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PLANNING, TAXI LICENSING & RIGHTS OF WAY COMMITTEE Thursday, 23rd 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

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

1.	MINUTES OF THE PREVIOUS MEETING	2
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To authorise the Chair to sign the minutes of the previous meetings of the Committee held on 5 July, 2018 and 2 August, 2018 as correct records.

(Pages 1 - 10)

1.1. **Updates**

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

(Pages 11 - 20)

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MINUTES OF A MEETING OF THE PLANNING, TAXI LICENSING & RIGHTS OF WAY COMMITTEE HELD AT COUNCIL CHAMBER - COUNTY HALL, LLANDRINDOD WELLS, POWYS ON THURSDAY, 2 AUGUST 2018

PRESENT

County Councillor K Lewis (Chair)

County Councillors E M Jones, L V Corfield, H Hulme, M J Jones, F H Jump, K Laurie-Parry, H Lewis, I McIntosh, G Pugh, D Selby, K S Silk, E Vaughan, G I S Williams, D H Williams, J Williams and R Williams

1. APOLOGIES

Apologies for absence were received from County Councillors L George and D Price and County Councillor J Wilkinson who has been granted a leave of absence.

2. MINUTES OF THE PREVIOUS MEETING

The Chair advised that the minutes were not available and would be considered at the next meeting.

The Chair advised that he would be moving to the Rights of Way section of the Agenda.

Rights of Way

3. DECLARATIONS OF INTEREST

There were no declarations of interest in respect of the next two agenda items.

4. APPLICATION TO CORRECT THE REGISTER OF COMMON LAND

The Definitive Map and Commons Registration Officer advised that new information had been received the previous day from the objector, which neither the Officers nor the applicant had time to consider. As a result, the Officer was recommending that consideration of the application be deferred.

RESOLVED	Reason for decision
To defer consideration of the application.	To allow Officers and the applicant to consider new information received from the objector.

5. OPPOSED DIVERSION ORDER 2017: ABANDONMENT AND MAKING OF A NEW PUBLIC PATH ORDER

The Committee considered the report regarding Footpaths C15 and C18, Wernllwyd (Community of Welshpool). Proposed abandonment of diversion

Order 2017 and making of a new diversion Order under section 119 of the Highways Act 1980. The Committee noted the background to the application.

RESOLVED	Reason for decision
<p>1. That the diversion Order made in 2017 for footpaths C15 and C18 under section 257 of the Town and Country Planning Act 1990, as at Appendix A, in the report which is filed with the signed minutes, be formally abandoned, as it cannot be confirmed; and</p> <p>2. That a new diversion Order be made in replacement, under section 119 of the Highways Act 1980, for the routes shown on the plan at appendix E in the report; and</p> <p>3. That the Council enters into a creation agreement with the landowner, to create a linking section of path between point J and the canal towpath, as per the plan at appendix F in the report. This would come into effect only if the new diversion Order can be confirmed.</p>	<p>1. To formally abandon the 2017 diversion order because it cannot be confirmed.</p> <p>2. To make a new diversion order and a creation agreement to address the objections raised.</p>

County Councillor L Corfield arrived at the meeting.

Planning

6. DECLARATIONS OF INTEREST

(a) There were no declarations of interest.

(b) County Councillor D Selby requested that a record be made of his membership of Newtown Town Council where discussion had taken place of matters for the consideration of this Committee, but he had not taken part in these.

County Councillor J Williams requested that a record be made of his membership of Llandrindod Wells Town Council where discussion had taken place of matters for the consideration of this Committee, but he had not taken part in these.

(c) The following County Councillors (who are members of the Committee) declared that they would be acting as 'local representative' in respect of the following applications:

County Councillor G Pugh – application P/2028/0587

County Councillor D Selby – application P/2017/1274

(d) The Committee noted that no Member (who is not a member of the Committee) would be speaking as the 'local representative' in respect of any application on the agenda.

7. PLANNING APPLICATIONS FOR CONSIDERATION BY THE COMMITTEE

The Committee considered the report of the Head of Regeneration, Property and Commissioning (copies filed with the signed minutes).

7.1 Updates

The Members confirmed that they had received the update circulated the previous day and prior to the meeting. As some Members indicated that they had not had time to read the updates the Chair adjourned the meeting for five minutes for this to happen.

County Councillor G Pugh moved to the public seating area for the next item.

7.2 P/2018/0587 Abermule Business Park, Abermule, Powys

Grid Ref: 315781.85 294091.63

Valid Date: 06/06/2018

Officer: Tamsin Law

Community Council: Abermule Community Council

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

County Councillor G Pugh spoke as the local representative.

Mr M Aymes spoke against the application.

Mr I Pryce spoke on behalf of the owners of the caravan park.

Mr N Williams spoke against the application.

The following spoke for the applicant: Mr B Davies, Mr A Collins, Miss C Storer and Mr M Lotinga.

The Principal Planning Officer advised that if the Committee was minded to approve the application the Update Report contained an additional condition regarding the phasing of the outline element of the scheme.

In response to questions the Principal Planning Officer confirmed that the two closest receptors were in the ownership of the applicant. She advised that the proposed building was not dissimilar to agricultural buildings approved in the countryside and that with the orientation of the building to the road and due to the level of the land, that whilst the building would have an impact on the landscape it is considered to be a moderate impact and not a significant impact.

Questions were raised about the flood risk. The Senior Land Drainage Officer advised that with the proposed improvement and enhancements on the site and with management of the site, the land drainage issues could be managed. The water from the bulking area would be retained on the site and not discharged to surrounding area.

The Ecologist advised that great crested newts were to the south of the site and features would be put in place to stop them accessing the site.

In response to question regarding noise, the Environmental Health Officer advised that it was recognised that industry does create noise and so mitigation measures are used to address this. The Principal Planning Officer advised that the approximate distance to the Caravan site were: 475 metres to the site boundary and 695 metres to the bulking site. The proposed building was at its highest approximately 13.4 metres and dropped to 10 metres and for comparison, the new building at Buttington Cross is 13.4 metres and an agricultural building recently approved by Committee was approximately 12.2 metres at their highest. The proposed colour of the building was queried and the Principal Planning Officer advised that if the Committee was minded to approve the application a condition could be added requesting that the colour of the external materials to be used be submitted for approval prior to construction.

In response to questions the Principal Planning Officer advised that the applicant had indicated that it did not own any other suitable sites for such a development. The Professional Lead Development Management reminded the Committee that this was an allocated site that allowed waste recycling in the Local Development Plan [LDP]. The Committee noted that CADW had not objected to the application.

Concerns were raised about the suitability of the site, the size of the building and the visual impact of the area. It was moved and duly seconded to refuse the application due the effect on the landscape and the visual impact. The motion was put to the vote and duly lost.

It was moved and duly seconded to approve the application and the conditions as detailed in the update report and that a condition be added that the colour of the external materials to be used be submitted for approval prior to construction.

RESOLVED:	Reason for decision:
that the application be granted	As officers recommendation as

<p>consent, subject to the conditions set out in the update report which is filed with the signed minutes and that a condition be added that the colour of the external materials to be used be submitted for approval prior to construction.</p>	<p>set out in the report which is filed with the signed minutes.</p> <p>In order to protect the character and appearance of the area.</p>
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The meeting was adjourned 11.50 a.m. to 12.05 p.m.

County Councillor G Pugh resumed his place in the Committee.

7.3 P/2018/0632 Brynlywarch Residential School, Kerry, Newtown Powys SY16 4PB

Grid Ref: 315123.71, 289297.18

Valid Date: 19/06/2018

Officer: Bryn Pryce

Community Council: Kerry Community Council

Applicant: Powys County Council

Location: Brynlywarch Residential School, Kerry, Newtown Powys SY16 4PB

Proposal: Full: Erection of a classroom unit

Application Type: Application for Full Planning Permission

<p>RESOLVED: that the application be granted consent, subject to the conditions set out in the report which is filed with the signed minutes.</p>	<p>Reason for decision: As officers recommendation as set out in the report which is filed with the signed minutes.</p>
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7.4 P/2018/0507 Land at West Street, Knighton, Powys, LD7 1EN

Grid Ref: 328392.3 272534.84

Valid Date: 10/05/2018

Officer: Holly-Ann Hobbs

Community Council: Knighton Town Council

Applicant: D Willowridge, Willowridge International, 10 Old Cheltenham Road, Longlevens, Gloucester, GL2 0AW

Location: Land at West Street, Knighton, Powys, LD7 1EN.

Proposal: Section 73 application for variation of condition nos 2 and 3 attached to planning permission P/2015/0419 to extend the time limit for commencement

Application Type: Application for Removal or Variation of a Condition

The Principal Planning Officer advised that the Update report referred to affordable housing and that if the Committee was minded to approve the application the conditions were those contained in the Update report. She also advised that the Education Department had advised that as the local school had capacity a contribution to education was not required and as the site was adjacent to the Offa's Dyke Recreation Centre there was no requirement to include open space in the development.

The Committee noted the concerns of the Town Council and the local member regarding the proposed loss of affordable housing. In response to questions the Professional Lead for Development Management advised that 10% affordable housing was in line with current target contribution, as contained in the LDP and the Committee had to take this information into account.

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

The Committee noted that a development land tax on developers not developing sites with planning permission was being considered by the Welsh Government. The Professional Lead for Development Management advised he would forward the Committee's concerns to the Portfolio Holder and ask whether these concerns could be raised with the local AMs.

The Committee adjourned for lunch at 12.50 p.m. and reconvened at 13.20 p.m.

County Councillors H Hulme and H Williams left the meeting.

County Councillor G Williams was not in the meeting for the next item.

7.5 P/2018/0627 Land Adjacent to Llanbister County Primary School, Llanbister, Llandrindod Wells, Powys, LD1 6TN

Grid Ref: 310907.19 273407.47

Valid Date: 19/06/2018

Officer: Sara Robinson

Community Council: Llanbister Community Council

Applicant: Powys County Council

Location: Land Adjacent to Llanbister County Primary School, Llanbister, Llandrindod Wells, Powys, LD1 6TN

Proposal: Full: Change of use of agricultural land to playing field and erection of fencing

Application Type: Application for Full Planning Permission

In response to questions the Planning Officer advised that the nearest properties were 11 and 4 metres away from the proposed fencing.

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

7.6 P/2017/1453 Dolygarn, Llanbadarn Fynydd, Llandrindod Wells Powys LD1 6YL

Grid Ref: 308555.64, 278616.33

Valid Date: 15/12/2017

Officer: Bryn Pryce

Community Council: Llanbadarn Community Council

Applicant: Mr James Powell, E A Powell & Sons, Dolygarn, Llanbadarn Fynydd, Llandrindod Wells Powys LD1 6YL

Location: Dolygarn, Llanbadarn Fynydd, Llandrindod Wells Powys LD1 6YL

Proposal: Full: Erection of an agricultural livestock building

Application Type: Application for Full Planning Permission

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

conditions set out in the report which is filed with the signed minutes.	filed with the signed minutes.
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County Councillor D Selby moved to the public seating area for the next agenda item.

7.7 P/2017/1274 Sites A, B & C Nr. Riverside & Nr. Latham Park, Newtown, Powys

Grid Ref: 310254.79 291198.41

Valid Date: 01/12/2017

Officer: Dunya Fourie

Community Council: Newtown Town Council

Applicant: Mr Lee Davies, Going Green For A Living Community Trust Ltd, The Cross, Broad Street, Newtown, Powys, SY16 2BB.

Location: Sites A, B & C Nr. Riverside & Nr. Latham Park, Newtown, Powys

Proposal: Full: Proposed Green Infrastructure Project to include Site A - Change of use of land to form a play park / amenity area and erection of play equipment; Site B - Construction of a BMX pump track; Site C - Erection of hub building & formation of storage compound, formation of car park, new entrance and all associated works

Application Type: Application for Full Planning Permission

The Planning Officer advised that Natural Resources Wales [NRW] had advised that the development was acceptable. The officer advised that if the Committee was minded to approve the application the conditions were those contained in the Update report.

County Councillor D Selby spoke as the local representative.

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

County Councillor D Selby resumed his place in the Committee. County Councillor G Williams returned to the meeting.

7.8 P/2018/0592 Trefonnen Church In Wales School, Trefonnen Lane, Llandrindod Wells, Powys, LD1 5EB

Grid Ref: 306290.08 261902.33

Valid Date: 31/05/2018

Officer: Sara Robinson

Community Council: Llandrindod Wells Town Council

Applicant: Powys County Council

Location: Trefonnen Church In Wales School, Trefonnen Lane, Llandrindod Wells, Powys, LD1 5EB

Proposal: Section 192 application for a certificate of lawful development for a proposed use for a single storey rear extension to school

Application Type: App. Certificate of Lawfulness of Proposed Use or Development

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

7.9 P/2018/0467 Y Ffrydd, Canal Road, Newtown, Powys, SY16 2JY

Grid Ref: 311249.4 291900.05

Valid Date: 08/05/2018

Officer: Dunya Fourie

Community Council: Newtown Town Council

Applicant: Powys County Council

Location: Y Ffrydd, Canal Road, Newtown, Powys, SY16 2JY

Proposal: Full : New parking arrangements and associated works

Application Type: Application for Full Planning Permission

The Planning Officer advised that the application had been withdrawn to enable the applicant to consider the comments from the community.

8.	DECISIONS OF THE HEAD OF REGENERATION AND REGULATORY SERVICES ON DELEGATED APPLICATIONS
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The Committee received for information a list of decisions made by the Head of Regeneration and Regulatory Services during the period between 28 June, 2018 and 1 August, 2018. It was noted that P/2018/0581 Noyadd Farm Caravan & Campsite, Llanddewi'r Cwm had been had been considered by the Committee at its last meeting.

Taxi and other licensing

9.	MINUTES OF TAXI REVIEW PANELS
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As only one, of the three members who were on the sub-committee held on 1 May, 2018 was present, the minutes were deferred to the next meeting for consideration.

A Member asked that Committee minutes come to the next meeting and officers noted this request.

The Solicitor updated the Committee on the progress of the following appeals:

- Hendy windfarm – to date there was no response from Ministers
- Glascwm – all parties had exchanged legal submissions and the High Court would sit in Llandrindod Wells on 8th October to consider the appeal.

County Councillor K Lewis (Chair)

As such it is considered that the proposed development is in accordance with policy DM13 of the Powys Local Development.

Section 106 Agreement

Following review of condition 3 in the original report to Committee it was considered that it would be more appropriate to secure the reinstatement of the listed wall via a Section 106 Agreement. This would ensure that the works to the listed work are undertaken prior to the construction of the dwelling.

Recommendation

Whilst this report forms an update to the original report, it is considered that the recommendation remains fundamentally the same as set out in the original report with the addition of a Section 106 agreement to ensure that the works to the listed wall are undertaken.

If an agreement is not signed within 3 months of the date of Committee, it is recommended that delegation be given to the Lead Professional for Development Management to determine the application.

Conditions

1. The development to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.
2. The development shall be carried out strictly in accordance with the approved plans (drawing no's: SA1371/01, SA13711/05, R083 1.0.100, R083 1.0.101, R083/SK.29, R083/SK.30, R083/SK.31 and R083/SK.32 and document Heritage Impact Statement dated October 2014).
3. Prior to the commencement of development details and/or samples of the material to be used in the walls, roof, windows and doors of the dwelling shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in strict accordance with the approved details.
4. Notwithstanding the approved plans the windows shall be of timber construction.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013, (or any Order revoking and re-enacting that Order) no extensions to the dwelling, construction of outbuildings or alterations to the roof (including the introduction of roof lights or dormers), or the erection of garages or sheds shall be undertaken without the prior express consent of the local planning authority.
6. No development shall take place until details of both hard and soft landscape works, including the reinstatement of the walled garden, have been submitted to and approved in writing by the local planning authority. These details shall include:
 - i) A statement setting out the design objectives and how these will be delivered;
 - ii) earthworks showing existing and proposed finished levels or contours;
 - iii) means of enclosure and retaining structures;

- iv) hard surfacing materials;
- vi) minor artefacts and structures

Soft landscape works shall include planting plans; written specifications; schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate; an implementation programme (including phasing of work where relevant).

7. The landscaping works shall be carried out in accordance with the approved details during the first planting season immediately following completion of the development. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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.

Reasons

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
3. To safeguard the amenities of the locality in accordance with policy DM13 and SP7 of the Powys Local Development Plan.
4. To safeguard the amenities of the locality in accordance with policy DM13 and SP7 of the Powys Local Development Plan.
5. In order to control further development which has the potential to have adverse effects on the character and appearance of the area in contradiction to policy DM13 and SP7 of the Powys Local Development Plan.
6. To comply with Powys County Council's LDP policies DM2, DM4 and DM13 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 and to ensure that the development is satisfactorily landscaped in accordance with policies DM13, SP7 and DM4 of the Powys Local Development Plan.
7. To comply with Powys County Council's LDP policies DM2, DM4 and DM13 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 and to ensure that the development is satisfactorily landscaped in accordance with policies DM13, SP7 and DM4 of the Powys Local Development Plan.

8. To comply with Powys County Council's LDP Policies 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.

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

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

RECOMMENDATION

Whilst this report forms an update to the original report, it is considered that the recommendation remains fundamentally the same as set out in the original report with the addition of a Section 106 agreement to ensure that only one of the consented planning permissions are developed.

The update report also includes the re-wording of condition 13, the Reasonable Avoidance Method Statement condition, which no longer requires information to be submitted prior to the commencement of development.

Conditions

1. The development to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.
2. The development shall be carried out strictly in accordance with the plans stamped as approved on XX/XX/XX (drawing no's: 036-101-P05, 036-104-P02, 036-103-P02, 036-102-P01, Site Location Plan and 180029 1 of 1).
3. Any vehicular entrance gates installed within the application site shall be set back at least 5.5 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.
4. The gradient of the accesses shall be constructed so as not to exceed 1 in 15 for the first 5.5 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.
5. The centre line of the first 5.5 metres of the access roads measured from the edge of the adjoining carriageway shall be constructed at right angles to that edge of the said carriageway and be retained at that angle for as long as the development remains in existence.
6. No other development shall commence until the accesses have been constructed so that there is a clear visibility splay from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 40 metres distant in each direction measured from the centre of the access to a point 1 metre into the carriageway. Nothing shall be planted, erected or allowed to grow on the area 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. Before any other development is commenced the area of the accesses to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 5.5 metres from the

edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

8. Prior to the occupation of any dwelling, provision shall be made within the curtilage of the site for the parking of not less than 3 cars excluding any garage space provided together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear.. The parking areas shall be retained for their designated use in perpetuity.

9. No development shall commence until provision is made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. The parking and turning area shall be constructed to a depth of 0.400 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. Prior to the occupation of any dwelling the area of the accesses to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 5.5 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.

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

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

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

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

13. The Reasonable Avoidance method Statement produced by Asbri Planning Ltd dated August 2018 shall be adhered to and implemented in full and maintained thereafter.

14. The Hedgerow Planting Scheme produced detailed in the Native hedgerow planting plan which was uploaded onto Powys planning portal on the 21 June 18 shall be adhered to and implemented in full and maintained thereafter.

15. 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.

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

Reasons

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
3. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13.

4. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13.
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10. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13.
11. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13.
12. To safeguard the amenities of the locality in accordance with policy DM13 of the Powys Local Development Plan.
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 and Part 1 Section 6 of the Environment (Wales) Act 2016.
14. To comply with Powys County Council's LDP policies DM2, DM4 and DM13 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.
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 Part 1 Section 6 of the Environment (Wales) Act 2016.
16. 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.

Informative Notes

Birds - Wildlife and Countryside Act 1981 (as amended)

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

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

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

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work

involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built, (usually between late February and late August or late September in the case of swifts, swallows or house martins). If a nest is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.

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

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