

Planning, Taxi Licensing and Rights of Way Committee Report

Application No: P/2017/0583 **Grid Ref:** 301635.35 257744.27
Community Council: Llanyre **Valid Date:** 02/06/2017 **Officer:** Thomas Goodman
Applicant: Mr J Potter, Gara Barton, Hucherleigh Totnes, Devon, TQ9 7AD
Location: Land Adj to Ridgemount, Newbridge on Wye, Powys, LD1 6LG
Proposal: Outline - Outline planning application for residential development and associated works
Application Type: Application for Outline Planning Permission

Reason for Update

The update report is to provide comments received from Schools Services, to provide clarification regarding the agricultural land classification and to summarise an additional objection to the application.

Consultee Response

PCC Schools Services

Please find below the Schools Service's comments on this planning application.

A contribution is sought in respect of primary education only as there is sufficient capacity at BUILT Wells High School to accommodate any secondary aged pupils as a result of this development.

A development of this size is projected to generate 4 additional primary aged pupils. The Authority is seeing an increase in pupil numbers in the catchment and currently three year groups are over the admission no of 17 – Years 1, 3 and 5. As a result a number of admission appeals have taken place.

The Schools Service would therefore wish to submit a S106 bid for funding of £42,138 towards primary school provision at Newbridge-on-Wye Primary School in respect of this development. The methodology used to arrive at this figure is attached.

Newbridge-on-Wye Primary School - P/2017/0583					
Early Years & primary Education contribution per dwelling	3 bedrooms and fewer	0.23(pupils) x £11644.00 X 1.0	£	2,678.12	15 £ 40,171.80
Special Educational Needs	3 bedrooms and fewer	0.0023 (pupils) x £57000 x 1.0	£	131.10	15 £ 1,966.50
				Total Contribution	£ 42,138.30

Consultation response received 05/12/2017:

Please find attached a spreadsheet which provides 2 sets of data in respect of Newbridge C in W School.

The first sheet (Primary) is the data in relation to the School for the last Census date January 2017, this shows in cell G9 that the school has a calculated capacity of 107, with actual pupil numbers on roll of 111 shown in Cell F9, which gives a school that is already oversubscribed by 4 places.

The second sheet (Primary Projections) provides out estimates of the future pupil numbers at the school based on our statistical analysis, using live birth data and other school choice trends. This sheet shows that based on the current projections we are expecting the demand for places at the school to continue at a level over and above the capacity of the school.

The answer to your last question is that for the Primary Sector of 7 year groups (Reception to Year 6) we expect that we have a primary aged pupil for every four to five dwellings therefore for a development of 19 houses we would expect between 4 and 5 primary aged pupils from this size of development.

Projections of Primary Pupil Numbers 2018-2022									
LA No:	666								
LA Name:	Powys								
School number	School Name	Projected NOR for Jan 17 as reported in Jan 16	Actual NOR at 10 Jan 2017	%age variance	Projected NOR at Jan 2018	Projected NOR at Jan 2019	Projected NOR at Jan 2020	Projected NOR at Jan 2021	Projected NOR at Jan 2022
3031	New bridge-on-Wye C. in W.	106	111	4.6%	117	125	126	130	129

Representations

An additional objection has been received which in summary raises the following concerns:

- Increase in traffic
- Impact on the landscape
- Presence of Red Kites within the area

Principal Planning Policies

National planning policy

Planning Policy Wales (Edition 9, November 2016)

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

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

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

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

Technical Advice Note 12 – Design (2016)

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

Technical Advice Note 18 – Transport (2007)

Technical Advice Note 23 – Economic Development (2014)
Technical Advice Note 24: The Historic Environment (2017)

Local planning policies

Powys Unitary Development Plan (2010)

SP2 – Strategic Settlement Hierarchy
SP3 – Natural, Historic and Built Heritage
SP5 – Housing Developments
GP1 – Development Control
GP2 – Planning Obligations
GP3 – Design and Energy Conservation
GP4 – Highway and Parking Requirements
GP5 – Welsh Language and Culture
ENV1 – Agricultural Land
ENV2 – Safeguarding the Landscape
ENV3 - Safeguarding Biodiversity and Natural Habitats
ENV7 – Protected Species
ENV17 – Ancient Monuments and Archaeological Sites
ENV19 – Amenity Open Spaces
HP3 – Housing Land Availability
HP4 – Settlement Development Boundaries and Capacities
HP5 – Residential Developments
HP6 – Dwellings in the Open Countryside
HP8 – Affordable Housing Adjoining Settlements with Development Boundaries
HP10 – Affordability Criteria
DC8 – Public Water Supply
DC9 – Protection of Water Resources
DC10 – Mains Sewage Treatment
DC13 – Surface Water Drainage
TR2 – Tourist Attractions
RL6 - Rights of Way and Access to the Countryside

Powys Residential Design Guide (October 2004)

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

Officer Appraisal

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.

Schools Services

Powys County Council's School Services have been consulted on the proposed development and have stated that a financial contribution is sought in respect of primary education only. The School Services team has stated that there is sufficient capacity at Builth Wells High School to accommodate any secondary aged pupils as a result of this development. However, a development of this size is projected to generate 4 additional primary aged pupils. The School Services have acknowledged that the Authority is seeing an increase in pupil numbers in the catchment area of Newbridge on Wye and currently three year groups (Years 1, 3 and 5) are over the admission number of 17 as a result a number of admission appeals have taken place.

The Schools Service team have therefore asked that a S106 agreement is sought for funding of £42,138 towards primary school provision at Newbridge-on-Wye Primary School in respect of this development.

Justification has been provided by the School Services team that provides Census data from January 2017 showing that the school (Newbridge on Wye – Primary School) has a capacity of 107 and currently has 111 pupils which means that at present the school is oversubscribed. They have also provided estimates of the future pupil numbers at the school based on statistical analysis and live birth data. This data shows that there will be a demand at a level over and above the capacity for places at the school. It is noted that for a development of this size in this location the School Services team would expect 4 and 5 primary aged pupils.

In light of the above it is therefore considered that a S106 agreement will be required in order to secure the financial contribution towards the school.

Agricultural Land

Policy ENV1 states that when considering proposals for development, the best and most versatile agricultural land will be safeguarded wherever possible. It may be appropriate to safeguard lower quality agricultural land in situations where such land is of particular value to agriculture within the locality. The land classification is a mix of urban towards the north of the site and 3b which is classed as moderate quality agricultural land. It is therefore considered that the proposed development is not located on the best and most versatile agricultural land and therefore complies with policy ENV1 of the Powys Unitary Development Plan (2010).

Concerns raised by members of the public

Highway Safety - Concerns have again been raised in relation to the increase in traffic numbers within the area caused from the proposed development. Highway safety was considered in detail within the original report and focused on the speed restrictions within the locality as well as the visibility splays and the creation of an appropriate access. Powys County Council Highway Authority and the Welsh Government Trunk Road Agency were consulted and have confirmed that the proposed development would not have a detrimental impact upon the highway safety and therefore complies with Policy GP4 of the Powys UDP.

Impact on Landscape – Concerns were raised in relation to the impact the proposed development will have on the character and appearance of the surrounding area. As mentioned within the original report UDP policy HP5 (Residential Development) indicates that

development proposals will only be permitted where the scale, form and appearance of the development generally reflects the character and appearance of the existing settlement.

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

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

Red Kites – Concerns have been raised by an objector about Red Kites located within the surrounding area, although no comments have been received about the Red Kites being present at the site. Policies ENV3 and ENV7 of the Powys Unitary Development Plan (2010) seek to safeguard and wherever possible enhance the habitats of protected species. This is further emphasised within Technical Advice Note (TAN) 5. Careful consideration has been taken by NRW and Powys County Council's Ecologist with regards to the impact the proposed development would have on protected species. NRW and the Ecologists have stated that the proposed development would not have a detrimental impact upon protected species and biodiversity in the vicinity subject to the attachment of appropriately worded conditions.

The proposed development therefore complies with policies ENV3 and ENV7 of the Powys UDP and TAN 5.

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 this report forms an update to the original report, it is considered that the recommendation has now changed from one of conditional consent to one of conditional consent subject to the signing of a S106 agreement to secure a financial contribution to education.

Conditions

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

site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.

6. No other development shall commence until the area of the access to be used by vehicles is constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 10 from the edge of the adjoining estate road. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

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

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

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

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

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

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

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

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

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

(a) Purpose and objectives for the proposed works;

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

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

(d) Persons responsible for implementing the works;

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

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

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

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

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

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

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

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

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

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

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

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

24. No development shall commence until an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the

approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons (a contaminated land specialist with proven experience within the contaminated land industry) and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

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

(ii) an assessment of the potential risks to:

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

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

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

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

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

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

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

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

remediation scheme must be prepared in accordance with the requirements of condition 25, which is subject to the approval in writing of the Local Planning Authority.

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

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

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

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

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

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

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

Reasons

1. To enable the Local Planning Authority to exercise proper control over the development in accordance with Section 92 of the Town and Country Planning Act 1990.
2. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
3. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
4. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
5. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.

7. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
8. To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment and to safeguard the public sewerage system and reduce the risk of surcharge flooding and in accordance with policies GP1 and DC13 of the Powys Unitary Development Plan.
9. To comply with Powys County Council's UDP Policies SP3, ENV2, ENV3, ENV4, ENV5, ENV6 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
10. To comply with Powys County Council's UDP Policies SP3 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
11. To comply with Powys County Council's UDP Policies SP3, ENV2 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act.
12. To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh Government strategies, and the Environment (Wales) Act 2016.
13. To comply with Powys County Council's UDP Policies SP3 and ENV2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
14. To comply with Powys County Council's UDP Policies SP3, ENV3, ENV5 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
15. To comply with Powys County Council's UDP Policies SP3, ENV3, ENV5 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
16. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
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21. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
22. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
23. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.

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

Potential Contamination

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

Affordable Housing

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

Welsh Water

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

Trunk Road Agency

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

A. The applicant should be advised that they may be required to enter into an agreement with the Welsh Ministers under Section 278 of the Highways Act 1980 / Section 23 of the New Roads and Street Works Act 1991 to enable the applicant to undertake agreed improvement works on the trunk road. This Agreement will contain details of the improvement works, construction conditions and financial arrangements under which agreed measures can be put in place, including indemnifying the Welsh Ministers against third party claims. Without such an agreement in place, any consent that may be granted by the Planning Authority cannot be implemented.

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

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

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

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

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

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

Birds - Wildlife and Countryside Act 1981 (as amended)

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

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

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

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

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

It is an offence for any person to:

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

Under the Habitats Regulations it is an offence to:

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

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

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