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PLANNING, TAXI LICENSING & RIGHTS OF WAY COMMITTEE Thursday, 13th September, 2018

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

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

1.	MINUTES OF THE PREVIOUS MEETING
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To authorise the Chair to sign the minutes of the previous meeting of the Committee held on 23 August, 2018 as a correct record.

(Pages 1 - 8)

1.1. **Updates**

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

(Pages 9 - 26)

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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, 23 AUGUST 2018

PRESENT

County Councillor K Lewis (Chair)

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

1. APOLOGIES

Apologies for absence were received from County Councillors H Lewis, G Pugh and D H Williams and County Councillor J Williams who was on other council business. County Councillor J Wilkinson was on leave of absence.

2. MINUTES OF THE PREVIOUS MEETING

A question was raised regarding P/2018/0587 Abermule Business Park which had been agreed at the previous meeting. The Committee had been advised that an Environment Impact Assessment [EIA] was not needed. However, it was understood that Welsh Government Guidance 2017 stated that an EIA was required for the size of such a development. It was understood that a number of individuals from the community had written to the Welsh Government concerned that an EIA had not been carried out.

The Professional Lead for Development Management advised that the Authority had completed a screening opinion and this indicated that an Environmental Statement was not required. The Professional Lead for Development Management advised that the Principal Planning Officer had confirmed to him that the screening had been done correctly but he indicated that he was going to review what had been done and would report back to the Committee if required.

The Chair was authorised to sign as a correct record the minutes of the meeting held on 5 July, 2018 subject to the following amendment:

Page 5 3(b) second paragraph should read as follows - County Councillor D R Price requested that a record be made of his membership of Duhonw Community Council....” rather than “Tregynon Community Council”.

The Chair was authorised to sign as a correct record the minutes of the meeting held on 2 August 2018.

Planning

3. DECLARATIONS OF INTEREST

(a) There were no declarations of interest.

(b) County Councillor E.M. Jones advised that he attended a meeting of Gladestry Community Council but he attended a meeting, where discussion had taken place in respect of P/2018/0610. When the item was discussed he left the Community Council meeting room.

(c) The Committee noted that no Member (who is a member of the Committee) would be acting as 'local representative' in respect of any application on the agenda.

(d) The Committee noted that 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.

4. PLANNING APPLICATIONS FOR CONSIDERATION BY THE COMMITTEE

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

4.1 Updates

The Members confirmed that they had received and had time to read the update circulated the previous day and prior to the meeting.

The Chair advised that he would change the order of the Agenda.

4.2 P/2016/0509 Land in former Walled Garden at Glanhafren Hall Glanrhyd Llanidloes Road Newtown Powys SY16 4HZ

Grid Ref:	308349.2 290482.49
Valid Date:	09/05/2016
Officer:	Tamsin Law
Community Council:	Mochdre Community Council
Applicant:	Paolo Re Llanidloes Road, Glanrhyd, Newtown, Powys SY16 4HZ
Location:	Land in former Walled Garden at Glanhafren Hall Glanrhyd Llanidloes Road Newtown Powys SY16 4HZ
Proposal:	Erection of a dwellinghouse, installation of septic tank and all associated works including demolition of two storage buildings
Application Type:	Application for Full Planning Permission

The Professional Lead for Development Management advised that the wall had been granted listed building consent. He advised that if the Committee minded to approve the application the conditions were those contained in the Update report, which also included a Section 106 agreement to ensure that the works to the listed wall would be undertaken prior to the construction of the dwelling.

In response to a question the Professional Lead for Development Management advised that it would not in his opinion be reasonable to condition the future maintenance of the wall. He advised that if the application was refused Development Management could serve a notice to repair the wall. If the owner did not comply the Council would potentially be liable to meet the costs of repair which were estimated to be £100k. He advised that appropriate enabling development was a good mechanism to improve the quality of listed buildings.

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 and subject to a Section 106 agreement to ensure that the works to the listed wall would be undertaken prior to the construction of the dwelling.	<p>As officers recommendation as set out in the report which is filed with the signed minutes.</p> <p>To ensure that the works to the listed wall are undertaken.</p>

4.3 P/2018/0610 Land Adjacent to The Old Rectory, Newchurch, Powys, HR5 3QF

Grid Ref: 321495.67 250766.04

Valid Date: 03/07/2018

Officer: Thomas Goodman

Community Council: Gladestry Community Council

Applicant: Xafinity Pension Trustees Ltd, The Elisabeth Barker SIPP, Castle Business Park, Scotia House, Stirling, FK9 4TZ

Location: Land Adjacent to The Old Rectory, Newchurch, Powys, HR5 3QF

Proposal: Full: Erection of 2 dwellings, installation of a package treatment plant, construction of 2 accesses and all associated works

Application Type: Application for Full Planning Permission

The Professional Lead for Development Management advised that if the Committee was minded to approve the application the conditions were those

contained in the Update report and that a legal agreement be included to ensure that only one of the consented planning permissions are developed.

The Highways Authority in response to a question advised that access to the site would be level and an appropriate condition was recommended. The Professional Lead for Development Management advised that the Land Drainage Officer had confirmed that the soakaway calculations were satisfactory for the surface water drainage disposal. He also advised that the applicant was in consultation with Countryside Services regarding the diversion of the public footpath.

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 and to a legal agreement to ensure that only one of the consented planning permissions are developed.	As officers recommendation as set out in the report which is filed with the signed minutes.

4.4 P/2017/0218 Ystym Colwyn, Meifod, Powys, SY22 6XT

Grid Ref: 319179.76 316429.83

Valid Date: 02/03/2017

Officer: Tamsin Law

Community Council: Meifod Community Council

Applicant: Mr. Gittins, Ystym Colwyn Farms, Ystym Colwyn, Meifod, Powys, SY22 6XT

Location: Ystym Colwyn, Meifod, Powys, SY22 6XT

Proposal: Section 73 application to vary condition 2 attached to planning permission P/2015/1083 to allow change in size of poultry unit

Application Type: Application for Removal or Variation of a Condition

The Professional Lead for Development Management advised that this was a retrospective application as the building had already been constructed and was not in line with the original planning permission because the building was shorter and wider. He confirmed that if the Committee was minded to approve the application the number of birds would be conditioned to be limited to 100,000.

In response to questions as to how this number of birds would be monitored the Professional Lead for Development Management advised that a planning

contravention notice could be served on the applicant to secure information on bird numbers. He also advised that Natural Resources Wales [NRW] monitors facilities of this scale. He advised that Development Management did undertake enforcement but this was not undertaken proactively and only when issues are raised with them.

The Professional Lead for Development Management advised that he hoped that NRW would attend a training session with the Committee prior to the next Committee, to enable the Committee to discuss issues around poultry developments etc. The Committee raised strong concerns regarding retrospective applications and individuals flaunting the planning process. The Professional Lead for Development Management advised that other Councils had similar concerns and were speaking with the Welsh Government with a view to making such development without planning permission a criminal offence.

The Committee raised concerns about the landscaping and noted the condition requiring this. The officer advised that Development Management would monitor the implementation of the condition.

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

County Councillor K Silk voted against the application due to the unacceptable landscape impact of the development.

4.5 P/2018/0509 Dyffryn, Meifod, Powys, SY22 6HL

Grid Ref: 314892.67 312699.42

Valid Date: 18/05/2018

Officer: Louise Evans

Community Council: Meifod Community Council

Applicant: J R Wilkinson & Son, Dyffryn, Meifod, Powys, SY22 6HL

Location: Dyffryn, Meifod, Powys, SY22 6HL

Proposal: Full: Erection of an agricultural building and associated works

Application Type: Application for Full Planning Permission

The Professional Lead for Development Management although not recommending that condition 3 was removed, requested that Councillors considered whether condition 3 was reasonable and necessary, in light of the fact that the proposed building was grouped with the other farm buildings. In response to a question as to why this was being recommended, when the previous application landscaping conditions were approved, the Professional Lead for Development Management advised that each application had to be considered on its own merits and conditions had to be considered as being reasonable. In the previous application the buildings were not grouped with others and this was considered to justify the need for landscaping.

RESOLVED:	Reason for decision:
that the application be granted consent, subject to the conditions, excluding condition 3 requiring a landscaping plan, set out in the report which is filed with the signed minutes.	As officers recommendation as set out in the report which is filed with the signed minutes.

4.6 P/2018/0651 Community Centre, Meifod, Powys, SY22 6DF

Grid Ref: 315294.97 313358.91

Valid Date: 18/06/2018

Officer: Louise Evans

Community Council: Meifod Community Council

Applicant: Mr Nigel Baldwin, Meifod Village Hall Committee, 5 Pentre Barog, Meifod, SY22 6DU

Location: Community Centre, Meifod, Powys, SY22 6DF

Proposal: Full: Erection of a porch and extension to provide disabled entrance lobby to meeting room and DDA WC

Application Type: Application for Full Planning Permission

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

5.	DECISIONS OF THE HEAD OF REGENERATION AND REGULATORY SERVICES ON DELEGATED APPLICATIONS
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The Committee received for information a list of decisions made by the Head of Regeneration and Regulatory Services during the period between 1 August, 2018 and 16 August, 2018.

Taxi and other licensing

6.	MINUTES OF TAXI REVIEW PANELS
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The Chair presiding at the Taxi Review Panel held on 1 May, 2018 was authorised to sign the minutes as a correct record.

The Committee noted future meeting dates.

County Councillor K Lewis (Chair)

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Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2018/0466	Grid Ref:	308738.42 301309.17
Community Council:	Dwyriw	Valid Date:	Officer: 02/05/2018 Holly-ann Hobbs
Applicant:	Mr & Mrs Jerman, G & H Jerman, Tyn yr Wtra, Llanwyddelan, New Mills, Newtown, Powys, SY16 3BT.		
Location:	Tyn Yr Wtra, Llanwyddelan, Newtown, Powys, SY16 3BT.		
Proposal:	Full: Erection of an egg laying unit, creation of vehicular access and all associated works		
Application Type:	Application for Full Planning Permission		

REPORT UPDATE

Third Party Representations

Following publication of the Committee report, Members are advised that additional third party representations have been received by Development Management. These can be summarised as follows;

One letter of objection;

- Odour impact resulting from the building and storage of manure;
- Noise impact resulting from the proposed poultry unit;
- Flies;
- Ammonia levels;
- Impact on the quality of life of local residents;
- Impact on the value of existing properties;

Fourteen letters of support;

- Support a long standing family enterprise to progress;
- Support younger generations through diversification.

Principal Planning Policies

National Planning Policies

Planning Policy Wales (2016)

Technical Advice Note 5 – Nature Conservation and Planning (2009)

Technical Advice Note 6 – Planning for Sustainable Rural Communities (2010)

Technical Advice Note 11 – Noise (1997)

Technical Advice Note 12 – Design (2016)
Technical Advice Note 13 – Tourism (2007)
Technical Advice Note 18 – Transport (2007)
Technical Advice Note 23 – Economic Development (2014)
Technical Advice Note 24 - The Historic Environment (2017)

Welsh Office Circular 11/99 – Environmental Impact Assessment

Local Planning Policies

Powys Local Development Plan (April 2018)

SP7 - Safeguarding of Strategic Resources and Assets
DM2 – The Natural Environment
DM4 – Landscape
DM6 – Flood Prevention and Land Drainage
DM7 – Dark Skies and External Lighting
DM13 – Design and Resources
DM14 – Air Quality Management
E2- Employment Proposals on Non-allocated Employment Sites
E6 – Farm Diversification
T1 – Travel, Traffic and Transport Infrastructure

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

Other Legislative Considerations

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

Planning (Listed Buildings and Conservation Areas) Act 1990

Officer Appraisal

Principle of Development

Planning Policy Wales confirms that local planning authorities should adopt a constructive approach towards agricultural development proposals, especially those which are designed to meet the needs of changing farming practices or are necessary to achieve compliance with new environmental, hygiene or welfare legislation.

Policy E2 of the Powys Local Development Plan together with Technical Advice Notes 6 and 23 accept the principle of appropriate agricultural development within the open countryside.

The submitted Design and Access statement indicates that the applicants are hoping to expand their existing beef and sheep enterprise and develop a free range poultry unit in an effort to introduce a new income stream, supporting the existing farm financially and also provide opportunities for younger members of the family.

On the basis of the above and in considering LDP policy E2, Officers are satisfied that the principle of the proposed development at this location is generally supported by planning policy.

RECOMMENDATION

Having carefully considered the details submitted together with all statutory consultee responses and third party representations, Officers are satisfied that the proposed development complies with the relevant policies within the Powys Local Development Plan, Technical Advice Notes and Planning Policy Wales. As such, the recommendation is one of consent subject to the conditions detailed below;

Conditions:

1. The development to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.
2. The development shall be carried out strictly in accordance with the approved plans and documents (drawing no's: GD-MZ213-01 dated 07/06/2018, GD-MZ213-02 dated 02/05/2018, GD-MZ213-03 dated 07/06/2018, GD-GHJ-03 dated 07/06/2018 and GD-MZ213-06 dated 08/06/2018 and documents; Design, Access and Planning Statement, Dust Management Plan dated June 2018, Manure Management Plan - Rev C and Method Statement Pollution Prevention).
3. 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 extensions or alterations to the unit shall be erected without the consent of the Local Planning Authority.
4. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 and the Town and Country Planning (General Permitted Development) Order 1995 as amended or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, the premises shall not be used for any purpose other than that hereby authorised.
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. The gradient of the access shall be constructed so as not to exceed 1 in 15 for the first 20 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.
7. The centre line of the first 20 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.

8. Before any other development commences 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 0.26 metres above ground level at the edge of the adjoining carriageway and 60 metres distant in a westerly direction and 120 metres distant in a easterly 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.
9. Before any other development commences 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 20 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.
10. 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 two cars and two heavy goods vehicles 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.
11. Before any other development commences 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.
12. The width of the access carriageway, constructed as Condition 9 above, shall be not less than 6 metres for a minimum distance of 20 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.
13. Prior to the occupation of the development 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.
14. Prior to the first beneficial use of the development the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 20 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.
15. Prior to the commencement of the development the field gate located immediately west of the proposed access shall be stopped up, in materials to be agreed in writing by the Local Planning Authority and this shall be retained for as long as the development is in existence.
16. Upon formation of the visibility splays as detailed in condition 8 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.
17. No surface water drainage from the site shall be allowed to discharge onto the county highway.

18. Prior to the commencement of development, a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a scaled plan identifying the location of planting, species, sizes and planting numbers together with an implementation and maintenance strategy. Thereafter, the development shall be undertaken strictly in accordance with the detailed landscaping scheme as approved.
19. 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.
20. The development hereby permitted shall be undertaken strictly in accordance with the Method Statement Pollution Prevention Plan received by Development Management on 2nd May 2018.
21. The development hereby permitted shall be undertaken strictly in accordance with the Manure Management Plan Revision C received by Development Management on 13th July 2018.
22. No development shall commence until details of existing ground levels and proposed finished ground and floor levels have been submitted to and approved in writing by the local planning authority. This shall include sections across the proposed access and track. The development shall be carried out in accordance with the approved details.
23. Prior to the commencement of development, a hedgerow compensation plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken strictly in accordance with the hedgerow compensation plan as approved.
24. Prior to the commencement of development, a ranging area hedgerow protection plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken strictly in accordance with the ranging area hedgerow protection plan as approved.

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 order to control development which has the potential to have adversely affect the amenity of the area in contradiction to Policy DM13 of the Powys Local Development Plan and Planning Policy Wales (2016).
4. In order to control development which has the potential to have adversely affect the amenity of the area in contradiction to Policy DM13 of the Powys Local Development Plan and Planning Policy Wales (2016).
5. In the interests of highway safety in accordance with the provisions of Powys LDP Policies DM13 and T1, Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2016).
6. In the interests of highway safety in accordance with the provisions of Powys LDP Policies DM13 and T1, Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2016).

7. In the interests of highway safety in accordance with the provisions of Powys LDP Policies DM13 and T1, Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2016).
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9. In the interests of highway safety in accordance with the provisions of Powys LDP Policies DM13 and T1, Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2016).
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16. In the interests of highway safety in accordance with the provisions of Powys LDP Policies DM13 and T1, Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2016).
17. In the interests of highway safety in accordance with the provisions of Powys LDP Policies DM13 and T1, Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2016).
18. To comply with Powys County Council's LDP Policies DM2, DM4 & DM13 in relation to the landscape and the Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Planning Policy Wales (Edition 9, November 2016), and Part 1 Section 6 of the Environment (Wales) Act 2016.
19. To comply with Powys County Council's LDP Policies DM2, DM4 & DM13 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Planning Policy Wales (Edition 9, November 2016), and Part 1 Section 6 of the Environment (Wales) Act 2016.
20. To comply with Powys County Council's LDP Policies DM2 & DM13 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Planning Policy Wales (Edition 9, November 2016), and Part 1 Section 6 of the Environment (Wales) Act 2016.
21. To comply with Powys County Council's LDP Policies DM2, DM4 & DM13 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Planning Policy Wales (Edition 9, November 2016), and Part 1 Section 6 of the Environment (Wales) Act 2016.

22. In order to control development which has the potential to have adversely affect the amenity of the area in contradiction to policy DM4 of the Powys Local Development Plan (April 2018) and Planning Policy Wales (2016).
23. To comply with Powys County Council's LDP Policies DM2, DM4 & DM13 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Planning Policy Wales (Edition 9, November 2016), and Part 1 Section 6 of the Environment (Wales) Act 2016.
24. To comply with Powys County Council's LDP Policies DM2, DM4 & DM13 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Planning Policy Wales (Edition 9, November 2016), and Part 1 Section 6 of the Environment (Wales) Act 2016.

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.

Protected Species

Work should halt immediately and Natural Resources Wales (NRW) contacted for advice in the event that protected species are discovered during the course of the development. To proceed without seeking the advice of NRW may result in an offence under the Conservation of Habitats and Species Regulations 2017 and/or the Wildlife & Countryside Act 1981 (as amended) being committed. NRW can be contacted at: Tel: 0300 065 3000

DM7 – Dark Skies and External Lighting
DM13 – Design and Resources
DM14 – Air Quality Management
E2 – Employment Proposals on Non-allocated Employment Sites
E6 – Farm Diversification
T1 – Travel, Traffic and Transport Infrastructure

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

Other Legislative Considerations

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

Planning (Listed Buildings and Conservation Areas) Act 1990

Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017

Environmental Permitting (England & Wales) Regulations 2010 (as amended)

Officer Appraisal

Following the publication of the report and further review it was considered appropriate to attach conditions regarding the spreading and storage of manure in the event that the contingency plan identified within the Manure Management Plan needs to be implemented.

Recommendation

Having considered all statutory consultee responses, due consideration has been given to the proposed development and its potential impact upon the amenity and character of the area in this locality.

Having visited the site, Officers are satisfied that the proposed development complies with the relevant policies within the Powys County Council Local Development Plan and the decision is one of conditional consent in line with the conditions as set out below.

The Environmental Information submitted has been considered in full in the determination of this application.

Conditions

1. The development to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.

2. The development shall be carried out strictly in accordance with the approved plans and documents (drawing no's: RJC-MZ-4685-01A, RJC-MZ-4685-02B, RJC-MZ-4685-03, RJC-MZ-4685-04, RJC-MZ-4685-05 and Drainage Plan and documents; Non-Technical Summary dated January 2018, Noise Impact Assessment dated August 2018, A Dispersion Modelling Study of the Impact of Odour dated March 2017, Noise Management Plan dated January 2018, Environmental Statement dated January 2018, Design and Access Statement dated January 2018, Method Statement Pollution Prevention, Manure Management Plan, Flood Consequence Assessment dated January 2017, A Report on the Modelling of the Dispersion and Deposition of Ammonia dated July 2017, Lighting Design Scheme dated January 2018 and Impact on Setting of Historic Assets dated June 2018).
3. 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 extensions or alterations to the unit shall be erected without the consent of the Local Planning Authority.
4. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 and the Town and Country Planning (General Permitted Development) Order 1995 as amended or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, the premises shall not be used for any purpose other than that hereby authorised.
5. 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 two cars and two heavy goods vehicles 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.
6. Installation of external lighting features at the site shall be carried out in accordance with specifications identified in the Lighting Design Scheme – Ystym Colwyn produced by Roger Parry & Partners LLP dated January 2018, the identified lighting plan shall be adhered to and implemented in full and maintained thereafter.
7. No development or site clearance shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
9. Development shall be carried out in strict accordance with the Method Statement Pollution Prevention Plan, Drainage Plan and Manure Management Plan dated March 2018.

10. The storage and spreading of manure will be undertaken in accordance with the DEFRA Code of Good Agricultural Practice for the Protection of Air, Water and Soil.

11. Vehicles used for the movement of manure shall be sheeted to prevent spillage of manure.

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 comply with Powys County Council's LDP Policies DM2, DM4 & DM13 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Planning Policy Wales (Edition 9, November 2016), and Part 1 Section 6 of the Environment (Wales) Act 2016.

4. In order to control development which has the potential to have adversely affect the amenity of the area in contradiction to Policy DM13 of the Powys Local Development Plan and Planning Policy Wales (2016).

5. In the interest of highway safety in accordance with policies DM13 and T1 of the Powys Local Development Plan and Technical Advice Note 18: Transport.

6. 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.

7. To comply with Powys County Council's LDP Policies DM2 in relation to the Natural Environment and 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.

8. To comply with Powys County Council's LDP Policies DM2 in relation to the Natural Environment and 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.

9. To comply with Powys County Council's UDP Policy ENV3 and Policies DM2 and DM4 of the Powys Local Development Plan in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.

10. To comply with Powys County Council's UDP Policy ENV3 and Policies DM2 and DM4 of the Powys Local Development Plan in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.

11. To safeguard the amenities of the locality in accordance with policy GP1 of the Powys Unitary Development Plan and Policy DM13 of the Powys Local Development Plan.

Informative Notes

Work should halt immediately and Natural Resources Wales (NRW) contacted for advice in the event that protected species are discovered during the course of the development. To proceed without seeking the advice of NRW may result in an offence under the Conservation of Habitats and Species Regulations 2017 and/or the Wildlife & Countryside Act 1981 (as amended) being committed. NRW can be contacted at: Tel: 0300 065 3000

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In light of the above an affordable housing condition will therefore be attached to any grant of consent.

Public Open Space

Policy DM3 requires for the provision of new Open Space from all housing development of 10 or more dwellings where viable. 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.

It is noted given the site constraints that it is not possible to provide an area of open space within the application site boundary. Discussions have therefore been ongoing between the Powys Recreational Officer and the applicant and in line with the previous Section 106 agreement a contribution has been agreed on to provide and/or upgrade existing facilities within Newtown and within proximity to the application site. A contribution of £20,800 (£800/per affordable dwelling) has been agreed on. A condition will therefore be attached securing a scheme to be submitted to and agreed in writing prior to the commencement of development.

Subject to the recommended condition it is therefore considered that the proposed development can be managed to an acceptable level and therefore in accordance with relevant planning policy.

RECOMMENDATION

In light of the above it is therefore considered that the proposed development fundamentally complies with relevant planning policy and the recommendation is therefore one of conditional consent as outlined within this updated report.

Conditional Consent

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 XXXXXXXX.
3. The finish floor levels of all habitable areas must not be set below 107.08m AOD.
4. The development must comply with the recommendations set out in the Flood Consequence Assessment submitted with the application which was prepared by Civil Engineering Solutions Limited and dated May 2018 (Reference CES503).
5. The development must comply with the requirements of the Measures Only Travel Plan submitted with the planning application which was prepared by Entran Limited and dated April 2018.

6. No development shall commence until a scheme for the surface water drainage of the site has been submitted to and approved in writing by the local planning authority. The approved scheme shall be completed before any residential units are occupied. The scheme to be submitted shall show foul drainage being connected to the public sewerage system.

7. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner. All hard landscaping must be completed prior to the first occupation of the building.

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

i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 20% of housing units/bed spaces;

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.

9. Prior to the commencement of development, a scheme for the contribution for recreational facilities to serve the development must be submitted to and approved in writing by the Local Planning Authority. The scheme must include the arrangements for the transfer of a contribution. The contribution shall accord with the following provisions: a) All social housing, size or number of bedrooms is not a factor - £ 800.00 per property. b) All private housing up to three bedrooms - £ 1000.00 per property. c) All private housing over three bedrooms - £ 1200.00 per property. The scheme must be implemented in accordance with the agreed 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 ensure that the habitable areas of development are at least 300mm above the 1 in 100 year plus climate change allowance flood level in accordance with the advice set out in Technical Advice Note 15 (2004).

4. To ensure that the developer and occupiers of the dwelling are aware of the risk of flooding in relation to the site in accordance with Technical Advice Note 15 (2004).
5. To ensure adherence to the information submitted with the application in the interests of clarity and a satisfactory development.
6. To ensure that the proposed drainage systems for the site are fully compliant with regulations and are of robust design in accordance with policies DM6 of the Local Development Plan (2018).
7. To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment and visual amenity of the area in accordance with Policy DM13 of the Powys Local Development Plan (2018).
8. In order to ensure the provision of planning obligations in accordance with policy DM1 and H5 of the Powys Local Development Plan (2018), and Planning Policy Wales (2016).
9. In order to ensure the provision of planning obligations in accordance with policy DM1 and DM3 of the Powys Local Development Plan (2018), and Planning Policy Wales (2016).

Informative Notes

Reptiles – Wildlife & Countryside Act 1981 (as amended)

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

It is therefore an offence to:

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

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

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

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

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