

Planning, Taxi Licensing & Rights of Way Committee

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

Meeting Date
Thursday, 7 December 2017

Meeting Time
9.30 am



County Hall
Llandrindod Wells
Powys
LD1 5LG

For further information please contact
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30 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 16 November, 2017 as a correct record.

(To Follow)

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 5 - 10)

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. RAD/2004/0572 Land at Llanshay Farm, Knighton, Powys

(Pages 11 - 52)

4.3. P/2017/0700 Land on Brecon Road, Builth Wells, Powys, LD2 3DY

(Pages 53 - 80)

4.4. P/2017/0583 Land Adj to Ridgemount, Newbridge on Wye, Powys, LD1 6LG

(Pages 81 - 122)

4.5. P/2017/1083 Ysgol Gynradd, Wirfoddell A Reolir, Llanellwedd, Disserseth, Builth Wells, Powys, LD2 3TY

(Pages 123 - 136)

4.6. P/2015/0803 Varteg Hill, Land South of Ystalyfera, Neath and Port Talbot

(Pages 137 - 150)

4.7. P/2017/1056 Land adj Parc Bronydd, Llansantffraid ym Mechain, Powys, SY22 6DZ

(Pages 151 - 172)

- 4.8. **P/2017/1082 Waters Edge, Llanthomas Lane, Llanigon, Hereford, Powys, HR3 5PU**
(Pages 173 - 186)
- 4.9. **P/2017/1125 Land adjacent to Cae Bryn Derwen, Brynderwen, Abermule, SY15 6JX**
(Pages 187 - 206)
- 4.10. **P/2017/0731 Land to east of the Old Hand & Diamond Inn, Coedway, SY5 9AR**
(Pages 207 - 230)
- 4.11. **P/2017/0450 Greenacres Garden Centre, Howey, Llandrindod Wells, Powys, LD1 5PL**
(Pages 231 - 252)
- 4.12. **P/2017/0966 Land East of Fron Olau Adfa Newtown Powys SY16 3DB**
(Pages 253 - 270)
- 4.13. **P/2017/1023 Ysgol Glantwymyn C.P., Glantwymyn, Cem maes Road, Machynlleth, Powys, SY20 8LX**
(Pages 271 - 284)
- 4.14. **P/2017/1074 Ysgol Gymraeg, Dyffryn y Glowyr, Gurnos, Swansea, POWYS**
(Pages 285 - 294)
- 4.15. **P/2017/0970 Llwyn Y Rhedyn, Station Road, Lanfyllin, Powys SY22 5DE**
(Pages 295 - 304)
- 4.16. **HEDG/2017/0006 Land near Chapel, Aberhosan, Machynlleth, Powys**
(Pages 305 - 312)

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 313 - 324)

6.	LOCAL ACCESS FORUM [LAF] - APPOINTMENT OF A COUNCIL REPRESENTATIVE
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To consider the appointment of a member to the Powys Local Access Forum.

(Pages 325 - 330)

Planning, Taxi Licensing and Rights of Way Committee
7th December 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>RAD/2004/0572</p> <p>Knighton Community</p> <p>329478.73 271872.05</p> <p>24/11/2004</p>	<p>Outline: Amended application for residential development of 103 dwellings, vehicular access and associated engineering works (all matters reserved)</p> <p>Land at Llanshay Farm, Llanshay Lane, Knighton, Powys</p> <p>Messrs RR Price & Son & c/o Llanshay Farm, Llanshay Lane, Knighton, Powys, LD7 1LW</p> <p>Recommendation: Conditional consent subject to a Section 106 agreement</p>
<p>P/2017/0700</p> <p>Builth Wells</p> <p>304238.34 250319.23</p> <p>21/07/2017</p>	<p>Outline: Residential development, formation of vehicular access and infrastructure, and all associated works (some matters reserved)</p> <p>Land on Brecon Road, Builth Wells, Powys LD2 3DY</p> <p>Mr & Mrs J G Evans, Brentwood, Builth Wells</p> <p>Recommendation: Conditional Consent subject to S106 agreement</p>

<p>P/2017/0583</p> <p>Llanyre</p> <p>02.06.2017</p>	<p>Outline planning application for residential development and associated works</p> <p>Land adj. to Ridgemount, Newbridge on Wye, Powys LD1 6LG</p> <p>Mr J Potter, Gara Barton, Hatcherleigh, Totnes, Devon, TQ9 7AD</p> <p>Recommendation: Conditional Consent</p>
<p>P/2017/1083</p> <p>Llanelwedd</p> <p>304552.43 251819.55</p> <p>27.09.2017</p>	<p>Full: Installation of refurbished mobile classroom and associated works</p> <p>Ysgol Gynradd, Wirfoddel A Reolir, Llanelwedd, Disserth, Builth Wells, Powys, LD2 3TY</p> <p>Mr Gareth Jones, Powys County Council, Spa Road East, County Hall, Llandrindod Wells, Powys, LD1 5LG</p> <p>Recommendation: Refusal</p>
<p>P/2015/0803</p> <p>Ystradgynlais</p> <p>277025.28 207387.59</p> <p>17.09.2015</p>	<p>Full: Construction and improvement of access track and improvement to the junction access point to serve wind farm comprising four wind turbines (with tip height upto 115m), internal access tracks, substation building, associated infrastructure</p> <p>Varteg Hill, Land South of Ystalyfera, Neath and Port Talbot</p> <p>Ystalyfera Wind Energy Ltd</p> <p>Recommendation: Refusal</p>

<p>P/2017/1056</p> <p>Llansantffraid</p> <p>322430.5 320575.99</p> <p>15.09.2017</p>	<p>Outline - Proposed residential development comprising of up to 6 dwellings and all associated works</p> <p>Land adj Parc Bronydd, Llansantffraid ym Mechain, Powys, SY22 6DZ</p> <p>Mr J Jones-Perrot, Bronyddon Farm, Llansantffraid ym Mechain, Powys, SY22 2TZ</p> <p>Recommendation: Conditional Consent</p>
<p>P/2017/1082</p> <p>Llanigon</p> <p>321185.91 240277.97</p> <p>27.09.2017</p>	<p>Reserved matters application in regards to P/2017/0211 for the erection of a dwelling</p> <p>Waters Edge, Llanthomas Lane, Llanigon, Hereford, Powys, HR3 5PU</p> <p>Mr S Hodges, Llanthomas Lane, Waters Edge, Llanigon</p> <p>Recommendation: Conditional Consent</p>
<p>P/2017/1125</p> <p>Abermule</p> <p>316431.5 295155.7</p> <p>02.10.2017</p>	<p>Full: Erection of new dwelling and detached garage, creation of parking area and all associated works.</p> <p>Land adjacent to Cae Bryn Derwen, Brynderwen, Abermule, SY15 6JX</p> <p>Mr A Evans, 57 Dol Hir, Abermule, Powys, SY18 6JS</p> <p>Recommendation: Conditional Consent</p>

<p>P/2017/0731</p> <p>Bausley & Criggion</p> <p>334217.1 314726.9</p> <p>27.06.2017</p>	<p>Outline: Erection of a dwelling, construction of vehicular access and installation of sewage treatment plant (some matters reserved).</p> <p>Land to east of the Old Hand & Diamond Inn, Coedway, SY5 9AR</p> <p>P Rowley & S Withinshaw, Upper House, Longor, Shrewsbury SY5 7PP</p> <p>Recommendation: Conditional Consent</p>
<p>P/2017/0450</p> <p>Disserth and Trecoed</p> <p>305271.91 259253.31</p> <p>24.04.2017</p>	<p>Outline - Erection of four dwellings and associated works - some matters reserved</p> <p>Greenacres Garden Centre, Howey, Llandrindod Wells, Powys, LD1 5PL</p> <p>Mr Ken Bentley, Greenacres Garden Centre, Howey, Llandrindod Wells</p> <p>Recommendation: Conditional Consent</p>
<p>P/2017/0966</p> <p>Dwyriw</p> <p>306333.5 300960.51</p> <p>22.08.2017</p>	<p>Outline: Erection of 2 dwellings and all associated works (some matters reserved)</p> <p>Land East of Fron Olau, Adfa, Newtown, Powys SY16 3DB</p> <p>Mr S Isaac Plot 2 Adfa Newtown Powys SY16 3DB</p> <p>Recommendation: Conditional Consent</p>

<p>P/2017/1023</p> <p>Glantwymyn</p> <p>282410.33 304458.28</p> <p>14.09.2017</p>	<p>Full: Erection of extensions to existing school, new vehicular access and parking, and new multi-surface MUGA pitch</p> <p>Ysgol Glantwymyn C.P., Glantwymyn, Cem maes Road, Machynlleth, Powys, SY20 8LX</p> <p>Powys County Council</p> <p>Recommendation: Conditional Consent</p>
<p>P/2017/1074</p> <p>Ystradgynlais</p> <p>277217.96 209933.03</p> <p>20.09.2017</p>	<p>Full: Installation of a refurbished de-mountable classroom in the school grounds</p> <p>Ysgol Gymraeg, Dyffryn y Glowyr, Gurnos, Swansea</p> <p>Powys County Council</p> <p>Recommendation: Conditional Consent</p>
<p>P/2017/0970</p> <p>Llanfyllin</p> <p>11.09.2017</p>	<p>Full: Creation of new car parking arrangement and footway</p> <p>Llwyn y Rhedyn, Station Road, Llanfyllin, Powys SY22 5DE</p> <p>Powys County Council</p> <p>Recommendation: Conditional Consent</p>
<p>HEDG/2017/0006</p> <p>Cadfach</p> <p>280830.11 297440.64</p> <p>05.10.2017</p>	<p>Hedgerow removal application</p> <p>Land near Chapel, Aberhosan, Machynlleth, Powys</p> <p>Powys County Council</p> <p>Recommendation</p> <p>Hedgerow retention notice is not served.</p>

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4.2

Planning, Taxi Licensing and Rights of Way Committee Report

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

The reason for Committee determination

Called in by Professional Lead for Development Management, given the scale of development proposed.

Site Location and Description

The site is to be found on the eastern side of Knighton. It is currently used as pasture. Its western boundary is defined by existing housing and its northern by the A4113 highway. The eastern and southern boundaries are, in part defined by hedgerows but are contiguous with the farmland which rises in a southerly direction from the A4113.

The site is approximately 5 hectares in extent and is bisected by Llanshay Lane which runs from its access at the A4113 onto Reeves Hill and Presteigne beyond. The western part of the application site shares a northern boundary with the dwelling known as Cophorne and is elevated above the dwellings in the Dingle. It is crossed by a small brook which runs under the lane and along the western boundary of the eastern section and the dwelling known as Waverely. The eastern section is the larger component and is subdivided by fencing and hedgerows which contain some mature trees shown as retained in an indicative layout.

The Elan Valley Aqueduct runs through the northern part of the site, parallel to the A4113.

The proposal envisages a new access being constructed to the east of the existing Llanshay Lane entrance (which would become a cul-de-sac giving vehicular access to only the two existing dwellings). This new access would be the new route onto Reeves Hill and would serve 44 new dwellings on the western part of the application site and 59 on the eastern.

The application is accompanied by a Planning Statement which offers 32 affordable

All matters, including highway access are reserved for further consideration at reserved matters stage.

The site was allocated for housing development in the Radnorshire Local Plan and subsequently in the Unitary Development Plan.

The Background

This application was registered on the 24th November 2004 and was originally for 133 houses. It was advertised as a departure because it included an area intended for affordable housing which was outside the Local Plan allocation and the towns development limits.

From 2004 onwards the application was the subject of various requests for further information including highway details, flood consequences and ecological assessment which were provided and consulted on over the period up until 2010. Given the passage of time some of that information then needed to be updated. Pending receipt of further information the consideration of the application went into abeyance until it was revived in 2015 and re-advertised.

In the course of re-consultation it was decided that the survey for great crested newts was out of date and this was resubmitted along with a request to amend the scheme (reducing the number of dwelling units to 103) and reserving highway matters for consideration at reserved matters stage. This has involved further re-advertisement and re-consultation.

Consultee Response

Knighton TC

20/07/15

Members of the Town Council made a recommendation by unanimous vote to strongly recommend refusal of this application at its meeting on 15th July 2015.

There were a considerable number of reasons for recommending refusal which are listed below.

- Development is too big
- No need for this number of houses
- Could create an imbalance on class lines
- No employment If elderly residents come services would struggle to cope eg doctors
- Brown field sites should be developed first rather than green field sites like this one
- Sewage systems would be unable to cope
- Are rights of way going to be protected
- Water pipe from Elan Valley needs protecting
- Why was this application not determined previously
- Planning application paperwork out of date

- Access onto highway will be dangerous
- Flooding can be a problem on the site
- Tree preservation orders need to be enforced
- Maintenance of the public may be a problem(space?)
- Plans do not accord with the local development plan
- Lack of consultation with residents
- All supporting reports for original application are out of date
- Missing site and area analysis
- A concept design and design statement is required.
- Building elevations and sections and street sections are missing
- A traffic and access plan is required
- A visual impact study is missing

25/07/2017

Members of Knighton Town Council made a recommendation by majority vote to recommend refusal of this application as it is contrary to the requirements of the Unitary Development Plan and the Local Development Plan as outlined in Mr B Edwards letter dated 5th August 2015. The number of dwellings has reduced in the current application however the reasons for refusal are the same as in 2015. (See Appendix 1).

Powys Highways

The proposed development of 103 dwellings on this site will necessitate that a new means of access is constructed onto Ludlow Road in order to accommodate the developments traffic. Any increased use of the Llanshay Lane junction and existing highway would not be supported by the Highway Authority.

When the application was originally submitted the means of access was to be determined as part of the outline application. The Highway Authority requested that detailed engineering proposals be submitted that would confirm that a safe access could be provided to serve this large development. One of the principal constraints to providing a new highway is the fact that the Elan Valley Aqueduct crosses the site running parallel to Ludlow Road. The close proximity of the pipe and difference in levels meant that designing an acceptable layout would be a challenge. The indicative layout has never been formally approved and it is with regret that we note that the applicant has now withdrawn the means of access being determined at this stage. This means that we are unable to confirm whether the site can be provided with a highway that meets with current standards. We have noted the concerns of Severn Trent Water plc regarding the potential detrimental effects that a new highway could have on the aqueduct and consider the lack of agreeing a detailed layout a retrograde step.

As a minimum we would have required details of the closure of the existing Llanshay Lane to through traffic and new turning head, new right turn lane junction onto Ludlow Road, provision of suitably designed roads throughout the site, Active Travel links within the site and along Ludlow Road linking with the existing footways adjacent to the Primary School. In addition, we would require that the applicant agree to the costs and implementation of a Traffic Regulation Order for the extension of the 30mph speed restriction along Ludlow

Road and within the estate and prohibition of through traffic along Llanshay Lane where the closure would be located.

Conditions:

1. Prior to any works being commenced on the site the applicant shall submit and have approved in writing by the local planning authority detailed engineering proposals for the means of access onto Ludlow Road, all on site highways including Active Travel links within the site and along Ludlow Road and all associated works.
2. Prior to any works being commenced on the site a scheme for the phasing of the development including the construction of access roads and associated works shall be submitted to and approved in writing by the local planning authority and shall thereafter be implemented in accordance with the approved details.
3. Prior to any works being commenced on the site the means of access and access roads and associated works referred to above, shall be fully completed to the written satisfaction of the local planning authority.
4. Prior to the occupation of any dwelling the Active Travel links and closure of the Llanshay Lane to through traffic shall be fully completed to the written satisfaction of the local planning authority.
5. Prior to the occupation of any dwelling, provision shall be made within the curtilage of the site for the parking of not less than one car per bedroom excluding any garage space provided. The parking areas shall be retained for their designated use in perpetuity.
6. The gradient from the back of the footway/verge to the vehicle parking areas shall be constructed so as not to exceed 1 in 15 and shall be retained at this gradient for as long as the dwellings remain in existence.
7. Prior to the commencement of the development provision shall be made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of 0.4 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.
8. The width of the access carriageways shall be not less than 5.5 metres and shall be maintained at this width for as long as the development remains in existence.
9. The centre line radii of all curves on the proposed estate road shall be not less than 20 metres.
10. 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.

11. 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.
12. 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.
13. No storm water drainage from the site shall be allowed to discharge onto the county highway.
14. Prior to the commencement of any works on site a Construction Management Plan shall be submitted and approved in writing by the Local Planning Authority and thereafter fully implemented in accordance with the approved details.
15. Prior to any works being commenced on the site a scheme for the extension of the 30mph speed restriction, prohibition of vehicular traffic along Llanshay Lane and schedule for the implementation of the scheme shall be submitted and approved in writing by the local planning authority.

Powys Building Control

Building Regulations approval will be required

Natural Resources Wales (formerly Environment Agency/ Countryside Council for Wales)

An initial consultation with the Environment Agency resulted in a response of 18/01/2005 in which the Agency requested a deferment pending the preparation of a Flood Risk Assessment by the applicant and requesting the following condition:

‘There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways’

It was also strongly recommended that, as part of the site's development, the existing culverted/diverted section of the watercourse be removed and flow re-instated to the former open-channel.

Following receipt of further information relating to drainage and flooding further comments were received:

01/02/2007

Flood Risk

Powys has promoted a scheme for alleviation of flood risk downstream of the site. The detailed drainage proposal should address existing and proposed capacities of any

receiving watercourses or culverts. This should be in consultation with PCC as the promoting authority and responsible drainage authority.

Flood Defense Consent will be required for any diversion or creation of new channels or culverts. Section 3/9 of the Preliminary Drainage Assessment suggests that the EA has confirmed that there must be no development within 4m of an ordinary watercourse and 3m from a culverted watercourse. At time the Agency will seek a 5m watercourse buffer. This will be subject to agreement on channel capacity, ecological surveys and maintenance requirements.

The use of soakaways and rainwater harvesting techniques are acknowledged and welcomed. It is recommended that a suitably worded condition is included to cover the reduction of any surface water run-off from the site to assist with the PCC proposed flood alleviation scheme.

Section 4.9 of the preliminary drainage assessment states that PCC have no objection to culverting of the overflow watercourse. The culverting of any watercourse will require EA consent and any culverting other than for access reasons is likely to be viewed negatively.

The proposed layout does not appear to include an easement for the diverted 600mm culvert which was diverted after the 1968 flooding.

Biodiversity

Section 3.10 and 9.4 of the preliminary drainage assessment recommends that consideration be given to diverting the existing original watercourse channel (overflow) and further advises that the site layout would benefit from this action. It is assumed site layout benefits refer to potential increase in developable land area resulting from this recommendation. The proposed route of any diversion is unclear, but given the topography of the site it is assumed that ordinary watercourse flow will be diverted into the culverted system resulting in the loss of the existing natural channel. The EA seeks further clarification.

The EA would encourage the retention of the natural open channel as part of any future consent. This would be in keeping with the location and general character of the site and would enhance nature conservation and visual value of the currently part degraded river corridor.

The former river corridor should be appropriately landscaped to form a local point and feature of the redeveloped site and ideally should be incorporated into the development as part of the public open space areas.

Any waste arising on site must be sent to appropriate licensed waste facility.

22/09/17

Thank you for re-consulting NRW regarding the above proposal. We note that the application proposal has been amended. This response supersedes our consultation

response letter dated 3rd August 2015 in relation to our comments regarding potential impact of the development on Great Crested Newts.

We recommend that you should only grant planning permission if you attach the following condition. This condition would address our significant concern and we would not object provided it is attached to the planning permission.

Condition 1 – Suitable Reasonable Avoidance Measures for GCN to be approved prior to commencement of development and implemented accordingly during the construction phase

European Protected Species – Great Crested Newts

The Great Crested Newt is protected under the provisions of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended).

We note that an updated ecological assessment has been submitted to inform the decision-making process (Great Crested Newt Survey Review by Environment Systems dated July 2016 Version No.1) which includes the results of an updated site walkover to qualify habitat suitability across the application site.

The ecological assessment confirms that the updated walkover survey confirmed no current presence of GCN. However, the assessment confirms that there is a known GCN population to the southeast of the site and desk study results also show GCN records within 1km of the application site. The ponds within the application site and within a 3km radius of the application site are confirmed as offering good potential to support GCN.

Condition 1 – Suitable Reasonable Avoidance Measures for GCN to be approved prior to commencement of development and implemented accordingly during the construction phase

We concur with the recommendation of the ecological assessment, that to ensure that the development during construction phase has no detrimental impact on the favourable conservation status of the local GCN population appropriate Reasonable Avoidance Measures should be approved and implemented during the construction phase

NRW therefore requests that any planning permission given for the development includes a suitably worded condition requiring a Reasonable Avoidance Measures to be submitted and agreed to the satisfaction of the local planning authority prior to the commencement of the development. The RAMS should be produced by a suitably qualified ecologist. We note that an outline of the RAMS that are deemed appropriate by the ecologist are included in section 4.3 'Recommendations' of the ecological assessment report

The applicant should be advised that should GCNs be discovered during the work, all work should stop immediately and NRW contacted for further advice. Where a European protected species such as the GCN is present, a development may only proceed under a licence.

Subject to Reasonable Avoidance Measures being approved and implemented accordingly during the construction phase, we are satisfied that the proposal will not have a detrimental impact on the maintenance of the favourable conservation status of the local great crested newt population.

Powys Land Drainage

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

Local Flood Risk / Land Drainage

Observation:

It is noted that within submitted Drawing No. 1172/SK1 Rev F does not show the existing lined open watercourse. Drawing No. 1172/SK2 Rev. F does show the open channel but omits the culverted watercourse which carries the 'normal' flows through

Comment:

The watercourse flowing through this site is deemed an ordinary watercourse.

Comment:

The Authority holds no historical flooding information relating to this greenfield site. However, from the surface water flood mapping in our possession, there is a risk of surface water flooding to the site. This flood risk information can be seen on NRW's flood risk mapping webpage, in particular, flooding from surface water, where it shows an area with a 'High' chance of flooding from surface water. Development should not be permitted within an area at risk from flooding unless it can be demonstrated that the consequences of any flooding would be acceptable for the development proposed and that it would not give rise to any unacceptable flooding impacts elsewhere. There are known surface water issues caused by overtopping/blockage of the watercourse in the proposed development site. The LPA should ensure that the developer ensures that these concerns are fully investigated.

Comment:

No buildings, structures, fences, planting or changing of contours shall take place within 5 metres of the top of the bank of any watercourse, or 3 metres either side of any culverted watercourse (*which would allow also allow for overland flows*) without prior permission of the LPA.

Comment:

The LLFA is, in general, opposed to culverting ordinary watercourses and whenever practical will seek to have culverted watercourses restored to open channels

Advisory:

Any proposed alterations, interference or erection of any structure that affects an ordinary watercourse will require prior consent from Powys CC (as Lead Local Flood Authority), in accordance with Section 23 of the Land Drainage Act 1991 (as amended by the Flood & Water Management Act 2010). Further information can be sought at: <http://www.powys.gov.uk/en/roads-transport-and-parking/ordinary-watercourses-applying-for-consent-for-works/>

Advisory:

It is presumed that Riparian rights and responsibilities exist in respect of the open watercourse (*this will apply to any culverted sections of watercourse*). The Applicant (or subsequent owners) are advised that they will be responsible to maintain any section of the watercourse that passes or abuts their property

Recommendation:

No buildings, structures, fences, planting or changing of contours shall take place within 5 metres of the top of the bank of any watercourse, or 3 metres either side of any culverted watercourse (*which would allow also allow for overland flows*) without prior permission of the LPA

Reason:

To ensure that the proposed development does not compromise the function of the *waterbody/land drainage system* and that any proposed alterations are fully compliant with regulations and are of robust design.

Surface Water Drainage

Observation:

The hydrology of receiving water bodies can be affected by the presence of a new impermeable surface. A new road/dwelling may increase the volume of runoff that reaches the receiving watercourse and also reduce the time it takes to get there. This has implications for channel stability, aquatic habitats and flooding. Where the movement of any existing channels is required, this may also affect the local hydrological regime. A Drainage Strategy will be required, the scope of which will need to be agreed with the Lead Local Flood Authority

Observation:

No proposed surface water drainage details or layout drawings have been submitted to indicate how the development will be drained/disposed. However, reference is made under Item 13 Drainage on the Planning Application form where it indicates that the site will be drained to existing watercourses. This would need to be revised to show the best practices as detailed in the comments below particularly as housing below has previously flooded from surface water/ blockage on the proposed development site.

Observation:

The Lead Local Flood Authority would seek on site attenuation to the 1 in 100 year standard whilst limiting discharge to the existing 1 in 1 year Greenfield run-off for the connected impermeable areas.

Comment:

The Flood and Water Management Act 2010 (Schedule 3), which has not been commenced, requires new developments to include Sustainable Drainage Systems (SuDS) features that comply with national standards. The Welsh Government has published interim national standards on an advisory basis until such time as it determines the most effective way of embedding SuDS principles in new developments in the longer term. This will enable designers, property developers, local authorities and other interested parties to both demonstrate that they have taken account of the Welsh Government's planning advice on Development and Flood Risk, Nature Conservation and Planning and to test the standards. These interim non statutory national standards and guidance can be downloaded from The Welsh Government's website at <http://gov.wales/topics/environmentcountryside/epq/flooding/drainage/?lang=en>. They set out the hierarchy standard and minimum design criteria on the design, construction, operation and maintenance of SuDS serving new developments in urban or rural areas of more than one house or larger than 300m² floor space. They also contain links to additional supporting information relating to SuDS.

The LLFA recommends that the surface water design for this development proposal follow and incorporate Welsh Government's SuDS design standards.

Sustainable Drainage

Comment:

No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Annex F of PPS25 (or any subsequent version), and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. include a timetable for its implementation; and
- iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

I hope the above is helpful but should you require any further information then please do not hesitate to contact me.

Severn Trent Water Authority

14/07/17

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

Clean Water Comments

We have apparatus in the area of the planned development, the developer will need to contact Severn Trent Water, New Connections team as detailed below to assess their proposed plans for diversion requirements.

Following a request for the aqueduct to be taken into account the following additional comments were received:

23/10/17

The Elan Valley Aqueduct is one of the most strategic assets within the Seven Trent Water (STW) Network, any damage to this could have catastrophic effect on customer supply and our network.

The attachment dated 2006 contains no engineering calculations to support the proposal for the crossing over the Aqueduct, or any indication that the line and level and distance between the 4 pipes forming part of the Elan Valley Aqueduct has been confirmed, the proposal could destabilise the Aqueduct pipes. We would like to know what other proposals the customer has for a designated crossing point to protect the Aqueduct, their site layout and drainage, much more information and investigation is required.

The customer / planning applicant is required to submit an application for Asset Protection to STW as detailed below for review of their proposals.

We will require up to date full detailed site plans to clearly indicate what is proposed in the area above the Aqueducts and in close proximity.

No building temporary or permanent is permitted a minimum of 6 metres either side of the outermost pipe, subject to review this may be greater when line and level of Aqueduct pipes is confirmed.

Please see attached Asset Protection information with precautions, conditions and requirements when working in close proximity of STW Aqueducts.

The application form can be found on the Severn Trent Water website at

<https://www.stwater.co.uk/building-and-developing/other-developments/diversions/>

Please click on download water diversion application form and complete the form as fully as possible, we currently have no Asset Protection form available, please mark clearly on the form Asset Protection for the attention of Alison Faith.

Information on application charges can be found at

<https://www.stwater.co.uk/building-and-developing/regulations-and-forms/application-forms-and-guidance>

in "Our Charges" - Developer Charges 2017-2018 in Section 5, the relevant fee is £509.90 +VAT Total = £611.88, the initial deposit fee.

06/11/17

The additional highways information has not confirmed details on the line and level of the Aqueduct. Severn Trent Water need more information to review before we can accept the proposal to construct a crossing over the Aqueduct, including what alternative proposal do they have for a designated crossing over the Aqueduct, the current proposal is based on insufficient information.

The layout of the road indicates a lot of construction proposed either side of the Aqueduct which could destabilize the ground and pipes.

The site plan forwarded shows an indication of the line of Aqueducts, the true line of the Aqueducts needs to be confirmed prior to finalising the site plan. No building is permitted 6 metres either side of the outer most pipe of the Aqueduct, the pipes and easement must not run through any property boundaries. The true line of the Aqueducts and the easement required can impact on the final site layout.

We would not accept the reinforced concrete over the Aqueduct or between the pipes due to restricted access for maintenance and repair, alternatives for crossing over the Aqueduct need to be submitted along with more investigation.

Powys Schools Service

Following consultation in 2004 and discussions with the applicant in 2005 it was agreed that a contribution of £40,000 would be paid for improvements to the Knighton Primary School.

Following further consultation in 2015 a request was received for a contribution of £269,389 towards improvements for the primary school based on increased pupil numbers and the original proposal for 133 dwellings with the following explanation

“This figure excludes any contribution to the secondary sector and assumes a level of inflationary increase in cost. The monies would be used in conjunction with other Section 106 monies to remove the temporary accommodation at the school and replace it with a permanent build. In addition the Authority would undertake a re-configuration of any unused internal classroom bases and extend and re-furbish the Reception/Office/Waiting Area.”

The Education Department has been made aware of the decrease in numbers of dwellings proposed and a reply is awaited. It is hoped that this will be reported via an update report.

Powys Affordable Housing Officer

12/07/2017

We are happy with the application which includes a provision of 31% affordable dwellings as long as the following guidelines are adhered to:

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

Representations

The original consultation process resulted in a petition comprising the names of 95 residents of Fronhir and Pontfaen estates being received objecting to the proposal on the following grounds:-

- overlooking and loss of privacy;
- traffic situation would be dangerous on a busy road where speed restrictions are not respected;
- concern regarding water/sewerage for the proposed estate;
- no employment in the area;
- shopping facilities are much to be desired.

In addition, letters were received from 15 parties, 12 objecting to the proposal and 3 registering concerns.

The issues raised were as follows:-

- increased risk of flooding of existing housing.
- insufficient demand in Knighton for 133 dwellings;
- the proposal would alter the nature of the town with ""a large influx of people"";
- insufficient employment in the town for likely residents;
- the proposal would affect the privacy of existing dwellings with overlooking from this elevated site;
- traffic concerns and the proposal would result in tractors and lorries passing through the housing estate;
- residents wish to retain their existing access onto Ludloe Road, via Llanshay Lane;
- sewerage implications;
- lighting should be kept to a minimum;
- no facilities for children;
- community facilities such as medical and educational are overstretched already;
- likely devaluation of nearby homes;
- loss of view of green fields and trees;
- request for TPO on trees;
- part of application site on land owned by third party with no notification served on behalf of the applicant;
- lack of faith in the democratic process for determining planning approvals.

The re-consultation process consequent on a reduction in numbers of housing units from 133 to 103 has attracted further comments. The Town Council has appended the representation from the resident of Copthorne which is a dwelling adjacent to the site which is included in its comments of 25/07/2017 and it is worth reproducing the most recent from that resident (see appendix 1) as it summarises the feelings of many of the objectors to the application with regard to the planning process in so far as it relates to this scheme.

74 signature petition largely from residents of Pontfaen and Fronhir:

- Plans unsustainable; inadequate health care, school not large enough.
- Another junction onto the busy A4118.
- Existing planning permissions not built out.
- Too many houses

17 individual letters of local objection from local residents mirroring the petition and with some additional comments:

- A development of this size would offer very little to the town, becoming a dormitory suburb and offering little support to the economy.
- Damage to the environment and increased water flow into the Teme and adjoining watercourse.
- Social housing is needed not affordable.
- Diverting heavy traffic through the middle of a housing site would be dangerous.
- There is no reasonable possibility of delivery.
- There is no footpath on the south side of Ludlow Road.
- There are no jobs.
- It will add to the ageing of the population.

The residents of Copthorne, (adjacent to the site) have made representations in detail and their concerns have been referred to and supported by the Town Council. It is considered appropriate to give members the opportunity to have access to their letters in full and these are reproduced in Appendices 1 and 2.

Radnorshire wildlife Trust:

The site is no longer allocated within the Powys LDP deposit draft. The LDP has been more a more rigorous and improved strategic plan than was the case with the UDP. We find it hard to be viewed as a 'windfall' site given the scale of the development-one of the largest proposed housing developments at a single location in Radnorshire in the past 30 years.

Principal Planning Constraints

Flood Zone

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 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 (2013):

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

Welsh Government Circular 016/2014: The Use of Conditions

Welsh Office Circular 10/99: Drainage

Powys Unitary Development Plan (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 ENV 8 - Tree Preservation Orders
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) Approved September 2010, Updated 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

Members will be aware from the representations made by objectors to the scheme that there is a strong view that the Unitary Development Plan is out of date and that the allocation of the land at Llanshay for housing is no longer sustainable.

The Unitary Development Plan remains the plan which determination must be made in accordance with unless material considerations indicate otherwise. Given that the site is a housing allocation in the Unitary Development Plan (guideline 100 dwellings), Officers advise that the principle of the development complies with the adopted plan.

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.

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.

Knighton is defined as an Area Centre in the UDP. Area Centre settlements normally act as an important service hub to the surrounding area.

It is noted that the settlement of Knighton is served by a primary school, supermarket, petrol station, and health services and a range of financial and retail services. It is also noted that it is served by bus routes with regards to public transport.

As the site is adjoining an Area Centre which benefits from a wide range of services, the site is considered to be a sustainable 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.

Safeguarding Agricultural Land

Policy ENV1 of the UDP relates to the safeguarding of the best and most versatile agricultural land and indicates that it may be appropriate to safeguard lower quality land where such land is of particular value within the locality.

Since the application was submitted policies relating to safeguarding agricultural land have been strengthened.

Paragraph 4.10.1 of Planning Policy Wales states that:

In the case of agricultural land, land of grades 1, 2 and 3a of the Department for Environment, Food and Rural Affairs (DEFRA) Agricultural Land Classification system (ALC) is the best and most versatile, and should be conserved as a finite resource for the future. In development plan policies and development management decisions considerable weight should be given to protecting such land from development, because of its special importance. Land in grades 1, 2 and 3a should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations. If land in grades 1, 2 or 3a does need to be developed, and there is a choice between sites of different grades, development should be directed to land of the lowest grade.

On the 27th November 2017 Predictive mapping became available and this indicates that the site is classified as land in grade 3a. Planning Policy Wales is therefore a material consideration to be taken into account when coming to a final conclusion.

Highway Considerations

Concern has been raised regarding the implications of a new access onto the Ludlow road and the routing of Llanshay Lane Traffic (which can include large vehicles serving agricultural holdings) through a new housing estate.

Indicative drawings show an access to the site opposite the Pontfaen and Farrington Lane Housing Estates with visibility splays and traffic management measures.

One specific concern raised by residents is that people will be in danger crossing from any new development to get to the other side of the road and the town centre thereafter. The plans show new pavements and pedestrian crossings which would potentially mitigate such concerns and the Highway Department has offered conditions to be applied in this and other respects if approval is granted.

Another major concern is the need to create a new and acceptable crossing of the Elan Valley Aqueduct and the impact that this will have on the construction and alignment of the new road. This will require safeguarding conditions to be placed on any approval.

With regard to the concern about through traffic, the existing Llanshay Lane access is considered to be severely substandard and there would be some gain in its closure to traffic except for access to two existing dwellings. In addition the highway requirements for pavements and safe pedestrian crossing would mitigate against any additional hazards.

Although Members are advised to carefully consider the Highway Officers concerns, Development Management considered that there is insufficient evidence to demonstrate that an access is not possible. Refusal is therefore not recommended on this basis.

Appearance, Layout and Style

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.

Although Officers acknowledge that matters relating to appearance, layout and scale have been reserved for future consideration, on the basis of the information provided, it is considered that the application site is capable of accommodating 103 dwellings without unacceptably adversely affecting the character and appearance of the area compliant with UDP policies SP5, GP1, GP3, ENV2 and HP5.

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. Officers consider that a development can be designed not have an unacceptable impact on neighbour amenity.

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.

Affordable Housing

The proposed development seeks to provide 32 affordable dwellings. This relates to 31% affordable housing being provided for the proposed development which meets the guidance contained within the Powys UDP.

In light of the above, it is considered that should planning permission be granted appropriately worded conditions will be attached in order to secure affordable housing in compliance with policies HP8 and HP10 of the Powys Unitary Development Plan.

Landscape and Visual Impact

In designating the site for development in the Unitary Development Plan an exercise would have been undertaken to assess its suitability in terms of landscape and visual impacts.

The site has a reasonable relationship to the built form of the town with residential areas abutting to the west and housing estates on the other side of the Ludlow Road.

The land sits above the existing highway and housing but its development would not be likely to give rise to unacceptable landscape and visual impacts if the housing is of good quality design and the topography and existing vegetation are taken account of.

Ecology

Concerns have been expressed by objectors regarding impacts on biodiversity. In this respect NRW have accepted the results of a survey and recommend the placing of a safeguarding condition on any approval.

The site has a number of mature trees and hedgerows which should be retained in any future layout and would assist in integrating the development with its surroundings.

The proposal is therefore acceptable in principle when assessed against the current policy context.

Historic Environment and Listed Buildings

Whilst there is an Historic Park (Stanage) and a number of Archaeological sites in the locality none of them are in such proximity as to give rise to concerns relating to adverse impacts if the development were to go ahead.

The Grade 2 listed Llanshay Farm complex sits above the development site but the topography and distance involved mitigate against any adverse impact on its setting.

Land Drainage and Flooding

A small open water course runs through the western portion of the site but otherwise the site itself raises no particular concerns regarding drainage or flooding although its development has the potential to cause or exacerbate off site problems which is a matter raised by some local residents. Both Severn Trent and Powys Land Drainage Authority have suggested conditions to mitigate against adverse on or off site impacts.

The Elan Valley Aqueduct

It assumed that, in designating the site for development in the UDP, account was taken of the major constraint posed by the underground aqueduct. The Severn Trent Water Authority have now made their concerns known and forwarded a number of requirements which will have to be adhered to in not only crossing the aqueduct but in developing land adjacent to it and any planting in its vicinity.

If an approval is to be granted in outline a robust condition/conditions will need to be applied to any outline to safeguard this vital infrastructure.

The easement requirements for the aqueduct require that a substantial strip of land at the frontage of the site will have to remain undeveloped. The applicant's agent has confirmed that this will remain in the ownership of the applicant and remain agricultural and undeveloped.

Section 106 contributions

The applicant has accepted in principle that they are prepared to enter into a Section 106 Agreement to provide monies to contribute to local educational needs. At the time of

writing this report there was no response from the Schools Service regarding a revised sum which they would seek to negotiate.

Other matters

Concerns were raised in the past about inadequate public consultation. The proposal has been advertised and consulted on three times since 2015 and it is hoped that these concerns have been satisfied.

Crime and Disorder Act 1998

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

Equality Act 2010

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

Having due regard to advancing equality involves:

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

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

Planning (Wales) Act 2015 (Welsh language)

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

Wellbeing of Future Generations (Wales) Act 2015

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

RECOMMENDATION

In light of the fact that this site is an allocated housing site and the need to increase housing land supply, it is considered that the developments impact on agricultural land does not in this instance justify refusal.

The recommendation is therefore one of conditional approval subject to a Section 106 agreement to secure within 3 months from the date of the committee meeting:

- Amenity space provision within the application site in accordance with fields in trust standards; and
- A contribution to Knighton primary school, if justified,

If an agreement is not signed within the specified time period, it is recommended that delegation be given to the Lead Professional for Development Management to determine the application.

Conditions

1. Details of the appearance, landscaping, layout, and scale, (hereinafter called ""the reserved matters"") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. Prior to 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. The scheme must demonstrate that it has taken full account of the need to safeguard the integrity of the Elan Valley Aqueduct.

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

6. Prior to commencement of development, a Biodiversity Enhancement Plan to include details of proposed bird nest boxes/cups and bat boxes shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the Local Planning Authority.

7. 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.

8. Prior to commencement of any part of the development an investigation is to be undertaken by appropriately qualified persons to determine the exact locations of the pipework constituting the Elan Valley Aqueduct in accordance with a methodology submitted to and approved in writing by the Local Planning Authority.

9. Prior to commencement of any part of the development full engineering specifications and sections shall be submitted to and approved in writing by the Local Planning Authority demonstrating the means of any crossings of the Elan Valley Aqueduct including highway works and provision of underground services.

10. No development or excavation whatsoever (apart from any works approved under conditions 8 and 9) shall take place over or within a 6m exclusion zone of the Elan Valley Aqueduct.

11. No piling or drilling shall take place (with the exception of works approved under conditions 8 and 9) within 20 m of the pipes constituting the Elan Valley Aqueduct.

12. 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

13 .Prior to any works being commenced on the site the applicant shall submit and have approved in writing by the local planning authority detailed engineering proposals for the means of access onto Ludlow Road, all on site highways including Active Travel links within the site and along Ludlow Road and all associated works.

14. Prior to any works being commenced on the site a scheme for the phasing of the development including the construction of access roads and associated works

shall be submitted to and approved in writing by the local planning authority and shall thereafter be implemented in accordance with the approved details.

15. Prior to any works being commenced on the site the means of access and access roads and associated works referred to above, shall be fully completed to the written satisfaction of the local planning authority.
16. Prior to the occupation of any dwelling the Active Travel links and closure of the Llanshay Lane to through traffic shall be fully completed to the written satisfaction of the local planning authority.
17. Prior to the occupation of any dwelling, provision shall be made within the curtilage of the site for the parking of not less than one car per bedroom excluding any garage space provided. The parking areas shall be retained for their designated use in perpetuity.
18. 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.
19. Prior to the commencement of the development provision shall be made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of 0.4 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.
20. The width of the access carriageways shall be not less than 5.5 metres and shall be maintained at this width for as long as the development remains in existence.
21. The centre line radii of all curves on the proposed estate road shall be not less than 20 metres.
22. 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.
23. 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.
24. 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.

25. No storm water drainage from the site shall be allowed to discharge onto the county highway.
26. Prior to the commencement of any works on site a Construction Management Plan shall be submitted and approved in writing by the Local Planning Authority and thereafter fully implemented in accordance with the approved details.
27. Prior to any works being commenced on the site a scheme for the extension of the 30mph speed restriction, prohibition of vehicular traffic along Llanshay Lane and schedule for the implementation of the scheme shall be submitted and approved in writing by the local planning authority.
28. 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.
29. No buildings, structures, fences, planting or changing of contours shall take place within 5 metres of the top of the bank of any watercourse, or 3 metres either side of any culverted watercourse (*which would allow also allow for overland flows*) without prior permission in writing of the LPA.
30. No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Annex F of PPS25 (or any subsequent version), and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
 - iv. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - v. include a timetable for its implementation; and
 - vi. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

31. 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.

32. 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.

33. The recommendations in the John Sloan and Churton Ecological Report dated September 2015 (updated for Great Crested Newts July 2016) are to be complied with and prior to commencement of development Suitable Reasonable Avoidance Measures for Great Crested Newts are to be submitted to and approved in writing by the Local Planning Authority and implemented accordingly during the construction phase.

Reasons

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

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

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

4. To comply with Powys County Council's UDP Policies SP3, ENV3, GP1, DC8 and DC9 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.-6 To comply with Powys County Council's UDP Policies SP3, and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

7. 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.

8-11 To ensure that the integrity of the Elan Valley Aqueduct and the public water supply are not compromised in accordance with Planning Policy Wales (Edition 9, November 2016) and UDP policies GP1, DC8 and DC9

12. In order to protect the amenity of neighbouring properties during construction in accordance with UDP policy GP1.

13-27. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.

28. To ensure that the proposed drainage systems for the site are fully compliant with regulations and are of robust design in accordance with UDP Policies DC10 and DC13.

29. To ensure that the proposed development does not compromise the function of the *waterbody/land drainage system* and that any proposed alterations are fully compliant with regulations and are of robust design in accordance with UDP policies DC 9, and DC13.

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

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

33 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.

Informative Notes

Any proposed alterations, interference or erection of any structure that affects an ordinary watercourse will require prior consent from Powys CC (as Lead Local Flood Authority), in accordance with Section 23 of the Land Drainage Act 1991 (as amended by the Flood & Water Management Act 2010). Further information can be sought at: <http://www.powys.gov.uk/en/roads-transport-and-parking/ordinary-watercourses-applying-for-consent-for-works/>

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It is presumed that Riparian rights and responsibilities exist in respect of the open watercourse (*this will apply to any culverted sections of watercourse*). The Applicant (or subsequent owners) are advised that they will be responsible to maintain any section of the watercourse that passes or abuts their property

The Flood and Water Management Act 2010 (Schedule 3), which has not been commenced, requires new developments to include Sustainable Drainage Systems (SuDS) features that comply with national standards. The Welsh Government has published interim national standards on an advisory basis until such time as it determines the most effective way of embedding SuDS principles in new developments in the longer term. This will enable designers, property developers, local authorities and other interested parties to both demonstrate that they have taken account of the Welsh Government's planning advice on Development and Flood Risk, Nature Conservation and Planning and to test the standards. These interim non statutory national standards and guidance can be downloaded from The Welsh Government's website at <http://gov.wales/topics/environmentcountryside/epq/flooding/drainage/?lang=en>. They set out the hierarchy standard and minimum design criteria on the design, construction, operation and maintenance of SuDS serving new developments in urban or rural areas of more than one house or larger than 300m² floor space. They also contain links to additional supporting information relating to SuDS.

The LLFA recommends that the surface water design for this development proposal follow and incorporate Welsh Government's SuDS design standards.

Should Great Crested Newts be discovered during the work, all work should stop immediately and NRW contacted for further advice. Where a European protected species such as the GCN is present, a development may only proceed under a licence.

Appendix 1

Letter Appended to Knighton Town Council's Recommendation of Refusal dated 25/07/17

(Ref: RAD/2004/0572)

This is an objection from Bernard and Diane Edwards of Copthorne, Llanshay Lane, Knighton, to the full planning application for residential development of 133 dwellings, vehicular access and associated engineering works proposed for a rural site either side of Llanshay Lane, Knighton.

We object to this planning application in the strongest terms. For the reasons set out in this objection letter, we request that Powys County Council reject this specious proposal outright.

Our objection is structured around four key issues:

1. Non-determination of original planning application
2. Notification of current planning application
3. Planning application documentation
4. Llanshay Lane - Policy context

1. Non-determination of original planning application

The proponent initially lodged this planning application with Powys County Council on 24th November 2004. Despite nearly 10 years passing, it appears that the Llanshay Lane application has remained undetermined by Council.

Given the significant change in Council's local housing policy since 2004, from good governance, management and policy perspectives, Council needs to state why this planning application has not been assessed and determined in the 10 years that has lapsed since its lodgment? What reason(s) would Council have not to determine this planning application?

2. Notification of current planning application

The planning application was (re)lodged with Council on 24th June 2015. Council has a public duty and notification policy to inform local residents that might be affected by major planning applications.

We only became aware of the Llanshay Lane planning application by reason of a notice on a gate in the lane. As an adjacent landowner to the Llanshay Lane site, at the time of drafting this objection, **we still have not received formal written notification** of this major planning application, with which we share a boundary. This raises a critical question as to whether Council has followed policy and due process in the proper public notification of the Llanshay Lane planning application.

3. Planning application documentation review

The description indicates that this is a **full** planning application for '133 dwellings, vehicular access and associated engineering works'. Upon review of the planning documentation made publicly available on Council's website, it is clear that the planning application and supporting documentation is woefully inadequate and out of date. The level, quality and relevance of information provided is not adequate to support an outline planning application, let alone a full planning application, which this proposal claims to be.

The following provides a review and rejection of the sparse documentation provided and identifies areas where a legitimate full planning application would have provided supporting information:

Landscape Framework

The only concept design drawing supplied to support the planning application is referred to as the *Landscape Framework*, dated August 2003. The *Landscape Framework* is split onto two pages and fails to provide a comprehensive plan of the proposed development in its context. For the purposes of assessing this full planning application, this 2003 landscape plan is considered completely inadequate.

Site access The only access / traffic plan provided to support the planning application is referred to as ‘*Ghost Island junction proposals for safety audit Stage 1/2*’. This plan appears to be a detailed but incomplete road engineering plan for the northern part of the site closest to the Ludlow Road, dated 31 July 2008 and amended on 27 February 2009. There is nothing in the documentation provided to explain how this plan relates to the design proposed in the *Landscape Framework*. For the purposes of assessing this full planning application, this plan is incomplete and considered completely inadequate.

Ecology An outdated Ecological Survey dated November 2005 has been supplied to support the planning application. Ecology reports supporting planning applications are required to be a recent and therefore relevant record and analysis for flora and fauna on the site and protected species. Given changes in legislation and in the species needing protection, an ecological assessment undertaken 2003 will be of limited relevance to the present day. For the purposes of assessing this full planning application, this ecological survey is out of date and therefore considered completely inadequate.

Drainage A preliminary drainage assessment report dated September 2006 has been supplied to support the planning application. For the purposes of assessing this full planning application, this preliminary drainage assessment report may be valid, but is considered out of date and inadequate.

Planning brief The planning brief that is included in the documentation on the website is no longer relevant. Whilst the preparation of a planning brief is a legitimate means for Council to amplify the particular challenges and opportunities of a site, this planning brief is now rendered irrelevant as the strategic planning undertaken for the LDP resolved to exclude this site from those required for future housing development.

The following provide a list of documentation, assessments and reports that could be legitimately required to support a full planning application for major residential development.

The Llanshay Lane proposal is a full planning application and a major development proposal, but provides none of the following:

- No context plan or context statement that places the proposal in its town and local context;
- No site and area analysis is provided;
- No planning report justifying the proposed development in respect of the current national and local planning policy framework that addresses compliance with the UDP or non-compliance with the Draft LDP;
- No concept design or design statement is provided;
- No landscape design statement;
- No sustainability statement is provided;
- No traffic and access plan or traffic assessment report is provided;
- No site sections are provided and there is a significant slope across the total site;
- No street elevations are provided;
- No street typology sections are provided;
- No building elevations are provided;
- No building sections are provided;
- No visual impact studies of the proposed development is provided;

- No public domain plan identifying streets and public open space areas that will be transferred to Powys County Council has been provided;
- No geotechnical / soils assessment has been provided;
- No services and infrastructure assessment beyond drainage has been provided;
- No contamination assessment and remediation strategy has been provided;
- No engineering or public risk assessment in respect of the below ground water mains that run east-west through the site has been provided;
- No socio economic assessment of need or impact of proposed housing has been provided; and
- No management plan for the proposed mix of private and social housing has been provided.

4. Llanshay Lane - Policy context

The Llanshay Lane planning application was initially conceived of and lodged with Council in 2003-4. It was prepared under the former policy provisions of the Draft Powys Unitary Development Plan (UDP). At that time, the Draft Powys UDP had indicated that the Llanshay Lane site could provide potential future housing for Knighton.

At the time of lodgment of the original Llanshay Lane planning application, we met with Council officers and later made a submission objecting to the proposal. Whilst objecting in principle to the proposal, we acknowledged that if the proposal was to proceed, it should be better designed. To support this, we prepared an alternative and better-resolved concept plan and provided this to Council as part of our submission.

The Powys UDP 2010 was adopted in March 2010. The published version of the UDP is based upon the Deposit Draft UDP 2004 and includes all approved UDP modifications since 2004. The UDP sets out the principles for development in Powys until 2016. It provides a basis for making decisions on planning applications and where certain types of development should or should not be allowed. It also sets out the county's need for land for housing, employment and other infrastructure.

It is understood that the Unitary Development Plan remains in place until the adopted Local Development Plan replaces it. This means that until such time as the LDP is adopted, decisions on planning permissions will be based on the UDP. When adopted by Council, the LDP will constitute the development plan for Powys County Council. As part of the process of preparing the LDP process (2011-2026), Council is consulting on revised Deposit Local Development Plan (LDP) documents.

In the preparation of the draft LDP, Council initially consulted on potential 'Candidate Sites'. These were housing, employment and other sites within the Powys UDP that were being re-evaluated for inclusion or otherwise in the Draft LDP. The Llanshay Lane site was identified as a potential 'Candidate Site' for consideration.

We made a submission to the 'Candidate Sites' community consultation. Our submission advocated that the growth and development strategy for Knighton should seek to spatially consolidate the urban footprint of the town as a more compact, walkable and sustainable community. We argued that to achieve this objective requires

the redevelopment of brownfield and other infill sites close to the town centre for future housing sites. This strategy does not support the development of housing sites at the periphery of the town, such as Llanshay Lane.

Following the 'Candidate Sites' community consultation, Council published the LDP Preferred Strategy in 2012, followed by the Initial Deposit Draft LDP in 2014. The Initial Deposit Draft LDP put forward a more conservative growth and spatial development strategy for Knighton that proposed the development of a smaller number of brownfield / infill sites housing sites, located closer to the town centre. **The Initial Deposit Draft LDP (2014) did not include the Llanshay Lane site as a housing development site.** Presently, a Revised Deposit Draft LDP is currently on exhibition (until 20th July 2015) for further public comment. **Again, the Revised Deposit Draft LDP (2015) does not include the Llanshay Lane site as a housing development site.**

From a policy perspective, the Powys UDP has a planning timeframe that expires in 2016 and will soon be being replaced by the Powys Local Development Plan. The Draft LDP policy framework is considered to represent Council's contemporary thinking in respect of strategic planning policy for growth and development of Powys. In contrast, the UDP policy framework is outdated, reflecting former planning policies and not representative of contemporary best practice planning.

Whilst it is acknowledged that the assessment and determination of the Llanshay Lane planning application legally needs to take account of the current UDP, it is clear that the Llanshay Lane proposal is no longer consistent with the proposed LDP's planning growth framework for Knighton. As the Llanshay Lane site is no longer identified as a housing growth opportunity for Knighton, Powys County Council should refuse the Llanshay Lane planning application on planning policy grounds, as it is inconsistent with the Draft Powys LDP, which represents Council's forward planning strategy for the next 11 years to 2026.

Conclusions and recommendation

The reappearance of this poorly conceived proposal is causing significant concern and stress to our neighbours and us. As long-term members of the Knighton community, we have contributed to and supported the direction of the Powys LDP, which amongst its objectives, seeks to create more compact, walkable and sustainable towns and villages. It is with significant dismay and anxiety that we to see the same Llanshay Lane planning application re-emerge after 10 years. This planning application is poorly designed, inadequate and completely inconsistent with Powys County Council's Draft LDP policies on urban form, housing and sustainability.

The proponent has supplied insufficient supporting documentation for either Council or local residents to assess and determine an outline planning application, let alone a supposed full planning application. First and foremost, the documentation supporting the Llanshay Lane planning application is completely out of date and therefore no longer relevant. In re-lodging this planning application, the proponent's strategy would appear to be more of a last roll of the dice, rather than a legitimate and well-founded proposal.

In these circumstances, we believe and recommend that where Council has outdated and insufficient information with which assess a supposedly full planning application and that this proposal is completely inconsistent with the Council's LDP planning framework, the application should be dismissed outright and refused planning permission.

Further, as this proposal significantly affects both our property and our wellbeing, we wish to be kept informed in writing of Council's progress in its determination and rejection of the Llanshay Lane planning application. Please contact us by letter, email or telephone. Our details are provided below.

Yours faithfully

Appendix 2

This is a further objection from Bernard and Diane Edwards of 'Copthorne' Llanshay Lane, Knighton, to the outline planning application for residential development of 103 dwellings, vehicular access and associated engineering works proposed for a rural site either side of Llanshay Lane, Knighton.

We again object to this planning application in the strongest terms. For the reasons set out in this submission, we request that Powys County Council reject this specious proposal outright.

This further objection to the Llanshay Lane proposal is consistent with our previous objections and submissions to the ongoing LDP process and structured around the following key issues:

- 1. How long does it take to assess and determine a planning application*
- 2. What's the point of developing a strong planning policy and land use strategy if you ignore it?*
- 3. Demographics and planning strategy are strongly correlated*
- 4. Outline planning applications, design and site access as a 'reserved' matter*

1. How long does it take to assess and determine a planning application?

Government advises that a Council should generally determine a planning application within **eight weeks**, but notes that large or complex applications may in fact take longer.

The proponent initially lodged the Llanshay Farm outline planning application with Powys County Council on **24th November 2004**.

At the time of writing this latest submission, it has taken Powys County Council **over 660 weeks (4,624 days)** to get this far. And the application is still not determined.

Given the considerable change in planning and land use strategy affecting the Llanshay Lane sites since 2004, from good governance, management and policy perspectives, Powys County Council needs to state publicly why this outline planning application has not been assessed and determined during the 12 years and 7 months that have lapsed since lodgement

What reasons would Powys County Council have not to determine this planning application before now?

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

The following provides a summary of the long planning timeline for the Llanshay Lane sites in respect to the evolution of local planning strategy and policy.

Powys UDP 2010

The Llanshay Lane outline planning application was initially developed in 2003 and lodged with Powys County Council in late November 2004.

The outline planning application was prepared under the former policy provisions of the Draft Powys Unitary Development Plan (UDP), which at that time indicated that the Llanshay Farm site could provide future housing supply for Knighton.

At the time of lodgment of the original Llanshay Lane planning application, we met with Council officers and later made our first submission objecting to the proposal. Whilst we objected in principle to the proposal, we acknowledged that if the proposal was to proceed, it should be better designed. To support this, we commissioned an alternative and better-resolved concept plan for the sites and provided this to Council as part of our submission.

The Powys UDP 2010 was adopted in March 2010. The published version of the UDP is based upon the Deposit Draft UDP 2004 and includes all approved UDP modifications since 2004. The UDP sets out the principles for development in Powys until 2016. It provides a basis for making decisions on planning applications and where certain types of development should or should not be allowed. It also sets out the county's need for land for housing, employment and other infrastructure.

A Powys UDP 2010 remains in place until the adopted Local Development Plan replaces it, which means that until such time as the Powys Local Development Plan (LDP) replaces it, decisions on planning permissions are to be based on the UDP.

Draft Powys LDP

Powys County Council has been preparing the Draft Powys LDP since 2011. When adopted, the LDP will constitute the development plan for Powys County Council for the period 2011-2026. As part of the process of preparing the LDP process, Council has consulted extensively on revised draft Deposit LDP documents. The drafting of the LDP is well advanced, but still not formally adopted. The Powys UDP 2010 expired in 2016.

LDP 'Candidate Sites'

In the preparation of the draft LDP, Council initially consulted the community on potential 'Candidate Sites'. These were housing, employment and other sites within the Powys UDP that were being re-evaluated for inclusion or otherwise in the Draft LDP.

The Llanshay Lane sites were not identified as a potential 'Candidate Sites' for consideration.

Our submission to the 'Candidate Sites' consultation advocated that the growth and development strategy for Knighton should seek to spatially consolidate the urban footprint of the town as a more compact, walkable and sustainable

community. We argued that to achieve this objective requires that future housing supply focus on the redevelopment of brownfield and other infill sites close to the town centre.

This consolidation strategy does not support the development of housing sites at the periphery of the town, such as Llanshay Lane.

Following the 'Candidate Sites' community consultation, Council published the LDP Preferred Strategy in 2012, followed by the Initial Deposit Draft LDP in 2014. The Initial Deposit Draft LDP put forward a more conservative growth and spatial development strategy for Knighton that proposed the development of a smaller number of brownfield / infill sites housing sites, located closer to the town centre.

The Initial Deposit Draft LDP (2014) did not include the Llanshay Lane site as a housing development site. A Revised Deposit Draft LDP, exhibited in July 2015 did not include the Llanshay Lane sites as a housing development sites.

From a policy and operational perspective, the Powys UDP expired in 2016 and will soon be being replaced by the Powys Local Development Plan. The Draft LDP policy framework represents Council's contemporary thinking in respect of the spatial growth and development of Powys and the strategic planning policy framework needed to deliver it.

In contrast, the UDP policy framework, for which the Llanshay Lane outline planning application so heavily relies, is based upon outdated planning policies and demographics and not representative of the Draft LDP's best practice planning.

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

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

3. Demographics and planning strategy are strongly correlated

The Llanshay Lane outline planning application relies solely on the planning policy provisions and demographic projections of the former Powys UDP 2010, the provisions of which expired in 2016.

Powys UDP 2010 was drafted at a time when economic growth was more buoyant and population growth more positive, and some 4-5 years before the onset of the global financial crisis.

The demographic profile and projections for Wales, Powys and Knighton have changed considerably since the drafting of the Powys UDP. The latest demographic profiles and projections need to be taken into account in the formation of planning strategies and in the determination of planning applications.

Statistical First Release

The Welsh Government has just been published its *Statistical First Release* which presents the results of the 2014-based local authority household projections for

Wales for the 25-year period from 2014 to 2039. They are based on the 2014-based population projections produced by Welsh Government on 29 September 2016.

*Welsh Government - Statistical First
Release: Local Authority Household
Projections (2014-based) [23 March
2017 Ref SFR 30/2017]*

There is strong correlation between demographic statistics, population and household projections and planning strategy.

The Planning (Wales) Act 2015 gained royal assent in July 2015 and a key element of the Act enables local planning authorities to come together and prepare a Strategic Development Plan which transcends local authority boundaries, covering a wider geographical area. Evidence to support plan preparation includes demographic statistics and population and household projections, which will need to be considered in a strategic context. Future iterations of projections will play a role in shaping strategic plans.

All local planning authorities with adopted Local Development Plans (LDPs) have to prepare an Annual Monitoring Report (AMR), which measures how policies have performed, and what corrective action may be required. AMRs play a critical role in ensuring that the LDP is kept up-to-date. The progress demonstrated within the AMRs can have a bearing on future population levels and distribution, demographic profiles, and house prices. These outcomes and their relationship to the key objectives of the plan will form part of the AMR.

Some key facts from the Statistical First Release

In Wales:

- The number of households is projected to increase by around 140,000 to 1.47 million by 2039 (that is, by 10.5 per cent)
- Nearly 2 in 3 households are projected to consist of one or two persons with no children
- There is projected to be a 17 per cent increase in the number of lone-parent households

In Powys:

- There is projected to be a 2 per cent decrease in the number of households in Powys, however the projections show a rise to 2026 and then a fall to 2039
- Average household size is projected to decrease from 2.29 persons per household to 2.17
- Average household size is projected to be lowest in Powys with an average of 2.07

In Knighton:

Population statistics and estimates for Knighton are also revealing:

- In the 2001 UK Census, the estimated population of Knighton was 3,043 persons
- In 2005, the Knighton's population was estimated to be 3,336
- In the 2011 UK Census the estimated population of Knighton was 3,007
- In 2015, the Knighton's population was estimated to be 2,977

An ageing demographic

Statistics indicate that 24.1% of Knighton's population was over 65, which compares to a figure of approximately 18% for Wales.

This is reflective of the ageing Powys demographic, where:

- 13.5% of the population were aged 65 to 74, (Wales 10.7%); and
- 11.1% were aged 75 and over (Wales 8.8%).

In summary

These local and regional statistics and trends mean that:

- since a peak in 2005, Knighton's residential population has and continues to been in decline;
- Knighton has higher than the national average of people aged over 65;
- as part of Powys, Knighton's ageing demographic is reflected in a low average household size projections of 2.07; and
- a sluggish economy combined with an ageing and shrinking population will not deliver local jobs growth.

The Draft Deposit LDP population projections and Knighton's spatial planning strategy are considered to be well correlated. When Knighton's local economy does recover and the residential population starts to grow again, the allocated residential sites located close to the town centre can developed so as to provide a sustainable new housing supply within easy walking distance of the town centre.

From a planning policy perspective, this means that Knighton's shrinking and ageing population does not require additional allocations of land for housing and that Powys County Council's decision to not include the Llanshay Farm / Lane site and other sites was indeed warranted and the correct planning strategy.

4. Outline planning applications, design and site access as a 'reserved' matter

Design

In the most recent outline planning application documentation submitted to Council, dated July 2017, the design and dwelling yield has been amended.

The supporting planning statement waxes lyrical about the contextual character of the proposed 'design', how it is 'acceptable'. In reality, the original (and amended) design and layout of the site is very poor and would deliver a very ordinary addition to Knighton's footprint, should it be approved. The lack of coherent and integrated information about the site, its context and impact / integration of the proposed development is astounding and is an indictment of the inadequacy of the outline planning application process.

Site access – November 2004 to July 2015

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

It is understood that Council wrote to the proponent in May 2016, requesting:

- Resolution of the highway layout issues, in the light of the objection received from the Highway Authority. As access, and layout were not 'reserved' for future consideration, these matters require a full statement covering means of access

gradients and alignments, parking provision, dwelling numbers, types and design, open space provision and landscaping, drainage, affordable housing allocation and ecological mitigation; and

- In the light of the NRW objection, an updated ecological assessment.

Site access – July 2017 – Too hard

In the most recent outline planning application documentation submitted to Council, dated July 2017, the proponent has now chosen to 'reserve' site access, to be dealt with at full and detailed level. Clearly, the proponent has been unable to adequately resolve highway layout issues with the Highway Authority and has chosen to not deal with the issue.

This matter goes to the heart of the problems and inadequacies of the outline planning application process.

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

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

On such a critical issue as site access, it would be irresponsible to 'approve in principle' development of the Llanshay Farm / Lane site for 103 dwellings, but with no means of achieving adequate road access or services infrastructure.

Conclusions and recommendation

It is with significant dismay and anxiety that this half-baked outline planning application for Llanshay Farm

/ Lane remains undetermined after over 12 years. The reappearance of this poorly conceived proposal is causing significant concern and stress to our neighbours and us.

As long-term members of the Knighton community, we have contributed to and supported the direction of the Draft Powys LDP, which amongst its objectives, seeks to create more compact, walkable and sustainable towns and villages. This outline planning application is poorly designed, inadequate and completely inconsistent with Powys County Council's Draft LDP policies on urban form, housing and sustainability.

The proponent has consistently supplied inadequate supporting documentation for this proposal. In re-lodging this planning application, the proponent's strategy would appear to be more of a last roll of the dice, rather than a legitimate and well-founded development proposal.

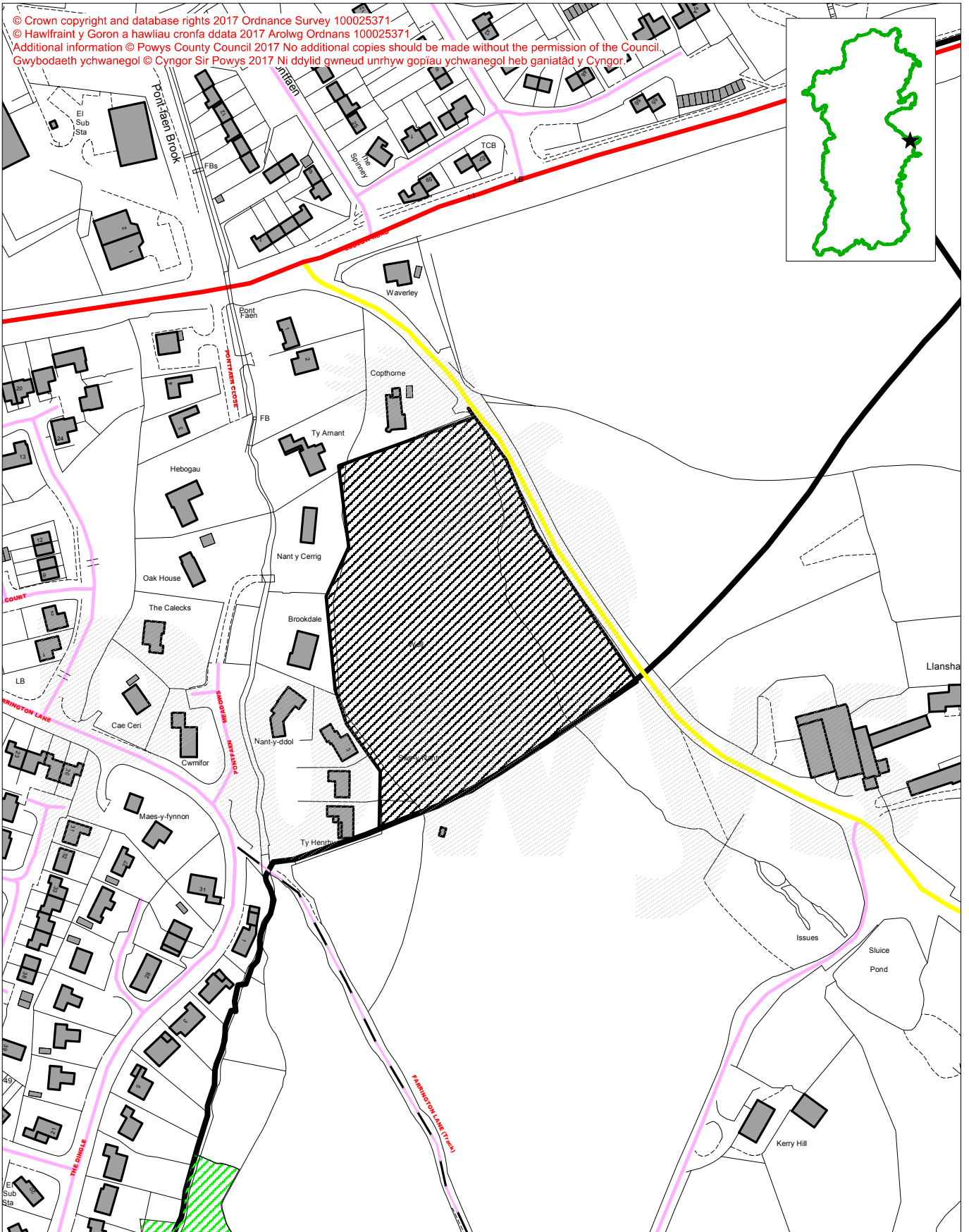
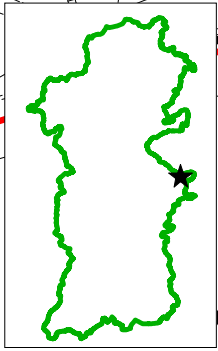
In these circumstances, we believe that the amended outline planning application (RAD/2004/0572) for the residential development of 103 dwellings, vehicular access and associated engineering works on land at Llanshay Farm, Knighton is completely inconsistent with the Council's well considered LDP planning framework for Knighton and recommend that Powys County Council dismiss this proposal outright and refuse planning permission.

Further, as this proposal significantly affects both our property and our wellbeing, we wish to be kept informed in writing of Council's progress in its determination and rejection of the Llanshay Lane planning application.

Case Officer: Steve Packer- Principal Planning Office
E-mail: steve.packer@powys.gov.uk

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4.3

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2017/0700	Grid Ref:	304238.34 250319.23
Community Council:	Builth	Valid Date:	Officer: 21/07/2017 Tamsin Law
Applicant:	Mr & Mrs John Gerald Evans, Brentwood, Builth Wells		
Location:	Land on Brecon Road, Builth Wells, Powys, LD2 3DY		
Proposal:	Outline: Residential development, formation of vehicular access and infrastructure, and all associated works (some matters reserved)		
Application Type:	Application for Outline Planning Permission		

The reason for Committee determination

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

Site Location and Description

The site is approximately 2.3 Ha in size and is located adjacent to the south-western edge of the development boundary of Builth Wells.

The site itself is currently agricultural land and slopes away from the existing dwellings to the north of the site. The site is bound to the north by existing residential dwellings, to the east and south by agricultural land and to the west by the B4520.

The application is an outline application for the development of 40 new dwellings. The indicative layout demonstrates the retention of trees, an area of public open space and access arrangements. The application proposes 12 affordable dwellings which equates to approximately a 30% contribution. Whilst in outline the plans give an indication to the housing types to be provided for within the development and are outline below;

- 9 three-bedroom bungalows
- 12 three-bed semi-detached dwellings
- 10 two-bedroom semi-detached dwellings
- 5 four bedroom detached dwellings
- 4 five bedroom detached dwellings

The application is in outline with all matters reserved, apart from access, for future consideration.

Consultee Response

Builth Wells TC

Concern was expressed by Councillors about sewerage capacity – an issue that has been raised before when the previous development was built close to this site and to date nothing has been done about it.

Concerns was also expressed about reduced visibility as traffic speed approaching from Upper Chapel can be high.

The Town Council supports the application and trusts that the authority will make appropriate judgements on proper access, water and drainage.

Powys Highways

1st Response

The Highway Authority require the submission of the following in order to determine the suitability of the current development proposal:

Dimension the width of carriageway (B4520) and radii of kerb line at the new junction/access. They should show tracking of service vehicles at the access and comment on overrun of centreline, if this might occur.

The applicant should clarify whether footway works will be in highway or within land to be dedicated. Works should be completed between the existing footway to the south of Hillview and the site entrance prior to first occupation. Detail of tie in to the south also required.

Detail application should not be determined until the proposed changes to the speed limit commencement have been consulted upon and the Order drafted/ resolved.

The applicant should identify total, potential units to use this junction/access (future site access to east) and comment on suitability of the access to serve that number.

The applicant should clarify extent of roadside hedge removed/retained. They should include a statement as to how the future maintenance of the hedge will be managed.

Internal layout:

- Show (or state) gradients of waiting platform, first 10 metres of the estate road and general info on gradients within the site (along roads).
- Explain/track movements at internal junctions; show road markings if necessary.
- Show adequate forward visibility on internal bends; check this in light of local vertical changes.
- Given the topography of the site, provide statement on how the highways within the site will be drained and the location/ status of any SUDs/storage to be provided.
- Other layout features to local/ national guidance.

2nd Response

The new access will be located outside of the existing 30mph speed limit and the 85th percentile of traffic is 45 and 46mph. In order to provide a safe means of access we will require that a scheme be submitted for the reduction of the speed of traffic travelling past this new junction.

Recommendations

1. Prior to any works being commenced on site the applicant shall submit and have approved in writing by the local planning authority a scheme for the reduction of traffic speeds past the site junction. The approved scheme shall be implemented and retained for as long as the development remains in existence.
2. Prior to any works being commenced on the site the applicant shall submit and have approved in writing by the local planning authority full engineering details for the new footway along the B4520 which shall link into the existing footway at the Hill View estate to the north of the site.
3. Prior to the occupation of any dwelling the footway, referred to above, shall be fully completed to the written approval of the local planning authority and retained for as long as the development hereby permitted remains in existence
4. 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.
5. Within 10 working 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 0.300 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.
6. The centre line radii of all curves on the proposed estate road shall be not less than 20 metres.
7. The gradient of the access road shall be constructed so as not to exceed 1 in 30 for the first 10 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.
8. 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.
9. 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.

10. No other development shall commence until the access has been constructed so that there is a clear visibility splay from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.26 metres above ground level at the edge of the adjoining carriageway and 77 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.
11. Before any other development is commenced the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 10 from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.
12. Prior to the occupation of the any dwelling, provision shall be made within the curtilage of the site for the parking of not less than one car per bedroom to a maximum of three spaces excluding any garage space provided. The parking areas shall be retained for their designated use in perpetuity.
13. The width of the access carriageway, constructed as Condition HC7 above, shall be not less than 5.5 metres and shall be maintained at this width for as long as the development remains in existence.
14. 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.
15. 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.
16. 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.
17. No storm water drainage from the site shall be allowed to discharge onto the county highway.

Welsh Water

We have previously been in extensive dialogue with the applicant through our Pre-planning service regarding this proposal. It was identified a clean water supply could be adequately provided, however there is insufficient capacity in the existing foul sewerage network, and at Builth Waste Water Treatment Works to accommodate the proposed development.

We have undertaken further investigations on behalf of the applicant and can confirm a suitable surface water removal scheme would mitigate the risk to the existing foul sewerage network and Waste Water Treatment Works. We acknowledge the applicant has proposed an indicative surface water removal scheme as part of this planning application and can confirm this is acceptable in principle.

Therefore, as shown on the submitted drainage strategy plan (drawing ref: SK04), we consider the proposed foul connection within Hill View Estate acceptable subject to a detailed submission outlining the removal of surface water from the public sewerage system.

For the above reasons, we would request that if you are minded to grant Planning Consent for the above development that the Conditions and Advisory Notes listed below are included within the consent.

Conditions

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

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment

Advisory Notes

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com

The applicant is advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order

to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

Please note the proposed development is crossed by a distribution watermain, the approximate position being shown on the attached plan. Dwr Cymru Welsh Water as Statutory Undertaker has statutory powers to access our apparatus at all times and it should be ensured that an easement of 8m is maintained, 4m either side of the centre of the main.

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

Cllr Jeremy Pugh

Thank you for your email. I wish to notify my approval for the following applications;

P/2017/0769 Erection of industrial building for vehicle repair and tyre depot

P/2017/0700 Land on Brecon road Residential development

P/2017/0635 Residential development Hay Harage Hay Road

Powys Environmental Health

Subject to a satisfactory drainage scheme being agreed and implemented with DCWW through the mains system we would not have any objections to the development.

However, due to the residential setting of the proposed development it is recommended that before any development commences a Construction Method Statement shall be submitted to and agreed in writing by the Local Planning Authority in respect of the control of noise and dust during the landscaping and construction phases.

In addition it is recommended that the landscaping and construction period working hours and delivery times be restricted as follows:

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

0800 - 1800 hrs Monday to Friday

0800 – 1300 hrs Saturday

At no time on Sunday and Bank Holidays

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

During construction (including soil movement and landscaping activities) the contractor shall take all reasonable steps to prevent dust formation from dusty activities and any dust formed shall be prevented leaving the site by continuous watering down

Powys Affordable Housing

I am happy with the application which refers to provision of 30% affordable housing provision. As long as the following guidelines are adhered to:

- All affordable units will have to be constructed to Welsh Government Design Quality Requirements which include all of the Lifetime Homes and Secured by Design Standards
- All units will have to meet the floor areas specified in Powys County Council's Affordable Housing Supplementary Planning Guidance.
- The Design Quality Requirements will be those current at the time of the detailed planning application.
- All completed affordable units that are being sold must reflect local incomes to the local area and shall be bound by the Affordable Housing Policies as detailed in the Affordable Housing for Local Needs Supplementary Guidance sections HP7, HP8 or HP9.

Powys Ecologist

Thank you for consulting me with regards to planning application P/2017/0700 which concerns an outline application for a Residential development, formation of vehicular access and infrastructure, and all associated works (some matters reserved) at Land on Brecon Road, Builth Wells, Powys.

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 1km of the proposed development.

The data search identified 246 records of protected and priority species within 1km of the proposed development, no records were for the site itself.

The following statutory designated sites are present within 1km of the proposed development:

- River Wye Special Area of Conservation (SAC)
- River Wye (Upper Wye) Site of Special Scientific Interest

Details regarding surface and foul water management for the site have been provided within the Drainage Strategy Report produced by CB3 Consult Ltd dated 14/08/2017, the proposed strategy identifies that the proposed site will be drained by separate foul and surface water drainage systems. An onsite foul pumping facility will be required. A gravity foul drainage network in the adoptable estate road will drain to the new pumping station, which will then pump to the public sewer. Site testing has indicated favourable ground conditions for infiltration disposal of surface water, the strategy presented in the report is for private plot infiltration and an attenuated highway drainage outfall to the Gloew Brook – agreement if detailed surface water drainage is anticipated to be controlled via planning conditions. The surface water removal scheme has been accepted in principle by DCWW for the purposes of planning, it is therefore considered that sufficient information has been provided to demonstrate that foul and surface water drainage for the proposed development can be carried out in a manner that would prevent pollution of the Gloew Brook a tributary of the River Wye SAC/SSSI and surrounding habitats.

I note that NRW have advised in their Pre-application Consultation Response to the proposed development that a Detailed Construction Phase Pollution Prevention Plan will be required to be submitted prior to determination of the application, the PAC Report Response from Applicant/Agent states '*LPA to advise on the necessity of this information*'. Whilst broad pollution prevention measures have been provided within the Preliminary Ecological Assessment Report produced by Turnstone Ecology dated October 2016 it is considered that further specific details regarding pollution prevention during the construction phase of the development are needed to be submitted to enable the screening of the application as no likely significant effect to the River Wye SAC.

When considering the potential for a Likely to Significant Effect to European Designated Sites from the proposed development, in the statutory context 'likely' means one whose occurrence cannot be excluded on the basis of objective information.

Where potential mitigation measures are inadequately specified in a proposal, or they are not incorporated in the proposal at all, it is not appropriate to screen out the project (from the need for appropriate assessment) in reliance on the intention to impose a condition requiring the defining characteristics of the mitigation measures to be submitted for approval after the proposed development has been approved.

It is therefore considered that a Detailed Construction Pollution Prevention Plan for the construction Phase of the proposed development is required to be submitted prior to determination to inform the HRA Screening Assessment.

Details of pollution prevention measures 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/>

GPP5 and PPG6 are considered likely to be of particular use to this site.

No non-statutory designated sites are present within 1km of the proposed development.

A Preliminary Ecological Assessment Report produced by Turnstone Ecology dated October 2016 has been submitted to inform the application. The report details the findings of Phase 1 Habitat and Protected Fauna Survey surveys undertaken in March 2014 and update survey undertaken in April 2016.

Habitats recorded within and immediately adjacent to the proposed development comprised areas of improved grassland, trees, hedgerows and watercourse. The improved grassland is currently used for livestock grazing, species identified were found to be common and widespread. A small area of wet flush was identified to the northeast corner of the proposed development site. Hedgerows form the northern, western and southern boundaries of the site. The Gloew Brook (a tributary of the River Wye SAC/SSSI) flows along the eastern boundary of the field approximately 125m east of the proposed development.

An assessment of the habitats present and their potential to support protected species was undertaken – searches of suitable habitat for evidence of protected species was undertaken.

No evidence of badger activity was found within or adjacent to the proposed development site, the site was considered to provide good foraging opportunities for badgers.

Suitable bat roosting features were noted in the two of the mature Oak trees on the site and the field boundaries were considered likely to attract foraging and commuting bats in the local area.

The hedgerow boundaries around the site of the proposed development were considered to provide suitable cover for dormice but were considered to be species poor with only limited food plants, in addition it was noted that connectivity between the site and optimal dormouse habitat in the wider area was poor.

No evidence of otter was recorded along the section of the Gloew Brook which forms the eastern boundary of the field, the proposed development site was assessed as having no suitable features for breeding or resting habitat for otter but it was considered that there is potential for otter to forage or commute along the Gloew Brook.

No evidence of water vole was recorded along the section of the Gloew Brook which forms the eastern boundary of the field, the proposed development site was assessed as having no suitable habitat to support water vole.

Hedgerows and scattered trees present around and within the site were assessed as being suitable to support nesting birds – corvid nests were identified in the trees and a red kite was recorded sat close to a large nest in one of the mature Oaks during the 2016 visit.

The site of the proposed development was considered to be unfavourable to support great crested newts, no ponds are present within the site of the proposed development and suitable terrestrial habitat is limited to the hedgerows surrounding the site. It should be noted that whilst the ecology report states that there are no records of great crested newts within 2km of the proposed development, a review of BIS datasets identified 4 records of great crested newts within 2km recorded between 2002 and 2009 the closest record being approximately 1616m from the proposed development, the identified records were all to the north of the River Irfon which would present a significant barrier between the proposed development site and the identified population of great crested newts. The ecology report identifies that 2 ponds were shown on OS maps within 500m of the proposed development, one (approximately 50m west of the development) was found to be a covered reservoir and unsuitable for great crested newts. The second pond (approximately 365m south-east of the development) was considered to lack suitable connectivity to the site.

Potential for reptiles to be present at the site was considered to be limited to the hedgerows and brook, the grassland was considered to be unfavourable for reptiles species due to lack of potential cover and refugia opportunities.

The section of the Gloew Brook along the eastern boundary of the site was considered to provide sub-optimal habitat for white-clawed crayfish although given their known presence in other waterbodies associated with the River Wye their presence could not be ruled out, it was noted that the brook is not directly affected by the proposed development.

The report identifies that the existing trees on the site will be retained and incorporated into the layout of the proposed development, the indicative site layout plan submitted also shows

these trees being retained. It is recommended that the submission of a tree and hedgerow protection plan in accordance with BS 5837:2012 is secured through an appropriately worded condition to ensure the protection of these trees and the retained sections of boundary hedgerow.

It should also be noted that two of the mature Oak trees were identified as having features suitable for use by roosting bats, should the detailed design of the development identify a requirement to impact these trees then bat surveys would need to be undertaken and appropriate mitigation identified to mitigate any impacts to roosting bats.

A section of hedgerow will be required to be removed to accommodate the proposed access, it is noted that the indicative site layout plan identifies additional hedgerow planting around the site which would compensate for the loss of the section of hedgerow for the access.

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

Given the rural location of the proposed development and identification of suitable bat roosting and foraging/commuting opportunities 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.

Mitigation measures have been identified with regards to protected species within Section 4.4. of the Preliminary Ecological Assessment Report, the measures proposed are considered to be appropriate and in accordance with recognised guidelines. It is recommended that implementation and adherence to the measures identified is secured through an appropriately worded condition.

Therefore it is considered that additional information is required to be submitted prior to determination of the application in the form of a Detailed Construction Pollution Prevention Plan for the construction Phase of the proposed development this information is required to enable the LPA to assess the potential impacts of the proposed development to European protected sites i.e. the River Wye SAC and to inform the required HRA Screening Assessment.

NRW

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

Condition 1: The works at the site must be undertaken in accordance with the Pollution Prevention Plan (Pollution Prevention Plan, CB3 Consult, Ref. C914/PPP dated October 2017).

Condition 2: The operational phase of the development complies with all avoidance and mitigation measures described in section 4 of the Ecological Assessment. These measures must be set out in a method statement and secured through planning conditions and/or a Section 106 Agreement.

Pollution Prevention Plan

We have reviewed the Pollution Prevention Plan (CB3 Consult, Ref. C914/PPP dated October 2017) submitted in support of the proposal. All works at the site should be undertaken in accordance to this Plan.

Condition 1: The works at the site must be undertaken in accordance with the Pollution Prevention Plan (Pollution Prevention Plan, CB3 Consult, Ref. C914/PPP dated October 2017).

Reason: To prevent polluting the Dunhow SSSI which is connected to a stream which runs near to the proposal site.

The applicants should be reminded – should any pollution occur on site, NRW must be notified immediately on 03000 653 000.

European Protected Species

NRW is satisfied that the Preliminary Ecological Assessment (Turnstone Ecology, dated October 2016) has been carried out to an acceptable standard. The report states that no evidence of protected species was found on site except for a potential bat roost within one of the trees at the proposed development site. Due to the proximity of woodland and mature hedgerows to the proposal, bats are likely to use the site for foraging and use the hedgerows as flight lines.

The block plan for the proposal shows the retention of most existing hedgerows and the mature standard trees as well as supplementary planting of native hedgerows and young trees.

We agree with the Preliminary Ecological Assessment's conclusion that the proposal is not likely to impact adversely on protected species provided the avoidance and mitigation measures recommended in section 4 of the report are included within a method statement and implemented during the construction phase. Of importance is the external lighting design which must be in accordance with The Bat Conservation Trust 'Bat and Lighting in the UK' guidance. It is also important that an appropriate ZPA is identified and protective fencing erected around all retained trees, this will secure that any bat roosts that might be present will not be directly affected by the work.

Condition 2: The operational phase of the development complies with all avoidance and mitigation measures described in section 4 of the Ecological Assessment. These measures must be set out in a method statement and secured through planning conditions and/or a Section 106 Agreement.

Statutory Protected Sites

The proposal is connected hydrologically to the River Wye Special Area of Conservation (SAC) by Gloew Brook, which runs alongside the proposal site.

We advise that the proposal may have implications for the SAC, SPA or Ramsar sites listed above and, as part of any planning application submitted the local authority will need to carry out a test of likely significant effects under regulations 61 of the Conservation of Habitats and Species Regulations 2010 (as amended).

We remind you that the competent authority, for the purposes of the 2010 Regulations must not normally agree to any plan or project unless they are sure beyond reasonable scientific doubt that it will not adversely affect the integrity of a SAC, SPA or Ramsar site.

Without prejudice to any assessment by the Local Planning Authority, our initial opinion is; provided the work is undertaken in accordance with the Pollution Prevention Plan, the proposal is unlikely to have an adverse effect on the protected sites.

Foul Drainage

We understand from the 'Drainage Strategy Report' (CB3 Consult, Report o: C915 dated August 2017) that the foul drainage of this proposal will be drained by means of mains sewer and that the applicants are in consultation with DCWW regarding a connection.

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 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 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.

CADW

Having carefully considered the information provided with the planning application, our records show that there are no scheduled monuments or registered historic parks and gardens within the vicinity of the proposed development. We therefore have no comments to make on 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.

CPAT

Thank you for the consultation on this application.

I write to confirm that there are no archaeological implications for the proposed development at this location.

Representations

The application was advertised through the erection of a site notice and press advertisement. At the time of writing the report 20 objections had been received and are summarised below;

- The site is located outside the development boundary in both the Unitary Development Plan and the emerging Local Development Plan
- Housing market in Builth is finite
- Concerns regarding highway safety; the access being dangerous, and the road being too narrow
- Concerns raised regarding surface water removal proposals
- Concerns regarding the capacity of the foul drainage system

- Proposed development will impact on views from existing properties
- Concerns raised regarding the house types with 4 and 5 bedroom dwellings provided
- Concerns that the proposed development would have an impact on house values in Hill View Estate
- Concerns regarding the impacts on the amenity and privacy of neighbouring properties
- Proposed development could destabilise the existing dwellings
- Proposed dwellings won't be affordable for local people
- Public services in Built are already over-stretched
- Consideration must be given to the trees covered by Tree Preservation Orders
- Concerns regarding potential impact of the development on biodiversity
- Concerns raised regarding the impact of the development on landscape and visual amenity
- Other locations for development are preferable in Built
- The development would be an incursion in to the open countryside and poorly related to services.
- Concerns raised regarding the impact of the development on water pressure which is already an issue in the Hill View Estate.

It is also advised that at pre-application consultation stage a petition against the development was submitted to the developers.

Planning History

No history as per GIS

Principal Planning Constraints

Tree Preservation Order

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 10 – Tree Preservation Orders (1997)

Technical Advice Note 11 – Noise (1997)

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 ENV4 – Internationally Important Sites
UDP ENV7 – Protected Species
UDP ENV 8 - Tree Preservation Orders
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

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 proposed development lies wholly outside the settlement boundary of Builth Wells and would result in a residential development of 40 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.

Builth Wells is defined as an Area Centre in the UDP. Area Centre settlements normally act as an important service hub to the surrounding area.

It is noted that the settlement of Builth Wells is served by both primary and secondary schools, supermarket, petrol stations, arts centre, social and health services and a wide range of financial and retail services. It is also noted that it is served by bus routes with regards to public transport.

Officers acknowledge that a number of dwellings have already been consented in and adjoining the settlement. Evidence provided for the LDP examination demonstrates that there is a planned future growth for Builth Wells of 150 dwellings. The total units planned for is therefore 191, this includes proposed allocated sites in the Local Development Plan (102 dwellings in total) and those which currently benefit from planning permission. The Inspector's report on the LDP has yet to be submitted and as such little weight can be afforded to its content.

As the site is adjoining an Area Centre which benefits from a wide range of services, the site is considered to be a sustainable 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 30% 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. On this basis, the 30% provision figure suggested is considered compliant with the principle of policy HP7.

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.

Concern has been expressed by third party representations regarding the impact of the proposed development on the amenity of neighbouring properties. 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 north. More importantly it shows that a residential development of 40 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 northern 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 an unacceptable impact on neighbour amenity. Regarding views from existing properties and house values, these are not material planning considerations that Officers consider you can give weight to.

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 adjoining an existing residential estate known as Hill View.

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, 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 within Builth Wells, and 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 B4520 highway. It is located outside the 30mph speed limit.

Access is a matter to be considered under this application and as such the Highway Authority were consulted on the application. Initial concerns were raised regarding the proposed development and further information was requested. The Highways Authority provided further comment and stated that the 85th percentile of traffic along the highway was 45 and 46 mph. They commented stating that in order for a safe access to be provided the speed limit would need to be reduced. This was requested as a condition of any grant of consent along with a number of highway conditions.

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.

The proposed development seeks to connect to the main foul sewer system. Concerns have been raised locally that the sewerage system in the area is at capacity.

Welsh Water were consulted on the application and stated that there was whilst clean water could be provided that there was insufficient capacity in the existing foul sewerage network and at Builth Waste Water Treatment Works to accommodate the proposed development.

Further investigation works were undertaken by Welsh Water which concluded that a suitable surface water removal scheme would mitigate the risk to the existing foul sewerage network and Waste Water Treatment Works. A surface water removal scheme and drainage strategy plan were submitted in support of the application and Welsh Water confirmed that there was no objection to the proposed development subject to a condition being attached to any consent requiring the submission of a comprehensive surface water strategy.

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).

A Preliminary Ecological Assessment Report was submitted in support of the application. Both Natural Resources Wales (NRW) and the Powys Ecologist have been consulted on the application.

No objection has been received in relation to the impact of the proposed development on protected species. A number of trees are located on site, and these are protected by a Tree Preservation Order. In light of this conditions have been requested by the Powys Ecologist securing a Tree and Hedgerow Protection Plan, landscaping scheme and lighting scheme and will be attached to any grant of consent.

The site also lies within 1km of the River Wye Special Area of Conservation (SAC) and River Wye (Upper Wye) Site of Special Scientific Interest. Initial concerns were raised by both NRW and the Powys Ecologist due to a lack of information concerning pollution prevention and potential impacts on these statutory designated sites. Following this a Pollution Prevention Plan was submitted.

NRW responded stating that whilst the LPA are the competent authority provided the work is undertaken in accordance with the Pollution Prevention Plan, the proposal is unlikely to have an adverse effect on the protected sites. A Habitats Regulation Assessment Screening has been requested from Powys Ecology to confirm this and will be provided in the form of an update report.

In light current evidence (awaiting Ecologist response), the proposed development is considered to be acceptable subject to conditions.

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; 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 however 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 40 dwellings in a sustainable location. It is considered that the material consideration of the lack of housing land supply within the county warrants the approval of this development contrary to the provisions of the development plan. Consideration has been given to all material planning matters and it is considered that all issues can be adequately dealt with through the imposition of conditions or through planning obligations.

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

Conditions

1. Details of the appearance, landscaping, layout, and scale, (hereinafter called ""the reserved matters"") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. Prior to commencement of development the development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of TAN 2 or any future guidance that replaces it. The scheme shall include:
 - i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 30% of housing units/bed spaces;

- ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii) the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing (if no RSL involved)];
- iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

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

6. No development shall commence until a scheme for the reduction of the speed of traffic travelling past the new access has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in strict accordance with the approved scheme.

7. Prior to any works being commenced on the site the applicant shall submit and have approved in writing by the local planning authority full engineering details for the new footway along the B4520 which shall link into the existing footway at the Hill View estate to the north of the site.

8. Prior to the occupation of any dwelling the footway, referred to above, shall be fully completed to the written approval of the local planning authority and retained for as long as the development hereby permitted remains in existence

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

10. No other development shall commence until provision within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area has been completed. This parking and turning area shall be constructed to a depth of 0.300 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.

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

12. The gradient of the access road shall be constructed so as not to exceed 1 in 30 for the first 10 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.

13. No building shall be occupied before the estate road carriageway and one footway shall be constructed to and including binder course level to an adoptable standard including the provision of any salt bins, surface water drainage and street lighting in front of that building and to the junction with the county highway.

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

15. No other development shall commence until the access has been constructed so that there is a clear visibility splay from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.26 metres above ground level at the edge of the adjoining carriageway and 77 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

16. Before any other development is commenced the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 10 from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

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

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

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

20. Upon formation of the visibility splays as detailed in 15 above the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.

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

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

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

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

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

0800 - 1800 hrs Monday to Friday

0800 – 1300 hrs Saturday

At no time on Sunday and Bank Holidays

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

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

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

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

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

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

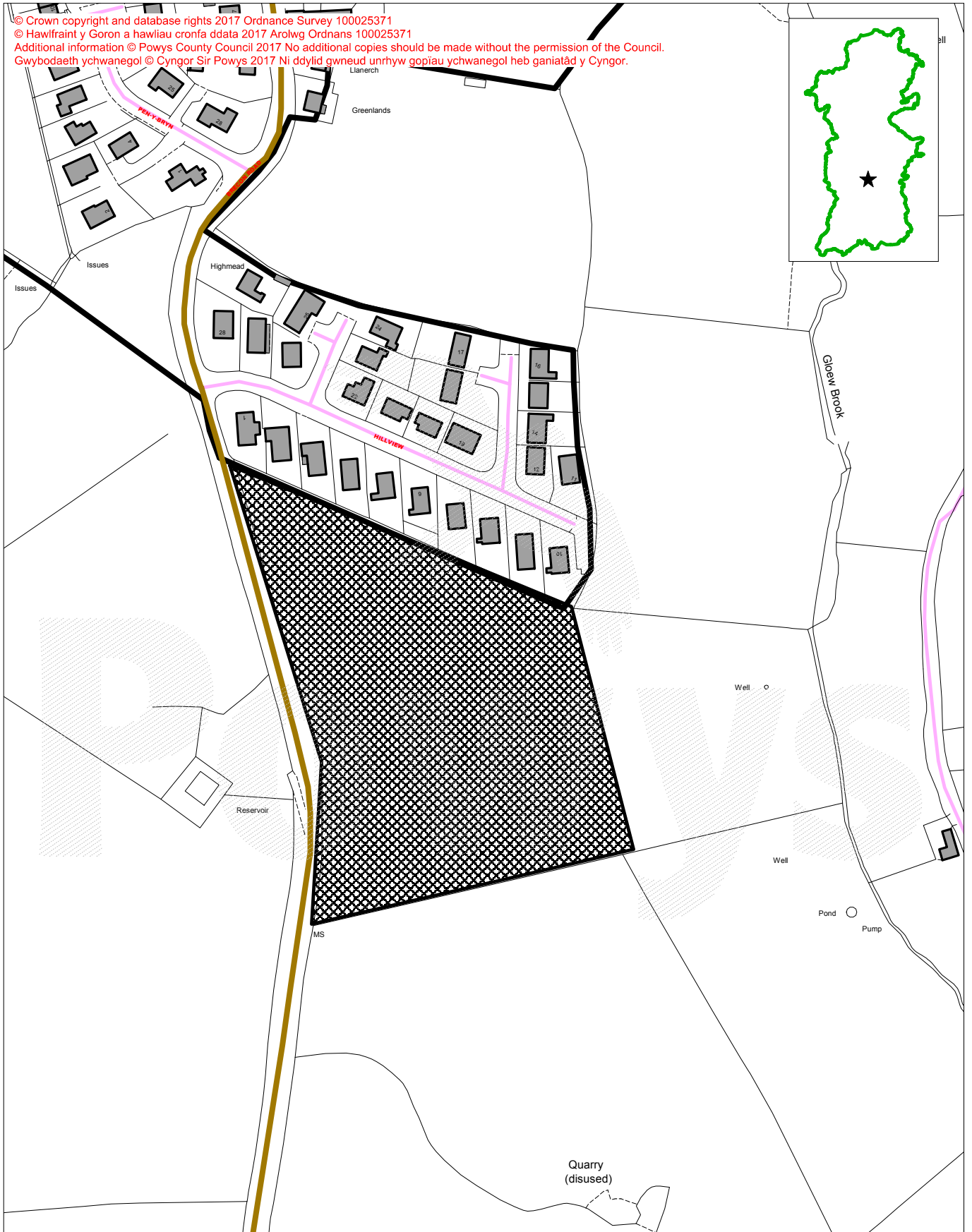
- a) a plan showing the position of every tree and hedgerow on the site and on land adjacent to the site (including street trees) that could influence or be affected by the development, indicating which trees are to be removed;
- b) and in relation to every tree identified a schedule listing:
 - information as specified in paragraph 4.4.2.5 of British Standard BS5837:2012 - Trees in Relation to Design, Demolition and Construction - Recommendations;
 - any proposed pruning, felling or other work;
- c) and in relation to every existing tree identified to be retained on the plan referred to in (a) above, details of:
 - any proposed alterations to existing ground levels, and of the position of any proposed excavation, that might affect the root protection area;
 - all appropriate tree and hedgerow protection measures required before and during the course of development (in accordance with BS5837:2012).
- d) areas of existing landscaping to be protected from construction operations and the method of protection.

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

Informative Notes

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

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Planning, Taxi Licensing and Rights of Way Committee Report

Application No: P/2017/0583

Community Council: Llanyre
Valid Date: 02/06/2017
Officer: Thomas Goodman

Applicant: Mr J Potter, Gara Barton, Hatcherleigh, Totnes, Devon, TQ9 7AD

Location: Land Adj to Ridgemount, Newbridge on Wye, Powys, LD1 6LG

Proposal: Outline - Outline planning application for residential development and associated works

Application Type: Application for Outline Planning Permission

The reason for Committee determination

The proposed development constitutes a departure from the adopted Powys Unitary Development Plan.

Site Location and Description

The proposed development is not located within a settlement development boundary and therefore for the purposes of this application is considered as development within the open countryside as defined by the Powys Unitary Development Plan.

To the north of the application site are a number of residential dwellings. To the east is the A470 trunk road and a public right of way. To the south east is the C1210. To the south is a residential dwelling known as Dolithon and agricultural land further south and to the west.

Outline consent is sought for the erection of 19 dwellings and the creation of a new vehicular access. Matters relating to landscaping, appearance, layout and scale are all reserved for future consideration and therefore the principle of development and access are required to be determined in this instance.

Consultee Response

Llanyre CC

Following detailed discussion, it was resolved to refuse the application for the following reasons:-

- the proposed development area is not included in the LDP
- additional traffic to and from the site will be a hazard
- the road on the existing estate is not suitable to accommodate additional traffic
- the mains sewerage in Newbridge-on-Wye is already over capacity

I trust you will take the Council's views in to consideration when determining this application.

PCC Highways

Consultation response received 05/07/2017:

It is noted that this is an outline application with means of “access” the only matter to be determined at this stage. Matters to be considered under “access” will include the junction arrangement and suitability of the internal access route.

As access to the proposed site is initially gained from the adjoining A483 Trunk Road, the suitability or otherwise of the existing junction is a matter to be considered and determined by Welsh Government.

Internally, it is proposed to utilise and extend the existing Lon Yr Afon estate spine road to provide access to the development site. Lon Yr Afon is a relatively small residential estate served by a roadway which became highways maintained (adopted) back in 2004. The roadway has been designed and constructed to promote design speeds of just 20mph, which is recommended in a residential setting such as this.

The existing roadway incorporates a “raised table” traffic calming feature, double sided footway provision and a 5.5 metre carriageway width. Whilst some residents have raised concerns over a perceived lack of visibility around the existing raised table area, the recommended levels of forward visibility (25 metres) required to limit speeds to 20mph is readily available. The Highway Authority therefore contends that the existing roadway provides a safe means of access and has more than sufficient capacity to accommodate the additional vehicular and pedestrian traffic a development of this scale would generate.

Whilst the indicative site layout provided demonstrates, through the submission of “swept path drawings”, that an acceptable highway access layout can be achieved in terms of the horizontal alignment, the application fails to provide any detail on the proposed vertical alignment. This information is required to ensure that a suitable gradient can be achieved and that a suitable means of construction can be provided in and around the retained tree area. In the absence of such information it is questionable if an acceptable layout can be provided without the need to remove the trees.

The Highway Authority therefore recommends that the applicant submits detail showing the vertical alignment and proposed means of construction before this application is determined.

Consultation response received 07/07/2017:

I must say however that I remain unconvinced by the information submitted and would therefore appreciate it if you could clarify the following:-

1. Can you explain the transition between the existing highway and road 1? The end section of the existing highway has a footway which does not appear to be shown on the long section drawing (which is circa 125mm above carriageway level). Notwithstanding this the proposed change in levels over the first 2m would appear to be 230mm which would represent a 1:8 gradient which would not be acceptable.

2. Would you confirm the overall thickness of construction required? Having viewed the recommended construction thickness for this type of installation I would expect an overall thickness of circa 400-450mm dependant on CBR result (all above existing ground levels). Your section only shows a construction depth of circa 300mm with much of that shown below existing ground levels?

3. I note the intention for a porous surface but have concerns how this area will drain given the poor porosity results you have obtained previously?

4. I will need to see cross-sections through the raised area showing the retaining measures tree side and the proposed road and footway/service verge in relation to the existing ground levels, including tie in to bridle way and the necessary retaining batters.

Consultation response received 16/08/2017:

Please see my further comments.

1. Can you explain the transition between the existing highway and road 1? The end section of the existing highway has a footway which does not appear to be shown on the long section drawing (which is circa 125mm above carriageway level). Notwithstanding this the proposed change in levels over the first 2m would appear to be 230mm which would represent a 1:8 gradient which would not be acceptable. The transition from the existing road is by means of a speed reduction measure of a raised table with speed reduction ramps either side of this. We have come up in this manner to try and left the levels as much as possible from the existing ground levels and tree roots. By coming off the end of the existing road the existing footpath that is there needs to be removed to facilitate the proposed road. The proposed transition and levels are still not acceptable nor do they appear logical. The initial 1:8 gradient is not acceptable for either vehicles or pedestrians and that leads onto a Cellweb area much of which is below the existing ground levels which effectively defeats the object of installing the cellweb. Your long section does not provide regular proposed CL level details to show the required 450mm cover above the existing ground levels. The transition at chainage 21-23 is also unacceptable; the 120m level change straight into a questionable 1:15 does not imply a smooth transition.

2. Would you confirm the overall thickness of construction required? Having viewed the recommended construction thickness for this type of installation I would expect an overall thickness of circa 400-450mm dependant on CBR result (all above existing ground levels). Your section only shows a construction depth of circa 300mm with much of that shown below existing ground levels? The overall thickness of the road construction subject to CBR results would be a minimum of 450mm, this will include the Cellweb. This 450mm raise in levels is not reflected in the long section.

3. I note the intention for a porous surface but have concerns how this area will drain given the poor porosity results you have obtained previously? I note your concerns regarding the porous surface and how it would drain given the poor porosity results. As far as I am aware the Cellweb product is being used to protect the tree roots and the porous surface to enable the surface water to permeate through and feed the roots of the tree. The Cellweb will provide a certain amount of storage and in heavy storm events if the water does surcharge the Cellweb then it can flow into two gullies that we have provided at the base of the speed reduction ramp measures that's taken back into the new development drainage. I don't believe it would be possible to provide the drainage shown in the no dig area and nonetheless, if the water was not able to permeate into the subsoil it would simply discharge

through the easiest available route which would likely be through the supporting embankments or given the gradient straight down into the existing estate road.

4. I will need to see cross-sections through the raised area showing the retaining measures tree side and the proposed road and footway/service verge in relation to the existing ground levels, including tie in to bridle way and the necessary retaining batters. Cross sections through the existing bridle way and the proposed road next to the existing tree are now provided on drawing number S.7594-SK01 which I've attached. The cross sections do not provide any level details whatsoever. Clearly however there is going to a minimum 450-575mm raise in levels along the existing bridle way which would not be acceptable from a ROW perspective.

I really think it would be advisable to revisit this issue with your consultants and if you feel it would be beneficial I would happily attend a meeting with them and a representative of our design group to discuss matters further. As things stand I cannot support this application as I do not believe that a satisfactory means of access can be provided and I'm not convinced that it can be achieved without the removal of the tree.

Consultation response received 11/09/2017:

The Highway Authority is satisfied that an acceptable highway layout and vertical alignment can be achieved if the tree is removed; this is demonstrated by the detail shown on drawing SK02b Model (1). Whilst I do feel that the internal horizontal alignment from chainage circa 0 -30m should be realigned to remove what is now considered to be the unnecessary "kink" in the proposed estate road, I acknowledge that the layout is only indicative at this stage and would therefore be content to deal with this item and other associated matters at the reserved matters stage.

In light of the above I recommend that the following conditions be attached to any consent granted.

- No development shall commence until provision is made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of 0.35 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.
- No other development shall commence until the area of the access to be used by vehicles is constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 10 from the edge of the adjoining estate road. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.
- No storm water drainage from the site shall be allowed to discharge onto the adjoining estate road.

PCC Building Control

Building Regulations approval would be required for this proposal.

Welsh Water

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

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

Sewerage

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

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

Advisory Notes

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

Sewage treatment

No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site.

Water supply

Dwr Cymru Welsh Water has no objection to the proposed development. The proposed development is crossed by a trunk/distribution watermain, the approximate position being shown on the attached plan. Dwr Cymru Welsh Water as Statutory Undertaker has statutory powers to access our apparatus at all times. I enclose our Conditions for Development near Watermain(s). It may be possible for this watermain to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged to the developer. The developer must consult Dwr Cymru Welsh Water before any development commences on site. Please ensure easement of 8m is maintained, 4m either side of the centre of the main.

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

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

PCC Affordable Housing

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

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

PCC Ecologist

Consultation response received 19/09/2017:

Thank you for forwarding the revised plans, I have consulted the Extended Phase One Habitat Survey which was submitted with the application but can find no reference to any assessment of the tree that is proposed to be removed for its potential to support protected species including bats. I would recommend that either clarification is sought from the applicant's ecologist as to whether the tree was considered as part of the Ecological Assessment. If no assessment of the ecological value was undertaken then further information will be required in order to determine whether the loss of this tree has potential to result in negative impacts to protected species and to identify any required mitigation measures to reduce impacts to an acceptable level. I note the tree survey plan identifies the tree as Category A with High Quality and Value.

I also note that the Extended Phase One Habitat Survey identifies that given the proximity of the proposed development to the River Wye SAC a Habitats Regulations Assessment will be

required to be undertaken by the LPA (as the competent authority with regards to Planning matters).

The ecology report identifies construction pollution and management of surface and foul water from the proposed development as having potential to impact the SAC. The ecology report recommends that the provision of a pollution prevention plan combined with careful design of the proposed development including surface and foul water drainage management would reduce the risk of potential impacts from the proposed development.

Whilst drainage details have been provided, having reviewed the documents submitted as part of the planning application I am unable to locate a Construction Pollution Prevention Method Statement, as pollution during the construction phase has been identified as a potential risk to the SAC this needs to be considered during the HRA Screening assessment.

When considering the potential for a Likely to Significant Effect to European Designated Sites from the proposed development, in the statutory context 'likely' means one whose occurrence cannot be excluded on the basis of objective information.

Where potential mitigation measures are inadequately specified in a proposal, or they are not incorporated in the proposal at all, it is not appropriate to screen out the project (from the need for appropriate assessment) in reliance on the intention to impose a condition requiring the defining characteristics of the mitigation measures to be submitted for approval after the proposed development has been approved.

It is therefore considered that a Pollution Prevention Plan for the construction Phase of the proposed development is required to be submitted prior to determination to inform the HRA Screening Assessment.

Details of pollution prevention measures 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/>

GPP5 and PPG6 are considered likely to be of particular use to this site.

Consultation response received 01/11/17:

Thank you for consulting me with regards to the additional information submitted relation to planning application P/2017/0583 which concerns an Outline planning application for residential development and associated works at Land Adj to Ridgemount, Newbridge on Wye, Powys.

In my previous response to this application on the 19th September 2017 I identified that further information was required to enable assessment of likely impacts to protected species – bats – and to inform the Habitats Regulations Assessment of the proposed development.

In order to address this the following additional information has been submitted:

- Situation Report Ref: Proposed Removal of the Mature Oak, T10 produced by Dusk to Dawn Ecology Ltd dated 27/09/2017
- Pollution Prevention Plan produced by Asbri dated September 2017

I have reviewed the assessment of the proposed removal of the mature Oak at the site to accommodate the revised access point as a result of comments received from PCC Highways Department. A method statement has been identified to ensure the removal of the tree would not result in negative impacts to bats including the provision of replacement roosting opportunities in the form of 3 bat boxes in a suitable location, detailed inspection of the tree for potential roost features prior to felling – identification of appropriate felling methodology as a result of inspection of tree. Having reviewed the identified measures, it is considered that subject to their implementation the proposed works would not result in negative impacts to bats, I recommend that adherence to the identified measures is secured through an appropriately worded planning condition.

I have undertaken a Habitats Regulations Assessment Screening of the proposed development in relation to the River Wye SAC. The screening assessment concluded No Likely Significant Effect to the River Wye and or its associated features, I have attached a copy of the screening assessment for your records.

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 as identified in the Pollution Prevention Plan produced by Asbri dated September 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 regarding bats as identified in the Situation Report Ref: Proposed Removal of the Mature Oak, T10 produced by Dusk to Dawn Ecology Ltd dated 27/09/2017 and maintained thereafter unless otherwise agreed in writing by the LPA.

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

The mitigation and enhancement measures identified in Section 6 of the Extended Phase One Survey produced by Dusk to Dawn Ecology Ltd dated March 2017 shall be adhered to and implemented in full and maintained thereafter 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 Part 1 Section 6 of the Environment (Wales) Act.

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

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

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

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

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

undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.

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

It is an offence for any person to:

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

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

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended) that works to trees or buildings where that work involves the disturbance of a bat is an offence if a licence has not been obtained from Natural Resources Wales. If a bat is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. You can also call the National Bat helpline on 0345 1300 228 or email enquiries@bats.org.uk

Habitats Regulations Assessment Screening Report

The proposed development is for an outline planning application for the development of residential dwellings and associated works.

The site is situated immediately to the south of the residential estate at Lon-yr-Afon. The site is an agricultural field parcel extending to approximately 0.89ha.

The planning application seeks outline permission for residential dwellings with the exact amount reserved for future determination. The design and Access statement identifies that whilst a number of dwellings has not yet been determined, the site is capable of accommodating 19 residential units along with associated car parking, access and landscaping.

Description of the Natura 2000 site:

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

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

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

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

- Transition mires and quaking bogs

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

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

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

- Allis shad

Vulnerability:

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

Assessment Criteria

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

Improper management of drainage for the site during operation have potential to impact the River Wye SAC through the release of materials which could result in pollution of the River Wye SAC.

The site is situated immediately to the south of the residential estate at Lon-yr-Afon. The site is an agricultural field parcel extending to approximately 0.89ha.

The planning application seeks outline permission for residential dwellings with the exact amount reserved for future determination. The design and Access statement identifies that whilst a number of dwellings has not yet been determined, the site is capable of accommodating 19 residential units along with associated car parking, access and landscaping.

No land take is required from the River Wye SAC.

The proposed development is located approximately 162m from the River Wye SAC.

There will be no resources taken from the River Wye SAC.

Construction activities have the potential to release materials that if not properly managed could enter the River Wye SAC including sediments and fuel from machinery used.

Improper management of drainage for the site during operation have potential to impact the River Wye SAC through the release of materials which could result in pollution of the River Wye SAC.

There will be no excavation requirements within the River Wye SAC.

Excavations will be required to develop the site, these will be located approximately 162m from the River Wye SAC.

There will be no transportation requirements from the River Wye SAC.

Construction is likely to commence once full planning permission has been granted i.e. once reserved matters have been submitted and approved and any associated pre-commencement conditions have been discharged.

It is anticipated that operation of the development will continue for the lifetime of the site.

The proposed development will not result in a reduction in the habitat area of the River Wye SAC

The proposed development is located approximately 162m from the River Wye SAC.

The Extended Phase 1 Habitat Survey undertaken by Dusk to Dawn Ecology Ltd identifies that the habitats affected by the proposed development are not considered suitable to support mobile features of the River Wye SAC e.g. Otter.

It is therefore considered that the proposed development would not result in significant negative impacts through disturbance to key species for the River Wye SAC.

The proposed development is located approximately 162m from the River Wye SAC.

The Extended Phase 1 Habitat Survey undertaken by Dusk to Dawn Ecology Ltd identifies that the habitats affected by the proposed development are not considered suitable to support mobile features of the River Wye SAC e.g. Otter.

It is therefore considered that the proposed development would not result in significant negative impacts through disturbance to key species for the River Wye SAC.

The proposed development is located approximately 162m from the River Wye SAC.

The Extended Phase 1 Habitat Survey undertaken by Dusk to Dawn Ecology Ltd identifies that the habitats affected by the proposed development are not considered suitable to support mobile features of the River Wye SAC e.g. Otter.

It is therefore considered that the proposed development would not result in significant negative impacts through reduction in species density of key species for the River Wye SAC.

The proposed development is located approximately 162m from the River Wye SAC.

The following information has been provided with the application:

Extended Phase One Survey produced by Dusk to Dawn Ecology Ltd dated March 2017.
Pollution Prevention Plan produced by Asbri dated September 2017

Drainage Strategy Plan produced by Smart Associates Drawing no. S.7594-Sk01

Drainage Strategy Plan produced by Smart Associates Drawing no. S.7594-Sk01 Rev B

The submitted pollution prevention plan identifies appropriate measures in accordance with National guidelines and is considered to be appropriate to manage pollution risk from the proposed development.

The drainage strategy identifies that foul water drainage from the proposed development will be connected into the existing foul water public sewer in the main road.

The surface water drainage system has been designed with two storage systems to accommodate up to 1 in 100 plus 30% climate changes. The surface water hydrobrake is to be restricted to 5 L/s. Surface water will be discharged to the existing watercourse/drainage channel to the west of the proposed development

It is therefore considered that appropriate mitigation has been identified to ensure that the development will not result in significant negative impacts to key indicators i.e. water quality of the River Wye SAC.

No changes to the River Wye SAC are considered likely from the proposed development as a result of climate change.

Having reviewed the information submitted regarding the proposed development and measures that will be implemented to prevent potential impacts to the River Wye SAC and its associated features it is considered that the proposed development would not be likely to result in a significant negative impact to the River Wye SAC either alone or in combination with other plans or projects.

Rights of Way

Thank you for the opportunity to comment on this planning application.

The proposed access to the development area is through an extension from Lon-yr-Afon; which will then cross the public bridleway LNY47, by means of a raised table crossing. It is important that there is appropriate signage and visibility for users of the bridleway to be visible to users of the proposed new access. It is also important that the actual construction of the raised table crossing is gently graded into the existing bridleway and that the surface treatments are appropriate for equestrians.

No public rights of way should be obstructed during the development process and at no time should any materials be placed or stored on the line of any public right of way; any damage caused to the surface of any public right of way must be made good to at least its current condition or better. Should the public bridleway be required to be temporarily closed for development purposes then the applicant should make contact with Countryside Services directly to discuss, prior to any works taking place. Any application for a temporary closure needs to be processed and approved before the bridleway can be legally stopped-up for a defined period.

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

NRW

Thank you for consulting Natural Resources Wales (letter dated 06/06/2017) regarding the above.

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

Summary of Conditions

Condition 1 - EPS:

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

Protected Species

We note that the Phase 1 report submitted in support of the above application (Extended Phase One Survey, March 2017 by Richard Watkins) has identified that dormice, Great Crested newts (GCN) and bats are highly likely to be present at the application site.

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

A licence may only be authorised if:

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

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

In this case, the ecological report concludes that the proposed development is not likely to harm or disturb EPS or their breeding sites and resting places at this site, provided that avoidance measures described in the report are implemented. We do not consider that the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range subject to the submission and implementation of a Construction Environmental Management Plan (CEMP).

Condition 1 - EPS:

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

(a) Purpose and objectives for the proposed works;

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

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

(d) Persons responsible for implementing the works;

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

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

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

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

If any EPS are found during construction, works must stop and NRW contacted for advice.

Foul Drainage

It is our understanding that this proposal will be connected to the mains sewer. Where this is not possible and private sewage treatment / disposal facilities are utilised, they must be installed and maintained in accordance with British Standard 6297 and Approved Document H of the Building Regulations 2000. You should also have regard to Welsh Office Circular 10/99 in respect of planning requirements for non mains sewerage.

The applicant will need to apply for a Permit or Exemption, if they wish to discharge anything apart from uncontaminated surface water to a watercourse/ditch. They may also need to apply for a Permit from our National Permitting Team to allow certain discharges into ground. They must obtain any necessary Permit prior to works starting on site. The Welsh Government has also advised that all septic tanks and small sewage treatment plant discharges in Wales will need to be registered. More information, including a step by step guide to registering, is available on our website www.naturalresourceswales.gov.uk / www.cyfoethnaturiolcymru.gov.uk

Pollution Prevention

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

Any waste produced during the construction should be disposed of as per Waste regulations. It is the producer's responsibilities to ensure that Waste regulations are followed. Please see our website www.naturalresourceswales.gov.uk for Waste disposal Guidance.

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

Consultation response received 12/06/2017:

I refer to your consultation of 07/06/2017 regarding the above planning application and advise that the Welsh Government as highway authority for the A470 trunk road directs that permission be withheld until further notice while additional information is sought from the applicant and/or information provided by the applicant is analysed to enable appropriate highway observations to be made;

1) The applicant must demonstrate that both vertical and horizontal aspects of the visibility splays can be achieved from the 4.5m set back to 90m as previously requested in our pre-planning response dated 11 April 2017.

Consultation response received 14/06/2017:

I can confirm that the application still incorporates outstanding information, as the visibility drawings which illustrate the vertical aspect, do not conform to the Design Manual for Roads and Bridges (DMRB) as they illustrate an object height of 600mm, and not 260mm.

If you require further information or clarification, please do not hesitate to contact me.

Consultation response received 26/06/2017:

I refer to your consultation of 07/06/2017 regarding the above planning application and advise that the Welsh Government as highway authority for the A470 trunk road directs that any permission granted by your authority shall include the following conditions:

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

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

3. The access shall be at right angles to the trunk road carriageway for a distance of at least 15m, over which it shall not exceed a gradient of +/- 4%.
4. The access and visibility requirements shall be substantially complete and available for use prior to the commencement of any other works associated with the development.
5. The access shall be constructed to appropriate standards with either concrete or bituminous surfacing for at least the first 5.0m from the running edge of the trunk road carriageway.
6. Adequate provision shall be made within the development to enable vehicles to turn around, so they may enter and leave the site in a forward gear.
7. The applicant shall provide wheel-washing facilities or an alternative method to be approved by the Local Planning Authority in consultation with the Welsh Government at the site exit. Such facilities shall thereafter remain available during the construction stage and be used by all vehicles exiting the site.
8. The proposed access shall meet the standards required by the Design Manual for Roads and Bridges (DMRB).

The above conditions are included to maintain the safety and free flow of trunk road traffic. The following points should be brought to the attention of the applicant:

- A. The applicant should be advised that they may be required to enter into an agreement with the Welsh Ministers under Section 278 of the Highways Act 1980 / Section 23 of the New Roads and Street Works Act 1991 to enable the applicant to undertake agreed improvement works on the trunk road. This Agreement will contain details of the improvement works, construction conditions and financial arrangements under which agreed measures can be put in place, including indemnifying the Welsh Ministers against third party claims. Without such an agreement in place, any consent that may be granted by the Planning Authority cannot be implemented.
- B. The applicant should be advised that all temporary or permanent signage, road markings or traffic orders shall be at the expense of the developer and agreed with the Highway Authority before works commence.
- C. Any adjustment, re-siting and / or protection of any statutory undertakers apparatus in the highway shall be undertaken with the prior written consent of the relevant Authority and shall be carried out at the Applicant's own expense.
- D. The applicant should note that planning permission does not constitute permission under the Highways Act for various activities that may be associated with the development i.e. use of the highway/footway/verge to: for example; deposit material, deposit skips, erect scaffolding, excavate within the highway or erect traffic management apparatus. Such activities will require the separate consent of the Highway Authority;
- E. Any temporary traffic management arrangements required in connection with this application shall be in accordance with Chapter 8 of the Traffic Signs Manual and in

accordance with the Safety at Street Works and Road Works Code of Practice, and shall be approved by the highway authority.

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

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

CADW

Thank you for your email of 7 June 2017 inviting our comments on the additional information submitted for the above planning application.

Advice

Having carefully considered the information provided with this planning application, have no objections to the impact of the proposed development on the scheduled monument Pen-y-Bont Standing Stone BR265. 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 proposed development is located some 370m southeast of scheduled monument Pen-y-bont Standing Stone BR265. Views between the proposed development and the scheduled monument are blocked by extant buildings and vegetation. Consequently we consider that the proposed development will not cause any damage to the setting of scheduled monument Pen-y-bont Standing Stone BR265.

CPAT

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

I write to confirm that there are no archaeological implications relating to the above proposals.

PCC Contaminated Land

Advice

1. Historic ordnance survey (OS) maps identify that the application site is located within 250 metres of a closed landfill site. The Department of the Environment 'Industry Profile - Waste Recycling, Treatment and Disposal Sites: Landfills and other Waste Treatment or Waste Disposal Sites' (1996) provides information in respect of the potential risks and contaminant sources associated with historic landfill sites.

No information appears to have been provided, in support of Planning Application P/2017/0583, in respect of the potential land contamination risks associated with a residential development located within 250 metres of a closed landfill site.

2. 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".

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

1. The planning applicant could submit a preliminary investigation and preliminary risk assessment ('Phase 1' report) in support of Planning Application P/2017/0583.

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/2017/0583:

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.

Representations

Following the display of a site notice and press advertisement, 26 letters of objection have been received and in summary raise the following matters:

- Access to the site
- Speed restrictions along Lon yr Afon
- Existing road through Lon yr Afon is inadequate
- Concern that the site is not within the LDP and Newbridge on Wye already has adequate housing provision

Planning History

None as per GIS.

Principal Planning Constraints

- Open Countryside
- Public Right of Way

Principal Planning Policies

National planning policy

Planning Policy Wales (Edition 9, November 2016)

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

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

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

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

Technical Advice Note 12 – Design (2016)

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

Technical Advice Note 18 – Transport (2007)

Technical Advice Note 23 – Economic Development (2014)

Technical Advice Note 24: The Historic Environment (2017)

Local planning policies

Powys Unitary Development Plan (2010)

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

Powys Residential Design Guide (October 2004)

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

Officer Appraisal

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

For the purposes of the Powys Unitary Development Plan, the site subject to this application lies within the open countryside. On this basis, the proposal constitutes a departure from the

adopted Powys Unitary Development Plan. Members are advised that a decision to approve a departure can only be made where other material considerations outweigh the provisions of the development plan.

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

Sustainability:

Consideration needs to be given to whether this location is regarded as a sustainable location for new residential development. Although located in the open countryside, the site adjoins the settlement development boundary of Newbridge on Wye (defined as a key settlement within the Powys UDP). Newbridge on Wye benefits from a number of services such as a primary school, shop, post office, hair dressers, community centre and two public houses. It is noted that a footpath is provided from the development site to the existing estate footpath which leads to the centre of Newbridge on Wye. There are also two public rights of way to the north and east of the application site. Newbridge on Wye also benefits from public transport which provides access to larger settlements such as Llandrindod Wells and Builth Wells which are located approximately 4.8 miles and 5.9 miles away respectively.

Given that the proposed development adjoins the settlement development boundary of Newbridge on Wye and the ease of access from the site to facilities and amenities as well as connections to further services and the wider area through public transport it is considered that the proposed development is in a sustainable location.

Appearance, Layout and Style

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

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

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

Highway Safety

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

The proposed development seeks to create a new access off the existing Lon-yr-Afon estate which leads onto the A470 trunk road. Powys County Council's Highway Authority and the Welsh Government Trunk Road Agency (TRA) have therefore been consulted on the proposed development.

The TRA initially requested that permission be withheld until additional information was sought to enable appropriate highway observations to be made. The TRA requested that demonstration must be presented to show that both vertical and horizontal aspects of the visibility splays can be achieved from a 4.5 metre set back to 90 metres. The visibility drawings initially submitted did not conform to the Design Manual for Roads and Bridges.

Following the submission of revised drawings the TRA have stated that should planning permission be granted appropriately worded conditions should be attached. The conditions will ensure that the proposed access junction shall have 90 metre visibility splays in each direction. The conditions will also ensure that the access is constructed to an appropriate standard and to allow for vehicles to turn around so that they may enter and leave the site in a forward gear.

Powys County Council's Highway Authority has also been consulted on the proposed development. The Officer acknowledged that this application is an outline application with access only to be determined at this stage, junction arrangement and suitability of the internal access route has been considered. The Officer has noted the access connection through the Lon Yr Afon estate and notes that this is an adopted highway. The roadway of Lon yr Afon has been designed and constructed to promote speeds of just 20mph. Furthermore it is noted that the existing roadway incorporates a raised table traffic calming feature, double sided footway provision and a 5.5 metre carriageway width.

It is noted that some residents have raised concerns over the lack of visibility near the raised table area. The Highway Officer has stated that the recommended levels of forward visibility (25 metres) required to limit speeds to 20mph is readily available. The Officer has therefore stated that they are content that the existing roadway provides a safe means of access and has sufficient capacity to accommodate the additional vehicular and pedestrian traffic that would be generated.

It is noted that the indicative site layout provided demonstrates that an acceptable highway access layout can be achieved in terms of the horizontal alignment, however, the application initially failed to provide any detail on the proposed vertical alignment. Information in relation to the proposed vertical alignment is required to ensure that a suitable gradient can be achieved and that a suitable means of construction can be provided.

Additional information was submitted, however, information relating to the raised area, surface material and construction thickness would still be required.

Following further consultation it was recognised that an acceptable highway layout and vertical alignment can be achieved if the tree to the north of the site is removed (which is demonstrated by the detail within drawing SK02b Model (1)). Therefore given that the access can be appropriately created following the revised drawings the Highway Officer has stated

that should planning permission be granted planning permission appropriately worded conditions should be attached. The conditions will ensure that no development shall commence until the provision is made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area which shall be constructed appropriately. The access shall also be constructed to an appropriate standard prior to any other development commencing.

In light of the above and the conditions that have been recommended by the TRA and the Powys County Council Highway Officer being attached to any granting of consent the proposed development fundamentally complies with policy GP4 of the Powys UDP.

Biodiversity

Policies ENV3 and ENV7 of the Powys Unitary Development Plan (2010) seek to safeguard and wherever possible enhance the habitats of protected species. This is further emphasised within Technical Advice Note (TAN) 5.

NRW have noted the Phase 1 report submitted in support of the application which has identified dormice, Great Crested Newts (GCN) and bats are highly likely to be present at the application site. It is noted that these species and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations (2010). In this case, NRW has noted that the ecological report concluded that the proposed development is not likely to harm or disturb European Protected Species (EPS) or their breeding sites provided that the avoidance measures are implemented. NRW stated that should planning permission be granted, a condition should be attached in order to address significant concerns. They have requested that a Construction Environmental Management Plan (CEMP) for GCN, dormice and bats be submitted prior to commencement of development. The condition will ensure that detailed working methods are adhered to and measures are undertaken to prevent or reduce incidental capture/killing during and post construction as well as long term maintenance of hedgerows.

Powys County Council's Ecologist has also considered the extended phase one habitat survey. The Ecologist required clarification as to whether the tree (to be removed at the north of the site where the access is to be provided) was considered as part of the Ecological Assessment. The Ecologist stated that if no assessment of the ecological value was undertaken then further information would be required in order to determine whether the loss of this tree would have potential to result in negative impacts to protected species, identification of required mitigation measures would also be required. The tree to be removed is identified within the tree survey plan as Category A with High Quality and Value.

The Ecologist also noted the proximity of the proposed development to the River Wye SAC. The ecology report identifies construction pollution and management of surface and foul water from the proposed development site as having potential to impact the SAC. It is noted that drainage details have been submitted, however no construction pollution prevention methods have been submitted and therefore needs to be considered within a Habitats Regulations Assessment (HRA) which would be required to be undertaken to assess the potential for a likely significant effect to EPS. The Ecologist has therefore requested that prior to the determination of an HRA a Pollution Prevention Plan (PPP) would be required to be submitted.

Additional information was submitted which included a PPP and information regarding the proposed removal of the mature oak tree at the north of the site. The Ecologist was re-consulted and assessed the additional information. The Ecologist has reviewed the assessment of the proposed removal of the mature oak tree to accommodate the revised access point. The assessment ensures that the removal of the tree would not result in negative impacts to bat species and includes the provision of replacement roosting opportunities and includes appropriate felling methods. The ecologist has stated that subject to the measure being implemented the proposed development would not result in negative impacts to bats. In order to ensure compliance with the above an appropriately worded condition will be attached to any granting of consent. Following the submission of a PPP, the Ecologist carried out a HRA of the proposed development in relation to the River Wye SAC. The screening assessment concluded that there would be no likely significant effect to the River Wye SAC and its associated features.

The Ecologist is therefore content with the application and requires that appropriately worded conditions are attached to any granting of consent. The conditions would ensure that the development is carried out strictly in accordance with the PPP and within the report regarding the removal of the Oak tree. The mitigation measures and enhancement measures as identified within the Extended Phase One Survey will also be conditioned as well as prior to the commencement of development a Tree and Hedgerow Protection Plan, a Landscaping and Management Plan are submitted and approved.

In light of the above comments received from both NRW and the Powys County Council Ecologist it is considered that the proposed development is in line with local and national policies subject to the attachment of appropriately worded conditions to ensure EPS are not detrimentally impacted upon.

Affordable Housing

The proposed development seeks to provide 6 affordable dwellings out of a total of 19 dwellings. This relates to 31.67% affordable housing being provided for the proposed development which meets the guidance contained within the Powys UDP.

In light of the above, it is considered that should planning permission be granted appropriately worded conditions will be attached in order to secure affordable housing in compliance with policies HP8 and HP10 of the Powys Unitary Development Plan.

Welsh Language and Culture

Policy GP5 of the Powys Unitary Development Plan states that within specific 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. Newbridge on Wye is not one of the identified settlements within policy GP5 of the Powys Unitary Development Plan (2010).

Given the scale of development proposed and the number of affordable houses provided, it is considered that the proposed development would not have a detrimental impact on Welsh language and culture.

Contaminated Land

Powys County Councils Contaminated Land Officer has been consulted on the proposed development and has noted that the application site is located within 250 metres of a closed landfill site. The Officer has recommended appropriately worded conditions are attached to any granting of consent. The conditions will ensure that an investigation and risk assessments are carried out in order to assess the nature and extent of any contamination on the site. Following this an appraisal of remedial options and proposal of the preferred options, should contamination be found 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. The scheme will ensure that the site will not qualify as contaminated land, this scheme must then be implemented prior to the commencement of development.

In light of the above comments received and the attachment of appropriately worded conditions, it is considered that the proposed development fundamentally complies with policy DC15 of the Powys Unitary Development Plan (2010).

Rights of Way

It is noted that the proposed access to the development area is through the Lon-yr-Afon estate, which crosses the public bridleway LNY47 by means of a raised table crossing.

Powys County Council's Rights of Way Officers have been consulted on the proposed development and have noted that the public bridleway crosses the proposed access. The Officer has stated that there should be appropriate signage and visibility for users of the bridleway to be visible to users of the proposed new access and that the construction of the raised table crossing is gently graded into the existing bridleway and the surface treatments are appropriate for equestrians.

The Officer has stated that no public rights of way should be obstructed during the development process and at no time should any materials be placed or stored on the line of any public right of way. Any damage caused to the surface of any public right of way must be made good to at least its current condition or better. It should also be noted that should the public bridleway be required to be temporarily closed for development purposes then the applicant should make contact with Countryside Services directly to discuss, prior to any works taking place.

In light of the above Countryside Services has stated that they would have no objection to the proposed application at this time subject to the guidance information they have provided.

Scheduled Ancient Monuments and Archaeological Sites

Policy ENV17 of the Powys Unitary Development Plan states that development which would unacceptably affect the site or setting of a scheduled ancient monument or of an archaeological site of national importance will not be permitted and other sites of archaeological importance will be safeguarded where possible.

Cadw have been consulted in relation to the proximity of the development site to the scheduled monument known as the Pen-y-Bont Standing Stone. Cadw have stated that the development is located approximately 370 metres to the southeast of the Pen-y-Bont Standing Stone and views between the proposed development and scheduled monument are blocked by extant buildings and vegetation. Therefore Cadw consider that the proposed development will not cause any damage to the setting of a scheduled monument Pen-y-Bont Standing Stone.

CPAT have also been consulted on the proposed development and have confirmed that there are no archaeological implications relating to the above proposals.

Given the careful considerations made by Cadw and CPAT it is considered that the proposed development would not have an unacceptable effect on the site or setting of a scheduled ancient monument or of an archaeological site of national importance. It is therefore considered that the proposed complies with policy ENV17 of the Powys UDP.

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. No response has been received to date. It is hoped that responses will be provided via an update report.

Other Legislative Considerations

Crime and Disorder Act 1998

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

Equality Act 2010

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

Having due regard to advancing equality involves:

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

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

Planning (Wales) Act 2015 (Welsh language)

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

Wellbeing of Future Generations (Wales) Act 2015

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

Recommendation

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

Conditions

1. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. The development shall be carried out strictly in accordance with the plans stamped as approved on XX/XX/XX (drawing no's: S.7594-SK01, (03)02 Revision. F, S.7594-SK02, S.7594-SK03, NOW/AP/1B, (00)01 Revision. B & NOW/AP/1B).
5. No other development shall commence until provision is made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of 0.35 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.
6. No other development shall commence until the area of the access to be used by vehicles is constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of

bituminous macadam binder course material for a distance of 10 from the edge of the adjoining estate road. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

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

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

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

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

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

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

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

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

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

(a) Purpose and objectives for the proposed works;

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

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

(d) Persons responsible for implementing the works;

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

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

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

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

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

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

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

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

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

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

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

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

24. No development shall commence until an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons (a contaminated land specialist with proven experience within the contaminated land industry) and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the WLGA document 'Development of land affected by contamination: a guide for developers' 2012 .

Item (iii) above should not be submitted until written approval has been obtained from the Local Planning Authority for items (i) & (ii).

25. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990, The Contaminated Land (Wales) Regulations 2001 in relation to the intended use of the land after remediation. The detailed remediation scheme should not be submitted until written approval for Condition 24 has been received from the Local Planning Authority.

26. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority. The verification report contents must be agreed with the Local Planning Authority before commencement of the remediation scheme.

27. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 24, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 25, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 26.

28. A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of duration to be agreed in writing with the Local Planning Authority and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Within six months following the completion of the measures identified in that scheme and the achievement of the remediation objectives, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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

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

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

Reasons

1. To enable the Local Planning Authority to exercise proper control over the development in accordance with Section 92 of the Town and Country Planning Act 1990.
2. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
3. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
4. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
5. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
7. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
8. To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment

and to safeguard the public sewerage system and reduce the risk of surcharge flooding and in accordance with policies GP1 and DC13 of the Powys Unitary Development Plan.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24. To ensure that potential contamination of the site is satisfactorily dealt with in accordance with policies GP1 and DC15 of the Powys Unitary Development Plan.

25. To ensure that potential contamination of the site is satisfactorily dealt with in accordance with policies GP1 and DC15 of the Powys Unitary Development Plan.

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

Informative Notes

Potential Contamination

The Council's guidance leaflet on the development of sites with potential land contamination is attached. Further advice on compliance with this condition may be obtained by contacting the Environmental Health Service on 0870 1923757.

Affordable Housing

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

Welsh Water

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

Trunk Road Agency

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

- A. The applicant should be advised that they may be required to enter into an agreement with the Welsh Ministers under Section 278 of the Highways Act 1980 / Section 23 of the New Roads and Street Works Act 1991 to enable the applicant to undertake agreed

improvement works on the trunk road. This Agreement will contain details of the improvement works, construction conditions and financial arrangements under which agreed measures can be put in place, including indemnifying the Welsh Ministers against third party claims. Without such an agreement in place, any consent that may be granted by the Planning Authority cannot be implemented.

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

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

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

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

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

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

Birds - Wildlife and Countryside Act 1981 (as amended)

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

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

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

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

undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.

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

It is an offence for any person to:

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

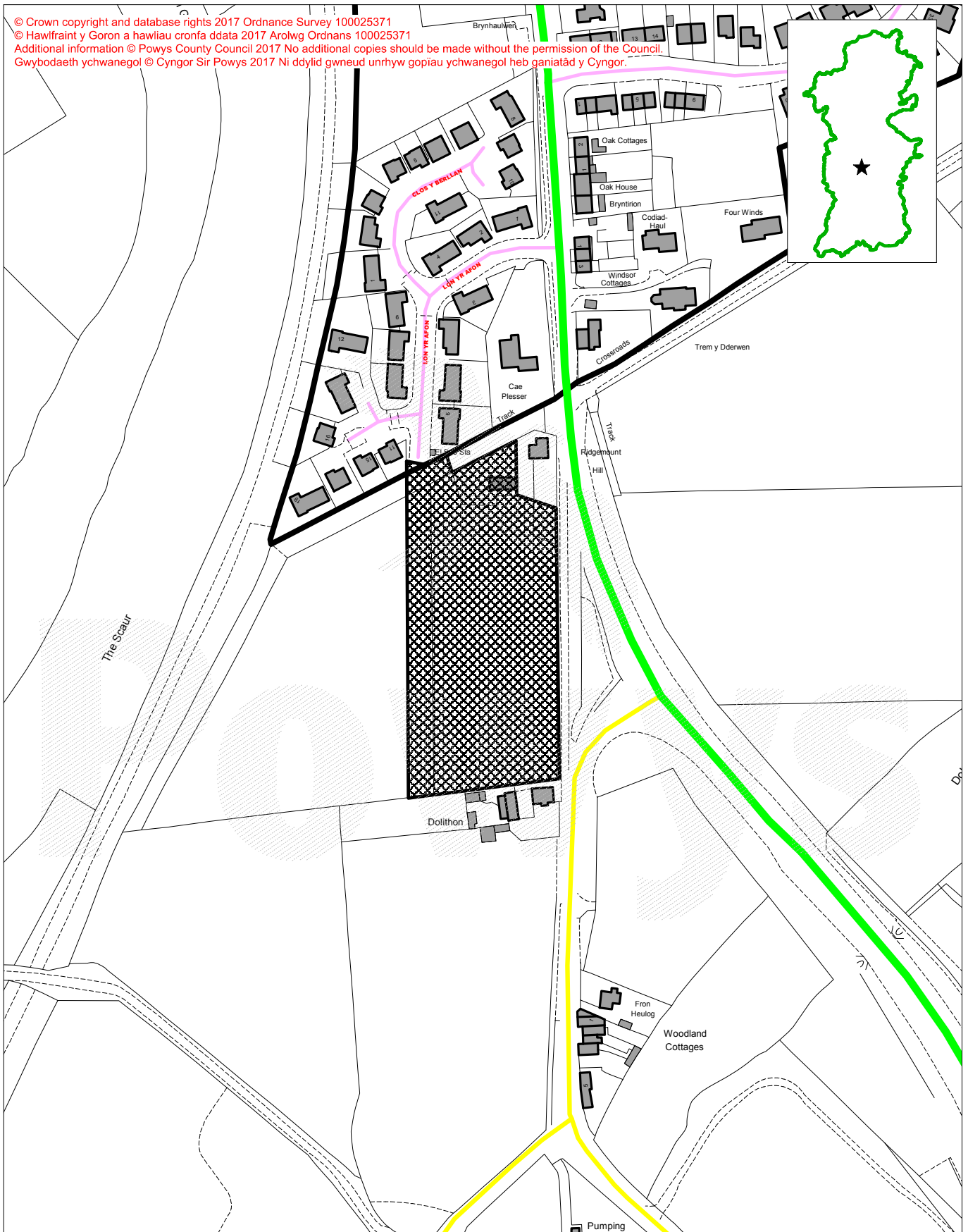
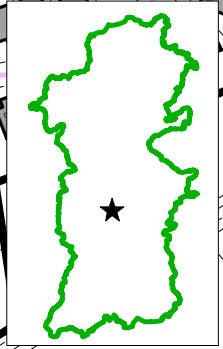
- Damage or destroy a breeding site or resting place of any bat. This is an absolute offence - in other words, intent or recklessness does not have to be proved.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended) that works to trees or buildings where that work involves the disturbance of a bat is an offence if a licence has not been obtained from Natural Resources Wales. If a bat is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. You can also call the National Bat helpline on 0345 1300 228 or email enquiries@bats.org.uk

Case Officer: Thomas Goodman- Planning Officer
Tel: 01597 827655 E-mail:thomas.goodman@powys.gov.uk

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4.5

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2017/1083	Grid Ref:	304552.43 251819.55
Community Council:	Llanelwedd	Valid Date:	Officer: 27/09/2017 Thomas Goodman
Applicant:	Powys County Council		
Location:	Ysgol Gynradd, Wirfoddel A Reolir, Llanelwedd, Disserth, Builth Wells, Powys, LD2 3TY		
Proposal:	Full: Installation of refurbished mobile classroom and associated works		
Application Type:	Application for Full Planning Permission		

The reason for Committee determination

Powys County Council is the applicant.

Site Location and Description

Consent is sought for the installation of a mobile classroom and associated works. The mobile classroom will measure approximately 9.6 metres in length by 8.6 metres in width by 3.4 metres in height and be finished in timber cladding under a EPDM membrane roof.

Located v to the north of the application site is agricultural land, to the south, east and west is land associated with Llanelwedd Primary School, including the playground and other classrooms.

Consultee Response

Llanelwedd CC

No response received at the time of writing this report.

Powys Highways

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.

Powys Building Control

Building Regulations approval will be required for this proposal.

Wales and West Utilities

Wales & West Utilities have no objections to these proposals, however our apparatus may be at risk during construction works and should the planning application be approved then we require the promoter of these works to contact us directly to discuss our requirements in detail. Should diversion works be required these will be fully chargeable.

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 & 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 Transporter (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.

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

Sewerage

Conditions

No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment

Advisory Notes

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of

the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

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

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

Please quote our reference number in all communications and correspondence.

Powys Ecologist

I have reviewed the proposed plans, as well as local records of protected and priority species and designated sites within 500m of the proposed development. The data search identified 236 records of protected and priority species within 500m of the proposed development.

There are three statutory designated sites present within 500m of the proposed development:

- Llanelwedd Rock – SSSI
- River Wye (Upper Wye) – SSSI
- River Wye - SAC

In considering the location and nature of the proposed development in relation to the River Wye SAC it is considered that there is no likelihood of direct or indirect impacts between the site of the proposed development and the River Wye SAC. This assessment has taken into account the fact that there are Buildings and roadway between the proposed development and SAC. Given the lack of connection between the proposed development and the nature of the development it is considered that there is no potential for a Likely Significant Effect to the SAC or its associated features and that a HRA would not be required.

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

The proposed siting of the refurbished mobile classroom appears to be a play area surrounded by amenity grassland which is considered a habitat of low ecological value.

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

The proposed developments and all associated work will not result in the loss of any features of ecological importance and it is considered the proposed plans will not result in negative impacts to biodiversity in the wider area.

Powys Land Drainage

No response received at the time of writing this report.

NRW

Thank you for consulting Natural Resources Wales (NRW) about the above, which was received on 29/09/2017.

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 - The classrooms must be sited on high ground in the northeast of the site in accordance with the drawings within the submitted FCA (WSP, September 2017) and the finished floor level must be set at 126.5mAOD (above the 0.1% flood level).

Condition 2 - Where stilts are used to raise the flood level of the classrooms, the area beneath must remain open space in perpetuity.

Flood Risk

The planning application proposes the construction of 3 mobile classrooms (highly vulnerable development) within DAM Zone C2. With reference to Section 6 of TAN15, this development category should not be permitted in Zone C2. If your Authority is minded to approve the application contrary to TAN15, the applicant should be required to undertake a FCA prior to determination of the application.

We should then be asked for advice on this assessment in accordance with TAN15. The purpose of the FCA is to ensure that all parties, including your Authority, are aware of the risks to, and from, the development, and ensure that if practicable, appropriate controls can be incorporated in a planning permission to manage the risks and consequences of flooding.

The FCA submitted in support of the application (WSP, September 2017) states the following:

The existing site topography varies from 127.5mAOD to 123.5mAOD and is near to two watercourses, the Henllan Brook and the River Wye (Section 1.2)

The development will consist of three mobile classrooms in the north of the existing school compound. These units are anticipated to have a lifetime of around 15 years (Section 1.3)

The site is located within DAM Zone C2 and is considered highly vulnerable development (Section 2.2).

NRW flood data for has been obtained for the River Wye. The model doesn't include risk from the Henllan brook. The model shows flooding to part of the site in a 1 in 20 year (5%) event due to River Wye floodwater backing up the Henllan Brook to low lying parts of the site.

Flood depths reach between 1.1m to 2m in the 1 in 100 year (1%) and 1 in 1000 year (0.1%) scenarios respectively, with velocities of 0.03m/s and 0.3m/s. Along the access route (through the existing school), flood depths and velocities vary between 0.3m to 2.4m for 0.1% event, with velocities of 0.2m/s to 1.8m/s (Section 4.1).

There is a record of flooding from the Henllan Brook to the school grounds during the winter of 2015, resulting in flooding of the car park, playground and playing field.

Accounting for climate change, the 1% scenario including a 20% climate change allowance run in the NRW model indicates 1.45m flood depths and 0.15m/s velocities on site. This has been aligned to the 15-year lifespan for the site (2050s) (Table 3 in Section 4.1)

The site does not meet the threshold criteria in TAN15 as it shown to flood in 1% scenario, depths and velocities in the 0.1% scenario exceed the guidance levels for both the site and access given in TAN15 Section A1.15. The site is located within a flood warning area, within an expected time to inundation of around 7 hours given the large size of the River Wye catchment. Flooding from the Henllan Brook would be more rapid, but it should be noted that the extreme modelled depths are expected from the River Wye (Section 4.2).

It is proposed to raise the threshold of the development above the 0.1% level of 126.5mAOD, giving around 500mm freeboard above the 1%+25% CC level. The buildings will be raised by use of stilts, stability under flood conditions and debris impact must be considered in the design (Section 4.3).

Access will not be possible during larger floods. During a 1% event on the River Wye, a possible access/egress is available through the current school building to dry ground. During the 0.1% scenario, this route floods to a depth of 300mm with flood velocities of 0.2m/s. The residual risk is to be managed through use of the NRW flood warning service and site specific emergency evacuation procedures. The school is currently registered on this service and emergency plan will be revised to include this facility (Section 4.3).

Should stilts not be feasible it is proposed to raise ground levels depending on final design. It is estimated that less than 100m³ of flood storage would be lost in the 0.1% event which is considered negligible in terms of a River Wye flood. Localised effects on flood flow routes would not have any significant effect on flow conveyance (Section 5.1).

Doors should be located at the northern side of the classroom in the area at least risk (Section 7.2).

With reference to the content of the FCA, we have the following comments:

It is noted that a potential lifetime of development of 15 years is given in the FCA. The lifespan of the classrooms is not stated within the planning application and there is no guarantee that the classroom will not be retained/replaced past the 15 year design life. We would therefore recommend that the 75 year lifetime of development is used (2080s) as standard. The FCA appears to reference the incorrect climate change scenario in Table 3 and refers to the values for West Wales. The Severn catchment values are applicable for this site. (<http://gov.wales/docs/desh/publications/160831guidance-for-flood-consequence-assessments-climate-change-allowances-en.pdf>) In this case the 2080 value for the Severn

catchment is the same as the 2050 value for the West Wales area (25%) and does not affect the results of the FCA.

The site emergency access route is not compliant with the criteria in Section A1.15 of TAN15, (0.3m/s velocity, 60mm flooding), and is significantly exceeded in low-lying locations adjacent to the Henllan Brook. Safe evacuation of the site will be dependent on an effective flood emergency plan as noted in the FCA. NRW flood warnings are only issued for the River Wye and are not available for the Henllan Brook. Whilst a lesser flood extent and depths is anticipated from the brook, risk from this source should be considered in the emergency plan given the predicted rapid rate of inundation to low lying areas of the site.

The proposed use of stilts may be acceptable at this location where appropriate measures are taken to ensure stability under flood conditions and debris impact. We would recommend a suitable condition is applied to ensure the area beneath the classrooms remains open space in compliance with A1.14 in TAN15, although due to the site topography this area is unlikely to be suitable for other purposes (i.e. storage/parking).

If your Authority is minded to approve the application contrary to TAN15, we therefore have no objection subject to conditions:

Condition 1 - The classrooms must be sited on high ground in the northeast of the site in accordance with the drawings within the submitted FCA (WSP, September 2017) and the finished floor level must be set at 126.5mAOD (above the 0.1% flood level).

Reason: To ensure the built development remains flood-free in accordance with the requirements in TAN15.

Condition 2 - Where stilts are used to raise the flood level of the classrooms, the area beneath must remain open space in perpetuity.

Reason: To ensure the built development remains flood-free in accordance with the requirements in TAN15

- Recommendations

The flood emergency plan for the school should be revised to include the new facility and agreed with the Local Authority to ensure the safe evacuation of the site during a flood event. The site is within the Flood Warning area for the River Wye at Builth Wells.

As recommended in the FCA, the classroom entrances/exits should be located on the high ground to the northeast of the buildings to ensure safe evacuation via the existing school in the event of a flood.

As it is for your Authority to determine whether the risks and consequences of flooding can be managed in accordance with TAN15, we recommend that you consider consulting other professional advisors on the acceptability of the developer's proposals, on matters that we cannot advise you on such as emergency plans, procedures and measures to address structural damage that may result from flooding. We refer you to the above information and the FCA to aid these considerations.

Please note, we do not normally comment on or approve the adequacy of flood emergency response and procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement during a flood emergency would be limited to delivering flood warnings to occupants/users.

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.

Welsh Gov Transport

No response received at the time of writing this report.

Emergency Planning Officer

No response received at the time of writing this report.

Powys Environmental Health

I would recommend the following be attached should permission be given in order to protect the local residents from adverse noise at unreasonable times

Due to the residential nature of the area and giving consideration to possible noise creation, I would recommended 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 Sunday and Bank Holidays

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

Reason: - to protect the amenity of residents from noise

Representations

Following the display of a site notice and a press advertisement, no public representations have been received at the time of writing this report.

Planning History

No history as per GIS

Principal Planning Constraints

Open Countryside
C2 Flood Zone

Principal Planning Policies

National planning policy

Planning Policy Wales (Edition 9, November 2016)

Technical Advice Note (TAN) 5 – Nature Conservation and Planning (2009)
Technical Advice Note (TAN) 6 – Planning for Sustainable Rural Communities (2010)
Technical Advice Note (TAN) 11 – Noise (1997)
Technical Advice Note (TAN) 12 – Design (2016)
Technical Advice Note (TAN) 15 - Development and Flood Risk (2004)
Technical Advice Note (TAN) 18 – Transport (2007)
Technical Advice Note (TAN) 20 – Planning and the Welsh Language (2017)
Technical Advice Note (TAN) 23 – Economic Development (2014)

Local planning policies

Powys Unitary Development Plan (2010)

SP4 – Economic and Employment Developments
SP9 – Local Community Services and Facilities
SP14 - Development In Flood Risk Areas
GP1 – Development Control
GP3 – Design and Energy Conservation
GP4 – Highway and Parking Requirements
ENV2 – Safeguarding the Landscape
ENV3 – Safeguarding Biodiversity and Natural Habitats
ENV7 – Protected Species
HP4 – Settlement Development Boundaries and Capacities
CS5 – Educational Developments
DC10 – Mains Sewage Treatment
DC13 – Surface Water Drainage
DC14 – Flood Prevention Measures

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 CS5 of the Powys Unitary Development Plan states that proposals for the extension of improvement of existing schools and other education facilities or the provision of new facilities will be supported where located in accordance with the sustainable strategic settlement hierarchy. The Powys Unitary Development Plan's Sustainable Strategic Settlement Hierarchy emphasises the importance of locating new residential developments within reasonable travelling distance of existing educational establishments. Similarly, new or expanded education facilities should be provided at locations convenient to the main residential areas. Llanelwedd is classed as a small village in the Powys UDP and is located within walking distance of Builth Wells (an Area Centre) which a large number of facilities. Whilst it is noted that the development site is located outside of a settlement development boundary, it is an extension to an existing education facility and is supported by sufficient transport links and connectivity to Builth wells. On this basis it is therefore considered that the proposed development fundamentally complies with this planning policy.

Design and External Appearance

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

The existing school is single storey in construction using a mixture of design styles and materials. Consent is sought for the erection of a single storey, timber clad mobile classroom which will measure approximately 9.6 metres in length by 8.6 metres in width by 3.4 metres in height.

It is noted that the materials proposed do not match those of the existing school. However, the existing school comprises of a range of materials, including stone, brick and render and therefore the introduction of a timber clad mobile classroom would not be have a detrimental impact upon the character and appearance of the surrounding area. Furthermore it is considered that the design of the proposed mobile classroom is similar to the majority of mobile classrooms across Powys.

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

Highway Safety

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

The proposal does not seek to alter the existing means of access and the proposed development will not impact upon the current level of parking available. Powys County Council's Highway Authority and the Welsh Government Trunk Road Agency have been consulted on the proposed development. No response has been received from the Trunk Road Agency on this occasion, however, given the current parking and access available at the existing facility and that the proposed development will not reduce those levels afforded, it is considered that the proposed development fundamentally complies with policy GP4 of the Powys UDP.

Biodiversity

Policies ENV3 and ENV7 of the Powys Unitary Development Plan (2010) seeks to safeguard and wherever possible enhance protected species and their habitats. This is further emphasised within the Welsh Government Technical Advice Note (TAN) 5.

Powys County Council's Ecologist has been consulted on the proposed development. The Ecologist has stated that having completed a data search 236 records of protected and priority species were identified within 500 metres of the development site. Within the 500m range 3 statutory designated sites are present, which include the River Wye (upper Wye) – SSSI, Llanelwedd Rock – SSSI and the River Wye SAC. Given the proximity of the River Wye SAC the Ecologist has stated that there is no likelihood of direct or indirect impacts between the site of the proposed development and the River Wye SAC and therefore there is no potential for a likely significant effect to the SAC and therefore a HRA would not be required.

The development site is acknowledged as part of a play area surrounded by amenity grassland which is considered a habitat of low ecological value. It is therefore considered that the development would not result in negative impacts to protected species and no further surveys would be necessary.

In light of the above comments received from the Ecologist it is considered that the proposed development fundamentally complies with Powys County Council's Powys Unitary Development Plan (2010) policies ENV3 and ENV7 as well as Technical Advice Note (TAN) 5.

Environmental Health

Powys County Council's Environmental Health Officer has been consulted on the proposed development. The Officer has requested that should planning permission be granted then an appropriately worded condition be attached. The condition would protect the local residents from adverse noise at unreasonable times and therefore seeks to restrict the construction period working hours and delivery times.

In light of the above and subject to the attachment of an appropriately worded condition the proposed development complies with policy GP1 of the Powys Unitary Development Plan (2010).

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 have noted that the application site lies entirely within the C2 flood zone as defined by the Development Advice Map (DAM). A Flood Consequence Assessment has been submitted in support of this application which NRW have commented on. Whilst not objecting NRW have stated that they have significant concerns with the proposed development. The development site is located entirely within a C2 flood zone as defined by TAN 15 and access to the site will not be possible during larger floods. Furthermore whilst the proposed classroom would be on stilts at a height above the flood level the access would not be. The site emergency access route is not compliant with the criteria in Section A1.15 of TAN15. However, although NRW have stated that they have significant concerns they have recommended that appropriately worded conditions should be attached to any granting of consent and should these not be attached NRW would object to the proposed development.

NRW have advised that a decision of conditional consent would be contrary to Technical Advice Note 15. The conditions would ensure that the classroom would be set at a specific height Above Ordnance Datum and should stilts be used the area beneath must remain open space in perpetuity, however where stilts are used appropriate measures would need to be taken to ensure stability under flood conditions and debris impact.

In light of the above consultation response received from NRW and the advice contained within SP14 of the Powys UDP and TAN15 it is considered that there would be an increase in highly vulnerable development within a C2 flood zone in this location and therefore would be contrary to policy SP14 of the Powys UDP and TAN 15. Refusal should therefore be carefully considered.

Other Legislative Considerations

Crime and Disorder Act 1998

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

Equality Act 2010

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

Having due regard to advancing equality involves:

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

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

Planning (Wales) Act 2015 (Welsh language)

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

Wellbeing of Future Generations (Wales) Act 2015

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

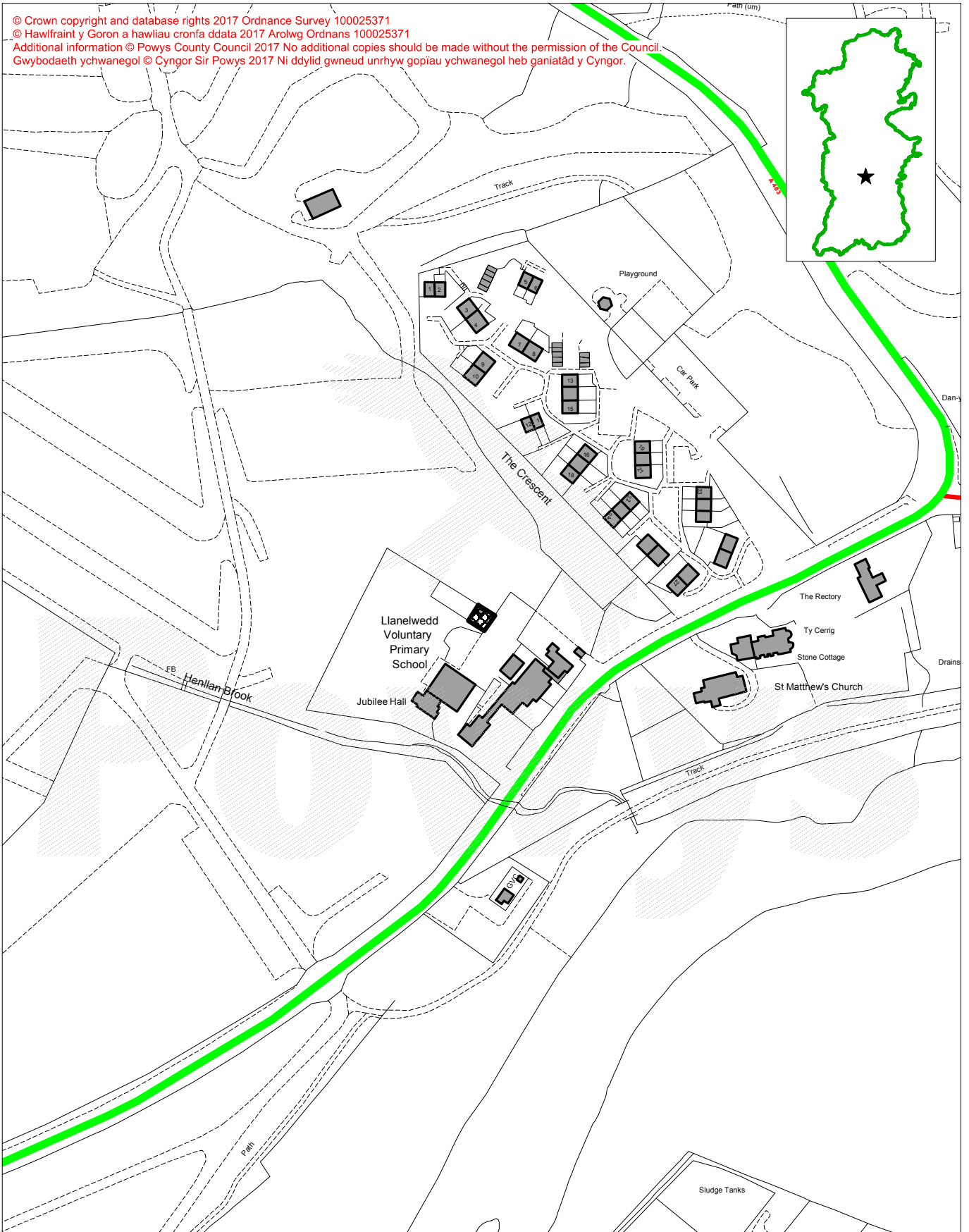
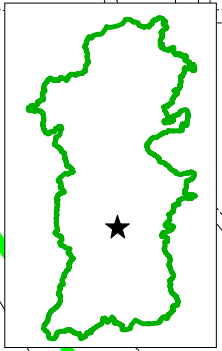
Recommendation

It is considered that the proposed development would result in highly vulnerable development within a flood zone, contrary to policy SP14 and Technical Advice Note 15 – Development and Flood Risk. This policy objection in addition concerns regarding the flooding depth at the property access, is considered to justify the refusal of the proposed development. The recommendation is therefore one of refusal.

Conditions

1. The proposal will lead to an increase in 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 (2010), Technical Advice Note 15 (TAN 15) Development and Flood Risk (2004) and Planning Policy Wales (2016).

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4.6

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2015/0803	Grid Ref:	277025.28 207387.59
Community Council:	Ystradgynlais	Valid Date:	Officer: 17/09/2015 Gemma Bufton
Applicant:	Ystalyfera Wind Energy Ltd		
Location:	Varteg Hill, Land South of Ystalyfera, Neath and Port Talbot.		
Proposal:	Construction and improvement of access track and improvement to the junction access point to serve wind farm comprising four wind turbines (with tip height upto 115m), internal access tracks, substation building, associated infrastructure		
Application Type:	Application for Full Planning Permission		

The reason for Committee determination

This application is accompanied by an Environmental Statement.

Site Location and Description

The application site is located within the Community Council area for Ystradgynlais. The access is sought off the County Class III Highway, C0199 which runs to the eastern boundary of the application site.

Consent is sought for the construction and improvement of access track and improvement to the junction access point to serve wind farm, internal access tracks, substation building and associated infrastructure.

It is noted that the actual siting of the wind turbines falls within Neath Port Talbot and therefore an application has been submitted to their Planning Authority for consideration.

Consultee Response

Ystradgynlais Town Council-

At its meeting held on Thursday 5th November 2015 the Ystradgynlais Town Council discussed the above application and resolved to comment as follows:

To offer an objection on the grounds that as it appears the proposed Wind Farm is not being sited within the refined Strategic Search Area it suggests that the application is contrary to the interim Planning Guidance for medium scale wind farm (NPTCBC) and therefore the need for the highway to serve the development can be regarded as unnecessary.

In addition the Rhos Common is an unlit section of road subject to poor visibility in bad weather and prone to encroachment and crossing by farm animals. A road junction on the common could prove to be an unacceptable potential hazard to users of this highway. It is also noted that planning application P/2015/0301 and P/2015/0343 were both recently been refused accesses onto this road and it would be consistent practice for this access road to be similarly refused.

Highway Authority-

The County Council as Highway Authority for the County Class III Highway, C0199

Wish the following recommendations/Observations be applied

Recommendations/Observations

This application should be refused.

Reasons for Refusal

Whilst this application will have little impact on the Powys Highway network I am aware that the point of access from the adopted highway is within Powys.

It is totally unacceptable to offer just 63m visibility to the north along the county class III road in an area where traffic regularly travels at the national speed limit of 60mph. A minimum of 215m visibility is required as demonstrated to the south.

Unless this visibility can be adequately provided the application represents a serious hazard to highway safety.

Welsh Water-

We have no comments to make on the above planning application.

Wales and West Utilities-

According to our mains records Wales and 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.

Natural Resources Wales-

NRW does not object to the proposed development subject to any planning consent incorporating the advice set out below.

Please do note that we will provide a separate consultation response to the application submitted to Neath Port Talbot for the remainder of the proposal which will include the wind farm.

Technical Appendix 6.4 of the ES is acknowledged which includes details of the Protected Species Baseline Surveys.

We advise that the improvement scheme is subject to a condition requiring the approval of an Ecological Method Statement, which gives consideration to all protected species including dormouse.

Bats

It is not considered that the proposal is not likely to be detrimental to the maintenance of the favourable conservation status of local bat populations.

Dormouse

The proposal includes the realignment of a small section of existing hedgerow.

The section of hedgerow that is to be removed must be replaced to ensure functionality for foraging and or dispersal purposes.

Given the limited working area of works, together with uncertainty in respect of the actual presence of dormouse within this hedgerow, we advise that any planning consent includes a condition requiring the approval of an Ecological Method Statement associated with the access improvement scheme includes provisions, based on Reasonable Avoidance Measure in respect of dormouse.

Subject to the imposition of the above mentioned planning condition it is not considered that the proposal is likely to be detrimental to the maintenance of the favourable conservation status of any extant dormouse populations.

Nesting Bird

We advise that you consult your internal ecologist with regards to the potential impact of the access improvement on nesting birds.

Biosecurity

Biosecurity is considered to be a material consideration. It is advised that the Ecological Method Statement associated with this component of the overall scheme includes prescriptions in respect of biosecurity. Such prescriptions should include (i) appropriate measures to control any INNS on site; and (ii) measures or actions that aim to prevent INNS being introduced to the site for the duration of development and restoration.

Protected Sites

The access improvement works required to serve the proposed wind farm which will include removal of hedgerow is to take place adjacent to Nant y Rhos SSSI.

It is considered unlikely due to the nature of the work that this development will have a significant adverse effect upon the protected species.

PCC Ecology-

Planning Application Reference	P/2015/0803
Project Name / Description	Construction and improvement of access track and improvement to the junction access point to serve wind farm comprising four wind turbines (with tip height upto 115m), internal access tracks, substation building, associated infrastructure At , Varteg Hill, Land South of Ystalyfera, , Neath and Port Talbot,
Consultation Deadline	29/09/2015

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

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

		<ul style="list-style-type: none"> • Peregrine Falcon breed on cliffs 80m away from the proposed access track and are therefore at risk of disturbance during the construction phase. Sensitive timing of works within 500m of the nest is required. • Red Kite breed within 3km of the site and are at risk of disturbance during the construction phase.
	UK Species <input checked="" type="checkbox"/>	<ul style="list-style-type: none"> • Evidence of Badgers recorded in the vicinity of the access track, but no setts. • Variety of breeding bird species recorded throughout the site, including the access corridor are at risk of loss of disturbance during construction, loss of foraging/breeding habitat and displacement by the new access track.
	Sect. 42 Species & Habitat <input checked="" type="checkbox"/>	Dry Heath/Acid Grassland, Broadleaved Woodland and Watercourses in the form of a ditch are Habitats of Principal Importance present in the vicinity of the proposed access track. Nightjar is a Species of Principal Importance and has been recorded nesting in the vicinity of the access track.
	LBAP Species & Habitat <input checked="" type="checkbox"/>	Coniferous woodland has a Habitat Action Plan within the Powys LBAP. Nightjar and Red Kite have Species Action Plans within the Powys LBAP. Peregrine is a species of conservation concern on the Powys LBAP, as are various other breeding bird species recorded at the site.
Protected Sites	International Sites (within 2km) ² <input type="checkbox"/>	No SACs within 2km. No SPAs within 5km – the closest SPA for breeding raptors is over 30km to the north.
	National Sites (within 500m) ³ <input checked="" type="checkbox"/>	Nant y Rhos SSSI is within 100m of the access junction. No impacts on this site are anticipated.

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

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

	Local Sites (within 500m) <input type="checkbox"/>	None within 500m.
Invasive Non-Native Species	No	None recorded within the site.
Cumulative Effect	No	This application forms part of a larger application to provide four wind turbines and associated infrastructure. The cumulative effect of the whole development with other developments within 10km has been considered in the ES that has been submitted. No significant cumulative effects on biodiversity have been identified.
Summary of recommendations / further assessment or work		<p>1) Paragraphs 6.6.26 and 6.6.28 (Chapter 6, Environmental Statement) refer to the main bird breeding season as being March to July inclusive. To accord with RSPB and Powys County Council guidance I suggest that this is extended up to the end of August.</p> <p>2) Paragraph 6.6.6 (Chapter 6, Environmental Statement) proposes agreement of mitigation requirements with Neath CBC, but does not mention the inclusion of Powys CC. I suggest that Powys CC is involved in agreeing mitigation requirements for the element of the development that falls within the Powys unitary boundary.</p>
Recommended Conditions		<p>Should you be minded to approve this application, I recommend the inclusion of the following conditions:</p> <p>1) <i>The recommendations and mitigation measures proposed in Section 6.6 (Mitigation) and summarised in Table 6.2.4 of Chapter 6 of the Environmental Statement shall be adhered to and implemented in full unless otherwise agreed in writing with the LPA.</i></p> <p><u>Reason:</u> To comply with Powys County Council's UDP Policies SP3, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 7, July 2014), TAN 5: Nature Conservation and Planning and the NERC Act 2006.</p>

		<p>2) <i>Mature Oak and Ash trees that are retained alongside the access track shall be protected from being damaged during the construction works in accordance with BS 5837:2012.</i></p> <p><u>Reason:</u> To comply with Powys County Council's UDP Policies SP3 and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 7, July 2014), TAN 5: Nature Conservation and Planning and the NERC Act 2006.</p> <p>3) <i>Prior to commencement of development the Site-specific Ecological Mitigation Strategy referred to in Paragraph 6.6.3 (Chapter 6, Environmental Statement) shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.</i></p> <p><u>Reason:</u> To comply with Powys County Council's UDP Policies ENV3, ENV5 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 7, July 2014), TAN 5: Nature Conservation and Planning and the NERC Act 2006.</p> <p>4) <i>Prior to commencement of development the Pre-construction Ecological Mitigation Strategy referred to in Paragraph 6.6.5 (Chapter 6, Environmental Statement) shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.</i></p> <p><u>Reason:</u> To comply with Powys County Council's UDP Policies ENV3, ENV5 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 7, July 2014), TAN 5: Nature Conservation and Planning and the NERC Act 2006.</p> <p>5) <i>Prior to commencement of development the Habitat Management Plan referred to in Paragraph 6.6.13 (Chapter 6, Environmental Statement) shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.</i></p>
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	<p>Reason: To comply with Powys County Council's UDP Policies ENV3, ENV5 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 7, July 2014), TAN 5: Nature Conservation and Planning and the NERC Act 2006.</p> <p>Informatives</p> <p><i>Birds - Wildlife and Countryside Act 1981 (as amended)</i></p> <p>All nesting birds, their nests, eggs and young are protected by law and it is an offence to:</p> <ul style="list-style-type: none"> intentionally kill, injure or take any wild bird intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built intentionally take or destroy the egg of any wild bird intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird. <p>The maximum penalty that can be imposed - in respect of a single bird, nest or egg - is a fine of up to 5,000 pounds, six months imprisonment or both.</p> <p>The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built, (usually between late February and late August or late September in the case of swifts, swallows or house martins). If a nest is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.</p> <p>Bats - Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended)</p> <p>It is an offence for any person to:</p> <ul style="list-style-type: none"> Intentionally kill, injure or take any bats.
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	<ul style="list-style-type: none"> Intentionally or recklessly damage, destroy or obstruct access to any place that a bat uses for shelter or protection. This is taken to mean all bat roosts whether bats are present or not. Under the Habitats Regulations it is an offence to: Damage or destroy a breeding site or resting place of any bat. This is an absolute offence - in other words, intent or recklessness does not have to be proved. <p>The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended) that works to trees or buildings where that work involves the disturbance of a bat is an offence if a licence has not been obtained from Natural Resources Wales. If a bat is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. You can also call the National Bat helpline on 0845 1300 228 or email enquiries@bats.org.uk</p>
Relevant UDP Policies	<p>UDP SP3 – Natural, Historic and Built Heritage Policy E3 – Wind Power Policy Env 3 – Safeguarding biodiversity and natural habitats Policy Env 5 – Nationally important sites Policy Env 7 – Protected Species</p>

Document Author	Chris Jones	Approved by	Rhydian Roberts
		Approved Date	19/10/2015

The application site falls within the defined Development High Risk Area, therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

The Coal Authority is a non-departmental public body sponsored by the Department of Energy and Climate Change. As a statutory consultee, the Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.

The Coal Authority Response- Material Consideration

The application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

The Coal Authority records indicate that four mine entries (shafts and adits) are located within or within 20 metres of the application site boundary and that the site has been subject to past surface mining operations. Our records also indicate that the site has been subject to historic recorded underground shallow coal mining and is likely to have been subject to historic unrecorded underground shallow coal mining associated with coal which outcropped across the site.

The applicant has obtained appropriate and up-to-date coal mining information which has been used to inform Chapter 8 of the Environmental Statement (Undated, prepared by West Coast Energy Ltd), which accompanies the planning application.

Based on this review of existing mining information, the Report correctly identifies the risks to the development posed by coal mining legacy. Whilst the site layout does appear to have been informed by the coal mining legacy of the site, with all the turbines being located outside of the defined Development High Risk Area, the Coal Authority welcomes the commitment made within Table 8.12, which confirms that further investigations will be undertaken to identify any necessary mitigation.

The Coal Authority Recommendation the LPA

The Coal Authority concurs with the recommendations made within Table 8.12 of the Environmental Statement (Undated, prepared by West Coast Energy Ltd); that coal mining legacy features potentially pose a risk to both public safety and the stability of the proposed development (excluding the wind turbines). Consequently, intrusive site investigation works should be undertaken in order to establish the exact situation regarding them and to identify any appropriate mitigation.

The Coal Authority is therefore able to recommend that the LPA impose a planning condition should planning permission be granted to the proposed development requiring site investigation works prior to commencement of development.

In the event that the site investigations confirm the need for remedial works to the mine entries beneath any parts of site where development is proposed, this should be conditioned to ensure that the site layout is amended to avoid it. The condition should also ensure that any remedial works identified by the site investigation to consolidate any shallow mine

workings/ unconsolidated opencast backfill are undertaken prior to commencement of development.

A condition should therefore require prior to the commencement of development;

- The submission for approval of a remediation scheme to afford public safety and the stability of the proposed access tracks from the risks posed by the recorded mine entries (shafts and adits);
- The submission of a scheme of intrusive site investigations
- The undertaking of that scheme of intrusive site investigations
- The submission of a report of findings arising from the intrusive site investigations
- The submission of a scheme of remedial works for approval; and
- Implementation of those remedial works.

The Coal Authority therefore has no objections to the proposed development subject to the imposition of a condition or conditions to secure the above.

Public Response

Eleven letters of objections have been received at the time of writing this report. The letters can be summarised as follows:

- Noise
- Flicker
- Light Pollution from lights
- Impact to users of footpaths
- Not efficient energy
- Impact on birds
- Visual impact
- Impact on Residential amenity
- Impact on Highway Network

Planning History

None

Principal Planning Policies

National Policies

Planning Policy Wales (Edition 9, November 2016)

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

Technical Advice Note 8- Renewable Energy (2005)

Technical Advice Note 11- Noise (1997)

Technical Advice Note 12 – Design (2016)

Technical Advice Note 13- Tourism (1997)

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)

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
SP4- Economic and Employment Developments
SP12- Energy Conservation and Generation
GP1 – Development Control
GP3 – Design and Energy Conservation
GP4 – Highway and Parking Requirements
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
TR2- Tourist Attractions and Development Areas
DC9- Protection of Water Resources
DC13 – Surface Water Drainage
DC15- Development on Unstable or Contaminated Land
RL6- Rights of Way and Access to the Countryside
E3- Wind Power

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

Officer Appraisal

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

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

Principle of Development

Consent is sought under this application for the construction and improvement to existing trackway and access for a proposed wind farm for the erection of four wind turbines the latter of which is located within the Neath Port Talbot Council boundary.

The proposed development under consideration is the construction and improvement of access track and improvement to the junction access, internal access tracks, substation building and associated infrastructure.

Policy GP4 of the Unitary Development Plan seeks to ensure that planning permission will be dependent upon adequate provision for access including visibility, turning and parking. The proposed access for the wind farm is sought off the County Class III highway, C0199.

The Highway Authority has been consulted and notes that whilst the application would have little impact on the Powys Highway network given the proposed routing plan for the delivery of the turbines, the point of access itself is however located within Powys. The Officer notes that a visibility splay of only 63 metres in the northerly direction is provided on the County Class III highway where traffic regularly travels at the national speed limits of 60mph. In this instance they therefore confirm that a minimum of 215 metres visibility is required. The Officer concludes that until the visibility can be adequately provided the application would represent a serious hazard to highway safety. This was raised with the agent who confirmed that they would not be submitting any additional information in support of the application.

In light of the above it is considered that the proposed development is contrary to relevant planning policy relating to highway safety.

Landscape and Visual Impact

Development proposals should be designed in a way to be sensitive to the character and appearance of the surrounding area and landscape. The proposed development under consideration for this application is for the provision of a new access and track. It is considered that the landscape and visual impact from these proposed works would be minimal given the low nature of the works proposed. It is therefore considered that the proposed development fundamentally complies with relevant planning policy.

Biodiversity

An Environmental Statement has been submitted in support of the application in which Chapter 6 'Ecology and Ornithology Assessment' considers the potential impact of the development upon biodiversity features. The Ecologist and NRW have been consulted and both have raised no objection to the proposed development subject to recommended conditions and concluded that no significant cumulative effects on biodiversity have been identified. Subject to the recommended conditions it is considered that the proposed development fundamentally complies with relevant planning policy.

Coal Authority

The Coal Authority have been consulted and have confirmed that the application site falls within the defined 'Development High Risk Area' which means within the application site and surrounding area there are coal mining features and hazards. The Environmental Statement table 8.12 recommends that an intrusive site investigation should be undertaken. The Coal Authority concurs with this recommendation and recommends a condition. The Coal Authority therefore has no objection to the proposed development subject to an appropriately worded condition.

Public Representations

It is noted that a number of objections have been received at the time of writing this report. It is considered that the majority of the concerns expressed that have not already been addressed within this report regard impacts of the wind turbines rather than the access and track as proposed under this application and therefore whilst considered, carry little to no weight with regards to this application.

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 little to no effect upon the use of the Welsh language in Powys as a result of the proposed decision.

Wellbeing of Future Generations (Wales) Act 2015

Section 3 of the Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future

generations to meet their own needs (Section 5). This duty has been considered in the evaluation of this application. It is considered that the proposed development is in accordance with the sustainable development principle through its contribution towards the well-being objectives.

RECOMMENDATION

It is considered that the proposed development would be detriment to highway safety. The recommendation is therefore one of refusal.

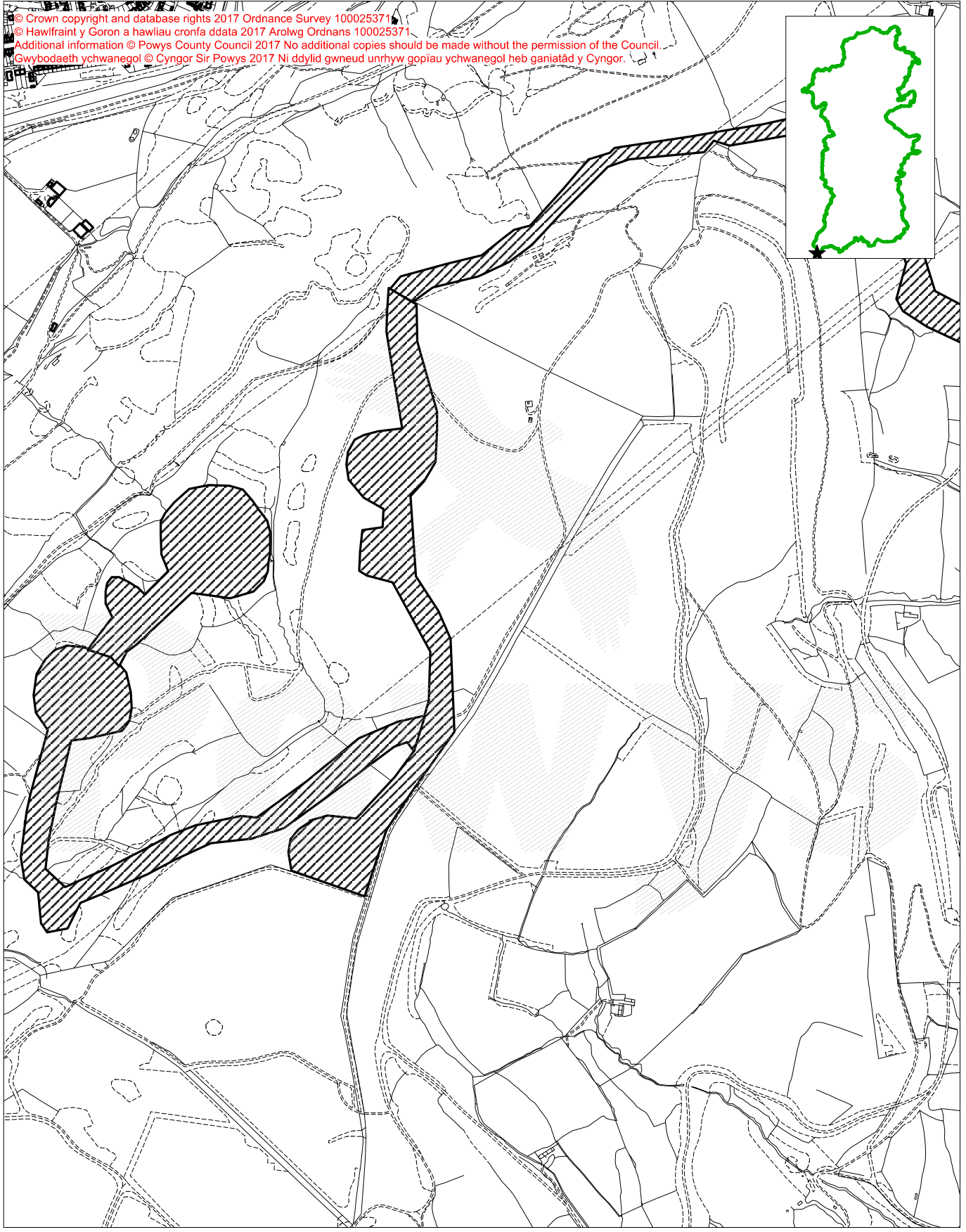
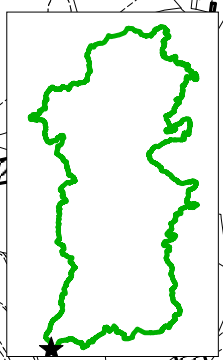
Environmental Impact information has been taken into consideration when processing this application.

Reasons

1. Insufficient information has been submitted within the Environmental Statement to demonstrate that the proposed development would not have an unacceptable impact on highway safety. The proposed development is therefore contrary to policy GP4 of the Unitary Development Plan, Technical Advice Note 18: Transport (2007) and Planning Policy Wales (Edition 9, 2016).

Case Officer: Gemma Bufton- Principal Planning Officer
Tel: 01597 827505 E-mail: gemma.bufton1@powys.gov.uk

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4.7

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2017/1056	Grid Ref:	322430.5 320575.99
Community Council:	Llansantffraid	Valid Date:	Officer: 15/09/2017 Gemma Bufton
Applicant:	Mr J Jones-Perrot, Bronyddon Farm, Llansantffraid ym Mechain, Powys, SY22 2TZ.		
Location:	Land adj Parc Bronydd, Llansantffraid ym Mechain, Powys, SY22 6DZ.		
Proposal:	Outline - Proposed residential development comprising of up to 6 dwellings and all associated works		
Application Type:	Application for Outline Planning Permission		

The reason for Committee determination

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

Site Location and Description

The application site is located within the community council area for Llansantffraid ym Mechain. The application site is located outside of the settlement development limits for Llansantffraid ym Mechain.

The application site is currently grazed agricultural land and is bound by further agricultural land located to the north, east and south. Whilst to the west is existing adjoining residential development.

Consent is sought in outline with all matters reserved except for access for the proposed residential development of 6 dwellings.

Consultee Response

Llansantffriad ym Mechain Community Council-

The Council is in favour of supporting this application but commented that the infrastructure of the village would need to be compensated i.e. money for the school and for recreational facilities.

PCC Highways-

The County Council as Highway Authority for the County Class I Highway, A495

Wish the following recommendations/Observations be applied

Recommendations / Observations

HC1 Any entrance gates shall be set constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.

HC2 The gradient of the access shall be constructed so as not to exceed 1 in 30 for the first 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.

HC7 Prior to the commencement of the development the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 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.

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

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

HC12 The width of the access carriageway, constructed as Condition HC7 above, shall be not less than 5.5 metres along the access road and shall be maintained at this width for as long as the development remains in existence.

HC19 No building shall be occupied before the estate road carriageway and one footway shall be constructed to and including binder course level to an adoptable standard including the provision of any salt bins, surface water drainage and street lighting in front of that building and to the junction with the county highway.

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

HC26 When installed there shall be a minimum clearance of 6 metres from the nearest part of the adjoining highway verge or footpath to any part of the soakaway installation.

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

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

In the interests of highway safety.

PCC Building Control-

Building regulation approval will be required.

Wales and West Utilities-

According to our mains records Wales and 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 contractees) working for you on or near gas apparatus.

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 prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

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.

If your query is regarding drainage proposals, please email to the aforementioned email address and mark for the attention of Rhiannon Thomas (Planning Liaison Technician).

PCC 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.”

PCC Ecology-

Thank you for consulting me with regards to planning application P/2017/1056 which concerns the outline application for proposed residential development comprising of up to 6 dwellings and all associated works at Land adjacent to Parc Bronydd, Llansantffraid ym Mechain, Powys.

I have reviewed the proposed plans as well as local records of protected and priority species and designated sites within 500m of the proposed development. The data search identified 70 records of protected and priority species within 500m of the proposed development – no records were for the site itself.

There are no designated sites present within 500m of the development.

Great Crested Newts

I note that there are 3 ponds within 365m of the proposed development and from local records of protected and priority species that records of great crested newts located within 1km north of the proposed development site – consideration for suitability for development site to support Great Crested Newts identified – Great Crested Newts being a European Protected Species.

Having reviewed information available in form of aerial images the habitat present at the site of the proposed development offers unfavourable suitable opportunities for Great Crested Newt terrestrial habitat. Given the lack of suitable habitat and habitat connectivity from the ponds to the proposed development site, as well as the topography of the land between the development site and location where great crested newts have been recorded - it is considered that the proposed development would therefore not result in the loss of resting sites for this species or result in a barrier to their dispersal to surrounding suitable habitat – should they be present.

Tree and Hedgerow Replacement and Protection Plan

The proposed dwelling appears to be on land of poor semi-improved grassland which is considered to be of low ecological value. However, the hedgerow boundary with scattered semi-mature and mature trees to the south is considered be of ecological value. Given the

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

I note from the proposed plans that new hedgerow planting is proposed as well as possible removal or translocation of the existing hedgerow to improve the visibility splay associated with the proposed development.

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

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

Wildlife Sensitive Lighting Plan

Careful consideration will need to be given to any external lighting, 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.

Landscaping Plan

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. It is therefore recommended that a Landscaping Plan is secured through an appropriately worded condition.

Biodiversity enhancements

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 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.

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

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 Rights of Way-

09/10/2017-

Thank you for consulting Countryside Services on the above application.

The proposed development could impact upon and possibly obstruct up to three Public Rights of Way. It is not apparent that the public footpaths concerned have been accommodated in the proposal. Countryside Services therefore objects to the proposed development.

The applicant will need to amend the plans to accommodate the public rights of way and/or seek to divert the public footpaths.

Cadw-

Thank you for your email of 20 September 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 on the scheduled MG216 Roman Supply Depot, Llansantffraid ym Mechain. 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 260m west of scheduled monument MG216 Roman Supply Depot, Llansantffraid ym Mechain.

The proposed development will be partly screened from view from the scheduled monument by topography, existing buildings and vegetation. It will not be located in any identified significant view and consequently, at worst, we consider that the proposed development will cause very slight damage to the setting of scheduled monument.

CPAT-

Thank you for the consultation on this application.

I write to confirm that there are no archaeological implications for the proposed development at this location.

Representations

Three letters of objection have been received from public representations. The letters can be summarised as follows:

- On street parking
- 5 properties still undeveloped on existing estate
- Impact on public rights of way
- Loss of light and privacy to adjoining properties
- Scale of properties
- Drainage concerns given the topography of the ground
- Access concerns
- Limited job opportunities
- Impact on services
- Noise

- Wildlife concerns

Planning History

P/2011/1150- Erection of an agricultural building, construction of hardstanding and associated works (part-retrospective).

AGRI/2011/0045- Erection of an agricultural building.

Principal Planning Constraints

Public Right of Way

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

ENV2 – Safeguarding the Landscape

ENV3 – Safeguarding Biodiversity and Natural Habitats

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 Llansanffraid-ym-Mechain 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 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. Therefore, all material planning considerations are required to be taken into account as are all relevant national and local planning policies and balanced with the undersupply of housing land currently available in Powys.

Sustainability

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

The site itself is adjacent to the development boundary of Llansanffraid-ym-Mechain which is identified in the UDP as a Key Settlement. Llansanffraid benefits from good road communications and has a wide range of community services and facilities including a church, chapel, primary school, Doctors surgery, Industry, Recreational space and numerous public houses and shops.

In light of the range of services located within a short travelling distance of the development site, officers consider that there is an argument to support the principle of residential development. Therefore, the proposed site is considered to be a sustainable location for residential development.

Scale, Design and Appearance

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 6 dwelling of varying designs and scales including a mixture of detached and semi-detached dwellings with detached dwellings.

The application is located adjoining the existing residential estate of Parc Bronhyddon with

the access joining onto the existing estate roadway. It is considered that the indicative layout highlights a development that would form a natural extension to the existing residential development. Whilst the site is noted of being of quite steep topography it is considered that an appropriate development could be incorporated into this area without unacceptably impacting on the character and appearance of the surrounding area.

Whilst therefore it is acknowledged 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 a significant adverse impact upon the amenities enjoyed by the occupants of neighbouring properties.

Concerns have been raised over the proposed dwellings located adjoining the two existing dwellings on the west elevation and the potential to cause loss of light. Whilst the layout is for indicative purposes only the distances indicated between the properties is approximately 25 metres, whilst the topography of the land is noted it is considered that the privacy and amenity of neighbouring residential dwelling can be appropriately secured at the time of the reserved matters.

It is therefore considered that the layout as 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 visual impact and the proposed scale of the dwellings, it is considered that a satisfactory detailed design could come forward to reflect the overall character and appearance of the settlement and surrounding area.

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

Highways Safety and Movement

UDP policy GP4 indicates that planning permission will be dependent upon adequate provision for access including visibility, turning and parking. Access to the site would be gained off Parc Bronhyddon estate which then joins on to the A495 County Class I Highway.

The Highway Authority has been consulted and 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

The application site is currently poor semi-improved grassland which is considered to be of low ecological value. The Powys Ecologist has been consulted and has considered the site for great crested newts and considered it to offer unfavourable suitable opportunities for Great Crested Newt terrestrial habitat.

The Ecologist therefore has no objections to the proposed development and recommends a number of conditions to secure a detailed lighting design scheme and a landscaping scheme including hedgerow and tree retention scheme. It is noted that Landscaping is a reserved matter and therefore it is not for us to consider under this application. It is therefore not considered relevant to attach conditions relating to those matters to date but a lighting scheme will be conditioned as appropriate.

Subject to the inclusion of the appropriate condition, the proposed development is therefore considered to fundamentally comply with policies ENV7 of the Powys Unitary Development Plan (2010) and Technical Advice Note (TAN) 5 Nature Conservation and Planning (2009).

Archaeology

Policy ENV17 of the Powys UDP states that proposals for development that may unacceptably affect the site or setting of a scheduled ancient monument will not be permitted.

Following submission of the application Cadw commented stating that the application site is located approximately 260 metres west of the scheduled Llansantffraid Roman Supply Depot (SAM MG 216) which is believed to be a 1st – 2nd century military supply base for goods and materials which may have been transported up and down the River Vyrnwy.

Cadw have confirmed that the proposed development will be partly screened from view from the scheduled monument by topography, existing buildings and vegetation. It has been noted that the proposed development will not be located in any identified significant view and consequently, at worst, the proposed development was concluded to causing a very slight damage to the setting of the scheduled monument. CPAT have also confirmed that they have no objection to the proposed development.

As the proposed development would not be seen as having an unacceptable impact on the setting of the SAM it is therefore considered that the proposed development is in accordance with planning policy, particularly UDP policy ENV17.

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. Llansantffraid ym Mechain which falls under the Llansantffraid Community has not been identified as one of the settlements under policy GP5.

Able to speak Welsh

Age	2011 %	2001 %	2011 Number	2001 Number
3+:	19.8	21.4	271	253
3-15:	40	42.4	78	78
16-64:	14.5	15.4	120	110
65+:	21	22.9	73	65

Under the viability Study for providing Affordable Housing in Powys (August 2016), it has been identified for the 'North' area as providing 10% affordable provision on housing developments. In this instance one dwelling will therefore be conditioned to be retained as affordable in perpetuity. It is considered that the provision of affordable dwelling helps mitigate against the impact of a development on the Welsh language, the affordable house provision and the contribution the 5 open market dwellings make to the lack of a five year housing supply are given considerable weight.

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

It is also considered that there is an intrinsic link between the provision of affordable housing and the cultural and linguistic vitality of an area. Affordable dwellings allow existing residents to remain in the area and where the area has a strong Welsh Language presence this aids in retaining those residents and helps mitigate against the impact of a development on the Welsh language.

It is therefore considered that there would be have no material unacceptable effect upon the use of the Welsh language in Powys as a result of the proposed decision.

Public Right of Way

Three public footpaths are located directly adjoining or are located within the application site. The Public right of way officer has been consulted and notes concerns that the proposed development could potentially obstruct up to all three of the public rights of way as it is not apparent that the public footpaths concerns have been accommodated in the proposal.

An amended block plan has been submitted which highlights that the footpaths in question will remain unobstructed from built development. The plan has been submitted to Countryside Services but no response has been received to date. An update will therefore be provided to Members prior to the meeting.

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. The proposed development is for the provision of 6 dwellings in what is considered to be a sustainable location. It is considered that the material consideration of the lack of housing land supply within the county warrants the approval of this development contrary to the provisions of the development plan.

It is therefore recommended that the application is determined with the recommendation of conditional consent.

Conditions

1. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. Any entrance gates shall be set constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.
5. 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.
6. 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.
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. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.
8. Prior to the occupation of any dwelling, provision shall be made within the curtilage of the site for the parking of not less than one car per bedroom excluding any garage space provided together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.
9. The gradient from the back of the footway/verge to the vehicle parking areas shall be constructed so as not to exceed 1 in 15 and shall be retained at this gradient for as long as the dwellings remain in existence
10. The width of the access carriageway, constructed as Condition 7 above shall be not less than 5.5 metres along the access road and shall be maintained at this width 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. When installed there shall be a minimum clearance of 6 metres from the nearest part of the adjoining highway verge or footpath to any part of the soakaway installation.

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

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

16. 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.

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

18. Prior to the first installation of any external lighting a lighting design scheme to take into account any impacts on nocturnal wildlife into consideration shall be submitted for written Local Planning Authority approval and implemented as approved and maintained thereafter.

19. 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.

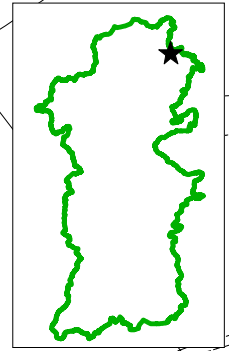
4. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.

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

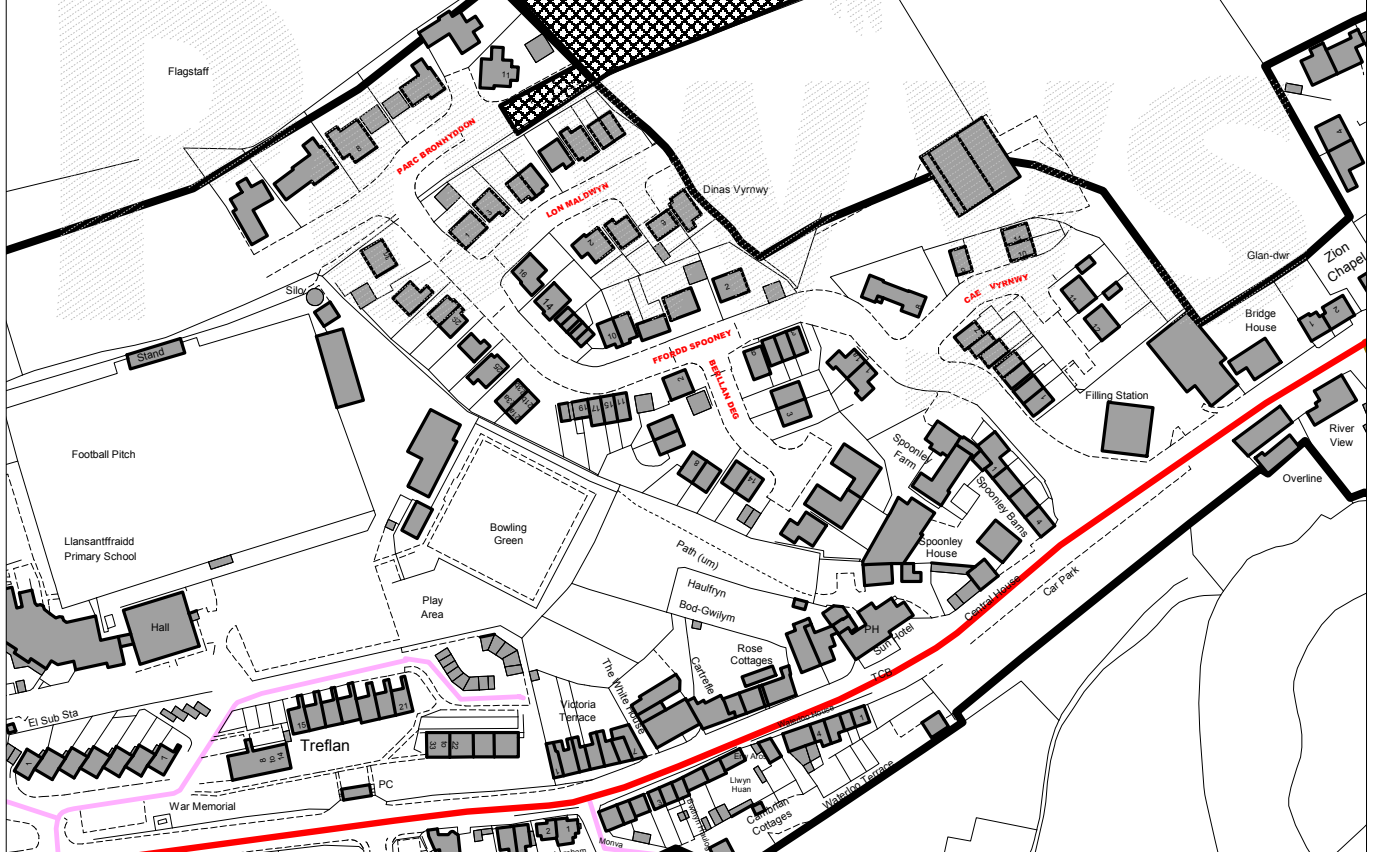
6. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.

7. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
8. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
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11. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
12. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
13. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
14. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
15. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
16. In the interest of the protection and preservation of biodiversity in accordance with policy ENV3 of the Powys Unitary Development Plan.
17. In order to control the affordable unit hereby permitted in accordance with policy HP10 of the Unitary Development Plan.
18. 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.
19. To safeguard the amenities of the locality in accordance with policy GP1 of the Powys Unitary Development Plan.

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Llansantffraid-ym-Mechain



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4.8

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2017/1082	Grid Ref:	321185.91 240277.97
Community Council:	Llanigon	Valid Date:	Officer: 27/09/2017 Thomas Goodman
Applicant:	Mr S Hodges, Llanthomas Lane, Waters Edge, Llanigon, Hereford, Powys, HR3 5PU		
Location:	Waters Edge, Llanthomas Lane, Llanigon, Hereford, Powys, HR3 5PU		
Proposal:	Reserved matters application in regards to P/2017/0211 for the erection of a dwelling		
Application Type:	Application for Approval of Reserved Matters		

The reason for Committee determination

Cllr Evans has called the application in based on the grounds of the proximity of neighbouring dwellings and that the proposed development would be overlooking upon neighbouring properties.

Site Location and Description

The proposed development is located within the settlement development boundary of Llanigon as defined by the Powys Unitary Development Plan (2010). To the north and west of the application site are agricultural fields. To the south is an existing dwelling known as Waters Edge and running to the east is the C0074 which provides the access to the site.

Consent has already been granted at Outline stage for the erection of a new detached dwelling in this location with matters relating to access, appearance, landscaping, layout and scale reserved for future consideration. This application is to consider whether the matters relating to access, appearance, landscaping, layout and scale are acceptable. The proposed development will measure approximately 17.3 metres in length by 10.3 metres in width. The height of the dwelling to ridge height is approximately 7.2 metres and to eaves is approximately 5 metres. The walls will be constructed using red brick and larch cladding under a tiled roof.

This application is for seeks to secure consent for details such as access, appearance, landscaping, layout and scale.

Consultee Response

Llanigon CC

No response received at the time of writing this report.

Powys Highways

Consultation response received 13/10/17:

The County Council as Highway Authority for the County Class III Highway, C0074

Wish the following recommendations/Observations be applied
Recommendations/Observations

This application fails to incorporate the required access improvements recommended by the Highway Authority during the outline application 2017/0211. Whilst the submitted Block Plan would suggest that access visibility from a 2.4m setback is available in a northerly direction, in reality, visibility is completely obstructed by the existing boundary hedgerows in both directions. I would therefore request that a new drawing be submitted, accurately detailing 25m of visibility to the north and south of the new access from a 2.4m setback. The drawing should also accurately detail a gate position, 5.5m from the edge of the existing county highway.

Whilst these requirements will inevitably require the relocation of the existing boundary hedge, the provision of suitable levels of access visibility is a fundamental requirement which was made clear by the Highway Authority during the outline process.

Consultation response received 02/11/17:

The access and visibility improvements submitted on drawing HLND011 are acceptable. Accordingly I recommend that the following conditions be attached to any consent granted.

- No development shall commence until provision is made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of 0.35 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.
- No other development shall commence until the access has been constructed so that there is a clear visibility splay from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 25 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.
- Upon formation of the visibility splays as detailed above the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.
- Before any other development is commenced the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 5.5 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

- Prior to the occupation of the dwelling, provision shall be made within the curtilage of the site for the parking of not less than 3 cars together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.
- Prior to the occupation of the dwelling the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 5.5 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.
- Any entrance gates erected shall be set back at least 5.5 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.
- No storm water drainage from the site shall be allowed to discharge onto the county highway.

Powys Building Control

Just to advise that a building regulation application will need to be submitted for this scheme.

Wales and West Utilities

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

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

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

Having had an opportunity to review the application submission package, we advise that the proposed development site is crossed by a public sewer with the approximate position being marked on the attached Statutory Public Sewer Record. This was also stated in our previous consultation response for the original planning application P/2017/021. Dwr Cymru Welsh Water requires access to its apparatus at all times in order to carry out maintenance and repairs; however, having regard to drawing reference: HLND00 (proposed block plan), we note the position of the dwelling has been moved within the site compared to the proposed block plan (drawing reference: HL002) submitted with the original planning application. Therefore it now appears the proposed development would be situated within the protection zone of the public sewer measured 3 metres either side of the centreline. It is possible to divert the sewer if the developer applies under Section 185 of the Water Industry Act and we request that they contact us to discuss our concerns and consider possible solutions.

Alternatively we recommend the proposed development is repositioned to accommodate for the required protection zone.

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

NRW

We have no additional comments to make with regards to this application. Please refer to the comments we made at outline stage (letter dated 7/3/17 CAS-30019-C5R0) as these are still relevant.

NRW consultation dated 07/03/2017 in relation to the Outline application P/2017/0211 for eas of reference:

“Thank you for consulting Natural Resources Wales (letter dated 23/02/2017) regarding the above.

NRW does not object to the proposal. In our opinion, as explained below, the proposal is not likely to adversely affect any of the interests listed.

Foul Drainage

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

The applicant will need to apply for a Permit or Exemption, if they wish to discharge anything apart from uncontaminated surface water to a watercourse/ditch. They may also need to apply for a Permit from our National Permitting Team to allow certain discharges into ground. They must obtain any necessary Permit prior to works starting on site. The Welsh Government has also advised that all septic tanks and small sewage treatment plant discharges in Wales will need to be registered. More information, including a step by step guide to registering, is available on our website www.naturalresourceswales.gov.uk / www.cyfoethnaturiolcymru.gov.uk

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-anddevelopment/?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.

Ward Cllr

The reason why I would like it to be brought before committee is that a member of my community who lives close to the proposed development would be overlooked by the development and it would breach her privacy.

Representations

Following the display of a site notice, 1 letter of objection has been received which raises the following:

- Having an overbearing impact upon neighbouring dwellings
- Inappropriate design
- Impact upon visual setting of Llanigon
- Dangerous junction
- Highway network
- Flooding

Planning History

P/2017/0211 - Outline - Application for a new detached dwelling and new access. Conditional Consent – 20/04/17

B/01/0229

Principal Planning Constraints

C2 Flood Zone
Historic Landscapes Register Outstanding

Principal Planning Policies

National planning policy

Planning Policy Wales (Edition 9, November 2016)

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

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

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

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

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

Local planning policies

Powys Unitary Development Plan (2010)

SP5 – Housing Developments

SP14 - Development In Flood Risk Areas
GP1 – Development Control
GP3 – Design and Energy Conservation
GP4 – Highway and Parking Requirements
ENV2 – Safeguarding the Landscape
ENV3 – Safeguarding Biodiversity and Natural Habitats
ENV7 – Protected Species
HP4 - Settlement Development Boundaries and Capacities
HP5 – Residential Developments
DC10 – Mains Sewerage Treatment

Residential Design Guide (October 2004)

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

Officer Appraisal

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 principle of development in this location has already been considered and approved under the outline planning application P/2017/0211 that was granted planning permission for a new detached dwelling and new access on the 20/04/17. The main consideration in relation to a dwelling in this location under policy HP5 was whether the proposal is within a settlement development boundary and whether the proposal can be sensitively located and being capable of being integrated into the settlement without unacceptably affecting the amenity and character of the existing settlement. It was considered that the proposed development has been suitably sited within the settlement development boundary of Llanigon as defined by the Powys Unitary Development Plan (2010) and is seen as part of the residential setting of Llanigon.

It is therefore considered that the principle of development complies with policy HP5 of the Powys UDP (2010). This application seeks to secure consent for details such as access, appearance, landscaping, layout and scale.

Design

With respect to design, appearance and location specific reference is made to UDP policies GP1 and HP5. 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.

Residential dwellings in Llanigon are constructed mainly from stone and brick under tiled roofs. The walls will be constructed using red brick and larch cladding under a tiled roof. The materials proposed are seen to complement that of the existing area and provide a rural context to the development.

When considering the scale of the proposed development careful consideration must be given to the developments surroundings. The approximate height of the proposed development is 7.2 metres. The proposed development is located to the north of a detached property and a semi detached property that are two storeys in height. The surrounding residential dwellings located within Llanigon and the surrounding area, do have a ridge height in keeping with the ridge height of the proposed development. The proposed development will measure approximately 17.3 metres in length by 10.3 metres in width. The height of the dwelling to ridge height is approximately 7.2 metres and to eaves is approximately 5 metres. The scale of the proposed development is considered to be in-keeping with the character and appearance of the surrounding area and is not considered to dominate the landscape.

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

Highway Safety

Policy GP4 of the Powys UDP requires 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 initially stated that the application failed to incorporate the required access improvements that were recommended during the outline application. The Highway Officer therefore requested additional information which accurately detailed the visibility splays to the north and the south of the new access.

Following the submission of an amended access drawing, the Highway Officer was re-consulted. The Highway Officer stated that the access and visibility improvements submitted on drawing HLND011 were acceptable and should planning permission be granted appropriately worded conditions should be attached. The conditions will ensure that an access and visibility splays are created to an appropriate standard.

In light of the above and the recommended conditions put forward by the Highway Officer it is considered that the proposed development fundamentally complies with policy GP4 of the Powys UDP.

Amenities enjoyed by occupiers of neighbouring properties

In considering the amenities enjoyed by occupiers of neighbouring properties consideration has been given to the Powys Residential Design Guide (October 2004).

Consideration must be given to the amenities enjoyed by the occupiers of neighbouring dwellings. To the north and west of the application site are agricultural fields, to the east runs the C0074, to the south and south east are residential properties. The residential property to the south east is located approximately 25 metres away, the height of the proposed dwelling is 7.2 metres in height. This would allow for a approximate 6.2 metre clearance when

considering the 25 degree rule, it is therefore considered that the proposed development would not have an unacceptable overbearing or overlooking impact upon the dwelling at 1 Ashtree Grove. Furthermore it is noted that the C0074 and two hedgerows separate the proposed development from the property known as Ashtree Grove. To the south of the application site is the dwelling known as Waters Edge located approximately 17 metres away. It is noted that the applicants are the owners of the property known as Waters Edge. However, consideration is still given to assess the impact of the proposed development. When using the 25 degree rule in this instance there remains a clearance of approximately 2.5 metres. Given the proposed landscaping and the 25 degree rule it is considered that the proposed development would not have an unacceptable overbearing or overlooking impact upon the existing dwelling known as Waters Edge.

In light of the above it is considered that the proposed development would not have an impact upon the amenities enjoyed by occupiers of neighbouring properties.

Biodiversity

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

Biodiversity and protected species were considered under the outline planning application (P/2017/0211) and appropriately worded conditions as recommended by the ecologist were attached to that granting of consent. The conditions related to a tree and hedgerow protection plan to be submitted prior to the commencement of development as well as a species list for the landscape planting also prior to commencement. Informatives were attached to the P/2017/0211 consent in relation to birds and bats, in order to ensure that they are well received shall be attached should this application be granted consent.

Foul Drainage

The method of foul drainage was established under the outline planning application (P/2017/0211). The method of foul drainage will be a connection to the mains sewer.

Flooding

Policy SP14 of the Powys UDP refers to development in flood risk areas. Policy SP14 states that highly vulnerable development and emergency services will not be permitted in C2 flood zones.

Concerns have been raised about flooding within the area of Llanigon. Having reviewed the Development Advice Maps (DAM's) and consulted NRW it is considered that the proposed development site is located outside of the C2 flood zone and therefore fundamentally complies with policy SP14 of the Powys UDP and TAN 15.

Other Legislative Considerations

Crime and Disorder Act 1998

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

Equality Act 2010

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

Having due regard to advancing equality involves:

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

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

Planning (Wales) Act 2015 (Welsh language)

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

Wellbeing of Future Generations (Wales) Act 2015

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

Recommendation

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

Conditions

1. The development hereby granted approval of reserved matters shall be begun before the expiration of two years from the date of this approval, or before the expiration of five years from the date of the outline planning permission whichever is the longer.
2. The development shall be carried out strictly in accordance with the plans stamped as approved on XX/XX/XX (drawing no's: HLND 004, HLND003, HLND005, HLND 002, HLND, HLND010 & HLND011).
3. No other development shall commence until provision is made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of 0.35 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.
4. No other development shall commence until the access has been constructed so that there is a clear visibility splay from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 25 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.
5. Upon formation of the visibility splays as detailed above the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.
6. Before any other development is commenced the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 5.5 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.
7. Prior to the occupation of the dwelling, provision shall be made within the curtilage of the site for the parking of not less than 3 cars together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.
8. Prior to the occupation of the dwelling the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 5.5 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.
9. Any entrance gates erected shall be set back at least 5.5 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.

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

Reasons

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

Informative Notes

Birds - Wildlife and Countryside Act 1981 (as amended)

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

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

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

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

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

It is an offence for any person to:

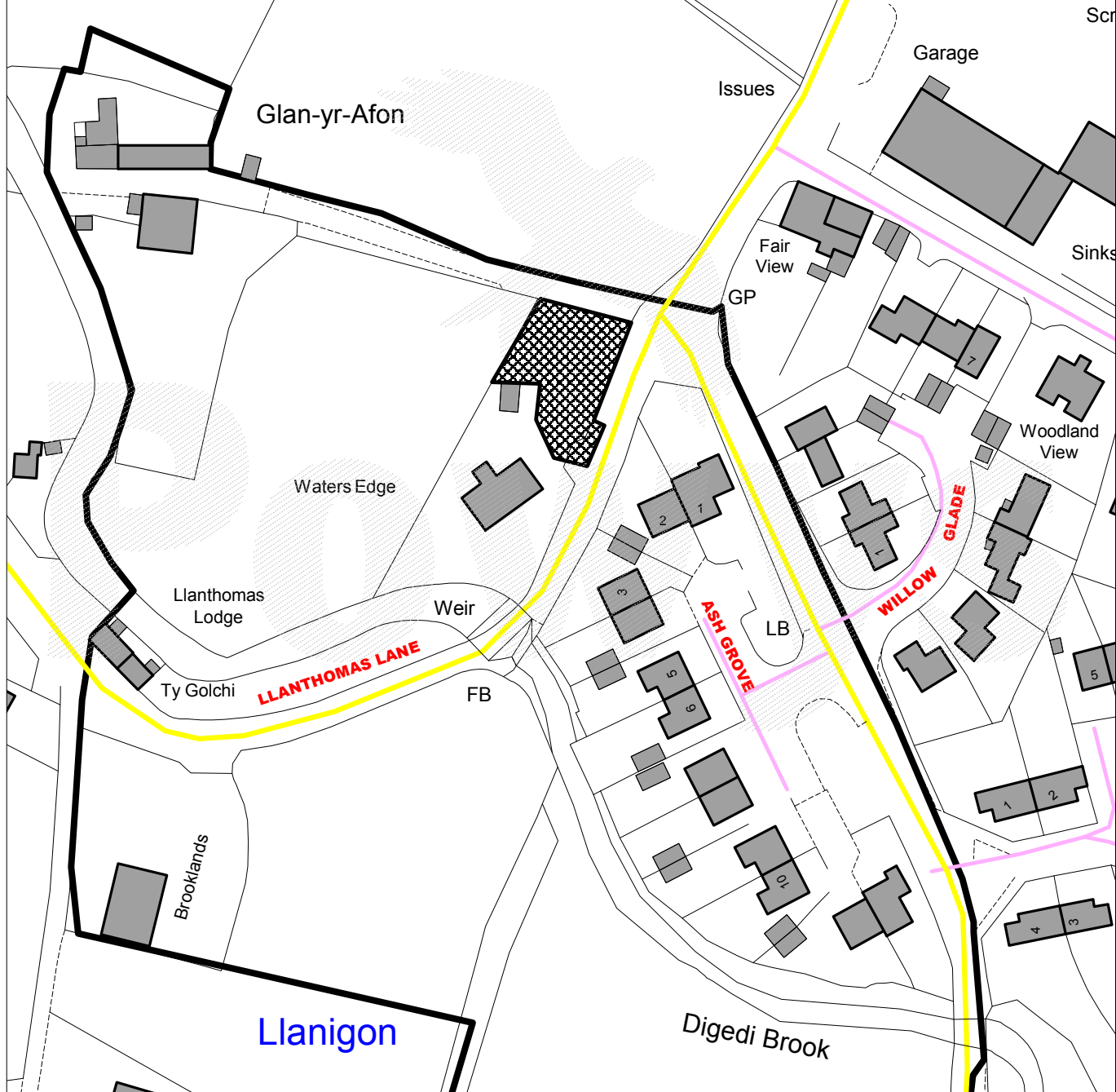
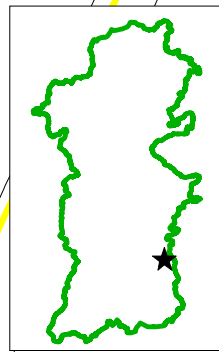
- Intentionally kill, injure or take any bats.
- Intentionally or recklessly damage, destroy or obstruct access to any place that a bat uses for shelter or protection. This is taken to mean all bat roosts whether bats are present or not.

Under the Habitats Regulations it is an offence to:

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

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended) that works to trees or buildings where that work involves the disturbance of a bat is an offence if a licence has not been obtained from Natural Resources Wales. If a bat is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. You can also call the National Bat helpline on 0345 1300 228 or email

Case Officer: Thomas Goodman- Planning Officer
Tel: 01597 827655 E-mail:thomas.goodman@powys.gov.uk



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4.9

Planning, Taxi Licensing and Rights of Way Committee Report

Application No: P/2017/1125

Grid Ref: 316431.5
295155.7

Community Council: Abermule

Valid Date: 02/10/2017
Officer: Rachel Mulholland

Applicant: Mr A Evans, 57 Dol Hir, Abermule, Powys, SY18 6JS.

Location: Land adjacent to Cae Bryn Derwen, Brynderwen, Abermule, SY15 6JX.

Proposal: Full: Erection of new dwelling and detached garage, creation of parking area and all associated works.

Application Type: Application for Full Planning Permission.

The reason for Committee determination

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

Site Location and Description

The application site lies 76 metres to the northeast of the settlement development boundary of Abermule with residential development between the settlement boundary and the application site. The site is to be accessed via an existing access lane from the B4386 county highway to the southeast. The site has neighbouring residential dwellings to the north, west, northwest and southwest.

This application represents a departure from the current Unitary Development Plan and seeks full consent for the erection of one dwelling, a detached garage, creation of a parking area and all associated works. The dwelling is proposed to be single storey in construction finished with brickwork and render to the external walls with slate roofing and uPVC window and door units. The dwelling is located in the centre of the site with the access and driveway to the east and the garage to the south.

The dwelling measures, at its widest points, 15.5 metres in width by 13 metres in length with a height of approximately 5.8 metres.

The proposal also includes the construction of a detached double garage to the south of the dwelling to measure approximately 7 metres by 7 metres with a height of approximately 4.7 metres. The garage is to be finished with brickwork to the walls and a slate roof.

Consultee Response

Abermule and Llandyssil Community Council

Correspondence received 8th October 2017

The Council supported the application to the application however it should be noted that mains water is in the vicinity of the development.

PCC Highways

Correspondence received 24th October 2017

The County Council as Highway Authority for the County Class II Highway, B4386
Wishes the following recommendations/Observations to be applied

Recommendations/Observations

Prior to the occupation of the dwelling, provision shall be made within the curtilage of the site for the parking of not less than 1 car per bedroom, up to a maximum of 3, excluding any garage space provided. The parking areas shall be retained for their designated use in perpetuity.

Wales and West Utilities

Correspondence received 10th October 2017

Wales & West Utilities have been made aware of a planning application on 09.10.2017, advising us of the proposals for:

Land adj, Brynderwen, Abermule, Montgomery, Powys, SY15 6JX

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

Severn Trent Water

Correspondence received 6th October 2017

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

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

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

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

There is a pumping station close to the site and any new development must not restrict our access to the Sewage Pumping Station (SPS). We will require free access to the SPS at all times in order to complete any programmed routine maintenance tasks and also for any emergency reactive visits in case of failure. Please note that due to the close proximity of the proposed new development the occupant may experience noise and/or smell pollution. In order to minimise disruption to any future occupant(s), we would advise that all habitable buildings are constructed a minimum of 15 metres from the curtilage of the SPS compound.

PCC – Environmental Health

Correspondence received 6th October

Foul drainage

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

PCC Ecologist

Correspondence received 14th November 2017

Thank you for consulting me with regards to planning application P/2017/1125 which concerns the full planning application for erection of new dwelling and detached garage, creation of parking area and all associated works on Land adjacent to Cae Bryn Derwen, Brynderwen, Abermule.

I have reviewed the proposed plans as well as local records of protected and priority species and designated sites within 500m of the proposed development. The data search identified 122 records of protected and priority species within 500m of the proposed development - no records were for the site itself.

There are two statutory designated sites within 500m of the proposed development:

- Montgomery Canal –SAC
- Montgomery Canal – SSSI

In considering the location and nature of the proposed development in relation to the Montgomery Canal SAC it is considered that there is no likelihood of direct or indirect impacts between the site of the proposed development and the Montgomery Canal SAC. This assessment has taken into account the fact that there are residential properties and private road between the proposed development and SAC. Given the lack of connection between the proposed development and the nature of the development it is considered that there is no potential for a Likely Significant Effect to the SAC or its associated features and that a HRA would not be required.

There is a non-statutory designated site within 500m of the proposed development;

- Local Wildlife Trust Reserve – Dolforwyn Woods – Abermule

Having reviewed the location and nature of the proposed development in relation to the Local Wildlife Trust Reserve (LWTR) it is considered that the proposed development would not result in a negative impact to the LWTR or its associated features.

The site of the proposed development appears to be an area of poor semi-improved grassland which is considered a habitat of low ecological value.

Tree Protection Plan

However, a notes that there are a number of trees to the southern boundary of the proposed developments.

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.

Given the proximity of development and development works to the trees on the southern boundary it is considered prudent to require information from the applicant as to how these features biodiversity importance for wildlife will be protected during the construction period of works.

Reviewing the submitted plans it appears that no sections of the hedgerow will be removed to accommodate the proposed developments and form new access.

Wildlife Sensitive Lighting Plan

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.

Landscape Planting Scheme

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. It is therefore recommended that a landscape planting 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 Tree 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.

Clwyd-Powys Archaeological Trust

Correspondence received 10th October 2017

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 high archaeological potential. The proposed development site lies immediately east of a former development subject to a watching brief and very limited excavation back in 2010 (see copy of report attached) The excavation proved the presence of a large sub-circular prehistoric enclosure of Bronze Age or earlier date with a possible entrance on the west side. Only the western side of this enclosure was located and it is believed that the interior and outer defences extend west into the development area of the current application. The archaeology is deeply buried but would be affected by the foundations and service trenches of the new house.

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 (Edition 9, Nov 2016), TAN 24: the Historic Environment (May 2017) and Powys UDP Policies ENV 17 and 18 suggest that planning authorities should require applicants to supply a suitable archaeological assessment in support of an application where a potential impact to archaeological remains is identified.

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

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

I have attached advisory information on archaeological contractors that the developer may wish to consider engaging to complete evaluation work as well as information on the evaluation process and a generic evaluation brief.

Correspondence received 22nd November 2017

I can confirm that the report was received and approved yesterday. No significant archaeological remains were found in the trenches and we have no requirements for additional archaeological intervention following the evaluation.

Cadw

Correspondence received 26th October 2017

Thank you for your letter of 4 October 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 on the scheduled monument MG054 Bryn-Derwen Mound and Bailey Castle. 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.

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 45m west of scheduled monument MG054 Bryn-Derwen Mound and Bailey Castle. The monument consists of the remains of a medieval

castle, which was probably located in order to control the route along the Severn Valley and the crossing of the river on the line of the present bridge. As such the significant views from the castle when it was constructed would have been to the north and south.

The current application is for the construction of a bungalow and garage and these will be partly screened in from views from the scheduled monument by an existing bungalow and the vegetation in its' garden. The proposed bungalow will not be located in one of the identified significant views from the castle and will not add a new building form to the surrounding area. However, it will be located in close proximity to the scheduled monument and will increase the level of modern development in its' immediate vicinity. Consequently it is our opinion that the proposed development will cause very slight damage to the setting of scheduled monument MG054.

Representations

Following display of a site notice on 11/10/2017 and publicity in the local press on 13/10/2017 four letters of objection have been received which can be summarised as follows:

- The development is outside of the settlement boundary for Abermule
- Concerns over the justification for the application on the grounds of housing need
- Impact on the amenities of nearby properties
- Drainage concerns
- Highway safety concerns
- Unfairness of the planning system

Principal Planning Policies

National Policies

Planning Policy Wales (9th Edition, 2016)

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

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

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

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

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

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

Technical Advice Note (TAN) 24 - The Historic Environment (2017)

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

Welsh Office Circular 13/97 - Planning Obligations

Local Policies

Powys Unitary Development Plan 2010

SP5 – Housing Developments

SP6 – Development and Transport

GP1 – Development Control
GP2 – Planning Obligations
GP3 – Design and Energy Conservation
GP4 – Highway and Parking Requirements
ENV2 – Safeguarding the Landscape
ENV3 – Safeguarding Biodiversity and Natural Habitats
ENV7 – Protected Species
ENV17 – Ancient Monuments and Archaeological Sites
ENV18 – Development Proposals Affecting Archaeological Sites
HP3 – Housing Land Availability
HP4 – Settlement Development Boundaries and Capacities
HP5 – Residential Development
DC3 – External Lighting
DC8 – Public Water Supply
DC12 – Mains Sewage Treatment
DC13 – Surface Water Drainage
TR2 – Tourist Attractions and Development Areas

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

Officer Appraisal

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

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

Principle of Development

The application site lies partly outside of the settlement development boundary identified in the Powys Unitary Development Plan (2010). Outside of settlement boundaries, UDP Policy HP4 applies and states that '*outside settlement boundaries, proposals for new residential development will only be approved where they comply with UDP Policies HP6, HP8 or HP9*'. Policy HP6 relates to rural enterprise dwellings, policy HP8 relates to affordable dwellings adjoining a settlement boundary and Policy HP9 relates to affordable dwellings within rural settlements. It is considered that the proposed development does not comply with UDP Policy HP6, HP8 or HP9. The proposed development is therefore not in accordance with the UDP and should be considered a departure.

Housing Land Supply

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

Paragraph 9.2.3 of Planning Policy Wales states that '*Local planning authorities must ensure that sufficient land is genuinely available or will become available to provide a 5 year supply*

of land for housing judged against the general objectives and the scale and location of development provided for in the development plan.'

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

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

Whilst TAN 1 confirms that the need to increase housing land supply should be given considerable weight, it is emphasised that this is only where the development would otherwise comply with development plan and national planning policies. Therefore, all material planning considerations are required to be taken into account as are all relevant national and local planning policies and balanced with the undersupply of housing land currently available in Powys.

Sustainability

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

The development site is located approximately 76 metres to the northeast of the settlement boundary of Abermule with residential development between the settlement boundary and the application site. Abermule is identified in the UDP as a key settlement and is served by a range of community services and facilities including a primary school, village shop, community centre and two public houses. It is also accessible by public transport with regular bus services to Llanidloes, Montgomery, Newtown, Rhayader, Shrewsbury and Welshpool. The application site is located approximately 4 miles from Newtown and 9 miles from Welshpool.

Concerns have been raised by local objectors over the sustainability of the area. Abermule is identified as a key settlement in the Powys UDP which states that the settlement has the capacity to accommodate additional development. The UDP states that on allocated sites it is estimated that 129 dwellings would be an appropriate level of growth within the plan period but that further opportunities for infill development may exist.

In light of the range of services located within walking distance of the development site, officers consider that there is an argument to support the principle of residential development at this location given its siting less than 80 metres from the existing settlement boundary. Therefore, the proposed site is considered to be a sustainable location for residential development of one dwelling.

Scale, Design and Appearance

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

The proposed dwelling is to be a 3 bedroom open market bungalow to be finished with brickwork and render to the external walls with slate roofing and uPVC window and door units. The dwelling measures, at its widest points, 15.5 metres in width by 13 metres in length with a height of approximately 5.8 metres.

The proposal also includes the construction of a detached double garage to the south of the dwelling to measure approximately 7 metres by 7 metres with a height of approximately 4.7 metres. The garage is to be finished with brickwork to the walls and a slate roof.

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

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. In considering the amenities enjoyed by the occupiers of neighbouring properties consideration has also been given to the Powys Residential Design Guide (October 2004).

The proposed dwelling is not considered to offer any additional impact upon loss of daylight or privacy to neighbouring dwellings due to the nature of the development, being single storey in construction, the distance between and the provision of boundary screening. The dwelling is located approximately 16 metres from the neighbouring dwelling to the southwest and 24 metres from the neighbouring dwelling to the northwest. Due to the distances and positioning of the dwellings it is considered that the proposed development will not affect the amenities of the neighbouring properties.

Concerns have been raised by local objectors over the impact of the development on nearby properties including through loss of daylight and loss of privacy. Guidance contained in the Powys Residential Design Guide has been used to assess this proposal and any potential impacts. This guidance, in relation to daylight and sunlight, states:

'In order to avoid unnecessary overshadowing, the height of new development should generally be set below a line of 25 degrees taken from the nearest habitable room of adjoining existing property at a height of 2m.'

With a distance of 16 metres between the proposed dwelling and the nearest neighbouring property, using the 25 degree rule, the maximum height of the proposed dwelling at this distance is 9.46 metres without causing an unacceptable impact in this respect. The

proposed dwelling has a height of 5.8 metres and, as such, it is considered that the dwelling will not result in an unacceptable impact on the neighbouring properties.

The Residential Design Guide states in relation to privacy:

'The acceptable distance between front elevations should normally be determined by the character of road widths in the area.'

Unless it can be demonstrated that privacy can be maintained through design, there should normally be a minimum separation of 20m between directly facing habitable room windows on rear elevations.

The minimum direct distance between habitable rooms on the main rear elevation (not subsidiary extensions) and the rear boundary, or flank wall of adjoining development, should normally be 10m or more.'

The site plan demonstrates that there is a distance of 16 metres between the proposed side (flank) elevation of the proposed dwelling and the rear elevation of the existing dwelling to the southwest. As per the guidance above, in this situation the minimum distance between these properties should be 10 metres. It is considered, therefore, that the proposed development fundamentally complies with relevant planning policy in this regard.

The development is, therefore, considered to be appropriate and complies with policies GP1 and GP3 of the Powys Unitary Development Plan 2010.

Landscape and Visual Impact

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

This proposed site is considered to be well connected to the settlement of Abermule being adjacent to existing dwellings and less than 80 metres from the settlement development boundary. It is considered that the proposed site is well integrated with the existing village and would not have an unacceptable significant adverse visual impact upon the character or appearance of the surrounding area.

In terms of landscaping the submission proposes additional planting at the plot boundary and within the site. Whilst the site would be visible from public vantage points including the public highway and the proposal would result in a visual change in comparison to the current open space, taking into account the location between existing dwellings and structures within the area, that landscaping measures would reduce the visual impact and that the proposed scale of one single storey dwelling, it is considered that the design reflects the overall character and appearance of the settlement and surrounding area.

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

Highways Safety and Movement

UDP policy GP4 indicates that planning permission will be dependent upon adequate provision for access including visibility, turning and parking. Access to the site would be gained off the B4386 via an existing access with a newly created entrance, parking and turning area within the site.

Concerns have been raised by local objectors regarding highway safety. The Highway Authority have been consulted on this application and have raised no objections to the development subject to the suggested condition listed above regarding parking provision.

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

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).

With respect to biodiversity, specific reference is made to UDP policies ENV3, ENV4 and ENV5 which seek to maintain biodiversity and safeguard protected important sites; given the proximity of the site to the Montgomery Canal SSSI and SAC the Powys Ecologist has been consulted with regard to this application.

The Ecologist reviewed the proposed plans as well as local records of protected and priority species and designated sites within 500m of the proposed development. From the data search they identified 122 records of protected and priority species within 500m of the proposed development, although no records were for the site itself.

It is noted that the proposed development is within 500m of the Montgomery Canal SSSI and SAC. After consideration of the proposals the Ecologist deemed it unlikely that the proposed development would have any negative impact on the above sites or their associated features.

No objection has been raised to the scheme subject to the inclusion of conditions securing the submission of a Tree Protection Plan, a detailed lighting design scheme and a detailed landscaping scheme.

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

Environmental Health

With regard to foul drainage it is proposed for the development site to connect to the public foul sewerage system. Given the location of the site it is considered that this is feasible. The Council's Environmental Health Officer has been consulted on this application and has no

objections to this. Severn Trent Water has also been consulted and has confirmed that they have no objections to the application subject to the inclusion of a condition requiring detailed drainage plans for the disposal of foul and surface water flows.

Concerns have been raised by local objectors regarding the proposed drainage for the site and the capacity of the area pumping station; however, neither the Environmental Health Officer nor Severn Trent Water has raised any concerns or objections over these issues.

In light of the above, and subject to the suggested condition relating to the provision of drainage plans, it is considered that the proposed development fundamentally complies with the relevant planning policy in this regard.

Welsh Language

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. Technical Advice Note 20: Planning and the Welsh Language provides further advice on how the planning system considers the implications of the Welsh Language. Within the Powys UDP policy GP5 identifies settlements where the Welsh Language is important to the social, cultural and community fabric of the area. Whilst Abermule has not been identified as one of these areas it is considered that the Welsh Language is a material consideration across the County.

In the 2011 census the Dolforwyn Ward reported that 13.9% of the population spoke Welsh. This is a slight decrease from the 2001 census which stated that 14.2% of the population of Dolforwyn spoke Welsh. The development of one dwelling in this location is considered not to have a detrimental impact on the cultural or linguistic vitality of the area.

Ancient Monuments and Archaeological Sites

In considering the impact of the proposed development on nearby ancient monuments and/or archaeological sites reference is made to UDP policies ENV 17 and ENV 18 which state that development will not be permitted which would unacceptably affect the site or setting of a scheduled ancient monument or a site of archaeological importance. The application site is approximately 45 metres to the east of Bryn-Derwen Mound and Bailey Castle. As such, the Clwyd Powys Archaeological Trust (CPAT) and Cadw have been consulted.

Cadw have addressed the impact of the proposed development on the setting of the nearby scheduled monument. Cadw considers that the dwelling will not be located in one of the identified significant views from the castle, it will not add a new building form to the surrounding area and it will be partly screened in from views from the scheduled monument by an existing bungalow and vegetation. Cadw do consider that the dwelling will be located in close proximity to the scheduled monument, will increase the level of modern development in its' immediate vicinity and will cause very slight damage to the setting of the monument; however, they have stated that having considered the application they have no objections to the impact of the proposed development.

CPAT considered that due to the location of the application site in an area of high archaeological potential and the possibility of the development disturbing archaeological remains linked with a known prehistoric enclosure in the area an archaeological survey

should be undertaken prior to the determination of the application. An archaeological field evaluation was carried out at the site and the associated report was submitted to accompany the application and reviewed by CPAT. Following review of this report CPAT have stated that no significant archaeological remains were found and they have no requirements for additional archaeological intervention following this evaluation.

In light of the above it is considered that the proposed development complies with the relevant planning policy in this regard.

Public Representations

Letters of objection have been received which raised a number of concerns over the development including the matters of highways, drainage and amenity which have been addressed in the relevant sections above.

Concerns have been raised regarding the justification for the application on the grounds of housing need and the unfairness of the planning system due to previous applicants in the area being responsible for undertaking highway improvements at their own cost which this development would benefit from. The comments in relation to the cost of previous works are acknowledged; however, it is noted that this is not a planning consideration and, as such, cannot be taken into consideration on this application.

With regard to the concerns over sustainability and location of the site it is stated within the Powys UDP that Abermule has the capacity to accommodate additional development. It is also noted that the housing land supply is for Powys as a whole rather than individual settlements. It is also considered, after assessment of the proposals, that the application site is capable of accommodating the proposed dwelling.

Other Legislative Considerations

Crime and Disorder Act 1998

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

Equality Act 2010

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

Having due regard to advancing equality involves:

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

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

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

Wellbeing of Future Generations (Wales) Act 2015

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

Recommendation

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

Conditions

1. 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: S085 1.3.03 Rev C, S085.1.3.05 Rev C and S085.1.3.06 Rev A)
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 1 car per bedroom, up to a maximum of 3, excluding any garage space provided. The parking areas shall be retained for their designated use in perpetuity.
4. Prior to the commencement of development detailed drainage plans for the disposal of foul and surface water flows shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as agreed and maintained thereafter.
5. Prior to commencement of development a Tree Protection Plan in accordance with BS:5837:2012 shall be submitted to and agreed in writing by the Local Planning Authority and implemented as approved and maintained thereafter.
6. Prior to the first installation of any external lighting a detailed lighting design scheme to take into account any impacts on nocturnal wildlife shall be submitted to and agreed in

writing by the Local Planning Authority and shall be implemented as approved and maintained thereafter.

7. 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 and implementation scheme. Drawings must include accurate details of any existing trees and hedgerows to be retained with their location, species, size and condition.

Reasons

1. Required to be imposed by section 91 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. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
4. To ensure that the proposed drainage systems for the site follow best practice sustainable drainage designs and are fully compliant with regulations and are of robust design.
5. 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.
6. 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.
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 Part 1 Section 6 of the Environment (Wales) Act 2016.

Informative Notes

A Building regulations application will be required for this development, please contact Building Regulations on 01874 612290.

Birds - Wildlife and Countryside Act 1981 (as amended)

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

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

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

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

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

It is an offence for any person to:

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

Under the Habitats Regulations it is an offence to:

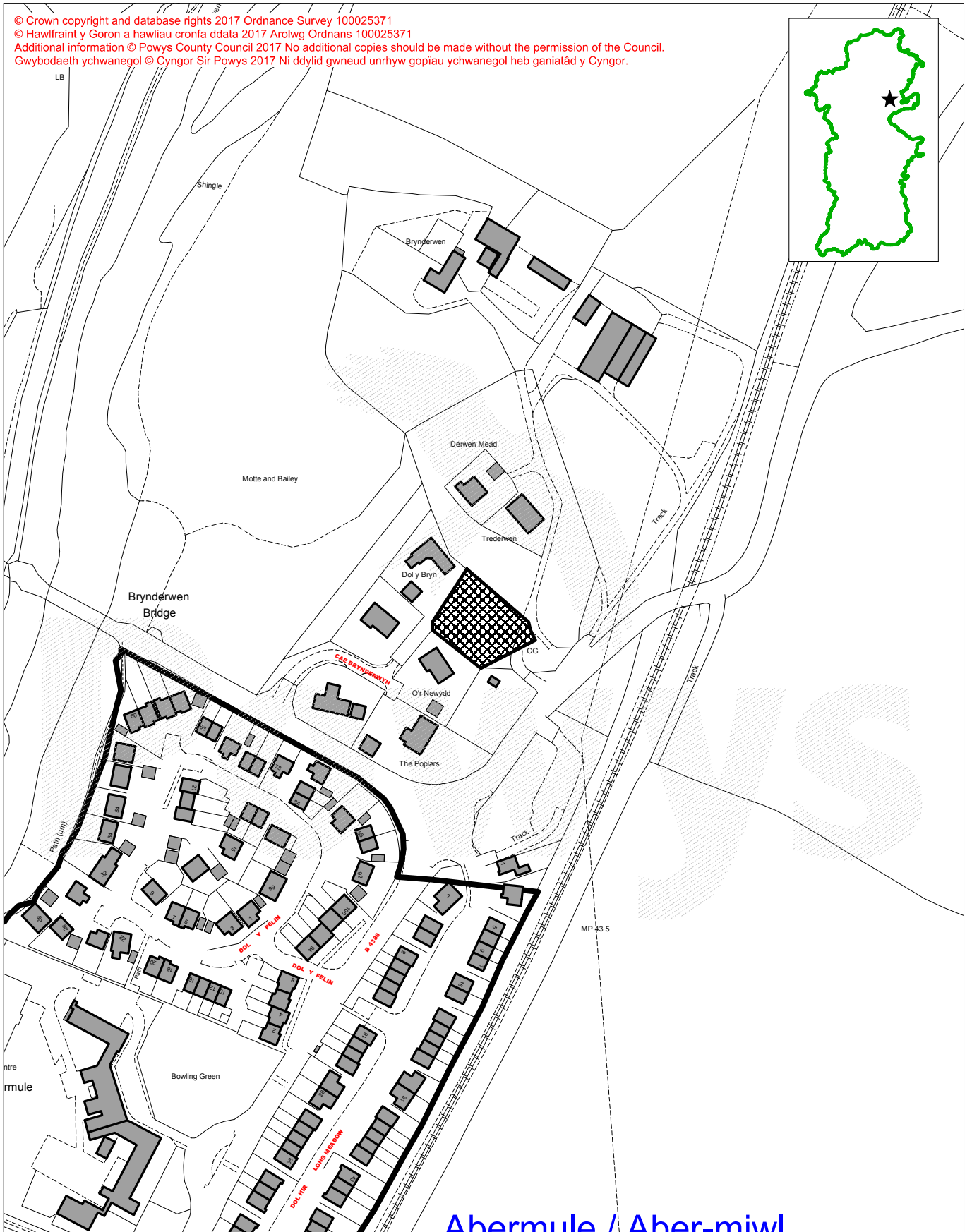
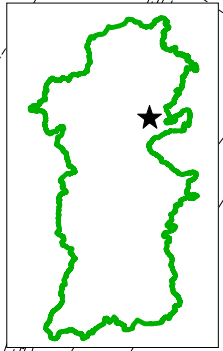
- Damage or destroy a breeding site or resting place of any bat. This is an absolute offence - in other words, intent or recklessness does not have to be proved.

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

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: Rachel Mulholland- Planning Officer
Tel: 01597 827517 E-mail: rachel.mulholland@powys.gov.uk

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4.10

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2017/0731	Grid Ref:	334217.1 314726.9
Community Council:	Bausley & Criggion	Valid Date:	Officer: 27/06/2017 Rachel Mulholland
Applicant:	P Rowley & S Withinshaw, Upper House, Longnor, Shrewsbury, SY5 7PP.		
Location:	Land to east of the Old Hand & Diamond Inn, Coedway, SY5 9AR.		
Proposal:	Outline: Erection of a dwelling, construction of vehicular access and installation of sewage treatment plant (some matters reserved).		
Application Type:	Application for Outline Planning Permission.		

The reason for Committee determination

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

Site Location and Description

The application site lies 24 metres to the east of the settlement development boundary of Coedway as defined by the Powys Unitary Development Plan (2010). The site is to be accessed via a new access from the B4393 county highway to the north of the site. The site has neighbouring residential dwelling to the east with access road between, a Public House to the west and agricultural fields to the south.

This application represents a departure from the current Unitary Development Plan and seeks outline consent for the erection of one dwelling including the construction of a vehicular access and installation of a sewage treatment plant. This outline application is made with all matters except access reserved. An indicative layout of the site and scale of the proposed dwelling is given.

It is noted that the application was initially for two dwellings on this site; however, after discussions with the applicant this has been reduced to one dwelling.

Consultee Response

Bausley and Criggion Community Council

Correspondence received 2st July 2017

The Council have reviewed this application and object.

Whilst we appreciate that Powys overall has a housing supply requirement, we have a general concern in respect of the amount of new housing currently with applications in our community as, in total they would be in excess of any needs that the community has, particularly when including the site already identified in the LDP area. There is already an over capacity of houses of the proposed size in the whole area.

Highways – the extra junction between a lane, and the entrance to a busy pub, plus on a bend would be too close to both and cause confusion as to which entrance traffic is turning in. Of particular concern would be vehicle and proposed agricultural vehicles turning into the proposed entrance from the Welsh end as they will not have sufficient visibility to oncoming traffic, nor will traffic coming from the English direct see them, unlike the entrance that's currently and has been for some while used via the Hand and Diamond car park Highways should be aware of the more recent community traffic monitoring that has taken place over the last few months on the approach to the proposed site and entrance, which demonstrated that traffic is consistently exceeding the 30 mph speed limit.

The site is at the edge of the village not within it with only few properties spaced out after the Hand and Diamond and we do not feel that this should be considered as an infill in the development area.

We have received an objection from the resident of the property next to the site on the grounds of highways access, the height of the site which is much above the level of the property and one plot in particular will overlook and block light. Size of houses, risk of the soakaway on a field where parts are prone to the flood area are also mentioned.

You may wish to note that of the facilities mentioned in Coedway, there is no longer a shop or café, and the bus service does not run before 10am or after 4pm in the week.

PCC Highways

Correspondence received 9th November 2017

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

Wish the following recommendations/Observations be applied
Recommendations/Observations

Recs:

1. Prior to any works being commenced on the site the applicant shall submit and have approved in writing by the local planning authority full engineering details for the proposed footway across the frontage of the site.
2. Prior to the occupation of any of the dwellings the footway, referred to above, shall be fully completed to the written approval of the local planning authority.
3. Prior to the occupation of any dwelling any entrance gates shall be set back at least 10 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be

retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.

4. The centre line of the first 10 metres of the access road measured from the edge of the adjoining carriageway shall be constructed at right angles to that edge of the said carriageway and be retained at that angle for as long as the development remains in existence.
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 79 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.
6. 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 to a maximum of 3 excluding any garage space provided. The parking areas shall be retained for their designated use in perpetuity.
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, constructed as Condition HC7 above, shall be not less than 5.5 metres for a minimum distance of 15 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.
10. Prior to the occupation of any dwelling the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 10 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence,

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

PCC Building Control

Correspondence received 10th July 2017

Building Regulations application required.

National Grid

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

Severn Trent Water

Correspondence received 11th July 2017

As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

PCC – Environmental Health

Correspondence received 12th July

Foul drainage

The proposal is to utilise a drainage field for the effluent from the two new sewage treatment plants, however no percolation tests have been carried out. It is important to establish whether the ground conditions are suitable for the proposed foul drainage scheme. Please can the applicant/agent submit percolation test results, in accordance with the method in approved document H2 of the Building Regulations, in order to confirm that the ground conditions are suitable for a drainage field and to determine the area of land required to accommodate the drainage field?

At present there is insufficient information therefore I would need to object to the application.

Correspondence received 16th August 2017

Thanks for forwarding the revised foul drainage plan for further comment.

I have no objection to the revised scheme, subject to NRW consent/exemption for the discharge to watercourse.

PCC Ecologist

Correspondence received 20th July 2017

Thank you for consulting me with regards to the planning application P/2017/0731 which concerns an outline planning application for the erection of up to 2 dwellings, construction of

vehicular access and installation of sewage treatment plants (some matters reserved) at Land to East of The Old Hand & Diamond Inn, Coedway, Powys.

I have reviewed the proposed plans, aerial and streetview images as well as local records of protected and priority species and designated sites within 500m of the proposed development. The data search identified 6 records of protected and priority species within 500m of the proposed development – there are no records for the site itself.

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

The report noted that the proposed site for development is an area of semi-improved neutral grassland, hedgerows, scattered trees and a stream.

The well-established hedgerow boundary along in combination with the tree lined watercourse to the south west boundary present provide a diverse site and to potentially form part of a connecting corridors of habitat of ecological value however the area improved grassland for which the development is proposed presence low ecological value of the proposed site.

I have noted from the supporting statement submitted that:

The development proposal will necessitate the removal of part of the hedgerow, to provide the highway access and footpath across the site, a replacement hedgerow will be planted to the rear of the visibility splay / footpath and the development proposal afford the opportunity to provide additional native landscape planting

and that:

landscape planting will also enhance the ecological value of the site

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

As such I recommend that a Tree and Hedgerow Replacement and 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.

As it is suggested in the planning statement development will provide landscaping as part of the potential development - 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.

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.

Given the proximity of proposed development to a watercourse to the south west of the proposed site and the nature of the proposed works it is considered that a pollution prevention scheme will need to be identified to ensure no negative impact is caused during construction activities and during operation of the site. I therefore recommend that a Pollution Prevention Plan is secured through a planning condition.

It is recommended that reference is made to 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/>

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

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

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

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

Reason: To comply with Powys County Council's UDP Policies ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9,

November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act.

Prior to commencement of development, a detailed landscaping scheme including details of species mix, planting specification and appropriate aftercare measures shall be submitted to and approved in writing by the Local Planning Authority and implemented as approved and maintained thereafter

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

Prior to commencement of development a detailed lighting design scheme to take any impacts on nocturnal wildlife into consideration shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

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

Natural Resources Wales

Correspondence received 21st July 2017

Thank you for consulting Natural Resources Wales (letter dated 05/07/2017) regarding the above.

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.

Summary of Requirements and Conditions

Requirement 1 – FCA: Prior to determination the applicant submits a Flood Consequence Assessment.

Flood Risk

As identified in the Planning Application Supporting Statement, the proposal is located partially within the C2 zone and therefore at risk of flooding. The applicant has been in consultation with NRW in this regard and we are currently undergoing a flood map challenge QA process with their consultant to inform the Flood Consequence Assessment (FCA). We understand that an FCA will be prepared and submitted to your authority in due course. We should be asked for advice on this assessment in accordance with TAN15.

Our advice therefore is that the applicant needs to demonstrate, through submission of a FCA, that the consequences of flooding can be managed over the lifetime of the

development. In the absence of this evidence, we have significant concerns about this application as submitted.

Requirement 1 – FCA: Prior to determination the applicant submits a Flood Consequence Assessment.

The purpose of the FCA is to ensure that all parties, including your Authority, are aware of the risks to, and from, the development, and ensure that if practicable, appropriate controls can be incorporated in a planning permission to manage the risks and consequences of flooding.

Foul Drainage

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

The applicant will need to apply for a Permit or Exemption, if they wish to discharge anything apart from uncontaminated surface water to a watercourse/ditch. They may also need to apply for a Permit from our National Permitting Team to allow certain discharges into ground/ They must obtain any necessary Permit prior to works starting on site. The Welsh Government has also advised that all septic tanks and small sewage treatment plant discharges in Wales will need to be registered. More information, including a step by step guide to registering, is available on our website.

<https://naturalresources.wales/permits-and-permissions/water-discharges/?land=en>

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.

Correspondence received 16th October 2017

I am writing on behalf of Cinzia Sertorio (NRW Development Planning) who is away from the office for the next fortnight.

Specifically in relation to the flood map challenge that is referred to in the above correspondence, I can confirm that the challenge has been accepted by NRW and will be reflected in future amendments of the Flood Map & DAM, as detailed in the screenshots below.

On this basis, the proposed built development will be outside the recognised fluvial flood zone and therefore we have no objections on fluvial flood risk grounds. Best practice, however, should ensure that finished floor levels are set a nominal distance above adjacent ground level.

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 Planning Authority, in consultation with other appropriate bodies, to satisfy themselves that escape/evacuation is feasible.

The attached letter from Hydrologic has explained the theoretical depths of flooding along the B4393.

Under the terms of the Flood and Water Management Act 2010, the Lead Local Flood Authority is responsible for managing the risk of flooding from surface water, groundwater and ordinary watercourses. We therefore advise that you liaise with your Drainage Department with regards to the proposed surface water management proposals.

Please note that this e-mail relates to the fluvial flood risk constraints, only. Other matters raised in our letter of the 21 July 2017 will be dealt with by Cinzia on her return.

Correspondence received 7th November 2017

The Development planning service team has not been consulted on any additional information from the LPA with regards to the above and therefore we have nothing additional to comment on.

Pete has made comments in respect of flood risk directly to Rachel Mullholland and these should be considered as an official response on flooding issues.

NRW had no other major concerns with this proposal and the standard advice provided in our response of 21 7 2017 CAS-35664-P4Q2 is still applicable.

Representations

Following display of a site notice on 11/07/2017 and publicity in the local press on 14/07/2017 two letters of objection have been received which can be summarised as follows:

- Concerns over the justification for the application on the grounds of housing need
- Impact on the amenities of nearby properties
- Flood risk and drainage concerns
- Highway safety concerns
- Impact on views enjoyed by existing properties

Principal Planning Policies

National Policies

Planning Policy Wales (9th Edition, 2016)

Technical Advice Note (TAN) 1 – Joint Housing Land Availability Study (2015)
Technical Advice Note (TAN) 5 – Nature Conservation and Planning (2009)
Technical Advice Note (TAN) 12 – Design (2016)
Technical Advice Note 15 – Development and Flood Risk (2004)
Technical Advice Note (TAN) 18 – Transport (2007)
Technical Advice Note (TAN) 20 – Planning and the Welsh Language (2013)
Technical Advice Note (TAN) 23 – Economic Development (2014)

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

Welsh Office Circular 13/97 - Planning Obligations

Local Policies

Powys Unitary Development Plan 2010

SP5 – Housing Developments
SP6 – Development and Transport
SP14 – Development in Flood Risk Areas
GP1 – Development Control
GP2 – Planning Obligations
GP3 – Design and Energy Conservation
GP4 – Highway and Parking Requirements
ENV2 – Safeguarding the Landscape
ENV3 – Safeguarding Biodiversity and Natural Habitats
ENV7 – Protected Species
HP3 – Housing Land Availability
HP4 – Settlement Development Boundaries and Capacities
HP5 – Residential Development
DC1 – Access by Disabled Persons
DC3 – External Lighting
DC8 – Public Water Supply
DC11 – Non-mains Sewage Treatment
DC13 – Surface Water Drainage
DC14 – Flood Prevention Measures
TR2 – Tourism Attractions and Development Areas

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

Officer Appraisal

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

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

Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Principle of Development

The application site lies outside of the settlement development boundary identified in the Powys Unitary Development Plan (2010). Outside of settlement boundaries, UDP Policy HP4 applies and states that '*outside settlement boundaries, proposals for new residential development will only be approved where they comply with UDP Policies HP6, HP8 or HP9*'. Policy HP6 relates to rural enterprise dwellings, policy HP8 relates to affordable dwellings adjoining a settlement boundary and Policy HP9 relates to affordable dwellings within rural settlements. It is considered that the proposed development does not comply with UDP Policy HP6, HP8 or HP9. The proposed development is therefore not in accordance with the UDP and should be considered a departure.

Housing Land Supply

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

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

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

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

Whilst TAN 1 confirms that the need to increase housing land supply should be given considerable weight, it is emphasised that this is only where the development would otherwise comply with development plan and national planning policies. Therefore, all material planning considerations are required to be taken into account as are all relevant national and local planning policies and balanced with the undersupply of housing land currently available in Powys.

Sustainability

When providing additional housing it is important to consider whether the scheme can be considered to be sustainable development. This can relate to a wide range of matters

including public transport provision and access to education, employment opportunities and other services.

The development site is located approximately 24 metres to the east of the settlement boundary of Coedway with the provision of footways included in this application to the east and west of the site connecting to the existing footway into the village. Coedway is identified in the UDP as a small village and is served by a range of community services and facilities including a Public House and public transport links with regular bus services to Shrewsbury and Welshpool. The application site is located approximately 7 miles from Shrewsbury and 12 miles from Welshpool.

Concerns have been raised by local objectors over the sustainability of the area. Coedway is identified as a small village where opportunities for infill development may exist. In light of the range of services located within a short travelling distance of the development site, officers consider that there is an argument to support the principle of residential development at this location given its siting less than 25 metres from a defined settlement. It is also considered that the number of dwellings recently consented together with the dwelling here sought consent for would not lead to the overall capacity of the settlement being exceeded. It is also noted that this application was initially for two dwellings but, after discussions with the agent over the sustainability of the area this was reduced to one dwelling.

Therefore, the proposed site is considered to be a sustainable location for residential development of one dwelling.

Scale, Design and Appearance

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

Whilst scale, appearance, layout and landscaping are reserved matters not to be considered as part of this application process, the applicant has provided an indicative layout for the site.

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 proposed single dwelling without unacceptably adversely affecting the character and appearance of the area or amenities enjoyed by occupants of neighbouring properties compliant with UDP policies SP5, GP1, GP3, ENV2 and HP5.

Amenity

Policy GP1 of the Powys Unitary Development Plan states that the amenities enjoyed by the occupants of nearby neighbouring properties should not be unacceptably affected by development proposals 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 dwelling is to be located in the centre of the site approximately 69 metres from the Public House to the northwest and 22 metres from the

neighbouring dwelling to the northeast with boundary hedgerow and an access lane between. Due to the suggested distances and positioning of the dwelling it is not considered that the proposed development will affect the amenities of the neighbouring dwellings.

Concerns have been raised by local objectors and the Community Council over the impact of the development on nearby properties including through loss of daylight and loss of privacy.

As this layout is for indicative purposes only and the layout of the site could be altered to increase the distances between the properties if deemed necessary at any reserved matters application stage it is considered that the proposed development fundamentally complies with policy GP1 and GP3 of the Powys Unitary Development Plan 2010.

Landscape and Visual Impact

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

In terms of landscaping the submission proposes additional planting at the plot boundary and within the 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 highway and the proposal would result in a visual change in comparison to the current open space, taking into account the location adjacent to an existing dwelling and the Public House, that landscaping measures would reduce the visual impact and the proposed scale of one dwelling, it is considered that a satisfactory detailed design could come forward to reflect the overall character and appearance of the settlement and surrounding area.

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

Highways Safety and Movement

UDP policy GP4 indicates that planning permission will be dependent upon adequate provision for access including visibility, turning and parking. Access to the site would be gained off the B4386 via an existing access with a newly created entrance, parking and turning area within the site.

Concerns have been raised by local objectors regarding highway safety. The Highway Authority have been consulted on this application and have raised no objections to the development subject to the suggested conditions listed above regarding engineering details, footways, parking provision and access construction methods and materials.

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

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).

With respect to biodiversity, specific reference is made to UDP policies ENV3, ENV4 and ENV5 which seek to maintain biodiversity and safeguard protected important sites. As such, the Powys Ecologist has been consulted with regard to this application.

The Ecologist reviewed the proposed plans as well as local records of protected and priority species and designated sites within 500m of the proposed development. From the data search they identified 6 records of protected and priority species within 500m of the proposed development, although no records were for the site itself. The Ecologist noted that there are no statutory or non-statutory designated sites present within 500m of the proposed development.

No objection has been raised to the scheme subject to the inclusion of conditions securing the submission of a Tree and Hedgerow Protection Plan, a Pollution Prevention Plan, a detailed lighting design scheme and a detailed landscaping scheme.

It is noted that landscaping is a reserved matter and, as such, these details will be considered at a later stage. It is, therefore, not necessary to condition the submission of a detailed landscaping scheme.

It is considered that, in light of the Ecologist's comments and subject to the inclusion of the suggested conditions on tree and hedgerow protection, lighting and a pollution prevention plan, the proposed development fundamentally complies with policies ENV7 of the Powys Unitary Development Plan (2010) and Technical Advice Note (TAN) 5 Nature Conservation and Planning (2009).

Environmental Health

With regard to foul drainage it is proposed for the development site to utilise a sewerage treatment plant which discharges to a watercourse. Given the location of the site it is considered that this is feasible. The Council's Environmental Health Officer has been consulted on this application and has no objections to this. Severn Trent Water has also been consulted and has confirmed that they have no objections to the application.

Concerns have been raised by local objectors regarding the proposed drainage for the site; however, neither the Environmental Health Officer nor Severn Trent Water has raised any concerns or objections over these issues.

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

Flood Risk

With regard to flood risk, reference is made to UDP policy SP14 regarding development in flood risk areas. As the application site is in close proximity to a C2 flood zone Natural Resources Wales have been consulted. Due to the location of the site, which NRW identified as being partially within the C2 zone, it was recommended that the application be accompanied by a Flood Consequence Assessment. Further information was submitted by the applicant with a formal flood map challenge submitted to NRW. After consideration of this information NRW accepted the challenge to the boundary location of the C2 flood zone and, on that basis, consider that the proposed application site is now outside of the recognised fluvial flood zone. NRW confirmed that they removed their previous objections on flood risk grounds.

With regard to the assessment of residual risks, including impacts on access to the site, it is necessary to consider possible escape/evacuation of the site to ensure that this is feasible and that the access levels are acceptable in relation to the flood zone. It is noted that with the amended C2 boundary the development site is wholly outside of the flood zone. The county highway is also affected by flooding but it is stated by NRW that these depths are considered to be shallow and low hazard and that the road slopes upwards towards the east so flood depths decrease in an easterly direction. The access point for this site is located at a more eastern position within the field away from the principle hazard.

In light of the above, it is considered that the development complies with relevant planning policy in this regard.

Welsh Language

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. Technical Advice Note 20: Planning and the Welsh Language provides further advice on how the planning system considers the implications of the Welsh Language. Within the Powys UDP policy GP5 identifies settlements where the Welsh Language is important to the social, cultural and community fabric of the area. Whilst Llandrinio has not been identified as one of these areas it is considered that the Welsh Language is a material consideration across the County.

In the 2011 census the Llandrinio Ward reported that 10.8% of the population spoke Welsh. This is a decrease from the 2001 census which stated that 13.1% of the population of Llandrinio spoke Welsh. Whilst there are limited facilities in the area the scale of the development is not considered sufficient to have a detrimental impact on the cultural or linguistic vitality of the area.

Public Representations

Two letters of objection have been received which raised a number of concerns over the development including the matters of highways, drainage and amenity which have been addressed in the relevant sections above.

Concerns have been raised regarding the justification for the application on the grounds of housing need and the loss of views to neighbouring dwellings. It is noted that loss of views is not a planning consideration and, as such, has not been considered on this application.

With regard to the concerns over sustainability and the location of the site it is stated within the Powys UDP that Coedway has opportunities for infill development. It is also noted that the housing land supply is for Powys as a whole rather than individual settlements. It is also considered, after assessment of the proposals, that the application site is capable of accommodating the proposed dwelling.

Other Legislative Considerations

Crime and Disorder Act 1998

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

Equality Act 2010

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

Having due regard to advancing equality involves:

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

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

Wellbeing of Future Generations (Wales) Act 2015

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

Recommendation

Whilst the proposal is a departure from the development plan, the Council's current lack of housing land supply carries considerable weight in favour of this development and given that

the proposal would otherwise comply with development plan and national planning policies, the recommendation is one of conditional consent.

Conditions

1. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. The development shall be carried out strictly in accordance with the plans stamped as approved on XXXXXX (drawing no: SA 25506 02 Rev B)
5. Upon the submission of the reserved matters referred to in conditions 1 and 2 above, plans detailing cross sections of the application site and finish floor levels of the dwellings provided must be submitted to the Local Planning Authority. The scheme must be implemented as approved.
6. Prior to the commencement of development full engineering details for the proposed footway across the frontage of the site shall be submitted to and approved in writing by the Local Planning Authority.
7. Prior to the occupation of the dwelling the footway, referred to in Condition 6, shall be fully completed to the written approval of the Local Planning Authority.
8. Prior to the occupation of the dwelling any entrance gates shall be set back at least 10 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the development hereby permitted remains in existence.
9. The centre line of the first 10 metres of the access road measured from the edge of the adjoining carriageway shall be constructed at right angles to that edge of the said carriageway and be retained at that angle for as long as the development remains in existence.
10. 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 79 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.

11. Prior to the commencement of development the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 10 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.
12. Prior to the occupation of the dwelling, provision shall be made within the curtilage of the site for the parking of not less than one car per bedroom to a maximum of 3 excluding any garage space provided. The parking area shall be retained for its designated use in perpetuity.
13. Prior to the commencement of development provision shall be made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of 0.4 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.
14. The width of the access carriageway, constructed as Condition 10 above, shall be not less than 5.5 metres for a minimum distance of 15 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.
15. Prior to the occupation of the dwelling the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 10 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.
16. No storm water drainage from the site shall be allowed to discharge onto the county highway.
17. Prior to commencement of development a Tree and Hedgerow Protection Plan in accordance with BS:5837:2012 shall be submitted to and agreed in writing by the Local Planning Authority and implemented as approved and maintained thereafter..
18. Prior to the commencement of development a Pollution Prevention Plan shall be submitted to and agreed in writing by the Local Planning Authority and implemented as approved and maintained thereafter.
19. Prior to the commencement of development a detailed lighting design scheme to take into account any impacts on nocturnal wildlife shall be submitted to and agreed in writing by the Local Planning Authority and shall be implemented as approved and maintained thereafter.

Reasons

1. To enable the Local Planning Authority to exercise proper control over the development in accordance with Section 92 of the Town and Country Planning Act 1990.
2. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
3. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
4. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
5. To safeguard the character and appearance of the area in accordance with policy ENV2 of the Powys Unitary Development Plan.
6. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
7. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
8. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
9. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
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14. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
15. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
16. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
17. To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Planning Policy Wales (Edition 9, November 2016), and Section 6 of the Environment (Wales) Act 2016.
18. To comply with Powys County Council's UDP Policies ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act.
19. To comply with Powys County Council's UDP Policies SP3 and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Section 6 of the Environment (Wales) Act 2016.

Informative Notes

A Building regulations application will be required for this development, please contact Building Regulations on 01874 612290.

Birds - Wildlife and Countryside Act 1981 (as amended)

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

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

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

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

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

It is an offence for any person to:

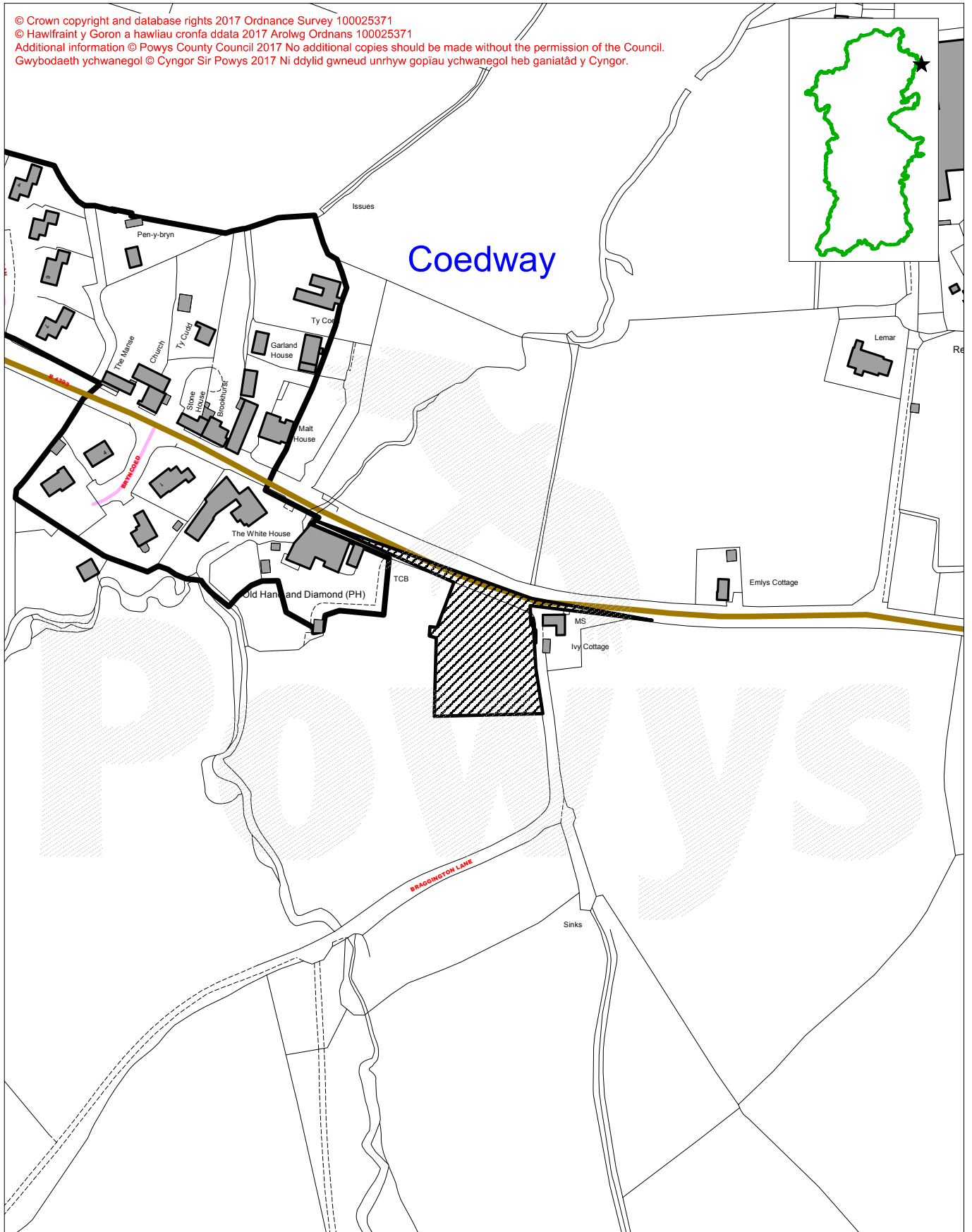
- Intentionally kill, injure or take any bats.
- Intentionally or recklessly damage, destroy or obstruct access to any place that a bat uses for shelter or protection. This is taken to mean all bat roosts whether bats are present or not.

Under the Habitats Regulations it is an offence to:

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

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

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4.11

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2017/0450	Grid Ref:	305271.91 259253.31
Community Council:	Disserth and Trecoed	Valid Date:	Officer: 24/04/2017 Thomas Goodman
Applicant:	Mr Ken Bentley, Greenacres Garden Centre, Howey, Llandrindod Wells, Powys, LD1 5PL		
Location:	Greenacres Garden Centre, Howey, Llandrindod Wells, Powys, LD1 5PL		
Proposal:	Outline - Erection of four dwellings and associated works - some matters reserved		
Application Type:	Application for Outline Planning Permission		

The reason for Committee determination

The proposed development constitutes a departure from the adopted Powys Unitary Development Plan.

Site Location and Description

The proposed development is not located within a settlement development boundary and therefore for the purposes of this application is considered as development within the open countryside as defined by the Powys Unitary Development Plan (2010).

To the west of the application site runs the A483 trunk road, to the east of the application site is agricultural land. To the north and south are residential dwellings. The application site measures approximately 0.33 hectares.

Consent is sought for outline permission for the erection of four dwellings (1 affordable and 3 open market) and the creation of a new access. With details relating to the appearance, landscaping, layout and scale all reserved for future consideration.

Consultee Response

Disserth and Trecoed CC

No objections were made.

PCC Highways

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

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

Welsh Water

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

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

Sewerage

Conditions

No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment

Advisory Notes

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

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

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

Please quote our reference number in all communications and correspondence.

PCC Environmental Health

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

This service 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.”

Also, I would request that no burning to be undertaken on site.

Welsh Government Transport

Consultation response received 26/07/17:

I refer to your consultation of 26/07/2017 regarding the above planning application and advise that the Welsh Government as highway authority for the A483 trunk road directs that permission be withheld until further notice while additional information is sought from the applicant and/or information provided by the applicant is analysed to enable appropriate highway observations to be made;

1. The applicant must forward a suitably scaled drawing detailing the proposed access off the A483 trunk road, which must incorporate the following aspects:-
 - a) Visibility Splays in either direction from a suitable set-back.
 - b) Gradient of the access road and the A483 trunk road carriageway
 - c) Access width and radii dimensions
 - d) Access surfacing type along with depth and width dimensions
 - e) Parking areas

The above aspects must conform to the Design Manual for Roads and Bridges (DMRB).

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

- A) The access from the trunk road must accommodate 2 way traffic movements and therefore should be a minimum of 6m wide preferably 7.3m).

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

Consultation response received 27/09/17:

I refer to your consultation of 26/07/2017 regarding the above planning application and advise that the Welsh Government as highway authority for the A483 trunk road directs that any permission granted by your authority shall include the following conditions:

- 1) The access and visibility splays shall be laid out, constructed and maintained strictly in accordance with the submitted plans (drwg no. PL01 Job No. 17-00526).
- 2) No drainage from the development site shall be connected to or allowed to discharge into the trunk road drainage system.
- 3) The applicant shall enter into an Agreement with the Welsh Ministers under Section 278 of the Highways Act 1980 to enable the Applicant to undertake agreed improvement works on the trunk road. This Agreement will contain details of the improvement works, construction conditions and financial arrangements under which agreed measures can be put in place, including indemnifying the Welsh Ministers against third party claims. Without such an agreement in place, any consent that may be granted cannot be implemented.

The above conditions are included to maintain the safety and free flow of trunk road traffic. If you have any further queries, please forward to the following Welsh Government Mailbox NorthandMidWalesDevelopmentControlMailbox@Wales.GSI.Gov.UK

CPAT

While there are no direct impacts to recorded archaeology arising from this proposed development the new buildings will be erected within 50 metres of scheduled monument RD 145 (Earthwork Enclosure north of Caer Du) and within 135 metres of scheduled monument RD 030 (Caer Du Enclosure). There may be a visual or setting impact and Cadw should be consulted for their comments via amadminplanning@wales.gsi.gov.uk

Built Heritage

Consultation response received 25/07/2017:

The listed milestone is very very close to the current access. The existing plans do not appear to indicate any changes to the access, however there may be highway requirements for visibility splays etc that may potentially involve relocating the listed milestone.

As my concerns would be more on the physical impact on the milestone than its setting, would it need to be relocated etc, I think it would be best to comment when the requirements from Highways have been received. Could you let me know when WG send their comments in please and then I can comment on the highway requirements

Also noted that the site lies between 4 SAMS RD145 Earthwork 100m N of Caer Du with RD030 Caer Du and on the opposite side of the railway line RD126 Roman Earthworks and

RD134 Llandrindod Common Roman Practise Camps. If Cadw have not already been consulted on this one in terms of setting of SAMs then could we consult them please.

Consultaiton response received 03/10/17:

The proposal is for outline consent with some matters reserved on land adjacent to a number of historic assets namely;

Scheduled Ancient Monuments:

RD145 Earthwork 100m N of Caer Du

RD030 Caer Du

RD126 Roman Earthworks S of Llandrindod Wells

RD134 Llandrindod Common Roman Practise Camps

Listed Building:

Cadw ID 83350 Milestone on A483

As Cadw are the consultee for applications affecting the setting of Scheduled Ancient Monuments I shall refer to their comments in this regard and my comments will be solely in respect of the listed building.

I am mindful of the advise in Sections 16 and 66 of the Planning (Listed Buildings and Conservation areas) Act 1990, which require authorities considering applications for planning permission or listed building consent for works which affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of the building.

However, I would also refer to more recent guidance in paragraph 6.5.11 of Planning Policy Wales 9th edition 2016 which states, " Where a development proposal affects a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses."

The adopted document Conservation Principles prepared by Cadw in paragraph 5.4 advises that when considering change, public authorities will give due importance of the heritage values of a site when considering the sustainability of proposals submitted to them.

Paragraph 39 states Changes which would harm the heritage values of an historic asset will be unacceptable unless:

- a..the changes are demonstrably necessary either to make that asset sustainable, or to meet an overriding public policy objective or need; and
- b. there is no reasonably practicable alternative means of doing so without harm; and
- c. that harm has been reduced to the minimum consistent with achieving the objective; and
- d. it has been demonstrated that the predicted benefit decisively outweighs the harm to the values of the asset, considering;
 - its comparative significance;
 - the impact on that significance; and
 - the benefits to the asset itself and/or the wider community or society as a whole.

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.

“Conservation principles” establishes Values which should be attributed to heritage assets including;

- Evidential Value,
- Historical Value,
- Aesthetic Value,
- Communal value.

Conservation Principles identifies principles that have to be addressed when considering the above values.

Evidential Value

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

The milestone is a roughly hewn stone block inscribed, in black-painted letters, 'To ye WELLS' and 'To BUILTH 6M

Historical Value

An historic asset might illustrate a particular aspect of past life or it may be associated with a notable family, person, event or movement. These illustrative or associated values of an historic asset may be less tangible than its evidential value but will often connect past people, events and aspects of life with the present and are not so easily diminished by change as evidential values and are harmed only to the extent that adaption has obliterated them or concealed them.

The milestone was probably erected in 1759 (the date is on another milestone in the series) and is listed for its special historic interest as part of a series of well-preserved C18 milestones on the A483 between Llandrindod Wells and Builth Wells

Aesthetic Value

This derives from the way in which people draw sensory and intellectual stimulation from an historic asset through its form, external appearance or setting.

The milestone is an important reminder of former turnpike roads and the historical droving system which linked Mid Wales with the markets in England.

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.

The milestone is adjacent to the A483 and is easily understood by the viewer.

Cadw have prepared guidance on the setting of historic assets to accompany TAN24 issued on 31 May. The guidance provides advice on how to assess the setting of listed buildings could be referred to, with the caveat that there may potentially be changes as a result of the consultation process. 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.

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 milestone is within the hedge bounding the site in close proximity to the existing access. The site currently contains buildings and the function of the milestone to provide information for those using the turnpike (now the A438), and as such it is not considered that the erection of dwellings to land to the rear of the milestone would affect the setting of the milestone. There are milestones in rural locations and also within towns and as such the legibility of the milestone, or its sense of place would not be affected by the erection of dwellings to the rear.

However, it is understood that an improvement to the access will be required to enable the development of the site for houses. No details were available on the portal in respect of the proposed visibility splays and as such it is not possible to ascertain if the listed milestone would be within the visibility splays or access improvements, and if the milestone would need to be located.

Should the milestone need to be relocated, it is likely to require listed building consent. The slight relocation along the stretch of hedgerow could be beneficial to the setting of the listed milestone being that it is now within a hedgerow that is relatively thick and although well maintained screens the milestone in parts and the trimming of the hedgerow could potentially inadvertently lead to accidental damage of the listed milestone.

However as the application is made in outline with matters reserved, there are insufficient details at this stage to comment on the outcome of the listed milestone. I would request that an informative note be attached to the granting of any permission, advising that full details of the treatment of the milestone, including careful excavation of the milestone, and its relocation details both the location and methodology be included with the reserved matters application along the consent from the owner if not the applicant and that potentially a listed building consent application for the works to the milestone may be required.

It is suggested that care be taken in the new location of the milestone to relocate it as close as possible to the current location and within the public domain.

Subject to the treatment of the listed milestone being secured at the reserved matters stage, I would not wish to object to the current proposal on the setting in respect of the setting of the listed building.

Cadw

Consultation response received 25/05/17:

Thank you for your letter of 20 April 2017 inviting our comments on the additional information submitted for the above planning application.

Advice

Having carefully considered the information provided with this planning application, we consider that it is inadequately documented. 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 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.

Paragraph 17 of Circular 60/96, Planning and the Historic Environment: Archaeology, 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 visible 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 some 50m west of scheduled monument RD145 Earthwork 100m N of Caer Du, Howey; 110m northwest of scheduled monument RD030 Caer Du; 160m east of scheduled monument RD126 Roman Earthworks S of Llandrindod Wells and 270m south of the scheduled monument RD134 - Llandrindod Common Roman Practice Camps.

The existing garden centre comprises a number of glass houses and a shed. All of these structures are single storey and lightweight in appearance. The application (which is outline) suggests that the proposed development will consist of 4 bungalows that will have accommodation in the roof space. As such the proposed development will be considerably higher and more substantial than the existing garden centre buildings. It is therefore likely that the proposed development will have an impact on the setting of the scheduled monuments identified above. This will be a material consideration in the determination of the current planning application (see Planning Policy Wales 6.5.5); however, however, the submitted application contains no information on this issue.

The Welsh Government will be issuing the document “Setting of Historic assets in Wales” on the 31st May 2017 and we strongly recommend that your authority requests the applicant submits an assessment of the impact of the development on the setting of the scheduled monuments identified in accordance with the guidance contained in this document.

Consultation response received 07/11/2017:

Thank you for your letter inviting our comments on the additional information submitted for the above planning application.

Advice

Having carefully considered the information provided with this planning application, we have no objections to the impact of the proposed development on the scheduled monument listed in our assessment of the application 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

An assessment of the impact of the proposed development on the settings of the scheduled monuments prepared by the Scourfield Consultancy has been submitted in support of this application. This report concludes that the proposed development will cause additional negligible damage to the settings of scheduled monuments Caer Du RD030 and Earthwork 100m N of Caer Du, Howey RD145 and cause no impact on the settings of Roman Earthworks S of Llandrindod Wells RD126 and Llandrindod Common Roman Practice Camps RD134. We concur with these assessments.

Representations

Following the display of a site notice and press advertisement, no representations have been received at the time of writing this report.

Planning History

PR/151603 – Full: Erection of office and detached store with covered porch – Approved – 18/01/2000

Principal Planning Constraints

Open Countryside

Principal Planning Policies

National planning policy

Planning Policy Wales (Edition 9, November 2016)

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

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

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

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

Technical Advice Note 12 – Design (2016)

Technical Advice Note 18 – Transport (2007)

Technical Advice Note 23 – Economic Development (2014)

Technical Advice Note 24 – The Historic Environment (2017)

Local planning policies

Powys Unitary Development Plan (2010)

SP1 – Social, Community and Cultural Sustainability

SP2 – Strategic Settlement Hierarchy
SP3 – Natural, Historic and Built Heritage
SP5 – Housing Developments
GP1 – Development Control
GP3 – Design and Energy Conservation
GP4 – Highway and Parking Requirements
ENV1 – Agricultural Land
ENV2 – Safeguarding the Landscape
ENV3 - Safeguarding Biodiversity and Natural Habitats
ENV7 – Protected Species
ENV14 – Listed Buildings
ENV17 – Ancient Monuments and Archaeological Sites
HP3 – Housing Land Availability
HP4 – Settlement Development Boundaries and Capacities
HP5 – Residential Developments
HP6 – Dwellings in the Open Countryside
DC8 – Public Water Supply
DC9 – Protection of Water Resources
DC10 – Mains Sewage Treatment
DC13 – Surface Water Drainage
TR2 – Tourist Attractions

Powys Residential Design Guide (October 2004)

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

Officer Appraisal

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

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

Principle of Development

For the purposes of the Powys Unitary Development Plan, the site lies within the open countryside. Policy HP4 states that 'outside settlement boundaries, proposals for new residential development will only be approved where they comply with UDP Policies HP6, 8 HP8 or HP9.' It is considered that the proposed development does not comply with UDP Policy HP6, HP8 or HP9. The proposal is therefore considered to be a departure from the adopted Powys Unitary Development Plan.

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 4.9.1 of Planning Policy Wales states that previously developed land should, wherever possible, be used in preference to greenfield sites. The site is currently a garden centre and as such is classified as previously developed land.

Paragraph 9.2.3 of Planning Policy Wales states that:

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

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

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

The JHLAS identified an undersupply of housing land within Powys and, 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

Consideration needs to be given to whether the site is regarded as a sustainable location for new residential development. This can relate to a wide range of matters including transport, education, shops and services.

Although located in the open countryside, the site is within close proximity to the settlements of Howey and Llandrindod Wells which are located approximately 200 metres and 400 metres away from the settlement development boundaries respectively. Howey is classed as a key settlement within the Powys UDP and Llandrindod Wells an area centre as defined by the Powys Unitary Development Plan (2010). Llandrindod Wells benefits from a large number of services such as schools, retail units as well as estate agents, butchers and hair dressers. It is noted that a footpath is provided from the development site to the settlements of Llandrindod Wells and Howey. Howey and Llandrindod Wells also benefit from a number of public transport provisions including Railway and Bus links.

In light of the site proximity to area centres and the limited scale of the development, Officers consider the proposed scheme is on balance appropriate in relation to sustainability.

Highway Safety

Policy GP4 of the Powys Unitary Development Plan requires a safe access, parking and visibility splays which are a fundamental requirement of any development.

The proposed development seeks to enhance the existing means of access to the development site and details of the amended access and visibility splays have been received. Welsh Government Trunk Road Agency has been consulted on the proposed development and after seeking clarification, are satisfied with the proposed development. The TRA have also requested that a condition be secured in order to ensure the applicant enters into a S278 agreement in order to carry out the works to the access onto the trunk road. This agreement is covered under separate legislation and the applicant would be required to enter into this agreement separately in order to carry out the works. A condition to secure this will therefore not be attached to any granting of consent.

In light of the above and subject to the attachment of appropriately worded conditions the proposed development fundamentally complies with policy GP4 of the Powys Unitary Development Plan (2010).

Appearance, Layout and Scale

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 Officers acknowledge that matters relating to appearance, layout and scale have been reserved for future consideration, given the size of the development site and proximity to existing properties, it is considered that the application site is capable of accommodating four dwellings without unacceptably adversely affecting the character and appearance of the area or amenities enjoyed by occupants of neighbouring properties.

Environmental Health

Powys County Council's Environmental Health Officer has been consulted on the proposed development in terms of noise and foul drainage from the development site. The Environmental Health Officer has requested that the construction period working hours and delivery times be restricted in order to protect the neighbouring properties in line with policy GP1 of the Powys UDP.

It is noted that the proposed development seeks to connect to the mains sewer and therefore fundamentally complies with policy DC10 of the Powys Unitary Development Plan (2010).

In light of the above the proposed development subject to the attachment of appropriately worded conditions complies with policies GP1 and DC10 of the Powys Unitary Development Plan (2010).

Affordable Housing

It is noted that the applicant has proposed that one of the four dwellings (Plot 1) will be constructed as an affordable dwelling. In light of this, the proposed development fundamentally complies with the affordable housing of the Powys Unitary Development Plan.

Listed Buildings

Policy ENV14 of the Powys Unitary Development Plan (2010) states that proposals for development which unacceptably adversely affect a listed building or its setting will be refused. In considering proposals for development affecting a listed building and its setting, account will be taken of the following: The desirability of preserving the listed building and its setting; the importance of the building, its intrinsic architectural and historic interest and rarity; the effect of the proposals on any particular features of the building; the buildings contribution to the local scene; the condition of the building and the need for the proposals to be compatible with the character of the building and its surroundings and to be of high quality design.

Powys County Council's Built Heritage Officer has been consulted on the proposed development. The listed milestone is located within close proximity of the current access, it is noted that highway requirements for visibility splays may involve the relocation of the listed milestone. The Built Heritage Officers concerns are on the physical impact on the milestone rather than the impact upon its setting. The milestone is a roughly hewn stone block inscribed in black painted letters 'To ye WELLS' and 'To Builth 6M'. It is noted that the milestone was probably erected in 1759 and is listed for its special historic interest as part of a series of well-preserved 18th Century milestones along the A483. The milestone provides an important reminder of former turnpike roads and the historical droving system which linked Mid Wales to the markets in England.

Given that access improvements will be required to enable the development of the site the milestone will need to be relocated. This will require a separate listed building consent prior to the commencement of development. The Built Heritage Officer has stated that the slight relocation along the stretch of the hedgerow could be beneficial to the setting of the listed milestone, as at present it is within a thick hedgerow and during on-going hedge cutting of the hedgerow is likely to be damaged inadvertently. The Officer has stated that an informative note be attached to the granting of any permission, advising that full details of the treatment of the milestone, including careful excavation of the milestone and its relocation details and methodology be included within the reserved matters application. It is noted that a listed building consent application be approved prior to the commencement of development. The Officer has asked that the relocation of the milestone be as close as possible to the current location and be located within the public domain. The Officer therefore does not object to this application in terms of the setting of the listed building subject to the addition of an informative note.

Scheduled Ancient Monuments (SAM) and Archaeological Sites

Policy ENV17 of the Powys Unitary Development Plan (2010) states that development which would unacceptably affect the setting of a scheduled ancient monument or of an archaeological site of national importance will not be permitted and other sites of archaeological importance will be safeguarded where possible.

CPAT have been consulted on the proposed development and has stated that there are no direct impacts to recorded archaeology arising from this proposed development. However, it is noted that the new buildings will be erected within 50 metres of a SAM known as Earthwork Enclosure north of Caer Du and 135 metres of SAM 'Caer Du Enclosure'. CPAT

have therefore advised that Cadw should be consulted on the proposed development on whether there is an impact upon the visual or setting impact of the SAM's.

Cadw have been consulted on the application and initially stated that the application was inadequately documented in relation to the impact upon SAM's. Cadw noted the close proximity of several SAM's and added to the list made by CPAT. The additional SAM's include the Roman Earthworks and the Llandrindod Common Roman Practice Camps, which are 160 metres and 270 metres from the application site. Cadw have also noted that the garden centre consisted of a number of glass houses and a shed all of which are single storey in height and have a lightweight appearance. Cadw have noted that the development will consist of 4 bungalows that will have accommodation within the roof space and therefore be higher and more substantial than the previous buildings. Cadw therefore requested that an assessment be carried out in order to establish the impact the development will have on the setting of the SAM's.

Following the submission of an assessment the proposed development will have on the impact upon SAM's, Cadw have been re-consulted. Cadw have carefully considered the information provided and have no objections to the impact of the proposed development on the SAM's and have no further comments.

In light of the above the proposed development fundamentally complies with policy ENV17 of the Powys Unitary Development Plan (2010).

Other Legislative Considerations

Crime and Disorder Act 1998

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

Equality Act 2010

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

Having due regard to advancing equality involves:

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

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

Planning (Wales) Act 2015 (Welsh language)

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. This duty has been given due consideration in the determination of this application. Given the scale of the development and the provision of an affordable dwelling, the development is unlikely to have an adverse impact on Welsh language and 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

Whilst a departure from the development plan, in this instance, the provision of housing within an existing village 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") of each dwelling and its respective plot shall be submitted to and approved in writing by the local planning authority before any development begins on each individual plot 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 of each individual plot 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 in respect of that plot, whichever is the later and subject to Condition 12.
4. The development shall be carried out strictly in accordance with the plans stamped as approved on XX/XX/XX (drawing no's: PL01, 4664/SP & 4664/1).
5. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network
6. 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.

7. No materials or substances shall be incinerated within the application site during the construction phase.

8. The access and visibility splays shall be laid out, constructed and maintained strictly in accordance with the submitted plans (drwg no. PL01 Job No. 17-00526)

9. No drainage from the development site shall be connected to or allowed to discharge into the trunk road drainage system.

10. 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 25% 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.

11. 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.

12. In line with Conditions 1 and 3 above, the site shall be developed on a plot by plot basis and subject to the affordable housing condition above, development shall only take place on each individual plot once the respective details for that plot have been submitted to and approved by the Local Planning Authority and once all common road improvement works, access, parking and other infrastructure has been provided, as required by the conditions above.

Reasons

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

5. To safeguard the public sewerage system and reduce the risk of surcharge flooding and in accordance with policies GP1 and DC13 of the Powys Unitary Development Plan.
6. To safeguard the amenities of the locality in accordance with policy GP1 of the Powys Unitary Development Plan.
7. To safeguard the amenities of the locality in accordance with policy GP1 of the Powys Unitary Development Plan.
8. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
9. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
10. To ensure the timely provision of affordable housing in accordance with policies HP7-HP10 of the Powys Unitary Development Plan.
11. To ensure the timely provision of affordable housing in accordance with policies HP7-HP10 of the Powys Unitary Development Plan.
12. In the interest of ensuring an orderly and timely development and to protect the amenity of the area in accordance with policy GP1 of the Powys Unitary Development Plan.

Informative Notes

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

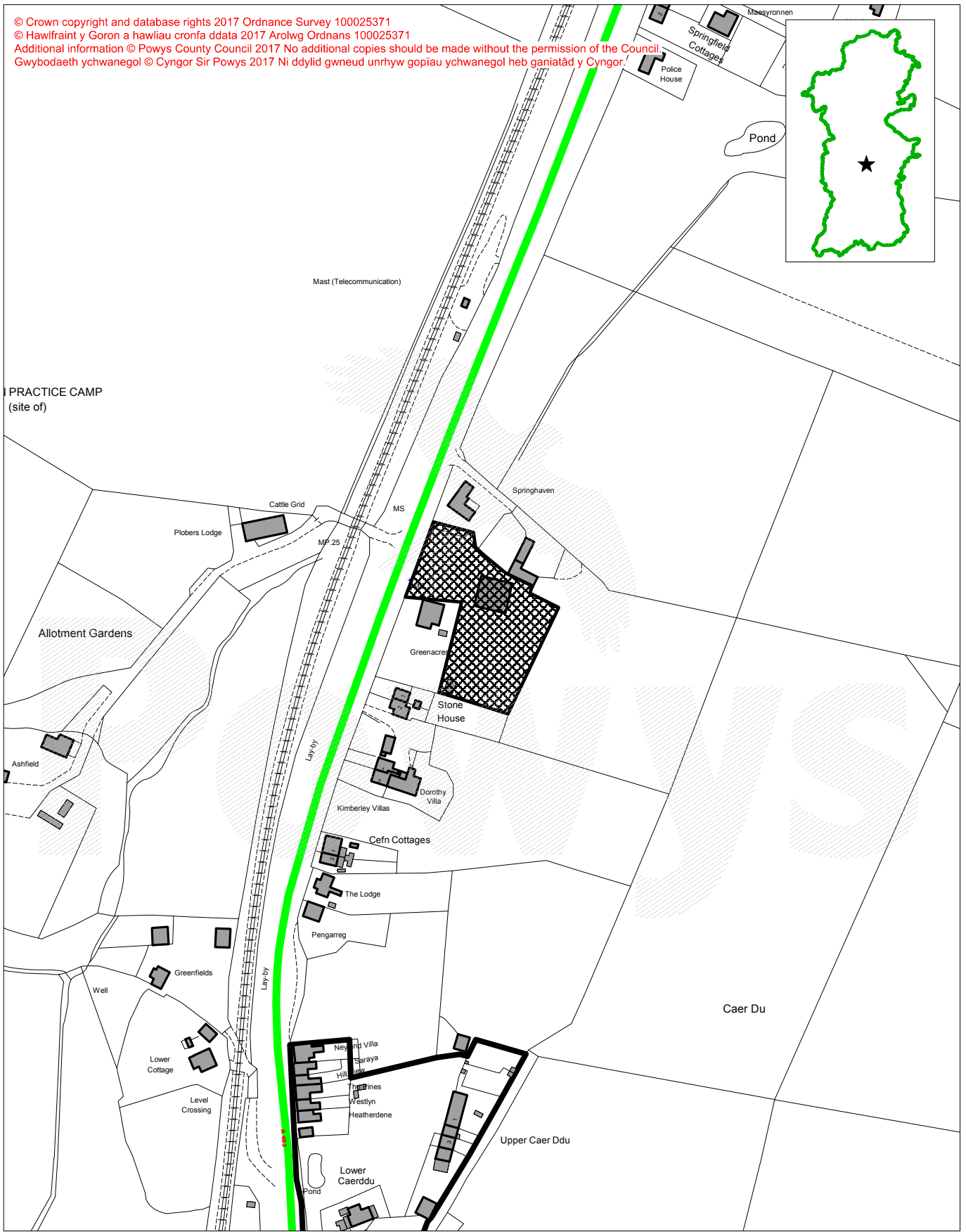
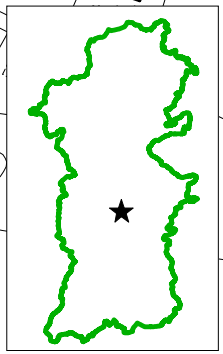
Listed Building

Full details of the treatment of the milestone, including careful excavation of the milestone, and its relocation details both the location and methodology be included with the reserved matters application along with the consent from the owner if not the applicant and that potentially a listed building consent application for the works to the milestone may be required.

Case Officer: Thomas Goodman- Planning Officer
Tel: 01597 827655 E-mail:thomas.goodman@powys.gov.uk

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4.12

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2017/0966	Grid Ref:	306333.52 300960.51
Community Council:	Dwyriw Com	Valid Date:	Officer: 22/08/2017 Gemma Bufton
Applicant:	Mr S Isaac, Plot 2, Adfa, Newtown, Powys, SY16 3DB		
Location:	Land East of Fron Olau, Adfa, Newtown, Powys, SY16 3DB		
Proposal:	Outline: Erection of 2 dwellings and all associated works (some matters reserved)		
Application Type:	Application for Outline Planning Permission		

The reason for Committee determination

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

Site Location and Description

The application site is located within the Community Council area of Dwyriw. The application site is located outside but adjoins the settlement boundary for Adfa and is therefore considered to be a departure from the Unitary Development Plan.

The application site is located with the County Class III highway, C2015 running to the north whilst to the east is a private access road. To the west is existing adjoining residential development whilst to the south is agricultural land.

Consent is sought in outline with all matters reserved except for the access for the erection of two detached dwellings.

Consultee Response

Dwyriw Community Council-

Dwyriw Community Council is happy to support this application.

Powys Highways-

The County Council as Highway Authority for the County Class III Highway, C2015

Wish the following recommendations/Observations be applied
Recommendations/Observations

This application should be refused/deferred.

Reasons for Refusal/Deferral

The access to the proposed development has not been included within the application site red line.

Visibility to the west from the access to be used for this development is substandard and as no improvement has been proposed by the applicant, the Highway Authority recommends that this application is refused or deferred.

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

Powys Building Control-

Building regulation approval will be required.

Wales and West Utilities-

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

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

Severn Trent-

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

- 1) 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
- 2) 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

Powys Environmental Health-

Thank you for your consultation in respect of this application, given that the applicant is intending to connect to the main sewer I have no objection to this application.

Powys Rights of Way-

I can confirm that public footpath 10 Adfa will be affected by the proposed development.

The agent on behalf of the client has been in informal discussions with us regarding the diversion of the footpath. We believe the proposed footpath route shown on the plan would be the most suitable diversion.

However, diverting a public right of way is a complex and lengthy legal procedure, which takes a minimum of six months to process and costs at least £2,000. The County Council is not obliged to make a diversion order and success of a Town & Country Planning Act 1990 Public Path Order cannot be guaranteed.

Development, in so far as it impacts any rights of way on a site, mustn't be started (and the paths must be kept open for public use) until any orders to close or divert the paths have come into effect.

Any development that interferes with a right of way before it has been formally closed or moved would be considered an offence and may lead to prosecution. At the very least it will hold up the development and the developer may incur further administration costs.

We would therefore recommend that the developer contacts us as soon as possible to formally apply for a diversion so as not to hold up the development.

The Council will expect any new or diverted routes to be created to a minimum width and of a suitable surface, at the developer's expense. Please see guidance set out in the Powys County Council's '*Rights of Way and Development - A Practitioners Guide*', available from Countryside or Planning Services' upon request or on-line at: <http://www.powys.gov.uk/index.php?id=1756&L=0>

For an application form and advice the developer should contact Sian Barnes, 01597 827595, sian.barnes@powys.gov.uk.

Powys Ecologist-

Thank you for consulting me with regards to planning application P/2017/0966 which concerns outline application for erection of 2 dwellings and all associated works (some matters reserved) on Land East of Fron Olau, Adfa, Newtown, Powys.

I have reviewed the proposed plans as well as local records of protected and priority species and designated sites within 500m of the proposed development. The data search identified 27 records of protected and priority species within 500m of the proposed development – including hazel dormice.

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

There was one non-statutory designated site within 500m of the proposed development:

- Local Wildlife Trust Reserve – Llandefaelog Wood

Having reviewed the location and nature of the proposed development in relation to the Local Wildlife Trust Reserve (LWTR) it is considered that the proposed development would not result in a negative impact to the LWTR or its associated features.

Great crested newts

I note from aerial images that there are ponds located to the east of the proposed development site, the closest being approximately 280m from the site of the proposed development. Given the identification of great crested newt records in the surrounding areas (within 1.2km) and the proximity to the ponds it is considered that the proposed development has potential to impact great crested newts - in the loss of potential terrestrial habitat for this species or as the result of creation of a barrier to their dispersal to surrounding suitable habitat.

The onsite photographs indicates that that the habitat present is suitable terrestrial habitat for supporting great crested newts in that the vegetation on site appears unmanaged rough/tussock like grass with suitable refugia including rubble piles.

Therefore it is considered that there is insufficient information with regard to potential impacts to Great Crested Newts, a European protected species, to determine this application. Further information is required to be submitted prior to determination of the application.

Great crested newts are European protected species the animals and their resting and breeding habitats are fully protected under European law, where impacts to EPS are identified, the LPA have to apply the three tests of the Habitats Regulations to ensure that there will be no adverse impact on the favourable conservation status of the EPS. In order for the LPA to satisfy this requirement, full details of the potential impacts and proposed mitigation, are required to be submitted for approval prior to determination.

The three tests that must be satisfied are:

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

Appropriate surveys in line with national guidelines will need to be undertaken by a suitably qualified and licensed ecologist at the correct time of year. Further details regarding likely survey effort and timings can be found at <https://www.gov.uk/guidance/great-crested-newts-surveys-and-mitigation-for-development-projects#survey-effort-required>

The recommended survey season for Great Crested Newts is between March and June, therefore the survey seasons for 2017 has now passed and the next optimal time will be Mar-June 2018 to obtain survey data in order to determine the likely hood of the development to impact on great crested newts – if presence.

Alternatively it could be assumed that great crested newts are present at the development site and the proposed developments will impact terrestrial habitat suitable to support great

crested newts. Given the scale of the development it is suggested that an alternative to a great crested newt survey being undertaken that a Reasonable Avoidance Method Statement (RAMS) could be submitted to minimise the impact to the possible great crested newts present on site and in the wider area.

Hedgerow Protection

Given the proximity of the proposed development works to the existing hedgerow on the proposed development site, it is considered prudent to require information from the applicant as to how these features of biodiversity importance will be protected during the construction period of works.

Wildlife Sensitive Lighting Plan

Careful consideration will need to be given to any external lighting, 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.

Landscaping Plan

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. It is therefore recommended that a Landscaping Plan is secured through an appropriately worded condition.

Representations

One letter of objection has been received. The letter can be summarised as follows:

- Access is not safe
- Current access is unauthorised
- Where are the limits with respect to this village which already has a number of limited services
- Is it allowed to expand beyond its boundaries

Planning History

M/2007/0160- Erection of 2 dwellings and formation of vehicular access.

Principal Planning Constraints

Public Right of Way

Principal Planning Policies

National Planning Policy

Planning Policy Wales (Edition 9, November 2016)

Technical Advice Note 1 – Joint Housing Land Availability Studies (2015)
Technical Advice Note 2 – Planning and Affordable Housing (2006)
Technical Advice Note 5- Nature Conservation and Planning (2009)
Technical Advice Note 6 – Planning for Sustainable Rural Communities (2010)
Technical Advice Note 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
ENV2 – Safeguarding the Landscape
ENV3 – Safeguarding Biodiversity and Natural Habitats
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 Adfa 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 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. Therefore, all material planning considerations are required to be taken into account as are all relevant

national and local planning policies and balanced with the undersupply of housing land currently available in Powys.

Sustainability

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

The site itself is adjacent to the development boundary of Adfa which is identified in the UDP as a large village. Adfa is served by a small range of community services and facilities including a Chapel, Community Centre and Garage.

In light of the range of services located within a short travelling distance of the development site, officers consider that there is an argument to support the principle of residential development. Therefore, the proposed site is considered to be a sustainable location for residential development.

Scale, Design and Appearance

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 2 detached dwellings forming a natural extension of the settlement of Adfa and following the form of development directly adjoining to the application site which has a strong road frontage upon the entry into Adfa. Whilst a departure from the UDP it is considered that this plot of land does form a natural extension to the village. The application site is currently used as an area of waste land containing building material resultant from the adjoining house building as is cut off from agricultural fields by an access track therefore forming the site as a standalone plot of land currently unutilised following the building of the adjoining plots.

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.

Furthermore, a full consultation was held with site notices erected within the adjoining residential estate and no objections have been received in relation to amenity concerns i.e. over-looking, loss of privacy etc.

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.

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 visual impact and the proposed scale of the dwellings, it is considered that a satisfactory detailed design could come forward to reflect the overall character and appearance of the settlement and surrounding area.

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

Highways Safety and Movement

UDP policy GP4 indicates that planning permission will be dependent upon adequate provision for access including visibility, turning and parking. Access to the site would be gained off the C2015, County Class III highway.

The Highway Authority have been consulted and have noted that the visibility to the west is substandard and as no improvement has been proposed by the applicant, the Highway Authority recommends that this application is refused.

Amended plans have been submitted which highlight that a visibility of 59 metres can be achieved in the westerly direction which is located in a 30mph speed limit. The Highway Authority has been consulted on these amended plans but no comments have been received at present.

An update will therefore be presented to Members prior to the meeting.

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 polices in the UDP seek to safeguard and enhance biodiversity, and these objectives are also echoed in national policy (TAN5 and Planning Policy Wales).

It is noted that the development site is located within 500 metres of one non-statutory Wildlife Trust Reserve (Llandefaelog Wood) and there are also records of protected and priority species located within 500 metres of the proposed development site.

The Powys Ecologist has been consulted and noted that there is identification of great crested newt records in the surrounding area and given the proximity to the ponds it is considered that the proposed development has potential to impact of great crested newts and the loss of potential terrestrial habitat. The Powys Ecologist therefore identified two ways in which to progress the application the first being to complete further surveys to identify whether great crested newts are present on site or the second being to assume great crested newts are present and to condition Reasonable Avoidance Method Statement (RAMs) appropriately.

The agent has been consulted and is satisfied for the conditions to be attached to any grant of consent. It is therefore considered subject to appropriately worded conditions the proposed development can be mitigated to an appropriate level and therefore fundamentally complying with relevant planning policy.

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 SP1 (Social, Community and Cultural Sustainability), states as follows:

“In assessing proposals for new development due regard will be given to the need to sustain and where possible enhance the social, cultural and linguistic characteristics of the area and to the contribution that the proposal can make towards meeting the needs of local communities and residents”.

Policy GP5 (Welsh Language and Culture), states as follows:

“In the following settlements, the Welsh language has been identified as being important to the social, cultural and community fabric.

Within the 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 housing.

ABERCEGIR	DOLANOG	LLANWDDYN
ABERCRAF	DERWENLAS	LLANWRIN
ABERHOSAN	ESGAIRGEILIOG CEINWS	LLAWR Y GLYN
ABERTRIDWR	FOEL	LOWER CWMTWRCH
ADFA	FORGE	MACHYNLLETH
BONT DOLGADFAN	GLANTWYMYN	PENEGOES
CAE HOPKIN	GURNOS	PENRHOS
CAER BONT	LLAN	PENYBONTFAWR
CAER LAN	LLANBRYNMAIR	PONTROBERT
CARNO	LLANERFYL	TALERDDIG
CEFN COCH	LLANFAIR CAEREINION	TREFEGLWYS
CEMMAES	LLANFIHANGEL	UPPER CWMTWRCH
COELBREN	LLANFYLLIN	YSTRADGYNLAIS
COMMINS COCH	LLANGADFAN	YNYS ISAF
CWM LLINAU	LLANGYNOG	YNYS UCHA F «
CWMGIEDD	LLANRHAADR YM MOCHNANT	
DAROWEN	LLANSILIN	

Planning Policy Wales (November, 2016)

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.’”

The Well-being of Future Generations (Wales) Act 2015

The Well-being of Future Generations (Wales) Act 2015 seeks to improve the social, economic, environmental and cultural well-being of Wales. It contains seven well-being goals which certain public bodies (including local authorities) must seek to achieve in order to improve the well-being both now and in the future. One of the well-being goals is:

‘A Wales of vibrant culture and thriving Welsh Language’

This well-being goal will be achieved through a ‘society that promotes and protects culture, heritage and the Welsh Language and which encourages people to participate in the arts, and sport and recreation’.

Census Information

2003 Census

2003 CAS ward	All people aged 3 and over	Understands spoken Welsh only	Speaks but does not read or write Welsh	Speaks and reads but does not write Welsh	Speaks, reads and writes Welsh	Other combination of skills	No knowledge of Welsh
00NNSX: Rhiwcynon	1,805	137	47	29	339	87	1,166

2011 Census

2011 ward	All usual residents aged 3 and over	No skills in Welsh	Can understand spoken Welsh only	Can speak Welsh	Can speak but cannot read or write Welsh	Can speak and read but cannot write Welsh	Can speak, read and write Welsh	Other combination of skills in Welsh
W05000343 : Rhiwcynon	2,116	1,416	161	467	64	31	366	78

Adfa is within the Ward area of Rhiwcynon, as shown within the Census information the number of residents aged 3 and over has increased and the number of people who can speak and/or understand Welsh has increased. The Census information suggests that people are moving to the Ward area and support the use of Welsh language and Culture.

Members are advised that the impact of the proposed development on Welsh language is a material consideration and as such needs to be allocated consideration weight when determining this planning application.

Impact on the existing community facilities

Adfa is served by facilities which include the following; Chapel, community centre, post box, post office, public telephone box and adopted open space amenity area. It is considered that the introduction of the proposed two dwellings would help sustain the viability of the facilities that are vital in supporting Welsh language and culture. It is not considered that a development of the proposed scale would threaten the existing facilities or force sections of the population away from these facilities.

The dwellings are well located, adjoining the settlement boundary allowing the existing infrastructure to be utilised, the development would appear part of the existing settlement and within easy access to facilities.

Impact on the social fabric of Adfa

Planning Policy Wales states “*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.’*”

The above Census information confirms the population and use of the Welsh language within the Ward for which Adfa is located has increased over the last 7 years. These findings

suggest Adfa can accommodate housing development of an appropriate scale without detriment to the social fabric of the Ward.

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

Impact on the local economy

It is considered small scale construction schemes are likely to contribute to the economy of the local area through employment of local trades people. It is concluded therefore that construction of the dwellings would have a neutral or positive impact on the local economy which is considered a positive from a Welsh language and cultural perspective.

Given the scale of the development it is therefore not considered that the proposed development would have an unacceptable adverse impact on Welsh language and culture. The proposal is therefore considered to comply 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.

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 therefore one of conditional consent.

Conditions

1. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. The development shall be carried out strictly in accordance with the plans stamped as approved on XXX (drawing no's: Location Plan 5140/17/01 Rev A and Proposed Block Plan, 5140/17/03 Rev A).
5. Prior to commencement of development, a great crested newts Reasonable Avoidance Method Statement shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.
6. Prior to the first installation of any external lighting a lighting design scheme to take into account any impacts on nocturnal wildlife into consideration shall be submitted for written Local Planning Authority approval and implemented as approved and maintained thereafter.

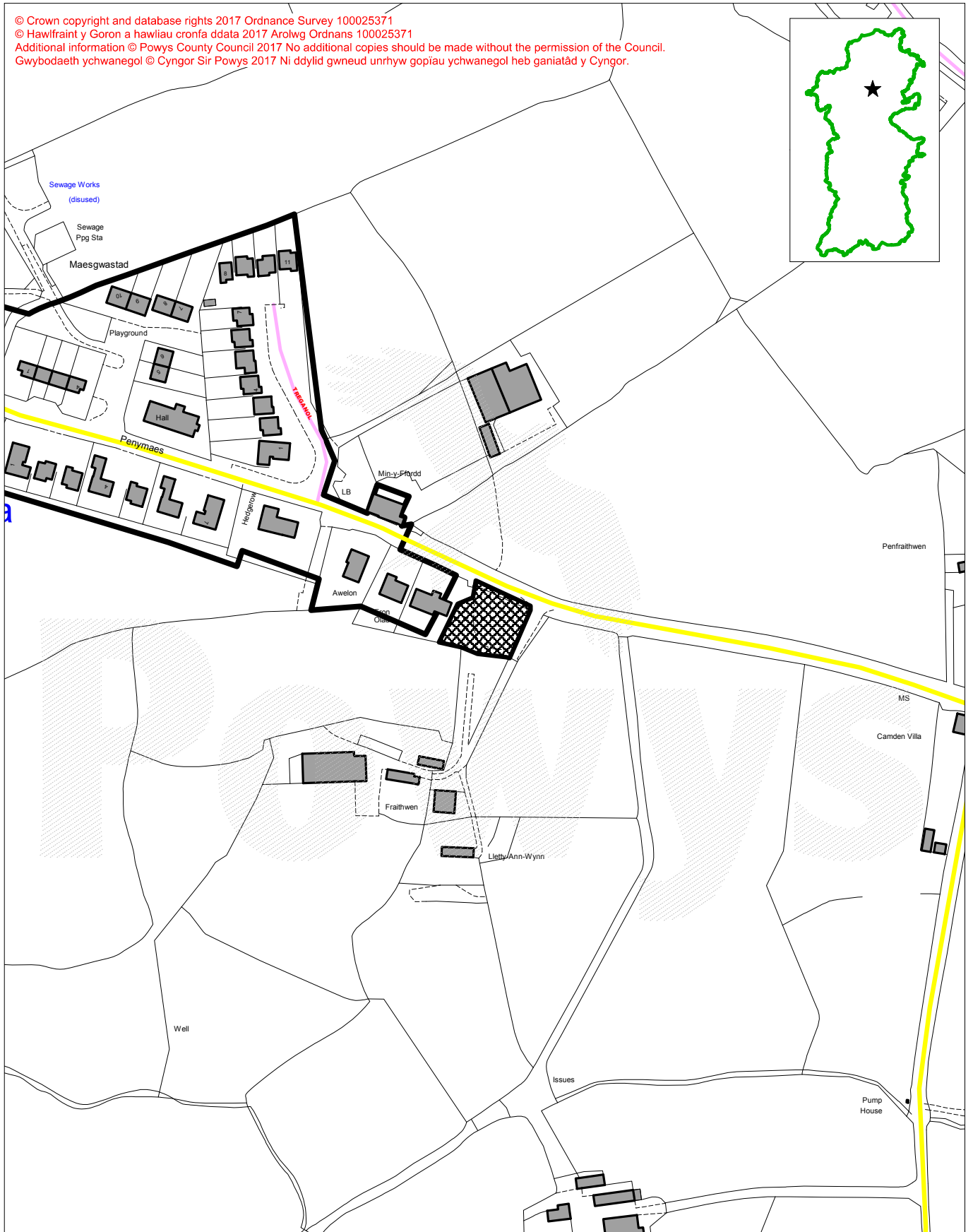
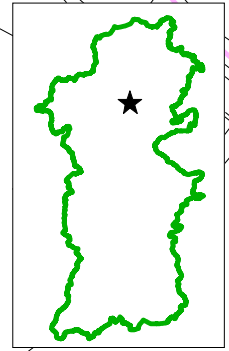
Reasons

1. To enable the Local Planning Authority to exercise proper control over the development in accordance with Section 92 of the Town and Country Planning Act 1990.
2. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
3. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
4. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
5. To comply with Powys County Council's UDP Policies SP3, ENV2, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and the NERC Act 2006.

6. To comply with Powys County Council's UDP Policies SP3, ENV2, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and the NERC Act 2006.

Case Officer: Gemma Bufton- Principal Planning Officer
Tel: 01597 827505 E-mail: gemma.bufton1@powys.gov.uk

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Application No: P/2017/1023

Grid Ref: 282410.03 304458.28

Community Council: Glantwymyn

Valid Date: 14/09/2017
Officer: Dunya Fourie

Applicant: Powys County Council

Location: Ysgol Glantwymyn C.P., Glantwymyn, Cemmaes Road, Machynlleth, Powys, SY20 8LX.

Proposal: Full: Erection of extensions to existing school, new vehicular access and parking, and new multi-surface MUGA pitch

Application Type: Application for Full Planning Permission

The reason for Committee determination

The applicant is Powys County Council and is therefore required to be determined before Members of the Planning Committee.

Site Location and Description

The site concerns Glantwymyn School, the site is accessed off the A470 trunk road, via a classified highway which currently serves the school and adjacent houses. The immediate site concerns the front (west) elevation of the school and school amenity areas to the front (west) and rear (east) of the building.

This application seeks full planning consent for alterations to the school building and grounds. The external alterations to the school building include extension to provide a staff room, head teacher's office, reception, foyer area, cloakroom and extension to nursery classroom, the area of the extension extends to approximately 142m².

The works in the front of the school comprise the construction of a parking and turning area of 12 vehicles and creation of a new access off the existing access road.

Works to the rear of the school include the construction of a multi surface MUGA (multi-use games area) pitch, the area of the pitch would extend to approximately 756m².

Consultee Response

Glantwymyn Community Council

Letter of the 18th October 2017

The members of Glantwymyn Community Council discussed this application at a recent meeting of the Council and unanimously agreed to support this planning application for improvements to the school buildings and facilities at Ysgol Glantwymyn.

Members were particularly delighted to note the inclusion of the multi-surface MUGA pitch within the proposals and feel that the proposed development and improvements to Ysgol Glantwymyn will provide a significant benefit to the younger schoolchildren of the Glantwymyn area and also the residents of the wider community for many years to come.

Powys Highways*Letter of 10th October 2017*

Whilst the Highway authority is not opposed to the development, we will need further details to be submitted prior to any works being commenced to ensure that the finished development is suitable for all pedestrians and vehicles that may wish to cross or enter the car park entrance.

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 proposed car park entrance to include width and gradient of entrance along with details of tactile pedestrian crossing areas. In addition the details must include information regarding surface water drainage.

Prior to the occupation of the school building extension the parking area, its entrance and footway shall be fully completed to the written satisfaction of the Local Planning Authority.

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 and material storage compound. 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.

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

Powys Building Control-

Building regulations would be required prior to the commencement of development.

Severn Trent*E mail of the 26th September 2017*

As the above site is out of Severn Trent's waste water area we have no comment to make.

Powys Ecologist

Email of 21st September 2017

Thank you for consulting me with regards to planning application P/2017/1023 which concerns an application for the erection of extensions to existing school, new vehicular access and parking, and new multi-surface MUGA pitch at Ysgol Glantwymyn C.P., Glantwymyn, Cemmaes Road, Machynlleth, Powys.

I have reviewed the proposed plans submitted with the application 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. In addition I am familiar with the site of the proposed development and the building affected by the proposed extensions.

The data search identified 15 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.

Having reviewed the submitted plans and taking into account my knowledge of the building and the areas affected by the proposed works it is considered that the proposed development would be unlikely to impact bats. The building and roof in the areas of the proposed works appear to be in good condition, the soffits, eaves and roof covering are well sealed offering negligible potential for bats to gain access to the property for roosting purposes. It is therefore considered that the proposed development would be unlikely to impact roosting bats. In light of this assessment I consider that no further information is considered necessary to determine the potential impact of the proposed extension on bats.

Whilst the proposed development is not considered likely to impact roosting bats it is not that bats are present in the local area and have potential to be foraging or commuting around the site. Careful consideration will need to be given to any proposed external lighting design associated with the proposed 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.

The proposed car park area will result in the loss of a small number of semi mature trees, these trees have negligible potential to support roosting bats due to lack of suitable roosting features. It noted from the proposed plans that a number of new trees will be provided through the landscaping of the car parking area. The provision of landscaping is welcomed, it is recommended that species used in landscaping are native (in accordance with UDP policy GP1) this would serve to compensate for the loss of trees required to accommodate the proposed development and 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.

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

The areas of habitat affected by the proposed car park and MUGA pitch are areas of amenity grassland currently used as playing fields, the ecological value of these habitats is considered to be low and the impact of the proposed development to biodiversity as a result of the loss of these areas of habitats is not considered to be significant.

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

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.

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.

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 Government Transport

Letter of the 4th October 2017

I refer to your consultation of 20/09/2017 regarding the above planning 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.

Environmental Health Authority

E mail of 21st September 2017

Thank you for your consultation in respect of this application. Having given due consideration to the plans submitted, I have no objection to this application

Representations

A site notice was erected on the telegraph post adjacent to the school fence and adjacent the site of the proposed new access. No decision was made for a continuous period of 21 days from the date of the site notice.

One third party response has been received, within this response concern is raised that the proposed access is directly opposite residential dwellings and will exacerbate congestion and cause disturbance. The existing access and parking problems with access to the school at the start and end of the school day were highlighted and they consider the proposed new on- site parking would not sufficiently address the existing traffic problems.

Planning History

P/2010/0263-Installation of 10 sq metres of solar panels to existing roof. Consent granted 14th April 2014

Principal Planning Policies

National Planning Policy

Planning Policy Wales (9th Edition, November 2016)
Technical Advice Note 5-Nature Conservation and Planning (2009)
Technical Advice Note 12-Design (2016)

Technical Advice Note 16-Sport Recreation and Open Space (2009)
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 Policy-Unitary Development Plan for Powys (March 2010)

SP6-Development and Transport
SP9-Local Community Services and Facilities
GP1-Development Control
GP3-Design and Energy Conservation
GP4-Highway and Parking Requirements
ENV3-Safeguarding Biodiversity and Habitats
ENV7- Protected Species
CS5-Educational Developments
DC1-Access by Disabled People
DC3- External Lighting
DC10- Mains Sewage Treatment
DC13- Surface Water Drainage
T2-Traffic Management
TR2 – Tourists Attractions and Development Areas

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

Officer Appraisal

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

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

Principle of Development

Policy CS5 confirms that extension or improvement of existing schools and the provision of new facilities will be supported where located in accordance with the sustainable strategic settlement hierarchy.

The proposed parking facilities in association with the school and school itself are located within Glantwymym settlement boundary whilst the proposed MUGA is located outside. Taking into considered that the proposed MUGA pitch is located on the existing recreational fields used in association with both the school and nearing community centre it is considered that the proposed is located within a sustainable location based on its good range of service provision and transport links and the location of the pitch is justified in terms of its connectivity with the school and community centre.

It is therefore considered that the proposed development fundamentally complies with relevant planning policy.

Design and External Appearance

Policy GP3 seeks to ensure development would not have an unacceptable adverse impact on the character or appearance of the area.

The proposed alterations would increase the volume of the school, however the scale of the proposed changes would remain subservient to the main building in terms of both height and footprint, and could be accommodated within the school grounds while retaining sufficient amenity space.

The majority of the alterations are on the west elevation of the building, the works comprise an extension to the front of the building and introduction of two projecting gables. The design of the existing building includes projecting front gables on this elevation and as such the design of the proposed changes are in keeping with the design of the existing building and comply with policy GP3.

The proposed materials replicate those of the existing building and as such the alterations would be in keeping with the character and external appearance of the school building.

The design and external appearance of the school building, as proposed, is in accordance with policy GP3 and as such is considered acceptable.

Suitability of access arrangements and parking facilities

This application includes a proposal for creation of a new vehicle access into the school grounds and the provision of 13 parking spaces.

The access off the A470 remains unchanged, however a new vehicular access will be provided to the application site off the U4625 County Highway to provide access to a new vehicular parking area for 13 cars.

Information provided within third party representations confirm the road to the north of the school often becomes congested at school pick up/drop off times and when there are events being held at the school and community centre. The provision of additional parking spaces within the school is likely to have a positive effect on any existing congestion within this area. The concerns raised within third party responses regarding restriction of the parking provision to school staff are noted, however the Authority consider any additional off road parking in this area would assist in alleviating any congestion and as such support the proposed parking facility. Indeed, further information was provided by the applicant confirming the car park would be available for parent parking and the proposed 'one way drop off' management of the car park would encourage the free flow of traffic within the site and potentially further reduce any congestion on the access road during drop off and pick up times.

The highway authority therefore raises no objection to the proposal, subject to the inclusion of the recommended conditions, in light of which it is therefore considered that the proposed development fundamentally complies with relevant planning policy.

Ecological considerations

Policies ENV3 and ENV7 seek to ensure development does not have an unacceptable adverse impact on Ecology and the favourable conservation status of European protected species.

The proposal includes works to the roof space of the school building, loss of a small number of semi mature trees and changes to the surface of a parcel of maintained grassland.

There are limited bat records in the area and the Ecologist notes the school building and recreational land is of low ecological value. The proposed plans include details of tree planting within the car park area and a landscaping plan detailing the species and location of the trees which can be secured via a planning condition. In order to protect the feeding habitat of nocturnal animals, it is advised a condition requiring all external lighting to be approved by the local planning authority should be included on any forthcoming planning consent.

The County Ecologist has considered the proposals and existing Ecology records in the area and raises no objection, provided the recommended conditions form part of forthcoming consent. In light of the above and subject to any recommended conditions it is therefore considered that the proposed development fundamentally complies with relevant planning policy.

Other Legislative Considerations

Crime and Disorder Act 1998

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

Equality Act 2010

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

Having due regard to advancing equality involves:

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

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

Planning (Wales) Act 2015 (Welsh language)

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. This duty has been given due consideration in the determination of this application.

Glantwymyn is recognised within the UDP as a settlement where Welsh language as being important to the social, cultural and community fabric and as such is a material consideration when determining new development proposals.

The proposed scheme seeks to improve the existing educational facilities and is supported by the community council. As such it is considered that the proposed development would not reduce the importance of the Welsh language to the social, cultural and community fabric of Glantwymyn.

Wellbeing of Future Generations (Wales) Act 2015

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

Recommendation

In light of the above it is considered that the proposed development fundamentally 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 XXXX (Ref: proposed site location plan, existing site plan, proposed site plan, proposed elevations, existing elevations, proposed site plan detail from topo, proposed MUGA pitch plan, existing floor plan, proposed floor plan)
3. Prior to commencement of development, full engineering details for the proposed car park entrance to include width and gradient of entrance along with details of tactile pedestrian crossing areas shall be submitted to and approved in writing by the local planning authority. Works shall be carried out in accordance with the approved scheme.
4. Prior to commencement of development, a scheme for the discharge of surface water drainage from the car park hereby approved shall be submitted to and approved in

writing by the local planning authority, works shall be carried out in accordance with the approved scheme.

5. Prior to any other development commencing, provision shall be made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area and material storage compound. 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.

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

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

8. 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.

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 to accord with Powys Unitary Development Plan policies GP1 and GP4
4. In the interests of highway safety and to accord with Powys Unitary Development Plan policies GP1 and GP4
5. In the interests of highway safety and to accord with Powys Unitary Development Plan policies GP1 and GP4
- 6&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 Part 1 Section 6 of the Environment (Wales) Act 2016.
8. 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.

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).

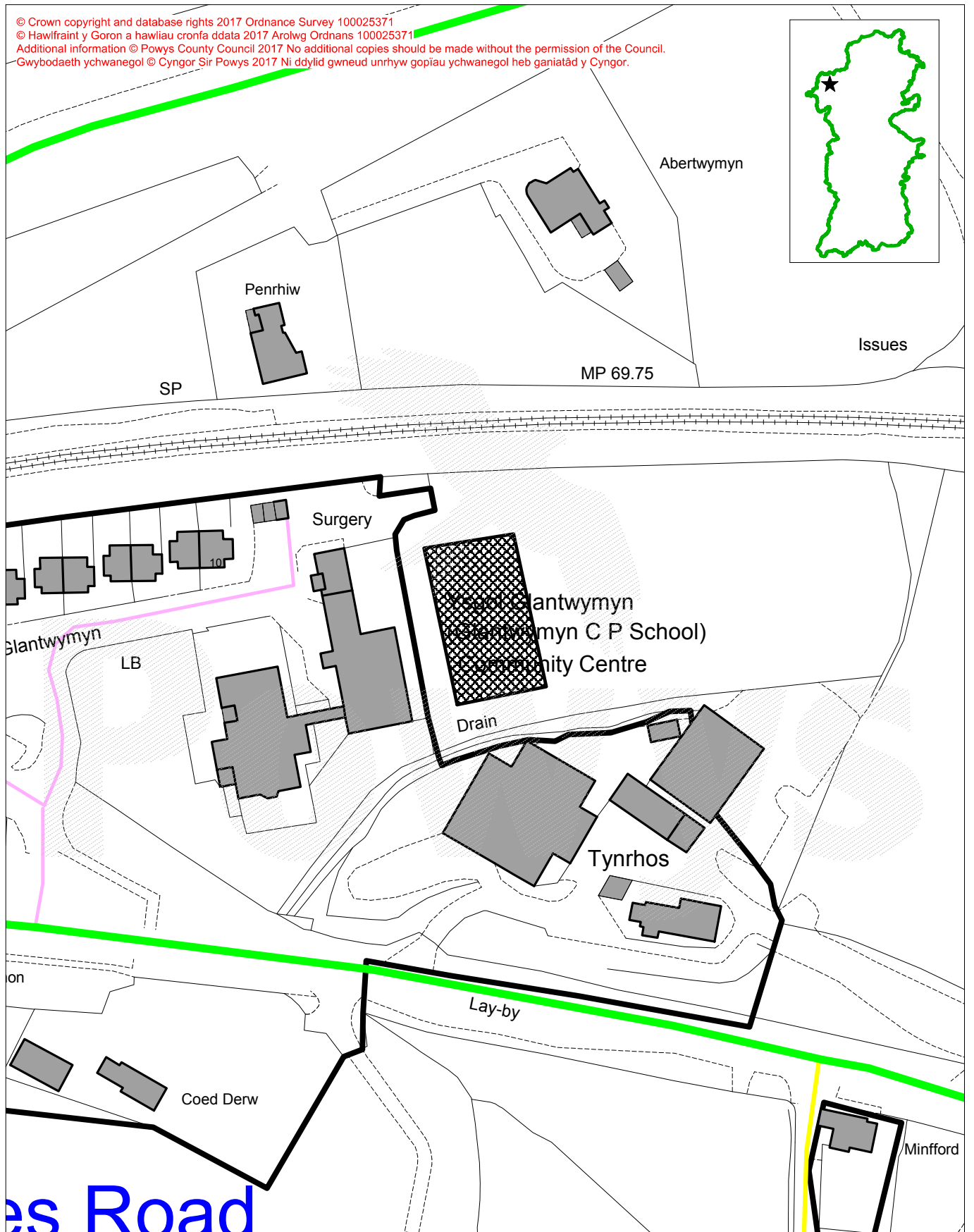
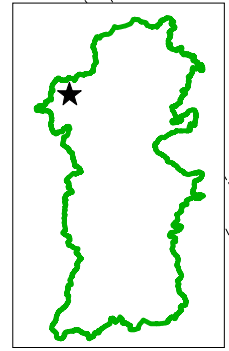
It is therefore an offence to:

- 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.

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4.14

Planning, Taxi Licensing and Rights of Way Committee Report

Application No: P/2017/1074 **Grid Ref:** 277217.96 209933.05

Community Council: Ystradgynlais **Valid Date:** 20/09/2017 **Officer:** Lorraine Jenkin

Applicant: Powys County Council

Location: Ysgol Gymraeg, Dyffryn y Glowyr, Gurnos, Swansea, POWYS

Proposal: Full - Installation of a refurbished de-mountable classroom in the school grounds

Application Type: Application for Full Planning Permission

The reason for Committee determination

Applicant is Powys County Council

Site Location and Description

Dyffryn y Glowyr is a new Welsh language school built within large grounds in the south of the village of Lower Cwmtwrch. The main building is in the centre of the site, with a large parking area to the south (front) and playing fields to the north (rear). Beyond the playing fields to the rear the ground rises and on this rise is a residential area. To the west of the site beyond some existing trees is a sloping area used by the school as an informal nature area.

This application is for the installation of a de-mountable classroom within the school grounds, to the rear and west of the building. The classroom will be 9.1 metres in length and 8.4 metres wide and will be 3.4 metres in height. The classroom will be accessed from a metalled path leading from the existing hard surfaced area at the rear of the school, and will be connected to the existing sewage system.

The classroom will be finished in cedar cladding, with cedar cladding doors (half-glazed) and black framed windows. There will be a timber ramp accessing the classroom with a timber handrail. The roof will be flat and finished with a EPDM membrane.

Consultee Response

Ystradgynlais CC

No response received at the time of writing the report.

PCC Highways
5th October, 2017

Does not wish to comment on the application.

Wales and West Utilities

26th September, 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 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, syphons, stub connections, etc. are not shown but their presence should be anticipated. No liability of any kind whatsoever is accepted by Wales and West Utilities, its agents or servants for any error or omission.

Wales and West Utilities 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 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.

If you have any queries please contact on who will be happy to assist you.

PCC Ecologist

First Response

10th November, 2017

Thank you for consulting me with regards to planning application P/2017/1074 which concerns a full planning application for installation of a refurbished de-mountable classroom in the school grounds at Ysgol Gymraeg Dyffryn y Glowyr Gurnos Swansea.

I have reviewed the proposed plans as well as local records of protected and priority species and designated sites within 500m of the proposed development. The data search identified 1611 records of protected and priority species within 500m of the proposed development – no records were for the site itself.

There are no statutory designated sites within 500m of the proposed developments.

There are two non-statutory designated sites within 500m of the proposed developments:

- Local Wildlife Trust Reserve – Cae Lynden
- SINC - Pentwyn Grasslands

Having reviewed the location and nature of the proposed development in relation to the designated sites it is considered that the proposed development would not result in a negative impact to the designated sites or their associated features.

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

Reviewing on site photographs the habitats affected by the proposed developments is an area of amenity grass – which is habitats considered to be of low ecological value.

However, I do note that there are a number trees on the western boundary. Given that excavation work will be required to be undertaken in close proximity to the trees it is considered prudent to require information from the applicant as to how these features biodiversity importance for wildlife will be protected during the construction period of works.

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

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

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.

Second Response
22nd November, 2017

Thank you for consulting me with regards to the additional information submitted in relation to planning applications P/2017/1074.

The additional information submitted has been provided in response to a request for a Tree and hedgerow protection plan given the proximity of the developments and construction works to trees on the development site.

Having reviewed the submitted Tree and Hedgerow Protection Plan submitted– the plan is considered to be appropriate and acceptable.

In addition to my previous response sent 10th November 2017 - should you be minded to approve the application I recommend inclusion of the following conditions:

The Tree and Hedgerow Protection Plan produced dated the 15/11/2017 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 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.

Cllr Sandra Davies
26th September, 2017

I welcome the application.

Representations

None received at the time of writing the report.

Planning History

P/2010/1430 - Construction of a new primary school with associated landscape and highway works as part of the Maesydderwen Catchment School Modernisation Programme
P/2012/0756 – Variation of Condition 2 of P/2010/1430 to enable development to be carried out in accordance with additional and amended plans submitted 26th June 2012

Principal Planning Constraints

Flood Zone B

Principal Planning Policies

National planning policy

Planning Policy Wales (Edition 9 2016)
Technical Advice Note 15 - Development and Flood Risk (2004)

Local planning policies

SP1 – Social, Community and Cultural Sustainability.
SP9 – Local Community Services and Facilities
SP14 – Development in Flood Risk Areas
GP1 – Development Control
GP5 – Welsh Language and Culture
DC1 - Access by Disabled Persons
HP4 - Settlement Development Boundaries and Capacities
CS5 – Educational Developments

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

UDP policy CS5 states that proposals for the extension or improvement of existing schools will be supported where located in accordance with the sustainable strategic settlement hierarchy. The school site sits within the development limits of Lower Cwmtwrch / Ystradgynlais. The principal of the proposed development is considered to therefore be acceptable.

Design

With regard to the design of the classroom, this is a typical mobile classroom design. The use of cedar cladding will soften the appearance of the classroom and help it to blend into the scrubby woodland area to the west of the site.

The size and scale of the classroom is small in scale when compared to the large school building and its associated works. The location of the classroom to the rear of the school ensures that the classroom will not have an adverse impact on either the school or when looking into the school from the residential dwellings to the rear of the site.

The location of the classroom within the wider school site is in a discreet corner of the grounds, as near to the school as is possible whilst allowing the school to function around it.

It is therefore considered that this application is acceptable in terms of its design and aesthetic criteria and so is in accordance with the policy framework, in particular UDP policy GP1.

Impact on neighbouring dwellings

The school is surrounded by residential dwellings on three sides, but the site of the proposed will only be visible from the rear of the dwellings to the north of the school site and for a few to the east, due to topography and the presence of the school building. The closest dwellings will be just over 70 metres between the rear elevations.

The proposed classroom will be a small addition in comparison to the size of the existing school and the impact of its occupants. The door will face the east, and although no response was received from Environmental Health, it is not considered that noise nuisance will be an issue to residential dwellings at that distance.

Considering the above and also the scale of the proposed building within the larger school site, it is considered that the proposal will not unacceptably adversely affect the neighbouring residential dwellings and therefore it is considered that this proposal is acceptable within the policy context and in particular GP1.

Ecology

With regard to the ecology, the site itself is currently close-mown grass. However, adjoining the site is the school's informal nature area and it is screened from the playing field by a number of scrubby trees. The Ecologist asked for further details to be submitted.

A detailed Tree and Hedgerow Protection Plan was submitted and the Ecologist stated that they were content with the submitted information and removed the requirement for a condition relating to the submission of further information. A condition has been requested to ensure that development is carried out in accordance with the Protection Plan.

It is therefore considered that, subject to these conditions, the proposal is acceptable within the policy remit, in particular UDP policy ENV3.

Flooding

Policy SP14 states that highly vulnerable development will not be permitted in a C2 flood zone. Following scrutiny of the Development Advice maps, it is clear that whilst the proposed development would be classed as highly vulnerable it lied wholly outside the C2 flood zone.

The site does lie within Zone B, which is defined as an area which has been known to flood in the past, however this does not prohibit development.

As such it is considered that the proposed development fundamentally complies wioth UDP Policy SP14 and TAN 15.

Other Legislative Considerations

Crime and Disorder Act 1998

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered

that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

Equality Act 2010

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

Having due regard to advancing equality involves:

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

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

Planning (Wales) Act 2015 (Welsh language)

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

Wellbeing of Future Generations (Wales) Act 2015

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

RECOMMENDATION

In light of the above the proposed development is considered to be in accordance with the relevant planning policies and is therefore recommended for approval subject to the conditions outlined below.

Conditions:

1.The development to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.

2.The development shall be carried out strictly in accordance with the plans stamped as approved on XXXX (drawing no's:4001-7-05, 4001-7-04, 4001-7-02, 4001-7-03, Tree and Hedgerow Protection Plan dated 15th November, 2017).

3. The Tree and Hedgerow Protection Plan produced dated the 15/11/2017 shall be adhered to and implemented in full and maintained thereafter.

Reasons

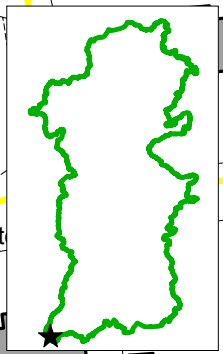
1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

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

3. 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.

Case Officer: Lorraine Jenkin- Planning Officer
Tel: 01597827527 E-mail:lorraine.jenkin@powys.gov.uk

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4.15

Planning, Taxi Licensing and Rights of Way Committee Report

Application No: P/2017/0970

Community Council: Llanfyllin
Applicant: Powys County Council

Officer:
Eddie Hrustanovic

Location: Llwyn Y Rhedyn, Station Road, Lanfyllin, Powys SY22 5DE

Proposal: Creation of new car parking arrangement and footway,

Application Type: Application for Full Planning Permission

The reason for Committee determination

As the applicant is Powys County Council Housing Department.

Site Location and Description

The site subject to this application is located within community council area of Lanfyllin. The site is located at the front of Llwyn Y Rhedyn bungalows adjacent to Station Road. The bungalows are managed by Powys County Council Housing Department. Currently there is a large lay-by style parking provision, while the existing footway at the front of the bungalows is in poor state of repair as well.

The proposed works are in respect of parking arrangements upgrade and access/footpath improvements in front of no's 1 – 8 Llwyn Y Rhedyn. This work is the latest in a number of projects that Housing have been undertaking to their older persons accommodation, in order to promote tenant independence and reduce the risk of trips and falls.

The proposed works involve excavation into an existing footway and grassland, then resurfacing the area to create parking bays in order to accommodate tenants' vehicles. A new pedestrian footway will be also constructed around the new parking bays to accommodate pedestrian traffic.

Consultee Response

Community Council

No reply received

PCC Highways

Wish the following recommendations/Observations be applied
Recommendations/Observations

Prior to any other works commencing on the development site, detailed engineering drawings for the proposed car parking and footway alterations along the Unclassified U5005 and associated works, shall be submitted to and approved in writing by the Local Planning Authority.

Within one month of the commencement of the development, all Highway Improvements, referred to above, shall be fully completed to the written satisfaction of the Local Planning Authority and shall be retained for their designated use for as long as the development hereby permitted remains in existence.

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

Wales and West Utilities

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 & West Utilities in its role as a Licensed Gas Transporter (GT). Please note that this is a Liquid Petroleum Gas (LPG) network 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, syphons, 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 & West Utilities 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.

PCC Environmental Health

I have no objection to the application.

County Ecologist

Thank you for consulting me with regards to planning application enquiry P/2017/0970 which concerns the full planning application for creation of new car parking arrangement and footway for residents of Llwyn Y Rhedyn, Llanfyllin, Powys.

I have reviewed the proposed plans as well as local records of protected and priority species and designated sites within 500m of the proposed developments. The data search identified 107 records of protected and priority species within 500m of the proposed development – no records were for the site itself. There are no non-statutory or statutory designated sites within 500m of the proposed development.

The habitats affected by the proposed developments are areas of existing hardstanding and amenity grass – which are habitats considered to be of low ecological value. With regards to protected and priority species identified as present in the local area by the data search it is not considered likely that the proposed development would result in negative impacts to these species and no surveys are considered necessary.

Therefore the proposed developments will **not result** in the loss of any features of ecological importance and it is considered the proposed works are unlikely to have a negative impact to biodiversity in the wider area.

Representations

No public representations received

Planning History

None

Principal Planning Constraints

None

Principal Planning Policies

National Policies

Planning Policy Wales (Edition 9, November 2016)
Technical Advice Note 5: Nature Conservation and Planning.
Technical Advice Note 18: Transport (2007)

Local Policies

DC1 – Access by Disabled Persons
GP1 – Development Control
GP3 – Design and Energy Conservation
GP4 – Highway and Parking Requirements
ENV2 – Safeguarding the Landscape
ENV3 – Safeguarding Biodiversity and Natural Habitats
ENV7 – Protected Species
TP1 – Highway Improvement Schemes

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

UDP policy GP4 sets out the general requirements applied to all highway developments such as this proposal. The main planning considerations relating to this type of proposal are adequate provision for visibility, turning, and passing and dropped kerbs. The proposed works are in respect of parking arrangements upgrade and access/footpath improvements in front of no's 1 – 8 Llwyn Y Rhedyn. This work is the latest in a number of projects that Housing have been undertaking to their older persons accommodation, in order to promote tenant independence and reduce the risk of trips and falls.

In light of the above it is therefore considered that the principle of the proposed development fundamentally complies with relevant planning policy subject to the following:

Highways

A safe access, parking and visibility splays are a fundamental requirement of any development.

The proposed works involve excavation into an existing footway and grassland, then resurfacing the area to create parking bays in order to accommodate tenants' vehicles. A new pedestrian footway will be also constructed around the new parking bays to accommodate pedestrian traffic. The proposed driveway will be finished with tarmac as well as new footway.

The Local Highway Authority has been consulted regarding the application as Highway Authority for the County Unclassified Highway U5005. The Highway Authority noted whilst it is not opposed to the development and the alteration to the footway, the Highway Authority will require further details to be submitted prior to any works being commenced, to ensure that the finished gradient is suitable for all users. The Highway Authority recommended the inclusion of two conditions.

In light of the above it is therefore considered that the proposed development will fundamentally improve the existing access and parking arrangements to the properties and will therefore provide a safer access to the dwellings as well as providing suitable access for wheelchair users.

It is therefore considered that subject to the recommended conditions the proposed development fundamentally complies with UDP policy GP4.

Amenities enjoyed by occupiers of neighbouring properties

In considering the amenities enjoyed by the occupiers of neighbouring properties consideration has been given to the Powys Residential Design Guide (October 2004).

It is considered that the proposed development will not have an unacceptable impact on any neighbouring properties in terms of loss of daylight or a negative impact upon any loss of privacy of neighbouring dwellings.

It is therefore considered that the proposed development would not be seen as having a detrimental impact to the amenities enjoyed by neighbouring residential properties and therefore fundamentally complies with relevant planning policy.

Biodiversity

With respect to Biodiversity, specific reference is made to UDP policy ENV3; as such the PCC Ecologist was consulted with regard to this application.

The Ecologist reviewed the proposed plans as well as local records of protected and priority species and designated sites within 500m of the proposed developments. The data search identified 107 records of protected and priority species within 500m of the proposed development – no records were for the site itself. There are no non-statutory or statutory designated sites within 500m of the proposed development.

The habitats affected by the proposed developments are areas of existing hardstanding and amenity grass – which are habitats considered to be of low ecological value.

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

The County Ecologist therefore notes that the proposed developments will not result in the loss of any features of ecological importance and it is considered the proposed works are unlikely to have a negative impact to biodiversity in the wider area.

Other Legislative Considerations

Crime and Disorder Act 1998

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

Equality Act 2010

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

Having due regard to advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;

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

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

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 planning policy. The recommendation is therefore one of conditional approval subject to conditions as specified below.

Conditions

1. The development to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.
2. The development shall be carried out strictly in accordance with the plans stamped as approved on XXXXXXXX (drawing no's: D/001 D – Drawing Title: Car parking bays).
3. Prior to any works being commenced on site the applicant shall submit and have approved in writing by the Local Planning Authority full detailed engineering drawings for the proposed car parking and footway alterations along the Unclassified U5005. Development thereafter shall be completed in full accordance with the details as approved and shall be retained for their designated use for as long as the development hereby permitted remains in existence.

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.

Informative

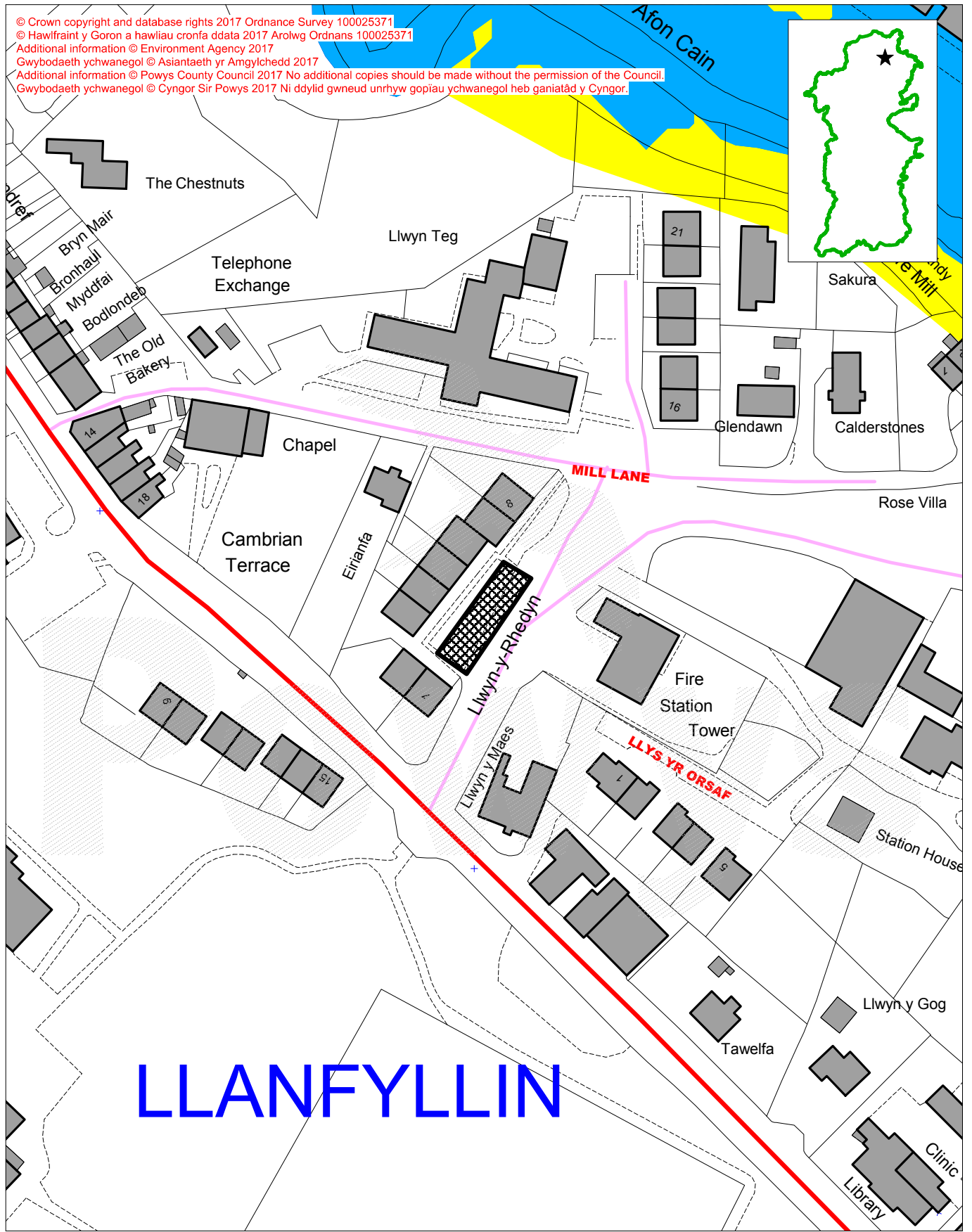
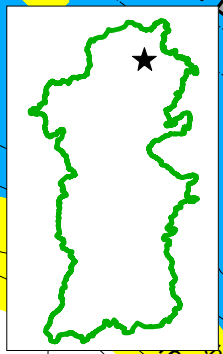
- Wales and West Utilities

Wales & West Utilities 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. If you have any queries please contact Danielle Thomas on 02920 278 912 who will be happy to assist you. Our Reference Number: 8150077122

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

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4.16

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	HEDG/2017/0006	Grid Ref:	280830.11 297440.64
Community Council:	Cadfarch	Valid Date:	Officer: 05/10/2017 Luke Jones
Applicant:	Powys County Council		
Location:	Land near Chapel, Aberhosan, Machynlleth, Powys		
Proposal:	Hedgerow removal application		
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 translocated is located outside the village of Aberhosan, in close proximity to the Chapel. The section of hedgerow to be removed is located adjacent to the county highway C2172.

The notification is for the translocation of approximately 41 metres of hedgerow. The hedgerow is to be translocated to widen the existing highway to allow works to maintain its structural integrity. The translocated hedge will be located to the rear of the existing hedgerow.

Consultee Response

Cadfarch Community Council

No comments received at the time of writing this report

PCC Ecologist

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 7 woody species (listed in Schedule 3 to the Regulations) present in the surveyed section of the hedgerow – Ash, Downy birch Blackthorn, Hawthorn, Hazel, Oak, Rose spp.

- 2 woodland ground flora species (listed in Schedule 2 to the Regulations) were identified –Herb-robert and Male fern
- The hedgerow is not adjacent to a public footpath
- The hedgerow connects with 2 other hedgerows and a woodland Score – 4 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 meets the criteria of ‘Important’ as defined by the regulations.

I note that the proposed removal of the hedgerow relates to works to widen the existing highway to allow works to maintain its structural integrity.

Regulation 5 part 5 section b states that

(5) A local planning authority—

(b) shall give such a notice, within the period specified in paragraph (6), in respect of an “important” hedgerow unless satisfied, having regard in particular to the reasons given for its proposed removal in the hedgerow removal notice, that there are circumstances which justify the hedgerow’s removal.

Therefore consideration should be given to the reason for the proposed hedgerow removal and whether this constitutes sufficient merit to issue a Hedgerow Removal Notice for an Important Hedgerow.

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’.

If a decision is made to issue Hedgerow Removal Notice then I would recommend that the applicant considers options to compensate for the loss of hedgerow - Powys County Council have a duty under the Environment (Wales) Act 2016 to maintain biodiversity. If possible translocation of the hedgerow would be preferable, but if this is not possible then a new native species rich hedgerow reflecting the species present in the current hedgerow should be considered.

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.

Natural Resources Wales

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

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

Please note that our decision not to comment does not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance.

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

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

CPAT

Thank you for the consultation on this hedgerow removal notice application.

I can confirm that there are no archaeological/historical impacts according to the criteria of the Hedgerow Regulations 1997.

Planning History

None as per GIS.

Principal Planning Constraints

Class 3 Road C2172

Montgomeryshire Common

Principal Planning Policies

National Policies

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 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

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

Principle of Development

In considering the proposed hedgerow removal, 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 of 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.

With respect to wildlife and landscape, PCC Ecologist has been consulted. The PCC Ecologist confirmed that the hedgerow meets the criteria of 'Important' as defined by the regulations.

In this instance it is considered that the highways maintenance and structural integrity outweighs the importance of the hedgerow. This is on the basis that translocating the hedgerow will compensate for any loss of biodiversity.

RECOMMENDATION

It is recommended that a hedgerow retention notice is not served.

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.

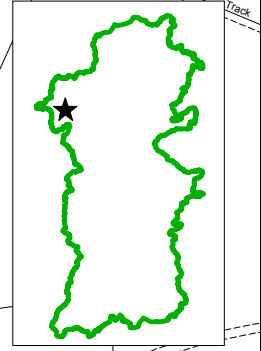
The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built, (usually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

Case Officer: Luke Jones- Planning Officer
Tel: 01597 827115 E-mail:luke.jones@powys.gov.uk

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Wind Turbine



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Delegated List

09/11/2017**30/11/2017**

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/2017/0480 FULL	12/05/2017	CONSENT	10/11/2017	Full: Erection of 3 no. holiday cottages, installation of septic tank and all associated works	Land at Goetre Hall Meifod SY22 6DH
P/2017/0909 REM	04/08/2017	CONSENT	10/11/2017	Section 73 application to remove condition no. 2 attached to full planning permission M11499 (occupancy restriction)	Awelfryn Trefnanney Meifod SY22 6XX

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/0975 HOUS	25/08/2017	CONSENT	10/11/2017	Householder: Erection of a single storey extension to the front of the dwelling	59 Lower Cwmtwrch Cwmpnil Road Swansea SA9 2QA
P/2017/0548 OUT	16/05/2017	REFUSE	13/11/2017	Outline: Erection of up to 9 dwellings, formation of vehicular access and associated works	Land adjoining Penyfoel Farm Middletown Near Welshpool SY21 8DQ
P/2016/1147 HOUS	14/11/2016	CONSENT	14/11/2017	Creation of a drop curb	1 Hay Road LD2 3BP
P/2017/0995 HOUS	14/09/2017	CONSENT	14/11/2017	Householder: Erection of an extension to the rear of the dwelling and a porch to the front	6 Bronllys Pont-y-Wal Lane Brecon LD3 0HU
P/2017/1281 CLA1	02/11/2017	REFUSE	14/11/2017	Section 191 application for lawful development certificate of existing use in relation to decking	23 Troed Yr Bryn Builth Wells LD2 3FE

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/0722 FULL	26/06/2017	CONSENT	15/11/2017	Full - Erection of a free range egg production unit including silos and all associated works	Tynwydd Llansilin Oswestry SY10 7QF
P/2017/0826 FULL	27/07/2017	CONSENT	15/11/2017	Full: Proposed new access, track and single span bridge	Closes Wood Llananno Llandrindod Wells
P/2017/0894 FULL	04/09/2017	CONSENT	15/11/2017	Full: Conversion of upstairs flat into 5 holiday accomdation units, and all assocaited works	Prices Arms Coelbren Station Road Neath SA10 9PN
P/2017/1035 FULL	20/09/2017	CONSENT	15/11/2017	Full: Proposed change of use of land from agricultural to extend the domestic curtilage. Erection of timber framed outdoor kitchen structure	The Willows Evenjobb Presteigne LD8 2SA
P/2017/1061 OUT	21/09/2017	CONSENT	15/11/2017	Outline - Erection of detached dwelling	Lower Cwmtwrch 8 Heol Gleien Swansea SA9 2TW

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/1077 REM	22/09/2017	CONSENT	15/11/2017	Section 73 application for variation of condition 2 of planning permission P/2015/0622 in relation to changes to approved plans	Land adj to Wharf Cottage Ystradgynlais Gurnos Road Swansea
P/2017/1119 HOUS	04/10/2017	CONSENT	15/11/2017	Householder: Conversion and extension of existing garage to form annex	19 Station Road Ystradgynlais SA9 1NX
P/2017/0458 OUT	15/05/2017	REFUSE	16/11/2017	Outline: Erection of an affordable dwelling	Ash Cottage Bleddfa Knighton LD7 1PA
P/2017/0889 LBC	02/08/2017	REFCADW	16/11/2017	Listed building consent for installation of replacement windows and door	The Old Rectory Llanmerewig Newtown SY15 6NS
P/2017/1053 HOUS	28/09/2017	CONSENT	17/11/2017	Householder: Demolition of carport and erection of a detached garage	Bryn Teg Trewern Welshpool SY21 8EB

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/0201 FULL	20/02/2017	CONSENT	20/11/2017	Full: Erection of an agricultural workers dwelling to include a garage, installation of sewage treatment plant and all associated works	Cae Llwyn Poultry Nantmel Rhayader LD6 5PE
P/2017/0679 FULL	27/06/2017	CONSENT	20/11/2017	Full: Change of use and erection of a Rural Enterprise Log Cabin with vehicular access and parking, installation of a septic tank, landscaping and all associated works	Llwyn Crwn Van Llanidloes SY18 6NR
P/2017/0981 FULL	08/09/2017	CONSENT	20/11/2017	Full: Erection of an agricultural building for storage of fodder and implements	The Bryn Bryn Lane Newtown SY16 3LZ
P/2017/0985 FULL	18/09/2017	CONSENT	20/11/2017	Full: Change of use from dwelling to office space	4 Waterloo Terrace Llansantffraid SY22 6AT
P/2017/1078 HOUS	28/09/2017	CONSENT	20/11/2017	Householder: Erection of a first floor balcony to the side of house	The Paddocks Ffynnon Gynydd Glasbury-on-Wye HR3 5ND

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/1099 HOUS	25/09/2017	CONSENT	20/11/2017	Householder: Demolition of outbuilding and replacement with single storey extension. Replacement of windows and door to front elevation. New timber parking deck with associated vehicular access (Part	Cross Cottage 16 George Road Knighton LD7 1HF
P/2017/1000 FULL	30/08/2017	REFUSE	21/11/2017	Full: Change of use from 2 no. holiday lets to 2 no. residential dwellings	1 & 2 Rhysnant Villa Four Crosses Llanymynech SY22 6PS
P/2017/1012 CLA1	26/09/2017	APPROVE	21/11/2017	Section 191 application for lawful development certificate to confirm class use (dwelling)	Dam View Llanwddyn Oswestry SY10 0LZ
P/2017/0530 OUT	19/05/2017	REFUSE	22/11/2017	Outline: Residential development, formation of vehicular access and estate roadway together with all associated works	Land West of the Street Four Crosses SY22 6RE
P/2017/0576 FULL	22/05/2017	CONSENT	22/11/2017	FULL: Extension and alterations to existing guest house and tea rooms, creation of treatment plant, improvements to highway access and parking arrangements and associated works	Penbont Elan Valley Rhayader LD6 5HS

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2015/0502 LBC	24/06/2015	REFUSE	23/11/2017	LBC: Strengthen of gable pediment of the building as it is moving outward by installing anchors and tying back to existing roof structure. Replace eroded dressed stone window surrounds and traceries to match existing	Alpha Presbyterian Church The Strand Builth Wells LD2 3BH
P/2016/0881 FULL	03/11/2016	REFUSE	24/11/2017	Erection of poultry unit, creation of access and associated works	Upper Gwestydd Cefn Mawr Newtown SY16 3LA
P/2017/0351 HOUS	29/03/2017	CONSENT	24/11/2017	Householder - Erection of a two storey rear extension and single storey entrance porch	Glynmeddig Sennybridge Brecon LD3 6UA
P/2017/0512 FULL	10/08/2017	CONSENT	24/11/2017	Full: Erection of a two storey side extension and change of use of land to allow creation of new access	1 Hendomen Cottages Hen-Domen Montgomery SY15 6HB
P/2017/0778 HOUS	14/07/2017	CONSENT	24/11/2017	Householder: Demolition of existing garage and erection of a larger one.	Lower Tyn y Fron Van Llanidloes SY18 6NZ

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/0968 FULL	22/08/2017	CONSENT	24/11/2017	Full: Change of use of land and erection of 2 holiday cabins	Dolfor Inn Dolfor Newtown SY16 4AA
P/2017/0990 OUT	29/08/2017	CONSENT	24/11/2017	Outline: Proposed development of 5 no. dwellings served via a private vehicular access (some matters reserved)	Old Timber Yard Adfa Newtown
P/2017/1052 FULL	28/09/2017	CONSENT	24/11/2017	Full: Change of use of land to form extension to existing caravan park to provide 1 no. additional static caravan	Land at Coety Dolwen Caerau Caravan Site Llanidloes SY18 6LL
P/2017/1073 FULL	20/09/2017	CONSENT	24/11/2017	Full: Extension to existing building to increase warehouse/light manufacturing store	Zip Clip Ltd Offas Dyke Bussiness Park Buttington Fisher Road Welshpool SY21 8SS
P/2017/1124 HOUS	02/10/2017	CONSENT	24/11/2017	Householder: Alterations and rear extension, part ground and part first floor to the existing dwelling	13 Lower Canal Road Newtown SY16 2HY

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/1145 FULL	09/10/2017	CONSENT	24/11/2017	Full: Erection of a new commercial unit; construction of vehicular access, parking, and external sales area and all associated works	Mochdre Industrial Estate Hoel Mochdre Newtown SY16 4LE
P/2017/1051 FULL	13/09/2017	REFUSE	27/11/2017	Full: Erection of new dwelling and access	New Laithes Main Street Caersws SY17 5EP
P/2017/1038 FULL	07/09/2017	CONSENT	28/11/2017	Full: Erection of a detached building for use as domestic garage, workshop and store	Grasmere Crossgates Road Llandrindod Wells LD1 5SL
P/2017/0464 OUT	27/04/2017	REFUSE	29/11/2017	Outline: Erection of five dwellings to include an affordable dwelling and construction of new vehicular access	Land adjacent to Middletown Welshpool
P/2017/0551 OUT	16/05/2017	REFUSE	29/11/2017	Outline: Erection of up to 4 dwellings, formation of vehicular access and associated works	Land opposite South Bank Middletown Welshpool SY21 8DF

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/0893 RES	16/08/2017	CONSENT	29/11/2017	Application for reserved matters following approval P/2015/0666 for the erection of a dwelling (all matters reserved).	Land rear of Golwg y Maes Glyncynwel Road Upper Cwmtwrch SA9 2UR
P/2017/1104 RES	26/09/2017	CONSENT	29/11/2017	Reserved Matters application relating to erection of a dwelling and garage following outline approval P/2016/0849	Land adj to Glanafon Llangadfan Welshpool SY21 0PU
P/2017/1122 CLA2	28/09/2017	APPROVE	29/11/2017	Application for certificate of lawfulness for a proposed use namely erection of extensions	Branas Ystryd Y Ceunant Llanfechain SY22 6XF
TEL/2017/0010 TELE	10/10/2017	PP NOTNEEDED	29/11/2017	TEL: Application under GPDO1995 Schedule 2, part 24 for the Installation of a 15m lattice design mast housing 3 no. antennas and 2 no. 0.6m dishes, 3 no. equipment cabinets and ancillary equipment	Land at Bailey Hill Bwlch Y Sarnau Rhayder LD6 5NF
P/2017/1151 HOUS	10/10/2017	CONSENT	29/11/2017	Householder: Alterations to dwelling namely demolition of chimney	Rowington New Radnor Rectory Lane LD8 2TF

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/1168 ADV	09/10/2017	CONSENT	29/11/2017	ADVERT: Consent to display two illuminated fascia signs & one hanging sign	Unit 2B Specsavers Smithfield Road Welshpool Retail Park Welshpool SY21 7BL

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CYNGOR SIR POWYS COUNTY COUNCIL**PLANNING, TAXI LICENSING AND RIGHTS OF WAY COMMITTEE****7 December, 2017**

REPORT BY: Portfolio Holder Housing and Countryside and Head of Leisure and Recreation

SUBJECT: Local Access Forum [LAF] – appointment of a Council representative

REPORT FOR: Decision

1. Background

The functions of the Local Access Forum is to advise the Council, the Natural Resources Wales, the Welsh Government and other bodies exercising functions under Part I of the Countryside & Rights of Way Act 2000 [CROW Act], as to the improvement of public access to land in the area for the purposes of open-air recreation and the enjoyment of the area. These bodies must, by law, have regard to relevant advice given by the Forum.

Powys County Council is currently seeking the appointment of a Council representative (outside of the Brecon Beacons National Park), as required by s.94 and s.95 of the CROW Act.

The Council seeks to convene the Forum meetings at least three times a year, but not to exceed four meetings a year (including a site visit), at a time and place to be agreed by the Forum members. It is anticipated that site visits will take place where it is considered to be relevant and beneficial.

2. Areas of Work

The LAFs will advise upon aspects of open-air recreation in the area, including public rights of way, the right of access to open country, WG woodland estate, registered common land, parks and amenity areas. The Forum will consider areas of work put forward as business by the Council and Natural Resources Wales and by the LAF itself.

The LAF also recommends permissive access arrangements for the Glastir agri-environment scheme upon a submitted application.

A work programme will be provided to provide advice on specific projects, for which a big aspect will be to advise on the review of the Rights of Way Improvement Plan which is currently taking place. Specific advice that Countryside Services wishes advice on from the

LAF may also be required. The LAF's Terms of Reference are given in Appendix A.

3. Selection Process

It has been agreed that the selection of a Council representative should be nominated from the Planning, Rights of Way and Licencing Committee. It is not considered suitable for the portfolio holder to be specifically selected to represent and the Council on the Local Access Forum, in the interests of transparency and ensure there is no conflict of interest between advice received and any forthcoming decisions based on that advice. County Councillor M Barnes was appointed as the Council representative in June, 2017. As he has now resigned from the Planning, Rights of Way and Licencing Committee, a new appointment is now required.

4. Criteria for Selection for LAF members

The following is a list of criteria against which applications have been judged. However, applicants will not necessarily have to comply with all of the criteria to be successful.

Essential criteria

It is essential that a LAF member who will be appointed for three years will:

- a) be committed to the function of the Forum:
- b) be willing and able to play a full part in all aspects of a LAFs work - persons who are only willing or able to represent a narrow specific interest may not be suitable members;

Desirable criteria

It is desirable that a LAF member who will be appointed for three years will:

- a) have a wide range of experience of access and open-air recreation issues in the area;
- b) have experience of working on, and contributing to, similar Forums in the past;
- c) reside in, be particularly familiar with, or have any other interests especially relevant to, the area of the Forum;
- d) be able to network with a wide range of organisations and individuals, with an aim to disseminating the LAFs work

- e) be able to attend all meetings of the Forum (deputies will not be permitted).
- f) These are unpaid positions but Forum members will be able to claim reasonable expenses.

Recommendation	Reason for recommendation
To appoint a member of the Planning, Taxi Licensing and Rights of Way Committee to the Local Access Forum for a period of three years.	To ensure that the Council is represented on the Local Access Forum.

Relevant Policy (ies):			
Within Policy:	Y	Within Budget:	Y

Relevant Local Member(s):	N/A
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Person(s) To Implement Decision:	Mark Stafford-Tolley
Date By When Decision To Be Implemented:	7 December, 2017

Contact Officer: Mark Stafford-Tolley Tel: 01597 827677 Email: mark.stafford-tolley@powys.gov.uk
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Terms of Reference

Title

1. The Local Access Forum shall be known as the Powys Local Access Forum (PLAF). The area of the Powys Local Access Forum is the land and water designated as Powys County Council (excluding the Brecon Beacons National Park Authority).

Roles and Responsibilities

2. The primary purpose of the PLAF is to provide statutory advice to Powys County Council (PCC), Natural Resources Wales (NRW), Welsh Government and others as appropriate as to the improvement of public access to land and water for the purposes of open-air recreation and the local public rights of way. Advice given should take account of land management, social, economic, environmental and educational interests.
3. The PLAF will fulfil this role by advising on issues of particular local relevance, including:
 - a. supporting the implementation of the right of access to open countryside;
 - b. maintaining and improving the public rights of way network; and
 - c. developing recreation and access strategies that cater for everyone.
4. The PLAF will work to:
 - a. develop a constructive and inclusive approach to the improvement of recreational access to the countryside;
 - b. respect local circumstances and different interests whilst operating within national guidance;
 - c. provide advice on issues of principle and good practice;
 - d. engage in constructive debate and seek consensus wherever possible; and
 - e. where consensus is not possible, make clear the nature of differing views, and suggest how they might be resolved.

Membership

5. The PLAF members will be appointed by PCC (the Appointing Authority) in accordance with the Countryside Access (Local Access Forums)(Wales) Regulations, 2001(The Regulations).
6. The membership will:
 - a. be balanced to avoid dominance by any single interest;
 - b. include users of local rights of way;
 - c. include owners and occupiers of access land or land where there are local rights of way;
 - d. represent a cross-section of interests in the area; and

- e. live or work within the area or have a sound knowledge of the area.
7. Members will be expected to:
- a. adhere to the sections relating to LAFs in the CROW Act and regulations made under the Act and these Terms of Reference;
 - b. show commitment to achieving the aims of the PLAF through constructive working with other members and organisations that it advises;
 - c. be able to devote the necessary time to attend meetings and to network outside meetings;
 - d. have sufficient experience of access to the countryside in the local area to be able to make an informed and constructive contribution to improving access provision; and
 - e. be capable of working with a wide range of interest groups.

Election of Chair and Deputy Chair

8. The Chair and Deputy Chair will be elected for a period of 12 months (using the system described in Regulation 12 of the Regulations*) at the first meeting of the PLAF. The first item of business to be conducted at the meeting following each 12 month period will be the election of the Chair and Deputy Chair.

Administration

Secretariat

9. The PLAF will have a Secretary appointed by the Appointing Authority who will be responsible for:
- a. providing support to the Chair of the Forum;
 - b. ensuring that the Forum is set up and run according to the CROW Act 2000, Countryside Access (Local Access Forums)(Wales) Regulations, 2001 and these Terms of Reference;
 - c. managing any resources dedicated to its work;
 - d. arranging and promoting meetings, including arranging the delivery of papers and information to Forum members and the public;
 - e. producing minutes of Forum meetings.
 - f. ensuring that confirmed PLAF minutes are presented on the PCC website;
 - g. publicising the work of the PLAF as far as is reasonably practicable.

Meetings

10. Meetings will be held at least three times a year with one site visit per year.

11. The Quorum for the Forum will be 5.
12. Meeting agendas will be drawn up by the Secretary in consultation with the Chair and Deputy Chair - although any member may suggest agenda items for consideration through the Chair.
13. Meetings will be advertised in advance and the minutes published on the PCC web site.
14. The Chair will invite observers/advisors to the meeting when appropriate.
15. Observers/advisors will be able to contribute to the proceedings at the discretion of the Chair.
16. One representative of Natural Resources Wales and any Council Officer will automatically have observer status.
17. If necessary, PLAF committees will be set up by the Chair after agreement with the members. The chairing, membership, and terms of reference of committees will be agreed by the Chair and members.
18. All meetings of the PLAF will be held in public. However, the person presiding, following a request from a member or members, may decide that the public should be excluded for particular items for reasons of personal privacy or commercial confidentiality.