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PLANNING, TAXI LICENSING & RIGHTS OF WAY COMMITTEE Wednesday, 21st February, 2018

The use of Welsh by participants is welcomed. If you wish to use Welsh please inform us by noon, two working days before the meeting

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 1 February, 2018 as a correct record.

(Pages 1 - 14)

1.1. **Updates**

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

(Pages 15 - 58)

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Agenda Item 2

Planning, Taxi Licensing & Rights of Way Committee Thursday, 1 February 2018

MINUTES OF A MEETING OF THE PLANNING, TAXI LICENSING & RIGHTS OF WAY COMMITTEE HELD AT COUNCIL CHAMBER - COUNTY HALL, LLANDRINDOD WELLS, POWYS ON THURSDAY, 1 FEBRUARY 2018

PRESENT

County Councillor D R Price (Chair)

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

1. APOLOGIES

Apologies for absence were received from County Councillors L George, M J Jones, K Laurie-Parry and P Roberts.

The Chair welcomed County Councillor Gareth Pugh to his first meeting.

2. MINUTES OF THE PREVIOUS MEETING

The Chair was authorised to sign as a correct record the minutes of the meeting held on 18 January, 2018 subject to it being noted that in respect of P/2016/0455, the correct name of the speaker for Old Radnor Community Council was Councillor R Burdon and not R. Burton.

Planning

3. DECLARATIONS OF INTEREST

- (a) County Councillor R Williams declared a personal interest as he was a member of the Campaign for the Protection of Rural Wales.
- (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 the following members (who are not members of the Committee) would be speaking as the 'local representative' in respect of applications:
County Councillor E. Jones – P/2017/0444
County Councillor E. Durrant – P/2017/1224

4. PLANNING APPLICATIONS FOR CONSIDERATION BY THE COMMITTEE

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/2016/0397 Lower House Farm, Clyro, Hereford, HR3 5RU

Grid Ref: 322207.34 244602.32

Valid Date: 20/04/2016

Officer: Tamsin Law

Community Council: Clyro Community Council

Applicant: Mr Lloyd JR Lloyd & Son, Lower House Farm,
Clyro, Hereford, HR3 5RU

Location: Lower House Farm, Clyro, Hereford, HR3 5RU

Proposal: Erection of two poultry units, creation of access track, installation of a package treatment plant and all associated works

Application Type: Application for Full Planning Permission

The Chair advised that the Committee had undertaken a site visit prior to the Committee meeting.

The following spoke against the application:

Louise Money, James Lewis, Angus Graham, Margaret Wadley, Julie North and Roger Wells.

The following spoke for the application:

Tom Lloyd, applicant
John Hodgkinson, poultry supplier
Graham Clarke, Agent
Andrew Lloyd, applicant.

The Principal Planning Officer referred the Committee to the update report which provided further clarification on the impact on the historic landscape and Offa's Dyke footpath. She advised that if the Committee was minded to approve the application it was recommended to delegate to the Professional Lead, Development Management to amend or include the following conditions:
Additional condition requiring the submission of existing and proposed site levels.
Condition 27 and 29 – to add in the need for the Plans to be approved by the local Planning Authority to ensure enforceability
Conditions 31 and 32 – to amend the wording

The Principal Planning Officer advised that the cumulative impact of the proposed development had been considered along with the Environmental Statement submitted with the application.

In response to questions the Principal Planning Officer advised that the previous planning permission was considered to be an extant consent. This was for 10000 free range table birds with six clean out periods per year. The current application was for larger units for 23500 birds and this number would be limited by condition. The proposed system would require a clean out every 55 weeks.

The Committee was advised that there was anecdotal evidence that white clawed crayfish were present in the River Wye. The Principal Planning Officer advised that a precautionary approach was undertaken regarding white clawed crayfish and contact was made with Natural Resources Wales (NRW) for their professional opinion. The Principal Planning Officer advised that NRW had undertaken a desk top exercise and they stated that they did not consider that the ammonia nitrogen depositions would have a significant impact on white clawed crayfish.

In response to questions the Environmental Health Officer advised that the expert reports indicate that noise levels at all receptors are below background levels and that odour levels are below the 3 odour unit benchmark. He confirmed that the assessments were for properties and not tents or caravans and that assessments had been taken at Bushfield Farm.

The Principal Planning Officer advised that approximately 104 objections and a 41 signature petition had been received and one letter of support.

In response to a question about the morality of the proposed production system the Solicitor advised that this was a material planning consideration and it was for the Committee to consider what weight to give to this.

The Committee noted that trees would be planted to screen the proposed development. Officers advised that although the trees would take years to grow and mature the proposed development would be grouped with existing buildings and seen as part of the existing farm complex. However, the Committee had to take this into consideration when considering the landscape and visual impact.

Concerns were raised about how odours levels would be monitored. The Professional Lead Development Management advised that condition 21 covered odour. The Environmental Health Officer also advised that if the levels were breached then this could be investigated as a possible statutory nuisance and action could be taken under the Environmental Protection Act, in addition to enforcement due to a breach of the planning condition. If such a breach occurred the Committee was concerned about the time it would take to take actions. The meeting was adjourned to allow the Professional Lead Development Management to clarify a point with the applicant. On reconvening the meeting, the Professional Lead Development Management advised that if the Committee was minded to approve the application he recommended that it be delegated to him to condition an odour management plan.

In response to concerns about the impact on the landscape and on other businesses the Professional Lead Development Management advised that condition 27 required the submission of a landscape management plan and the details of the types of trees would be contained in this. Development Management considered therefore that the impact on the landscape and tourism

could be managed to an acceptable level. In response to a question relating to the potential for a bund and the details of this, it was advised that the condition requiring the submission of existing and proposed site levels could demonstrate this.

The Highway Authority advised that a transport assessment had been undertaken and the Authority was satisfied that the visibility was sufficient for accessing the site.

The Principal Planning Officer acknowledged the concerns raised about the landscape impact. However, she advised that on balance the tree planting, location of the building and the low ridge height of the building would mean that over time the development would be appropriately screened. She advised that condition 3 would control the materials used for the building.

In response to a question regarding TR2 the Professional Lead Development Management advised that TR2 was a policy to protect tourism assets. Development Management however, advised that with conditions the impact on the tourism assets could be managed to an acceptable level, but it was for the Committee to consider these issues.

RESOLVED:	Reason for decision:
<p>That Committee having considered and taken into account the submitted Environmental Statement the application be granted consent, subject to the conditions set out in the report which is filed with the signed minutes and subject to the delegation to the Professional Lead Development Management to add a condition about the existing and proposed site levels; amending the wording of conditions 27, 29,31 and 32 and that a condition requiring the submission of an odour management plan be added.</p>	<p>As officers recommendation as set out in the report which is filed with the signed minutes.</p> <p>To ensure that site levels are appropriately managed in the interests of the character and appearance of the area.</p> <p>To ensure that conditions 27 & 29 are enforceable in accordance with the relevant circular.</p> <p>To ensure that conditions 31 & 32 are precisely worded in relation to protected species licensing.</p> <p>To ensure that odour is appropriately managed.</p>

The following Councillors asked that their vote against the application be recorded: County Councillors D.H Williams, D Thomas, K Silk, G Williams, I McIntosh, J Williams, H Hulme and D Selby.

4.3 P/2017/0444 Land adj Lon-Yr-Ywen, Pontrobert, Powys SY22 6JT

Grid Ref:	311018.6 312889.79
Valid Date:	24/04/2017
Officer:	Eddie Hrustanovic
Community Council:	Llangyniew Community Council
Applicant:	Mr & Mrs N Proudlove & K Proudlove-Banks 56 Warrane Road, North Willoughby NSW 2068 Australia, 29 Camp Road, Phoenix New York 13135 USA
Location:	Land adj Lon-Yr-Ywen, Pontrobert, Powys, SY22 6JT
Proposal:	Outline: Proposed residential development of up to 5 no. dwellings, formation of vehicular access and associated works (some matters reserved)
Application Type:	Application for Outline Planning Permission

County Councillor E Jones spoke as the local representative.

Mrs A Molton spoke against the application.

Mr Proudlove spoke as the applicant.

The Planning Officer advised that in the emerging Local Development Plan [LDP] Pontrobert was classed as a large village. The Professional Lead Development Management advised that if the Committee was minded to approve the application condition 5 should be changed to state that the level of affordable housing should be 60%, rather than 20%.

Concerns were raised about the sustainability of further developments in Pontrobert. The Planning Officer advised that new development to date was as follows:

- Allocated housing site under the Unitary Development Plan [UDP] – 13 dwellings, with two not yet built
- Recent approved application – 9 dwellings not yet commenced
- Affordable houses – 2 dwellings

In addition to the above a further two applications had been received for five dwellings each.

The Professional Lead Development Management advised that on balance, officers considered that this application was acceptable on sustainability grounds. In addition although two open market dwellings were a departure from the UPD the provision of three affordable houses was in line with the UDP. He advised that the Committee had to consider this against the sustainability of the development.

Concerns were raised about the lack of facilities in the village and the distances to other towns. In addition, it was noted that the percentage and number of Welsh speakers had reduced over a 10 year period.

In response to questions the Network Manager advised that the development should not make the flow of water worse and he considered that the drainage proposed for the development would make improvements. The Planning Officer advised that condition 7 secured the need for engineering details regarding surface water drainage.

It was moved and duly seconded to approve the application, as set out in the officer's report, with the amendment to condition 2 to state a level of affordable housing at 60%. The motion was lost on a vote.

RESOLVED: that the application be refused.	Reason for decision: That the development was not sustainable.
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The Chair changed the order of the meeting to accommodate speakers and the public.

Prior to the discussion of the next item the applicant's agent advised that he would be referring to personal information about the applicant, when addressing the Committee. As a result the Committee

RESOLVED: that in accordance with Section 100(A)(4) of the Local Government Act 1972 the public and press were excluded from the meeting for the following item.	Reason for decision: That there would be disclosure to them of exempt information under paragraphs 12 and 13 of Schedule 12A Part 7 of the above Act in respect of the following item.
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Members of the public left the meeting room.

4.4 P/2017/1224 Land adjoining Arrah Lodge, Llanfihangel Tal y Llyn, Llangorse, Brecon, LD3 7TP

Grid Ref: 311796.7 228228.31

Valid Date: 20/10/2017

Officer: Thomas Goodman

Community Council: Llangors Community Council

Applicant: Mr & Mrs R & J Gunney, Arrah Lodge, Llanfihangel Tallylyn, Llangorse, Brecon, LD3 7TP

- Location:** Land adjoining Arrah Lodge, Llanfihangel Tal y Llyn, Llangorse, Brecon, LD3 7TP
- Proposal:** Outline application (with all matters reserved) for erection of a dwelling, detached garage and all associated works
- Application Type:** Application for Outline Planning Permission

County Councillor E Durrant spoke as the local representative.
Mr A Bevan spoke as the agent.

The Professional Lead Development Management advised that the personal circumstances of the applicant were a material planning consideration and the Committee had to give these the appropriate weight. He advised that there was insufficient evidence to support approval. He also advised that the road improvements offered did not justify approval.

The Committee asked whether an annex could be built at the existing property. The Chair adjourned the meeting to allow the Planning Officer to speak to the Agent regarding this. On reconvening the meeting the Planning Officer advised that building an annex was not an option on financial grounds.

It was noted that the Community Council would support the application if the development was restricted to an affordable dwelling or linked to a Section 106 agreement. Concerns were raised about developing solutions and that the Committee should consider the application before it.

RESOLVED:	Reason for decision:
that the application be refused.	1. The proposed development constitutes unjustified development in the open countryside contrary to adopted policies on development in the open countryside. The proposed development does not comply with policies HP6, HP7, HP8 and HP9 of the Powys Unitary Development Plan (2010).

The Committee moved into open session.

County Councillor P Pritchard left the meeting.

County Councillor K Lewis was out of the meeting room for the start of this application and sat in the public area.

4.5 P/2017/1388 Land adjoining Coed Llys, Penrhos, Llanymynech, Powys SY22 6QE

Grid Ref: 323502.45 316639.8

Valid Date: 21/11/2017

Officer: Eddie Hrustanovic

Community Council: Llandrinio Community Council

Applicant: Mr J T Corbett, Penrhos, The Mount, Llanymynech Powys SY22 6QE

Location: Land adjoining Coed Llys, Penrhos, Llanymynech Powys SY22 6QE

Proposal: Outline application (with some matters reserved) for erection of a dwelling, detached garage, installation of septic tank and all associated works

Application Type: Application for Outline Planning Permission

In response to questions the Professional Lead Development Management advised that sustainability was a material planning consideration but officers considered that it was a sustainable location being 2.3km from Four Crosses.

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.

County Councillor K Lewis resumed his seat in the Committee.

4.6 P/2017/1284 Site adj to Tir Gaia, Abbey Cwm Hir Road, Rhayader, Powys, LD6 5DZ

Grid Ref: 297869.03 268525.66

Valid Date: 06/11/2017

Officer: Karen Probert

Community Council: Rhayader Town Council

Applicant: Mr & Mrs Duggan, Cefn Y Crug, Crossgates, Llandrindod Wells, Powys, LD1 6RU

Location: Site adj to Tir Gaia, Abbey Cwm Hir Road, Rhayader, Powys, LD6 5DZ

Proposal: Outline: Erection of 9 residential dwellings, including 3 affordable dwellings and all associated works (all matters reserved)

Application Type: Application for Outline Planning Permission

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.

4.7 P/2017/1333 Oakleigh, Refail, Berriew Powys SY21 8AJ

Grid Ref: 319238.82, 299832.5

Valid Date: 15/11/2017

Officer: Bryn Pryce

Community Council: Berriew Community Council

Applicant: N Freeman, Dyffryn Industrial Estate, Severn Fast Fit, Newtown Powys

Location: Oakleigh, Refail, Berriew Powys SY21 8AJ

Proposal: Outline: Erection of single dwelling, upgrade of sewerage treatment plant and associated works

Application Type: Application for Outline Planning Permission

The Planning Officer advised that Development Management was concerned about site splitting. As a result, it recommended that if the Committee was minded to approve the application that it be delegated to the Professional Lead Development Management to negotiate a contribution to affordable housing and that if this is not forthcoming the application be refused. The Professional Lead Development Management advised that the negotiations would be undertaken with the guidance of the Affordable Housing Team.

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 and that it be delegated to the Professional Lead	As officers recommendation as set out in the report which is filed with the signed minutes. To ensure that an appropriate affordable housing contribution

Development Management to negotiate a contribution to affordable housing and that if this is not forthcoming the application be refused.	is secured.
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4.8 P/2017/1337 Oakleigh, Refail, Berriew Powys SY21 8AJ

Grid Ref: 319224.46, 299837.25

Valid Date: 15/11/2017

Officer: Bryn Pryce

Community Council: Berriew Community Council

Applicant: N Freeman Dyffryn Industrial Estate, Severn Fast Fit, Newtown Powys

Location: Oakleigh, Refail, Berriew Powys SY21 8AJ

Proposal: Outline - Erection of single dwelling, upgrade of sewerage treatment plant and associated works

Application Type: Application for Outline Planning Permission

The Planning Officer advised that Development Management was concerned about site splitting. As a result, it recommended that if the Committee was minded to approve the application that it be delegated to the Professional Lead Development Management to negotiate a contribution to affordable housing and that if this is not forthcoming the application be refused.

RESOLVED: that the application be granted consent, subject to the conditions set out in the report which is filed with the signed minutes and that it be delegated to the Professional Lead Development Management to negotiate a contribution to affordable housing and that if this is not forthcoming the application be refused.	Reason for decision: As officers recommendation as set out in the report which is filed with the signed minutes. To ensure that an appropriate affordable housing contribution is secured.
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4.9 P/2017/1317 Pantygamallt, Staylitttle, Llanbrynmair, Powys, SY19 7BU

Grid Ref: 289260.79 292298.39

Valid Date: 10/11/2017

Officer: Luke Jones

Community Council: Trefeglwys Community Council

Applicant: Mr & Mrs W J Davies, Pantygamallt, Staylitttle, Llanbrynmair, Powys, SY19 7BU

Location: Pantygamallt, Staylitttle, Llanbrynmair, Powys, SY19 7BU

Proposal: Outline - Erection of dwelling, garage and associated works (some matters reserved)

Application Type: Application for Outline Planning Permission

The Planning Officer advised that if the Committee were minded to approve the application the conditions were those as stated in the update report.

It was noted that the application was not in the Llanbrynmair Community Council area but rather, Trefeglwys Community Council area.

In response to comments the Professional Lead Development Management advised that the nature of Staylitttle was such that there was a cluster of dwellings around the local facilities and then a number of dwellings located either side of the cluster. He advised that on balance officers recommended approval.

Concerns were raised that this was a development in the open countryside and the proposed development was not for an affordable dwelling.

RESOLVED:	Reason for decision:
that the application be refused.	That the development was in the open countryside and contrary to the Unitary Development Plan [UDP]

County Councillors D Selby and E Vaughan left the meeting.

4.10 P/2017/0770 Cil Common Stables, Cefn-Y-Faenor, Berriew, Welshpool, SY21 8AX

Grid Ref: 317583.43 302357.63

Valid Date: 27/07/2017

Officer: Rachel Mulholland

Community Council: Berriew Community Council

Applicant: Ms Helen Thomas, Cil Common Stables, Cefn-Y-Faenor, Berriew, Welshpool, SY21 8AX.

Location: Cil Common Stables, Cefn-Y-Faenor, Berriew, Welshpool, SY21 8AX

Proposal: Full: Demolition of existing stable building and erection of new dwelling, installation of septic tank and creation of new access and all associated works.

Application Type: Application for Full Planning Permission

The Planning Officer advised that if the Committee was minded to approve the application that condition 14 be removed and that condition 2 be amended as detailed in the update report.

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 and subject to condition 14 being removed and condition 2 be reworded as detailed in the update report.	As officers recommendation as set out in the report which is filed with the signed minutes. To ensure that appropriate landscaping is secured.

The Professional Lead Development Management declared an interest in the next application and left the meeting room.

4.11 AGRI/2018/0004 Dolmenyn, Garth, Llangammarch Wells, Powys LD4 4BL

Grid Ref: 296594.28 249181.27

Valid Date: 11/01/2018

Officer: Rhys Evans

Community Council: Llangammarch Community Council

Applicant: Mr A.J. Davies, Dolmenyn Farm, Garth, Llangammarch Wells, Powys, LD4 4BL

Location: Dolmenyn, Garth, Llangammarch Wells, Powys, LD4 4BL

Proposal: AGRI: Erection of an agricultural storage building

Application Type: Application for prior Notification of Agricultural or Forestry development

RESOLVED:	Reason for decision:
That prior approval of the proposed development is not required subject to the condition 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.

The Professional Lead Development Management returned to the meeting room.

4.12 DEM/2018/0001 The Red Dragon, Plantation Lane, Newtown, SY16 1LH

Grid Ref: 309959.84 290515.34

Valid Date: 09/01/2018

Officer: Luke Jones

Community Council: Newtown Town Council

Applicant: Powys County Council

Location: The Red Dragon, Plantation Lane, Newtown, Powys, SY16 1LH

Proposal: Demolition Notification: Demolition of an unused public house

Application Type: Application for prior Notification of Proposed Demolition

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.

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 11 and 24 January, 2018.

6.	MINUTES OF TAXI REVIEW PANELS
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The Chair presiding at the Taxi Review Panel held on 22 November, 2017 was authorised to sign the minutes as a correct record.

The Chair advised that as a result of the departure of the Head of Regeneration, Property & Commissioning in December, Ken Yorston would become Interim Head of Service for Property, Planning and Public Protection and Gwilym Davies would become Interim Senior Manager, Planning and Public Protection. These would be for a six month period. The Committee congratulated both officers.

County Councillor D R Price (Chair)

Planning, Taxi Licensing and Rights of Way Committee Report

UPDATE

Application No: P/2017/1268 **Grid Ref:** 310145.64 306222.25

Community Council: Llanfair Caereinion **Valid Date:** 31/10/2017 **Officer:** Eddie Hrustanovic

Applicant: Mrs M Williams Tanhouse Farm Llanfair Caereinion Powys SY21 0BD

Location: Land adjoining Maes Gwyn Llanfair Caereinion Powys SY21 0BD

Proposal: Outline: Residential Development of up to 9 dwellings, formation of vehicular access and all associated works

Application Type: Application for Outline Planning Permission

The reason for Update

This report forms as an update to the previous report circulated to Members. Additional comments have been received from the applicant following publication of officers' report.

Representation

"Please accept this email as an update for this planning application in preparation for the planning committee on Wednesday 21st February 2018.

We have noted that the Town Council has objected to the application and also a few objections have been raised by existing residents, and we have taken this opportunity to clarify and address some matters raised.

The town council have raised an issue with the current parking along the existing housing estate road. However, Powys Highways have not raised any objection to this application, and the proposed development will not have an impact on the existing issues, these existing issues are some that need to be sorted without this development.

The town council have raised an issue with an inadequate sewage provision, however, Severn Trent Water have confirmed they are happy but if an upgrade is required it will be confirmed by them at development stage.

The town council mention the impact on a war bunker, however this is not a scheduled monument or a local designation, and the scheme proposes an open space around this bunker.

The town council state that this proposal would have a detrimental effect on the existing properties, however there is no impact on the existing residents as this proposal is a natural extension of the town with a small housing development to be sited between this proposal and the existing properties.

The town council have raised concern that no financial contribution to the community has been offered as it is a small scale development. However, the applicant has been in discussions with Powys Council and will be providing a financial contribution to the community.

The applicant also wishes to increase the number of affordable local needs dwellings from 2 to 3 dwellings.

Also, the applicant understands that there will be a need for a Section 106 legal agreement to be put in place to tie this development in with Phase 1, whereby this development can only start once Phase 1 has been implemented first.

I would be grateful if you will add the above as an update ready for the committee meeting on Wednesday”.

National Planning Policy

Planning Policy Wales (Edition 9, 2016)
TAN 1 - Joint Housing Land Availability Studies (2015)
TAN 2 - Planning and Affordable Housing (2006)
TAN 5 - Nature Conservation and Planning (2009)
TAN 6 - Planning for Sustainable Rural Communities (2010)
TAN 12 - Design (2016)
TAN 18 - Transport (2007)
TAN 20 - Planning and the Welsh Language (2017)
TAN 23 – Economic Development (2014)
TAN 24 – The Historic Environment (2017)

Local Planning Policies

Powys Unitary Development Plan (2010)

UDP SP2 – Strategic Settlement Hierarchy
UDP SP5 - Housing Developments
UDP GP1 - Development Control
UDP GP3 - Design and Energy Conservation
UDP GP4 - Highway and Parking Requirements
UDP GP5 – Welsh Language and Culture
UDP HP3 - Housing Land Availability
UDP HP4 - Settlement Development Boundaries and Capacities
UDP HP6 - Dwellings in the Open Countryside
UDP DC10 - Mains Sewage Treatment
UDP DC11 - Non-mains Sewage Treatment
UDP DC13 - Surface Water Drainage
UDP DC8 - Public Water Supply

UDP DC9 - Protection of Water Resources
UDP ENV1 - Agricultural Land
UDP ENV2 - Safeguarding the Landscape
UDP ENV3 - Safeguarding Biodiversity & Natural Habitats
UDP ENV7 - Protected Species
UDP ENV17 – Ancient Monuments and Archaeological Sites
UDP TR2 – Tourist Attractions

Officer Appraisal

Section 38 (6) of the Planning and Compulsory Purchase Act 2004

Members are advised to consider this application in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, which requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Additional comments/representations

In relation to the additional comment's received, Members should note that all the issues raised/noted have already been addressed in the Officers original report. It is also important to note that no objections have been received from any of the statutory consultees.

In respect of financial contribution to Town Council, Development Management is not aware of any negotiations that have been conducted between the applicant and the Town Council.

Members should note that the number of affordable units have now been increased to 3, instead of 2 as initially proposed.

Recommendation

Having carefully considered the proposed development, Officers consider that the proposal broadly complies with planning policy. Whilst a departure from the development plan, in this instance, the provision of housing is considered to outweigh the plan and therefore justifies the grant of consent as an exception to normal housing policies. The recommendation is therefore one of conditional approval subject to conditions as specified below;

Conditions

1. Details of the appearance, landscaping, layout, and scale, (hereinafter called ""the reserved matters"") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

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

4. The development shall be carried out in accordance with the plans stamped as approved on xxxx in so far as the extent of the application site is drawn and the access point onto the unclassified highway (drawing no: RPP/TW-JOB16/2-03).

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

7. The development hereby permitted shall not commence until an assessment is carried out into the potential for disposing of surface water by means of sustainable drainage systems (SuDS) in accordance with the principles set out in Technical Advice Note 15: Development and Flood Risk, and the results of the assessment provided to the local planning authority. Where a SuDS scheme is to be provided, the submitted details shall:

- a. Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures to be taken to prevent pollution of the receiving groundwater and/or surface waters;
- b. Specify the responsibilities of each party for the implementation of the SuDS scheme, together with a timetable for that implementation; and
- c. Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for the adoption by any public authority or statutory

undertaker or other arrangements to secure the operation of the scheme throughout its lifetime.

8. The development hereby permitted shall not commence until drainage plans for the disposal of foul water flows have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the first occupation of any of the dwellings hereby approved.

9. Upon the submission of the reserved matters referred to within Conditions 1 and 2, the landscaping details shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.

10. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year defects period.

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

12. Prior to the commencement of any works on site full engineering drawings shall be submitted to and approved in writing by the Local Planning Authority. The drawings shall include the length of private highway between the application site and the unclassified highway.

13. 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 15 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.

14. Prior to the occupation of the dwellings, provision shall be made within the curtilage of the site for the parking of not less than one car per bedroom excluding any garage space provided 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.

15. 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.

16. The width of the access carriageway, constructed as per above conditions, shall be not less than 5.5 metres for a minimum distance of 15 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.

17. 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.

18. 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.

19. 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.

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

21. Prior to commencement of development a Tree and Hedgerow Protection Plan in accordance with BS:5837:2012 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the Local Planning Authority.

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

23. 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.

24. Prior to occupation of any dwelling a Welsh Language and Culture mitigation plan including details of mitigation measures and their implementation of measures shall be submitted to and approved in writing by the local planning authority. The measures to support the Welsh Language and Culture shall be implemented as agreed.

Reasons

1. To enable the Local Planning Authority to exercise proper control over the development in accordance with Section 92 of the Town and Country Planning Act 1990.
2. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
3. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

4. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
5. In 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 or exacerbate 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 that the development is provided with a satisfactory means of drainage as well as to reduce or exacerbate a flooding problem and to minimise the risk of pollution in accordance with Policies GP1, DC10 and DC13 of the Powys Unitary Development Plan (2010).
9. To ensure a satisfactory and well planned development, to ensure protection is afforded to mature trees on the southern boundary of the site and to preserve and enhance the quality of the environment, visual amenity and privacy in accordance with Policies GP1 and ENV2 of the Powys Unitary Development Plan (2010).
10. To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment, visual amenity and privacy in accordance with Policies GP1 and ENV2 of the Powys Unitary Development Plan (2010).
11. In the interests of the visual amenity of the area and to ensure the satisfactory appearance of the buildings in accordance with policies GP1 and GP3 of the Powys Unitary Development Plan and the Councils Residential Design Guide.
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.
15. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
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19. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
20. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
21. 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.

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

23. 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.

24. To comply with the Powys County Council UDP Policy GP5 and Technical Advice Note 20: Planning and the Welsh Language (2017).

Case Officer: Eddie Hrustanovic- Swyddog Cynllunio / Planning Officer
Tel: 01938 551231 E-mail:edin@powys.gov.uk

A development like this can only be of advantage to local amenities and also the local primary school. Ensuring housing for local young professional families in their place of origin must be an important factor in any planning policy.

I hope that the correct decision is made to ensure the long term future of Llanerfyl.'

Planning, Taxi Licensing and Rights of Way Committee Report

Application No: P/2017/1342

Grid Ref: 274781.66
301216.44

Community Council: Machynlleth

Valid Date: 17/11/2017
Officer: Luke Jones

Applicant: Mrs S Hewitt, Blue Horizon Homes Ltd, 2 St Helens Crescent, Benson, Wellington, OX10 6RX

Location: Land between 14 & 15 Fford Mynydd Griffith, Machynlleth, Powys, SY20 8DD

Proposal: Full: Erection of 4no dwellings and garages and and all associated works

Application Type: Application for Full Planning Permission

Report Update

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

Consultee Response

Welsh Water

We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

We would request that if you are minded to grant Planning Consent for the above development that the Conditions and Advisory Notes provided below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

SEWERAGE

Conditions

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

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

Advisory Notes

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer

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

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

Please quote our reference number in all communications and correspondence

Officer Appraisal

Within the officers report it was noted that there were two errors regarding the local policies included and the mention of an affordable dwelling within the site location and description. These errors have been addressed below for clarity.

Site Location and Description

The application site lies outside the development boundary, however the site does adjoin the existing development boundary of Machynlleth as defined by the Powys Unitary Development Plan (2010). The application site currently forms part of an area of open land which is bound to the north, east and south by agricultural land and to the west by existing dwellings on Ffordd Mynydd Griffiths. The site slopes upwards away from the road and flattens out at the application site. The site is accessed off the Ffordd Mynydd Griffiths estate to the northern side of the town of Machynlleth. The existing ponds on site which have vegetated over are to be replaced by the creation of a new pond within the site.

Full planning permission is sought for the erection of four dwellings and associated works at land between 14 and 15 Mynydd Griffiths, Machynlleth. The proposed site recently gained full planning permission for two dwellings under planning permission P/2016/0932. The proposed site is now considerably larger than the site approved for 2 dwellings.

Principal Planning Policies

Local Policies

Powys Unitary Development Plan (2010)

UDP DC1 - Access by Disabled Persons
UDP DC13 - Surface Water Drainage
UDP DC14 - Flood Prevention Measures
UDP DC15 - Development on Unstable or Contaminated Land
UDP ENV 1 - Agricultural Land
UDP ENV 3 - Safeguarding Biodiversity & Natural Habitats
UDP GP1 - Development Control
UDP GP2 - Planning Conditions and Obligations
UDP GP3 - Design and Energy Conservation
UDP GP4 - Highway and Parking Requirements
UDP HP4 - Settlement Development Boundaries and Capacities
UDP HP5 - Residential Developments
UDP HP6 - Dwellings in the Open Countryside
UDP HP17 – Backland Development

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

Drainage

Concerns have been raised regarding the drainage of the site, therefore Welsh Water have been consulted regarding the site and had no objection to the proposed development subject to the inclusion of a condition and advisory note to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets

Within the previous report Powys Land Drainage Officer and Environmental Health were consulted regarding the site and raised no objection to the application.

In light of the above and subject to the recommended condition and advisory note from Welsh Water it is therefore considered that the proposed development fundamentally complies with policies DC10 and DC13 of the Powys UDP in respect of Main Sewage Treatment and Surface Water Drainage.

RECOMMENDATION - Conditional Consent

Having carefully considered the proposed development, Officers consider that the proposal broadly complies with planning policy. Whilst a departure from the development plan, in this instance, the provision of housing within and adjoining the settlement is considered to outweigh the plan and therefore justifies the grant of consent as an exception to normal housing policies. The recommendation is therefore one of approval subject to the conditions detailed below

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: Location Plan, PL01, PL02, PL03, PL04, PL05, PL06, PL100C).
3. Prior to the occupation of any dwelling any entrance gates shall be set back at least 15 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 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.
5. 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.
6. 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 0.6 metres above ground level at the edge of the adjoining carriageway and 25 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.
7. 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 15 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.
8. 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.
9. 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.

10. The width of the access carriageway shall be not less than 5.5 metres for a minimum distance of 15 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.
11. 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 15 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,
12. 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.
13. Upon formation of the visibility splays 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.
14. No storm water drainage from the site shall be allowed to discharge onto the county highway.
15. Prior to first occupation of the proposed dwellings following completion of the remedial works identified in the approved remediation scheme, a verification report that demonstrates compliance with the agreed remediation objectives and criteria shall be produced, and is subject to the written approval of the Local Planning Authority.
16. The mitigation measures in section 8 of the Ecological Survey Report produced by Cambrian Ecology Ltd dated November 2017 shall be adhered to and implemented in full and maintained thereafter.
17. 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.
18. Prior to commencement of development a detailed lighting design scheme to take any impacts on nocturnal wildlife into consideration shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.
19. 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.
20. No development shall commence until a scheme for the surface water and land drainage of the site has been submitted to and approved in writing by the Local Planning Authority. The design for the scheme shall follow the principles set out in Welsh Government's sustainable drainage (SuDS) standard. The approved scheme shall be completed prior to first occupation of any dwelling.

21. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013, (or any Order revoking and re-enacting that Order) no extensions to the dwelling or alterations to the roof (including the introduction of roof lights or dormers), or the erection of garages, sheds or structures within the curtilage shall be undertaken without the prior express consent of the local planning authority.

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

12. To ensure that adequate provision is made for highway access onto the County Unclassified road to serve the approved development in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan.

13. To ensure that adequate provision is made for highway access onto the County Unclassified road to serve the approved development in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan.
14. To ensure that adequate provision is made for highway access onto the County Unclassified road to serve the approved development in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan.
15. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy DC15 of the adopted Local Development Plan 2010.
16. 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.
17. 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.
18. 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 Section 6 of the Environment (Wales) Act 2016.
19. 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.
20. To ensure that the proposed drainage systems for the site follow best practice sustainable drainage designs and are fully compliant with regulations and are of robust design. To ensure that no surface water run-off from the new driveway runs onto the public highway.
21. In order to control further development which has the potential to have adverse effects on privacy and/or amenity in contradiction to policy GP1 of the Powys Unitary Development Plan.
22. To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

Informative Notes

Contaminated Land

Potential Contamination

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

Land Drainage

The applicant should consider employing measures such as the following:

- Water Butts
- Permeable paving on any new driveway/paved area
- Greywater Recycling Centre

Informative: Consent is required from the service provider to connect into the public surface water sewer.

Welsh Water

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

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

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

Please quote our reference number in all communications and correspondence

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A further area of concern is that the submitted plans show that the main fowl will be crossing the road, but does not show its entry point into the main sewer which is nowhere near the proposed outlet.

It was also noted that one resident had measured the visibility splay and it is 90 metres not the 120 metres as suggested.

As you will see from the attached letters received from members of the public within the community there is a strength of feeling against the proposals to close the layby, this feeling is likely to grow as more people become aware of the proposals.

Cilmeri Community Council would like to request that this application is put before the full planning committee.

Representations

A petition has been handed in with 343 signatures. The petition relates to the application and the closure of the lay-by.

Photographs have also been received since the original report, highlighting that the lay-by is used by a range of motorised vehicles, including lorries, tractors and buses.

A further 8 letters of objection have been received from members of the public which in summary raise the following matters:

- The closure of a lay-by within the village of Cilmeri that allows members of the public to stop and post their letters as well as providing an opportunity for traffic to pull into.

A letter of support from a member of the public has also been received.

Officer Appraisal

Section 38 (6) of the Planning and Compulsory Purchase Act 2004

Members are advised to consider this application in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, which requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Highway Safety

Additional representations have been received in objection to the proposed development particularly in respect of the closure of the existing lay-by. It is considered that the proposed closure of the lay-by has already been considered within the original report and that these additional representations add no further information to consider this aspect further. Therefore for ease of reference the initial comments made within the original report in relation to highway safety are copied in below.

“Policy GP4 of the Powys Unitary Development Plan requires a safe access, parking and visibility splays which are a fundamental requirement of any development.

Access and Layout is reserved for future consideration, however, the Welsh Government Trunk Road Agency (TRA) have been consulted in relation to the development in order to establish whether or not an appropriate access and visibility splays can be achieved. The TRA have confirmed that the proposed development can provide an appropriate access and visibility splays and have recommended conditions to be attached to any granting of consent that would ensure that appropriate access and visibility splays are constructed to an agreed standard.

Concerns have been raised regarding the loss of the lay-by and the relocation of the phone-box. However, as access is a reserved matter and the consultation response received from the Welsh Government TRA it has been confirmed that the proposed development will result in a betterment in terms of highway safety as it removes two non-compliant assets and installs one that is fully compliant. Furthermore, it is considered that should the phone-box not be re-located, appropriate visibility splays could still be achieved.

In light of the above and subject to the attachment of appropriately worded conditions it is considered that the proposed development will not have a detrimental impact upon highway safety. Therefore the proposed development complies with policy GP4 of the Powys Unitary Development Plan (2010).”

RECOMMENDATION

Whilst this report forms an update to the original report, it is considered that the recommendation remains the same as set out in the original report.

Conditions

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 strictly in accordance with the plans stamped as approved on XX/XX/XX (drawing no's: 17/006/01 & 17/006/02).
5. Prior to commencement of development a Hedgerow Replacement Plan shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.
6. 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 LPA approval and implemented as approved and maintained thereafter
7. 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.

8. The minimum visibility distances available for vehicles emerging from the proposed access shall be 120 metres in each direction at a height of 1.05 metres, measured to a point 0.26 metres above the nearer running edge of the trunk road carriageway. These visibility distances shall be available at a point 2.4 metres from the nearer running edge of the trunk road, measured along the centreline of the access road. The visibility splay so formed shall be free of any growth or obstruction, which would interfere with the minimum visibility requirements.

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

10. No drainage from the development site shall be connected to or allowed to discharge into the trunk road drainage system, and the proposed junction shall be constructed such that the access road does not drain onto the trunk road.

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

1. To enable the Local Planning Authority to exercise proper control over the development in accordance with Section 92 of the Town and Country Planning Act 1990.

2. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

3. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

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

5. In the interest of the protection and preservation of biodiversity in accordance with policy ENV3, ENV6 and ENV7 of the Powys Unitary Development Plan.

6. 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.

7. 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.

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

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- Deytheur has recreational users around the lanes ie horse riders, cyclists, pedestrians, either walking or running, with or without family and dogs.
- It is becoming less of a pleasure to walk the lanes around Deytheur as a lot of time is spent on the verge avoiding the traffic.
- Deytheur has no facilities, ie schools, bus service, shop etc
- The speed of the traffic is alarming, there is no consideration for the residents of Deytheur. This is an accident waiting to happen, evidenced by the state of the verges.
- Due to the volume of traffic the lanes, which are unclassified, are becoming in a state of disrepair, potholes are forming and where traffic is hitting the edge of the road, large ruts are appearing. I know there are budgetary restraints for road repairs or resurfacing and can only assume that Deytheur would well down the list for any work to be done.

Not wishing to muddy the waters so to speak, but we did discuss briefly the other application in Deytheur for an agricultural building and the huge concerns of the residents as to the large warehouse that has been built which doesn't bear much relation to agriculture. I understand there is a 'stop' on this build but the building continues to be worked on. The combination of the possible volume of traffic that could be involved with that application and Glyn Jones's application fills us, the residents, with horror. Deytheur cannot sustain these developments.

The rest of the points are referred to in our letter of 18th December.

Many thanks for your help.

Representation received 12th February 2018 -

Than you for your letter dated 9th Feb 2018 re the planning application in the hamlet of Deytheur.

Lynne and I are unable to attend due to work commitments but we wanted you to know that our previous objections stand for this planning application. I have attached below a list of the objections we feel are still very appropriate.

- Deytheur is a Hamlet, not a village and this is Green Field land.
- There is no public transport or facilities within reasonable walking distance. The occupants will require cars.
- A number of the local residents including myself, are already concerned about the traffic through the village and have raised these concerns through the appropriate channels.
- This is a small lane with many blind corners
- In the mornings and evenings there is already considerable traffic for this type of country lane.
- Many vehicles drive too fast down these lanes and in the middle of the road – so we want to discourage traffic and excessive driving through the village.
- The proposed dwelling is on an approach from a completely blind bent.
- No local need.
- The Spinney – 2 bed bungalow - took over 18 months to sell at a low price.

- Deytheur Grange – 4/5 bed house – 1 house away from the proposed dwelling, has been on the market for over 18 months and is still on the market.
- There are houses for sale in the surrounding local villages (Four Cosses /Llansantffraid / Ardleen to name a few) where there are schools , public transport and local facilities such as shops and doctors practices.
- I would not consider a 3 bedroomed detached property with a garage, affordable housing.
- There are numerous schemes and properties currently available in the surrounding villages and towns (Welshpool, Oswestry and Shrewsbury) that have affordable housing schemes to help people purchase a home and they are in locations where there is public transport, medical facilities, local shops and services and most important – employment.

Some of my farming neighbours have struggled to get planning on their own land for a single dwelling for their families to occupy to support farming – even with an agricultural tie.

It does not address local need or affordable accommodation.

This is a Hamlet and beautiful Green Field site, which I believe should be protected.

Case Officer: Holly-ann Hobbs- Principal Planning Officer
Tel: 01597 827319 E-mail:holly.hobbs@powys.gov.uk

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Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2017/1087	Grid Ref:	323476.24 315738.1
Community Council:	Llandrinio	Valid Date:	Officer: 25/09/2017 Sara Robinson
Applicant:	DT Davies, New House Farm, Sarnau, Llanymynech, Powys, SY22 6QL		
Location:	Land adj Dyfnant, Sarnau, Llanymynech, Powys, SY22 6QL		
Proposal:	Outline - Residential development of one dwelling, formation of vehicular access and associated works		
Application Type:	Application for Outline Planning Permission		

Report Update

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

Consultee Response

Llandrinio & Arddleen Community Council

Consultation received 19/02/2018

Llandrinio & Arddleen Community Council have considered the amended proposals to reduce the number of dwellings to one on this site.

They wish to maintain their OBJECTION to this development for the following reasons;-

1. Policy is contrary to Policy GP1- Outside the development boundary

This dwelling should only be considered if it is designated as an affordable dwelling as it is outside the settlement boundary. This would then be consistent with other dwellings in this rural area.

2. Policy HP3 – Housing Land Availability

The lack of a 5 year housing supply should not be allowed to override all other considerations. There are several properties for sale in the larger village of Arddleen which is less than 3 miles away. Planning permission has already been granted for a further 22 in Arddleen with a further 46 being considered.

3. Policy DC 10 – Sewage Treatment

It is noted that the effluent will discharge into the stream at the rear of the field. We have already received complaints from residents, which have been reported to Natural Resources

Wales, of a smell in the summer due to the low volume of water. Has an adequate assessment been carried out of the flow needed.

4. Policy SP1 – Social, Community and Cultural Sustainability

It is very important that the any dwelling constructed on this site is limited to a single storey without dormer windows which would mirror the bungalows on the opposite side of the lane.

5. Concern was also felt that only 10 days were given to respond to these amendments which were asked to be returned to the Planning Officer by the 22nd February 2018. It is difficult to see how any comments could possibly be included in her Report to be presented to the Planning Committee on the 23rd February.

PCC Highways

Consultation received 13/02/2018

The County Council as Highway Authority for the County Class III Highway, C2034

Wish the following recommendations/Observations be applied
Recommendations/Observations

Prior to any other works commencing on the development site, detailed engineering drawings for a widening along the Class III C2034 and associated works, shall be submitted to and approved in writing by the Local Planning Authority.

Prior to any works commencing on the development site, all Highway Improvements, referred to above, shall be fully completed to the written satisfaction of the Local Planning Authority and shall be retained for their designated use for as long as the development hereby permitted remains in existence.

HC1 Prior to the occupation of the dwelling any entrance gates shall be set back at least 5.5 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.

HC2 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.

HC3 The centre line of the first 5.5 metres of the access road measured from the edge of the adjoining carriageway shall be constructed at right angles to that edge of the said carriageway and be retained at that angle for as long as the development remains in existence.

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

HC7 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 5.5 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.

HC8 Prior to the occupation of the 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.

HC11 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.

HC12 The width of the access carriageway, constructed as Condition HC7 above, shall be not less than 3 metres for a minimum distance of 5.5 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.

HC21 Prior to the occupation of the 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 5.5 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,

HC29 All surface water run-off is to be collected and discharged via a piped system located within the site. This system shall be retained and maintained for as long as the development remains in existence.

HC30 Upon formation of the visibility splays as detailed in HC4 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.

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

Representations

Following the erection of an amended site notice on the 25/01/2018 for the period of 21 days one public representation of objection has been received;

The letter of objection states that they wish to further object to the proposal following their initial letter submitted on the 11th of October 2017.

- M/2007/0494 granted in 2007 for the development of 4 dwellings where one plot is vacant and another is still not fully developed
- There is a further bungalow known as Holly Bush which has been empty for 4 years
- The property known as Hen Dafarn has been empty for 3 years and is now sold subject to contract
- There is a large number of vacant properties in a small village with approximately 16 dwellings and 3 farms.
- The application is to potentially to the benefit of the applicant, but it cannot be considered as a need in the hamlet of Sarnau, nor is it any way beneficial to Sarnau's current inhabitants.

RECOMMENDATION

The additional information submitted has been considered. Whilst the proposal is a departure from the development plan, the Council's current lack of housing land supply carries significant weight in favour of this development and given that the proposal would otherwise comply with development plan and national planning policies, the recommendation is one of conditional consent.

Conditions

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 is drawn and the access point onto the C2034 highway (drawing no: RPP/TW-JOB25-03 Rev B).
5. Prior to any other works commencing on the development site, detailed engineering drawings for a widening along the Class III C2034 and associated works, shall be submitted to and approved in writing by the Local Planning Authority.

6. Prior to any works commencing on the development site, all Highway Improvements, referred to above, shall be fully completed to the written satisfaction of the Local Planning Authority and shall be retained for their designated use for as long as the development hereby permitted remains in existence.
7. Prior to the occupation of the dwelling any entrance gates shall be set back at least 5.5 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.
8. 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.
9. The centre line of the first 5.5 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.
10. 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 0.6 metres above ground level at the edge of the adjoining carriageway and 43 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.
11. 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 5.5 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 the 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. 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.

14. The width of the access carriageway, constructed as Condition HC7 above, shall be not less than 3 metres for a minimum distance of 5.5 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.
15. Prior to the occupation of the 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 5.5 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,
16. All surface water run-off is to be collected and discharged via a piped system located within the site. This system shall be retained and maintained for as long as the development remains in existence.
17. Upon formation of the visibility splays as detailed in HC4 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.
18. No storm water drainage from the site shall be allowed to discharge onto the county highway.
19. Prior to the first installation of any external lighting 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.
20. Prior to commencement of development a Pollution Prevention Plan shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.

Reasons

1. To enable the Local Planning Authority to exercise proper control over the development in accordance with Section 92 of the Town and Country Planning Act 1990.
2. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
3. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
4. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
5. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
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19. 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.
20. 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.

Informative Notes

Building Control

Building Regulations application may be required.

Wales and West Utilities

Safe digging practices, in accordance with HS(G)47, must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all persons (either direct labour or contractors) working for you on or near gas apparatus.

Rights of Way

The right of way must remain open and available for safe unimpeded public use at all times, both during development and following completion. It must not be obstructed by any works or structure. A suitable width for the footpath must be accommodated and not impinged upon.

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.

NRW

The applicant will need to apply for a Permit or Exemption, if they wish to discharge anything apart from uncontaminated surface water to a watercourse/ditch. They may also need to apply for a Permit from our National Permitting Team to allow certain discharges into ground. They must obtain any necessary Permit prior to works starting on site. The permitting process is a separate process to planning, and the applicants are advised the granting of planning permission does not guarantee that a permit will be granted.

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Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2017/1289	Grid Ref:	321657.35 298063.15
Community Council:	Montgomery	Valid Date:	Officer: 03/11/2017 Gemma Bufton
Applicant:	Mr D M Jones, Wernllwyd, Berriew, Welshpool, Powys.		
Location:	Land at Pwll Farm, Hendomen, Montgomery, Powys, SY15 6EZ.		
Proposal:	Outline application for erection of 1 no. dwellings with detached garages, alterations to vehicular access, installation of septic tanks and all associated works		
Application Type:	Application for Outline Planning Permission		

REPORT UPDATE

This report forms an update to Members.

Consultee Responses-

Cllr Stephen Hayes-

I cannot support this application.

The proposed properties would not contribute to meeting housing need in Montgomery, where the principal need is for smaller properties suitable for local purchasers.

Further, the highway through Hendomen, where the application is located, is severely restricted (and indeed 'access only' for that reason) and not suitable for any increase in regular traffic. For that reason I am not supportive of any further development in Hendomen unless exceptional circumstances apply.

I note the Supporting Planning Statement refers to mains drainage, but the application includes 'installation of septic tanks'.

Lastly, I do not accept that the site is currently 'vacant land' since it forms part of a working farm.

I should be glad if you will take all these matters into account when arriving at a recommendation or delegated decision.

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