway and beyond this is Twin Rivers Holiday Home Park.

The notification is for the relocation by a maximum of 1.5 metres of approximately 15 metres of hedgerow along the C2111 to facilitate improvements of approach for large vehicles crossing Felin Fach Bridge.

Consultee Response

Banwy Community Council-

No comments received at the time of writing this report

Powys Ecologist

Consultation response received 25/10/2017:

Thank you for consulting me with regards to Hedgerow Removal Application HEDG/2017/0005 with regards to hedgerow removal at Maes Garthbeibio, Foel, Welshpool, Powys.

I visited the hedgerow on 17th October 2017 and undertook a survey in accordance with the methodology set out in the Hedgerow Regulations 1997 to assess the ecological 'Importance' of the Hedgerow as defined by the Regulations. The results of the survey are as follows:

- The hedgerow was found to have 5 woody species (listed in Schedule 3 to the Regulations) present in the surveyed section of the hedgerow – Ash, Blackthorn, Hawthorn, Hazel, Rose spp.
- 4 woodland ground flora species (listed in Schedule 2 to the Regulations) were identified – Barren strawberry, Viola spp., Herb-robert and Wood sorrel
- The hedgerow is not adjacent to a public footpath
- The hedgerow connects with 2 other hedgerow – score 2 points
- The hedgerow is not associated with a bank or wall which supports the hedgerow along at least one half of its length
- The hedgerow is not associated with a ditch along at least one half of its length
- Gaps in the hedgerow do not add up to more than 10% of its length
- No standard trees are present within the hedgerow
- There is a parallel hedgerow within 15m of the hedgerow concerned.

Having taken these results into account, the hedgerow does not meet the criteria of 'Important' as defined by the regulations.

It is important to note that 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'.

I note that the application states the intention is to translocate the hedgerow to an alternative alignment rather than to remove it completely, this will help retain the biodiversity value of the hedgerow and help to maintain the potentially important foraging/commuting habitat that the hedgerow provides for local biodiversity.

It is noted that the proposed hedgerow removal is associated with works being undertaken to the bridge, I am aware that an otter resting site was identified as part of the ecological assessment of the bridge and that works to the bridge require an EPS Licence. Whilst it is considered that the hedgerow affected by the removal notice does not provide suitable habitat for resting or breeding otters, given the proximity of the hedgerow affected to the bridge there is potential for the translocation works to result in disturbance to otter a European protected species – therefore the applicant should ensure that the works proposed to the hedgerow are covered by the EPS Licence issued for the bridge works.

If a hedgerow removal notice is issued the applicant should be reminded that under the 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). If a nest is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales.

CPAT

Consultation response received 21/09/2017:

Thank you for the consultation on this hedgerow removal notice.

I can confirm there are no archaeological implications for this hedgerow removal under the heritage criteria of the hedgerow regulations 1997.

National Resources Wales

Consultation response received 29/09/2017:

Thank you for consulting Natural Resources Wales (letter dated 21/09/2017) regarding the above.

We have checked our records for the area affected by the proposal and we have some comments to make.

Protected Species

NRW holds a recent record of an otter resting place located just under the Felin Fach bridge. In February 2017 the site had evidence of long term use by otters, with presence of old and fresh spraints.

It is therefore NRW opinion that the hedgerow translocation works could potentially cause disturbance to otters and we advise you seek additional advice from your internal ecologist on this matter.

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

- i. There is no satisfactory alternative and

- ii. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range. In addition,
- iii. The development works to be authorised must be for the purposes of preserving public health or safety, or for other imperative reason of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.

We anticipate that disturbance is likely to be minimised or avoided by adopting suitable Reasonable Avoidance Measures. Please discuss details of the proposal with your ecologist who will also be able to advise you on license requirements if needed.

Flood Risk

The hedgerow lies entirely within Zone C2, as defined by the Development Advice Map (DAM) referred to in Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004).

With regards to the proposed hedgerow removal and translocation, we defer detailed comment to Powys CC drainage team as they are the Lead Local Flood Authority (LLFA) for this ordinary watercourse.

We advise that Powys County Council engineers liaise with the drainage team to ensure that ground levels are not altered in a way that could affect overland flow routes.

Biosecurity

Due to the proximity of the watercourse we advise that a Biosecurity Risk Assessment and a Pollution Prevention Plan is prepared and implemented for this proposal.

We consider that the risk assessment must include:

- (i) Appropriate measures to control and INNS on site; and
- (ii) Measures or actions that aim to prevent INNS being introduced to / allowed to disperse from the site for the duration of construction and operational phases of the scheme.

Representations

No letters of public representation have been received at the time of writing this report.

Planning History

None

Principal Planning Constraints

Flood Zone

Principal Planning Policies

National Planning Policy

Planning Policy Wales (9th Edition, November 2016)
Technical Advice Note (TAN) 5: Nature Conservation and Planning (2009)
Technical Advice Note (TAN) 18: Transport (2007)
Hedgerow Regulations Act 1997

Local planning policies

GP1 – Development Control
GP3 – Energy and Conservation
GP4 - Highway and Parking Requirements
ENV1 – Agricultural Land
ENV2 – Safeguarding the Landscape
ENV3 – Safeguarding Biodiversity and Natural Habitats
ENV7 – Protected Species
SP3 – Natural, Historic and Built Heritage
SP14 - Development In Flood Risk 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

In considering the proposed hedgerow relocation, regard is given to The Hedgerow Regulations Act 1997. In compliance with regulation 5, prior to the removal of any hedgerow or stretch of hedgerow, the owner must first notify the Local Planning Authority of their intention to remove the hedgerow. In the event that the hedgerow is considered 'important' as per the criteria of Regulation 4, the Local Planning Authority will serve a retention notice prohibiting the removal of the hedgerow.

In determining whether a hedgerow is considered 'important' for the purposes of the regulations, regard must be given to the following:

- Archaeology and History
- Wildlife and Landscape

With regards to the above, the following observations and comments are made.

In terms of archaeology and history, Clwyd Powys Archaeological Trust has been consulted. The response received by Planning Services indicates that there are no archaeological implications under the Hedgerows Regulations Act 1997 for the removal of this section of hedgerow and it does not fulfil the criteria for an 'important hedgerow'.

With respect to wildlife and landscape, PCC Ecologist stated that they had visited the site and carried out an assessment of the hedgerows affected in accordance with the requirements set out in the Hedgerow Regulations 1997. The Officer concluded that the hedgerow concerned does not qualify as an "important" hedgerow as defined by the criteria set out in the Hedgerow Regulations 1997.

RECOMMENDATION

Having carefully considered the proposed hedgerow relocation, it is considered that the hedgerow does not qualify as an important hedgerow under the hedgerow regulations. The recommendation is one of approval.

Informative Notes

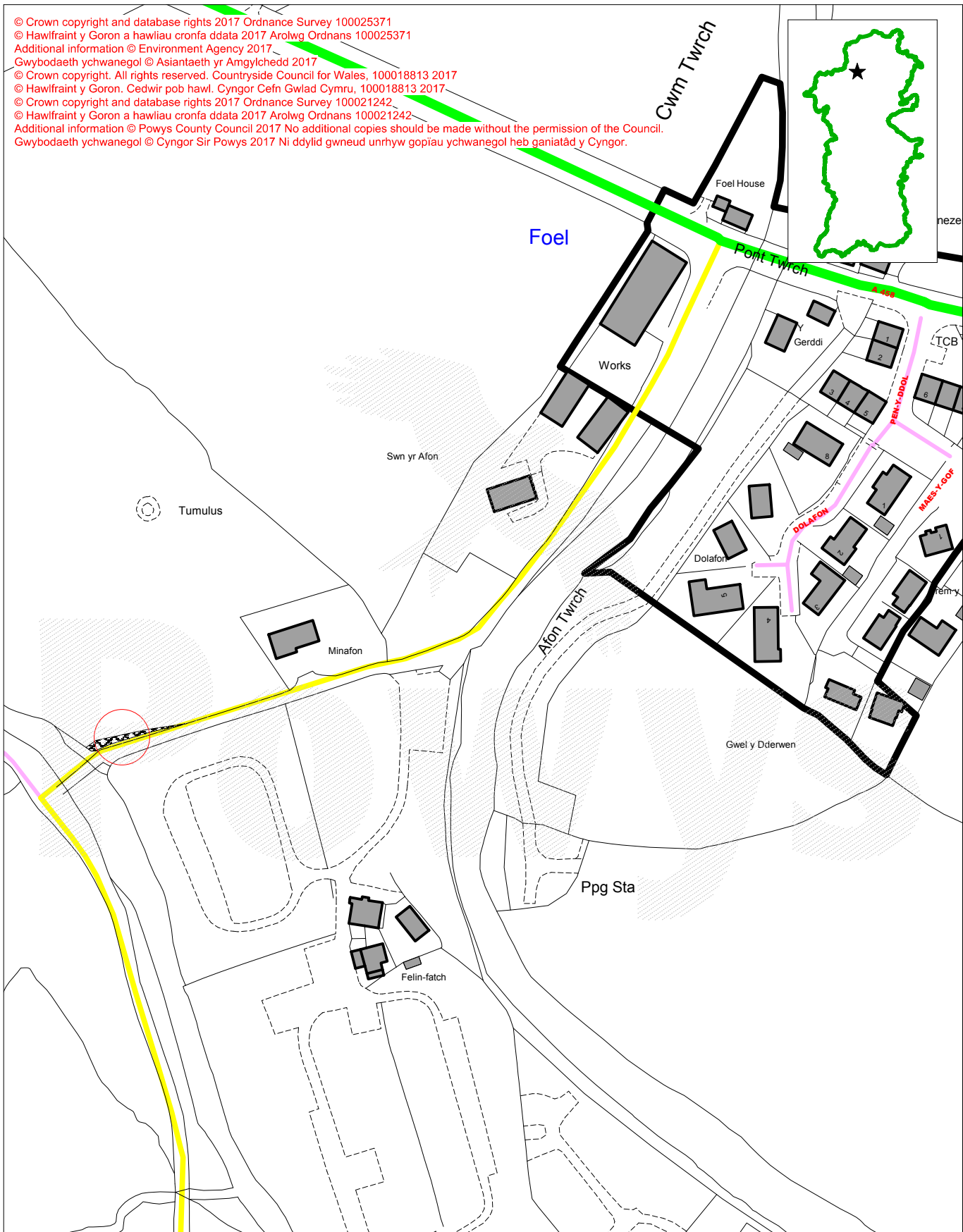
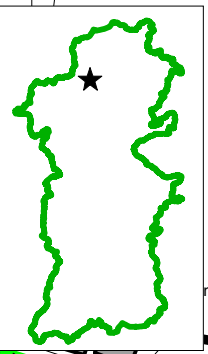
Biodiversity

If a hedgerow removal notice is issued the applicant should be reminded that under the 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). If a nest is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales.

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Delegated List

18/10/2017**09/11/2017**

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/2017/0487 REM	02/05/2017	CONSENT	19/10/2017	Reserved matters application for access, appearance, landscaping, layout & scale in connection with proposed 5 dwellings	Land adjacent to Brynderw Park Street Llanrhaeadr Ym Moch SY10 0JJ
P/2017/0821 FULL	17/07/2017	CONSENT	19/10/2017	Full: Engineering operations to remove a former slurry pond to enable the re-profiling and reinstatement of the agricultural field	Tynllan Farm Castle Caereinion SY21 9AL

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/0986 FULL	24/08/2017	CONSENT	19/10/2017	Full: External works involving installation of plant into rear yard (air conditioning units and plant to service chilled area) together with various louvres and 2 no. satellite dishes to elevations	Midland Bank Chambers East Street Rhayader LD6 5DU
P/2017/1007 HOUS	04/09/2017	CONSENT	19/10/2017	Householder: Demolition of existing sun room and construction of a replacement single storey lean-to extension	The Old Post Office Moelfre Oswestry SY10 7QJ
P/2016/0408 FULL	12/04/2016	CONSENT	20/10/2017	Change of surfacing material to part of footpath and replacement of stile with gates (part retrospective)	Land near Llanerchwen Sarnau Brecon LD3 9PP
P/2017/0442 FULL	20/04/2017	CONSENT	20/10/2017	Demolition of existing workshop and erection of new dwelling house	Mount Pleasant Garage Tremont Road Llandrindod Wells LD1 5BG
P/2017/0954 FULL	21/08/2017	REFUSE	20/10/2017	Full: Erection of a dwelling and detached garage, formation of new vehicular access and all associated works	Church Field Cwmbach Llechryd Builth Wells LD2 3RW

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/0993 FULL	25/08/2017	CONSENT	20/10/2017	Full: Change of use of former police station into 3 residential units and associated works	The Old Police Station High Street Llandrindod Wells LD1 6BG
P/2017/0870 REM	27/07/2017	CONSENT	23/10/2017	Section 73 application to vary condition 3 of planning approval P/2012/0317 to extend the time limit for the commencement of development	Plot Opposite the Post Office Beulah Llanwrtyd Wells
P/2017/0926 ADV	29/08/2017	CONSENT	23/10/2017	Consent to display 1 x illuminated fascia sign	Halt Filling Station and Cafe Llanwrthwl Llandrindod Wells LD1 6NN
P/2017/0927 FULL	29/08/2017	CONSENT	23/10/2017	Full: Installation of an ATM machine, and all associated works (retrospective)	Halt Filling Station and Cafe Llanwrthwl Llandrindod Wells LD1 6NT
P/2017/0827 REM	17/07/2017	CONSENT	24/10/2017	Section 73A application to vary condition no. 2 attached to planning permission P/2010/0321 to vary approved plans (retrospective)	New dwelling at Tynllyne Ffordd Las Llanigon HR3 5QF

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/0849 HOUS	20/07/2017	CONSENT	24/10/2017	Householder: Erection of an outbuilding to be used as a garage and workshop.	West View Leighton Welshpool SY21 8HG
P/2017/0930 FULL	11/08/2017	CONSENT	24/10/2017	Full: New vehicular access to an existing haulage business	Clive Price Transport Llanigon Hereford HR3 5PN
P/2017/1022 HOUS	07/09/2017	CONSENT	24/10/2017	Householder: Link extension between house and garage, and alteration of garage roof from flat roof to pitched roof	Stonyridge Lower Chapel Brecon LD3 9RE
P/2017/1060 HOUS	13/09/2017	CONSENT	24/10/2017	Householder: Installation of a domestic sewage treatment package to replace the existing septic tanks	Pant-Y-Cae Clyro Hereford HR3 6JU
P/2017/0287 HOUS	07/04/2017	CONSENT	25/10/2017	Householder: Demolition of existing conservatory and erection of oak framed sun lounge and first floor balustrade. Installation of new windows.	1 Cwm Coedre Cottage Leighton Welshpool SY21 8HS

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/0762 HOUS	05/07/2017	CONSENT	25/10/2017	Householder: Drill 150mm borehole for water supply and construction of a supply pipe to building & installation of a new sewage treatment plant.	Castle Cottage Abermule Montgomery SY15 6JJ
P/2017/0903 HOUS	18/08/2017	CONSENT	25/10/2017	Householder: Erection of a single storey sun lounge extension	Pentre Cottage Llandyssil Montgomery SY15 6LJ
P/2017/0911 HOUS	01/09/2017	CONSENT	25/10/2017	Householder: Alterations and extension to existing domestic/residential garage	Victoria House Victoria Square Llanwrtyd Wells LD5 4SS
P/2017/0939 CLA2	30/08/2017	REFUSE	25/10/2017	Section 192 application for a certificate of proposed use in regards to the change of use of land to allow for the extension to a garden	Ty Isaf Market Street Newtown SY16 2PQ
P/2017/1018 FULL	31/08/2017	CONSENT	25/10/2017	Full: Conversion of redundant agricultural building into a dwelling, installation of sewage treatment plant and all associated works	Brookhouse Farm Cwmgilla Lane Knighton LD7 1PG

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/0669 FULL	12/06/2017	CONSENT	26/10/2017	Full: Erection of a replacement workshop on existing site (Use Class B2) (resubmission of P/2016/0974) and associated works	Former Lorry Workshop (Formerly attached to Graig Farm) Pontdolgoch Caersws SY17 5NJ
P/2017/0690 FULL	20/06/2017	CONSENT	26/10/2017	Full: Erection of a dwelling, formation of vehicular access and all associated works	Tan Y Bryn Garden Lane Newtown SY16 2DL
P/2017/0695 OUT	17/07/2017	REFUSE	26/10/2017	Outline: Erection of up to 4 dwellings, formation of vehicular access, a new church car park, and all associated works (some matters reserved)	Site opposite St Gwynog's Church Aberhafesp Newtown SY16 3HH
P/2017/0834 FULL	18/07/2017	CONSENT	26/10/2017	Full: Erection of two holiday accommodation units, installation of sewage treatment plant, alterations to vehicular access and all associated works	Land at Upper House Howey Llandrindod Wells LD1 5RH
P/2016/0796 OUT	28/07/2016	CONSENT	27/10/2017	Outline application for erection of up to 60 dwellings and construction of vehicular access	Land to the south of A489 West of Mochdre Brook Newtown SY16 4HZ

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2016/0797 OUT	28/07/2016	CONSENT	27/10/2017	Outline application for erection of up to 30 dwellings and construction of vehicular access	Land to the north of A489 west of Mochdre Brook Newtown SY16 4HZ
P/2017/0898 REM	04/08/2017	CONSENT	27/10/2017	Section 73 application to vary condition 2 of planning approval RAD/2007/0520 in regards to the approved plans	Household Waste Recycling Centr Waterloo Road Industrial Estate Llandrindod Wells LD1 6BH
P/2017/0600 OUT	26/05/2017	REFUSE	30/10/2017	Outline: Erection of up to 4 dwellings, installation of sewage treatment plant and associated works (some matters reserved)	Land South of Broncafnt Lane Llanfair Caereinion SY21 0RF
P/2017/0759 LBC	10/07/2017	CONSENT	30/10/2017	LBC: Internal alterations to the ground floor, and provision of a pavement	Town Hall Hyssington Arthur Street Montgomery SY15 6PA

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/0783 FULL	06/07/2017	REFUSE	30/10/2017	Full: Engineering operations involving hillside land reinstatement and restoration including landscaping works	Land rear of Caryleen Llandilo Graban Builth Wells LD2 3SX
P/2017/0971 FULL	04/09/2017	CONSENT	30/10/2017	Change of use: From an A3 tearoom to an A3 micro-pub due to a previous restriction on P/2014/1001	24 High Street Knighton LD7 1AT
P/2017/1058 FULL	15/09/2017	CONSENT	30/10/2017	Full: Erection of an agricultural building	Gate Farm Llandyssil Montgomery SY15 6LN
P/2017/1101 HOUS	27/09/2017	CONSENT	30/10/2017	Householder: Construction of a private garage/car port	Ty-bryn Kerry Newtown SY16 4PD
P/2017/0775 FULL	06/07/2017	CONSENT	31/10/2017	Full: Erection of 2 no. dwellinghouses (semi-detached), formation of vehicular access & all associated works	Land adjoining Ty-ar-Graig Adfa Newtown SY16 3DB

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/0857 CLA2	24/08/2017	REFUSE	31/10/2017	Section 192 application for a lawful development certificate of proposed use in regards to the siting of a temporary building, and 5x shipping containers	West Wales Reclamation and Storage Heol Y Doll Old Station Yard Machynlleth SY20 8BL
P/2017/0796 HOUS	19/07/2017	CONSENT	01/11/2017	Householder: Erection of single storey extension	Hafren 38 Salop Road Welshpool SY21 7EA
P/2017/0928 FULL	23/08/2017	CONSENT	01/11/2017	Full: Change of use from shop (A1) & residential (C3) to day time nursery (D1)	West End Stores Garth Road Builth Wells LD2 3AR
P/2017/0640 FULL	13/06/2017	CONSENT	02/11/2017	Full: Proposed erection of a 16,000 bird free range egg unit, 2 no. feed bins, new site access and associated landscaping and engineering works	Craignant Painscastle Builth Wells LD2 3JQ
P/2017/0865 CLA1	25/07/2017	APPROVE	02/11/2017	Section 191 application for lawful development certificate without compliance of condition 2 for permission M19291 (agricultural occupancy)	Gwelaфон Fron SY15 6SB

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/0958 CLA2	19/09/2017	APPROVE	02/11/2017	Section 192 Application for Certificate of lawfulness for a proposed use to convert domestic garage to respite annexe	Tan y Ffordd Abermule Mongomery SY15 6NT
P/2017/1197 CLA2	16/10/2017	PP NOTNEEDED	02/11/2017	Section 192 application for a lawful developemnt certificate for a proposed use to build a ground floor shower and toilet extension	12 Hereford Street Presteigne LD8 2AR
P/2017/0900 FULL	04/08/2017	REFUSE	03/11/2017	Full: Change of use of chapel to residential dwelling. Proposed extension, upgrade of existing access and installation of septic tank	Hermon Chapel Tirabad Llangammarch Wells LD4 4DS
P/2017/0740 FULL	14/07/2017	CONSENT	06/11/2017	Full: Creation of new access from existing road	Blaen Y Cwm Cefn Mawr Upper Gwestydd Lane Newtown SY16 3LA

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/0842 ADV	06/09/2017	CONSENT	06/11/2017	ADV: Application to display 1 no. non-illuminated sign	Nidec Industrial Automation UK Ltd Mochdre 79 Mochdre Industrial Estate Newtown SY16 4LE
TEL/2017/0009 TELE	04/09/2017	PP NOTNEEDED	06/11/2017	TEL: Application for prior notification under Schedule 2, Part 24 of the GPDO 1995 for the installation of a 15m high lattice mast on a concrete base accommodating 3 no. antennas and 2 no. 600mm transmission dishes for the Home	West Fedw Tylwch Llanidloes SY18 6QU
P/2017/0466 LBC	11/05/2017	REFCADW	07/11/2017	LBC: Works to Listed Building to include renewal of roof covering and central (lead) gutter. Replacement of rainwater fittings, and 4 no. timber windows. Insertion of 1no. rooflight, re-positioning of soil pipe. Internal works to include	Brynmawr Farm Brynmawr Llanymynech SY22 6PQ
P/2017/0684 REM	19/06/2017	CONSENT	07/11/2017	Section 73 application for variation of Condition 2 and removal of Conditions 4,5 and 6 of Outline Planning Permission P/2012/0549	Land adj to the Town House Beguildy Knighton
P/2017/0756 FULL	14/07/2017	CONSENT	07/11/2017	Full: Demolition of existing disused workshop and erection of holiday chalet accommodation including installation of mini sewage treatment system	Former Workshop Cwmbach Builth Road Builth Wells LD2 3RT

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/1004 CLA1	31/08/2017	REFUSE	07/11/2017	Section 191 Certificate of Lawfulness for an existing use in relation to use of first floor of building to rear of Cornstore as independent dwelling unit	Cornstore 4 Church Street Welshpool SY21 7DL
TEL/2017/0008 TELE	04/09/2017	PP NOTNEEDED	07/11/2017	Prior notification under Part 24 of Schedule 2 of GPDO for the installation of 1 no. 15m mast, 3 no. antennas, 2 no. dishes and all associated works	The Hendre Felindre Knighton LD7 1YT
P/2017/1024 FULL	06/09/2017	CONSENT	07/11/2017	Full: Sub-division of existing Unit 2 (A1) into 3 no separate units (A1)	Unit 2 Mill Lane Mill Lane Retail Park Welshpool SY21 7BL
P/2017/0400 FULL	27/04/2017	CONSENT	08/11/2017	Full: Change of use of land from agricultural to house 4 mobile holiday let pods, bio disc sewage system, improvements to the existing access and formation of access track	Field nr Dan y Graig Hundred House Builth Wells LD1 5RP
P/2017/0430 LBC	09/05/2017	REFCADW	08/11/2017	LBC: Works to roof to include refurbish of roof using reclaimed welsh tile, replace fascia boards, replace guttering, replace lead flashing around chimney, works to chimney and roof insulation	4 Castle Dyche Scottleton Street Presteigne LD8 2BL

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/0707 LBC	21/06/2017	REFCADW	08/11/2017	Listed building consent for external alterations to roof involving construction of replacement slate roof covering over storeroom and extended over kitchen door	2 Carreghofa Locks Carreghofa Llanymynech SY22 6LF
P/2017/0768 FULL	14/07/2017	CONSENT	08/11/2017	Full: Extension to existing agricultural building for storage and necessary agricultural implements.	Cwm Ceri (Field) Llanyre Llandrindod Wells LD1 6EA
P/2017/0811 FULL	01/08/2017	CONSENT	08/11/2017	Full: Erection of 2 dwellings, formation of new vehicular access and all associated works.	Land adjacent to Belle Vue 1 Garthmyl Welshpool
P/2017/0832 ADV	22/09/2017	CONSENT	08/11/2017	Application for consent to display 2x advertisement signs (non-illuminated)	Nidec Control Techniques Ltd Pool Road The Gro Newtown SY16 3BE
P/2017/0883 HOUS	20/09/2017	CONSENT	08/11/2017	Householder: Single storey extension to link barn to cottage	Rhiwen Barn Trefeglwys Caersws SY17 5QY

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/1014 HOUS	13/09/2017	CONSENT	08/11/2017	Householder: Demolition of existing extension, erection of a single storey extension, conversion of garage to domestic accommodation and erection of a garage / domestic workshop	10 Lalondie Evenjobb Orchard View Presteigne LD8 2SB
P/2017/1049 CLA2	13/09/2017	REFUSE	08/11/2017	Section 192 application for lawful development certificate for a proposed use to upgrade the barn interior to provide living space	The Coppice Guilsfield Folly Lane SY21 9PZ
P/2017/1066 FULL	14/09/2017	CONSENT	08/11/2017	Full: Change of use of ground floor from office use to retail use (class A1) - fabric and haberdashery (retrospective)	25 Market Street Newtown SY16 2PD
P/2017/1155 HOUS	14/09/2017	CONSENT	08/11/2017	Householder: Erection of a new single storey extension to the rear of the property to provide an enlarged kitchen and dining room	The Firs Milford Road Newtown SY16 2DZ

MINUTES OF A MEETING OF THE TAXI LICENSING SUB-COMMITTEE HELD AT VIDEO CONFERENCE ROOM - NEUADD MALDWYN, WELSHPOOL, POWYS ON TUESDAY, 15 AUGUST 2017

PRESENT

County Councillors P C Pritchard [Chair]
County Councillors L George and H Lewis

Officers

Natalie Jones, Licensing Officer
Colin Edwards, Solicitor, Clerk to the Panel

1.	RESOLUTION TO EXCLUDE THE PUBLIC AND THE PRESS
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RESOLVED that in accordance with Section 100(A)(4) of the Local Government Act 1972 the public and press were excluded from the meeting on the grounds that there would be disclosure to them of exempt information under paragraphs 12 and 18 of Schedule 12A Part 7 of the above Act in respect of the following item[s].

2.	REVIEW OF A JOINT HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE
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2.1. Sub-Committee's procedures

The Chair introduced the Sub-Committee and its Clerk.

The Clerk to the Sub-Committee on behalf of the Solicitor to the Council explained the procedures to be followed by the Sub-Committee.

2.2. Review of a licence**Applicant – MR**

The Licensing Officer outlined the issues for consideration and referred Members to the report.

The Sub-Committee withdrew to consider, in private, the issues with the support of the Clerk.

The Clerk advised that in reaching the decision the Members had taken into account the relevant verbal and written representations.

RESOLVED	Reason for decision
That MR's hackney carriage and private hire drivers licence be revoked.	That in the view of the recent convictions for theft and previous offending, the licensee is not a fit and proper person to retain the licenses.

The Clerk to the Sub-Committee advised that he would confirm the decision in

writing.

3.	APPLICATION FOR A JOINT HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE
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3.1. Sub-Committee procedures

The Chair introduced the Sub-Committee and its Clerk.

The Clerk to the Sub-Committee on behalf of the Solicitor to the Council explained the procedures to be followed by the Sub-Committee.

3.2. Application for a licence

Applicant – ISW [accompanied by a representative of Wrights Taxis]

The Licensing Officer outlined the issues for consideration and referred Members to the report.

The applicant explained the background to his previous offending and also his present circumstances.

All parties agreed that they had had ample opportunity to present all aspects of their case and had said all that they had wanted to say.

The Review Panel withdrew to consider the issues in private with the support of the Clerk. The Clerk advised that in reaching the decision the Members had taken into account the relevant verbal and written representations.

RESOLVED	Reason for decision
That the application by ISW be granted.	After hearing the applicant's representations and taking into account the fact that there have been no convictions for in excess of 5 years and also the references produced.

The Clerk to the Sub-Committee advised that he would confirm the decision in writing.

The Chair thanked all for attending.

4.	REVIEW OF A JOINT HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE
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4.1. Sub-Committee procedures

4.2. Review of a licence

Licence holder - DAB

The Sub-Committee was advised that the taxi driver had voluntarily surrendered his licence earlier in the morning. As a result the Sub-Committee was not required to consider the licence.

County Councillor P Pritchard
Chair

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