

Public Document Pack



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PLANNING, TAXI LICENSING & RIGHTS OF WAY COMMITTEE

Thursday, 2nd August, 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.

(Pages 1 - 44)

2.	DECISIONS OF THE HEAD OF REGENERATION AND REGULATORY SERVICES ON DELEGATED APPLICATIONS
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To receive for information a list of decisions made by the Head of Regeneration and Regulatory Services under delegated powers.

(Pages 45 - 64)

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Planning, Taxi Licensing and Rights of Way Committee Report

UPDATE REPORT

Application No:	P/2018/0587	Grid Ref:	315781.85 294091.63
Community Council:	Abermule with Llandyssil	Valid Date:	Officer: 06/06/2018 Tamsin Law
Applicant:	Powys County Council		
Location:	Abermule Business Park, Abermule, Powys		
Proposal:	Hybrid application comprising of a full application for a proposed recycling bulking facility and associated works and an outline application for the erection of business units (B1/B2/B8) and all associated works		
Application Type:	Application for Full Planning Permission		

The reason for the update

Further response has been received from Powys Land Drainage

Consultee Response

Land Drainage

I refer to your recent email in respect to the subsequent revision(s) to satisfy the requirements of Welsh Government Trunk Road with regard to the field access (as shown on revised drawing no.2395/P03/012/rev C).

Having considered this revised submission, the LLFA would raise no objection to the proposal and is, in principle, content with the culverting of the watercourse channel to improve junction safety. Design Details for the culverting proposal shall be agreed prior to commencement. These details will also form part of the Ordinary Watercourse Consent that the Applicant will need to secure from the LLFA.

Officer Appraisal

The original report to Committee advised that further comments were sought from Land Drainage with regards to the comments made by Welsh Government Trunk Road. Land Drainage were provided with the amended plans and offered no objection to the submitted information and state that they are content with the principle of culverting the watercourse channel to improve junction safety. They also advise that this information will also form part of an Ordinary Watercourse Consent that will need to be applied for separately.

As such the proposed development is considered to be acceptable with regards to land drainage.

Recommendation

Having carefully considered the proposed development, Officers consider that the proposal broadly complies with planning policy. An additional condition regarding the phasing of the outline element of the scheme has been added to this report. The recommendation is therefore one of conditional approval subject to the conditions outline below.

Conditions

Conditions in respect of full application

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 and documents approved on XX/XX/XXXX (drawing no's; 2395/P03/001, 2395/P03/009, 2395/P03/008, 2395/P03/003, 2395/P03/004, 2395/P03/011, 2395/P03/010, 2395/P03/006, 2395/P03/007, 2395/P03/005, H2395/P03/013, 2395/P03/012, 2395/P03/016, 70019430-DP-01_P01 Rev P01 and documents; Phase 1 Geo-Environmental Desk Study dated December 2017, Design and Access Statement dated June 2018, Flood Risk Appraisal Phase 2 dated November 2016, Planning Statement dated June 2018, Noise Impact Assessment dated February 2018, Arboricultural Report dated March 2018, Addendum to Preliminary Drainage Strategy and Flood Consequence Assessment dated June 2018, Flood Consequence Assessment dated April 2018, Waste Planning Assessment dated June 2018, Offsite Impacts Mitigation dated May 2017, Statement of GCN Conservation and Mitigation Works dated April 2018, Reptile Survey dated June 2018, Preliminary Ecological Appraisal dated April 2017, Preliminary Drainage Strategy dated April 2018, Flood Consequence Assessment dated June 2018, Ecological Compliance Schedule and Habitat Management Plan dated June 2018, Great Crested Newt Method Statement dated June 2018, Noise Impact Assessment dated June 2018, Technical Note dated June 2018, Ecological Compliance Schedule and Habitat Management Plan dated July 2018, Transport Statement dated July 2018 and Great Crested Newt Reasonable Avoidance Method Statement dated July 2018).
3. The use shall not be carried out outside the hours of 07:00 to 18:00 Monday to Sundays.
4. Prior to the first beneficial use of the development, a bus shelter and all associated works shall be constructed alongside the bus layby on the B4386. The specification of which is to be agreed in writing with the Local Planning Authority.
5. Prior to the first beneficial use of the development any entrance gates shall be set back at least 20 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.

6. Prior to the first beneficial use of the development, provision shall be made within the curtilage of the site for the parking of not less than 33 cars and 25 heavy goods vehicles together with all operational access routes within the site such that all vehicles serving the site may both enter and leave the site in a forward gear.
7. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.
8. No development shall take place until a site investigation of the nature and extent of contamination has been carried out, by a suitably qualified competent person, in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. A written report of the findings of the site investigation shall be made available to the local planning authority before any development begins. The written report should include an appraisal of remedial options and identification of the most appropriate remediation option(s) for each relevant pollutant linkage. The report is subject to the written approval of the local planning authority.
9. No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 and The Contaminated Land (Wales) Regulations 2006, as amended by The Contaminated Land (Wales) (Amendment) Regulations 2012, in relation to the intended use of the land after remediation. The detailed remediation scheme should not be submitted until written approval for Condition 1 has been received from the local planning authority. All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the WLGA document 'Development of Land Affected by Contamination: A Guide for Developers' (2012).
10. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works. If during the course of development any contamination is found that has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures before the development is occupied. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the local planning authority. The verification report contents must be agreed with the local planning authority before commencement of the remediation scheme. All work and submissions carried out for the purposes of this condition must be conducted in

accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the WLGA document 'Development of Land Affected by Contamination: A Guide for Developers' (2012).

11. A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of duration to be agreed in writing with the local planning authority and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the local planning authority. Within six months following the completion of the measures identified in that scheme and the achievement of the remediation objectives, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the local planning authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.
12. The mitigation measures regarding great crested newts identified in the Statement of GCN Conservation and Mitigation Works Reference RT-MME-126868-02-Rev A produced by Middlemarch Environmental dated 18th April 2018 and Great Crested Newt Method Statement Reference RT-MME-126868-03 produced by Middlemarch Environmental dated June 2018 shall be adhered to and implemented in full and maintained thereafter.
13. The measures identified in the Ecological Compliance Schedule and Habitat Management Plan Reference RT-MME-127496 RevA produced by Middlemarch Environmental dated July 2018 shall be adhered to and implemented in full and maintained thereafter.
14. Installation of external lighting features at the site will be carried out in accordance with the Lighting & Signage Plan – Recycling Bulking Facility drawing no. 2395/P03/008 Rev A produced by CWIC dated 5th June 2018, the identified lighting plan shall be adhered to and implemented in full and maintained thereafter.
15. The Tree constraints plan identified in the Tree Survey Data & Tree Constraints Plan produced by Arboricultural Technician Services dated 23rd March 2018 shall be adhered to and implemented in full and maintained thereafter.
16. The reasonable avoidance measures regarding great crested newts identified in the Hedgerow Translocation Works - Great Created Newt Reasonable Avoidance Method Statement produced by Middlemarch Environmental Reference RT-MME-127521-02 dated 20th July 2018 shall be adhered to and implemented in full and maintained thereafter.
17. No development shall commence until full engineering details and drawings for the surface water and land drainage arrangements, together with details on the surface water flood compensation pond has been submitted to and approved in writing by the local Planning Authority. The approved scheme shall be completed prior to the first beneficial use of the development.

18. The proposed amended field access & culvert must be constructed in accordance with approved drawings 2395/P03/12 Rev C & P03/016 Rev A, including the translocation of 100m of existing hedgerow prior to the development being brought into use.

Reasons in respect of full application

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
3. To ensure that the amenities of local residents are safeguarded in accordance with policy DM13 of the Powys Local Development Plan 2018.
4. In the interest of highway safety and free flow of traffic in accordance with policy T1 and DM13 of the Powys Local Development Plan and TAN18 and Planning Policy Wales.
5. In the interest of highway safety and free flow of traffic in accordance with policy T1 and DM13 of the Powys Local Development Plan and TAN18 and Planning Policy Wales.
6. In the interest of highway safety and free flow of traffic in accordance with policy T1 and DM13 of the Powys Local Development Plan and TAN18 and Planning Policy Wales.
7. In the interest of highway safety and free flow of traffic in accordance with policy T1 and DM13 of the Powys Local Development Plan and TAN18 and Planning Policy Wales.
8. 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 DM10 of the Powys County Council Local Development Plan 2018.
9. 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 DM10 of the Powys County Council Local Development Plan 2018.
10. 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 DM10 of the Powys County Council Local Development Plan 2018.

11. 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 DM10 of the Powys County Council Local Development Plan 2018.
12. To comply with Powys County Council's LDP Policies DM2 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, the Conservation of Habitats and Species Regulations 2017, the Wildlife & Countryside Act 1981 (as amended) and Section 6 of the Environment (Wales) Act 2016
13. To comply with Powys County Council's LDP Policies DM2 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, the Conservation of Habitats and Species Regulations 2017, the Wildlife & Countryside Act 1981 (as amended) and Section 6 of the Environment (Wales) Act 2016.
14. To comply with Powys County Council's Policies LDP DM2 and DM7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016
15. To comply with Powys County Council's LDP Policies DM2 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.
16. To comply with Powys County Council's UDP Policies DM2 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, the Conservation of Habitats and Species Regulations 2017, the Wildlife & Countryside Act 1981 (as amended) and Section 6 of the Environment (Wales) Act 2016.
17. To ensure that the proposed surface water and land drainage features for the development follow best practice sustainable drainage designs and are fully compliant with regulations and are of robust design in accordance with policy DM6 of the Powys Local Development Plan.
18. The conditions are included to maintain the safety and free flow of trunk road traffic in accordance with policy T1 and DM13

Conditions in respect of outline application

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 to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.
4. The development shall be carried out strictly in accordance with the plans and documents approved on XX/XX/XXXX (drawing no's; 2395/P03/001, 70019430-DP-01_P01 Rev P01 and documents; Phase 1 Geo-Environmental Desk Study dated December 2017, Design and Access Statement dated June 2018, Flood Risk Appraisal Phase 2 dated November 2016, Planning Statement dated June 2018, Noise Impact Assessment dated February 2018, Arboricultural Report dated March 2018, Addendum to Preliminary Drainage Strategy and Flood Consequence Assessment dated June 2018, Flood Consequence Assessment dated April 2018, Waste Planning Assessment dated June 2018, Offsite Impacts Mitigation dated May 2017, Statement of GCN Conservation and Mitigation Works dated April 2018, Reptile Survey dated June 2018, Preliminary Ecological Appraisal dated April 2017, Preliminary Drainage Strategy dated April 2018, Flood Consequence Assessment dated June 2018, Ecological Compliance Schedule and Habitat Management Plan dated June 2018, Great Crested Newt Method Statement dated June 2018, Noise Impact Assessment dated June 2018, Technical Note dated June 2018, Ecological Compliance Schedule and Habitat Management Plan dated July 2018, Transport Statement dated July 2018 and Great Crested Newt Reasonable Avoidance Method Statement dated July 2018).
5. Prior to occupation of the business/employments units on the development, an impact assessment will be submitted to and approved by the Council to demonstrate how the proposed use, design and any required mitigation measures will ensure that the amenity of nearby noise-sensitive properties shall not be unacceptably affected by levels of noise. The assessment will consider the potential combined impacts of noise from all permitted uses on the Abermule Business Park development site (i.e. including the Recycling Bulking Facility), and will be conducted in accordance with the method set out in BS 4142:2014, and must demonstrate that the combined noise impact from the development site will be no greater than indicated in the Abermule Business Park Noise Impact Assessment report ref 70032991-NV1-02-R1.
6. The mitigation measures regarding great crested newts identified in the Statement of GCN Conservation and Mitigation Works Reference RT-MME-126868-02-Rev A produced by Middlemarch Environmental dated 18th April 2018 and Great Crested Newt Method Statement Reference RT-MME-126868-03 produced by Middlemarch Environmental dated June 2018 shall be adhered to and implemented in full and maintained thereafter.
7. The measures identified in the Ecological Compliance Schedule and Habitat Management Plan Reference RT-MME-127496 RevA produced by Middlemarch Environmental dated July 2018 shall be adhered to and implemented in full and maintained thereafter.

8. 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.
9. 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.
10. The Tree constraints plan identified in the Tree Survey Data & Tree Constraints Plan produced by Arboricultural Technician Services dated 23rd March 2018 shall be adhered to and implemented in full and maintained thereafter.
11. No development shall commence until full engineering details and drawings for the surface water and land drainage improvements, together with a management and maintenance plan for the culvert inlet, are submitted to and approved in writing by the local planning authority. The approved scheme shall be completed prior to the first beneficial use of the business park development.
12. No development shall take place until a site investigation of the nature and extent of contamination has been carried out, by a suitably qualified competent person, in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. A written report of the findings of the site investigation shall be made available to the local planning authority before any development begins. The written report should include an appraisal of remedial options and identification of the most appropriate remediation option(s) for each relevant pollutant linkage. The report is subject to the written approval of the local planning authority.
13. No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 and The Contaminated Land (Wales) Regulations 2006, as amended by The Contaminated Land (Wales) (Amendment) Regulations 2012, in relation to the intended use of the land after remediation. The detailed remediation scheme should not be submitted until written approval for Condition 1 has been received from the local planning authority. All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the WLGA document 'Development of Land Affected by Contamination: A Guide for Developers' (2012).

14. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works. If during the course of development any contamination is found that has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures before the development is occupied. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the local planning authority. The verification report contents must be agreed with the local planning authority before commencement of the remediation scheme. All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the WLGA document 'Development of Land Affected by Contamination: A Guide for Developers' (2012).
15. A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of duration to be agreed in writing with the local planning authority and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the local planning authority. Within six months following the completion of the measures identified in that scheme and the achievement of the remediation objectives, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the local planning authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.
16. Prior to the commencement of development a phasing scheme for the business park shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reasons in respect of outline application

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 comply with Powys County Council Local Development Plan policy DM13 'Design and Resources'.

6. To comply with Powys County Council's UDP Policies DM2 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, the Conservation of Habitats and Species Regulations 2017, the Wildlife & Countryside Act 1981 (as amended) and Section 6 of the Environment (Wales) Act 2016.
7. To comply with Powys County Council's UDP Policies DM2 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, the Conservation of Habitats and Species Regulations 2017, the Wildlife & Countryside Act 1981 (as amended) and Section 6 of the Environment (Wales) Act 2016.
8. To comply with Powys County Council's Policies LDP DM2 and DM7 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.
9. To comply with Powys County Council's LDP Policy DM4 in relation to ecological qualities of the landscape and meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016
10. To comply with Powys County Council's UDP Policies DM2 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.
11. To ensure that the proposed surface water and land drainage features for the development follow best practice sustainable drainage designs and are fully compliant with regulations and are of robust design in accordance with policy DM6 of the Powys Local Development Plan.
12. 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 DM10 of the Powys County Council Local Development Plan 2018.
13. 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 DM10 of the Powys County Council Local Development Plan 2018.
14. 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 DM10 of the Powys County Council Local Development Plan 2018.

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 DM10 of the Powys County Council Local Development Plan 2018.

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

Informative Notes

Warning: An European protected species (EPS) Licence is required for this development.

This planning permission does not provide consent to undertake works that require an EPS licence.

It is an offence to deliberately capture, kill or disturb EPS or to recklessly damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine.

To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at <https://naturalresources.wales/conservation-biodiversity-and-wildlife/european-protected-species/?lang=en>

Great Crested Newts – Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017

Great Crested Newts are known to be present in the vicinity of the proposed development site. The great crested newt is fully protected under schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of The Conservation of Habitats and Species Regulations 2017.

It is therefore an offence to:

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

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

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.

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.

Land Drainage

The LLFA is, in general, opposed to culverting of Ordinary watercourses and whenever practical will seek to have culverted watercourses restored to open channels. Any proposed culverting (or modification to an existing structure) of an Ordinary watercourse will require the prior consent from the LLFA under the terms of the Land Drainage Act 1991 (as amended by the Flood & Water Management Act 2010).

Network Rail

FENCING

If not already in place, the Developer/applicant must provide at their expense a suitable trespass proof fence (of at least 1.8m in height) adjacent to Network Rail's boundary and make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rail's boundary must also not be disturbed.

FOUNDATIONS

Network Rail offers no right of support to the development. Where foundation works penetrate Network Rail's support zone or ground displacement techniques are used the works will require specific approval and careful monitoring by Network Rail. There should be no additional loading placed on the cutting and no deep continuous excavations parallel to the boundary without prior approval.

DRAINAGE

All surface water drainage should be directed away from Network Rail's land to the public mains system. Soakaways are not acceptable where the following apply:

- Where excavations which could undermine Network Rail's structural support zone or adversely affect the bearing capacity of the ground
- Where there is any risk of accidents or other acts leading to potential pollution of Network Rail's property/infrastructure
- Where the works could adversely affect the water table in the vicinity of Network Rail's structures or earthworks.

GROUND DISTURBANCE

The works involve disturbing the ground on or adjacent to Network Rail's land it is likely/possible that the Network Rail and the utility companies have buried services in the area in which there is a need to excavate. Network Rail's ground disturbance regulations applies. The developer should seek specific advice from Network Rail on any significant raising or lowering of the levels of the site.

SITE LAYOUT

It is recommended that all buildings be situated at least 2 metres from the boundary fence, to allow construction and any future maintenance work to be carried out without involving entry onto Network Rail's infrastructure. Where trees exist on Network Rail land the design of foundations close to the boundary must take into account the effects of root penetration in accordance with the Building Research Establishment's guidelines.

PILING

Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

EXCAVATIONS/EARTHWORKS

All excavations / earthworks carried out in the vicinity of Network Rail's property / structures must be designed and executed such that no interference with the integrity of that property / structure can occur. If temporary compounds are to be located adjacent to the operational

railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken.

SIGNALLING

The proposal must not interfere with or obscure any signals that may be in the area.

NOISE

Network Rail would remind the council and the applicant of the potential for any noise/vibration impacts caused by the proximity between the proposed development and the existing railway, which must be assessed in the context of the National Planning Policy Framework (NPPF) and the local planning authority should use conditions as necessary.

The current level of railway usage may be subject to change at any time without prior notification including increased frequency of trains, night time train running and heavy freight trains.

There is also the potential for maintenance works to be carried out on trains, which is undertaken at night and means leaving the trains' motors running which can lead to increased levels of noise.

LANDSCAPING

It is recommended no trees are planted closer than 1.5 times their mature height to the boundary fence. The developer should adhere to Network Rail's advice guide on acceptable tree/plant species. Any tree felling works where there is a risk of the trees or branches falling across the boundary fence will require railway supervision.

PLANT, SCAFFOLDING AND CRANES

Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that, at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land.

HEAPING, DUST AND LITTER

It should be noted that because of the nature of the proposals we would not want to see materials piled against our boundary. Items to be heaped on site should be kept away from the boundary an equal distance as the pile is high to avoid the risk of toppling and damaging or breaching our boundary. We also have concerns over the potential for dust clouds and rubbish created from the processing at the site affecting the railway signal sighting. Therefore, adequate measures for preventing dust and rubbish blowing onto Network Rail property are to be in operation.

LIGHTING

Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway

SAFETY BARRIER

Where new roads, turning spaces or parking areas are to be situated adjacent to the railway; which is at or below the level of the development, suitable crash barriers or high kerbs should be provided to prevent vehicles accidentally driving or rolling onto the railway or damaging the lineside fencing.

ACCESS POINTS

Where Network Rail has defined access points, these must be maintained to Network Rail's satisfaction.

In order to mitigate the risks detailed above, the Developer should contact the Network Rail's Asset Protection Wales Team well in advance of mobilising on site or commencing any works. The initial point of contact is assetprotectionwales@networkrail.co.uk. The department will provide all necessary Engineering support subject to a Basic Asset Protection Agreement.

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

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Having carefully considered the information provided with the planning application, our records show that there are no scheduled monuments or registered historic parks and gardens that would be affected by the proposed development. We therefore have no comments to make on the proposed development.

Our role

Our statutory role in the planning process is to provide the local planning authority with an assessment concerned with the likely impact that the proposal will have on scheduled monuments, registered historic parks and gardens, registered historic landscapes where an Environmental Impact Assessment is required and development likely to have an impact on the outstanding universal value of a World Heritage Site. We do not provide an assessment of the likely impact of the development on listed buildings or conservation areas, as these are matters for the local authority.

It is for the local planning authority to weigh our assessment against all the other material considerations in determining whether to approve planning permission.

National Policy

Applications for planning permission are considered in light of the Welsh Government's land use planning policy and guidance contained in Planning Policy Wales (PPW), Technical Advice Notes and guidance.

PPW (Chapter 6 – The Historic Environment) explains that the conservation of archaeological remains is a material consideration in determining a planning application, whether those remains are a scheduled monument or not. Where nationally important archaeological remains, whether scheduled or not, and their settings are likely to be affected by proposed development, there should be a presumption in favour of their physical protection in situ. It will only be in exceptional circumstances that planning permission will be granted if development would result in an adverse impact on a scheduled monument (or an archaeological site shown to be of national importance) or has a significantly damaging effect upon its setting. Technical Advice Note 24: The Historic Environment elaborates by explaining that when considering development proposals that affect scheduled monuments or other nationally important archaeological remains, there should be a presumption in favour of their physical preservation in situ, i.e. a presumption against proposals which would involve significant alteration or cause damage, or would have a significant adverse impact causing harm within the setting of the remains.

PPW also explains that local authorities should protect parks and gardens and their settings included in the first part of the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales, and that the effect of a proposed development on a registered park or garden or its setting should be a material consideration in the determination of a planning application.

Officer Appraisal

Following the initial officer report comments have now been received from Kerry community council, the local member and CADW. Both the community council and local member are very supportive of the scheme and have no concerns regarding the proposed development.

Scheduled Ancient Monuments

As part of this application process CADW were consulted as there is a scheduled ancient monument (SAM) approximately 420 metres north west of the proposed site. CADW have raised no objections to the scheme stating that no scheduled ancient monuments of registered historic parks and gardens would be affected by the proposed development. Officers consider that the proposed site is not visible from the nearest SAM due to the topography of the surrounding landscape, existing buildings and areas of woodland between the two and there would be no impact upon the scheduled ancient monuments setting as a result of the proposed development.

In light of the above, the proposed development complies with policies SP7 and DM13 of the Powys Local Development Plan.

RECOMMENDATION

This update report contains additional comments received since the original officer report. The comments received do not change the recommendation and therefore the recommendation remains as set out in the original officers report.

Case Officer: Bryn Pryce- Planning Officer
Tel: 01597 82 7126 E-mail: bryn.pryce@powys.gov.uk

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We recommend rejection of the revision of the S.106 Agreement on these grounds.

Since the applicant deems the current arrangement as not economically viable, I would therefore suggest that the extension of time for commencement of the development is also declined, in order that the land may be offered back onto the open market, and another party may be found to develop the site in accordance with the needs and wishes of Knighton.

I note in passing that the Fifth Schedule of the S.106 Agreement is, in my view, a model clause for ensuring that the affordable housing allocation is directed towards local requirements, and would recommend that similar wording be adopted as a condition of approval of all future new social housing approvals in the Knighton district.

I have belatedly noted that you require four working days notice to be able to speak in person at the meeting. I plan to attend the meeting anyway, but would request that this communication is put before the committee as a written representation.

I look forward to your reply.

Officer Appraisal

Public Open Space

In accordance with policy DM3, provision for new Open Space will, subject to viability, be sought from all housing developments of 10 or more dwellings. The type and nature of the provision will be determined by the deficiencies identified in the Open Space Assessment for the locality and, depending on the individual circumstances, may be provided on or off site.

Officers note that the application site is located within immediate proximity of Offa's Dyke Centre Park and Offa's Dyke Centre Playground (NEAP). Given the proximity of the site to existing park and playground and accessibility of future occupiers of the site, it is not considered that the provision of on-site open space is justified in this instance.

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. None of the dwellings shall be occupied until works for the disposal of sewage and surface water have been provided on the site to serve the development hereby permitted, in accordance with details submitted to and approved in writing by the Local Planning Authority.

5. No tree shall be wilfully damaged or destroyed or uprooted , felled ,lopped or topped without the previous written consent of the Local Planning authority within 60 months after the completion of the development . Any trees removed without such consent or dying or being seriously diseased before the end of the period shall be replaced with trees of such size and species as may be agreed in writing with the Local Planning Authority.

6. During the development hereby permitted the developer shall afford access at all reasonable times to an archaeologist in accordance with an archaeological investigation and recording scheme to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no fences, gates, walls, garages, buildings, extensions or dormer windows shall be erected or constructed, other than those expressly authorised by this permission.

8. Prior to commencement of the development, details for the disposal of surface water and foul sewage shall be submitted to and approved in writing by the Local Planning Authority and the works shall only be carried out in accordance with those details so approved.

9. Development shall not begin until a report on potential contamination of the site has been prepared by an appropriate person and submitted to and approved by the Local Planning Authority. This report shall include a phased investigation approach, incorporating risk assessment, to identify the extent of contamination and any measures required to remediate the site, including post-development monitoring.

10. The applicant shall submit and have approved in writing by the Local Planning Authority, full details of the relocation of the bus stop and alteration to the on-street parking opposite the site, prior to the commencement of any works on site.

11. The works referred to above shall be fully completed to the written satisfaction of the Local Planning Authority prior to the occupation of any of the dwelling units.

12. Any entrance gates shall be set back from the edge of the highway/footway and shall be constructed so as to be incapable of opening towards the highway.

13. The gradient of the access shall not exceed 1 in 30 for the first 15 metres measured from edge of the adjoining carriageway along the centre line of the access.

14. The centre line of the first 15 metres of the access road measured from the edge of the adjoining carriageway shall be at right angles to that edge of the said carriageway.

15. Within 5 days from 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 15 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 15 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway and 4.5 metres distant from the edge of the adjoining carriageway and 70 metres in each direction. 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 from obstruction thereafter.

16. Within 5 days from the commencement of the development clear visibility shall be maintained above a height of 0.26 metres above carriageway level over the full frontage of the developed site to the estate road effective over a bandwidth of 2.4 metres measured from 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 from obstruction thereafter.

17. Within 5 days from the commencement of the development the area of the access to be used by vehicles is to be constructed to a minimum of 410 mm depth, comprising a minimum of 250 mm of sub-base material, 100 mm of bituminous macadam base course material and 60 mm 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.

18. Prior to the occupation of the units, provisions shall be made within the cartilage of the site for the parking of not less than 2 cars per dwelling and 1.5 spaces per flat excluding any garage space provided.

19. The gradient from the back of the footway/verge to the vehicle parking areas shall not exceed 1 in 15.

20. Within 5 days from the commencement of the development provision shall be made within the cartilage 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 0.30 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site may park within the site and both enter and leave the site in forward gear.

21. The width of the access carriageway shall not be 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.

22. 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.

23. Any internal side road junctions shall have a corner radii of 6 metres.

24. The centre line radii of all curves on the proposed estate road shall be not less than 30 metres.

25. All access shall be gained via the existing private driveway. No vehicular or pedestrian access shall be used or created to service the site directly from the county highway.

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, to a standard 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.

28. Prior to the occupation of the units 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.

29. No storm water drainage from the site shall be allowed to discharge onto the county Highway.

30. No development approved by the planning permission shall be commenced until

a) A desktop study has been carried out which shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. And using this information a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors has been produced;

b) A site investigation has been designed for the site using the information obtained from the desktop study and any diagrammatical representations (Conceptual Model). This should be submitted to, and approved in writing by the LPA prior to that investigation being carried out on the site. The investigation must be comprehensive enough to enable; 1) a risk assessment to be undertaken relating to groundwater and surface waters associated on and off the site that may be affected, and

2) refinement of the Conceptual Model and 3) the development of a Method Statement detailing the remediation requirements;

c) The site investigation has been undertaken in accordance with details approved by the Local Planning Authority (LPA) and a risk assessment has been undertaken;

d) A Method Statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters, using the information obtained from the Site Investigation has been submitted to the LPA. This should be approved in writing by the LPA prior to that remediation being carried out on the site.

31. The development of the site should be carried out in accordance with the approved Method Statement.

32. The development of the site should be carried out in accordance with the approved Method Statement.

33. Soakaways shall only be used in areas on site where they would not present a risk to groundwater. If permitted their location must be approved in writing by the Localm Planning Authority.

34. Clean, uncontaminated rock, subsoil, brick rubble, crushed concrete and ceramic only shall be permitted as infill material.

35. Development approved by this permission shall not be commenced unless the method for piling foundations has been submitted to an approved in writing by the LPA. The piling shall thereafter be undertaken only in accordance with the approved details.

36. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, vessel or vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses must be located within the bund or have separate secondary containment. The drainage system of the bund be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund.

37. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible within the site being drained. Roof water shall not pass through the interceptor. Most contaminated soils are regarded as controlled waste. If controlled waste is to be deposited on the site then either a Waste Management Licence will be required or the applicant will need to register an exemption to licensing with the Environmental Agency. Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the licensable status of any proposed on site operations are clear. If in doubt, the Agency should be contacted for advice at an early stage to avoid any delays.

38. 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.*

39. 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.

Reasons:

1. To enable the Local Planning Authority to exercise proper control over the development in accordance with Section 92 of the Town and Country Planning Act 1990.
2. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
3. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
4. In order to ensure that satisfactory drainage arrangements are provided in accordance with DM6 of the Powys Local Development Plan (2018).
5. To ensure that the site is properly landscaped and in the interest of the visual amenity of the locality.
6. To ensure that items of archaeological interest are recorded, in accordance with policy DM13 of the Powys Local Development Plan (2018), Technical Advice Note 24 – The Historic Environment (2017) and Planning Policy Wales (2016).
7. In order to control further development which has the potential to have adverse effects on privacy and/or amenity in contradiction to policy DM13 of the Powys Local Development Plan (2018).
8. To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with policies DM6 and DM13 of the Powys Local Development Plan (2018) and Planning Policy Wales (2016).
9. In the interest of environmental protection, in accordance with policy DM10 of the Powys Local Development Plan (2018).
10. In the interest of highway safety, in accordance with policies DM13 and T1 Powys Local Development Plan (2018).
11. In the interest of highway safety, in accordance with policies DM13 and T1 Powys Local Development Plan (2018).
12. In the interest of highway safety, in accordance with policies DM13 and T1 Powys Local Development Plan (2018).
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26. In the interest of highway safety, in accordance with policies DM13 and T1 Powys Local Development Plan (2018).
27. In the interest of highway safety, in accordance with policies DM13 and T1 Powys Local Development Plan (2018).
28. In the interest of highway safety, in accordance with policies DM13 and T1 Powys Local Development Plan (2018). Unitary Development Plan (2010).
29. In the interest of highway safety, in accordance with policies DM13 and T1 Powys Local Development Plan (2018).
30. In the interest of environmental protection, in accordance with policy DM10 of the Powys Local Development Plan (2018).
31. In the interest of environmental protection, in accordance with policy DM10 of the Powys Local Development Plan (2018).
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36. In the interest of environmental protection, in accordance with policy DM10 of the Powys Local Development Plan (2018).
37. In the interest of environmental protection, in accordance with policy DM10 of the Powys Local Development Plan (2018).
38. In order to ensure the provision of affordable housing in accordance with Policies H1, H6 and HP7 of the Powys Unitary Development Plan (2010) and the Affordable Housing for Local Needs Supplementary Planning Guidance (2011).
39. 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).

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

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@dwrwymru.com. Please quote our reference number in all communications and correspondence.

PCC - Countryside Services

Thank you for the opportunity to comment on this planning application.

The route of footpath LB595 is adjacent to the proposed development area, and on the plans there is a proposal for a new 1.2m pedestrian gate, this will need to be authorised by the Rights of Way department of Powys County Council (PCC), prior to its installation.

It should also be noted that by fencing in this section, that it is likely to become overgrown over time, and Rights of Way, would request that the school carry out seasonal cutting of the vegetation to ensure that the footpath remains available for the public to use.

No public rights of way should be obstructed during the development process and at no time should any materials be placed or stored on the line of any public right of way; any damage caused to the surface of any public right of way must be made good to at least its current condition or better. Should the public footpath be required to be temporarily closed for development purposes then the applicant should make contact with Countryside Services directly to discuss, prior to any works taking place. Any application for a temporary closure needs to be processed and approved before the footpath can be legally stopped-up for a defined period.

Countryside Services therefore has no objections to the proposed application at this time, subject to the guidance information detailed above.

Representations

Following the display of a site notice on the 06/07/2018 for the period of 21 days, an additional three letters of support and additional two letters of objection have been received and are summarised as follows;

Support

- I would like to register my support for the planning application for the Green Space at Llanbister School I feel it will be hugely beneficial to the school and its pupils by providing a much needed natural outside learning environment.
- Llanbister School is a growing and thriving school and the addition of a green play space will allow the teaching team to greatly enhance curriculum and playtime provision and contribute to the wellbeing of our future generations of young Powys citizens.

- We currently have a very small garden at the front of the school and a concrete playground to the side and rear. The lack of grass and green space means that our children are missing out on so much.
- Many sports are out of the question as they are unsuitable to play on hard ground, and whilst the school works extremely hard to create fantastic learning spaces outside these simply are not big enough.
- The recent Commons Report Review of Research on Outdoor Learning, (5) commissioned by the House of Commons found that:
"Policy makers at all levels need to be aware of the benefits that are associated with different types of outdoor learning. The findings of this review make clear that learners of all ages can benefit from effective outdoor education."
- In some cases, the value of outdoor education and the skills students develop outside the classroom is very directly linked to the employment market. For example, The Institute of Ecology and Environmental Management (IEEM) has identified biological recording, survey and monitoring as a growing area that depends greatly on specialist skills being taught in schools, colleges and universities. This link is also in evidence in the bioscience and ecological sectors and the growing environmental protection sector as well as in the numerous other areas of the labour market which require training involving direct contact with the natural world or vocational preparation which cannot be delivered in classrooms.
- The conclusions of this report stem from our belief in the value of outdoor learning. Evidence taken by the Committee strongly indicated that education outside the classroom is of significant benefit to pupils"
- The outdoor learning pedagogy roots the child firmly in their sense of place and community, it encourages the child to see their actions connected with the larger world and, importantly at a time when we are often blue screen led, it allows the child to disconnect and take stock of their own needs and self-care. It creates an understanding of our dependency on each other and fosters friendships that last. For a small community school these life skills are vital.

Objection

- No specification/dimensions are given for the fence to be erected
- The area to be fenced is at a right angle to the current play ground will make it impossible for one person to supervise at break times.
- The plan states that the existing fence between the yard and the new area would be removed, this would in effect provide access to motor vehicles when the yard is being used for non-school events, bollards should be erected to prevent this.
- Who will cover insurance liability on this area during school hours and also outside these times with public access
- The fence to be erected a metre from the residential properties will create a walkway through this area. It also creates an area which is extremely difficult to keep tidy which will de-value the adjacent properties.

- An environmental assessment is surely required to consider the effect the development will have on the meadow.
- My lounge patio doors are only 15 metres away from the proposed fence of the play area. I will be looking at a 1.8m high mesh fence with children looking straight into my lounge. It will be like living in a prison and will destroy my view I have from my property and devalue it hugely.
- Other concerns include child safety
- The proposal is going ahead without any consideration for the local residents living adjacent to the plan.

Comments have also been received from Powys Ramblers which are as follows;

The right of way shown on the plans does not appear to be affected by the proposed development.

In the event of permission being granted can the applicant please be advised of the importance of making sure that the right of way is not obstructed during any development works and is kept open throughout.

Officer Appraisal

Welsh Water

Welsh Water has been consulted and has confirmed that they have no objection to the proposed development. They however did confirm that the application site subject to the change of use is crossed by a public sewer.

An informative will therefore be attached to any grant of consent informing the applicants of their responsibilities with regards to the sewerage pipe. In light of the above and subject to the recommended informative it is therefore considered that the proposed development fundamentally complies with relevant planning policy.

Public Rights of Way

A public rights of way footpath LB595 is located adjacent to the proposed development area but outside of the application site. Countryside Services have been consulted and have confirmed that they have no objection to the proposed development. The officer however has recommended that an informative is attached to ensure that the right of way is not obstructed during any development works and is kept open throughout. It is also noted that permission will be required to be obtained from for the new 1.2m pedestrian gate prior to its installation.

In light of the above it is considered that subject to an appropriately worded informative the proposed development can therefore be managed to an acceptable level.

Public Representations

Further to the previous report additional correspondence has been received. Whilst it is considered that a number of the concerns raised have already previously been addressed within my main report it is considered that there are a few remaining outstanding points to address. These are as follows:

Biodiversity- Concerns have been raised over the potential ecological impacts the proposed development may have on the application site. It is noted that the application site is currently grazed unimproved agricultural land which is considered to have low or little ecological value. Given that the proposed development is for the change of use of land only it is therefore considered that the proposed development would be seen as having minimal impact on biodiversity within this area.

Maintenance/use of Land- Concerns has been raised over the future running/use of the site. This is the responsibility of the owner/users of the Land and therefore Development Management offer no further comment in relation to this matter.

Loss of Privacy- Concerns have been raised over the loss of privacy for the properties which back onto the application site. The Residential Design Guide states “Unless it can be demonstrated that privacy can be maintained through design, there should normally be a minimum separation between directly facing habitable room windows on rear elevations.”, however there is no restriction for gardens in which this development is considered to be similar too. Due to the distance from the neighbouring dwellings and the proposed use of the application site it is therefore considered that the privacy of neighbouring residential dwellings will not be detrimentally affected by the proposed development.

RECOMMENDATION

Based on the information submitted with the application, consultation response and existing policy context, it is considered that the proposal complies with planning policy. The recommendation is one of conditional consent.

Conditions

1. The development to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.
2. The development shall be carried out strictly in accordance with the plans stamped as approved (drawing no's: Option 4 (Block Plan), 2717/M01/001).
3. In the event that the presence of unsuspected contamination is encountered when carrying out the approved development immediate contact must be made with the local planning authority and works must cease in that area. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the local planning authority. 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, prior to commencement of use of the development.

Reasons

1. Required to be imposed by section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans approved by the Local Planning Authority in the interests of clarity and a satisfactory development.

3. 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 DM10 of the adopted Local Development Plan (2018).

Informative Notes

Building Control

A Building regulations application may be required for this development, please contact Building Regulations on 01874 612290.

Welsh Water

The proposed development site is crossed by a public sewer with the approximate position being marked on the attached Statutory Public Sewer Record. The position shall be accurately located and marked out on site before works commence and no operational development shall be carried out within 3 metres either side of the centreline of the public sewer.

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.

Rights of Way

The route of footpath LB595 is adjacent to the proposed development area, and on the plans there is a proposal for a new 1.2m pedestrian gate, this will need to be authorised by the Rights of Way department of Powys County Council (PCC), prior to its installation.

It should also be noted that by fencing in this section, that it is likely to become overgrown over time, and Rights of Way, would request that the school carry out seasonal cutting of the vegetation to ensure that the footpath remains available for the public to use.

No public rights of way should be obstructed during the development process and at no time should any materials be placed or stored on the line of any public right of way; any damage caused to the surface of any public right of way must be made good to at least its current condition or better. Should the public footpath be required to be temporarily closed for development purposes then the applicant should make contact with Countryside Services directly to discuss, prior to any works taking place. Any application for a temporary closure needs to be processed and approved before the footpath can be legally stopped-up for a defined period.

Tel: 01597 827229 E-mail:sara.robinson@powys.gov.uk

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It appears that construction works, use of machinery or storage of materials may take place within the canopy of the mature tree in/around the development site for the BMX track and Play Park. Given the proximity of the works to the tree, it is considered prudent to require information from the applicant as to how this feature of biodiversity importance for wildlife will be protected during the construction period of works. It is therefore recommended that a Tree Protection Plan is secured through an appropriately worded condition.

Landscape Planting Scheme

If it is proposed to provide landscaping as part of the potential development consideration should be given to the development of a native landscape planting scheme. It is recommended that details of any landscaping proposed are submitted in a detailed Landscape Planting Scheme including proposed species mixes (%), planting and aftercare schedules. It is therefore recommended that a landscape planting scheme is secured through an appropriately worded condition.

External Lighting

Careful consideration will need to be given to any external lighting of the proposed development, the habitat surrounding the proposed development does have features suitable for mobile wildlife to forage and commute. Measures will need to be identified to minimise impacts to nocturnal wildlife commuting and foraging in the local area.

Pollution Prevention Plan

In considering the nature of the development and the proximity to the watercourse it would appear that the submission of a pollution prevention plan would not be necessary, however it is recommended that the applicant undertakes works in accordance with available Pollution Prevention Guidelines, particularly GPP5: Works and maintenance in or near water and PPG6: Working at construction and demolition sites, details of these guidelines can be found at:

<http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>

Therefore should you be minded to approve the application I recommend inclusion of the following conditions:

Prior to commencement of development works a detailed Biosecurity Plan regarding Non-Native Invasive Species shall be submitted to the Local Planning Authority and shall be implemented as approved.

Reason: To comply with Powys County Council's LDP Policies DM2 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.

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.

Reason: To comply with Powys County Council's LDP Policies DM2, DM7 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.

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.

Reason: To comply with Powys County Council's LDP Policies DM2, DM4, DM13 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.

Prior to commencement of development a Tree 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 LPA.

Reason: To comply with Powys County Council's UDP policies SP3, DM2 and DM4 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.

In addition I recommend inclusion of the following 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

Officer Appraisal

Landscape Impact

Landmap is a national landscaping tool for assessing the character value of a landscape, values are attributed to landscape, visual and sensory, geological, historic and cultural.

The landscape and visual and sensory values for sites A, B and C is moderate and low (respectively). High and outstanding values are given to historic and cultural, these values are based on the industrial history of the town and prominent entrepreneurs Pryce Jones and WH Smith who have shaped the history, business and buildings within the town.

The sites occupy locations close to the river, the route of the Severn River through the town part of its visual identity and the proposed development would not change the town's relationship with the river of the riverine character of the river.

The proposed development would not have detrimental impact on the landscape character of the area and may in fact enhance the cultural value of the area by encouraging recreation activities close to the town centre. The proposed development is considered in accordance with Local Development Plan policy DM4.

Natural Resource Wales updated response

An updated response has not been received from NRW following the Authority's request, however the amended plans have removed those elements which NRW required further information; namely the amphitheatre and canoe access point. The pump track has been moved further away from the bank of the river in line with NRW response. Based on the amended plans and NRW's initial response, the Authority consider no further information is required in regard to flooding.

It should also be noted that NRW were engaged at pre application stage with NRW, they state within their response *"this project has developed in consultation with NRW over time"*. In addition, flood risk activity permits will be required from NRW, separate to any planning consent issued.

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 as approved. The plan references include updated riverside play park plan (2940-012 rev A), updated pump track plan (2940-021 rev A), proposed hub site plan (S061.1.1.11 REV C option 3 dated 31.07.17), location plan (S061.1.0.01 REV C dated 29.06.17)
3. Prior to the first beneficial use of the development on Site A 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 on site A 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.

7. Prior to the commencement of the development on Site A 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 first beneficial use of the development on Site A, provision shall be made within the curtilage of the site for the parking of not less than 50 cars and one heavy goods vehicle 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 on Site A 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, constructed as Condition 7 above, 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 first beneficial use of the development on Site A a radius of 10.5 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.

12. Prior to the first beneficial use of the development on Site A 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,

13. Upon formation of the visibility splays as detailed in condition 7 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.

14. No surface water drainage from the site shall be allowed to discharge onto the county highway.

15. Prior to the erection of any external lighting, a lighting scheme shall be submitted to and approved in writing by the local planning authority. Works shall be carried out in accordance with the approved scheme.

16. Prior to commencement of development of sites B and C a biosecurity risk assessment shall be submitted to and approved in writing by the local planning authority. The risk assessment shall include:

(i) appropriate measures to control any INNS on site, if present; and

(ii) measures or actions that aim to prevent INNS being introduced to /allowed to disperse from the site for the duration of construction and operational phases of the scheme.

17. Prior to the commencement of development on sites B and C as shown on the approved location plan, a scheme detailing reasonable avoidance measures for otters, water vole and bats shall be submitted to and approved in writing by the local planning authority. Works shall be carried out in accordance with the approved scheme.

18. Prior to the commencement of development on sites B and C as shown on the approved location plan, a pollution prevention plan shall be submitted to and approved in writing by the local planning authority. Works shall be carried out in accordance with the approved plan.

19. Prior to the commencement of development on sites B and C as shown on the approved location plan, a waste management plan shall be submitted to and approved in writing by the local planning authority. Works shall be carried out in accordance with the

20. Prior to development of Site A, as shown on the approved location plan, a site level plan showing the existing and proposed ground level, as measured from the nearest hard standing datum point, shall be submitted to and approved in writing by the local planning authority. Works shall be carried out in accordance with the approved plans.

21. Prior to commencement of development a Tree 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 LPA.

22. Notwithstanding the approved plans, no consent is hereby granted for Phase 2 of the Hub building on site A, as shown on drawing number S061.1.3.10.

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 to accord with Local Development Plan policy T1 (2018), Planning Policy Wales (2016) and Technical Advice Note 18-Transport (2007)
4. In the interests of highway safety and to accord with Local Development Plan policy T1 (2018), Planning Policy Wales (2016) and Technical Advice Note 18-Transport (2007)
5. In the interests of highway safety and to accord with Local Development Plan policy T1 (2018), Planning Policy Wales (2016) and Technical Advice Note 18-Transport (2007)
6. In the interests of highway safety and to accord with Local Development Plan policy T1 (2018), Planning Policy Wales (2016) and Technical Advice Note 18-Transport (2007)
7. In the interests of highway safety and to accord with Local Development Plan policy T1 (2018), Planning Policy Wales (2016) and Technical Advice Note 18-Transport (2007)
8. In the interests of highway safety and to accord with Local Development Plan policy T1 (2018), Planning Policy Wales (2016) and Technical Advice Note 18-Transport (2007)
9. In the interests of highway safety and to accord with Local Development Plan policy T1 (2018), Planning Policy Wales (2016) and Technical Advice Note 18-Transport (2007)

10. In the interests of highway safety and to accord with Local Development Plan policy T1 (2018), Planning Policy Wales (2016) and Technical Advice Note 18-Transport (2007)
11. In the interests of highway safety and to accord with Local Development Plan policy T1 (2018), Planning Policy Wales (2016) and Technical Advice Note 18-Transport (2007)
12. In the interests of highway safety and to accord with Local Development Plan policy T1 (2018), Planning Policy Wales (2016) and Technical Advice Note 18-Transport (2007)
13. In the interests of highway safety and to accord with Local Development Plan policy T1 (2018), Planning Policy Wales (2016) and Technical Advice Note 18-Transport (2007)
14. In the interests of highway safety and to accord with Local Development Plan policy T1 (2018), Planning Policy Wales (2016) and Technical Advice Note 18-Transport (2007)
15. In the interests of ecology and to accord with local authority plan policy DM2 (2018) and Planning Policy Wales (2016) and Technical Advice Note 5 (2009)
16. In the interests of ecology and to accord with local authority plan policy DM2 (2018) and Planning Policy Wales (2016) and Technical Advice Note 5 (2009)
17. In the interests of ecology and to accord with local authority plan policy DM2 (2018) and Planning Policy Wales (2016) and Technical Advice Note 5 (2009)
18. In the interests of ecology and to accord with local authority plan policy DM2 (2018) and Planning Policy Wales (2016) and Technical Advice Note 5 (2009)
19. In the interests of ecology and to accord with local authority plan policy DM2 (2018) and Planning Policy Wales (2016) and Technical Advice Note 5 (2009)
20. In the interests of design and amenity and to accord with Local Development Plan policies DM4 and DM13 (April 2018)
21. To comply with Powys County Council's UDP policies SP3, DM2 and DM4 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.
22. In the interest of design and amenity and to accord with Local Development Plan policy DM4 (April 2018)

Informative Notes

Clean Water Comments

We have apparatus in the area of the planned development, the developer will need to contact Severn Trent Water, New Connections team as detailed below to assess their proposed plans for diversion requirements.

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.



Delegated List

28/06/2018

01/08/2018

For the purpose of the Local Government (Access to Information) Act 1985, the background papers relating to each individual planning application constitute all the correspondence on the file as numbered in the left hand column.

FOR INFORMATION

Decisions of the Head of Regeneration, Property & Commissioning on Delegated Applications

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2018/0256 REM	16/04/2018	CONSENT	03/07/2018	Section 73 application to vary condition 2 of planning consent P/2016/1135 in relation to amending the design to include the addition of a conservatory and detached garage	Gwern Tyddyn Llangurig Llanidloes SY18 6QB
P/2018/0280 FULL	06/03/2018	CONSENT	03/07/2018	Full: Creation of a new access	Land South East of Llwynmeibion Bryngwyn Kington HR5 3QL

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2018/0376 REM	09/04/2018	CONSENT	03/07/2018	Section 73 application to vary condition no. 2 attached to planning permission P/2015/0243 to vary time limit in which to submit reserved matters application	Dolycoed Llanwrthwl Llandrindod Wells LD1 6NU
P/2018/0399 FULL	30/04/2018	CONSENT	03/07/2018	Full: Infill areas of excavation associated with the Elan Valley Aqueduct conduit rehabilitation scheme	Maesygelli Nantmel Llandrindod Wells LD1 6EL
P/2018/0456 HOUS	03/05/2018	CONSENT	03/07/2018	Householder: Erection of a rear single storey extension	Riverside Lodge Caerbont Ystradgynlais SA9 1RP
P/2018/0458 FULL	01/05/2018	REFUSE	03/07/2018	Full Erection of a detached dwelling house with formation of vehicular access, parking area and all associated works (including demolition of outbuilding)	Land at 17 Glantawe Row Ystradgynlais SA9 1ES
TEL/2018/0004 TELE	09/05/2018	PP NOTNEEDED	03/07/2018	Tel: Proposed installation of a 15m telecommunications mast accomadating 3x antennas, 2x microwave dishes, pole mounted satellite dish, generator, ancillary equipment cabin and cabinets and cabling	Devils Staircase Forestry Nant Yr Hwch Abergwesyn LD5 4TR

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2018/0505 CLA2	09/05/2018	LAWFUL USE	03/07/2018	Section 192 application for a lawful development certificate for a proposed use or development for erection of single storey extension	Rhyd Dolanog Welshpool SY21 0NA
P/2018/0537 HOUS	16/05/2018	CONSENT	03/07/2018	Householder: Removal of the conservatory & detached shed and erection of a two-storey annex extension to side and single-storey to rear	Lower Cottage Llanfilo Brecon LD3 0RE
P/2018/0558 HOUS	22/05/2018	CONSENT	03/07/2018	Householder: Replacement of the existing conservatory roof and frame, to be replaced with new frames and solid roof panels	Maes-Yr-Haf Pentre Bach Brecon LD3 8TT
P/2018/0588 CLA2	30/05/2018	REFUSE	04/07/2018	Section 192 application for a lawful development certificate for a proposed use or development for erection of single storey extension	Ty Uchaf Llanerfyl Welshpool SY21 0EZ
P/2018/0077 FULL	13/02/2018	CONSENT	05/07/2018	Full: Renovation of a derelict property, to include replacement of existing single storey extension with two-storey	20 Gorof Road Lower Cwmtwrch SA9 1EH

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2018/0277 FULL	20/03/2018	CONSENT	05/07/2018	Full: Installation of a 20m mast to include a compound with associated antenna, dishes and equipment	Land at Maes Maengwynedd Llanrhaeadr Ym Moch SY10 0DE
P/2018/0397 HOUS	06/04/2018	CONSENT	05/07/2018	Householder: Erection of a two-storey extension and all associated works	Rhiwlas Ystradgynlais 8 Llys Tawel SA9 1BL
P/2018/0403 FULL	13/04/2018	CONSENT	05/07/2018	Full: Construction of auxiliary education buildings to support existing school, construction of ramps and new trackway together with demolition of 5 no. outbuildings and all associated works	Ty Bronllys Bronllys Pont y Wal Lane Brecon LD3 0LU
P/2018/0581 CLA1	04/06/2018	APPROVE	06/07/2018	Section 191 application for a certificate of lawfulness for the existing use of Noyadd Farm Caravan and Campsite	Noyadd Farm Caravan & Campsite Llanddewi'r Cwm Builth Wells LD2 3RX
P/2018/0202 HOUS	22/02/2018	CONSENT	09/07/2018	Householder: To raise the roof on the existing garage / workshop to form new living area and internal alterations	1 Church View Guilsfield Welshpool SY21 9NL

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2018/0260 FULL	27/02/2018	CONSENT	09/07/2018	FULL: Erection of a free range egg production unit including silos and associated works	Land West of Nant Wylt Cefn Coch Welshpool SY21 0AY
P/2018/0341 FULL	20/03/2018	CONSENT	09/07/2018	Full: Demolition of existing outbuildings and erection of new outbuildings and garage. Erection of new boundary wall and closing off of existing access and creation of new access	Mount Severn Glan Y Nant Llanidloes SY18 6PQ
P/2018/0432 FULL	18/04/2018	APPROVE	09/07/2018	Full: Erection of a first floor extension to provide office space	Unit 8a Pool Road Dyffryn Industrial Estate Newtown SY16 3BD
P/2018/0436 FULL	14/05/2018	CONSENT	09/07/2018	Full: Erection of stables	Plas Criafol Cefn Coch Llanrhaeadr ym Mochri SY10 0BS
P/2018/0450 RES	24/04/2018	CONSENT	09/07/2018	Application for approval of reserved matters following outline approval P/2017/0723 for erection of a rural enterprise dwelling, alterations to vehicular access and septic tank drainage	Land adj to Cefn Hir Mochdre Newtown SY16 4JZ

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2018/0523 HOUS	14/05/2018	CONSENT	09/07/2018	Householder: Erection of a single storey extension	Bronheulog Bethal Llanfyllin SY22 5HJ
P/2017/1330 FULL	19/12/2017	CONSENT	11/07/2018	FULL: Change of use of land and the erection of 2 no. log cabins for holiday let. Creation of access track and installation of septic tank	Lower Lundy Painscastle Builth Wells LD2 3JJ
P/2017/1354 FULL	30/11/2017	CONSENT	11/07/2018	Full: Change of use of land for the siting of 2 no. holiday let log cabins, installation of package treatment plant. Creation of new access and passing bay	Land to North of Cwm Cottage Crossgates Llandrindod Wells LD1 5TT
P/2018/0185 FULL	13/02/2018	CONSENT	11/07/2018	Major : Erection of a poultry pullet rearing and silos and associated works	Pentre Penarth Llanfair Caereinion Welshpool SY21 0BY
P/2018/0212 LBC	21/02/2018	CONSENT	11/07/2018	LBC: Internal alterations to include changes to wall structures nad plastering; External alterations to include replacement of timber doors, re-leading of chimney and re-painting of windows and all associated works	Vron Farmhouse New Radnor Presteigne LD8 2TN

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2018/0285 FULL	05/03/2018	CONSENT	11/07/2018	Full: Erection of an agricultural building (retrospective)	Heartsease Farm Llanddewi Llandrindod Wells LD1 6SN
P/2018/0424 CAC	23/04/2018	REFUSE	11/07/2018	CAC - Partial demolition of garden wall to allow for additional parking	2 Castle Road Knighton LD7 1BA
P/2018/0071 FULL	25/01/2018	CONSENT	12/07/2018	Full: Change of use for conversion of holiday cottages, farmhouse/manager's accommodation and barns to a therapeutic community incorporating children's homes and school for young persons with mental health	Y Graig Llanfair Caereinion Welshpool SY21 0DB
P/2018/0164 OUT	29/01/2018	CONSENT	12/07/2018	Outline application (with some matters reserved) for erection of a rural enterprise dwelling, garage, formation of vehicular access and installation of a sewage treatment plant	Land at Maes-Mochnant-Isaf Llanrhaeadr Ym Mochnant Oswestry SY10 0AE
P/2018/0294 OUT	07/03/2018	CONSENT	12/07/2018	Outline - Erection of a detached dwelling (all matters reserved)	Former Playground Glannant Terrace Ystradgynlais

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
TEL/2018/0003 TELE	04/04/2018	APPROVE	12/07/2018	TEL: Application for prior notification under schedule 2, part 24 of the GPDO 1995 for the installation of a 15m high lattice mast on a concrete base accomodating 3 no. antennas and 2 no. 600mm transmission dishes and associated	Land at Rhiw Fawr Llanfihangel Llanfyllin SY22 5JQ
P/2018/0268 LBC	07/03/2018	REFCADW	13/07/2018	LBC- Demolition of existing conservatory and boiler room. Erection of replacement conservatory, boiler room and shower room.	Heale Hall School Bank Montgomery SY15 6QA
P/2018/0414 HOUS	03/05/2018	CONSENT	13/07/2018	Householder: Two storey rear extension	Tegfan Montgomery SY15 6HW
P/2018/0605 HOUS	07/06/2018	CONSENT	13/07/2018	Householder: Erection of a single storey extension to the rear of the property	199 Brecon Road Ystradgynlais SA9 1QN
P/2018/0334 FULL	19/03/2018	CONSENT	16/07/2018	Full: Erection of an agricultural livestock shed	Argoed Fawr Nant Glas Llandrindod Wells LD1 6PD

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2018/0336 FULL	19/03/2018	CONSENT	16/07/2018	Full: Erection of an agricultural building	Argoed Fawr Nant Glas Llandrindod Wells LD1 6PD
P/2017/0748 FULL	11/07/2017	CONSENT	17/07/2018	Full: Erection of detached dwelling all associated works, to include the alteration of an existing access	Hafren Severn Street Caersws SY17 5DZ
P/2017/1126 OUT	04/10/2017	REFUSE	17/07/2018	Outline: Residential development of up to 5 dwellings, formation of new vehicular access and access road, and all associated works	Land forming part of Tyddyn Britton Pont Robert Meifod SY22 6HY
P/2017/1130 OUT	02/10/2017	REFUSE	17/07/2018	Outline - Proposed residential development comprising of up to 5 dwellings, formation of vehicular access and access road and all associated works (some matters reserved)	Land opp Capel Sion Pont Robert Meifod SY22 6HY
P/2018/0423 HOUS	23/04/2018	CONSENT	17/07/2018	Householder: Replacement of windows, wooden cladding to left of property, replacement guttering, demolition of chimney and re-build and all associated works.	2 Castle Road Knighton LD7 1BA

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2018/0530 HOUS	21/05/2018	CONSENT	17/07/2018	Householder: Demolition of two rear extensions, and the erection of one rear extension	Goleufryn Machynlleth SY20 8HD
P/2018/0584 FULL	05/06/2018	CONSENT	17/07/2018	Full: Change of use for the extension to existing caravan site for 80 caravans to be used for a 10 day period over the Royal Welsh Agricultural Show	Land at Penmaenau Llanelwedd Builth Wells LD2 3RD
P/2017/0375 FULL	21/04/2017	CONSENT	18/07/2018	Conversion and part demolition of redundant farm building to a dwelling and formation of new highway access	Ty Issa Winllan Lane SY22 6TN
P/2017/0611 FULL	26/05/2017	CONSENT	18/07/2018	Full: Conversion of part of existing tractor implement building into a holiday let unit, erection of a two storey side extension to the holiday let unit together with installation of sewage treatment plant and alterations to existing vehicular	Railsgate Fields Kinnerton Railsgate Presteigne LD8 2PD
P/2017/1444 FULL	11/12/2017	CONSENT	18/07/2018	Full: Erection of one holiday let, installation of septic tank, creation of new access and all associated works	Land opp Tan y Graig Foel Welshpool SY21 0PD

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2018/0125 OUT	31/01/2018	REFUSE	18/07/2018	Outline: Construction of a residential dwelling and driveway and all associated works (Some matters reserved)	Werngoch Farm Crossgates Llandrindod Wells LD1 5SL
P/2018/0357 FULL	24/05/2018	CONSENT	18/07/2018	Full: Installation of external lighting	Hope Church Dolfor Road Newtown SY16 1JD
P/2018/0443 LBC	23/04/2018	CONSENT	18/07/2018	LBC: Internal alterations	Old New Inn High Street Llanfyllin SY22 5AA
P/2018/0544 ADV	04/06/2018	CONSENT	18/07/2018	Advertisement consent to display 3 non-illuminated directional signs	Graig-Goch Fawr Garage Newbridge-on-Wye Builth Wells LD2 3RU
P/2017/1346 FULL	24/11/2017	CONSENT	19/07/2018	Major: Erection of extension to the existing poultry unit to accommodate a further 16000 birds (egg production, erection of feed silos and all other associated works	Pen-y-Derw Forden Welshpool SY21 8NH

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2018/0459 HOUS	02/05/2018	REFUSE	19/07/2018	Hous: Erection of an annexe and demolition of detached garage	Maes Dderwen Llangadfan Welshpool SY21 0NW
P/2018/0490 HOUS	04/05/2018	CONSENT	19/07/2018	Householder: Erection of a single storey sunroom extension and erection of porch including demolition of existing conservatory	Garden Cottage Mill Lane Llanfyllin SY22 5BG
P/2018/0575 HOUS	29/05/2018	CONSENT	19/07/2018	Hous: Demolition of existing storage building and erection of a double garage and study	Lorraine Cottage Cilmery Builth Wells LD2 3NT
P/2018/0413 FULL	10/05/2018	CONSENT	20/07/2018	Full: Installation of a ground mounted solar PV array	Cenarth Forge Machynlleth SY20 8RR
P/2018/0532 CLA2	01/06/2018	REFUSE	20/07/2018	Section 192 application for a lawful development certificate for a proposed use or development to carry out underground excavations to install a waste digester and associated works	Ty Brechfa Llandefalle Brecon LD3 0NG

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2018/0601 HOUS	07/06/2018	CONSENT	20/07/2018	Householder: Erection of a detached garage	Little Llether Llanddew Brecon LD3 0TS
P/2018/0608 RES	05/06/2018	CONSENT	20/07/2018	Application for reserved matters following the approval of P/2017/0716 for erection of an affordable dwelling	Land At Bryn Hafod Llidiartywaun Llanidloes SY19 6JX
P/2018/0405 FULL	04/04/2018	CONSENT	23/07/2018	Full: Conversion of barn to form a dwelling, change of use of land to form additional domestic curtilage, installation of sewage treatment plant, alterations to vehicular access and all associated works	Gellifawr Isaf Cwmbelan Llanidloes SY18 6QL
P/2018/0480 RES	15/05/2018	CONSENT	23/07/2018	Approval of reserved matters following the approval of P/2017/0395 for the erection of an affordable dwelling and all associated works	Land Adj Ponderosa Guilsfield Welshpool SY22 6QL
P/2018/0128 RES	30/01/2018	CONSENT	24/07/2018	Reserved matters application following the approval of P/2016/1145 for the erection of a dwelling	Plot 2 Cefnlllys Lane Site adjacent to Cae Eithin Llandrindod Wells LD1 5LE

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2018/0140 HOUS	29/01/2018	CONSENT	24/07/2018	Householder: Erection of a two storey extension and all associated works	Maenicochion Carno Road Caersws SY17 5EF
P/2018/0354 LBC	23/03/2018	CONSENT	24/07/2018	LBC: alterations and change of use from optician to residential, creating 1 no. additional dwelling and enlargement of existing residential unit	Opticians and Premises 24-25 High Street Welshpool SY21 7JP
P/2018/0360 HOUS	22/03/2018	CONSENT	24/07/2018	Householder: Erection of a two storey side and rear extension & removal of the existing outbuilding	Scavaig Erw Wen Welshpool SY21 7HN
P/2018/0395 FULL	08/05/2018	CONSENT	24/07/2018	Full: Siting of 3 no. glamping units; siting of 3 no. bell tents; conversion and rebuilding of existing barn to form shared bathroom / kitchen facilities in association with glamping use; formation of tracks, hardsatndings, parking	Land at Glangwesyn Abergwesyn Llanwrtyd Wells LD5 4TP
P/2018/0492 HOUS	08/05/2018	CONSENT	24/07/2018	Householder: Alterations to the turning / parking area within the site, demolition of the garage and internal & external alterations	Brown Cottage Llanfair Road Newtown SY16 2DN

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P/2018/0520 FULL	18/05/2018	REFUSE	24/07/2018	FULL: Erection of a rural workers dwelling	Gwernfach Bettws, Hundred House Llandrindod Wells LD1 5RW
P/2018/0521 OUT	22/05/2018	CONSENT	24/07/2018	Outline - Proposed new dwelling (all matters reserved)	Plot 9 Felindre Black Mountain View Brecon LD3 0SZ
P/2018/0548 FULL	21/05/2018	CONSENT	24/07/2018	FULL: Change of use of redundant farm building to 2 no. residential dwellings including all associated works	Blaencwmawr Dolau Llandrindod Wells LD1 6UR
P/2018/0550 CLA1	31/05/2018	LAWFUL USE	24/07/2018	Section 191 application for a lawful development certificate for the occupancy of a dwelling without compliance of condition 4 of permission R3870 (agricultural and forestry occupation)	Court Croft Clyro HR3 5LE
P/2018/0553 LBC	21/05/2018	CONSENT	24/07/2018	LBC: Application for Listed Building Consent for the restoration of Boughrood Dead House	St Cynog's Church The Dead House Boughrood Station Road Brecon LD3 0YG

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P/2018/0570 LBC	24/05/2018	REFCADW	24/07/2018	LBC: Reinstatement of an abandoned dwelling to include repairs, alterations and extensions, demolition of adjoining shed and all associated works	Cross Ways New Radnor Mutton Dingle Presteigne LD8 2TL
P/2018/0583 HOUS	31/05/2018	CONSENT	24/07/2018	Householder: Demolition of the existing garage and conservatory and erection of single storey extensions including construction of a link attached garage	The Toot Garth Lane Knighton LD7 1HH
P/2018/0586 FULL	29/05/2018	CONSENT	24/07/2018	Full: Retention of 4 no. petrol pumps in association with the bunker station (retrospective)	Oil 4 Wales Javel Industrial Estate Three Cocks LD3 DSL
P/2017/1368 LBC	18/12/2017	REFUSE	25/07/2018	LBC: Alterations and extension of redundant outbuildings (including partial demolition/rebuild) in connection with proposed conversion to dwelling house and mirco-apartment with studio and store, and erection of detached	Tanyfron Meifod SY22 6BP
P/2017/1369 FULL	18/12/2017	REFUSE	25/07/2018	Full: Conversion and extension (including partial demolition/rebuild) of redundant outbuildings into dwelling house and micro-apartment with studio and store, and erection of detached sunroom and associated works	Tanyfron Meifod SY22 6BP

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2018/0519 HOUS	11/05/2018	REFUSE	25/07/2018	Householder: Creation of a small roof terrace on existing flat roof, accessed by alterations to existing window opening to form doorway (Resubmission)	21 Tanerdy Garsiwn Machynlleth SY20 8BZ
P/2018/0620 FULL	08/06/2018	CONSENT	25/07/2018	Full: Change of use of upper floors from residential use to office use	33 High Street Builth Wells LD2 3DL
P/2018/0374 HOUS	29/03/2018	CONSENT	26/07/2018	Householder: Erection of a residential extension - resubmission	Miniafon Meifod SY22 6TH
P/2018/0585 HOUS	01/06/2018	CONSENT	26/07/2018	Householder: Demolition of the existing log store and erection of a single storey extension and all associated works	Canol Aran Bach Llangedwyn Oswestry SY10 9LB
P/2018/0342 FULL	19/03/2018	CONSENT	30/07/2018	Full: Erection of poultry unit, associated feed bins, formation of vehicular access and associated works	Tynyberth Abbeycwmhir Llandrindod Wells LD1 6PU

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P/2018/0600 FULL	06/06/2018	CONSENT	30/07/2018	Full: Erection of an agricultural building	Cluttiau Cottage Sarn Newtown SY16 4HH
P/2018/0628 HOUS	11/06/2018	CONSENT	30/07/2018	Householder: Demolition of the existing garage & rear extension and erection of a single storey extension to the side & rear	Hill Crest Forden Welshpool SY21 8RZ
P/2018/0630 HOUS	11/06/2018	CONSENT	30/07/2018	Householder: Demolition of the existing conservatory and side structure and erection of replacement structures	New House Farm Llandyssil Montgomery SY15 6LL
P/2018/0457 RES	26/04/2018	CONSENT	31/07/2018	Approval of reserved matters (appearance, landscaping, layout and scale) following outline approval P/2017/1128 for the erection of a dwelling, garage and all associated works	Land adj to Highlea Llanfair Caereinion Peartree Lane Welshpool SY21 0BH
P/2017/0999 LBC	30/08/2017	CONSENT	01/08/2018	LB: Application for listed building consent for internal and external alterations	Lower Gwestydd Aberbechan Lower Gwestydd Lane Newtown SY16 3AY

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P/2018/0098 FULL	19/01/2018	CONSENT	01/08/2018	Full: Demolition of a barn and erection of a dwelling	Glanrhyd Barn Carno Caersws SY17 5LN
P/2018/0430 FULL	23/04/2018	CONSENT	01/08/2018	Full: Erection of a dwelling, formation of vehicular access and all associated works to include landscaping	Plot Adjoining 1-2 Beacons View Battle Brecon LD3 9RN
P/2018/0501 FULL	06/06/2018	CONSENT	01/08/2018	Full: Change of use from residential (C3 use) to Bed & Breakfast holiday accommodation (C1 use)	Brynderwen Hall Bwlch-Y-Cibau Llanfyllin SY22 5LH
P/2018/0560 FULL	05/06/2018	CONSENT	01/08/2018	Full: Construction of a horse menage and associated works (Retrospective)	Maescolwyn Old Hall Llanidloes SY18 6PS
P/2018/0593 HOUS	01/06/2018	CONSENT	01/08/2018	Householder: Proposed first floor extension to the rear and a porch to front elevation	4 Glan llyn Cradoc Brecon LD3 9LR

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