

Planning, Taxi Licensing and Rights of Way Committee Update Report

Application No:	P/2016/0719	Grid Ref:	321782.49 320221.57
Community Council:	Llansantffraid	Valid Date:	Officer: 26/07/2016 Kate Bowen
Applicant:	Mr R Roberts, Messrs Roberts, Land adj to Dyffryn Foel, Llansantffraid, Powys, SY22 6DG		
Location:	Land adj to Dyffryn Foel, Llansantffraid, Powys, SY22 6DG		
Proposal:	An outline application for the erection of 16 no. dwellings and all associated works with all matters reserved		
Application Type:	Application for Outline Planning Permission		

Reason for Update Report

It was resolved at the Planning, Taxi Licensing & Rights of Way Committee on 15th December 2016 that application P/2016/0719 be granted consent, subject to the conditions set out in the report (attached as appendix A to this report) and subject to the applicant entering into a Section 106 agreement to secure the following:

- Provision of affordable housing;
- A management agreement for on-site open space/play area (to secure provision, retention and maintenance); and
- Education contribution.

Following this resolution, amended plans have been received. The amended plans principally alter the application site area as denoted by the red line to enable vehicular access off the A495 highway (west of site) rather than through the residential housing estate of Dyffryn Foel (north of site) as previously proposed. The proposed number of dwellings remains 16 but with the layout amended. The mix dwelling sizes remains the same. A full reconsultation has been issued with additional comments included below as well as consideration of the amendment within the Officer Appraisal section of the report.

Consultee Response

The following additional consultee responses have been received following reconsultation:

PCC Highway Authority

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

HC2 The gradient of the access shall be constructed so as not to exceed 1 in 30 for the first 10 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.

HC3 The centre line of the first 10 metres of the access road measured from the edge of the adjoining carriageway shall be constructed at right angles to that edge of the said carriageway and be retained at that angle for as long as the development remains in existence.

HC4 Within 5 days from the commencement of the development the access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 43 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

HC7 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 10 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

HC9 Prior to the occupation of any of the dwellings, provision shall be made within the curtilage of the site for the parking of not less than one car per bedroom excluding any garage space provided. The parking areas shall be retained for their designated use in perpetuity.

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

HC11 Within 5 days from the commencement of the development provision shall be made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of 0.4 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.

HC12 The width of the access carriageway, constructed as Condition HC7 above, shall be not less than 5.5 metres for a minimum distance of 10 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.

HC13 Prior to the occupation of the development a radius of 10 metres shall be provided from the carriageway of the county highway on each side of the access to the development site and shall be maintained for as long as the development remains in existence.

HC14 Any internal side-road junctions shall have a corner radii of 6 metres.

HC15 The centre line radii of all curves on the proposed estate road shall be not less than 20 metres.

HC19 No building shall be occupied before the estate road carriageway and one footway shall be constructed to and including binder course level to an adoptable standard including the provision of any salt bins, surface water drainage and street lighting in front of that building and to the junction with the county highway.

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

HC21 Prior to the occupation of any of the dwellings the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 10 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.

HC22 Within 5 days from the completion of the new access in accordance with condition HC7 any existing means of access shall be stopped up, in materials to be agreed in writing by the Local Planning Authority and this shall be retained for as long as the development is in existence.

HC31 The area of each private drive and any turning area is to be metalled and surfaced in bituminous macadam, concrete or block pavements, prior to the occupation of that dwelling and retained for as long as the development remains in existence.

HC32 No storm water drainage from the site shall be allowed to discharge onto the county highway.

PCC Building Control

Building Regulations application required.

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.

Severn Trent Water

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

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

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

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

PCC Ecologist

Ecological Topic		Observations
EIA Screening Requirement	No	
Protected Species & Habitats¹	European Species	<p><input checked="" type="checkbox"/> The Ecological Report by Arbor Vitae Environment (04/07/16) concluded following the site visit that there was no evidence of Great Crested Newts. It was found that the hedgerows and trees could be used by foraging and commuting bats and nesting birds. Recommendations in Section 6 of the Ecology Report include a Lighting plan, bat boxes and enhancement planting of a belt of trees and shrubs along site boundary at its western end and along former railway track to provide increased habitat connectivity.</p> <p>NRW consultation response 15.08.16 impose two conditions on the scheme: Condition 1; To protect bats from light disturbance and to create ecological enhancements, recommendations from Section 6 of the ecological report should be implemented and included in the detailed design.</p> <p>Condition 2; To preserve flight lines and particularly</p>

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

		the retention of trees along the railway, appropriate root protection zones must be identified and fenced off during construction to avoid damage to retained trees. This would guarantee the retention of these valuable wildlife corridors.
	UK Species <input type="checkbox"/>	The Ecological Report by Arbor Vitae Environment (04/07/16) concluded that there was no evidence of badgers at this site. Although disturbance to breeding birds will be negligible, the ecological report recommended that the opportunity is taken to improve the habitat for birds. This can readily be achieved through installation of nest boxes in the trees along the edge of the site.
	Sect. 42 Species & Habitat <input type="checkbox"/>	See Protected Species above.
	LBAP Species & Habitat <input type="checkbox"/>	See Protected Species above.
Protected Sites	International Sites (within 2km) ² <input type="checkbox"/>	There are no International Protected Sites within the 2km search area.
	National Sites (within 500m) ³ <input type="checkbox"/>	There are no National Sites within the 500m search area.
	Local Sites (within 500m) <input type="checkbox"/>	There are no Local Protected Sites within the 500m search area.
Invasive Non-Native Species	No	The report by Arbor Vitae Environment did not identify any invasive species on the site.
Cumulative Effect	Unknown / Unconfirmed	
Summary of recommendations / further assessment or work		
Recommended Conditions		Should you be minded to approve this application, I recommend the inclusion of the following conditions: <i>The recommendations in Section 6 of the Ecological Report Arbor Vitae Environment 04/07/16 regarding Bats, Hedgerows Breeding Birds lighting, and</i>

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

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

	<p><i>Ecological enhancement 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>Prior to commencement of development, a detailed Ecological Enhancement Plan, Lighting Plan, Hedgerow and Tree Protection Plan and Planting 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>
Relevant UDP Policies	<p>Environmental Impact Assessment SP3 Natural, Historic and Built Heritage ENV 2: Safeguard the Landscape ENV 3: ENV 3: Safeguard Biodiversity and Natural Habitats ENV 7: Protected Species TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.</p>
Comments on Additional Information	<p>Additional Information:</p> <p>An amended location plan (Location plan RPP/RC-JOB33-01, Version B) has been submitted indicating that the site entrance has been repositioned to the west of the site rather than the north which would require the loss of a section of hedgerow. There is also a mature tree in the corner of the plot which may need to be felled and which could have potential as a bat tree roost.</p> <p>If possible it is recommended that this mature tree should be retained and protected from damage during construction works via the implementation of a tree protection plan in accordance with BS5837:2012.</p>

Bat tree-roosts are extremely difficult to identify, and it should be assumed that any mature native-species tree is an actual roost. Should the tree discussed above need to be felled it is recommended that the applicant and contractors be informed of the possibility of encountering bats unexpectedly during tree works. If bats are encountered on site works should stop immediately and NRW should be contacted.

As a precaution it is recommended that the following sensitive felling procedure be implemented to minimise disturbance to bat populations.

- Where tree felling or lopping is planned, such work should only be carried out between September and February to avoid the bird-breeding season.
- If the tree trunk is smaller than 200mm diameter **and** if it has no dense ivy, suitable holes, loose bark, and no holes associated with the root system, work can be carried out on the tree between September and February (ie avoiding the bird breeding season).
- To avoid disturbing nursery roosts, work will **never** be carried out between June and August inclusive.
- If the tree does have any of the features listed above or has a trunk size greater than 200mm, it should only be cut **only** in September and October when bats, including young are still mobile and able to fly-out.
- Any timber cut should be left lying on the ground for at least 24 hours to allow bats the opportunity to escape.
- Where the loss of mature trees is unavoidable, compensatory planting with appropriate locally native species, preferably of local provenance, should be undertaken.

As mitigation for the loss of this mature tree, three additional bird and bat boxes on or near the site should be incorporated into the Ecological Enhancement plan which shall be submitted and agreed by the Local Planning Authority before commencement of the scheme.

It would seem likely that the creation of the new access point would require the removal of sections of hedgerow. I suggest that any removed hedgerow is

	<p>translocated to areas within the development site instead of buying and planting new stock.</p> <p>If translocation is not feasible the Ecological Enhancement plan should also consider opportunities for new hedgerow and tree planting as landscaping within the development and a locally-occurring, native species list will be required for approval by the local planning authority.</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 Schedule1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird. <p>The maximum penalty that can be imposed - in respect of a single bird, nest or egg - is a fine of up to 5,000 pounds, six months imprisonment or both.</p> <p>The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built, (usually between late February and late August or late September in the case of swifts, swallows or house martins). If a nest is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.</p> <p>Bats - Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended)</p> <p>It is an offence for any person to:</p> <ul style="list-style-type: none"> • Intentionally kill, injure or take any bats.
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	<ul style="list-style-type: none"> Intentionally or recklessly damage, destroy or obstruct access to any place that a bat uses for shelter or protection. This is taken to mean all bat roosts whether bats are present or not. <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>
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Public Representations

No additional public representations have been received as a result of the reconsultation.

Principal Planning Policies

National Planning Policy

Planning Policy Wales (9th Edition, 2016)

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

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

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

Technical Advice Note 12 - Design (2016)

Technical Advice Note 15 - Development in Flood Risk Areas (2004)

Technical Advice Note 18 – Transport (2007)

Technical Advice Note 23 - Economic Development (2014)

Local Planning Policy

Unitary Development Plan for Powys (2010)

UDP SP2 - Strategic Settlement Hierarchy

UDP SP3 - Natural, Historic and Built Environment

UDP SP4 - Economic Development and

UDP SP5 - Housing Development

UDP SP6 - Development and Transport

UDP SP9 – Local Community Services and Facilities
 UDP SP14 - Development in Flood Risk Areas
 UDP GP1 - Development Control
 UDP GP2 – Planning Obligations
 UDP GP3 - Design and Energy Conservation
 UDP GP4 - Highway and Parking Requirements
 UDP ENV1 - Agricultural Land
 UDP ENV2 - Safeguarding the Landscape
 UDP ENV3 - Safeguarding Biodiversity and Natural Habitats
 UDP ENV7 – Protected Species
 UDP HP3 - Housing Land Availability
 UDP HP4 - Settlement Development Boundaries and Capacities
 UDP HP5 - Residential Development
 UDP HP6 - Dwellings in the Open Countryside
 UDP HP7 - Affordable Housing within Settlements
 UDP HP8 - Affordable Housing Adjoining Settlements with Development Boundaries
 UDP CS3 – Additional Demand for Community Facilities
 UDP T2 - Traffic Management
 UDP TR2 - Tourist Attractions and Development Areas
 UDP DC8 – Public Water Supply
 UDP DC9 – Protection of Water Resources
 UDP DC10 - Mains Sewerage Treatment
 UDP DC13 - Surface Water Drainage
 DC15 – Development on Unstable or Contaminated Land

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

Powys Residential Design Guide

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

Officer Appraisal

Outline Application

The application is for outline consent with all matters reserved. Should permission be granted, all reserved matters (access, appearance, landscaping, layout and scale) will form separate applications for consideration at a later date. The principle of accessing the site is required to be considered at the outline stage and therefore the amended access point onto the A495 highway will be discussed below.

Design and layout

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

Whilst design and layout are reserved and will be dealt with at a later point in time, it is relevant to consider whether the number of dwellings proposed could be appropriately developed on the site. The number of dwellings proposed has not been altered at 16 and overall as originally proposed a mix of two, three and four bedroom properties over two storeys are detailed within the scheme and this is considered to be appropriate.

Impact on residential amenity

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

Although layout is a reserved matter, consideration has been given to the potential separation distances between properties, as well as their siting and orientation as a result of the amendments.

The most sensitive location for the development regarding this matter will be along the southern boundary of the site where it adjoins existing residential developments of Bryn Awelon and Bryn Marian. Both of these dwellings are elevated above the application site but Bryn Marian in particular is orientated towards the proposed development. The indicative layout shows the closest properties orientated so that Bryn Marian will front their flank elevations and the reserved matters application could ensure that these elevations are devoid of windows to avoid overlooking. In addition, the amended indicative layout demonstrates that the garage attached to plot 6 would be approximately 12 metres from Bryn Awelon. The side elevation of plot 16 would be approximately 10 metres from the side elevation of the garage of Bryn Awelon. These distances accord with the advice set out in the residential design guide and it is therefore considered that appropriate levels of privacy could be achieved. The existing properties on Dyffryn Foel are approximately 55 metres from the proposed dwellings which is considered ample separation to ensure that amenity can be maintained.

The layout at this stage is indicative and full consideration of this matter will be given at the reserved matters stage when full details of the scheme will be available. However, it is considered that the proposal is capable of acceding with UDP policy GP1 and the guidance set out in the Powys Residential Design Guide so far as it relates to residential amenity.

Impact on highway network and parking arrangements

UDP Policy GP4 requires adequate highway provision in terms of a safe access, visibility, turning and parking. Access is indicative at this stage but is shown to be provided off the A495 class 1 highway.

The Local Highway Authority is satisfied that the development and access off the A495 highway will not be detrimental to highway safety, subject to the conditions set out within the Highway Authority's response. Access is a reserved matter and full details of the scheme will be considered at the later stage.

Ecology

The amended scheme would require the loss of a section of hedgerow. There is also a mature tree in the corner of the plot which may need to be felled and which could have potential as a bat tree roost. The response on behalf of the Council's Ecologist has recommended that this mature tree should be retained and protected from damage during construction works via conditions and the implementation of a tree protection plan in accordance with BS5837:2012 and an informative attached in respect of the potential for bats. In addition, it is recommended that mitigation and enhancement for the loss of the hedgerow in the form of bird and bat boxes are provided and hedgerow translocation.

Therefore, as concluded within the original report, subject to the use of conditions and additionally informatives, it is considered that the proposal would not unacceptably affect ecological interests.

Other legislation

Crime and Disorder Act 1998

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

Equality Act 2010

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

Having due regard to advancing equality involves:

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

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

Planning (Wales) Act 2015 (Welsh language)

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. This duty has been given due consideration in the determination of this

application. It is considered that there would be no material unacceptable effect upon the use of the Welsh language in Powys as a result of the proposed decision.

Wellbeing of Future Generations (Wales) Act 2015

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

RECOMMENDATION

Although it is noted that the proposed development is a departure from the adopted development plan, considerable weight must be given to the need to increasing housing land supply. The proposed development is for the provision of 16 dwellings in a sustainable location. It is considered that the material consideration of the lack of housing land supply within the county warrants the approval of this development contrary to the provisions of the development plan. Consideration has been given to all material planning matters including the amended access point and indicative layout and it is considered that all issues can be adequately dealt with through the imposition of conditions or through planning obligations.

It is recommended that the amendments to the application be approved subject to the conditions set out below and subject to the applicant entering into a Section 106 agreement to secure the following:

- Provision of affordable housing;
- A management agreement for on-site open space/play area (to secure provision, retention and maintenance); and
- Education contribution.

It is also recommended that a time limit of two months is given for the legal agreement to be completed and in the event that it is not concluded within such time period, delegation is given to the Professional Lead for Development Management, in consultation with the Chair and Vice Chair, to refuse the application, unless satisfied that the delay is unavoidable and that there is sufficient evidence to conclude that the matter will be concluded within a further reasonable time period.

Conditions

1. Details of the access, layout, appearance, landscaping and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

2. Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

4. A scaled plan showing the location of the affordable residential units shall be submitted to the Local Planning Authority at the same time as the other reserved matters referred to in Condition No. 1.

5. An affordable housing phasing statement detailing the precise phasing (completion details) of the affordable units proposed shall be submitted for approval at the same time as the other reserved matters referred to in Condition No. 1. The development shall be implemented in full accordance with the approved scheme.

6. 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.

7. The development hereby permitted must be served by the public foul sewerage system (mains) prior to the occupation of any of the units.

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

9. 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).

10. 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 9 has been received from the Local Planning Authority.

11. 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.*

12. 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 9, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 10, 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 11.

13. 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*'.

14. The recommendations in Section 6 of the Ecological Report Arbro Vitae Environment 04/07/16 regarding Bats, Hedgerows Breeding Birds lighting, and Ecological enhancement shall be adhered to and implemented in full.

15. Prior to commencement of development, a detailed Ecological Enhancement Plan, Lighting Plan, Hedgerow and Tree Protection Plan and Planting Plan shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.

Reasons:

1. To enable the Local Planning Authority to exercise proper control over the development in accordance with Section 92 of the Town and Country Planning Act 1990.
2. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
3. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
4. In order to identify the affordable residential unit, in accordance with Policy HP7 of the Unitary Development Plan (2010).
- 5 & 6. In order to ensure the provision of affordable housing in accordance with Policy of HP7 of the Powys Unitary Development Plan (2010) and the Affordable Housing for Local Needs Supplementary Planning Guidance (2011).
7. To ensure that development is served by the public system in accordance with policy DC10 of the Powys Unitary Development Plan.
8. To ensure that the proposed surface water drainage system for the site are fully compliant with regulations and are of robust design in accordance with policy DC13 of the Powys Unitary Development Plan.
- 9 to 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.
14. 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.
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 7, July 2014), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.

Informatives:

Please note the following advice in respect of ecology:

The following sensitive felling procedure is recommended to minimise disturbance to bat populations.

- Where tree felling or lopping is planned, such work should only be carried out between September and February to avoid the bird-breeding season.
- If the tree trunk is smaller than 200mm diameter **and** if it has no dense ivy, suitable holes, loose bark, and no holes associated with the root system, work can be carried out on the tree between September and February (ie avoiding the bird breeding season).

- To avoid disturbing nursery roosts, work will **never** be carried out between June and August inclusive.
- If the tree does have any of the features listed above or has a trunk size greater than 200mm, it should only be cut **only** in September and October when bats, including young are still mobile and able to fly-out.
- Any timber cut should be left lying on the ground for at least 24 hours to allow bats the opportunity to escape.
- Where the loss of mature trees is unavoidable, compensatory planting with appropriate locally native species, preferably of local provenance, should be undertaken.

As mitigation for the loss of the mature tree, three additional bird and bat boxes on or near the site should be incorporated into the Ecological Enhancement plan required by condition 15.

Any removed hedgerow should be translocated to areas within the development site instead of buying and planting new stock and this should be set out within the proposed landscaping scheme. If translocation is not feasible the Ecological Enhancement plan should also consider opportunities for new hedgerow and tree planting as landscaping within the development and a locally-occurring, native species list will be required.

Birds - Wildlife and Countryside Act 1981 (as amended)

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

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

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

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

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

It is an offence for any person to:

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

Under the Habitats Regulations it is an offence to:

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

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended) that works to trees or buildings where that work involves the disturbance of a bat is an offence if a licence has not been obtained from Natural Resources Wales. If a bat is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. You can also call the National Bat helpline on 0845 1300 228 or email enquiries@bats.org.uk

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