



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

*2<sup>nd</sup> 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.

*22<sup>nd</sup> 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

*21<sup>st</sup> 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](http://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.

*2<sup>nd</sup> 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 300m<sup>2</sup> 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

*9<sup>th</sup> 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](mailto:NorthandMidWalesDevelopmentControlMailbox@Wales.GSI.Gov.UK).

*5<sup>th</sup> 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](mailto: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](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](mailto:NorthandMidWalesDevelopmentControlMailbox@Wales.GSI.Gov.UK).

**PCC – Ecologist**

Planning Application Reference	P/2017/0173
Project Name / Description	for Full: Proposed dormer <a href="#">dwelling at Awelon South Street Rhayader Powys</a>
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 <sup>1</sup>	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 <sup>2</sup>	<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 <sup>3</sup>	<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>
<b>Recommended Conditions</b>	<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><b>Reason:</b> 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><b>Reason:</b> 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><b>Reason:</b> 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><b><u>Informatives</u></b></p> <p><b>Birds - Wildlife and Countryside Act 1981 (as amended)</b></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"> <li>• intentionally kill, injure or take any wild bird</li> <li>• intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built</li> <li>• intentionally take or destroy the egg of any wild bird</li> <li>• <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.</li> </ul> <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>
<b>Relevant UDP Policies</b>	<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

