

Planning, Taxi Licensing & Rights of Way Committee

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

Meeting Date
Thursday, 20 April 2017

Meeting Time
10.00 am



County Hall
Llandrindod Wells
Powys
LD1 5LG

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

11 April 2017

AGENDA

1.	APOLOGIES	PTLRW38 - 2017
----	------------------	-----------------------

To receive apologies for absence.

2.	MINUTES OF THE PREVIOUS MEETING	PTLRW39 - 2017
----	--	-----------------------

To authorise the Chair to sign the minutes of the previous meeting of the Committee held on 6 April 2017 as a correct record.

(To Follow)

Planning

3.	DECLARATIONS OF INTEREST	PTLRW40 - 2017
----	---------------------------------	-----------------------

- 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	PTLRW41 - 2017
-----------	---	-----------------------

To consider the reports of the Head of Regeneration, Property and Commissioning and to make any necessary decisions thereon.

(Pages 5 - 8)

4.1. Updates

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

(To Follow)

4.2. P/2016/1227 Land adjoining cemetery Machynlleth, SY20 8HE

(Pages 9 - 42)

4.3. P/2016/1036 Land adjacent to Windy Ridge, Arddleen, Llanymynech, SY22 6PY

(Pages 43 - 62)

4.4. P/2016/1163 Land adjoining The Siding, Caerhowel, Montgomery, SY15 6HF

(Pages 63 - 98)

4.5. M/2003/0613 Former Morgan Bros depot, Bridge Street, Llanfair Caereinion, SY21 0SA

(Pages 99 - 132)

4.6. P/2016/0965 Bridge Stores & Post Office, Clyro, HR3 5RZ

(Pages 133 - 146)

- 4.7. **P/2017/0130 Awelon, South Street, Rhayader, LD6 5BH**
(Pages 147 - 166)
- 4.8. **P/2017/0130 Oak House Farm, Tirabad, Llangammarch Wells, LD4 4DU**
(Pages 167 - 172)
- 4.9. **NMA/2017/0019 Archdeacon Griffiths Primary School, Llyswen, LD3 0YB**
(Pages 173 - 178)

5.	DECISIONS OF THE HEAD OF REGENERATION, PROPERTY AND COMMISSIONING ON DELEGATED APPLICATIONS	PTLRW42 - 2017
----	--	-----------------------

To receive for information a list of decisions made by the Head of Regeneration, Property and Commissioning under delegated powers.

(Pages 179 - 184)

This page is intentionally left blank

PTLRW41 - 2017

Planning, Taxi Licensing and Rights of Way Committee 20th April 2017

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

Applications for consideration by Committee:

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

<p>P/2016/1227</p> <p>Machynlleth</p> <p>275758 300886</p> <p>05/12/2016</p>	<p>Full: Change of use of land to form a Gypsy and Traveller Site for 5 families to include erection of 3 buildings to house welfare facility units, improvements to existing vehicular access sharing with cemetery, formation of footway link and internal roadway, installation of a sewage treatment plant and all associated works</p> <p>Land adjoining cemetery, Machynlleth, Powys SY20 8HE</p> <p>Powys County Council, c/o agent</p> <p>Recommendation:</p> <p>Conditional Consent</p>
<p>P/2016/1036</p> <p>Llandrinio</p> <p>325504 315560</p> <p>06/10/2016</p>	<p>Outline: Development of up to 9 dwellings, formation of vehicular access and associated works</p> <p>Land adjacent to Windy Ridge, Arddleen, Llanymynech, Powys SY22 6PY</p> <p>Mr & Mrs RG & JB Ashton, c/o Roger Parry and Partners</p> <p>Recommendation:</p> <p>Conditional Consent</p>

<p>P/2016/1163</p> <p>Montgomery</p> <p>320360 297956</p> <p>11/11/2016</p>	<p>Outline: Erection of 9 dwellings with garages, improvements to existing vehicular access and formation of new vehicular access and all associated works</p> <p>Land adjoining The Sidings, Caerhowel, Montgomery, Powys, SY15 6HF</p> <p>Mr James Evans & Mrs Lisa Ayers Evans, 34 The Paddock, Goulfian Lane, Aldridge, Walsall WS9 0LX</p> <p>Recommendation:</p> <p>Conditional Consent</p>
<p>M/2003/0613</p> <p>Llanfair Caereinion</p> <p>310467 306612</p> <p>04/06/2003</p>	<p>Full: Erection of 10 dwellings, conversion of existing building into 2 self contained residential units, erection of a building to form 10 self contained residential units, constuction of vehicular access and car parking</p> <p>Former Morgan Bros depot, Bridge Street, Llanfair Caereinion, Welshpool, Powys SY210SA</p> <p>Mr D Broxton & Co, Castle Works, Hendomen, Montgomery</p> <p>Recommendation:</p> <p>Conditional Consent subject to a S106 agreement</p>
<p>P/2016/0965</p> <p>Clyro</p> <p>321429 243845</p> <p>20/09/2016</p>	<p>Full: Change of use of commercial premises to residential</p> <p>Bridge Stores & Post Office, Clyro, Herefordshire HR3 5RZ</p> <p>Mr David Hood, Bridge Stores & Post Office, Clyro</p> <p>Recommendation:</p> <p>Conditional Consent</p>

<p>P/2017/0173</p> <p>Rhayader</p> <p>297267 267811</p> <p>10/02/2017</p>	<p>Full: Proposed dormer dwelling</p> <p>Awelon, South Street, Rhayader, Powys LD6 5BH</p> <p>Mrs Rita Lawrence, Awelon, South Street, Rhayader LD6 5BH</p> <p>Recommendation:</p> <p>Conditional Consent</p>
<p>P/2017/0130</p> <p>Llangammarch Wells</p> <p>289762 242629</p> <p>30/01/2017</p>	<p>Application for Removal of Condition 3 of planning permission B/96/0182 relating to occupancy restrictions</p> <p>Oak House Farm, Tirabad, Llangammarch Wells, Powys LD4 4DU</p> <p>Mr Peter Smith & Mrs Lisa O'Neil Smith, Oak House Farm, Tirabad</p> <p>Recommendation:</p> <p>Consent</p>
<p>NMA/2017/0019</p> <p>Bronllys</p> <p>312839 238465</p> <p>27/03/2017</p>	<p>Application for Non-Material Amendment to P/2016/0801 in respect of the approved plans, on site infrastructure, and access road.</p> <p>Archdeacon Griffiths Primary School, Llyswen, Powys, LD3 0YB</p> <p>Education Department, Powys County Council, Ithon Road, The Gwalia, Llandrindod Wells, Powys, LD1 6AA.</p> <p>Recommendation:</p> <p>Approval</p>

This page is intentionally left blank

PTLRW41 - 20172

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2016/1227	Grid Ref:	275758.08 300886.9
Community Council:	Machynlleth	Valid Date:	Officer: 05/12/2016 Louise Evans/Tamsin Law
Applicant:	Powys County Council		
Location:	Land adjoining cemetery, Machynlleth, Powys, SY20 8HE		
Proposal:	Change of use of land to form a Gypsy and Traveller Site for 5 families to include erection of 3 buildings to house welfare facility units, improvements to existing vehicular access shared with cemetery, formation of footway link and internal roadway, installation of a sewage treatment plant and all associated works		
Application Type:	Application for Full Planning Permission		

The reason for Committee determination

The application is submitted by Powys County Council. The application is also a departure from the development plan in that it relates to a highly vulnerable use within Zone C2 contrary to policy SP14 of the Powys Unitary Development Plan (2010).

Site Location and Description

Planning permission is sought for the change of use of land to form a Gypsy and Traveller site for five families to include the erection of three buildings to house welfare facility units, improvements to existing vehicular access shared with the cemetery, formation of a footway link and internal roadway as well as the installation of a sewage treatment plant.

The site is located adjacent to the A489 trunk road and adjoins the development boundary of Machynlleth on its western edge. The site is currently used as an Gypsy and Traveller site and contains an area of hardstanding surrounded by vegetation.

Consultee Response

Machynlleth Town Council

The Members of Machynlleth Town Council discussed this application at a recent meeting and have expressed their unanimous objection to the change of use of the Common Land at this location to provide a permanent Gypsy and Traveller Site.

Members strongly support the views of many residents of the town that the case for a permanent Gypsy and Traveller Site in Machynlleth has not been proven. No adequate consultation has taken place with residents and other interests in the Town of Machynlleth for

a suitable location for such a site and no planning application should be considered for a Gypsy and Traveller Site on land that is still registered as Common Land.

Therefore Machynlleth Town Council objects in the strongest terms to the current Planning Application for the change of use of this land as a permanent Gypsy and Traveller Site and demands that the application be withdrawn until a full and proper consultation has been carried out.

Local Highway Authority

No objection. Please refer to Welsh Government.

Welsh Government Transport Section

First response:

I refer to your consultation of 12 December 2016 regarding the above application and advise that the Welsh Government as highway authority for the A489 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 following aspects of the new access do not comply with the TD 41/95 of the Design Manual for Roads and Bridges (DMRB):
 - a. The Width of the access road
 - b. The gradient of the access road
 - c. The visibility splays

The applicant must either amend the design so that the above aspects comply or submit a Departure from Standard application.

Second response:

I refer to your consultation of 6 January 2017 regarding the above application and advise that the Welsh Government as highway authority for the A489 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 following aspects of the new access do not comply with the TD 41/95 of the Design Manual for Roads and Bridges (DMRB):
 - a. The visibility splays from the proposed access

The applicant must submit a Departure from Standard application to cover the non conforming aspect.

Wales & 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). 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.

Welsh Water

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

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

The proposed development site is crossed by a public sewer with the approximate position being marked on the attached record plan. No development (including the raising or lowering of ground levels) will be permitted within the safety zone which is measured either side of the centre line. For details of the safety zone please contact Developer Services 0800 917 2652.

The developer must contact us if a sewer connection is required under Section 106 of the Water Industry Act 1991 or any alteration to our apparatus is proposed prior to any development being undertaken.

As the applicant intends utilising a private treatment works we would advise that the applicant contacts Natural Resources Wales who may have an input in the regulation of this method of drainage disposal. However, should circumstances change and a connection to the public sewerage system/public sewerage treatment works is preferred we must be re-consulted on this application.

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under 5106 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.

Environmental Health

Thank you for your consultation in respect of this application. Whilst the applicant has indicated that they are proposing a private treatment plant the plans do not indicate a connection to watercourse from the outlet. Please can the applicant confirm this.

The applicant will also need to provide confirmation that the proposed tank is of sufficient size for the proposed development as detailed by the calculation in document H2 of the Building Regulations.

Contaminated Land Officer

In relation to Planning Application P/2016/1227 the following advice is provided for the consideration of Development Control.

Advice

Historic ordnance survey (OS) maps identify that an area of unknown filled ground, associated with a historic gravel pit, is located 20metres to the South of the application site

boundary. This area of unknown filled ground could be a potential risk to the proposed development depending on the type and nature of the materials that have been placed.

Paragraph 13.5.1, of Chapter 13 'Minimising and Managing Environmental Risks and Pollution', of the Welsh Government document 'Planning Policy Wales' (2016) advises:

“responsibility for determining the extent and effects of instability or other risks. It is for the developer to ensure that the land is suitable for the development proposed, as a planning authority does not have a duty of care to landowners”.

Based on the available information it is recommended that the following Condition and Note to the applicant are included on any permission granted for Planning Application P/2016/1227:

Potential Contamination

In the event that contamination is encountered at any time when undertaking the approved development immediate contact must be made with the Local Planning Authority. The development must not proceed until an investigation and risk assessment has been undertaken, by a qualified and experienced environmental consultant, and where remediation is necessary a Remediation Strategy must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of the remedial works identified in the approved Remediation Strategy a Verification Report that demonstrates compliance with the agreed remediation objectives must be produced by a qualified and experienced environmental consultant, and is subject to the approval in writing of the Local Planning Authority, prior to commencement of use of the development.

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

Note to Applicant

Potential Contamination

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

Ecology – YGC:

Protected Species & Habitats

European Species

An initial ecological appraisal has been completed by Rachel Probert on behalf of Powys County Council (PCC) consisting of an ecological desk study and extended Phase 1 habitat survey carried out in June 2016. The associated report (dated 16/01/17) accompanies this

application and accords with Appendix A of Powys UDP, Interim Development Control Guidance - Biodiversity (April 2009).

A historical biodiversity records data search completed as part of the appraisal did not identify any protected species records within the site itself, but did identify the following European protected species within 1km: pipistrelle bat species, Daubenton's bat, otter and great crested newt.

The report concludes that no bat roost sites are likely to be affected, but the hedgerows and linear trees present around the boundaries of the site are likely to provide foraging and commuting opportunities for bats in the local area.

The report concludes that the potential presence of nocturnal animals such as bats around the site requires careful design of its future layout and recommends that all lighting must be directional and away from natural areas such as hedgerows.

A review of Ordnance Survey maps as part of the survey found no ponds within 400m of the proposed development; in light of this and the surrounding habitats the report concludes that there is negligible potential for great crested newt to be present on site or affected by the proposed development.

No evidence of otter was observed during the survey and no suitable features for use by otters as breeding or resting sites were found.

The report concludes that there is negligible potential for dormice to be present or affected by the proposed development, following a review of habitats at and around the site and historical records.

UK Species

The historical biodiversity records data search did not identify any protected species records within the site itself, but did identify the following nationally protected species within 1km, in addition to those already listed above: badger, common lizard and W&CA Schedule 1 bird species.

As no evidence of badger activity was found during the survey the report concludes that the proposed development has negligible potential to affect badgers.

No suitable habitat for reptiles was found on the site during the survey, and the report concludes that management of the site suggests that it is unlikely that such species are present in the site. However, low potential for reptiles to be present in the road verge areas adjacent to the A489 Trunk road was identified.

The report recommends that Reasonable Avoidance Measures including habitat manipulation are implemented during construction activities in the road verge areas. Appendix 1 of the PCC report includes the RAMS with regard to reptiles. If any reptiles are encountered during the development works, all works must cease immediately and a qualified ecologist contacted.

The report concludes that vegetation features on site including trees and hedgerows have potential to be used by birds for breeding purposes. Bird activity on site was noted during the survey and it is likely that breeding occurs within the hedgerows and trees on site.

The report recommends that, should the detailed design of the development identify that removal of hedgerow is required to accommodate the proposed development works, clearance work must be programmed to be carried out outside of the breeding season for birds i.e. no vegetation clearance works must be undertaken between the months of March to August inclusive. Where this is not possible, netting the hedgerow prior to the bird breeding season, or possibly a search by an Ecological Clerk of Works immediately prior to the works commencing will have to be carried out. If any nests are found during such a search, all works in the area must cease until such a time when the breeding effort is completed and the chicks have fledged.

Section 7 Species & Habitat

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

The historical biodiversity records data search did not identify any protected species records within the site itself, but did identify the following Section 7 priority species within 1km, in addition to those already listed above: brown hare, bluebells, fungi, Section 7-listed bird species.

The eastern and northern boundary along the edge of the proposed development area is bordered by a species-rich hedgerow. Areas of broadleaved plantation woodland provide moderate value habitat and connectivity to the wider landscape. A small ditch is present along the eastern boundary of the site.

The report identifies that impacts on these features should be kept to a minimum and recommends that a tree and hedgerow protection plan is produced detailing protection measures to be implemented to ensure that where these features are to be retained within the development they are protected during the construction phase.

As some areas of broadleaved woodland will be lost to accommodate the proposals the report identifies that consideration will need to be given to provision of replacement hedgerow or tree planting to compensate for any loss of these features, and recommends that a landscaping plan detailing areas of any landscaping to be provided, species lists and an appropriate aftercare schedule is produced detailing these protection measures.

Given the proximity of the development to a watercourse, the report states that a Pollution Prevention Plan will be required for the construction phase. The Pollution Prevention Plan should be mindful of the guidance outlined in the EA Pollution Prevention Guidelines PPG 5 and PPG 6.

In accordance with the requirements of Section 6 of the Environment (Wales) Act, the report identifies that a scheme of Ecological Enhancements will need to be developed to provide net biodiversity benefits (biodiversity enhancements) through the proposed

development. This could include:

- provision of bird and bat boxes including the details of the number, type and location of these boxes;
- 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;
- a wildlife-friendly hedgerow management regime, wildlife/green corridors through the site linking offsite and onsite habitats, and an appropriate after care period to ensure that any created habitats and buffer strips, hedgerows, landscape planting, etc. become established (5 years may be appropriate).

LBAP Species & Habitat

See observations above.

Protected Sites:

International Sites

None within a 1km search radius.

National Sites

None within a 1km search radius.

Local Sites (within 500m)

The Machynlleth Golf Course Road Verge Nature Reserve (RVNR) is located approximately 380m south of the site.

Invasive Non-Native Species

Japanese Knotweed has been identified at the south-eastern corner of the site. No development is understood to be proposed in this area.

The report recommends that a Japanese Knotweed Control Plan is identified to minimise the risk of construction activities disturbing this species and causing it to spread.

Cumulative Effect – No –

The proposal involves a change of land use at a site that is already used unofficially for its proposed purpose as a gypsy and traveller site.

Summary of recommendations / further assessment or work

See observations above (in italics) for recommendations identified within the extended Phase 1 habitat survey report (16/01/17).

Recommended Conditions Should you be minded to approve this application, I recommend the inclusion of the following conditions:

The recommendations regarding nocturnal wildlife, breeding birds, reptiles, hedgerows, woodland and watercourse identified in Section 10 of the Ecological Report by Rachel Probert (PCC) dated 16/01/17 shall be adhered to and implemented in full unless otherwise agreed in writing by the LPA.

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

Prior to commencement of development, a Biodiversity Enhancement Plan (see Section 10.8 of the Ecology Report, 16/01/17) 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 ENV7 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and the Environment (Wales) Act 2016.

Prior to commencement of development a 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 the Environment (Wales) Act 2016.

A lighting design scheme to take any impacts on nocturnal wildlife into consideration shall be submitted for written LPA approval.

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

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

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

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

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

Informatives

Birds - Wildlife and Countryside Act 1981 (as amended)

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

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

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

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

Land Drainage

No response received.

Commons Registration Officer

Thank you for giving Commons Registration opportunity to comment on planning application P/2016/1227. Our records show that:

- The proposed development is located on registered common land, being part of registered common MCL32 (Parc Common.) A plan of this section of the common is attached.
- Registered common MCL32 is subject to a public right of access for 'air and exercise' under section 193 of the Law of Property Act 1925. That would include a public right of access for horse riders, as well as on foot.
- The common is also subject to a Scheme of Regulations, made under the Commons Act 1899; byelaws have been made pursuant to that. The most recent byelaws for Parc Common were made by Powys County Council in 2001.
- The Ownership section of the Register records a 1969 claim to ownership of the common by the Wynnstay Estate. However, this is not conclusive proof of current ownership; it is known (although not reflected in the Register) that there have been transfers of land affecting the common since 1969.

- There are registered rights of common on MCL32.

Registered common land does enjoy a high degree of legal protection and 'restricted works' may not be carried out without prior consent. 'Restricted works' are defined under section 38 of the Commons Act 2006 and are those that would have the effect of preventing or impeding access to or over any land, or works for the resurfacing of land. Court action can be taken by any member of the public, under section 41 of the Commons Act 2006, if restricted works are carried out without prior consent.

This development would involve surfacing the land and construction of buildings and so would not appear to be consistent with the traditional use of common land. Given that, the applicant will need to obtain consent for deregistration of the area of common land affected, before any development work is carried out; an area of 'exchange land' will need to be provided, to be registered as common land in replacement.

Applications for deregistration and exchange of common land can be made under section 16 of the Commons Act 2006. These applications are not made to, or determined by Powys County Council. Instead, an application must be made to the Welsh Government, via the Planning Inspectorate; information about the procedures can be found on the Welsh Government website at:

<http://gov.wales/topics/environmentcountryside/consmanagement/rights-of-way-and-wider-access/countryside-area/common-land/?skip=1&lang=en>

Natural Resources Wales

First Response

Thank you for referring the above application, which we received on 12/12/2016.

You will be aware that we are in receipt of a 'floodmap challenge' for the site which we are currently reviewing and therefore confirm that we are providing the flood risk comments below as provisional comments pending our full assessment of the information submitted as part of the 'floodmap challenge'. We will not be in a position to provide full comment until we have completed our review of the applicant's flood modelling work and therefore request that the application is not determined until we have provided our final response.

Prior to providing our full and final response we have reviewed the application and advise that the requirements, set out below and detailed in full the letter are dealt with in the interim.

Summary of requirements:

Requirement 1 – Justification provided to demonstrate that it is not reasonable to connect to the public system

Requirement 2 – FCA to be updated as requested below to be in full compliance with the requirements of TAN15

Foul Drainage

Our mapping information identifies that the development site is near a public sewer system, and we note that the application form indicates that foul drainage will be disposed of by means of a package treatment plant.

The installation of a private sewage treatment facility within an area where it may be considered reasonable to connect to the public sewer system is not considered environmentally acceptable. The first option should be that the development connects to the mains.

Requirement 1 – Justification provided to demonstrate that it is not reasonable to connect to the public system

We would therefore be opposed to the proposal to connect to treatment plan unless the developer can demonstrate that it is not reasonable to connect to the public system. In this respect, the applicant is advised to thoroughly investigate the possibility of connecting to the foul sewer by taking the following steps:

1. Formally approach the sewerage undertaker regarding a connection under Section 98 or Section 106 of the Water Industry Act (WIA) 1991, as appropriate
2. Serve notice for connection under Section 98 or Section 106 of the WIA 1991 if the sewerage undertaker has refused connection
3. Provide details of the reasons given by the sewerage undertaker if it has refused connection under Section 106 of the WIA 1991 and confirm that this decision has been appealed to Ofwat

OR:

Provide details of the undertakings, security and payment required by the sewerage undertaker under Section 98 of the WIA 1991.

Provide confirmation that the applicant considers these to be reasonable and does not intend to appeal against them.

4. Demonstrate that it is not reasonable to connect to the public foul sewer

Lack of capacity or plans to improve capacity in the sewer is not a valid reason for a sewerage undertaker to refuse connection under Section 106 of the WIA 1991 and we may refuse to issue a discharge consent for private treatment facilities in such circumstances.

Notwithstanding the above advice, the Applicant should be aware that should a connection to the mains sewer not be feasible, they will be required to apply for a permit for the operation of the non-mains drainage facility. It should be noted that at that stage, further information may be required as part of the permit application. Should it be demonstrated that it is not feasible to connect to the mains we would advise the Applicant to hold pre-application discussions with our Permitting Team at the earliest opportunity, to try to ensure that there is no conflict between any planning permission granted and the NRW permit requirements.

Flood Risk

You will be aware that we are in receipt of a 'floodmap challenge' for the site which we are currently reviewing and therefore confirm that we are providing the flood risk comments below as provisional comments pending our full assessment of the information submitted as

part of the 'floodmap challenge'. We will not be in a position to provide full comment until we have completed our review of the applicant's flood modelling work.

We have reviewed the report titled "Machynlleth Traveller Sites – Flood Consequence Assessment; v 1.0; 1st December 2016" submitted in support of the planning application and have the following comments to make on the Assessment.

Requirement 2 – FCA to be updated as requested below to be in full compliance with the requirements of TAN15

The FCA notes a number of structures and features which are not specifically marked on any map/plan. The applicant's consultant has subsequently provided clarification on these features and we attach a copy of the amended plan provided directly to us by the consultant ('Machynlleth annotated plan.pdf') for your record. In addition to the above, we note that the OS maps identify a watercourse which seems to enter a culvert immediately opposite the site entrance and, due to the topography, it seems likely that it enters the application site at some point. There does not seem to be any reference to this watercourse in the FCA; we advise ask that the FCA should comment on the presence of this watercourse and any possible impact on the site.

Based on the applicant's modelling, the site is shown to be at minimal flood risk in the 1% probability flood event (1 in 100 years return period) plus an allowance for climate change (+CC). However, a small amount of flooding is identified in the north-east corner of the site. We would note that the statement in section 5.3 – that the site is fully compliant with TAN15 section A1.14 – is not strictly correct. Since TAN15 requires the flood risk to be considered over the development's whole lifetime, section A1.14 should be considered against the 1%+CC event; the flooding noted above can therefore be taken to be contrary to A1.14, however, we acknowledge that the extent and depth of flooding is likely to be small.

The modelling indicates more extensive flooding in the 0.1% probability flood event (1 in 1,000 years return period) and the applicant has proposed mitigation measures to reduce this risk. We will comment on these proposals below:

Extend a culvert through the site

We have some concerns about the proposal to culvert a section of open watercourse in a 300mm ø culvert through the site:

- We understand that the watercourse takes its flow from a 600mm ø pipe beneath the A489 and then flows into an existing 300mm ø pipe which ultimately discharges into the Afon Dulas. A reduction in diameter along a length of culvert is not considered good practice since it could result in surcharge and increases the risk of blockage at the transition to the smaller culvert.
- It is unclear how the 300mm ø culvert has been sized – has a hydraulic assessment of the catchment been undertaken?
- NRW is generally opposed to the culverting of watercourses unless for access. The culverting of an ordinary watercourse requires the Consent of Powys in their capacity as the Lead Local Flood Authority (LLFA). Powys' Local Flood Risk Management Strategy 2013-17 suggests that they will look to implement a 'non-culverting policy'; it is unclear whether this policy has been implemented.

Flood bund to the north of the site (*please be aware that the details requested below may be altered by the conclusion of the flood map challenge*)

- We request that further details of the bund is provided prior to determination of the planning application. These details should include construction detail, crest height, dimensions, maximum depth of impoundment etc. – as well as details of the likely future maintainer.
- It is unclear whether the applicant has considered the risk of breach of the bund. Should the bund breach, it is possible that it could result in rapid inundation of the site. We advise that the FCA should comment on this aspect.
- The FCA has investigated whether the mitigation would lead to detriment elsewhere – primarily as a result of displacement of flood water caused by the bund. We note that the impacts are likely to be small – as would be expected due to the relatively small area served by the bund. However, we have some concerns that the applicant has dismissed the identified detriment at “an anomaly in the model outputs”. We advise that this should be further investigated.

As noted above, these are provisional conclusions and may be subject to change once we have fully reviewed the hydraulic model as part of the floodmap challenge. In its current form, we do not consider that the FCA shows full compliance with the requirements of TAN15.

We request that the developer addresses the concerns raised above, particularly with regard to the proposed mitigation measures prior to the determination of the application. Until these matters have been adequately addressed, as well as the flood model being reviewed and approved, we would object to the proposals on flood risk grounds.

In addition to the above, we would make the following observations which the applicant may wish to address in any future update of the FCA:

- 3.3 – pluvial flooding – Whilst we acknowledge that the site is not within the flood map for surface water, it must be noted that the mapping does not take account of culverts. As such it may not address flood risk from all sources including the ordinary watercourse noted above (opposite the site entrance).
- 5.1 – When discussing the justification for development, this section omits to mention that section 6.2 of TAN15 specifies that “highly vulnerable development... in zone C2 should not be permitted”. This is a matter for the Local Planning Authority to consider in their determination of the planning application.

Protected Species

We note that there is no information about protected species with the application. If your Authority has not already screened the application for the reasonable likelihood of protected species being present, we would suggest that you do screen it as we note that the application form confirms that there are trees on site that could be impacted by the development.

Should it be confirmed that a species survey is required, we would wish to be re-consulted once the survey results are available.

The applicant should be aware that where a European protected species is present, a development may only proceed under derogation licence issued by NRW having satisfied the

three requirements set out in the legislation. One of these requirements is that there should be no detriment to the 'favourable conservation status of the species concerned.

Please do not hesitate to contact us if you require further information or clarification on any of the above. As confirmed above, we will not be in a position to provide full comments until we have completed our review of the applicant's flood modelling work and therefore request that the application is not determined until we have provided our final response.

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

Second response

Further to our letter dated 4th January 2016 we provide the following comments as a response to the additional information received.

You will be aware that we are in receipt of a 'floodmap challenge' for the site which we are currently reviewing and therefore confirm that we are providing the flood risk comments below as provisional comments pending our full assessment of the information submitted as part of the 'floodmap challenge'. We will not be in a position to provide full comment until we have completed our review of the applicant's flood modelling work and therefore request that the application is not determined until we have provided our final response.

Prior to providing our full and final response we have reviewed the further information received in support of the application and advise that the requirements, set out below and detailed in full in the letter are dealt with in the interim.

Summary of requirements:

Requirement 1 – FCA to be updated as requested below to be in full compliance with the requirements of TAN15

Should our requirements detailed below be dealt with and we provide a final response that conforms that we have no objection to the proposed development we advise that any planning permission given for the development includes the imposition of a suitably worded planning condition as detailed below.

Condition 1 – Reasonable Avoidance Measures to be implemented to ensure to detrimental impact to the maintenance of the favourable conservation status of reptiles including in particular Great Crested Newts

Flood Risk

We have reviewed the report titled “Machynlleth Traveller Sites – Flood Consequence Assessment; v 1.0; 1st December 2016” submitted in support of the planning application as well as the response provided in your email dated 11th January which response to the matters raised in our letter 4th January 2017. As you’ll be aware, we are currently in the process of reviewing the submitted ‘floodmap challenge’ therefore, as explained in our earlier letter, all comments related to flood risk must be taken as provisional.

Requirement 1 – FCA to be updated as requested below to be in full compliance with the requirements of TAN15

Unmarked watercourse

Thank you for your further comments relating to the possible presence of an ordinary watercourse (marked on the map as Nant yr Arian). It is not our suggestion that this watercourse should be modelled; however if it does indeed enter the site in culvert, then the condition, capacity and location of that culvert would have a bearing on site layout. We note the anecdotal evidence that there is no local knowledge of a watercourse entering the site however it would still be our recommendation that that the route of Nant yr Arian should be investigated – it seems to have a catchment of 0.3-0.4km², draining much of the golf course to the south, so is not altogether insignificant.

Culvert extension

We accept that Powys are the consenting authority in relation to ordinary watercourses and that they will need to consider whether or not the proposals comply with their policies. However, since the culvert could pose a flood risk to the planning application site, we remain of the view that it is appropriate for the potential for flooding associated with that culvert to be considered as part of the FCA. As above, we are *not* asking for the culvert to be modelled, but more justification for the sizing of the culvert pipes would be welcomed. Note: flood risk associated with this culvert may be less of a concern if land raising were proposed as an alternative to a bund –see below.

Flood bund / land raising

We note the option of land raising has been suggested as an alternative to the bund. We would not be oppose to this in principle but would request that this should be included in an updated FCA. As indicated previously, we’d suggest that the areas of detriment identified in the model should be properly investigated rather than being dismissed as “an anomaly in the model outputs”.

As confirmed above, we will not be in a position to provide full comments until we have completed our review of the applicant’s flood modelling work and therefore request that the application is not determined until we have provided our final response.

Foul Drainage

Further to receipt of confirmation from Dwr Cymru (email from Dwr Cymru to Powys Council dated 19th January 2017) we can now confirm that following receipt of your justification we are satisfied that connection to main sewer at this site is not possible and that installation and

connection to treatment plant as proposed on the application form is the most suitable method of disposing of foul sewage.

The discharge to ground from the treatment plant will need a permit from NRW under the Environmental Permitting Regulations 2010 and as we require justification for not connecting to main sewer an application for a bespoke permit will need to be made prior to any discharge being made. Please note that such an application can take up to four months to be determined and therefore you should consider this with regards to your project timescales. The form you require to apply for a bespoke permit is Part B6.5 which can be found on our website <https://naturalresources.wales/apply-for-a-permit/water-discharges/discharges-to-surface-water-and-groundwater/apply-for-a-new-bespoke-permit/?lang=en>.

Protected Species

We have reviewed the 'Proposed Gypsy and Traveller Site Machynlleth Extended Phase 1 Habitat Survey Report' prepared by Powys County Council dated 16th January 2017.

We are satisfied that the report is suitable for the purposes of informing the planning decision making process.

The report confirm that the site is of moderate low ecological value with the hedgerows on the eastern and northern boundary being identified as having the potential for connectivity to wider landscapes.

We are satisfied that subject to implementation of the recommendations set out in Section 10 of the report that the development is not likely to be detrimental to the maintenance of the favourable conservation status of any local populations of European and British protected species. As recommended a Hedgerow Protection Plan, Landscaping Plan and Japanese Knotweed Control Plan should be agreed to the satisfaction of the LPA prior to commencement of development.

Condition 1 – Reasonable Avoidance Measures to be implemented to ensure to detrimental impact to the maintenance of the favourable conservation status of reptiles including in particular Great Crested Newts

Any planning permission given for the development should include the imposition of a suitably worded planning condition requiring the RAMS provided within Appendix 1 to be implemented in full during the work. Subject to implementation of the RAMS we are satisfied that the proposal will not have a detrimental impact on the maintenance of the favourable conservation status of amphibians including in particular Great Crested Newts.

Pollution Prevention

Due to the proximity of the site to watercourses, all works at the site must be carried out in accordance with GPP5 'Works in, near or over watercourses' and PPG5 'Working at construction and demolition sites' which are available on the Gov.uk website: <https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>

Third response

We have now reviewed the Hydraulic Model prepared to inform the flood map challenge and planning application (P/2016/1227).

We have reviewed the Hydraulic Model prepared to inform the flood map challenge and planning application (P/2016/1227) for developing land adjacent to Cemetery, Machynlleth and confirm that the model is not currently considered appropriate for modelling the risk at the proposed development site or for updating the flood map. There are number of decisions that need to be justified before the model can be deemed fit for purpose, and updates to the model are required.

Please find the model review sheet attached. All comments in red or amber on the attached review certificate are to be addressed before we can proceed with the flood map challenge and before we can provide our final response to the planning application.

We therefore request that the planning application is not determined until we have provided our final response, which will be following receipt of a revised version of the hydraulic model and after the requirements set out in our letter of the 26th January 2017 have been dealt with.

The main issues that have been highlighted at the end of the review that need to be addressed are;

- Justify the decision to avoid modelling the Afon Crewi.
- Provide more background to the survey information used in the model.
- Further justify the final choice of roughness bearing in mind that the model is sensitive to roughness and this is an FCA model.
- Provide evidence that a longer storm duration would not lead to an increased flood risk.
- Further justify or revisit the choice of downstream boundary bearing in mind the fact that much of the model domain is highly sensitive to the downstream boundary.
- The upstream invert of the ESTRY culvert beneath the A489 road bridge needs clarification before it can be deduced that the flow through this culvert and past the site is accurate.
- Confirm whether there is a 1.0m dip in the bank crests in the vicinity of the CUL_3 outlet.
- Avoid or justify any ponding against the domain boundary, if the model is to be used to update the Flood Map.
- For any Flood Map update the channel will need to be represented in the results. This would be best achieved via WLL lines although a later manual edit in GIS could achieve a similar outcome.

In addition to the issues raised in JBA's review, please can the additional data be provided to NRW:

- The model results provided cannot currently be opened by NRW due to file type (NRW cannot presently read sms and .xmdf formats). Therefore, please can these be provided in a different format (ideally asc/shp files) for both the current model and any future modelling.
- We would like to see some sensitivity testing completed on the model flows. A 20% increase and a 10% decrease (as suggested by Rob Bissell in his hydrology review, as an alternative to redoing the hydrology), should be completed so that we can see how sensitive the modelled outlines are.

Should you wish to discuss the above comments please contact Jenny Jones, Flood Risk Analysis directly on 0300 065 3855 / Jenny.Jones@naturalresourceswales.gov.uk.

Should you wish to discuss timescales further please contact Angharad Wyn Crump (contact details below).

Fourth response:

Further to our letter of the 6th February 2017, we provide the following comments as a response to the additional information received.

We have significant concerns with the proposed development as submitted.

We recommend that planning permission should only be given if the following requirements can be met. If these requirements are not met then we would object to this application.

Summary of requirements:

Requirement 1 – FCA to be updated to specify a ‘dry level’ to be in full compliance with the requirements of TAN15

Should our requirement be dealt with and we provide a final response that conforms that we have no objection to the proposed development we advise that any planning permission given for the development includes the imposition of a suitably worded planning condition as detailed below.

Condition 1 – Reasonable Avoidance Measures to be implemented to ensure to detrimental impact to the maintenance of the favourable conservation status of reptiles including in particular Great Crested Newts

As detailed below, we will advise of our requirements with regard to the inclusion of a suitably worded condition to any planning consent given for the development once we have reviewed a revised FCA that specifies a ‘dry level’.

Flood Risk

Further to our letter of the 6th February 2017, we have reviewed the updated FCA – WHS, version 2.0, dated 8th March 2017.

Separately, we have reviewed the submitted flood map challenge for the same site and are in agreement with its conclusions. We will therefore revise our floodmap and the DAM to reflect the information in the flood map challenge. We aim to make this change to the floodmap / DAM in April’s updates.

The FCA has investigated the flood risk to the site from both the Afon Dulas and also its tributary, Nant yr Arian [Note: due to the relatively small risk posed by Nant yr Arian, we have not undertaken a full technical review of the supporting model]. The modelling concludes that, in the 1% probability flood event (with an allowance for climate change), a maximum flood depth of 100mm would be expected on the northern part of the site. Flooding of the highway to the south would also be expected from Nant yr Arian, although this is not predicted to directly enter the site. In the 0.1% probability flood event, flooding depth would be expected to reach ~300mm on the site.

In view of the above, it is clear that the site in its current condition cannot comply with the requirements of section A1.14 of TAN15, which requires highly vulnerable developments to be flood free in the 1%+CC flood event. It should also be noted that section 6.2 of the TAN states that highly vulnerable development should not be permitted in zone C2 – this is reinforced in the Chief Planner’s letter dated 9th January 2014. It is therefore for your authority to determine whether the development, partly in zone C2, is acceptable.

The FCA goes on to suggest mitigation measures which should ensure that the development will be dry in the 0.1% probability flood event. Section 5.4 of the FCA specifies that:

- A 675mm ø culvert will be installed to convey the flow of Nant yr Arian across the site
- The site will be raised in order to ensure it will remain dry in the 0.1% probability event.

The FCA goes on to demonstrate that the land raising will not increase flood risk elsewhere.

Unfortunately the FCA has not proposed a level to which the land should be raised. For your authority to be able to place a planning condition to ensure compliance with TAN15, it is vital that a level should be proposed. In the absence of a proposed land level, the FCA is incomplete.

We would also note that the culverting of a watercourse goes against NRW’s culverting policy – which suggests that culverts should normally only be permitted for access. It is accepted, however, that Nant yr Arian is an ordinary watercourse which comes under Powys Council’s jurisdiction; it will therefore be a matter for your authority to determine any application for Consent.

Requirement 1 – FCA to be updated to specify a ‘dry level’ to be in full compliance with the requirements of TAN15

In summary: we are satisfied that the FCA shows that the site can be engineered to ensure it is dry in the 0.1% probability flood event. However, in order to ensure that the land is raised to the correct level, the FCA should be amended to specify a ‘dry development platform’. We suggest that this should be done before your authority considers granting permission for this development in order that a meaningful condition can be placed on any permission.

We will advise of our requirements with regard to the inclusion of a suitably worded condition to any planning consent given for the development once we have reviewed a revised FCA that specifies a ‘dry level’.

Protected Species

We have reviewed the ‘Proposed Gypsy and Traveller Site Machynlleth Extended Phase 1 Habitat Survey Report’ prepared by Powys County Council dated 16th January 2017.

We are satisfied that the report is suitable for the purposes of informing the planning decision making process.

The report confirm that the site is of moderate low ecological value with the hedgerows on the eastern and northern boundary being identified as having the potential for connectivity to wider landscapes.

We are satisfied that subject to implementation of the recommendations set out in Section 10 of the report that the development is not likely to be detrimental to the maintenance of the favourable conservation status of any local populations of European and British protected species. As recommended a Hedgerow Protection Plan, Landscaping Plan and Japanese Knotweed Control Plan should be agreed to the satisfaction of the LPA prior to commencement of development.

Condition 1 – Reasonable Avoidance Measures to be implemented to ensure to detrimental impact to the maintenance of the favourable conservation status of reptiles including in particular Great Crested Newts

Any planning permission given for the development should include the imposition of a suitably worded planning condition requiring the RAMS provided within Appendix 1 to be implemented in full during the work. Subject to implementation of the RAMS we are satisfied that the proposal will not have a detrimental impact on the maintenance of the favourable conservation status of amphibians including in particular Great Crested Newts.

Pollution Prevention

Due to the proximity of the site to watercourses, all works at the site must be carried out in accordance with GPP5 'Works in, near or over watercourses' and PPG5 'Working at construction and demolition sites' which are available on the Gov.uk website:

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

Please do not hesitate to contact us if you require further information or clarification on any of the above. As confirmed above, we will not be in a position to provide full comments until we have completed our review of the applicant's flood modelling work and therefore request that the application is not determined until we have provided our final response.
www.naturalresourceswales.gov.uk www.cyfoethnaturiolcymru.gov.uk Page 4 of 4

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.

Fifth response:

Further to our letter of the 29th March 2017, we provide the following comments as a response to the amended Flood Consequence Assessment received by email on the 30th March 2017 directly from the consultant (WHS version 1.2 30th March 2017).

We have significant concerns with the proposed development as submitted.

We recommend that planning permission should only be given if the following conditions can be attached to the planning consent. If these conditions are not attached we would object to this application.

Summary of conditions:

Condition 1 – The site must be raised to a minimum level of 18.1m AOD to ensure that it remains flood-free.

Condition 2 – *Reasonable Avoidance Measures to be implemented to ensure to detrimental impact to the maintenance of the favourable conservation status of reptiles including in particular Great Crested Newts*

Flood Risk

Further to our letter of the 29th March 2017, we have reviewed the updated Flood Consequence Assessment (WHS, version 1.2, dated 30th March 2017).

Separately, we have reviewed the submitted flood map challenge for the same site and are in agreement with its conclusions. We will therefore revise our floodmap and the DAM to reflect the information in the flood map challenge. We aim to make this change to the floodmap / DAM in April's updates.

The FCA has investigated the flood risk to the site from both the Afon Dulas and also its tributary, Nant yr Arian [Note: due to the relatively small risk posed by Nant yr Arian, we have not undertaken a full technical review of the supporting model]. The modelling concludes that, in the 1% probability flood event (with an allowance for climate change), a maximum flood depth of 100mm would be expected on the northern part of the site. Flooding of the highway to the south would also be expected from Nant yr Arian, although this is not predicted to directly enter the site. In the 0.1% probability flood event, flooding depth would be expected to reach ~300mm on the site.

In view of the above, it is clear that the site in its current condition cannot comply with the requirements of section A1.14 of TAN15, which requires highly vulnerable developments to be flood free in the 1%+CC flood event. It should also be noted that section 6.2 of the TAN states that highly vulnerable development should not be permitted in zone C2 – this is reinforced in the Chief Planner's letter dated 9th January 2014. It is therefore for your authority to determine whether the development, partly in zone C2, is acceptable.

The FCA goes on to suggest mitigation measures which should ensure that the development will be dry in the 0.1% probability flood event. Section 5.4 of the FCA specifies that:

- A 675mm ø culvert will be installed to convey the flow of Nant yr Arian across the site
- The site will be raised in order to ensure it will remain dry in the 0.1% probability event.

The FCA proposes for the north eastern part of the site to be raised to a minimum level of 18.1m AOD to ensure that it remains flood-free. This level is above the predicted 0.1% probability flood level, however, virtually no freeboard is provided above the maximum predicted flood level (18.09m AOD). In order to allow for inherent uncertainty in flood estimation we would therefore advise that a further freeboard of at least 300mm is allowed –

giving a finished level of 18.4m AOD. The FCA goes on to demonstrate that the land raising will not increase flood risk elsewhere.

We therefore require any planning permission given for the development to include the imposition of the following condition;

Condition 1: The site must be raised to a minimum level of 18.1m AOD to ensure that it remains flood-free.

Reason: To minimise flood risk to the site and future residents.

We would also note that the culverting of a watercourse goes against NRW's culverting policy – which suggests that culverts should normally only be permitted for access. It is accepted, however, that Nant yr Arian is an ordinary watercourse which comes under Powys Council's jurisdiction; it will therefore be a matter for your authority to determine any application for Consent.

Protected Species

We have reviewed the 'Proposed Gypsy and Traveller Site Machynlleth Extended Phase 1 Habitat Survey Report' prepared by Powys County Council dated 16th January 2017.

We are satisfied that the report is suitable for the purposes of informing the planning decision making process.

The report confirm that the site is of moderate low ecological value with the hedgerows on the eastern and northern boundary being identified as having the potential for connectivity to wider landscapes.

We are satisfied that subject to implementation of the recommendations set out in Section 10 of the report that the development is not likely to be detrimental to the maintenance of the favourable conservation status of any local populations of European and British protected species. As recommended a Hedgerow Protection Plan, Landscaping Plan and Japanese Knotweed Control Plan should be agreed to the satisfaction of the LPA prior to commencement of development.

Condition 2 – Reasonable Avoidance Measures to be implemented to ensure to detrimental impact to the maintenance of the favourable conservation status of reptiles including in particular Great Crested Newts

Any planning permission given for the development should include the imposition of a suitably worded planning condition requiring the RAMS provided within Appendix 1 to be implemented in full during the work. Subject to implementation of the RAMS we are satisfied that the proposal will not have a detrimental impact on the maintenance of the favourable conservation status of amphibians including in particular Great Crested Newts.

Pollution Prevention

Due to the proximity of the site to watercourses, all works at the site must be carried out in accordance with GPP5 'Works in, near or over watercourses' and PPG5 'Working at construction and demolition sites' which are available on the Gov.uk website:

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

Please do not hesitate to contact us if you require further information or clarification on any of the above. As confirmed above, we will not be in a position to provide full comments until we have completed our review of the applicant's flood modelling work and therefore request that the application is not determined until we have provided our final response.

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.

Clr Michael Williams - Machynlleth Ward

I've viewed the plans and supporting papers in respect to application P/2016/1227; and, given the potential impact on the immediate area, I ask that the application be determined by Powys County Council's Planning Committee.

Representations

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

- Lack of community consultation
- Common land 'swap' is not like for like
- Concerns over comments made within the Flood Consequences Assessment about the site being preciously developed land
- Validity of the application as none of the submissions are made in Welsh
- Raises concerns that an Environmental Impact Assessment should have been submitted

Planning History

5821- Use of land for industry and factory - Refused 1963

10276 - Construction of additional access to church – Conditional Consent 1969

Principal Planning Constraints

Flood Zone
Common Land
A489 Trunk Road

Principal Planning Policies

National Planning Policy

Planning Policy Wales (Edition 9 – 2016)

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

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

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

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

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

Technical Advice Note (TAN) 23 – Economic Development

WAG Circular 30/2007 – Planning for Gypsy and Travellers Caravan Sites

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

Welsh Office Circular 10/99 – Drainage

Local Planning Policies

Unitary Development Plan (UDP):

UDP SP14 - Development in Flood Risk Areas

UDP SP3 - Natural, Historic and Built Heritage

Policy GP1 - Development Control

Policy GP3 – Design and Energy Conservation

Policy GP4 – Highways and Parking Requirements

Policy ENV2 - Safeguarding the Landscape

Policy ENV3 – Safeguarding Biodiversity and Natural Habitats

Policy ENV4 – Internationally Important Sites

Policy ENV5 – Nationally Important Sites

Policy ENV6 – Sites of Regional and Local Importance

Policy ENV7 – Protected Species

Policy DC3 - External Lighting

Policy DC9 – Protection of Watercourses

Policy DC11 - Non-Mains Sewage Treatment

Policy DC13 – Surface Water Drainage

Policy DC15 - Development on Unstable or Contaminated Land

Policy HP20 - Gypsy Caravan Sites

Policy TR2 – Tourist Attractions and Development Areas

Gypsy and Traveller Accommodation Assessment (GTAA) (June 2016)

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

Officer Appraisal

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

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

Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Principle of development

Policy HP20 of the UDP relates to gypsy caravan sites. It supports their provision subject to a number of criteria, including meeting the needs of gypsies who have regularly resided in or resorted to the area and there are no other sites available, the development to not be visually intrusive in the landscape and incorporate screening provisions and the proposal being well related to existing community, social and educational facilities. The supporting text states that proposals for development of isolated small sites will not be permitted.

Welsh Assembly Government Circular 30/2007: "Planning for Gypsy and Traveller Caravan Sites" (Circular 30/2007) supports the principle of gypsy and traveller sites being located in rural settings, where they are not subject to specific planning or other constraints. The Circular advocates that sites should be sustainably located. In assessing the suitability of sites, the Circular advises local authorities to consider a range of sustainability criteria and to be realistic about the availability of alternatives to the car to access local services. It states that over rigid application of policies that seek a reduction in car borne travel would not be appropriate.

Local and national policies support the provision of gypsy and traveller sites in principle. Therefore, the main considerations are whether there is an overriding need for the development, whether the proposal would be visually intrusive in the landscape and harmful to the character and appearance of the area and whether it would be sustainably located.

Need for the development:

The Council has a duty to assess the need for gypsy and traveller accommodation. Where an assessment of unmet need is evident, there is a requirement to ensure that sufficient sites are allocated through the Local Development Plan (LDP) process. These duties reflect wider duties to promote equal opportunities and to prevent unlawful discrimination on the grounds of race.

The Council has undertaken a Gypsy and Traveller Accommodation Assessment (GTAA) dated June 2016 which has been approved by Carl Sargent, Welsh Government Cabinet Secretary for Communities and Children dated December 2016.

The Council now has a duty under section 103 of the Housing (Wales) Act 2014 to exercise its powers under section 56 of the Mobile Homes (Wales) Act 2013 (power of authorities to provide sites for mobile homes) so far as may be necessary to meet the identified need. The Council's progress towards meeting the identified needs is monitored by the Welsh Government.

With regards to the current proposal, the GTAA has identified a need for the Council to provide five pitches within Machynlleth to accommodate an existing, and therefore immediate, identified need. In line with our duties outlined above, there is considered to be a justified need for the development.

Character and Appearance

The scheme proposes the erection of three amenity blocks to be clad in engineered softwood with UPVC fenestration and a Decra (stone coated steel) tile roof. Two of the units are rectangular in shape measuring approximately 4.4 metres in width by 9 metres in length. One of the units will be semi-detached and will therefore measure 9 metres in length by 8.5 metres in width. The single units have a ridge height of 4 metres whereas the double unit will be slightly higher at 5 metres to ridge. The access roads will be surfaced with bituminous material while the hard standing areas within the plot boundaries will be concrete with a brushed finish.

The site is located adjacent to the trunk road on approach to the settlement of Machynlleth. The site is screened to some extent by broad leaved plantation woodland along the southern boundary of the site which is hoped can be retained within the project, although full details of this have not been provided within the application. It is suggested a tree and hedgerow protection plan be submitted to and agreed with the planning authority and this requirement can be a condition of consent if members are minded to approve the scheme.

Although the site does adjoin the development boundary of Machynlleth, the site will be seen as an isolated form of development when viewed from the main public vantage point of the trunk road. However, it is considered that the impact is mitigated by the small scale, low profile nature of the development and the fact that the site is set below the highway. Therefore subject to the retention of existing vegetation or the provision of additional screening, it is not considered that the proposed development would have an unacceptable visual or landscape impact.

Sustainability

Policy HP20 of the UDP requires sites to be well related to existing community, social, educational and other facilities.

The site is located adjacent to the development boundary of Machynlleth and will be linked via a footpath. Machynlleth is an area centre with a range of facilities as well as social and education services being available within the town. Furthermore, it has good road and rail connections with the rest of Mid Wales, the West Midlands and the North West and a range of employment opportunities.

Bearing the above in mind, the site is considered to be sustainable and accords with the provisions of UDP policy HP20 in this respect.

Flood risk

Unitary Development Plan policy SP14 (Development in Flood Risk Areas) reinforces national guidance on flood risk which is set out in Technical Advice Note 15 (Development and Flood Risk and which states that highly vulnerable development will not be permitted in Zone C2. No other development should be permitted in areas of high risk of flooding unless the development is of strategic importance; the consequences of flooding are acceptable and the development would not give rise to any unacceptable flooding impacts elsewhere.

The planning application has been accompanied by a flood consequence assessment which has undergone consultation with NRW. The conclusions reached indicate that the site is

currently shown to be within Zone C2 as indicated by the development advice maps in TAN15. However, a flood map challenge has also been submitted for the same site which it is anticipated will be reflected in April's update to the DAM.

The FCA and modelling data produced indicates that in a 1 in 100 year flooding event, a maximum flood depth of 100mm would be expected in the northern part of the site and could reach 300mm in a 1 in 1000 year event.

In light of the above, the site in its current condition cannot comply with the requirements of section A1.14 of TAN15 and is a departure from policy SP14 of the Powys Unitary Development Plan. However, the submitted flood consequence assessment does suggest mitigation which should ensure that the development will be flood free in the 1 in 1000 year event with the installation of a culvert to convey the flow of Nant yr Arian across the site and the increasing of land levels in the north eastern part of the site.

It should be noted that culverting of an Ordinary Watercourse such as Nant yr Arian will require consent from the Lead Local Flood Authority (Powys County Council) but is not generally encouraged except to provide access.

With regards to the raising of land levels, the FCA has demonstrated that the increase of land to a minimum level of 18.1m AOD will allow the site to be flood free and not lead to increased flood risk elsewhere. However, in the final response from NRW, a suggestion to give an extra 300mm freeboard allowance is made giving a land level of 18.4m AOD. The suggestion is considered reasonable and should be attached to any permission granted.

Whilst it is acknowledged that part of the site is within zone C2 and the scheme relates to a highly vulnerable use making the development a departure from the development plan, it is considered that, providing the mitigation measures proposed are implemented, that the site will be flood free in a 1 in 1000 year event and the mitigation measures proposed will not lead to an increased risk of flooding elsewhere. It is therefore considered that the development can be made acceptable and will not pose an unacceptable flood risk despite its current location within the C2 zone.

Highway safety

The proposed development will be accessed via a relocated access onto the A489 trunk road. The Highway Authority in this instance is the Welsh Government who has confirmed that the proposed scheme does not comply with the Design Manual for Roads and Bridges and therefore has directed the Local Planning Authority to withhold permission while the applicant submits a departure from standard requirements. The request has been made and is under consideration. No further correspondence has been received from Welsh Government.

In the circumstances, Development Management requests that, if members are minded to approve the scheme, that delegation be given to the Lead Professional for Development Management to issue an approval, subject to any further conditions suggested by Welsh Government, if the direction to withhold permission is withdrawn.

Common land

The proposed development is located on registered common land. The applicant will need to obtain consent for deregistration of the area of common land affected, before any development work is carried out, and an area of 'exchange land' will need to be provided to be registered as common land in replacement.

Applications for deregistration and exchange of common land can be made under section 16 of the Commons Act 2006. These applications are not made to, or determined by Powys County Council. Instead, an application must be made to the Welsh Government, via the Planning Inspectorate.

As the matter of common deregistration is a separate consenting regime from the planning system. The applicant is aware of their requirements in respect of the common land.

Ecology

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

The application has been accompanied by an extended phase 1 habitat survey which concludes that the site is of moderate to low ecological value with the species rich hedgerow on the eastern and northern boundary as well as areas of broadleaved woodland surrounding the site providing the most valuable habitat being identified as having the potential for connectivity to wider landscapes and good foraging/commuting habitat for species.

The application has been subject to consultation with NRW and an external ecological consultant to provide advice on the ecological aspects of the development. Both have responded to the consultation and have concluded that the development is acceptable subject to the recommendations in the report being adhered to and planning conditions will control these matters.

In light of the above, the scheme is compliant with the objectives of local and national policy with regards to ecology.

Surface and foul water disposal

The application details that the site will be served by a package treatment plant which will discharge into a watercourse in respect of the disposal of foul waters and that surface water will be dealt with by soakaways within the site.

It has been confirmed by Dwr Cymru that connection to the mains system for the disposal of foul waters is not feasible which is the preferred option for sewage disposal in accordance with UDP policy DC10. Therefore the use of a treatment plant is considered to be acceptable under UDP policy DC11. Permits for treatment plants are controlled and issued by Natural Resources Wales who have not objected the scheme but have offered general guidance to the applicant.

With regards to surface water drainage, the application indicates that this will be managed through the use of soakaways although no additional information has been provided. It is considered prudent therefore, that a condition to secure the agreement of details is attached in accordance with any permission granted.

Contaminated Land

The Contaminated Land Officer has noted that an area of unknown filled ground, associated with a historic gravel pit, is located 20metres to the South of the application site boundary. This area of unknown filled ground could be a potential risk to the proposed development depending on the type and nature of the materials that have been placed. It is suggested therefore that a condition be attached to any permission granted to cover this matter.

Subject to this being undertaken, the development is considered to be acceptable and accords with planning policy DC15 of the Powys Unitary Development Plan.

Other legislative requirements

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 development, Officers conclude that the principle of development accords with the provision of local and national planning policy and that there are no other material considerations that would warrant the refusal of this planning application. Therefore, subject to the use of the conditions set out below and the withdrawal of the direction from Welsh Government with regards to highway safety, it is recommended that the development be granted 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 and documents stamped as approved (2550 L_001, PL_001A, PL_002A, PL_003B and PL_004B).
3. The occupation of the site shall only be by Gypsies and Travellers as defined by paragraph 3 of Circular 30/2007 and their resident dependents.
4. There shall be no more than five pitches on the site hereby approved with no more than ten caravans being stationed at any time, of which only five shall be static caravans.
5. Prior to the occupation of the site for the development proposed, the site must be raised to a minimum level of 18.4m AOD and remain as such over the lifetime of the development.
6. No development shall commence until a scheme for the surface water drainage of the site has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed before any pitches are occupied.
7. The reptile reasonable avoidance measures detailed in Appendix 1 of the Extended Phase 1 Habitat Survey Produced for Powys County Council by Rachel Probert (PCC) dated 16/01/17 shall be adhered to and implemented in full.
8. The recommendations regarding nocturnal wildlife, breeding birds, reptiles, hedgerows, woodland and watercourse identified in Section 10 of the Extended Phase 1 Habitat Survey Produced for Powys County Council by Rachel Probert (PCC) dated 16/01/17 shall be adhered to and implemented in full.

9. Prior to commencement of development, a Biodiversity Enhancement Plan (see Section 10.8 of the Ecology Report, 16/01/17) shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter. The scheme shall include a Species List for the Landscape Planting.

10. Prior to commencement of development a Pollution Prevention Plan shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.

11. Prior to commencement of development, a 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.

12. 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, implemented as approved and maintained thereafter.

13. In the event that contamination is encountered at any time when undertaking the approved development immediate contact must be made with the Local Planning Authority. The development must not proceed until an investigation and risk assessment has been undertaken, by a qualified and experienced environmental consultant, and where remediation is necessary a Remediation Strategy must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of the remedial works identified in the approved Remediation Strategy a Verification Report that demonstrates compliance with the agreed remediation objectives must be produced by a qualified and experienced environmental consultant, and is subject to the approval in writing of the Local Planning Authority, prior to commencement of use of the development.

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 & 4. To define the extent of the permission hereby granted in accordance with policy HP20 of the Powys Unitary Development Plan (2010).
5. To ensure that the site remains flood free and does not pose a risk of flooding in accordance with Technical Advice Note 15 (2004).
6. To ensure that the proposed development does not compromise the function of the existing surface water drainage systems and that any proposed alterations are fully compliant with regulations and are of robust design in accordance with policy DC13 of the Powys Unitary Development Plan.
- 7 to 12. To comply with Powys County Council's UDP Policies SP3, ENV2, ENV3, 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 the Environment (Wales) Act 2016.
13. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without

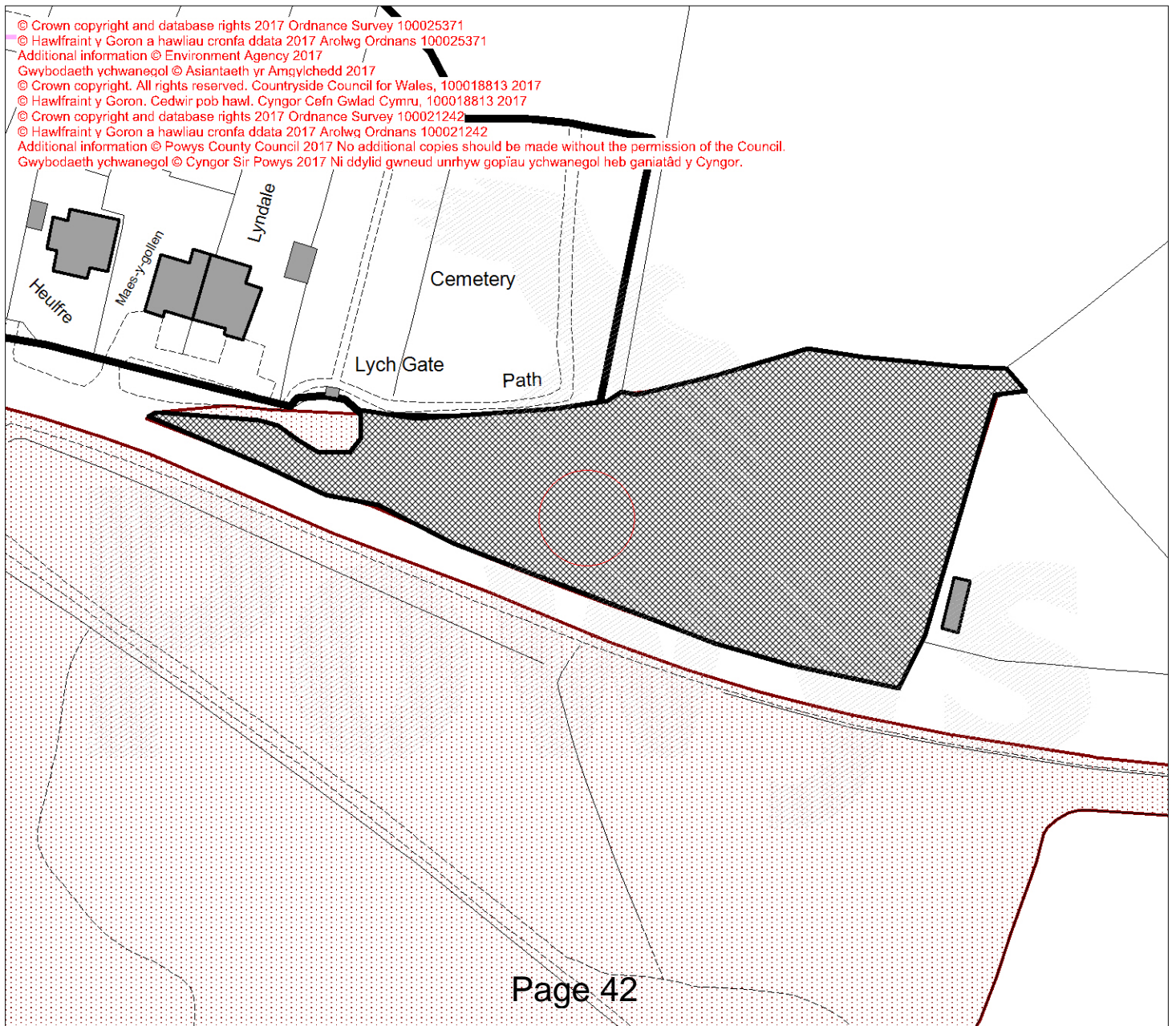
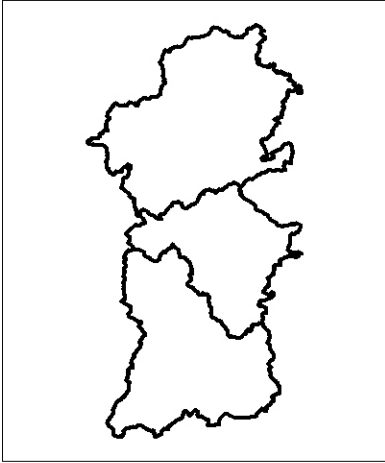
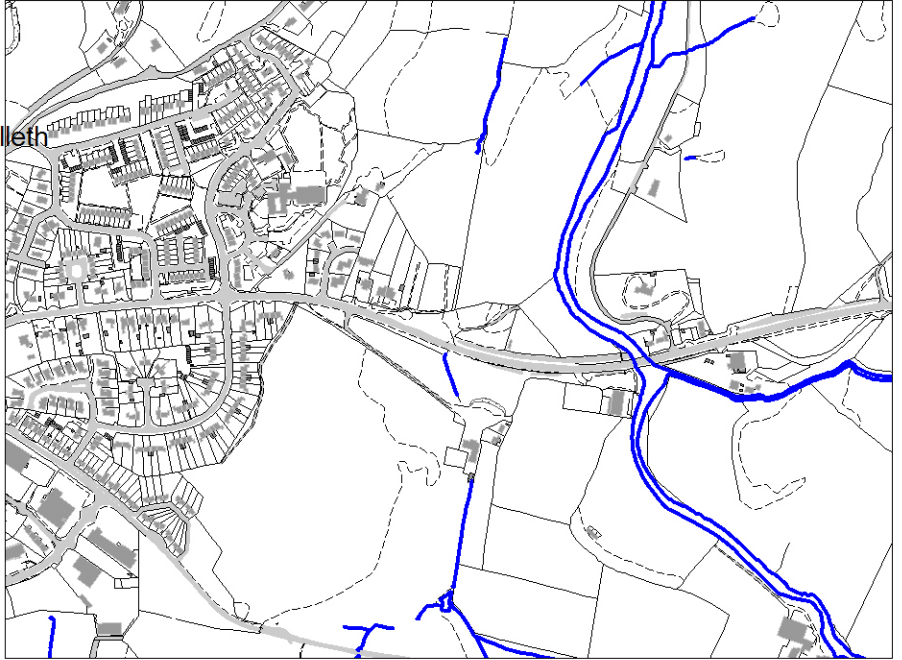
unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy DC15 of the Powys Unitary Development Plan (2010).

Case Officer: Louise Evans- Planning Officer
Tel: 01938 551127 E-mail:louise.evans1@powys.gov.uk

Susan Bolter
Pennaeth Adfywio, Eiddo a Chomisiynu/
Head of Regeneration Property & Commissioning
Adfywio, Eiddo a Chomisiynu/
Regeneration, Property and Commissioning

Applicant: Powys County Council

Location: Land adjoining cemetery, Machynlleth



© Crown copyright and database rights 2017 Ordnance Survey 100025371
© Hawffraint y Goron a hawliau cronfa ddata 2017 Arolwg Ordnans 100025371
Additional information © Environment Agency 2017
Gwybodaeth ychwanegol © Asiantaeth yr Amgylchedd 2017
© Crown copyright. All rights reserved. Countryside Council for Wales, 100018813 2017
© Hawffraint y Goron. Cedwir pob hawl. Cyngor Cefn Gwlad Cymru, 100018813 2017
© Crown copyright and database rights 2017 Ordnance Survey 100021242
© Hawffraint y Goron a hawliau cronfa ddata 2017 Arolwg Ordnans 100021242
Additional information © Powys County Council 2017 No additional copies should be made without the permission of the Council.
Gwybodaeth ychwanegol © Cyngor Sir Powys 2017 Ni ddylid gwneud unrhyw gopïau ychwanegol heb ganiatâd y Cyngor.

PTLRW41 - 20173

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2016/1036	Grid Ref:	325504.56 315560.38
Community Council:	Llandrinio	Valid Date:	Officer: 06/10/2016 Kate Bowen
Applicant:	Mr & Mrs RG & JB Ashton, c/o Roger Parry and Partners		
Location:	Land adjacent to Windy Ridge, Arddleen, Llanymynech, Powys, SY22 6PY		
Proposal:	Development of up to 9 dwellings, formation of vehicular access and associated works (outline)		
Application Type:	Application for Outline Planning Permission		

Reason for Committee determination

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

Site Location and Description

The application site is located adjacent to the settlement development boundary and on the south eastern side of the C2106 class three highway to the west of Arddleen Primary School. A dwelling known as Windy Ridge is located to the north east of the application site. The site is agricultural land which is bound with hedgerows and mature trees.

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

- One pair of 2 bedroomed, semi-detached dwellings – 10.250m x 7.750m and 8.445m to the ridge of the roof;
- Two detached 3 bedroomed dwellings – 6m x 8.750m and 8.445m in height to the ridge;
- Two detached 4 bedroomed dwellings – 9m x 9.250m x 8.495m in height to the ridge;
- One detached 5 bedroomed dwelling – 10.6m x 10.250m x 9.145m to the ridge;
- Two detached 5 bedroom dwellings – 10.750m x 11.750m x 9.295m to the ridge;
- Four single garages – 6m x 3m and 4.1m to the ridge; and
- A pair of semi-detached single garages – 6m x 6m and 5.325m to the ridge.

The submission indicates a new vehicular access off the C2106 highway with parking provision allocated for each dwelling. The application size area is 0.452 hectares.

Consultee Response

Llandrinio Community Council

Correspondence received 10/10/2016:

The Community Council considered the above application at a site meeting held on Thursday 3rd November 2016.

The Community Council OBJECT to the above application for the following reasons;-

1. Outside the development boundary and therefore contrary to Policy GP1 Development Control. This Policy states that development should only be considered if all the dwellings were affordable. Residents would welcome larger properties which were affordable and would give them an opportunity to move from the smaller starter homes in the Village.
2. Housing Land Supply – our Villages are attracting speculative development due to the fact that the Local development Plan has not yet been adopted. The Community Council feels that it is still important to adhere to the structures and boundaries within the existing Unitary development Plan whilst taking heed of the emerging Local development Plan which has indicated another area in the village opposite the school which would be more suitable for development.
3. Highways Although visibility is good this is a busy narrow lane. The 30mph sign needs to be moved further back and an extra passing place installed. Surface water drainage on the lane is already a problem as there are no gullies or drains on this lane and any water runs into a neighbouring property
Any development needs to incorporate a footpath to the School
4. Foul drainage No provision is shown for connecting onto the Sewer system as this may involve the construction of a pumping station or the need to go across third party land.

Correspondence received 23/02/2017:

Further to the amended plans received Llandrinio & Arddleen Community Council wish to maintain their Objection as per our letter of 10th October 2016.

PCC Highway Authority

I have no objection in principle, however, are they proposing to connect up to the existing footway as I would expect pedestrians/school children to walk down to the local school situated a small distance away from the proposal.

With regard to the width of the C2106 serving the site then it is of a single track nature from the school and these dwelling will undoubtedly create extra traffic movements. It appears from the way the road has been designed that there are aspirations for further dwellings. There will clearly be a requirement to upgrade the width of the road which appears could be done on the other side of the carriageway. However, we would need to be mindful of existing access points and there visibility requirements. I would propose that an indicative layout is provided now so we safeguard the required land for improvements at a future stage.

How do they intend to dispose of the highway surface water drainage? I note GA (Land Drainage Engineer) has commented that the land is not suitable for soakaways.

PCC Affordable Housing Officer

The latest housing need figures for the area is:

Property type	Housing need
1 bed	26
2 bed	49
3 bed	19
4 bed	7

Wales and West Utilities

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

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

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

Severn Trent Water (STW)

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

Waste Water Comments

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

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

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

PCC Land Drainage

Correspondence dated 19/10/2016:

I've looked at the proposal and for surface water disposal it has been indicated (item 13 of App Form) that this will drain to the 'main sewer'. Having looked at Severn Trent Water Ltd's records the nearest public surface water sewer is in 'Llwyn Perthi' and third party approval to cross intervening land may be an issue.

Perhaps the Applicant needs to be made aware?

Soakaways are going to be of limited use as the ground conditions in Arddleen are poor for soakage. Therefore, an appropriate surface water drainage design needs to be established prior to the LPA granting any permission.

Correspondence dated 22/02/2017:

I note the options being put forward by the drainage consultant in their report to dispose surface water run-off from this site. In my opinion there will be difficulties in what they want to achieve and will certainly require further negotiated outcomes that may not be easily secured.

The first option being considered is to discharge surface water to the roadside ditch immediately north of the site. This roadside ditch/piped system flows to an unnamed watercourse approximately 180m north of the site, which is a completely different drainage catchment to that of the site. A pumped connection would be required to lift this water to the level of the roadside ditch. As I understand, the roadside ditch is a highway drainage asset and as such the Highway Authority is not obliged to accept surface water flow from development. Even if this was agreed, no indication has been provided on the capacity of the existing drainage and watercourse systems and whether or not this connected flow would have impacts elsewhere. Ongoing maintenance will be critical for a system like this to function effectively and when coupled with a high energy usage during extreme weather events, this may not be a suitable option.

The alternative solution being suggested is to requisition a sewer connection to the existing 225mm public surface water sewer in Llwyn Perthi. This will be subject to the agreement of Severn Trent Water and will require the applicant to demonstrate that a connection to a watercourse is not feasible. However, in my opinion this option is the more acceptable as not only is there no chance that a pump failure could give rise to localised flooding within the site or elsewhere but also surface water flows would continue to drain to its natural catchment, albeit via an engineered but sustainable drainage system.

I've copied in Simon Crew to this reply (as Simon has taken on Paul W's role) as I thought he'd better be aware of what is being proposed, particularly the option to utilise the highway drainage system by this developer.

I hope this is of assistance but would be happy to discuss further should you wish.

Public Representations

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

Principle

- The site is outside the settlement boundary and as such any observation or objections are being ignored;
- The site is not one of the candidate sites for the proposed Local Development Plan and would undermine the LDP;
- There are other sites within the village more suitable for development;

Impact upon amenities of neighbouring properties

- Concerns over loss of privacy and overlooking in relation to the property known as The Oaks;
- The site is at a raised angle in comparison to The Oaks which would cause overlooking;
- The garden area of The Oaks would be overlooked;

Human Rights

- Urge consideration of the Council's responsibilities under the Human Right Act (protocol 1, article 1) which states that a person has the right to peaceful enjoyment of all their possessions which includes the home and their land;

Foul drainage

- Access to Windy Ridge for servicing the septic tank and LPG tank is via the field gate to the application site;
- Soakaway from septic tank for Windy Ridge is likely to run into the land the subject of the application;
- There is no main foul drain for use in the village;

Surface water drainage

- Drainage in the area is a major concern
- Surface water from Burgedin Road has been known to ingress into the land of Windy Ridge and the two adjoining properties;
- It is essential that the highway drainage ditch remains maintainable in an open form and not covered by pathways and piped. The amount of soil likely to ingress the system from the amount of heavy farm traffic and others would cause difficulties and flooding risk;

Traffic

- Traffic volumes would increase in addition to the recently approved P/2016/1189 for four dwellings opposite the site. The road width and ditches do not make it suitable for passing places;
- Even with the 30mph restriction, many vehicles ignore this along this straight narrow road;
- The road is used by many pedestrians and dog-walkers;

Design

- The maximum height of the properties is not indicated which is important on an elevated site;

- The submitted plan demonstrates that additional dwellings could be accommodated on the land adjacent to the application site which would compound concerns over traffic and drainage;

Tree protection

- Consideration should be given to a number of well-established superb Oak trees at the lower end of the site which could be seriously affected by ground works and construction;

Other matters

- The block plan is incorrect when compared to the hedge boundaries of the site and Land Registry Details; and
- It is disappointing that the Planning Authority does not deem it necessary to notify adjoining properties of planning applications.

Planning History

M/2006/0935 – Erection of a garage with store over (at Windy Ridge itself). Conditional consent 21/11/2006

M13258 – Details of a bungalow. Conditional consent 05/07/1985

M12964 – Bungalow (outline). Conditional consent 17/04/1985

Principal Planning Constraints

- C2106 class three highway;
- Application site is located approximately 190 metres to the North West of the Montgomery

Canal SAC/SSSI; and

- Outside of settlement development boundary.

Principal Planning Policies

National Planning Policy

Planning Policy Wales (Edition 9, 2016)

TAN 1: Joint Housing Land Availability Studies (2015)

TAN 2: Planning and Affordable Housing (2006)

TAN 5: Nature Conservation and Planning (2009)

TAN 6: Planning for Sustainable Rural Communities (2010)

TAN 10: Tree Preservation Orders (1997)

TAN 12: Design (2016)

TAN 15: Development and Flood Risk (2004)

TAN 18: Transport (2007)

TAN 23: Economic Development

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

Welsh Office Circular 13/97 - Planning Obligations

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

Local Planning Policy

Powys Unitary Development Plan (2010)

UDP SP1 – Social, Community and Cultural Sustainability

UDP SP2 – Strategic Settlement Hierarchy

UDP SP3 – Natural, Historic and Built Heritage

UDP SP6 – Development and Transport

UDP GP1 – Development Control

UDP GP2 – Planning Obligations

UDP GP3 – Design and Energy Conservation

UDP GP4 – Highway and Parking Requirements

UDP ENV1 – Agricultural Land

UDP ENV2 – Safeguarding the Landscape

UDP ENV3 – Safeguarding Biodiversity and Natural Habitats

UDP ENV7 – Protected Species

UDP ENV8 – Tree Preservation Orders

UDP CS3 – Additional Demand for Community Facilities

UDP HP3 – Housing Land Availability

UDP HP4 – Settlement Development Boundaries and Capacities

UDP HP5 – Residential Developments

UDP HP6 – Dwellings in the Open Countryside

UDP HP7 – Affordable Housing within Settlements

UDP HP8 – Affordable Housing Adjoining Settlements with Development Boundaries

UDP HP10 – Affordability Criteria

UDP TR2 – Tourist Attractions and Development Areas

UDP DC10 – Mains Sewerage Treatment

UDP DC13 – Surface Water Drainage

UDP RL2 – Provision of Outdoor Playing and Recreation Space

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

Powys Residential Design Guide (2004)

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

Officer Appraisal

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

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

Procedure

Public representations express disappointment that neighbour notification letters were not issued for the application. Publicity of the application has been carried out in accordance with the relevant legislative requirements as set out within The Town and Country Planning (Development Management Procedure) (Wales) Order 2012 where for the this type of application the following publicity is required:

By giving requisite notice—

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

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

Public representations have also raised concern that the block plan is incorrect when compared to the hedge boundaries of the site and Land Registry details. The applicant's agent has supplied a copy of the title plan lodged with the Land Registry. The only discrepancy apparent to Development Management is the northern application site boundary which includes a section of highway verge. However, because this area of land is the highway verge, Development Management is satisfied that that the application site area and proposed block plan are accurate for the purposes of determining the planning application.

Principle

As referred to within the response from the Community Council and within public representations, the proposed development lies wholly outside the development boundary of Arddleen as detailed on inset map M104 and would result in nine dwellings being constructed outside the settlement boundary.

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

HP9. The proposed development is therefore not in accordance with the UDP and should be considered a departure.

Housing land supply

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

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

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

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

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

Arddleen is classified as a large village within the Powys Unitary Development Plan and one site was allocated within the UDP for residential development (site M104 HA1 – Land adjacent Naylor House extending to 0.98 ha) and this site has been developed. Recently, the Planning, Taxi Licensing and Rights of Way Committee resolved to grant outline permission for four dwellings on land opposite the application site under reference P/2016/1189 and a further application for up to 9 dwellings at Land at Bryn Perth has been approved under reference P/2016/0319.

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

Sustainable location

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

As noted above, Arddleen is identified as a large village within the UDP and it is noted that the village is served by a range of community services and facilities including primary school, community centre and public house. It is also noted that the village is served by a bus route and is located approximately 7 miles from Welshpool and 9 miles from Oswestry.

Given the designation as a large village, and that the proposal is for up to 9 dwellings adjacent to the development boundary, it is considered that the proposed additional residential development in this location would accord with the provisions of Planning Policy Wales in so far as it is a sustainable location.

Affordable housing

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

Evidence of local need has been provided by the Council's Affordable Housing Officer as follows (There will be duplication within these figures as the same person may have applied for more than one type of property):

Property type	Housing need
1 bed	26
2 bed	49
3 bed	19
4 bed	7

This is an accepted form of evidence which demonstrates evidence of housing need in the locality. The applicant has offered to provide on-site provision of two affordable dwellings (the two semi-detached two bed roomed dwellings) which equates to a 22% provision which is below the 30-35% proportion advised that is normally achievable within the UDP.

The outline submission indicates a mixture of dwellings; however Members are advised that this scale is indicative only with scale being a reserved matter for future consideration. Nevertheless, it is considered that there is scope to provide dwellings to match the need and whilst the proposed provision of two dwellings would equate to a lower proportion than that identified within the UDP, officers are aware that the viability evidence of the Local Development Plan is currently being reviewed and updated. It is understood that it is likely that the affordable housing provision requirement will be lower than that currently required under the Unitary Development Plan. Therefore, on this basis, it is considered that the proposed level of affordable housing (two units) is acceptable and a condition should be attached to require the submission of a scheme for the provision of affordable housing.

Design and impact upon character and appearance of the area

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

The site is an edge of settlement location which adjoins open countryside and therefore the locality is considered to be sensitive to visual change. In terms of LANDMAP Visual Sensory Areas (VSA), the site sits within the Guilsfield Rolling Farmlands VSA (MNTGMVS612) which has a high evaluation. The land adjacent to the site within the development boundary, is situated within the Arddleen VSA (MNTGMVS549) which has a low classification.

The indicative layout and scale indicates nine, two storey dwellings of various scales as indicated above. The layout demonstrates that the site can accommodate nine dwellings and detailed design would follow at reserved matters stage, if this outline application receives consent which would provide the opportunity to ensure that the dwellings have an acceptable appearance and design. The properties in the locality consist of a mixture of one and two storey detached properties, although the immediate properties are single storey being predominantly brick with some stone in the immediate locality. The proposed scale of two storeys is not considered to be out of character with the locality.

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

Whilst the site would be visible from public vantage points including the public highway and public rights of way in the wider area and that the proposal would result in a visual change in comparison to the current agricultural use, taking into account the location opposite and adjacent to the existing dwellings within the development boundary along the approach road to Arddleen, that landscaping measures would reduce the visual impact and that the proposed scale of nine dwellings is considered to reflect the character of the development that has occurred along the highway at this location, it is considered that a satisfactory detailed design could come forward to reflect the overall character and appearance of the settlement and surrounding area.

Tree protection

Public representations have referred to mature Oak trees along the southern boundary of the application site. These trees are not the subject of Tree Preservation Orders. The indicative layout details the spread of the trees with some parking and turning areas located within the identified areas.

In order to ensure that the trees are protected through the course of the development, it is recommended that any approval includes a condition to require indications of all existing trees (including spread and species) as well as an identification of those to be retained and measures for their protection throughout the course of development.

Impact upon amenities enjoyed by the occupants of neighbouring properties

Policy GP1 states that development proposals will only be permitted where the amenities enjoyed by the occupants of nearby or proposed properties will not be unacceptably affected. The Powys Residential Design Guide provides guidance on overshadowing and privacy. Public representations have raised concern over the impact of the development in terms of privacy (dwelling and garden) and overshadowing of the property known as The Oaks.

The site is located adjacent to the properties known as Windy Ridge and The Oaks. The indicative layout demonstrates that the side elevation of plot 1 would be approximately 4 metres from the subsidiary extension of the side elevation of Windy Ridge. The rear elevation of plot 9 is located approximately 45 metres from the rear elevation of The Oaks with the rear garden of plot 9 being a minimum of 18 metres between the rear elevation of plot 9 and the rear boundary. The rear elevation of the dwelling of The Oaks is located approximately 22 metres from the boundary. These distances comply with the guidelines set out within the Residential Design Guide in respect of privacy and overshadowing.

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

Highway access and parking requirements

UDP Policy GP4 requires adequate highway provision in terms of a safe access, visibility, turning and parking. Access to the site would be gained off the C2106 class three highway via a new vehicular access. The Community Council has commented that although visibility is good this is a busy narrow lane. In addition, the Community Council has commented that the 30mph sign needs to be moved further back and an extra passing place installed and any development needs to incorporate a footpath to the school. Public representations have raised concerns over the additional traffic which would be generated by the development.

The Highway Authority has advised that there is no objection in principle, however connection to the existing footway to the north east of the site at the 20mph speed limit sign to enable pedestrian access to the school from the site is recommended. In addition, the width of the C2106 serving the site is of a single track nature. Development Management agrees that in combination with a separate application for up to four dwellings on land opposite the application site (reference number P/2016/1189), improvements to the C2106 highway would be of benefit and are required involving widening of the C2106 and the provision of a footway to the village.

The submission demonstrates that the access could be achieved and given the width of the highway verges at this location, road widening and a footway along the frontage of the development could be achieved. Public representations have raised concern over the impact of road widening/surfacing etc upon the current open ditch within the highway verge. Such works would need to take account of and make provision of the existing drainage system by diverting or culverting. Further consideration in respect of this verge drain will be considered below in the surface water drainage section of the report.

Overall, subject to the use of conditions to ensure that the access is completed to the required standard together with the road widening and the provision of a footway, it is considered that the proposal makes adequate provision for highway access and parking in accordance with UDP Policy GP4.

Foul drainage

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

Flood risk and surface water drainage

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

In respect of surface water disposal, the submission indicates that this would be disposed to the main sewer. Public representations have raised concern over surface water disposal. Severn Trent Water has not objected to the proposal, subject to the use of a condition to require the details of surface water drainage being submitted before works commence. The Council's Land Drainage Engineer has advised that the nearest public surface water sewer is in 'Llwyn Perthi' and third party approval to cross intervening land may be an issue.

If third party approval cannot be gained to connect into the public surface water sewer, the Land Drainage Engineer has also advised that soakaways are going to be of limited use as the ground conditions in Arddleen are poor for soakage. Therefore, it has been advised that an appropriate surface water drainage design was required prior to any consent being granted.

Following this advice, a Drainage Strategy Report has been submitted. The Land Drainage Engineer has raised concerns over the proposed solutions. The first option being considered is to discharge surface water to the roadside ditch immediately north of the site. This roadside ditch/piped system flows to an unnamed watercourse approximately 180m north of the site, which is a completely different drainage catchment to that of the site. A pumped connection would be required to lift this water to the level of the roadside ditch. It is understood that the roadside ditch is a highway drainage asset and as such the Highway Authority is not obliged to accept surface water flow from development. Even if this was agreed, no indication has been provided on the capacity of the existing drainage and watercourse systems and whether or not this connected flow would have impacts elsewhere. Ongoing maintenance will be critical for a system like this to function effectively and when coupled with a high energy usage during extreme weather events, this may not be a suitable option.

The alternative solution being suggested is to requisition a sewer connection to the existing 225mm public surface water sewer in Llwyn Perthi. This will be subject to the agreement of Severn Trent Water and will require the applicant to demonstrate that a connection to a watercourse is not feasible. However, the Land Drainage Engineer has advised that this option is the more acceptable as not only is there no chance that a pump failure could give rise to localised flooding within the site or elsewhere but also that surface water flows would continue to drain to its natural catchment, albeit via an engineered but sustainable drainage system.

Taking into account the advice from the Land Drainage Engineer and the contents of the Drainage Strategy, given that soakaways are not likely to be feasible but that there are solutions available, particularly connection to the mains surface water system and that Severn Trent Water has not objected to the proposal, it is recommended that a condition should be attached to any consent granted to require the submission and approval of a surface water drainage scheme to ensure that adequate provision is made for surface water drainage.

Impact upon nature conservation

Given that the site is currently within agricultural use and that there are no known species or sites within the locality which would be affected by the development, it is not considered that the proposal would affect nature conservation interests. Landscaping would be considered at the reserved matters stage and as such this would provide biodiversity enhancements in accordance with UDP Policy ENV3.

Other legislation

Human Rights Act 1998

Public representations have referred to the impact upon their human rights. The proposal could be considered to involve the following human rights issues:-

1. Articles 8: Right to respect for private and family life.

i) Everyone has the right to respect for his/her private and family life, his/her home and his/her correspondence.

ii) There shall be no interference by a public authority with the exercise of this right except such as in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedom of others.

2. The First Protocol

Every natural or legal person is entitled to the peaceful enjoyment of his/her possessions. No one shall be deprived of his possessions except in the public interests and subject to the conditions provided for by law and by the general principles of international law. The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.

The report considers in detail above the competing rights and interests involved in the application. Having had regard to those matters in the light of the convention rights referred to above, it is considered that the recommendation is in accordance with the law, proportionate and both necessary to protect the rights and freedoms of others and in the public interest.

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

Subject to future consideration of the design and the implementation of landscaping measures, it is considered that the proposal would not result in an unacceptable adverse impact upon the surrounding landscape or public vantage points or the amenities enjoyed by the occupants of neighbouring properties. In addition, subject to the use of conditions, the proposal would make adequate provision for surface water flood risk and drainage, highway access and parking.

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

7. Upon the submission of the reserved matters referred to within Conditions 1 and 2, the landscaping details 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.

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

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

10. Upon the submission of the reserved matters referred to in Conditions 1 and 2, a scheme for the provision of road widening along the C2106 and a footway shall be submitted to and approved in writing by the Local Planning Authority. Prior to the first occupation of any dwellings hereby approved the approved road widening improvement along the C2106 and construction of a footway shall be fully completed.

Reasons:

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

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

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

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

5. In order to ensure the provision of affordable housing in accordance with Policy HP7 of the Powys Unitary Development Plan (2010), the Powys Affordable Housing for Local Needs Supplementary Planning Guidance (2011) and Technical Advice Note 2: Planning and Affordable Housing (2006).

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

7. To ensure a satisfactory and well planned development, to ensure protection is afforded to mature trees on the southern boundary of the site and to preserve and enhance the quality of the environment, visual amenity and privacy in accordance with Policies GP1 and ENV2 of the Powys Unitary Development Plan (2010).

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

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

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

Informative Notes

Please note the comments from Wales & West Utilities:

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

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

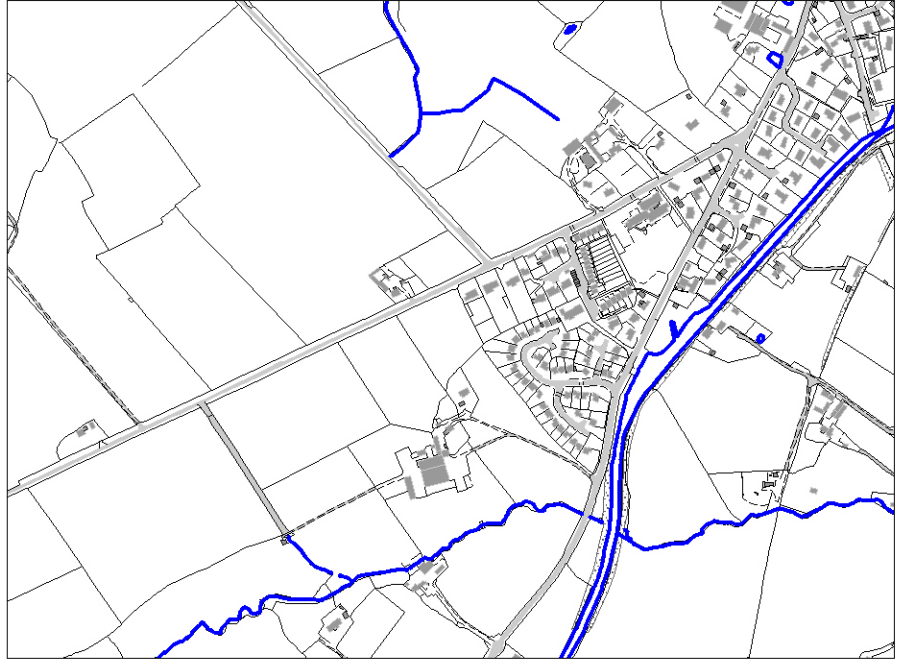
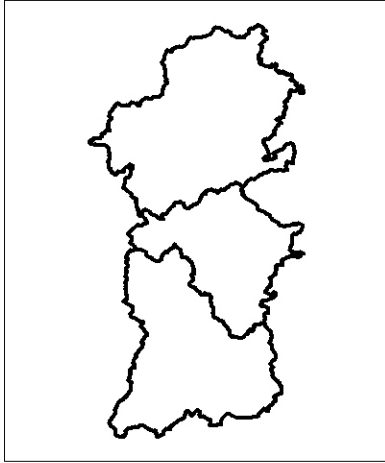
Please note that the plans are only valid for 28 days from the date of issue and updated plans must be requested before any work commences on site if this period has expired.

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

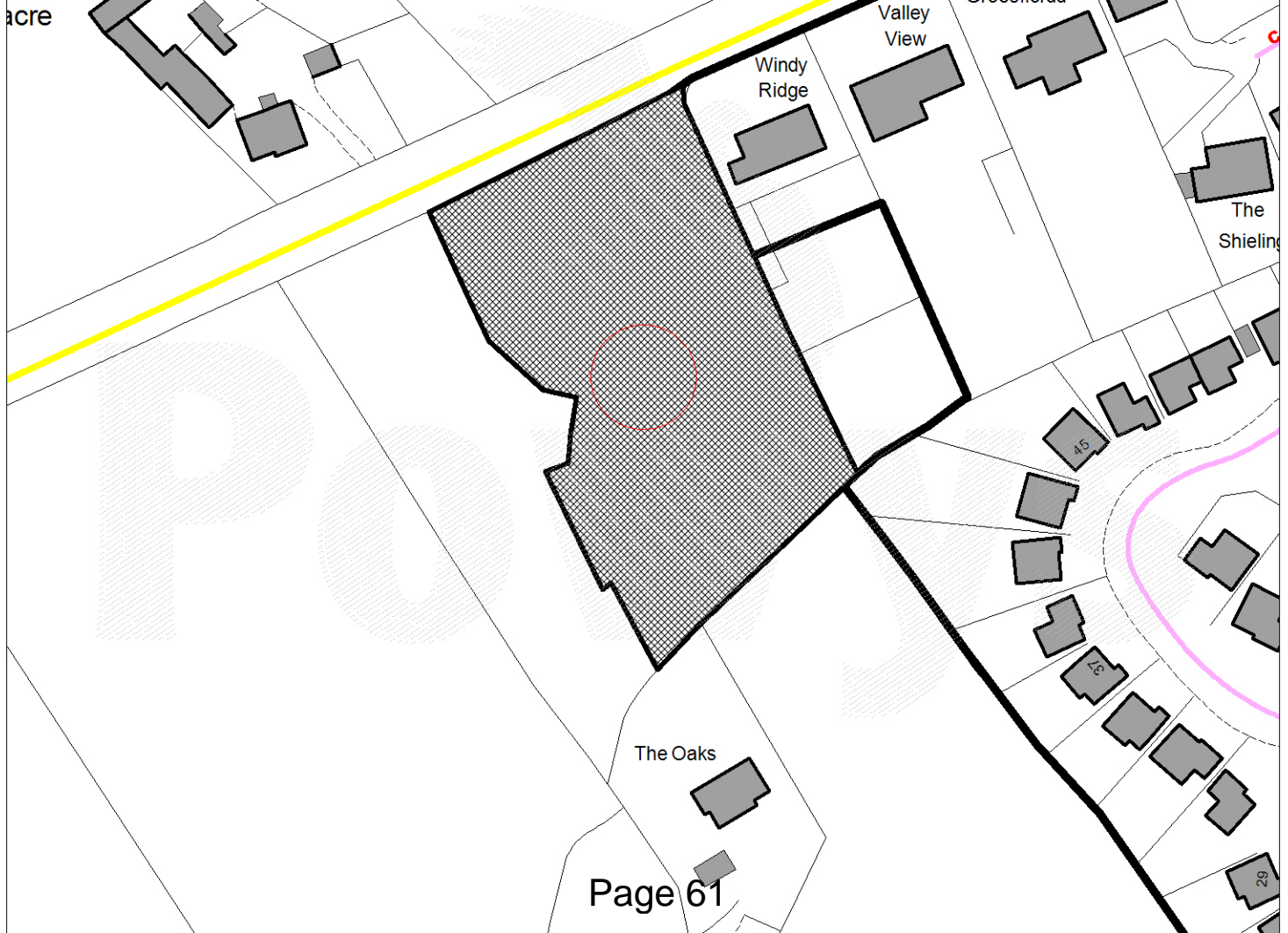
Susan Bolter
Pennaeth Adfywio, Eiddo a Chomisiynu/
Head of Regeneration Property & Commissioning
Adfywio, Eiddo a Chomisiynu/
Regeneration, Property and Commissioning

Applicant: Mr & Mrs RG & JB Ashton

Location: Land adjacent to Windy Ridge,
Arddleen, Llanymynech



© Crown copyright and database rights 2017 Ordnance Survey 100025371
© Hawffraint y Goron a hawliau cronfa ddata 2017 Arolwg Ordnans 100025371
Additional information © Environment Agency 2017
Gwybodaeth ychwanegol © Asiantaeth yr Amgylchedd 2017
© Crown copyright. All rights reserved. Countryside Council for Wales, 100018813 2017
© Hawffraint y Goron. Cedwir pob hawl. Cyngor Cefn Gwlad Cymru, 100018813 2017
© Crown copyright and database rights 2017 Ordnance Survey 100021242
© Hawffraint y Goron a hawliau cronfa ddata 2017 Arolwg Ordnans 100021242
Additional information © Powys County Council 2017 No additional copies should be made without the permission of the Council.
Gwybodaeth ychwanegol © Cyngor Sir Powys 2017 Ni ddylid gwneud unrhyw gopïau ychwanegol heb ganiatâd y Cyngor.



This page is intentionally left blank

Planning, Taxi Licensing and Rights of Way Committee Report

Application No: P/2016/1163

Grid Ref: 320360.3, 297956.31

Community Council: Montgomery

Valid Date: 11/11/2016
Officer: Bryn Pryce

Applicant: Mr James Evans & Mrs Lisa Ayers Evans & Ayers Goulfian Lane 34, The Paddock, Aldridge, Walsall WS9 OLX

Location: Land adjoining The Sidings, Caerhowel, Montgomery, Powys SY15 6HF

Proposal: Erection of 9 dwellings with garages, improvements to existing vehicular access and formation of new vehicular access and all associated works (outline)

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 as is recommended for approval.

Site Location and Description

This site is located off the C2007 classified highway adjacent to the settlement of Caerhowel. The site is currently overgrown with an existing red brick building to the south west corner of the site. The site is bound by mature hedgerows to the north adjacent to the highway and mature trees to the south east adjacent to the railway line.

This application represents a departure from the current Unitary Development Plan and seeks outline consent for the erection of 9 dwellings with garages, improvements to existing vehicular access and formation of new vehicular access and all associated works. Two of the proposed nine dwellings are to be affordable. This outline application considers access only as part of this application all other matters are reserved. An indicative layout of the site and scale of the dwellings proposed are given.

Consultee Response

Montgomery TC

No comments received by Development Management at the time of writing this report.

Highways Dept north

Correspondence received 3rd April 2017

I refer to the revised plan numbered 08/11/2141 SK 001 B and confirm that the details submitted are acceptable in principle. However, the details of the highway surface water drainage and traffic calming measures will need to be conditioned as Grampian as the ground conditions are unknown in regard to soakaway suitability and the locations of the traffic calming measures need to be agreed.

In view of the above please attach the following conditions:-

“Prior to any works commencing on site detailed calculations, soakaway design details for the highway surface water drainage and footway engineering drawings along the C2007 shall be submitted to and agreed in writing by the LPA”

“Prior to any works commencing on site detailed engineering drawings to include signage for the traffic calming measures together with the road widening along the C2007 shall be submitted to and approved in writing by the LPA”

“Prior to the occupation of any dwelling the traffic calming measures, together with the road widening along the C2007 shall be fully completed to the written satisfaction of the LPA”

“Prior to the occupation of any dwelling the new footway together with the disposal of the highway surface water drainage along the C2007 shall be fully completed to the written satisfaction of the LPA”

HC1 Prior to the occupation of the dwelling any entrance gates shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.

HC2 The gradient of the access shall be constructed so as not to exceed 1 in **15** for the first **5.5 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 **5.5 metres** of the access road measured from the edge of the adjoining carriageway shall be constructed at right angles to that edge of the said carriageway and be retained at that angle for as long as the development remains in existence.

HC4 Within 5 days from the commencement of the development the access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and **2.4 metres** distant from the edge of the adjoining carriageway, to points 0.26 metres above ground level at the edge of the adjoining carriageway and **43 metres** distant in a North-East direction and 23 metres in a south-West direction measured from the centre of the access along the edge of the adjoining carriageway and **5.5 metres** distant from the edge of the adjoining carriageway and **10 metres** in each direction. Nothing shall be planted, erected or allowed to grow on the areas of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

- HC7** Within 5 days from the commencement of the development the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of **5.5 metres** from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.
- 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 **1 car per bedroom (maximum of 3)** excluding any garage space provided together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.
- HC11** Within 5 days from the commencement of the development provision shall be made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of **0.45 metres** in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.
- HC12** The width of the access carriageway, constructed as Condition HC7 above, shall be not less than **4.8 metres** for a minimum distance of **5.5 metres** along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.
- HC21** Prior to the occupation of 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 **5.5 metres** from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence,
- HC29** All surface water run-off is to be collected and discharged via a piped system to a soakaway located within the site no less than **6.0 metres** from the highway. This system shall be retained and maintained for as long as the development remains in existence.
- HC30** Upon formation of the visibility splays as detailed in HC4 above the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.
- HC32** No storm water drainage from the site shall be allowed to discharge onto the county highway.
- HC1a** Prior to the occupation of the dwelling any entrance gates shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.

- HC2a** The gradient of the access shall be constructed so as not to exceed 1 in **15** for the first **5.5 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.
- HC3a** The centre line of the first **5.5 metres** of the access road measured from the edge of the adjoining carriageway shall be constructed at right angles to that edge of the said carriageway and be retained at that angle for as long as the development remains in existence.
- HC4a** Within 5 days from the commencement of the development the access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and **2.4 metres** distant from the edge of the adjoining carriageway, to points 0.26 metres above ground level at the edge of the adjoining carriageway and **43 metres** distant in each direction measured from the centre of the access along the edge of the adjoining carriageway and **5.5 metres** distant from the edge of the adjoining carriageway and **10 metres** in each direction. Nothing shall be planted, erected or allowed to grow on the areas of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.
- HC7a** Within 5 days from the commencement of the development the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of **0.45 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.
- HC8a** Prior to the occupation of any dwelling, provision shall be made within the curtilage of the site for the parking of not less than **1 car per bedroom (maximum of 3)** excluding any garage space provided together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.
- HC11a** 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 **0.45 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.
- HC12a** The width of the access carriageway, constructed as Condition HC7a above, shall be not less than **4.8 metres** for a minimum distance of **5.5 metres** along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.

HC21a 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 **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,

HC29a 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 **6.0 metres** from the highway. This system shall be retained and maintained for as long as the development remains in existence.

HC30a Upon formation of the visibility splays as detailed in HC4a 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.

HC32a No storm water drainage from the site shall be allowed to discharge onto the county highway.

REASONS FOR RECOMMENDATIONS

RR1 In the interests of highway safety.

RR2 To ensure that adequate provision is made for highway access onto the **County Class C2007 road** to serve the approved development in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan.

RR3 To ensure that adequate provision is made for parking to serve the approved development in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan

Wales & West Utilities

Correspondence received 24th November 2016

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

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

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

Severn Trent Water

Correspondence received 30th November 2016

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

Waste Water Comments

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

Environmental Health

Correspondence received 1st December 2016

The application site is in close proximity to a large industrial premises and also the railway line, which are both potentially significant sources of noise. However, no noise impact assessment has been submitted as part of the application. Please can the applicant/agent provide a noise impact assessment report to demonstrate that the amenity of the residents of this proposed development will be at an acceptable level, and that therefore the site is a suitable location for residential development?

Without the above information I must object to the application in its current form.

Contaminated Land Officer

Correspondence received 24th November 2016

In relation to Planning Application P/2016/1163 the following advice is provided for the consideration of Development Control.

Advice

1. Historic ordnance survey (OS) maps identify that the application site adjoined a railway line and sidings. The historic OS maps also identify that the sidings occupied part of the application site.

Land associated with railways has the potential to be affected by land contamination; the Department of the Environment 'Industry Profile: Railway Land' (1995) provides guidance on the potential sources of contamination associated with this land use.

Furthermore, the historic OS maps identify the presence of a Timber Yard to the West, which formerly adjoined (and may have occupied part of) the application site.

Former Timber Yards have the potential to be affected by land contamination; the Department of the Environment documents: 'Industry Profile: Timber Products Manufacturing Works' (1995) and 'Industry Profile: Timber Treatment Works' (1995) provide guidance on the potential contaminant sources associated with these land uses.

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

3. Based on the available information it appears that the application site could potentially be affected by land contamination. *Therefore, given the sensitivity of the proposed development (residential) it is recommended that the following Condition and Note to the applicant should be attached to any permission granted for Planning Application P/2016/1163:*

Condition A

Condition 1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons (*a contaminated land specialist with proven experience within the contaminated land industry*) and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
 - (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
 - (iii) an appraisal of remedial options, and proposal of the preferred option(s).
- This must be conducted in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*' and the WLGA document '*Development of land affected by contamination: a guide for developers*' 2012 .

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

Condition 2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990, The Contaminated Land (Wales) Regulations 2001 in relation to the intended use of the land after remediation. The detailed remediation scheme should not be submitted until written approval for Condition 1 has been received from the Local Planning Authority.

Condition 3. Implementation of Approved Remediation Scheme

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

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

Condition 4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

Condition 5. Long Term Monitoring and Maintenance

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

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

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

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

Note to Applicant

Potential Contamination

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

PCC Ecologist

Correspondence received 12th December 2016

Ecological Topic		Observations
EIA Screening Requirement	No	The site area is understood to be 0.49 hectares and includes 9 dwellings. Therefore, under the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016 it is not considered to be Schedule 1 development nor meet or exceed the thresholds of Schedule 2 for the screening of dwelling house developments for EIA, since it does not exceed five hectares; include more than 150 dwellings; or include more than one hectare of urban development that is not a dwelling house development.
Protected Species & Habitats ¹	European Species <input checked="" type="checkbox"/>	An Ecological Appraisal (Oakwood Ecology, August 2016) has been completed and involved a desk study (historic records and protected sites), an extended Phase 1 habitat survey (22/06/16) and a bat emergence survey of the brick building located within the site (14/07/16). None of the trees on the site contained potential roost features for bats. An internal inspection of the small brick building during the initial site visit revealed a deposit of bat droppings on the floor, and a follow up emergence survey supplemented by the use of static detectors (8 days data) revealed that this building is used as a night roost for a small number of lesser horseshoe bats. The report suggests that the building may be used by a population of LHBs affiliated with a

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

		<p>major maternity roost approximately 1.5km from the site of the proposal.</p> <p>The current proposals involve the demolition of this building in order to accommodate new housing plots and subsequently section 5.2.1 of the Ecological Appraisal report makes recommendations regarding siting and construction of a replacement roost building, though there is no evidence elsewhere in the application that a replacement roost has been incorporated within the current proposals. Section 5.3 of the report also makes recommendations regarding bat enhancement measures within roofs of all proposed dwellings, and recommendations for a sensitive lighting design to limit disturbance upon adjacent areas of retained vegetation.</p> <p>According to good practice guidance prepared by NRW (<i>NRW Approach to Bats and Planning, October 2015</i>) the loss of the night roost currently provided by the brick building would constitute a higher risk case and accordingly NRW have been supplied with a copy of the submission for comment before planning permission is granted. The response received from NRW (08/12/16) indicates that more information is required to demonstrate that the proposal can accommodate LHBs, principally by confirming the location and orientation of a replacement roost. Until this information is provided the proposal is unlikely to obtain an EPS licence from NRW and it is respectively recommended that a decision to grant planning permission should be deferred in the meantime.</p> <p>There are no ponds on the site of the proposal therefore potential impacts upon breeding GCNs have been dismissed. However there is a single pond approximately 460m to the east of the site which was not accessed as part of the Ecological Appraisal. The appraisal report concludes that due to the distance from the pond and the nature of the land connecting the pond to the proposal, it is highly unlikely that newts which may be breeding in the pond would be regular visitors to the proposed site. Section 5.2.2 of the Ecological Appraisal report includes measures to further reduce the risk of harming GCN during construction.</p> <p>The Ecological Appraisal also considered potential effects upon otters and dormice but the site was not deemed suitable for any other European Protected Species.</p>
--	--	---

Environment

Version 1

	UK Species	<input checked="" type="checkbox"/>	<p>The Ecological Appraisal report (Oakwood Ecology, August 2016) considers potential effects upon badgers, breeding birds, reptiles, water voles and white clawed crayfish.</p> <p>The report concludes that the whole site provides highly suitable habitat for reptiles, and a slow worm was observed in some low scrub during the site visit. Subsequently recommendations are provided in section 5.2.2 of the Ecological Appraisal report to safeguard reptiles during ground disturbance activities. Measures are also included in section 5.2.3 of the report to avoid affecting nesting birds during site clearance activities.</p>
	Section 7 Species & Habitat	<input checked="" type="checkbox"/>	<p>Summary of protected species identified within the proposed site is provided above; no other Priority Species identified during the Ecological Appraisal (Oakwood Ecology, August 2016).</p> <p>Hedgerows are a Section 7 Priority Habitat. Hedgerow currently encapsulates the perimeter of the whole site other than a short length on the north west corner. The Ecological Appraisal report confirms that two sections of hedgerow, along the northern frontage and part of the hedge along the back of the site, are species rich and intact. The remaining sections are made up of exotic conifer species.</p> <p>The extent of site clearance is currently unknown and a landscape proposal for the site has not been presented. However the proposal does involve the realignment of the species rich hedgerow along the north-west boundary of the site to accommodate a new access road and a pedestrian walkway in front of the proposal. A broad methodology for translocation of the existing hedgerow is included in section 5.2.4 of the Ecological Appraisal report.</p> <p>It is recommended that a plan is provided to outline the extent of vegetation clearance and hedgerow realignment and loss as a result of the proposal. Subsequently a landscape design should be presented which would demonstrate that any loss of hedgerow (as a Section 7 Priority Habitat) has been offset by the introduction of new planting.</p>
	LBAP Species & Habitat	<input checked="" type="checkbox"/>	<p>Summary of species and habitats identified within the proposed site is provided above; no other LBAP Species or Habitats identified during the Ecological Appraisal.</p>

Protected Sites	International Sites (within 2km) ² <input type="checkbox"/>	Montgomery Canal SAC is located approximately 1.35km to the north-west of the proposal. Due to this distance, the nature of the proposal and lack of pollution pathways no effects upon the integrity of the site are expected.
	National Sites (within 500m) ³ <input type="checkbox"/>	None identified within the search area.
	Local Sites (within 500m) <input type="checkbox"/>	None identified within the search area.
Invasive Non-Native Species	No	None identified within the Ecological Appraisal report (Oakwood Ecology, August 2016).
Cumulative Effect	No	
Summary of recommendations / further assessment or work		<p>In consideration of the above, an EPS Licence is required to develop the site legally with regard to bats. Outline bat mitigation is provided in Section 5.2.1 of the Ecological Appraisal report (Oakwood Ecology, August 2016), however further information is required to demonstrate that the mitigation recommendations have been incorporated into the proposals. Confirmation is also required that NRW are satisfied with these detailed proposals for a replacement roost before planning consent should be granted.</p> <p>It is recommended that the developer provides information regarding the extent of vegetation translocation and removal required to facilitate the proposal which will allow the adequacy of a soft landscaping design to be determined.</p>

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

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

Recommended Conditions	<p>Should you be minded to approve this application, I recommend the inclusion of the following conditions. Please note that further conditions may be applied following receipt of the further information requested above:</p> <p><i>1) The work shall not commence until the LPA has been provided with a bat licence that has been issued to the applicant by Natural Resources Wales pursuant to Regulation 53 of the Conservation of Habitat and Species Regulations (2010) authorising the specified work, or a letter provided by Natural Resources Wales informing the applicant that such licence is not required.</i></p> <p>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 7, July 2014), Welsh Governments TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.</p> <p><i>2) The mitigation and recommendations regarding great crested newts, reptiles, breeding birds and hedge translocation methods identified in Section 5.2 of the Ecological Appraisal report by Oakwood Ecology dated August 2016 shall be adhered to and implemented in full unless otherwise agreed in writing by the LPA.</i></p> <p>Reason: To comply with Powys County Council's UDP Policies SP3, ENV2 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 7, July 2014), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.</p> <p><i>3) Prior to commencement of development, a detailed Biodiversity Enhancement Plan shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.</i></p> <p>Reason: To comply with Powys County Council's UDP Policies SP3 and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 7, July 2014), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.</p>
------------------------	--

	<p>4) A lighting design scheme to take any impacts on nocturnal wildlife into consideration (particularly the hedgerows at the site boundaries) shall be submitted for written LPA approval.</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 Environment (Wales) Act 2016.</p> <p>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 LPA.</p> <p><u>Reason:</u> To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh Government strategies, and the Environment (Wales) Act 2016.</p> <p>6) Prior to commencement of development, a Species List for the Landscape Planting, shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.</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 Environment (Wales) Act 2016.</p> <p>7) Prior to the first use of the site, an ecological consultant shall visit the site to check that all of the ecology mitigation and enhancements have been implemented and are fit for purpose and a written report shall be submitted to the LPA confirming that this is the case.</p> <p><u>Reason:</u> To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 (as amended) and to comply with Powys County Council's UDP Policies SP3, ENV3 and ENV7 in relation to The</p>
--	---

	<p>Natural Environment and to meet the requirements of Planning Policy Wales (Edition 7, July 2014), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.</p> <p>Informatives</p> <p>Birds - Wildlife and Countryside Act 1981 (as amended)</p> <p>All nesting birds, their nests, eggs and young are protected by law and it is an offence to:</p> <ul style="list-style-type: none"> • intentionally kill, injure or take any wild bird • intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built • intentionally take or destroy the egg of any wild bird • intentionally (or recklessly in England and Wales) disturb any wild bird listed on 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. • Intentionally or recklessly damage, destroy or obstruct access to any place that a bat uses
--	--

	<p>for shelter or protection. This is taken to mean all bat roosts whether bats are present or not.</p> <p>Under the Habitats Regulations it is an offence to:</p> <ul style="list-style-type: none"> • Damage or destroy a breeding site or resting place of any bat. This is an absolute offence - in other words, intent or recklessness does not have to be proved. <p>The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended) that works to trees or buildings where that work involves the disturbance of a bat is an offence if a licence has not been obtained from Natural Resources Wales. If a bat is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. You can also call the National Bat helpline on 0845 1300 228 or email enquiries@bats.org.uk</p> <p>EPS Licence Required</p> <p>The Ecological Reports (Jon Sloan Ecological Consultants) suggest that a European Protected Species (EPS) licence is required in support of this development.</p> <p>Where an offence under Regulation 41 of the Habitat and Species Regulations 2010 (as amended) is likely to occur in respect of this permission hereby granted, no works of site clearance, demolition or construction shall take place which are likely to impact on bats or great crested newts unless a licence to affect such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been submitted to the local planning authority.</p> <p>Great Crested Newts – Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended)</p> <p>Great Crested Newts are known to be present in the vicinity of the proposed development site.</p>
--	---

	<p>The great crested newt is fully protected under schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of The Conservation of Habitats and Species Regulations 2010 (as amended).</p> <p>It is therefore an offence to:</p> <ul style="list-style-type: none"> • Deliberately capture, injure or kill a great crested newt; • Deliberately disturb a great crested newt in such a way as to be likely to significantly affect the local distribution, abundance or the ability of any significant group of great crested newts to survive, breed, rear or nurture their young; • Damage or destroy a great crested newt breeding site or resting place; • Intentionally or recklessly disturb a great crested newt; or • Intentionally or recklessly obstruct access to a breeding site or resting place. <p>If a great crested newt is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. This advice may include that a European protected species licence is sought.</p>
Relevant UDP Policies	<p>SP3 Natural, Historic and Built Heritage ENV 2: Safeguard the Landscape ENV 3: Safeguard Biodiversity and Natural Habitats ENV 6: Sites of Regional and Local Importance ENV 7: Protected Species</p>
Comments on Additional Information	N/A

PCC Land Drainage Officer

Correspondence received 23rd November 2016

In response to your enquiry regarding the above mentioned application, the LLFA would make the following comments/recommendation.

Land Drainage / Flood Risk

Comment: The Authority holds no historical flooding information relating to the site.

Surface Water Run-off

Observation: Reference to the management of surface water run-off is indicated under Item 13 – ‘Assessment of Flood Risk’ on the planning application form, where it states surface water is to be disposed to a sustainable drainage system and soakaway. Further reference is made within the Planning Statement where it indicates the use of soakaways and sustainable drainage techniques to manage surface water run-off. The indicative layout plan also shows a surface water drains and a trench soakaway system for disposal.

Comments: The site is classed as Greenfield. Therefore, proposed surface water flows should be equivalent to existing Greenfield run-off in accordance with the principles of TAN15 – *Development and Flood Risk* and good practice drainage design such as that recently published by Welsh Government “Recommended non-statutory standards for sustainable drainage (SuDS) in Wales – designing, constructing, operating and maintaining surface water drainage systems” dated January 2016 (<http://gov.wales/topics/environmentcountryside/epq/flooding/drainage/?lang=en>).

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

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

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

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

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

Environment Protection

Informative: Foul drainage from the proposed development should be conveyed to the main foul sewer, subject to the agreement by Severn Trent Water Ltd. There must be adequate

capacity at the receiving sewage treatment works to treat the additional flows. Consent is required from the service provider to connect into the foul main sewer.

Network Rail

Correspondence received 12th December 2016

Thank you for your email dated 23rd November, together with the opportunity to comment on this proposal.

Whilst there is no objection in principle to this proposal I give below my comments and requirements for the safe operation of the railway and the protection of Network Rail's adjoining land.

LEVEL CROSSINGS

As there is a level crossing in the vicinity then no part of the development shall cause any existing level crossing road signs or traffic signals or the crossing itself to be obscured. Clear sighting of the crossing must be maintained for the construction/operational period and as a permanent arrangement. The same conditions apply to the rail approaches to the level crossing, This stipulation also includes the parking of vehicles, caravans, equipment and materials etc, which again must not cause rail and road approach sight lines of the crossing to be obstructed. At no point during construction on site or after completion of works should there be any deterioration of the ability of pedestrians and vehicles to see the level crossing and its signage. There must be no reduction in the distance that pedestrians and vehicles have sight of the warning signs and the crossing itself. Network Rail reserves the right to provide and maintain existing railway signals/signs (whistle boards etc) and level crossing equipment along any part of its railway.

FOUNDATIONS

Network Rail offers no right of support to the development. Where foundation works penetrate Network Rail's support zone or ground displacement techniques are used the works will require specific approval and careful monitoring by Network Rail. There should be no additional loading placed on the cutting and no deep continuous excavations parallel to the boundary without prior approval.

DRAINAGE

All surface water drainage should be directed away from Network Rail's land to the public mains system. Soakaways are not acceptable where the following apply:

- Where excavations which could undermine Network Rail's structural support zone or adversely affect the bearing capacity of the ground
- Where there is any risk of accidents or other acts leading to potential pollution of Network Rail's property/infrastructure
- Where the works could adversely affect the water table in the vicinity of Network Rail's structures or earthworks.

GROUND DISTURBANCE

The works involve disturbing the ground on or adjacent to Network Rail's land it is likely/possible that the Network Rail and the utility companies have buried services in the area in which there is a need to excavate. Network Rail's ground disturbance regulations applies. The developer should seek specific advice from Network Rail on any significant raising or lowering of the levels of the site.

SITE LAYOUT

It is recommended that all buildings be situated at least 2 metres from the boundary fence, to allow construction and any future maintenance work to be carried out without involving entry onto Network Rail's infrastructure. Where trees exist on Network Rail land the design of foundations close to the boundary must take into account the effects of root penetration in accordance with the Building Research Establishment's guidelines.

EXCAVATIONS/EARTHWORKS

All excavations / earthworks carried out in the vicinity of Network Rail's property / structures must be designed and executed such that no interference with the integrity of that property / structure can occur. If temporary compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken.

SIGNALLING

The proposal must not interfere with or obscure any signals that may be in the area.

ENVIRONMENTAL ISSUES

The design and siting of buildings should take into account the possible effects of noise and vibration and the generation of airborne dust resulting from the operation of the railway.

LANDSCAPING

It is recommended no trees are planted closer than 1.5 times their mature height to the boundary fence. The developer should adhere to Network Rail's advice guide on acceptable tree/plant species. Any tree felling works where there is a risk of the trees or branches falling across the boundary fence will require railway supervision.

PLANT, SCAFFOLDING AND CRANES

Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that, at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land.

LIGHTING

Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway.

In order to mitigate the risks detailed above, the Developer should contact the Network Rail's Asset Protection Wales Team well in advance of mobilising on site or commencing any works. The initial point of contact is assetprotectionwales@networkrail.co.uk. The department will provide all necessary Engineering support subject to a Basic Asset Protection Agreement.

Public Response

Two letters of objection received. Points raised include:

- Scale and height of indicative dwellings proposed
- Potential impact upon amenity
- Potential issues of Overlooking
- Mains foul drainage issues in local area
- Proximity to railway line and Commercial Food Business
- Narrow classified highway
- Proposed access from site itself.

Planning History

M/2007/0882 - Resubmission of outline for residential development - Planning Appeal granted 22.12.08 (but originally refused)
M/2006/1108 - Outline for Residential development - REFUSED 12.2.07
M/2004/1163 - Outline Residential development - REFUSED (2005)
M25456 - Renewal of outline for Residential development - CC 5.6.95
M22282 - Renewal of outline for res dev - 9.7.92
M18048 - Outline for res dev - CC 30.8.89
plus older history
M98242 - erection of dwelling and alteration to access - CC (1998)
M14116 - Extension to touring caravan park and provision of new toilets and septic tank - CC
M12419 - holiday caravan site - CC 18.11.71
M3352 touring caravan and camping site - 10.2.77

Principal Planning Constraints

Historic Landscapes Register Outstanding

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) 2 - Planning and Affordable Housing (2006)
Technical Advice Note (TAN) 5 - Nature Conservation and Planning (2009)
Technical Advice Note (TAN) 12 - Design (2016)
Technical Advice Note (TAN) 18 – Transport (2007)
Technical Advice Note (TAN) 23 - Economic Development (2014)

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

Local Policies

Powys Unitary Development Plan 2010

SP2 – Strategic Settlement Hierarchy
SP4 – Economic and Employment Developments
SP5 – Housing Developments
SP6 – Development and Transport
SP12 – Energy Conservation and Generation
GP1 – Development Control
GP2 – Planning Obligations
GP3 – Design and Energy Conservation
GP4 – Highway and Parking Requirements
ENV2 – Safeguarding the Landscape
ENV3 – Safeguarding Biodiversity and Natural Habitats
ENV7 – Protected Species
HP3 - Housing Land Availability
HP4 - Settlement Development Boundaries and Capacities
HP5 - Residential Development
HP6 - Dwellings in the Open Countryside
HP8 - Affordable Housing Adjoining Settlements with Development Boundaries
HP14 – Sustainable Housing
T1 – Highway Improvement Schemes
T2 – Traffic Management
TR2 - Tourist Attractions and Development Areas
DC1 – Access by Disabled Persons
DC3 – External Lighting
DC8 – Public Water Supply
DC10 – Mains Sewage Treatment
DC13 – Surface Water Drainage

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

Officer Appraisal

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

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

Principle of Development

This application site lies adjacent to the settlement boundary limits of Caerhowel. The proposal is for nine dwellings only two of which are proposed to be affordable and therefore the proposed development cannot be considered under policy HP8. Seven open market dwellings in the proposed location represents a departure from the adopted Unitary Development Plan.

Housing Land Supply

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

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

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

Sustainability

In considering a departure from the Powys Unitary Development policies Members must consider the location of the proposed development in terms of the wider sustainability of the development, taking into account the range of services and facilities available within close proximity to the site and within a short travelling distance.

Caerhowel is defined in the UDP as a small village with no allocated sites designated within the plan. The settlement benefits from a public house, garage and post box. The site is located approximately 3.5 km north west of the key settlement of Montgomery. Montgomery offers a full range of services and community facilities and is easily accessible via public transport from the site.

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 adjacent to the development boundary of an existing small village. Therefore, it is considered that the proposed site is considered to be a sustainable location for residential development.

Scale, Design and Appearance

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

Whilst scale, appearance, layout and landscaping are reserved matters not to be considered as part of this application process, the applicant has provided an indicative layout for the site and stated that the nine dwellings proposed are to be detached two storey dwellings with three/four bedrooms each with approximately 110m² of habitable floor space. The proposed dwellings are to be of an indicative size of 10 metres in width, 6 metres in length, 4.8 metres in height to the eaves with a 40 degree pitched roof. The proposed garages will range up to 3.6 metres in width, 6 metre in length, 2.4 metre in height to the eaves with a 40 degree roof pitch. No indicative details of design of the dwellings or materials to be used in their construction are given at this stage, but they are intended to reflect the character and appearance of the surrounding area.

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

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.

As part of this application process layout of the site is not to be determined at this stage, however the indicative site layout plan indicated that dwelling to the far north east of the proposed site would be located approximately 23 metres to the nearest neighbouring property known as Arglyn. The indicative layout shows that the dwelling is slightly off set on the site and it is considered that there is sufficient distance between the existing property and the proposed dwellings as to not have a significant adverse impact upon the amenities enjoyed by the occupants of this neighbouring property. To the south west of the site the indicative layout shows the proposed nearest dwelling to be approximately 8 metres at its closest point to the neighbouring property to the site known as The Sidings. Although this is a relatively short distance there is an existing mature hedgerow on this boundary of the site and the orientation of The Sidings is offset to the proposed dwellings, which is considered to be acceptable in this case.

This layout is for indicative purposes only and the layout of the site could be altered to increase the distances between the properties if deemed necessary at any reserved matters application stage. The indicative layout is considered to be appropriate and would comply with policy GP1 and GP3 of the Powys Unitary Development Plan 2010.

Landscape and Visual Impact

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

This site is located within the River Severn Flood Plain aspect are which is characterised as a significant open valley / vale with a patchwork of medium to large field parcels many displaying established field boundaries of managed and overgrown hedgerows with numerous hedgerow trees. Predominantly arable farming with some lowland dairy farming. Settlements of varying sizes are prevalent from farmsteads to significant urban areas such as Welshpool and Newtown. Open skies dominate with wooded valley sides fringing the valley bottom. Whilst LANDMAP recognises the rarity of the landscape as high, the scenic quality is considered to be moderate. The overall sensory and visual value is defined as moderate.

The proposed site is considered to be well integrated with the settlement being adjacent to the existing development boundary and bound by the railway line to the south. It is considered that the siting of the proposed dwellings is acceptable in the proposed location. Although landscaping is not considered as part of this application process it is considered that the proposed site is well integrated within the existing small village and would not have a significant adverse visual impact upon the character and appearance of the surrounding area.

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

Highways Safety and Movement

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

As part of this application process the highways authority have been consulted and they have responded. Initially the highways officers raised some concerns regarding the width of the existing highway in this location, the lack of a pedestrian footway and also the known increased speeds of vehicles through the village itself. The applicant has provided amended plans to demonstrate that traffic calming measures and a footway are to be introduced as a result of the proposal. The highways officer has raised no objection to the scheme given the proposed changes and the suggested conditions as listed above.

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

Ecology

This application has a general ecological appraisal of the site submitted in support of the proposal which has been produced by Oakwood Ecology date August 2016. As part of this application process the county ecologist has been consulted and they have provided comments on the proposal. No objection has been raised to the scheme subject to the suggested conditions as listed above.

It is considered that subject to the inclusion of the suggested conditions that 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).

Foul Drainage

The proposed foul drainage from the site is proposed to feed into the mains public sewer. As part of this application process the relevant bodies have been consulted who have raised no objection to the proposal. The indicative plan shows the proposed foul drainage to feed into the existing sewer system.

In light of the above, it is considered that the proposed development fundamentally complies with DC11 of the Powys Unitary Development Plan 2010.

Surface Water Drainage

Policy DC13 of the Powys Unitary Development plan seeks to ensure that development proposals should provide adequate provisions for land drainage and surface water disposal. Development should not give rise to unacceptable on or off site flooding.

An indicative proposal for the disposal of surface water has been submitted in support of this application as shown on plan number SK.001 B. As part of this application process the county's land drainage officer has been consulted. We have received comments in response which considers flood risk and surface water potential arising from the proposed development. No historic flooding information relating to the site is held by the authority and further concerns have been raised by the officer in this respect.

The proposed soakaway system for surface water runoff is noted by the land drainage officer and further details in terms of porosity tests and a drainage scheme have been sought by the inclusion of a condition upon any grant of consent.

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

Noise

As part of this application process no information has been submitted in support of the application in respect of noise. An existing garage is located to the south west and to the south the other side of the railway line is a commercial food production business. As part of this application process the council's Environmental Health Officer have been consulted and have raised an objection to the scheme and sought further information in respect of a noise assessment.

No further information in the form of a noise assessment has been submitted by the applicant at this time, however they have made reference to an appeal (APP/T6850/A/08/2080883) on this site which granted permission for residential development where issues of noise was address by the inspector. At the time of the appeal

a noise assessment was carried out by the appellant in support of their case and the inspector concluded (para.22) that the proposal would provide acceptable living conditions for the future occupiers of the dwellings with regard to noise and disturbance.

Although there remains an objection from Environmental Health Services regarding the potential implications of noise for future occupants of the proposed dwellings, the above appeal demonstrated that the living conditions at the site were considered to be acceptable. In light of this officers consider that the proposed development is considered to comply with policy GP1 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. It is considered that there would be no material unacceptable effect upon the use of the Welsh language in Powys as a result of the proposed decision.

Wellbeing of Future Generations (Wales) Act 2015

Section 3 of the Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5). This duty has been considered in the

evaluation of this application. It is considered that the proposed development is in accordance with the sustainable development principle through its contribution towards the well-being objectives.

Recommendation

Whilst a departure from the development plan, in this instance, the provision of housing is considered to outweigh the plan and therefore justifies the grant of consent as an exception to normal housing policies. The recommendation is therefore one of conditional approval subject to conditions.

Conditions:

1. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. The development shall be carried out strictly in accordance with the amended plans stamped as received on 14th March 2017 (drawing no's: SK.001 B).
5. No development shall commence until a scheme for the surface water drainage of the site has been submitted to and approved in writing by the local planning authority. The approved scheme shall be completed before any dwellings are occupied. The scheme to be submitted shall show foul drainage being connected to the public sewerage system.
6. 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).

7. 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 6 has been received from the Local Planning Authority.

8. 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.

9. 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 6, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 7, 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 8.

10. 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'.

11. The mitigation and recommendations regarding great crested newts, reptiles, breeding birds and hedge translocation methods identified in Section 5.2 of the Ecological Appraisal report by Oakwood Ecology dated August 2016 shall be adhered to and implemented in full.

12. Prior to commencement of development, a detailed Biodiversity Enhancement Plan shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.

13. Prior to commencement of development a lighting design scheme to take any impacts on nocturnal wildlife into consideration (particularly the hedgerows at the site boundaries) 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.

14. 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.

15. Prior to commencement of development, a Species List for the Landscape Planting, shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.

16. Prior to the first use of the site, an ecological consultant shall visit the site to check that all of the ecology mitigation and enhancements have been implemented and are fit for purpose and a written report shall be submitted to and approved in writing by the Local Planning Authority confirming that this is the case.

17. Prior to any works commencing on site detailed calculations, soakaway design details for the highway surface water drainage and footway engineering drawings along the C2007 shall be submitted to and agreed in writing by the Local Planning Authority.

18. Prior to any works commencing on site detailed engineering drawings to include signage for the traffic calming measures together with the road widening along the C2007 shall be submitted to and approved in writing by the Local Planning Authority.

19. Prior to the occupation of any dwelling the traffic calming measures, together with the road widening along the C2007 shall be fully completed to the written satisfaction of the Local Planning Authority.

20. Prior to the occupation of any dwelling the new footway together with the disposal of the highway surface water drainage along the C2007 shall be fully completed to the written satisfaction of the Local Planning Authority.

21. Prior to the occupation of the dwellings any entrance gates shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.

22. The gradient of the accesses shall be constructed so as not to exceed 1 in 15 for the first 5.5 metres measured from edge of the adjoining carriageway along the centre line of each access and shall be retained at this gradient for as long as the development remains in existence.

23. The centre line of the first 5.5 metres of the access roads 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.

24. No other development shall commence until the south west access has been constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.26 metres above ground level at the edge of the adjoining carriageway and 43 metres distant in a North-East direction and 23 metres in a south-West direction measured from the centre of the access along the edge of the adjoining carriageway and 5.5 metres distant from the edge of the adjoining carriageway and 10 metres in each direction. Nothing shall be planted, erected or allowed to grow on the areas of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

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

26. Prior to the occupation of any dwelling, provision shall be made within the curtilage of the site for the parking of not less than 1 car per bedroom (maximum of 3) excluding any garage space provided together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

27. Before any other development is commenced 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 0.45 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.

28. The width of the south west access carriageway, constructed as Condition 25 above, shall be not less than 4.8 metres for a minimum distance of 5.5 metres along the access

measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.

29. 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 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.

30. 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 6.0 metres from the highway. This system shall be retained and maintained for as long as the development remains in existence.

31. Upon formation of the visibility splays as detailed in condition 25 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.

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

33. No other development shall commence until the north east access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.26 metres above ground level at the edge of the adjoining carriageway and 43 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway and 5.5 metres distant from the edge of the adjoining carriageway and 10 metres in each direction. Nothing shall be planted, erected or allowed to grow on the areas of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

34. Before any other development is commenced the development the area of the north east 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 0.45 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.

35. The width of the north east access carriageway, constructed as Condition 35 above, shall be not less than 4.8 metres for a minimum distance of 5.5 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.

36. Upon formation of the visibility splays as detailed in condition 34 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.

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

- i) the type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 2 housing unit space;
- ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii) the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing (if no RSL involved)];
- iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

38. 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.

Reasons

1. To enable the Local Planning Authority to exercise proper control over the development in accordance with Section 92 of the Town and Country Planning Act 1990.
2. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
3. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
4. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
5. To ensure that the proposed drainage systems for the site are fully compliant with regulations and are of robust design in accordance with policy DC13 of the Powys Unitary Development Plan 2010.
6. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy DC15 of the adopted Unitary Development Plan 2010.
7. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and

ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy DC15 of the adopted Unitary Development Plan 2010.

8. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy DC15 of the adopted Unitary Development Plan 2010.

9. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy DC15 of the adopted Unitary Development Plan 2010.

10. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy DC15 of the adopted Unitary Development Plan 2010.

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, 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.

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

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

14. 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.

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

16. To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 (as amended) and to comply with Powys County Council's UDP Policies

SP3, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.

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. To ensure that adequate provision is made for highway access onto the County Class C2007 road to serve the approved development in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan.

23. To ensure that adequate provision is made for highway access onto the County Class C2007 road to serve the approved development in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan.

24. To ensure that adequate provision is made for highway access onto the County Class C2007 road to serve the approved development in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan.

25. To ensure that adequate provision is made for highway access onto the County Class C2007 road to serve the approved development in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan.

26. To ensure that adequate provision is made for parking to serve the approved development in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan

27. To ensure that adequate provision is made for parking to serve the approved development in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan.

28. To ensure that adequate provision is made for highway access onto the County Class C2007 road to serve the approved development in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan.

29. To ensure that adequate provision is made for parking to serve the approved development in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan.

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

31. To ensure that adequate provision is made for highway access onto the County Class C2007 road to serve the approved development in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan.

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

33. To ensure that adequate provision is made for highway access onto the County Class C2007 road to serve the approved development in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan.

34. To ensure that adequate provision is made for highway access onto the County Class C2007 road to serve the approved development in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan.

35. To ensure that adequate provision is made for highway access onto the County Class C2007 road to serve the approved development in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan.

36. To ensure that adequate provision is made for highway access onto the County Class C2007 road to serve the approved development in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan.

37. The dwellings are hereby permitted as an exception to normal housing policies. This condition is imposed to control the future affordability and management of the development in accordance with policies HP7 of the Powys Unitary Development Plan (2010).

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

Informative Notes

Environment Protection

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

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.

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

EPS Licence Required

The Ecological Reports (Jon Sloan Ecological Consultants) suggest that a European Protected Species (EPS) licence is required in support of this development.

Where an offence under Regulation 41 of the Habitat and Species Regulations 2010 (as

amended) is likely to occur in respect of this permission hereby granted, no works of site clearance, demolition or construction shall take place which are likely to impact on bats or great crested newts unless a licence to affect such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been submitted to the local planning authority.

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

Great Crested Newts are known to be present in the vicinity of the proposed development site. The great crested newt is fully protected under schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of The Conservation of Habitats and Species Regulations 2010 (as amended).

It is therefore an offence to:

- Deliberately capture, injure or kill a great crested newt;

Deliberately disturb an great crested newt in such a way as to be likely to significantly affect the local distribution, abundance or the ability of any significant group of great crested newts to survive, breed, rear or nurture their young;

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

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

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.

Foul Drainage

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

Signed:.....B.Pryce.....
Bryn Pryce Planning Officer

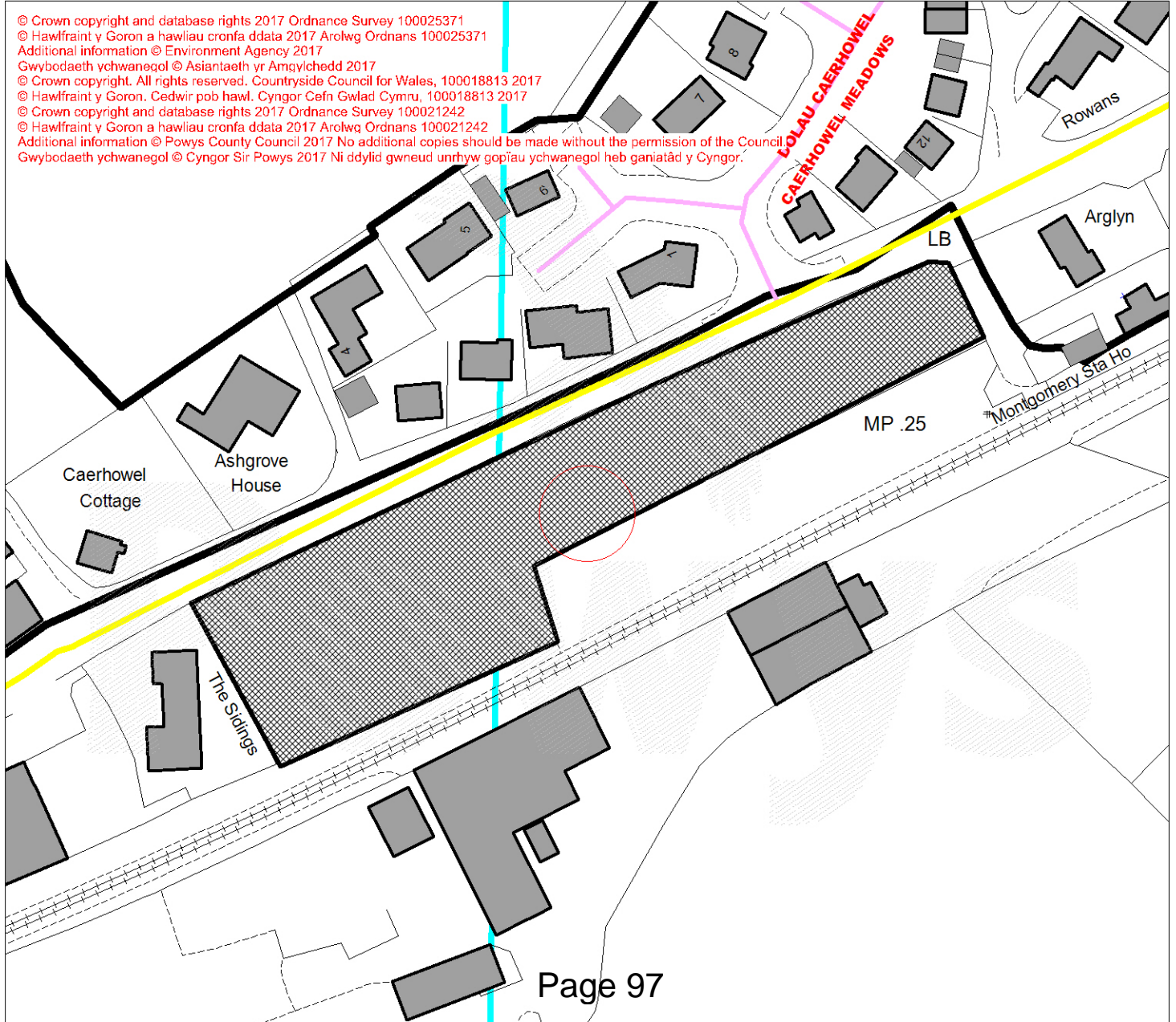
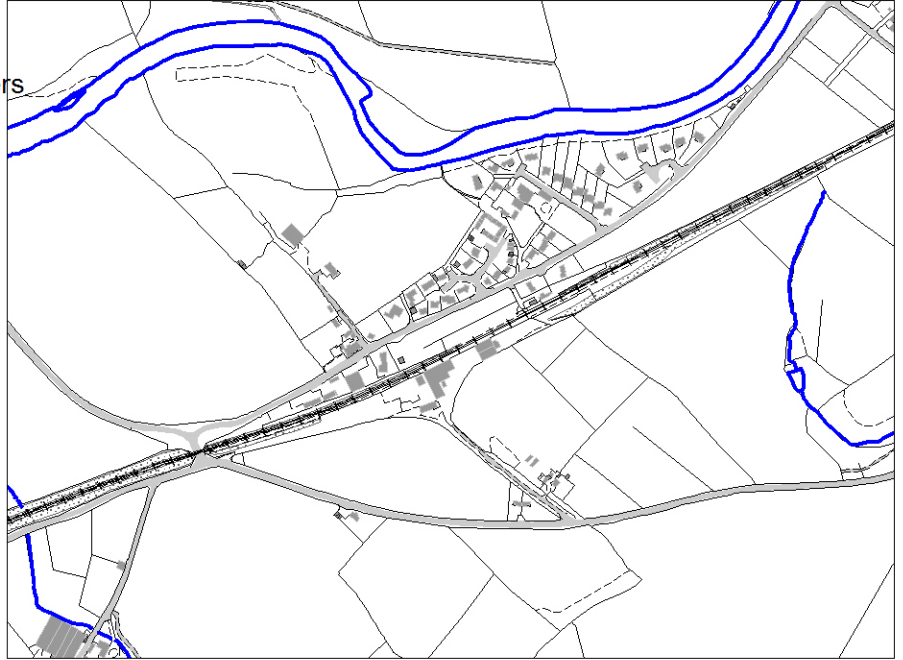
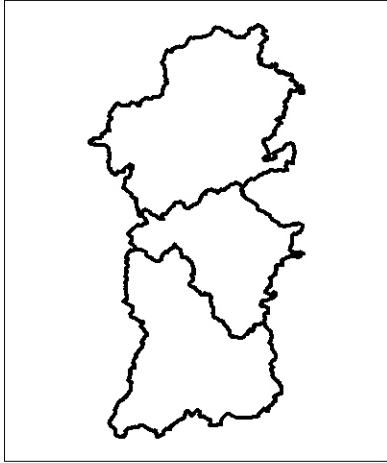
Date: 06/04/17

Signed:.....
Principal Planning Officer

Date:

Susan Bolter
Pennaeth Adfywio, Eiddo a Chomisiynu/
Head of Regeneration Property & Commissioning
Adfywio, Eiddo a Chomisiynu/
Regeneration, Property and Commissioning

Applicant: Mr James Evans & Mrs Lisa Ayers
Location: Evans & Ayers
Land adjoining The Sidings,
Caerhowell, Montgomery



This page is intentionally left blank

PTLRW41 - 20175

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	M/2003/0613	Grid Ref:	310467.85 306612.46
Community Council:	Llanfair	Valid Date:	Officer: 04/06/2003 Steve Packer
Applicant:	M D Broxton & Co Castle Works, Hendomen, Montgomery, Powys		
Location:	Former Morgan Bros depot, Bridge Street, Llanfair Caereinion, Welshpool, Powys, SY210SA		
Proposal:	Erection of 10 dwellings, conversion of existing building into 2 self contained residential units, erection of a building to form 10 self contained residential units, construction of vehicular access and car parking		
Application Type:	Application for Full Planning Permission		

The reason for Committee determination

At a meeting of the then Montgomeryshire Planning Committee of 5th November 2004, which followed a decision to approve the proposal for housing development at Morgan's Yard by the same Committee on the 7th November 2003, it was resolved to take the matter forward subject to a Section 106 Agreement primarily relating to a contribution to leisure facilities and the provision of affordable housing. The signing of this agreement was then held in abeyance for reasons explained in the background section below. Given that this application has a Committee resolution, it is considered necessary for the application to be determined by the Planning, Taxi Licencing and Rights of Way Committee.

Background to the application

In spite of a previous Committee's resolution to approve, the application remains undetermined 14 years after it was received for a number of reasons.

Following the resolution on the 5th November 2004 (which did not follow a site inspection panel's suggestion that the numbers of units be reduced, but was approved as submitted) the applicant questioned the necessity for making a contribution of £10,000 towards the leisure facilities in the Community given that two public amenity areas were shown within the proposed development. This was resolved when, in April 2005, the applicant agreed that this sum should be included in the Section 106 agreement.

Another complicating factor was the coming into force of TAN 15: Development and Flood Risk in 2004 and the inclusion of the site in the C2 zone, where vulnerable developments should not be allowed unless a Flood Consequences Assessment demonstrates that significant flooding will not occur.

To complicate matters even further it came to the attention of the Local Authority that the developer, frustrated by delays in resolving the outstanding issues, had commenced work on site sometime in 2004 comprising the laying of some of the foundations and floor pads. This resulted in correspondence from the Shire Development Control Manager and the then Head of Planning Services which advised ceasing work on the site. Initially the applicant was then given the option of either submitting outstanding information, including a Flood Consequences Assessment, or withdrawing the application and resubmitting it. Work did cease and has not continued since.

A Flood Consequences Assessment was eventually submitted in January 2008 but, by that time, Officer opinion had changed to a view that, because works had commenced, and in spite of the Committee resolutions to approve, the submission could not be progressed and would need to be withdrawn and resubmitted.

The view that it was not possible to proceed with the undetermined application was based on the argument that, given that the application is made for prospective works, the fact that the development had commenced meant that the legal premise on which the application was made had fundamentally changed. However, examination of case law (and the precedent set in a similar case within the Council's area which was fully considered by Counsel for the Authority), has now led to the approach, initially adopted by officers being reverted to. In other words the submission of a Flood Consequences Assessment would allow the consideration of the application to proceed. The conclusion is, therefore, that, in spite of the length of time that has elapsed, it is legitimate to take the application forward in its current form.

It was on this basis that the application was re-advertised and re-consulted on in 2015 and further re-consulted on in 2017. This was following the receipt of further information provided at the request of National Resources Wales, namely an updated Flood Consequences Assessment and an Ecological Survey of the site which, over the years, may have acquired biodiversity interest.

Site Location and Description

The application site is on the town centre side of the River Banwy, the banks of which form the north-eastern boundary. The site is 0.5 hectares in area and is relatively flat throughout its length, having been used previously as a builder's depot and yard. The south-eastern boundary is defined by a steep bank, above which sit residential properties, the police station and the town's health centre. Access is onto Bridge Street at the south-eastern end of the bridge which carries the B4389 from the A458 highway.

The site is on the edge of the town Conservation Area, which includes the bridge itself, and the frontage is shown as being within its retail core area (this presumably because there used to be a showroom building and ironmongers on Bridge Street that no longer exist).

The river bank is currently occupied by a dense band of shrubs (including Japanese knotweed in places) and a number of mature trees which substantially screen the site from the bridge and the other side of the river. The site itself is overgrown although floor pads which were installed before works ceased can be found amongst the brambles and other invasive plants.

The application included the change of use of one of the original buildings at the entrance end of the site and this conversion has taken place.

The Scheme

The proposal, as submitted in 2003, is for a mixture of dwelling types with 22 units in all (including the two units referred to above) of contemporary design and utilising brick and render as facing materials under slate roofs.

The scheme consists of 4 two storey dwellings, 5 three storey 'town houses' and a four storey flat block consisting of 3 one bed flats, 6 two bed flats and a 'penthouse' apartment, including a lift.

The dwellings are served by a new access off which parking areas are proposed to the front and side of the units and including car ports in the townhouse element. The road is shown running close to the bank on the south-eastern boundary with a part gabion and retaining wall along its length to stop any materials from the bank getting onto the road.

The scheme includes the provision of six affordable units and a potential footpath link to the playground and housing development at Glan Yr Afon.

Landscaping proposals include areas of new shrub planting and the retention of the mature existing trees at the river bank boundary.

A contribution of £10,000 towards play facilities in the town has now been agreed

Consultee Responses

Llanfair Caereinion CC

No comment in response to reconsultation.

SevernTrent Water

I confirm that Severn Trent Water Limited has NO OBJECTION to the proposal subject to the inclusion of the following conditions.

Condition 1

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

Reason

To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

NRW

First response

Thank you for consulting Natural Resources Wales about the above, which was received on 08/07/2015.

Natural Resources Wales brings together the work of the Countryside Council for Wales, Environment Agency Wales and Forestry Commission Wales, as well as some functions of Welsh Government. Our purpose is to ensure that the natural resources of Wales are sustainably maintained, used and enhanced, now and in the future.

Discussions with the Planning Officer (Mr Steven Packer) has confirmed that this application has been registered since 2003 and that part of the works has progressed without the benefit of planning consent.

The planning application proposes development which lies within Zone C2 of the Development Advice Map (DAM) contained in TAN15. Prior to us providing further advice on the proposal we recommend that the FCA and hydraulic model require updating. It is also recommended that an ecological report is submitted in support of the application in order to ensure that the proposal will not be detrimental to the maintenance of the Favourable Conservation Status (FCS) of species that are protected.

As you are aware the proposed development involves highly vulnerable development within Zone C2 of the Development Advice Map (DAM) contained in TAN15. Our Flood Map information, which is updated on a quarterly basis, confirms the site to be at risk from the 1% (1 in 100 year) and 0.1% (1 in 1000 year) fluvial flood outline of the River Banwy. The TAN guidance is that such development should not be permitted within zone C2. Natural Resources Wales therefore expects your Authority to refuse the application.

You will be aware that the Welsh Government's letter of the 9th January 2014 stresses the need for local authorities to apply the justification test (set out in Section 6.2 of TAN15) and also states "highly vulnerable development (e.g. housing) should not be permitted in Zone C2". We would also remind your Authority of Welsh Government's Circular 07/12 for referral of 10 or more dwellings within zone C2. Should your authority be minded to approve the development, we would expect that the application be submitted to Welsh Government for determination, in accordance with the Circular.

Notwithstanding the above, the documentation submitted with the application includes a Flood Consequence Assessment (FCA), (January 2008, Waterco Ltd ref: w590-T5-080104-FCA Morgans)

Whilst our previous comments in relation to this document noted that we were generally satisfied with the model, as the study is now 7 years old, it will require updating prior to us presenting further informed advice on the proposed development. The hydrology will require to be updated and the model re-run with the new flows.

The applicant has historically been made aware that the FCA is not sufficient to inform a flood map change (the site would remain in Zone C2) and that they should be satisfied that insurance related issues were addressed. This advice remains valid.

In early stages of discussion, we raised the issue of bank stability and the need for the

developer to be satisfied that the development would be safe over its lifetime and that bank protection would not necessarily be needed to safeguard the dwellings. This advice is consistent with PPW and is also another insurance related issue that the applicant would need to address. A development that requires bank stabilisation in order to facilitate it, is not considered sustainable.

The applicant should be advised to submit an updated FCA and flood model to determine flood risk to developed site and future occupants for current day and for the lifetime of the development (100yrs). Although we would be prepared to review the updated documentation there is no guarantee that the submissions would comply with TAN15 guidance. This would however, provide the opportunity for the developers to incorporate flood mitigation and prevention measures, to ensure there is betterment to the existing permission in terms of betterment with respect to protection from flooding.

Your Authority should also be aware that The Banwy and associated tributaries have been subject to flood defence and operational schemes by the Local Authority in recent years. As operating authority we therefore recommend that you re-consult with your internal drainage team with regards to any schemes or flooding problems that could affect the development.

Protected Species

Aerial images show that the application site has been left unmaintained and is now overgrown. The development site is also close to the River Banwy.

There would be a need to demonstrate as part of any formal planning application for the proposed development that the proposal would not be detrimental to the maintenance of the Favourable Conservation Status (FCS) of species that are protected.

We therefore request that an ecological survey is submitted in support of the application and appropriate mitigation identified where required.

Should any mature trees require felling to accommodate the development, these trees should be checked for features that may be used by bats (i.e. cavities, cracks, holes & ivy cover). Where impacts on bats are considered likely, then those trees should be subject to emergence surveys at an appropriate time of year. Should bats be found to be using the trees as roosting sites then we would expect you to propose and deliver appropriate mitigation and/or compensation schemes, along with Reasonable Avoidance Measures, to ensure the favourable conservation status of the species is maintained.

Where a European protected species is present, a development may only proceed under derogation licence issued by NRW having satisfied the three requirements set out in the legislation. One of these requirements is that there should be no detriment to the 'favourable conservation status of the species concerned.

Natural Environment and Rural Communities (NERC) Act (2006)

Please note that we have not considered possible effects on all local or regional interests, including those relating to the upkeep, management and creation of habitat for wild birds. Therefore, you should not rule out the possibility of adverse effects on such interests, which would be relevant to your Authority's general duty to have regard to conserving biodiversity,

as set out in section 40 of the Natural Environment and Rural Communities (NERC) Act (2006). This advice includes any consideration of the planned provision of “linear” and “stepping stone” habitats as defined in Article 10 of the Habitats Directive.

To comply with your authority's duty under section 40 of the NERC Act, to have regard to conserving biodiversity, your decision should take account of possible adverse effects on such interests. We recommend that you seek further advice from your authority's internal ecological adviser and/or third sector nature conservation organisations such as the local wildlife trust, RSPB, etc. The Wales Biodiversity Partnership's web site has guidance for assessing proposals that have implications for section 42 habitats and species (www.biodiversitywales.org.uk).

We trust that the above clarifies our position with regards to progressing this application to determination.

Second Response

The planning application proposes development which lies within Zone C2 of the Development Advice Map (DAM) contained in TAN15. As advised prior to us providing further advice on the proposal we recommend that the FCA and hydraulic model require updating. It is also recommended that an ecological report is submitted in support of the application in order to ensure that the proposal will not be detrimental to the maintenance of the Favourable Conservation Status (FCS) of species that are protected.

Further to our previous response dated 13th April 2016, we confirm receipt following our request, an updated FCA and Hydraulic Model (*Hydraulic Modelling Report – Waterco - October 2016 and Flood Consequences Assessment – Waterco – November 2016*). We also confirm that following our initial review of both assessments, we received a response directly from Waterco to our queries, contained in a spreadsheet titled ‘Response to NRW Technical Review of submitted Hydraulic Model’.

We have significant concerns with the proposed development as submitted.

We recommend that planning permission should only be given if the following requirements can be met. If these requirements are not met then we would object to this application.

Requirement 1 – An Ecology Survey to be provided to demonstrate that the development will not have a detrimental impact on the favourable conservation status of protected species

Should the above requirement be met, we would also request that any planning permission given for the development includes suitably worded planning conditions to ensure full implementation of the recommendations set out in the Flood Consequences Assessment prepared by Waterco dated November 2016.

Condition 1 - The development/construction platform should be raised/levelled to 117.25mAOD and finished floor levels set at 117.55mAOD. This is to mitigate against possible flooding resulting from extreme blockage scenario within the River Banwy tributaries.

Condition 2 – The level of the highway and flat parking area should be set below surrounding ground levels. This is to maintain a flood flow route through the site if required during an extreme event.

Protected Species

We advise that there is a need to demonstrate as part of the application determination process that the proposal would not be detrimental to the maintenance of the Favourable Conservation Status (FCS) of species that are protected.

The two photographs of the application site (taken in November 2016 and January 2016) provided to us by your Authority on the 14th December 2016 shows that the site, although development has commenced on site a few years ago without the benefit of planning permission, has re-grown. We consider that the site therefore has the potential to provide suitable habitat for a number of species, including species that are protected. As the site is also located close to the River Banwy the site could be used by otters and water voles.

We therefore request that an ecological survey is submitted in support of the application and appropriate mitigation identified where required. This information should be provided prior to the determination of the planning application. Without this information we are not able to confirm that proposal will not have a detrimental effect on the maintenance of the Favourable Conservation Status (FCS) of species that are protected.

The applicant should be aware that where a European protected species is present, a development may only proceed under derogation licence issued by NRW having satisfied the three requirements set out in the legislation. One of these requirements is that there should be no detriment to the 'favourable conservation status of the species concerned.

Flood Risk

As you are aware, the application proposes highly vulnerable development within Zone C2 of the Development Advice Map (DAM) contained in TAN15.

Our Flood Map information, which is updated on a quarterly basis, confirms the site to be at risk from the 1% (1 in 100 year) and 0.1% (1 in 1000 year) fluvial flood outline of the River Banwy. The TAN guidance is that such development should not be permitted within zone C2.

You will be aware that the Welsh Government's letter of the 9th January 2014 stresses the need for local authorities to apply the justification test (set out in Section 6.2 of TAN15) and also states "highly vulnerable development (e.g. housing) should not be permitted in Zone C2".

Hydraulic Model

Our comments following review of the '*Hydraulic Modelling Report – Waterco - October 2016*' were included in a document attached to an email sent to both yourself and Waterco on the 01st December 2016. In that document we confirmed that further work was required to the model. A response to our email dated 01st December was received directly from

Waterco in their email 08th December 2016 which included a spreadsheet titled 'Response to NRW Technical Review of submitted Hydraulic Model'.

Following clarification on a number of matters, we confirm that we are satisfied with the model in support of the FCA only, given that the 100% blockage of the tributaries shows minimal flooding on the site. This approach is very precautionary and, in this instance, is considered to outweigh the errors associated with the current model build as highlighted in our email on the 1st December 2016.

We understand from conversations between ourselves that your Authority, consider that, given the previous planning history of this site, you are satisfied to determine this planning application without the need for the applicant to undertake a flood map challenge. You have also confirmed that the applicants have been made aware that future residents of the dwellings on site could have problems obtaining home insurance as the site will be still shown to be at flood risk on NRW flood maps and will remain within Zone C2 of the development advice maps associated with TAN15.

The applicant should be made aware that should it be intended to use the Hydraulic Model submission to inform a flood map challenge we would refuse the model until all of the comments included in our email of the 1st December 2016 are addressed. This would include a requirement to undertake further modelling works as detailed in our correspondence.

Flood Consequence Assessment

Based on the comments above on the 'Hydraulic Model' carried out in support of the planning application, we are able to endorse the recommendations included in the *Flood Consequences Assessment – Waterco – November 2016*. Any planning consent given for the development should include appropriately worded conditions requiring all recommendations set out in the FCA prepared by Waterco dated November 2016 to be implemented in full.

Condition 1 - The development/construction platform should be raised/levelled to 117.25mAOD and finished floor levels set at 117.55mAOD. This is to mitigate against possible flooding resulting from extreme blockage scenario within the River Banwy tributaries.

Condition 2 – The level of the highway and flat parking area should be set below surrounding ground levels. This is to maintain a flood flow route through the site if required during an extreme event.

Advisory comments – Powys role as Lead Local Flood Authority

We have previously advised at the early stages of our discussions that as Lead Local Flood Authority that you should consult with your internal engineers with regards to any potential impact of the development on the River Banwy, an ordinary watercourse.

The Banwy and associated tributaries have been subject to flood defence and operational schemes in recent years.

We emphasise that NRW's flood risk remit has focussed on predicted flood risk to the site and not on the integrity of the River Banwy river bank.

In particular bank stability should be considered and there is a need for your Authority to be satisfied that the development would be safe over its lifetime and that bank protection would not necessarily be needed to safeguard the dwellings. This advice is consistent with Planning Policy Wales and is also another insurance related issue that the applicant/future site owners need to be aware of. A development that requires bank stabilisation in order to facilitate it is not considered a sustainable form of development.

We would recommend that your Authority as part of the application determination process gives consideration to the need to approve the surface water drainage detailed design and the agreement of the proposed alternative access route to the east.

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.

Third Response

Further to our previous response dated 03rd January 2017, we confirm receipt following our request, of an Ecological Assessment prepared by Churtin Ecology assisting Sloan Ecology dated 3rd February 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.

Condition 1 – A lighting scheme should be approved by the LPA prior to commencement of development

As previously requested we request that any planning permission given for the development includes the imposition of suitably worded planning conditions to ensure full implementation of the recommendations set out in the Flood Consequences Assessment prepared by Waterco dated

November 2016.

Condition 2 - The development/construction platform should be raised/levelled to 117.25mAOD and finished floor levels set at 117.55mAOD. This is to mitigate against possible flooding resulting from extreme blockage scenario within the River Banwy tributaries.

Condition 3 – The level of the highway and flat parking area should be set below surrounding ground levels. This is to maintain a flood flow route through the site if required during an extreme event.

Protected Species

We have reviewed the Ecological Assessment prepared by Churtin Ecology assisting Sloan Ecology dated 3rd February 2017 as consider that it is satisfactory for the purposes of informing the planning decision making process.

We note that the survey confirm that the river bank will benefit from the removal of Japanese Knotweed. We concur with the recommendations in respect of this species and note the recommendation to approve the method and programme for removal with the LPA prior to commencement of works.

As recommended in the report, no night time work should take place. All lighting required during operational phase should avoid the near river bank or generally minimised to ensure no impact on bats or otters using the river corridor and its surrounding habitat. We recommend that a lighting scheme is approved prior to commencement of development and secured through the imposition of a suitably worded planning consent.

Condition 1 – A lighting scheme should be approved by the LPA prior to commencement of development

As confirmed in the report, if any work is proposed to the mature trees on site they will need to be checked for features that may be used by bats (i.e. cavities, cracks, holes & ivy cover). Where impacts on bats are considered likely, then those trees should be subject to emergence surveys at an appropriate time of year. Should bats be found to be using the trees as roosting sites then we would expect you to propose and deliver appropriate mitigation and/or compensation schemes, along with Reasonable Avoidance Measures, to ensure the favourable conservation status of the species is maintained. NRW would wish to be re-consulted if further information is available.

Subject to the above advice being taken into consideration we are satisfied as confirmed in the report that the development will not be detrimental to the maintenance of the Favourable Conservation Status (FCS) of species that are protected.

Flood Risk

As you are aware, the application proposes highly vulnerable development within Zone C2 of the Development Advice Map (DAM) contained in TAN15.

Our Flood Map information, which is updated on a quarterly basis, confirms the site to be at risk from the 1% (1 in 100 year) and 0.1% (1 in 1000 year) fluvial flood outline of the River Banwy. The TAN guidance is that such development should not be permitted within zone C2.

You will be aware that the Welsh Government's letter of the 9th January 2014 stresses the need for local authorities to apply the justification test (set out in Section 6.2 of TAN15) and

also states “highly vulnerable development (e.g. housing) should not be permitted in Zone C2”.

Hydraulic Model

Our comments following review of the ‘*Hydraulic Modelling Report – Waterco - October 2016*’ were included in a document attached to an email sent to both yourself and Waterco on the 01st December 2016. In that document we confirmed that further work was required to the model. A response to our email dated 01st December was received directly from Waterco in their email 08th December 2016 which included a spreadsheet titled ‘Response to NRW Technical Review of submitted Hydraulic Model’.

Following clarification on a number of matters, we confirm that we are satisfied with the model in support of the FCA only, given that the 100% blockage of the tributaries shows minimal flooding on the site. This approach is very precautionary and in this instance is considered to outweigh the errors associated with the current model build as highlighted in our email on the 1st December 2016.

We understand from conversations between ourselves that your Authority, consider that given the previous planning history of this site, you are satisfied to determine this planning application without the need for the applicant to undertake a flood map challenge. You have also confirmed that the applicants have been made aware that future residents of the dwellings on site could have problems obtaining home insurance as the site will be still shown to be at flood risk on NRW flood maps and will remain within Zone C2 of the development advice maps associates with TAN15.

The applicant should be made aware that should it be intended to use the Hydraulic Model submission to inform a flood map challenge we would refuse the model until all of the comments included in our email of the 1st December 2016 are addressed. This would include a requirement to undertake further modelling works as detailed in our correspondence.

- Flood Consequence Assessment

Based on the comments above on the ‘Hydraulic Model’ carried out in support of the planning application, we are able to endorse the recommendations included in the *Flood Consequences Assessment – Waterco – November 2016*. Any planning consent given for the development should include appropriately worded conditions requiring all recommendations set out in the FCA prepared by Waterco dated November 2016 to be implemented in full.

Condition 2 - The development/construction platform should be raised/levelled to 117.25mAOD and finished floor levels set at 117.55mAOD. This is to mitigate against possible flooding resulting from extreme blockage scenario within the River Banwy tributaries.

Condition 3 – The level of the highway and flat parking area should be set below surrounding ground levels. This is to maintain a flood flow route through the site if required during an extreme event.

- *Advisory comments – Powys role as Leal Local Flood Authority*

We have previously advised at the early stages of our discussions that as Lead Local Flood Authority that you should you consult with your internal engineers with regards to any potential impact of the development on the River Banwy, an ordinary watercourse.

The Banwy and associated tributaries have been subject to flood defence and operational schemes in recent years.

We emphasise that NRW's flood risk remit has focussed on predicted flood risk to the site and not on the integrity of the River Banwy river bank.

In particular bank stability should be considered and there is a need for your Authority to be satisfied that the development would be safe over its lifetime and that bank protection would not necessarily be needed to safeguard the dwellings. This advice is consistent with Planning Policy Wales and is also another insurance related issue that the applicant/future site owners need to be aware of. A development that requires bank stabilisation in order to facilitate it is not considered a sustainable form of development.

We would recommend that your Authority as part of the application determination process gives consideration to the need to approve the surface water drainage detailed design and the agreement of the proposed alternative access route to the east.

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

SevernTrent Water

I confirm that Severn Trent Water Limited has NO OBJECTION to the proposal subject to the inclusion of the following conditions.

Condition 1

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

Reason

To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

Powys Highways

No further comment at time of writing report.

Powys Land Drainage

Land Drainage/Local Flood Risk

The response from the LLFA to the LPA on proximity of build alongside a watercourse is for 'No buildings, structures, fences or tree planting shall take place within 5 metres of the top of the bank of any watercourse.'

Surface Water Drainage

Comments: The FCA is noted. Proposed surface water flows should be equivalent to existing Greenfield run-off in accordance with the principles of TAN15 – *Development and Flood Risk* and good practice drainage design.

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

Full details, calculations and location of the porosity tests and the proposed soakaways should be submitted and approved in writing by the LPA. If soakaways are not feasible, drainage calculations to limit the discharge rate from the site equivalent to a Greenfield run-off rate. The attenuation drainage system should be designed so that storm events of up to 1 in 100 year plus an allowance for climate change and will not cause flooding of any property either within the proposed development or any other in the vicinity. There must be no discharge to a surface water body that results from the first 5mm of any rainfall event. Although rainwater harvesting for the use of washing purposes is to be encouraged, it cannot be taken into account when sizing an attenuation system as the storage facility may be full when a storm event occurs.

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

Advisory Note

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. They also contain links to additional supporting information relating to SuDS.

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

Reason: 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.

Environment Protection

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

Cllr Viola Evans

The Local member has expressed continuing concern over the lack of resolution of the situation and the unkempt nature of the site.

Representations

Five letters of concern/objection were received when the application was re-advertised and re-consulted on in 2015. These can be summarised as follows:

- There is no indication as to whom these properties are intended for i.e. social housing, private sale or private renting.
- The present entrance gap to this development is only 12 to 13ft only just enough for vehicles coming and going two at a time.
- Presently there is congestion around this point allowing for traffic coming down towards the bridge. If the entrance is marked "keep this entrance clear" then the traffic will tail back over the bridge causing more congestion especially when heavy lorries, tractors and school buses go up and down the street, something which is very common practice.
- As this development backs onto my land and property I am not prepared to allow any access or disruption to my garden or removal of existing trees which presently obliterate the view of the unsightly building site which has been in that state for many years since Morgan's closed.
- We are concerned regarding the removal of trees as already trees were removed from the river bank by the developer which the council did in fact observe after their removal.
- We do not object to the development in principle as something needs to be done with the site as it has been a mess for too long but it seems that the council allows properties to be half finished and stay like that in other areas of Llanfair as well notably by the walk to the wooden bridge to the railway.
- All new buildings should have the same roof line as existing building.
- Japanese knot weed on site.

- Construction will be carried out in a residential area, works should have restricted hours of work e.g.no Sunday working and weekly hours between 8.00am and 6.00pm.
- The Plot has an infestation of Japanese Knot weed over 100 metres long.established for several years. Powys county council,Llanfair Caereinion town council and Severn Trent have been informed about this on more than one occasion over several years by myself. It is sad that the only response has been from Llanfair Caereinion town council who are only empowered to pass the information on to Powys county council and Severn Trent
- Will this new development mean affordable housing for local people?
- The site has been left undeveloped for many years as the former developer would not deal with the subsidence issue. As a result of this the wildlife on the site has been allowed to develop. Will the wildlife be considered and new homes be provided if necessary.
- With ref to the above planning application we the residents of Gwenallt, Parsons Bank, Llanfair Caereinion would like you to consider the following objections we have against granting permission for this application.
- We think that the height of the 3 storey residential unit is too high and will overlook our property. Another major concern for us is the narrow vehicle access into the site. This is a very busy section of road by the bridge and it regularly bottlenecks. We think that the effect of a least another 10/12 cars trying to gain access in and out will only make this problem worse. The footpath that runs across this entrance is also very busy in the morning and afternoons with young school children walking to and from school.
- Another twelve properties will also have an impact on noise pollution from cars and the properties themselves. The noise and disruption during building works would seriously impact on our day to day life, using our garden with our young children, walking to and from school.
- What would the impact on the bridge be from these building works? What would the impact be to Bridge street when connecting these properties to mains water, sewage, electricity?
- Could there also be a problem with flooding on the site from the river as it can get very high in winter months.
- If planning permission is granted we would like you to consider the noise pollution of the building site, and would like to ask that work is only permitted to be carried out Monday to Friday between the hours of 9-5. Can you please also consider the impact of building vehicles trying to gain access into this area, we think this would also need looking into as the road gets very busy between 8 and 9 am and again at 3 and 4 pm and once again between 4.30 to 6 pm.

Planning History

M25860 - Erection of a storage building and formation of vehicular access - Granted 9/2/1996

M25861 - Conservation Area Consent for partial demolition of building on frontage Granted 8/2/1996

M1996 0198 - Residential development (outline) - Granted 9/7/1996

All three permissions have now lapsed.

M2003 0584 - CAC for partial demolition

Principal Planning Constraints

- Conservation Area
- C2 Flood Zone

Principal Planning Policies

National planning policy

Planning Policy Wales (2016)

TAN 1: Joint Housing Land Availability Studies (2015)

TAN 5: Nature Conservation and Planning (2009)

TAN 6: Planning for Sustainable Rural Communities (2010)

TAN 12: Design (2016)

TAN 15: Development and Flood Risk (2004).

TAN23: Economic Development

Welsh Government Circular 016/2014 – The Use of Conditions

Local planning policies

UDP GP1 - Development Control

UDP GP4 – Highway Access and Parking Requirements

UDP HP3 – Housing Land Availability

UDP HP4 - Settlement Development Boundaries and Capacities

UDP HP7 – Affordable Housing within Settlements

UDP HP10 – Affordability Criteria

UDP DC3 – External Lighting

UDP DC10-Mains Sewage Treatment

UDP DC13 – Surface Water Drainage

UDP DC14 – Flood prevention measures

UDP ENV3 – Safeguarding Biodiversity and Natural Habitats

UDP ENV7 – Protected Species

UDP SP14 - Development In Flood Risk Areas

UDP SP5 - Housing Developments

UDP RP3-Town Centre Retail Development

UDP RP8-Town Centre Redevelopment Opportunities

UDP ENV11 – Development in Conservation Areas

UDP 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.

Siting, design and impact upon character and appearance of area

Morgan's Yard has a unique topography and characteristics within the town of Llanfair Caereinion. A relatively narrow strip, it is defined by rising land to the south east and a steep riverside bank to the north-east. Visibility from the public domain is limited to views from the river bridge and the A458 whilst visual impact on existing dwellings is largely confined to properties on the opposite bank of the River Banwy and dwellings above the site accessed by way of Parsons Bank.

Now that the buildings associated with the former depot are gone, and in the absence of any other development, the impression, particularly in the summer months, is one of a natural strip of river corridor.

Previous representations from the Town Council were to the effect that the numbers of units should be reduced partly because of the tightness of internal arrangements for parking and the strain on utility services. More recent representations from the public have suggested that some of the proposed housing is too high and that there should be a common roof line. Clearly the design concepts applied to the development were arrived at some considerable time ago and no amendments are proposed by the developer to what was originally agreed to by the Planning Authority.

The scheme is of relatively high density and includes a number of components of varying heights held together by a common use of materials observable in the locality (brick, render and slate) and detailing. The design proposals are also compatible with the building at the front of the site which accounts for two of the units and which have already been converted.

The highest building (the flat block 12.5 metres to ridge) is at the end of the site and, as highlighted by an objector, roof heights alternate along the length of the project. In some locations this could be a cause for concern but the presence of the bank to the rear, which rises some 5 metres from the site and is topped with vegetation for much of its length (and is to be treated with soil saving netting and hydro-seeded) provides a significant backdrop which would serve to reduce any discordant visual impact.

Given the location of the site the impact on the adjoining Conservation Area is considered to be acceptable. The principal impact on its setting would be from the Bridge itself. Although outside the designated area the development would be visible at the entrance to the town centre.

On balance and subject to the retention of the river bank trees and additional landscaping the development has the potential to contribute to the character of the town. The fact that the front of the site (containing the retained building now in residential use) is within the town's retail core, by virtue of the fact that it once had frontage buildings with a showroom and ironmongers, is not a significant matter in this instance.

On balance, therefore, and in the light of the current policy context, the scheme remains acceptable when assessed against these material considerations. Given that the scheme is

designed as a coherent whole it would, however, be appropriate to place a condition removing permitted development rights for alterations and extensions on any approval.

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

An objection has been received from the residents of Gwenallt, Parson's Bank, which sits above the site, regarding overlooking, particularly with respect to the proposed town house element.

This concern has been assessed and, given the nature of the topography and the fact that there is a separation distance in excess of the 20 metres suggested in the residential design guide, the impacts would not be sufficient to justify a refusal on this ground.

The properties on the other side of the river are at a considerably greater distance.

With regard to internal standards of amenity and privacy it is considered that these are adequately provided for.

Highway access and parking

Two of the letters of concern received following re-consultation suggested that the increased use of the access onto Bridge Street could result in more congestion near and on the bridge and result in hazard to pedestrians.

The demolition of frontage buildings has resulted in improvements in visibility and width in what was a severely substandard vehicular access.

Whilst the positioning and visibility is not what would be hoped for in an ideal situation the Highway Department did not object originally and it would not be reasonable to expect the site to remain undeveloped if adequate standards of access and parking provision can be met.

The Highway Department have been requested to confirm whether or not the conditions applied previously and recommended here are still applicable given the passage of time. The original conditions are added to this report. If necessary this matter will be dealt with by way of an update.

Foul sewage disposal

Concerns have been expressed locally regarding foul sewage. The Statutory Undertaker has indicated that they have no objection and have recommended a condition and informative for placing on any approval.

Flood risk and surface water drainage

This has been a major consideration in coming to a recommendation on the application.

The application preceded the issuing of TAN 15 and the designation of flood zones and, when the original case officer presented to Committee, there was no objection from the then

Environment Agency. Later in 2014 TAN15 was issued and the site was designated as being within the high risk C2 Zone.

Subsequently, and following the cessation of unauthorised works, the applicant's agent was requested to commission a Flood Consequences Assessment (letter dated 26/03/2007) in the absence of which the application would go back to Committee with a recommendation of refusal. The applicant acceded to this request and a Flood Consequences Assessment was received by the Authority on 9th January 2008.

Re-advertisement and re-consultation on the proposal in 2015 resulted in National Resources Wales requesting that the Flood Consequences Assessment and Hydraulic Modelling be updated and this was undertaken and sent to NRW on 13/04/2016. The re-consultation also gave rise to concerns from local residents, although it is understood that there are no records of the Banwy breaking overtopping its bank at this location. On the 3rd January, 2017 the NRW responded to the effect that they were satisfied with the Flood Consequences modelling and recommended conditions.

In the absence of a Flood Map Challenge from the applicant, which would entail further detailed modelling relating to tributaries in the town and not the River Banwy itself, the site remains technically within zone C2 with the onus on the developer to make prospective purchasers aware of this. However, given the assurances provided by the FCA, and having regard to the criteria set out in Sections 5, 6, 7 and appendix 1 of TAN15, it is considered acceptable to proceed to determination, subject to the NRW conditions being placed on any approval.

The Land Drainage Sections comments are noted and can be incorporated in a planning condition/advisory note.

Ecology

At the date of registration of the application the site was still occupied by the frontage and depot buildings associated with the Morgan Bros business. There was, therefore, little concern for ecology and biodiversity when the Planning Officer's appraisal was originally presented to Committee, although, with the benefit of hindsight, the bankside trees may have had the potential for usage by bats.

Once the rear buildings were demolished, and pre-decision works were ceased on the advice of the Planning Department, the site was left derelict and, as usually happens in such circumstances, the land was colonised by pioneer species such as brambles, hogweed, Japanese Knotweed and willow herb and, over the years, has had the potential to provide habitat for a number of species.

It was, therefore, considered (supported by advice from NRW), that an ecological survey and assessment of the site had become necessary and this was provided in a report by Churton Ecology which was sent on for comment to NRW and the County Ecologist.

The most significant features on site are the three mature trees on the river bank which have bat roost potential. On the negative side there are notifiable invasive species for which the applicant's ecologists suggest eradication measures.

NRW have considered the assessment and have recommended conditions to be applied to any approval. As with many new developments there is the opportunity for biodiversity enhancements and improvements and there are a number suggested by the applicant's ecologists which are capable of being conditioned.

Noise during Construction

It has been suggested by local residents that there could be disruption during the construction of the development and it is agreed that, given the topography and the presence of residential areas in the vicinity that it would be appropriate to place a restriction on working hours on any approval.

The possibility of a footpath link with housing at Glan-yr-Afon

The application site abuts Glan-yr-Afon and a footpath link from the dwellings to the Health Centre and it was previously suggested (and agreed by the applicant), that this be included in the scheme and with a contribution.

This formed part of the original Section 106 instruction and can be incorporated again if members consider it to be necessary.

Bank stability

In the past concern has been expressed to the effect that development on the site may be detrimental to the stability of the steep slopes at the boundaries of the site and in particular that rising to existing health centre and housing to the south east.

As previously noted the submission includes a proposal to stabilise this bank and there is no evidence to suggest that the construction works below would have a detrimental effect on the structural integrity of the existing buildings.

With regard to river bank stability the installation of foundations and floor pads have had no discernible effect on the integrity of the bank.

Housing Land Supply

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

Housing supply is a material consideration that should be given considerable weight in the determination of this application and balanced against compliance with national planning policies as set out within Section 6.2 of TAN 1:

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

The proposed development offers a contribution to housing provision in the settlement of Llanfair Caereinion at a density which accords with current guidance on development in urban areas.

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

Re-advertisement and re-consultation on the application has led to a number of concerns being raised by a consultee and some local residents. These have been fully taken into account in the appraisal of the application.

In spite of the fact that the application has remained undetermined for a considerable length of time, re-consultation and re-appraisal on the basis of the current policy context and legislative requirements leads to the conclusion that the proposal is acceptable subject to the updating of conditions to be applied to any approval and compliance with the following additional legislation.

The recommendation is on eof conditional consent (part retrospective) subject to the signing of a Section 106 Agreement relating to a financial contribution of £10,000 towards recreational facilities and the provision of a footpath link to Glan-yr -Afon, and the following conditions:

Conditions

- 1.The development to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.
- 2.Notwithstanding the provisions of schedule 2, part 1, classes A, B, C and E and part 2, class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), no extensions, additions, roof alterations or buildings, gates, fences, walls or other means of enclosure shall be erected other than those expressly authorised by this permission and shown on the approved plan
3. Prior to their first use full details or samples of materials to be used externally on walls and roofs of the dwellings hereby permitted shall be submitted to and approved in writing by the Local Planning Authority.
4. Areas of hard surfacing and the gabion and retaining walls on the south east boundary of the site within the development hereby permitted shall be constructed in materials of a type and colour to be agreed in writing by the Local Planning Authority prior to their first use.
5. All hard and soft landscape works shall be carried out in accordance with the approved details(plan no:06/121/01) and the recommendations contained in the Churton Ecology report dated 03/02/2017. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme to be agreed in wriing by the Local Planning Authority.
- 6.The approved landscaping scheme shall thereafter be maintained for a period of five years. Such maintenance is to include the replacement of any plant/tree/shrub/hedge that is removed, significantly damaged, diseased or dying, with plants/trees/shrubs/hedges of the same species and size within the next planting season, unless otherwise agreed in writing by the Local Planning Authority.
7. 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 arrangements for the management of the affordable housing;
- ii) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- iii) 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.

8. 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).

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

10. A lighting scheme for the development shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development.

11. The development/construction platform shall be raised/ levelled to 117.25mAOD and finished floor levels set at 117.55mAOD.

12. The level of the highway and flat parking area shall be set below surrounding ground levels.

13. The gradient of the access shall not exceed 1 in 30 for the first **9 metres** measured from the edge of the adjoining carriageway along the centre line of the access.

14. Additional clear visibility shall be provided from a point **1.05 metres** above ground level at the centre of the access and **5.5 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 **12 metres** distant in each direction measured from the centre of the access along the edge of the adjoining carriageway, prior to the commencement of the development.

15. Nothing shall be planted, erected, or allowed to grow on the areas of land so formed which would obstruct the visibility described in condition 13.

16. The area of the access to be used by vehicles is to be constructed to a minimum of 450mm depth, comprising of 350mm of sub-base material, 60mm of bituminous macadam base course material and 40mm of bituminous macadam wearing course material, for a distance of **15 metres** from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed with the Local Planning Authority prior to commencement of any works on site.

17. Prior to the first occupation of the development, provision shall be made within the curtilage of the site for the parking of not less than two cars per house and 1.5 cars per flat, excluding any garage space provided.

18. Prior to commencement of any construction works, provision shall be made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of **0.3 metres** in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site may park within the site and both enter and leave the site in a forward gear.

19. The estate road carriageway and one footway shall be constructed to and including base course level to an adoptable standard including the provision of any salt bins, surface water drainage and street lighting in front of any building and to the junction with the county highway before that building shall be occupied.

20. The estate road carriageway and all footways shall be fully completed, to a standard to be agreed in writing by the Local Planning Authority, upon the issuing of the Building Regulations Completion Certificate for the last house or within two years from the commencement of the development, whichever is the sooner.

21. The area of the access to be used by vehicles shall be completed to base course level, as specified in condition 15 above, prior to the commencement of any other works on site, and fully completed prior to the occupation of the development.

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

23. No building or construction works shall take place on the site between 18.00 and 8.00 hours on weekdays and Saturdays and none at all on Sundays.

24. Prior to commencement of any works on site the tree protection measures shown on the approved plan no 06/121/01 shall be implemented in full and all construction works shall thereafter comply with the measures outlined in the Churton Ecology Report dated 03/02/2017.

25. The Habitat Enhancement Recommendations contained in section 4.3 of the Churton Ecology Report dated 3/02/2017, including amendments to plant species in the approved landscaping plan no:06/121/01, shall be fully implemented, in accordance with a scheme to be submitted to, and approved in writing by the Local Planning Authority prior to the first occupation of a dwelling unit on the site.

Reasons

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. In order to control further development, which has the potential to have an impact upon the integrity of the design of the development and upon the character and appearance of the surrounding area, in contradiction to Policy GP1, of the Powys Unitary Development Plan (2010), and Planning Policy Wales (2016).
3. In the interests of the visual amenity of the area and to ensure the satisfactory appearance of the building in accordance with policies GP1, GP3 and HP5 of the Powys Unitary Development Plan and the Councils Residential Design Guide.
4. In the interests of the visual amenity of the area and to ensure the satisfactory appearance of the development in accordance with policies GP1, GP3 and HP5 of the Powys Unitary Development Plan and the Councils Residential Design Guide.
5. To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment, visual amenity and privacy in accordance with policies GP1, HP5, and ENV2 of the Powys Unitary Development Plan (2010)
6. To ensure a satisfactory and well planned development, and to preserve and enhance the quality of the environment, visual amenity and privacy in accordance with policies GP1, HP5, and ENV2 of the Powys Unitary Development Plan (2010)
7. In order to ensure the provision of affordable housing in accordance with Policy HP9 of the Powys Unitary Development Plan (2010) and the Affordable Housing for Local Needs Supplementary Planning Guidance (2011).
8. In order to ensure that the dwelling serves an affordable need in perpetuity in accordance with the Affordable Housing for Local Needs Supplementary Planning Guidance (SPG) (July 2011), Policies HP9 and HP10 of the Powys Unitary Development Plan (2010) and Planning Policy Wales (2016)
9. To ensure that the development is provided with a satisfactory means of sustainable drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policies DC10 and DC13 of the Powys Unitary Development Plan (2010).

10. To reduce the impact on wildlife and protected species in accordance with Policies ENV3 and ENV7 of the Powys Unitary Development Plan (2010), Planning Policy Wales (2016) and Technical Advice Note 5: Nature Conservation and Planning (2009).
11. To minimise risk in the event of extreme flooding events and minimise impact on flood flow routes in accordance with Policy SP14 of the Powys Unitary Development Plan (2010), Planning Policy Wales (2016) and Technical Advice Note 15: Development and Flood Risk (2004).
12. To maintain a flood flow route through the site if required during an extreme event in accordance with Policies SP14 and DC13 of the Powys Unitary Development Plan (2010).
- 13-22 In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
23. In the interests of the protection of the amenity of local residents and in accordance with Policy GP1 of the Powys Unitary Development Plan (2010)
24. To ensure a satisfactory and well planned development, and to preserve and enhance the quality of the environment, visual amenity and privacy in accordance with policies GP1, HP5, and ENV2 of the Powys Unitary Development Plan (2010).
25. In the interests of the protection of species and enhancement of biodiversity on the site in accordance with Policies ENV3 and ENV7 of the Powys Unitary Development Plan (2010).

Notes

Severn Trent Water advise that there are public sewers located within the application site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building. Please note, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 metres of a public sewer. In many cases under the provision of Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulations approval.

If you require any further information please contact 01902 793883.

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. They also contain links to additional supporting information relating to SuDS.

Case Officer: Steve Packer- Principal Planning Officer
Tel: 01597 827228 E-mail:steve.packer@powys.gov.uk

Montgomeryshire Planning Committee Report: 3/10/2013 and 7/11/2003

M2003 0613

Erection of 10 dwellings, conversion of existing building into 2 self contained residential units, erection of a building to form 10 self contained residential units, construction of vehicular access and car parking at former Morgan Bros depot Bridge Street Llanfair Caereinion Welshpool Powys SY21 OSA

SITE/APPLICATION

The site is an area of 0.5 hectare comprising the builders yard and shop adjoining the river Banwy with access to Bridge Street.

The development comprises:

Conversion of the retained frontage building to 2

flats 4 two storey three bedroom houses

1 one or two bedroom flats in a four storey block

6 two bedroom three storey town houses

A new access road to Bridge Street with a crib retaining wall on the south-east side

A possible footpath link to Glanyrafon.

The scheme has been revised to meet highway requirements, including alterations to the railings on the bridge and the installation of collapsible bollards at the junction of Parsons Bank. A perspective view from the river north-east of the bridge has been supplied

PHOTOGRAPH



OBJECTION

- Grounds: A. Felling of 10 trees
B. Loss of natural view from dwellings and the bridge.
C. damage to conservation of the river and wildlife
D. Adverse effect on flow of floodwater and increased risk of flooding
E. Increased traffic on local roads
F. Loss of privacy to dwellings
G. Possible bat roosts in old buildings proposed for demolition

PRINCIPAL PLANNING CONSTRAINTS

MLP: Conservation Area Flood Plain
Highway: Class 2

PRINCIPAL PLANNING POLICIES

MLP DC02 Housing layout and designs
MLP DC05 Housing densities and infill developments MLP HD11 Affordable housing in settlements
MLP LD21 Outdoor play space
PSP HOS Housing on unallocated sites in settlements PSP H07 Housing development criteria
NAW TAN02 Planning and Affordable Housing MLP DC08 Conservation Area development
MLP ENV13 Development in Conservation Areas
NAW WO Circular 61/96 Planning and the Historic Environment: Historic Buildings and Conservation Areas
PSP EC13 Conservation Areas
MLP HD09 Welsh language and culture
The Welsh Language - Unitary Development Plans and Planning Control
Development and Flood Risk
NAW TAN05 Nature Conservation and Planning

MLP Draft Montgomeryshire Local Plan **PSP=Powys** Structure Plan
WSPG=Welshpool Supplementary Planning Guidance NAW=National
Assembly for Wales TAN=NAW Technical Advice Note

OFFICER APPRAISAL The scheme represents a "brownfield" housing development close to the town centre, and follows previous permissions on the site. The development is a high-density scheme and the buildings will be quite high in comparison to buildings in the locality. They will be seen against a background of higher land to the south-west.
The application was considered at a Site Inspection Panel meeting held on 24/9/2003. Members considered that the site was in urgent need for re-development and did little for the town in its present condition. The access would be on to a busy road, and Members felt that a total of 22 dwellings might generate too much traffic at the proposed junction. There was also a feeling that the apartment type dwellings that were proposed would not be in keeping with the town and would probably not be appealing to local buyers. The Panel's Advice was that further negotiations take place with the developer, and expressed the hope that this would lead to a total of 17 dwellings on the site, including the 2 proposed conversion units, in a design which was more in keeping with the town. Also local needs dwellings should

be offered within the scheme and the existing screening should be retained or replaced.

In response to the meeting, the agent submitted the attached letter.

At the Planning Committee meeting held on 3/10/2003, consideration was deferred to seek a higher proportion of affordable dwellings (10) within the scheme. The response to this suggestion is also attached, stating that 6 units will be designated as affordable units.

RECOMMENDATION Grant permission subject to a prior section 106 agreement relating to the provision of affordable housing, a footpath link to Glanyrafon, highway requirements and a contribution towards open space/ play area provision in the town, and conditions:

1. The development to which this permission relates must be begun not later than five years beginning with the date on which this permission is granted.
2. Details of the type, colour and texture of all external materials and fenestration and the detailed treatment of the bargeboards and eaves details of the retained part of the frontage building shall be submitted to and approved by the local planning authority prior to any work commencing.
3. The roofs of the buildings shall be clad with natural or synthetic slates of a type as may be approved by the local planning authority prior to commencement of development.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order) nothing in Article 3 of, or Schedule 2 to that Order, shall operate so as to permit (within the area subject of this permission) any development referred to in Part 1 of the Second Schedule to the Order and no such development shall be carried out at any time within that area without the express grant of permission by the local planning authority.
5. No development shall take place until there has been submitted to and approved by the local planning authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land and details of those to be retained, together with measures for their protection in the course of the development.
6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

Development shall not commence until an appropriate photographic survey of the existing buildings on site has been carried out in accordance with details to be submitted to and approved by the local planning authority. The resulting photographs should be deposited with the County Sites and Monuments Record, operated by the Clwyd Powys Archaeological Trust (7a Church Street Welshpool, Powys, SY21

7. Development shall not commence until surface water drainage works have been carried out in accordance with details to be submitted to and approved by the local planning authority.

8. Highway conditions as recommended.

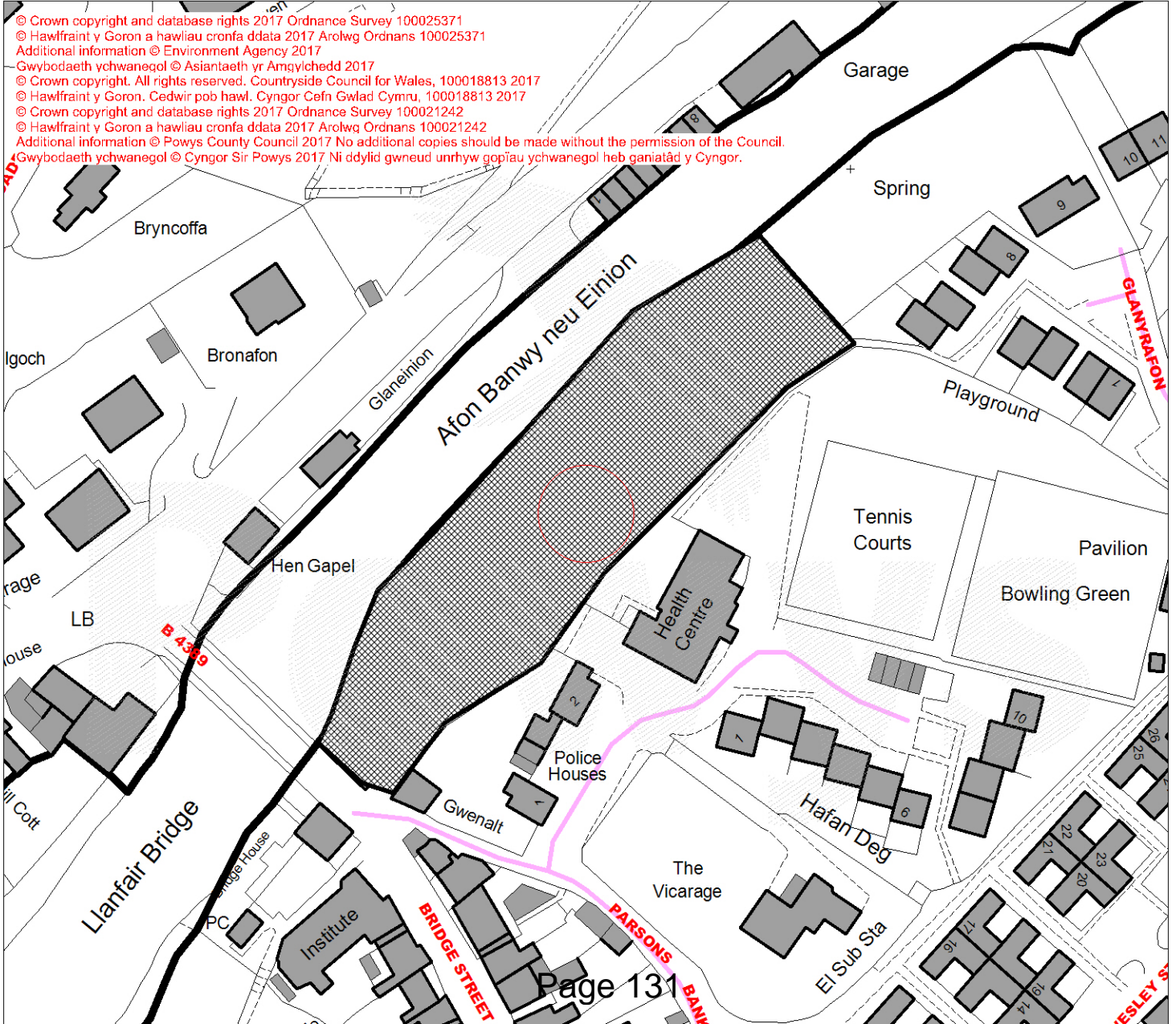
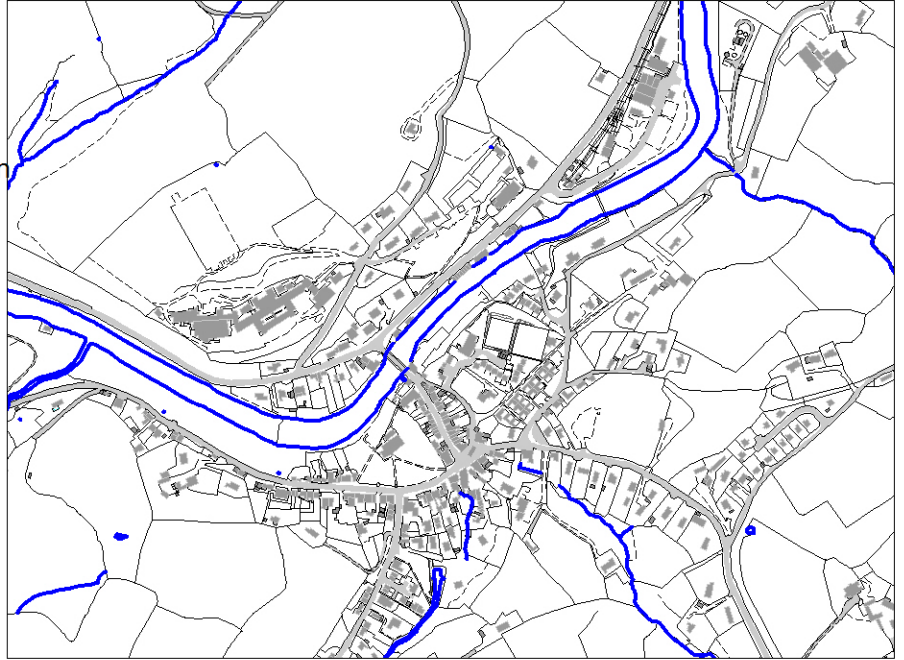
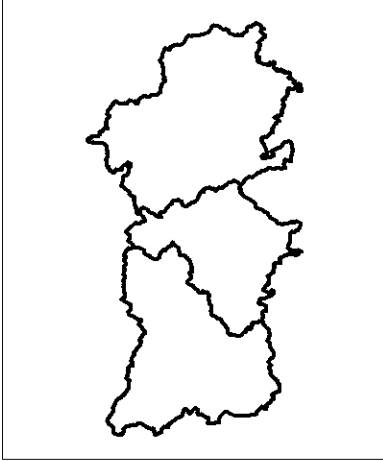
Notes also to be attached relating to the requirements of the Environment Agency, safeguarding of protected species and safeguarding of public sewers.

Case Officer: Simon Greenland - Prif Swyddog / Principal Officer Tel: 01938 551231
E-mail: simong@powys.gov.uk

Susan Bolter
 Pennaeth Adfywio, Eiddo a Chomisiynu/
 Head of Regeneration Property & Commissioning
 Adfywio, Eiddo a Chomisiynu/
 Regeneration, Property and Commissioning

Applicant: M D Broxton & Co

Location: Former Morgan Bros Depot,
 Bridge Street, Llanfair Caereinion



This page is intentionally left blank

Could I ask for some clarification on a matter please. I may be misreading the documents, however paragraphs 77 – 79 of the D&A Statement and Supplementary Divider seems to suggest that the GTEC drylining system is to be used on the external walls. However Drg No BT.16-01-15 suggest that the firebreast will be left stone, the rear wall and the doorway into Rose Cottage will be timber studded and Kingspan, with the side wall and front wall to be Secil ecoCork.

Have I misread the D&A Statement and Supplementary Divider, and is there a difference between the written statement and the drawings in relation to the insulation. If there is could we have an amended floor plan illustrating what insulation is being proposed on what walls please.

2nd Response

Thank you for consulting me on the above application. I note the accompanying application for a change of use application.

I can confirm that The Old Post Office is a grade II listed building (Cadw ID 8745) listed as adjoining Rose Cottage, and described as a one and half storey shop-store building, rubble and slate with C19 shop front incorporating tall mullion lights and cornice console brackets. The premises is in a prominent location within the Clyro conservation area, adjacent to; the grade II Rose cottage, the grade II* Ashbrook House, and opposite the grade II* listed Church of St Michaels and All Angels and the grade II properties No 16 and 17 The Village.

A pre-application meeting was held on site with the applicant Mr David Hood, the agents Mr Andrew Hood and Mr Graham Terry.

The previous meeting on site took place when the shop was operational and being a working shop the walls were not visible to ascertain the impact of the proposed works. Since the closure of the shop the shop fittings and modern ceiling have been removed to reveal the building.

The quality of the interior of the exterior walls are noted and the damage that has occurred to the building during its use as the village shop. The proposal includes the reuse of the one and half storey former shop and the modern store room to the rear. The one single space would be retained with a mezzanine level over part of the space retaining the open quality of this small space. It was noted that the previous floor height was currently much lower than existing head height with the floor raised over time in response to the external floor levels. The intention is to retain the current ground floor level, and as such the inserted floor level would be at a higher level than previously.

The change in ground floor levels has repercussions firstly, in the height of the mezzanine and the height of the ceiling above, and the location of the mezzanine in the highest part of the room. The mezzanine would be across the firebreast of the adjoining Rose Cottage which is not desirable, however head height prevents the mezzanine level to be sited to the rear of the former shop. The rood structure and purlins prevent the insertion of a dormer and as such the mezzanine cannot be relocated. The height of the mezzanine dictates the height of the central element of the vaulted ceiling which will have to be increased slightly. This is not ideal, however the condition of the lathe and plaster is duly noted. The complications of

removing the concrete floor is acknowledged and the above works would be considered acceptable.

The only external change would be the reopening of a window on the upper floor of the gable end. The window is clearly evident on the interior with the exterior blocking up being just the outer face. There would be no objection to the re-opening of this window, and I note that advice given at pre-application stage has been taken on board.

Noting the extent of changes that have occurred over the years, and noting the condition of the interior walls, I would not wish to raise any objections to the proposal as submitted.

I would suggest the following conditions be attached to the granting of any consent.

No new plumbing, pipes, soil stacks, flues, vents, ductwork grilles, security alarms, lighting, cameras or other fixtures shall be attached to the external faces of the building other than those shown on the approved drawings or otherwise first approved in writing by the Local Planning Authority.

Reason: To safeguard the character and appearance of this grade II listed building in accordance with policy ENV 14 of the Powys Unitary Development Plan.

The new gable window shall be slimline timber flush fitting casement, puttied and not beaded, set back from the front edge of the brickwork. Prior to works commencing on site details of all the new windows, (including details of the trickle vents and degree of set back) to be submitted to the Local Planning Authority, at a scale of not less than 1: 10, and agreed in writing. The details shall include, details of the paintwork, and the new windows shall be painted and shall remain painted, and of the same design, materials and appearance thereafter. The development shall be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of this grade II listed building in accordance with policy ENV 14 of the Powys Unitary Development Plan.

The roof light in the development hereby approved shall be set flush with the angle of the surrounding roof slope. If this cannot be achieved, the degree of projection from the plane of the roof pitch shall be first agreed in writing by the Local Planning Authority.

Reason: To safeguard the character and appearance of this grade II listed building in accordance with policy ENV 14 of the Powys Unitary Development Plan.

Cadw

Thank you for your letter of 26th September 2016 inviting our comments on the planning application for the proposed development as described above.

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. It is a matter for the local planning authority to then weigh our assessment against all the other material considerations in

determining whether to approve planning permission, including any issues concerned with listed buildings and conservation areas.

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 desirability of preserving an ancient monument and its setting is a material consideration in determining a planning application whether that monument is scheduled or not. Furthermore, it explains that 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 preservation in situ. Paragraph 17 of Circular 60/96, *Planning and the Historic Environment: Archaeology*, elaborates by explaining that this means 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.

The application area is located some 220m north of scheduled monument RD066 Clyro Castle. However, apart from the reinstatement of a window on the northeast elevation that will not be visible from the scheduled monument the proposed development will require no alterations to the existing building. Consequently there will be no impact on the setting of scheduled monument RD066.

Natural Resources Wales

1st Response

Thank you for referring the above notification of a new planning application received by us on 25th November 2016. We previously commented on the proposal P/2016/0965 on 14th October 2016 CAS-24192-Z2T7. We did not object and we re-iterate the same advice for the current planning application.

Flood Risk

The application site lies partially within Zone C2, as defined by the Development Advice Map (DAM) referred to in Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). Our Flood Map information, which is updated on a quarterly basis, confirms the site to be within the 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the Clyro Brook, an Ordinary watercourse.

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

The decision as to whether a development is justified is entirely a matter for your authority. However, should you be minded to permit the application, contrary to Welsh Government policy on development and flood risk, we are unable to give you technical advice on the

acceptability of flooding consequences in terms of risks to people and property, until a detailed flood consequences assessment (FCA) has been submitted.

The criteria for the FCA, which should normally be undertaken by a suitably qualified person carrying an appropriate professional indemnity, are given in Section 7 and Appendix 1 of TAN15. The FCA should be appropriate to the scale and nature of the development.

Advice to the Applicant

Please find attached a document intended to help you prepare your FCA. This document provides advice to you on the scope of your FCA (based on the information available to us). Please complete and send this document to us with any draft or completed FCA you wish to receive our advice on, as it will help us be as effective as we can be in responding to you. Please note that a submission in line with our advice will enable a better understanding of the risks and consequences of flooding, but will not necessarily mean the risks and consequences are demonstrated as being managed acceptably in line with TAN15.

We reserve the right to request further information in future if it is needed to establish the risks and consequences of flooding. Should you have any queries in relation to our advice on the scope of the FCA, please contact Chris Nutt (Christopher.nutt@naturalresourceswales.gov.uk Tel: 03000 653 106) or contact me via email or letter.

European Protected Species

We note that there is no information about protected species with the application. We have records for bats, great crested newts and otters in the surrounding area and your internal ecologists should be appropriately consulted for further advice.

Scope of NRW Comments

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

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

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

2nd Response

Thank you for consulting Natural Resources Wales (NRW) about the above, which was received on 05/01/2017. NRW have no objection to the above application, as explained in more detail below.

Flood Risk

The application site lies entirely within Zone C2, as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004).

Our Flood Map information, which is updated on a quarterly basis, confirms the site to be within the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the Clyro Brook, an Ordinary watercourse. Our advice is that the applicant needs to demonstrate, through submission of a flood consequences assessment, that the consequences of flooding can be managed over the lifetime of the development.

The planning application proposes the conversion of a commercial premises to a residential property (highly vulnerable development). 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 flood consequences assessment (FCA) (Hydro-logic Services, March 2017 K0788/1), submitted in support of the application states:

- Section 3.2 - a topographic survey of the area shows the lowest point (hydraulic control) for flows out of bank upstream of the road bridge is on the left bank, which is 0.48m lower in elevation than the right bank. Any flows out of bank upstream of the bridge would flow over the left bank and along the road to the northeast and away from the site.
- Section 4.1 – no changes to the external dimensions of the building are proposed.
- Section 4.2 – In the event of a blockage on the bridge, any out of bank flows are expected to follow the overland route to the northeast. Safe access and egress is possible via the road to the southwest.
- Section 4.3 and Section 6 – flood waters are not expected to inundate the site during the 1:100year+CC fluvial event and the development is shown to be beyond the limits of the 1:1000 year fluvial event on Clyro Brook.

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

- No hydraulic modelling of the watercourse has been undertaken, instead a qualitative approach has been taken which is considered to be appropriate given the nature of the development.
- Given the above, predicted flood depths and velocities during the 1 in 1000 year are not stated in the FCA. However, the topographic survey information indicates access along the road to the southwest and the property itself are flood-free during all fluvial scenarios including the 1 in 1000 year event in compliance with the requirements of Table A1.15 in TAN15.
- It should be noted that predicted flood flow route to the northeast and away from the site is reliant on the existing stonework bridge parapet and garden boundary wall remaining in place, which effectively form an informal defence. A residual risk of flooding at the site in the event of the wall collapsing or being removed is possible, although as discussed in the FCA,

significant hydraulic loading on the upstream face of the wall leading to collapse is considered unlikely given the existing flow route through the fence to the north.

□ The threshold level of the property is indicated to be <0.15m above the adjacent ground levels (Section 4.2.3) and the FCA notes the presence of additional surface water grids in front of the property (Section 3.3) indicating a possible historic risk of surface water flooding and we recommend you obtain the advice of the local authority land drainage team in this regard.

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.

To conclude, we therefore have no objection to the development. 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.

Representations

The application was advertised through the erection of a site notice and press advertisement. No representations or objections have been received.

Planning History

P/2016/1119 – Listed Building Consent: Internal and external alterations. Pending.

Principal Planning Constraints

Flood Zone
pipeline buffer
Nat Floodzone 3
Nat FloodZone 2

Historic Landscapes Register
Outstanding

Principal Planning Policies

National Planning Policy

Planning Policy Wales (Edition 8, 2016)
Technical Advice Note 15: Development and Flood Risk (2004)
Technical Advice Note 18: Transport (2007)

Welsh Office Circular 61/96 – Planning and the Historic Environment: Historic Buildings and Conservation Areas
Welsh Office Circular 61/96 – Planning and the Historic Environment: Archaeology
Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management

Local Planning Policies

Unitary Development Plan (March 2010)

GP1- Development Control
GP3- Design and Energy Conservation
GP4- Highway and Parking Requirement
ENV2- Safeguarding the Landscape
ENV3- Safeguarding Biodiversity and Natural Habitats
ENV7- Protected Species
ENV14 – Listed Buildings
ENV16 – Landscapes, Park and Gardens of Special Historic Interest
ENV17 – Ancient Monuments and Archaeological Sites
HP4 - Settlement Development Boundaries and Capacities
HP5- Residential Development
RP10 – Neighbourhood and Village Shops and Services
DC14- Flood Prevention Measures
SP14 - Development In Flood Risk Areas

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

Officer Appraisal

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

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

Principle of Development

Policy HP5 of the Unitary Development Plan (March 2010) seeks to ensure that residential development is located on an appropriate site within the settlement development limits and is of an acceptable scale, form and design and general character to reflect the overall character and appearance of the settlement and surrounding area.

Consent is sought for the conversion of an existing post office building into a residential dwelling. It is noted that the application site is located within the settlement development limits for Clyro and therefore the proposed development is considered to be located within a suitable location. It is noted that the only alteration to the building is the insertion of a roof light and the re-opening of a window.

Policy RP10 seeks to safeguard neighbourhood and village shops and services. The application site was previously a Post Office and the small scale nature of the building has not been considered attractive for a potential re-use for commercial or other community use. The Post Office was closed and relocated to the Village Hall at much reduced hours, however a shop, pub, petrol station and garage are still retained within the settlement.

The change of use to a residential dwelling is therefore considered to be acceptable.

Flood Risk

The application site is located within a C2 floodzone as defined by the development advice map (DAM) as referred to under Technical Advice Note 15. National Resources Wales have been consulted and have confirmed that the land is assessed as having a 1 in 100 and 1 in 1,000 annual probability of fluvial. It is noted that TAN 15 states that highly vulnerable development (residential) should not be permitted in C2 flood areas.

Technical advice note 15 recognises that much urban development in Wales has taken place alongside rivers and in the coastal plain. It is therefore inevitable, despite the overall aim to avoid flood risk areas, that some existing development will be vulnerable to flooding and fall within zone C. Some flexibility is necessary to enable the risks of flooding to be addressed whilst recognising the negative economic and social consequences if policy were to preclude investment in existing urban areas, and the benefits of reusing previously developed land. Further development in such areas, whilst possibly benefiting from some protection, will not be free from risk and could in some cases exacerbate the consequences of a flood event for existing development and therefore a balanced judgement is required.

NRW have been consulted and have confirmed that a flood consequence assessment (FCA) should be submitted to establish the risk to, and from the development and to ensure that if practicable appropriate conditions be attached to any grant of consent to thereafter manage any potential risk. A FCA has been submitted and in support of the application and stated the following;

- Section 3.2 - a topographic survey of the area shows the lowest point (hydraulic control) for flows out of bank upstream of the road bridge is on the left bank, which is 0.48m lower in elevation than the right bank. Any flows out of bank upstream of the bridge would flow over the left bank and along the road to the northeast and away from the site.
- Section 4.1 – no changes to the external dimensions of the building are proposed.

- Section 4.2 – In the event of a blockage on the bridge, any out of bank flows are expected to follow the overland route to the northeast. Safe access and egress is possible via the road to the southwest.
- Section 4.3 and Section 6 – flood waters are not expected to inundate the site during the 1:100year+CC fluvial event and the development is shown to be beyond the limits of the 1:1000 year fluvial event on Clyro Brook.

NRW have been consulted on the submitted FCA and are content with the methodology of the report and offer no objection to the proposed development.

Taking in to consideration the fact that this is an existing building and will therefore not result in increased flooding elsewhere, the information submitted within the FCA, and NRW's removal of their objection to the proposed development, it is considered that there is sufficient evidence to justify a departure from the Unitary Development Plan.

The Emergency Planning Team has been consulted on the FCA and their response will be provided in the update report.

Highway Safety

A safe access and parking is a fundamental requirement of any development. The Highway Authority has been consulted and whilst they have confirmed that they do not wish to comment on the application.

The application proposed one parking space for the dwelling and it is noted that the application site is located within the centre of Clyro and it is therefore considered that the application site is easily accessible with good walking, cycling and public transport links.

In light of the above information it is considered that the proposed development would not have a detrimental impact on highway safety and is therefore compliant with policy GP4 of the Powys UDP.

Listed Building

The property to be converted is a grade II listed building. Policy ENV14 states that development will only be permitted where it does not have an unacceptably adverse impact on a listed building or its setting.

Following consultation with the Built Heritage Officer additional information was requested in relation to materials to be used in the development. Following the submission of this information the Built Heritage offered no objection to the proposal subject to the imposition of conditions relating to the windows to be used in the new opening and external fixtures. An associated Listed Building Consent has been submitted and these conditions will be attached to this application when permitted, it is therefore considered unnecessary to require these conditions as part of the change of use application.

In light of the above and the response received from Built Heritage the proposed development is considered to be compliant with policy ENV14 of the Powys UDP.

Archaeology

Policy ENV17 states that development that would unacceptably adversely affect the site or setting of a Scheduled Ancient Monument will not be permitted. The site is located approximately 220 metres north of the Scheduled Ancient Monument RD066 Clyro Castle.

Cadw were consulted on the application and stated that apart from the reinstated window on the north east elevation that will not be visible from the scheduled monument the proposed development will require no alterations to the existing building. As such there will be no impact on the setting of the scheduled monument.

In light of the response received by Cadw the proposed development is considered to be compliant with policy ENV17 of the Powys UDP.

Other Legislative Considerations

Crime and Disorder Act 1998

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

Equality Act 2010

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

Having due regard to advancing equality involves:

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

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

Planning (Wales) Act 2015 (Welsh language)

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

Wellbeing of Future Generations (Wales) Act 2015

Section 3 of the Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to

ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5). This duty has been considered in the evaluation of this application. It is considered that the proposed development is in accordance with the sustainable development principle through its contribution towards the well-being objectives.

RECOMMENDATION

Whilst a departure from the development plan, in this instance and in light of the above report the application is 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.

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.

Informative Notes

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

It is an offence for any person to:

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

Under the Habitats Regulations it is an offence to:

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

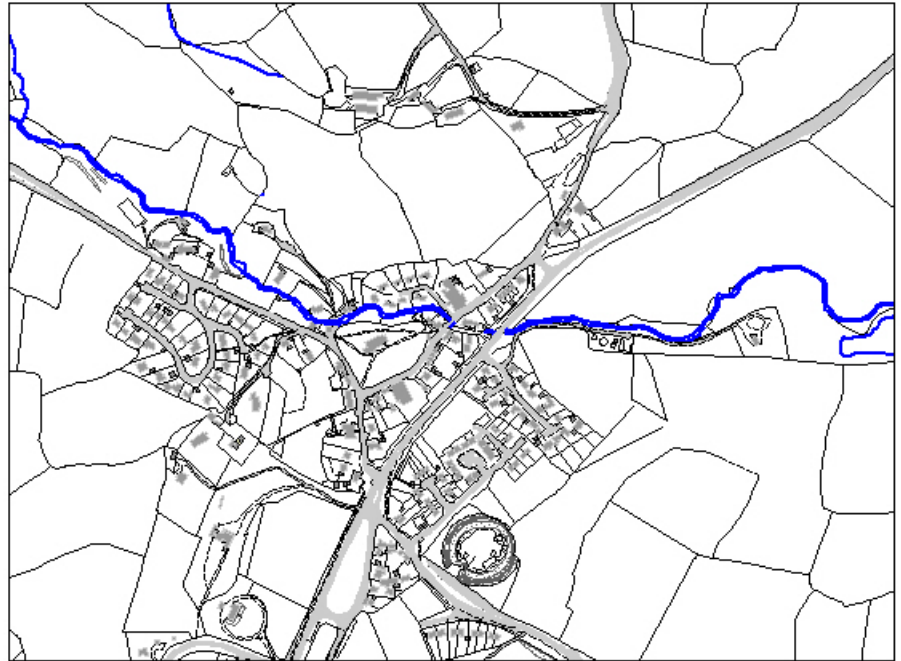
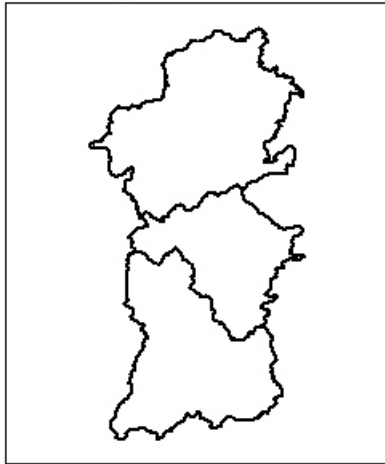
The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended) that works to trees or buildings where that work involves the disturbance of a bat is an offence if a licence has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

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

Susan Bolter
Pennaeth Adfywio, Eiddo a Chomisiynu/
Head of Regeneration Property & Commissioning
Adfywio, Eiddo a Chomisiynu/
Regeneration, Property and Commissioning

Applicant: Mr. David Hood

Location: Bridge Stores & Post Office,
Clyro



© Crown copyright and database rights 2017/ Ordnance Survey 100025371
© Hawlfraint y Guron a hawliau crŵnfa eiddo 2017/ Arolwyr Orderns 100025371
© Crown copyright. All rights reserved. Countryside Council for Wales, 100018813 2017
© Hawlfraint y Guron/ Gwirionedd hawl/ Cwmwr Dafn Gwlad Cymru: 100018813 2017
© Crown copyright and database rights 2017/ Ordnance Survey 100021242
© Hawlfraint y Guron a hawliau crŵnfa eiddo 2017/ Arolwyr Orderns 100021242
Additional information © Powys County Council 2017/ No additional copies should be made without the permission of the Council.
Gwybodaeth ychwanegol © Cyngor Sir Powys 2017/ Ni ddylid gwneud unrhyw gopïau ychwanegol heb ganiatâd y Cyngor.

entirely clear from the Block Plan if this piece of land was included into the curtilage of the proposal. They therefore sought assurances that if the strip of land was included in the proposal, it did not contravene or negate any access rights. It was resolved that subject to such assurance they would not have no objection and recommend that the application be approved.

PCC- Highways

2nd March 2017

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

22nd March 2017

I refer to the additional plans relating to Awelon, South Street, and have no further comments to make.

PCC – Building Control

Building regulations will be required.

Wales & West Utilities

Wales & West Utilities acknowledge receipt of your notice received on 16.02.2017, advising us of the planning application and proposals at:

Awelon, South Street, Rhayader, Powys, LD6 5BH

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.

Welsh Water

21st February 2017

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

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.

2nd March 2017

We have no additional comments in relation to this application

PCC- Environmental Health

Having taken a look at the residential nature of the area where the proposed development will be sited and given consideration to noise creation, I would firstly recommended that the landscaping and construction period working hours and delivery times be restricted as follows:

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

0800 - 1800 hrs Monday to Friday

0800 - 1300 hrs Saturday

At no time on Sunday and Bank Holidays

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

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

PCC –Land Drainage

The Land Drainage Section as The Lead Local Flood Authority would like to make the following comments:

Surface Water Run-off

No proposed surface water drainage details or layout drawing(s) have been submitted.

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

The general soil type for the site location is described as being 'freely draining'. Freely draining soils absorb rainfall readily and allow it to drain through to underlying layers. This type of ground condition makes soakaways a viable solution for surface water drainage.

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 Lead Local Flood Authority recommends that the surface water design for this development proposal follows and incorporate Welsh Government's SuDS design standards.

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

Reason: 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.

Condition: If non permeable surfacing is used on the new driveway and parking area and/or the driveway slopes toward the highway, the applicant should submit for approval a drainage system to intercept water prior to flowing on to the public highway.

Reason: To ensure that no surface water runoff from the new driveway runs onto the highway.

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

Welsh Government Transport

9th March 2017

I refer to your consultation of 2 March 2017 regarding the above 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 forward a suitably scaled drawing detailing the proposed accesses off the A470 trunk road, which must incorporate the following aspects:-

- a) Visibility Splays in either direction from a suitable set-back.
- b) Gradient of the accesses and the A470 trunk road carriageway
- c) Accesses width and radii dimensions
- d) Accesses surfacing type along with depth and width dimensions
- f) If a gate is to be installed on the accesses

The proposed access must comply with Volume 6 Section 2 Part 7 (TD 42/95) of the Design Manual for Roads and Bridges (DMRB), any non-compliance will each require a Departure from Standard submission.

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

5th April 2017

I refer to your consultation of 29 March 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 access shall be laid out and constructed strictly in accordance with the approved drawings (Plan 652/C and Plan A).
2. The minimum visibility distances available for vehicles emerging from the proposed access shall be 90m in each direction, measured to a point at the nearer running edge of the trunk road carriageway. These visibility distances shall be available at point 2.4 metres from the 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.
3. 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.
4. The width of the proposed means of access shall be 4.5m (minimum). The access shall be constructed to appropriate standards with either concrete or bituminous surfacing from the running edge of the trunk road carriageway
5. No drainage from the development site shall be connected to or allowed to discharge into the trunk road drainage system, and the proposed access shall be constructed such that the access does not drain onto the trunk road.
6. During the construction phase 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 and be used by all vehicles exiting the site until construction is complete.
7. 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.
8. The applicant must notify the Streetwork Department of the North and Mid Wales Trunk Road Agent on: streetwork@nmwtra.org.uk prior to the commencement of works that will affect the through traffic on the A470 Trunk Road, and agree a Traffic Management Plan.

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) Any works undertaken within or forming part of the highway shall meet the requirements of section 171 / 184 of the Highways Act 1980, and shall only be commenced with the specific agreement of the Highway Authority

b) 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;

c) 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.

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.

PCC – Ecologist

Planning Application Reference	P/2017/0173
Project Name / Description	for Full: Proposed dormer dwellingat Awelon South Street Rhayader Powys
Consultation Deadline	16/03/2017

Ecological Topic		Observations
EIA Screening Requirement	No	The site area is understood to be 0.045 hectares and includes 1 dwelling. Therefore, it is not considered to meet or exceed the thresholds of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016 for the screening of dwelling house developments for EIA since it does not exceed five hectares; include more than 150 dwellings; or include more than one hectare of urban development that is not a dwelling house development.
Ecological Information included with application	No	No ecological information has been submitted with the application. Aerial imagery indicates that the development site is currently well maintained residential garden consisting of a mixture of lawn, planting beds and shrubs. The garden is bordered to the south and east by mature tree lines. No mature vegetation removal is anticipated according to information provided with the planning application.
Protected Species & Habitats ¹	European Species <input checked="" type="checkbox"/>	There are historical records of otters and bat species within 2km of the development site, but not within its immediate vicinity.

		<p>A mature tree along the east boundary could provide roosting habitat for bat species though it does not appear that any mature vegetation would need to be removed to accommodate the proposals. However it is recommended that a sensitive lighting plan is established which would limit the potential for light spill into adjacent vegetation.</p> <p>There does not appear to be any habitat that would support otters within the development site.</p>
UK Species	<input checked="" type="checkbox"/>	<p>There are historical records of badgers, reptiles and various nesting birds within 2km of the development site.</p> <p>Any vegetation removal should be timed to avoid the bird nesting season (generally March to August inclusive) in order to avoid the potential destruction of active bird nests in any garden vegetation removed. If works that could destroy bird nesting habitat is to proceed in the bird nesting season, a suitably-experienced ecologist should check for active bird nests immediately in advance of the works commencing.</p> <p>The existing garden does not appear to represent suitable habitat for badgers or reptiles.</p>
Section 7 Species & Habitat	<input checked="" type="checkbox"/>	<p>The applicant should be mindful that, in accordance with Powys County Council's duty under Section 7 of the Environment (Wales) Act 2016, TAN 5, UDP policies and biodiversity SPG, as part of the planning process PCC should ensure that there is no net loss of biodiversity or unacceptable damage to a biodiversity feature.</p> <p>The existing garden does not appear to contain priority habitats as listed on Section 7 of the Act. Also considering the condition of the existing garden the potential for Section 7 priority species is considered to be low, however the recommendations to restrict light spill onto the mature tree line to the east of the proposal would limit potential impacts upon various small mammals which may use this boundary for shelter and foraging.</p>

	LBAP Species & Habitat	<input checked="" type="checkbox"/>	See observations above.
Protected Sites	International Sites ²	<input checked="" type="checkbox"/>	The River Wye SAC is located approximately 140m to the south-east of the proposed site. It is not expected that the condition of this site or its features would be compromised considering the nature and scale of the proposal.
	National Sites ³	<input checked="" type="checkbox"/>	The River Wye SSSI is located approximately 140m to the south-east of the proposed site. It is not expected that the condition of this site or its features would be compromised considering the nature and scale of the proposal.
	Local Sites (within 500m)	<input type="checkbox"/>	None within the search area
Invasive Non-Native Species	Unknown		No ecological information has been submitted with the proposal.
Cumulative Effect	Unknown / Unconfirmed		
Summary of recommendations / further assessment or work			<p>The tree line to the east of the proposal could provide commuting and foraging habitat for bat species and other nocturnal wildlife. If external lighting is required for this development I recommend that an external lighting scheme sensitive to bats and other nocturnal wildlife, including low-powered and short-timed PIR lighting sensitive to large objects only, is used.</p> <p>I recommend that the works are timed to avoid the bird nesting season (generally March to August inclusive). If works that could destroy bird nesting habitat is to proceed in the bird nesting</p>

	<p>season, a suitably-experienced ecologist should check for active bird nests immediately in advance of the works commencing. If such a nest is discovered, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.</p>
Recommended Conditions	<p>Should you be minded to approve this application I recommend the inclusion of the following conditions:</p> <p><i>1) Prior to commencement of development, a Biodiversity Enhancement Plan shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.</i></p> <p>Reason: To comply with Powys County Council's UDP Policies SP3, ENV2, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and the Environment (Wales) Act 2016.</p> <p><i>2) Prior to commencement of development a Tree and Hedgerow Protection Plan in accordance with BS:5837:2012 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.</i></p> <p>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.</p> <p><i>3) A lighting design scheme to take any impacts on nocturnal wildlife into consideration shall be submitted for written LPA approval.</i></p> <p>Reason: To comply with Powys County Council's UDP Policies SP3 and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.</p>

	<p><u>Informatives</u></p> <p>Birds - Wildlife and Countryside Act 1981 (as amended)</p> <p>All nesting birds, their nests, eggs and young are protected by law and it is an offence to:</p> <ul style="list-style-type: none"> • intentionally kill, injure or take any wild bird • intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built • intentionally take or destroy the egg of any wild bird • <u>intentionally</u> (or recklessly in England and Wales) disturb any wild bird listed on 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>
Relevant UDP Policies	<p>SP3 Natural, Historic and Built Heritage ENV 2: Safeguard the Landscape ENV 3: Safeguard Biodiversity and Natural Habitats ENV 6: Sites of Regional and Local Importance ENV 7: Protected Species</p>

Representations

There have been no public representations received at the time of writing this report.

Planning History

None

Principal Planning Constraints

Trunk Road

Principal Planning Policies

National Policies

Planning Policy Wales (Edition 9, 2016)
TAN 1 - Joint Housing Land Availability Studies (2015)
TAN 2 - Planning and Affordable Housing (2006)
TAN 5 - Nature Conservation and Planning (2009)
TAN 6 - Planning for Sustainable Rural Communities (2010)
TAN 12 - Design (2014)
TAN15 – Development and Flood Risk (2014)
TAN 18 - Transport (2007)
TAN 23 – Economic Development (2014)

Local Policies

Powys Unitary Development Plan (2010)

SP2– Strategic Settlement Hierarchy
SP5 – Housing Developments
GP1 – Development Control
GP3 – Design and Energy Conservation
GP4 – Highway and Parking Requirements
ENV2 – Safeguarding the Landscape
ENV3 – Safeguarding Biodiversity and Natural Habitats
ENV6 – Site of Regional and Local Importance
ENV7 – Protected Species
HP3- Housing Land Availability
HP4 – Settlement Development Boundaries and Capacities
HP5 – Residential Developments
HP6- Dwellings in the Open Countryside
HP14 – Sustainable Housing
TR2 – Tourist Attractions
DC1 – Accessibility
DC3 – External Lighting
DC8 – Public Water Supply
DC9 – Protection of Water Resources
DC10 – Mains Sewage Treatment
DC13 – Surface Water Drainage

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 partially within the settlement development limits of Rhayader and partially outside within the open countryside. On this basis, the proposal constitutes a departure from the adopted Powys Unitary Development Plan.

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

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

Sustainability

Given the noted proximity to the settlement and its good facilities, future occupiers would have good access to existing facilities and amenities. The site is therefore considered to be sustainable.

Siting, Design and Scale

Policy GP1 and HP5 of the Powys UDP provides general development guidance and includes overarching principles which seek to safeguard the character and appearance of existing buildings and surrounding area whilst further ensuring that development proposals do not adversely affect the environment, highway safety or the amenities enjoyed by occupants of neighbouring residential properties. These requirements must be satisfied if a proposal is to be considered appropriate in general terms.

The proposed dormer comprises of a three storey dwelling. The scale and proportion of the proposed development is considered appropriate relative to other dwellings in close

proximity. Due to the cross-fall of the site falling 2.8 metres from the north of the proposed site to the south of the site, the lower ground floor will not be visible from the front elevation of the property.

It is considered that the design of the dormer is in-keeping with the surrounding area and is therefore considered to be of a suitable design. It is indicated that the building will be constructed from brickwork and coloured render to match the neighbouring dwellings. The roof of the proposed dormer will be finished in natural slate roof tiles and the windows will be finished in dark grey UPVC. The proposed materials chosen are considered to be in keeping with the adjacent property which will assist in assimilating the proposed dwelling into its local setting.

All existing boundary hedges and walled frontages will be retained as part of the development proposal helping to reduce the visual impact of the development on the surrounding area.

In light of the above, it is not considered that the proposed development will have an unacceptable adverse impact on existing character and appearance and therefore is considered to be in accordance with policies HP5 and GP1 of the Powys UDP.

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). The proposed dwelling will be sited adjacent to the existing dwelling on the site with the proposed dormer to be set back slightly from the existing building line established by the existing dwelling.

The proposed windows on the west elevation will be a garage window and a stair landing window on the ground floor, the proposal does not include any first floor windows on the west elevation. These rooms are not considered to be habitable rooms and therefore the proposed dwelling will not impact on the amenities or privacy of the existing dwelling.

The residential estate of Bryn Gwy is to the north of the site, the nearest property in this direction is approximately 39 metres away. The property is located the other side of the A470 to the proposed site, due to the distance and position of this property, it is not considered that the proposed development will affect the amenity of this property.

Having carefully considered the proposed development, it is considered that the scheme fundamentally complies with the above UDP policies and the Powys Residential Design Guide.

Highways

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

Access is gained off the A470 trunk road, Welsh Government Transport were consulted and requested that permission is withheld until further notice while additional information is sought

from the applicant. Welsh Government Transport required drawings showing visibility splays gradient and surfacing type of the access and also details of any gates to be installed.

Additional plans were submitted to Welsh Government Transport and they recommended the inclusion of a number of conditions to any permission granted to maintain the safety and free flow of trunk road traffic.

The improvements to the original access will include visibility splays at 90m x 2.4m in each direction and the removal of the existing gates. The application site also includes the provision of adequate parking and turning space for 2 vehicles. The Powys Highway Authority have confirmed in light of the amended plans that they also have no objections to the proposed development.

In light of the above and subject to the proposed conditions, it is therefore considered that the proposed development fundamentally complies with relevant planning policy.

Biodiversity

The Ecology officer highlighted that no ecological information has been submitted with the application. Aerial imagery indicates that the development site is currently well maintained residential garden consisting of a mixture of lawn, planting beds and shrubs. The garden is bordered to the south and east by mature tree lines. It is noted that no mature vegetation removal is anticipated for the proposed development.

The Ecologist noted that there are historical records of otters and bat species within 2km of the development site, but none within its immediate vicinity.

The Ecologist recommended the inclusion of a number of conditions referring to a Biodiversity Enhancement Plan, a Tree and Hedgerow Protection Plan and a lighting design scheme.

Subject to the recommended conditions it is therefore considered that the proposed development subject to appropriately worded conditions fundamentally complies with relevant planning policy.

Town Council

Concerns have been expressed by Rhayader Town Council over a footpath to the east of the application site where access can be gained to the playing fields to the south of the application site.

Having consulted the definitive map it is noted that the footpath is not a registered public right of way footpath. However, it is noted that the footpath will remain and will not be affected by the proposed development.

Other Legislative Considerations

Crime and Disorder Act 1998

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

Equality Act 2010

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

Having due regard to advancing equality involves:

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

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

Planning (Wales) Act 2015 (Welsh language)

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

Wellbeing of Future Generations (Wales) Act 2015

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

RECOMMENDATION

Having carefully considered the proposed development, Officers consider that the proposal complies with relevant planning policy. Whilst a section of the site departs from the development plan, in this instance the provision of housing is considered to outweigh the plan and therefore justifies the grant of consent as an exception to normal housing policies. The recommendation is therefore one of conditional approval

Conditions

1. The development to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.
2. The development shall be carried out strictly in accordance with the plans stamped as approved on XXXX (drawing no's: Block Plan, 2A. 3, 4, 652/A, 652/B, 653/C and Plan A).
3. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.
4. All works and ancillary operations which are audible at the site boundary shall be carried out only between the following hours 08.00 - 18.00hrs on weekdays and 08.00 - 13.00hrs on Saturdays and not at any time on Sundays, Bank or Public Holidays.
5. Prior to the commencement of development a scheme for the provision of surface water drainage works shall be submitted to and approved in writing by the Local Planning Authority. Development thereafter shall be implemented as approved prior to the first use of the dwelling.
6. Prior to the commencement of the development the access shall be completed in accordance with the details shown in drawing no 652/A, 652/B, 653/C and Plan A and retained for as long as the development remains in existence.
7. The 90 metre visibility splays (in each direction) shown on plan no Plan A, 652/ B, 652/C, 653/C shall be maintained free of any obstruction for as long as the development exists. The visibility distances shall be available at point 2.4 metres from the running edge of the trunk road, measured along the centreline of the access road.
8. No development shall commence, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - v) wheel washing facilities;
 - vi) measures to control the emission of dust and dirt during demolition and construction.

9. No surface water drainage from the development site shall be connected to or allowed to discharge onto the trunk road drainage system.
10. Prior to commencement of development, a Biodiversity Enhancement Plan shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the Local Planning Authority.
11. 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.
12. Prior to the first installation of any external lighting, a lighting design scheme to take any impacts on nocturnal wildlife into consideration shall be submitted for written Local Planning Authority approval. Development thereafter shall be implemented in accordance with the details as approved.
13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013, (or any Order revoking and re-enacting that Order) no extensions to the dwelling or alterations to the roof (including the introduction of roof lights or dormers), or the erection of garages or sheds shall be undertaken without the prior express consent of the local planning authority.

Reasons

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
3. To prevent 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.
4. To safeguard the amenities of the locality in accordance with policy GP1 of the Powys Unitary Development Plan.
5. To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal in accordance with policies GP1 and DC13 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.

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

11. 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.

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

13 In order to control further development which has the potential to have adverse effects on privacy and/or amenity in contradiction to policy GP1 of the Powys Unitary Development Plan.

Informative Notes

Ecology

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.

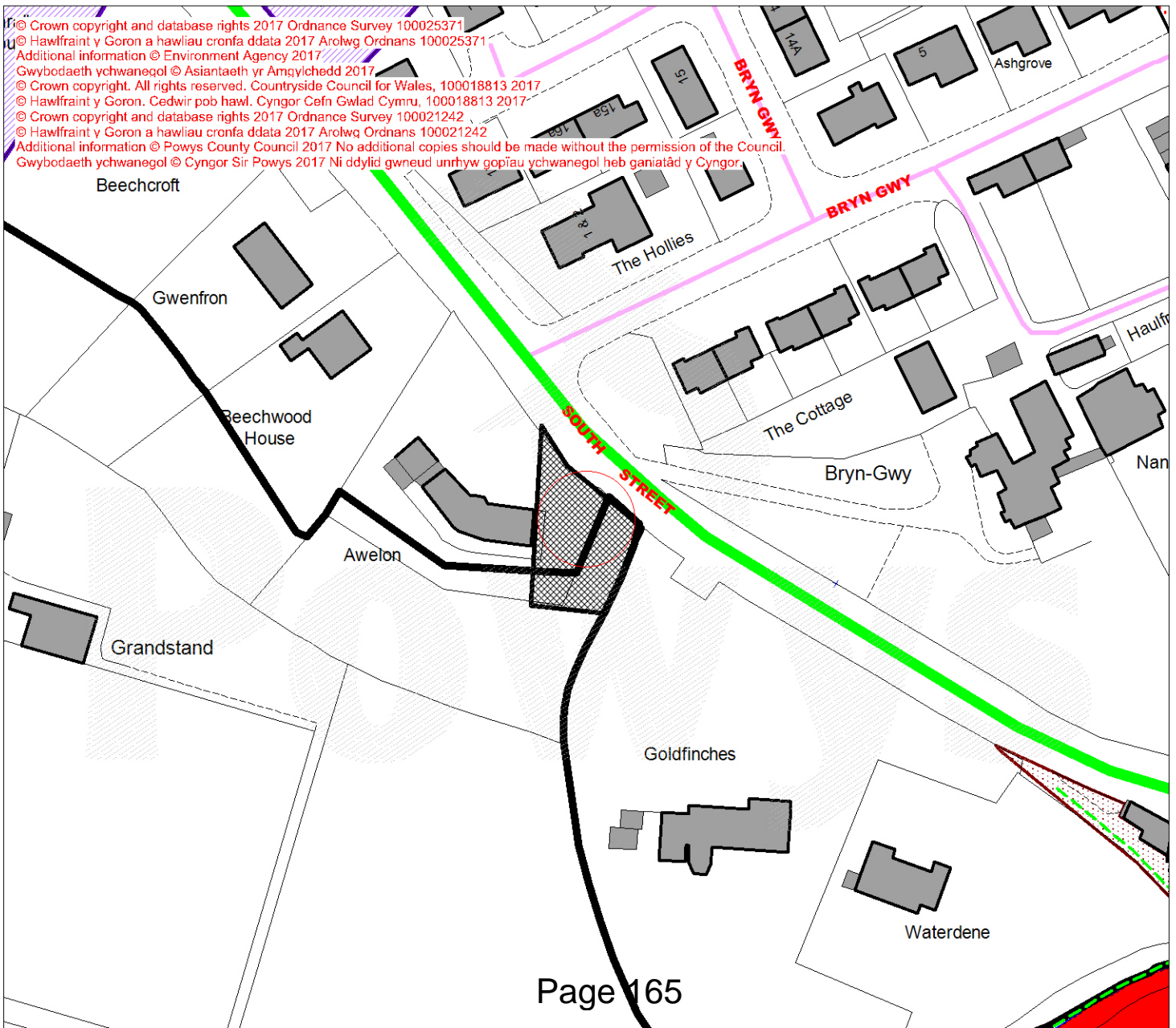
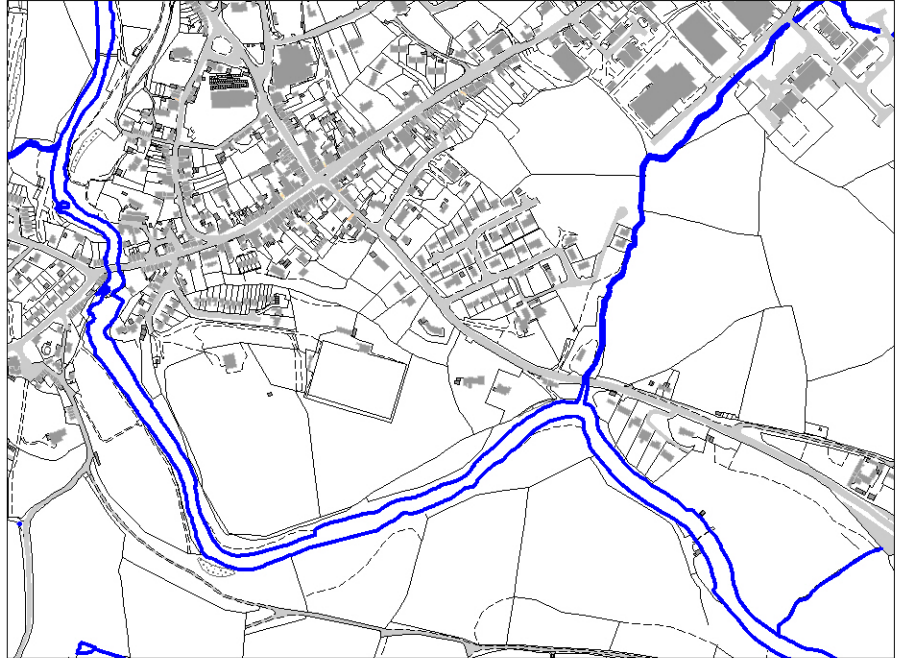
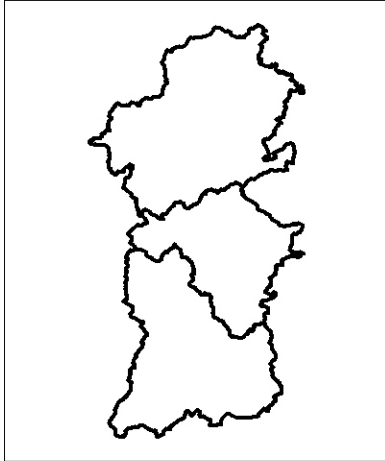
The maximum penalty that can be imposed - in respect of a single bird, nest or egg - is a fine of up to 5,000 pounds, six months imprisonment or both.

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.

Susan Bolter
Pennaeth Adfywio, Eiddo a Chomisiynu/
Head of Regeneration Property & Commissioning
**Adfywio, Eiddo a Chomisiynu/
Regeneration, Property and Commissioning**

Applicant: Mrs Rita Lawrence

Location: Awelon, South Street, Rhayader



This page is intentionally left blank

PCC - Highways

Does not wish to comment on the application

PCC Property

With regards to P/2017/0130 the agents have now targeted the agricultural sector by advertising in the agricultural sections of the local paper and on uklandandfarms.co.uk (although the adverts are basic) therefore if you are content that the appropriate time scales have been met for advertising, the property has been appropriately marketed.

Cllr Tim Van-Rees

Requires the application to be called in.

Representations

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

Planning History

B/01/0302 - Erection of new dwelling – Conditional Consent

B/96/0182 - Outline application for a dwelling – Conditional Consent -12/06/1998

P/2016/0196 - Section 73 application to remove condition 3 of permission B/96/0182 relating to occupancy restrictions – Application Withdrawn

Principal Planning Constraints

None

Principal Planning Policies

National Planning Policy

Planning Policy Wales (Edition 9, November 2016)

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

Technical Advice Note (TAN) 2: Planning and Affordable Housing (2006)

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

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

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

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

Local Planning Policies

Powys Unitary Development Plan (2010)

GP1 – Development Control
GP3 – Design and Energy Conservation
GP4 – Highway and Parking Requirements
GP6 – Conversion of Buildings in the Countryside
ENV2 – Safeguarding the Landscape
ENV3 – Safeguarding Biodiversity and Natural Habitats
HP3 – Housing Land Availability
HP4 – Settlement Development Boundaries and Capacities
HP5 – Residential Developments
HP6 – Dwellings in the Open Countryside
HP9 – Affordable Housing in Rural Settlements
HP10 – Affordability Criteria
HP14 – Sustainable Housing

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

UDP policy HP6 relates to dwellings in the open countryside. HP6 states that the removal of an occupancy condition or planning obligation will only be considered on the basis of realistic assessments of the continuing need for its retention and where genuine but unsuccessful attempts have been made to market the dwelling in connection with the existing use for a period of at least 12 months at a price that realistically reflects the existence of the occupancy condition.

Condition 3 of the permission B96/0182 states:

“The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants.”

Reason: The dwelling is proposed for a site where a dwelling would not normally be permitted other than for agricultural or forestry purposes, and to ensure that the dwelling is available to meet the special needs of agriculture or forestry.”

Information submitted in support of the application demonstrates that the property has been marketed at various locations for the required time period as stated within policy HP6.

Powys County Council's Property department has been consulted on the proposed development. The Officer has stated that the proposed development has now been marketed within the agricultural press as well as Rightmove and the Local Press. The property has been advertised in excess of 12 months. The property has been marketed at £450,000, James Dean Estate Agents have stated that a realistic asking price for this property without the occupancy restriction would be marketed in the region of £625,000. Despite the property being marketed for in excess of 12 months no offers have been made.

Given that the property has been appropriately marketed for a continuous period exceeding 12 months, it is considered that there has been a genuine but unsuccessful attempt at marketing the dwelling. It is therefore considered that the proposed development satisfies the requirements of HP6 and therefore Condition 3 of the B/96/0182 application can be removed.

Section 106 Agreement

The original planning application (B/96/0182) also had a Section 106 Agreement which ties the agricultural dwelling to the land forming the agricultural holding. In determining a Section 73 application consideration must be given to the planning obligation that was originally applied to the consent.

It is no longer the practice to tie agricultural dwellings to the holding as it is considered that the rural enterprise dwelling condition is appropriate. As it is clear that unsuccessful efforts have been made to secure a future owner who meets the planning condition it would be unreasonable to re-issue the Section 106 Agreement tying the dwelling to the land.

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.

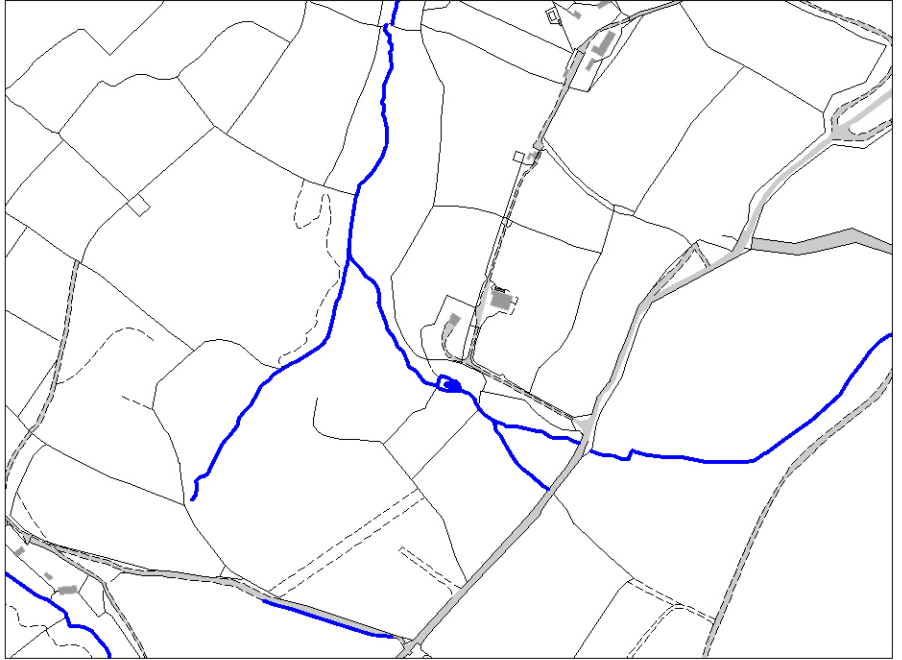
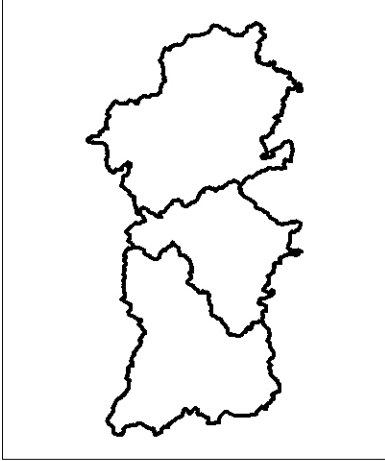
Recommendation

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 consent.

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

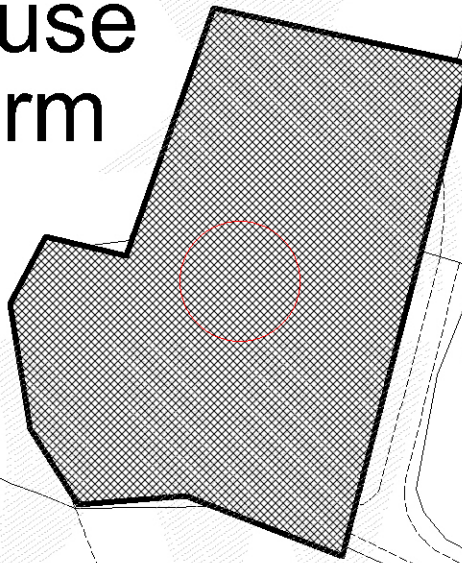
Susan Bolter
Pennaeth Adfywio, Eiddo a Chomisiynu/
Head of Regeneration Property & Commissioning
**Adfywio, Eiddo a Chomisiynu/
Regeneration, Property and Commissioning**

Applicant: Mr Peter Smith & Mrs Lisa
O'Neil Smith
Location: Oak House Farm, Tirabad,
Llangammarch Wells



© Crown copyright and database rights 2017 Ordnance Survey 100025371
© Hawffraint y Goron a hawliau cronfa ddata 2017 Arolwg Ordans 100025371
Additional information © Environment Agency 2017/
Gwybodaeth ychwanegol © Asiantaeth yr Amgylchedd 2017
© Crown copyright. All rights reserved. Countryside Council for Wales, 100018813 2017
© Hawffraint y Goron. Cedwir pob hawl. Cyngor Cefn Gwlad Cymru, 100018813 2017
Additional information © Powys County Council 2017 No additional copies should be made without the permission of the Council.
Gwybodaeth ychwanegol © Cyngor Sir Powys 2017 Ni ddylid gwneud unrhyw gopïau ychwanegol heb ganiatâd y Cyngor.

Oak
House
Farm



Pond

- Flood Zone
- Pipeline buffer
- Historic Landscapes Register

Principal Planning Policies

National Planning Policy

- Planning Policy Wales (Edition 9, 2016)
- Technical Advice Note 5: Nature, Conservation and Planning (2009)
- Technical Advice Note 11: Noise (1997)
- Technical Advice Note 12: Design (2016)
- Technical Advice Note 15: Development and Flood Risk (2004)
- Technical Advice Note 16: Sport, Recreation and Open Space (2009)
- Technical Advice Note 18: Transport (2007)
- Technical Advice Note 23: Economic Development (2014)

Local Planning Policies

- SP2- Strategic Settlement Hierarchy
- SP3- Natural, Historic and Built Heritage
- SP9- Local Community Services and Facilities
- 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
- ENV14- Listed Buildings
- ENV16-Landscapes, Parks and Gardens of Special Historic Interest
- ENV17- Ancient Monuments and Archaeological Sites
- CS4- Shared Use of Educational Premises for Community Purposes
- CS5- Educational Developments
- RL6 - Rights of Way and Access to the Countryside
- DC1 - Access by Disabled Persons
- DC10- Mains Sewage Treatment
- DC13- Surface Water Drainage
- DC14- Flood Prevention Measures
- DC15- Development on Unstable or Contaminated Land
- 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

Section 96A of the Town and Country Planning Act 1990 allows a non-material amendment to be made to an existing planning permission. There is no statutory definition of a 'non-material amendment', the assessment of which depends on a number of factors such as the context of the overall scheme, the amendments being sought to the original planning permission, the specific circumstances of the site and surrounding areas which varies case by case.

In deciding whether or not a proposed change is non-material, consideration should be given to the effect of the change, together with any previous changes made to the original planning permission. In assessing and determining whether or not a proposed change would qualify as a non-material amendment, Welsh Government guidance indicates that Local Planning Authorities may wish to consider the following key issues.

Is the scale of the proposed change great enough to cause an impact to that caused by the original approved development scheme?

Consent is now sought for the following amendments:

- Moving the north western boundary towards the school building
- Amendment to the multi-use games area/ soft play area

It is noted that the works proposed have come forward due to the amount of land available following the purchase of the adjoining land was less than originally anticipated. Whilst moving of the north western boundary reduces the scale of the development site it does not affect the overall location of the proposed school but includes amendments to some of the games areas surrounding the site.

It is considered that these amendments neither alter the site infrastructure or access road as previously approved and therefore is not considered to cause an impact greater than those previously approved by the planning application.

Would the proposed change result in a detrimental impact either visually or in terms of local amenity?

The amended plan includes the north western boundary being moved towards the school building, whilst to accommodate this amendment the site has been reconfigured there are no additional features to those as previously approved.

It is therefore considered that the proposed changes will not result in a detrimental impact either visually or in terms of local amenity.

Would the interest of any third party or body be disadvantaged in planning terms?

Whilst changes will be made to the site boundary there are no proposed changes to the positioning of the existing school building and road layout. Therefore, it is considered that no third party bodies, statutory or otherwise would be disadvantaged by the amendments proposed.

Would the proposed change conflict with national or development plan policies?

In light of the above and given the minor nature of the proposed amendments, it is therefore considered that there would be no change or conflict with either national or development plan policies.

Crime and Disorder Act 1998

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

Equality Act 2010

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

Having due regard to advancing equality involves:

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

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

Planning (Wales) Act 2015 (Welsh language)

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

Wellbeing of Future Generations (Wales) Act 2015

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

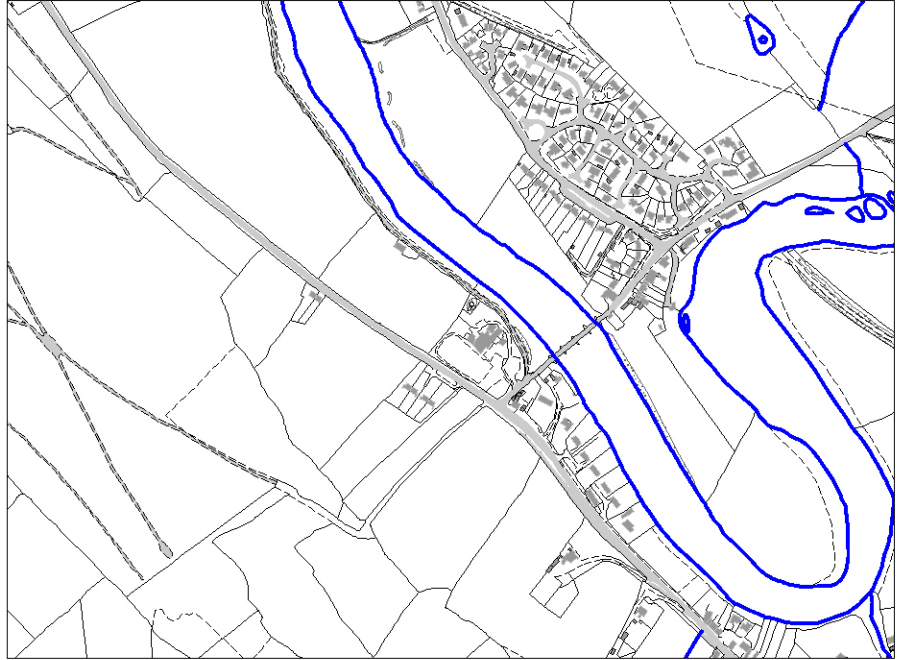
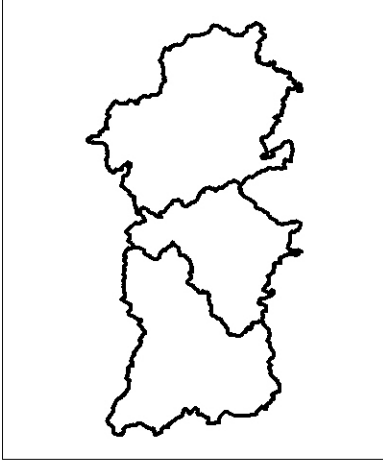
DECISION

In light of the above considerations, the proposed changes to the original permission are considered to be non-material. The recommendation is one of approval.

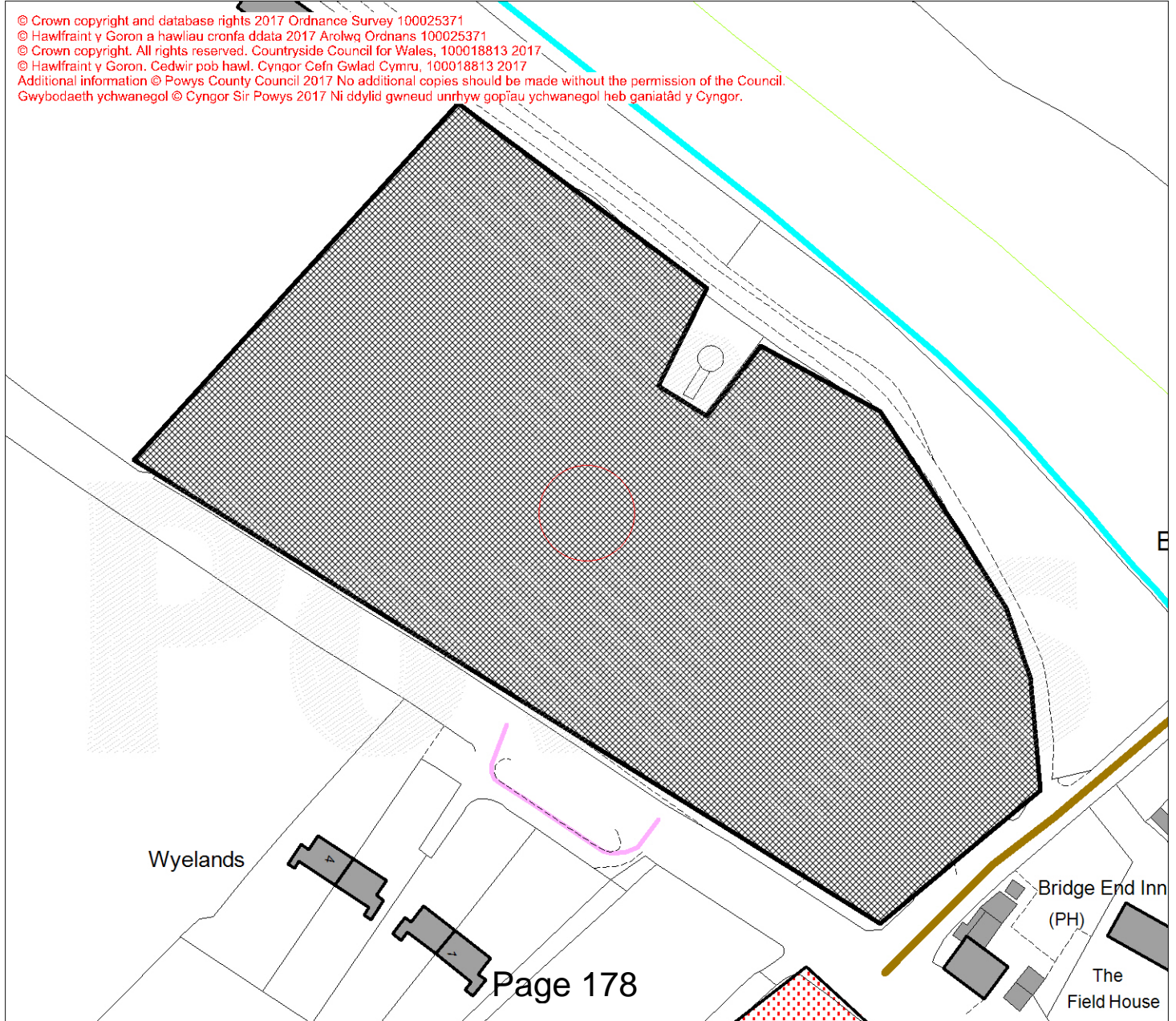
Case Officer: Gemma Bufton- Principal Planning Officer
Tel: 01597 827505 E-mail: gemma.bufton1@powys.gov.uk

Susan Bolter
Pennaeth Adfywio, Eiddo a Chomisiynu/
Head of Regeneration Property & Commissioning
**Adfywio, Eiddo a Chomisiynu/
Regeneration, Property and Commissioning**

Applicant: Education Dept,
Powys County Council
Location: Archdeacon Griffiths Primary
School, Llyswen



© Crown copyright and database rights 2017 Ordnance Survey 100025371
© Hawffraint y Goron a hawliau cronfa ddata 2017 Arolwg Ordnans 100025371
© Crown copyright. All rights reserved. Countryside Council for Wales, 100018813 2017.
© Hawffraint y Goron. Cedwir pob hawl. Cyngor Cefn Gwlad Cymru, 100018813 2017
Additional information © Powys County Council 2017 No additional copies should be made without the permission of the Council.
Gwybodaeth ychwanegol © Cyngor Sir Powys 2017 Ni ddylid gwneud unrhyw gopïau ychwanegol heb ganiatâd y Cyngor.





Delegated List

29/03/2017

10/04/2017

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/2014/1080 REM	24/10/2014	REFUSE	30/03/2017	Section 73 application to remove Conditions 3,4 and 5 (Code for Sustainable Homes) attached to planning permission P/2010/1248	Plot 14 Penegoes Pencaemawr Machynlleth SY20 8BP
P/2014/1083 REM	23/10/2014	REFUSE	30/03/2017	Section 73 application to remove Conditions 3,4 and 5 (Code for Sustainable Homes) attached to planning permission P/2012/1405	Land at Hengoed Newtown Road Machynlleth SY20 8HB

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2014/1130 FULL	03/11/2014	REFUSE	30/03/2017	Full: Conversion of barn into garage and storage facilities including demolition of one section and re-building and change of use of adjoining barn to garages and storage facilities	Barn at Rhydlyddan Aberhafesp Newtown SY16 3HP
P/2016/1134 FULL	15/11/2016	CONSENT	30/03/2017	Change of use of land to site 10 camping pods, utility block, communal shelter, improvements to existing access and all associated works	Nant Yr Onnen Llangammarch Wells LD4 4EP
P/2016/1284 LBC	15/12/2016	REFCADW	30/03/2017	Listed Building Consent: Demolition of single storey extension and outbuildings and replacement with new single storey extension	Rock Farm The Rock Llanllwchaiarn Newtown SY16 3BH
P/2017/0069 FULL	02/02/2017	CONSENT	30/03/2017	Full: Change of use of land to site a mobile home for holiday use	Lower Nantserth Caravan Lower Nantserth Rhayader LD6 5LD
P/2017/0079 FULL	23/01/2017	REFUSE	30/03/2017	Full: Change of use from part of existing clubhouse to manager's accommodation (part retrospective)	Riverside International Caravan Park & Leisure Centre Bronllys Brecon LD3 0HL

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/0112 HOUS	26/01/2017	CONSENT	30/03/2017	Householder: Erection of two storey extension	Ty Mawr Dolanog Welshpool SY21 0LS
TEL/2017/0003 TELE	03/02/2017	PP NOTNEEDED	30/03/2017	Tel: Erection of 15m lattice mast and associated development	land at Manor House Meifod SY22 6BT
P/2017/0153 HOUS	06/02/2017	CONSENT	30/03/2017	Householder: Erection of single storey rear extension (retrospective)	4 Treganol Adfa Newtown SY16 3DW
P/2017/0161 FULL	07/02/2017	CONSENT	30/03/2017	Full: Erection of a building for warehouse use (class B8)	Technocover Ltd Unit C Henfaes Lane Welshpool SY21 7BE
P/2010/1383 REM	03/12/2010	CONSENT	31/03/2017	Variation of Condition: Variation of condition 1 of PR875/14 to extend the time limit for submission of reserved matters and commencement of development by three years	Land at Tir Gaia East Street Rhayader LD6 5DY

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2016/1059 FULL	13/10/2016	CONSENT	31/03/2017	Retrospective planning application for the installation of a container drier and separator	Glanmeheli Farm Kerry Newtown SY16 4LN
P/2017/0155 FULL	06/02/2017	CONSENT	31/03/2017	FULL: Erection of agricultural storage building	Newmead Disserth Builth Wells LD2 3TG
P/2014/0207 LBC	04/04/2014	REFUSE	03/04/2017	Listed Building Consent: Internal and external alterations	Brook House Leighton Welshpool SY21 8HJ
P/2017/0169 OUT	07/02/2017	REFUSE	03/04/2017	Outline: Residential development for up to 9 dwellings, alterations to existing vehicular access and roadway, formation of estate road, new church car park and all associated works	Land opposite St. Gwynog's Church Aberhafesp Newtown
P/2017/0177 OUT	10/02/2017	REFUSE	03/04/2017	Outline - Erection of a detached dwelling, formation of vehicular access and all associated works	Land at Rhallt Field Buttington Rhallt Lane Welshpool SY21 9JP

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/0199 FULL	20/02/2017	CONSENT	05/04/2017	Full: Erection of an agricultural building and ancillary works	Hafod Llaithddu Llandrindod Wells LD1 6YS
P/2017/0126 OUT	06/02/2017	CONSENT	06/04/2017	Outline - Erection of detached dwelling	Land at Rock Farm Llanllwchain Newtown SY16 3BH
P/2017/0187 HOUS	13/02/2017	CONSENT	06/04/2017	Householder: Erection of extension	Ger-y-waun Carno Caersws SY17 5JR
P/2017/0152 FULL	14/02/2017	CONSENT	10/04/2017	Full: Installation of two above ground water tanks and a pump house	Royal Welsh Showground Llanelwedd Builth Wells LD2 3SY
P/2017/0223 REM	27/02/2017	CONSENT	10/04/2017	Section 73: Removal of condition 4 of planning approval P/2016/0263	Land at Argoed Barns Talachddu Brecon LD3 0UG

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/0322 CLA2	24/03/2017	PP NEEDED	10/04/2017	Section 192 application for proposed use - Erection of garden room/home office	Peachwood Abermule Montgomery SY15 6JL