

Public Document Pack



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Os yn galw gofynnwch am - If calling please ask for
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PLANNING, TAXI LICENSING & RIGHTS OF WAY COMMITTEE Thursday, 15th March, 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

SUPPLEMENTARY PACK

1.1. **Updates**

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

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Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2017/0216	Grid Ref:	327600.49 317816.18
Community Council:	Llandrinio	Valid Date:	Officer: 27/02/2017 Tamsin Law
Applicant:	Mr John Lloyd, Brookfields, Hendre Lane, Rhos Common, Llandrinio, Powys, SY22 6RN.		
Location:	Land adjacent to Severnside Rhos Common Llandrinio Powys SY22 6RF		
Proposal:	Outline: Erection of 19 dwellings, formation of vehicular access and all associated works		
Application Type:	Application for Full Planning Permission		

REPORT UPDATE

Members are advised that the following representations have been received from publication of the Committee report.

Llandrinio Community Council

Llandrinio & Arddleen Community Council are very concerned about the above application which is to be heard by the Planning Committee On Thursday 15th March and wish to draw your urgent attention to the following;-

1. Officers Report is inaccurate and fails to mention that planning permission has been granted for 49 dwellings in respect of P2016 1016 which is a site in Llandrinio and is actually closer to this application site than the 2 sites mentioned in the Report. This is critical fact which has been omitted.
2. The application is listed on the website as 'Erection of 19 dwellings, formation of vehicular access and all associated works' – objections have been received from local residents as the proposed access will affect their existing access yet the Planning Officer states that this is a Reserved matter – the access is critical to the application and the legal implication to the existing residents own access has not been fully explained or explored.
3. Highways Dept have been sent a revised Block Plan which shows a revised layout of housing and a revised access. This information has not been published on the website and is not included in the Report.

To summarise it is unacceptable to discuss this application at this stage. The Revised Block Plan should be treated as an amendment and circulated to Consultees accordingly. The Officers Report needs to be updated to include mention that in actual fact 73 dwellings have been granted permission in Llandrinio.

I would appreciate the courtesy of a reply by return

Representation by Mr & Mrs Lloyd - applicants

Gwilym I have just re-typed what Mrs Lloyd brought here.

: If this could be read out they would be extremely grateful.

'Although I realise that details of highway access falls into the reserved matter, we wish to apologise to the residents of Bagley's Lane for any unnecessary concerns they may have had about the future of Bagley's Lane.

We understand that both closing Bagley's Lane entirely , or keeping two separate access options open, were not acceptable to either residents or planners.

We would like to assure all parties that we have taken these concerns seriously. We hope that we have found an acceptable compromise in expanding the existing Bagley's Lane access point . We sincerely regret that this additional information was not publicly available prior to the hearing today.

We remain, of course, open to full and transparent discussion on this and any further options at the appropriate time in this process.'

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

UPDATE REPORT

Planning, Taxi Licensing and Rights of Way Committee Report

Application No: P/2017/1421 **Grid Ref:** 300529.02 251422.84

Community Council: Cilmery **Valid Date:** 06/12/2017 **Officer:** Thomas Goodman

Applicant: Mrs Eileen Cheffers, 9 The Crescent, Llanelwedd, Builth Wells, Powys, LD2 3TR

Location: Land adj Morgannwg, Cilmery, Builth Wells, Powys, LD2 3NU

Proposal: Outline: Residential use of 4 self build plots (all matters reserved)

Application Type: Application for Outline Planning Permission

Update Report

Representations

A further 3 letters have been received from Chris Davies MP, Neil Hamilton AM and Kirsty Williams AM and are attached below:

Chris Davies MP:

"I am writing to lodge my concern in relation to the closure of a layby in the village of Cilmery, associated with the above planning application.

I have been contacted by a number of local residents of the village of Cilmery and surrounding area all of whom expressed concern in relation to this proposed closure. As I know the village well and travel the A483 on a regular basis I am very aware of the use that this layby receives and would find it dangerous should it ever be closed. It is clearly felt by the community that losing the layby would have a detrimental effect on the village and would be depriving the community of a facility which has been in place for many years.

It is my understanding that you have been furnished with a large number of reasons why the community wishes to retain this layby and also on the detrimental effect it would have, if closed, on the village and the route along the A483 for many miles. I am very concerned about the safety factor that this facility currently affords, but of course I would happily forward many other reasons put to me, should you wish further clarity.

It has been very clear to me that the community do not object to the development of further housing in the village but understandably have strong objections to the closure of the layby. I trust that you will take this communities dissatisfaction into consideration when recommending a decision to the planning committee."

Neil Hamilton AM:

“I went to visit Cilmeri last Saturday to meet villagers and see for myself the situation with regard to the proposed removal of the lay-by in connection with the above planning application.

Attached is a letter I had received earlier from the Clerk to the Cilmeri Community Council, which clearly sets out the many reasons why local people feel it would be quite wrong to destroy this important asset.

You will be aware, of course, of the strong feelings in the Cilmeri area that this lay-by serves important functions and should be preserved. A petition has been raised with approaching 500 signatures.

It is important to note that local people are not against the planning application and support the building of new houses on the land in question. But they do feel strongly this should not be done at the expense of the lay-by, in particular when there is a perfectly serviceable alternative access route a few yards down the road which would have better sight lines for exiting on to the main road.

In view of the strong opposition, I would be grateful for your assurance that the views expressed by the Community Council, on behalf of all those who have signed the petition, will be fully considered before an irrevocable decision is taken.

I understand, of course, that Highways has an input into this but I am not aware of any cogent arguments which have been put forward to justify the removal of this important local asset and certain questions appear to remain unanswered:

- Where, for example, is it proposed to re-site the post box and the defibrillator?*
- Where will disabled passengers safely be able to board the community bus?*
- Where, in the 5.5 mile stretch between Builth and Garth, will slow moving vehicles be able to pull in on this side of the road and allow others to pass?*

Local residents tell me that these questions, and others, have not been answered. In view of this, it seems very shortsighted indeed to remove this lay-by and I cannot see the justification for doing so.

In the interests of balance, I have received one email supporting the whole application, i.e. including the abolition of the lay-by although, interestingly, this same resident has signed the petition for the retention of the lay-by.

So it seems there is overwhelming support for maintaining the status quo and allowing the houses to be built but with a slightly different access.

I understand this is coming before the Planning Committee on Thursday and I hope they will feel able to ensure the continuance of this vital local asset whilst, at the same time, providing the additional houses which Cilmeri would welcome.”

Kirsty Williams AM:

"I write having received representations from Cilmeri Community Council and having attended a meeting in the village today, with regard to the above outline planning application for 4 houses in the village alongside the A483 trunk road.

It seems that the Trunk Road Agency has agreed to the proposal to close up the existing lay-by adjacent to the site, which currently is home to an old 'phone box containing the village defibrillator, and the local post box, in order to allow the creation of a new highways access off the A483 to the new housing site and another already-constructed dwelling. My understanding is that the proposal is to relocate these amenities, but that as-yet this is to unspecified locations. The community council does not wish to object to the principle of the application, but wishes very much to retain the lay by and would much prefer that the access to the new dwellings is via the existing one that serves the existing dwelling nearby.

The main concern in the village, apart from the loss of the above important amenities, is that if this lay-by is stopped up, there will not be another place on this side of the A483 for tractors and slow-moving vehicles to pull over to allow faster traffic to pass safely for another 7 miles. You will be aware that the recent fatal traffic accident which occurred near Cilmeri involved the victim trying to overtake a tractor and trailer and it is important to maintain lay-byes at regular intervals to provide pull-in places to reduce driver frustration, as well as for the general amenity of road users.

I also note that the application is going to committee because it is a departure from the local plan and although as I say the local community is not overly concerned about the development in itself, the loss of the layby being its only real concern, that fact is of course an important and material issue."

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.

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 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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Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2017/1311	Grid Ref:	310343.22 306093.67
Community Council:	Llanfair Caereinion	Valid Date:	Officer: 08/11/2017 Eddie Hrustanovic
Applicant:	NL & KM Griffiths, Tanyfron, Broncafnt Lane, Llanfair Caereinion, Powys, SY21 0BW.		
Location:	Land South of Broncafnt Lane, Llanfair Caereinion, Powys, SY21 0RF.		
Proposal:	Outline: Erection of 3 no. dwellings and associated infrastructure including installation of sewage treatment plant (some matters reserved)		
Application Type:	Application for Outline Planning Permission		

The reason for Update

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

Additional comments have been received from the applicant following publication of Officers' report and a letter of support has also been received from a local resident.

Furthermore, the Applicant's solicitor has requested that the section 106 be reworded to extinguish the current commercial use of Tanyfron prior to commencement of any works, as this will provide the Applicant with some additional flexibility, the users of the Nursery with sufficient time to make alternative arrangements for their children and also ensures that the section 106 agreement would not conflict with the recommended conditions (2 and 3) identified in the Officers report.

Representations

The applicant has requested that additional clarification is provided to the Members;

"The Officer report on the above application has made reference to the significant highway safety betterment that would result from the proposed development and the Highways Authority response to the application identifies that "The Highway Authority are in agreement to the applicants proposed trade off of movements associated with the permanent closure of the Children's Nursery located at Tanyfron".

Nonetheless, the recommendation for approval of the application contained in the report refers only to the provision of housing outweighing the Development Plan.

It is the Applicant's contention that the significant highway safety betterment that will result from the trade-off is the most significant material consideration in favour of the proposed development and that this consideration, in itself, is sufficient to outweigh any potential

conflict with the provisions of both the Powys Unitary Development Plan and the emerging Local Development Plan.

This is demonstrated by the fact that the Applicant originally entered into discussions with the Highways Authority in 2011 and agreed the principle of a residential development along Broncafnant Lane based on a traffic trade off. This was subsequently confirmed in discussions with the Highway Authority in 2014, in pre-application correspondence with the Highways Authority in 2016 and again in a site meeting between the Applicant and Officers from the Highways Authority in November 2017. Dialogue and negotiations therefore stretch back over six years, to a time when Powys had recently adopted the Unitary Development Plan and benefitted from a 5 year housing land supply. The Highway Authority officers agreed at the site meeting of November 2017 that they would support a development of three houses if the Nursery was closed.

We therefore consider it essential that Members of the Planning Committee consider details of the significant highway safety betterment proposed in the application prior to the determination of the planning application.

The proposed application has been submitted primarily on the basis that it will provide significant highway safety benefits along Broncafnant Lane and, in particular, to the Western end of Watergate Street around two particularly sub-standard road junctions, as follows:

Along Broncafnant Lane:

For 50% of the Lane to the East of P/2017/1311 - 100% reduction in traffic volumes generated by the Nursery along the length of the Lane from the Nursery to the proposed development. This includes a 100% reduction in traffic generated by the Nursery which currently passes some two metres in front of Broncafnant Cottage - which is why its owner has written in supporting the application.

For 50% of the Lane to the West of P/2017/1311 – the proposed development's traffic generation is between 37.5% and 50% lower than that generated by the Nursery.

At the Broncafnant Lane/Watergate St Junction:

The proposed development's traffic generation is between 37.5% and 50% lower than that generated by the Nursery.

Around the Dental Practice/Watergate St Junction - which is located immediately adjacent to the Broncafnant Lane/Watergate St Junction:

The two junctions are separate by 3 - 4 metres. Photographs of the junctions have been provided in the supporting statements. The proposed development's traffic generation is between 37.5% and 50% lower than that generated by the Nursery.

These large reduction in traffic volumes would be achieved as a result of a traffic trade off from the closure of Tanyfron Nursery and the building of three houses.

The trade-off figures are calculated using the TRICS standard provided by the Highways Authority and based on an upper limit of 11 children at Tanyfron Nursery. The Nursery is in

fact licensed by the CSSIW for 12 children but, at the November 2017 site meeting the Highways Authority officers requested a figure of 11 be used in the calculation of the trade off figures. The Applicant agreed to do this. It is clear from the figures that the proposed application would provide a large reduction in traffic volumes - and a consequent significant betterment in highway safety - along Broncafnant Lane and, in particular, at and around two very sub-standard traffic junctions with Watergate Street.

The issue of residential development delivering significant highway improvements is addressed in the following extant and emerging Development Plan policies:

- UDP Policy SP6 - Development and Transport: which identifies that development which would maintain and improve the transportation infrastructure and communications in Powys will be acceptable; and*
- LDP (Composite Version, Sept. 2017) Policy T1 - which identifies that transport infrastructure improvements will be supported where they promote sustainable growth and maximise the efficiency and safety of transport systems.*

Highway safety betterment has also been a significant material consideration in the determination of a number of other planning applications, including Powys' recent approval of application P/2016/0324 which proposed a reduction in traffic movements due to the change in the use of the site. This application was not supported by the Highways Authority - for reasons which included the absence of supporting information around traffic reductions - and recommended for refusal by the Case Officer. Nevertheless, the application was approved. My client's proposed application is for a much smaller development than P/2016/0324, includes a detailed analysis of the large reductions in traffic volumes, is supported by the Highways Authority and is recommended for approval by the Case Officer.

Also, it is because of these large reductions in traffic volumes, and the consequent significant betterment to highway safety, that the proposed application is supported by Llanfair Caereinion's Town Council, the Local Member and the residents along Broncafnant Lane - in addition to the support of the Highways Authority. In light of this, we consider that the large traffic volume reductions and consequent significant highway safety betterment gains should be the major - and ultimately the over-riding - material consideration in the determination of the proposed application.

It is therefore respectfully requested that the Planning Committee also support the proposed development in order that it may deliver the resultant significant highway safety betterment to the benefit of residents and visitors to the town alike”.

Recommendation

Having carefully considered the proposed development, on balance 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 and a separate section 106 Agreement to extinguish the current commercial use of Tanyfron Nursery **prior to commencement of any development at the site;**

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 xxxx in so far as the extent of the application site is drawn and the access points onto Broncafnet Lane (drawing number: SA 25380 02).
5. 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.
6. 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.
7. 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.
8. Prior to the occupation of any 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.
9. The gradient of the accesses 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.
10. The centre line of the first 5.5 metres of the access roads 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.

11. Prior to the commencement of any other works, the accesses shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the accesses 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 34 metres distant in each direction measured from the centre of the accesses along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the areas 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.

12. Prior to the commencement of any other works, the area of the accesses 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.

13. 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.

14. Prior to the commencement of any other works, 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.

15. The width of the accesses carriageway, constructed as per above conditions, shall be not less than 4.1 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.

16. 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 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.

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

18. When installed there shall be a minimum clearance of 6 metres from the nearest part of the adjoining highway verge or footpath to any part of the package treatment plant or its soakaway installation.

19. The package treatment plant effluent in connection with the development hereby permitted shall not interfere or connect in any way with the highway surface water drainage or give rise to a nuisance upon the highway.

20. 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.

21. Upon formation of the visibility splays as detailed in above conditions the centreline of any new or relocated hedge/fence/wall 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.

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

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

24. Prior to commencement of development a Pollution Prevention Plan 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.

25. Prior to the commencement of development a detailed lighting design scheme to take into account any impacts on nocturnal wildlife into consideration shall be submitted for written Local Planning Authority approval and implemented as approved and maintained thereafter unless otherwise agreed in writing with the Local Planning Authority.

26. 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.

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. 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).
6. 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).
7. 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.
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.
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21. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
22. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
23. 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.
24. To comply with Powys County Council's UDP Policies ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9,

November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act.

25. 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.

26. 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).

Informative

Birds - Wildlife and Countryside Act 1981 (as amended)

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

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

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

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

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

It is an offence for any person to:

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

Under the Habitats Regulations it is an offence to:

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

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

Reptiles – Wildlife & Countryside Act 1981 (as amended)

All species of reptiles known to occur within Powys, namely the common lizard, slow-worm, grass snake and adder, are protected under the Wildlife and Countryside Act 1981 (as amended).

It is therefore an offence to:

- Intentionally kill or injure these species of reptiles,
- Trade (live or dead animals) i.e. sale, barter, exchange, transporting for sale and advertising to sell or to buy.

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

In addition these species of reptiles are also listed in Part 1 Section 7 of the Environment (Wales) Act 2016 – which is a list of the living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales. Species of reptiles known to occur in Powys are also listed as Species of Conservation Concern on the Powys LBAP.

If reptiles are discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and/or the Council's Ecologist.

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Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2017/1062	Grid Ref:	327029.73 318948.77
Community Council:	Llandysilio	Valid Date:	Officer: 27/09/2017 Gemma Bufton
Applicant:	Mr D.C. Roberts, Oldfield Farm, Four Crosses, Llanymynech, Powys, SY22 6RB.		
Location:	Land Adjoining Oldfield Farm, Four Crosses, Llanymynech, Powys, SY22 6RB.		
Proposal:	Outline: Residential development, formation of vehicular access and access road, and all associated works		
Application Type:	Application for Outline Planning Permission		

REPORT UPDATE

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

Consultee Responses

Housing Officer-

Thank you for your correspondence regarding this application.

We seek provision of affordable housing on residential development sites in accordance with the Affordable Housing Topic Paper September 2016, and the following guidelines to be adhered to:

- All Affordable units will have to be constructed to Welsh Government Design Quality Requirements which include all of the Lifetime Homes and Secured by Design Standards.
- All units will have to meet the floor areas specified in Powys County Council's Affordable Housing Supplementary Planning Guidance.
- The Design Quality Requirements will be those current at the time of the detailed planning application.
- All completed Affordable units that are being sold must reflect local incomes to the local area and shall be bound by the Affordable Housing policies as detailed in the Affordable Housing for Local Needs Supplementary Guidance sections HP7, HP8 or HP9.

Public Representations

Comments received from the Agent

Land Allocation

UDP

The land to the rear of the school and community centre has a current housing allocation (part M133 HA1) not yet developed, there are 24 houses proposed on this land with a further 10 proposed adjacent to the development boundary.

LDP

The majority of the site is allocated under the reference P18 HA1, the land to the rear of the school and community centre is allocated as previously under the UDP. There are 24 houses proposed within the allocated LDP boundary, and 10 adjacent to the boundary.

Proposed Allocation P18 HA1 in the emerging LDP Please note that the application site comprises only part P18 HA1 along with adjacent (departure) land but leaves the main brownfield site (which comprises most of the emerging housing allocation) out of the application.

Land Adjacent to the boundary.

One of the main reasons for inclusion of the land adjacent to the development boundary, is that it will provide a safe access to the current employment use at Oldfield Farm (as per the plans). The current use of this land is the refurbishment and repair of caravans which involves large articulated HGV movements, and in the interests of safety at the school and the conflicts with young children this can bring we are proposing the new access (we have offered to close the access adjacent to the school completely) with the additional housing adjacent to the boundary. This would be similar to so many schemes that have been previously passed by the committee due to the five year housing supply situation. This access will also be in place ready to provide the access to the remainder of the proposed allocation P18HA1 in the future (again avoiding exceptional numbers of traffic movements adjacent to the primary school). As stated by the policy department, this would be very much Phase 1 of the proposal to ensure that it remains sustainable.

The remainder of the allocation is not currently available for housing and is owned by the applicant. The applicant aims to release it in a sustainable and deliverable way, but for the next five years at least wants to continue to run his business from there.

Planning Policy – Recreational land

It was turned down by the Planning Policy for recreation use during the candidate sites assessment for the LDP.

Highways

Active Travel infrastructure to link the site into the centre of the village. We as agent, acting for the applicant have agreed to this requirement and we will therefore provide an Active Travel shared use footway/cycleway. This will be constructed along the entire site frontage and extend along the eastern edge of the county highway all the way down to the junction with the B4393 in the village.

This would not happen or be provided if the development proposal was purely for the allocated site, as the access would need to be as the existing adjacent to the school.

Best and Most Versatile Agricultural Land

There are no definitive maps that allow, an absolute assessment to be made however it would appear that the allocated site is predominately grade 2. The additional land adjacent to the development boundary is approximately 50% urban designation, and is a small field enclosure down to permanent pasture which is against the principle of the test of Grade 2 agricultural land. The true Grade 2 land starts the other side of the former railway line to the rear of Oldfield farm. We do not believe that this uncertainty as to the exact location of the Grade 2 allocation allows for a reason for refusal, and the provision of housing supply is a sufficient reason to allow the use especially in an area where there is such an abundance of Grade 2 land. This has been fought successfully in a number of appeal decisions.

Affordable Housing

We are prepared to provide 25% affordable housing on the site, this would mean that the majority of the houses outside of the allocated site would be equivalent to the numbers of affordable houses provided within the scheme (affordable houses adjacent to the boundary are acceptable in policy terms). Again, if the scheme is not approved the allocated site will only be required to provide 10% affordable houses

In light of the above, and the planning officers recommendation and assessment that the scheme fundamentally complies with relevant planning policy, coupled with fact there are NO Public objections to this scheme. We politely request that this application is approved as per the officers recommendation.

RECOMMENDATION

In this instance, the provision of housing is on balance considered to outweigh the plan and the loss of grade 2 agricultural land and therefore justifies the grant of consent as an exception to normal housing policies. The recommendation is therefore one of conditional consent subject to the signing of a Section 106 legal agreement to secure the provision of recreational/outdoor space in compliance with Field in Trust standards within 3 months from the date of this meeting or otherwise delegation be given to the Lead Professional to determine the application as appropriate.

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 (drawing no's:).

5. Prior to the commencement of development a drainage scheme to include the disposal of foul and surface water flows shall be submitted to and approved in writing by the Local Planning Authority. Development thereafter approved shall be implemented in full prior to the first use of any dwelling.

6. Demolition or construction works shall not take place outside the hours of 0800 to 1800 Mondays to Fridays and 0800 to 1300 on Saturdays and at no time on Sundays or Public Holidays

7. No development shall commence, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:

- i) The parking of vehicles of site operatives and visitors;
- ii) Loading and unloading of plant and materials;
- iii) Storage of plant and materials used in constructing the development;
- iv) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v) Wheel washing facilities;
- vi) Measures to control the emission of dust and dirt during demolition and construction; and
- vii) A scheme for recycling/disposing of waste resulting from demolition and construction works.

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

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

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

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

12. Prior to the commencement of development a pollution prevention plan shall be submitted to and approved in writing by the Local Planning Authority. Development thereafter shall be completed in full accordance with the details as approved.
13. Prior to any works being commenced on the development site full engineering drawings for the off-site footway/cycle infrastructure together with traffic calming proposals along the U4908 shall be submitted and approved in writing by the local planning authority.
14. Prior to the occupation of any of the dwellings the highway improvements, referred to above, shall be fully completed to the written approval of the local planning authority.
15. Prior to the occupation of any dwelling any entrance gates shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.
16. 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.
17. No other development shall commence until the access has been constructed so that there is a clear visibility splay from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.26 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.
18. Before any other development is commenced 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 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.
19. 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 to a maximum of three excluding any garage space provided. The parking areas shall be retained for their designated use in perpetuity.
20. 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.
21. Within 5 days from the commencement of the development provision shall be made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of 0.4 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.
22. The width of the access carriageway shall be not less than 5.0 metres along the access road 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.
23. Prior to the occupation of the development a radius of 6 metres shall be provided from the carriageway of the county highway on each side of the access to the development site and shall be maintained for as long as the development remains in existence.
24. Any internal side-road junctions shall have a corner radii of 6 metres

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

26. 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.

27. 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.

28. 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,

29. Upon formation of the visibility splays as detailed in condition 5 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.

30. 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.

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

32. No development shall commence until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

- a. The programme and methodology of site investigation and recording
- b. The programme for post investigation assessment
- c. Provision to be made for analysis of the site investigation and recording
- d. Provision to be made for publication and dissemination of the analysis and records of the site investigation
- e. Provision to be made for archive deposition of the analysis and records of the site investigation
- f. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

Development thereafter must be completed in full accordance with the details as approved above.

33. The development shall not be commenced until the archaeological site investigation has been completed and the post excavation assessment report has been approved in accordance with the programme set out in the Written Scheme of Investigation approved under condition 32 and the provision made for analysis, publication, dissemination of results and archive deposition has been secured.

34. Prior to the first use of an external lighting a lighting design scheme shall be submitted to and approved in writing by the Local Planning Authority. Development thereafter shall be completed in full accordance with the details as approved.

35. Prior to commencement of development the development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of

affordable housing in Annex B of TAN 2 or any future guidance that replaces it. The scheme shall include:

- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 10% 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.

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. To prevent the increased risk of flooding in accordance with policies GP1, DC13 and DC14 of the Powys Unitary Development Plan.
6. To safeguard the amenities of the locality in accordance with policy GP1 of the Powys Unitary Development Plan.
7. To safeguard the amenities of the locality in accordance with policy GP1 of the Powys Unitary Development Plan.
8. In order to manage the risk of contamination to an acceptable level, in accordance with guidance contained within policy DC15 of the Powys Unitary Development Plan (March 2010) and Planning Policy Wales (Edition 8, 2016).
9. In order to manage the risk of contamination to an acceptable level, in accordance with guidance contained within policy DC15 of the Powys Unitary Development Plan (March 2010) and Planning Policy Wales (Edition 8, 2016).
10. In order to manage the risk of contamination to an acceptable level, in accordance with guidance contained within policy DC15 of the Powys Unitary Development Plan (March 2010) and Planning Policy Wales (Edition 8, 2016).
11. In order to manage the risk of contamination to an acceptable level, in accordance with guidance contained within policy DC15 of the Powys Unitary Development Plan (March 2010) and Planning Policy Wales (Edition 8, 2016).
12. In the interest of the protection and preservation of biodiversity in accordance with policy ENV3 of the Powys Unitary Development Plan.
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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29. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
30. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
31. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
32. To enable a record to be made of this site of historical and/or architectural interest.
33. To enable a record to be made of this site of historical and/or architectural interest.
34. In order to ensure that satisfactory drainage arrangements are provided in accordance with policies GP1 and DC10 and DC11 of the Powys County Council Unitary Development Plan.
35. 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).

Informative Notes

Potential Contamination

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

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

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2. Criteria for HP11 It is claimed access road to Belan Eimion is in a state of disrepair that would constitute a particular problem and could meet Criteria 2 and 3.

I agree the access road is in a poor state of repair but this situation could and should have been resolved.

The Highways Act 1980 Sec 56 allows for complainants to enquire of the local authority if they have responsibility to maintain such a road and if this is the case then they can approach Magistrates to order repairs. I have enquired and Mr Knox of the highways dept confirmed they were responsible.

In 2009 and 2010 the Applicant and Highways Dept held meetings and site visits and it was agreed repairs would be made, however after minor repairs were made a breakdown in communications meant nothing further was done. Now some 8 years later the applicant is trying to use these road conditions to replace Belan Eimion.

3. On the initial plans submitted by the applicant it can be seen that a double dotted line runs from the rear of Belan Eimion to a point on a fully serviceable road. This road is paved and tarmaced and serves other properties. This dotted line is the site of previous access to Belan Eimion in the form of a track across land owned by the applicant. This track still exists and could with little upkeep give full access to allow repairs to the house and for residents vehicles.

PCC/ECR PLANNING

4. There are numerous points where a new track from Belan Eimion could be formed leading to a paved highway. This would be over land owned by the applicant and would be similar to houses they already own. There would be far less of an impact than the proposed location.

TO FINISH:

Belan Eimion is property of local vernacular, not beyond realistic repair and should be made good.

Replacement would not lie within or adjacent to original footprint but some 1 km distant.

Allowing such a replacement sets a precedent to replace other isolated cottages of which there are many.

Being considered as a wholly new open market dwelling it does not comply with UDP Policies, HP6, HP8, HP9 and Powys Councils lack of building land should not be used as a reason for granting permission.

It appears every conceivable loophole is being sought and exploited and the conditional consent given is based on these.

I ask that the committee after reviewing all these factors agree that this application is attempting to manipulate current planning laws and that you refuse to grant full planning permission.

Thank You.



**Michael Ogrady
Bronhaul,
Bwlchyddar,
Llangedwyn, Powys. SY10 9LL**

Agent response

Correspondence received 14th March 2018

Dear Chairman

This document has been prepared in response to Mr Ogrady's letter to the Chairman.

The application before you benefits from officer recommendation for approval and whilst I would like to have the opportunity to speak at committee in support of the application, I understand that I am only permitted to respond to the points raised by Mr Ogrady in his letter to The Committee.

To that end, I shall avoid repeating what has already been addressed within the Committee report.

Mr Ogrady has raised issue with the highway, the prospect of an alternative access, the planning principle and exploitation/manipulation of the applicant.

I will deal with the exploitation and manipulation claim as my first port of call as this is what distresses me the most. The applicant has spent over **10 years** in trying to achieve a successful outcome for Belan Einion. Every avenue has been explored, including the advertising/offering of letting of Belan Einion for 20 years plus at a peppercorn rent. The applicant even accepted a proposal put forward as a result of the advertising campaign, but this could not proceed because the potential party was unable to identify a way to (A)viably improve access to the premises and (B) upon speaking to tradesmen, to bring the property to a habitable standard owing to the cost in getting materials to the site, aside from any access improvement. Indeed it was joked- at the time that the only realistic way of getting materials to site at the time was via helicopter! Unfortunately, and with many wasted hours and

meetings, Belan Einion remains uninhabited due to the dire state of the existing access. Powys Council's planning department were approached by way of a formal pre-application enquiry in January 2016 whereby we set out the issue of the public highway, the history of correspondence with Powys highways department and the genuine question as to what could be achieved for Belan Einion under planning policy, given the constraint of the highway.

The upshot of the pre-application enquiry was that an application could be pursued for a replacement dwelling within the settlement of Bwlch y Ddar as Policy H11 (Criterion 3) allows for replacement dwellings to be constructed out of the original site boundary if there is an improvement in terms of highway safety, visual and landscape impact or in solving a particular problem. It was therefore advised that the problem in accessing the existing dwelling from the public highway would constitute a particular problem that would be resolved by the proposal and therefore could meet criterion 3 of UDP Policy HP11.

The concept of the application being considered as 'exploitation/manipulation' is a far cry from the truth of the circumstance whereby the applicant and Powys Council have both acted with an open book approach and it has further been demonstrated that despite attempting every avenue, this planning application was the last port of call.

Moving on to the access track Mr Ogrady has raised in point 3 of his letter. This was addressed during the processing of the application with the case officer. The access track to the west is an historic track which was in place long before the trappings of modern life and vehicles and so forth. The access to the track referred is also not owned and therefore third party rights would need to be secured, from the owners at Pen-yr-Allt. Coupled with the ownership issue, the track would cost more to bring up to standard than the Powys Highway due to the terrain and impassibly steep gradient. The costs and practicalities of utilising this ancient access make the concept a complete non-starter.

Mr Ogrady notes in Point 2 of his letter that our investigations came to a standstill with Powys Highways 8 years ago and that we are now attempting to use the road conditions as the basis of our case for the replacement dwelling. This is correct. We have exhausted every avenue to try and bring habitation back to Belan Einion, but the issue of the highway is the stumbling block as it is impossible for anyone to gain access in terms of construction vehicles and also private vehicles for habitation going forward.

The background has been well documented within the planning application, but to summarise for the benefit of our response, in May 2009, Adrian Jervis, Shire Engineer of Powys Council confirmed by letter that Powys Council's *'intention is to carry out appropriate maintenance to the unmettalled section of highways as such time when frequent access to Belan Einion is required'*. Notice was duly given regarding the impending occupation of the property to Adrian Jervis on 10th September 2010. Following such confirmation, a meeting was held on site (October 2010) with Mr A Jones of Local Environment Services. At this meeting, (as confirmed by letter from E Sample 20/05/2011) Mr A Jones confirmed that *'repair work would be carried out in two stages, Stage 1), being to put the road in order to allow a temporary access with particular reference to clearing the drains in order to take the water away from the road (work to be completed within one month) and Stage 2) to be completed in the spring to re-lay the road to allow vehicles to access Belan Einion on a permanent basis and allow development of the property to take place.'* Following this, some minor loads of stone were laid on the track, which resulted in no positive impact on the road whatsoever. Correspondence broke down between the Council and no definitive explanation for lack of

progress was reached. Since that time, more avenues have been explored in respect of securing new occupiers, but in Powys' absence of carrying out the required works, nobody has been willing to spend £250,000 to access a property which needs a further £150,000 spending on it. Particularly given the fact that the expenditure would never be recouped from the sale of the property as the value would be too low.

The proposal has been considered carefully by Powys Council and has been taken to committee with officer support. The case is undoubtedly unique, but Policy H11 (Criterion 3) does allow for replacement dwellings to be provided off site where circumstances dictate. It is a genuine proposal that we have worked through with Powys Council from the pre-application process and it is hoped that the Committee can appreciate the circumstances of the proposal and take the officers recommendation for approval on board.

Thank you for your time in reading the above

Kind Regards

Charlene Sussums-Lewis MRICS Associate Member RTPI
Associate

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Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2017/1265	Grid Ref:	304821.63 302872.58
Community Council:	Dwyriw	Valid Date:	Officer: 30/10/2017 Sara Robinson
Applicant:	Ms Judith Townsley, Cefn Bryn, Cefn Coch, Welshpool, Powys, SY21 0AE		
Location:	Cefn Bryn, Cefn Coch, Welshpool, Powys, SY21 0AE		
Proposal:	OUTLINE: Residential development of one dwelling with associated works		
Application Type:	Application for Outline Planning Permission		

Report Update

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

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;

Following the amendment to planning application P/2017/1265 I would like to reiterate my object to the planning application at Cefn-y-Bryn, Cefn Coch.

My objections are based on three key points:

- 1) poor access / highways
- 2) limited amenities within the area
- 3) the impact on existing business' in the village.

Highways

The proposed access means that cars will be pulling out directly onto the B which runs through the village of Cefn Coch. Although classified as a minor road, this road serves considerable volume of traffic. It is the main access to the industrial site H.V Bowens, Tan-y-Foel Quarry and as a result a large number of heavy goods and articulated lorries pass through the village throughout the day.

The proposed access at Cefn-y-Bryn remains unaltered, and as such is still subject to poor visibility towards the East due to the location of the existing Cefn-y-Bryn which is located directly on the roadway. The proposed visibility splays are inadequate. Vehicles pulling out onto the carriage way will be moving directly on to the juncture where the southern B road joins on to the East-West B road. An additional junction at this location is a safety concern. Vehicles frequently park between the proposed access and Frongoch Hall Lane to the west of

the proposed site. When such parked vehicles are present the visibility will be further reduced.

Limited amenities within the area

There are no amenities within Cefn Coch. The nearest amenities (school, shop, church) are located within the key settlement of Llanfair Caereinion which is 5 miles to the North East of Cefn Coch. The recent classification changes proposed within the draft of the Local Development Plan will see Cefn Coch demoted to a rural settlement and as such the provision of amenities within this area will continue to be frequented at Llanfair Caereinion.

The impact on existing business' in the village

Cefn Coch is very much a working village and the proposed site is very close to Cefn Coch Inn and Cefn Coch Farm. The Inn which hosts events and functions throughout the year can be described as "lively" and has a flourishing trade in meals particularly in the summer months. Residents of the new proposed properties might expect that their quiet enjoyment of their properties might be impacted by the sound and traffic generated by the Inn. It is foreseeable that the inhabitants of these properties might request restrictions to be imposed upon the business, potentially harming it's viability and having a detrimental effect upon the economy of the village.

Similar arguments maybe made with regard to Cefn Coch Farm, which is owned by my family. This busy livestock farm requires the movement of livestock, vehicles and agricultural machinery sometimes at anti-social hours and the proposed houses will be built directly opposite Cefn Coch Farm entrance. As with the Inn this activity could impact upon the new houses and the social coherence of the village might be compromised.

I feel strongly that existing business at the heart of this village should not face the risk of restrictions in their methods of operation and would therefore suggest this development not be approved.

Please find attached an annotated plan highlighting these points

1. Fieldgate in frequent use by Cefn Coch Farm
2. Area of frequent roadside parking
3. Alternative exit used from front car park at Cefn Coch Inn
4. Frontage of Cefn Coch car park which has heavy traffic flow
5. Cefn Coch Farm main Entrance
6. Frongoch Hall farm Entrance

If you require any further information please don't hesitate to contact us.

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Planning, Taxi Licensing and Rights of Way Committee Report

UPDATE REPORT

Application No: P/2017/1489 **Grid Ref:** 320433.6, 290788.45

Community Council: Kerry **Valid Date:** 21/12/2017 **Officer:** Bryn Pryce

Applicant: Mr H Van Rees Kirkhamsfield Deport Powys County Council, Farm Estates Manager, Pool Road, Newtown Powys SY16 3AF

Location: Land adj to Sarn Village Hall, Sarn, Newtown Powys SY16 4EJ

Proposal: Outline: Erection of 7x affordable dwellings, alterations to road, provision of footpath, formation of access to agricultural land and associated works (all matters reserved)

Application Type: Application for Outline Planning Permission

Consultee Response

NRW

Correspondence received 12th March 2018

Thank you for sending the additional information regarding the foul drainage. Due to the new information that you have provided regarding the new development connecting to the main sewer, NRW wish to remove our previous concerns regarding the method of foul drainage.

NRW does not have any further comments to make on this application.

Officer Appraisal

Further to Natural Resources Wales comments of 5th February 2018, clarification was sought from NRW as to whether the foul drainage was to be connected to the mains sewer. The applicant has confirm that this is the case that the foul drainage will be to the mains sewer. NRW have provided additional comments as above and have no concerns regarding the foul drainage proposal.

In addition this update report seeks to change the conditions in respect of securing the dwellings as affordable housing. The conditions as set out below now include the most up to date conditions used in order to secure the housing scheme as affordable units.

RECOMMENDATION

Having carefully considered the proposed development, Development Management considers that the proposed housing development is of a modest scale and appropriate

layout and will provide a supply of affordable housing in a rural area. On this basis, it is considered that the proposed development fundamentally complies with planning policy and therefore, the recommendation is one of conditional consent in-line with the conditions as set out in this update 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 received on 21st December 2017 (drawing no's: 2647/P21/0001, 2647/P21/001 REV A, SPH-01, SPH02, SPH-03, SPH-04, SPH-05).
5. All works and ancillary operations which are audible at the site boundary shall be carried out only between the following hours:
 - 0800 - 1800 hrs Monday to Friday
 - 0800 - 1300 hrs Saturday
 - At no time on Sundays and Bank Holidays

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

6. 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 to and approved in writing by the Local Planning Authority. Thereafter the development shall be undertaken strictly in accordance with the detailed lighting scheme so approved.
7. Prior to commencement of development a detailed foul and surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall detail the location of the proposed soakaways and porosity test results. Thereafter the drainage system shall be implemented in accordance with the details so approved prior to the first use of the dwellings hereby approved and retained as such in perpetuity unless otherwise agreed by the local planning authority.
8. Prior to commencement of development a scheme for the provision of affordable housing will be 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 type and tenure of the affordable housing which shall consist of not less than 7 dwellings;
- ii) 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)];
- iii) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- iv) 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.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 as amended or in any statutory instrument revoking and re-enacting that Order with or without modification without the prior written consent of the LPA no development as specified in Part 1 (Classes A,B,C,D,E,F,G,and H) within the curtilage of the dwelling house or any other minor operations as specified in part 2 (Class A) other than indicated on the approved plans shall be carried out without the prior written approval of the Local Planning Authority.

Reasons

1. To enable the Local Planning Authority to exercise proper control over the development in accordance with Section 92 of the Town and Country Planning Act 1990.
2. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
3. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
4. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
5. To safeguard the amenities of the locality in accordance with policy GP1 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 prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal in accordance with policies GP1 and DC13 of the Powys Unitary Development Plan (2010).
8. The dwellings are hereby permitted as an exception to normal housing policies. This condition is imposed to control the future affordability and management of the development in accordance with policies HP7 of the Powys Unitary Development Plan (2010).

9. The dwellings are permitted as an exception to normal housing policies. This condition is imposed to control future development at this site which has the potential to compromise future affordability in accordance with policies HP7, HP8 and HP10 of the Powys Unitary Development Plan (2010).

Informative Notes

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.

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