

Public Document Pack



Neuadd y Sir / County Hall, Llandrindod, Powys, LD1 5LG

Jeremy Patterson

Chief Executive

Os yn galw gofynnwch am - If calling please ask for

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PLANNING, TAXI LICENSING & RIGHTS OF WAY COMMITTEE

Thursday, 26th October, 2017

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

1.1. **Updates**

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

(Pages 1 - 30)

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Planning, Taxi Licensing and Rights of Way Committee Report

Application No: P/2017/0708

Grid Ref: 309390.37 297150.1

Community Council: Tregynon Community Council

Valid Date: 22/06/2017
Officer: Dunya Fourie

Applicant: CTIL And Telefonica UK Ltd 260 Bath Road Slough Berkshire SL1 4DX

Location: Land at Ty'n y Bryn Farm Tregynon Newtown Powys SY16 3PG

Proposal: Full Installation of a 17.5m high tower supporting 3 no. antennas and 2 no. dish antennas together with ground based equipment cabinets and ancillary development

Update Report

Appendix 1: Public Representation

- SKMBT_C224e17082113370
- SKMBT_C224e17101710120

Appendix 2: Additional information provided by the applicant

- CTIL Health and Mobile Phone Base Stations Document v 6
- TEF 51021 - Letter - Powys - 11-10-2017

NEO FABRICATION & ERECTION LTD

The Unit
Whitegates
Tregynon
Nr Newtown
Powys SY16 3PG
Tel:
Fax:

21/08/17

F.A.O Dunya Fourie

Ref P/2017/0708

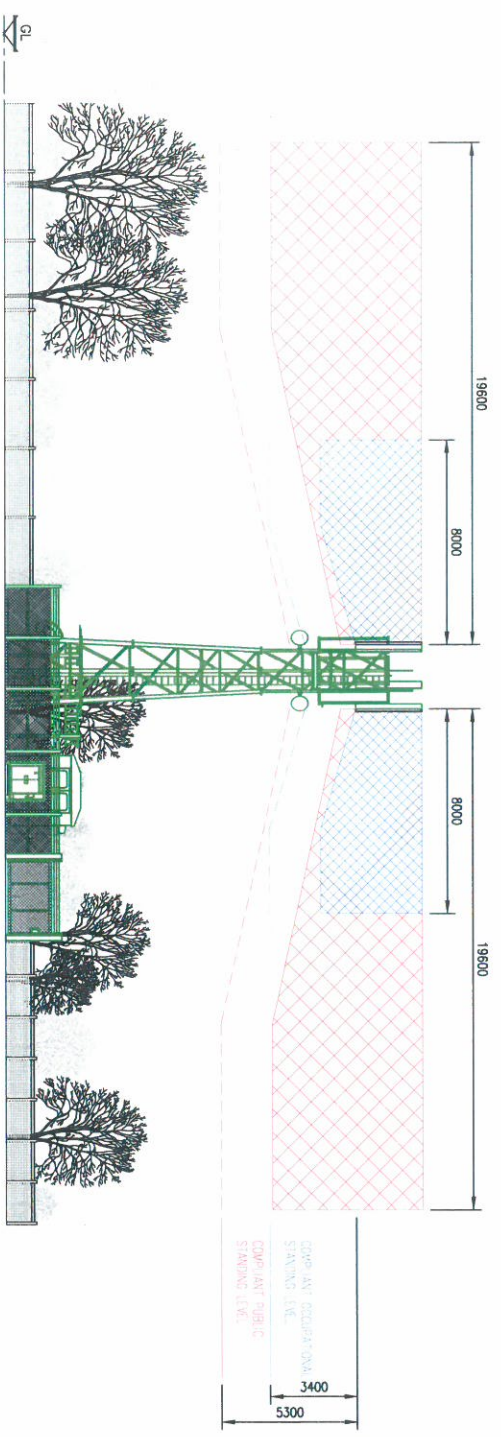
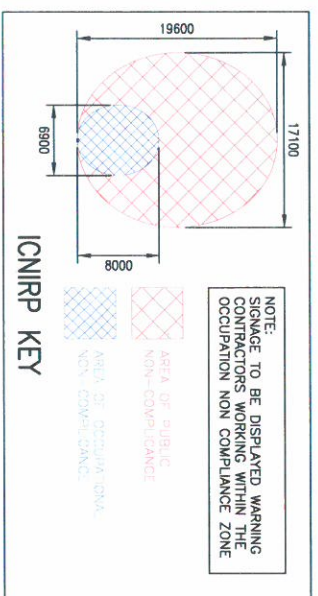
I should imagine that all mobile phone substations are the same.

Please find attached 2 drawings.

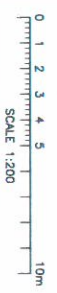
We would be in the Blue Zone plus the Red Zone

Regards

Noel Owen



PROPOSED ICNIRP EAST ELEVATION
SCALE 1:200



ICNIRP EXCLUSION ZONE ARE BASE ON VALUES WITHIN THE MENL RD1010102 ICNIRP COMPLIANCE CERTIFICATION DOCUMENT GSDD008

PROPOSED SITE TYPE OF GF (800)

USED VALUES FOR EE ONLY

PROPOSED WORKS: EAS NEW BUILD SITE

PROPOSED ANTENNA TYPE: COMMSCOPE LDX-6516DS-BTM

PROPOSED BEARING: 8°/147°/308°

PROPOSED ANTENNA HEIGHT C/L: 15.0m

FRONT DISTANCE PUBLIC: 19.6m

FRONT DISTANCE OCCUPATIONAL: 8.0m

COMPLIANCE DISTANCES BASED ON THE FOLLOWING EQUIPMENT POWER: 800MHz - 80w

N.G.R		E: 310575 N: 298895	
UPGRADE REFERENCES			
DOES THE SITE DESIGN CONFORM TO HD01414			
IF NO DETAIL THE EXCEPTIONS BELOW	YES	NO	
1.			
2.			
ICNIRP DETAILS - RD10102/GSDD008			
ACCESS CLASSIFICATION CONTROLLED			
DESIGN CLASSIFICATION PUBLIC			
REV	DESCRIPTION	BY	DATE
A	Site layout for Public Use	AT	SS 28.08.17
B	Site layout for Public Use	AT	SS 28.08.17
A	Send for Approval	AT	SS 31.05.17

CLARKE telecom

Unit E, Madison Place, Northampton Road,
Northampton, NN1 6JF
Tel: 0161 795 8500
Fax: 0161 795 8501
Web: www.clarke-telecom.com

THIRD PART REF: N/A

SITE REF: EAS0048

Site Name: Issue

Site Address / Contact Details: C

Drawing Title: ICNIRP ELEVATION			
Drawn By / Date	Checked By / Date	Approved By / Date	
AT 31.05.17	SGF 31.05.17	SS 31.05.17	
IEA OPT Letter	DRG Type	DRG No	REV
A	GA	108	C

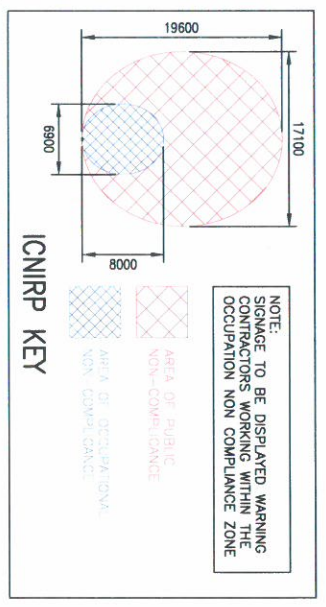
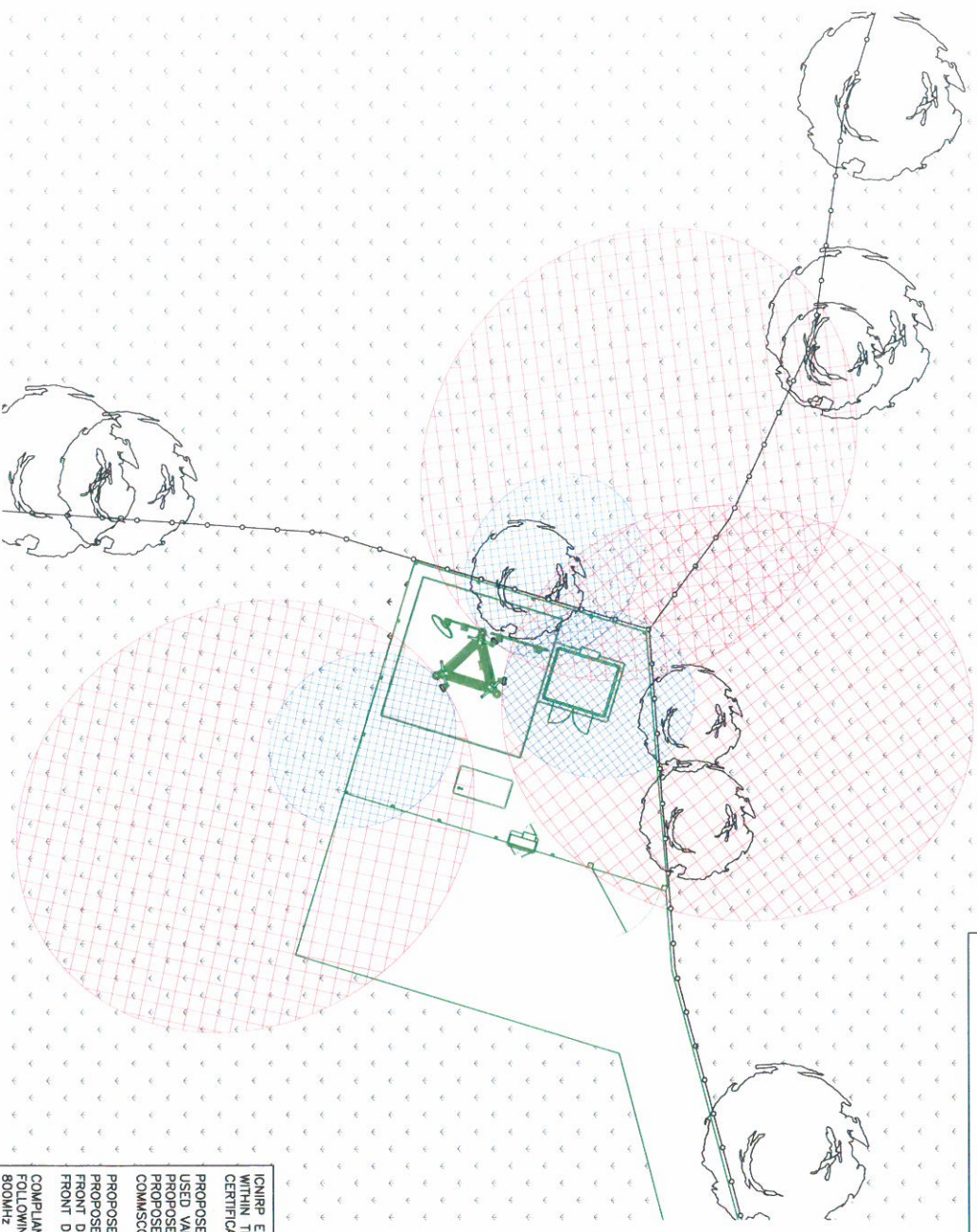
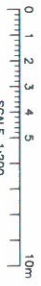
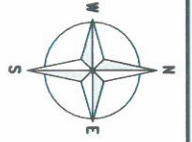
Home Office

lendlease

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ALL DIMENSIONS IN MM UNLESS OTHERWISE STATED

CONSTRUCTION TO BE IN ACCORDANCE WITH OTHER RELEVANT DRAWINGS



NOTE:
SIGNAGE TO BE DISPLAYED WARNING CONTRACTORS WORKING WITHIN THE OCCUPATION NON COMPLIANCE ZONE

PROPOSED ICNIRP PLAN
(1:200)

ICNIRP EXCLUSION ZONE ARE BASE ON VALUES WITHIN THE MBNL RD10102 ICNIRP COMPLIANCE CERTIFICATION DOCUMENT GSDDD008

PROPOSED SITE TYPE OF GF (800)

USED VALUES FOR EE ONLY

PROPOSED WORKS: EAS NEW BUILD SITE

PROPOSED ANTENNA TYPE:

COMMSCOPE LDX-6516DS-BTM

PROPOSED BEARING: 8°/147°/308°

PROPOSED ANTENNA HEIGHT C/L: 15.0m

FRONT DISTANCE PUBLIC: 19.6m

FRONT DISTANCE OCCUPATIONAL: 8.0m

COMPLIANCE DISTANCES BASED ON THE FOLLOWING EQUIPMENT POWER:

800MHz - 80W

Home Office



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ALL DIMENSIONS IN mm UNLESS OTHERWISE STATED. THIS DRAWING TO BE READ IN CONJUNCTION WITH OTHER RELEVANT DRAWINGS.

N.G.R. E: 310575 N: 298895

UPGRADE REFERENCES

DOES THE SITE DESIGN CONFORM TO RD101/4

IF NOT DETAIL THE EXCEPTIONS BELOW:

1	YES	NO
2	✓	

ICNIRP DETAILS - RD10102/GSDDD008

ACCESS CLASSIFICATION CONTROLLED

DESIGN CLASSIFICATION PUBLIC

REV	DESCRIPTION	DATE	BY	CHK
0	ICNIRP Details from tender model	18/04/17	A	SS
1	ICNIRP Details from tender model	20/04/17	A	SS
A	Revised for Approval	31/05/17	A	SS
	MODIFICATION		BY	CHK

Unit 5, Madison Place, Northampton Road,
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Fax: 01628 785 801
www.clarke-telecom.com

THIRD PARTY REF.	SITE REF.
N/A	EAS0048
Site Name	Issue
	C
Site Address / Contact Details	

Drawing Title: ICNIRP PLAN			
Drawn By / Date	Checked By / Date	Approved By / Date	
AT 31/05/17	SGF 31/05/17	SS 31/05/17	
IEA OPT Letter	DRG Type	DRG No	REV
A	GA	107	C

Noel Owen and NEO Fabrications Ltd
Corndon View
Tregynon
Newtown
Powys
SY16 3PG

16th October 2017

Dear Dunya,

Application description: Full Installation of a 17.5m high lattice tower supporting 3 no. antennas and 2 no. dish antennas together with ground based equipment cabinets and ancillary development

Application ref: P/2017/0708

Applicant: CTIL And Telefonica UK Ltd

Further to my previous letter of objection to the above application dated 2 August 2017, I have now taken legal advice because it is such a important issue for ourselves. I would like to make the following additional comments:

The classification of the site in terms of the Traffic Light Model

1. The Code of Best Practice on Mobile Phone Network Development published by the Welsh Assembly Government in 2002 ('the Code') requires the applicant to outline, as part of the planning application, the rating assigned to the site under the Traffic Light Model. The Model assists in ascertaining the amount and type of public consultation that is required for any proposed site. In the document submitted with the application entitled 'Supplementary Information', it is clear that the applicant has assigned a Green rating to the site. It is not clear how the applicant arrived at that calculation. I have undertaken my own assessment of the proposal in relation to the Traffic Light Model (as set out below), and do not consider that the proposal should have been allocated a Green rating.
2. The Traffic Light Model uses a graph, which operates along two axes: 'Planning and Environmental issues' (horizontal) and 'Community issues' (vertical). The Planning and Environmental Issues axis is graded 0-30, where 0 indicates very low concern or no concern and 30 where there are likely to be major concerns. This axis is broken down into 3 sub categories: Sensitive Land Use, Siting and Appearance, and Planning. It is submitted that, as per the factors outlined in the Code for each sub category, in the 'Sensitive Land Use' category, the site would score highly, given the very close proximity of the mast to dwellings, particularly mine. I also consider that in the 'Siting and Appearance' category, the proposal would score highly because of the impact of the mast on the skyline, and on views of recognised importance (the site is adjacent to Gregynog (a Registered Park/Garden), and appearance (particularly the height of the mast) and the fact that this is a new site. The site would therefore score highly in the two most influential categories on this horizontal axis.
3. As to the vertical axis ('Community Issues'), it is submitted that the proposal would score highly in relation to the sub categories entitled 'Views and attitudes of Local communities', given the number of objections which have been submitted opposing the application; and the 'Social Political' sub category, given that Assembly Member Russell George has recently become involved in this application. There is a strong indication that a high score should be allocated in these sub categories and therefore this axis.
4. As such, I consider that the proposal overall should at the least have been allocated an Amber rating, and potentially a Red rating. Under the Code, if the site is rated Amber or Red, the operator should as a minimum send letters to the Community Council and Ward Councillors. A minimum period of fourteen days should be allowed for comments to be made on the proposals. In the letter, details of the preferred option, possible alternatives (if there are any) together with options

considered and rejected should be given. There are a number of additional consultation tasks outlined in the Code which could be undertaken depending on the characteristics of the site, including a letter mail shot, an informal drop in session, a key stakeholder briefing session, leaflets, and a public notice in the local press.

5. Because of the applicant's incorrect categorisation of the proposal, none of these consultation tasks have been undertaken. The correct procedure has not therefore been followed, and members of the community have potentially been prejudiced by this lack of consultation; for example, the consultation process could have elicited a more suitable alternative site from a consultee or a member of the community. The lack of the required level of consultation means that the application is procedurally flawed, thus giving grounds for challenging any planning permission in the High Court, with all of the cost implications that this would give rise to for the Council

Alternative sites

6. In my previous letter of objection I stated that it was clear that there had been no meaningful investigation of alternative sites for the mast. I would like to expand upon that point here.
7. The Code states that an application such as this should include details of alternative sites with a justification for rejecting them, and that "this should include existing masts, structures and other buildings within the search area". Paragraph 14.5.3 of the explanatory text to Policy DC4 of the Powys UDP states that operators should share existing sites, masts and structures in order to prevent a proliferation of installations, and that developers will be required to provide evidence of the consideration that they have given to the possibility of utilising shared facilities. Policy DC4 itself states that '[w]here feasible, proposals shall share the site or structure of an existing facility'. Paragraph 57 of TAN 19 (Telecommunications) states that '[l]ocal planning authorities may reasonably expect applications for new masts to show evidence that they have explored the possibility of erecting antennas on an existing building, mast or other structure', whilst paragraph 58 of TAN 19 states: "[i]f the evidence regarding the consideration of such alternative sites is not considered satisfactory, the planning authority, or the Assembly on appeal, may be justified in refusing planning permission for the development".
8. In the document entitled 'Supplementary Information', the applicant sets out 6 alternative sites which it says were considered and not chosen. The reasons why each site was deemed unsuitable by the Applicant are set out. It is submitted that the evidence regarding alternative sites is unsatisfactory for the following reasons:
 - i. The Code sets out which documents should be submitted with an application for planning permission. One of those is an O.S. base map highlighting all alternatives that have been considered. This should focus on existing masts and structures and include all alternatives. No such document has been submitted with the application.
 - ii. The Applicant's reasoning for rejecting the alternative sites identified is brief and lacks sufficient detail to evidence a full and proper assessment having been made.
 - iii. The third property listed, referred to as 'Land at Tregynon Telephone Exchange', is rejected by the Applicant, with the reasoning that it would '*adversely affect the amenity of adjacent residential dwellings*'; it is not at all clear therefore, why the site that is now proposed, being located within 9m of my property, which includes commercial and residential premises, and would indeed give rise to and adversely impact on the residential amenity of my property.
 - iv. In addition, there are a number of sites which would appear to present true alternatives, which are not included within the Applicant's assessment:

Greenfields, Tregynon

- a) In my previous letter, I identified an alternative site, being the land owned by Mr John Morris at Greenfields, Tregynon. This is the land referred to in a letter dated 3 February 2014 from Harlequin Group to Mr Morris (which letter was attached to my letter), in which the Harlequin Group identifies Mr Morris' land as potentially suitable for the siting of telecommunications equipment. The Harlequin Group, which has expertise in the

identification and acquisition of land for siting telecoms equipment, considered Mr Morris' site to be potentially suitable as recently as 2014, and there is no reason to suggest that their assessment would be different today.

- b) Mr Morris' site is far less sensitive than the proposed site because it is located much less closely to existing residential properties.
- c) On 12 September 2017 I met with the applicant's agent, Clarke Telecom, to discuss the application. At the meeting I suggested that Mr Morris' site might be more suitable than the proposed site for the above reasons. The applicants' agent verbally rejected my suggestion, out of hand, on the basis that Mr Morris's site is located 40m lower than the proposed site. I have since checked this with Mr Morris and we calculate that his site is only 7m lower than the proposed site.
- d) Accordingly it is clear that Mr Morris' site should have been fully and properly assessed as a viable and preferable alternative to the proposed site. Proper consideration should be given to Mr Morris' site in order to ascertain whether it is more suitable than the proposed site.

Land at Pwllan, Tregynon

- e) I am aware that Clarke Telecom is currently in the pre-planning application consultations phase in relation to the introduction of another mast in Tregynon. This mast is intended to serve the Home Office led Emergency Services Mobile Communications Programme, which aims to provide critical voice and broadband data communications service for the 3 Emergency Services. The new service, called the Emergency Services Network (ESN), requires the installation of a mast.
- f) I understand that Clarke Telecom have considered various sites for the placing of this mast, and that their preferred site is on land at Pwllan, Tregynon ('the Pwllan site').
- g) Given that the Pwllan site is considered by Clarke Telecom to be suitable for the ESN mast, it would likely also be suitable for the applicant's mast.
- h) Paragraph 125 of the Code states that '[i]t has been a Welsh Assembly Government policy objective to encourage telecommunications operators, wherever practicable, to share masts and sites as a means of reducing overall mast numbers'. It is clearly the intention of the Council and the Welsh Assembly Government that masts are shared, or that single sites share multiple masts.
- i) The Pwllan site would be more suitable to accommodate a shared mast/two masts than the land adjacent to my property; for example, the Pwllan site is located further away from residential properties, and a mast in this location would give rise to be a less likely to have a detrimental impact on views in the local area as compared with the current site. It would seem to be a far more sensible option and one which is clearly supported by policy. Given that Clarke Telecom is the agent which is dealing with the applicant's proposal and the ESN mast, a sensible solution would be to require the applicant to undertake an assessment of the Pwllan site to ascertain if it could accommodate both masts.

Ty'n Y Bryn

- j) No evidence has been submitted which shows that consideration has been given to alternative sites already owned by the landowner of the current site (Mrs Jean Gethin Jones, Ty'n Y Bryn Farms). There are an abundance of large agricultural buildings at Ty'n Y Bryn which should have been considered as preferable alternatives to the new site which is currently proposed.

9. It is submitted that the selection and review of alternative sites undertaken by the applicant does not come close to satisfying the requirements of the Code, or local or national policies. No justification has been given for why the alternative sites outlined in the 'Supplementary Information' document were chosen. There is insufficient detail about each of the alternative sites. The range of sites considered by the applicant is insufficient and lacking, and excludes other potentially more suitable sites. The Council is urged to reject the application on this basis, pursuant to TAN 19.

Assessment of Impact on Amenity

10. Policy DC4 of the Powys UDP states that applications for masts will be approved provided that the development would not be significantly detrimental to the amenities enjoyed by existing or proposed properties, such as noise or visual impact.

11.As to noise, it is not clear from the information submitted by the Applicant whether the mast will produce noise; clarification should therefore be sought in this regard from the Applicant. If noise is to be produced, the Council should require an acoustic report to be produced (as per paragraph 90 of the Code) given that the mast will be located close to residential properties and particularly close to mine.

12.As to visual impact, I consider that the proposal will be significantly detrimental to the amenity of my property in terms of visual impact, and therefore in conflict with Policy DC4. The Applicant has not submitted any formal assessment of visual impact. In the document entitled 'Planning Statement', which was submitted with the application, the applicant briefly summarises the location and context of the proposal, as well as siting and design considerations, but no proper assessment has been undertaken. The Council should require that the applicant provide a formal visual impact assessment, by a qualified person, which fully assesses the impact that the mast will have. Without a proper appraisal, the Council cannot make a proper assessment as to whether the proposal complies with policy in this regard.

In conclusion therefore, it is apparent that the application is lacking in a number of key areas, which failings would present grounds for Judicial Review of any planning permission granted. It would seem overtly sensible in any event, to withhold any decision in relation to this application pending further progress in relation to the Pwllan Site scheme, as it would be premature to proceed without first having properly considered the possibility of combining the two proposals at the Pwllan Site.

Yours Sincerely

Noel Owen.

HEALTH AND MOBILE PHONE BASE STATIONS

We recognise that the growth in mobile technology has led, in some cases, to public concern about perceived health effects of mobile technology and its deployment, in particular about siting masts close to local communities. Quite naturally, the public seeks reassurance that masts are not in any way harmful or dangerous.

We are committed to providing the latest independent peer-reviewed research findings, information, advice and guidance from national and international agencies on radiofrequency (RF) electromagnetic fields.

Vodafone and Telefónica ensure that our radio base stations are designed, built and operated so that the public are not exposed to radio frequency fields above the guidelines set by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). In fact, radio base stations operate at low power and emit low levels of radiofrequency fields, typically hundreds of times lower than the ICNIRP general public guidelines.

Research Reviews

The World Health Organisation notes that *“In the area of biological effects and medical applications of non-ionizing radiation approximately 25,000 articles have been published over the past 30 years. Despite the feeling of some people that more research needs to be done, scientific knowledge in this area is now more extensive than for most chemicals (<http://www.who.int/peh-emf/about/WhatisEMF/en/index1.html>).* The scientific community have collated, summarised and assessed these publications into research reviews. The most influential in the UK being the Mobile Phones and Health Report (also known as the Stewart Report) by the Independent Expert Group on Mobile Phones under the chairmanship of Professor Sir William Stewart. These research reviews are used by Governments to develop policy on exposure to radiofrequency signals.

The Stewart Report concluded that the balance of evidence did not suggest that exposures to radio frequency fields below international guidelines could cause adverse health effects, although it is acknowledged that biological effects might occur below these values. The report stressed, however, that a biological effect does not necessarily mean a negative impact on health. Walking, drinking a glass of water or listening to music all produce biological effects. One of the recommendations of the Stewart report was a research programme to address uncertainties regarding mobile phone base stations and health. This programme was called the Mobile Telecommunications and Health Research (MTHR) Programme. The final report from this programme was published in February 2014. The report noted that the research conducted found no evidence of biological or adverse health effects from the radio waves produced by mobile phones or their base stations.

Since the Stewart Report, over 30 further reviews have been carried out, carefully considering many hundreds of pieces of research. Most have made similar recommendations and have come to similar conclusions: that research should continue to address any gaps in the knowledge; and that overall, the possibility of adverse health effects from mobile communications remains unproven.

In April 2012 the Health Protection Agency’s independent Advisory Group on Non-ionising Radiation (AGNIR) published a report entitled “Health Effects from Radiofrequency Electromagnetic Fields”. This report concluded that there is no convincing evidence that mobile phone technologies cause adverse effects on human health.

The World Health Organisation (WHO) noted that *“A large number of studies have been performed over the last two decades to assess whether mobile phones pose a potential health risk. To date, no adverse health effects have been established as being caused by mobile phone use”* WHO factsheet 193: Electromagnetic fields and public health: mobile telephones, 2014.

Compliance with International Exposure Guidelines

All Vodafone and Telefónica installations are designed, constructed and operated in compliance with the precautionary ICNIRP public exposure guidelines as adopted in EU Council Recommendation of 12 July 1999 on the limitation of exposure of the general public to electromagnetic fields (0 Hz to 300 GHz). These guidelines have been set following a thorough review of the science and take into consideration both thermal and non-thermal effects. They protect all members of the public 24 hours a day. In addition, precautionary measures have been taken into account when setting relevant guideline limits for the public (i.e. in the UK a safety factor of 50 times is applied to the public exposure guideline).

When measured, field strengths are typically hundreds of times lower than the precautionary ICNIRP general public guidelines.

An ICNIRP certificate is provided with every planning application and this verifies that the mobile phone base station, when operational, will meet the precautionary ICNIRP guidelines. We also provide further documentation to clarify that the ICNIRP certificate addresses emissions from all mobile phone network operators' equipment at the proposed site.

ICNIRP Guidelines

The radiofrequency public exposure limits for EMF fields were developed by the International Commission on Non-Ionizing Radiation Protection (ICNIRP) <http://www.icnirp.org> following evaluation of all the peer-reviewed scientific literature, including thermal and non-thermal effects. ICNIRP is a non-governmental organisation formally recognised by WHO. Established biological and health effects have been used as the basis for the ICNIRP exposure restrictions. The ICNIRP guidelines have been adopted for use in the European Union and the UK.

In August 2009, ICNIRP published a review of the guidelines for limiting RF exposure and concluded that *"it is the opinion of ICNIRP that the scientific literature published since the 1998 guidelines has provided no evidence of any adverse effects below the basic restrictions and does not necessitate an immediate revision of its guidance on limiting exposure to high frequency electromagnetic fields."*

Further Information:

World Health Organisation EMF Project - <http://www.who.int/peh-emf/en/>

International Commission on Non-Ionizing Radiation Protection (ICNIRP)

<http://www.icnirp.org/>

Public Health England (formally HPA)

<https://www.gov.uk/government/collections/electromagnetic-fields>

Or contact:

EMF Enquiries, CTIL

The Exchange, Arlington Business Park, Theale, Berks, RG7 4SA

Tel. 01753 564306, community@ctil.co.uk

Dunya Fourie
Planning Officer
Powys County Council
The Gwalia
Ithon Road
Llandrindod Wells
LD1 6AA

Our Ref: TEF 51021/LPA.LTT2/AJS
Your Ref: P/2017/0708

11 October 2017

Dear Dunya

RE: P/2017/0708 – LAND AT TY’N Y BRYN FARM, TREGYNON – PROPOSED TELECOMMUNICAITONS INSTALLATION

I refer to our telephone conversation on 28 September regarding the above application for planning permission. Apologies for the delayed response but unfortunately, I have been absent from work for much of the last two weeks due to illness.

As discussed, I am writing to update you on a number of issues raised following a recent meeting held between my Client and the main objectors to the proposal, namely local residents Peter Harris, Paul Harris and Noel Owen; the MD of Neo Fabrication. The meeting took place on 12 September at Newtown Football Club and was also attended by Councillor Heulwen Hulme and Russell George, Assembly Member for Montgomeryshire.

At the meeting, three alternative options to the proposed application site were suggested by the objectors. As these sites did not form part of the discounted options presented within the submitted application we agreed to investigate them further. The sites are as follows, the specific locations of which are noted within Figure 1 at the foot of this letter.

1. Land at Pwllan Farm, Tregynon – E310014 N296504

This site is located on elevated ground to the east of Tregynon. The site has been earmarked as a potential option for a new mast to provide coverage for the new Emergency Services Network (“ESN”) on behalf of the Home Office and its contractual partner, EE Limited (“EE”).

It must be stressed that this site is however very much in its early stages and, as I understand it, terms for lease are currently being discussed with the landowner. Planning permission has not yet been sought by the Home Office’s retained agents. Indeed, nothing is known of whether the option would be a shareable structure or if the Home Office would even permit this, but given the current status of this proposal this is probably a moot point.

Moreover, it must be said that the coverage requirements of Telefónica are simply not comparable to those of the Home Office. Telefónica are striving to provide as much coverage as they can across the rural communities of Tregynon and Bettws Cedewain; coverage levels which have been clearly illustrated within the previously submitted plots.

The Home Office's principal concern is for road coverage which is vital to the operation of the police and other emergency services, whom will migrate across from the existing Airwave network in the coming years.

Telefónica have a completely different network configuration to this new public safety network, with specific commitments to its customers and also those of the communications regulator, Ofcom, through its licence obligations. All this ensures that what may be viable for the Home Office and EE in terms of coverage is not always viable for Telefónica.

Whilst the option at Pwllan Farm, would clearly provide good levels of coverage to the village of Tregynon, it would not provide the same levels of coverage to the village of Bettws Cedewain due to intervening topography and increased distance.

The current application site is positioned so that coverage to a significant area will be maximised, achieved through a relatively modest height proposal, adjacent to a long established industrial land use, which will, taken by itself, have a limited visual impact on its wider setting.

2. Red House Farm, Tregynon – E310921 N298260

At the meeting, Councillor Hulme requested consideration be given to a further potential option to the south east of Tregynon, which we have also agreed to consider further. It was however clear that the site, for the most part, was simply chosen as it was distant from the current application site and occupied an elevated position in the landscape.

The site was later established to be within the ownership of Red House Farm. Despite several attempts, no contact has been made with the landlord of the property, to confirm their willingness or otherwise to accommodate such an installation.

The proposed location is atop an exposed hillside with very little opportunity for natural screening. Access to the site is not straightforward and the closest power supply is at some considerable distance from the site. The required provision for a fibre transmission cable is even more problematic.

Whilst coverage from the site would certainly meet Telefónica's requirements, the potential increased cost implications of providing power and transmission to this more remote location, with little commercial gain in servicing this low population area, would render the proposal unfeasible.

This would result in the two villages and the surrounding area missing out on the opportunity for modern network service provision. In other circumstances, Telefónica may have been capable of absorbing this significant additional cost but it is not considered feasible here, particularly when we feel we have an entirely appropriately sensitive and suitable alternative location.

Moreover, feasibility and lack of interest from the landowner aside, given the open and exposed nature of the site, and the landscape impact implications of that, it is maintained that the current application site is significantly more appropriate in planning and visual impact terms.

3. Greenfields, Tregynon – E310076 N296670

The area around Greenfields is undulating but the ground height drops between 15m and 40m from the ground height of the current proposal. This would mean we could not service the area to the north without a significantly taller mast to compensate for such an appreciable drop in elevation. This would require a much taller, bulkier mast at this location, which would create a much greater impact upon the landscape, while providing a significant reduction in effective coverage within the main target area of Tregynon.

These issues would be exacerbated further by the increased distance from Tregynon. This option is a further 500m south, meaning that the coverage footprint would move a further 500m south with that. This would lead to a severely compromised service in Tregynon and has therefore been discounted on technical grounds.

Concluding Comments

In summary, we maintain that the current application site is the most appropriate solution, both technically and in planning and impact terms. Its proposed siting adjacent to an established industrial land use is wholly appropriate and any impacts will be diminished by the substantial screening which abuts the application site.

The new design of structure to that of a coloured monopole will also assist in limiting visual impact and has been welcomed by the local planning authority.

We have demonstrated that the proposal will provide extensive levels of coverage to the surrounding rural communities leading to significant economic and social benefits to both the local and visiting population.

We would be happy to provide any further supporting information at this stage.

Yours sincerely

James Scholfield

Planning Consultant

For and on behalf of CTIL and Telefónica UK Limited

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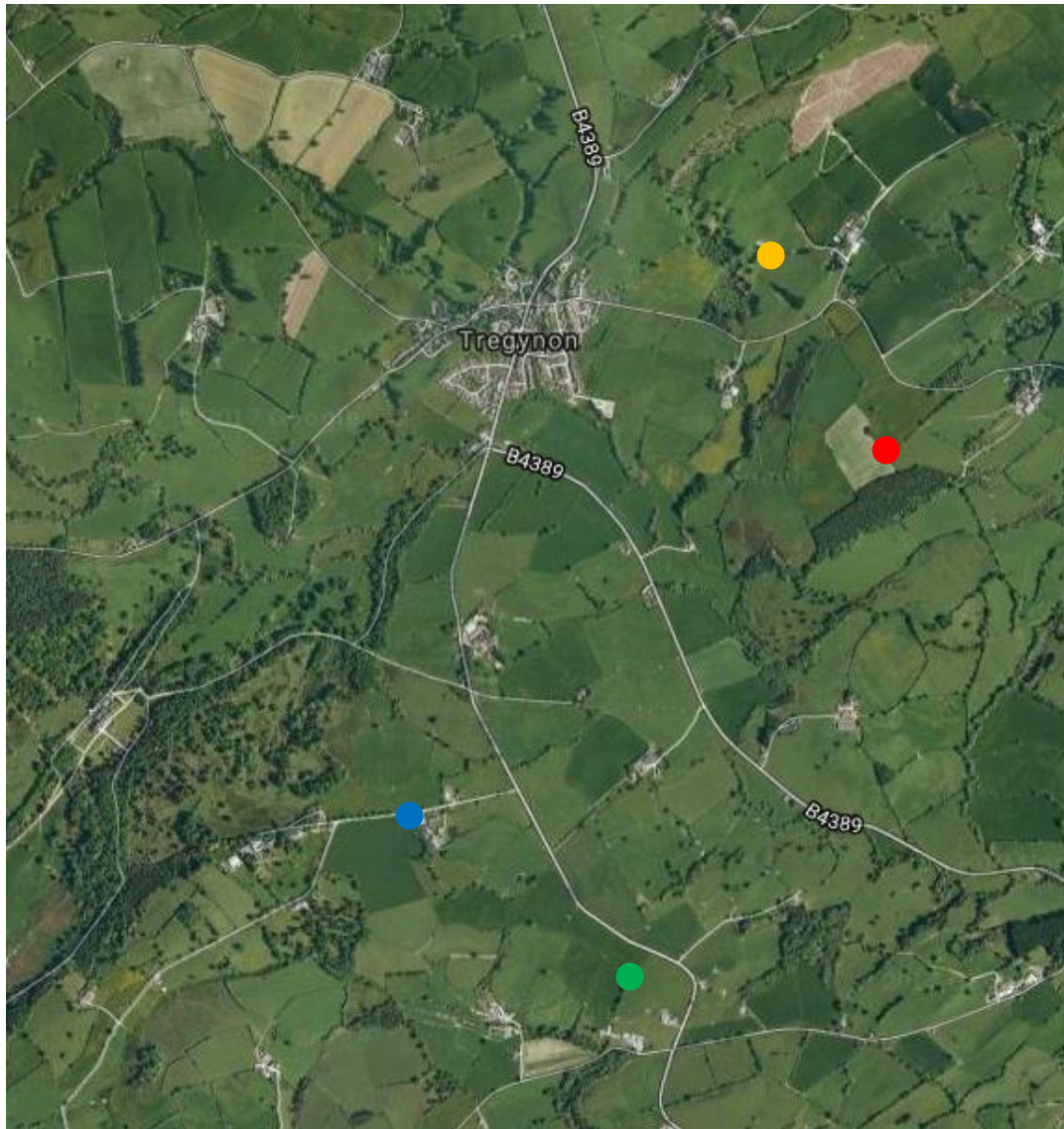


Figure 1

- 1. Pwllan Farm
- 2. Red House Farm
- 3. Greenfields
- 4. Ty'n y Bryn (application site)

Planning, Taxi Licensing and Rights of Way Committee Report

UPDATE REPORT

Application No: P/2017/0259 **Grid Ref:** 293222.95 246980.22

Community Council: Llangamarch Wells **Valid Date:** 09/03/2017 **Officer:** Thomas Goodman

Applicant: Mr John Carroll, Riverside Caravan Park, Llangammarch Wells, Powys, LD4 4BY

Location: Riverside Caravan Park, Llangammarch Wells, Powys, LD4 4EP

Proposal: Siting of 40 touring caravans and 13 static caravans for holiday use between 1st March through to 3rd January of the following year and the winter storage of 42 caravans

Application Type: Application for Full Planning Permission

Reason for Update

This update report is to provide a reason for refusal which was not attached to the original report.

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.

It should also be noted that the agent has made the following representation:

My client the Applicant, Mr Carroll, would most strongly request that the Council's Planning Committee defer their decision on his Application (Reference P/2017/0259) until a later committee so that the Applicant may have a meeting with Planning Officers. We would strongly urge that this letter be sent to the Committee for their consideration and for an update Report to be included in the papers.

There have been three separate consultation requests to Natural Resources Wales. In each case, they have not raised any objection and support the Application. Accordingly, the Council's Planning Officers has sufficient information to recommend approval in the report to the Planning Committee dated 22 June 2017. At that meeting, the Committee requested the Application be deferred to allow for clarification from NRW regarding its assessment that development would not increase vulnerability of the site. Consequently, the Appellant commissioned a Flood Consequences Assessment at the NRW's suggestion. The FCA confirmed the NRW's initial finding that there was no increased vulnerability and concluded (on page 20):

“This FCA concludes that there is no reason to object to the application on the grounds of flood risk. However, it is recommended that preparation of a robust Flood Emergency Plan is secured by way of a condition.”

Having read the FCA the NRW confirmed again that there was no objection on flood grounds and no increase in vulnerability in its letter of 22 September 2017, and stated (on page 2):

“...site occupants may face a similar likelihood of a flood event during the current opening season (through October) or the extended season (through December).”

The Appellant cannot understand this volte face and why the Council should recommend refusal given that the NRW have recommended approval three times and this has been supported by a detailed FCA which confirms there is no justification for refusal on flood risk grounds.

It would be most equitable and in everyone’s interest if the Committee would defer their decision until these issues could be discussed and resolved at a meeting.

In the absence of a meeting, my client’s only opportunity to discuss matters in detail would be at Appeal. He has been advised that he would be in a strong position to Appeal and to apply for his costs of doing so, given the strong evidence that there is no justification for refusing on flood grounds contained in the three NRW responses and the FCA.

A round table meeting would involve less time and costs for both sides and would provide the opportunity to find a mutually agreeable way forward without further significant costs and delay. A meeting which could resolve the matter at this stage would therefore be in all parties’ best interests.

A meeting would also provide the opportunity to go through the FCA in greater detail and could provide further reassurance, if it were needed, to the Council. For instance FCA shows that the majority of the site is above the Q100 1% level, as shown in “drawing 06” of the FCA. The Appellant believes that it would be beneficial to look at the issues in this level of detail to ensure there is no misunderstanding of the FCA and NRW assessments, and for the Council to be completely satisfied that there is no increase in vulnerability.

Recommendation

It is considered that the proposed development would result in an increased period of occupation of a caravan site located within a flood zone. The flood risk is considered to be unacceptable. The recommendation is therefore one of refusal for the following reason:

1. The proposal will lead to an increase of the occupation period of highly vulnerable development within Zone C2 as defined by the development advice maps referred to under TAN15 Development and Flood Risk (2004). The development is contrary to policy SP14 of the Powys Unitary Development Plan (adopted 2010), Technical Advice Note 15 TAN 15 Development and Flood Risk (2004) and Planning Policy Wales (2016).

Planning, Taxi Licensing and Rights of Way Committee Report

UPDATE REPORT

Application No:	P/2017/0571	Grid Ref:	312659.85 326184.17
Community Council:	Llanrhaead	Valid Date:	Officer: 18/05/2017 Eddie Hrustanovic
Applicant:	Mr N Jones Tanat Valley Developments Woolston Bank Fairfields Oswestry SY10 8HZ		
Location:	Land adjoining Brynderw Park Street Llanrhaeadr Ym Mochnant Oswestry SY10 0JJ		
Proposal:	Outline application for residential development for up to 5 dwellings, formation of access road and all associated works		
Application Type:	Application for Outline Planning Permission		

The reason for update

- Additional condition (condition 20) has been added to secure a provision of on-site recreational facilities at the site, which states the following:
- Additional clarification and condition (condition 21) in respect of footpath provision under Highway access and parking requirements heading.

Officer Appraisal

Additional Condition in respect of the provision of on-site recreational facilities

In respect of the cumulative development (Phase 1 and proposed Phase 2), the total amount of the dwellings will come to 10 dwellings in total, therefore Development Management considers that provision of on-site recreational facilities will be required in this instance. The following condition is recommended to be added if approval is given;

Condition 20

“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”.

Additional clarification in respect of footpath provision under Highway access and parking requirements heading.

UDP Policy GP4 requires adequate highway provision in terms of a safe access, visibility, turning and parking. Access to the Phase 2 site would be gained off B4580 highway via new access which was consented on Phase 1 development. The speed limit at this location is 30 mph and the Highway Authority has not objected to the proposal in this respect.

The key concern of the Highway Authority during the Phase 1 application was the lack of pedestrian facilities into the village and whether the proposed footpath along the frontage of the site can be constructed.

Whilst the officers at that time considered that it would be preferable to provide a footpath into the village to benefit proposed occupiers, existing residents and highway users, it was considered that such provision was not feasible at this location. However the Members gave the Delegated authority to the Professional Lead for Development Management in consultation with the Chair and Vice Chair regarding the provision of sectional drawings in respect of highways. Therefore, the requested condition has been included with outline planning approval **P/2015/1228** (Phase 1).

Members should note that Development management has now approved the reserved matters application for Phase 1 development (P/2017/0487) including the provision of a requested pedestrian link. Therefore, Development Management recommends inclusion of an identical condition as per Phase 1 approval securing the provision of a pedestrian link. The recommended condition reads as follows:

“Detailed cross-sections at 10 metre intervals along the B4580 highway shall be submitted for approval at the same time as the other reserved matters referred to in Condition No. 1. The development shall be implemented in full accordance with the approved scheme”.

Therefore it is considered that adequate provision for highway access in terms of visibility, turning/parking within the current site (Phase 2) and provision of pedestrian link would be provided in accordance with UDP Policy GP4.

RECOMMENDATION

Whilst the proposal is a departure from the development plan with residential development having been refused previously, the Council's current lack of housing land supply carries significant weight in favour of this development. Whilst the site is located close to the development boundary of Llanrhaeadr Ym Mochnant, it is accepted that the proposal would result in visual changes to the locality. However subject to future consideration of the design and the implementation of landscaping measures, it is considered that the proposal would not result in an unacceptable adverse impact upon the surrounding landscape, public vantage points, the identified public right of way and the historic landscape.

Following careful consideration, on balance, it is considered that the lack of housing land supply within the county warrants the approval of this development. Therefore, the recommendation is one of conditional consent subject to conditions below.

RECOMMENDATION

Conditional Consent

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

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

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

4. The development shall be carried out in accordance with the plans stamped as approved on xxx in so far as the extent of the application site as indicated in drawing no: P-02.

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

- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 20% affordable dwellings;*
- ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;*
- iii) the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing (if no RSL involved)];*
- iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and*
- v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.*

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

7. No development shall commence until details of a scheme for the disposal of foul and surface water has been submitted to and agreed in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details prior to the first occupation of the dwellings hereby permitted and retained in perpetuity.

8. A detailed landscaping scheme shall be submitted at the same time as the other reserved matters. The submitted design shall include drawings at a scale of 1:200 or 1:500 and a written specification clearly describing the species, sizes, densities and planting numbers. Drawings must include accurate details of all existing trees and hedgerows with their location, species, size, condition, any proposed tree surgery and an indication of which are to be retained and which are to be removed.
9. All landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.
10. Any entrance gates shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.
11. No other development shall commence until the area of the access to be used by vehicles has been constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 10 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.
12. Prior to the occupation of any dwelling, provision shall be made within the curtilage of the site for the parking of not less than one car per bedroom excluding any garage space provided together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.
13. No other development shall commence until provision has been 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.
14. The width of the access carriageway, to be constructed to an adoptable standard, shall be not less than 5.5 metres and shall be maintained at this width for as long as the development remains in existence.
15. 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.
16. 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.

17. All surface water run-off is to be collected and discharged via a piped system to a soakaway located within the site no less than 6 metres from the highway. This system shall be retained and maintained for as long as the development remains in existence.

18. 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.

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

20. 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.

21. Detailed cross-sections at 10 metre intervals along the B4580 highway shall be submitted for approval at the same time as the other reserved matters referred to in Condition No. 1. The development shall be implemented in full accordance with the approved scheme.

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.

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

6. In order to ensure that the dwellings serve an affordable need in perpetuity in accordance with the Affordable Housing for Local Needs Supplementary Planning Guidance (SPG) (July 2011), Policies HP7 and HP10 of the Powys Unitary Development Plan (2010) and Planning Policy Wales (2016).

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

8. To ensure a satisfactory and well planned development and to preserve and enhance the quality of the natural environment, visual amenity and privacy in accordance with Policies GP1, ENV2, ENV3 and SP3 of the Powys Unitary Development Plan (2010), Technical Advice Note 5: Nature Conservation and Planning (2009) and Planning Policy Wales (9th Edition, 2016).

9. To ensure a satisfactory and well planned development and to preserve and enhance the quality of the natural environment, visual amenity and privacy in accordance with Policies GP1, ENV2, ENV3 and SP3 of the Powys Unitary Development Plan (2010), Technical Advice Note 5: Nature Conservation and Planning (2009) and Planning Policy Wales (Edition 9, 2016).

10. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
11. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
12. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
13. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
14. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
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18. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
19. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
20. In order to secure adequate amenity space in accordance with policy GP1 of the Powys Unitary Development Plan (2010).
21. In the interests of highway safety and to establish that the pedestrian footpath can be achieved in accordance with Policies GP1 and GP4 of the Unitary Development Plan (2010).

Planning, Taxi Licensing and Rights of Way Committee Report

UPDATE REPORT

Application No: P/2017/0667 **Grid Ref:** 304017.92 256724.39

Community Council: Dissersh and Trecoed **Valid Date:** 20/06/2017 **Officer:** Thomas Goodman

Applicant: Mr J Nicholls, Cargill Meats Europe, Feed Mill, Allensmore, Hereford, HR2 9AW

Location: Gaufron Farm, Howey, Llandrindod Wells, Powys, LD1 5RG

Proposal: Full: Redevelopment of site, including the demolition of 5 poultry units, and the erection of 2 replacement poultry units and all associated works

Application Type: Application for Full Planning Permission

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.

Deliveries to and from the site in connection with the delivery and removal of birds was previously conditioned and secured under condition 5 of the original report. It is considered that this condition be amended due to the fact that birds are delivered in the very early morning due to bird welfare reasons. The Noise Assessment within the Environmental Statement relates to bird delivery and removal. The Noise Assessment demonstrates that these activities will not result in a significant impact upon neighbouring properties, furthermore given that there are only 2.2 cycles per annum, it means that birds will only be delivered three times per annum and removed twice. The existing business currently operates in this manner and has done for a period of time.

Given that the Noise Assessment demonstrates that these activities will not result in a significant impact upon neighbouring properties it is considered that the condition be amended to ensure that the delivery and removal of birds is carried out in full accordance with the Environmental Statement.

Recommendation

Whilst this report forms an update to the original report, it is considered that the recommendation remains the same with the amendment of a condition which secured deliveries between specific hours, the condition will now ensure that the deliveries are carried out in accordance with the Environmental Statement submitted by Berrys in support of this application.

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: Dwg No GW-3D, Dwg No GW-3C, Dwg No GW-5, Dwg No GW-1B & Dwg No GW-2B).
3. Prior to the construction of the buildings hereby approved details and/or samples of the materials to be used in the construction of the external surfaces of the buildings shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
4. 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.

During construction (including soil movement and landscaping activities) the contractor shall take all reasonable steps to prevent dust formation from dusty activities and any dust formed shall be prevented leaving the site by continuous watering down.

5. The recommendations regarding bats, nesting birds and reptiles identified in Section 4.3 of the Ecological Report by Turnstone Ecology dated May 2017 shall be adhered to and implemented in full.
6. The mitigation regarding bats, badgers and reptiles in Section 4.3 of the ecological report by Turnstone Ecology dated May 2017 and water pollution identified in Section 9.6 of the Environmental Statement by Berrys shall be adhered to and implemented in full.
7. Prior to commencement of development, a Biodiversity Enhancement Plan including details of the proposals for bat and bird boxes, grassland seeding and tree planting shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.
8. The Pollution Prevention Plan and Surface Water Management Plan submitted to the Local Planning Authority shall be implemented as approved and maintained thereafter.
9. A lighting design scheme to take any impacts on nocturnal wildlife into consideration shall be submitted to and agreed in writing by the Local Planning Authority and carried out in full.
10. Prior to commencement of development a Tree and Hedgerow Protection Plan in accordance with BS:5837:2012 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.
11. No manure from the egg laying unit shall be spread on the holding without the prior written approval of the Local Planning Authority. In no circumstances shall such manure be spread within 10m of any watercourse, protected dwelling or SSSI.
12. The storage and spreading of manure will be undertaken in accordance with the DEFRA Code of Good Agricultural Practice for the Protection of Air, Water and Soil.
13. Vehicles used for the movement of manure shall be sheeted to prevent spillage of manure.

14. The development hereby approved must not affect Network Rail's current ability to access, inspect, examine and maintain the earthwork and drainage assets along the Heart of Wales Line.

15. All deliveries to and from site in connection to this application shall be carried out in full accordance with the Noise Assessment within the Environmental Statement submitted by Berrys.

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. 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.
4. In the interests of the amenities of existing residential property in the locality in accordance with policy GP1 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 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 the Environment (Wales) Act 2016.
7. To comply with Powys County Council's UDP Policies SP3, ENV2, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and the NERC Act 2006.
8. To comply with Powys County Council's UDP Policies ENV3, ENV4, 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 the Environment (Wales) Act 2016.
9. To comply with Powys County Council's UDP Policies SP3 and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.
10. 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.
11. To comply with Powys County Council's UDP Policies ENV3, ENV4, 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 the Environment (Wales) Act 2016.
12. To comply with Powys County Council's UDP Policy ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.
13. To comply with Powys County Council's UDP Policy ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.

14. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1, GP4, T10 and T11.

15. In the interests of the amenities of existing residential property in the locality in accordance with policy GP1 of the Powys Unitary Development Plan.

Informative Notes

Case Officer: Thomas Goodman- Planning Officer
Tel: 01597 827655 E-mail:thomas.goodman@powys.gov.uk

Planning, Taxi Licensing and Rights of Way Committee Report

Update Report

Application No: P/2017/0765	Grid Ref: 295052.24
	285424.67
Community Council: Llanidloes	Valid Date: 10/07/2017
	Officer: Luke Jones
Applicant: Mr & Mrs Emyr Davies, Tynypwll, Llandinam, Powys, SY17 5BQ	
Location: Dyfnant, Llanidloes, Powys, SY18 6HR	
Proposal: Full: Erection of 3 dwelling, formation of new vehicular access and all associated works	
Application Type: Application for Full Planning Permission	

REPORT UPDATE

In relation to affordable housing, the two sites at Dyfnant are linked by an area of land to the rear of both the proposed housing sites (P/2017/0765 and P/2017/0766). It is therefore considered that a proportion of affordable housing would therefore be required for the proposed developments.

Officer Appraisal

Affordable Housing

Since the publication of the report further assessment of policy HP5 – Residential Developments has been undertaken. The UDP requires a contribution of affordable housing on developments of 5 or more dwellings.

The above housing development for three dwellings is under the same ownership as planning application P/2017/0766 which is a housing development for two dwellings. The two sites are linked by a section of land to the rear of both the sites which is also under the ownership of the applicant. This area has been outlined in blue within the location plan submitted. In accordance with Powys Local Development Plan Affordable Housing Topic Paper Update September 2016 a provision of 10% is required for the Llanidloes area which would equate to one dwelling out of the five. After discussions with the agent and the noted constraints of the site it has been agreed that a financial contribution towards affordable housing will be secured through a Section 106 legal agreement.

RECOMMENDATION

Whilst the proposal is a departure from the development plan, the Council's current lack of housing land supply carries considerable weight in favour of this development and given that the proposal would otherwise comply with the development plan and national planning policies, the recommendation is therefore one of conditional consent and subject to the signing of Section 106 legal agreement to secure an affordable housing contribution within 3 months from 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 appropriately.

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 XXXXXX (drawing no's: Amended Plans SK.01(A), SK.02(A), SK.04(B) SK.05 (A), SK.05(B), SK.06(A), SK.10 (A), SK.20 (B), SK.21).
3. Prior to the occupation of any dwelling any entrance gates shall be set back at least 10.0 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.
4. The gradient of the access shall be constructed so as not to exceed 1 in 15 for the first 5.5 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.
5. Prior to the commencement of the development the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 10.0 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
6. Prior to the occupation of any dwelling, provision shall be made within the curtilage of the site for the parking of not less than one car per bedroom excluding any garage space provided. The parking areas shall be retained for their designated use in perpetuity.
7. The width of the access carriageway, constructed as Condition 5 above, shall be not less than 5.0 metres for a minimum distance of 10.0 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.

8. Prior to the occupation of any dwelling the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 10.0 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.
9. Prior to any works being commenced on the site the applicant shall submit and have approved in writing by the local planning authority full details of a scheme to intercept and discharge of all surface water run-off from the access road.
10. Prior to the occupation of any dwelling, the approved scheme for surface water drainage shall be fully completed to the written satisfaction of the local planning authority
11. Prior to commencement of development a Tree and Hedgerow Protection and Replacement Plan in accordance with BS:5837:2012 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.
12. Prior to the commencement of development a detailed lighting design scheme to take into account any impacts on nocturnal wildlife into consideration shall be submitted for written Local Planning Authority approval and implemented as approved and maintained thereafter.
13. Prior to the commencement of development a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted landscaping scheme shall include a scaled drawing and a written specification clearly describing the species, sizes, densities and planting numbers proposed as well as aftercare measures. Drawings must include accurate details of any existing trees and hedgerows to be retained with their location, species, size and condition.

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

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

11. To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and Part 1 Section 6 of the Environment (Wales) Act.
12. To comply with Powys County Council's UDP Policies SP3, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act
13. To comply with Powys County Council's UDP Policies SP3 and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

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