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PLANNING, TAXI LICENSING & RIGHTS OF WAY COMMITTEE Thursday, 5th October, 2017

S U P P L E M E N T A R Y P A C K

1.	MINUTES OF THE PREVIOUS MEETING
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To authorise the Chair to sign the minutes of the previous meeting of the Committee held on 14 September, 2017 as a correct record.

(Pages 1 - 12)

1.1. **Updates**

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

(Pages 13 - 42)

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MINUTES OF A MEETING OF THE PLANNING, TAXI LICENSING & RIGHTS OF WAY COMMITTEE HELD AT COUNCIL CHAMBER - COUNTY HALL, LLANDRINDOD WELLS, POWYS ON THURSDAY, 14 SEPTEMBER 2017

PRESENT

County Councillor D R Price (Chair)

County Councillors K Lewis, M Barnes, L V Corfield, L George, H Hulme, E M Jones, K Laurie-Parry, H Lewis, I McIntosh, P C Pritchard, P Roberts, D Selby, K S Silk, D A Thomas, E Vaughan, G I S Williams, D H Williams, J Williams and R Williams

1.	APOLOGIES
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Apologies for absence were received from County Councillor M.J. Jones. County Councillor K. Laurie-Parry had advised that she would be late.

2.	MINUTES OF THE PREVIOUS MEETING
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The Chair was authorised to sign as a correct record the minutes of the meeting held on 24th August, 2017.

Planning

3.	DECLARATIONS OF INTEREST
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- (a) There were no declarations of interest.
- (b) The Committee noted that no Member requested that a record be made of their membership of a Community Council where discussion had taken place of matters for the consideration of this Committee.
- (c) The Committee noted that no Member (who is a member of the Committee) would be acting as 'local representative' in respect of any application on the agenda.
- (d) The Committee noted that no Member (who is not a member of the Committee) would be speaking as the 'local representative' in respect of any application on the agenda.

4.	PLANNING APPLICATIONS FOR CONSIDERATION BY THE COMMITTEE
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The Committee considered the report of the Head of Regeneration, Property and Commissioning (copies filed with the signed minutes).

4.1 Updates

The Members confirmed that they had received and had time to read the update circulated the previous day and prior to the meeting.

4.2 P/2017/0455 Cae A Llwyn, Llwyn Lane, Nantmel, Rhayader, LD6 5PE

Application No: P/2017/0455

Grid Ref: 302308.22 267083.4

Valid Date: 24/05/2017

Officer: Thomas Goodman

Community Council: Nantmel Community Council

Applicant: Mr Steve Rowlands, Llanyre, Dan-y-Graig, Llandrindod Wells, Powys, LD1 6EF

Location: Cae A Llwyn, Llwyn Lane, Nantmel, Rhayader, LD6 5PE

Proposal: Full: Change of use of agricultural building and yard for parking of commercial vehicles together with alterations to roof design of building previously approved under permission P/2016/0149 (part retrospective)

Application Type: Application for Full Planning Permission

The Committee noted the change in the description of the proposal which should read "Full: Change of use to 'Mixed Use' of agricultural building and yard for parking of commercial vehicles together with alterations to roof design of building previously approved under permission P/2016/0149 (part retrospective)." The Principal Planning Officer advised that if the Committee was minded to approve the application the officer's recommendation was contained in the Update report.

The Committee noted that the applicant had not previously complied with conditions imposed relating to a previously approved planning consent. In response to questions the Principal Planning Officer advised that there had been a lot of discussion with the agent and applicant and a condition requiring the work to be completed within 4 to 6 weeks was recommended and that this would be monitored by Development Management. Changing the site to "mixed use" allowed Development Management to impose more controls on the highways and hours of operation. The number of vehicles stored on the site would be limited by the curtilage, any extension of this area would need to be considered via a planning application.

In response to a question regarding the safety of people using the rights of way the Principal Planning Officer advised that Countryside Services had not raised any concerns.

RESOLVED:	Reason for decision:
that the application be granted consent, subject to the conditions set out in the update report which is filed	As officers recommendation as set out in the report which is filed with the signed minutes.

<p>with the signed minutes and that it be delegated to the Professional Lead Development Management to develop appropriate wording of a condition requiring the applicant to provide information to Development Management regarding the implementation of the highways conditions.</p>	<p>To enable Development Management to ensure that the Highway conditions are complied with, within the required timescale.</p>
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County Councillor K Laurie-Parry arrived at the meeting.

The Chair altered the order of the applications as follows.

4.4 P/2017/0574 Land at Gate Farm, Criggion Lane, Trewern, Welshpool, Powys SY21 8DU

Application No: P/2017/0574

Grid Ref: 327624.53, 311465.74

Valid Date: 18/05/2017

Officer: Bryn Pryce

Community Council: Trewern Community Council

Applicant: Mr Chapman Fronhaul, Trewern, Welshpool, Powys SY21 8DU

Location: Land at Gate Farm, Criggion Lane, Trewern, Welshpool, Powys SY21 8DU

Proposal: Outline application for residential development for up to 9 dwellings, garages, improvement to vehicular access, demolition of existing buildings and all associated works

Application Type: Application for Outline Planning Permission

The Professional Lead Development Management stated that the Highways Authority had advised that a Traffic Regulation Order [TRO] was not required to make the development acceptable. The Highways Authority confirmed this position.

<p>RESOLVED: that the application be granted consent, subject to the conditions set out in the report which is filed with the signed minutes.</p>	<p>Reason for decision: As officers recommendation as set out in the report which is filed with the signed minutes.</p>
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4.5 P/2017/0299 Land adj to Belin Mount, Crewgreen, Shrewsbury SY5 9FB

Application No: P/2017/0299

Grid Ref: 332459.64, 315599.25

Valid Date: 17/03/0299

Officer: Bryn Pryce

Community Council: Bausley with Criggion Community Council

Applicant: Mr & Mrs JT & GM Vaughan The Firs, Crewgreen, Shrewsbury SY5 9FB

Location: Land adj to Belin Mount, Crewgreen, Shrewsbury SY5 9FB

Proposal: Outline: Proposed residential development of up to 9 no. dwellings, formation of a new vehicular access and associated works (with some matters reserved)

Application Type: Application for Outline Planning Permission

The Professional Lead Development Management advised that Crewgreen had 23 houses allocated during the development of the Unitary Development Plan [UPD] but all had been built before its adoption. Crewgreen was classed as a large village and the development was considered to be sustainable.

RESOLVED:	Reason for decision:
that the application be granted consent, subject to the conditions set out in the report which is filed with the signed minutes.	As officers recommendation as set out in the report which is filed with the signed minutes.

4.6 P/2017/0245 Land Adjoining Trem Hirnant, Manafon, Welshpool, Powys SY21 8BX

Application No: P/2017/0245

Grid Ref: 310991.61 302302.72

Valid Date: 14/03/2017

Officer: Eddie Hrustanovic

Community Council: Manafon Community Council

Applicant: Mr JPR & JR Andrew JPR & JR Andrew, Bronheulog, Manafon, Welshpool Powys SY21 8BW

Location: Land Adjoining Trem Hirnant, Manafon, Welshpool, Powys SY21 8BX

Proposal: Outline: Residential development of up to 5 dwellings and all associated works

Application Type: Application for Outline Planning Permission

It was noted that Severn Trent Water had no objections to the application. The Planning Officer confirmed that the application was for 4 open market houses and one affordable home.

RESOLVED:	Reason for decision:
that the application be granted consent, subject to the conditions set out in the report which is filed with the signed minutes.	As officers recommendation as set out in the report which is filed with the signed minutes.

Concerns were raised regarding what weight should be given to the Local Development Plan [LDP]. The Professional Lead Development Management advised that Planning Policy Wales states that weight can be given to an emerging LDP. However, the Planning Inspector can change or delete policies in the LDP and so there is only certainty when the Planning Inspector's binding report has been received by the Council. He advised that the information regarding affordable housing could be used as this was up to date evidence.

In response to concerns raised, the Solicitor agreed to clarify the Planning Protocol in respect of Committee members' attendance at town and community council meetings.

4.7 P/2017/0320 Land east of Maes Hyfryd, Llanfair Caereinion, Welshpool, Powys, SY21 0RY

Application No: P/2017/0320

Grid Ref: 309511.65 305977.04

Valid Date: 29/03/2017

Officer: Dunya Fourie

Community Council: Llanfair Caereinion Community Council

Applicant: Mr Steve Andrew, Pear Tree Lane, Highbury, Llanfair Caereinion, Powys, SY21 0BH.

Location: Land east of Maes Hyfryd, Llanfair Caereinion, Welshpool, Powys, SY21 0RY

Proposal: Outline: Erection of a detached dwelling, installation of a sewage treatment plant and improvements to existing access

Application Type: Application for Outline Planning Permission

Concerns were raised regarding the distance between the application site and settlement boundary. Comment was also made that houses should be developed in the public interest and not for specific people and the application, in the open countryside, was not for an affordable house. The Solicitor confirmed that the personal circumstances of the applicant must not be considered other than in exceptional circumstances. In response to comments about consistency of decisions the Professional Lead Development Management advised that each application should be considered on its own merits and taking policy into account.

The officer's recommendation, as contained in the update report, was duly moved and seconded. This was put to the vote and lost.

RESOLVED:	Reason for decision:
that contrary to the officer's recommendation, the application be refused.	The proposed development was an unacceptable distance from the settlement boundary and amounted to unjustified development in the open countryside.

4.8 P/2017/0318 Land at Oakleigh, Refail, Berriew, Powys SY21 8AJ

Application No: P/2017/0318

Grid Ref: 319245.69, 299822.98

Valid Date: 23/03/2017

Officer: Bryn Pryce

Community Council: Berriew Community Council

Applicant: Lucy & Dominic Freeman Brithdir, The Horseshoes, Berriew, Welshpool Powys

Location: Land at Oakleigh, Refail, Berriew, Powys SY21 8AJ

Proposal: Full : Erection of 2 dwellinghouses with detached garages, installation of new septic tank for plot 2 only and all associated works

Application Type: Application for Full Planning Permission

The Planning officer advised that Refail was classed as a large village in the Unitary Development Plan [UDP]. The application site was adjacent to the settlement boundary.

RESOLVED: that the application be granted consent, subject to the conditions set out in the report which is filed with the signed minutes.	Reason for decision: As officers recommendation as set out in the report which is filed with the signed minutes.
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Prior to adjourning for a lunch break the Chair advised the Committee that the next Committee on 5th October would be in Neuadd Maldwyn, Welshpool and that a request had been made for a site visit in respect of an application for a pig rearing unit south of Montgomery. The Chair and Vice Chair had agreed that there were exceptional circumstances to warrant a site visit. It was noted that in addition to planning applications, a village green application was scheduled for consideration at this meeting. It had been agreed with officers that the planning application site visit would take place in the morning, with the Committee then initially considering the village green application and the planning section of the meeting starting at a specific time.

The Committee adjourned for lunch at 12.45 p.m. and the Committee resumed at 1.15 p.m.

County Councillor R. Williams left the meeting. County Councillor P. Roberts arrived at the meeting as he had been on other Council business.

County Councillors M Barnes, H. Hulme and L. George were not in the room when the meeting recommenced.

4.9 P/2017/0542 Twin Oaks, Guilsfield, Welshpool, Powys, SY21 9PX

Application No: P/2017/0542
Grid Ref: 322767.05 311683.64
Valid Date: 17/05/2017
Officer: Sara Robinson
Community Council: Guilsfield Community Council
Applicant: Mr & Mrs Griffiths, Twin Oaks, Guilsfield, Welshpool, Powys, SY21 9PX
Location: Twin Oaks, Guilsfield, Welshpool, Powys, SY21 9PX

Proposal: Outline - Erection of one detached dwelling, formation of a new vehicular access and associated works

Application Type: Application for Outline Planning Permission

In response to comments regarding the proposed development of one dwelling on a large site, the Professional Lead Development Management advised that a previous application was for three dwellings, but officers were considering refusal on highways grounds. The Highways Authority considered that the development of three houses was not sustainable and the applicant withdrew the application.

RESOLVED:	Reason for decision:
that the application be granted consent, subject to the conditions set out in the report which is filed with the signed minutes.	As officers recommendation as set out in the report which is filed with the signed minutes.

4.3 P/2017/0230 Former British Legion Hall, Waterfall Street, Llanrhaeadr, Powys, SY10 0JS

Application No: P/2017/0230

Grid Ref: 312302 326164

Valid Date: 21/03/2017

Officer: Kate Bowen

Community Council: Llanrhaeadr Ym Mochnant Community Council

Applicant: Mr Keith Sandell, Dolawel, Waterfall Street, Llanrhaeadr-ym-Mochnant, Oswestry, SY10 0JS

Location: Former British Legion Hall, Waterfall Street, Llanrhaeadr, Powys, SY10 0JS

Proposal: Full: Conversion of community hall (Use Class D1) to residential use (Use Class C3) including alterations

Application Type: Application for Full Planning Permission

In response to questions regarding parking the Highways Authority advised that a dwelling would have lower use than a hall. The Principal Planning Officer advised that as this was a proposed reuse of an existing building, Natural Resources Wales [NRW] did not object to the application, even though the site was in a C2 flood zone.

RESOLVED:	Reason for decision:
that the application be granted consent, subject to the conditions	As officers recommendation as set out in the report which is filed with

set out in the report which is filed with the signed minutes.	the signed minutes.
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County Councillors L. George and H. Hulme resumed their seats in the Committee.

County Councillor D Price left the meeting to attend other Council business and County Councillor K Lewis took the Chair.

4.10 DIS/2017/0088 Clyro Primary School, Clyro, Hereford, Powys, HR3 5LE

Application No: DIS/2017/0088

Grid Ref: 321162.66 243368.85

Valid Date: 18/04/2017

Officer: Kevin Straw

Community Council: Clyro Community Council

Applicant: Powys County Council, Ithon Road, The Gwalia, Llandrindod Wells, Powys, LD1 6AA

Location: Clyro Primary School, Clyro, Hereford, Powys, HR3 5LE

Proposal: Discharge of conditions no.4, 5, 6 & 23 of P/2016/0802

Application Type: Application for Approval of Details Reserved by Condition

RESOLVED:	Reason for decision:
that the application be granted consent, subject to the conditions set out in the report which is filed with the signed minutes.	As officers recommendation as set out in the report which is filed with the signed minutes.

4.11 DIS/2017/0091 Clyro Primary School, Clyro, Hereford, HR3 5LE

Application No: DIS/2017/0091

Grid Ref: 321161.58 243367.94

Valid Date: 24/04/2017

Officer: Kevin Straw

Community Council: Clyro Community Council

Applicant: Powys County Council, Spa Road East, County Hall, Llandrindod Wells, Powys, LD1 5LG

Location: Clyro Primary School, Clyro, Hereford, HR3 5LE

Proposal: Discharge of Conditions: Conditions 9, 10 and 12 of P/2016/0802.

Application Type: Application for Approval of Details Reserved by Condition

RESOLVED:	Reason for decision:
that the application be granted consent, subject to the conditions set out in the report which is filed with the signed minutes.	As officers recommendation as set out in the report which is filed with the signed minutes.

4.12 DIS/2017/0099 Clyro C in W Primary School, Clyro, Hereford, HR3 5LE

Application No: DIS/2017/0099

Grid Ref: 321163.64 243371.81

Valid Date: 27/04/2017

Officer: Kevin Straw

Community Council: Clyro Community Council

Applicant: Powys County Council, Spa Road East, Powys County Hall, Llandrindod Wells, Powys, LD1 5LG

Location: Clyro C in W Primary School, Clyro, Hereford, HR3 5LE

Proposal: Discharge of conditions no. 3,15,19, 20 & 21 of P/2016/0802

Application Type: Application for Approval of Details Reserved by Condition

RESOLVED:	Reason for decision:
that the application be granted consent, subject to the conditions set out in the report which is filed with the signed minutes.	As officers recommendation as set out in the report which is filed with the signed minutes.

4.13 DIS/2017/0119 Land at Baskerville Hall Hotel, Clyro Court, Clyro, Hereford, Powys, HR3 5LE

Application No: DIS/2017/0119

Grid Ref: 321081.74 243017.78

Valid Date: 06/06/2017

Officer: Kevin Straw

Community Council: Clyro Community Council

Applicant: Powys County Council, Spa Road East, County Hall, Llandrindod Wells, Powys, LD1 5LG

Location: Land at Baskerville Hall Hotel, Clyro Court, Clyro, Hereford, Powys, HR3 5LE

Proposal: Discharge of conditions no. 3 of P/2017/0159

Application Type: Application for Approval of Details Reserved by Condition

RESOLVED: that the application be granted consent, subject to the conditions set out in the report which is filed with the signed minutes.	Reason for decision: As officers recommendation as set out in the report which is filed with the signed minutes.
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5.	DECISIONS OF THE HEAD OF REGENERATION AND REGULATORY SERVICES ON DELEGATED APPLICATIONS
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The Committee received for information a list of decisions made by the Head of Regeneration and Regulatory Services during the period between 16th August, 2017 and 7th September, 2017.

6.	APPEAL DECISION
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The Committee received a copy of the Planning Inspectorate's letter regarding the appeal in respect of application P/2017/0275 Frondirion, Penegoes, Machynlleth SY20 8NH. The Committee noted that the Inspector had dismissed the appeal.

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Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2017/0423	Grid Ref:	295482.68 283809.83
Community Council:	Llanidloes	Valid Date:	Officer: 26/04/2017 Gemma Bufton
Applicant:	Mr A Thomas, Craefol, Nantmel, Rhayader, Powys, LD6 5PD.		
Location:	Land adj Dolwenith and Tan y Bryn, Llanidloes, Powys.		
Proposal:	Outline - Proposed residential development of 96 houses, vehicular access, infrastructure and all associated works (some matters reserved)		
Application Type:	Application for Outline Planning Permission		

REPORT UPDATE

This report forms an update to the previous report circulated to Members.

Officer Appraisal

Education Contribution

Queries have been raised from the developers over the level of contribution required from Education. Given the time-frames it is requested that should Members be looking to grant permission that delegation be granted to the Lead Professional to secure an appropriate level of education contribution following further discussions with the Education departments. This recommendation has been reflected in an updated recommendation as set out below.

Removal of Permitted Development Rights Condition

In addition to the last report circulated to Members an additional condition has been attached. The additional condition removes the permitted development rights from the affordable units. This additional condition is therefore reflected in the updated decision and conditions as below.

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 96 dwellings in what is considered to be a sustainable location given its proximity to the area centre of Llanidloes. It is considered that the material consideration of the lack of housing land supply within the county warrants the approval of this development contrary to the provisions of the development plan.

It is therefore recommended that the application is approved subject to the signing of a Section 106 agreement to secure the education contribution if considered to be appropriate in consultation with the Lead Professional within 3 months from date of the committee meeting. If an agreement is not signed within the specified time period, it is recommended that delegation be given to the Lead Professional for Development Management to determine the application.

RECOMMENDATION

Conditional Consent

1. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
 2. Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
 3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
 4. Prior to the commencement of any works on the development site full engineering details shall be submitted and approved in writing by the local planning authority for all highway related infrastructure including off site footways and onsite estate roads.
 5. Prior to the occupation of any of the dwellings the off-site footway works, referred to above, shall be fully completed to the written satisfaction of the Local Planning Authority.
 6. The gradient of the access shall be constructed so as not to exceed 1 in 30 for the first 15 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.
 7. The centre line of the first 15 metres of the access road measured from the edge of the adjoining carriageway shall be constructed at right angles to that edge of the said carriageway and be retained at that angle for as long as the development remains in existence.
 8. Prior to the commencement of the development the access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.26 metres above ground level at the edge of the adjoining carriageway and 63 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.
9. Prior to the occupation of the any dwelling provision shall be made within the curtilage of the site for the parking of not less than 1 car per bedroom excluding any garage space provided. The parking area shall be retained for their designated use in perpetuity
 10. 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.

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

12. 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.

13. 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.

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

15. Upon formation of the visibility splays as detailed in Condition 8 above the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.

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

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

18. Prior to the commencement of development, an investigation and risk assessment, shall be undertaken to assess the nature and extent of any contamination within the application site. The contents of the contamination report shall be submitted to and approved in writing by the Local Planning Authority. The contamination report must include: (i) A survey of the extent, scale and nature of contamination; (ii) An assessment of the potential risks to (a) Human health (b) Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes (c) Adjoining land (d) Groundwaters and surface waters (e) Ecological systems (f) Archaeological sites and ancient monuments (iii) 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.

19. The approved remediation scheme shall be fully implemented as approved prior to the commencement of development, unless otherwise agreed in writing by the Local Planning Authority. Upon the completion of the remediation scheme a verification report (validation report) that demonstrates the effectiveness of the remediation undertaken shall be submitted to and approved in writing by the Local Planning Authority.

20. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, development works shall cease immediately. An investigation and risk assessment, remediate implementation shall be undertaken in accordance with the requirements detailed within the contamination conditions attached to this grant of consent.

21. Prior to the commencement of development, a Contamination Monitoring and Maintenance Method Statement for the application site shall be submitted to and approved in writing by the Local Planning Authority. The Contamination Monitoring and Maintenance

Method Statement shall be implemented as approved, unless otherwise agreed in writing by the Local Planning Authority.

22. 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 10% of housing units/bed spaces;
- ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii) the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing (if no RSL involved)];
- iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

23. Prior to the commencement of development a phasing scheme for the provision of housing/ affordable housing shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in strict accordance with the approved scheme.

24. Upon the submission of the reserved matters referred to in conditions 1 and 2, a scheme for the provision of on-site recreational facilities shall be submitted to and approved in writing of the Local Planning Authority. The scheme shall accord with the Fields in Trust Standards and shall also involve arrangements for the long term management of the area together with the timing of construction and completion in relation to the housing units hereby permitted. The scheme shall be implemented in accordance with the agreed details.

25. Prior to the commencement of development a method statement for the reasonable avoidance measures as identified in the Preliminary Ecological Appraisals shall be submitted to and approved in writing by the Local Planning Department. Development thereafter shall be completed in full accordance with the details as approved.

26. Prior to the commencement of development a scheme for the surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. Development thereafter shall be completed in full accordance with the details as approved.

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

- 0800-1800 hrs Monday to Friday
- 0800-1300 hrs Saturday
- At no time on Sundays and Bank Holidays

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

29. 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 affordable dwellings hereby approved 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. To enable the Local Planning Authority to exercise proper control over the development in accordance with Section 92 of the Town and Country Planning Act 1990.
2. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
3. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
4. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
5. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
6. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
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14. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
15. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
16. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
17. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
18. In order to manage the risk of contamination to an acceptable level, in accordance with guidance contained within policy DC15 of the Powys Unitary Development Plan (March 2010) and Planning Policy Wales (Edition 9, 2016).
19. In order to manage the risk of contamination to an acceptable level, in accordance with guidance contained within policy DC15 of the Powys Unitary Development Plan (March 2010) and Planning Policy Wales (Edition 9, 2016).
20. In order to manage the risk of contamination to an acceptable level, in accordance with guidance contained within policy DC15 of the Powys Unitary Development Plan (March 2010) and Planning Policy Wales (Edition 9, 2016).
21. In order to manage the risk of contamination to an acceptable level, in accordance with guidance contained within policy DC15 of the Powys Unitary Development Plan (March 2010) and Planning Policy Wales (Edition 9, 2016).
22. In order to secure affordable housing in accordance with policy HP7 of the Powys Unitary Development Plan (2010) and TAN2: Planning and Affordable Housing (2006).
23. In order to ensure that the affordable housing and employment elements of the development are delivered in accordance with Planning Policy Wales (9th Edition, 2016).

24. In order to secure adequate amenity space in accordance with policy GP1 of the Powys Unitary Development Plan (2010).
25. In the interest of the protection and preservation of biodiversity in accordance with policy ENV3 of the Powys Unitary Development Plan.
26. In order to ensure that satisfactory drainage arrangements are provided in accordance with policies GP1 and DC10 and DC11 of the Powys County Council Unitary Development Plan.
27. To safeguard the amenities of the locality in accordance with policy GP1 of the Powys Unitary Development Plan.
29. In order to control further development which has the potential to have adverse effects on privacy and/or amenity in contradiction to policy HP10 and GP1 of the Powys Unitary Development Plan

Case Officer: Gemma Bufton- Principal Planning Officer
Tel: 01597 827505 E-mail: gemma.bufton1@powys.gov.uk

CPRW

Response appended to the update report.

Officer Appraisal

Biodiversity and Ecology

The heading for the section on SSSIs and SACs within the report contained an error and stated SSSI's and Montgomery Canal SAC, this should have just states SSSIs and SACs.

The concerns raised by both Radnorshire Wildlife Trust and CPRW are noted and I would draw Members attention to the section within the original report which discusses the impacts of the development on nearby SAC's, SSSIs and other non-statutory designated areas such as the Sideland Radnorshire Wildlife Trust Reserve and Ancient Woodland.

Following the submission of these comments further discussion was undertaken with the Powys Ecologist who stated that NRW guidelines state that Ancient Woodland can have exceedence of 100% of the critical load when looking at ammonia and nitrogen deposition. The submitted reports detail that Sideland Nature Reserve would have an exceedence level of 60.4% of the critical load which is within the NRW guidelines. The submitted assessment also used a stricter critical level in their assessment.

The Powys Ecologist does not object to the proposed development subject to this condition and other conditions relating to woodland management, landscaping and the development being undertaken in accordance with the reports submitted being attached to any consent.

In light of the above and subject to the recommendations, it is considered that the proposed development is in accordance with policies ENV4, ENV 5 and ENV 6 of the Powys UDP, Technical Advice Note 5 and Planning Policy Wales.

Highways

It was noted that in the original Committee Report that two of the Highways conditions contained references to the incorrect condition. This has been amended in this report.

RECOMMENDATION

Development Management considers that the proposed poultry development is compliant with planning policy. On this basis, the recommendation is one of consent subject to the conditions outline in this update report.

All information submitted with the application, including Environmental Statement have been considered.

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 documents received 31st March 2017 (Design & Access Statement, Environmental Statement, Phase 1 Environmental Appraisal, Phase 1 Environmental Appraisal & Method Statement for Newts Report (received September 2017), Dispersion Modelling Study of the Impact of Odour (1st December 2016), Report on the Modelling of the Dispersion and Deposition of Ammonia (1st December 2016), Landscape and Visual Impact Assessment (March 2017), Environmental Noise Assessment (24th January 2017), Flood Consequence Assessment, Pollution Prevention Plan and Transport Statement (21st March 2017) and plans received 31st March 2017 (drawing no's HA21609/01 Rev B, HA21609/02, HA21609/03 Rev C, HA21609/04, HA21609/05, HA21609/06 Rev B and 0511/001).
3. Prior to the commencement of building works full details of the colour of the external materials proposed in the construction of the application buildings and feed bins shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be fully implemented in accordance with the details so approved.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions or alterations to the unit shall be erected without the consent of the Local Planning Authority.
5. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 and the Town and Country Planning (General Permitted Development) Order 1995 as amended or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, the premises shall not be used for any purpose other than that hereby authorised.
6. Prior to commencement of development, a Tree Planting Scheme to reduce nitrogen deposition from the proposed development to the Cae Cwm-Rhocas SSSI shall be submitted to the Local Planning Authority for approval. The tree planting identified will be in addition to those areas of new native woodland planting NW1 – NW5 identified on the Landscape Mitigation Plan Figure 2 dated February 2017 within the Landscape and Visual Impact Assessment Report produced by Haire Landscape Consultants Ltd dated March 2017. The approved scheme shall be implemented as approved and maintained thereafter.
7. Prior to commencement of development, a detailed Native Woodland Creation and Management Plan including details of species to be planted, timetable for implementation, initial aftercare and long-term maintenance to benefit biodiversity for the areas of new native woodland planting NW1 – NW5 identified on the Landscape Mitigation Plan Figure 2 dated February 2017 within the Landscape and Visual Impact Assessment Report produced by Haire Landscape Consultants Ltd dated March 2017 shall be submitted to the Local Planning Authority and implemented as approved and maintained.
8. The mitigation and enhancement measures identified in Section 6 of the Phase 1 Environmental Appraisal & Method Statement for Newts Report by Greenscape Environmental Ltd dated September 2017 shall be adhered to and implemented in full.

9. The Landscaping Scheme specifications and aftercare measures identified on the Landscape Mitigation Plan Figure 2 dated February 2017 within the Landscape and Visual Impact Assessment Report produced by Haire Landscape Consultants Ltd dated March 2017 shall be adhered to and implemented in full.
10. 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.
11. The development shall be carried out strictly in accordance with the measures identified regarding Site Drainage Management including Foul, Dirty and Surface Water Management within the Flood consequence Assessment Report produced by Hydrogeo dated 03/03/2017 and shown on Drawing 6 of the Report and maintained thereafter.
12. The development shall be carried out strictly in accordance with the measures identified regarding Pollution Prevention within the Pollution Prevention Plan: In Relation to Proposed Poultry Development at Cwmroches Farm produced by Berrys and maintained thereafter.
13. Prior to commencement of development a Pollution Prevention Plan for the installation of the new culvert required to form the access road shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.
14. All works and ancillary operations which are audible at the site boundary shall be carried out only between the following hours:
 - 0800-1800 hrs Monday to Friday
 - 0800-1300 hrs Saturday
 - At no time on Sundays and Bank Holidays

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

15. The machinery, plant or equipment including air condition and ventilation systems ("machinery") installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated that the noise generated by the operation of the machinery shall not increase the background noise levels during day time expressed as L_{A90} [1hour] (day time 07:00-23:00 hours) and/or (b) L_{A90} [5 mins] during night time (night time 23:00-07:00 hours) at any adjoining noise sensitive locations or premises in separate occupation above that prevailing when the machinery is not operating. Noise measurements for the purpose of this condition shall be pursuant to BS 4142:2014.
16. All deliveries to and from site in connection to this application shall be carried out between the following hours, Monday to Fridays from 07.30 to 18.00 hours, Saturdays from 08.00 to 13.00 hours and at no time on Sundays, Bank and public holidays.
17. All emissions to air arising from the units hereby approved shall be free from odours at levels that are likely to be offensive or cause serious detriment to the amenity of the

locality outside the site boundary of the holdings, as perceived by an authorised officer of the local planning authority by olfactory means.

18. All vehicles used for the movement of manure if taken off site shall be sheeted and/or fully covered.
19. Any artificial lighting incorporated to these units in connection to this application shall not increase the pre-existing illuminance at the light sensitive locations when the light is in operation.
20. Any new system must comply with document H2 of the Building Regulations relating to design and installation of the foul drainage system.
21. Prior to any works being commenced on the development site the applicant shall construct the passing bay along the C1222 county highway as detailed on the approved drawing 0511/001. The passing bay shall be constructed to an adoptable standard prior to any works being commenced on the development site.
22. 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.
23. Before any other development is commenced the access shall be constructed so that there is a clear visibility splay from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 46 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.
24. Before any other development is commenced the area of the access to be used by vehicles is to be widened in accordance with detail submitted on approved drawing 0511/002 and 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 20 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.
25. The width of the access carriageway, constructed as Condition 24 above, shall be not less than 7.6 metres for a minimum distance of 20 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.
26. Prior to first use of the buildings the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 20 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.

27. Upon formation of the visibility splays as detailed in 23 above the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.
28. No storm water drainage from the site shall be allowed to discharge onto the county highway.
29. Any entrance gates shall be set back at least 20 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.

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 safeguard the character and appearance of the area in accordance with policy GP1 of the Powys Unitary Development Plan (March 2010).
4. In order to control development which has the potential to have adversely affect the amenity of the area in contradiction to policy GP1 of the Powys Unitary Development Plan (March 2010) and Planning Policy Wales (2016).
5. In order that the Local Planning Authority may control the use of the premises in the interests of the protection and preservation of the amenity of the area in accordance with policies GP1, EC1, EC9 and EC10 of the Powys Unitary Development Plan (2010) and Planning Policy Wales (2016).
6. To comply with Powys County Council's UDP Policies SP3, ENV3, ENV5 and ENV6 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Section 6 of the Environment (Wales) Act 2016.
7. To comply with Powys County Council's UDP Policies SP3, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Section 6 of the Environment (Wales) Act 2016.
8. 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.

9. 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.
10. To comply with Powys County Council's UDP Policies SP3, ENV3, ENV4, ENV5 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
11. 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.
12. To comply with Powys County Council's UDP Policies SP3, ENV3, ENV4, ENV5 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
13. To comply with Powys County Council's UDP Policies ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act.
14. To protect the local amenities of the local residents by reason of noise in line with Powys UDP policy GP1.
15. To protect the local amenities of the local residents by reason of noise in line with Powys UDP policy GP1.
16. To protect the local amenities of the local residents by reason of noise in line with Powys UDP policy GP1.
17. To protect the local amenities of the local residents from the excess of mal-odorous emissions. in line with Powys UDP policy GP1.
18. To prevent spillage of manure and minimise odour dispersion and prevent population increase of insects in line with Powys UDP policy GP1.
19. To protect the local amenities of the local residents by reason of noise in line with Powys UDP policy GP1.
20. To protect the local amenities of the local residents from insufficient drainage
21. In the interest of highway safety in accordance with Powys UDP Policy GP4 and Technical Advice Note 18: Transport.
22. In the interest of highway safety in accordance with Powys UDP Policy GP4 and Technical Advice Note 18: Transport.
23. In the interest of highway safety in accordance with Powys UDP Policy GP4 and Technical Advice Note 18: Transport.
24. In the interest of highway safety in accordance with Powys UDP Policy GP4 and Technical Advice Note 18: Transport.
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26. In the interest of highway safety in accordance with Powys UDP Policy GP4 and Technical Advice Note 18: Transport.
27. In the interest of highway safety in accordance with Powys UDP Policy GP4 and Technical Advice Note 18: Transport.
28. In the interest of highway safety in accordance with Powys UDP Policy GP4 and Technical Advice Note 18: Transport.
29. In the interest of highway safety in accordance with Powys UDP Policy GP4 and Technical Advice Note 18: Transport.

Informative Notes

Biodiversity

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.

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

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

It is therefore an offence to:

- Deliberately capture, injure or kill a great crested newt;
- Deliberately disturb a great crested newt in such a way as to be likely to significantly affect the local distribution, abundance or the ability of any significant group of great crested newts to survive, breed, rear or nurture their young;
- Damage or destroy a great crested newt breeding site or resting place;
- Intentionally or recklessly disturb a great crested newt; or
- Intentionally or recklessly obstruct access to a breeding site or resting place.

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

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

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Campaign for the Protection of Rural Wales
Brecon and Radnor Branch
Secretary: Dr Christine Hugh-Jones
Cooks House, Norton, Presteigne Powys, LD8 2HA
T. 01544 260893 or 07973540684
Email: ch306@icloud.com

4th October 2017

Gwilym Davies (Professional Lead, Development Management)
Tamsin Law (Case officer)
Planning Services
Powys County Council
The Gwalia, Ithon Road
Llandrindrod Wells, LD1 6AA

Objection to P/2017/0325: Proposed erection of 2 no. Poultry buildings for broiler breeder rearing, four no. feed bins, new access track, improvements to existing entrance, creation of one new passing place installation of septic tank and associated development.

Dear Planning Officers,

Brecon and Radnor Branch of CPRW is dismayed to see that the Officer's Report recommends approval of this application. We only heard that this EIA application was coming to committee on 5/10/17 yesterday. We were not anticipating this because we believed there were outstanding discussions to be had with Radnorshire Wildlife Trust who advised you in their Objection of 5/5/17 that they had not been notified of the proposal. We do not consider that the Officers Report assessment is complete for determination.

Your authority should be familiar with the typical NRW disclaimer attached to planning responses which advises seeking advice from Wildlife Trusts. Surely, this is all the more urgent when a Wildlife Trust Nature Reserve is at risk.

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

Please note that we have not considered possible effects on all local or regional interests. Therefore, you should not rule out the possibility of adverse effects on such interests, which would be relevant to your Authority's general duty to have regard to conserving biodiversity, as set out in section 40 of the Natural Environment and Rural Communities (NERC) Act (2006). This advice includes any consideration of the planned provision of "linear" and "stepping stone" habitats. To comply with your authority's duty under section 40 of the NERC Act, to have regard to conserving biodiversity, your decision should take account of possible adverse effects on such interests. We recommend that you seek further advice from your authority's internal ecological adviser and/or third sector nature conservation organisations such as the local wildlife trust, RSPB, etc. The Wales Biodiversity Partnership's web site has guidance for assessing proposals that have implications for section 42 habitats and species (www.biodiversitywales.org.uk).

We note that the Officer's Report does not even mention RWT, simply stating that an objection was received claiming that the development may have significant impact on Sideland Nature Reserve. This objection is not discussed further in the assessment. Under "Biodiversity and Ecology", which is bizarrely subtitled "*SSSIs and Montgomery Canal*", Sideland Radnorshire Wildlife Trust and 57 parcels of Ancient Woodland are acknowledged but the OR adds that "***no impacts upon the features of this site are expected as a result of ammonia concentrations either alone or in combination with other similar installations***". Not only does the report not specify which site it is discussing, but the statement about "***no impacts***" is untrue of the application emissions according to NRW's own response. In addition, the Developer's own Ammonia Report p20 shows significant impacts on parcels of Ancient Woodland.

This response says with respect to Cwm-Rhocas SSSI that the SSSI grassland has already changed in ways consistent with an increase in nitrogen deposition which is already 68% of the critical load of 10gN/ha/yr and they would object if they were considering the application under their new thresholds.

NRW have advised you that they "***do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance***". The assessment of these interests, which includes Sideland Reserve and the 57 parcels of Ancient Woodland is the duty of your authority. NRW refers you to their checklist guidance on their responsibility, which makes the limitations on their response quite clear.

Sideland reserve is described on the RWT website:

Sideland

A small broadleaved woodland

Map reference

SO 104 638

Great for...

- ancient trees
- birdwatching
- lichens and mosses
- wildflowers

A small woodland with a good display of spring flowers.

The wood has a varied tree mixture, ash is dominant with *pendunculate* oak, downy birch and rowan all frequent. In the past wych elms were clearly dominant with many surviving as younger saplings. Older elms remain as dead or decaying trees, with great importance for wildlife especially invertebrates. The understorey is mainly hazel with blackthorn locally dominant. The ground layer consists principally of an extremely abundant *bryophyte* (moss and liverwort) flora. Flowering plants including dog's mercury, herb paris, wood anemone, sanicle and early-purple orchid along with bluebells creates a stunning display of colour in the spring. Of particular importance in the wood are adders-tongue fern, common twayblade and broad-leaved helleborine. The bark of living and dead wych elms and the ancient oaks support a number of nationally scarce lichens. *Bactrospora corticola* is found on oak along with the nationally rare *Chaenotheca stemonia*; *Opegrapha ocochelia*, *Agonimia allobata* and *Lecania cyrtellina* are all found on elms. Birds are very conspicuous, with both green and great-spotted woodpeckers breeding. Other typical woodland

species nesting on the site include treecreeper, willow warbler, pied flycatcher, redstart, marsh tit and bullfinch. Mammals include high densities of both wood mice and bank voles. Invertebrates include the notable tortoise beetle *Cassida hemisphaerica*, more common in southern England, feeding on ragged robin and champions. The local snail-eating ground beetle *Cychnus caraboides* and carrion beetle *Silpha atrata* are also found within dead timber. The rhinoceros beetle *Dynastinae* also occurs. Butterflies include ringlet and orange tip.

Your authority should be aware that lichens are particularly susceptible to ammonia emissions and “nationally scarce species” must be taken into consideration in your assessment.

Under the Environment (Wales) Act., PCC is a public body which must promote Sustainable Management of Natural Resources, and in so doing, it must (4)

- (a) manage adaptively, by planning, monitoring, reviewing and, where appropriate, changing action;**
- (b) consider the appropriate spatial scale for action;**
- (c) promote and engage in collaboration and co-operation;**
- (d) make appropriate arrangements for public participation in decision-making;**
- (e) take account of all relevant evidence and gather evidence in respect of uncertainties;**
- (f) take account of the benefits and intrinsic value of natural resources and ecosystems;**
- (g) take account of the short, medium and long term consequences of actions;**
- (h) take action to prevent significant damage to ecosystems;**
- (i) take account of the resilience of ecosystems, in particular the following aspects—**
 - (i) diversity between and within ecosystems;**
 - (ii) the connections between and within ecosystems;**
 - (iii) the scale of ecosystems;**
 - (iv) the condition of ecosystems (including their structure and functioning);**
 - (v) the adaptability of ecosystems.**

And (6)

- (1) A public authority must seek to maintain and enhance biodiversity in the exercise of functions in relation to Wales, and in so doing promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions.**
- (2) In complying with subsection (1), a public authority must take account of the resilience of ecosystems, in particular the following aspects—**
 - (a) diversity between and within ecosystems;**
 - (b) the connections between and within ecosystems;**
 - (c) the scale of ecosystems;**
 - (d) the condition of ecosystems (including their structure and functioning);**
 - (e) the adaptability of ecosystems.**

The OR considers that the planting arrangements are sufficient to off-set any adverse impacts although they are only expected to reduce the impact by 25%. In discussion with BRB-CPRW and a renowned local authority on lichens, senior NRW officers dealing with nitrogen impacts have queried the efficacy of tree screens because the trees do not grow to sufficient size before further damage has been done.

We are not commenting in detail on other aspects of the application in this response because we consider the issue of ammonia emissions and the RWT reserve to be of such critical importance. However we note

that the EHO has set conditions for working hours for the fans, and just raise the question of how this can possibly work on hot summer evenings.

In summary, Brecon and Radnor CPRW considers that this application should be refused on the grounds of risk to a Powys nature reserve and Ancient Woodlands. We also consider that PCC has not fulfilled its statutory duty in assessing this application and determination should be deferred.

Dr Christine Hugh-Jones Secretary: Brecon and Radnor Branch
Copy to Jonathan Colchester (Chair)

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

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

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

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

Officer Appraisal

The surface water condition recommended by Welsh Water within the original consultation response was not attached on the original report. This update report is therefore made in order to attach the condition and advisory notes to the previously recommended conditions.

Recommendation

The recommendation remains the same as the original report with the addition of the condition recommended by Welsh Water and the advisory notes. The recommendation is therefore one of conditional consent.

Conditions

1. The development to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.
2. The development shall be carried out strictly in accordance with the plans stamped as approved on XX/XX/XX (drawing no's: Location Plan, Block Plan, JH8, JH10, JH11, JH4, JH5 & JH9).
3. 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.

4. The finished floor level of the extension should be set at or above 127.23maOD to ensure the building is flood-free in all scenarios and remains outside zone C2.

5. Prior to the commencement of development a detailed method statement outlining how the Mitigation and Enhancement Measures identified in the Preliminary Bat Roost Assessment Report produced by Katie Gaisford dated 23rd April 2017 will be adhered to shall be submitted to and agreed with the Local Planning Authority. The approved details will be implemented as approved and maintained thereafter.

6. The development shall be carried out strictly in accordance with the compensation measures identified in the Biodiversity Enhancements Section of the Biodiversity Enhancement Plan produced by Katie Gaisford dated 26th April 2017 and maintained thereafter.

7. The Protection Measures identified in the Tree and Hedgerow Protection Plan produced by Katie Gaisford dated 26th April 2017 shall be adhered to and implemented in full.

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

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

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 safeguard the amenities of the locality in accordance with policy GP1 of the Powys Unitary Development Plan.

4. In order that the Local Planning Authority can be satisfied that impact on neighbours and internal siting and gradients are acceptable in accordance with policies SP14, GP1 and GP4 of the Powys Unitary Development Plan.

5. 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 2016.

6. 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 2016.

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

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

Informative Notes

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

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

Case Officer: Thomas Goodman- Planning Officer
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Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2017/0751	Grid Ref:	303807.21 251605.41
Community Council:	Llanelwedd	Valid Date:	Officer: 30/06/2017 Thomas Goodman
Applicant:	Mr Aled Jones, The Royal Welsh Agricultural Society, Royal Welsh Showground, Llanelwedd, Builth Wells, Powys, LD2 3SY		
Location:	Field adjoining Old Creamery Llanelwedd Builth Wells Powys LD2 3SY		
Proposal:	Full: Change of use of land for temporary show time caravan park for ten days per annum each Royal Welsh Show as an extension to existing park		
Application Type:	Application for Full Planning Permission		

Update report

Location and Description

Consultee Response

Emergency Planning

No response received at the time of writing this report.

Officer Appraisal

Whilst no response has been received from Emergency Planning regarding this area, it is noted that the development site lies within a C2 flood zone. NRW have confirmed that a FCA would not be required in this instance. In this instance it is considered that an appropriately worded condition be attached to any granting of consent in order to secure a flood evacuation scheme prior to the commencement of development.

Recommendation

Whilst this report forms an update to the original report, it is considered that the recommendation remains the same with the addition of a condition to secure a flood evacuation scheme to be submitted prior to the commencement of development. The recommendation is therefore one of conditional consent.

Conditions

1. The development to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.
2. The development shall be carried out strictly in accordance with the plans stamped as approved on XX/XX/XX (drawing no's: Site Location Plan).

3. No external lighting shall be installed unless a detailed external lighting 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.

4. The temporary caravans hereby approved shall be occupied as holiday accommodation only and shall not be occupied as a person's sole or main place of residence. The temporary caravans hereby approved shall only be sited for 10 continuous days of the year each year during the Royal Welsh Agricultural Show Period.

5. Prior to the commencement of the development hereby permitted a flood evacuation scheme shall be submitted to and approved in writing by the Local Planning Authority and implemented in full thereafter.

Reasons

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

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

3. To comply with Powys County Council's UDP Policies SP3, 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.

4. In order to ensure proper control of the use of the holiday unit and to prevent the establishment of permanent residency.

5. To protect the development from flooding in accordance with policies GP1 and DC14 of the Powys Unitary Development Plan.

Informative Notes

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cardboard, glass and aluminium etc. Works vehicles currently access the site between 08:00-17:00 Monday to Saturday.”

This is incorrect and misleading as the current Recycling Centre was open 24/7 the whole year and needs correcting publically.

I respectfully ask that the application therefore be deferred given that errors have be made and that due process in line with Council protocols haven't been adhered to.

Finally, I note from the Press Statement:- <http://www.powys.gov.uk/en/communications/view-council-news/news-article/article/4984-new-household-waste-recycling-centre-to-open-this-week/> that the site will be operational from the 4th October 2017 and the day prior to the Powys CC Planning Committee determining its own application on the 5th October 2017. Given the conditions listen within the committee report on page 6 (namely conditions 5, 6, 7 and 8) should the site be operational from the 4th October 2017 Powys County Council would be doing so retrespectfully and pre determining the decision of its own Planning Committee. Again, I respectfully ask that the site doesn't become operational until such time as the Planning Committee determine application P/2017/0898 and written notification received.

Officer Appraisal

In light of comments received form the Local Member this report provides clarification on the original Committee Report.

When originally granted consent the site was not restricted by hours of operation and could be used any time of the day, any day of the week. A planning application was received in 2015 which sought a variation of condition to change delivery hours and the application also limited the operating hours of the site and this was granted consent subject to conditions.

These conditions have been duplicated as part of this consent in order to ensure that the impacts on residential amenity are limited.

The application currently being determined seeks consent to replace the existing fence with a fence 3 metres in height. The fence is to be constructed from material that will reduce noise impacts on the surrounding area.

Recommendation

Whilst the addition of this fence would raise the fence line by 1 metre it is not considered that this, would have any adverse impacts upon residential amenity. There is a variety of different fencing styles in the surrounding area and the proposed fences would not be incongruous, and would also help to bring more control to the site and minimise the potential for people accessing the site at unsociable hours and/or fly tipping at the site. The proposed fence would also aid in reducing noise impacts on the surrounding area. In light of this the application is recommended for approval.