

Planning, Taxi Licensing & Rights of Way Committee

Meeting Venue
**Council Chamber - County Hall,
Llandrindod Wells, Powys**

Meeting Date
Thursday, 15 March 2018

Meeting Time
10.00 am

For further information please contact
Carol Johnson
01597826206
carol.johnson@powys.gov.uk



County Hall
Llandrindod Wells
Powys
LD1 5LG

8 March, 2018

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

AGENDA

1.	APOLOGIES
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To receive apologies for absence.

2.	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 21 February, 2018 as a correct record.

(To Follow)

Rights of Way	
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3.	DECLARATIONS OF INTEREST
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To receive declarations of interest in respect of the next item.

4.	HIGHWAYS ACT 1980, SECTION 119 - PUBLIC PATH ORDER PROPOSAL
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To consider an application in respect of a Proposal to divert part of restricted byway 145, Melindwr (Community of Llanfihangel).

(Pages 7 - 16)

Planning - Please note, the planning applications will not be considered before 10.30 a.m.

5. DECLARATIONS OF INTEREST

- a) To receive any declarations of interest from Members relating to items to be considered on the agenda.
- b) To receive Members' requests that a record be made of their membership of town or community councils where discussion has taken place of matters for the consideration of this Committee.
- c) To receive declarations from Members of the Committee that they will be acting as 'Local Representative' in respect of an individual application being considered by the Committee.
- d) To note the details of Members of the County Council (who are not Members of the Committee) who will be acting as 'Local Representative' in respect of an individual application being considered by the Committee.

6. PLANNING APPLICATIONS FOR CONSIDERATION BY THE COMMITTEE

To consider the reports of the Head of Regeneration and Regulatory Services and to make any necessary decisions thereon.

(Pages 17 - 24)

6.1. Updates

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

6.2. P/2015/0455 Dolyhir and Strinds Quarry, Dolyhir, Old Radnor, Presteigne, LD82RW

(Pages 25 - 40)

6.3. P/2017/0236 Land at Former Glasbury School & Tramroad Cottages, Glasbury, Powys, HR3 5NU

(Pages 41 - 108)

6.4. P/2017/0216 Land adjacent to Severnside Rhos Common Llandrinio Powys SY22 6RF

(Pages 109 - 132)

- 6.5. **P/2017/1421 Land adj Morgannwg, Cilmery, Builth Wells, Powys, LD2 3NU**
(Pages 133 - 152)
- 6.6. **P/2017/1311 Land South of Broncafnt Lane, Llanfair Caereinion, Powys SY21 0RF**
(Pages 153 - 178)
- 6.7. **P/2018/0106 Land adj Rogerstone, Cwmbach, Glasbury, Powys, HR3 5NZ**
(Pages 179 - 206)
- 6.8. **P/2017/1259 Land adj Greenfields Farm, Four Crosses, Llanymynech, Powys, SY22 6RF**
(Pages 207 - 226)
- 6.9. **P/2017/1062 Land Adjoining Oldfield Farm, Four Crosses, Llanymynech, Powys, SY22 6RB**
(Pages 227 - 270)
- 6.10. **P/2017/0098 Land at Ty Brith Bwlch-Y-Ddar, Llangedwyn, Llanfechain, Oswestry, SY10 9LL**
(Pages 271 - 296)
- 6.11. **P/2017/1236 Tynllan Farm, Castle Caereinion, Welshpool, Powys SY21 9AL**
(Pages 297 - 326)
- 6.12. **P/2017/1265 Cefn Bryn, Cefn Coch, Welshpool, Powys, SY21 0AE**
(Pages 327 - 352)
- 6.13. **P/2017/1253 Plas Coch, Cefn Coch, Welshpool, Powys, SY21 0AE**
(Pages 353 - 362)

- 6.14. **P/2017/0497 Land to South of A44, Penybont, Llandrindod Wells, Powys**
(Pages 363 - 382)
- 6.15. **P/2017/1489 Land adj to Sarn Village Hall, Sarn, Newtown, Powys, SY16 4EJ**
(Pages 383 - 402)
- 6.16. **P/2017/0789 Land adjoining Swan Bank, Pool Quay, Welshpool Powys SY21 9JS**
(Pages 403 - 432)
- 6.17. **P/2016/0891 Land adjacent to Ael Y Bryn, Hyssington, Montgomery, Powys, SY15 6AT**
(Pages 433 - 448)
- 6.18. **P/2017/1389 Land adjoining The Manse, Tanhouse, Dolau, Llandrindod Wells, Powys, LD1 5TW**
(Pages 449 - 466)
- 6.19. **P/2018/0137 Clyro Church in Wales Primary School, Clyro, Hereford, Powys, HR3 5LE.**
(Pages 467 - 472)
- 6.20. **P/2018/0060 Plot 4 Coed Yr Onnen, Glantwymyn, Machynlleth, Powys, SY20 8LF**
(Pages 473 - 486)
- 6.21. **P/2018/0087 Ysgol Dafydd Llywd, Park Street, Newtown, Powys, SY16 1EG**
(Pages 487 - 500)
- 6.22. **DIS/2017/0014 Archdeacon Griffiths Primary School, Llyswen, Brecon, Powys, LD3 0YB**
(Pages 501 - 508)

- 6.23. **P/2018/0138 Archdeacon Griffiths Primary School, Llyswen, Brecon, Powys, LD3 0YB**
(Pages 509 - 516)

7.	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 517 - 530)

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CYNGOR SIR POWYS COUNTY COUNCIL

PLANNING, TAXI LICENSING AND RIGHTS OF WAY COMMITTEE

15th March 2018

REPORT BY: SENIOR MANAGER, COUNTRYSIDE, CONTRACTED
AND CULTURAL SERVICES

SUBJECT: Highways Act 1980, section 119
Public path Order proposal

REPORT FOR: DECISION

Proposal to divert part of restricted byway 145, Melindwr (Community of Llanfihangel.)

Background:

The proposed diversion will make a change to the route of the Glyndŵr's Way National Trail. The public right of way affected is restricted byway 145.

A plan of the proposal can be found at appendix A. The proposal has arisen due to landowner concerns about stock mixing and the physical difficulty of making the definitive line of restricted byway 145 available at point D on the plan. Point D is situated among old trees with deep roots and a stone built bank gives egress to a land drain which runs continually.

There are two landowners involved and they have agreed that the part of the restricted byway labelled A-B-C-D-E on the plan be diverted onto the proposed route A-F-G. This will remove the risk of stock mixing as the new route will be entirely on one land holding instead of two. It will also require only two gates rather than the three needed on the definitive route. No disturbance of tree roots and land drains will be required to install the two gates on the proposed route.

The proposed alternative route runs over the land of County Councillor Emyr Jones who is landowner at Melindwr. This is the reason why the Committee are being consulted upon the proposal.

Current Definitive route:

Points A-B-C-D-E

From point A restricted byway no 145 runs north east for approximately 70 metres over pasture, and some distance from a drainage channel, to point B. From point B it turns in an east north east direction and runs for approximately 35 metres, passing over the drainage channel and through a field gate, to point C.

From point C it turns north east for approximately 85 metres over pasture to a fenced hedge line and a stone built bank that gives egress to a land drain at point D.

From point D it continues in a north east direction for approximately 240 metres, climbing up a pasture field to a field gate leading to a quiet lane at point E.

The total approximate length of the part of the restricted byway to be diverted is 430 metres. The average width of the restricted byway is defined as being 9 feet on the definitive statement.

Proposed alternative route:

Points A-F-G

The proposed diversion runs from point A in a north east direction for approximately 90 metres, over pasture and next to the drainage channel, to point F in a fenced hedge line, where a field gate will be installed.

From point F it continues in a north east direction for 340 metres, over undulating pasture and 3 metres to the west of the existing fence line to a quiet lane at point G, where a field gate will be installed.

The total approximate length of the proposed diversion is 430 metres. The width of the proposed diversion will be 3 metres.

Works required:

Installation of a field gate with a high latch, meeting current British Standard (BS5709:2006) at point F grid reference SJ 0426 1498

Installation of a field gate with a high latch, meeting current British Standard (BS5709:2006) at point G grid reference SJ 0453 1518

Unblocking of a drain at approximately grid reference SJ 0445 1513

The new route would also be waymarked as necessary to ensure that it can easily be followed, if the proposed diversion were to come into operation.

Consultation:

The diversion application has been made by the Glyndŵr's Way National Trail Officer on behalf of the affected landowners; Mr G Thomas of Llwynhir, Llwydiarth and Mr Emyr Jones of Melindwr, Llwydiarth. The diversion is being supported by the National Trail Officer as she believes that the proposed route will be more convenient for the public.

Pre-consultation for the proposal has been sent to:

- Llanfihangel Community Council;
- County Councillor Emyr Jones, as the local member for the ward;
- Path user groups: Ramblers' Association, Open Spaces Society and the Byways and Bridleways Trust;
- Natural Resources Wales;
- Utility Companies.
- The Dyfnant Rainbow Trails.

No objections have been received to the proposal.

Mr Peter Newman of the Open Spaces Society asked for an assurance that the field gates on the proposed route would meet BS5709:2006, including the removal of any adjacent hedges or under/overgrowth within 1 metre of the structures. His email of 22.11.17 and the Glyndŵr's Way National Trail Officer's response can be found at appendix B.

Miss Annette Prince of the Ramblers Association queried whether the field gate at point F will be equestrian friendly and has mentioned that the proposed route will pass over a boggy hollow between points F and G. Her email of 12.01.18 and the Glyndŵr's Way National Trail Officer's response can be found at appendix C.

Normally, if there are no objections to a proposed diversion at the pre-order consultation stage, then the Rights of Way Officer (or their duly authorised representative) has delegated authority to proceed to the making of a public path Order, without the need to refer the application to the Committee. That delegation is recorded in section 13 of the Council's Constitution.

However, this application involves the local member for the area, as one of the affected landowners. In line with the Planning Protocol, this application is being brought before the Committee in the interests of transparency.

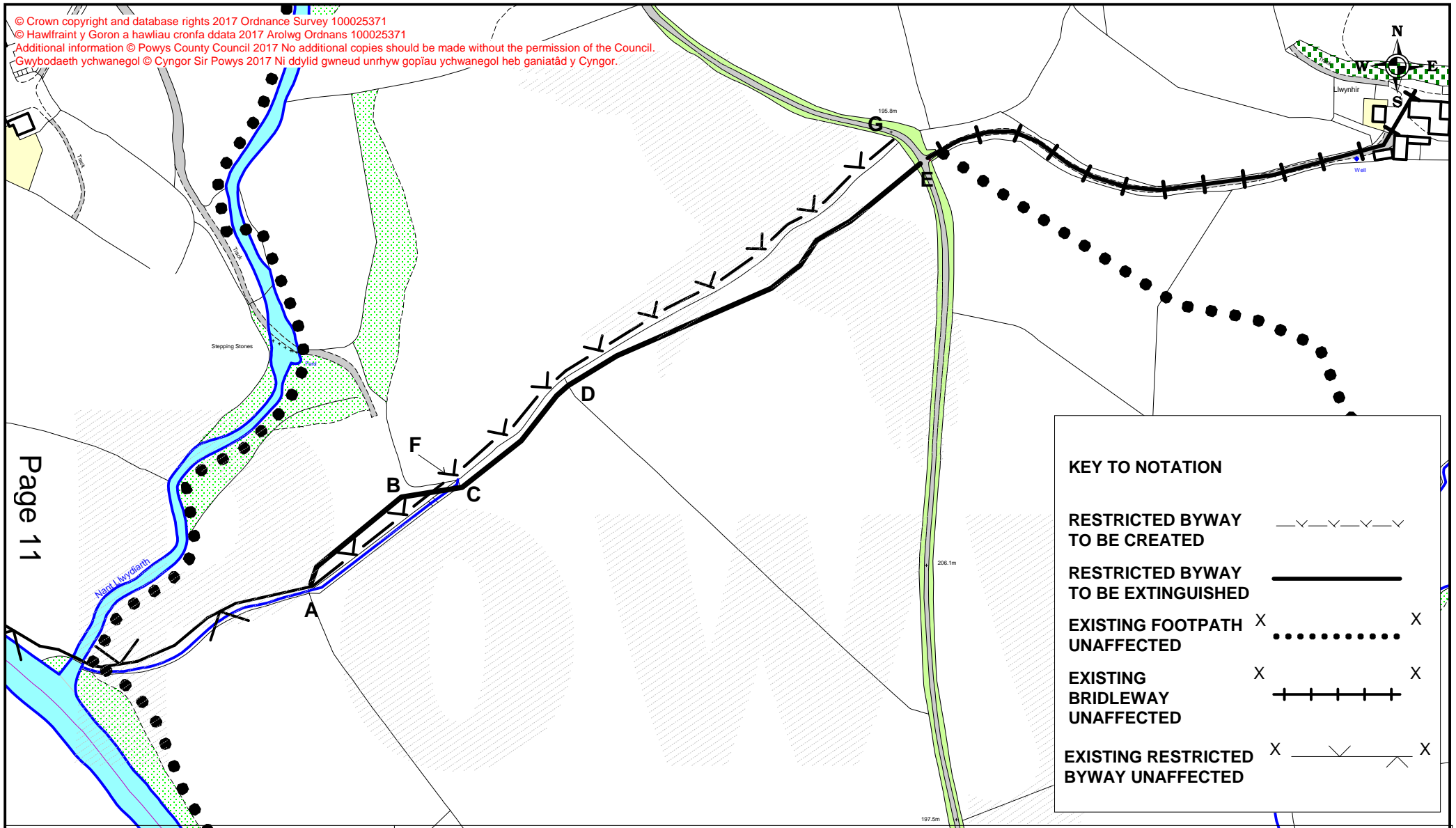
RECOMMENDATION:

That an Order be made to divert restricted byway no 145, Melindwr as shown on the plan at appendix A.

Appendices:

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|------------|--|
| APPENDIX A | Plan of the proposal for diversion of restricted byway no 145. |
| APPENDIX B | Email dated 22 nd November 2017 from Mr Newman, with Council response. |
| APPENDIX C | Email dated 12 th January 2018 from Miss Prince, with Council response. |

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Helen Tatchell (CSP - Countryside Services)

From: Helen Tatchell (CSP - Countryside Services)
Sent: 05 December 2017 17:14
To: 'Peter Newman'
Subject: RE: Proposed diversion of restricted byway no 145 in the community of Llanfihangel - pre-consultation

Good afternoon Mr Newman,

My apologies for this belated reply.

I have spoken with the landowner who will be receiving the restricted byway on to his land, should the proposal be successful. He has no objection to a metre of post and rail fencing on either side of each of the field gates.

If the Order is confirmed I will ensure that this is part of the works.

Thank you,
Helen

Helen Tatchell
Swyddog Llwybr Cenedlaethol Glyndŵr
Glyndŵr's Way National Trail Officer.
01597 827562

From: Peter Newman [mailto:████████████████████]]
Sent: 22 November 2017 11:32
To: Helen Tatchell (CSP - Countryside Services) <helen.tatchell@powys.gov.uk>
Subject: Re: Proposed diversion of restricted byway no 145 in the community of Llanfihangel - pre-consultation

Thank you for consulting us on the above.

We note that 2 field gates are required along the new route.

Could you kindly confirm that these will be to BS 5709 which will need to include removal of any adjacent hedges or under/overgrowth within 1 metre of the structures.

Peter Newman
Open Spaces Society Local Correspondent
The Old Vicarage
DOLAU
POWYS LD15TH

████████████████████
footpaths@castlehillbooks.co.uk

On 21/11/2017 13:24, Helen Tatchell (CSP - Countryside Services) wrote:

Dear Sir/Madam,

Please find attached a covering letter, a public path Order proposal and a plan of the proposal for your consideration.

Please do not hesitate to contact me if you would like to discuss the proposal further.

Regards,
Helen

Helen Tatchell
Swyddog Llwybr Cenedlaethol Glyndŵr
Glyndŵr's Way National Trail Officer.
01597 827562

Mae'r e-bost hwn ac unrhyw atod-adau ym gylfnod hon yn gysylltu â gwybodaeth a enwir arno yn unig. Gall gynnwys gwybodaeth freintiedig. Os ydych chi cyrraedd trwy gamgymeriad ni ellwch ei gopïo, ei ddosbarthu na'i ddangos i unrhyw un arall a dylech gysylltu gyda Cyngor Sir Powys ar unwaith. Mae unrhyw gynnywys nad yw'n ymwneud gyda busnes swyddogol Cyngor Sir Powys yn bersonol i'r awdur ac nid yw'n awdurdodedig dan y Cyngor.

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Helen Tatchell (CSP - Countryside Services)

From: Helen Tatchell (CSP - Countryside Services)
Sent: 08 February 2018 11:22
To: 'Annette'
Cc: [REDACTED]
Subject: RE: PPPO Restricted Byway 145[part] Llwynhir ,Llanfihangel

Hello Annette,

I had a look at the diversion site yesterday and can understand your concerns about the boggy patch.

I have spoken to the landowner about this and he tells me that there is a large concrete drainage pipe in the vicinity that has probably blocked.

If the diversion proposal is successful we will have a digger on site to install the gates. We can take the opportunity to investigate the drainage pipe as well. Should we not find it we will be able to carry out some landscaping to allow the pool to run off.

Thank you,
Helen

Helen Tatchell
Swyddog Llwybr Cenedlaethol Glyndŵr
Glyndŵr's Way National Trail Officer.
01597 827562

From: Helen Tatchell (CSP - Countryside Services)
Sent: 18 January 2018 10:54
To: 'Annette' [REDACTED]
Subject: RE: PPPO Restricted Byway 145[part] Llwynhir ,Llanfihangel

Hello Annette,

Thank you for your response and support.

I will be going out to site very soon to ensure that the diversion wording is quite correct so I will have a look at the boggy patch.

I can assure you that the gates will be 12 foot and incorporate a high latch for equestrian use.

Best wishes,
Helen

Helen Tatchell
Swyddog Llwybr Cenedlaethol Glyndŵr
Glyndŵr's Way National Trail Officer.
01597 827562

From: Annette [mailto:[REDACTED]]
Sent: 12 January 2018 11:00
To: Helen Tatchell (CSP - Countryside Services) <helen.tatchell@powys.gov.uk>; [REDACTED]
Subject: PPPO Restricted Byway 145[part] Llwynhir ,Llanfihangel

Helen Tatchell
Swyddog Llwybr Cenedlaethol Glyndwr

Dear Helen . Thank you for the opportunity given to Powys Area Ramblers to look at this proposal . I am so sorry to be late in responding , but recent weather in Mid-Wales came up to every expectation ! We went on site yesterday and are pleased to confirm that we can support this proposal . We pass comment on a very boggy patch of the proposed line between points F and G where , within the three metres proposed distance from the hedgeline , there is a hollow which is now waterfilled . Marsh grass identifies this area . Will the new definitive line move a little up the slope to accommodate this ? Also , will the new fieldgate at F be equestrian friendly ? Please contact me if more information is needed . Best wishes .

Yours sincerely Annette Prince . Local Footpath Secretary .  8 Penymaes Llanfechain
Powys SY22 6XL

**Planning, Taxi Licensing and Rights of Way Committee
15th March 2018**

For the purpose of the 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.

Applications for consideration by Committee:

Application No:	Nature of Development:
Community:	Location of Development:
O.S. Grid Reference:	Applicant:
Date Received:	Recommendation of Head of Planning:

<p>P/2016/0455</p> <p>Old Radnor</p> <p>324385 258094</p> <p>25.04.16</p>	<p>Full: Proposed northern extension to Dolyhir Quarry: construction of screening landform to the north and west of Dolyhir Quarry; related surface water management ponds and drainage infrastructure; construction of new agricultural access to the public highway and new perimeter agricultural access track; continued use of existing processing and secondary treatment plant at Dolyhir/Strinds Quarry; relocation of washing plant from Dolyhir Quarry to Strinds Quarry during phase 5 of development scheme; diversion of services; continued development of Strinds Quarry in accordance with the current working scheme; implementation of comprehensive restoration strategy; and consolidating of the overall Dolyhir and Strinds Quarry extension area and screening landform into one overall planning unit.</p> <p>Dolyhir and Strinds Quarry, Dolyhir, Old Radnor, Presteigne, LD82RW</p> <p>Tarmac Trading Ltd.</p> <p>Updated Recommendation:</p> <p>Conditional Consent - subject to planning conditions listed within the original report</p>
<p>P/2017/0236</p> <p>Gwernyfed</p> <p>317849.46 238561.78</p> <p>06.03.17</p>	<p>Outline: Erection of 12 dwellings and associated works (with some matters reserved) and demolition of former Glasbury School</p> <p>Land at Former Glasbury School & Tramroad Cottages, Glasbury, Powys, HR3 5NU</p>

	<p>Mr & Mrs Geoff Hayward & Valerie Johnson,</p> <p>Recommendation:</p> <p>Consent subject to a S106 agreement</p>
<p>P/2017/0216</p> <p>Llandrinio</p> <p>327600.49 317816.18</p> <p>27.02.17</p>	<p>Outline: Erection of 19 dwellings, formation of vehicular access and all associated works</p> <p>Land south of Broncafnt Lane, Llanfair Caereinion, Powys SY21 0BW</p> <p>Mr John Lloyd Hendre Lane Brookfields Rhos Common Llandrinio Powys SY22 6RN</p> <p>Recommendation:</p> <p>Conditional Consent subject to a Section 106</p>
<p>P/2017/1421</p> <p>Cilmery</p> <p>300529.02 251422.84</p> <p>06.12.17</p>	<p>Outline: Residential use of 4 self build plots (all matters reserved)</p> <p>Land adj Morgannwg, Cilmery, Builth Wells, Powys LD2 3NU</p> <p>Mrs Eileen Cheffers, 9 The Crescent, Llanelwedd, Builth Wells, Powys, LD2 3TR</p> <p>Update Recommendation:</p> <p>Conditional Consent – as set out in original report</p>
<p>P/2017/1311</p> <p>Llanfair Caereinion</p> <p>310343.22 306093.67</p> <p>08.11.17</p>	<p>Outline: Erection of 3 no. dwellings and associated infrastructure including installation of sewage treatment plant (some matters reserved)</p> <p>Land South of Broncafnt Lane Llanfair Caereinion Powys SY21 0RF</p> <p>NL & KM Griffiths Broncafnt Lane Tanyfron Llanfair Caereinion Powys SY21 0BW</p> <p>Recommendation:</p> <p>Conditional Consent and a separate S106 agreement</p>

<p>P/2018/0106</p> <p>Glasbury</p> <p>316621.05 239684.04</p> <p>30.01.2018</p>	<p>Outline: Application for the construction of 8 no. residential dwellings, installation of a sewerage treatment plant and all associated works (some matters reserved)</p> <p>Land adj Rogerstone, Cwmbach, Glasbury, Powys, HR3 5NZ.</p> <p>Powys County Council</p> <p>Recommendation:</p> <p>Conditional Consent</p>
<p>P/2017/1259</p> <p>Llandysilio</p> <p>326755.31 318118.14</p> <p>30.10.17</p>	<p>Outline: Proposed residential development of 5 no. dwellings, formation of an access and all associated works</p> <p>Land adj Greenfields Farm, Four Crosses, Llanymynech, Powys, SY22 6RF.</p> <p>Mr P M Pryce, Greenfields Farm, Four Crosses, Llanymynech, Powys, SY22 6RF</p> <p>Recommendation:</p> <p>Refusal</p>
<p>P/2017/1062</p> <p>Llandysilio</p> <p>327029.73 318948.77</p> <p>27.09.17</p>	<p>Outline: Residential development, formation of vehicular access and access road, and all associated works</p> <p>Land adjoining Oldfield Farm, Four Crosses, Llanymynech, Powys, SY22 6RB</p> <p>Mr D.C Roberts, Oldfield Farm, Four Crosses, Llanymynech, Powys, SY22 6RB.</p> <p>Recommendation:</p> <p>Conditional Consent</p>
<p>P/2017/0098</p> <p>Llangedwyn</p> <p>317094 322248</p> <p>02.02.2017</p>	<p>Full: Erection of a replacement dwelling, creation of new access and installation of package treatment plant</p> <p>Land at Ty Brith, Bwlch – y – Ddar, Llangedwyn, Llanfechain, Oswestry, SY10 9LL</p>

	<p>Llangedwyn Estate Sansaw Business Park South Pavilion Hadnall Shrewsbury SY4 4AS</p> <p>Recommendation:</p> <p>Conditional Consent</p>
<p>P/2017/1236</p> <p>Castle Caereinion</p> <p>316308.38 305645.95</p> <p>31.10.17</p>	<p>Outline : Residential development of 9 dwellings with garages, new vehicular access, formation of estate road and all associated works/infrastructure (all matters reserved)</p> <p>Tynllan Farm, Castle Caereinion, Welshpool, Powys SY21 9AL</p> <p>A.N & D Davies & Sons Mr Ian Davies & Mr Gareth Davies Tynllan Farm Castle Caereinion Welshpool Powys SY21 9AL</p> <p>Recommendation:</p> <p>Conditional Consent</p>
<p>P/2017/1265</p> <p>Dwyriw</p> <p>304821.63 302872.58</p> <p>30.10.17</p>	<p>Outline: Residential development of one dwelling with associated works</p> <p>Cefn Bryn, Cefn Coch, Welshpool, Powys, SY21 0AE</p> <p>Ms Judith Townsley, Cefn Bryn, Cefn Coch, Welshpool, Powys, SY21 0AE</p> <p>Recommendation:</p> <p>Conditional Consent</p>
<p>P/2017/1253</p> <p>Dwyriw</p> <p>305205.91 302978.37</p> <p>30.10.17</p>	<p>Outline: Erection of 1 no. dwellings, installation of sewerage treatment plant and all associated works (all matters reserved)</p> <p>Plas Coch, Cefn Coch, Welshpool, Powys, SY21 0AE.</p> <p>Mr C P Isaac, Plas Coch, Cefn Coch, Welshpool, Powys, SY21 0AE.</p>

	<p>Recommendation:</p> <p>Conditional Consent</p>
<p>P/2017/0497</p> <p>Penybont</p> <p>311271.68 264076.6</p> <p>16.05.17</p>	<p>Outline: Residential development (up to 5 no. dwellings) with some matters reserved and associated works</p> <p>Land to South of A44 Penybont Llandrindod Wells Powys</p> <p>Mr & Mrs DG, MM, DG, IJ, MJ & N Owen Cwmrhocas Penybont Llandrindod Wells Powys LD1 5SY</p> <p>Recommendation:</p> <p>Conditional Consent</p>
<p>P/2017/1489</p> <p>Kerry</p> <p>320433.6 290788.45</p> <p>21.02.17</p>	<p>Outline: Erection of 7 affordable dwellings, alterations to road, provision of footpath, formation of access to agricultural land and associated works (all matters reserved)</p> <p>Land adj to Sarn Village Hall, Sarn, Newtown, Powys, SY16 4EJ</p> <p>Powys County Council</p> <p>Recommendation:</p> <p>Conditional Consent</p>
<p>P/2017/0789</p> <p>Welshpool</p> <p>325440.59 311109.03</p> <p>29.08.2017</p>	<p>Outline: Erection of up to 3 no. dwellings and garages, formation of vehicular access, access road and all associated works (with some matters reserved)</p> <p>Land adjoining Swan Bank, Pool Quay, Welshpool Powys SY21 9JS</p> <p>Mr J.H & E.L. Jones J.H. & E.L. Jones Pool Quay, Dyers Farm, Welshpool Powys</p> <p>Recommendation:</p> <p>Conditional Consent</p>

<p>P/2016/0891</p> <p>Churchstoke</p> <p>331182.14 294419.56</p> <p>26.08.16</p>	<p>Outline application for the erection of a dwelling, construction of vehicular access and installation of sewage treatment plan with some matters reserved</p> <p>Land adjacent to Ael Y Bryn, Hyssington, Montgomery, Powys, SY15 6AT</p> <p>N C Wilkins & P E Dix, Land adjacent to Ael Y Bryn, Hyssington, Montgomery, Powys SY15 6AT</p> <p>Recommendation:</p> <p>Conditional Consent</p>
<p>P/2017/1389</p> <p>Llanfihangl</p> <p>315794.7 267391.68</p> <p>24.11.17</p>	<p>Outline application (with all matters reserved) for erection of 3 detached dwellings, formation of vehicular access and installation of septic tank and all associated works</p> <p>Land adjoining The Manse, Tanhouse, Dolau, Llandrindod Wells, Powys, LD1 5TW</p> <p>Ms P Evans, Bluebell House, Tanhouse, Dolau, Llandrindod Wells, Powys.</p> <p>Recommendation:</p> <p>Conditional Consent</p>
<p>P/2018/0137</p> <p>Clyro</p> <p>321162.96 243371.94</p> <p>02.02.18</p>	<p>Display of 4 no. non-illuminated signs</p> <p>Clyro Church in Wales Primary School, Clyro, Hereford, Powys, HR3 5LE.</p> <p>Powys County Council</p> <p>Recommendation:</p> <p>Approval</p>
<p>P/2018/0060</p> <p>Glantwymyn</p> <p>282199.19 304345.29</p> <p>22.01.2018</p>	<p>Full: Erection of a dwelling and detached garage and all associated work</p> <p>Plot 4 Coed Yr Onnen, Glantwymyn, Machynlleth, Powys, SY20 8LF</p> <p>Mrs Mary Evans, Brithdir, Tan Y Foel, Dolgellau, Gwynydd, LL40 2RG</p>

	<p>Recommendation:</p> <p>Conditional Consent</p>
<p>P/2018/0087</p> <p>Newtown & Llallwchaiarn</p> <p>310684.52 291361.35</p> <p>16.01.218</p>	<p>Change of Use of recreation space of former primary school use (class D use) into extension of existing car parking area for new creative family centre (class use D)</p> <p>Ysgol Dafydd Llywd, Park Street, Newtown, Powys, SY16 1EG</p> <p>Powys County Council</p> <p>Recommendation:</p> <p>Conditional Consent</p>
<p>DIS/2017/0014</p> <p>Bronllys</p> <p>312839.86 238465.66</p> <p>27.01.17</p>	<p>Discharge of condition 4,5,6,14,15 & 20 of planning approval P/2016/0801.</p> <p>Archdeacon Griffiths Primary School, Llyswen, Brecon, Powys, LD3 0YB.</p> <p>Powys County Council</p> <p>Recommendation:</p> <p>Conditions 4,5,6,14 & 15 formally discharged</p>
<p>P/2018/0138</p> <p>Bronllys</p> <p>312839.69 238465</p> <p>02.02.2018</p>	<p>Application for consent to display advertisements consisting of wall mounted lettering, 1 no. post mounted modular sign and 1 no. aluminium flagpole with flag (all non-illuminated)</p> <p>Archdeacon Griffiths Primary School, Llyswen, Brecon, Powys, LD3 0YB.</p> <p>Powys County Council</p> <p>Recommendation:</p> <p>Conditional Consent</p>

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6.2

Application No: P/2016/0455

Grid Ref:

324385

258094

Community Council: Old Radnor

Valid Date:
25/4/2016

Officer:
Thomas Boothroyd

Applicant: Tarmac Trading LTD

Location: Dolyhir and Strinds Quarry, Dolyhir, Old Radnor, Presteigne, LD82RW

Proposal: Proposed northern extension to Dolyhir Quarry: construction of screening landform to the north and west of Dolyhir Quarry; related surface water management ponds and drainage infrastructure; construction of new agricultural access to the public highway and new perimeter agricultural access track; continued use of existing processing and secondary treatment plant at Dolyhir/Strinds Quarry; relocation of washing plant from Dolyhir Quarry to Strinds Quarry during phase 5 of development scheme; diversion of services; continued development of Strinds Quarry in accordance with the current working scheme; implementation of comprehensive restoration strategy; and consolidating of the overall Dolyhir and Strinds Quarry extension area and screening landform into one overall planning unit.

Application Type: Full Planning Permission

UPDATE REPORT

Background

This application was reported to the meeting of the Committee on 18th January 2018 where it was resolved that the application be granted consent, subject to the conditions set out in the report which is filed with the signed minutes and subject to the addition of a condition in respect of dust monitoring and delegation to the Professional Lead Development Management in consultation with the Chair and Vice Chair to agree a suitable Bond, which would be secured by a S106 agreement in respect of the restoration and aftercare of the site.

A Section 106 Agreement may only be included as a condition of granting planning permission if it meets statutory tests that any planning obligations in the agreement are

- necessary to make the development acceptable in planning terms,
- directly related to the development, and
- fairly and reasonably related in scale and kind.

Appraisal

Concern has been expressed by coalfield communities for many years about the proper restoration and aftercare of opencast coal sites throughout South Wales and that concern is fully understood. In an attempt to address the problem, legislation was introduced in 1987 specifically authorising Local Planning Authorities to require a bond to guarantee restoration and aftercare of coal mining sites, with the exception of sites operated by British Coal.

The Coal Industry Act 1994 privatised the coal industry and sold off British Coal sites to Celtic Energy Limited in South Wales. The sites bought by Celtic Energy Limited were still exempt from Bonds and this extended for a period of 10 years following the sale. Therein lies the source of the problems being experienced in many coal mining areas where coal

mining sites in the private sector are not properly covered by restoration and aftercare bonds.

No such legislation exists in terms of quarry development. This is no doubt due in large part to quarry communities not having experienced the same problems in relation to restoration and aftercare as coal mining communities.

There are good reasons why coal mining developments are much riskier than quarry developments in terms of their restoration and aftercare.

Whilst coal sites do undertake progressive restoration as far as possible there will always be a significant final void space at a point in time where all of the coal has been removed. The void needs to be filled with overburden from above ground overburden mounds and soils will need to be replaced at that point in time when the income stream of the private company concerned will have dried up and all that remains is a very significant liability. It is the nature of private industry that if there is no income stream and huge liability then the viability of the company is at significant risk. There is also no prospect of another company taking on the site at that stage, hence the need for a bond to ensure that money is available to cover restoration and aftercare costs.

Quarry development is quite different to opencast development in that regard. The income stream for a quarry will not dry up until the last piece of stone is removed and at that point there will be no requirement to infill the final void space with overburden or replace soils. The only material left un-sold would be waste material which is placed in a waste tip and landscaped at an early stage in the development. In addition, due to the requirement to progressively restore the final faces as development proceeds there will be very limited restoration work to undertake when the quarry is completed, hence there is no need for a bond to cover it.

In addition, were a company to fail at any point in the development of the quarry site there would be assets remaining which would be attractive to other companies, especially given the nature of the stone at Dolyhir and the demand for its products. Risks are further reduced due to the Service Level Agreement the Authority has with Carmarthenshire County Council to regularly monitor mine and quarry sites to ensure work is undertaken in accordance with the approved development scheme, including progressive restoration.

Conclusion

Section 106 Agreements should only be used to secure an objective which could not be realised by a planning condition and have to meet the tests set out above. In this case, restoration and aftercare can be achieved by planning conditions already recommended in the original report. Therefore, a Section 106 Agreement is not considered necessary to make the development acceptable in planning terms.

Recommendation

Planning permission is granted subject to planning conditions listed within the original report (attached).

Conditions as detailed in the original report 18 January, 2018

Conditions

TIME LIMITS

1. The development hereby permitted shall be construed as being implemented on the date of determination. The date of determination is defined as the date upon which new conditions subsequent to the applications are finally determined, i.e. the date upon which all proceedings on the applications, including appeals to the Secretary of State and the High Court have been determined, and the time period for any further appeal has expired.
2. Extraction of minerals, the processing of residual excavated material, the restoration of the site and the removal of buildings and plant shall cease by 31st December 2111. For a period of 5 years from the date of completion of restoration on any part of the site in accordance with the approved restoration plan, the site shall be managed in accordance with the approved aftercare plan relating to the restored area. The planning permission shall expire following the complete restoration and aftercare of the site in accordance with the most recently approved restoration and aftercare schemes.

WORKING PROGRAMME AND PHASING

3. Unless amended by conditions included below, the development hereby permitted shall be carried out in accordance with the submitted application documents, namely;
 - a) Environmental Statement Volumes 1-4 inclusive (ref SLR April 2016)
 - b) Drawing Numbers:
 - Figure 1.1 –Location Plan ref DO95/00104, dated 19/11/2015
 - Boundaries Plan ref DO95/00105, dated 19/11/2015
 - Current situation ref DO95/00106, dated 19/11/2015
 - Block Phasing ref DO95/00107 (Phases 1-4), dated 19/11/2015
 - Block Phasing ref DO95/00108 (Phases 5-7), dated 19/11/2015
 - Phase 1 Working and restoration ref DO95/00109, dated 19/11/2015
 - Phase 2 working and restoration ref DO95/00110, dated 19/11/2015
 - Phase 3 working and restoration ref DO95/00111, dated 19/11/2015
 - Phase 4 working and restoration ref DO95/00112, dated 19/11/2015
 - Phase 5 working and restoration ref DO95/00113, dated 19/11/2015
 - Phase 6 working and restoration ref DO95/00114, dated 19/11/2015
 - Phase 7 working and restoration ref DO95/00115, dated 19/11/2015
 - Concept Restoration ref DO95/00116, dated 19/11/2015
 - Cross sections, ref DO95/00117 dated 25/11/2015
 - c) Supplementary Ecological Information, dated February 2017

- d) Dolyhir/Strinds Quarry Water Management Plan, dated February 2017
 - e) Dolyhir Quarry, Dolyhir Powys, Archaeological Evaluation, dated November 2016
 - f) Dolyhir Quarry Northern Extension, Heritage Addendum, April 2017
4. A copy of this permission and the approved plans showing the method and direction of working and restoration shall be available in the operators site office at all times during the operational life of the site. Any subsequent amendments shall also be available at the site office.
 5. The developer shall submit a revised working programme and phasing plans (including areas for progressive restoration envisaged within the next 5 years) for the approval of the Local Planning Authority every 5 years from the date of determination until completion of operations at the site, and a revised concept restoration plan every 10 years from the date of determination until completion of operations at the site.

HOURS OF WORKING

6. Except in the case of emergency, or other occasions as may be agreed in writing with the Mineral Planning Authority, the operations and uses hereby permitted shall not take place outside the following hours:
 - a) Extraction of Stone and associated operations (excluding blasting)
 - 06.00 - 19.00 Monday to Friday
 - 06.00 - 13.30 Saturday
 - b) Processing and stockpiling of stone and associated activities (including the concrete plant, T beam and block manufacturing operations)
 - 06.00 - 22.00 Monday to Friday
 - 06.00 - 13.30 Saturday
 - c) Movement of HGV's and other on-site vehicles associated with b) above
 - 05.30 - 22.30 Monday to Friday
 - 05.30 - 14.00 Saturday
 - d) Operation of the asphalt plants and associated activities, including the movement of HGV's and on-site vehicles
 - No restriction to hours of operation
 - e) The Local Planning Authority shall be notified at least 36 prior to any intention to operate the asphalt plants between the hours of 13.30 Saturday to 06.00 Monday.
 - f) Operations involving the construction of screen/baffle mounds and the stripping of soil shall not be carried out other than within the hours of
 - 08:00 and 18.00 Mondays to Fridays and

08.00 and 14.00 on Saturday

NEW AGRICULTURAL ACCESS

7. Prior to the use of the new agricultural access, any entrance gates to the new agricultural access off the C1341 shall be set back at least **5.5 metres** distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.
8. The 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 **90.0 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.
9. The area of the new agricultural access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of **5.5 metres** from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.
10. **Within one month of the commencement of the new agricultural access works, the** area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of **5.5 metres** from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.
11. 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.

DUST

12. In order to minimise the generation of dust, the following steps shall be taken:
 - a. A sufficient number of mobile spraying units shall be maintained in efficient working order and used so as to ensure that haulage roads, stocking areas and other areas subject to vehicular traffic are kept damp at all times during dry weather.
 - b. The mobile spraying units shall have an adequate supply of water available at all times.

- c. No vehicle shall be employed on site with an engine exhaust pointing in a downward direction.
 - d. A speed limit of 10 mph shall apply to all traffic using internal haul roads
 - e. Effective dust collection systems shall be fitted to all drilling machines before any such drilling machines are put into operation.
 - f. Drilling rigs used on the site shall be fitted, and operated, with dust containment bags.
 - g. All vehicles leaving the site, with exception of those transporting material in excess of 75 mm in diameter, shall be securely sheeted.
 - h. The existing wheel-wash facility shall be maintained and operated throughout the duration of the site operations. No dust, mud, stone or other deleterious material shall be deposited upon the highway.
 - i. All HGV's leaving the site shall pass through the wheel wash detailed at part h (above)
13. The transporting and tipping of overburden, handling of soils and the building of screen/baffle mounds shall cease in the area concerned when the soil moisture, wind direction and strength is such as to carry particulate material generated on the site to any residential property

BLASTING

14. Blasting shall be undertaken in such a manner to ensure that ground vibration, measured as a maximum of three mutually perpendicular directions taken at the ground surface, does not exceed a peak particle velocity (ppv) of 6 mm per second in 95% of all blasts measured over any continuous 6 month period and no single blast shall exceed a ppv of 10 mm per second. The measurement is to be taken at or near the foundations of any noise sensitive building not owned by the quarry owner or operator.
15. Blasting shall be carried out only between
- a) 08.30 and 16.00 hours Monday to Friday and
 - b) 10.00 and 12.00 hours on Saturdays.
 - c) No Blasting shall take place on Sundays or Bank or public holidays
16. Monitoring of blasting shall be undertaken in accordance with a scheme to be submitted for the written approval of the Local Planning Authority within 6 months of the date of determination of this permission. The approved scheme shall thereafter be implemented in accordance with the approval.

17. All individual blasts shall be designed, managed and implemented to minimise the extent of air overpressure resulting from blasts. If air overpressure exceeds 120dB at any nearby residential property the Local Planning Authority shall be informed within 7 days and the design, management and implementation of the blasts must be reviewed and revised in accordance with the findings of such review prior to any further blasting being undertaken at the site.

NOISE

18. Noise levels arising from the development, based upon dB LAeq (1 hour) (freefield) readings, shall not exceed 52dB at any of the monitoring points identified below between the hours of 05.30 to 22.00, and shall not exceed 42dB at any of the monitoring points at all other times.

Noise monitoring points:

- a. Stone's Farm
 - b. Yatt Farm
 - c. Croft Castle
 - d. Crabtree Cottage
 - e. Weythel Farm
 - f. Strinds Farm
 - g. Rhydolffordd
 - h. Dolyhir Cottages
 - i. The Row
 - j. Siluria Cottages
 - k. Harpton Court
19. The noise level attributable to operations on the periphery of the site or at high levels, or in unscreened location, such as the stripping of soils; and the formation, removal or alteration of spoil tips, baffle mounds, screening and storage embankments at the site, measured at any of the noise monitoring points specified in condition 18 above, shall not exceed 67 dB LAeq (1 hour) (freefield). These noise limits shall apply for a maximum of 8 weeks in any calendar year and only between the hours of 08.00 and 18.00 Monday to Friday.
 20. Within 6 months of the date of determination a scheme for monitoring noise levels arising from the working of the site shall be submitted for the written approval of the Local Planning Authority. The scheme shall provide for:
 - i) Noise monitoring locations and frequency of monitoring
 - ii) Details of equipment proposed to be used for monitoring
 - iii) Recording the details of plant and machinery working at the time of monitoring
 - iv) Logging of all weather conditions and wind direction
 - v) Presentation of results
 - vi) The procedures to be adopted in the event of noise levels being exceeded.

Such scheme shall be implemented as approved and complied with at all times

21. Silencers and means of silencing or covers shall be fitted to, used and maintained on all vehicles, plant, and machinery used on site, including power hammers and percussive equipment. Save for the purpose of maintenance, no machinery shall be operated with the covers open or removed.
22. All vehicle reversing alarms shall be of an ultra-sonic type, unless a suitable alternative type is agreed in writing by the Local Planning Authority.

WATER PROTECTION AND POLLUTION PREVENTION

23. Prior to stripping of soils in the extension area the predicted run-off figures contained in the Surface Water & Drainage Assessment prepared by ESI Ltd, dated April 2016, shall be revised (using a 25% allowance for climate change) and submitted for the written approval of the Local Planning Authority.
24. No soil stripping within the extension area shall be undertaken until a detailed scheme for the control of surface water drainage of the site has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall include any revisions necessary following the revision of predicted run-off figures required in condition 23 above, a timetable for its implementation and, a management and maintenance plan for the lifetime of the development which shall include the arrangements to secure the operation of the drainage schemes throughout its lifetime.
25. No contours shall be altered within 5m of any watercourse or 3m either side of any culverted watercourse.
26. Any facilities for the storage of oils, fuels or chemicals on the application site 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, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall 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 overflow pipe outlets shall be detailed to discharge downwards into the bund.

FLOOD LIGHTING

27. All lighting equipment shall be so designed and directed as to illuminate only that which is necessary for the safe and efficient operation of the quarry and associated works. No lights shall be so positioned or directed as to cause

disturbance, in the form of direct glare, to or at occupied residential property or cause danger to highway safety. Any lights that are found to be causing disturbance shall be adjusted to avoid any further disturbance.

ARCHAEOLOGY

28. No development shall take place within the extension area until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted by the applicant and approved in writing by the Local Planning Authority.
29. The archaeological programme of work referred to in condition 28 shall be undertaken and completed in accordance with the relevant Standards and Guidance laid down by the Chartered Institute for Archaeologists. A copy of the resulting report should be submitted to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust (41 Broad Street, Welshpool, Powys, SY21 7RR Email: markwalters@cpat.org.uk Tel: 01938 553670). After approval by the Local Planning Authority, a copy of the report and resulting archive should also be sent to the Historic Environment Record Officer, Clwyd-Powys Archaeological Trust for inclusion in the regional Historic Environment Record.
30. No development affecting Stones Farm and its related outbuildings shall take place until a programme of building recording and analysis, equivalent to an English Heritage Level 3 building survey, has been secured and implemented, in accordance with a written scheme of investigation which has been submitted and approved in writing by the Local Planning Authority. The programme of building analysis and recording must meet the standards laid down by the Chartered Institute for Archaeologists in their Standard and Guidance for the archaeological investigation and recording of standing buildings or structures. A copy of the resulting report should be submitted to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust (41 Broad Street, Welshpool, Powys, SY21 7RR Email: markwalters@cpat.org.uk Tel: 01938 553670). After approval by the Local Planning Authority, a copy of the report and resulting archive should also be sent to the Historic Environment Record Officer, Clwyd-Powys Archaeological Trust for inclusion in the regional Historic Environment Record.
31. The stones identified in section of 4 of the report '*Dolyhir Quarry Northern Extension – Heritage Addendum: April 2017*' shall be moved from their current location and placed at a location where they will not be damaged by quarrying operations, prior to any operations being undertaken within 20m of their current location.

ECOLOGY

32. The quarry development shall be implemented in accordance with the Framework Newt Management Strategy dated 8th June 2017 and the detailed mitigation measures as set out in the Supplementary Ecological Information Report prepared by SLR Consulting Limited, February 2017.

33. Prior to the commencement of development in the extension area a Biosecurity Risk Assessment shall be submitted for the approval of the Local Planning Authority. The scheme shall be implemented as approved.
34. Prior to the commencement of development in the extension area, an ecological compliance audit scheme shall be submitted for the approval of the Local Planning Authority. The scheme shall be implemented as approved.
35. Prior to the commencement of development in the extension area, an Ecological Management Plan (EMP) shall be submitted for written approval of the Local Planning Authority. This should comprise a precautionary approach setting out the following:
 - a. Detailed reasonable avoidance measures to avoid and minimise any impacts to protected species as included in Chapter 7 of ES Vol 1; the plan should include a schedule of future ecological surveys and mitigation measures developed to coincide with future phases of quarry development;
 - b. An ecological monitoring schedule to determine the success of mitigation measures which are implemented;
 - c. Detailed measures to protect retained trees and hedgerows on the periphery of the proposal, in accordance with BS 5837: Trees in relation to design, demolition and construction – Recommendations;
 - d. The plan should include mechanisms to measure success over time and should be reviewed and updated at regular intervals to be agreed with the LPA.

The scheme shall be implemented as approved

36. Within 6 months of the date of determination, a Geological Management Plan shall be submitted for the approval of the MPA. The scheme shall set out proposals to facilitate ongoing research of the stratigraphical and mineralogical interest at the site, and for the retention of important exposures as part of the final restoration scheme.

The scheme shall be implemented as approved

LANDSCAPING

37. The existing trees, bushes and hedgerows on land within the applicants control (other than those shown as being removed in the approved plans and documents) shall be retained and shall not be felled, lopped, topped or removed) without the prior written approval of the Local Planning Authority. Any such vegetation removed without prior written approval, dying, being seriously damaged or diseased shall be replaced with trees or bushes of such size and species of a similar species and size in the planting season immediately following any such occurrences.
38. Trees, shrubs and/or hedges planted in accordance with the submitted proposals, a revised scheme, a restoration plan or aftercare plan shall be maintained and any plants which die, are removed or become seriously

damaged or diseased shall be replaced in the next planting season with plants of a similar species and size.

SITE MAINTENANCE

39. Throughout the period of working, restoration and aftercare the developer shall:
 - a) Protect and support any ditch, watercourse or culvert passing through the permission area, or satisfactorily divert it, and shall not impair the flow or render less effective drainage onto and from adjoining land.
 - b) Provide for the collection, treatment and disposal of all water entering or arising on the site, including any increased flow from the land, to ensure that there is no pollution of watercourses by the approved operations.
40. From the date of determination until the completion of aftercare, the operator shall maintain and make stock proof the perimeter of the operational site. Where the operational site boundary does not coincide with an existing hedge, fence or wall the operator shall provide and maintain stock proof fencing
41. The developer shall ensure that any flow of water used for agricultural purposes that is adversely affected by the development is reinstated within 3 months, including the provision of alternative supplies where necessary
42. All injurious weeds, as defined by the Weeds Act 1959, growing within the development area shall be eradicated or adequately controlled by approved method.
43. All vegetation growing on soil storage bunds and peripheral areas within the site shall be cut at least once during the growing season

SOIL STRIPPING HANDLING AND STORAGE

44. All topsoil and subsoil shall be conserved in accordance with the developer's proposals as described in the Environmental Statement Volume 1, Chapter 8 ref SLR April 2016, to include all soil stripped from the development area, including the quarry extension area, screening landform and soil storage areas. Any amendments to this method of working shall be the subject of revised proposals to be submitted and approved by the Local Planning Authority prior to implementation of the amendments.
45. Soil shall only be moved when in dry and friable condition and when ground conditions are dry and firm, in accordance with current best practice, and the specific measures set out in Section 8.6 of the Environmental Statement (ref SLR April 2016). The developer shall give 48 hours notice to the Planning Authority of an intention to strip soil.
46. In each calendar year, soil stripping shall not commence on any phase until any standing crop of vegetation has been cut and removed.

47. Topsoil and subsoil storage bunds shall be placed in the locations illustrated on plan ref D095/00109, (any deviation from these locations shall be agreed in writing by the Local Planning Authority prior to the placement of any soils) and constructed by approved method and to approved size and shape to ensure secure storage without damage, loss or contamination, and thereafter maintained in tidy condition.
48. Long term soils storage mounds shall be seeded as soon as possible and profiled to minimise dust entrainment and erosion of the soils.
49. No topsoil or subsoil material shall be removed from site.
50. At the end of each soil moving season a full audit of soil material shall be completed and the details of soil storage bunds and the volume of soil they contain shall be submitted to the Local Planning Authority.

RESTORATION

51. Soiling, seeding and planting of progressive restoration areas in accordance with the phased restoration strategy outlined in Chapter 5 of the Planning Statement (SLR April 2016) shall be undertaken within 12 months following completion of the previous phase of quarrying, to allow early establishment of enhanced wildlife habitat/landscape buffer and minimise the extent of topsoil storage areas.
52. At least 6 months prior to the intended completion of any part of the restored landform, or a phase of restoration, the developer shall submit for the approval of the Local Planning Authority a detailed Restoration Plan showing the final landform, soil profile characteristics and all necessary agricultural facilities and woodland/wetland areas, including written specifications. The Restoration Plan shall identify the intended phasing of the restoration, as appropriate
53. Prior to the placement of soil or soil forming material, the developer shall submit for the approval of the Planning Authority a plan showing the final contours to be achieved in the restored landform.
54. Upon permanent cessation of extraction and processing of residual excavated material, all plant, machinery, buildings, fixed equipment, and areas of hard standing including site compounds shall be removed unless otherwise agreed.
55. Following the phased formation of the restored screening landform to approved contours as illustrated on plan ref numbers D095/00109 – D095/00113, the resultant base material shall be comprehensively ripped to a minimum depth of 400mm to break up surface compaction before any soil material is spread. Special attention shall be given to areas of excessive compaction such as haul/ access roads where deeper ripping may be necessary. All large stones and boulders, wire rope and other foreign material arising shall be removed.

56. Soil material shall be placed in accordance with the scheme set out in Chapter 8.0 of the Environmental Statement (ref SLR April 2016). Any alteration to this working method shall only be carried out with prior approval from the Planning Authority.
57. The soil material (topsoil and subsoil) set aside for use in the agricultural restoration shall be spread uniformly and in correct sequence over the ripped base material, and shall, where necessary, be rooted and scarified to full depth without causing mixing between different soil layers.
58. All stones greater than 100mm in any direction brought to the surface by soil loosening or cultivation operations shall be removed.
59. The soil profile in all areas restored to agricultural after use shall be minimum 1.12 metre depth and shall consist of 44cms topsoil and 68cms subsoil, covering an area approximately 20.7 hectares in extent. Any intention to alter this soil depth will require prior approval from the Planning Authority.
60. In the event of a cessation of winning and working of minerals prior to the achievement of the completion of the approved scheme as defined in this permission, and which in the opinion of the Local Planning Authority constitutes a permanent cessation, a revised scheme, to include details of reclamation and aftercare, shall be submitted for the written approval of the Local Planning Authority within 12 months of such permanent cessation.

AFTERCARE

61. Aftercare management will commence following the completion of restoration works on any part of the site. The applicant shall develop a strategy to monitor the success of all restoration works which shall be submitted for the written approval of the Local Planning Authority within 5 years of the date of determination. The scheme shall be implemented as approved and the operator will regularly inform the LPA regarding performance against the objectives set within the restoration strategy outlined in Chapter 5 of the Planning Statement (ref SLR April 2016), as a minimum at annual intervals.
62. The Developer shall be responsible for submitting an Aftercare Scheme that shall identify the steps that are necessary to bring the land to a condition that satisfies the standard of agricultural, amenity or nature conservation use as specified in the planning consent.
63. A detailed First year Aftercare Scheme shall be submitted for the approval of the Planning Authority not later than 3 months prior to the date when the Restoration works on any part of the site are due to be completed and shall include where appropriate the following details :
 - a) Tree planting and landscaping
 - b) Cultivations, seeding and management of the land, in accordance with the rules of good husbandry.
 - c) Fertiliser and lime application based on soil chemical analysis, the results of which are to be submitted to the Planning Authority.
 - d) Provision of water supplies and land drainage facilities, including watercourses, field ditch systems and piped field underdrainage where

appropriate. Where the installation of a piped underdrainage scheme is considered by the Planning Authority to be essential to the satisfactory restoration of the site, the Developer shall submit a scheme for approval by the Planning Authority, and the scheme shall be installed during the first year of the Aftercare period unless otherwise agreed.

64. There shall be a formal annual review of the agricultural management of the site during the five year aftercare period. The timing of these formal reviews shall be during the winter period and prior to the commencement of management in the spring. The parties to this review shall include where appropriate the Developer, the landowner(s), the occupier(s), the Local Planning Authority and a representative of the Welsh Government Land, Nature and Forestry Division. At least 4 weeks prior to the holding of this review, the developer shall submit to the Local Planning Authority a record of the operations carried out during the period covered by the review and a written programme of management to cover the year ahead.
65. The Developer shall ensure that the agricultural land is under competent agricultural management at all times during the aftercare period.

COMMUNITY LIAISON

66. The developer shall continue to invite representatives of the Local Planning Authority, the relevant Community Council in which the site is located, and local residents to attend Site Liaison Committee Meetings at the site or such other location as may be advised. The functions of the Committee shall include discussion of site operations, restoration and traffic movements. The developer shall convene meetings at intervals of 6 months, or such other period as may be agreed by the Local Planning Authority, shall keep a record of the proceedings and shall distribute copies of that record to each organisation and individual invited to attend.

REASONS

1. To comply with Section 91 of the Town and Country Planning Act 1990
2. The development is of a type not considered suitable for permanent retention
3. To comply with Section 71ZA of the Town and Country Planning Act 1990
4. To ensure that the developer and site contractors are aware of the working programme and conditions attached to carrying out the development
5. To enable revision of the working programme to reflect demand and to identify areas for progressive restoration at an early stage of the development
6. To minimise the impact of the development on the amenity of local residents and land-users
- 7 - 11 – In the interests of highway safety
- 12 - 13 – To protect the amenities of the locality from the effects of any dust arising from the development
- 14 – 22 – To protect the amenities of local residents
- 23 – To minimise the risk of flooding in the catchment
- 24 – To minimise the risk of pollution of the water environment
- 25 – To minimise the risk of flooding in the catchment
- 26 – To minimise the risk of pollution of the water environment

- 27 – To minimise the nuisance and disturbance to neighbours and in the interests of highway safety
- 28 – 31 – To enable the sites archaeological interest to be adequately investigated and recorded
- 32 – 35 – To maintain and enhance biodiversity in accordance with the requirements of the Environment (Wales) Act 2016
- 36. In the interests of geodiversity
- 37 – 38 - In the interests of the amenity of the area, wildlife conservation and to ensure screening vegetation is retained.
- 39 – To prevent pollution of drainage features and the risk of flooding
- 40 – 41 – To protect the welfare of livestock kept on adjoining agricultural land
- 42 – To prevent the build-up of harmful weeds in soils to be used for agricultural purposes
- 43 – 50 - To ensure the restoration of the site is not put at risk by poor soil handling techniques
- 51 – 60 - To ensure the proper restoration of the site.
- 61-65 - To ensure the proper aftercare of the site and to ensure the land is suitable for a beneficial after-use.
- 66 – To provide a forum for discussion between the quarry operator, the Local Planning Authority and the local community which will provide an opportunity to identify and remedy any impacts of quarrying on the surrounding community.

NOTES/ADVISORIES

Any proposed diversion or culverting of any ordinary watercourse will require prior consent from the Lead Local Flood Authority (Powys County Council) under the terms of Section 23 of the Land Drainage Act 1991 (as amended by the Flood and Water Management Act 2010). Relevant application forms and guidance should be sought from the County Council's Land Drainage team.

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6.3

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2017/0236	Grid Ref:	317849.46 238561.78
Community Council:	Gwernyfed	Valid Date:	Officer: 06/03/2017 Gemma Bufton
Applicant:	Mr. & Mrs Geoff Hayward & Valerie Johnson		
Location:	Land at Former Glasbury School & Tramroad Cottages, Glasbury, Powys, HR3 5NU		
Proposal:	Outline: Erection of 12 dwellings and associated works (with some matters reserved) and demolition of former Glasbury School		
Application Type:	Application for Outline Planning Permission		

The reason for Committee determination

This application is a departure from the Unitary Development Plan and is therefore required to be determined before the Planning, Taxi Licensing and Rights of Way Committee.

Site Location and Description

The application site is located outside the settlement development limits for Glasbury and within the community council area for Gwernyfed. The application site is located with neighbouring residential properties located to the south and agricultural land located to the north. To the east runs the C0072 whilst to the west runs the A438.

Consent is sought in outline with some matters reserved for the erection of 12 dwellings.

Consultee Response

Gwernyfed Community Council-

7th April 2017

This application has been discussed by Gwernyfed Community, both at its meeting this week, and also at the pre-applications stage, when members of the public were invited to share their views on the application. The Community Council object to the application on the following grounds:

Local Planning Authority Position-

The proposed development site is not covered by the UDP or LDP. Powys County Council rejected this as a development site because it "...is severely constrained in terms of a number of issues including highways access, the historic environment, topography and the

setting of listed buildings. Development of the land would extend the built form of the settlement without good reasons and more suitable land has been identified...”

Access Arrangements- There are four access points to the proposed development. The access to the site of the former school is very steep and it is unlikely that an accessible route could be provided due to the gradient of the site. The access to the proposed houses on Tramroad Cottage is very constrained. It is unlikely that emergency vehicles would be able to access this lane, and there certainly isn't sufficient width for two way traffic. The proposed on the field of Tramroad cottage is very steep, against making accessible pedestrian routes unlikely. There is also very poor visibility when turning from this part of the site in the direction of Hay on Wye. It is highly unlikely that the required visibility splay can be achieved. This will result in an increase in use of the private land that runs directly down from the lane to the Tramroad cottage site and is very unsuitable for any increase in traffic. As indicated at pre-application stage, the access arrangements are of grave concern to the Community Council, and haven't been amended in the application process to take into account these concerns.

Local Services- There is no local capacity to add to the sewerage system, as has been recently demonstrated by new builds in the area.

Housing Allocation- The Community Council understands the need for housing, however, there has recently been approval for 39 dwellings in three Cocks (P/2016/0786) and it is felt that this meets the need for housing in the community.

Biodiversity- The Community Council was surprised to see the developers comments that there were no bats in the former school as there has been a well established bat colony there for many years. The Community Council also feels that this development would impact negatively on the wildlife species that are present on the proposed development site. In particular, there are several species that are listed in Section 7 of the Environment (Wales) Act 2016 as living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales that would be detrimentally affected by this development.

Community Resource- In selling the site, this has resulted in the loss of a community facility that had benefited from lottery and County Council Funding.

Impact on the Surrounding Landscape- This ribbon development along the hillside will be very visible. It will totally transform the view and affect the setting of the listed buildings.

For the above reasons, Gwernyfed Community Council objects to this application.

11th August 2017-

Following the submission of additional plans for the above application, I can confirm this was discussed by the Community Council at their recent meeting.

The meeting viewed the additional plans that had been submitted by the developer, particularly those relating to the access points, and their comments are as follows:

1 Upper part of proposed development site including the former Glasbury School building. The Community Council have already expressed the community's opposition to this part

of the developers' proposals, which would impose a strip of sub-urbanisation upon what is at present a country lane.

The adjustment to the proposed access is surprising as it appears to involve an extremely steep driveway, and is an example of how the difficulties presented by the topography of this site are being underestimated.

As for the traffic volumes on the road, it was noted that some effort has been put into a comparison of the traffic generated by the existence of the school with the likely traffic to be generated by the proposed development. This work is substantially misconceived. It assumes that the level of traffic caused by the school was in some definitive sense acceptable. It has been suggested that there is some kind of orthodoxy that once a road has borne a particular level of traffic, that legitimizes that level of traffic indefinitely. That approach must be challenged. The traffic caused by the school was accepted because there was no alternative. The school was already established and the "good" of the school plainly outweighed the "bad" of the traffic. That judgment can no longer be made. The comparison to be made now is between the present level of traffic on this country road and the projected level if the development proceeds.

2 Lower part of the proposed development site.

Again, the Community Council have already expressed the community's objection to this element of the development. The Community Council is not satisfied that the adjustments to the entrance to the site alleviate the concerns over highway safety. It was felt that the alterations did not provide for safe access and egress of the site, particularly for larger vehicles.

3 The gap between the Unitary Development Plan and the Local Development Plan. Both UDP and the projected LDP have, as far as is relevant to the present case, development boundaries which are the same. The boundaries would, if respected, stand in the way of the proposed development. It is argued that because the LDP is still subject to the inspector's enquiry both it and its predecessor should give way to the demand for more housing land. This is a mistaken approach. It tacitly assumes that the demand for housing land has not been factored in to the placing of the development boundaries. The need for housing land should not during this transition period be held paramount and make redundant the question of where that housing land should be. For these reasons, in addition to the reasons outlined in their letter of 7m April, Gwernyfed Community Council objects to this application.

PCC – Highways-

The County Council as Highway Authority for the County Class I, A438, Unclassified highway, U0765 and Class III Highway, C0072

Wish the following recommendations/Observations be applied

Recommendations/Observations

This application should be refused.

Reasons for Refusal

This application, from a highway perspective, effectively constitutes development on three different parcels of land, each with a separate means of vehicular access.

The site to the south east, which currently accommodates the old primary school, is accessed from the C0072 county highway which is effectively single track over its length from the A438. There are limited opportunities for vehicles to pass along the route and there are no suitable pedestrian facilities available that link the site to either Three Cocks or Glasbury. Vehicular links to the wider highway network in a southerly direction are also severely substandard. Accordingly, development of this nature at such a location would not normally be supported by the Highway Authority. In this particular instance however, this part of the site does have benefit of an extant use. There is therefore a "fall-back position" and as such it would be reasonable to consider development that would not result in an increase in the level of traffic from that generated under the extant use.

Glasbury School was a small village school with low pupil and teacher numbers; the extant traffic generation associated with such should therefore be demonstrated using the appropriate data, which should take into account the historic travel patterns and modes of transport employed. The criteria used within the Transport Statement (TS), identifies comparable sites based on schools up to ten times the size and include sites in locations with populations and transport infrastructure far in excess of those within Glasbury and the surrounding area. Unfortunately it is therefore considered that the extant trip generation figures submitted by the applicant are not reflective of its previous use. Similarly the projected vehicular movements associated with the proposed new dwellings, includes sites in locations with populations far in excess of those within Glasbury and the surrounding area. The projected figures are considered below those expected for such a rural setting and are not therefore considered reflective of this location. In the absence of any comparable and reliable data, it is therefore considered that the provision of 10 houses on this site could in fact result in a significant increase in traffic generation at this location. Furthermore the alignment of the private access serving plots 1- 5, is ill defined, with an insufficient initial straight approach length in which to align vehicles appropriately with the adjacent county highway. This will restrict available visibility for those vehicles attempting to leave the site and will also result in confusing vehicular manoeuvres for those vehicles attempting to manoeuvre both in and out of the site: this access was not used extensively during the operation of the school and is not therefore considered acceptable to serve the number of dwellings proposed in this instance.

The two sites to the west are both accessed from the A438 county highway via a relatively short length of the U0765 county highway. The A438 is a busy stretch of road with recorded 85th percentile traffic speeds of 48.9 mph and 51 .6mph respectively. Whilst the applicant has submitted detail that suggests that appropriate junction visibility splays of 16 metres can be provided, requisite visibility to the north will necessitate the removal and subsequent re-profiling of significant areas of roadside hedgerows and embankments. As access is being determined at this stage, I feel it prudent to request supporting cross-sectional drawings demonstrating the scope of the works required to ensure that it can be realistically provided.

Of greater concern is the severely substandard nature of the existing A438/U0765 junction. The alignment, geometry and width of the existing junction severely restricts and for a considerable element of traffic, prohibits simultaneous access and egress. As a

consequence, vehicles wishing to negotiate the junction to travel along the U0765 have to wait on the A438 in order to allow opposing vehicles to first clear the junction. Clearly the provision of eight additional dwellings, each served from this substandard junction would pose a significant additional detrimental risk to highway safety. It is therefore considered essential that any proposal that seeks to a significantly increase vehicular movements through this junction be accompanied by proposals that seek to upgrade the junction, including suitable pedestrian provision, in accordance with DMRB TD 41/95.

As the applicant has acknowledged, the U0765 county highway serving this element of the site, is extremely narrow, rendering it suitable for use by cars only. Contrary to point 2.3.8 of the T.S. however, there are no formal passing bays along the route and no designated turning head; the informal passing bays referred to appear to be private land which cannot be relied upon. It is not clear therefore, how opposing vehicles meeting along this stretch of road would be able to pass safely without either reversing significant distances or without attempting to use the severely substandard private lane and access onto the A438 adjacent to Church House. Such manoeuvres would be extremely hazardous to highway safety.

The access visibility from the U0765 to plots 11 - 13 is detailed on Drawing 1563 SKO6/C as being 2.4 x 25 metres, however in reality the visibility currently available is negligible, due to obstructions caused by the boundary features of the adjoining third party property Melbourne. As this land is outside of the application unit and appropriate notice does not to have been served, the requisite visibility and surfacing/construction improvements required to provide an acceptable means of access cannot be duly conditioned and therefore the likelihood of such provision cannot reasonably be expected. The access is further restricted by the private access to Melbourne. which is in very close proximity to the U0765 and which again provides negligible visibility. Whilst it is felt that the appropriate access visibility from the U0765 to plots 14 — 18 could be provided, it will necessitate the relocation of the existing boundary features within the 2.4 X 25 metre splay. As the land in this area rises significantly, suitable long sectional drawings will need to be submitted to demonstrate that a suitable access gradient can be secured from the adjoining U0765 to facilitate the safe access and egress of vehicles serving these plots.

In light of the above, I strongly recommend that the application, in its current format, be refused in the interests of highway safety.

24/07/2017-

I write following a review of the additional information and drawings provided by the applicant which have been submitted to address previous comments/observations made by the Highway Authority.

School Site.

Whilst the difficulty of identifying sites with similar characteristics and travel patterns to those of the old school is acknowledged, the revised TRICS data submitted within the Technical Note from Asbri Transport dated 25/05/2017, is considered a more robust analysis. The resultant findings, suggesting that the building generated 68 vehicular movements daily, is considered reflective of a school which contained an average of 39 pupils and 5 teachers during the last five years of operation. Similarly the revised projected vehicular movements attributable to the proposed new dwellings are noted and considered robust.

Whilst Table 3 of the Technical Note does suggest that the redevelopment of the school site would result in a small increase in traffic along the C0072 county highway, the proposed traffic generation figures used in the table includes those for the entire development of 15 dwellings, rather than those associated with the actual redevelopment of the school site itself, which is for 10 dwellings. When these figures are duly adjusted it is noted that the proposed redevelopment of this area should not result in any increase in traffic along the C0072 county highway. Notwithstanding this, it is however recommended that two additional passing bays be provided along this route to aid the passage of 2 way vehicular movements.

The revised access detail shown on drawing SK320 addresses the previous concerns of the Highway Authority regarding the alignment of the proposed private access serving plots 1- 5. In light of the above the Highway Authority has no objection to the proposed redevelopment of the school site subject to the inclusion of the following highway conditions.

1. No development shall commenced on the development site covering plots 1-10 until 2 passing bays are constructed along the C0072 county highway in locations to be agreed in writing by the Local Planning Authority. The passing bays shall be constructed up to adoptable standard prior to any works being commenced on the development site covering plots 1-10.

2. No other development shall commence on plots 1-5 until the access to the proposed site has been constructed so that there is a clear visibility splay from a point 1.05 metres above ground level at the centre of the junction 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 60 metres distant in in each direction measured from the centre of the access along the edge of the adjoining U0765 county highway. 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.

3. No other development shall commence on plots 6-10 until the access to the proposed site has been constructed so that there is a clear visibility splay from a point 1.05 metres above ground level at the centre of the junction 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 60 metres distant in in each direction measured from the centre of the access along the edge of the adjoining U0765 county highway. 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.

4. Upon formation of the visibility splays as detailed in conditions 2 & 3 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.

5. Before any other development is commenced on plots 1-10 the respective area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of

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

6. Entrance gates shall be set back at least 5.5 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.

7. The gradient of the access shall be constructed so as not to exceed 1 in 15 for the first 5.5 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.

8. The width of the access carriageway, constructed as Condition 7 above, shall be not less than 5 metres for a minimum distance of 5.5 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.

9. Prior to the occupation of the dwellings the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 5.5 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.

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

Tram Road Site

The removal from the scheme of the proposed 3 dwellings in this area will remove the need to utilise the severely substandard section of the U0765 county highway which is welcomed by the Highway Authority.

A438/U0765 Junction Visibility.

The junction visibility improvement detailed on revised drawing SK310/1 demonstrates that suitable access visibility of 160m, which is reflective of the recorded speeds along the A438, can be provided in a northerly direction. It should be noted however that the provision of this splay, will result in significant soil, hedgerow and tree removal alongside the A438.

A438/U0765 Junction realignment/Improvement

The provision of the proposed junction realignment, pedestrian crossing facility and proposed carriageway widening along the initial section of the U0765, as detailed on drawing SK330/2, would significantly improve the current access arrangements at this location. As advised previously, the alignment, geometry and width of the existing junction, which currently provides access to 3 residential properties, a small garage and St Peters Church, severely restricts and for a considerable element of traffic, prohibits simultaneous access and egress. As a consequence, vehicles wishing to negotiate the junction to travel along the U0765 have to wait on the A438 in order to allow opposing vehicles to first clear the junction.

The proposed widening will alleviate this potentially dangerous scenario, which would not only mitigate the additional level of traffic this element of the development would generate, but would also significantly benefit the existing users of this stretch of highway and improve safety for all road users along the A438.

In light of the above the Highway Authority wishes to remove its previous recommendation of refusal subject to the inclusion of the following highway conditions.

1. No development shall commence on plots 11-15, until a Construction Management Plan has been submitted to, and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period. The plan shall include provision for: traffic management measures covering the works required to provide the northern visibility splay along the A438; traffic management measures covering the works required to provide the road widening and provision of footway along the U0765 county highway; the parking arrangements for site personnel and visitors to the site during the construction period.

2. No other development shall commence on plots 11-15 until detailed highway engineering drawings covering the A438 Junction realignment, footway provision and road widening along the U0765 county highway have been submitted to and approved in writing by the local planning authority. The proposals shall include detailed cross sections through the widened section of the highway adjacent to the boundary of the site and details on the method and types of construction to be used. Subsequent development shall thereafter be carried out in accordance with the approved details of construction and shall be duly constructed prior to any works being commenced on plots 11-14.

3. No other development shall commence on plots 11-15 until the A438 junction has been constructed so that there is a clear visibility splay from a point 1.05 metres above ground level at the centre of the junction 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 160 metres distant in a northerly direction measured from the centre of the access along the edge of the adjoining A438 county highway. 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.

4. Upon formation of the visibility splays as detailed in condition 3 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.

5. No other development shall commence on plots 11-15 until the access to the proposed site has been constructed so that there is a clear visibility splay from a point 1.05 metres above ground level at the centre of the junction and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 25 metres distant in in each direction measured from the centre of the access along the edge of the adjoining U0765 county highway. 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.

6. Upon formation of the visibility splays as detailed in condition 5 above the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.

7. Before any other development is commenced on plots 11-15 the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 5.5 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

8. Entrance gates shall be set back at least 5.5 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.

9. The gradient of the access shall be constructed so as not to exceed 1 in 15 for the first 5.5 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.

10. The width of the access carriageway, constructed as Condition 7 above, shall be not less than 5 metres for a minimum distance of 5.5 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.

11. Prior to the occupation of the dwellings the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 5.5 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.

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

PCC - Building Control-

Building regulation approval will be required.

Wales & West Utilities-

We enclose an extract from our mains records of the area covered by your proposals together with a comprehensive list of General Conditions for your guidance. This plan shows only those pipes owned by Wales and West Utilities in its role as a Licensed Gas Transporter (GT). Gas pipes owned by other GT's and also privately owned pipes may be present in this area. Information with regard to such pipes should be obtained from the owners. The information shown on this plan is given without obligation, or warranty and the accuracy thereof cannot be guaranteed. Services pipes, valves, syphons, stub connections, etc. are not shown but their presence should be anticipated. No liability of any kind whatsoever is accepted by Wales and West Utilities, its agents or servants for any error or omission.

Wales and West Utilities apparatus may be directly affected by these proposals and the information you have provided has been forward to Asset Management for their comments. If Wales and West are affected an Engineery will then contact you direct.

Welsh Water-

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

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

Sewerage

Conditions

No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

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

Advisory Notes

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

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

Sewage Treatment

No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site.

Water Supply

Dwr Cymru Welsh Water has no objection to the proposed development.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

If you have any queries please contact the undersigned on 0800 917 2652 or via email at developer.services@dwrcymru.com

PCC - Environmental Health-

The following conditions are recommended.

1. In view of the residential setting of the proposed development it is recommended that before any development commences a Construction Method Statement and Environmental Management Plan shall be submitted to and agreed in writing by the Local Planning Authority in respect of the control of noise and dust during the demolition, landscaping and construction phases.

2. In addition it is recommended that the demolition, landscaping and construction period working hours and delivery times be restricted as follows:

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 Sunday and Bank Holidays

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

3. No burning of any waste on site.

Informatives

During demolition and construction (including soil movement and landscaping activities) the contractor shall take all reasonable steps to prevent dust formation from dusty activities and any dust formed shall be prevented leaving the site by continuous watering down.

In order to comply with Condition 1 regard should be had to the guidance found in BS5228-Code of Practice for Noise and Vibration Control on Construction and Open Sites.

With respect to Condition 2 regard should be had to the provisions of section 60 of the Control of Pollution Act 1974 in relation to the control of noise from demolition and construction sites.

CPAT

Following on from our comments on the pre-application submission we can confirm the following advice:

The proposed demolition of the 19th century portion of Glasbury School and the 19th Century Tramroad Cottages will remove buildings of local architectural and historical importance and we would therefore recommend that suitable building recording is completed prior to demolition to obtain a permanent record of the structures. In this case we would advise that a Level 3 survey is completed and an appropriate condition is supplied below.

If the ground works impact the green lane in front of the cottages, which coincides with the location of the former tramroad, then this area should be the subject of watching brief in case remains of the tramroad are revealed. Again a suitable condition is provided below.

The conditions in this case would be:

1. Building Recording of Tramroad Cottages and 19th Century portions of Glasbury School

Suggested planning condition to facilitate a programme of historic building recording, the equivalent of an English Heritage Level 3 building survey, in order to allow an adequate analytical record of the buildings to be made prior to alteration.

Development shall not begin until an appropriate photographic survey, equivalent to an English Heritage Level 1 study, of the existing buildings has been carried out in accordance with details to be submitted to, and approved by, the Local Planning Authority. The resulting digital photographs should be forwarded on a CD to the Local Planning Authority and the Development Control Archaeologist (Clwyd- Powys Archaeological Trust, 41 Broad Street, Welshpool, Powys, SY21 7RR. Email: markwalters@cpat.otg.uk Tel: 01938 553670). After approval by the Local Planning Authority, a copy of the photographs should also be sent to the Historic Environment Record Officer, Clwyd-Powys Archaeological Trust for inclusion in the regional Historic Environment Record.

Reason: To secure a full photographic record of the original building prior to alteration/conversion.

2. Watching brief on former Tramroad

Suggested planning condition to facilitate an archaeological watching brief

The developer shall ensure that a suitably qualified archaeological contractor is present during the undertaking of any ground works in the development area so that an archaeological watching brief can be conducted. The archaeological watching brief must meet the standards laid down by the Chartered Institute for Archaeologists Standard and Guidance for archaeological watching briefs. The Local Planning Authority will be informed in

writing at least two weeks prior to the commencement of development, of the name of the said archaeological contractor. A copy of the resulting report should be submitted to the Local Planning Authority and the Development Control Archaeologists Trust (41 Broad Street, Welshpool, Powys, SY21 7RR Email: markwalters@cpat.org.uk Tel 01938 553670). After approval by the Local Planning Authority, a copy of the report and resulting archive should also be sent to the Historic Environment Record Officer Clywd- Powys Archaeological Trust for inclusion in the regional Historic Environment Record.

Reason- To secure preservation by record of any archaeological remains which may be revealed during ground excavations for the consented development.

Please contact me if you wish to discuss this advice or require more information.

PCC- Outdoor Recreation

With regards to the proposed housing development at Glasbury School and Tramroad Cottages, our preferred situations would be for any developer to develop, manage and maintain their own play facilities, either organised by themselves or through a residents organisation or potentially by working with the local town or community council.

Powys County Councils Outdoor Recreation Service will only ask for a Section 106 contribution, if the proposed developer should/will not provide suitable play provision for their residents, under the LAP, NEAP and LEAP planning arrangements included in the six acre standard as set out by the Fields in Trust.

To reiterate, if the developer decided not to provide adequate play space on their land, and if Powys County Council does have a play facility with fixed play equipment within a short distance, then the Outdoor Recreation Service would seek a monetary package to upgrade the Services nearest existing playing field or playground.

As part of the 106 planning gain, Outdoor Recreation Service's would ask for the following terms to be taken into consideration, as regards to payments being sought-

All social housing, size or number of bedrooms is not a factor= £800.00 per property.
All private housing up to and including three bedrooms = £1000.00 per property
All private housing over three bedrooms= £1200.00 per property.

NRW-

Thank you for consulting Natural Resources Wales (letter dated 13/03/2017) regarding the above.

NRW has already made some comments to the above proposal at pre application stage. A copy of our original response is attached.

We have significant concerns with the proposed development as submitted. We recommend that you should only grant planning permission if the scheme can meet the following requirements and you attach the conditions listed below. Otherwise, we would object to this planning application.

Summary of Requirements and Conditions

Requirement 1 SAC - Surface water drainage -:

The submission of a surface water drainage scheme prior to determination.

Requirement 2— SAC - PPP; The submission of a pollution prevention plan (PPP) for the construction phase, prior to determination.

Requirement 3— EPS - Dormouse: The submission of a dedicated dormouse compensation scheme, prior to determination.

Conditions 1: Land contamination - Universal condition for development on land affected by contamination.

Condition 2: Land contamination - Verification report

Condition 3: land contamination - Long-term monitoring

Condition 4: Land contamination - Unsuspected contamination

Condition 5: Land contamination – SUDS

Condition 6: Land contamination – Piling

Condition 7— EPS: No development works shall commence until your authority has been provided with a licence that has been issued to the applicant by Natural Resources Wales pursuant to Regulation 53 of the Conservation of Habitats and Species Regulations (2010) authorising the specified activity/development to go ahead.

Condition 8 — Ecology: The Submission at reserved matters of a Construction Environmental Management Plan.

Protected Sites & Surface Water Drainage

The site is located 30 metres from the River Wye/ Afon Gwy Special Area of Conservation (SAC), and Afon Llynfl Site of Special Scientific Interest (SSSI).

Our concerns regarding the SAC would relate to the possible need for new outfalls into the River Wye and the control of water during construction and operation (drainage/connections of surface).

We note Section 7.2 of the Drainage Strategy Report dated April 2016 by Quad Consult Engineers in Partnership, states that infiltration tests have been undertaken and concluded that the substrate is unsuitable for the method of surface water disposal and the proposal is to collect, attenuate and discharge surface water from the site to the existing drainage ditch, at a restricted rate equal to Obar or in this circumstance 51/s.

Given the likely requirement of new/improved outfalls into the SAC we recommend your Authority undertakes a screening assessment (test of likely significant effects) as prescribed

under Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended). For the purposes of the Regulations, you must not normally agree to any plan or project unless you are sure beyond reasonable scientific doubt that it will not adversely affect the integrity of a protected site.

We therefore advise that a scheme to dispose of surface water is material to this application as it will inform the above mentioned screening assessment.

Requirement 1 SAC - Surface water drainage -: — The submission of a surface water drainage scheme prior to determination.

Should any works on the banks of the Rivers Llynfi be proposed (e.g. new outfalls), these will require a Flood Risk Activity Permit and SSSI/SAC Assent may also be required from NRW.

Pollution Prevention

As the development site is near the River Wye SAC, we consider pollution prevention measures to be a material consideration for this proposal. We recommend you request a pollution prevention plan (PPP) to satisfy yourself the construction phase of the proposal will not have a detrimental impact on the nearby SAC.

Requirement 2 — SAC - PPP: The submission of a pollution prevention plan (PPP) for the construction phase, prior to determination.

No material should be deposited within 10m of any watercourse without discussion with Natural Resources Wales.

All works at the site must be carried out in accordance with PPG5 and PPG6: 'Works in, near or over watercourses' and Working at construction and demolition sites' which are available on the netregs website.

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 bunded compound should be 110% of the capacity of the tank, all filling points, gauges, vents and sight glasses must be located within the bund. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund. Refuelling should be supervised at all times — and preferably done on an impermeable surface.

The activity of importing waste onto the site for use as, for example hardcore, must be either registered with Natural Resources Wales as an exempt activity under the Environmental Permitting Regulations 2010 if the activity meets the exemption criteria or undertaken under an Environmental Permit. The developer should contact Natural Resources Wales to discuss the necessity for an exemption permit or environmental permit for any material imported to the site.

Should any contaminated water or materials enter or pollute the River Wye SAC or groundwater, Natural Resources Wales must be notified on Tel: 03000 653000.

European Protected Species (EPS)

We have reviewed (January 2017) Bat Survey report: The Old Church in Wales School and Associated Buildings Glasbury and (October 2016) Extended Phase One Ecological Survey: The Old church in Wales School and Grounds both by Dusk to Dawn Ecology Ltd (unpublished reports). We have also reviewed the Dormouse Nest Tube Survey report dated February 2017 by DA Ecology.

Bats, dormice and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2010 (as amended). My development that would contravene the protection afforded to bats under the Regulations would require a derogation licence from Natural Resources Wales. A licence may only be authorised if:

- i. There is no satisfactory alternative and
- ii. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range. In addition,
- iii. The development works to be authorised must be for the purposes of preserving public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.

Paragraph 6.3.7 of Technical Advice Note 5: Nature Conservation and Planning (TANS) states that the Local Planning Authority should not grant planning permission without having satisfied itself that the proposed development either would not impact adversely on any EPS on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied.

We consider that the missing information as detailed below is material to The determination of this proposal and would therefore advise it is submitted prior to determination.

- EPS Dormouse

The results of the Dormouse Nest Tube Survey (report dated February 2017 by DA Ecology) confirm that hedgerows and scrub at the application site support dormice.

In our view, the overall proposal has the potential to cause disturbance to dormice and/or loss or damage to their resting places.

The dormice survey report found evidence that the species utilises the site for breeding, foraging, dispersal and sheltering purposes. In our view, we consider that the construction and operational phases of the proposal have the potential to adversely affect dormice. Potential impacts include, but are not limited to:

(i) Damage or destruction to resting places during the construction phase of the proposal;

(ii) Deterioration of breeding site during the implementation phase of the proposal

(iii) Incidental injury or killing during and post construction phase of the proposal.

Therefore, contrary to the ecologists conclusion, we consider that a derogation license will be required.

We consider there to be insufficient information for us to advise that the proposal will not

affect the maintenance of the favourable conservation status of dormice in its natural range [at this locality]. The report focuses on avoidance measures to be adopted during the construction phase but does not give sufficient consideration to the impact the development will have on dormice in the longer term.

Whilst retention of most of the existing hedgerows/scrub and some additional new planting of native species will maintain dormouse habitat at this site, consideration must also be given to other aspects of the development that have the potential to impact on this species, such as long term habitat management connectivity to nearby suitable habitats outside the application boundary and the introduction of additional threats such as predation from domestic pets.

We would therefore advise additional information is required to demonstrate no detriment to the FCS of dormice in the long term:

Requirement 3— EPS –

Dormouse: The submission of a dedicated dormouse compensation/offsetting scheme. This to include: (a) A habitat management plan; (b) Implementation of long term habitat management; (c) long term surveillance; and (d) ecological compliance audit to evidence implementation of conservation measures including surveillance, management and any new or further actions undertaken to maintain or restore the conservation status of the dormouse population at this locality.

Compensation /Offsetting measures should consider on site and nearby habitat restoration and prevention of ecological degradation of existent dormouse habitat in the long term. We would suggest that these can be achieved via conditions and/or obligations such as a Section 106 Agreement or a unilateral undertaking.

Without the submission of a suitable compensation scheme we consider that there is not enough information to assess potential effects of the proposal on the dormouse population present at this site. Therefore, we would have significant concerns about the development as currently proposed, and recommend planning permission is not determined until it can be demonstrated that the proposed development will either not harm or disturb dormice or their breeding sites and resting places at this site, or all 3 conditions for the eventual grant of a licence under the Conservation of Habitats and Species Regulations 2010 (as amended) are likely to be satisfied.

• EPS Bats

We agree with the bat report's conclusion that the proposal is likely to harm or disturb the bats or their breeding sites and resting places at this site and would, therefore, need a licence from Natural Resources Wales. However, we would conclude that there be no detrimental effect on the Favourable Conservation Status of bats provided appropriate avoidance and mitigation measures are incorporated in the proposal and implemented. We therefore recommend that these measures are included in a Construction Environmental Management Plan (CEMP) to be submitted to your authority at reserved mailers.

NRW also recommends the following condition:

Condition 7— EPS: No development works shall commence until your authority has been provided with a licence that has been issued to the applicant by Natural Resources Wales pursuant to Regulation 53 of the Conservation of Habitats and Species Regulations (2010) authorising the specified activity/development to go ahead.

This advice applies to the proposal in its present form. Please consult us again if the plans are changed in ways that may affect the bats or their breeding sites and resting places at this site.

Please also note that any changes to plans between planning consent and the licence application may affect the outcome of a licence application.

Ecology

The CEMP must cover all ecological aspects relevant to the proposal. We would expect the following, to be part of the CEMP:

- Appropriate Reasonable Avoidance Measures (RAM) to avoid injuring EPS and other protected species.
- Details of all crevice dwelling bat roosts to be maintained I created in the gable ends of buildings to be retained as well as new houses and garages on site.
- Details of the barn conversion into a bat house. The roof will be replaced with slate and 1 F bitumen underfelt. The barn's front elevation metal cladding will be replaced with timber and insulated to form a more thermos-stable environment. The barn will have a ground and attic floor level to allow multiple roosting conditions.
- Methodology for hedgerow removal! relocation and new planting scheme.
- Biosecuhty Risk Assessment.
- A wildlife sensitive exterior lighting plan designed to retain dark corridors along boundary hedgerows and trees.
- Root Protection Zone plan to ensure there Will be no deffimenUdamage to the frees to be retained on site as a result of the development, the plan has to include erection of fences that will also function as safe wildlife corridors throughout the construction phase.
- Persons responsible for implementing the works;
- Any other relevant mater.

Condition 8 — Ecology: The Submission at reserved matters of a Construction Environmental Management Plan (CEMP).

Historic Land Use

We consider this site to be environmentally sensitive given that the planning boundary lies within 30m of the River Wye Special Area of Conservation (SAC) and the Afon Lynfl Site of Special Scientific Interest (SSSI). In addition to this, the Design and Access Statement refers to previous land use as a disused tram and railway corridor. This means that the site has the potential to be affected by contamination.

The applicant should refer to the WLGA document 'Development of Land Affected by Contamination: A Guide for Developers', which was sent to the applicant at pre application

consultation stage. This explains the type of information that NRW will require in order to assess risks to controlled waters from the site.

NRW consider that planning permission should only be granted to the proposed development as submitted if the following planning conditions are imposed as set out below. Without these conditions, we would have significant concerns as the proposed development could pose an unacceptable risk to the environment and we would wish to object to the application.

In order for these conditions to be discharged the applicant must adhere to the below best practice guidance:

1. The risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
2. WLGA document 'Development of Land Affected by Contamination: A Guide for Developers'
3. Groundwater protection: Principles and practice (GP3).
4. British Standard for the Investigation of Potentially Contaminated Sites. Code of Practice (BS1 0175:2011)

Condition 1: Land contamination - Universal condition for development on land affected by contamination - Prior to the [commencement of development] / [occupation of any part of the permitted development] approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1. A preliminary risk assessment which has identified:
 - All previous uses
 - Potential contaminants associated with those uses
 - A conceptual model of the site indicating sources, pathways and receptors
 - Potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reasons - We consider that the controlled waters at this site are environmentally

sensitive and contamination is known/strongly suspected at the site due to historic use of the site.

Condition 2: Land Contamination - Verification report - Prior to (commencement of development)/ [occupation of any part of the permitted development] (delete as appropriate), a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority. Reasons - To demonstrate that the remediation criteria relating to controlled waters have been met, and (if necessary) to secure longer-term monitoring of groundwater quality. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.

Condition 3: Land contamination - Long-term monitoring - Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the Local Planning Authority as set out in that plan. On completion of the monitoring programme a final report demonstrating that all long- term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the Local Planning Authority.

Reasons - To ensure that longer term remediation criteria relating to controlled waters have been met. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.

Condition 4: Land contamination - Unsuspected contamination - If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reasons - Given the size/complexity of the site it is considered possible that there may be unidentified areas of contamination at the site that could pose a risk to controlled waters if they are not remediated.

Condition 5: Land contamination - SUDS - No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts & the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason - There is an increased potential for pollution of controlled waters from

inappropriately located infiltration systems such as soakaways, unsealed porous pavement systems or infiltration basins.

Refer to: the SuDS Manual (CIRIA C697, 2007), the Susdrain website (<http://lvn?w.susdral.pr&>) and draft National Standards for SuDS (Defra, 2011) for further information.

Condition 6: Land contamination - Piling - Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

Reasons - There is an increased potential for pollution of controlled waters from inappropriate methods of piling.

Refer to :
Environment Agency Document 'Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention' and Environment Agency Document 'Piling in layered ground: risks to groundwater and Archaeology

Invasive Non Native Species

A stand of Japanese knotweed was identified at the southern end of the proposal. The Construction Environment Management Plan (CEMP) should include a Biosecurity Risk Assessment as a requirement.

We consider that this assessment must include

- (i) Appropriate measures to control any INNS on site; and
- (ii) Measures or actions that aim to prevent INNS being introduced to the site for the duration of construction and operational phases of the scheme.

Flood Risk

The built development is all outside of Zone C2. We advise that any proposed scheme should ensure that run-off from the proposed development is reduced or will not exceed existing runoff rates.

As previously stated, should any works on the banks of the Riven Llynfi be proposed (e.g. new outfalls), these will require a Flood Risk Activity Permit from NRW. Please see the guidance on our website: <https://nptuwfresoucces.wales/ppply-tor-a-permiWflood-dsk-activitie&?lano=en>

The applicant and local authority should note that the site access onto the A438 may be at risk of flooding during an extreme event (1 in 1000 year). The applicant is advised to have an emergency plan in place and agreed with the Local Authority.

The lead local flood authority, which is in this case Powys County council, need to ensure effective management of surface water run-off resulting from the proposed development.

The Lead Local Flood Authority would need to contact their own Drainage Department for further advice

Foul Drainage

We note that the intention as detailed in the Drainage Strategy is to connect to the existing foul sewer network. When connecting to the public sewerage system, Dwr cymru I Welsh Water should be consulted on the proposals and be requested to confirm that the sewerage and sewage disposal system serving the development has sufficient capacity to accommodate the additional flows generated as a result of the development. This is to ensure that the development does not cause pollution of the water environment or potential deterioration in the Water Framework Directive classification.

Scope of NRW Comments

Our comments above only relate specifically to matters that are included on our checklist "Natural Resources Wales and Planning Consultations (March 2015) Which 5 published on our website.

We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance. The applicant should be advised that in addition to planning permission, it is their responsibility to ensure that they secure any other permits/consents relevant to their development.

Cllr Geraint Hopkins-

I wish to strongly object to this application. I have tonight attended a meeting of Glasbury residents who would, in one way or another, be adversely affected by this proposed development. There is a strong feeling that this development is unnecessary and would spoil the village of Glasbury, Brecknockshire.

There is no evidence to support this number of dwellings being required. On the contrary there are already ten properties for sale in the vicinity. Additionally planning application no P/2016/0786 has just been approved for outline development including 39 dwellings at Three Cocks. A site identified in the proposed LDP to replace all the candidate sites previously put forward in Glasbury and Three Cocks.

The proposed development is spread across two sites, each having particular problems. Site A to the north of the railway line where tram cottages exist at present is on a slope, with inadequate access. A new access has been achieved by removing a length of hedge(no planning permission obtained?) alongside a narrow lane which currently serves 2 dwellings (not including tram cottages), a garage and the church. This lane is only just wide enough to accommodate cars, let alone lorries serving a building site! It would be impossible for traffic to turn into this proposed development, without mounting the narrow verge opposite, which I don't believe is in the ownership of the applicants. However before even getting to this entrance one would have to navigate the entrance to the lane off the A438. From the west this in effect would be a U-turn across a busy road, with the potential of multiple back end shunts due to the speed of traffic. Although this stretch of road has a 40mph speed limit, this is often exceeded. There would also be the problem of having to wait for any traffic leaving

the lane before egress could be achieved. Associated with this would be the extra volume of traffic generated by the proposed development, and any large vehicles such as refuse lorries blocking the entrance. The A438 is also a very dangerous road to cross by pedestrians at this point, there being no pavements on that side of the road and bad visibility to the east. Next there is the problem of traffic attempting to leave the lane onto the A438. To turn left would mean crossing over to the other side of the road to get the sweep. Additionally visibility to the east is restricted by the bend in the road, which can't be overcome. Overloaded sewerage works and excess water runoff are also problems.

Site B to the south of the railway line where Glasbury school building exists at present is alongside another narrow lane with no passing places and the national 60mph speed limit, which again is often exceeded. There are no pavements for pedestrians, especially young children walking to school. This site was supposedly given to the diocese as long as it was used for educational facilities for the local children. The playing field was originally part of the common and was also to be used for recreational purposes. The football pitch and playground are community facilities and there is nothing in the proposed development to replace these. Even when the school was open and in use there were bats present in the building. Again where is the sewerage and runoff water going? What I presume is the affordable housing element of the proposed development is all situated in one area and segregated from the other properties. Surely these should be interspersed on the site! Finally the old railway line running between the two sites is a haven for wildlife of all sorts and surely there should be a buffer zone between the railway line and any proposed dwellings? Apart from the footprint of the building of old school this would be green field development on a major scale which wouldn't be appropriate for this area.

I also believe the figures for the number of cars allocated to each dwelling to be grossly under estimated. This is a rural area with little, if any, public transport and every house usually having at least two cars. The volume of traffic will be far higher than the figures quoted in the traffic statement.

Built Heritage

22nd May 2017-

Thank you for consulting me on the above application. Since my previous comments dated 2 March there have been changes to national guidance with TAN24 and its annexes which were issued and came into effect on 31 May 2017. Tan 24 and its annexes supersedes and cancels Welsh Office Circular 61/96 which I previously referred to and as such I would therefore be grateful if you could substitute these comments for my previous comments dated 22 May to take into account the revised national guidance. I would also take the opportunity to clarify the issues raised by Asbri Planning on 7th June in response to my previous comments in an appendix to this amended response.

I am aware that the site has been put forward as an alternative site ASN38 which was considered as part of the Local Development Plan Examination on 2 May 2017. The Examination is still in progress and as such the Inspector has not determined, firstly, if any alternative sites proposed are required and secondly if alternative sites are considered to be required if this site would be included as an allocation. The Councils Statement for not allocating the alternative site heard by examination on 2 May 2017 is available on the Powys County Council website .

http://pstatic.powys.gov.uk/fileadmin/TranslatedDocs/Planning/ldp/LDP_Examination/Exan_Docs/ED032.12-PCC_Statement.pdf

I note the proposal is in and close to a number of designated heritage assets namely;

Registered Historic Landscape

Middle Wye Valley within Glasbury sub area.

Scheduled Ancient Monuments

BR321 Coed Y Polyn Round Barrow – designated 16/03/2005

BR350 Glasbury Old Church – designated 06/11/2006

BR351 Aberllynfi Chapel – designated 29/11/2006

BR080 Great House mound and Bailey Castle –

Listed Buildings

Church of St Cynidr & St Peter Cadw ID 17059 included on statutory list 15/12/1995

Sundial in Churchyard of St Cynidr & St Peter Cadw ID 17061 inc on statutory list 15/12/1995

Hughes Monument in Churchyard Cadw ID 17062 inc on statutory list 15/12/1995

Sunday School in Churchyard Cadw ID 17060 incl on statutory list 15/12/1995

Aberllynfi House – Cadw ID 6642 included on the statutory list on 28/09/1961

Historic Environment Records

Adjacent to the site

Church and Churchyard

PRN 16781 – Glasbury Church (LB) PRN16990 Churchyard PRN21076 Glasbury Church

PRN 42010 – Glasbury Church Sunday School (LB) PRN 42012 Hughes Monument (LB)
PRN sundial (LB)

PRN5571 Aberllynfi Church Font

PRN 2564 – Glasbury PRN70788 believed site of battle of Glastibrig in 1095

To East/South East and South

PRN Coed y Polyn Barrow (SAM) PRN 44125 three cocks railway bridge abutments II PRN 11605 Roman Road PRN 78528 Post Medieval Vicarage PRN 5817 – Coed y Polyn Enclosure PRN 11600 Roman Road

To East/North East and North of site

PRN 120781 Glasbury Church (SAM) PRN 41993 Aberllynfi House (LB) PRN 120783 Glasbury Church (St Peter) Hollow PRN 120782 Glasbury Church Enclosure PRN 125603 Glasbury Old Tramway PRN 44124 Three Cocks Railway Bridge I PRN 78525 Pen-Lan Orchard PRN 78520 Glasbury Station PRN 57536 Roman Road

Within Site

PRN 125602 Hereford and Brecon Railway Section PRN 78526 Glasbury School PRN 78527 Coed Y Poly Quarry (disused) (post medieval)

TAN 24 advises (section 1.10) that Conservation Principles for the Sustainable Management of the Historic Environment in Wales (Conservation Principles) were published in 2011 and provide the basis upon which Cadw discharges certain statutory duties on behalf of the Welsh Ministers. Conservation Principles should be used by others (including owners, developers and other public bodies) to assess the potential impacts of a development proposal on the significance of any historic asset/assets and to assist in decision making where the historic environment is affected by the planning process.

There are six principles.

1. Historic assets will be managed to sustain their values.
2. Understanding the significance of historic assets is vital.
3. The historic environment is a shared resource.
4. Everyone will be able to participate in sustaining the historic environment.
5. Decisions about change must be reasonable, transparent and consistent.
6. Documenting and learning from decisions is essential.

Applicants and other organisations are strongly encouraged to make use of these Conservation Principles when considering development proposals and other works to historic assets. It is important for those responsible to understand the heritage values and assess the significance of the historic assets that will be affected.

The historic environment is defined in the document as an environment made up of individual historic features, archaeological sites and historic buildings as well as the landscapes in which they are found. Any part of the historic environment to which people have given a distinctive historical association or identity is considered here to be an historic asset.

The document continues with the following advice on page 15. Every reasonable effort should be made to eliminate or minimize adverse impacts on historic assets. Ultimately,

however, it may be necessary to balance the benefit of the proposed change against the harm to the asset. If so, the weight given to heritage values should be proportionate to the importance of the assets and the impact of the change upon them. The historic environment is constantly changing, but each significant part of it represents a finite resource. If it is not sustained, its heritage values will be eroded or lost. In addition, its potential to give distinctiveness, meaning and quality to the places in which people live, and provide people with a sense of continuity and a source of identity will be diminished. The historic environment is a social and economic asset and a cultural resource for learning and enjoyment.

There are four heritage values which need to be understood before the significance of the asset can be assessed.

- Evidential value
- Historical value
- Aesthetic value
- Communal value

Evidential Value

The site lies within and adjacent to multiple designations as detailed above. The site lies within the Registered Historic Landscape, adjacent to a number of listed buildings and in proximity of Scheduled Ancient Monuments. There are a number of entries within the Historic Environment Record on the site and adjoining the site.

Historical Value

The site lies within a Registered Historic landscape. Glasbury is an area of great historical value depicting human occupation through millennia. The adjacent Scheduled Ancient Monument to the SE of the site is a barrow which dates from the Bronze Age Barrow BR321. The adjacent road immediately to the East of the school which is now National Cycle Route 8 is a Roman Road

PRN 11600, PRN11605 PRN57536.

The historic core of Glasbury on is the valley floor on Radnorshire side of river. The settlement is attributed to the 7th century with the Clas established by St Cynidr. The Manor of Glasbury was granted to St Peters Church in 1056. After the Norman Conquest new church was erected on site of clas in 1090. The older properties are in the historic core, and the linear development on Brecknock side has been attributed to;

- The improvement of turnpike road between Brecon and Hay in late C18th and early C19th
- The construction of Hay to Brecon tramroad between 1816 and 1818
- The replacement of the Hay to Brecon tramroad by the Hay and Brecon railway in 1862

Aesthetic Value

The site lies within Registered Historic landscape.

The site is an attractive area with trees constructed in line of former railway. The trees and hillside form an important and significant backdrop to listed buildings of the Church of St Cynidr. The area adjacent to Tramroad Cottage is an significant and important buffer between the developed area around Treble Hill which adjacent to river crossing on the turnpike road and St Cynidrs. The site currently provides an area of local distinctiveness with the railway and tramroad distinct from modern development. It is duly noted that the proposal would result in the loss of both Glasbury School and Tramroad Cottages, both indicative of the history of the evolution of Glasbury on the Brecon and Radnor sides of the river. The legibility of the history of the evolution of Glasbury is currently easy to read and understand and the introduction of the housing as indicated on the submitted plans which are of a suburban character would affect the legibility of this historically significant area

Communal Value

The third principle contained within Conservation Principles is that heritage assets are a shared resource, valued by people as part of their cultural and natural heritage, and gives distinctiveness, meaning and quality to the places where we live providing a sense of continuity and a source of identity. The Conservation Principles identify heritage assets as having the potential to give distinctiveness, meaning and quality to the places in which people live, and provide people with a sense of continuity and a source of identity will be diminished. The historic environment is a social and economic asset and a cultural resource for learning and enjoyment. It is noted that the site is adjacent to a listed church and Sunday school, and the site contains readily visible elements of a school dating from 1816, and a pair of C19th Tramroad Cottages.

I am mindful of the advice in Sections 16 and 66 of the Planning (Listed Buildings and Conservation areas) Act 1990 which require authorities considering applications for planning permission or listed building consent for works which affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of the building.

I would also refer to more recent guidance in paragraph 6.5.11 of Planning Policy Wales 9th edition 2016 which states, “ Where a development proposal affects a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses “ . I would also refer to TAN24 and its annexe Setting of Historic Assets in Wales which advises that development proposals should aim to avoid any harmful impact on a historic asset or its setting. A historic asset is defined in TAN 24 as “An identifiable component of the historic environment. It may consist or be a combination of an archaeological site, a historic building or area, historic park and garden or a parcel of historic landscape. Nationally important historic assets will normally be designated.”

Powys Unitary Plan policies reflect primary national legislation and guidance; Powys Unitary Development Plan Policy Env14 (Listed Buildings) states that “proposals for development unacceptably adversely affecting a listed building or its setting will be refused”. UDP Policy SP3b states that “proposals for development should seek to protect, conserve and wherever

possible enhance sites and features of historic and built heritage importance including those of archaeological, architectural and heritage conservation and historic interest". UDP Policy GP1 states "development proposals will only be permitted if they take into account the following – the design, layout, size, scale, mass and materials of the development shall complement and where possible enhance the character of the surrounding area".

TAN24 which was issued and came into effect on 31 May 2017 addresses setting with some of the factors to consider and weigh in the assessment including

- the prominence of the historic asset
- the expected lifespan of the proposed development
- the extent of tree cover and its likely longevity
- non-visual factors affecting the setting of the historic asset

Paragraph 1.26 identifies the other factors that may affect the setting of an historic asset to include inter-visibility with other historic or natural features, tranquillity, noise or other potentially polluting development though it may have little visual impact.

Cadw have prepared guidance on the setting of historic assets that in an annexe to TAN24 that came into effect on 31 May with advice on how to assess the setting of listed buildings. This document outlines the principles used to assess the potential impact of development or land management proposals on the settings of all historic assets but is not intended to cover the impact on the setting of the historic environment at a landscape scale.

The document advises that "Setting is the surroundings in which a historic asset is understood, experienced and appreciated, embracing present and past relationships to the surrounding landscape.....The setting of a historic asset is not fixed and can change through time as the asset and its surroundings evolve. These changes may have a negative impact on the significance of an asset; for example, the loss of the surrounding physical elements that allow an asset to be understood, or the introduction of an adjacent new development that has a major visual impact. But changes can also have a positive impact that may enhance the setting, such as the removal of traffic from part of a historic town, or the opening up of views, or the return of a sense of enclosure to sites where it has been lost"

The document provides advice on how to assess the setting

This section outlines the general principles that both assessors and decision makers should consider when assessing the impact of a proposed change or development on the setting of historic assets. There are four stages.

Stage 1: Identify the historic assets that might be affected by a proposed change or development and their significance.

Stage 2: Define and analyse the settings to understand how they contribute to the ways in which the historic assets are understood, appreciated and experienced.

Stage 3: Evaluate the potential impact of a proposed change or development on those settings.

Stage 4: Consider options to mitigate the potential impact of a proposed change or development on those settings.

The Historic Assets have been identified above as;

Registered Historic Landscape

Middle Wye Valley within Glasbury sub area.

Scheduled Ancient Monuments

BR321 Coed Y Polyn Round Barrow – designated 16/03/2005

BR350 Glasbury Old Church – designated 06/11/2006

BR351 Aberllynfi Chapel – designated 29/11/2006

BR080 Great House mound and Bailey Castle –

Listed Buildings

Church of St Cynidr & St Peter Cadw ID 17059 included on statutory list 15/12/1995

Sundial in Churchyard of St Cynidr & St Peter Cadw ID 17061 inc on statutory list 15/12/1995

Hughes Monument in Churchyard Cadw ID 17062 inc on statutory list 15/12/1995

Sunday School in Churchyard Cadw ID 17060 incl on statutory list 15/12/1995

Aberllynfi House – Cadw ID 6642 included on the statutory list on 28/09/1961

A number of entries on the Historic Environment Records within and adjacent to the site.

As Cadw is the statutory consultee on setting of Scheduled Ancient Monuments I shall not comment in this regard.

Cadw document Setting of Historic Assets in Wales advises on how to consider the setting of listed buildings. “Setting is the surroundings in which a historic asset is understood, experienced and appreciated, embracing present and past relationships to the surrounding landscape. It often extends beyond the property boundary or ‘curtilage’ and into the surrounding landscape or townscape. Although many historic assets are visible and their settings are obvious, those that are buried also have a setting. “

“The setting of a historic asset can include physical elements of its surroundings. These may be boundary walls, adjacent fields or functional and physical relationships with other historic assets or natural features.”

The Cadw document advises on steps to be undertaken to define and analyse the setting with a series of questions.

- How do the present surroundings contribute to our understanding and appreciation of the historic asset today?
- Thinking about when the historic asset was first built and developed:
 - what were its physical, functional and visual relationships with other structures/ historic assets and natural features?
 - what topographic or earlier features influenced its location?
 - what was its relationship to the surrounding landscape/streetscape?
 - was it constructed to take advantage of significant views or to be a part of a significant view? Although there may be a 360 degree view, some areas of the view may be more significant than others.
- Thinking about changes since the historic asset was built:
 - has its function or use changed?
 - what changes have happened to the surrounding landscape/streetscape?
 - have changes happened because of changes to the historic asset or to its historical setting?
 - has the presence of the historic asset influenced changes to the landscape, for example, where a monument has been used as a marker in the layout of a field enclosure?
 - has the presence of the historic asset influenced the character of the surrounding landscape/streetscape?
- have historic and designed views to and from the historic asset changed?
- Thinking about the original layout of the historic asset and its relationship to its associated landscape:
 - were these relationships designed or accidental?
 - how did these relationships change over time?

- how do these relationships appear in the current landscape; are they visual or buried features?

Stage 2 should also identify the viewpoints from which the impact of the proposed change or development should be assessed, taking into account, for example:

- views to, from and across the historic asset that were designed and developed when the historic asset was first created — for example, in the case of a defensive or ritual structure
- views to, from and across the historic asset which are linked with a time in its history for example, a historic artistic depiction of the site
- important modern views to, from and across the historic asset – for example, popular visitor viewing points.

In respect of the Registered Landscape, I would refer to Cadw guidance “caring for Historic Landscapes” ISBN 1 85760 164 5.

The first page sets out guidance for consideration of historic landscapes,

“Imagine that you have just one piece of paper of which to write everything. You have to reuse it time and time again, rubbing out some words each time in order to add new information. Eventually you end up with a mixture of lines relating to different times and uses; some of the writing will make sense, but some will be fragmentary. Our present landscape is like that. It is a single landscape but, because it has continually undergone change for around 10,000 years and bears the traces of past use and re-use it is also historic. The entire rural and urban landscape of Wales is an historic asset. However, it is also possible to define individual components of the historic environment, small or large, and including those under the ground or under water, that can be identified as specific historic assets. Historic assets, or combinations of historic assets, of any size, including historic buildings, archaeological sites, historic areas or landscapes, need to be understood and managed at different levels for different purposes. Every historic asset also occupies a site which will have natural environmental values as well as heritage values.

The historic environment is constantly changing, but each significant part of it represents a finite resource. If it is not sustained, its heritage values will be eroded or lost. In addition, its potential to give distinctiveness, meaning and quality to the places in which people live, and provide people with a sense of continuity and a source of identity will be diminished. The historic environment is a social and economic asset and a cultural resource for learning and enjoyment.”

Within Landmap the site is located within a cultural layer classified as outstanding in a fertile valley landscape in the northern foothills of the Black Mountains containing multi-period evidence of human exploitation and classified as being of outstanding historic interest. The historical layer identifies this site as being small and linear and of moderate historic interest. However this small area is surrounded by two areas identified as being of outstanding historical interest;

BRCKNHL687 – Porthamal

BRCKNHL966 – Pipton. Whilst the site is identified as being within BRCKNHL514 that is Three Cocks/Aberllynfi which is classified as moderate, the site is described within Pipton as “it contains an eclectic mix of historic elements ranging from a potential Neolithic cursus monument through a medieval tower and early church sites, a range of post medieval agricultural features and buildings to the line of the Hay and Brecon tramway. A superficially simple modern landscape with a deep and varied history.

The site is within Glasbury area of The Middle Wye registered Landscape which is a small linear area concentrated on the B4350 and Glasbury village itself. The site is mentioned firstly because of the significance of the Church of St Cynidr and St Peter which was erected on the Breconshire side of the river due to the formation of the new civil parish of Glasbury in 1844 which was short lived as it became amalgamated with the new civil parish of Tregoyd and Felindre in 1883. A new church was built on the Radnorshire side of the river in the 1880’s when the new ecclesiastical parish of All Saints Glasbury was created. This short lived ecclesiastical parish explains the location of the listed Church of St Cynidr and St Peter away from the historical settlement. The fact that the history and evolution of the area is readily legible is addressed in the assessment of this area as “Buildings and other structures within the character area clearly reflect its history and development. An early horizon is represented by two half timbered buildings in the nucleated medieval settlement at Glasbury, the Old Vicarage at Glasbury with a 15th-century roof and stone outer walls, and the Tithe Barn in Glasbury, a 15th/16th-century cruck-built building, again with stone walls. Most of the remaining buildings in the area belong to the period following the improvement of the turnpike roads, including a number of gentry houses of the later 18th and earlier 19th centuries,”

The historic assets are multi layered in terms of designations and age, which contributes to the history and character of Glasbury. The village has in the past been affected by political issues with one side of the river being in Radnorshire and the other in Brecknockshire, leading to issues when the 1777 bridge was swept away and a dispute over the rebuilding including the materials and subsequent cost between the two counties. The political issues were also influential in building, with the new church replacing the medieval church damaged by floods being built on the Breconshire side of the river by the patronage of the 14th Viscount Hereford of Tregoyd. The medieval parish was within both Breconshire and Radnorshire until 1832 and the construction of All Saints Church built on the Radnorshire side forming a new parish in 1882.

The location of the rebuilt church away from the medieval core (and prone to flooding) core is acknowledged, as are the transport routes that were located on this side of the river.

It would seem appropriate in this instance to assess the historic assets (with the exception of SAM’s that are considered by Cadw) via designation and not chronologically.

I note the Welsh Governments objectives identified in paragraph 6.2.1 of Planning Policy Wales (9th edition) 2016 which is to “conserve and enhance the historic environment, which is a finite and non-renewable resource and a vital and integral part of the historical and cultural identity of Wales;” and specifically to “conserve areas on the register of historic landscapes in Wales”

It is not considered that the development of the site in the manner proposed would achieve the aims of Welsh Government identified in Planning Policy Wales.

Listed Buildings

The Church, the school room, sundial and monument are all individually listed and form a small cluster of listed buildings with a relationship with each other. The early Victorian Church is described in the listing description as an interesting essay in Norman revival by an eclectic architect (Lewis Vulliamyand as being located in a prominent position. The historic significance for the location of the church away from the village has been noted, and its location is prominent constructed alongside the turnpike road which is now the A438. The Hereford and Brecon Railway Section is located to the east of the Church and is currently well wooded. The land slopes eastwards away from the A438 where the existing trees form a backdrop to the prominently listed church, and the extreme edge of the settlement of Glasbury.

Historic Environment Records

Recent Guidance Historic Records in Wales issued by Cadw ISBN 978 1 4734 8710 9 on 21 April comes into effect on 31 May 2017 and from that date, this authority must have regard for the guidance in the discharge of its functions.

The guidance advises in Paragraph 4.3 that the historic environment records are key sources of information that should be used to support the planning process, including the determination of planning applications. The information held in the historic environment records supports a proper consideration of the impact of a proposal on the historic environment, including advice on schemes to avoid or mitigate any adverse impacts.

Within the site the proposal would result in the demolition of PRN 78526 Glasbury School a building attributed to 1816. This would result in the loss of a building included on the HER, the loss of the former rural school and school masters house and as such a valuable part of the social and cultural history of the area would be demolished.

The proposal also involves the demolition of a pair of C19th properties (now a single property) known as Tram road Cottages. These cottages are accessed via private drive off the unclassified road that serves as an access to the church. These properties contribute towards the understanding of the history of the area and by the demolition of this pair of properties (now a single dwelling), one of the most visible reminders of the historic tram road. Whilst not specifically included in the HER which makes several references to the tram road I am aware of Policy HP11 of the Powys UDP which deals with replacement dwellings. Whilst not a replacement dwelling as such in that this dwelling is proposed for demolition to facilitate the re-development of the site adjacent to the A438 and will as such not directly be replaced by a single dwelling. However I would refer to policy HP11 where proposals to replace existing habitable dwellings will be permitted where they comply with the following criteria:

1. The existing dwelling shall be clearly recognisable as a permanent dwelling under class C3 of the use classes order 1987, as amended, and shall not have been abandoned

2. The proposal will not result in the loss of a building of special architectural and/or historic interest, or local vernacular character. Proposals for the replacement of such dwellings will receive favourable consideration only if the buildings are substantially intact and where they are beyond realistic repair.

3. The replacement dwelling shall lie within or adjacent to the footprint of the original dwelling and any proposed increase in size shall not exceed 15% of the original dwelling unless a change in its orientation, position or size will represent an improvement in terms of highway safety, landscape and visual amenity, its relationship with existing buildings, or in solving a particular problem.

It is considered that the building is of architectural and historic interest and reflects the local vernacular in that it was constructed as a pair of cottages in connection with the Hay to Brecon tramroad

Stage 3 of the recently issued guidance requires an evaluation of the potential impact of a proposed change or development on the settings of historic assets.

The current planning application as submitted excludes the former tramroad and cutting which has extensive tree cover. This results in this area being excluded from any planning conditions relating to restrictions tree felling/retention of trees. If the trees were felled to either afford sunlight to windows or view from properties the setting on the listing of the church by the construction of the properties on the school site would be severely and adversely affected. It is noted that the proposed alternative site did not exclude any elements of the site and the whole site was submitted.

The residential development to the south of the Church is noted, as is the late listing of the Church and it is understood that development of the site commenced prior to the church being listed. However the estate has been well constructed in terms of the listed church with the access road some distance south on the A438 and mature hedging retained alongside the road, which in part screens the development from the church. Nevertheless the impact of the development in such close proximity to the listed church on predominantly undeveloped land indicated on the 1888 map as an orchard is acknowledged. Whilst noting the dwellings that have been constructed between Tramroad Cottage and the Church, which appear to be excluded on the 1903 OS map but included on the 1946 map and have some Edwardian detailing. These dwellings are again well sited back from the road and do not impinge on the rural character of the listed Church and Sunday School.

However the proposed development accessed via the A438 would be visible from the A438 and would visually link this small cluster of buildings with the larger village of Glasbury (on the Breconshire Side) and this would visually remove the church from its current relatively isolated rural location. In addition any improvements onto the A438 as required by highways would be likely to also contribute significantly to the adverse affect that the proposal would have on the character of this area of Registered Historic Landscape and the rural character of the area and the setting of this group of listed buildings.

The development accessed from the A438 would also have an impact on the listed Sunday School in Churchyard of St Cynidr & St Peter Cadw ID 17060 . This building predates the current church and is sited adjacent to the churchyard gate. The proposed access to plots 11,12 and 13 would be accessed via the private road past the existing pair of Edwardian semi's, and the requirements to meet highway standards along this narrow unclassified road would result in alterations to this unclassified road that even if the adjoining landowners permitted the alterations would have an impact on the approach to St Cynidr and St Peters Church and the independently listed Sunday School. The upgrading of the road and the necessary visibility requirements directly adjacent to the churchyard gate would adversely and severely affect the setting of this approach to the church and the Sunday School. I understand that at least one of the home owners has objected to the current planning application. If the required highway access improvements cannot be made then the site in whole or in part would not be deliverable.

Historic Environment Records

There are a number of HERs within and adjoining the site.

Within the site the proposal would result in the demolition of PRN 78526 Glasbury School a building attributed to 1816. This would result in the loss of a building included on the HER, the loss of the former rural school and school masters house and as such a valuable part of the social and cultural history of the area would be demolished.

The impact of the proposal on the Historic Environment Records has not been addressed in the application either in terms of the direct impact on those to be demolished or the setting of those that remain.

In addition to the HER the proposal would remove the pair of C19th properties known as Tram road Cottages. These cottages are accessed via private drive off the unclassified road that serves as an access to the church. These properties contribute towards the understanding of the history of the area and by the demolition of this pair of properties (now a single dwelling), one of the most visible reminders of the historic tramroad.

Conclusion

I acknowledge Powys County Councils statement in respect of the examination of the alternative site which discounts this site as ;

d) A site of this size and scale is not consistent with the Plan's growth apportionment which, in terms of overall dwelling requirement for this settlement over the Plan period, determined a starting point (a pro-rata apportionment) of growth for Glasbury of 21 dwellings.

The site would represent an inappropriate extension of the built form into the open countryside against the Plan's objectives to ensure the most efficient use of land.

e) No access is available for middle or lower parts of the site. The upper part is divorced from the remainder of the settlement. There is insufficient space for road or pathway improvements, which may require third party involvement.

The site as proposed is not suitable due to the substandard nature of the existing U0765 road to the class 1 principal highway. It suffers from poor visibility and is coupled by a poor degree of approach when egressing onto the A438. Part of the site utilises the existing U0765 of which is single track in nature, has no formal turning area and no footpaths any increased use would be to the detriment of highway safety.

A disused tramway and railway runs through the length of the site, so allocation of the site could conflict with LDP Policy T1A. As the site may also contain or be in proximity to buildings of local architectural and/or historic importance a historic building survey would be required. The site has the potential to impact upon the setting of listed buildings.

An ecology survey would also be required and this should focus on the possible use by bats of the mature and isolated deciduous trees across the site.

Whilst not identified as such within the Open Space Assessment it is also understood that part of the site is used as a football pitch by the community.

As this site intrudes into the open countryside this site would contribute towards a perception of ribbon development which could result ultimately in the joining together of Three Cocks and Glasbury.

The lower sites of the planning application are both prominent and highly visible.

The proposed development at the school site would bear no relation to the existing built form of the village and is detached from the proposed development boundary. Furthermore, the distance to local services and bus stops means that a community living on that site would be rather unlikely to make use of local amenities or Public Transport

The majority of the space at the school site is open land which has never had any developed use beyond being a playing field. It is still known locally as “the Common” – having only had its traditional common-land status revoked in the 1990’s in order to secure its use as a playing area.

The extensive developments proposed bear no relation to the location or aspect of the existing buildings on the sites. (It may be observed that renovation or replacement of buildings on the footprints of the current buildings may be more appropriate.

i. Any shortfall in the apportionment of dwelling units in Glasbury has been accommodated in the adjacent settlement of Three Cocks where planning permission has been granted for 39 dwellings. There is therefore no requirement for any additional growth in Glasbury during the plan period

http://pstatic.powys.gov.uk/fileadmin/TranslatedDocs/Planning/ldp/LDP_Examination/Exan_Docs/ED032.12-PCC_Statement.pdf

Whilst agreeing with the above statement that the site intrudes into open countryside and would contribute towards a perception of ribbon development which could result ultimately in the joining together of Three Cocks and Glasbury. It is considered that this ribbon development would affect the character of the Registered Historic Landscape and directly affect the legibility of the historic environment. The proposal also would affect the setting of a cluster of listed buildings centred around the Church St Cynidr & St Peter. The proposal

would also directly affect a building on the Historic Environment Record by its demolition and the setting and legibility of other records.

National legislation and guidance and current UDP Policies and emerging LDP policies seek to protect historic assets as detailed above in ; Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Planning Policy Wales paragraphs, 6.4.6 and 6.5.5 (not scheduled archaeology), 6.5.11 (listed buildings) and 6.2.1 (landscapes), in the guidance on Historic Records in Wales that came into effect on 31 May, TAN24 and its annexe Setting of Historic Assets in Wales and Powys Unitary Development Plan Policies Env14, SP3b, and GP1 .

Whilst noting the reference to the current lack of housing land supply issues, and whilst accepting that housing provision is a material consideration, I am minded of Paragraph 6.5.11 of Planning Policy Wales 9th edition 2016 which states, “ Where a development proposal affects a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses.” Planning Policy Wales therefore places the primary material consideration to be the special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest.

I am aware of recent appeal decisions in Herefordshire and Gloucestershire where the balance of achieving housing land supply was considered against the legal requirements to have special regard to the desirability of preserving listed buildings, or their setting which were subsequently dismissed in part because of the impact on the setting of the heritage assets.

I would also refer to a recent appeal within Powys where housing was refused on the grounds it would affect the setting of a listed building which was dismissed, and in making the decision the Inspector noted that whilst the setting of the property has been comprised to a degree by modern residential development, nonetheless this cannot justify additional development that would further erode its setting”

The Inspector addresses views of the listed building

“The proposed dwellings would have a significant detrimental impact on the open spacial/visual relationship that has existed for many years and on the historic function and relationship of the land to the listed house; little of the sense of that historic relationship would remain.”

In addressing the housing land supply the Inspector noted that “Clearly the lack of a 5 year supply is a significant material consideration that weighs in favour of the proposal. Technical Advice Note 1: Joint Housing Land Availability Studies 2015 (TAN 1), states that the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with the development plan and national policies. However for the reasons given previously the benefits from the proposal in terms of the contribution to housing land supply do not outweigh the considerable conflict with the development plan and national planning policy which seeks to safeguard heritage assets”

I would therefore wish to OBJECT to P/2017/0236 and would recommend refusal for the following reason.

It is considered that the development of the site in the manner proposed would fundamentally change the character and appearance of this area which lies outside any existing or proposed settlement areas within the Wye Valley Registered Landscape and that the development of this site would severely affect the setting of the Church of St Cynidr & St Peter Cadw ID 17059 included on statutory list 15/12/1995 and Sunday School in Churchyard Cadw ID 17060 included on statutory list 15/12/1995 and to a lesser degree the listed buildings within the churchyard that is the Sundial in Churchyard of St Cynidr & St Peter Cadw ID 17061 inc on statutory list 15/12/1995

and Hughes Monument in Churchyard Cadw ID 17062 inc on statutory list 15/12/1995, by an inappropriate extension of the built form into the open countryside and would contribute towards a perception of ribbon development which could result ultimately in the joining together of Three Cocks and Glasbury. This development would effectively encompassing the rural Church of St Cynidr & St Peter and Sunday School in Churchyard and introducing a more suburban character to this area within a Registered Landscape. As a result of the significant and demonstrable adverse impacts outlined above, it is considered that the proposal is contrary to national legislation and policy in terms of Sections 16 and 66 of the Planning (Listed Buildings and Conservation areas) Act 1990, Paragraphs 6.2.1 and 6.5.11 of Planning Policy Wales 9th edition 2016, TAN24 and its annexe Setting of Historic Assets in Wales and Local Plan Policies Policy SP3b, ENV14 and GP1.

In addition the development as proposed would have a detrimental affect on the records contained within the Historic Environment Record by the demolition of PRN 78526 Glasbury School which is building attributed to 1816. The loss of the former rural school and school masters house and as such a valuable part of the social and cultural history of the area would be demolished. In addition the proposal would remove the pair of C19th properties known as Tram road Cottages.. These properties contribute towards the understanding of the history of the area and by the demolition of this pair of properties (now a single dwelling), one of the most visible reminders of the historic tram road which is recorded in the Historic Environment Record. The historic Environment Records in addition to the Scheduled Ancient Monuments and the designated listed buildings contribute to history and culture of the area which lies within the Registered Historic Landscape of The Wye Valley.

Appendix

Response to the issues raised by Asbri Planning dated 7th June.

Item 1

My original comments

The site intrudes into open countryside and would contribute towards a perception of ribbon development which could result ultimately in the joining together of Three Cocks and Glasbury

Matters raised by Asbri Planning on 7th June

I've attached the UDP proposals map for Glasbury and photoshopped our site on to the plan (see redline). The grey areas denote the proposed units and the remained of the site, shown in green confirms that a large proportion of the application site is to be left undeveloped. You'll note that the proposed development would in fact constitute a logical extension to the settlement, bridging the gap between the northern and southern sections of Glasbury. There are a large number of properties, further south of the application site, located far closer to the settlement of Three Cocks that those proposed as part of this planning application. I attached the UDP proposals map for Three Cocks which confirms where the settlement begins. As such it is not considered that the proposed development would result in joining of Glasbury and Three Cocks. Notwithstanding the fact that the proposals would not result in the conjoining of separate settlements, in terms of the 'perception of ribbon development', this is in fact a key characteristic of settlement in this local landscape (as set out in the Archaeological and Heritage Assessment) where settlement has historically evolved along the communications network, such as roads and railways etc.

Further comments in response to the above

The description of the site used previously "The site intrudes into open countryside and would contribute towards a perception of ribbon development which could result ultimately in the joining together of Three Cocks and Glasbury " was taken directly from the Councils evidence on the allocation of this site as Part of the Local Development Plan Inquiry. This site has been put forward as an alternative site ASN38 which was considered as part of the Local Development Plan Examination on 2 May 2017. The Councils Statement for not allocating the alternative site heard by examination on 2 May 2017 is available on the Powys County Council website .

http://pstatic.powys.gov.uk/fileadmin/TranslatedDocs/Planning/ldp/LDP_Examination/Exan_Docs/ED032.12-PCC_Statement.pdf

It is therefore the opinion of the Local Plan Team that the site would result in the joining of Three Cocks and Glasbury.

I would consider that the map submitted on 7th June illustrates this point in that whilst noting that there will be an area to the north undeveloped, the gap between the development of Glasbury close to the bridge and the houses to the south of the Church of St Cynidr & St Peter would be dramatically reduced thereby visually joining the 2 areas. I would therefore agree with the conclusions of our Local Plan Team.

It is noted that this area of Glasbury was formed on a linear route firstly along the turnpike road between Brecon and Hay in late C18th and early C19th, then along the Hay to Brecon tramroad between 1816 and 1818, and subsequently the Hay and Brecon railway in 1862. However that linear development was of a much lesser scale to serve the routes of transport and is described in Landmap in Historic Landscape layer BRCKNHL514 as a "straggling linear settlement which, although it contains the C18th replacement for the destroyed medieval Glasbury Church and abuts Gwerynfed Park is largely a C18th and C19th roadside/railway settlement".

Whilst accepting that this area has evolved as a linear development albeit straggling, and it is acknowledged that there has been some more modern development, it is noted that since the development of this area as a linear development alongside the turnpike road and railway the

site has been included in a Registered Historic Landscape and a number of buildings have been included on the statutory list.

Whilst noting the recent evidence submitted I would not wish to revise my comments in this regard and would accept the conclusions made by the Policy Team in their assessment of the site for inclusion in the Local Development Plan.

Item 2

My original comments

The proposal also would affect the setting of a cluster of listed buildings centred around the Church St Cynidr & St Peter.

Matters raised by Asbri Planning on 7th June

CADW are yet to respond to the formal planning application however they did respond to the application during the PAC process and I have no reason to believe that their view on the proposal would change – see response attached. I have also attached a copy of CPATs formal response to the planning Application. CADW have no objection to the application, and concur with the findings of the accompanying Archaeological and Heritage Assessment (prepared by EDP) that the heritage significance of these assets would in no way be adversely affected by the form of development proposed within the application site, either in terms of an effect on their physical form/fabric or through change to the contribution made by their setting. CPAT requested a couple of conditions requesting building recording and a watching brief of the Tramroad Cottages. It should be noted that it is now proposed to retain the original Tramroad cottages as per the attached layout (rev D). It is considered that the advised conditions would no longer be necessary however the applicant would welcome such conditions if still required.

Further comments in response to the above

I note Cadws comments in respect of the pre-application process. However this assessment is made in respect of the Scheduled Ancient Monuments only. It is Cadw's role to comment on setting of; Scheduled Ancient Monuments. A registered Park and Garden or its setting or a World Heritage Site. However, my comments were in relation to the listed buildings which is for the Local Planning Authority to consider. TAN24 clarifies the legislation in paragraph 1.24 "It is for the local planning authority to consider the effects of proposed developments within the settings of listed buildings, conservation areas, unscheduled monuments of national importance and other undesignated historic assets."

My comments are in relation to the setting of listed buildings and other undesignated historic assets only and as such I would not wish to revise my comments in this regard.

I note the amendments included in revision D in respect of the retention of Tramroad Cottages which are welcomed. I also note the revised access layout which suggest that a modified access to serve close to the churchyard gates is no longer required which is also welcomed. However it is not clear from the plans if this is the case and clarification on this matter would be appreciated.

TAN24 advises (paragraph 1.19) that “Designated and registered historic assets form only a small part of the wider historic environment. The most accessible and comprehensive information on all known archaeological sites, historic buildings and other components of the historic landscape is to be found in the historic environment records (HERs).”

Historic Asset is described in TAN24 (page 46) as “An identifiable component of the historic environment. It may consist or be a combination of an archaeological site, a historic building or area, historic park and garden or a parcel of historic landscape. Nationally important historic assets will normally be designated.” Whilst noting that Tramroad Cottages are not listed as such not designated as a national important historic asset, it is an identifiable component of the historic environment. The recently published advice on setting of Historic Assets in TAN 24 and its accompanying annexe Setting of Historic Assets can therefore be applied to this historic asset.

Item 3

My original comments

The proposal would also directly affect a building (Tramroad cottages and the former Glasbury School) on the Historic Environment Record by its demolition and the setting and legibility of other records

Matters raised by Asbri Planning on 7th June

As above, it is no longer proposed to demolish the existing Tramroad Cottages or develop on this section on the site (middle section). With regards to the former Glasbury school, the Archaeological and Heritage Assessment confirms that the “demolition of the heavily modified former National School building, which no longer has any viable use, will comprise the loss of a heritage asset of no more than local importance that has previously been ‘mutilated’ by successive extensions and modifications to its fabric”. It should be noted that the school is not listed and is not located within a Conservation Area and neither is it designated at a local level. With regards to the impact on the setting and legibility of other records, CADW concur that “intervening topography and vegetation will block views between the development and scheduled monuments and therefore there will be no impact on the settings of these monuments”.

Further comments in response to the above

I note that Glasbury School is not listed not in a conservation area however I did not suggest that it held either designation, and that neither has it been designated at a local level. For clarification Powys County Council have not yet produced a list of Local Historic Assets, and as such the fact that it is not on such a list is a reflection that one has not yet been produced rather than the building was excluded from such a list. Should a list of Local Historic Assets be produced, the list would form part of the Historic Environment Record.

For further clarification Cadws comments are in respect of the intervisibility between Scheduled Ancient Monuments and the setting of Scheduled Ancient Monuments.

The former school and school house are on the Historic Environment Record. To accompany TAN24 Cadw issued guidance on the Historic Environment Records in Wales : Compilation and Use.

The guidance directs Local Planning Authorities to take account of the information held

in the historic environment records in the determination of planning applications. TAN24 advises (paragraph 1.19) that “Designated and registered historic assets form only a small part of the wider historic environment. The most accessible and comprehensive information on all known archaeological sites, historic buildings and other components of the historic landscape is to be found in the historic environment records (HERs).”

Historic Asset is described in TAN24 (page 46) as “An identifiable component of the historic environment. It may consist or be a combination of an archaeological site, a historic building or area, historic park and garden or a parcel of historic landscape. Nationally important historic assets will normally be designated.” Whilst noting that the school is not listed as such not designated as a national important historic asset, it is an identifiable component of the historic environment as recorded in the Historic Environment Record. The recently published advice on setting of Historic Assets in TAN 24 and its accompanying annexe Setting of Historic Assets can therefore be applied to this historic asset.

Whilst noting the recent evidence submitted I would not wish to revise my comments in this regard.

Additional Correspondence 1st November 2017-

Following my comments dated 16 June and the subsequent meeting with the applicant and their agents I would wish to provide the following updated comments.

I am aware that the site has been put forward as an alternative site ASN38 which was considered as part of the Local Development Plan Examination on 2 May 2017. The Examination is still in progress and as such the Inspector has not determined, firstly, if any alternative sites proposed are required and secondly if alternative sites are considered to be required if this site would be included as an allocation. The Councils Statement for not allocating the alternative site heard by examination on 2 May 2017 is available on the Powys County Council website .

http://pstatic.powys.gov.uk/fileadmin/TranslatedDocs/Planning/ldp/LDP_Examination/Exan_Docs/ED032.12-PCC_Statement.pdf

I note the proposal is in and close to a number of designated heritage assets namely;

Registered Historic Landscape
Middle Wye Valley within Glasbury sub area.

Scheduled Ancient Monuments
BR321 Coed Y Polyn Round Barrow – designated 16/03/2005
BR350 Glasbury Old Church – designated 06/11/2006
BR351 Aberllynfi Chapel – designated 29/11/2006
BR080 Great House mound and Bailey Castle –

Listed Buildings

Church of St Cynidr & St Peter Cadw ID 17059 included on statutory list 15/12/1995
Sundial in Churchyard of St Cynidr & St Peter Cadw ID 17061 inc on statutory list 15/12/1995
Hughes Monument in Churchyard Cadw ID 17062 inc on statutory list 15/12/1995
Sunday School in Churchyard Cadw ID 17060 incl on statutory list 15/12/1995
Aberllynfi House – Cadw ID 6642 included on the statutory list on 28/09/1961

Historic Environment Records

Adjacent to the site

Church and Churchyard

PRN 16781 – Glasbury Church (LB)
PRN16990 Churchyard
PRN21076 Glasbury Church
PRN 42010 – Glasbury Church Sunday School (LB)
PRN 42012 Hughes Monument (LB)
PRN sundial (LB)
PRN5571 Aberllynfi Church Font
PRN 2564 – Glasbury
PRN70788 believed site of battle of Glastibrig in 1095

To East/South East and South

PRN Coed y Polyn Barrow (SAM)
PRN 44125 three cocks railway bridge abutments II
PRN 11605 Roman Road
PRN 78528 Post Medieval Vicarage
PRN 5817 – Coed y Polyn Enclosure
PRN 11600 Roman Road

To East/North East and North of site

PRN 120781 Glasbury Church (SAM)
PRN 41993 Aberllynfi House (LB)
PRN 120783 Glasbury Church (St Peter) Hollow
PRN 120782 Glasbury Church Enclosure
PRN 125603 Glasbury Old Tramway
PRN 44124 Three Cocks Railway Bridge I
PRN 78525 Pen-Lan Orchard
PRN 78520 Glasbury Station PRN 57536 Roman Road

Within Site

PRN 125602 Hereford and Brecon Railway Section
PRN 78526 Glasbury School
PRN 78527 Coed Y Poly Quarry (disused) (post medieval)

TAN 24 advices (section 1.10) that Conservation Principles for the Sustainable Management of the Historic Environment in Wales (Conservation Principles) were published in 2011 and provide the basis upon which Cadw discharges certain statutory duties on behalf of the Welsh Ministers. Conservation Principles should be used by others (including owners,

developers and other public bodies) to assess the potential impacts of a development proposal on the significance of any historic asset/assets and to assist in decision making where the historic environment is affected by the planning process.

There are six principles.

1. Historic assets will be managed to sustain their values.
2. Understanding the significance of historic assets is vital.
3. The historic environment is a shared resource.
4. Everyone will be able to participate in sustaining the historic environment.
5. Decisions about change must be reasonable, transparent and consistent.
6. Documenting and learning from decisions is essential.

Applicants and other organisations are strongly encouraged to make use of these Conservation Principles when considering development proposals and other works to historic assets. It is important for those responsible to understand the heritage values and assess the significance of the historic assets that will be affected.

The historic environment is defined in the document as an environment made up of individual historic features, archaeological sites and historic buildings as well as the landscapes in which they are found. Any part of the historic environment to which people have given a distinctive historical association or identity is considered here to be an historic asset. The document continues with the following advice on page 15. Every reasonable effort should be made to eliminate or minimize adverse impacts on historic assets. Ultimately, however, it may be necessary to balance the benefit of the proposed change against the harm to the asset. If so, the weight given to heritage values should be proportionate to the importance of the assets and the impact of the change upon them. The historic environment is constantly changing, but each significant part of it represents a finite resource. If it is not sustained, its heritage values will be eroded or lost. In addition, its potential to give distinctiveness, meaning and quality to the places in which people live, and provide people with a sense of continuity and a source of identity will be diminished. The historic environment is a social and economic asset and a cultural resource for learning and enjoyment.

There are four heritage values which need to be understood before the significance of the asset can be assessed.

- Evidential value
- Historical value
- Aesthetic value
- Communal value

Evidential Value

The site lies within and adjacent to multiple designations as detailed above. The site lies within the Registered Historic Landscape, adjacent to a number of listed buildings and in proximity of Scheduled Ancient Monuments. There are a number of entries within the Historic Environment Record on the site and adjoining the site.

Historical Value

The site lies within a Registered Historic landscape which is mentioned solely to illustrate the historical character of the area and the historic assets within. Glasbury is an area of great historical value depicting human occupation through millennia. The adjacent Scheduled Ancient Monument to the SE of the site is a barrow which dates from the Bronze Age Barrow BR321. The adjacent road immediately to the East of the school which is now National Cycle Route 8 is a Roman Road PRN 11600, PRN11605 PRN57536.

The historic core of Glasbury on is the valley floor on Radnorshire side of river. The settlement is attributed to the 7th century with the Clas established by St Cynidr. The Manor of Glasbury was granted to St Peters Church in 1056. After the Norman Conquest new church was erected on site of clas in 1090. The older properties are in the historic core, and the linear development on Brecknock side has been attributed to;

- The improvement of turnpike road between Brecon and Hay in late C18th and early C19th
- The construction of Hay to Brecon tramroad between 1816 and 1818
- The replacement of the Hay to Brecon tramroad by the Hay and Brecon railway in 1862

Aesthetic Value

The site is an attractive area with trees constructed in line of former railway. The trees and hillside form an important and significant backdrop to listed buildings of the Church of St Cynidr. The area adjacent to Tramroad Cottage is an significant and important buffer between the developed area around Treble Hill which adjacent to river crossing on the turnpike road and St Cynidrs. The site currently provides an area of local distinctiveness with the railway and tramroad distinct from modern development. It is duly noted that the proposal would result in the loss of Glasbury School indicative of the history of the evolution of Glasbury on the Brecon and Radnor sides of the river. The legibility of the history of the evolution of Glasbury is currently easy to read and understand and the introduction of the housing as indicated on the submitted plans which are of a suburban character would affect the legibility of this historically significant area

Communal Value

The fourth principle contained within Conservation Principles is that heritage assets are a shared resource, valued by people as part of their cultural and natural heritage, and gives distinctiveness, meaning and quality to the places where we live providing a sense of continuity and a source of identity. The Conservation Principles identify heritage assets as having the potential to give distinctiveness, meaning and quality to the places in which people live, and provide people with a sense of continuity and a source of identity will be diminished. The historic environment is a social and economic asset and a cultural resource for learning and enjoyment. It is noted that the site is adjacent to a listed church and Sunday school, and the site contains readily visible elements of a school dating from 1816, and a pair of C19th Tramroad Cottages.

I would refer to TAN24 and its annexe Setting of Historic Assets in Wales which advises that development proposals should aim to avoid any harmful impact on a historic asset or its setting. A historic asset is defined in TAN 24 as "An identifiable component of the historic environment. It may consist or be a combination of an archaeological site, a historic building or area, historic park and garden or a parcel of historic landscape. Nationally important historic assets will normally be designated."

Powys Unitary Plan policies reflect primary national legislation and guidance; Powys Unitary Development Plan Policy SP3b states that “proposals for development should seek to protect, conserve and wherever possible enhance sites and features of historic and built heritage importance including those of archaeological, architectural and heritage conservation and historic interest”. UDP Policy GP1 states “development proposals will only be permitted if they take into account the following – the design, layout, size, scale, mass and materials of the development shall complement and where possible enhance the character of the surrounding area”.

TAN24 which was issued and came into effect on 31 May 2017 addresses setting with some of the factors to consider and weigh in the assessment including

- the prominence of the historic asset
- the expected lifespan of the proposed development
- the extent of tree cover and its likely longevity
- non-visual factors affecting the setting of the historic asset

Paragraph 1.26 identifies the other factors that may affect the setting of an historic asset to include inter-visibility with other historic or natural features, tranquillity, noise or other potentially polluting development though it may have little visual impact.

Cadw have prepared guidance on the setting of historic assets that in an annexe to TAN24 with advice on how to assess the setting of listed buildings. This document outlines the principles used to assess the potential impact of development or land management proposals on the settings of all historic assets but is not intended to cover the impact on the setting of the historic environment at a landscape scale.

The document advises that “Setting is the surroundings in which a historic asset is understood, experienced and appreciated, embracing present and past relationships to the surrounding landscape.....The setting of a historic asset is not fixed and can change through time as the asset and its surroundings evolve. These changes may have a negative impact on the significance of an asset; for example, the loss of the surrounding physical elements that allow an asset to be understood, or the introduction of an adjacent new development that has a major visual impact. But changes can also have a positive impact that may enhance the setting, such as the removal of traffic from part of a historic town, or the opening up of views, or the return of a sense of enclosure to sites where it has been lost”

The document provides advice on how to assess the setting

This section outlines the general principles that both assessors and decision makers should consider when assessing the impact of a proposed change or development on the setting of historic assets. There are four stages.

Stage 1: Identify the historic assets that might be affected by a proposed change or development and their significance.

Stage 2: Define and analyse the settings to understand how they contribute to the ways in which the historic assets are understood, appreciated and experienced.

Stage 3: Evaluate the potential impact of a proposed change or development on those settings.

Stage 4: Consider options to mitigate the potential impact of a proposed change or development on those settings.

The Historic Assets have been identified above as;

Scheduled Ancient Monuments

BR321 Coed Y Polyn Round Barrow – designated 16/03/2005

BR350 Glasbury Old Church – designated 06/11/2006

BR351 Aberllynfi Chapel – designated 29/11/2006

BR080 Great House mound and Bailey Castle –

Listed Buildings

Church of St Cynidr & St Peter Cadw ID 17059 included on statutory list 15/12/1995

Sundial in Churchyard of St Cynidr & St Peter Cadw ID 17061 inc on statutory list 15/12/1995

Hughes Monument in Churchyard Cadw ID 17062 inc on statutory list 15/12/1995

Sunday School in Churchyard Cadw ID 17060 incl on statutory list 15/12/1995

Aberllynfi House – Cadw ID 6642 included on the statutory list on 28/09/1961

A number of entries on the Historic Environment Records within and adjacent to the site.

Cadw document Setting of Historic Assets in Wales advises on how to consider the setting of listed buildings. “Setting is the surroundings in which a historic asset is understood, experienced and appreciated, embracing present and past relationships to the surrounding landscape. It often extends beyond the property boundary or ‘curtilage’ and into the surrounding landscape or townscape. Although many historic assets are visible and their settings are obvious, those that are buried also have a setting. “

“The setting of a historic asset can include physical elements of its surroundings. These may be boundary walls, adjacent fields or functional and physical relationships with other historic assets or natural features.”

The Cadw document advises on steps to be undertaken to define and analyse the setting with a series of questions.

- How do the present surroundings contribute to our understanding and appreciation of the historic asset today?

- Thinking about when the historic asset was first built and developed:

- what were its physical, functional and visual relationships with other structures/ historic assets and natural features?

- what topographic or earlier features influenced its location?

- what was its relationship to the surrounding landscape/streetscape?

- was it constructed to take advantage of significant views or to be a part of a significant view? Although there may be a 360 degree view, some areas of the view may be more significant than others.

- Thinking about changes since the historic asset was built:
 - has its function or use changed?
 - what changes have happened to the surrounding landscape/streetscape?
 - have changes happened because of changes to the historic asset or to its historical setting?
 - has the presence of the historic asset influenced changes to the landscape, for example, where a monument has been used as a marker in the layout of a field enclosure?
 - has the presence of the historic asset influenced the character of the surrounding landscape/streetscape?
 - have historic and designed views to and from the historic asset changed?
- Thinking about the original layout of the historic asset and its relationship to its associated landscape:
 - were these relationships designed or accidental?
 - how did these relationships change over time?
 - how do these relationships appear in the current landscape; are they visual or buried features?

Stage 2 should also identify the viewpoints from which the impact of the proposed change or development should be assessed, taking into account, for example:

- views to, from and across the historic asset that were designed and developed when the historic asset was first created — for example, in the case of a defensive or ritual structure
- views to, from and across the historic asset which are linked with a time in its history for example, a historic artistic depiction of the site
- important modern views to, from and across the historic asset – for example, popular visitor viewing points.

Cadw are the consultee responsible for commenting on the setting of Scheduled Ancient Monuments and as such the historic assets I shall be considering are;

Listed Buildings

The Church, the school room, sundial and monument are all individually listed and form a small cluster of listed buildings with a relationship with each other. The early Victorian Church is described in the listing description as an interesting essay in Norman revival by an eclectic architect (Lewis Vulliamy and as being located in a prominent position. The historic significance for the location of the church away from the village has been noted, and its location is prominent constructed alongside the turnpike road which is now the A438. The Hereford and Brecon Railway Section is located to the east of the Church and is currently well wooded. The land slopes eastwards away from the A438 where the existing trees form a backdrop to the prominently listed church, and the extreme edge of the settlement of Glasbury.

Historic Environment Records

Recent Guidance Historic Records in Wales issued by Cadw ISBN 978 1 4734 8710 9 on 21 April comes into effect on 31 May 2017 and from that date, this authority must have regard for the guidance in the discharge of its functions.

The guidance advises in Paragraph 4.3 that the historic environment records are key sources of information that should be used to support the planning process, including the determination of planning applications. The information held in the historic environment records supports a proper consideration of the impact of a proposal on the historic environment, including advice on schemes to avoid or mitigate any adverse impacts.

Within the site the proposal would result in the demolition of PRN 78526 Glasbury School a building attributed to 1816. This would result in the loss of a building included on the HER, the loss of the former rural school and school masters house and as such a valuable part of the social and cultural history of the area would be demolished.

The third Stage of the recently issued guidance requires an evaluation of the potential impact of a proposed change or development on the settings of historic assets.

The development site is in 2 parts, the lower site accessed via the A438 for the erection of 5 new houses and the retention of Tramroads Cottages and the higher site on the site of the Old School which is on the Historic Environment Record PRN 78526. I shall comment on each site individually.

Tramroad Cottage site accessed via the A438

The residential development to the south of the Church is noted, as is the late listing of the Church and it is understood that development of the site commenced prior to the church being listed. However the estate has been well constructed in terms of the listed church with the access road some distance south on the A438 and mature hedging retained alongside the road, which in part screens the development from the church. Nevertheless the impact of the development in such close proximity to the listed church on predominantly undeveloped land indicated on the 1888 map as an orchard is acknowledged. Whilst noting the dwellings that have been constructed between Tramroad Cottage and the Church, which appear to be excluded on the 1903 OS map but included on the 1946 map and have some Edwardian detailing. These dwellings are again well sited back from the road and do not impinge on the rural character of the listed Church and Sunday School.

However the proposed development accessed via the A438 would be visible from the A438 and would visually link this small cluster of buildings with the larger village of Glasbury (on the Breconshire Side) and I note the comments made by the Policy Team when discounting this site as an alternative site ASN38 and would have no reason to disagree with their findings.

In respect of the lower site which is accessed via the A438, I appreciate the efforts made to remove the development away from the cluster of listed buildings at the church and especially the listed Sunday School in Churchyard of St Cynidr & St Peter Cadw ID 17060 . The reduction in numbers of new build from 8 to 5, and the retention of Tramroad Cottages, has resulted in a revision to the access which removes the new access from the Church gates and the Sunday School.

I would therefore wish to remove my objections to the lower portion of the site in respect of the setting of the listed Sunday School and church gate.

The proposal previously included the demolition of a pair of C19th properties (now a single property) known as Tram road Cottages. However the proposal now includes their retention. I would therefore withdraw my objection on the loss of Tramroad Cottages. I understand that these cottages are to be placed on the Historic Environment Record.

The plan as submitted indicates that 2 dwellings will be constructed in front of Tramroad Cottages, which are now included on the Historic Environment Record. I appreciate that this plan is indicative only and that the reserved matters application may afford better views of Tramroad Cottages than the submitted plan. I also acknowledge the mature trees on the site which are to be retained and also provide a constraint for the location of new development. Whilst it would have been preferable for the indicative plan to provide more assurance in respect of the visual impact the proposal would have of Tramroad Cottages, I acknowledge that this can be addressed at reserved matters stage and if the development is considered acceptable in all other respects, I would not wish to maintain my objections on the proposed 5 new houses accessed via the A438, however would request that care is taken at reserved matters stage.

The School site

The proposal relates to the demolition of the school and the erection of 10 properties on the school site.

The current planning application as submitted excludes the former tramroad and cutting which has extensive tree cover. This results in this area being excluded from any planning conditions relating to restrictions tree felling/retention of trees. If the trees were felled to either afford sunlight to windows or view from properties the setting on the listing of the church by the construction of the properties on the school site would be severally and adversely affected. It is noted that the proposed alternative site did not exclude any elements of the site and the whole site was submitted.

There are a number of HERs within and adjoining the site. The former school and school house are on the Historic Environment Record. To accompany TAN24 Cadw issued guidance on the Historic Environment Records in Wales : Compilation and Use.

The guidance directs Local Planning Authorities to take account of the information held in the historic environment records in the determination of planning applications. TAN24 advises (paragraph 1.19) that “Designated and registered historic assets form only a small part of the wider historic environment. The most accessible and comprehensive information on all known archaeological sites, historic buildings and other components of the historic landscape is to be found in the historic environment records (HERs).”

Historic Asset is described in TAN24 (page 46) as “An identifiable component of the historic environment. It may consist or be a combination of an archaeological site, a historic building or area, historic park and garden or a parcel of historic landscape. Nationally important historic assets will normally be designated.” Whilst noting that the school is not listed as such not designated as a national important historic asset, it is an identifiable component of the historic environment as recorded in the Historic Environment Record.

Section 3.25 of the Guidance on Historic Environment Records in Wales: Compilation and use which came into effect on 32 May 2017, identifies that “The majority of historic assets

within a local authority's area do not have statutory protection. However they all contribute to its historic archaeological or architectural character and they might be of national regional or local importance."

Paragraph 4.3 of the document advises on informing Development Management Decisions and confirms that " The historic environment records are key sources of information that should be used to support the planning process, including the determination of planning applications. The information held in the historic environment records supports a proper consideration of the impact of a proposal on the historic environment, including advice on schemes to avoid or mitigate any adverse impacts". The advice is that Local Planning Authorities should take account of the information held in the historic environment records in the determination of planning applications".

The proposal would result in the demolition of PRN 78526 Glasbury School a building attributed to 1816. This would result in the loss of a building included on the HER, the loss of the former rural school and school masters house and as such a valuable part of the social and cultural history of the area would be demolished.

I acknowledge Powys County Councils statement in respect of the examination of the alternative site as detailed in my previous responses and would not disagree with their conclusion in respect of this portion of the site.

Whilst acknowledging the efforts made to overcome my objections on the lower site that is the Tramroad Cottage site accessed via the A438 and as such I am not maintaining my objections to that portion of the application site. However the development of the upper site would result in the loss of a rural school attributed to 1816 which is included on the Historic Environment Record. In addition given its location above the Church of St Cynidr an St Peter, the development of the southern element of the site has the potential to severely affect the setting of the listed church. However it is acknowledged that this aspect could be addressed fully at reserved matters stage.

I would therefore wish to maintain my objection to this element of the proposal in respect of the loss of the School building and if the development of this portion of land is considered acceptable on all other grounds I would wish to see the school retained and respected in any adjoining development.

Additional Correspondence received 7th February 2018-

Thank you for consulting me on the amended plans dated 6th February 2018.

I have previously objected to the application on 2nd March and 16 June 2017, and upon receipt of amended plans on the Tramroad Cottages site which alleviated my concerns in respect of the impact of the access on the listed Church and Sunday school and the retention of Tramroad cottages I withdrew my objection in my response dated 01 November 2017 to that portion of the site but maintained my objections to the former Glasbury School site. The recent amended plans seek to address those concerns, and as an assessment of the historic significance of the sites has been made in my previous three comments rather than repeat them here I would be grateful if they could be considered as appendixes to these comments.

The development site is in 2 parts, the lower site accessed via the A438 for the erection of 5 new houses and the retention of Tramroads Cottages and the higher site the proposal was originally for the demolition of the Old School which is on the Historic Environment Record PRN 78526 and for the erection of 10 houses. I note that the amended plans received on 6 February allow for the retention of The Old School and for the erection of 7 new houses, five detached and a pair of semi-detached properties.

I had previously objected to the demolition of PRN 78526 Glasbury School and school masters house a building attributed to 1816 and as such a valuable part of the social and cultural history of the area would be demolished. However I note that the proposal now includes the retention of the school and schoolmasters house and as such . I would therefore withdraw my objection to the proposal on the loss of Glasbury School and school masters house.

I would therefore have no objection to the proposal on built heritage grounds however would request that care is taken at reserved matters stage in respect of siting (in respect of Tramroad Cottages) design and materials.

Representations

55 letters of public representations have been received at the time of writing this report. The letters can be summarised as follows:

- Sewerage Capacity
- Highway Safety Concerns
- Impact on Landscape
- Impact on Residents
- Drainage
- Loss of playing fields
- Impact on Tourism
- Loss of Community Facility
- Setting of Listed Building
- Ribbon Development
- Wildlife Conservation concerns
- No requirement for additional housing in this area
- Development too large for the area

Planning History

N/A

Principal Planning Constraints

Public Right of Way
Historic Landscapes Register

Principal Planning Policies

National Policies

Planning Policy Wales (Edition 9, November 2016)

Technical Advice Note 1 – Joint Housing Land Availability Studies (2015)
Technical Advice Note 2 – Planning and Affordable Housing (2006)
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 15- Development and Flood Risk (2004)
Technical Advice Note 18 – Transport (2007)
Technical Advice Note 20- Planning and the Welsh Language (2017)
Technical Advice Note 23 – Economic Development (2014)
Technical Advice Note 24 – The Historic Environment (2017)

Welsh Government Practice Guidance: Planning for Sustainable Buildings (2014)

Welsh Government Circular 016/2014: The Use of Conditions

Welsh Office Circular 10/99: Drainage

Local Policies

Unitary Development Plan (March 2010)

SP3 – Natural, Historic and Built Heritage
SP5 – Housing Developments
SP14- Development in Flood Risk Areas
GP1 – Development Control
GP3 – Design and Energy Conservation
GP4 – Highway and Parking Requirements
ENV2 – Safeguarding the Landscape
ENV3 – Safeguarding Biodiversity and Natural Habitats
ENV17- Ancient Monuments and Archaeological Sites
ENV18- Development Proposals Affecting Archaeological Sites
HP3 – Housing Land Availability
HP4 – Settlement Development Boundaries and Capacities
HP6 – Dwellings in the Open Countryside
HP9 – Affordable Housing in Rural Settlements
HP10 – Affordability Criteria
RL6- Rights of Way and Access to the Countryside
RL7- Long Distance Rights of Way
TR2- Tourist Attractions and Development Areas
DC9- Protection of Water Resources
DC10- Mains Sewage Treatment
DC11 – Non-Mains Sewage Treatment
DC13 – Surface Water Drainage
DC14- Flood Prevention Measures
DC15- Development on Unstable or Contaminated Land

Affordable Housing for Local Needs Supplementary Planning Guidance (SPG) (2011)

Powys Residential Design Guide (2004)

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

Other Legislative Considerations

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

Officer Appraisal

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

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

Principle of Development

The application site is located outside of the settlement development limits as defined by the Powys Unitary Development Plan (2010). Outside of settlement boundaries, UDP Policy HP4 applies and states that *'outside settlement boundaries, proposals for new residential development will only be approved where they comply with UDP Policies HP6, HP8 or HP9'*. Policy HP6 relates to rural enterprise dwellings, policy HP8 relates to affordable dwellings adjoining a settlement boundary and Policy HP9 relates to affordable dwellings within rural settlements. It is considered that the proposed development does not comply with UDP Policy HP6, HP8 or HP9. The proposed development is therefore not in accordance with the UDP and should be considered as a departure.

Housing Land Supply

The departure is being justified by the applicant on the basis that Powys County Council does not have a 5 year housing land supply.

Paragraph 9.2.3 of Planning Policy Wales states that *'Local planning authorities must ensure that sufficient land is genuinely available or will become available to provide a 5 year supply of land for housing judged against the general objectives and the scale and location of development provided for in the development plan.'*

The latest Powys Joint Housing Land Availability Study (JHLAS) 2016 states that there was 2.2 years supply of housing land in the Powys Local Planning Authority (LPA) area. Failure to

have a 5-year housing land supply is an important material consideration that should be taken into account when determining this scheme. Technical Advice Note 1: Joint Housing Land Availability Studies (2015) states as follows:

“The housing land supply should also be treated as a material consideration in determining planning applications for housing. Where the current study shows a land supply below the 5 year requirement or where the local planning authority has been unable to undertake a study, the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with development plan and national planning policies”.

Whilst TAN 1 confirms that the need to increase housing land supply should be given considerable weight, it is emphasised that this is only where the development would otherwise comply with development plan and national planning policies.

Sustainability

When providing additional housing it is important to consider whether the scheme can be considered to be sustainable development. This can relate to a wide range of matters including public transport provision and access to education, employment opportunities and other services.

The site itself is located adjoining the settlement development boundary for Glasbury which is allocated as a large village under the Unitary Development Plan. Glasbury itself is a split settlement with two development boundaries. The proposed site is located adjoining the southern area of the settlement in-between the two development boundary sites.

As a large village Glasbury has a number of services including St Peter’s Church and Hall, Riverside Restaurant, Garage (Filling Station, Shop & Post Office) and a Public House. It is also noted that Three Cocks and Hay-on-Wye are both within 4km of the application site.

Given the services available within close proximity to the application site it is considered that the development is sustainable.

Scale, Design and Appearance

UDP policy HP5 (Residential Development) indicates that development proposals will only be permitted where the scale, form and appearance of the development generally reflects the character and appearance of the existing settlement.

Although Officers acknowledge that matters relating to appearance, layout and scale have been reserved for future consideration, on the basis of the plans provided, it is considered that the application site is capable of accommodating the dwellings without unacceptably adversely affecting the character and appearance of the area or amenities enjoyed by occupants of neighbouring properties compliant with UDP policies SP5, GP1, GP3, ENV2 and HP5.

Amenity

Policy GP1 of the Powys Unitary Development Plan states that the amenities enjoyed by the occupants of nearby neighbouring properties should not be unacceptably affected by development proposals and the proposal should complement and where possible enhance the character of the surrounding area.

Based on the distances involved as indicated on the indicative layout it is considered that the proposed development would not be seen as having an impact on the amenity of the neighbouring residential property by either loss of light or privacy.

Therefore, whilst the layout is for indicative purposes only it is considered that the layout indicated is considered to be appropriate and would provide ample space for the proposed dwellings to be developed without compromising the amenity of neighbouring residential properties and therefore comply with policy GP1 and GP3 of the Powys Unitary Development Plan 2010.

Landscape and Visual Impact

Policy ENV2 of the Powys Unitary Development Plan seeks to ensure that the proposed development will not have an unacceptable adverse impact upon the Powys Landscape. Development proposals should be designed in a way to be sensitive to the character and appearance of the surrounding area and landscape.

Whilst the site would be visible from public vantage points including the public highways, taking into account the location of the application site which is adjacent to existing residential development and adjoining the settlement development boundary for Glasbury it is considered that the visual impact and the proposed scale of the dwellings, it is considered that a satisfactory detailed design could come forward to reflect the overall character and appearance of the settlement and surrounding area.

In light of the above, it is considered that the proposed development complies with policy ENV2 of the Powys Unitary Development Plan 2010.

Agricultural Land Classification

Following consideration of information supplied by Welsh Government through the Provision of Agricultural Land Classification due regard has been given to the classification afforded to the application site. The site in question has been indicated as 3b and 4; this is defined as poor quality agricultural land.

Planning Policy Wales (PPW) paragraph 4.10 outlines national policy towards conserving Wales' Best and Most Versatile (BMV) agricultural land. PPW states that;

“In the case of agricultural land, land of grades 1, 2 and 3a of the Department for Environment, Food and Rural Affairs (DEFRA) Agricultural Land Classification system (ALC) is the best and most versatile, and should be conserved as a finite resource for the future. In development plan policies and development management decisions considerable weight should be given to protecting such land from development, because of its special importance. Land in grades 1, 2 and 3a should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value recognised by a

landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations. If land in grades 1, 2 or 3a does need to be developed, and there is a choice between sites of different grades, development should be directed to land of the lowest grade.”

In light of the lands classification of 3b and 4 it is considered that the proposed development on this agricultural land is justified in respect of the current housing land supply shortage within the county.

Built Heritage

The Built Heritage Officer has been consulted on the proposed development and noted that the proposal is in and close to a number of designated heritage assets namely:

Registered Historic Landscape- Middle Wye Valley within Glasbury sub area;
A number of Historic Environment Records within and adjoining the application site; and
Listed Buildings namely:

- Church of St Cynidr & St Peter Cadw ID 17059 included on statutory list 15/12/1995
- Sundial in Churchyard of St Cynidr & St Peter Cadw ID 17061 inc on statutory list 15/12/1995
- Hughes Monument in Churchyard Cadw ID 17062 inc on statutory list 15/12/1995
- Sunday School in Churchyard Cadw ID 17060 incl on statutory list 15/12/1995
- Aberllynfi House – Cadw ID 6642 included on the statutory list on 28/09/1961

A number of concerns were made from the Built Heritage officer which has resulted in both the Tramroad existing cottages and Glasbury School building being now retained as part of the proposed scheme. In light of the retention of these two schemes and that also careful consideration is given at the time of the reserved matters to ensure the layout would not unacceptable impact on the setting of these HER buildings the Built Heritage officer has confirmed that she has no objection to the proposed development.

Public Right of Way

A number of concerns have been made over the potential impact on the public right of way which runs through the lower portion of the site and also the loss of the old Tramroad line. It is noted that as part of the proposed development both of these areas are to be retained and would not be impacted on by the proposed development. The old Tramroad line itself in-fact does fall outside of the application site.

However, to ensure the developer is made aware of the features an informative will be attached to any grant of consent.

Affordable Housing

Latest evidence produced to support the Local Development Plan indicated that a 30% affordable housing in this area would be viable. In light of the above and therefore in support

of the application a condition will be attached to any grant of consent securing 30% affordable housing.

Planning (Wales) Act 2015 (Welsh language)

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. This duty has been given due consideration in the determination of this application.

Policy GP5 indicates certain settlements where the Welsh Language has been identified as being important to the social, cultural and community fabric. Glasbury is not identified as being one of those settlements under GP5. However, it is considered that Welsh Language is a material consideration across the County.

From the 2011 census for the Glasbury community area the percentage of those aged 3 and above able to speak Welsh has decreased slightly by 0.1% since the 2001 census data (2011- 9.3% and 2001- 9.4%)

In light of the above and given the scale of the proposed development it is considered that the proposal will therefore not have an unacceptable adverse impact upon Welsh language and culture.

Biodiversity

The Council acknowledges the need to protect biodiversity from adverse development through careful monitoring, maintenance and the protection of habitats and species worthy of conservation. Therefore the nature conservation policies in the UDP seek to safeguard and enhance biodiversity, and these objectives are also echoed in national policy (TAN5 and Planning Policy Wales).

NRW and the Powys Ecologist have been consulted and it was noted that concerns were raised from NRW in relation to the information submitted.

Additional information was received by way of Pollution Prevention Plan and a Dormouse Mitigation Strategy. NRW have been re-consulted but no further comments have been received at the time of writing this report. An update will therefore be provided to Members prior to the committee meeting.

Contaminated Land

NRW have noted that the application was previously used as a disused tram and railway corridor. Which means that the site has the potential to be affected by contaminated. Given the proximity to the River Wye SAC and Afon Lynfi Site of SSSI they therefore consider the site to be environmentally sensitive.

NRW have recommended that consent only be granted to the proposed development as submitted subject to a number of conditions being imposed as set out within their correspondence. In light of the above and therefore subject to the recommended conditions

being attached to any grant of consent that the proposed development can be managed to an acceptable level and therefore fundamentally complying with relevant planning policy.

Public Representations

A number of public representations have been received at the time of writing this report. Whilst it is considered that a number of the issues raised have been addressed within the report above there are a number of issues still outstanding which can be addressed as follows:

- Drainage/Sewerage

Concerns have been raised over the drainage of the application site. Welsh Water have been consulted and have confirmed that they have no objections to the proposed development subject to an appropriate worded condition securing drainage details prior to the commencement of development.

Subject to the condition being attached to any grant of consent it is considered that the proposed development can be managed to an acceptable level.

- Loss of Community Facility

Concerns have been raised over the loss of the Old Glasbury School which is a community facility. Amended plans have now been received which highlights that the old school building is now to be retained as part of the proposed development.

- Loss of playing facilities

Concerns have been raised over the loss of the school playing fields. It is noted that as part of the proposed development a community play/ open space will be provided. The retention and maintenance of this area will be subject to a Section 106 legal agreement.

- Flood Zone

The application site is located outside of any designated flood zone area as defined by TAN 15- Development Advice Maps.

RECOMMENDATION

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

Conditions

1. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. The development shall be carried out strictly in accordance with the plans stamped as approved on (drawing no's:).
5. No development shall commenced on the development site covering plots 1-10 until 2 passing bays are constructed along the C0072 county highway in locations to be agreed in writing by the Local Planning Authority. The passing bays shall be constructed up to adoptable standard prior to any works being commenced on the development site covering plots 1-10.
6. No other development shall commence on plots 1-5 until the access to the proposed site has been constructed so that there is a clear visibility splay from a point 1.05 metres above ground level at the centre of the junction 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 60 metres distant in in each direction measured from the centre of the access along the edge of the adjoining U0765 county highway. 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. No other development shall commence on plots 6-10 until the access to the proposed site has been constructed so that there is a clear visibility splay from a point 1.05 metres above ground level at the centre of the junction 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 60 metres distant in in each direction measured from the centre of the access along the edge of the adjoining U0765 county highway. 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.
8. Upon formation of the visibility splays as detailed in conditions 2 & 3 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.
9. Before any other development is commenced on plots 1-10 the respective area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 5.5 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.
10. Entrance gates shall be set back at least 5.5 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.
11. The gradient of the access shall be constructed so as not to exceed 1 in 15 for the first 5.5 metres measured from edge of the adjoining carriageway along the centre line of the

access and shall be retained at this gradient for as long as the development remains in existence.

12. The width of the access carriageway, constructed as Condition 11 above, shall be not less than 5 metres for a minimum distance of 5.5 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.

13. Prior to the occupation of the dwellings the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 5.5 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.

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

15. No development shall commence on plots 11-15, until a Construction Management Plan has been submitted to, and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period. The plan shall include provision for: traffic management measures covering the works required to provide the northern visibility splay along the A438; traffic management measures covering the works required to provide the road widening and provision of footway along the U0765 county highway; the parking arrangements for site personnel and visitors to the site during the construction period.

16. No other development shall commence on plots 11-15 until detailed highway engineering drawings covering the A438 Junction realignment, footway provision and road widening along the U0765 county highway have been submitted to and approved in writing by the local planning authority. The proposals shall include detailed cross sections through the widened section of the highway adjacent to the boundary of the site and details on the method and types of construction to be used. Subsequent development shall thereafter be carried out in accordance with the approved details of construction and shall be duly constructed prior to any works being commenced on plots 11-14

17. No other development shall commence on plots 11-15 until the A438 junction has been constructed so that there is a clear visibility splay from a point 1.05 metres above ground level at the centre of the junction 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 160 metres distant in a northerly direction measured from the centre of the access along the edge of the adjoining A438 county highway. 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.

18. Upon formation of the visibility splays as detailed in condition 17 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.

19. No other development shall commence on plots 11-15 until the access to the proposed site has been constructed so that there is a clear visibility splay from a point 1.05 metres above ground level at the centre of the junction and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 25 metres distant in in each direction measured from the centre of the access along the edge of the adjoining U0765 county highway. 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.

20. Upon formation of the visibility splays as detailed in condition 19 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.

21. Before any other development is commenced on plots 11-15 the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 5.5 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

22. Prior to the commencement of development full drainage details for the disposal of foul and surface water flows shall be submitted to and approved in writing by the Local Planning Authority. Development thereafter must be implemented in accordance with the details as approved prior to the first use of the site.

23. 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 30% 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.

24. All works and ancillary operations which are audible at the site boundary shall be carried out only between the following hours: 0800-1800 Monday till Friday, 0800-1300 hrs Saturday and at no time on Sunday and Bank Holidays.

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

25. Prior to the commencement of development a Construction Method Statement and Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Development thereafter must be completed in full accordance with the details as approved.

26. No burning of any waste is permitted within the application site.

27. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1. A preliminary risk assessment which has identified:

- All previous uses
- Potential contaminants associated with those uses
- A conceptual model of the site indicating sources, pathways and receptors
- Potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. The scheme thereafter shall be implemented as approved.

28. Prior to commencement of development a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

29. Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the Local Planning Authority as set out in that plan. On completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the Local Planning Authority.

30. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

Reasons

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

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

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

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

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

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

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

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

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

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

11. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
12. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
13. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
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19. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
20. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
21. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
22. To safeguard the public sewerage system and reduce the risk of surcharge flooding and in accordance with policies GP1 and DC13 of the Powys Unitary Development Plan.
23. In order to ensure the provision of affordable housing in accordance with Policy HP7 of the Powys Unitary Development Plan (2010) and the Affordable Housing for Local Needs Supplementary Planning Guidance (2011).
24. To safeguard the amenities of the locality in accordance with policy GP1 of the Powys Unitary Development Plan.
25. To safeguard the amenities of the locality in accordance with policy GP1 of the Powys Unitary Development Plan.
26. To safeguard the amenities of the locality in accordance with policy GP1 of the Powys Unitary Development Plan.
27. In order to manage the risk of contamination to an acceptable level, in accordance with guidance contained within policy DC15 of the Powys Unitary Development Plan (March 2010) and Planning Policy Wales (Edition 8, 2016).
28. In order to manage the risk of contamination to an acceptable level, in accordance with guidance contained within policy DC15 of the Powys Unitary Development Plan (March 2010) and Planning Policy Wales (Edition 8, 2016).
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30. In order to manage the risk of contamination to an acceptable level, in accordance with guidance contained within policy DC15 of the Powys Unitary Development Plan (March 2010) and Planning Policy Wales (Edition 8, 2016).

Informative Notes

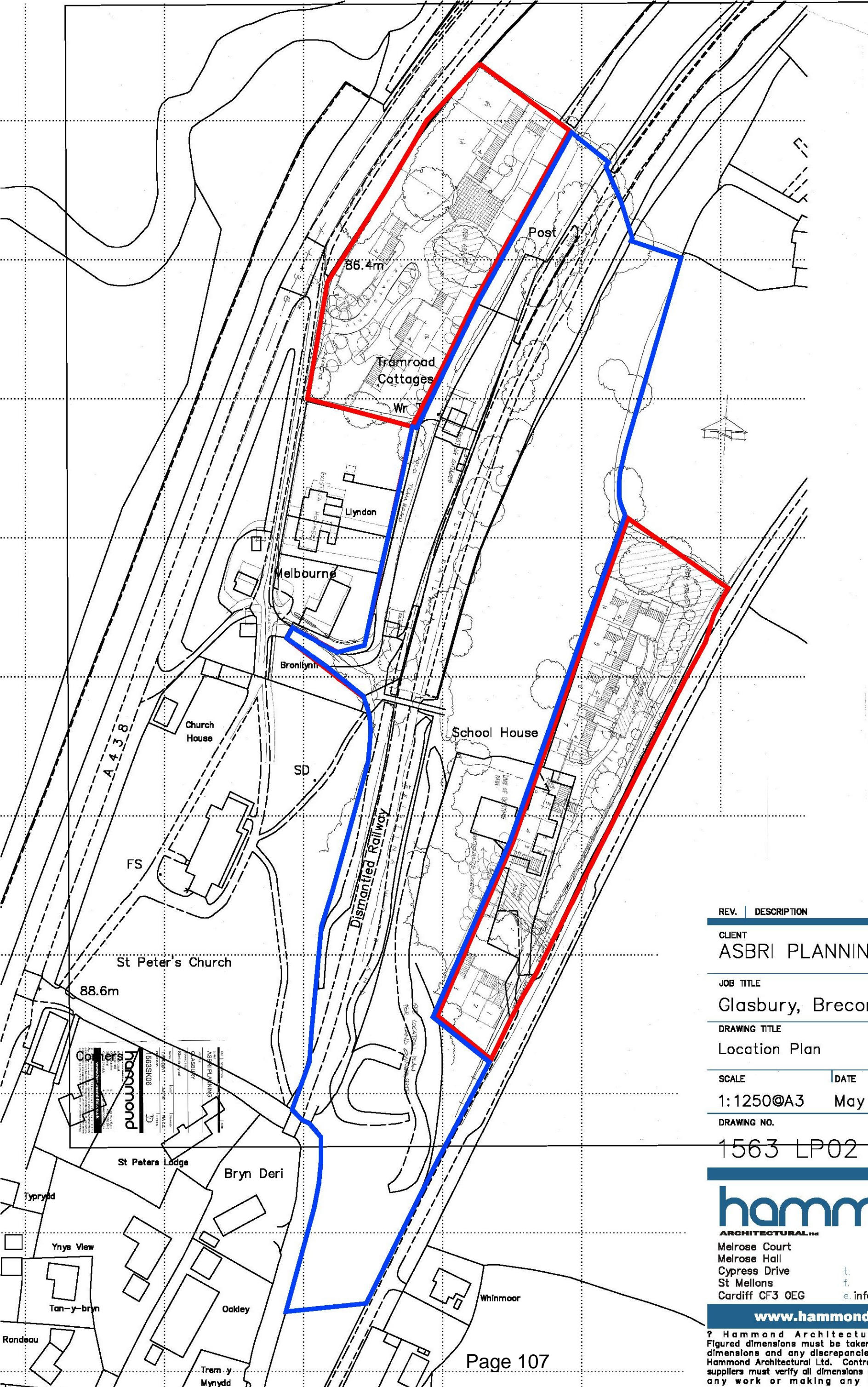
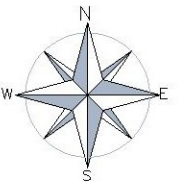
During demolition and construction (including soil movement and landscaping activities) the contractor shall take all reasonable steps to prevent dust formation from dusty activities and any dust formed shall be prevented leaving the site by continuous watering down.

Public Right of Way

The Public Right of Way must at all times during construction be left unobstructed and free to use at all time.

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

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REV.	DESCRIPTION	DATE
CLIENT ASBRI PLANNING		
JOB TITLE Glasbury, Brecon		
DRAWING TITLE Location Plan		
SCALE	DATE	DRAWN BY
1:1250@A3	May 17	HA Ltd
DRAWING NO.	REVISION	
1563 LP02		

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 Figured dimensions must be taken in preference to scaled dimensions and any discrepancies are to be referred to Hammond Architectural Ltd. Contractors, subcontractors and suppliers must verify all dimensions on site before commencing any work or making any workshop drawings.

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6.4

Planning, Taxi Licensing and Rights of Way Committee Report

Application No: P/2017/0216 **Grid Ref:** 327600.49 317816.18

Community Council: Llandrinio **Valid Date:** 27/02/2017 **Officer:** Tamsin Law

Applicant: Mr John Lloyd Hendre Lane Brookfields Rhos Common Llandrinio Powys SY22 6RN

Location: Land adjacent to Severnside Rhos Common Llandrinio Powys SY22 6RF

Proposal: Outline: Erection of 19 dwellings, formation of vehicular access and all associated works

Application Type: Application for Full Planning Permission

The reason for Committee determination

The application is a departure from the adopted plan and is recommended for approval.

Location and Description

The site is approximately 0.45 hectares in size and is located adjoining an existing residential estate which forms part of four clusters which make up the settlement of Llandrinio. The site is relatively flat and is bound to the north by the existing residential estate, to the east by the adjoining highway and to the south and west by existing agricultural land.

The application is an outline application with all matters reserved for 19 dwellings with 30% affordable housing provision.

Consultee Response

Cllr. Graham Brown

I wish to call this application in as it is outside planning policy being outside the settlement boundary. Further the Highways proposal is unnecessary and causes a huge detrimental affect to the existing properties on Bagleys Lane.

Llandrinio Community Council

The Community Council considered the above application at a meeting held on Thursday 16th March 2017.

The Community Council wishes to OBJECT to the above application and requests the right to speak at the Planning Committee

1. Policy GP1 - Development Control

This application is outside the settlement boundary as defined by the Unitary Development Plan. In the absence of the adoption of the Local Development Plan guidance must be taken from the existing Unitary development Plan.

2. Policy HP 4 – Settlement Boundaries and capacities

Please see attached letter from Llanfyllin Patient Participation Group who are very concerned that the current medical infrastructure cannot cope with the level of development which has already been given in the area to 49 dwellings (P2016 1016), 15 dwellings (P2016 0790) and 9 dwellings (P2016 0319). Applications are also pending for a further 19 in Four Crosses. The anticipated level of growth for Llandrinio has already been made with these applications and there is no justification for more development.

3. Policy GP 4 – Highway and Parking requirements

It is totally unacceptable that the proposals involve the stopping up of Bagleys Lane (U2232) – this lane had residents which were chronicled back in the 1841 Census.

There is no justification why the existing 10 houses down this lane would have to travel through a housing estate when the applicant owns the land which could be used to widen the access into the lane.

There has only been 2 car parking spaces allocated per property which does not allow for any other visitors.

4. Policy DC 9 – Protection of Water Resources

No proposal has been submitted for the disposal of the surface water from this site as this area would drain into the Sarn Wen Ditch. The Sarn Wen Ditch is an important ditch which drains a large area – it has already been determined by other planning applications that any surface water can only be discharged at greenfield run-off rates and therefore a system of attenuation needs to be designed and incorporated into the application.

The Community Council is very concerned that the planning policies and principles are being ignored due to the lack of a 5 year housing supply – it is very worrying to think of the level of projected development which will change the character of our village for ever.

PCC - Highways

Prior to any other works commencing on the development site, detailed engineering drawings for a footway, relocation, widening and highway signage along the Unclassified Highway U2232 and associated works, shall be submitted to and approved in writing by the Local Planning Authority.

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

A Stopping Up Order is required to amend the road alignment of the U2232 in direct relation to this site. The agent is aware and is in agreement that the cost of this will be borne by the developer. We therefore recommend that a suitably worded condition is applied to any consent given and advice that the applicant is to pay for the reasonable costs associated with the advertisement and implementation of a Stopping Up Order.

HC1 Any entrance gates shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.

HC4 Prior to commencement of the development the altered junction 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 59 metres distant in a northerly direction and 140 metres in a southerly 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.

HC6 Prior to 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 Unclassified Highway U2232 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 free from obstruction for as long as the development hereby permitted remains in existence.

HC7 Prior to the commencement of the development the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 10 metres from the edge of the adjoining carriageway (U2232). Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

HC8 Prior to the occupation of any dwelling, provision shall be made within the curtilage of the site for the parking of not less than one car per bedroom excluding any garage space provided together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

HC11 Prior to the commencement of the development provision shall be made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of 0.4 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.

HC12 The width of the access carriageway road, constructed as Condition HC7 above, shall be not less than 5.5 metres 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.

HC19 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.

HC20 The estate road carriageway and all footways shall be fully completed, in accordance with the details to be agreed in writing by the Local Planning Authority, upon the issuing of the Building Regulations Completion Certificate for the last house or within two years from the commencement of the development, whichever is the sooner. The agreed standard of completion shall be maintained for as long as the development remains in existence.

HC21 Prior to the occupation of any dwelling the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 10 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence,

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

HC30 Upon formation of the visibility splays as detailed in HC4 above the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.

HC31 The area of each private drive and any turning area is to be metalled and surfaced in bituminous macadam, concrete or block pavements, prior to the occupation of that dwelling and retained for as long as the development remains in existence.

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

In the interests of highway safety.

Wales and West Utilities

Please find enclosed a letter relating to your request. Based on the information given and the address provided, Wales & West Utilities have no apparatus in the area of your enquiry.

Our records show those pipes owned by Wales & West Utilities (WWU) in its role as a Licensed Gas Transporter (GT). Service pipes, valves, syphons, stub connections, etc. may not be shown but their presence should be anticipated. No warranties are therefore given in respect of it.

They also provide indications of gas pipes owned by other GTs, or otherwise privately owned, which may be present in this area. This information is not information of WWU and WWU is unable to verify this information or to confirm whether it is accurate or complete.

Severn Trent Water

Thank you for the opportunity to comment on this planning application. Please find our response noted below:

With Reference to the above planning application the company's observations regarding sewerage are as follows.

I can confirm that we have no objections to the proposals subject to the inclusion of the following condition:

- The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and
- The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to reduce or exacerbate a flooding problem and to minimise the risk of pollution

PCC - Contaminated Land

In relation to Planning Application P/2017/0216 there would be no requirements in respect of land contamination.

PCC - Ecologist

Ecological Topic		Observations
EIA Screening Requirement	No	PCC have provided a Screening Opinion (03/03/17) confirming that EIA is not required for this development.
Ecological Information included with application	Yes	<p>A Phase 1 Environmental Appraisal report by Greenscape Environmental Ltd. (dated November 2016) has been submitted with this application and referred to when making these observations. These observations are also based on an interpretation of available aerial and street imagery, the submitted planning design and access statement and historical biodiversity records provided by the Powys Biodiversity Information Service.</p> <p>The report confirms that the application site is located within semi-improved grassland with poor floral species diversity that is used for pasture and of low ecological value. At least eight ponds are present within 500m. The site is bounded by native species hedgerows to the north and east.</p>
Protected Species & Habitats ¹	European Species <input checked="" type="checkbox"/>	<p>There are historic records of bat species (Common & Soprano pipistrelle, Noctule), otter and great crested newt within the vicinity of the application site.</p> <p>The report concludes that otters are unlikely to be affected by the proposal due to the lack of suitable habitat within the site. However, bat species are likely to use the hedgerows bordering the site for foraging and commuting. Mature trees around the site could provide bat roosting habitat. I</p>

¹ Species records within 1km (minimum). Change distance dependant on project type, scale, etc.

		<p>understand that these hedgerows and trees are to be retained, except for removal of a small section of hedgerow to provide access. A tree and hedgerow protection plan, in accordance with BS5837:2012 will therefore need to be produced for the local authority's approval prior to development commencing.</p> <p>Section 6.2 of the report recommends enhancement for bats in the form of at least one bat roosting box to be installed in a new building.</p> <p>The report states that all ponds within 500m were checked for Great crested newts, where possible, using the Habitat Suitability Index method. Six of these are on the same side of the B4393 to the proposed development and received one 'below average' and five 'poor' scores. Two ponds are on the opposite side of the B4393; one was dry and the other inaccessible, but anecdotal evidence suggested it was dry. However, since it was inaccessible it was assumed to contain GCN. The report concludes that it is unlikely that GCN would be found on the application site from this pond due to the barrier presented by the B4393 and the arable land between the two sites.</p> <p>On this basis, the report states that simple method statements will be provided regarding how the habitat quality will be reduced for newts prior to works commencing and how the sections of hedgerow will be removed with regards to newts. Section 6.4 of the ecology report provides reasonable avoidance measures for GCN for the pre-construction, site set-up and construction phases. Section 6.4.1 of the report provides details of a GCN hibernaculum to be installed as an enhancement measure.</p>
☒	UK Species ☒	<p>There are historic records of badger and nesting birds within the vicinity of the site. No signs of badger activity were observed during the survey but the boundary hedgerows could provide bird nesting habitat, including the sections proposed for removal.</p> <p>I therefore recommend that vegetation clearance works are timed to avoid the bird nesting season (generally March to August inclusive). If work that could destroy bird nesting habitat is to proceed in the bird nesting season, a suitably-experienced ecologist should check for active bird nests immediately in advance of the works commencing.</p> <p>Section 6.3.2 of the report recommends that a range of different woodcrete bird nesting boxes is provided at various locations within the site to provide an enhancement for nesting birds.</p>

	Section 7 Species & Habitat <input checked="" type="checkbox"/>	<p>The applicant should be mindful that, in accordance with Powys County Council's duty under Section 7 of the Environment (Wales) Act 2016, TAN 5, UDP policies and biodiversity SPG, as part of the planning process PCC should ensure that there is no net loss of biodiversity or unacceptable damage to a biodiversity feature.</p> <p>Hedgerows are a Section 7 Priority Habitat and two hedgerows border the north and east of the site; small sections of these would need to be removed for this development. I suggest that any removed hedgerow is translocated to areas within the development site instead of buying and planting new stock.</p> <p>The block plan submitted with this application indicates a beech hedge to the rear of the site. However, Section 6.1 of the ecological report refers to a list of native species to be planted within the site. I recommend that these are incorporated within a landscaping scheme as part of a biodiversity enhancement plan for the site.</p> <p>The ecological report also makes recommendations for the installation of a bat roosting box and bird nesting boxes within the site.</p>
	LBAP Species & Habitat <input checked="" type="checkbox"/>	See observations above.
Protected Sites	International Sites ² <input type="checkbox"/>	None within the search area.
	National Sites ³ <input type="checkbox"/>	None within the search area.
	Local Sites (within 500m) <input type="checkbox"/>	None within the search area.
Invasive Non-Native Species	No	No invasive non-native species are recorded in the report by Greenscape Environmental Ltd.
Summary of recommendations / further assessment or work		Bat species are likely to use the hedgerows bordering the site for foraging and commuting. Mature trees around the site could provide bat roosting habitat. I understand that

² Identify International designated site within 2km of the proposals. Consider International sites within 15km of proposals with bats as qualifying features, and 10km with otters as qualifying features if the proposal is likely to affect these features.

³ Any designated sites within 500m of the proposal, extending to 2km dependant on features of interest i.e. wetlands (Powys LDP)

these hedgerows and trees are to be retained, except for removal of a small section of hedgerow to provide access. A tree and hedgerow protection plan, in accordance with BS5837:2012 will therefore need to be produced for the local authority's approval prior to development commencing.

Section 6.2 of the report recommends enhancement for bats in the form of at least one bat roosting box to be installed in a new building.

The ecology report concludes that it is unlikely that GCN would be found on the application site due to the barrier presented by the B4393 and the arable land between the two sites. On this basis, the report states that simple method statements will be provided regarding how the habitat quality will be reduced for newts prior to works commencing and how the sections of hedgerow will be removed with regards to newts. Section 6.4 of the ecology report provides reasonable avoidance measures for GCN for the pre-construction, site set-up and construction phases. Section 6.4.1 of the report provides details of a GCN hibernaculum to be installed as an enhancement measure.

I recommend that vegetation clearance works are timed to avoid the bird nesting season (generally March to August inclusive). If work that could destroy bird nesting habitat is to proceed in the bird nesting season, a suitably-experienced ecologist should check for active bird nests immediately in advance of the works commencing. Section 6.3.2 of the report recommends that a range of different woodcrete bird nesting boxes is provided at various locations within the site to provide an enhancement for nesting birds.

Hedgerows are a Section 7 Priority Habitat and two hedgerows border the north and east of the site; small sections of these would need to be removed for this development. I suggest that any removed hedgerow is translocated to areas within the development site instead of buying and planting new stock.

The block plan submitted with this application indicates a beech hedge to the rear of the site. However, Section 6.1 of the ecological report refers to a list of native species to be planted within the site. I recommend that these are incorporated within a landscaping scheme as part of a biodiversity enhancement plan for the site.

<p>Recommended Conditions</p>	<p>Should you be minded to approve this application, I recommend the inclusion of the following conditions:</p> <p><i>The recommendations regarding bats, nesting birds, great crested newts and native plant species identified in Section 6 of the Ecological Report by Greenscape Environmental Ltd dated November 2016 shall be adhered to and implemented in full unless otherwise agreed in writing by the LPA.</i></p> <p><u>Reason:</u> To comply with Powys County Council’s UDP Policies SP3, ENV2 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.</p> <p><i>Prior to commencement of development, a Biodiversity Enhancement Plan including the enhancements regarding bats, nesting birds, great crested newts and native plant species identified in Section 6 of the Ecological Report by Greenscape Environmental Ltd dated November 2016 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.</i></p> <p><u>Reason:</u> To comply with Powys County Council’s UDP Policies SP3, ENV2, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and the Environment (Wales) Act 2016.</p> <p><i>Prior to commencement of development a Tree and Hedgerow Protection Plan in accordance with BS:5837:2012 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.</i></p> <p><u>Reason:</u> To comply with Powys County Council’s UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh Government strategies, and the Environment (Wales) Act 2016.</p> <p>Informatives</p> <p>Birds - Wildlife and Countryside Act 1981 (as amended)</p> <p>All nesting birds, their nests, eggs and young are protected by law and it is an offence to:</p> <ul style="list-style-type: none"> • 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
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- 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.

Great Crested Newts – Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended)

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 2010 (as amended).

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.

Relevant UDP Policies	SP3 Natural, Historic and Built Heritage ENV 2: Safeguard the Landscape ENV 3: Safeguard Biodiversity and Natural Habitats ENV 6: Sites of Regional and Local Importance ENV 7: Protected Species
Comments on Additional Information	N/A

Natural Resources Wales

Thank you for consulting Natural Resources Wales (letter dated 28/02/2017) regarding the above.

NRW does not object to the proposal.

NRW previously commented on application P/2016/0165 (subsequently withdrawn) for a similar proposal at the same location. Our response letter dated 21/3/2016 is still relevant to the current application with the exception of comments on protected species. At the time of consultation an ecological assessment of the site was not available, this has been subsequently carried out and submitted in support of the current application.

We welcome the recommendations made in the Phase 1 Environmental Appraisal report dated November 2016 by Greenscape Environmental Ltd. The report found no evidence of presence of protected species on site however it makes recommendations for biodiversity enhancements and reasonable avoidance measures for Great Crested Newts (GCN) to further reduce risk of injury/killing during the partial removal of the existing hedgerows which may be used for dispersal purposes.

We have no additional comments to add.

PCC – Environmental Health

The proposal for the foul drainage is to connect to the Severn Trent main sewer. Environmental Protection has no objection to this proposal.

Construction-phase conditions

As a large development in close proximity to existing residential properties, I would recommend the following conditions for the protection of amenity during the construction phase of the project:

1. Prior to the commencement of development a report shall be submitted to and approved by the local planning authority detailing the provisions for the control of noise, vibration and dust for the construction phase of development.
2. 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.

Representations

The application was advertised through the erection of a site notice and through press advertisement. 17 objections were received and are summarised below;

- Concerns regarding a requirement to stop up Bageleys Lane and create a new access
- Proposed development is located on green land
- Significant housing development has been granted in both Four Crosses and Llandrinio
- Concerns regarding the final material to be used in the development
- Concerns raised regarding the drainage from the site and potential surface water and sewerage problems
- Increase in vehicular movements could cause noise and pollution issues
- Concerns raised regarding the potential impact on neighbour amenity regarding noise, pollution, loss or privacy, overshadowing, overlooking, disturbance etc.
- Negative visual impact
- Detrimental impact on view
- Concern regarding the impact of the development on services
- Out of character with the existing dwellings and developments
- Concerns regarding highway safety

Planning History

No relevant planning history

Principal Planning Constraints

None

Principal Planning Policies

National Planning Policy and Other Guidance

Planning Policy Wales (Edition 9, November 2016)

TAN 1: Joint Housing Land Availability Studies (2015)

TAN 2: Planning and Affordable Housing (2006)

TAN 5: Nature Conservation and Planning (2009)

TAN 6: Planning for Sustainable Rural Communities (2010)

TAN 12: Design (2016)

TAN 15: Development and Flood Risk (2004)

TAN 16: Sport, Recreation and Open Space (2009)

TAN 18: Transport (2007)

TAN 20: Planning and the Welsh Language (2013)

TAN 24: The Historic Environment (2017)

Welsh Office Circular 13/97 - Planning Obligations

Welsh Office Circular 10/99 - Planning requirements in respect of the use of non-mains sewerage incorporating septic tanks in new development

Welsh Government Circular 016/2014 – The Use of Planning Conditions for Development Management

Letter from the Cabinet Secretary for Environment and Rural Affairs regarding the delivery of affordable homes through the planning system (2017)

Local Planning Policy

Powys Unitary Development Plan (2010)

UDP SP1 – Social, Community and Cultural Sustainability

UDP SP2 - Strategic Settlement Hierarchy

UDP SP3 – Natural, Historic and Built Heritage

UDP SP5 - Housing Developments

UDP SP6 – Development and Transport

UDP SP9 – Local Community Services and Facilities

UDP GP1 – Development Control

UDP GP2 – Planning Obligations

UDP GP3 – Design and Energy Conservation

UDP GP4 – Highway and Parking Requirements

UDP GP5 – Welsh Language and Culture

UDP ENV1 – Agricultural Land

UDP ENV2 – Safeguarding the Landscape

UDP ENV3 – Safeguarding Biodiversity and Natural Habitats

UDP ENV4 – Internationally Important Sites

UDP ENV5 – Nationally Important Sites

UDP ENV7 – Protected Species

UDP ENV14 – Listed Buildings

UDP ENV17 – Ancient Monuments and Archaeological Sites

UDP ENV18 – Development Proposals Affecting Archaeological Sites

UDP CS3 – Additional Demand for Community Facilities

UDP HP3 – Housing Land Availability

UDP HP4 – Settlement Development Boundaries and Capacities

UDP HP5 – Residential Developments

UDP HP6 – Dwellings in the Open Countryside

UDP HP7 – Affordable Housing within Settlements

UDP HP8 – Affordable Housing Adjoining Settlements with Development Boundaries

UDP HP9 – Affordable Housing in Rural Settlements

UDP HP10 – Affordability Criteria

UDP RL2 – Provision of Outdoor Playing and Recreation Space

UDP RL6 - Rights of Way and Access to the Countryside

UDP TR2 – Tourist Attractions and Development Areas
UDP T2 - Traffic Management
UDP DC3 – External Lighting
UDP DC8 – Public Water Supply
UDP DC9 – Protection of Water Resources
UDP DC10 – Mains Sewerage Treatment
UDP DC13 – Surface Water Drainage
Powys Residential Design Guide (2004)

Affordable Housing for Local Needs Supplementary Planning Guidance (SPG) Approved September 2010 Updated July 2011

Powys Joint Housing Land Availability Study (2016)

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

Other Legislative Considerations

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

Officer Appraisal

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

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

Principle of development

The application site lies wholly outside the development boundary of Llandrinio. The site does however adjoin the development boundary.

Outside of settlement boundaries, UDP Policy HP4 applies and states that 'outside settlement boundaries, proposals for new residential development will only be approved where they comply with UDP Policies HP6, HP8 or HP9'. Policy HP6 relates to rural enterprise dwellings, policy HP8 relates to affordable dwellings adjoining a settlement boundary and Policy HP9 relates to affordable dwellings within rural settlements. It is considered that the proposed development does not comply with UDP Policy HP6, HP8 or HP9. The proposed development is therefore not in accordance with the UDP and should be considered a departure.

Housing land supply

The departure is being justified by the applicant on the basis that Powys County Council does not have a 5 year housing land supply.

Paragraph 9.2.3 of Planning Policy Wales states that ‘Local planning authorities must ensure that sufficient land is genuinely available or will become available to provide a 5 year supply of land for housing judged against the general objectives and the scale and location of development provided for in the development plan.’

The Powys Joint Housing Land Availability Study (JHLAS) 2016 states that there was 2.2 years supply of housing land in the Powys Local Planning Authority (LPA) area. Failure to have a 5-year housing land supply is an important material consideration that should be taken into account when determining this scheme. Technical Advice Note 1: Joint Housing Land Availability Studies (2015) states as follows:

“The housing land supply should also be treated as a material consideration in determining planning applications for housing. Where the current study shows a land supply below the 5 year requirement or where the local planning authority has been unable to undertake a study, the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with development plan and national planning policies”.

Whilst TAN 1 confirms that the need to increase housing land supply should be given considerable weight, it is emphasised that this is only where the development would otherwise comply with development plan and national planning policies. Therefore, all material planning considerations are required to be taken into account as are all relevant national and local planning policies and balanced with the undersupply of housing land currently available in Powys.

In light of the above, whilst acknowledging that the proposal does constitute a departure from the development plan, Members are advised that the lack of a five year housing supply in Powys needs to be given considerable weight in the determination of this application. However, before reaching a decision, the scheme will need to be considered against other policies contained within the UDP in order for a balanced view to be made on the acceptability of the development overall.

Sustainable location

When providing additional housing it is important to consider whether the scheme can be considered to be sustainable development. This can relate to a wide range of matters including public transport provision and access to education, employment opportunities and other services.

Llandrinio has benefitted from a number of consent with 9 dwellings being granted consent within the development boundary and 15 dwelling being granted consent as a departure.

Llandrinio is considered as a large village in the UDP and will remain as a large village within the LDP. The LDP states that at least 25% of the Plan’s housing growth is envisaged to be

within Large Villages. It is noted that the settlement of Llandrinio is served by a church, village hall, general store/newsagent, filling station, public house, children's play area and recreation ground. It is also noted that it is served by bus routes with regards to public transport

Whilst these settlements do not have as wide a range of services and facilities as the area centres or key settlements, they are considered to have a good range of community facilities and the capacity to accommodate additional development. It is also important to note regarding this site that the site, whilst adjoining the development boundary of Llandrinio is approximately 0.5 miles from the centre of Llandrinio which benefits from services. It is however 0.3 miles from Four Crosses, a key settlement, which benefits from a wide range of services and access to public transport links to the wider area.

In light of the above, the site is considered to be a sustainable due to the amenities and services provided locally and additional residential development in this location would accord with the provisions of Planning Policy Wales in so far as it is a sustainable location

Affordable housing

With regards to affordable housing provision, the Unitary Development Plan Policy HP7 requires, among other matters, the provision of affordable housing within applications for five or more dwellings. The proportion secured should be based on the extent and type of need identified by a robust data source.

The Affordable Housing for Local Needs Supplementary Planning Guidance (SPG) states that our starting point for affordable housing provision on schemes of more than 5 dwellings should be 30-35%. However, the Viability Assessment forming part of the evidence base for the Local Development Plan identifies a guideline of 20% affordable provision in this area of Powys. It is contended that the CIL Viability Assessment provides a more up to date and robust basis for determining the affordable housing contribution than the now historic "guideline" figure contained within the UDP and on that basis, the 20% provision figure suggested is considered to be reasonable in this instance.

The applicant is prepared to accommodate a 30% provision of affordable housing which will be controlled through a section 106 agreement. In light of this, the proposal is considered compliant with the principle of policy HP7.

Design, Layout and Residential Amenity

Guidance contained within UDP Policy HP5 indicates that residential development will be permitted where the development is of an appropriate scale, form and design and general character, to reflect the overall character and appearance of the settlement and surrounding area. Whilst some matters (appearance, landscaping, layout and scale) are reserved and will be dealt with at the reserved matters stage, it is relevant to consider whether the number of dwellings proposed could be appropriately developed on the site.

The indicative layout resembles a modern residential layout which is broadly comparable to the existing development which adjoins the site. More importantly it shows that up to 19 dwellings could be accommodated on the site. Detailed design will follow at a later date (if

this application is permitted) and this will give the opportunity to ensure the dwellings are designed in an appropriate manner to accord with the character of the settlement.

The properties in the locality consist of a mixture of one and two storey detached properties, predominantly of brick and render which are predominantly modern dwellings. The proposed scale of two storeys is not considered to be out of character with the locality.

Whilst the site would be visible from public vantage points including the public highway and neighbouring residential properties and that the proposal would result in a visual change in comparison to the current agricultural use, taking into account the location which is reasonably related to the built form of the settlement and that landscaping measures would reduce the visual impact, it is considered that a satisfactory detailed design could come forward to reflect the overall character and appearance of the settlement and surrounding area.

Whilst the application is in outline with all matters reserved for future consideration the indicative layout demonstrates that the site is capable of accommodating 19 dwellings without having a detrimental impact on the amenity of neighbouring properties.

Clearly, the layout at this stage is indicative and full consideration of this matter will be given at the reserved matters stage when full details of the scheme will be available. However, it is considered that the proposal is capable of according with UDP policy GP1 and the guidance set out in the Powys Residential Design Guide.

Landscape

UDP Policy ENV2 states that proposals should 'take account of the high quality of the landscape throughout Powys and be appropriate and sensitive to the character and surrounding landscape'. It goes on to state that proposals which are acceptable in principle should 'contain appropriate measures to ensure satisfactory Integration into the landscape'.

The site occupies an edge of settlement location which adjoins open countryside and therefore the locality is considered to be sensitive to visual change. In terms of LANDMAP Visual Sensory Areas (VSA), the site sits within the River Severn Floodplain (MNTGMVS650) which has a moderate evaluation but sits adjacent to Four Crosses VSA (MNTGMVS635) which has a low classification. The area is characterised by a *'dispersed collection of linear settlements surrounding the junctions of the A483(T) and the B4393 comprising Llandrinio, Rhos Common and Four Crosses. No defined village centre, rather an amalgamation of smaller settlements into one'*. LANDMAP sets out the key elements that should be changed are to *'encourage development as a more nucleated settlement rather than sprawling linear settlement'*. The proposed development is considered to meet such objectives and occupies a site between existing developed areas.

In terms of landscaping, the proposal would provide an opportunity to provide additional native landscaping which would assist in mitigating visual impact. Landscaping is a reserved matter and therefore detailed proposals would be considered at a later date.

Whilst the site would be visible from public vantage points including the public highway and that the proposal would result in a visual change in comparison to the current agricultural use, taking into account the location adjacent to an existing residential estate, the

development is considered to be acceptable. Furthermore, taking into account the character of existing development in the locality, and that landscaping measures would reduce the visual impact, the proposed scale of the development is considered to reflect the character of the development that has occurred along the highway within Llandrinio, it is considered that a satisfactory detailed design could come forward to reflect the overall character and appearance of the settlement and surrounding area.

Highway Safety

UDP policy GP4 requires adequate highway provision in terms of a safe access, visibility, turning and parking. Access is not a reserved matter in this case and the block plan details the creation of a new adoptable vehicular access to serve the development. Access will be onto the B4393 which runs through the centre of the village.

The application has been considered by the Local Highway Authority who are satisfied with the proposed scheme subject to a number of planning conditions. However as the application is in outline with all matters reserved for future consideration Officers only need to be content that a safe access can be achieved. As Highways are offering no objection to the proposed development it is not considered necessary to attach highways condition to this application as access will be fully considered at reserved matters stage.

As such the proposed development is considered to fundamentally comply with policy GP4.

Foul Water

The application details that the site will be served by mains systems in respect of the disposal of foul waters. The proposed use of mains sewerage disposal is compliant with UDP policy DC10.

Severn Trent Water have confirmed that they do not object to the proposed development subject to conditions relating to the agreement of surface and foul water drainage plans and have not raised concerns about the capacity of the system.

It is therefore considered that proposal in this regard is acceptable subject to conditions which have been attached at the end of this report.

Ecology and Biodiversity

The Council acknowledges the need to protect biodiversity from adverse development through careful monitoring, maintenance and the protection of habitats and species worthy of conservation. Therefore the nature conservation policies in the UDP seek to safeguard and enhance biodiversity, and these objectives are also echoed in national policy (TAN5 and Planning Policy Wales).

The application is supported by an extended phase 1 habitat survey which concludes that there was no evidence of protected species at the site and that Great Crested Newts were unlikely to be located at the site due to the need for them to cross the adjoining highway. The construction of a new access would require the removal of an unspecified length of hedgerow which currently forms the highway boundary. The survey report concludes that no

hedgerows on site are considered to be important under the Hedgerow Regulations and that the planting of new hedgerows is proposed, as well as retention of some of the existing.

Consultation with the County ecologist resulted in conditions being suggested which are considered to be reasonable although the condition that relates to a species list for landscaping is considered to be premature at this stage and will be considered along with the reserved matters. The remaining conditions are attached at the end of the report.

Recreation provision

As the site proposes 19 dwellings consideration must be given to whether there is adequate play space in close proximity to the site. It is apparent that there is little in the form of open space in close proximity to the site as such it is considered necessary to require that an area of open space is provided as part of the proposed development. Whilst an area of open space is not identified on the indicative layout Officers consider that an area of open space could be successfully provided and as layout is a reserved matter the layout can be adjusted at this stage to accommodate the open space.

It is considered that it would be reasonable and practicable to require an area of open space to be provided on the application site to serve the development. The provision and long term maintenance of this would be secured via a section 106 agreement (planning obligation).

Loss of agricultural land

UDP Policy ENV1 provides safeguarding for the best and most versatile land (grades 1, 2 and 3a). The land is classed as Urban and therefore is not considered to be of the best and most versatile agricultural land or of particular value to agriculture within the locality in accordance with the advice provided within UDP Policy ENV1 and Technical Advice Note 6.

RECOMMENDATION

Although it is noted that the proposed development is a departure from the adopted development plan, considerable weight must be given to the need to increasing housing land supply. The proposed development is for the provision of 19 dwellings in a sustainable location. It is considered that the material consideration of the lack of housing land supply within the county warrants the approval of this development contrary to the provisions of the development plan. Consideration has been given to all material planning matters and it is considered that all issues can be adequately dealt with through the imposition of conditions or through planning obligations.

It is recommended that the application be approved subject to the conditions set out below and subject to the applicant entering into a Section 106 agreement to secure open space.

Conditions

1. Details of the layout, appearance, landscaping 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. 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:

- 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;
- the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- 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)];
- the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- 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.

5. 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.

6. Prior to the commencement of development a report shall be submitted to and approved by the local planning authority detailing the provisions for the control of noise, vibration and dust for the construction phase of development.

7. 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.

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

9. The recommendations regarding bats, nesting birds, great crested newts and native plant species identified in Section 6 of the Ecological Report by Greenscape Environmental Ltd dated November 2016 shall be adhered to and implemented in full.

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

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 the affordable housing remains affordable in perpetuity in accordance with Policy HP7 of the Powys Unitary Development Plan (2010), the Powys Affordable Housing for Local Needs Supplementary Planning Guidance (2011), Technical Advice Note 2: Planning and Affordable Housing (2006) and Planning Policy Wales (2016).

5. In order to ensure the affordable housing remains affordable in perpetuity in accordance with Policy HP7 of the Powys Unitary Development Plan (2010), the Powys Affordable Housing for Local Needs Supplementary Planning Guidance (2011), Technical Advice Note 2: Planning and Affordable Housing (2006) and Planning Policy Wales (2016).

6. To mitigate the impact of the construction phase of the development upon the amenities enjoyed by the occupants of neighbouring residential properties in accordance with Policy GP1(3) of the Powys Unitary Development Plan (2010).

7. To mitigate the impact of the construction phase of the development upon the amenities enjoyed by the occupants of neighbouring residential properties in accordance with Policy GP1(3) of the Powys Unitary Development Plan (2010).

8. To ensure that the development is provided with a satisfactory means of drainage as well as to reduce or exacerbate a flooding problem and to minimise the risk of pollution in accordance with Policies GP1, DC10 and DC13 of the Powys Unitary Development Plan (2010) and Technical Advice Note 15 – Development and Flood Risk (2004).

9. To comply with Powys County Council's UDP Policies SP3, ENV2 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.

10. To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh Government strategies, and the Environment (Wales) Act 2016.

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.

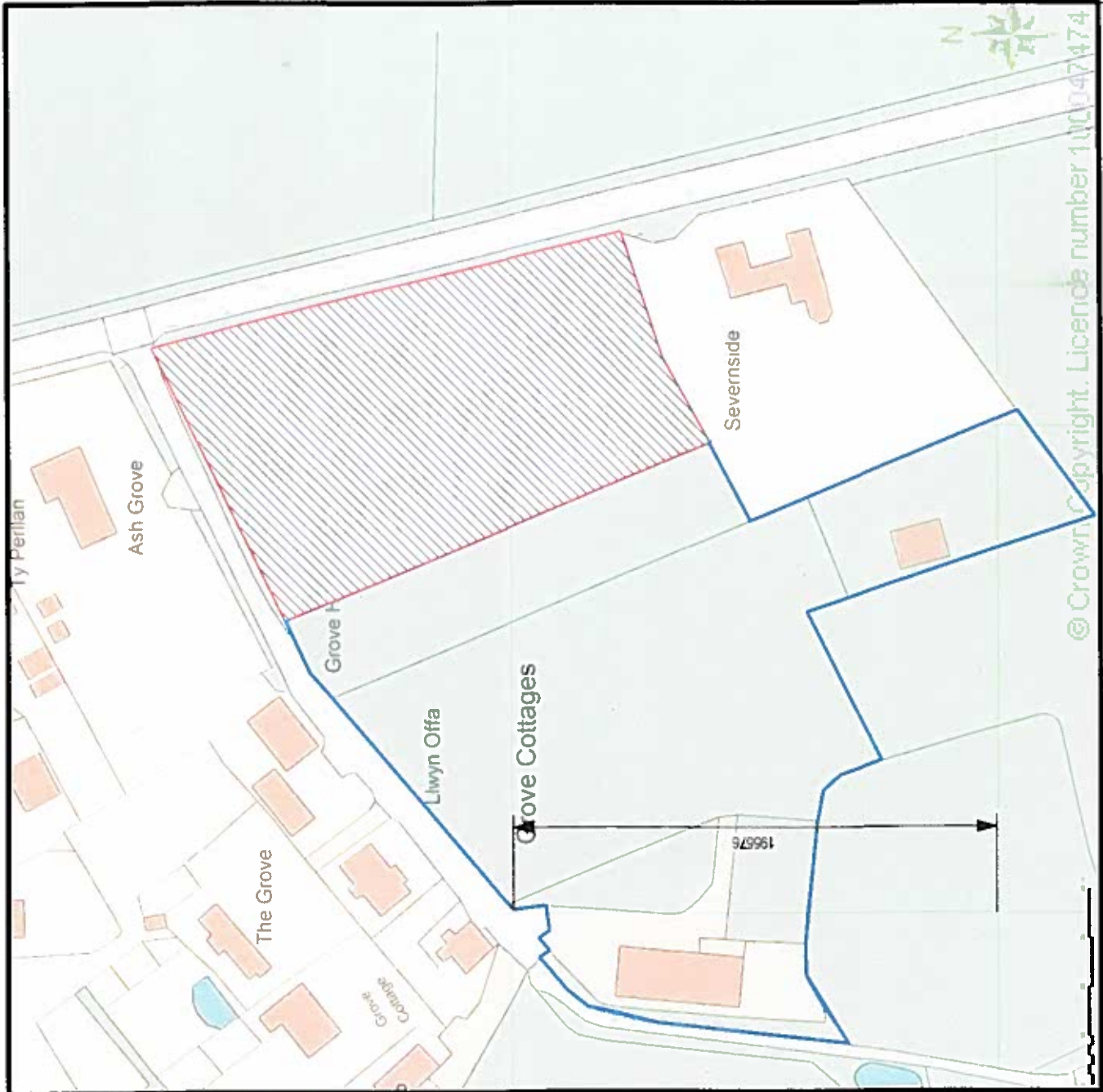
Great Crested Newts – Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended)

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 2010 (as amended).

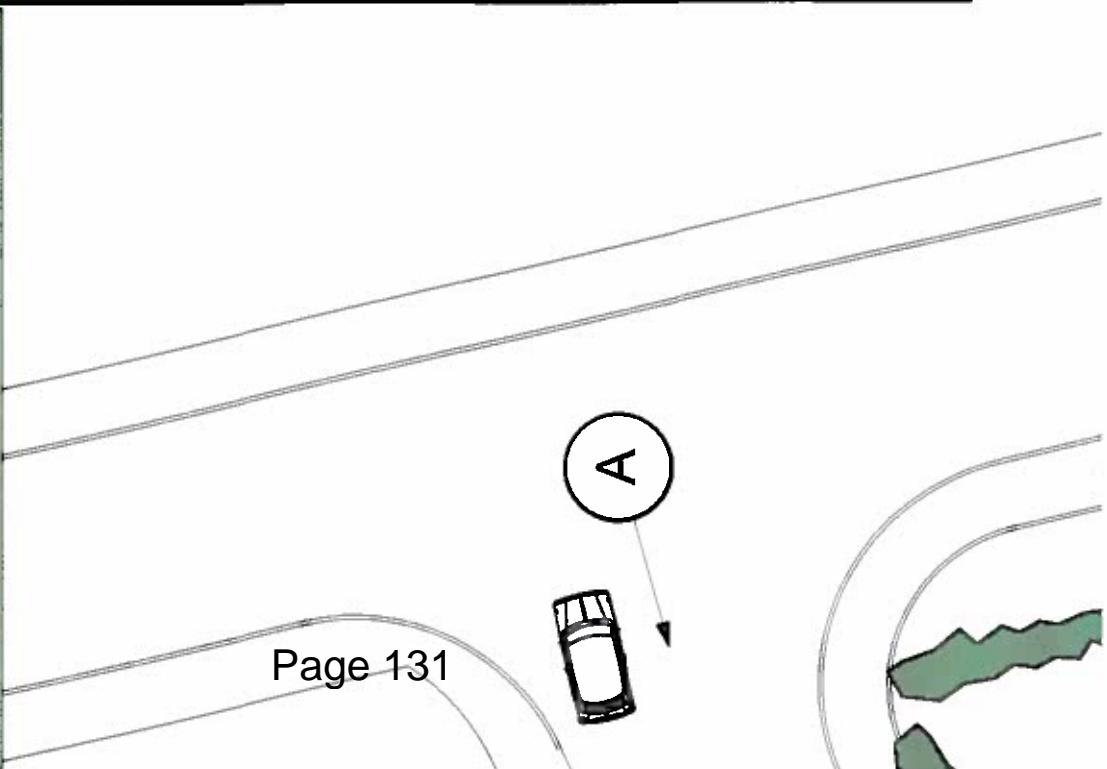
It is therefore an offence to:

- 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



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UPDATE REPORT

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2017/1421	Grid Ref:	300529.02 251422.84
Community Council:	Cilmery	Valid Date:	Officer: 06/12/2017 Thomas Goodman
Applicant:	Mrs Eileen Cheffers, 9 The Crescent, Llanelwedd, Builth Wells, Powys, LD2 3TR		
Location:	Land adj Morgannwg, Cilmery, Builth Wells, Powys, LD2 3NU		
Proposal:	Outline: Residential use of 4 self build plots (all matters reserved)		
Application Type:	Application for Outline Planning Permission		

Update Report

This report is to provide an update to members following the deferral of this application at a previous Committee Meeting.

Confirmation has been received that the applicant is not in discussions with the Trunk Road Agency to look at alternative access points and is content with the access that they have put forward with this application.

The Trunk Road Agency as per the initial report is content with the provision of an access in this location as it would see the removal of 2 non-compliant assets.

RECOMMENDATION

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

Conditions

1. Details of the access, appearance, landscaping, layout, and scale, (hereinafter called ""the reserved matters"") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. The development shall be carried out strictly in accordance with the plans stamped as approved on XX/XX/XX (drawing no's: 17/006/01 & 17/006/02).

5. Prior to commencement of development a Hedgerow Replacement Plan shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.
6. Prior to the commencement of development a detailed lighting design scheme to take into account any impacts on nocturnal wildlife into consideration shall be submitted for written LPA approval and implemented as approved and maintained thereafter
7. Prior to the commencement of development a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted landscaping scheme shall include a scaled drawing and a written specification clearly describing the species, sizes, densities and planting numbers proposed as well as aftercare measures. Drawings must include accurate details of any existing trees and hedgerows to be retained with their location, species, size and condition.
8. The minimum visibility distances available for vehicles emerging from the proposed access shall be 120 metres in each direction at a height of 1.05 metres, measured to a point 0.26 metres above the nearer running edge of the trunk road carriageway. These visibility distances shall be available at a point 2.4 metres from the nearer running edge of the trunk road, measured along the centreline of the access road. The visibility splay so formed shall be free of any growth or obstruction, which would interfere with the minimum visibility requirements.
9. Adequate provision shall be made within the development site to enable vehicles to turn around, so that they may enter and leave the site in a forward gear.
10. No drainage from the development site shall be connected to or allowed to discharge into the trunk road drainage system, and the proposed junction shall be constructed such that the access road does not drain onto the trunk road.
11. The access and visibility requirements shall be substantially complete and available for use prior to the commencement of any other works associated with the development.

Reasons

1. To enable the Local Planning Authority to exercise proper control over the development in accordance with Section 92 of the Town and Country Planning Act 1990.
2. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
3. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
4. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
5. In the interest of the protection and preservation of biodiversity in accordance with policy ENV3, ENV6 and ENV7 of the Powys Unitary Development Plan.
6. To comply with Powys County Council's UDP Policies SP3, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act.
7. To comply with Powys County Council's UDP Policies SP3 and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
8. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
9. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.

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

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

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

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Planning, Taxi Licensing and Rights of Way Committee Report

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

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

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

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

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

Application Type: Application for Outline Planning Permission

The reason for Committee determination

The proposed development constitutes a departure from the adopted Powys Unitary Development Plan.

Site Location and Description

Consent is sought for outline permission for the erection of 4 dwellings with all matters reserved. The details relating to access, appearance, landscaping, layout and scale are all reserved for future consideration.

To the north of the application site runs the A483 trunk road, to the east and south is agricultural land and to the west the development adjoins the settlement development boundary of Cilmery.

Consultee Response

Cilmery CC

No response received at the time of writing this report.

PCC Building Control

Building Regulations approval will be required for this proposal.

Wales and West Utilities

According to our mains records Wales & West Utilities has no apparatus in the area of your enquiry. However Gas pipes owned by other GT's and also privately owned may be present in this area. Information with regard to such pipes should be obtained from the owners.

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

PCC Environmental Health

Consultation response received 22/12/2017:

Clarification is sought on the disposal scheme for sewage prior to my response. Is the development intended to join mains, if in the area, or will a private treatment package be used and if so we would require confirmation that the land is suitable for such a plan.

PCC Ecologist

Thank you for consulting me with regards to planning application P/2017/1421 which concerns the outline application for residential use of 4 self-build plots (all matters reserved) on land adjacent to Morgannwg, Cilmery, Builth Wells.

I have reviewed the proposed plans, aerial images as well as local records of protected and priority species and designated sites within 500m of the proposed development.

The data search identified 45 records of protected and priority species within 500m of the proposed development - no records were for the site itself.

There are no statutory or non-statutory designated sites within 500m of the proposed development.

The site of the proposed development appears to be an area of improved grassland which is considered a habitat of low ecological value. However, the hedgerows on the northern boundary is considered to be of moderate ecological value.

Hedgerow Replacement Plan

From the plans submitted it appears that sections of the hedgerow will be removed to accommodate the proposed access.

The UDP policies ENV2 and ENV6 identify the need to protect or provide compensation for impacts to hedgerows and trees. UDP Policy ENV2 states that:

'Proposals which are acceptable in principal should:

3. Seek to conserve native woodlands, trees and hedgerows'

UDP Policy ENV6: Sites of Regional and Local Importance, makes reference to Powys LBAP habitats and species which include hedgerows under the Linear Habitats Action Plan – 'Linear habitats are important to a wide variety of species as refuges, breeding and feeding sites and as links between habitats of high biodiversity value'. Hedgerows are also listed as a "habitat of principal importance for the purposes of conserving biodiversity" as identified in on Section 7 of the Environment (Wales) Act 2016, and are beneficial to a wide range of biodiversity including bats, nesting birds, small mammals, lichens and fungi.

Where impacts to hedgerows are identified an appropriate compensation strategy will be required, where possible translocation of the existing hedgerow should be considered, if this is not considered possible at this location replacement hedgerow planting would need to be identified.

Where it is necessary to remove any hedgerow - a Hedgerow Replacement Plan will need to be secured through an appropriately worded condition. This plan will need to identify appropriate compensation planting for the loss of any trees or hedgerow – details of the location, length and species as well as an appropriate aftercare scheme will need to be

identified – species used will need to be native and reflect the hedgerows present in the local area.

Wildlife Sensitive Lighting Plan

Careful consideration will need to be given to any external lighting design provided through the proposed development, measures will need to be identified to minimise impacts to nocturnal wildlife commuting and foraging in the local area. It is therefore recommended that a Wildlife Sensitive Lighting 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.

Biodiversity Enhancements

As the application is an outline application further details will be submitted at a later date as reserved matter consideration should be given to incorporate biodiversity enhancements.

In accordance with Part 1 Section 6 of the Environment (Wales) Act 2016 Local Authorities are required to Maintain and Enhance biodiversity through all of its functions – this includes the planning process. It is therefore recommend that consideration is given to opportunities to incorporate biodiversity enhancements to ensure net biodiversity benefits through the proposed development. These measure could include:

- Provision of bird and bat boxes including the details of the number, type and location of these boxes;
- A wildlife buffer strip and a scheme of appropriate management of these areas, hedgerows should be retained within buffer strips and should be unlit or lighting to be directed away from the hedgerows to create dark movement corridors for nocturnal wildlife through the site;
- Provision of wildlife friendly landscape planting.

Should biodiversity enhancement measures be proposed as part of the development details of these features identified will need to be specific and detailed on submitted plans (i.e. details regarding locations, dimensions and numbers will need to be provided) and achievable.

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

Prior to commencement of development a Hedgerow Replacement Plan 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, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and Part 1 Section 6 of the Environment (Wales) Act.

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

Reason: To comply with Powys County Council's UDP Policies SP3, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act.

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 UDP Policies SP3 and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

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.

Welsh Government Transport

I refer to your consultation of 18 December 2017 regarding the above planning application and advise that the Welsh Government as highway authority for the A483 trunk road directs that any permission granted by your authority shall include the following conditions:

The access and visibility splays shall be laid out, constructed and maintained strictly in accordance with the submitted plans (drawing no. 17/006/02 Revision B).

- 1) The minimum visibility distances available for vehicles emerging from the proposed access shall be 120 metres in each direction at a height of 1.05 metres, measured to a point 0.26 metres above the nearer running edge of the trunk road carriageway. These visibility distances shall be available at a point 2.4 metres from the nearer running edge of the trunk road, measured along the centreline of the access road. The visibility splay so formed shall be free of any growth or obstruction, which would interfere with the minimum visibility requirements.
- 2) Adequate provision shall be made within the development site to enable vehicles to turn around, so that they may enter and leave the site in a forward gear.
- 3) No drainage from the development site shall be connected to or allowed to discharge into the trunk road drainage system, and the proposed junction shall be constructed such that the access road does not drain onto the trunk road.
- 4) The access and visibility requirements shall be substantially complete and available for use prior to the commencement of any other works associated with the development.
- 5) The applicant shall enter into an Agreement with the Welsh Ministers under Section 278 of the Highways Act 1980 to enable the Applicant to undertake agreed improvement works on the trunk road. This Agreement will contain details of the improvement works, construction conditions and financial arrangements under which agreed measures can be put in place, including indemnifying the Welsh Ministers against third party claims. Without such an agreement in place, any consent that may be granted cannot be implemented.

The above conditions are included to maintain the safety and free flow of trunk road traffic.

The following points should be brought to the attention of the applicant:

- 1) The applicant should be advised that all temporary or permanent signage, road markings or traffic orders shall be at the expense of the developer and agreed with the Highway Authority before works commence.
- 2) Any adjustment, re-siting and / or protection of any statutory undertakers apparatus in the highway shall be undertaken with the prior written consent of the relevant Authority and shall be carried out at the Applicant's own expense.
- 3) The applicant should note that planning permission does not constitute permission under the Highways Act for various activities that may be associated with the development i.e. use of the highway/footway/verge to: for example; deposit material, deposit skips, erect scaffolding, excavate within the highway or erect traffic management apparatus. Such activities will require the separate consent of the Highway Authority;
- 4) Any temporary traffic management arrangements required in connection with this application shall be in accordance with Chapter 8 of the Traffic Signs Manual and in accordance with the Safety at Street Works and Road Works Code of Practice, and shall be approved by the highway authority.

- 5) Road traffic signs in Wales must be bilingual, Welsh above English, and adhere to Welsh Government specifications, see following link for standard details; http://www.traffic-wales.com/traffic_signs.aspx

If you have any further queries, please forward to the following Welsh Government Mailbox NorthandMidWalesDevelopmentControlMailbox@gov.wales

Consultation response received 06/02/2018:

The proposed arrangement is seen as a betterment in terms of highway safety as it removes two non-compliant assets and installs one that is fully compliant.

Cllr David Price

The feeling locally seems to be that there is general support for the principal of the development. However, there are concerns regarding the loss of the highway lay-by. Can you please give your thoughts on that element? I assume the issue of the old phone-box would be matter outside of planning? But as it now belongs to the Community Council, should they refuse to allow it to be relocated, this could present a problem in achieving the access?

Representations

Following the display of a site notice and press advertisement, 5 letters of objection have been received from members of the public, which in summary raise the following matters:

- Removal of existing lay-by, which is used for parking for walkers, access to the post-box and provision of the bus-stop
- Whether or not the development is in a sustainable location
- Lack of walking/cycling

Planning History

P/2015/0638 - Full: Erection of a bungalow and double garage and all associated works – Conditional Consent – 16/09/2015

P/2017/0609 - Outline: Erection of 4 dwellings, each with detached garage, and all associated works – Application Withdrawn.

Principal Planning Constraints

Open Countryside

Principal Planning Policies

National planning policy

Planning Policy Wales (Edition 9, November 2016)

Technical Advice Note (TAN) 1 – Joint Housing Land Availability Studies (2015)

Technical Advice Note (TAN) 2 – Planning and Affordable Housing (2006)

Technical Advice Note (TAN) 5 – Nature Conservation and Planning (2009)
Technical Advice Note (TAN) 6 – Planning for Sustainable Rural Communities (2010)
Technical Advice Note (TAN) 12 – Design (2016)
Technical Advice Note (TAN) 18 – Transport (2007)
Technical Advice Note (TAN) 23 – Economic Development (2014)

Local planning policies

Powys Unitary Development Plan (2010)

SP1 – Social, Community and Cultural Sustainability
SP5 – Housing Developments
GP1 – Development Control
GP3 – Design and Energy Conservation
GP4 - Highway and Parking Requirements
HP1 – Shire Housing Allocations
HP3 – Housing Land Availability
HP4 - Settlement Development Boundaries and Capacities
HP5 – Residential Developments
HP6 – Dwellings in the Open Countryside
HP8 – Affordable Housing Adjoining Settlements with Development Boundaries
ENV 2 - Safeguarding the Landscape
ENV 3 - Safeguarding Biodiversity & Natural Habitats
ENV 4 - Internationally Important Sites
ENV 5 - Nationally Important Sites
ENV 7 - Protected Species
ENV 8 - Tree Preservation Orders
ENV 14 - Listed Buildings
ENV 17 - Ancient Monuments & Archaeological Sites
ENV 18 - Development Proposals Affecting Archaeological Sites
DC11 – Non-mains Sewage Treatment
TR2 – Tourist Attractions and Development.

Powys Residential Design Guide (October 2004)

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

Officer Appraisal

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

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

Principle of Development

For the purposes of the Powys Unitary Development Plan, the site lies within the open countryside. Policy HP4 states that 'outside settlement boundaries, proposals for new residential development will only be approved where they comply with UDP Policies HP6, HP8 or HP9.' It is considered that the proposed development does not comply with UDP Policy HP6, HP8 or HP9. The proposal is therefore considered to be a departure from the adopted Powys Unitary Development Plan.

The departure is being justified by the applicant on the basis that Powys County Council does not have a 5 year housing land supply.

Paragraph 9.2.3 of Planning Policy Wales states that:

'Local planning authorities must ensure that sufficient land is genuinely available or will become available to provide a 5-year supply of land for housing judged against the general objectives and the scale and location of development provided for in the development plan.'

The latest Powys Joint Housing Land Availability Study (JHLAS) 2015 states that there was 2.2 years supply of housing land in the Powys Local Planning Authority (LPA) area. Failure to have a 5-year housing land supply is an important material consideration that should be taken into account when determining this scheme. Technical Advice Note 1: Joint Housing Land Availability Studies (2015) states as follows:

"The housing land supply should also be treated as a material consideration in determining planning applications for housing. Where the current study shows a land supply below the 5 year requirement or where the local planning authority has been unable to undertake a study, the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with development plan and national planning policies".

The JHLAS identified an undersupply of housing land within Powys and, as mentioned above, TAN 1 confirms that the need to increase supply should be given considerable weight but only where the development would otherwise comply with development plan and national planning policies.

Sustainability

In considering the proposed development, Members are asked to consider whether the provision of four dwellings in this location will contribute to the noted shortfall and whether this is regarded as a sustainable location for new residential development. This can relate to a wide range of matters including transport, education, shops and services.

Cilmery is classified as a small village within the Powys Unitary Development Plan (2010). Although Cilmery has very limited facilities the village does contain a public house. Cilmery is also within close proximity to the settlement of Builth Wells where additional services can be found. Builth Wells is considered as an area centre within the Powys Unitary Development Plan. Cilmery is located upon the A483 leading to Builth Wells approximately 2.3 miles away. There are no cycle routes or pathways that lead directly to Builth Wells and therefore the only method of travel to facilities such as shops would be via public transport or motor vehicles.

Highway Safety

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

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

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

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

Appearance, Layout and Scale

UDP policy HP5 (Residential Development) indicates that development proposals will only be permitted where the scale, form and appearance of the development generally reflects the character and appearance of the existing settlement.

Whilst Officers acknowledge that matters relating to appearance, layout and scale have been reserved for future consideration, given the size of the development site and proximity to existing properties, it is considered that the application site is capable of accommodating four dwellings without unacceptably adversely affecting the character and appearance of the area or amenities enjoyed by occupants of neighbouring properties.

Affordable Housing

Given the scale of the development (four houses and below 0.3 hectares) affordable housing is not proposed.

Biodiversity

Policies ENV3 and ENV7 of the Powys Unitary Development Plan seek to safeguard protected species and their habitats through development proposals. This is further emphasised within Technical Advice Note (TAN) 5.

Powys County Council's Ecologist has been consulted on the proposed development. The Ecologist has carried out a data search which identified 45 records of protected and priority species within 500 metres of the proposed development, however, none have been recorded

for the site itself. The site is considered to be improved grassland with a low ecological value. However, the Ecologist has confirmed that the hedgerows along the northern boundary are of moderate ecological value. Therefore, the Ecologist has requested that a hedgerow replacement plan is submitted prior to the commencement of development as well as an appropriate landscaping scheme which will include details of existing and proposed trees and hedgerows. The Ecologist has also requested that a sensitive lighting plan is submitted prior to the commencement of development in order to ensure nocturnal species are not detrimentally impacted upon.

In light of the above and the attachment of appropriately worded conditions it is considered that the proposed development will not have a significant negative impact upon protected species and their habitats and therefore comply with policy ENV3 and ENV7 of the Powys UDP.

Environmental Health

Powys County Council's Environmental Health Officers have been consulted in relation to the means of foul drainage. The Officer has requested clarification as to the disposal scheme for sewage. Confirmation has been received from the agent that the disposal of foul drainage will be connected to the mains. Therefore it is considered that an appropriate scheme of drainage is being provided and no further information is required.

Agricultural Land Classification

Policy ENV1 of the Powys Unitary Development Plan states that when considering proposals for development, the best and most versatile agricultural land will be safeguarded wherever possible. Agricultural land classed as 1, 2 and 3a is considered to be the best and most versatile and development proposals should be restricted in these locations. In this instance the proposed development is situated on agricultural land that is classed as 3b which is moderate quality land.

The proposed development therefore complies with policy ENV1 of the Powys Unitary Development Plan (2010).

Other Legislative Considerations

Crime and Disorder Act 1998

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

Equality Act 2010

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership.

Having due regard to advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these differ from the need of other people; and
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

The above duty has been given due consideration in the determination of this application. It is considered that there would be no unacceptable impact upon persons who share a protected characteristic, over and above any other person, as a result of the proposed decision.

Planning (Wales) Act 2015 (Welsh language)

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. This duty has been given due consideration in the determination of this application. It is considered that there would be no material unacceptable effect upon the use of the Welsh language in Powys as a result of the proposed decision.

Wellbeing of Future Generations (Wales) Act 2015

Section 3 of the Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5). This duty has been considered in the evaluation of this application. It is considered that the proposed development is in accordance with the sustainable development principle through its contribution towards the well-being objectives.

Recommendation

Whilst a departure from the development plan, in this instance, the provision of housing is considered to outweigh the plan and therefore justifies the grant of consent as an exception to normal housing policies. The recommendation is therefore one of conditional approval subject to conditions.

Conditions

1. Details of the access, appearance, landscaping, layout, and scale, (hereinafter called ""the reserved matters'") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

4. The development shall be carried out strictly in accordance with the plans stamped as approved on XX/XX/XX (drawing no's: 17/006/01 & 17/006/02).
5. Prior to commencement of development a Hedgerow Replacement Plan shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.
6. Prior to the commencement of development a detailed lighting design scheme to take into account any impacts on nocturnal wildlife into consideration shall be submitted for written LPA approval and implemented as approved and maintained thereafter
7. Prior to the commencement of development a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted landscaping scheme shall include a scaled drawing and a written specification clearly describing the species, sizes, densities and planting numbers proposed as well as aftercare measures. Drawings must include accurate details of any existing trees and hedgerows to be retained with their location, species, size and condition.
8. The minimum visibility distances available for vehicles emerging from the proposed access shall be 120 metres in each direction at a height of 1.05 metres, measured to a point 0.26 metres above the nearer running edge of the trunk road carriageway. These visibility distances shall be available at a point 2.4 metres from the nearer running edge of the trunk road, measured along the centreline of the access road. The visibility splay so formed shall be free of any growth or obstruction, which would interfere with the minimum visibility requirements.
9. Adequate provision shall be made within the development site to enable vehicles to turn around, so that they may enter and leave the site in a forward gear.
10. No drainage from the development site shall be connected to or allowed to discharge into the trunk road drainage system, and the proposed junction shall be constructed such that the access road does not drain onto the trunk road.
11. The access and visibility requirements shall be substantially complete and available for use prior to the commencement of any other works associated with the development.

Reasons

1. To enable the Local Planning Authority to exercise proper control over the development in accordance with Section 92 of the Town and Country Planning Act 1990.
2. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
3. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
4. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
5. In the interest of the protection and preservation of biodiversity in accordance with policy ENV3, ENV6 and ENV7 of the Powys Unitary Development Plan.
6. To comply with Powys County Council's UDP Policies SP3, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act.
7. To comply with Powys County Council's UDP Policies SP3 and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
8. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.

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

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

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

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.

Highway Safety

1) The applicant should be advised that all temporary or permanent signage, road markings or traffic orders shall be at the expense of the developer and agreed with the Highway Authority before works commence.

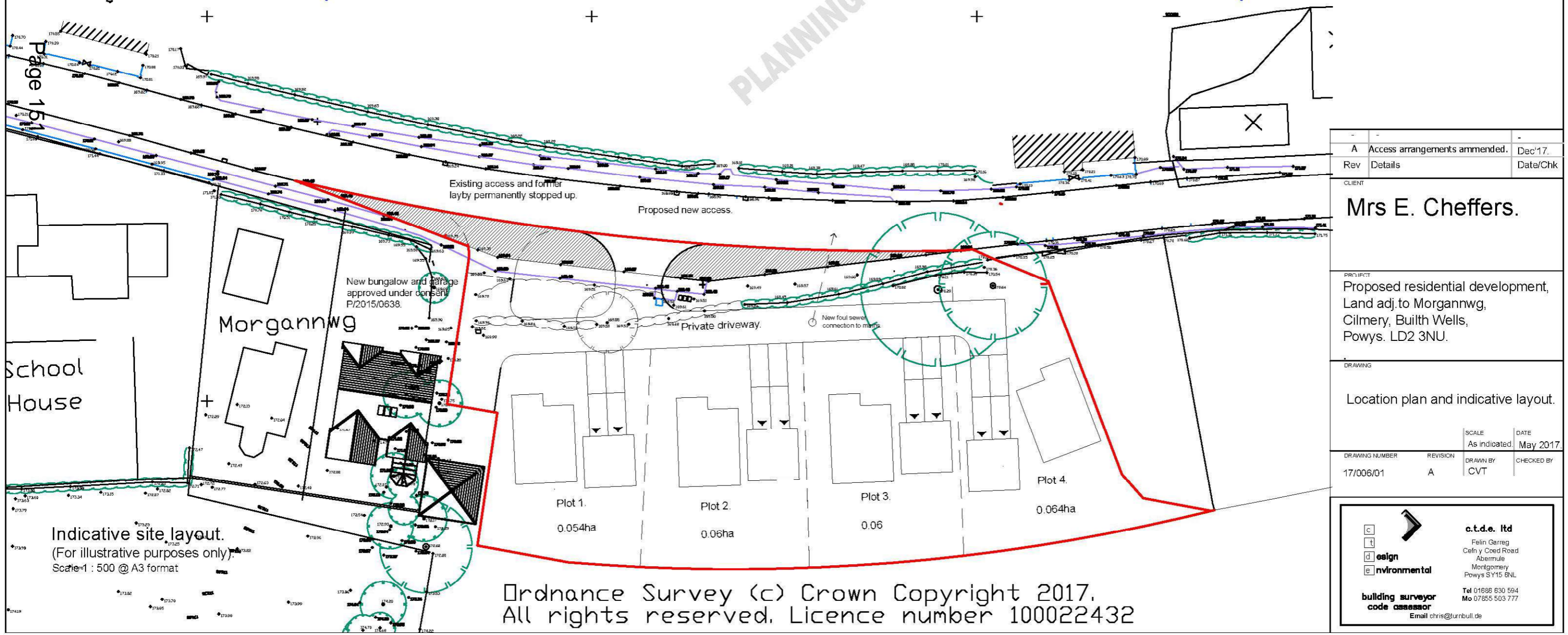
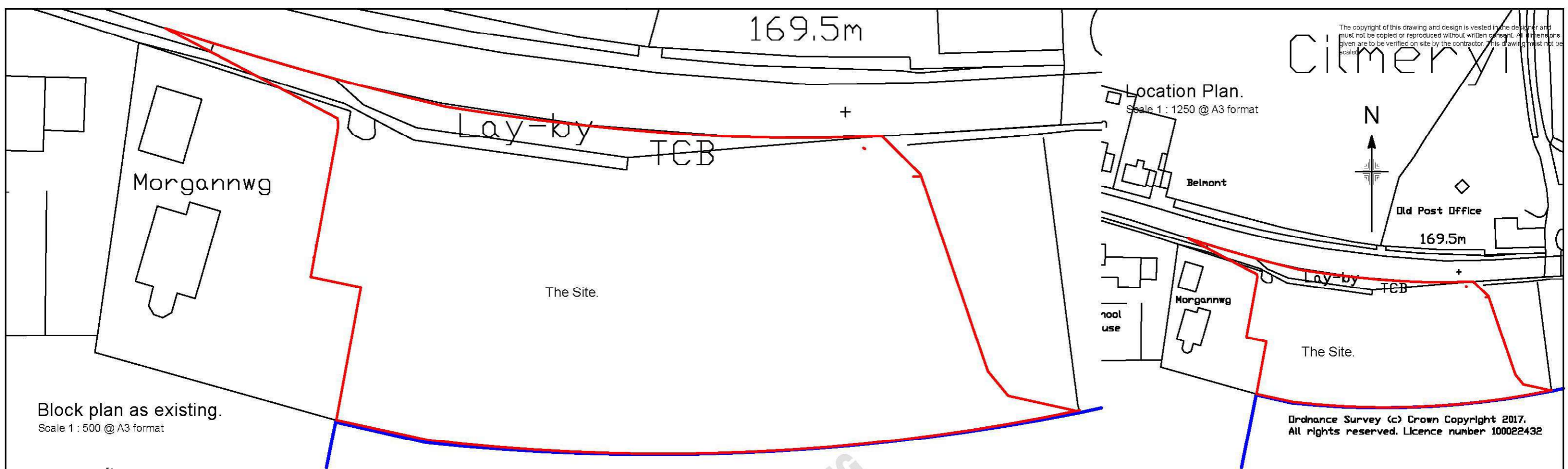
2) Any adjustment, re-siting and / or protection of any statutory undertakers apparatus in the highway shall be undertaken with the prior written consent of the relevant Authority and shall be carried out at the Applicant's own expense.

3) The applicant should note that planning permission does not constitute permission under the Highways Act for various activities that may be associated with the development i.e. use of the highway/footway/verge to: for example; deposit material, deposit skips, erect scaffolding, excavate within the highway or erect traffic management apparatus. Such activities will require the separate consent of the Highway Authority;

4) Any temporary traffic management arrangements required in connection with this application shall be in accordance with Chapter 8 of the Traffic Signs Manual and in accordance with the Safety at Street Works and Road Works Code of Practice, and shall be approved by the highway authority.

5) Road traffic signs in Wales must be bilingual, Welsh above English, and adhere to Welsh Government specifications, see following link for standard details; http://www.traffic-wales.com/traffic_signs.aspx

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



Rev	Details	Date/Chk
A	Access arrangements amended.	Dec'17.

CLIENT
Mrs E. Cheffers.

PROJECT
Proposed residential development,
Land adj. to Morgannwg,
Cilmerly, Builth Wells,
Powys. LD2 3NU.

DRAWING
Location plan and indicative layout.

DRAWING NUMBER	REVISION	DRAWN BY	CHECKED BY
17/006/01	A	CVT	

c.t.d.e. Ltd
Felin Garreg
Cefn y Coed Road
Abermule
Montgomery
Powys SY15 8NL
Tel 01898 630 594
Mo 07855 503 777
Email chris@turnbull.de

**building surveyor
code assessor**
Email chris@turnbull.de

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6.6

Planning, Taxi Licensing and Rights of Way Committee Report

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

The reason for Committee determination

County Cllr. Gareth Jones has called-in this application as the site is outside designated development boundary

Site Location and Description

The application has been made in outline with all matters reserved and seeks consent for the construction of 3 open market dwellings formation of vehicular access & installation of sewerage treatment plant on land south of Broncafnt Lane, Llanfair Caereinion.

The site is located on southern side of Llanfair Caereinion adjacent to Broncafnt Lane approximately 20 metres from the designated settlement boundary of Llanfair Caereinion. The lane serves three other properties (2 non associated dwellings and one property which is owned by the applicant and currently run as a Children's Nursery). The site is surrounded to the north west by Broncafnt Lane, and agricultural fields to other elevations. The whole of the site is steeply sloping in south easterly direction overlooking the town.

Consultee Response

Llanfair Caereinion Community Council

At meeting of Llanfair Caereinion Town Council on Wednesday 29th November 2017 the members voted to support the above planning application.

PCC - Highways (N)

Wish the following recommendations/Observations be applied
Recommendations/Observations

The Highway Authority are in agreement to the applicants proposed 'trade off' of movements associated with the permanent closure of the Childrens Nursery located at Tanyfron, Broncafnt Lane, Llanfair Caereinion which is in the applicants ownership. The applicant

and Highway Authority have agreed that based on the number of movements from the nursery that a maximum of three, three bedroomed dwellings is acceptable. However, this is conditional on the applicant entering a suitably worded S.106 Agreement to extinguish the current commercial use of Tanyfron within three months of any consent being given to this application.

HC1 Prior to the occupation of any dwelling any entrance gates shall be set back at least 5.5 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.

HC2 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.

HC3 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.

HC4 Prior to the commencement of the development the accesses shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the accesses and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 34 metres distant in each direction measured from the centre of the accesses along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the areas of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

HC7 Prior to the commencement of the development 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.

HC8 Prior to the occupation of any dwelling, provision shall be made within the curtilage of the site for the parking of not less than one car per bedroom excluding any garage space provided together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

HC11 Prior to the commencement of the development provision shall be made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of 0.4 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.

HC12 The width of the accesses carriageway, constructed as per above conditions, shall be not less than 4.1 metres for a minimum distance of 5.5 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.

HC21 Prior to the occupation of any dwelling the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 5.5 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.

HC22 Prior to the commencement of the development any existing means of access shall be stopped up, in materials to be agreed in writing by the Local Planning Authority and this shall be retained for as long as the development is in existence.

HC26 When installed there shall be a minimum clearance of 6 metres from the nearest part of the adjoining highway verge or footpath to any part of the package treatment plant or its soakaway installation.

HC27 The package treatment plant effluent in connection with the development hereby permitted shall not interfere or connect in any way with the highway surface water drainage or give rise to a nuisance upon the highway.

HC29 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.

HC30 Upon formation of the visibility splays as detailed in above conditions the centreline of any new or relocated hedge/fence/wall should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.

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

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

Wales and West Utilities

Based on the information given and the address provided, Wales & West Utilities have no apparatus in the area of your enquiry.

Severn Trent

As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

Cllr Gareth Jones

Has called this application to the Planning Cttee as the site is outside settlement boundary.

PCC - Environmental Health

As the foul drainage from proposed development is discharging into a watercourse I have no objection provided that the NRW consent to the discharge. Given its location an alternative foul drainage scheme would be difficult to implement, therefore, if possible, confirmation of the NRW consent would be recommended before commencement of work.

PCC - Ecologist

Thank you for consulting me with regards to planning application P/2017/1311 which concerns the outline application for erection of 3 no. dwellings and associated infrastructure including installation of sewage treatment plant (some matters reserved) on Land South of Broncafntent, Lane, Llanfair Caereinion Powys.

I have reviewed the proposed plans as well as local records of protected and priority species and designated sites within 500m of the proposed development. The data search identified 70 records of protected and priority species within 500m of the proposed development - no records were for the site itself.

There are no statutory or non-statutory designated sites within 500m of the proposed development.

The site of the proposed development appears to be an area of improved grassland which is considered a habitat of low ecological value. However, the hedgerows and trees on the boundary of the development are considered to be of moderate ecological value.

Tree and Hedgerow Replacement and Protection Plan

From the plans submitted it appears that sections of the hedgerow on the northern boundary will be removed to provide the required new access. It is not clear if the tree on the western boundary will be affected by the proposed development. The UDP policies ENV2 and ENV6 identify the need to protect or provide compensation for impacts to hedgerows and trees. UDP Policy ENV2 states that:

Proposals which are acceptable in principle should:

3. Seek to conserve native woodlands, trees and hedgerows'

UDP Policy ENV6: Sites of Regional and Local Importance, makes reference to Powys LBAP habitats and species which include hedgerows under the Linear Habitats Action Plan – 'Linear habitats are important to a wide variety of species as refuges, breeding and feeding sites and as links between habitats of high biodiversity value'. Hedgerows are also listed as a "habitat of principal importance for the purposes of conserving biodiversity" as identified in on Section 7 of the Environment (Wales) Act 2016, and are beneficial to a wide range of biodiversity including bats, nesting birds, small mammals, lichens and fungi.

Where impacts to hedgerows are identified an appropriate compensation strategy will be required, where possible translocation of the existing hedgerow should be considered, if this is not considered possible at this location replacement hedgerow planting would need to be identified.

Where it is necessary to remove any trees or hedgerows a Tree and Hedgerow Replacement and Protection Plan will need to be secured through an appropriately worded condition. This

plan will need to identify appropriate compensation planting for the loss of any trees or hedgerow – details of the location, length and species as well as an appropriate aftercare scheme will need to be identified – species used will need to be native and reflect the hedgerows present in the local area.

Given the proximity of development and development works to the hedgerow on the northern boundary and the trees on the western boundary it is considered prudent to require information from the applicant as to how these features biodiversity importance for wildlife will be protected during the construction period of works.

Pollution Prevention Plan

I note from reviewing aerial images that there is watercourse north of the proposed development approximately 30m away. Given the proximity of proposed development to the watercourse present and particularly the topography of the proposed development site, the nature of the proposed works it is considered that a **Pollution Prevention Plan** will need to be identified to ensure no negative impact is caused during construction activities and during operation of the site. I therefore recommend that a Pollution Prevention Plan is secured through a planning condition.

It is recommended that reference is made to Pollution Prevention Guidelines Series in particular PPG 6 - Working at construction and demolition sites and GPP 5 – Works and maintenance in or near water; these documents 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/>

Wildlife Sensitive Lighting Plan

Careful consideration will need to be given to any external lighting design provided through the proposed development, measures will need to be identified to minimise impacts to nocturnal wildlife commuting and foraging in the local area. It is therefore recommended that a Wildlife Sensitive Lighting 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.

Biodiversity Enhancements

As the application is an outline application further details will be submitted at a later date as reserved matter consideration should be given to incorporate biodiversity enhancements.

In accordance with Part 1 Section 6 of the Environment (Wales) Act 2016 Local Authorities are required to Maintain and Enhance biodiversity through all of its functions – this includes the planning process. It is therefore recommend that consideration is given to opportunities to incorporate biodiversity enhancements to ensure net biodiversity benefits through the proposed development. These measure could include:

- Provision of bird and bat boxes including the details of the number, type and location of these boxes;

- A wildlife buffer strip and a scheme of appropriate management of these areas, hedgerows should be retained within buffer strips and should be unlit or lighting to be directed away from the hedgerows to create dark movement corridors for nocturnal wildlife through the site;
- Provision of wildlife friendly landscape planting.

Should biodiversity enhancement measures be proposed as part of the development details of these features identified will need to be specific and detailed on submitted plans (i.e. details regarding locations, dimensions and numbers will need to be provided) and achievable.

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

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

Reason: To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and Part 1 Section 6 of the Environment (Wales) Act.

Prior to commencement of development a Pollution Prevention Plan shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the Local Planning Authority.

Reason: To comply with Powys County Council's UDP Policies ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act.

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

Reason: To comply with Powys County Council's UDP Policies SP3, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act.

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 UDP Policies SP3 and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9,

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

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.

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

It is an offence for any person to:

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

Under the Habitats Regulations it is an offence to:

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

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

Reptiles – Wildlife & Countryside Act 1981 (as amended)

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

It is therefore an offence to:

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

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

In addition these species of reptiles are also listed in Part 1 Section 7 of the Environment (Wales) Act 2016 – which is a list of the living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales. Species of reptiles known to occur in Powys are also listed as Species of Conservation Concern on the Powys LBAP. If reptiles are discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and/or the Council's Ecologist.

Representations

Following display of a site notice and advertisement in the local press five written representations of objection have been received.

The letters of objection can be summarised as follows:

- Concerns over loss of privacy and daylight to neighbouring properties
- Highway safety issues regarding the unsuitability of the access and junction with the County Highway
- Ecological issues surrounding the removal of hedgerows and impact of the development from light pollution and loss of land.
- Concerns over the sewerage provision
- Concerns over surface water drainage and instability of the ground
- The proposal falls outside of the settlement development boundary for the area.

Planning History

P/2017/0600 - Outline: Erection of up to 4 dwellings, installation of sewage treatment plant and associated works (some matters reserved). Refused.

Principal Planning Constraints

None

Principal Planning Policies

National Planning Policy

Planning Policy Wales (Edition 9, 2016)

TAN 1 - Joint Housing Land Availability Studies (2015)

TAN 2 - Planning and Affordable Housing (2006)

TAN 5 - Nature Conservation and Planning (2009)

TAN 6 - Planning for Sustainable Rural Communities (2010)

TAN 12 - Design (2016)

TAN 18 - Transport (2007)

TAN 20 - Planning and the Welsh Language (2017)

TAN 23 – Economic Development (2014)

TAN 24 – The Historic Environment (2017)

Local Planning Policies

Powys Unitary Development Plan (2010)

UDP SP2 – Strategic Settlement Hierarchy
UDP SP5 - Housing Developments
UDP GP1 - Development Control
UDP GP3 - Design and Energy Conservation
UDP GP4 - Highway and Parking Requirements
UDP GP5 – Welsh Language and Culture
UDP HP3 - Housing Land Availability
UDP HP4 - Settlement Development Boundaries and Capacities
UDP HP5 - Residential Developments
UDP HP6 - Dwellings in the Open Countryside
UDP DC10 - Mains Sewage Treatment
UDP DC11 - Non-mains Sewage Treatment
UDP DC13 - Surface Water Drainage
UDP DC8 - Public Water Supply
UDP DC9 - Protection of Water Resources
UDP ENV1 - Agricultural Land
UDP ENV2 - Safeguarding the Landscape
UDP ENV3 - Safeguarding Biodiversity & Natural Habitats
UDP ENV7 - Protected Species
UDP ENV17 – Ancient Monuments and Archaeological Sites
UDP TR2 – Tourist Attractions

Powys Residential Design Guide

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

Officer Appraisal

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

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

Principle of Development

For the purposes of the Powys Unitary Development Plan, the site subject to this application lies within the open countryside. On this basis, the proposal constitutes a departure from the adopted Powys Unitary Development Plan.

Housing Land Supply

Members are advised that a decision to approve a departure can only be made where other material considerations outweigh the provisions of the development plan. Such material considerations include Planning Policy Wales (2016) and UDP policy HP3, which require the Local Planning Authority to ensure that sufficient land is genuinely available or will become available to provide a 5-year supply of land for housing.

The Powys JHLAS (2016) provides information on land availability and indicates a land supply of 2.2 years (as of 01/04/2016). Whilst it is anticipated that the new local development plan will allocate land for residential development to address the shortfall in supply, the current figure is below the supply required by Planning Policy Wales and the adopted Unitary Development Plan. Officers acknowledge that a number of departures have recently been justified and permitted on the grounds of housing land supply. Whilst it is accepted that these permissions will contribute to the supply of housing, based upon current evidence, the housing land supply within Powys remains below the 5 year supply as required by planning policy. As such, Members are advised that considerable weight needs to be given to this undersupply in considering proposals for new residential development as exceptions to normal housing policies.

Sustainability

In considering a departure from the Powys Unitary Development plan policies consideration must be given to the location of the proposed development in terms of the sustainability of the development. Account should be given to the range of services and facilities available within close proximity to the site.

PPW requires that development be sustainable and that adverse impacts do not outweigh the benefits. Furthermore, PPW states that in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and new isolated homes in the countryside should be avoided. In line with PPW, residential development outside of settlement boundaries are considered in terms of the site's proximity to services and facilities likely to be required for residential use, and whether the site is suitably connected to these services and facilities.

In considering the proposed development, Members are asked to consider whether this location is regarded as a sustainable location for new residential development. Although located in the open countryside, the site is approximately 20 metres away from designated settlement development boundary of Llanfair Caereinion (defined as an Area Centre within the UDP). Llanfair Caereinion benefits from a number of services such as convenience stores, Doctor's surgery, butchers, public houses, leisure centre and primary and secondary school. Llanfair Caereinion also benefits from regular public transport which provides access to other larger settlements such as Welshpool which is located approximately 8.5 miles to the east. Given the noted proximity, future occupiers would have good access to existing facilities and amenities and also connections to further services and the wider area through public transport services.

However it is also important to note that in recent months Llanfair Caereinion has seen a substantial growth by approval of several planning applications on the basis of Housing Land Supply shortage. Most notably the following applications made under Housing Land Supply have received consents;

P/2017/0370 - Outline: Residential development of up to 9 dwellings (Phase 1 at Mas Gwyn).

P/2017/0200 - Outline: Proposed residential development comprising of upto 42 no. dwellings.

While application P/2017/1268 for Phase 2 at Maes Gwyn for further 9 dwellings is currently under consideration.

In light of the range of services located within a short travelling distance of the development site, officers consider that there could be an argument to support the principle of residential development on that basis; however there are other material issues which should be taken into account before the decision is reached.

Affordable Housing

As the scheme is only for 3 dwellings, in this instance no affordable dwellings have been proposed as a part of this development.

Appearance, Layout and Style

UDP policy HP5 (Residential Development) indicates that development proposals will only be permitted where the scale, form and appearance of the development generally reflects the character and appearance of the existing settlement.

The indicative site layout details a private access for a plot 3 with turning head within the site and shared access and turning heads for plots 1 & 2, therefore two separate access points would be created by the proposal along the lane. The Officers acknowledge that matters relating to the final appearance, layout and scale have been reserved for future consideration, on the basis of the plans provided, it is considered that the application site is capable of accommodating 3 dwellings.

The site slopes upwards in the south easterly direction. The block plan demonstrates that the proposed plots will be in linear form along the Broncafent Lane. Although, as the development would be on a slope, on balance Officers consider that the development could be acceptable if sensitive landscaping is incorporated into to the reserved matters scheme to minimise the potential impact on the surrounding landscape.

Although Officers acknowledge that matters relating to appearance, layout and scale have been reserved for future consideration, on the basis of the plans provided, detailing a mix of dwelling types and sizes, it is considered that the application site is capable of accommodating 3 dwellings without unacceptably adversely affecting the character and appearance of the area compliant with UDP policies SP5, GP1, GP3, ENV2 and HP5.

Landscape and Visual Impact

Policy ENV2 of the Powys Unitary Development Plan seeks to ensure that proposed development will not have an unacceptable adverse impact upon the Powys Landscape. Development proposals should be design in a way to be sensitive to the character and appearance of the surrounding area and landscape.

Landscaping is a reserved matter and therefore detailed proposals could be considered at a later date. It is acknowledged that the site would be visible from public vantage points

including the public highway and the proposal would result in a visual change in comparison to the current agricultural use.

The proposed site currently forms agricultural land used for the purposes of grazing and is located directly adjacent to Broncafnt Lane and approximately 20 metres away from designated settlement boundary. On balance it is considered that the proposed site could be associated with the existing settlement and existing dwellings. It is considered that the proposed development would not result in a significant adverse impact upon the landscape or the character and appearance of the surrounding area.

In light of the above, it is considered that the proposed development complies with policies ENV2 and TR2 of the Powys Unitary Development Plan 2010.

Residential Amenity

UDP Policy GP1 states that development proposals will only be permitted where the amenities enjoyed by the occupants of nearby or proposed properties will not be unacceptably affected. The Powys Residential Design Guide provides guidance on overshadowing and privacy.

The site layout is a reserved matter and not to be determined at this stage; however, the indicative site layout plan indicates that the proposed dwellings will be located approximately 50 metres from the nearest neighbouring residential dwelling to the northwest with the access road and field between. Due to the suggested distance and positioning of the properties it is not considered that the proposed development would affect the amenities of the neighbouring dwellings.

Concerns have been raised by several objectors over the loss of privacy and daylight from the proposal to their dwellings to the north of the application site due to the sloping topography of the area. At its closest point the site boundary is approximately 40 metres from the nearest residential dwelling to the north. Reference is made to the Powys Residential Design Guide which states:

“In order to avoid unnecessary overshadowing, the height of new development should generally be set below a line of 25 degrees taken from the nearest habitable room of adjoining existing property at a height of 2m. This need only apply where the new development is less than 40m from the nearest habitable room and where the main front or rear (not flank) elevations of existing development is affected.”

As the application site is located more than 40 metres from the nearest dwelling to this elevation, in line with the Powys Residential Design Guide it is not considered that the development will affect the amenities of the neighbouring dwellings. It is also noted that the layout provided is for indicative purposes only and the layout of the site could be altered to increase the distances between the properties if deemed necessary at any reserved matters application stage. The indicative layout is considered to be appropriate and would comply with policy GP1 and GP3 of the Powys Unitary Development Plan 2010.

Taking into account the character of existing development in the locality and the highway, it is considered that the indicative layout demonstrates that residential development can be provided at this location without unacceptably adversely affecting the amenities enjoyed by

occupants of existing residential properties and that of the proposed dwellings in accordance with UDP Policy GP1 and the Council's Residential Design Guide.

Highways and Access

UDP policy GP4 indicates that planning permission will be dependent upon adequate provision for access including visibility, turning and parking. Access to the site would be gained off the unclassified highway (U6027) through the creation of two new access points. The U6027 is a single lane access road currently serving 3 dwellings and Children's Day Nursery at Tanyfron (which is operated from applicants dwelling) at the end of the lane. This access lane connects onto the B4389 approximately 55 metres to the west of the site.

As this application is resubmission of recently refused application which included provision of 4 dwellings, the Officers understand that detailed negotiations have taken place between the applicant and Highways Officers in order to overcome previous reason for refusal. It is understood that Highways Authority originally objected to the proposals on the grounds that the increased use of the access lane and junction with the B4389 will be prejudicial to highway safety. It was considered that the visibility at the junction is extremely substandard to the south being less than 4 metres with less than 1 metre radius and no possibility of junction improvements. Officers also consider that the U6027 is extremely narrow with insufficient passing bays and no turning provision. There was little provision for pedestrian safety with no additional provision being offered by the applicant. It was considered that the proposed development of 4 dwellings would more than double the number of dwellings being serviced by this access road.

As already noted, this resubmitted scheme has now reduced the number of dwellings from 4 down to 3, and in respect of the highways issues the Highway Authority now confirms that they are in agreement with the applicants proposed 'trade off' of movements associated with the permanent closure of the Children's Nursery located at Tanyfron, Broncafnt Lane, (which is in the applicants ownership). The applicant and Highway Authority have agreed that based on the number of movements from the nursery that a maximum of three, three bedroomed dwellings is acceptable. However, this is conditional on the applicant entering a suitably worded S.106 Agreement to extinguish the current commercial use of Tanyfron within three months of any consent being given to this application.

In light of the comments received and given the scale of the proposed development, Officers are satisfied that the proposed development will not have an unacceptable adverse impact on highway safety and movements subject to suggested conditions and signing a section 106 Agreement to extinguish the current commercial use of Tanyfron within three months of any consent being given to this application. The proposed development is therefore considered to be in accordance with planning policy, particularly UDP policy GP4 and TAN 18: Transport.

Surface Water Drainage

Policy DC13 of the Powys Unitary Development plan seeks to ensure that development proposals should provide adequate provisions for land drainage and surface water disposal. Development should not give rise to unacceptable on or off site flooding.

In respect of surface water disposal, the submission indicates that this would be disposed of through the use of soakaways. The Council's Land Drainage Officer has been consulted on this application and on previous application. Although no reply has been received for this

particular scheme it has been noted that during the last application process that whilst no drainage details have been submitted there would be no objection subject to the inclusion of a condition to secure a drainage assessment.

Concerns have been raised by objectors regarding the surface water drainage at the site and the instability of the ground at the site area. These issues have been considered by the Land Drainage Officer who made a visit to the site during the previous application to investigate the claims of ground instability. No evidence of any land slipping or instability was found then.

It is considered that, in light of the Land Drainage Officer's original comments, and subject to the proposed conditions during the original application, the proposed development could comply with policy DC13 of the Powys Unitary Development Plan 2010 in respect of surface water drainage.

Foul drainage

The proposed properties will be served by a private treatment plant and Environmental Health Officer confirms that there no objection to the application provided that the consent to discharge is granted and confirmed by the Planning Authority prior to the commencement of work. Members should note that Discharge Consents are granted by Natural Resources Wales under different Legislation separate from Planning.

On the basis that no environmental impacts have been raised throughout the consultation process and that Environmental Health did not object, it is considered that the proposed means of foul disposal is acceptable and compliant with the relevant planning policies, namely DC9 and DC11 of Powys UDP.

Agricultural Land Classification

Planning Policy Wales (PPW) paragraph 4.10 outlines national policy towards conserving Wales' Best and Most Versatile (BMV) agricultural land. Further guidance is provided in Technical Advice Note (TAN) 6, including the consultation arrangements with the Welsh Government included at Annex B. UDP policy ENV1 states that when considering proposals for development, the best and most versatile agricultural land will be safeguarded wherever possible.

Predictive Agricultural Land Classification (ALC) Map indicates that the land at this location is designated as 4 (Poor quality agricultural land) and therefore is not considered to be of the best and most versatile agricultural land or of particular value to agriculture within the locality in accordance with the advice provided within UDP Policy ENV1 and Technical Advice Note 6.

Welsh Language and Culture

Planning Policy Wales (PPW) notes the Welsh Governments commitment to ensuring the Welsh Language is supported and encouraged to flourish as a language of many communities all over Wales. It highlights that it should be the aim of local planning authorities to provide for the broad distribution and phasing of housing development taking into account the ability of different areas and communities to accommodate the development without eroding the position of the Welsh language. It does however also note that policies must not

introduce any element of discrimination between individuals on the basis of their linguistic ability, and should not seek to control housing occupancy on linguistic grounds.

With regards to the Development Management function, PPW states as follows:

“Consideration relating to the use of the Welsh Language may be taken into account by decision makers so far as they are material to applications for planning permission. If required, language impact assessments may be carried out in respect of large developments not allocated in, or anticipated by, a development plan proposed in areas of particular sensitivity or importance for the language. Any such areas should be defined clearly in the development plan. Decisions on applications for planning permission must not introduce any element of discrimination and should not be made on the basis of any person(s) ‘linguistic ability’.”

Technical Advice Note 20: Planning and the Welsh Language provided further guidance. Within TAN 20 it is noted that it is estimated that between 1,200 and 2,200 fluent Welsh speakers are moving out of Wales each year. The Welsh Government aims to reserve this trend.

With regards to the Development Management function, TAN 20 states as follows:

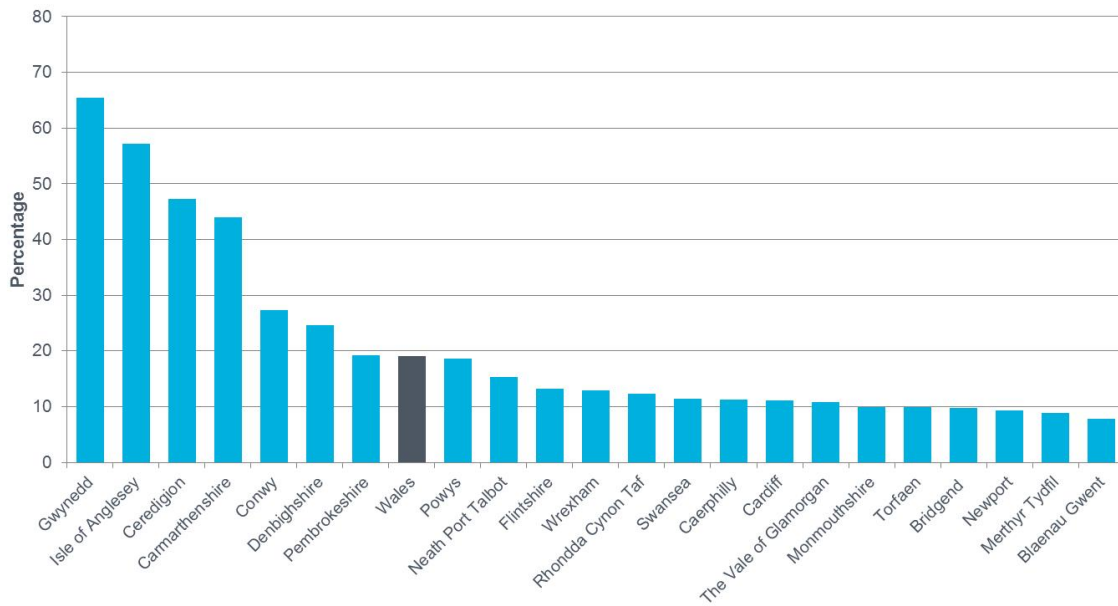
“4.1.2 In determining individual planning applications and appeals where the needs and interests of the Welsh language may be a material consideration, decisions must, as with all other planning applications, be based on planning grounds only and be reasonable. Adopted development plan policies are planning grounds, including those which have taken the needs and interests of the Welsh Language into account”.

Policy GP5 of the Powys UDP states that within identified settlements proposals will only be acceptable where developers can demonstrate that they have taken full account of the importance of the Welsh Language and culture, including through the provision of an appropriate level of affordable homes. Llanfair Caereinion has been identified as one of the settlements under policy GP5.

Census Information

Looking at a Local Authority level the graph below provides a picture of the Welsh Language in Powys compared to that in the rest of Wales;

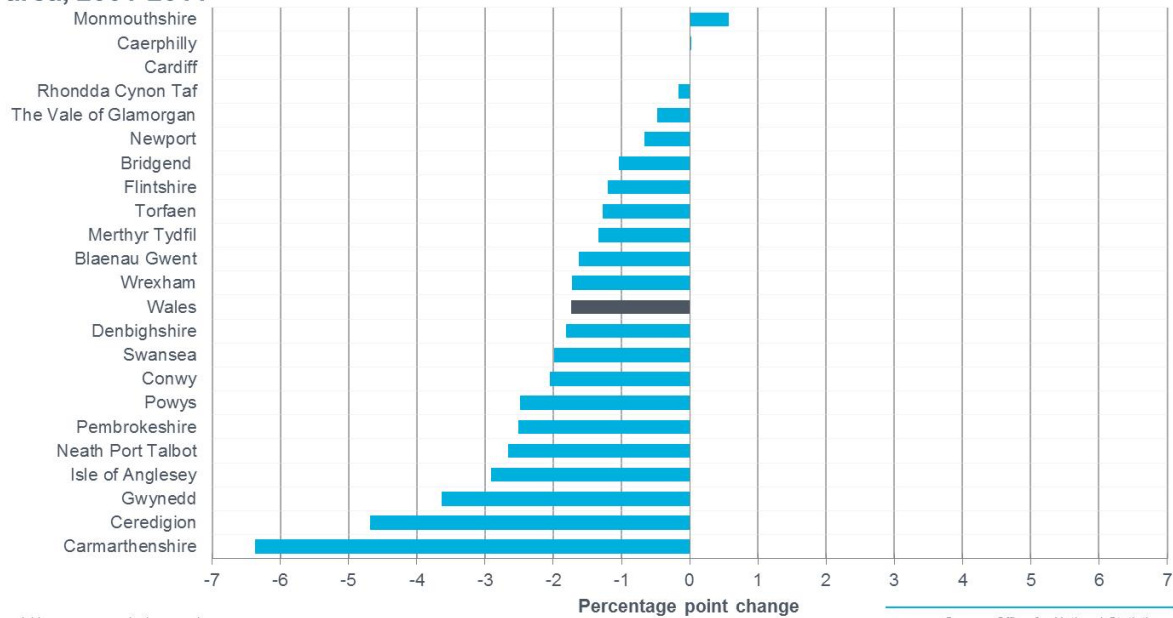
Percentage of the population able to speak Welsh according to the 2011 Census, by local authority area



welshlanguagecommissioner.wales

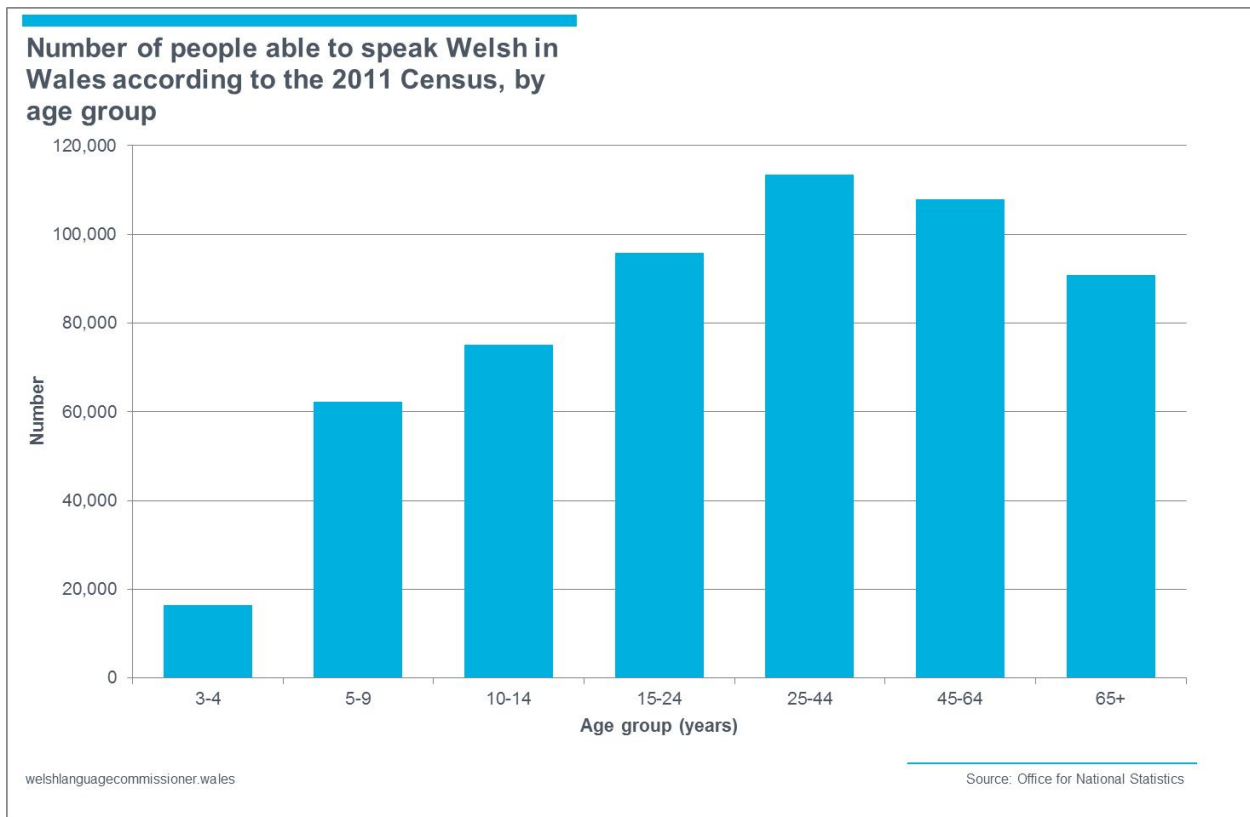
Source: Office for National Statistics

Change in the percentage of the population able to speak Welsh (percentage point), by local authority area, 2001-2011



welshlanguagecommissioner.wales

Source: Office for National Statistics



2001 Census

All people aged 3 and over	Understands spoken Welsh only	Speaks but does not read or write Welsh	Speaks and reads but does not write Welsh	Speaks, reads and writes Welsh	Other combination of skills	No knowledge of Welsh
1,563	122	79	24	499	55	784

2011 Census

All usual residents aged 3 and over	No skills in Welsh	Can understand spoken Welsh only	Can speak Welsh	Can speak but cannot read or write Welsh	Can speak and read but cannot write Welsh	Can speak, read and write Welsh	Other combination of skills in Welsh
1,757	910	148	632	74	40	512	73

The census information has been looked at by the Welsh Language Commissioner who has provided the following breakdown regarding the ability to speak Welsh in the area.

	2011	2001	2011	2001
Age	%	%	Number	Number
3+	36	39	632	613
3-15	62.3	56.5	198	183
16-64	29.5	31.9	326	313
65+	32.2	43.8	108	117

It is apparent from the figures above that the numbers of people speaking Welsh in the Llanfair Caereinion ward has decreased by 3% overall with 2.4% being dropped in the 16-64

age category. However consideration should be given to the fact that the percentage of Welsh speakers in the 3 – 15 age group has increased by 5.8%.

In assessing the impact of the proposed development on the Welsh Language and culture of the area the following statement has been submitted;

“We accept that Llanfair is an identified settlement under Policy GP 5 and as such we have taken the importance of the Welsh Language and Culture into account through the provision of a housing mix, through the sustainable location and obviously through the provision of affordable homes”.

Although no affordable dwellings are proposed as a part of this scheme, it is considered that the introduction of 3 dwellings could help sustain the viability of the facilities that are vital in supporting Welsh language and culture. It is not considered that a development of the scale proposed would threaten these facilities or force sections of the population away from these facilities. It is considered that there is an intrinsic link between the provision of housing and the cultural and linguistic vitality of an area. Additional dwellings allow existing residents to remain in the area and where the area has a strong Welsh Language presence, this aids in retaining those residents and helps to mitigate against the impact of a development on the Welsh language.

In relation to economic development, it is considered that the potential construction of the dwellings would contribute to the economy of the local area. This is based on the assumption that most construction projects of this scale are normally undertaken by local trade’s people. It is therefore considered that the construction of this development would have a neutral or positive impact on the local economy and jobs which is considered positive from a Welsh language and culture perspective.

In light of the above it is considered that the proposed development could sustain and enhance the services currently within Llanfair Caereinion and the provision of housing and affordable dwellings will help sustain and enhance the cultural and linguistic vitality of the area.

Recommendation

Having carefully considered the proposed development, on balance Officers consider that the proposal broadly complies with planning policy. Whilst a departure from the development plan, in this instance, the provision of housing is considered to outweigh the plan and therefore justifies the grant of consent as an exception to normal housing policies. The recommendation is therefore one of conditional approval subject to conditions as specified below and a separate section 106 Agreement to extinguish the current commercial use of Tanyfron within three months of any consent being given to this application.;

1. Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

2. Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. The development shall be carried out in accordance with the plans stamped as approved on xxxx in so far as the extent of the application site is drawn and the access points onto Broncafntent Lane (drawing number: SA 25380 02).
5. Upon the submission of the reserved matters referred to within Conditions 1 and 2, the landscaping details shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year defects period.
7. Prior to the construction of the dwellings hereby approved details and/or samples of the materials to be used in the construction of the external surfaces of the dwellings shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
8. Prior to the occupation of any dwelling any entrance gates shall be set back at least 5.5 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.
9. The gradient of the accesses shall be constructed so as not to exceed 1 in 15 for the first 5.5 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.
10. The centre line of the first 5.5 metres of the access roads measured from the edge of the adjoining carriageway shall be constructed at right angles to that edge of the said carriageway and be retained at that angle for as long as the development remains in existence.
11. Before any other development commences the accesses shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the accesses and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 34 metres distant in each direction measured from the centre of the accesses along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the areas of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

12. Before any other development commences the accesses to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 5.5 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

13. Prior to the occupation of any dwelling, provision shall be made within the curtilage of the site for the parking of not less than one car per bedroom excluding any garage space provided together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

14. 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.

15. The width of the accesses carriageway, constructed as per above conditions, shall be not less than 4.1 metres for a minimum distance of 5.5 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.

16. Prior to the occupation of any dwelling the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 5.5 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.

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

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

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

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

21. Upon formation of the visibility splays as detailed in above conditions the centreline of any new or relocated hedge/fence/wall should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.

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

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

24. Prior to commencement of development a Pollution Prevention Plan shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.

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

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

a. Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures to be taken to prevent pollution of the receiving groundwater and/or surface waters;

b. Specify the responsibilities of each party for the implementation of the SuDS scheme, together with a timetable for that implementation; and

c. Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for the adoption by any public authority or statutory undertaker or other arrangements to secure the operation of the scheme throughout its lifetime.

Reasons

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

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

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

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

5. To ensure a satisfactory and well planned development, to ensure protection is afforded to mature trees on the southern boundary of the site and to preserve and enhance the quality of the environment, visual amenity and privacy in accordance with Policies GP1 and ENV2 of the Powys Unitary Development Plan (2010).

6. To ensure a satisfactory and well planned development, to ensure protection is afforded to mature trees on the southern boundary of the site and to preserve and enhance the quality of the environment, visual amenity and privacy in accordance with Policies GP1 and ENV2 of the Powys Unitary Development Plan (2010).

7. In the interests of the visual amenity of the area and to ensure the satisfactory appearance of the buildings in accordance with policies GP1 and GP3 of the Powys Unitary Development Plan and the Councils Residential Design Guide.
8. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
9. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
10. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
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21. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
22. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
23. To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and Part 1 Section 6 of the Environment (Wales) Act.
24. To comply with Powys County Council's UDP Policies ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act.
25. To comply with Powys County Council's UDP Policies SP3, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act.
26. To ensure that the development is provided with a satisfactory means of drainage as well as to reduce or exacerbate a flooding problem and to minimise the risk of pollution in accordance with Policies GP1, DC10 and DC13 of the Powys Unitary Development Plan (2010).

Informative

Birds - Wildlife and Countryside Act 1981 (as amended)

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

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

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

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

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

It is an offence for any person to:

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

Under the Habitats Regulations it is an offence to:

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

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

Reptiles – Wildlife & Countryside Act 1981 (as amended)

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

It is therefore an offence to:

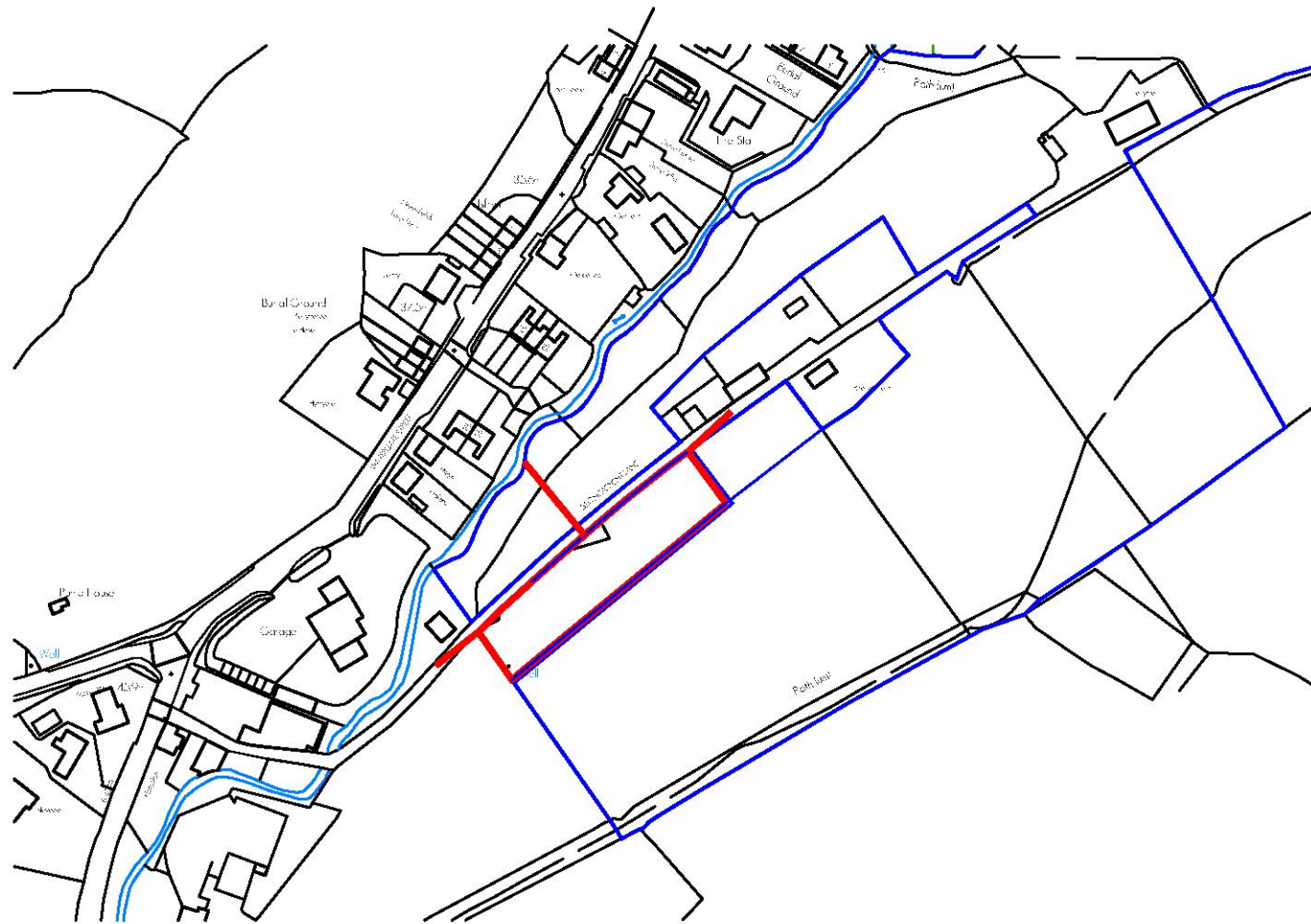
- Intentionally kill or injure these species of reptiles,
- Trade (live or dead animals) i.e. sale, barter, exchange, transporting for sale and advertising to sell or to buy.

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

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

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

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



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- Amendments
- Rev A - Red line boundary updated to suit Client's comments. 9/30/20 /
 - Rev B - Red line boundary updated to include a utility roadway drainage crossover to treatment plant. 22/03/20 /
 - Rev C - Site Area amended. Watercourse removed. 03/ /20 /

BERRYS
PROPERTY BUSINESS PLANNING
01743 271 697 S'2 BFG
www.berrys.uk.com

Client: N. Griffiths

Project: Residential development at Caerinion

Drawing: Location Plan

Drawing Number	Rev	Scale	Paper	Drawn By	Date
SA238900	C	2500	A1	PAH	20/5/2017

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6.7

Planning, Taxi Licensing and Rights of Way Committee Report

Application No: P/2018/0106 **Grid Ref:** 316621.05 239684.04

Community Council: Glasbury **Valid Date:** 30/01/2018 **Officer:** Holly-ann Hobbs

Applicant: Powys County Council

Location: Land adj Rogerstone, Cwmbach, Glasbury, Powys, HR3 5NZ.

Proposal: Outline: Application for the construction of 8 no. residential dwellings, installation of a sewerage treatment plant and all associated works (some matters reserved)

Application Type: Application for Outline Planning Permission

The reason for Committee determination

The application is submitted on behalf of Powys County Council.

Site Location and Description

The site subject to this outline application comprises of an allocated housing site located within the settlement development boundary of Cwmbach as defined by the Powys UDP. The application site is bounded by residential properties to the north and west. The county highway bounds the site to the east with further residential properties beyond. To the south of the site lies agricultural land.

Consent is sought in outline for the erection of 8 dwellings, installation of a sewerage treatment plant and all associated works. Matters relating to appearance, landscaping, layout and scale are reserved for future consideration whilst access is to be considered at outline stage.

Consultee Response

Glasbury Community Council

No Community Council comments received at the time of writing this report.

Highway Authority

The County Council as Highway Authority for the County Class III Highway, C1368

Wish the following recommendations/Observations be applied

Recommendations/Observations

The indicative layout shows a road which does not accord with our adoptable standards due to the fact that the turning head will not permit HGV's to turn nor has a service strip been indicated.

Prior to any other works commencing on the development site, detailed engineering drawings for highway and junction improvements on the Class II B4350 and associated works, shall be submitted to and approved in writing by the Local Planning Authority.

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

Prior to any other works commencing on the development site, detailed engineering drawings for the creation of a footway from the application site to the Class II B4350 and associated works, shall be submitted to and approved in writing by the Local Planning Authority.

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

The gradient of the site access shall be constructed so as not to exceed 1 in 30 for the first 10 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.

The centre line of the first 10 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.

Prior to the commencement of the development the access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 25 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the areas of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

Prior to the commencement of the development the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 10 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.

The width of the access carriageway, constructed as above, shall be not less than 5.5 metres for a minimum distance of 10 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.

Prior to the occupation of any dwelling the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 10 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.

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

Prior to the occupation of any dwelling, provision shall be made within the curtilage of the site for the parking of not less than 1 cars per bedroom to a maximum of 3, excluding any garage space provided. The parking areas shall be retained for their designated use in perpetuity.

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.

The estate road carriageway and all footways shall be fully completed, in accordance with the details to be agreed in writing by the Local Planning Authority, upon the issuing of the Building Regulations Completion Certificate for the last house or within two years from the commencement of the development, whichever is the sooner. The agreed standard of completion shall be maintained for as long as the development remains in existence.

Building Control

This development will require a building regulation to be submitted the applicant/agent can contact me for any advice.

Wales and West Utilities

According to our mains records Wales & West Utilities has no apparatus in the area of your enquiry. However Gas pipes owned by other GT's and also privately owned may be present in this area. Information with regard to such pipes should be obtained from the owners.

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

Please note that the plans are only valid for 28 days from the date of issue and updated plans must be requested before any work commences on site if this period has expired.

Welsh Water

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

SEWERAGE

As the applicant intends utilising a private treatment works we would advise that the applicant contacts Natural Resources Wales who may have an input in the regulation of this method of drainage disposal.

However, should circumstances change and a connection to the public sewerage system/public sewerage treatment works is preferred we must be re-consulted on this application.

WATER SUPPLY

Having had an opportunity to review the application submission package, we advise that the proposed development site is crossed by a water main with the approximate position being marked on the attached record plan. Dwr Cymru Welsh Water requires access to its apparatus at all times in order to carry out maintenance and repairs; however, having regard to drawing reference: PL-01 Revision C it appears the proposed development would be situated within the protection zone of the public water main measured 3 metres either side of the centreline. It is possible to divert the sewer if the developer applies under Section 185 of the Water Industry Act and we request that they contact us to discuss our concerns and consider possible solutions. Alternatively we recommend the proposed development is repositioned to accommodate for the required protection zone.

We have attached a copy of the water main record indicating the location of these assets. We would therefore request that the following be included in any planning consent you are minded to grant:

The proposed development site is crossed by a water main with the approximate position being marked on the attached record plan. No development (including the raising or lowering of ground levels) will be permitted within the safety zone which is measured either side of the centre line. For details of the safety zone please contact Developer Services 0800 917 2652.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

If you have any queries please contact the undersigned on 0800 917 2652 or via email at developer.services@dwrcymru.com

Please quote our reference number in all communications and correspondence.

Environmental Health

Due to the residential setting of the proposed development the Environmental Protection Section will require that measures are in place, by way of a planning condition recommendation, to control the level of noise disturbance to neighbouring properties during the landscaping and construction phases of the development.

It would be recommended that the landscaping and construction period working hours and delivery times be restricted as follows:

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 Sunday 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.

In addition details of the proposed package treatment plant or septic tank should be provided and if a drainage field is to be utilised then prior to any planning permission being granted the applicant/agent should submit percolation test results in order to demonstrate that the package plant or septic tank, its soakaway and the ground conditions are suitable and sufficient for the foul drainage. The percolation test should be carried out in accordance with document H2 of the Building Regulations and calculations to be submitted for approval by completing and returning the attached Percolation Test Calculation Form.

Environmental Protection to be advised, via the Planning Authority, when the testing is carried out, so that a site visit can be made to examine the exposed ground and percolation test holes which must be left undisturbed until inspected.

In addition, Welsh Government has advised that, all septic tanks and small sewage treatment plant discharges in Wales will need to be registered with Natural Resources Wales. More information, including a step by step guide to registering can be found at the following link <http://www.naturalresources.wales/media/2879/septic-tank-registration-guidance.pdf?lang=en>

Correspondence received 1st March 2018 –

As the proposed sewage treatment plant is to be connected to a watercourse then I would have no objection subject of course to the applicant obtaining the necessary consent to discharge from NRW and is installed in accordance with Building Regulations.

Built Heritage Conservation Officer

Thank you for consulting me on the above application.

The proposal is for outline planning permission for 8 dwellings with all matters reserved with the exception of the access which is to be determined at this stage

The proposal is adjacent to a historic asset namely;

Listed Buildings

Glasbury Methodist Church Cadw ID 17199 included on the statutory list on 18 January 1996.

Cwmbach is a small cluster of properties with the application site being a parcel of land to the north west of the listed chapel and on a parcel of land that is higher than the B4350 in front of the chapel.

Cwmbach is not included in the CPAT analysis of historic rural settlements however the 1887 OS map illustrates a similar arrangement and number of properties as the current day.

<http://maps.nls.uk/view/101605166>

TAN 24 advises (section 1.10) that Conservation Principles for the Sustainable Management of the Historic Environment in Wales (Conservation Principles) were published in 2011 and provide the basis upon which Cadw discharges certain statutory duties on behalf of the Welsh Ministers. Conservation Principles should be used by others (including owners, developers and other public bodies) to assess the potential impacts of a development proposal on the significance of any historic asset/assets and to assist in decision making where the historic environment is affected by the planning process.

There are six principles.

1. Historic assets will be managed to sustain their values.
2. Understanding the significance of historic assets is vital.
3. The historic environment is a shared resource.
4. Everyone will be able to participate in sustaining the historic environment.
5. Decisions about change must be reasonable, transparent and consistent.
6. Documenting and learning from decisions is essential.

Applicants and other organisations are strongly encouraged to make use of these Conservation Principles when considering development proposals and other works to historic assets. It is important for those responsible to understand the heritage values and assess the significance of the historic assets that will be affected.

There are four heritage values which need to be understood before the significance of the asset can be assessed.

- Evidential value
- Historical value
- Aesthetic value
- Communal value

Evidential Value

This derives from those elements of an historic asset that can provide evidence about past human activity.

Glasbury chapel is located along the side the road from Glasbury to Boughrood, at the eastern edge of the hamlet of Cwmbach, within its narrow graveyard which extends further to the West.

The building is constructed of rubble stone, rendered, lined and painted, with slate roof half-hipped to the E. The entrance is central to the S side, away from the road; a pair of panelled

doors in a heavy frame, with painted fanlight over. To either side, paned windows with timber 'Y'-tracery in pointed headed openings. Similar windows on the N (road) side. Close eaves. Small W gable window with diamond glazing also with a pointed head. Attached to the E gable, the former schoolroom or vestry, now kitchen and meeting room, with door to road and six-paned windows. Gable stack

Historical Value

An historic asset might illustrate a particular aspect of past life or it may be associated with a notable family, person, event or movement. These illustrative or associated values of an historic asset may be less tangible than its evidential value but will often connect past people, events and aspects of life with the present and are not so easily diminished by change as evidential values and are harmed only to the extent that adaptation has obliterated them or concealed them.

Glasbury chapel is a Wesleyan Chapel built circa 1818 seating about 80 with monuments to local persons within the chapel.

Aesthetic Value

This derives from the way in which people draw sensory and intellectual stimulation from an historic asset through its form, external appearance or setting.

The views currently afforded of the chapel are important and evoke a sense of the past and the significance of the chapel to this rural community both socially and in terms of the religious history of Wales.

Communal Value

The fourth principle contained within Conservation Principles is that heritage assets are a shared resource, valued by people as part of their cultural and natural heritage, and gives distinctiveness, meaning and quality to the places where we live providing a sense of continuity and a source of identity. The Conservation Principles identify heritage assets as having the potential to give distinctiveness, meaning and quality to the places in which people live, and provide people with a sense of continuity and a source of identity will be diminished. The historic environment is a social and economic asset and a cultural resource for learning and enjoyment.

I am mindful of the advice in Sections 16 and 66 of the Planning (Listed Buildings and Conservation areas) Act 1990, which require authorities to have special regard to certain matters, including the desirability of preserving the setting of the building. The setting is often an essential part of a building's character especially if a park, garden or grounds have been laid out to complement its design or function. Also, the economic viability as well as the character of historic buildings may suffer and they can be robbed of much of their interest and of the contribution they make to townscape or the countryside if they become isolated from their surroundings, e.g. by new traffic routes, car parks, or other development."

However, I would also refer to more recent guidance in paragraph 6.5.11 of Planning Policy Wales 9th edition 2016 where, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, or its setting.

TAN24 which was issued and came into effect on 31 May 2017 addresses setting with some of the factors to consider and weigh in the assessment including

- the prominence of the historic asset
- the expected lifespan of the proposed development
- the extent of tree cover and its likely longevity
- non-visual factors affecting the setting of the historic asset

Paragraph 1.26 identifies the other factors that may affect the setting of an historic asset to include inter-visibility with other historic or natural features, tranquillity, noise or other potentially polluting development though it may have little visual impact.

Powys Unitary Plan policies ENV14 and SP3b reflect national legislation and guidance and Policy GP1 requires development to take into account the following – the design, layout, size, scale, mass and materials of the development shall complement and where possible enhance the character of the surrounding area”.

Cadw have prepared guidance on the setting of historic assets that in an annexe to TAN24 that came into effect on 31 May with advice on how to assess the setting of listed buildings. This document outlines the principles used to assess the potential impact of development or land management proposals on the settings of all historic assets but is not intended to cover the impact on the setting of the historic environment at a landscape scale.

The document advises that “Setting is the surroundings in which a historic asset is understood, experienced and appreciated, embracing present and past relationships to the surrounding landscape.....The setting of a historic asset is not fixed and can change through time as the asset and its surroundings evolve. These changes may have a negative impact on the significance of an asset; for example, the loss of the surrounding physical elements that allow an asset to be understood, or the introduction of an adjacent new development that has a major visual impact. But changes can also have a positive impact that may enhance the setting, such as the removal of traffic from part of a historic town, or the opening up of views, or the return of a sense of enclosure to sites where it has been lost”

The document provides advice on how to assess the setting

This section outlines the general principles that both assessors and decision makers should consider when assessing the impact of a proposed change or development on the setting of historic assets. There are four stages.

Stage 1: Identify the historic assets that might be affected by a proposed change or development and their significance.

Stage 2: Define and analyse the settings to understand how they contribute to the ways in which the historic assets are understood, appreciated and experienced.

Stage 3: Evaluate the potential impact of a proposed change or development on those settings.

Stage 4: Consider options to mitigate the potential impact of a proposed change or development on those settings.

It is noted that section 2.2 of Managing Setting of Historic Assets which came into effect on 31 May advises that applicants for planning permission should provide the local planning with sufficient, but proportionate, information to allow the assessment of the likely impact of proposal for development on a historic asset and its setting. It is noted that no such assessment accompanied the application nor was a Design and Access Statement available on the planning portal.

Stage 2 of the Cadw document is to consider the location of the historic assets, its original location the views into and out of the site at that time and how more recent changes have affected the original layout of the historic asset and its relationship to its associated landscape. Stage 2 should also identify the viewpoints from which the impact of the proposed change or development should be assessed.

The application site is a parcel of land sited adjacent to the listed chapel with the B4350 between the application site and the listed chapel and the application site being on higher land.

Whilst noting the mature hedgerow/trees that are adjacent to the B4350 and between the application site and the listed chapel, the height difference between the application site and the small listed chapel is of concern, and especially the proximity of the dwellings to the listed chapel, which it is considered will as result of the higher land have an overbearing and dominant affect on the setting of the listed chapel. The proximity of the dwellings to the trees is also noted and whilst the trees currently provide some screening of the site from the B4350 and as such the setting of the chapel, the proximity of such large trees to the proposed dwellings and gardens is noted with concern for the future of the trees.

I acknowledge that the application is in outline and that the submitted layout is indicative only, and whilst a full application would have been desirable to assess the impact of height design, materials and landscaping, the application is outside a conservation area where outline applications are permitted, and as such the assessment of the individual dwellings will be made at reserved matters stage.

Nevertheless I would have grave concerns with the proposal on the basis of the indicative plan and would consider that the dwellings adjacent to the B3450 would severely affect the setting of the listed Glasbury Methodist Chapel, and would again note the concerns that the impact of the development on the listed building has not been addressed in the application.

The new Cadw guidelines in respect of setting makes reference to tree covers and whether it is deciduous or evergreen and its likely longevity. The guidance also refers to dependant on the level of mitigation can include the introduction of screening if within the application boundary. The trees are mature and large and as such their retention would be desirable both in their own right but also as a screening of the listed chapel. However the proximity of development to the trees is noted and whilst accepting that landscaping is a reserved matter, give the proximity of the dwellings to the trees, the long term future of the trees both in terms of root damage and the impact that the trees could have on the dwellings in terms of loss of light to windows and gardens is a concern for their long term future.

I would therefore request that the site layout be reconsidered to illustrate a layout that could be achieved without adversely affecting the setting of the listed building.

This could be achieved by a reduction in numbers or by a reconfiguration of the layout with the plot or plots adjacent to the B4350 being sited substantially further away from the trees to secure the retention of the trees which currently form an effective screen to the chapel and by possibly re-orientating the dwelling or dwellings on this portion of the plot so that an attractive and appropriately designed elevation faces the B4350.

I note the recently refused application on the same site P/2015/1176, which in some respects indicated a more appropriate indicative layout and as such it would seem that a more appropriate layout could be achieved. However plot 5 would still have had an impact on the setting of the listed chapel is constructed as indicated.

Whilst accepting that the application is made in outline and as such siting, materials scale and design will be considered at reserved matters stage, I would express concern at development in such close proximity to the listed chapel especially given the height difference between the 2 sites and that a dwelling in the location shown would have an adverse and sever impact on the listed building.

I would suggest that a revised site layout be submitted where the south east section of the site be treated with more care in terms of the impact on the listed chapel and preferably this section of the land to be omitted from development. The impact of the development in respect of the listed building should also be clear from the application which I would consider that it is not in this instance.

Section 6.1.4 of Planning Policy Wales 9th edition “Decisions on planning applications and listed building and conservation area consents must be based on adequate information provided by the applicant and any action must be in proportion to the impact of the proposals, and the effects on the significance of the assets and their heritage values.”

Section 1.26 of TAN 24 advises that “It is for the applicant to provide the local planning authority with sufficient information to allow the assessment of their proposals in respect of scheduled monuments, listed buildings, conservation areas, registered historic parks and gardens, World Heritage Sites, or other sites of national importance and their settings.”

Without such amended plans I would have to object to the proposal on the grounds that the development would adversely affect the setting of the designated heritage asset Glasbury Methodist Church Cadw ID 17199. The proposed development would be extremely close to the B4350 and the application site is higher than the chapel which sits to the SE of the B4350. The proximity and difference in ground levels would result in the land being developed as shown to have an overbearing and dominant impact on Glasbury Methodist Church especially if the existing screening is lost or modified by the development or the future occupants of the proposed dwellings.

As a result of the significant and demonstrable adverse impacts outlined above, it is considered that the proposal is contrary to national legislation and policy in terms of Sections 16 and 66 of the Planning (Listed Buildings and Conservation areas) Act 1990, Paragraph 6.5.11 of Planning Policy Wales 9th edition 2016, TAN24 and its annexe Setting of Historic Assets in Wales and Local Plan Policies Policy SP3b, ENV14 and GP1.

The application fails to meet national policy (Section 6.1.4 of Planning Policy Wales 9th edition), national guidance (Section 1.26 of TAN 24 and Section 2.2 of Managing Setting of Historic Assets in Wales) and Local Plan Policy ENV14 in that inadequate information has been provided in respect of the setting of historic assets to enable the current application to be considered favourably.

Correspondence received 28th February 2018 -

I can confirm that I am happy in principle for the development of the site, which appears large enough to accommodate the number of dwellings proposed. I do have concerns with the development of the portion of the site adjacent to the listed chapel as illustrated on the indicative layout plan. I accept that this application is outside a conservation area and as such outline applications are permitted, I also acknowledge that the site is allocated in the UDP and that the indicative layout plan is merely indicative to illustrate how such a number of properties can be accommodated on the plot and that this may have no relationship to any subsequent reserved matters stage.

Further to my comments I note that an assessment of the impact of the proposal on the setting of the listed chapel has now been received, and whilst not in agreement with every statement I acknowledge the contents of that assessment.

I accept that the site appears to be large enough to accommodate 8 houses without there being an adverse impact on the setting of the listed chapel, and whilst I still have concerns with the indicative layout for the area adjacent to the chapel as submitted and would consider that it would be preferable for a revised indicative layout plan to be submitted addressing the adjacent listed chapel, I acknowledge that this is an area where an outline application is permitted and that the plans are indicative only.

On the understanding that the concerns raised in respect of the setting of the listed chapel will be addressed at reserved matters application stage, and that an assessment of how the reserved matters application would impact on the setting of the listed chapel would be required as part of that application, I would withdraw my previous objection to the proposal in respect of the information submitted with the application, and would not object in principle to the development.

Given the height differences I would however suggest that a pre-planning application enquiry prior to the submission of the reserved matters application may be useful to address the issues at an early stage.

I trust that this is helpful and I would be grateful if you could consider this response as an update to my previous comments.

Clwyd Powys Archaeological Trust

I can confirm that we had no direct consultation from Powys CC on this application. The application was checked against the HER information from the planning list in January and there are no recorded archaeological sites within the plot.

The nearest recorded site is the Grade II listed Glasbury Methodist Church across the road to the south east. While there may be a limited impact to the setting of the chapel from the nearest plots (6-8) there is currently a high tree screen on the south east boundary (Google Earth streetview imagery 2016) which would substantially screen these new dwellings. If the tree screen is not being maintained, or has since been felled, then the setting impact will be higher, but has not been quantified by any formal setting impact assessment (see Managing the Setting of Historic Assets in Wales 2017). Reducing the size of the development by removing plots 6-8 and maintaining a hedge/tree screen on the south east boundary would most likely clear the current objection from the Built Heritage Conservation Officer.

The plot is within the Middle Wye Valley registered historic landscape and the Cwmbach historic landscape character area. The development is not of such a scale that it would have a more than local impact and we would not require an ASIDOHL v2 assessment in this case to determine its impact on the historic landscape.

Overall, we would have no objection to this development assuming the visual impact on the setting of the listed chapel can be mitigated.

Natural Resources Wales

Thank you for consulting Natural Resources Wales (NRW) about the above, which was received on 30/01/2018.

We recommend that that you should only grant planning permission if the scheme can meet the following requirements and you attach the conditions listed below. These would address significant concerns that we have identified. Therefore, we would not object provided the requirements are met and you attach the conditions to the planning permission.

Summary of Requirements:

Requirement 1 – Applicant to supply additional information regarding the existing drainage from the farm which will be treated by the proposed new package treatment plant

Summary of Conditions:

Condition 1 – EPS: Prior to commencement of works a method statement, detailing reasonable avoidance measures and works required to maintain hedgerow connectivity for bat and dormouse will be submitted to the satisfaction of the Local Planning Authority

Water Quality

The discharge is located within a Drinking Water Protected Area. Further information is required in relation to the proposed package treatment plant and proposed discharge pipe before NRW can be sure that the proposed sewage treatment will no adversely impact water quality.

NRW need the applicant to provide the following additional information to support their application:

Requirement 1 – Applicant to supply additional information regarding the existing drainage from the farm which will be treated by the proposed new package treatment plant NRW needs further information about how the additional existing drainage from the farm (mentioned on the North West corner of the location plan, drawing ref: PL-01), which will also be treated by the new package sewage treatment plant has been considered in terms of the overall package treatment plant sizing.

NRW need the applicant to confirm that the watercourse which the applicant proposes to discharge into has water flowing in it throughout the whole year (i.e. it does not dry up).

Protected Species

NRW consider the submitted assessment (Extended Phase 1 Habitat Survey by Rachel Probert dated October 2017) to be satisfactory for the purposes of informing the public decision making process. The report has identified potential for bat and dormouse use of the hedgerows present on site. NRW has multiple records of dormice and bats in very close proximity of the proposed development site. The proposal has therefore the potential to disturb /harm dormice and lead to a loss of flight lines and foraging ground for bats.

Bats, dormice and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (SI2017 No.1012). Any development that would contravene the protection afforded to bats under the Regulations would require a derogation licence from Natural Resources Wales. A licence may only be authorised if:

- i. There is no satisfactory alternative and
- ii. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range. In addition,
- iii. the development works to be authorised must be for the purposes of preserving public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.

Paragraph 6.3.7 of Technical Advice Note 5: Nature Conservation and Planning (TAN5) states that your Authority should not grant planning permission without having satisfied itself that the proposed development either would not impact adversely on any European Protected Species (EPS) on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied.

In this case, the report concludes that the proposed development is not likely to directly harm or disturb bats and dormice or their breeding sites and resting places. We agree with the ecologist's conclusion and we do not consider that the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range, if avoidance measures described in section 10 and 11 of the ecological report are implemented.

Therefore, we are satisfied the significant concerns identified above can be addressed, subject to all avoidance measures described in the ecological report being set out in a method statement and secured through the inclusion of suitable planning conditions and/or a Section 106 agreement.

Condition 1 – EPS: Prior to commencement of works a method statement, detailing reasonable avoidance measures and works required to maintain hedgerow connectivity for bat and dormouse will be submitted to the satisfaction of the Local Planning Authority

Do not hesitate to contact us if you require further information or clarification on any of the above.

Correspondence received 28th February 2018 –

Thank you for sending the additional information regarding NRW's concerns for application ref: P/2018/0106.

I can confirm that the additional information regarding the foul waste from the Farmhouse to the PTP is sufficient to address Requirement 1 of our letter dated 22/02/18.

Representations

The proposed development has been advertised by site display and within the local press. At the time of writing this report, 4 representations have been received by Development Management. The concerns expressed therein can be summarised as follows;

- Highway Safety – Dangerous Access and Increased Traffic Movements;
- Water Supply – Deed of Easement entitles neighbouring properties to water supply;
- Third Party Land – No certificate served on landowner;
- Surface Water and Flooding;
- Impact on Mains Power Cables;
- Adverse Impact on Biodiversity and Protected Species;
- Sewage Treatment;
- Sustainability;
- Transparency – Need for impartial decision making.

Planning History

P/2014/0770 – Full: Erection of four detached houses with detached garages, creation of new vehicular access and all associated works. Application Withdrawn.

P/2015/1176 – Full: Erection of five detached open market houses and associated garages and three affordable houses to include creation of new access and installation of package treatment plant. Application Refused 7th September 2016.

Principal Planning Constraints

- Historic Landscapes Register – Outstanding
- Site located within proximity of a grade II listed building.

Principal Planning Policies

National Planning Policy

Planning Policy Wales (2016)

Technical Advice Note 1 – Joint Housing Land Availability Studies (2015)
Technical Advice Note 2 – Planning and Affordable Housing (2006)
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 18 – Transport (2007)
Technical Advice Note 23 – Economic Development (2014)
Technical Advice Note 24 – Historic Environment (2017)

Local Planning Policy

Powys Unitary Development Plan (2010)

SP3 – Natural, Historic and Built Heritage
SP5 – Housing Developments
GP1 – Development Control
GP3 – Design and Energy Conservation
GP4 – Highway and Parking Requirements
ENV1 – Agricultural Land
ENV2 – Safeguarding the Landscape
ENV3 - Safeguarding Biodiversity and Natural Habitats
ENV4 – Internationally Important Sites
ENV5 – Nationally Important Sites
ENV6 – Sites of Regional and Local Importance
ENV7 – Protected Specie
ENV14 – Listed Buildings
ENV16 - Landscapes, Parks and Gardens of Special Historic Interest
HP3 – Housing Land Availability
HP4 – Settlement Development Boundaries and Capacities
HP5 – Residential Developments
HP10 - Affordability Criteria
DC8 – Public Water Supply
DC9 – Protection of Water Resources
DC11 – Non-mains Sewage Treatment
DC13 – Surface Water Drainage
DC14 – Flood Prevention Measures
TR2 – Tourist Attractions and Development Areas

Powys Residential Design Guide (SPG).

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

Other Legislative Considerations

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

Officer Appraisal

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

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

Planning History

Members are advised that a previous application was considered under planning reference P/2015/1176 which sought full planning permission for the erection of 8 dwellings comprising of 5 open market and 3 affordable units. This application was refused at the meeting of the Planning, Taxi Licensing and Rights of Way Committee on the 6th July 2016 on the following ground;

The proposed development would result in the increased use of a substandard junction detrimental to highway safety and movement. As such, the proposal is contrary to policies GP1, GP4 and HP5 of the Powys Unitary Development Plan (2010), Technical Advice Note 18 – Transport (2007) and Planning Policy Wales.

The current submission seeks to address the reason for refusal as stated above and proposes improvements to the junction of the C1368 and County Class II highway located to the south of the application site. Due consideration of the above together with all other material considerations will be given within the relevant sections of the report below.

Principle of Development

For the purposes of the Powys UDP, the site subject to this application is located within the settlement development boundary of Cwmbach and allocated for housing - R47 HA1. The UDP inset map confirms that the provision of 8 dwellings on the allocated site would be an appropriate level of growth for Cwmbach within the plan period. The inset map further confirms that a proportion of affordable housing will be sought on sites with the capacity to accommodate 5 or more dwellings.

Given the housing allocation and scale of the proposed development, Officers consider that the proposed development is fundamentally in accordance with planning policy and as such, the principle of development is considered to be acceptable. Furthermore, given the allocation within the plan, Officers consider this to be a sustainable location for residential development.

Scale, Design and Appearance

Policy GP3 of the Powys Unitary Development Plan seeks to ensure that development proposals are of an appropriate design, scale, layout and of materials that shall complement or where possible enhance the character of the surrounding area.

Whilst matters relating to scale, appearance, layout and landscaping are reserved for future consideration, on the basis of the plans provided, it is considered that the application site is capable of accommodating the proposed residential development without unacceptably adversely affecting the character and appearance of the area or amenities enjoyed by occupants of neighbouring properties compliant with UDP policies SP5, GP1, GP3, ENV2 and HP5.

Highway Safety and Access

UDP policy GP4 confirms that permission for development will be dependent on adequate provision for highway access including visibility, turning, passing and parking. Access to the proposed site of development will be provided via a new access off the county highway (C1368) whilst turning and parking provision will be provided within the application site boundary.

The application proposes improvements to the junction of the C1368 and B4350 together with the re-alignment of the existing give way at the junction of the C1343 and B4350 as detailed on drawing no. F_01 Rev A. Following consultation, the Highway Authority has offered no objection to the proposed development subject to appropriate conditions being attached to any grant of consent.

Officers acknowledge the concerns expressed within third party representations however in light of the Highway Authority's comments, it is not considered that sufficient weight can be given to these concerns to justify a refusal on highway safety grounds. Therefore, notwithstanding the observations made, subject to the imposition of the recommended conditions, Development Management considers that adequate highway provision is capable of being provided, compliant with policy GP4 of the Powys Unitary Development Plan.

Biodiversity and Protected Species

Policies ENV3 and ENV7 of the Powys Unitary Development Plan seek to maintain biodiversity and safeguard protected species and their habitats. The application is accompanied by an Extended Phase 1 Habitat Survey which assesses the impact of the proposed development on European Protected Species, birds, reptiles and badgers.

Within their consultation response, Natural Resources Wales (NRW) confirm that there are multiple records held of dormice and bats within close proximity of the application site and therefore acknowledge the potential for the proposal to impact Protected Species. Nevertheless, having reviewed the ecological assessment submitted, Natural Resources Wales (NRW) has confirmed that the proposal is unlikely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range, providing that the avoidance measures detailed within section 10 and 11 of the report are secured by condition.

In light of the comments received and notwithstanding the third party concerns expressed, Officers do not consider that the proposed development will unacceptably adversely affect

Protected Species or their habitats. On this basis, it is considered that the proposed development is in accordance with policies SP3, ENV3 and ENV7 of the Powys Unitary Development Plan, Technical Advice Note 5 and Planning Policy Wales.

Built Heritage

Technical Advice Note 24: The Historic Environment states that 'when considering any applications for listed building consent, the Local Planning Authority or the Welsh Ministers must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

Glasbury Methodist Church, a grade II listed building is located within approximately 12 metres of the southern site boundary and separated by mature hedgerows and the public highway.

Whilst acknowledging the initial concerns expressed by the Council's Built Heritage Officer, the application is submitted in outline with matters relating to appearance, scale, layout and landscaping reserved for future consideration. Members are advised that detailed consideration of the proposed development in terms of scale, layout and appearance will be undertaken at such time that an application for the approval of reserved matters is received.

Welsh Water Easement

Development Management understand from Welsh Water that a water main crosses the south western corner of the application site. Within their response, Welsh Water indicate that the current layout suggests that the proposed dwellings will be located within the protection zone (3 metres either side of the pipe centreline). On this basis, it is recommended that the plan be amended or a diversion sought from Welsh Water.

Whilst acknowledging the Welsh Water response, given that this is an outline planning application with layout reserved for future consideration, Officers are satisfied that this constraint can be appropriately considered at reserved matters. The applicant's agent has confirmed that they are aware of the existence of the water pipe and are satisfied that suitable provision can be made within the layout at reserved matters or a diversion sought if this is not possible.

Third Party Land

It is claimed within a third party representation received that the application site boundary includes a strip of land outside of the control of the applicant and thereafter questions the validity of the planning application given that the appropriate notice has not been served.

The area of land in question relates to a narrow, triangular strip located along the south western boundary of the application site, adjoining No.2 Sunnybank Cottages. Having undertaken a Land Registry Search, Development Management understands that the land was sold by Powys County Council in 2013 to the owners of No.2 Sunnybank Cottage.

Based upon the official title plan obtained and notwithstanding the concerns expressed, Development Management is satisfied that the area of third party land has been excluded

from the application site boundary (red line) and therefore do not consider it necessary for the applicant to serve notice on the landowner.

Deed of Easement – Water Supply

Reference is made to an existing water supply and deed of easement within a number of the third party representations received. Although these concerns are acknowledged by Officers, it is considered that this is legal matter, independent of the planning regime and therefore would not be affected by the grant of any subsequent planning permission.

Surface Water Drainage and Flood Risk

Concerns have been expressed regarding drainage of the site and potential flood risk. Members are advised that the site of development is not located within a C2 flood zone or other flood risk area for the purpose of Technical Advice Note 15 (2004) and therefore Officers do not consider that a reason for refusal on such grounds would be reasonable.

In respect of drainage, Members are advised that condition 7 as recommended requires full surface water drainage details to be submitted prior to the commencement of development. On this basis and in accordance with guidance contained within TAN15 and Planning Policy Wales, Officers are satisfied that an adequate drainage system can be secured by condition thereby reducing potential surface water run-off and potential flood risk.

Private Treatment Plant

UDP policy DC11 indicates that where it is not feasible for development proposals to connect to the public foul sewerage system, permission will be granted for the provision of private treatment plants providing that ground conditions in terms of porosity and drainage are acceptable and will not give rise to pollution or amenity problems.

The proposed development includes the provision of a private treatment plant and discharge to an existing watercourse. In their original response, NRW indicated that the site is located within a Drinking Water Protected Area and therefore further information was requested in respect of the proposed treatment plant and discharge pipe. In addition to the above, NRW requested confirmation as to whether the adjoining watercourse flows throughout the year.

In response to the above request, the applicants agent confirmed that the package treatment plant will also serve Rogerstone Farm however will only collect foul water discharge from the farmhouse and no discharges from the farm itself. It is understood that the new package treatment plant will be sized so as to be able to cater for both the existing farmhouse and the proposed residential development.

In their response of 28th February 2018, NRW confirm that the additional information provided is sufficient to address requirement one of their letter dated 22nd January 2018.

In light of the above and subject to an appropriate condition requiring details of the proposed drainage scheme to be submitted, it is considered that the installation of the proposed package treatment plant is fundamentally in accordance with policies DC9 and DC11 of the Powys Unitary Development Plan.

RECOMMENDATION

Having carefully considered the proposed development and notwithstanding the concerns expressed by third parties, Officers consider that the proposed development is in accordance with the aforementioned policies. The proposed development is considered to be of an appropriate scale and utilises an allocated housing site within a sustainable location. On this basis, the recommendation is one of consent subject to the conditions detailed below.

Conditions:

1. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. The development shall be carried out strictly in accordance with the plans stamped as approved on XXXXXX (drawing no: F_01 Rev A & PL-01 Rev C).
5. Prior to commencement of development the development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of TAN 2 or any future guidance that replaces it. The scheme shall include:
 - i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 20% affordable dwellings;*
 - ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;*
 - iii) the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing (if no RSL involved)];*
 - iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and*

v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced

6. The affordable dwelling shall have a maximum gross floor area of 130 square metres (measured internally and including garages where designed as an integral part of the dwelling) and notwithstanding the provisions of schedule 2, part 1, classes A, B, C and E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), the affordable dwelling shall not be subject to extensions, roof alterations and buildings other than those expressly authorised by the reserved matters approval.
7. Prior to the commencement of development, a Foul and Surface Water Drainage Scheme shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented strictly in accordance with the Foul and Surface Water Drainage Scheme so approved.
8. Full details of the existing and proposed ground levels of the application site together with the proposed finished floor levels of the proposed residential units shall be submitted to and approved in writing by the Local Planning Authority at the same time as the matters reserved to in condition 1 above. The development shall thereafter be undertaken in full accordance with the details so approved.
9. Prior to commencement of development a Method Statement detailing reasonable avoidance measures and works required to maintain hedgerow connectivity for bat and dormouse shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented strictly in accordance with the Method Statement as approved.
10. Prior to any other works commencing on the development site, detailed engineering drawings for highway and junction improvements on the Class II B4350 and associated works, shall be submitted to and approved in writing by the Local Planning Authority.
11. Prior to any works commencing on the development site, all highway improvements, referred to above, shall be fully completed to the written satisfaction of the Local Planning Authority and shall be retained for their designated use for as long as the development hereby permitted remains in existence.
12. Prior to any other works commencing on the development site, detailed engineering drawings for the creation of a footway from the application site to the Class II B4350 and associated works, shall be submitted to and approved in writing by the Local Planning Authority.
13. Prior to any works commencing on the development site, all footway construction works, referred to above, shall be fully completed to the written satisfaction of the Local Planning Authority and shall be retained for their designated use for as long as the development hereby permitted remains in existence.
14. The gradient of the site access shall be constructed so as not to exceed 1 in 30 for the first 10 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.

15. The centre line of the first 10 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.
16. 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 0.6 metres above ground level at the edge of the adjoining carriageway and 25 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the areas of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.
17. 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 10 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. The width of the access carriageway, constructed as above, shall be not less than 5.5 metres for a minimum distance of 10 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.
19. Prior to the occupation of any dwelling the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 10 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.
20. No storm water drainage from the site shall be allowed to discharge onto the county highway.
21. Prior to the occupation of any dwelling, provision shall be made within the curtilage of the site for the parking of not less than 1 cars per bedroom to a maximum of 3, excluding any garage space provided. The parking areas shall be retained for their designated use in perpetuity.
22. 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.
23. The estate road carriageway and all footways shall be fully completed, in accordance with the details to be agreed in writing by the Local Planning Authority, upon the issuing of the Building Regulations Completion Certificate for the last house or within

two years from the commencement of the development, whichever is the sooner. The agreed standard of completion shall be maintained for as long as the development remains in existence.

24. 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 Sunday 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.

Reasons:

1. To enable the Local Planning Authority to exercise proper control over the development in accordance with Section 92 of the Town and Country Planning Act 1990.
2. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
3. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
4. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
5. In order to ensure the provision of affordable housing in accordance with Policy HP7 of the Powys Unitary Development Plan (2010) and the Affordable Housing for Local Needs Supplementary Planning Guidance (2011).
6. In order to ensure that the dwellings serve an affordable need in perpetuity in accordance with the Affordable Housing for Local Needs Supplementary Planning Guidance (SPG) (July 2011), Policies HP7 and HP10 of the Powys Unitary Development Plan (2010) and Planning Policy Wales (2016).
7. To ensure a satisfactory drainage scheme in the interests of public amenity and the environment in accordance with policies DC9, DC11, DC13 and DC14 of the Powys Unitary Development Plan (2010), Technical Advice Note 15 (2004) and Planning Policy Wales (2016).
8. In order that the Local Planning Authority can assess changes in levels in the interest of the character and appearance of the surrounding area and to preserve the setting of the Methodist Chapel in accordance with policies SP3, GP1, ENV2 and ENV14 of the Powys Unitary Development Plan (2010), Technical Advice Note 24 – Historic Environment (2018) and Planning Policy Wales (2016).
9. In order to ensure that the proposed development safeguards the interests of Protected Species in accordance with policies SP3, ENV3 and ENV7 of the Powys Unitary Development Plan (2010), Technical Advice Note 5 – Nature Conservation and Planning (2009) and Planning Policy Wales (2016).
10. To ensure that adequate provision is made for highway access onto the County Class III road to serve the approved development in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan, Technical Advice Note 18 (2007) and Planning Policy Wales (2016).
11. To ensure that adequate provision is made for highway access onto the County Class III road to serve the approved development in accordance with policies GP1 and GP4

24. In order to safeguard the amenities enjoyed by occupants of neighbouring properties by reasons of potential noise disturbance in accordance with policy of the Powys Unitary Development Plan (2010), Technical Advice Note 11 – Noise (1997) and Planning Policy Wales (2016).

Informative

Welsh Water - The proposed development site is crossed by a water main with the approximate position being marked on the attached record plan. No development (including the raising or lowering of ground levels) will be permitted within the safety zone which is measured either side of the centre line. For details of the safety zone please contact Developer Services 0800 917 2652.

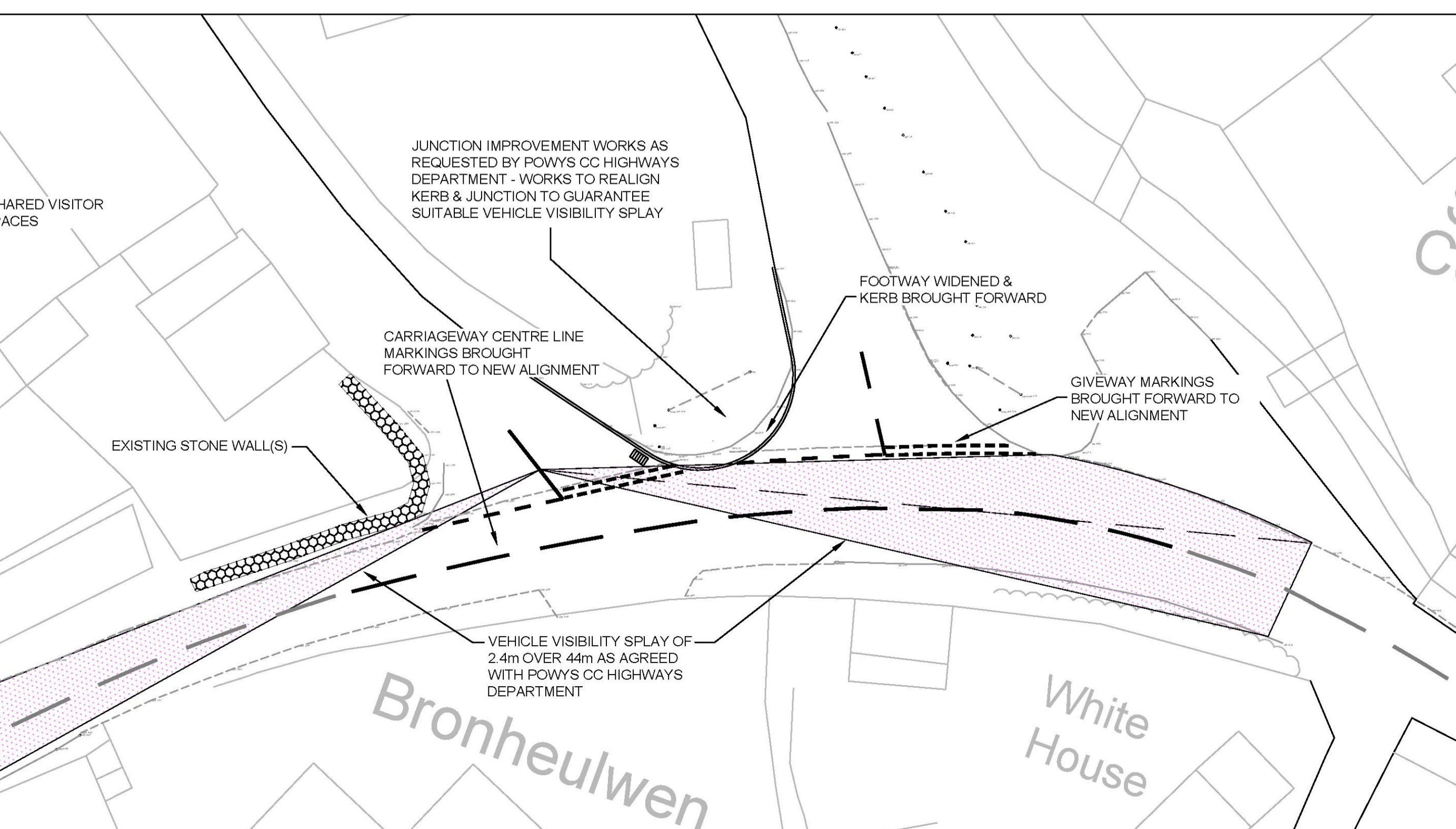
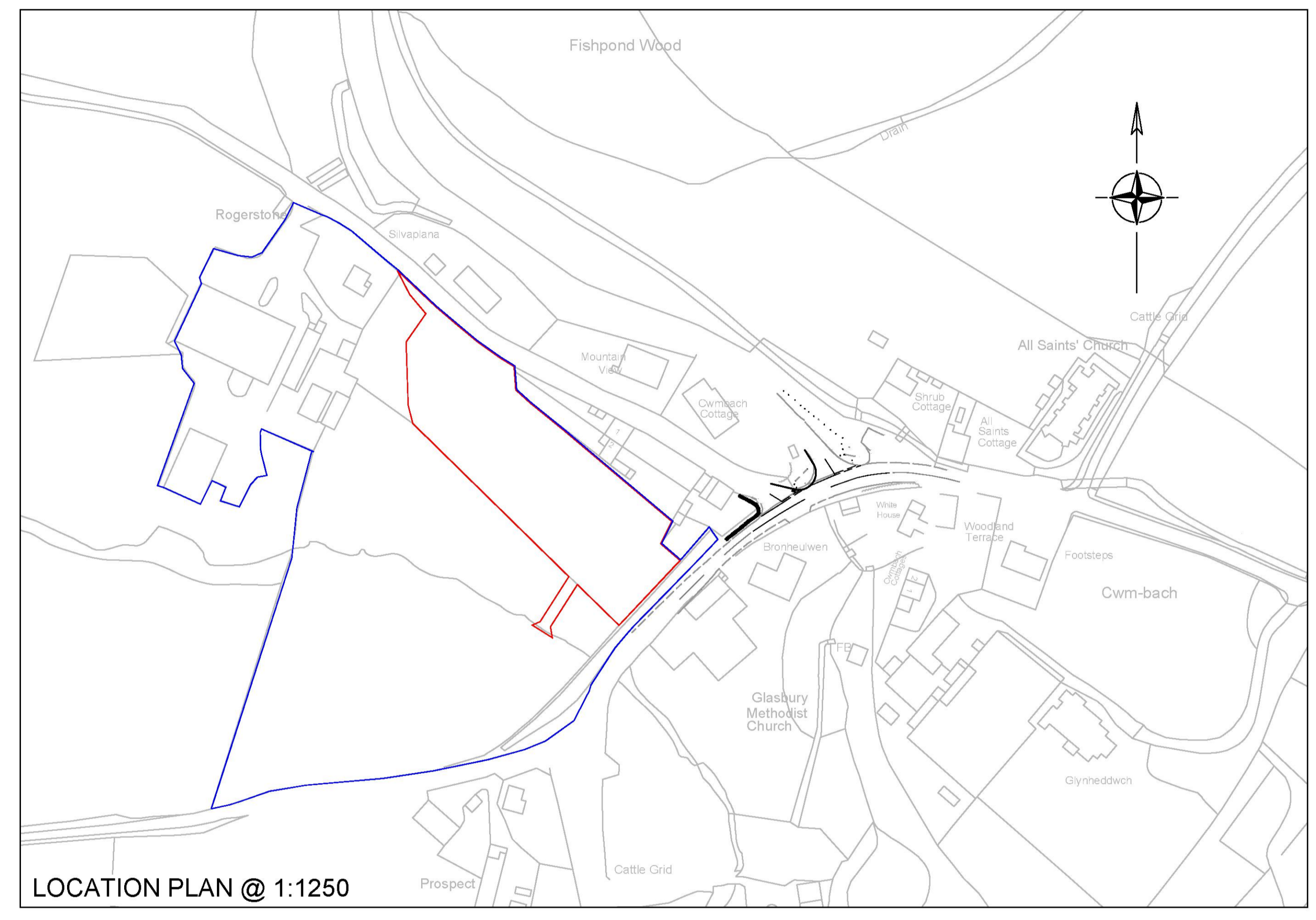
Case Officer: Holly-ann Hobbs- Principal Planning Officer
Tel: 01597 827319 E-mail:holly.hobbs@powys.gov.uk

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SCALE PARAMETERS

	No. Bedrooms	No. Car Spaces	Min - Max Ridge ht	Min - Max Eaves ht	Min - Max Width	Min - Max Depth
Property No. 1 Garage	3-4 0	3+ 1	8.5m - 9.5m 3.0m - 3.5m	4.8m - 5.8m 2.0m - 2.5m	9.0m - 10.0m 3.8m - 4.2m	9.0m - 9.5m 5.6m - 6.4m
Property No. 2 Garage	4-5 0	4+ 1	8.5m - 9.5m 3.0m - 3.5m	4.8m - 5.8m 2.0m - 2.5m	9.0m - 10.0m 3.8m - 4.2m	9.0m - 9.5m 5.6m - 6.4m
Property No. 3 Garage	4-5 0	4+ 1	8.5m - 9.5m 3.0m - 3.5m	4.8m - 5.8m 2.0m - 2.5m	9.0m - 10.0m 3.8m - 4.2m	9.0m - 9.5m 5.6m - 6.4m
Property No. 4 Garage	4-5 0	4+ 1	8.5m - 9.5m 3.0m - 3.5m	4.8m - 5.8m 2.0m - 2.5m	9.0m - 10.0m 3.8m - 4.2m	9.0m - 9.5m 5.6m - 6.4m
Property No. 5 Garage	4-5 0	4+ 1	8.5m - 9.5m 3.0m - 3.5m	4.8m - 5.8m 2.0m - 2.5m	9.0m - 10.0m 3.8m - 4.2m	9.0m - 9.5m 5.6m - 6.4m
Property No. 6	2	2	7.5m - 8.5m	4.8m - 5.5m	6.0m - 6.5m	8.0m - 8.5m
Property No. 7	2	2	7.5m - 8.5m	4.8m - 5.5m	6.0m - 6.5m	8.0m - 8.5m
Property No. 8	2	2	7.5m - 8.5m	4.8m - 5.5m	6.0m - 6.5m	8.0m - 8.5m



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PROPOSED LAYOUT @ 1:250

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Notes

Amendments

Rev	Date	Description	By	Chkd
C	26/10/17	MINIMUM SCALE PARAMETERS ADDED	JPS	SK
B	26/10/17	GARAGE SCALE PARAMETERS ADDED	JPS	SK
A	16/11/17	SCALE PARAMETERS ADDED	JPS	SK

Engineering Design Services

EDS West Manager: Steve Hallows shalls@powys.gov.uk
01545 572513

EDS East Manager: Gareth Price gprice@powys.gov.uk
0845 507 5050

CWCC **Powys**

Proposed Housing Development to land at Rogerstone, Glasbury on Wye

Outline Planning Application
Proposed Site Layout

By: JPS	Checked: SK	Scale at A1: 1:250
Date: 23/10/17	Project Number: TO262-1	Drawing Number: PL-01
Revision: C		

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Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2017/1259	Grid Ref:	326755.31 318118.14
Community Council:	Llandysilio	Valid Date:	Officer: 30/10/2017 Eddie Hrustanovic
Applicant:	Mr P M Pryce, Greenfields Farm, Four Crosses, Llanymynech, Powys, SY22 6RF.		
Location:	Land adj Greenfields Farm, Four Crosses, Llanymynech, Powys, SY22 6RF.		
Proposal:	Outline: Proposed residential development of 5 no dwellings, formation of an access road and all associated works		
Application Type:	Application for Outline Planning Permission		

The reason for Committee determination

In accordance with the Planning Protocol, Councillor Arwel Jones has requested that this planning application be determined by Members of the Planning, Taxi Licensing and Rights of Way Committee.

Site Location and Description

The site subject to this application is located approximately 180 metres to the south of Four Crosses, outside of the defined settlement boundary. The application site is bounded by agricultural land to the north and east. Located to the south is a linear cluster of dwellings and to the west the A483 Trunk Road.

The application is submitted in outline with all matters reserved for future consideration and proposes the erection of 5 dwellings, formation of an access road and all associated works.

Consultee Response

Llandysilio Community Council

Re: P2017 1259 – Residential development of 5 dwellings at land adj Greenfields Farm, Four Crosses.

Llandysilio Community Council have considered the above application at its meeting held on Thursday 23rd November 2017 and wish to Object to the application for reasons outlined below

1. Policy GP 1 – Development Control

The application site lies outside the existing settlement boundary for Four Crosses and whilst the new Unitary development Plan is in the course of being adopted it must still be considered as a departure from the Plan.

21 sites in Four Crosses were submitted as candidate sites as part of the preparation of the emerging UDP covering an area of 34 Hectares. The argument for the supply of housing in Powys cannot be allowed to overrule planning policies and principles.

2. Contrary to Policy GP4 – Highway & parking Requirements

There is concern that the entrance is onto a 60mph section of the A483.

3. Footpath No 28

No provision has been included in the application for the diversion of this footpath which crosses through the site.

4. Inadequate infrastructure

This is a key element in the development of Large Villages such as Four Crosses. Contribution needs to be obtained from each developer towards improving the classrooms at Llandysilio School, improving the recreational facilities and also helping the local Doctor's Surgery to obtain enough funding for a much needed extension to reduce the waiting time for appointments.

Highways Authority

Whilst the Highway Authority do not object to the principle of development, based on the indicative layout the Highway Authority would serve notice under S.219/220 of the Highways Act 1980 upon the issuing of Building Regulations.

Any detailed application should include an adoptable layout plus full access details which should include visibility splays, access surfacing, radii, width, gradient and a suitable turning head.

Welsh Government - Transport

I refer to your consultation of 7.. November 2017 regarding the above application, and advise that the Welsh Government as highway authority for the A483 trunk road directs that planning permission is not granted at this time as the applicant has provided insufficient information to determine the application.

The applicant must provide the following information to support this application or resubmit the application with the following details;

1. The applicant must forward a suitably scaled drawing detailing the proposed access off the A483 trunk road, which must incorporate the following aspects:-

- a) Visibility Splays in either direction from a suitable set-back.
- b) Gradient of the access road and the A483 trunk road carriageway
- c) Access width and radii dimensions

- d) Access surfacing type along with depth and width dimensions
- e) Parking areas
- f) If a gate is to be installed on the access

The above aspects must conform to the Design Manual for Roads and Bridges (DMRB).

The following points should be brought to the attention of the applicant:

The current access is constructed in accordance with "Layout 1 - Field Access" of TD41/95 of the Design Manual for Roads and Bridges (DMRB). As this application includes an increase in vehicle movements associated with the additional 5 dwellings it must be designed and constructed in accordance with "Layout 3 - Simple Layout" of TD41/95 of the DMRB.

If you have any further queries, please forward to the following Welsh Government Mailbox
NorthandMidWalesDevelopmentControlMailbox@Gov.Wales

Correspondence received 13th February 2018

I refer to your consultation of 7 November 2017 regarding the above planning application and advise that the Welsh Government as highway authority for the A483 trunk road directs that any permission granted by your authority shall include the following conditions:

- 1) The access and visibility splays shall be laid out, constructed and maintained strictly in accordance with the submitted plans (drawing no. RPP24.1.3.05 Rev A).
- 2) The minimum visibility distances available for vehicles emerging from the proposed access / junction shall be 215 metres in the each direction at a height of 1.05 metres, measured to a point 0.26 metres above the nearer running edge of the trunk road carriageway. These visibility distances shall be available at a point 4.5 metres from the nearer running edge of the trunk road, measured along the centreline of the access road. The visibility splay so formed shall be free of any growth or obstruction, which would interfere with the minimum visibility requirements.
- 3) Adequate provision shall be made within the development site to enable vehicles to turn around, so that they may enter and leave the site in a forward gear.
- 4) No drainage from the development site shall be connected to or allowed to discharge into the trunk road drainage system, and the proposed junction shall be constructed such that the access road does not drain onto the trunk road.
- 5) The access and visibility requirements shall be substantially complete and available for use prior to the commencement of any other works associated with the development.
- 6) The applicant shall enter into an Agreement with the Welsh Ministers under Section 278 of the Highways Act 1980 to enable the Applicant to undertake agreed improvement works on the trunk road. This Agreement will contain details of the improvement works, construction conditions and financial arrangements under which agreed measures can be put in place, including indemnifying the Welsh Ministers against third party claims. Without such an agreement in place, any consent that may be granted cannot be implemented.

The above conditions are included to maintain the safety and free flow of trunk road traffic. The following points should be brought to the attention of the applicant:

- 1) The applicant should be advised that all temporary or permanent signage, road markings or traffic orders shall be at the expense of the developer and agreed with the Highway Authority

before works commence.

2) Any adjustment, re-siting and / or protection of any statutory undertakers apparatus in the highway shall be undertaken with the prior written consent of the relevant Authority and shall be carried out at the Applicant's own expense.

3) The applicant should note that planning permission does not constitute permission under the Highways Act for various activities that may be associated with the development i.e. use of the highway/footway/verge to: for example; deposit material, deposit skips, erect scaffolding, excavate within the highway or erect traffic management apparatus. Such activities will require the separate consent of the Highway Authority;

4) Any temporary traffic management arrangements required in connection with this application shall be in accordance with Chapter 8 of the Traffic Signs Manual and in accordance with the Safety at Street Works and Road Works Code of Practice, and shall be approved by the highway authority.

5) Road traffic signs in Wales must be bilingual, Welsh above English, and adhere to Welsh Government specifications, see following link for standard details; http://www.traffic-wales.com/traffic_signs.aspx

If you have any further queries, please forward to the following Welsh Government Mailbox NorthandMidWalesDevelopmentControlMailbox@Wales.GSI.Gov.UK

Building Control

Building Regulations application required.

Wales and West Utilities

Please find enclosed a letter relating to your request. Based on the information given and the address provided, Wales & West Utilities have no apparatus in the area of your enquiry.

Our records show those pipes owned by Wales & West Utilities (WWU) in its role as a Licensed Gas Transporter (GT). Service pipes, valves, syphons, stub connections, etc. may not be shown but their presence should be anticipated. No warranties are therefore given in respect of it. They also provide indications of gas pipes owned by other GTs, or otherwise privately owned, which may be present in this area. This information is not information of WWU and WWU is unable to verify this information or to confirm whether it is accurate or complete.

If you have any queries please feel free to get in touch.

Severn Trent

Thank you for the opportunity to comment on this planning application. Please find our response noted below:

With Reference to the above planning application the company's observations regarding sewerage are as follows:

As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

To help us provide an efficient response please could you send all responses to welshplanning@severntrent.co.uk rather than to named individuals, including the STW ref within the email/subject.

Environmental Health

Foul drainage

Environmental Protection has no objection to the proposal to connect to the mains sewer.

Construction-phase noise

The proposed development is in close proximity to existing residential properties. Environmental Protection would recommend the following condition for the protection of amenity during the construction phase of the project:

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.

Countryside Services

Thank you for consulting Countryside Services on the above application.

A Public Right of Way (Footpath 28) crosses the site of the proposed development. The right of way is acknowledged in the plans with its approximate alignment shown. The footpath must remain open and available for safe unimpeded public use at all times, both during development and following completion. It must not be obstructed. The proposed new gate in a new boundary will require consent from the County Council.

Affordable Housing

Thank you for your correspondence regarding this application.

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

- All Affordable units will have to be constructed to Welsh Government Design Quality Requirements which include all of the Lifetime Homes and Secured by Design Standards.
- All units will have to meet the floor areas specified in Powys County Council's Affordable Housing Supplementary Planning Guidance.
- The Design Quality Requirements will be those current at the time of the detailed planning application.

- All completed Affordable units that are being sold must reflect local incomes to the local area and shall be bound by the Affordable Housing policies as detailed in the Affordable Housing for Local Needs Supplementary Guidance sections HP7, HP8 or HP9.

CADW

Thank you for your letter inviting our comments on the above planning application.

Advice

Having carefully considered the information provided with this planning application, we consider that it is inadequately documented. Our assessment of the application is given below.

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 circular guidance.

PPW (Chapter 6 – The Historic Environment) explains that the conservation of archaeological remains is a material consideration in determining a planning application, 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 there is a presumption against proposals which would involve significant alteration or cause damage, or which would have a significant impact on the setting of 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.

Assessment

The application area is located 315m west of scheduled monument MG033 Offa's Dyke: Section extending 3000m SE to Bele Brook, Llandrinio. The significant views from Offa's Dyke are to the west and the proposed development will block a currently pen section of lan in the view from this section to the Dyke. Consequently, the proposed development will cause damage to the setting of the scheduled monument and this will be a material consideration in the determination of this planning application (see Planning Policy Wales Section 6.5.5):

However no information on this issue has been submitted with the application and therefore we are currently not in a position to provide advice. We advise that your authority requests an assessment of the impact of the proposed development on the setting of the scheduled monument to prepared in accordance with the methodology outlined in the Welsh Government's best-practice guidance Setting of Heritage Assets in Wales (2017). Once this information has been provided we should be re-consulted accordingly.

Clwyd Powys Archaeological Trust

Our records show that we had no interest in this one and replied to Eddie on 7/11/17 to say there are no predicted archaeological impacts and we have no objection.

The plot is outside the main prehistoric settlement area in Four Crosses and lies on what was old common land (the area north of the road still is common land).

We noted that Cadw subsequently asked for a setting impact assessment because Offa's Dyke lies 350 metres to the east.

Powys Ecologist

Ecological Topic		Observations
EIA Screening Opinion needed?	No	The site area is understood to be 0.5 hectares and includes 5 dwellings. Therefore, the development is not considered to meet or exceed the thresholds of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 for the screening of dwelling house developments for EIA since it does not exceed five hectares; include more than 50 dwellings; or include more than one hectare of urban development that is not a dwelling house development.
Ecological Information included with application?	No	No ecological information has been submitted with the application. These observations are based on an interpretation of available aerial and street imagery, the submitted plans and historical biodiversity records provided by the Powys and Brecon Beacons National Park Biodiversity Information Service. The proposals involve the construction of 5 new dwellings on the southern outskirts of a residential area. The proposed site is located along the western edge of a large semi-improved agricultural field which shares a boundary with the highway to the west. All field boundaries are comprised of hedgerow. The eastern boundary which is separated from the proposed development also appears to contain a row of mature trees.

		It appears from the plans that the only vegetation removal would occur along a section of the western hedgerow which is intersected by the footprint of the northernmost proposed property, though extent of clearance has not been confirmed in any of the accompanying documents.
Protected Species & Habitats ¹	European Species	<p>Within 1km of the site there are historic records of otters and various bat species.</p> <p>There don't appear to be any potential bat roosting sites which would be lost to the proposals, and the field of the proposal appears to be of limited value for foraging bats. However, the hedgerow along the western boundary of the site, part of which may be removed, offers suitable foraging and commuting habitat for a range of bat species. It is recommended that vegetation clearance is minimized and any hedgerow to be lost should be translocated elsewhere on site to prevent the permanent loss of this linear feature and to assist habitat continuity. Suitable mitigation should be shown in a proposed landscape design drawing. Such measures should be agreed with the LPA prior to commencement of works.</p> <p>Should new lighting be required I recommend that a sensitive lighting plan is implemented in order to minimise the impact of new lighting on bats and any other nocturnal wildlife that may use the surrounding vegetation.</p> <p>The proposed site does not present suitable foraging or resting habitat for otters.</p>
	UK Species	<p>In addition to the species identified above, there are historic records of badger and a variety of nesting birds within 1km of the site.</p> <p>The proposals may involve the removal of a section of the hedgerow along the western field boundary. I recommend that any vegetation clearance works are timed to avoid the bird nesting season (generally March to August inclusive). If work that could destroy bird nesting habitat is to proceed in the bird nesting season, a suitably-experienced ecologist should check for active bird nests immediately in advance of the works commencing.</p>

		<p>The hedgerow that borders the site to the west could also provide suitable shelter for common reptile species. It is recommended that reasonable avoidance measures, including ecological supervision, are employed to prevent potential harm to reptiles during any vegetation clearance. Suitable mitigation should also be provided to offset any losses of reptile habitat and shown in a proposed landscape design drawing. Such measures should be agreed with the LPA prior to commencement of works.</p> <p>No direct impacts upon the local badger population are expected as a result of the proposals due to the fact that the existing field is so open and well managed at present</p>
	Section 7 Species & Habitats	<p>The applicant should be mindful that, in accordance with Powys County Council's duty under Section 7 of the Environment (Wales) Act 2016, TAN 5, UDP policies and biodiversity SPG, as part of the planning process PCC should ensure that there is no net loss of biodiversity or unacceptable damage to a biodiversity feature.</p> <p>It would seem likely that the proposals require the removal of a section of hedgerow along the western field boundary. Hedgerows are a Section 7 Priority Habitat. It is recommended that the existing hedgerow is translocated elsewhere on site to prevent the permanent loss of this linear feature and to assist habitat continuity. Suitable mitigation should be shown on a proposed landscape design drawing. Such measures should be agreed with the LPA prior to commencement of works. Also a tree/hedge protection plan in accordance with BS5837:2012 should be implemented during the construction phase to safeguard retained vegetation.</p> <p>In addition to the species identified above, within 1km of the site there are historic records of hedgehog, which is a Section 7 priority species. It is therefore recommended that reasonable avoidance measures applied during site clearance to prevent impacts upon the local reptile population (discussed above) are extended to consider this species and other small animals.</p> <p>A new hedgerow is proposed around the perimeter of the proposed development which is welcomed. As a biodiversity enhancement to the site I recommend that native, locally-occurring</p>

		plant species are included in any landscaping associated with this application and a species list for the landscaping should be provided for approval prior to commencement of development. Also further enhancement of the site by installation of bat and bird boxes as part of the proposals would be welcomed.
	LBAP Species & Habitats <input checked="" type="checkbox"/>	Please see comments above.
Protected Sites	International Sites (within 1km) <input checked="" type="checkbox"/>	Montgomery Canal SAC is located approximately 370m to the west of the proposed site. Due to the distance and lack of pathways between the two sites no impacts upon the integrity of the SAC are expected.
	National Sites (within 1km) <input checked="" type="checkbox"/>	Montgomery Canal SSSI is located approximately 370m to the west of the proposed site. Due to the distance and lack of pathways between the two sites no impacts upon the integrity of the SSSI are expected.
	Local Sites (within 500m) <input type="checkbox"/>	None within the search area
Invasive Non-Native Species	Unknown	No ecological information has been submitted with the application.
Recommendations		<p>I recommend that vegetation removal for the proposed development is kept to a minimum and where required vegetation clearance works should be timed to avoid the bird nesting season (generally March to August inclusive). If work that could destroy bird nesting habitat is to proceed in the bird nesting season, a suitably-experienced ecologist should check for active bird nests immediately in advance of the works commencing and depending on the presence and location of nesting birds, site clearance may need to cease until breeding has finished.</p> <p>It is recommended that reasonable avoidance measures, including ecological supervision, are</p>

	<p>employed to prevent potential harm to reptiles and small mammals during any clearance work along the western boundary of the site. Such measures should be agreed with the LPA prior to commencement of works.</p> <p>A tree/hedge protection plan in accordance with BS5837:2012 should be implemented during the construction phase to safeguard retained vegetation.</p> <p>I recommend that if practicable any hedgerow is translocated to provide a more immediate habitat replacement, including that set back to facilitate access to the proposed site.</p> <p>As a biodiversity enhancement to the site I recommend that native, locally-occurring plant species are included in any landscaping associated with this application and a species list for the landscaping should be provided for approval prior to commencement of development. Also further enhancement of the site by installation of bat and bird boxes as part of the proposals would be welcomed.</p>
Further information required prior to determination of application	I am of the opinion that sufficient information has been included to determine the application from an ecological perspective, and in consideration of the information, I recommend conditions as detailed below.
Recommended Conditions	<p>Should you be minded to approve this application, I recommend the inclusion of the following conditions:</p> <p><i>Prior to commencement of development, a Species List for the Landscape Planting, to include position of the translocated hedgerow, shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.</i></p> <p>Reason: To comply with Powys County Council's UDP Policies SP3 and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act</p>

	<p>2016.</p> <p><i>Prior to commencement of development, a reptile and small animal Reasonable Avoidance Method Statement shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.</i></p> <p>Reason: To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh Government strategies, and the Environment (Wales) Act 2016.</p> <p><i>Prior to commencement of development, a Biodiversity Enhancement Plan to include details of the bird nest and bat boxes shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.</i></p> <p>Reason: To comply with Powys County Council's UDP Policies SP3, ENV2, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and the NERC Act 2006.</p> <p><i>Prior to commencement of development a lighting design scheme to take any impacts on nocturnal wildlife into consideration shall be submitted for written LPA approval.</i></p> <p>Reason: To comply with Powys County Council's UDP Policies SP3 and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.</p> <p><i>Prior to commencement of development a Tree and Hedgerow Protection Plan in accordance with BS:5837:2012 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.</i></p>
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	<p>Reason: To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh Government strategies, and the Environment (Wales) Act 2016.</p> <p>Informatives</p> <p>Birds - Wildlife and Countryside Act 1981 (as amended)</p> <p>All nesting birds, their nests, eggs and young are protected by law and it is an offence to:</p> <ul style="list-style-type: none"> • 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. <p>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.</p> <p>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.</p> <p>Reptiles - Wildlife & Countryside Act 1981 (as amended)</p> <p>All UK native reptile species are protected by law. The Wildlife & Countryside Act 1981 (and later amendments) provides the legal framework for this protection.</p>
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	<p>The more widespread and common reptile species, namely common lizard, slow-worm, grass snake, and adder are protected against deliberate or reckless killing and injury</p> <p>All species of reptile are priority species in the UK BAP and have been adopted on the Section 7 list of the living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales, under the Environment (Wales) Act 2016.</p>
<p>Relevant UDP Policies</p>	<p>SP3 Natural, Historic and Built Heritage ENV 2: Safeguard the Landscape ENV 3: Safeguard Biodiversity and Natural Habitats ENV 6: Sites of Regional and Local Importance ENV 7: Protected Species</p>

County Councillor Arwel Jones

Correspondence received 20th November 2017 -

I refer to the above application and would request that the application is called to Committee given the fact that it is outside the Development Plan.

Myself and the Community Council will request to speak at the meeting.

Could you please confirm that the application will be determined by committee.

Correspondence received 11^h December 2017 -

Many thanks for your recent email.

The Community Council advised the site was outside the development boundary.

However I am of the opinion that the development is only for 5 properties and that the access onto the highway is satisfactory and the development is an infill between the Village of Four Crosses and a further 8 properties along the A483.

The application will be determined by the Committee and my views will be expressed at that meeting.

Representations

The proposed development has been advertised by site display and within the local press. At the time of writing this report, no public representations have been received by Development Management.

Planning History

P/2012/0432 – Full: Additional use of existing agricultural access to provide residential access and associated construction of private drive on land at Greenfields Farm, Llanymynech. Approved.

PPAE/2017/0049 – Pre-application enquiry.

Principal Planning Constraints

A Public Right of Way passes through the application site.

Scheduled Ancient Monument located approximately 315 metres to the east of the application site.

Principal Planning Policies

National Planning Policy

Planning Policy Wales (Edition 9, November 2016)

Technical Advice Note 1 – Joint Housing Land Availability Studies (2015)

Technical Advice Note 2 – Planning and Affordable Housing (2006)

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

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

Technical Advice Note 12 – Design (2016)

Technical Advice Note 16 – Sport, Recreation and Open Space (2009)

Technical Advice Note 18 – Transport (2007)

Technical Advice Note 20- Planning and the Welsh Language (2017)

Technical Advice Note 23 – Economic Development (2014)

Technical Advice Note 24 – The Historic Environment (2017)

Welsh Government Practice Guidance: Planning for Sustainable Buildings (2014)

Welsh Government Circular 016/2014: The Use of Conditions

Welsh Office Circular 10/99: Drainage

Local Planning Policy

Powys Unitary Development Plan (March 2010)

SP3 – Natural, Historic and Built Heritage

SP5 – Housing Developments

GP1 – Development Control

GP3 – Design and Energy Conservation

GP4 – Highway and Parking Requirements

ENV2 – Safeguarding the Landscape

ENV3 – Safeguarding Biodiversity and Natural Habitats

HP3 – Housing Land Availability

HP4 – Settlement Development Boundaries and Capacities

HP6 – Dwellings in the Open Countryside

HP9 – Affordable Housing in Rural Settlements

HP10 – Affordability Criteria

DC9- Protection of Water Resources

DC10- Mains Sewage Treatment

DC11 – Non-Mains Sewage Treatment

DC13 – Surface Water Drainage

RL6 - Rights of Way and Access to the Countryside

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

Other Legislative Considerations

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

Officer Appraisal

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

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

Principle of Development

For the purpose of the Powys UDP, the proposed site of development is located within the open countryside. Outside of settlement boundaries, UDP Policy HP4 applies and states that *'outside settlement boundaries, proposals for new residential development will only be approved where they comply with UDP Policies HP6, HP8 or HP9'*. Policy HP6 relates to rural enterprise dwellings, policy HP8 relates to affordable dwellings adjoining a settlement boundary and Policy HP9 relates to affordable dwellings within rural settlements. It is considered that the proposed development does not comply with UDP Policy HP6, HP8 or HP9 as above and therefore should be considered as a departure.

Loss of agricultural land

UDP policy ENV1 states that when considering proposals for development, the best and most versatile agricultural land will be safeguarded wherever possible.

The Predictive Agricultural Land Classification (ALC) Map indicates that the application site is classified as 'Moderate quality agricultural land' (3b). Planning Policy Wales (PPW) seeks to protect agricultural and grade 1-3a. Given the classification of the application site, it is not considered that development on the proposed site would not result in the loss of high grade agricultural land, compliant with UDP policy ENV1.

Housing Land Supply

The departure is being justified by the applicant on the basis that Powys County Council does not have a 5 year housing land supply.

Paragraph 9.2.3 of Planning Policy Wales states that ‘*Local planning authorities must ensure that sufficient land is genuinely available or will become available to provide a 5 year supply of land for housing judged against the general objectives and the scale and location of development provided for in the development plan.*’

The Powys Joint Housing Land Availability Study (JHLAS) 2016 states that there was 2.2 years supply of housing land in the Powys Local Planning Authority (LPA) area. Failure to have a 5-year housing land supply is an important material consideration that should be taken into account when determining this scheme. Technical Advice Note 1: Joint Housing Land Availability Studies (2015) states as follows:

“The housing land supply should also be treated as a material consideration in determining planning applications for housing. Where the current study shows a land supply below the 5 year requirement or where the local planning authority has been unable to undertake a study, the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with development plan and national planning policies”.

Whilst TAN 1 confirms that the need to increase housing land supply should be given considerable weight, it is emphasised that this is only where the development would otherwise comply with development plan and national planning policies. Therefore, all material planning considerations are required to be taken into account as are all relevant national and local planning policies and balanced with the undersupply of housing within Powys.

Sustainability

When providing additional housing it is important to consider whether the scheme can be considered to be sustainable development. This can relate to a wide range of matters including public transport provision and access to education, employment opportunities and other services.

The application site is located approximately 180 metres to the south of Four Crosses. Within the settlement boundary, it is understood that there are a range of services and facilities including a church, primary school, community centre, shop, garage, doctors surgery and sports facilities. The site is also located within immediate proximity of the A483 trunk road which provides access to nearby towns such as Welshpool and Newtown.

Notwithstanding the sites’ access to services, it is necessary to consider the existing settlement capacity and the capability of the existing services accommodating additional residential development. In this regard, reference is made to the LDP strategy paper and updates from the LDP Examination pages which indicates that Four Crosses’ dwelling contribution over the plan period (2011-2026) was 46 units. The updated position as of September 2017 suggests a provision of 91 dwellings within the settlement, greatly exceeding the projected growth. In light of the above and notwithstanding access to existing services, Officers consider that the proposed residential development would put increased pressure on existing services and facilities potentially compromising the sustainability of the proposed development.

Character and Appearance

UDP policy HP5 indicates that proposals for residential development will only be permitted where the proposed development is of a scale, form, design and general character to reflect the overall character and appearance of the settlement and surrounding area. Further guidance with policy ENV2 highlights that proposals should take account of the high quality of the Powys landscape and be appropriate and sensitive to the character and appearance of the sites surroundings.

Four Crosses is a large settlement with development predominantly structured around the existing highway network. Properties extends along the highway network leading out of the village in a linear formation however are physically linked to the main settlement. Whilst there are a cluster of dwellings located to the south of the application site, the site is enclosed by agricultural land (north, east and south) and is detached from the main settlement located to the north east. Whilst noting the proximity to neighbouring properties, Officers consider that the introduction of the proposed dwellings would be odds with the existing character and appearance of the settlement and surrounding area contrary to UDP policies ENV2 and HP5.

Highway Safety

Policy GP4 of the Powys UDP dictates that planning permission will be dependent on adequate provision for highway access including visibility, turning and parking. Whilst indicative at this stage, access to the proposed site of development will be provided off the A483 trunk road with turning and parking provision provided within the application site boundary.

Following initial consultation, Transport Wales issued a direction stipulating that permission should not be granted until such time that adequate access details have been provided. In response to additional information being submitted, a revised response from Welsh Government has been received which confirms that suitable access can be achieved subject to appropriate conditions being attached to any planning consent. Subject to the imposition of these conditions, Development Management is satisfied that the proposed development would be compliant with UDP policy GP4.

Public Right of Way

Policy RL6 seeks to safeguard the existing public rights of way network and the amenity of its users. A public footpath crosses the application site, passing from east to west. The indicative site plan indicates that the existing footpath will be maintained and accommodated within the development. Whilst noting the comments offered by the Ramblers Association, Officers are satisfied that an appropriate solution can be secured to safeguard the existing right of way and this will be reflected in any future reserved matters application.

Cultural Heritage

The desirability of preserving an ancient monument and its setting is a material consideration in determining a planning application. Where nationally important archaeological remains and their setting are likely to be affected by proposed development, there should be a presumption in favour of their physical preservation in situ. Paragraph 17 of Circular 60/96, Planning and the Historic Environment: Archaeology, elaborates by explaining that this

means a presumption against proposals which would involve significant alteration or cause damage, or which would have a significant impact on the setting of visible remains.

The application site is located within approximately 315 metres west of Scheduled Ancient Monument (SAM) – MG033 Offa’s Dyke: Section extending 300 metres SE to Bele Brook, Llandrinio. Within their consultation response, Cadw indicates that significant views from the identified section of Offa’s Dyke are to the west (direction of the application site) and currently look out onto an open section of land. The response further indicates that the proposed development will cause damage to the setting of the monument however in order to inform a thorough assessment, Cadw has requested that an assessment of potential impact on the setting be submitted for consideration.

Members are advised that a Heritage Assessment has since been submitted which assesses the potential impact of the development on the setting of Offa’s Dyke. Unfortunately, at the time of writing this report, a revised response from Cadw remains outstanding however Officers hope to provide further comments within the Committee report update.

Planning (Wales) Act 2015 (Welsh language)

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. The following table details the percentage change in relation to Welsh speakers within the Llandysilio ward for the period 2001-2011.

Community: Llandysilio

able to speak Welsh

Age	2011		2001	
	%	%	Number	Number
3+:	11.7	12.9	127	120
3-15:	35.2	37	62	51
16-64:	7.8	10.2	53	63
65+:	5.2	3.4	12	6

Number of residents aged 3 and over:

Census	Number
2011	1088
2001	928

It is noted that the 2011 census for Llandysilio reported a decline in the percentage of Welsh speakers. On the basis of the above, Officers do not consider that the development of up to five dwellings on land to the south of Four Crosses will have an unacceptable detrimental impact on the cultural or linguistic vitality of the area.

RECOMMENDATION

Whilst Planning Policy Wales encourages Local Planning Authorities to give considerable weight to the 5 year housing supply, policy guidance emphasises that this should only be

applied when the development proposed would otherwise be compliant with the adopted development plan.

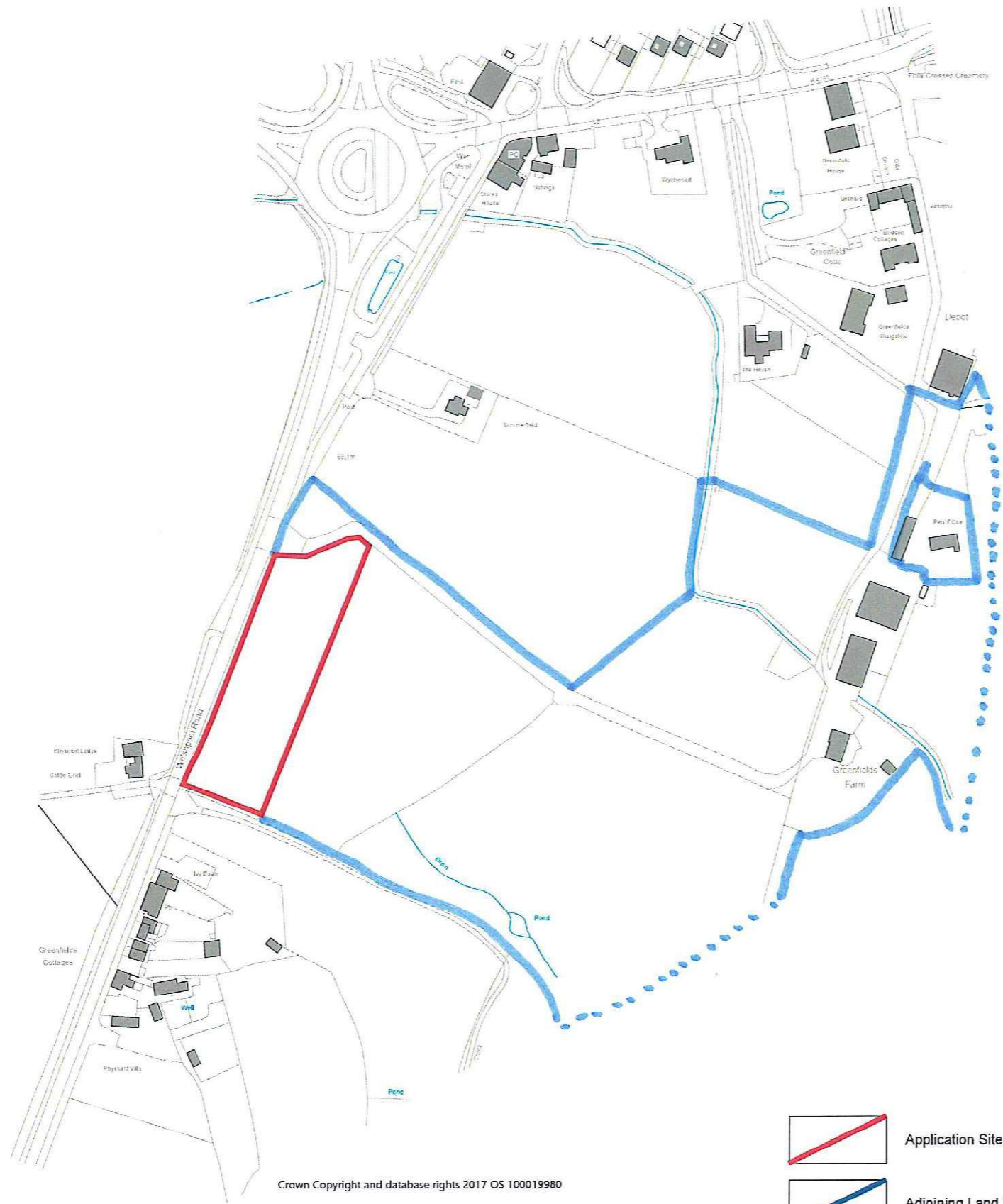
Officers consider that the site of the proposed development is divorced from the existing settlement of Four Crosses and therefore compromises the character and appearance of the surrounding area contrary to policies ENV2 and HP5 of the Powys UDP. As such, the recommendation is one of refusal.

Reason for Refusal

1. The proposed development will have an unacceptable adverse impact on the character and appearance of the area contrary to policies GP1, ENV2 and HP5 of the Powys Unitary Development Plan (2010).

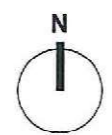
Case Officer: Eddie Hrustanovic- Swyddog Cynllunio / Planning Officer
Tel: 01938 551231 E-mail:edin@powys.gov.uk

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-  Application Site Boundary
-  Adjoining Land in Applicants Ownership



THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL RELATED DRAWINGS. ALL DIMENSIONS MUST BE CHECKED AND VERIFIED ON SITE BEFORE COMMENCING ANY WORK OR PRODUCING SHOP DRAWINGS. THE ORIGINATOR SHOULD BE NOTIFIED IMMEDIATELY OF ANY DISCREPANCY. THIS DRAWING IS COPYRIGHT AND REMAINS THE PROPERTY ROGER PARRY & PARTNERS.

Rev	Description	Date	Dr by	App by
Original				



Residential - Agricultural - Commercial

Job	- Proposed Development Site 5 Dwellings		
Title	- Location Plan		
Location	- Land at Greenfields Farm Four Crosses Llanymynech SY22 6RF		
Client	- Mr M Pryce		
Scales	- 1:2500 @ A3		
Drawing No.	- RPP24.1.3.01	Rev	
Drawn by	- JEE	Date	- Oct 2017

HOGSTOW HALL, MINSTERLEY
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6.9

Planning, Taxi Licensing and Rights of Way Committee Report

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

The reason for Committee determination

This application is partially a departure from the development plan and is recommended for approval.

Site Location and Description

The application site is located within the Key Settlement of Four Crosses within the community council area of Llandysilio. The application site is located partially within the settlement development boundary for Four Crosses and then a portion is located outside and adjoining the settlement boundary. The application site is located with agricultural land located to the north and east. Whilst to the south are existing residential properties with the school and community centre and County Highway, U4908 located to the west.

Consent is sought in outline with some matters reserved except for access for the erection of residential development.

Consultee Response

Llandysilio Community Council-

Correspondence received 1st November 2017-

Llandysilio Community Council have considered the above application and with to object for the following reasons;-

1. Contrary to Policy GP1 – Development Control

It is noted that part of the application site has been allocated within the Unitary Development Plan but the majority of the site is outside the settlement development boundary. The

Community Council wishes the site to be reduced in line with the attached map. This would then reduce the number of dwellings on the site to 24 which is more acceptable in terms of the allocated housing for Four Crosses which has been designated a large village. The extension of the site to the railway line cannot be justified in terms of meeting the shortage of housing supply as this is not a logical residential boundary.

2. Policy HP3 Housing Land Availability

The lack of a 5 year housing supply should not override all other considerations. The emerging Local development Plan indicates that 5596 dwellings are needed in Powys over the plan period which takes us to 2026. This equates to 1250 in relation to those settlements identified as large villages of which Four Crosses is one. Breaking this down further as there are 42 Large Villages in Powys that means a growth of 30 per village. There is already one site adjacent to the village boundary which has gained planning permission for 46 dwellings and another 2 sites currently under consideration for 35 dwellings each.

3. Contrary to Policy HP5 Residential development

This Policy states that the proposed development shall be of a scale, form and design and general character to reflect the overall character and appearance of the area. The Community Council mentioned at the pre-application stage that it felt that the line of trees to screen the playing field should also be continued in a straight line to the existing access road to Oldfield farm. This would then screen the playground from being overlooked and would result in the loss of plots 43,44, 45 & 46. This development site is at the heart of the village and should not dominate the entrance to the School & Village Centre.

4. Contrary to Policy DC9 – Protection of Water Resources

Evaluation is needed on the effects of the surface water drainage which would flow into the Sarn Wen Brook. Residents further downstream already experience problems with flooding and this site should not exacerbate this problem.

5. Contrary to Policy GP4 – Highways and Parking requirements

Oldfield Farm currently stores static caravans for refurbishment with caravans entering and leaving the Farm most days. It is with concern that it is noted that the existing entrance to the Farm is to be stopped up and that the caravans will be taken through a new entrance through the residential Estate.

6. Contrary to Policy SP1 Social, Community & Cultural Sustainability

Although this concern is listed last here, it is perhaps, the most important of all as no contribution has been put forward for the educational facilities at Llandysilio Church in Wales School. No contribution has been put forward to help the Llanfyllin Medical practice have the much needed extension at Four Crosses Surgery. Please see attached letter from Llanfyllin Medical Practice asking for financial help from developers.

No contribution has been put forward to enhance the recreational facilities at the village. In order for our Village to be able to cope with all the extra housing coming forward there has to be investment in the current services and infrastructure. There is currently a 3 week wait for

an appointment at the surgery in Four Crosses and a limited bus timetable to enable residents to travel to the main practice at Llanfyllin.

Additional Correspondance 25th February 2018-

Llandysilio Community Council have considered the amendments at their meeting held on Thursday 22nd February and wish to maintain their objection for the following reasons;-

1. Contrary to Policy GP1 – Development Control

Whilst part of the application site has been allocated within the Unitary Development Plan it should be noted that half the site is outside the settlement development boundary and should therefore only be considered if all the properties were designated affordable dwellings. The Community Council would like to see the site amended as per the attached plan which would continue the line of trees/hedging further. This is very important to prevent the School Playground (shown as hatched) from being overlooked.

2. Policy HP3 Housing Land Availability

The lack of a 5 year housing supply should not override all other considerations. The emerging Local development Plan indicates that 5596 dwellings are needed in Powys over the plan period which takes us to 2026. This equates to 1250 in relation to those settlements identified as large villages of which Four Crosses is one. Breaking this down further as there are 42 Large Villages in Powys that means a growth of 30 per village. There is already one site adjacent to the village boundary which has gained planning permission for 46 dwellings and with more applications now having been received there are now another 4 sites currently under consideration for a total of 75 dwellings.

3. Contrary to Policy HP5 Residential development

This Policy states that the proposed development shall be of a scale, form and design and general character to reflect the overall character and appearance of the area.

The Community Council mentioned at the pre-application stage that it felt that the line of trees to screen the playing field should also be continued in a straight line to the existing access road to Oldfield farm. This would then screen the playground from being overlooked. This development site is at the heart of the village and should not dominate the entrance to the School & Village Centre.

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No contribution has been put forward to enhance the recreational facilities at the village. In order for our Village to be able to cope with all the extra housing coming forward there has to be investment in the current services and infrastructure. There is currently a 4 week wait for an appointment at the surgery in Four Crosses and a limited bus timetable to enable residents to travel to the main practice at Llanfyllin.

Powys Highways-

The County Council as Highway Authority for the County Unclassified Highway, U4908

Wish the following recommendations/Observations be applied
Recommendations/Observations

Recs:

The proposed development is located off a section of the now de-trunked highway within Four Crosses. As such, it has become a quiet no through road and therefore has excess spare capacity for the proposed traffic that could be generated by the development's traffic. In the Design and Access Statement reference is made to the site being accessible by all modes of transport and to help in achieving this goal we will require that the development incorporate Active Travel infrastructure to link the site into the centre of the village. The agent, acting for the applicant is aware and has agreed to this requirement and we therefore will recommend that an Active Travel shared use footway/cycleway is constructed along the entire site frontage and extend along the eastern edge of the county highway all the way down to the junction with the B4393 in the village.

Recs:

1. Prior to any works being commenced on the development site full engineering drawings for the off-site footway/cycle infrastructure together with traffic calming proposals along the U4908 shall be submitted and approved in writing by the local planning authority.
2. Prior to the occupation of any of the dwellings the highway improvements, referred to above, shall be fully completed to the written approval of the local planning authority.
3. Prior to the occupation of any dwelling any entrance gates shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.

4. 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.
5. No other development shall commence until the access has been constructed so that there is a clear visibility splay from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.26 metres above ground level at the edge of the adjoining carriageway and 43 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.
6. Before any other development is commenced the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 15 from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.
7. Prior to the occupation of any dwelling, provision shall be made within the curtilage of the site for the parking of not less than one car per bedroom to a maximum of three excluding any garage space provided. The parking areas shall be retained for their designated use in perpetuity.
8. The gradient from the back of the footway/verge to the vehicle parking areas shall be constructed so as not to exceed 1 in 15 and shall be retained at this gradient for as long as the dwellings remain in existence.
9. Within 5 days from the commencement of the development provision shall be made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of 0.4 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.
10. The width of the access carriageway shall be not less than 5.0 metres along the access road measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.
11. Prior to the occupation of the development a radius of 6 metres shall be provided from the carriageway of the county highway on each side of the access to the development site and shall be maintained for as long as the development remains in existence.
12. Any internal side-road junctions shall have a corner radii of 6 metres.
13. The centre line radii of all curves on the proposed estate road shall be not less than 20 metres

14. 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.

15. The estate road carriageway and all footways shall be fully completed, in accordance with the details to be agreed in writing by the Local Planning Authority, upon the issuing of the Building Regulations Completion Certificate for the last house or within two years from the commencement of the development, whichever is the sooner. The agreed standard of completion shall be maintained for as long as the development remains in existence.

16. Prior to the occupation of any dwelling the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 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,

17. Upon formation of the visibility splays as detailed in condition 5 above the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.

18. The area of each private drive and any turning area is to be metalled and surfaced in bituminous macadam, concrete or block pavements, prior to the occupation of that dwelling and retained for as long as the development remains in existence.

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

Powys Building Control-

Building Regulations application required.

Wales and West Utilities-

According to our mains records Wales & West Utilities has no apparatus in the area of your enquiry. However Gas pipes owned by other GT's and also privately owned may be present in this area. Information with regard to such pipes should be obtained from the owners.

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

Please note that the plans are only valid for 28 days from the date of issue and updated plans must be requested before any work commences on site if this period has expired.

Severn Trent-

Thank you for the opportunity to comment on this planning application. Please find our response noted below:

With Reference to the above planning application the company's observations regarding sewerage are as follows.

I can confirm that we have no objections to the proposals subject to the inclusion of the following condition:

- The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and
- The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to reduce or exacerbate a flooding problem and to minimise the risk of pollution

To help us provide an efficient response please could you send all responses to welshplanning@severntrent.co.uk rather than to named individuals, including the STW ref within the email/subject.

Additional Correspondance received 1st February 2018-

I can advise we have no objections to the amended plans, and look forward to viewing the drainage proposals for site.

Powys Environmental Health-

Foul drainage

Environmental Protection has no objection to the proposal to connect to the mains sewer.

Construction-phase noise control

For the protection of amenity for nearby residential properties, Environmental Protection recommends the following condition for the control of construction-phase noise:

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

Construction Method Statement

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

- i) The parking of vehicles of site operatives and visitors;
- ii) Loading and unloading of plant and materials;
- iii) Storage of plant and materials used in constructing the development;
- iv) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;

- v) Wheel washing facilities;
- vi) Measures to control the emission of dust and dirt during demolition and construction; and
- vii) A scheme for recycling/disposing of waste resulting from demolition and construction works.”

Additional Correspondance received 2nd February 2018-

Thank you for the consultation on the amended plans. I have no further comments to add.

Powys Ecologist-

The site area is understood to be 2.99 hectares and includes up to 47 dwellings. Therefore, it is not considered to meet or exceed the thresholds of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 for the screening of dwelling house developments for EIA since it does not exceed five hectares; include more than 150 dwellings; or include more than one hectare of urban development that is not a dwelling house development.

No ecological information has been submitted with the application. These observations are based on an interpretation of available aerial and street imagery, the submitted plans and historical biodiversity records provided by the Powys and Brecon Beacons National Park Biodiversity Information Service.

The site appears to incorporate three agricultural (pastoral) fields located in the north of Four Crosses, bounded to the north, east and west by hedgerows and intersected through the middle by at least one hedgerow. There appear to be several mature trees within the hedgerow boundary to the north of the site.

European Species

Within 1km of the site there are records of Otter (within 560m), eight bat species (including a Soprano Pipistrelle within the site itself) and Floating Water-plantain (within 314m).

Although no aquatic habitats would appear to be affected by the proposal, the hedgerows and trees could provide suitable roosting and foraging habitat for various bat species. The hedgerows could also provide habitat for Dormouse.

Since no ecological information has been submitted with the proposal it is not currently possible to determine the impact on European Protected Species at the site.

An extended Phase 1 habitat survey including a background data search from the Powys and Brecon Beacons National Park Biodiversity Information Service (BIS) will therefore need to be undertaken to identify the habitats present on and adjacent to the site and potential to support protected species as well as the presence of invasive non-native species.

It is important to note that further surveys following National guidelines at the appropriate time of year will be required for any species that are found or have potential to be present. These surveys would need to be carried out prior to determination of the planning application.

Mitigation and compensation strategies will be required for any impacts upon protected species and loss of habitat.

Ecological reports submitted to support a planning application should include the required information identified in Appendix A of Powys UDP, Interim Development Control Guidance - Biodiversity (April 2009).

The applicant should be mindful that in accordance with Powys County Council's duty under Section 7 of the Environment (Wales) Act 2016, TAN 5, UDP policies and biodiversity SPG, as part of the planning process Powys should ensure that there is no net loss of biodiversity or unacceptable damage to a biodiversity feature.

UK Species

In addition to the species listed above within 1km of the site there are records of Badger (including two records from the site itself), Grass Snake (within 611m) and various nesting bird species.

The habitats present at the site appear to be favourable to support nesting birds, reptiles, amphibians and Badgers (as confirmed by two historic records from the site).

Since no ecological information has been submitted with the proposal it is not currently possible to determine the impact of the proposal on Nationally Protected Species at the site. An extended Phase 1 habitat survey as specified above should therefore be completed and the accompanying report submitted prior to determination of planning.

Section 7 Species and Habitats

In addition to the species mentioned above within 1km of the site there are records of Hare (within 647m). Hedgerows are also present within the site and would appear to be at risk from the development, particularly the intersecting hedgerow.

The applicant should be mindful that, in accordance with Powys County Council's duty under Section 7 of the Environment (Wales) Act 2016, TAN 5, UDP policies and biodiversity SPG, as part of the planning process PCC should ensure that there is no net loss of biodiversity or unacceptable damage to a biodiversity feature.

Since no ecological information has been submitted with the proposal it is not currently possible to determine the impact of the proposal on Section 7 Species and Habitats at the site. An extended Phase 1 habitat survey as specified above should therefore be completed and the accompanying report submitted prior to determination of planning.

LBAP Species and Habitats

Please refer to the observations above.

International Sites

The Montgomery Canal SAC is located approximately 430m to the west of the proposal. As the site is situated on the opposite side of the A483, with no distinct pollution pathways from the proposal, no adverse effects upon this site are considered likely.

National Sites

The Montgomery Canal SSSI is located approximately 430m to the west of the proposal. As the site is situated on the opposite side of the A483, with no distinct pollution pathways from the proposal, no adverse effects upon this site are considered likely.

Local Sites

None located within the search area

Recommendations

An extended Phase 1 habitat survey including a background data search from the Powys and Brecon Beacons National Park Biodiversity Information Service (BIS) will need to be undertaken to identify the habitats present on and adjacent to the site and potential to support protected species as well as the presence of invasive non-native species.

It is important to note that further surveys following National guidelines at the appropriate time of year will be required for any species that are found or have potential to be present. These surveys would need to be carried out prior to determination of the planning application. Mitigation and compensation strategies will be required for any impacts upon protected species and loss of habitat.

Ecological reports submitted to support a planning application should include the required information identified in Appendix A of Powys UDP, Interim Development Control Guidance - Biodiversity (April 2009).

The applicant should be mindful that in accordance with Powys County Council's duty under Section 7 of the Environment (Wales) Act 2016, TAN 5, UDP policies and biodiversity SPG, as part of the planning process Powys should ensure that there is no net loss of biodiversity or unacceptable damage to a biodiversity feature.

Conditions can be recommended on receipt of the additional ecological information requested above.

NRW-

Correspondence received 19th October 2017-

Thank you for consulting Natural Resources Wales (NRW) about the above, which was received on 29/09/2017. NRW have no objection to the proposed development.

Pollution Prevention

Due to the scale of the proposed development, the application should be supported by a Pollution Prevention Plan

The activity of importing waste into the site for use as, for example hardcore, must be registered by the Natural Resources Wales as an exempt activity under Environmental Permitting Regulations 2010. The developer should contact Natural Resources Wales to discuss the necessity for an exemption permit for any material imported to and exported from the site. No material is to be deposited within 10m of any watercourse without discussion with Natural Resources Wales. Should any contaminated water or materials enter or pollute the watercourse or groundwater, Natural Resources Wales must be notified on 03000 65 3000. 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 should be 110% of the capacity of the tank, all filling points, gauges, vents and sight glasses must be located within the bund. Associated pipe-work should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund, refuelling should be supervised at all times - and preferably done on an impermeable surface.

All works at the site must be carried out in accordance with GPP5: 'Working at construction and demolition sites: PPG6' which is available at the Gov.uk website:

Waste

Due to the scale of the proposed development, the application should be supported by a Pollution Prevention Plan. The activity of importing waste into the site for use as, for example hardcore, must be registered by the Natural Resources Wales as an exempt activity under Environmental Permitting Regulations 2010. The developer should contact Natural Resources Wales to discuss the necessity for an exemption permit for any material imported to and exported from the site.

Waste arising from the development must be disposed of in an appropriate way i.e. to a waste management facility, and where possible it should be recycled. Certain wastes, for example asbestos, are classed as Hazardous Wastes and shall only be disposed of by registered waste carriers to an appropriate facility, licensed to take such wastes.

If during any construction/excavation works any contaminated material is revealed, then the movement of such material either on or off site should be done in consultation with Natural Resources Wales. Any waste excavation material or building waste generated during the development must be disposed of satisfactorily and in accordance with Section 33 and 34 of the Environmental Protection Act 1990. Carriers transporting waste from the site must be registered waste carriers and movement of any Hazardous Waste from the site must be accompanied by Hazardous waste consignment notes.

Foul Drainage

We note from the application form that the proposed method for foul drainage is to mains sewer. Welsh Water should be contacted to ensure that there is sufficient capacity.

Surface Water

As with any new development, it's important that any additional surface water run-off from any new buildings, hardstandings or road does not add any additional flood risk to third

parties. For all matters regarding surface water drainage, should be dealt with by the Lead Local Flood Authority.

Please do not hesitate to contact us if you require further information or clarification on any of the above.

Our comments above only relate specifically to matters that are included on our checklist “Natural Resources Wales and Planning Consultations” (March 2015) which is published on our website: <https://naturalresources.wales/planning-and-development/planning-and-development/?lang=en>. We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance.

The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

Additional Correspondence received 22nd February 2018-

Thank you for consulting Natural Resources Wales (NRW) about the above, which was received on 01/02/2018. NRW have no objections to the proposed development.

Protected Species

We note that the ecological submission in support of the above application (Arbor Vitae dated January 2018) has identified that protected species are not present at the application site. From the information contained in the ecological report, we consider that the proposed development represents a lower risk for protected species.

Bats and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (SI2017 No.1012). Any development that would contravene the protection afforded to bats under the Regulations would require a derogation licence from Natural Resources Wales. A licence may only be authorised if:

- i. There is no satisfactory alternative and
- ii. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range. In addition,
- iii. the development works to be authorised must be for the purposes of preserving public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.

Paragraph 6.3.7 of Technical Advice Note 5: Nature Conservation and Planning (TAN5) states that your Authority should not grant planning permission without having satisfied itself that the proposed development either would not impact adversely on any protected species on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied.

In this case, the report concludes that the proposed development is not likely to harm or disturb protected species or their breeding sites and resting places at this site, provided that avoidance measures described in the report are implemented. Also, because the

development represents a lower risk to bats in this case, we do not consider that the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

Therefore, we do not object to the proposal, subject to all avoidance measures described in section 6 of the report being set out in a method statement and secured through the inclusion of suitable planning conditions and/or a Section 106 agreement.

NRW advises that any consent is subject to conditions that

- a) Protect trees located on the fringe of the development; and
- b) Submission of an external lighting and boundary feature plan

This advice applies to the proposal in its present form. If the plans are changed in ways that may harm or disturb the bats or their breeding sites and resting places at this site, you would need a revised bat report that takes account of such changes.

Please consult us again if a revised bat report concluded that this is no longer a lower risk case. Otherwise, our advice for lower risk cases would still apply and we would recommend that you secured the avoidance measures described in the revised bat report. If, in light of modifications, it was no longer possible to avoid harming or disturbing the protected species or their breeding sites and resting places at this site, the applicant would also need a licence from Natural Resources Wales and probably additional mitigation measures to reduce adverse effects.

Pollution Prevention

Due to the scale of the proposed development, the application should be supported by a Pollution Prevention Plan.

No material is to be deposited within 10m of any watercourse without discussion with Natural Resources Wales. Should any contaminated water or materials enter or pollute the watercourse or groundwater, Natural Resources Wales must be notified on 03000 65 3000.

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 should be 110% of the capacity of the tank, all filling points, gauges, vents and sight glasses must be located within the bund. Associated pipe-work should be located above ground and protected from accidental damage.

All works at the site must be carried out in accordance with GPP5: 'Working at construction and demolition sites: PPG6' which is available at the Gov.uk website:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/485215/pmho0412b_wfe-e-e.pdf

Waste

The activity of importing waste into the site for use as, for example hardcore, must be registered by the Natural Resources Wales as an exempt activity under Environmental Permitting Regulations 2010. The developer should contact Natural Resources Wales to discuss the necessity for an exemption permit for any material imported to and exported from the site.

Waste arising from the development must be disposed of in an appropriate way i.e. to a waste management facility, and where possible it should be recycled. Certain wastes, for example asbestos, are classed as Hazardous Wastes and shall only be disposed of by registered waste carriers to an appropriate facility, licensed to take such wastes.

If during any construction/excavation works any contaminated material is revealed, then the movement of such material either on or off site should be done in consultation with Natural Resources Wales. Any waste excavation material or building waste generated during the development must be disposed of satisfactorily and in accordance with Section 33 and 34 of the Environmental Protection Act 1990. Carriers transporting waste from the site must be registered waste carriers and movement of any Hazardous Waste from the site must be accompanied by Hazardous waste consignment notes.

Foul Drainage

We note from the application form that the proposed method for foul drainage is to mains sewer. Welsh Water should be contacted to ensure that there is sufficient capacity.

Surface Water

As with any new development, it's important that any additional surface water run-off from any new buildings, hardstandings or road does not add any additional flood risk to third parties. For all matters regarding surface water drainage, should be dealt with by the Lead Local Flood Authority.

Do not hesitate to contact us if you require further information or clarification on any of the above.

Our comments above only relate specifically to matters that are included on our checklist "Natural Resources Wales and Planning Consultations" (March 2015) which is published on our website: <https://naturalresources.wales/planning-and-development/planning-and-development/?lang=en>. We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance.

The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

Welsh Government Transport

I refer to your consultation of 29/09/2017 regarding the above planning application and advise that the Welsh Government as highway authority for the A483 trunk road does not issue a direction in respect of this application.

CADW-

Thank you for your letter of 29 September 2017 inviting our comments on the above planning application.

Advice

Having carefully considered the information provided with this planning application, we consider that it is inadequately documented. Our assessment of the application is given below.

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 circular 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 there is a presumption against proposals which would involve significant alteration or cause damage, or which would have a significant impact on the setting of 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.

Assessment

In response to a statutory pre-application consultation dated 10 August 2017, we provided the following advice:

“The application will be made in outline with all matters reserved except for access. The proposed access will be onto “The Street” to the west and will have to cross the

projected line of Offa's Dyke. Thus there is a probability that the proposed development will have a direct adverse impact on archaeological remains of National Importance. In such circumstances Planning Policy Wales section 6.5.6 gives clear guidance that

Where archaeological remains are known to exist or there is a potential for them to survive and a study has not already been undertaken by the applicant, the local planning authority should request an applicant to undertake a desk-based archaeological assessment and, where appropriate, an archaeological evaluation. The results of any assessment and/or field evaluation should be provided as part of a planning application and form part of the local planning authority's consideration of that application.

In this case, given that sufficient information already exists about the line of Offa's Dyke, we do not consider that there is a need for desk-based assessment to be produced. However, we do consider that there is a need for an archaeological evaluation to be carried out. Consequently, in our view, the proposed planning application should not be made until an archaeological evaluation has been carried out and the resulting report produced.

Insufficient information is therefore currently available to enable us to give an indication of our response to any future planning application for this development. However, it should be noted that Planning Policy Wales section 6.5.5 clearly states that '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'.

Therefore our response will depend on the results of the archaeological evaluation and any amendments that result in regard to the proposed access road."

The Pre-Application Consultation report submitted with the application noted our advice and states that an archaeological contractor, Trysor, is putting together a written scheme of investigation document. However the work outlined in this document will need to be carried out and a report submitted before we will be in a position to provide detailed advice on the impact of the proposed development on the setting of scheduled monument MG033 which is a material consideration in the determination of this application (see planning policy Wales 6.5.5 quoted above).

Additional Correspondence 16th February 2018-

Thank you for your letter inviting our comments on the additional information including a new plan showing a reduction in the number of dwellings from 47 to 34 and a report on an archaeological evaluation of the application area.

Advice

Having carefully considered the information provided with this planning application, we have no objections to the impact of the proposed development on the scheduled monument MG033 Offa's Dyke: Section extending 3000m SE to Bele Brook, Llandrinio. Our assessment of the application is given below.

Assessment

The archaeological evaluation failed to locate the remains of Offa's Dyke suggesting that it is actually located beneath "The Street" to the west; however this work located a number of archaeological features including a likely Roman cremation burial and possible evidence of a Romano-British field system. The results of the archaeological evaluation have shown that the proposed development will not have any direct impact on an unscheduled section of Offa's Dyke and therefore it will cause no damage to the setting of Scheduled monument MG033 Offa's Dyke: Section extending 3000m SE to Bele Brook, Llandrinio.

Contaminated Land-

In relation to Planning Application P/2017/1062, the following advice is provided for the consideration of Development Control.

Advice

1. Historic ordnance survey (OS) maps identify that, to the East, the application site is adjoined by a former railway line, and adjacent to a former quarry (area of potential unknown filled ground).

Land associated with railways has the potential to be affected by land contamination; the Department for the Environment, Industry Profile 'Railway Land' (1995) provides information in respect of the potential contaminant sources.

Areas of unknown filled ground could be a potential source of land contamination depending on the type and nature of the materials that have been deposited as fill.

2. Paragraph 13.5.1, of Chapter 13 'Minimising and Managing Environmental Risks and Pollution', of the Welsh Government document 'Planning Policy Wales' (2016) advises: "responsibility for determining the extent and effects of instability or other risks remains that of the developer. It is for the developer to ensure that the land is suitable for the development proposed, as a planning authority does not have a duty of care to landowners".

However, no information has been submitted in support of Planning Application P/2017/1062 in respect of the potential land contamination risks to the proposed development.

Therefore, based on the available information, the following is recommended:

I. The planning applicant could submit a preliminary investigation and preliminary risk assessment ('Phase 1' report) in support of Planning Application P/2017/1062.

A preliminary investigation and preliminary risk assessment should be completed by a qualified and experienced environmental consultant, and in accordance with current guidance and best practice.

If a preliminary risk assessment identifies that there are potentially unacceptable risks a detailed scope of works for an intrusive investigation, prepared by a qualified and experienced environmental consultant, should also be submitted for review and approval.

II. Alternatively, the following Condition and Note to the applicant could be attached to any permission granted for Planning Application P/2017/1062:

Condition A

Condition 1. Preliminary Investigation

No development shall commence until a preliminary investigation and assessment of the nature and extent of contamination affecting the application site area has been submitted to and approved in writing by the local planning authority. This investigation and assessment must be carried out by or under the direction of a suitably qualified competent person, in accordance with current guidance and best practice, and shall assess any contamination on the site, whether or not it originates on the site.

The report of the findings shall include:

- A desk study
- A site reconnaissance
- Formulation of an initial conceptual model
- A preliminary risk assessment

If the preliminary risk assessment identifies there are potentially unacceptable risks a detailed scope of works for an intrusive investigation, including details of the risk assessment methodologies, must be prepared by a suitably qualified competent person. The contents of the scheme and scope of works are subject to the approval in writing of 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).

Condition 2. Site Characterisation

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.

Condition 3. Submission of Remediation Scheme

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 2 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).

Condition 4. Implementation of Approved Remediation Scheme

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).

Condition 5. Long Term Monitoring and Maintenance

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'.

Reason (common to all): 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 _____ of the adopted Local Plan (date)].

Note to Applicant

Potential Contamination

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

CPAT-

Correspondence received 10/10/2017-

Thank you for the consultation paperwork relating to the above proposals.

Information retained within the Regional Historic Environment Record indicates that this application falls in an area of extremely high archaeological sensitivity. The plot contains numerous recorded archaeological sites including:

PRN 28464 - An unscheduled section of Offa's Dyke running along the west boundary as a low earthwork which includes the former rampart bank and possibly sub-surface evidence of the eastern edge of the ditch.

PRN 38098 – Cae Hen Trackway. Double ditches recognised as cropmarks on an aerial photograph. Undated but possibly related to prehistoric or Roman period field boundaries.

PRN 17177 – Four Crosses Cropmark Complex. Large number of cropmarks of field systems, pit alignments, ring ditch burials and enclosures. Prehistoric to post medieval in date.

PRN 50519 – Four Crosses Field System. Extensive area of field boundary ditches recognised from aerial photography. Probably prehistoric to post medieval in date.

PRN 38097 Cae Hen Enclosure – D-shaped prehistoric or Roman period enclosure linked with ditch field system.

PRN 23661 – Four Crosses Barrow Cemetery. Cropmarks of ring ditch burial mounds dating to the Bronze Age scattered across this area and recognised as cropmarks from aerial photographs.

PRN 3605 – Four Crosses Barrow Cemetery Site 1. Ring ditch bronze age burial with associated Neolithic and Roman archaeology. Excavated by CPAT in 1981 – 83.

PRN 38102 Cae Hen Enclosure – Large sub-circular enclosure of probable prehistoric date and partially preserved in the south side of the field as a cropmark recognised by aerial photography. Not excavated in the 1981-83 CPAT excavations to the north.

In addition there are numerous adjacent recorded features including pit alignments and ditch systems which may extend into the application area. There will also be a large number of sub-surface archaeological features which aerial photography has not recorded of prehistoric and later date.

The proposed development will disturb any such remains surviving here, but from present knowledge it is impossible to estimate how damaging this might be, and thus to frame an appropriate archaeological response. The planning authority appears to have insufficient information about this archaeological resource, or the applicant's intended treatment of it, to make a balanced decision. As archaeology is a material consideration here I would advise that this application is not determined until this resource has been properly evaluated.

Welsh Government Planning Policy Wales (Edition 9, Nov 2016), TAN 24: the Historic Environment (May 2017) and Powys UDP Policies ENV 17 and 18 suggest that planning authorities should require applicants to supply a suitable archaeological assessment in support of an application where a potential impact to archaeological remains is identified.

The evaluation will consist of a detailed desktop study, geophysics and evaluation trenching. At this stage we can already predict that the results will lead to extensive open area excavations across this application area.

The developer will need to engage an archaeological contractor to complete this work in accordance with a brief written by this office on request. In response the archaeological contractor will need to supply a written scheme of investigation along with their cost estimate. The written scheme of investigation will need to be approved by me before work can commence on site.

I would advise that in order to allow sufficient time for an evaluation to be carried out, and the discussion of a subsequent mitigation strategy, the determination of the current application is delayed so that this information can be gathered and presented in support of the application.

I have attached advisory information on archaeological contractors that the developer may wish to consider engaging to complete evaluation work. I have also attached guidance on the evaluation process. We understand that the applicants agent is currently obtaining quotes and written schemes of investigation from a number of archaeological contractors.

Please contact me if you wish to discuss the above advice or require any more information.

Additional Correspondence received 11th January 2018-

We have now received a copy of the final evaluation report from Archaeology Wales for further comment.

The evaluation deliberately avoided all of the known and significant archaeology within the development area which is well represented by aerial photographic and geophysical

evidence, and in some cases even survives as earthworks in the fields. All of these features will need to be fully excavated before development commences.

The evaluation report concentrates on the areas between the known archaeology and investigated some less obvious features indicated on the geophysics. Archaeology was effectively located in every trench and largely remains undated due to the small investigation areas and the lack of recovered artefacts. The features located include pits, linears, possible post holes, a cremation pit and a possible post medieval trackway. These features are typical of the well preserved archaeology of prehistoric and later date which occupies the slightly higher gravelly ground in Four Crosses. The trenching shows that the areas between the known archaeology have a high archaeological potential and features are preserved at a fairly shallow depth, which makes them vulnerable to preparatory ground works and future construction.

As the archaeology is widely dispersed across the development area and retains all periods of human settlement from the prehistoric period through to the post medieval there are basically no areas where some form of archaeological mitigation would not be required. There are no clear opportunities for preservation in situ due to the nature and scale of the development and the shallow depth of preservation of the archaeology.

We would therefore recommend that if development proceeds here each field is systematically stripped and totally excavated to preserve a complete record of the archaeology. The cost of this mitigation will be a significant component of the development and the applicant and their agents should bear this in mind before proceeding with the development. If the land is sold on with a permission the significant financial burden of the archaeological mitigation should be made clear to future developers. To allow this work to be completed I have included a suitable condition for excavation below:

Suggested planning condition to facilitate a scheme of archaeological investigation as a condition of consent:

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

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

B) No development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

C) The development shall not be commenced until the archaeological site investigation has been completed and the post excavation assessment report has been approved in

accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication, dissemination of results and archive deposition has been secured.

Reason: To secure preservation by record of all archaeological remains which will be impacted by the development

In effect the above combined condition means that:

- Development may commence once the site investigation is complete. If the fields are developed in sequence this means that the development could start in one completely excavated field while the other fields are still being excavated.
- The post investigation assessment of the excavated materials and records made can take place after the development has commenced.
- A full analysis, publication, and archive deposition may take some years to complete, particularly for a large or complex investigation like this one, but the development is not delayed over this period.

Please contact me if you wish to discuss any of the above recommendation or require more information. If there are any alterations to the suggested condition before consent is given please contact me to agree the changes.

Additional Correspondence 1st February 2018-

From the amended layout plan I can see that the number of houses has been reduced from 47 to 34 and the eastern extension of the former layout has been reduced.

The layout alteration has not reduced the potential impact of the scheme on identified archaeology within the new layout boundary. The impact here will still be significant and therefore the previous advice for archaeological excavation as a condition of consent remains as stated in our reply dated 11/1/18.

Planning Policy

Further to our discussion on the above application. These are the issues which may be relevant:

1. Settlement Numbers/Capacity:

Below is the LDP strategy paper and updates, from the LDP Examination pages. I'd refer you to the Erratum (2016) which shows the pro-rata distribution of the LDP dwelling requirement (4,500 dwellings) amongst the LDP settlements. Four Crosses' contribution was 46 dwellings for the Plan period 2011-2026.

EB30 *[LDP Strategy \(June 2015\)](#) & [Update Jan 2016](#) & [Erratum to Strategy Topic Paper Update \(2016\)](#)

The following document provides an update on settlements and planning permissions and Page 3 shows the updated position (1/9/17) for Four Crosses including a comparison against

the pro-rata distribution of housing. It shows current provision for 91 dwellings, compared to the pro-rata distribution of 46. Of the 91, 32 relate to the LDP allocation P18 HA1.

ED045a [HS3 AP5 update 01.09.2017](#)

I've pasted below the text relating to the LDP site allocation P18 HA1 (there are no MACs proposed to this). Please note this refers to the large site being phased beyond the LDP period.

Four Crosses	P18	HA1	Land at Oldfield (including land rear of School)	3.4	32	Phase 2/3	10	3.2	N/A	Large Site capable of being phased beyond the Plan period. Development Brief required for phasing and provision of community space (adjacent to school?) for expansion/sport facilities to realise
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Cyngor Sir Powys County Council 232

Powys LDP 2011-2026						Composite Version incorporating Matters Arising Changes September 2017				
Large Villages	Inset Map	Site Ref	Site Name	Site Area (Ha)	No. Units	Indicative Phasing	Affordable Housing Target (%)	Affordable Housing Target (No.)	Area Empl / Other (Ha)	Issues / Infrastructure / S106 Requirements (Base date for planning permission information - 1/04/2015)
						Phase 1 2011-2016 Phase 2 2016-2021 Phase 3 2021-2026				full allocation. Plan anticipates approx. 1.2 ha being developed. Possible mixed use opportunities, phasing plan required. Care re: heritage constraints, retain disused railway as potential transport corridor. Whole site would require archaeological evaluation as part of any planning application and appropriate archaeological mitigation as part of any development thereafter (consult and involve CPAT). Mix/amount of uses on site must be identified through the preparation of a development brief that takes account of all issues including constraints and viability. *Project level HRA screening required - Montgomery Canal SAC (hydrological connections) and Tanat and Vwernmy Bat sites SAC.

2. Land to rear of the School/Community Hall

Albeit a conceptual layout, the application proposes housing on the area of land to the rear of the school/community centre which could, at least in part, be retained or utilised for school/community/local recreational facilities provided there is an identified need and subject to landowner discussions and negotiations. This has been a consideration throughout the LDP process as noted in the issues in the above table. It is understood that the current UDP allocation M133 HA1 provides some assumptions as to housing but the LDP has provided a valuable opportunity to re-assess the needs of the settlement/land availability, suitability and use. You will be aware that the LDP has been drawn up with community engagement. I

would refer you to the candidate sites status report where site references 61, 453 and 1234 are relevant. Site 1234 was submitted for protection (for community use) and comprises the first parcel of land to the rear of the school.

http://pstatic.powys.gov.uk/fileadmin/Docs/Planning/LDP/LDP_2015/LDP_Stages/2015_revised_Deposit_Draft/English/Sites_Status_Master_-_Deposit_2_2015.pdf

3. National Policy Objectives

I would draw your attention to the policy concerns on some of the site, aside from the loss of open countryside (beyond the settlement boundary) which should generally be conserved and protected in its own right, some of the application land is shown as safeguarded as a minerals resource – see LDP inset map P18. Relevant mapping should also be checked for the presence of Best and Most Versatile agricultural land as this was flagged up as a potential constraint at the Candidate Sites Stage. I understand that CPAT have alerted you to the potential historic environment constraints and furthermore please note that our records indicate that the site proposals may need HRA assessment.

4. Proposed Allocation P18 HA1 in the emerging LDP

Please note that the application site comprises only part P18 HA1 along with adjacent (departure) land but leaves the main brownfield site (which comprises most of the emerging housing allocation) out of the application. In Four Crosses it would seem to be the more sustainable option to prioritise and encourage redevelopment of the existing brownfield site at Oldfield (east of the application site) for housing where we have been provided with developer intentions, thereby both helping to address immediate housing need whilst supporting the LDP Strategy in preference to enabling greenfield extensions such that being proposed. This would follow the search sequence test of Planning Policy Wales and the national policy objective to develop brownfield land in preference to greenfield.

I hope these points can inform your considerations and decision making/recommendations. Please do contact me if you wish to discuss any of these matters further.

Built Heritage Officer-

Thank you for consulting me on the above application.

The application is for the erection of 44 houses partly on land allocated for houses within the emerging LDP and partly without. Access would be via The Street.

The site contains a number of historic assets namely;

An unscheduled part of Offas Dyke,
7 additional records on the Historic Environment Record as identified by CPAT

The site is adjacent to a number of designated historic assets namely;
Scheduled Ancient Monument MG033 Offas Dyke
Listed Building Cadw ID 8529 The Golden Lion
Listed Building Cadw ID 8530 Street House

As Cadw is the statutory consultee on setting of Scheduled Ancient Monuments I shall not comment in this regard as they will be providing comments in respect of the setting of the Scheduled Ancient Monument. I duly note their comments in respect of the unscheduled element of Offas Dyke.

Recent Guidance Historic Records in Wales issued by Cadw came into effect on 31 May 2017 and from that date, this authority must have regard for the guidance in the discharge of its functions. The guidance advises in Paragraph 4.3 that the historic environment records are key sources of information that should be used to support the planning process, including the determination of planning applications. The information held in the historic environment records supports a proper consideration of the impact of a proposal on the historic environment, including advice on schemes to avoid or mitigate any adverse impacts. As the Historic Environment Records on this site appear to be below ground archaeology, and I note the comments made by CPAT, I shall not comment on the HER's in this instance.

I shall therefore comment on the setting of listed buildings only.

I am mindful of the advise in Sections 16 and 66 of the Planning (Listed Buildings and Conservation areas) Act 1990, which require authorities considering applications for planning permission or listed building consent for works which affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of the building.

However, I would also refer to more recent guidance in paragraph 6.5.11 of Planning Policy Wales 9th edition 2016 which states, " Where a development proposal affects a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses."

The adopted document Conservation Principles prepared by Cadw in paragraph 5.4 advises that when considering change, public authorities will give due importance of the heritage values of a site when considering the sustainability of proposals submitted to them.

Paragraph 39 states Changes which would harm the heritage values of an historic asset will be unacceptable unless:

- a..the changes are demonstrably necessary either to make that asset sustainable, or to meet an overriding public policy objective or need; and
- b. there is no reasonably practicable alternative means of doing so without harm; and
- c. that harm has been reduced to the minimum consistent with achieving the objective; and
- d. it has been demonstrated that the predicted benefit decisively outweighs the harm to the values of the asset, considering;
 - its comparative significance;
 - the impact on that significance; and
 - the benefits to the asset itself and/or the wider community or society as a whole.

The historic environment is defined in the document as an environment made up of individual historic features, archaeological sites and historic buildings as well as the landscapes in which they are found. Any part of the historic environment to which people have given a distinctive historical association or identity is considered here to be an historic asset. The document continues with the following advice on page 15. Every reasonable effort should be made to eliminate or minimize adverse impacts on historic assets. Ultimately, however, it may be necessary to balance the benefit of the proposed change against the harm to the

asset. If so, the weight given to heritage values should be proportionate to the importance of the assets and the impact of the change upon them. The historic environment is constantly changing, but each significant part of it represents a finite resource. If it is not sustained, its heritage values will be eroded or lost. In addition, its potential to give distinctiveness, meaning and quality to the places in which people live, and provide people with a sense of continuity and a source of identity will be diminished. The historic environment is a social and economic asset and a cultural resource for learning and enjoyment.

“Conservation principles” establishes Values which should be attributed to heritage assets including;

- Evidential Value,
- Historical Value,
- Aesthetic Value,
- Communal value.

Conservation Principles identifies principles that have to be addressed when considering the above values.

Evidential Value

This derives from those elements of an historic asset that can provide evidence about past human activity.

The Golden Lion is sited adjacent to The Street and is two storeys with attic and cellar

Street House is also sited adjacent to the Street albeit behind a small roadside wall. The property is three storeys.

Historical Value

An historic asset might illustrate a particular aspect of past life or it may be associated with a notable family, person, event or movement. These illustrative or associated values of an historic asset may be less tangible than its evidential value but will often connect past people, events and aspects of life with the present and are not so easily diminished by change as evidential values and are harmed only to the extent that adaptation has obliterated them or concealed them.

The Golden Lion dates from the late C18th and Street House dates from the first half of the C19th.

Aesthetic Value

This derives from the way in which people draw sensory and intellectual stimulation from an historic asset through its form, external appearance or setting.

Both The Golden Lion and Street House are attractive buildings retaining significant element of their original polite architectural form. The Golden Lion has rendered brick with incised lines and 5 Venetian style windows on the front elevation. Street House is brick with dentil eaves and tall double hung sashes. The age of the buildings primarily on the west side of The Street evoke a sense of the areas past history and aspirations

Communal Value

The third principle contained within Conservation Principles is that heritage assets are a shared resource, valued by people as part of their cultural and natural heritage, and gives distinctiveness, meaning and quality to the places where we live providing a sense of continuity and a source of identity. The Conservation Principles identify heritage assets as having the potential to give distinctiveness, meaning and quality to the places in which people live, and provide people with a sense of continuity and a source of identity will be diminished. The historic environment is a social and economic asset and a cultural resource for learning and enjoyment.

The 2 listed buildings identified along with the other properties on the west side of The Street including the listed Domgay Chapel and Chapel House illustrate the development of this area and the architectural aspirations of the buildings who constructed the buildings that exhibit elements of polite architecture.

Cadw have prepared guidance on the setting of historic assets to accompany TAN24 issued on 31 May. The guidance provides advice on how to assess the setting of listed buildings could be referred to, with the caveat that there may potentially be changes as a result of the consultation process. In addition to advice on how to assess the visual setting of listed buildings, advice on less tangible elements, including sensory perceptions such as noise and smell are included in the guidance.

The document advises that “Setting is the surroundings in which a historic asset is understood, experienced and appreciated, embracing present and past relationships to the surrounding landscape.....The setting of a historic asset is not fixed and can change through time as the asset and its surroundings evolve. These changes may have a negative impact on the significance of an asset; for example, the loss of the surrounding physical elements that allow an asset to be understood, or the introduction of an adjacent new development that has a major visual impact. But changes can also have a positive impact that may enhance the setting, such as the removal of traffic from part of a historic town, or the opening up of views, or the return of a sense of enclosure to sites where it has been lost”

The document provides advice on how to assess the setting

This section outlines the general principles that both assessors and decision makers should consider when assessing the impact of a proposed change or development on the setting of historic assets. There are four stages.

Stage 1: Identify the historic assets that might be affected by a proposed change or development and their significance.

Stage 2: Define and analyse the settings to understand how they contribute to the ways in which the historic assets are understood, appreciated and experienced.

Stage 3: Evaluate the potential impact of a proposed change or development on those settings.

Stage 4: Consider options to mitigate the potential impact of a proposed change or development on those settings.

The Golden Lion is the listed property closes to the application site. The building was constructed to face the former A483 and has its principal windows facing north east over The Street and the residential development of Parc Hafod. There are some windows to the rear facing over agricultural land now truncated by the by-pass and three modern windows on the northern gable.

Old Maps indicate that it was a public house from its construction no doubt serving travellers on the A483. The building due to its height and architecture is still commanding in the street scene.

When travelling on The Street the new development will be sited to the north west on the other side of The Street. The new development will not affect the current views of The Golden Lion nor impinge on the views of The Golden Lion. As such it is not considered that the proposal would have a significant impact on the setting of The Golden Lion.

Street House is sited to the south of The Golden Lion with the former outbuildings of The Golden Lion between them. Again the principal windows are to the front although there are some windows on the gable. Nevertheless given the distance between the application site and Street House in combination with the orientation of Street House, I would not consider that the proposal would have an impact on the setting of Street House.

I can confirm that I have no objections to the proposal on the grounds of setting of listed buildings.

Additional Correspondence 5th February 2018-

In respect of the additional information received in respect of this application. I can confirm that in respect of the setting of the listed buildings I have no objections to the revised information and nothing to add to my comments dated 15 November 2017. (attached for ease of reference).

Representations

No letters of public representation have been received at the time of writing this report.

Planning History

N/A

Principal Planning Constraints

N/A

Principal Planning Policies

National Policies

Planning Policy Wales (Edition 9, November 2016)

Technical Advice Note 1 – Joint Housing Land Availability Studies (2015)
Technical Advice Note 2 – Planning and Affordable Housing (2006)
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 15- Development and Flood Risk (2004)
Technical Advice Note 18 – Transport (2007)
Technical Advice Note 20- Planning and the Welsh Language (2017)
Technical Advice Note 23 – Economic Development (2014)
Technical Advice Note 24 – The Historic Environment (2017)

Welsh Government Practice Guidance: Planning for Sustainable Buildings (2014)

Welsh Government Circular 016/2014: The Use of Conditions

Welsh Office Circular 10/99: Drainage

Local Policies

Unitary Development Plan (March 2010)

SP3 – Natural, Historic and Built Heritage
SP5 – Housing Developments
SP14- Development in Flood Risk Areas
GP1 – Development Control
GP3 – Design and Energy Conservation
GP4 – Highway and Parking Requirements
ENV2 – Safeguarding the Landscape
ENV3 – Safeguarding Biodiversity and Natural Habitats
ENV17- Ancient Monuments and Archaeological Sites
ENV18- Development Proposals Affecting Archaeological Sites
HP3 – Housing Land Availability
HP4 – Settlement Development Boundaries and Capacities
HP6 – Dwellings in the Open Countryside
HP9 – Affordable Housing in Rural Settlements
HP10 – Affordability Criteria
RL6- Rights of Way and Access to the Countryside
RL7- Long Distance Rights of Way
TR2- Tourist Attractions and Development Areas
DC9- Protection of Water Resources
DC10- Mains Sewage Treatment
DC11 – Non-Mains Sewage Treatment
DC13 – Surface Water Drainage
DC14- Flood Prevention Measures

Affordable Housing for Local Needs Supplementary Planning Guidance (SPG) (2011)

Powys Residential Design Guide (2004)

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

Other Legislative Considerations

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

Officer Appraisal

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

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

Principle of Development

The application site is located partially outside of the settlement development limits as defined by the Powys Unitary Development Plan (2010), whilst the majority of the site is an allocated housing site under the UDP ref M133 (HA1) which has already been part committed.

Outside of settlement boundaries, UDP Policy HP4 applies and states that '*outside settlement boundaries, proposals for new residential development will only be approved where they comply with UDP Policies HP6, HP8 or HP9*'. Policy HP6 relates to rural enterprise dwellings, policy HP8 relates to affordable dwellings adjoining a settlement boundary and Policy HP9 relates to affordable dwellings within rural settlements. It is considered that the proposed development does not comply with UDP Policy HP6, HP8 or HP9. The proposed development is therefore not in accordance with the UDP and should be considered as a departure.

Housing Land Supply

The departure is being justified by the applicant on the basis that Powys County Council does not have a 5 year housing land supply.

Paragraph 9.2.3 of Planning Policy Wales states that '*Local planning authorities must ensure that sufficient land is genuinely available or will become available to provide a 5 year supply of land for housing judged against the general objectives and the scale and location of development provided for in the development plan.*'

The latest Powys Joint Housing Land Availability Study (JHLAS) 2016 states that there was 2.2 years supply of housing land in the Powys Local Planning Authority (LPA) area. Failure to have a 5-year housing land supply is an important material consideration that should be taken into account when determining this scheme. Technical Advice Note 1: Joint Housing Land Availability Studies (2015) states as follows:

“The housing land supply should also be treated as a material consideration in determining planning applications for housing. Where the current study shows a land supply below the 5 year requirement or where the local planning authority has been unable to undertake a study, the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with development plan and national planning policies”.

Whilst TAN 1 confirms that the need to increase housing land supply should be given considerable weight, it is emphasised that this is only where the development would otherwise comply with development plan and national planning policies. Therefore, all material planning considerations are required to be taken into account as are all relevant national and local planning policies and balanced with the undersupply of housing land currently available in Powys.

Sustainability

When providing additional housing it is important to consider whether the scheme can be considered to be sustainable development. This can relate to a wide range of matters including public transport provision and access to education, employment opportunities and other services.

The site itself is located within the Key Settlement of Four Crosses and is located adjoining an existing residential housing estate which is located to the south of the application site and located to the rear of the school and community centre which is located to the west of the application site.

As a key settlement Four Crosses has a number of Primary School, Community Centre, Shops, Café, Doctors Surgery, Public Houses, Filling Station, Recreation Ground including All Weather Court and Industrial Premises.

Whilst when considering the application consideration has been given to the level of housing growth outside of the settlement development boundary proposed, it is noted that the application is in outline with some matters reserved an indicative layout has been provided which indicates 10 dwellings being proposed outside of the settlement development boundary. Given the services available within Four Crosses as a Key Settlement it is considered on balance that the development as proposed would be considered as acceptable within this location.

Scale, Design and Appearance

UDP policy HP5 (Residential Development) indicates that development proposals will only be permitted where the scale, form and appearance of the development generally reflects the character and appearance of the existing settlement.

Whilst scale, appearance, layout and landscaping are reserved matters not to be considered as part of this application process, the applicant has provided an indicative layout. The proposed scheme indicates a single detached dwelling.

Although Officers acknowledge that matters relating to appearance, layout and scale have been reserved for future consideration, on the basis of the plans provided, it is considered that the application site is capable of accommodating the dwellings without unacceptably adversely affecting the character and appearance of the area or amenities enjoyed by occupants of neighbouring properties compliant with UDP policies SP5, GP1, GP3, ENV2 and HP5.

Amenity

Policy GP1 of the Powys Unitary Development Plan states that the amenities enjoyed by the occupants of nearby neighbouring properties should not be unacceptably affected by development proposals and the proposal should complement and where possible enhance the character of the surrounding area.

Based on the distances involved as indicated on the indicative layout it is considered that the proposed development would not be seen as having an impact on the amenity of the neighbouring residential property by either loss of light or privacy.

Therefore, whilst the layout is for indicative purposes only it is considered that the layout indicated is considered to be appropriate and would provide ample space for the proposed dwellings to be developed without compromising the amenity of neighbouring residential properties and therefore comply with policy GP1 and GP3 of the Powys Unitary Development Plan 2010.

Landscape and Visual Impact

Policy ENV2 of the Powys Unitary Development Plan seeks to ensure that the proposed development will not have an unacceptable adverse impact upon the Powys Landscape. Development proposals should be designed in a way to be sensitive to the character and appearance of the surrounding area and landscape.

Whilst the site would be visible from public vantage points including the public highways, taking into account the location of the application site which is adjacent to existing residential development it is considered that the visual impact and the proposed scale of the dwellings, it is considered that a satisfactory detailed design could come forward to reflect the overall character and appearance of the settlement and surrounding area.

In light of the above, it is considered that the proposed development complies with policy ENV2 of the Powys Unitary Development Plan 2010.

Agricultural Land Classification

Following consideration of information supplied by Welsh Government through the Provision of Agricultural Land Classification due regard has been given to the classification afforded to

the application site. The site in question has been indicated as part urban and part category 2 agricultural land; this is defined as good quality agricultural land.

Planning Policy Wales (PPW) paragraph 4.10 outlines national policy towards conserving Wales' Best and Most Versatile (BMV) agricultural land. PPW states that;

“In the case of agricultural land, land of grades 1, 2 and 3a of the Department for Environment, Food and Rural Affairs (DEFRA) Agricultural Land Classification system (ALC) is the best and most versatile, and should be conserved as a finite resource for the future. In development plan policies and development management decisions considerable weight should be given to protecting such land from development, because of its special importance. Land in grades 1, 2 and 3a should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations. If land in grades 1, 2 or 3a does need to be developed, and there is a choice between sites of different grades, development should be directed to land of the lowest grade.”

In light of the lands classification urban and category 2 it is considered that a refusal could be supported on this basis however on balance the proposed development on this agricultural land is justified in respect of the current housing land supply shortage within the county.

Sites of Archaeological Importance

Information retained within the Regional Historic Environment Record indicated that the application falls in an area of extremely high archaeological sensitivity. CPAT and Cadw have been consulted and have noted that the plot contains numerous recorded archaeological sites including:

PRN 38098 – Cae Hen Trackway. Double ditches recognised as cropmarks on an aerial photograph. Undated but possibly related to prehistoric or Roman period field boundaries.

PRN 17177 – Four Crosses Cropmark Complex. Large number of cropmarks of field systems, pit alignments, ring ditch burials and enclosures. Prehistoric to post medieval in date.

PRN 50519 – Four Crosses Field System. Extensive area of field boundary ditches recognised from aerial photography. Probably prehistoric to post medieval in date.

PRN 38097 Cae Hen Enclosure – D-shaped prehistoric or Roman period enclosure linked with ditch field system.

PRN 23661 – Four Crosses Barrow Cemetery. Cropmarks of ring ditch burial mounds dating to the Bronze Age scattered across this area and recognised as cropmarks from aerial photographs.

PRN 3605 – Four Crosses Barrow Cemetery Site 1. Ring ditch bronze age burial with associated Neolithic and Roman archaeology. Excavated by CPAT in 1981 – 83.

PRN 38102 Cae Hen Enclosure – Large sub-circular enclosure of probable prehistoric date and partially preserved in the south side of the field as a cropmark recognised by aerial photography. Not excavated in the 1981-83 CPAT excavations to the north.

Additional information was submitted in the way of an Archaeological Field Evaluation undertaken by Archaeology Wales dated January 2018. CPAT and Cadw were re-consulted and CPAT noted that as the archaeology is widely dispersed across the development area and retains all periods of human settlement from the prehistoric period through to the post medieval there are basically no areas where some form of archaeological mitigation would not be required. There are no clear opportunities for preservation in situ due to the nature and scale of the development and the shallow depth of preservation of the archaeology.

In light of the above the officer has therefore confirmed that should the development proceed each field will have to be systematically stripped and totally excavated to preserve a complete record of the archaeology which will involve a significant cost to the developer. An appropriately worded condition will therefore be attached to any grant of consent.

Ecology

The Council acknowledges the need to protect biodiversity from adverse development through careful monitoring, maintenance and the protection of habitats and species worthy of conservation. Therefore the nature conservation policies in the UDP seek to safeguard and enhance biodiversity, and these objectives are also echoed in national policy (TAN5 and Planning Policy Wales).

NRW and the Powys Ecologist have been consulted on the proposed development. Whilst NRW had no objection to the proposed development concerns were raised from the Powys Ecologist with regards to no ecological information being submitted to determine the impact on European Protected Species at the site.

Additional information was submitted by way of a Phase 1 Habitat Survey. Whilst Powys Ecologist and NRW have been consulted only comments have been received from NRW to date which confirm they have no objections subject to recommended conditions.

An update will therefore be provided to Members as a report update when further comments have been received.

Planning (Wales) Act 2015 (Welsh language)

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. This duty has been given due consideration in the determination of this application.

Policy GP5 indicates certain settlements where the Welsh Language has been identified as being important to the social, cultural and community fabric. Four Crosses is not identified as being one of those settlements under GP5. However, it is considered that Welsh Language is a material consideration across the County.

From the 2011 census for the Llandysilio community area the percentage of those aged 3 and above able to speak Welsh has decreased by 1.2% since the 2001 census data (2011- 11.7% and 2001- 12.9%)

In light of the above and given the scale of the proposed development it is considered that the proposal will therefore not have an unacceptable adverse impact upon Welsh language and culture.

Affordable Housing

Latest evidence produced to support the Local Development Plan indicated that a 10% affordable housing in this area would be viable. In light of the above and therefore in support of the application a condition will be attached to any grant of consent securing 10% affordable housing.

Public Right of Way

It is noted that the Offa Dyke Right of Way runs through Four Crosses. Whilst the application site itself would not directly impact on the right of way given its location on the adjoining side of the unclassified highway- consideration must be given to the development potential impact on the use of this tourism facility.

Whilst the Rights of Way team has been consulted no response has been received at the time of writing this report. However, considering the location of the proposed development adjoining existing built development for Four Crosses with only a small portion which would extend the built development boundary for Four Crosses it is considered that the development would be seen as an extension to existing settlement and therefore would not impact the use of the nearby rights of way network.

In light of the above it is therefore considered that the proposed development fundamentally complies with relevant planning policy.

RECOMMENDATION

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

Conditions

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

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

4. The development shall be carried out strictly in accordance with the plans stamped as approved on XXX (drawing no's:).

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

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

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

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

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

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

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

11. Prior to the commencement of development, a Contamination Monitoring and Maintenance Method Statement for the application site shall be submitted to and approved in

writing by the Local Planning Authority. The Contamination Monitoring and Maintenance Method Statement shall be implemented as approved, unless otherwise agreed in writing by the Local Planning Authority.

12. Prior to the commencement of development a pollution prevention plan shall be submitted to and approved in writing by the Local Planning Authority. Development thereafter shall be completed in full accordance with the details as approved.

13. Prior to any works being commenced on the development site full engineering drawings for the off-site footway/cycle infrastructure together with traffic calming proposals along the U4908 shall be submitted and approved in writing by the local planning authority.

14. Prior to the occupation of any of the dwellings the highway improvements, referred to above, shall be fully completed to the written approval of the local planning authority.

15. Prior to the occupation of any dwelling any entrance gates shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.

16. The centre line of the first 15 metres of the access road measured from the edge of the adjoining carriageway shall be constructed at right angles to that edge of the said carriageway and be retained at that angle for as long as the development remains in existence.

17. No other development shall commence until the access has been constructed so that there is a clear visibility splay from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.26 metres above ground level at the edge of the adjoining carriageway and 43 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

18. Before any other development is commenced the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 15 from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

19. Prior to the occupation of any dwelling, provision shall be made within the curtilage of the site for the parking of not less than one car per bedroom to a maximum of three excluding any garage space provided. The parking areas shall be retained for their designated use in perpetuity.

20. The gradient from the back of the footway/verge to the vehicle parking areas shall be constructed so as not to exceed 1 in 15 and shall be retained at this gradient for as long as the dwellings remain in existence.

21. Within 5 days from the commencement of the development provision shall be made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of 0.4 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.

22. The width of the access carriageway shall be not less than 5.0 metres along the access road measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.

23. Prior to the occupation of the development a radius of 6 metres shall be provided from the carriageway of the county highway on each side of the access to the development site and shall be maintained for as long as the development remains in existence.

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

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

26. No building shall be occupied before the estate road carriageway and one footway shall be constructed to and including binder course level to an adoptable standard including the provision of any salt bins, surface water drainage and street lighting in front of that building and to the junction with the county highway.

27. The estate road carriageway and all footways shall be fully completed, in accordance with the details to be agreed in writing by the Local Planning Authority, upon the issuing of the Building Regulations Completion Certificate for the last house or within two years from the commencement of the development, whichever is the sooner. The agreed standard of completion shall be maintained for as long as the development remains in existence.

28. Prior to the occupation of any dwelling the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 15 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence,

29. Upon formation of the visibility splays as detailed in condition 5 above the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.

30. The area of each private drive and any turning area is to be metalled and surfaced in bituminous macadam, concrete or block pavements, prior to the occupation of that dwelling and retained for as long as the development remains in existence.

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

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

a. The programme and methodology of site investigation and recording

b. The programme for post investigation assessment

c. Provision to be made for analysis of the site investigation and recording

d. Provision to be made for publication and dissemination of the analysis and records of the site investigation

e. Provision to be made for archive deposition of the analysis and records of the site investigation

f. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

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

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

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

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

- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 10% affordable dwellings;
- ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii) the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing (if no RSL involved)];
- iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reasons

1. To enable the Local Planning Authority to exercise proper control over the development in accordance with Section 92 of the Town and Country Planning Act 1990.
2. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
3. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
4. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
5. To prevent the increased risk of flooding in accordance with policies GP1, DC13 and DC14 of the Powys Unitary Development Plan.
6. To safeguard the amenities of the locality in accordance with policy GP1 of the Powys Unitary Development Plan.
7. To safeguard the amenities of the locality in accordance with policy GP1 of the Powys Unitary Development Plan.
8. In order to manage the risk of contamination to an acceptable level, in accordance with guidance contained within policy DC15 of the Powys Unitary Development Plan (March 2010) and Planning Policy Wales (Edition 8, 2016).
9. In order to manage the risk of contamination to an acceptable level, in accordance with guidance contained within policy DC15 of the Powys Unitary Development Plan (March 2010) and Planning Policy Wales (Edition 8, 2016).
10. In order to manage the risk of contamination to an acceptable level, in accordance with guidance contained within policy DC15 of the Powys Unitary Development Plan (March 2010) and Planning Policy Wales (Edition 8, 2016).
11. In order to manage the risk of contamination to an acceptable level, in accordance with guidance contained within policy DC15 of the Powys Unitary Development Plan (March 2010) and Planning Policy Wales (Edition 8, 2016).
12. In the interest of the protection and preservation of biodiversity in accordance with policy ENV3 of the Powys Unitary Development Plan.
13. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
14. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.

15. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
16. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
17. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
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28. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
29. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
30. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
31. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
32. To enable a record to be made of this site of historical and/or architectural interest.
33. To enable a record to be made of this site of historical and/or architectural interest.
34. In order to ensure that satisfactory drainage arrangements are provided in accordance with policies GP1 and DC10 and DC11 of the Powys County Council Unitary Development Plan.
35. In order to ensure the provision of affordable housing in accordance with Policy HP7 of the Powys Unitary Development Plan (2010) and the Affordable Housing for Local Needs Supplementary Planning Guidance (2011).

Informative Notes

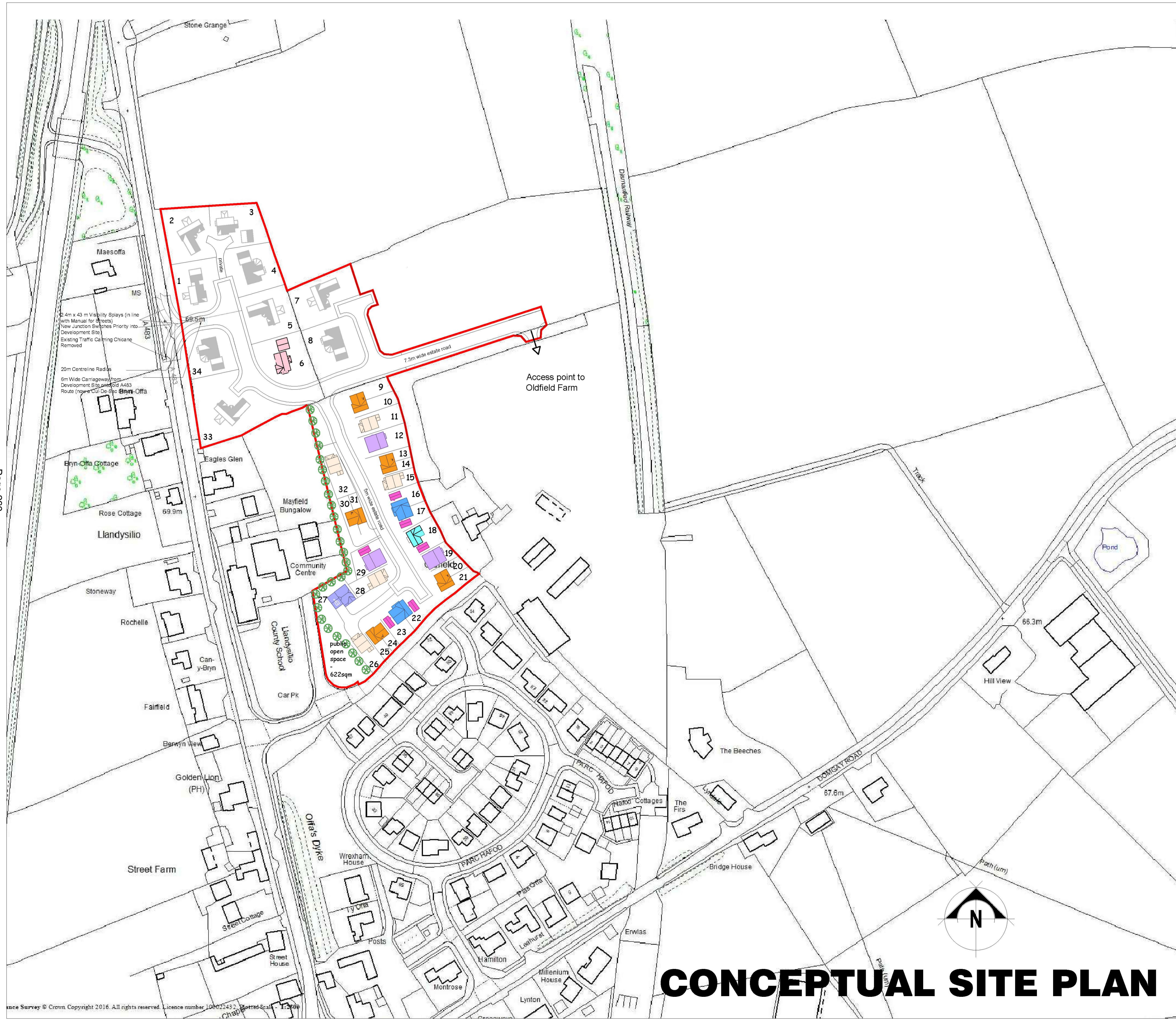
Potential Contamination

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

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

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Site Area - 20935sqm (5.17acres)
34 NO DWELLINGS

C	Scheme reduced to 39 plots	17.01.18	GP
B	Scheme reduced to 39 plots	17.01.18	GP
A	2 no Plots omitted, POS provided	18.09.17	GP App by
Rev		Date	Dr by App by
Original by			



Residential - Agricultural - Commercial

Job	PROPOSED RESIDENTIAL DEVELOPMENT, FOUR CROSSES		
Title	CONCEPTUAL SITE PLAN		
Location	FOUR CROSSES		
Client			
Scales	1/1000@A1 & 1/2000@A3		
Drawing No.	P-01	Rev	C
Drawn by		Date	11/2016

HOGSTOW HALL, MINSTERLEY
SHREWSBURY, SHROPSHIRE, SY5 0HZ
Tel: 01743 791336 Fax: 01743 792770
email: mail@rogerparry.net
Web address: www.rogerparry.net

CONCEPTUAL SITE PLAN

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6.10

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2017/0098	Grid Ref:	317094 322248
Community Council:	Llangedwyn	Valid Date:	Officer: 02/02/2017 Tamsin Law
Applicant:	Llangedwyn Estate Sansaw Business Park, South Pavilion, Hadnall, Shrewsbury, SY4 4AS		
Location:	Land at Ty Brith Bwlch-Y-Ddar, Llangedwyn, Llanfechain, Oswestry, SY10 9LL		
Proposal:	Erection of a replacement dwelling, creation of new access and installation of package treatment plant		
Application Type:	Application for Full Planning Permission		

The reason for Committee determination

The application is a departure from the development plan.

Site Location and Description

The submission comprises two separate application site areas because the existing dwelling, Belan Einion is located approximately 1km from the proposed site of the new dwelling. Belan Einion is a detached stone dwelling, located approximately 1km to the north east of the rural settlement of Bwlch y Ddar and to the west of the U5106 unclassified highway.

It is proposed to construct a two storey detached dwelling within the rural settlement of Bwlch y Ddar within the garden area of the dwelling known as Ty Brith. The dwelling measures approximately 13.5 metres (including single storey utility) by 6.8 metres (including porch) and 7.3 metres in height to the ridge. The dwelling would be double fronted with walls would be rendered with stone cladding on the utility and chimney with a natural slate roof. Vehicular access would be gained off the unclassified U2040 highway to the south of the application site.

Consultee Response

Llangedwyn Community Council

1st Response

Many thanks for sending us details of Planning Application P/2017/0098 for a dwelling at Ty Brith, Bwlchyddar, Llangedwyn.

However, our Community Council believes that this does not constitute a 'replacement' dwelling as it is not on the footprint of the original building – it is, in fact, over a kilometer away. We believe, therefore, that any building at Ty Brith, should be subject to the full planning policies and criteria appropriate for a stand alone property.

We are very concerned that a 'replacement' application, far removed from the original footprint, sets a dangerous precedent for unwarranted developments to 'replace' isolated, abandoned cottages in our area, of which there are many.

2nd Response

Many thanks for sending the amended plans for the planning application at Ty Brith, Bwlchyddar. Please note that the original comments from our Community Council still stand, ie that we cannot see this as a 'replacement' dwelling as it is over a kilometer away from the other building. We consider, therefore, that the application should be subject to the full planning policies and criteria appropriate for a new build property.

PCC Highway Authority

1st Response

The following conditions should be included on any permission granted:-

HC1 Prior to the occupation of the site any entrance gates shall be set back at least 5.5 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.

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

HC4 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 2.4 metres distant from the edge of the adjoining carriageway, to a point 0.26 metres above ground level at the edge of the adjoining carriageway and 33 metres distant in both directions 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 of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

HC7 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 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 5.5 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

HC8 Prior to the occupation of the site, provision shall be made within the curtilage of the site for the parking of not less than one car per bedroom (in-line with CSS Wales) excluding any garage space provided together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

HC11 Within 5 days from the commencement of the development provision shall be made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of 0.45 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.

HC12 The width of the access carriageway, constructed as Condition HC7 above, shall be not less than 5.5 metres for a minimum distance of 5.5 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.

HC16 There shall only be a single vehicular and pedestrian access to serve the development hereby permitted.

HC21 Prior to the occupation of the dwelling the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance 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.

HC26 When installed there shall be a minimum clearance of 6 metres from the nearest part of the adjoining highway verge or footpath to any part of the septic tank or its soakaway installation.

HC27 The septic tank effluent in connection with the development hereby permitted shall not interfere or connect in any way with the highway surface water drainage or give rise to a nuisance upon the highway.

HC30 Upon formation of the visibility splays as detailed in HC4 above the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.

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

Reasons

To ensure the safety and free flow of traffic using the adjoining county unclassified road.

2nd Response

I am aware of requests from owners/residents or users of this highway near Bwlchyddar to carry out maintenance and to improve the route in the past.

The route is an unsurfaced unclassified highway, and although it carries similar rights in terms of access to any other highway, the surface is not maintained to the same standard. There is still a duty on the highway authority to maintain, but this will be to a standard reasonable for such a route.

There is no duty on the authority to improve any highway, and from what I recall in respect of the service requests previously received it was improvement to the track surface, open drainage ditches and alignment that was sought.

PCC Building Control

Building Regulations application required.

Wales and West Utilities

According to our mains records Wales & West Utilities has no apparatus in the area of your enquiry. However Gas pipes owned by other GT's and also privately owned may be present in this area. Information with regard to such pipes should be obtained from the owners.

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

Please note that the plans are only valid for 28 days from the date of issue and updated plans must be requested before any work commences on site if this period has expired.

Severn Trent Water

As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

PCC Environmental Health

1st Response

The proposed foul drainage system does not comply with the Building Regulations. The drainage field needs to be sited at least 15m from buildings, and the drainage field cannot be located under paved areas or driveways. Therefore I must object to the application.

2nd Response

I am satisfied that the amended proposal is compliant with Building Regulations, therefore I have no objection to the application.

3rd Response

I understand that since my previous comment it transpires that the land intended to be used for the foul drainage field is not in the ownership of the applicant, permission for its use hasn't been granted by the landowner, therefore there are now amended drainage plans.

The new drawing states that it is the intention to double the depth of the drainage field in order to halve its surface area (footprint). This approach is not permitted by the Building Regulations, which is the approved method for non-mains foul drainage systems.

The Vp value of 87, derived from percolation tests at the site, demonstrates that while the ground conditions may be suitable for a drainage field this is towards the upper end of the permitted scale, which indicates that the ground is not free-draining. It is therefore important

that given the proximity of houses to the sewage system, and the limited space available to construct a drainage field, that it is carried out in full accordance with the Building Regulations to ensure that it can work effectively and not give rise to sewage problems at the ground surface.

I therefore must recommend refusal to this application in its current form on the grounds of protection of public health.

4th Response

Thank you for forwarding this amended foul drainage plan.

The design now complies with Building Regulations, therefore I have no objection to the application.

PCC Ecologist

Ecological Topic		Observations
EIA Screening Requirement	Not applicable	The proposal has already been screened by Powys County Council who have confirmed that EIA is not required (14/02/17).
Ecological Information included with application	No	<p>No ecological information has been submitted with this application. These observations are based on an interpretation of available aerial and street imagery and historical biodiversity records provided by the Powys Biodiversity Information Service.</p> <p>The site of the new development appears to be located within an existing private garden adjacent to other residential properties. The application may also involve the removal of existing materials from another property known as Belan Einion.</p>
Protected Species & Habitats¹	European Species	<p>There are historic records of various bat species from within 2km of the application site and a historic record (1992) of signs of a Lesser Horseshoe bat night roost from Belan Einion. The removal of existing materials from Belan Einion, or its demolition, could therefore result in impacts on any bat roost present.</p> <p>☒ No ecological information has been submitted with the application and it is considered that there is a reasonable likelihood of bat roosts being present given the historic record, proximity of trees and hedgerows and the age of the property. Therefore, it is considered that there is insufficient information with regard to potential impacts to bats, a European protected species, to determine this application.</p> <p>Therefore, in order to assess the potential impacts to</p>

¹ Species records within 1km (minimum). Change distance dependant on project type, scale, etc.

		<p>roosting bats, a preliminary assessment of the building for its bat roost potential and the potential for any impacts is required. This assessment needs to be undertaken by an appropriately experienced and licensed bat consultant. If this preliminary bat roost assessment identifies potential bat roosting opportunities and/or actual bat roosts that will be affected by the proposals then further bat survey work will be required. If bat access or roosts are found that will not be affected by the proposals a method statement must be submitted to demonstrate how the proposed works will avoid any impacts to bats.</p> <p>The preliminary bat roost assessment shall include a full internal and external inspection of the building and an assessment of how the proposed development works may affect any potential or actual bat roost features, as well as incorporating opportunities for bats within the completed development. The preliminary bat roost inspection must be undertaken by an appropriately experienced and licensed ecologist and must adhere to the Powys Bat Survey Guidance and the standard survey methodology published by Bat Conservation Trust.</p> <p>No other European protected species have been recorded within 2km nor are considered likely to be affected by the proposals.</p>
	<p>UK Species <input checked="" type="checkbox"/></p>	<p>The private garden appears to contain vegetation that could support nesting birds. Belan Einion could also support certain nesting birds, such as House sparrow, House martin and Barn swallow, all of which have been recorded within 2km of the application area.</p> <p>I therefore recommend that any site and vegetation clearance works are timed to avoid the bird nesting season (generally March to August inclusive). If work that could destroy bird nesting habitat is to proceed in the bird nesting season, a suitably-experienced ecologist should check for active bird nests immediately in advance of the works commencing.</p>
	<p>Section 7 Species & Habitat <input checked="" type="checkbox"/></p>	<p>The applicant should be mindful that, in accordance with Powys County Council's duty under Section 7 of the Environment (Wales) Act 2016, TAN 5, UDP policies and biodiversity SPG, as part of the planning process PCC should ensure that there is no net loss of biodiversity or unacceptable damage to a biodiversity feature.</p> <p>House sparrow, Dunnock and Starling have been recorded close to the application site previously and are Section 7 Priority Species in Wales. There appears to be suitable nesting habitat for House sparrow and Dunnock within the application site. I therefore recommend that House sparrow nesting boxes are incorporated within the</p>

		<p>development as a biodiversity enhancement measure.</p> <p>I understand that all substantial trees and hedgerows to be retained will be protected during the works (per paragraph 3.2.7 of the Design and Access Statement). A tree and hedgerow protection plan in accordance with BS5837:2012 will therefore need to be produced for the local authority's approval in advance of the works.</p> <p>The proposals to plant additional new hedgerows within the application site are welcomed as a biodiversity enhancement. Locally-occurring, native species will need to be used for this and a Species List will be required for approval by the local planning authority as part of a biodiversity enhancement plan for the site.</p>
	<p>LBAP Species & Habitat <input checked="" type="checkbox"/></p>	<p>Should existing materials be removed from Belan Einion, or it be demolished, I recommend that suitable nesting cups for Barn swallows and House martins (local species of conservation concern in Powys) are provided on the new development.</p>
Protected Sites	<p>International Sites² <input type="checkbox"/></p>	<p>None within the search area.</p>
	<p>National Sites³ <input type="checkbox"/></p>	<p>None within the search area.</p>
	<p>Local Sites (within 500m) <input type="checkbox"/></p>	<p>None within the search area.</p>
Invasive Non-Native Species	Unknown	<p>No ecological information has been submitted with this application.</p>
Cumulative Effect	Unknown / Unconfirmed	
Summary of recommendations / further assessment or work		<p>No ecological information has been submitted with the application and it is considered that there is a reasonable likelihood of bat roosts being present in Belan Einion given the historic record, proximity of trees and hedgerows and the age of the property. Therefore, it is considered that there is insufficient information with regard to potential impacts to bats, a European protected species, to determine this application.</p> <p>Therefore, in order to assess the potential impacts to roosting bats, a preliminary assessment of the building for</p>

² Identify International designated site within 2km of the proposals. Consider International sites within 15km of proposals with bats as qualifying features, and 10km with otters as qualifying features if the proposal is likely to affect these features.

³ Any designated sites within 500m of the proposal, extending to 2km dependant on features of interest i.e. wetlands (Powys LDP)

	<p>its bat roost potential and the potential for any impacts is required. This assessment needs to be undertaken by an appropriately experienced and licensed bat consultant. If this preliminary bat roost assessment identifies potential bat roosting opportunities and/or actual bat roosts that will be affected by the proposals then further bat survey work will be required. If bat access or roosts are found that will not be affected by the proposals a method statement must be submitted to demonstrate how the proposed works will avoid any impacts to bats.</p> <p>The preliminary bat roost assessment shall include a full internal and external inspection of the building and an assessment of how the proposed development works may affect any potential or actual bat roost features, as well as incorporating opportunities for bats within the completed development. The preliminary bat roost inspection must be undertaken by an appropriately experienced and licensed ecologist and must adhere to the Powys Bat Survey Guidance and the standard survey methodology published by Bat Conservation Trust.</p> <p>I recommend that any site and vegetation clearance works are timed to avoid the bird nesting season (generally March to August inclusive). If work that could destroy bird nesting habitat is to proceed in the bird nesting season, a suitably-experienced ecologist should check for active bird nests immediately in advance of the works commencing.</p> <p>I recommend that House sparrow nesting boxes and House martin and Barn swallow nesting cups are incorporated within the development as a biodiversity enhancement measure.</p> <p>I understand that all substantial trees and hedgerows to be retained will be protected during the works (per paragraph 3.2.7 of the Design and Access Statement). A tree and hedgerow protection plan in accordance with BS5837:2012 will therefore need to be produced for the local authority's approval in advance of the works.</p> <p>The proposals to plant additional new hedgerows within the application site are welcomed as a biodiversity enhancement. Locally-occurring, native species will need to be used for this and a Species List will be required for approval by the local planning authority as part of a biodiversity enhancement plan for the site.</p>
<p>Recommended Conditions</p>	<p>Should you be minded to approve this application, and subject to receipt of the additional information requested above, I recommend the inclusion of the following conditions:</p> <p><i>Prior to planning permission, a preliminary assessment of</i></p>

the building by an appropriately experienced and licensed bat consultant for its bat roost potential and the potential for any impacts on bats is required.

Reason: To comply with Powys County Council's UDP Policies SP3 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.

Prior to commencement of development, a Biodiversity Enhancement Plan, including a Species List for the landscape planting and details of House sparrow nesting boxes, 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, ENV2, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and the Environment (Wales) Act 2016.

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

Reason: To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh Government strategies, and the Environment (Wales) Act 2016.

Informatives

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,

	<p>six months imprisonment or both.</p> <p>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.</p> <p>Bats - Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended)</p> <p>It is an offence for any person to:</p> <ul style="list-style-type: none"> • Intentionally kill, injure or take any bats. • Intentionally or recklessly damage, destroy or obstruct access to any place that a bat uses for shelter or protection. This is taken to mean all bat roosts whether bats are present or not. <p>Under the Habitats Regulations it is an offence to:</p> <ul style="list-style-type: none"> • Damage or destroy a breeding site or resting place of any bat. This is an absolute offence - in other words, intent or recklessness does not have to be proved. <p>The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended) that works to trees or buildings where that work involves the disturbance of a bat is an offence if a licence has not been obtained from Natural Resources Wales. If a bat is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. You can also call the National Bat helpline on 0845 1300 228 or email enquiries@bats.org.uk</p>
<p>Relevant UDP Policies</p>	<p>SP3 Natural, Historic and Built Heritage ENV 2: Safeguard the Landscape ENV 3: Safeguard Biodiversity and Natural Habitats ENV 6: Sites of Regional and Local Importance ENV 7: Protected Species</p>
<p>Comments on Additional Information</p>	<p>N/A</p>

PCC Built Heritage Officer

1st Response

The house appears in good condition and is an example of local vernacular, so technically HP11 seeks its preservation. I am aware of similar properties that have been included on the statutory list, and note that this property is not listed. However the issue of the highway access cannot be ignored, and I am aware that planning permission would not be required simply to leave a property empty.

The proposed replacement house would not affect any built heritage assets and as such I would have no objection to the erection of the new dwelling. Whilst accepting that the original property cannot be occupied as a principle dwelling given the highway issues, it would be regrettable if the building was lost purely to either meet the policy requirements or as a source of building materials. It would be preferable if the building was just left, - with the appropriate conditions imposed on its use.

However, in an ideal world it would be desirable if the original house at Bwlch y Ddar were able to be retained in some form of good order. One possibility that I agree is outside the scope of the current application, would be the potential for the property to be used as a bunk house for walkers which would enable the continued repair of the building but without the requirement for a vehicular access. I understand that in the past there have been modest tourism grants for this type of proposal, however I am unaware of any current grants that may be relevant. However I accept that this is outside the remit of the current application.

I can confirm that I would have no objection to the current application, and if possible I would prefer that the original house not be demolished for either building materials or to satisfy the policy as that would enable its retention and either quiet decay, or should the opportunity arise in the future for a non-vehicular re-use the local vernacular building could be retained.

As the current proposal is for its demolition, I would ask that RCAHMW be consulted on the application if possible in case they wish to record the building prior to its demolition. It would be useful if you could send RCAHMW the photographs taken on site and potentially CPAT in case they would like to record the presence of the building on the HER prior to its demolition.

2nd Response

Thank you for consulting me on the above application and further to my comments by e-mail dated 8th March 2017.

Whilst having no objections to the new house in the location proposed, it would be preferable for the old house to be retained with appropriate conditions regarding its use.

Conservation Principles identifies the historic environment is defined in the document as an environment made up of individual historic features, archaeological sites and historic buildings as well as the landscapes in which they are found. Any part of the historic environment to which people have given a distinctive historical association or identity is considered here to be an historic asset.

The old house is not listed but could be considered as an historic asset.

TAN 24 advises (section 1.10) that Conservation Principles for the Sustainable Management of the Historic Environment in Wales (Conservation Principles) were published in 2011 and provide the basis upon which Cadw discharges certain statutory duties on behalf of the

Welsh Ministers. Conservation Principles should be used by others (including owners, developers and other public bodies) to assess the potential impacts of a development proposal on the significance of any historic asset/assets and to assist in decision making where the historic environment is affected by the planning process.

There are six principles.

1. Historic assets will be managed to sustain their values.
2. Understanding the significance of historic assets is vital.
3. The historic environment is a shared resource.
4. Everyone will be able to participate in sustaining the historic environment.
5. Decisions about change must be reasonable, transparent and consistent.
6. Documenting and learning from decisions is essential.

Conservation Principles prepared by Cadw in paragraph 5.4 advises that when considering change, public authorities will give due importance of the heritage values of a site when considering the sustainability of proposals submitted to them.

Paragraph 39 states Changes which would harm the heritage values of an historic asset will be unacceptable unless:

- a. the changes are demonstrably necessary either to make that asset sustainable, or to meet an overriding public policy objective or need; and
- b. there is no reasonably practicable alternative means of doing so without harm; and
- c. that harm has been reduced to the minimum consistent with achieving the objective; and
- d. it has been demonstrated that the predicted benefit decisively outweighs the harm to the values of the asset, considering;
 - its comparative significance;
 - the impact on that significance; and
 - the benefits to the asset itself and/or the wider community or society as a whole.

The old house appears in good condition and is an example of local vernacular, so technically HP11 seeks its preservation and in addition this would not appear to be the minimum consistent with achieving the objective as detailed in Conservation Principles and as such I would ask for consideration of its retention rather than demolition should the new house on a different site be considered acceptable.

In light of recent guidance by Cadw issued on 21 April which came into effect on 31 May in respect of Historic Environment Records, I have checked the Historic Environment Record on Archwilio and the old house is not on the historic environment record.

I can confirm that I would have no objection to the current application, and if possible I would prefer that the original house not be demolished for either building materials or to satisfy the policy as that would enable its retention and either quiet decay, or should the opportunity arise in the future for a non-vehicular re-use the local vernacular building could be retained.

As the current proposal is for its demolition, I would ask that RCAHMW be consulted on the application if possible in case they wish to record the building prior to its demolition. It would be useful if you could send RCAHMW the photographs taken on site and potentially CPAT in case they would like to record the presence of the building on the HER prior to its demolition.

Cadw

Thank you for your letter of 6 February 2017 inviting our comments on the planning application for the proposed development as described above.

The statutory role of Historic Environment Service (Cadw) 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. It is a matter for the local planning authority to then weigh our assessment against all the other material considerations in determining whether to approve planning permission, including any issues concerned with listed buildings and conservation areas.

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 within the vicinity of the proposed development. We therefore have no comments to make on the proposed development.

Clwyd Powys Archaeological Trust (CPAT)

Thank you for the consultation on this application.

I write to confirm that there are no archaeological implications for the proposed development at this location.

Representations

Following display of site notices, five public representations have been received and are summarised as follows:

- Government has introduced new policies which state that brownfield sites should be the priority rather than gardens;
- This 3 bedroomed, 2 bathroom, 2 car property is not an affordable dwelling;
- Local Development Plan Policies state that limited development to meet affordable need must be well integrated into the settlement and the dwelling at this location would not be well integrated into the area and would look out of place;
- The property being so close to Ty Brith is not in character with the area;
- The access road stated to require repair is in need of complete upgrading and it is not certain why Powys County Council have let it get into this state;
- Belan Einion has been empty for 15 years and in a state of disrepair (having been left to fall into disrepair) however it is not proven to be beyond realistic repair;
- There would not be an improvement in terms of highway safety with an increase in the amount of traffic visiting the area and the making of a vehicle access would be an added danger;
- Belan Einion is of a local vernacular character which should be reinstated;
- The proposed dwelling would not be adjacent to or in the footprint of the original dwelling and is some 1km away;
- There are other alternative sites with less impact;

- View from properties known as Bronhaul, Bethesda and Brynteg would be impacted (in terms of views);
- The visual amenity of the multiple poles and suspended wires to supply electricity, broadband and telephone should be considered;
- Dwelling will not fit into the layout of the settlement;
- Additional traffic, noise and light pollution;
- An attractive garden would be lost;
- The owners of Belan Einion should contribute towards the cost of repairing the Council highway or creating a private track;
- Loss of privacy;
- The proposed dwelling would be over 15% volume of the existing dwelling;
- Adverse visual impact of the development and from the centre of the settlement, a blank wall and chimney would be seen;
- Existing trees and hedgerows could not be retained;
- No mention of whether telephone box in highway verge is to be retained;

Planning History

No relevant planning history

Principal Planning Constraints

- Historic Landscapes Register Outstanding
- U5106 unclassified and unsurfaced highway
- U5106 unclassified highway
- Bwlch y Ddar is a rural settlement

Principal Planning Policies

National Planning Policy

Planning Policy Wales (Edition 9, November 2016)

TAN 1 - Joint Housing Land Availability Studies (2015)

TAN 5 - Nature Conservation and Planning (2009)

TAN 12 – Design (2016)

Welsh Office Circular 10/99: Planning requirements for non mains sewerage

Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management

Local Planning Policy

Powys Unitary Development Plan (March 2010)

UDP SP3 - Natural, Historic and Built Heritage

UDP SP5 – Housing Developments

UDP DC11 - Non-mains Sewage Treatment

UDP ENV2 – Safeguarding the Landscape

UDP ENV3 - Safeguarding Biodiversity & Natural Habitats

UDP ENV7 - Protected Species
UDP ENV6 - Sites of Regional and Local Importance
UDP GP1 - Development Control
UDP GP3 – Design and Energy Conservation
UDP GP4 - Highway and Parking Requirements
UDP HP1 – Housing Land Supply
UDP HP11 - Replacement of Habitable Dwellings
UDP HP3 – Housing Land Availability
UDP HP4 - Settlement Development Boundaries and Capacities
UDP TR2 - Tourist Attractions & Development Areas

Powys Residential Design Guide (2004)

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

Other Legislative Considerations

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

Officer Appraisal

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

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

Principle of development

Public representations have referred to policies contained within the Local Development Plan. The Local Development Plan is currently in draft form with the examination by the Welsh Government in progress currently, therefore at this current time planning applications are determined under the adopted Powys Unitary Development Plan (2010).

This is a unique application whereby an open market dwelling is being proposed in a rural settlement with the justification being that it constitutes a replacement dwelling.

The key policy for replacement of habitable dwellings is UDP Policy HP11 whereby three criteria are used to assess proposals to replace existing habitable dwellings. The criteria include the resistance of the loss of a building of special architectural and/or historic or local vernacular character and encouraging proposals to lie within or adjacent to the footprint of

the existing dwelling with a volume increase not exceeding 15% of that of the original dwelling.

Public representations and the Community Council have raised concerns over the proposal's compliance with UDP Policy HP11, particularly in terms of the second two criteria.

In terms of the first criterion of UDP Policy HP11, Belan Einion is an uninhabited dwelling, however it is noted the council tax is paid on the property and the building is clearly recognisable as a dwelling in terms of its physical appearance. Therefore, it is considered that the dwelling has not been abandoned and therefore meets the first criterion of the policy.

In terms of criterion 2, the Council's Built Heritage Officer has advised that Belan Einion appears in good condition and is an example of local vernacular, however it is not a listed building. Therefore, on the basis of this advice, the proposal would result in the loss of a building of local vernacular character which is substantially intact and as such consideration must be given to whether the building is beyond realistic repair. The application includes no information on why the dwelling itself is beyond realistic repair and states that the dwelling is substantially intact as was noted during the site visit. Such information would include costings for repair, however the submission puts forward the case that the dwelling is beyond realistic repair because the condition of the public highway to enable access to Belan Einion is such a poor physical condition that any development at Belan Einion is unviable. Limited information has been included within the submission in respect of the repair of the highway, however information was provided at pre planning application stage in terms of the cost of upgrading the unsurfaced and unclassified highway and the poor physical condition of the highway was witnessed at the site visit. It is considered that the problem in accessing the existing dwelling from the public highway could constitute a particular problem that would be resolved by the proposal and therefore could meet criteria 2 and 3 of UDP Policy HP11, however no detailed financial information and details relating to the highways situation is included within the submission and it is not known whether the costings provided at the pre planning application stage include repair of the highway to full highways standards or just to hard core standard. Public representations have also drawn the Planning Authority's attention to the Highways Act where it is stated that the Highway Authority can be forced

In terms of criterion 3, the replacement dwelling would not lie within or adjacent to the footprint of the original dwelling because it is proposed to construct the replacement dwelling within the rural settlement of Bwlch y Ddar, some 1km distant. However, criterion 3 allows for a change in position where there would be an improvement in terms of highway safety, visual and landscape impact or in solving a particular problem. As stated above, it is considered that the problem in accessing the existing dwelling from the public highway could constitute a particular problem that would be resolved by the proposal and therefore could meet criterion 3 of UDP Policy HP11, however insufficient information has been submitted to evidence this issue.

The application site area includes the existing dwelling, Belan Einion and the proposed location of the new dwelling and as such given that it is proposed to leave the existing dwelling in situ, if approval was recommended it would be recommended that the residential use of the existing dwelling would be removed by condition.

Public representations have also referred to the proposed dwelling being in excess of the scale of an affordable dwelling which is normally the only dwellings permitted in rural

settlements such as Bwlch y Ddar. The internal floor space of the dwelling measures at less than 130 square metres and as such, if proposed as an affordable dwelling, this scale would comply with the Council's affordable housing criteria set out in the affordable housing policies of the UDP. Given that the proposal is put forward under UDP Policy HP11, the new dwelling is not required to be restricted as an affordable dwelling, subject to compliance with UDP Policy HP11. As noted within the public representations, the submission does not include an indication of the scale of the existing dwelling for comparison in terms of scale.

Given the distance between the existing dwelling and that which is proposed Officers consider it necessary to consider the dwelling as a wholly new open market dwelling in a rural settlement. As such, UDP Policy HP4 applies and states that '*outside settlement boundaries, proposals for new residential development will only be approved where they comply with UDP Policies HP6, HP8 or HP9*'. Policy HP6 relates to rural enterprise dwellings, policy HP8 relates to affordable dwellings adjoining a settlement boundary and Policy HP9 relates to affordable dwellings within rural settlements. It is considered that the proposed development does not comply with UDP Policy HP6, HP8 or HP9. The proposed development is therefore not in accordance with the UDP and should be considered a departure.

Housing Land Supply

Planning policy (TAN1 and UDP HP3) states that the Council needs to have a five year supply of land available for housing. The Powys Joint Housing Land Availability Study (2016) concludes that there is 2.2 years of housing supply.

Paragraph 9.2.3 of Planning Policy Wales states that '*Local planning authorities must ensure that sufficient land is genuinely available or will become available to provide a 5 year supply of land for housing judged against the general objectives and the scale and location of development provided for in the development plan.*'

The Powys Joint Housing Land Availability Study (JHLAS) 2016 states that there was 2.2 years supply of housing land in the Powys Local Planning Authority (LPA) area. Failure to have a 5-year housing land supply is an important material consideration that should be taken into account when determining this scheme. Technical Advice Note 1: Joint Housing Land Availability Studies (2015) states as follows:

"The housing land supply should also be treated as a material consideration in determining planning applications for housing. Where the current study shows a land supply below the 5 year requirement or where the local planning authority has been unable to undertake a study, the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with development plan and national planning policies".

Whilst TAN 1 confirms that the need to increase housing land supply should be given considerable weight, it is emphasised that this is only where the development would otherwise comply with development plan and national planning policies. Therefore, all material planning considerations are required to be taken into account as are all relevant national and local planning policies and balanced with the undersupply of housing land currently available in Powys.

Sustainability

In considering a departure from the Powys Unitary Development plan policies consideration must be given to the location of the proposed development in terms of the sustainability of the development. Account should be given to the range of services and facilities available within close proximity to the site.

Bwlch y Ddar is defined in the UDP as a rural settlement. Bwlch y Ddar has very limited services however is within approximately 2 miles of both Llangedwyn and Llanfechain. Llangedwyn is a small village which is served by a place of worship, and school. Llanfechain is also a small village which is to be upgraded to a large village in the emerging LDP benefits from a range of services such as shop, post office, school, places of worship etc. Bwlch y Ddar is also approximately 2.8 miles from Llanfyllin, defined as an Area Centre in the UDP and provides a wide range of services.

Therefore, on balance Officers consider that an additional residential development in this location would accord with the provisions of Planning Policy Wales as it is considered to be a sustainable location.

Design and impact upon character and appearance of locality

In terms of the proposed siting of the replacement dwelling in the rural settlement of Bwlch y Ddar, the site is clearly integrated within the settlement, being located within the cluster of dwellings considered to form part of the settlement. Public representations have raised concern over the impact of the development in terms of the density, the scale of the dwelling, the design and materials and the orientation of the dwelling. Bwlch y Ddar is a settlement where the dwellings are predominantly detached two storey dwellings with the frontages facing the highways.

The proposed dwelling measures approximately 13.5 metres (including single storey utility) by 6.8 metres (including porch) and 7.3 metres in height to the ridge. The dwelling would be double fronted with walls finished in render with stone cladding on the utility and chimney with a natural slate roof.

Officer acknowledge the concerns raised by third parties however consider that the proposed design of the dwelling and the materials used would integrate well in to the settlement and would not detract from the character and appearance of the area.

As such it is considered that the proposed development fundamentally complies with policy GP1.

Impact upon amenities enjoyed by occupiers of neighbouring properties

The impact upon the amenities enjoyed by the occupants of neighbouring properties and the proposed dwelling itself will be a key consideration of the application. The site of the proposed dwelling is located within close proximity to a number of dwellings and as such it is advised that consideration is given to compliance with the privacy, overlooking and daylight standards advised within the Powys Residential Design Guide.

The adjoining property, known as Ty Brith, to the north east of the site is located at a slightly higher level than the application site. The dwelling is orientated so that its primary elevation faces south east. The proposed dwelling would be located to the south of Ty Brith and the rear of the proposed dwelling would be located a minimum of 15 metres from Ty Brith, however the proposed dwelling is not located directly in front of Ty Brith and would not be located directly to its front. Other nearby residential dwellings are Bronhaul, Bethesda and Tan y Llidiart which would be located 25, 27 and 30 metres respectively from the proposed dwelling.

Given the distance maintained and the change in topography it is considered that there would not be a detrimental impact to the amenity of either the existing or proposed dwellings.

Ecology

Given the location and nature of the existing dwelling, it is considered that there is potential for the dwelling to accommodate protected species, in particular bats. If materials from the existing dwelling were to be used, it is advised that an ecology survey is included within the submission.

Ecology requested that works were undertaken to assess the potential for bat roosting opportunities within the existing dwelling. However, there are no plans to demolish the dwelling following discussion with the Built Heritage Officer. As such, as the original dwelling will remain it not considered necessary to require this information to be submitted.

With regards to the location of the proposed dwelling, the only comments made are in relation to the existing shrubbery and hedgerow on the site. No request for additional information was made for the proposed site subject to conditions requiring the submission of a tree and hedgerow protection plan.

As such it is considered that the proposed development fundamentally complies with the relevant UDP policies and Technical Advice Notes.

Highway access and parking requirements

UDP policy GP4 indicates that planning permission will be dependent upon adequate provision for access including visibility, turning and parking. The Highway Authority were consulted on the application and offered no objection to the location of the new dwelling and its proposed access.

In light of the highways officers comments it is considered that the proposed dwelling fundamentally comply with Policy GP4 of the Powys Unitary Development Plan 2010.

Foul drainage

Policy DC11 requires applicants to demonstrate that foul sewerage can be adequately controlled. The application proposes the installation of a package treatment plant along with foul drainage soakaways.

Following consultation with Environmental Health initial concerns were raised regarding the level of detail submitted and the fact that the solution would not be acceptable for building regulation purposes.

Following the submission of additional information and plans Environmental Health were content that the information submitted demonstrated a system that would be in compliance with building regulations and offered no objection to the proposed development.

As such it is considered that the proposed development would fundamentally comply with policy DC11 of the Powys Unitary Development Plan.

Recommendation

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

Conditions

1. The development to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.
2. The development shall be carried out strictly in accordance with the plans stamped as approved (drawing no's: L01, PL01, PL02, PL03, PL04 and the Design and Access Statement).
3. Notwithstanding the provisions of Article 3 and Parts 1 and 2 of the Second Schedule to the Town & County Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, B, and E) other than such development or operations indicated on the plans approved, shall be carried out without the prior written consent of the Local Planning Authority.
4. Prior to their first use full details or samples of materials to be used externally on walls and roofs including fenestration details shall be submitted to and approved in writing by the Local Planning Authority.
5. Prior to the occupation of the site any entrance gates shall be set back at least 5.5 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.
6. The centre line of the first 5.5 metres of the access road measured from the edge of the adjoining carriageway shall be constructed at right angles to that edge of the said carriageway and be retained at that angle for as long as the development remains in existence.

7. 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 a point 0.26 metres above ground level at the edge of the adjoining carriageway and 33 metres distant in both directions 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 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.
8. 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 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.
9. Prior to the occupation of the site, provision shall be made within the curtilage of the site for the parking of not less than one car per bedroom (in-line with CSS Wales) excluding any garage space provided together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.
10. 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 0.45 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.
11. The width of the access carriageway, constructed as Condition 8 above, shall be not less than 5.5 metres for a minimum distance of 5.5 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.
12. There shall only be a single vehicular and pedestrian access to serve the development hereby permitted.
13. Prior to the occupation of the dwelling the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance 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.
14. When installed there shall be a minimum clearance of 6 metres from the nearest part of the adjoining highway verge or footpath to any part of the septic tank or its soakaway installation.
15. The septic tank effluent in connection with the development hereby permitted shall not interfere or connect in any way with the highway surface water drainage or give rise to a nuisance upon the highway.

16. Upon formation of the visibility splays as detailed in 10 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 storm water drainage from the site shall be allowed to discharge onto the county highway.
18. Prior to commencement of development a Tree and Hedgerow Protection Plan in accordance with BS:5837:2012 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.

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 accord with policy GP1 and GP3 of the Powys Unitary Development Plan (March 2010).
4. In the interests of the visual amenity of the area and to ensure the satisfactory appearance of the building in accordance with policies GP1 and GP3 of the Powys Unitary Development Plan (2010), the Councils Residential Design Guide (2004) and Planning Policy Wales (Edition 9, 2017)
5. To accord with policy GP4 of the Powys Unitary Development Plan (March 2010)
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16. To accord with policy GP4 of the Powys Unitary Development Plan (March 2010)

17. To accord with policy GP4 of the Powys Unitary Development Plan (March 2010)

18. To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh Government strategies, and the Environment (Wales) Act 2016.

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.

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

It is an offence for any person to:

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

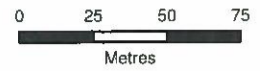
- Damage or destroy a breeding site or resting place of any bat. This is an absolute offence - in other words, intent or recklessness does not have to be proved.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended) that works to trees or buildings where that work involves the disturbance of a bat is an offence if a licence has not been obtained from Natural Resources Wales. If a bat is discovered while work is being undertaken, all work must stop and advice sought from

Natural Resources Wales and the Council's Ecologist. You can also call the National Bat helpline on 0845 1300 228 or email enquiries@bats.org.uk

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

Map Centre 316,916 322,691



Carter Jonas

Mayfield House, 256 Banbury Rd
Oxford OX2 7DE T: 01865 511444
carterjonas.co.uk

Client: **Llangedwyn Estate**

Project: **Belan Einion**

Title: **Site Plan**

Scale: 1:2500 @A3 Date: 19 January 2017

Drawn by: JJH Dwg no: **J1074910-17-01**

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6.11

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2017/1236	Grid Ref:	316308.38 305645.95
Community Council:	Castle Caereinion	Valid Date:	Officer: 31/10/2017 Eddie Hrustanovic
Applicant:	A.N & D Davies & Sons Mr Ian Davies & Mr Gareth Davies Tynllan Farm Castle Caereinion Welshpool Powys SY21 9AL		
Location:	Tynllan Farm Castle Caereinion Welshpool Powys SY21 9AL		
Proposal:	Outline: Residential development of 9 dwellings with garages, new vehicular access, formation of estate road and all associated works/infrastructure (all matters reserved)		
Application Type:	Application for Outline Planning Permission		

The reason for Committee determination

The proposed development is a departure from the development plan and is recommended for approval.

Site Location and Description

The site subject to this application is immediately adjacent to the Castle Caereinion development boundary, however for the purposes of the Powys Unitary Development Plan (UDP) is defined as open countryside.

The site is located on the northern side of the village and it will be accessed of B4385 which runs through the village. The site is currently in agricultural use and it is adjacent to number of discussed agricultural buildings, which will be removed in order to free up the space for the recently approved housing development for 5 dwellings (P/2016/1065). The surrounding land consists of both arable and improved pastureland with associated hedgerows. Several residential dwellings are situated to the west, south, and south east the site.

The current proposal seeks outline planning permission, with all matters reserved for future consideration including access (which will be created from the B4385 County Highway) of the site. A total of 9 dwellings are proposed (7 open market + 2 affordable units). The scheme is arranged in a cul-de-sac form as found on the existing residential estates within the village.

Indicative plan and the covering statement state that in terms of scale, it is proposed that each dwelling will be two storeys with either 3 or 4 bedrooms and in the order of 175-200m² floor space, with the exceptions of affordable units which will have a floor space upto 130m². Each dwelling will approximately measure 15m x 14m (length and width) with varying design features, while the heights would be between 4.5m upto 10m. Indicative plans also show sufficient gardens and amenity spaces between the each plot.

Consultee Response

Castle Caereinion CC

On review of the application, there is scope in the planning arrangement to have further phases of development beyond the initial application for 9 properties. As the community is keen to support development, can you request the Developer / Agent to issue supporting documents for further development phases. We are keen to keep our community safe, and about to undergo a large traffic calming programme within the village (supported by Norma Ledbetter of PCC) and we want to ensure all developments are sympathetic to our safety requirements within our community. We would like to know if there will be a consideration of affordable housing to assist young families to purchase homes within our community which will help to support our school; we would also like to know how the developer intends to ensure we have the highways infrastructure in place (pavements and roads) to support the development. As we feel both sets of queries require further supporting documents from the Agent / Developer, could you please grant an extension to this application whilst clarification is sought.

PCC - Highways

Wish the following recommendations/Observations be applied
Recommendations/Observations

Whilst the Highway Authority do not object to the principle of development, any detailed application should include full access details which should include visibility splays, access surfacing, radii, width, gradient and drainage for the access.

Furthermore, full engineering drawings must be provided for the culvert under the access road and the storm water grate located in the verge. The indicative surface water attenuation system is not acceptable to the Highway Authority and a sustainable means of disposing of surface water will need to be submitted for consideration.

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

PCC - Building Control

Building Regulations application required.

Wales & West Utilities

Based on the information given and the address provided, Wales & West Utilities have no apparatus in the area of your enquiry.

Severn Trent

Thank you for the opportunity to comment on this planning application. Please find our response noted below:

With Reference to the above planning application the company's observations regarding sewerage are as follows.

I can confirm that we have no objections to the proposals subject to the inclusion of the following condition:

- The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and
- The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to reduce or exacerbate a flooding problem and to minimise the risk of pollution

Severn Trent Water advise that there is a public sewer located within this site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. You are advised to contact Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building. Please note, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 meters of a public sewer. Under the provisions of Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulations approval.

PCC - Environmental Health

I have no objection to the application if its connected to mains drainage.

PCC – Ecologist

Ecological Topic		Observations
EIA Screening Opinion needed?	No	The site area is understood to be 0.98 hectares and includes up to 9 dwellings. Therefore, it is not considered to meet or exceed the thresholds of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 for the screening of dwelling house developments for EIA since it does not exceed five hectares; include more than 150 dwellings; or include more than one hectare of urban development that is not a dwelling house development.
Ecological Information included with	Yes	An Ecological Statement summarising the ecological surveys and mitigation proposals that have so far been agreed at the site has been submitted with the application by Ian Pryce Property Services. Ecological survey effort so far has included an extended Phase 1

<p>application?</p>		<p>habitat survey (Churton Ecology, September 2015) and subsequent Great Crested Newt surveys by Jon Sloan Ecological Consultants (August 2016 & July 2017). These observations are also based on an interpretation of available aerial and street imagery, the submitted ecological information, plans and planning statement and historical biodiversity records provided by the Powys and Brecon Beacons National Park Biodiversity Information Service.</p> <p>The proposal appears to be located in an agricultural field. The site is bounded by hedgerows to the north-east and south-west and it appears that the existing access provision would be used to accommodate site access. A housing development with planning permission granted is located immediately to the south (P/2016/1065). There does not appear to be any requirement for additional hedgerow or tree removal as part of this application, but there does appear to be some vegetation within the existing farmyard area that would be removed for the development. The existing boundary hedgerow appears to be indicated as being retained on the proposed block plan (ref: SK.001, dated September 2017). The same plan also indicates that new native hedgerow and tree planting is proposed within the development.</p>
<p>Protected Species & Habitats¹</p>	<p>European Species <input checked="" type="checkbox"/></p>	<p>Within 1km of the site there historical records of unknown bat species (within 208m), pipistrelle bat species (within 335m) and Great Crested Newt (within 116m).</p> <p>There would not appear to be any loss of potential bat roost features for the proposals. However, the boundary hedgerow and trees are likely to provide a high value ecological habitat for a range of wildlife, including bats (a European Protected Species) and should therefore be protected from damage during the works in accordance with BS5837:2012.</p> <p>I also recommend that a sensitive lighting scheme is implemented to avoid adverse impacts on any nocturnal wildlife, such as bats, that may use the boundary hedgerow to the north-east of the site for foraging/roosting.</p> <p>With regards to Great Crested Newts, which have been confirmed as breeding immediately adjacent to the site, a European Protected Species licence will be required from Natural Resources Wales prior to commencement of development. In their consultation response (ref: CAS-46753-T4D8), NRW have advised that no development shall take place until the local Great Crested Newt population has been safely translocated to the receptor site and a Detailed Conservation Plan and Mitigation Strategy has been submitted and approved by the Local Planning Authority. This information should be based on the recommendations provided in the Jon Sloan ecology reports that have been submitted as part of the Ecology</p>

¹ Species records within 1km (minimum).

		Statement provided by Ian Pryce Property Services.
	UK Species <input checked="" type="checkbox"/>	<p>In addition to the species identified above, within 1km of the site there historical records of Badger (within 177m), Common Lizard (within 496m) and various breeding bird species including House Sparrow and Starling (within 115m).</p> <p>Nesting birds may use the hedgerows that border the proposed site and vegetation/buildings within the farm yard area. I recommend that any vegetation/site clearance works that are required to accommodate the proposed development are timed to avoid the bird nesting season (generally March to August inclusive). If work that could destroy bird nesting habitat is to proceed in the bird nesting season, a suitably-experienced ecologist should check for active bird nests immediately in advance of the works commencing.</p> <p>It is recommended that reasonable avoidance measures, including ecological supervision, are employed to prevent potential harm to reptiles during any vegetation/site clearance required to facilitate the development, particularly the field margins and farm yard area. Suitable mitigation should also be provided to offset any losses of suitable reptile habitat and shown in a proposed landscape design drawing. Such measures should be agreed with the LPA prior to commencement of works.</p> <p>Based on the previous ecological information and current plans submitted no other nationally protected species would appear likely to be adversely affected by the proposals.</p>
	Section 7 Species & Habitats <input checked="" type="checkbox"/>	<p>The applicant should be mindful that, in accordance with Powys County Council's duty under Section 7 of the Environment (Wales) Act 2016, TAN 5, UDP policies and biodiversity SPG, as part of the planning process PCC should ensure that there is no net loss of biodiversity or unacceptable damage to a biodiversity feature.</p> <p>In addition to the species identified above, within 1km of the site there historical records of Hedgehog (within 244m), Hare (within 247m) and Polecat (within 839m).</p> <p>Hedgehogs could be present within the field margins and overgrown areas within the farmyard. It is therefore recommended that reasonable avoidance measures applied during site clearance to prevent impacts upon the local reptile population (discussed above) are extended to consider hedgehogs and other small mammals.</p> <p>Hedgerows are a Section 7 priority habitat and those bordering the site should therefore be protected during the works in accordance with BS5837:2012. The proposed new hedgerow and tree planting within the site is welcomed as a site biodiversity enhancement and should consist of a native, locally-occurring species mix to be</p>

		<p>approved by the LPA prior to commencement of the works.</p> <p>I also recommend that woodcrete bird and bat boxes for Section 7 and LBAP-listed species are incorporated within the proposals to enhance the habitat available at the site for these features. Bird boxes should be appropriate for use by House Sparrow, Starling and House Martin.</p>
	<p>LBAP Species & Habitats <input checked="" type="checkbox"/></p>	<p>Please see my observations above regarding bats, great crested newts, hedgerows, reptiles, nesting birds and small mammals.</p>
Protected Sites	<p>International Sites (within 1km) <input type="checkbox"/></p>	<p>There are no international nature conservation sites within 1km.</p>
	<p>National Sites (within 1km) <input type="checkbox"/></p>	<p>There are no national nature conservation sites within 1km.</p>
	<p>Local Sites (within 500m) <input type="checkbox"/></p>	<p>There are no local nature conservation sites within 1km.</p>
Invasive Non-Native Species	No	<p>The presence of invasive, non-native species does not appear to have been detected from the ecological surveys completed so far.</p>
Recommendations		<p>The boundary hedgerow and trees are likely to provide a high value ecological habitat for a range of wildlife, including bats (a European Protected Species) and should therefore be protected from damage during the works in accordance with BS5837:2012.</p> <p>I recommend that a sensitive lighting scheme is implemented to avoid adverse impacts on any nocturnal wildlife, such as bats, that may use the boundary hedgerow to the north-east of the site for foraging/roosting.</p> <p>A European Protected Species licence will be required from Natural Resources Wales prior to commencement of development. In their consultation response (ref: CAS-46753-T4D8), NRW have advised that no development shall take place until the local Great Crested Newt population has been safely translocated to the receptor site and a Detailed Conservation Plan and Mitigation Strategy has been submitted and approved by the Local Planning Authority. This information should be based on the framework provided in the Jon Sloan ecology reports that have been submitted as part of the Ecology Statement provided by Ian Pryce Property Services.</p> <p>I recommend that any vegetation/site clearance works that are required to accommodate the proposed development are timed to avoid the bird nesting season (generally March to August inclusive). If work that could destroy bird nesting habitat is to proceed in the bird nesting season, a suitably-experienced ecologist should check for active bird nests immediately in advance of the works</p>

	<p>commencing.</p> <p>It is recommended that reasonable avoidance measures, including ecological supervision, are employed to prevent potential harm to reptiles and small animals during any vegetation/site clearance required to facilitate the development, particularly the field margins and farm yard area. Suitable mitigation should also be provided to offset any losses of suitable reptile habitat and shown in a proposed landscape design drawing. Such measures should be agreed with the LPA prior to commencement of works.</p> <p>The proposed new hedgerow and tree planting within the site is welcomed as a site biodiversity enhancement and should consist of a native, locally-occurring species mix to be approved by the LPA prior to commencement of the works.</p> <p>I also recommend that woodcrete bird and bat boxes for Section 7 and LBAP-listed species are incorporated within the proposals to enhance the habitat available at the site for these features. Bird boxes should be appropriate for use by House Sparrow, Starling and House Martin.</p>
<p>Further information required prior to determination of application</p>	<p>N/A</p>
<p>Recommended Conditions</p>	<p>Should you be minded to approve this application, I recommend the inclusion of the following conditions:</p> <p><i>The work shall not commence until the LPA has been provided with a licence for Great Crested Newts that has been issued to the applicant by Natural Resources Wales pursuant to Regulation 55 of the Conservation of Habitat and Species Regulations (2017) authorising the specified work, or a letter provided by Natural Resources Wales informing the applicant that such licence is not required.</i></p> <p><u>Reason:</u> To comply with Powys County Council’s UDP Policies SP3, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), Welsh Governments TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.</p> <p><i>The work shall not commence until a Detailed Conservation Plan and Mitigation Strategy, in accordance with the framework provided in the Jon Sloan ecology reports dated August 2016 and July 2017 submitted as part of the Ecology Statement provided by Ian Pryce Property Services, has been submitted and approved by the Local Planning Authority, and it has been confirmed in writing to the Local Planning Authority by the licensed ecologist that the local Great Crested Newt population has been safely translocated to the receptor site.</i></p>

	<p><u>Reason:</u> To comply with Powys County Council’s UDP Policies SP3, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), Welsh Governments TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.</p> <p><i>Prior to commencement of development, a Biodiversity Enhancement Plan shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.</i></p> <p><u>Reason:</u> To comply with Powys County Council’s UDP Policies SP3, ENV2, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and the NERC Act 2006.</p> <p><i>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 scheme details.</i></p> <p>Reason: To comply with Powys County Council’s UDP Policies SP3, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1, Section 6 of the Environment (Wales) Act 2016.</p> <p><i>Prior to commencement of development a Tree and Hedgerow Protection Plan in accordance with BS:5837:2012 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.</i></p> <p><u>Reason:</u> To comply with Powys County Council’s UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh Government strategies, and the Environment (Wales) Act 2016.</p> <p><i>Prior to commencement of development, a Landscaping and Management Plan shall be submitted to and agreed with the Local Planning Authority and shall be implemented in the first planting season of the following occupation of the development. The Plan shall include the use of native species, details of the planting specification – the species, sizes and planting densities – and a timetable for implementation and future management to ensure good establishment and long term retention.</i></p> <p><u>Reason:</u> To comply with Powys County Council’s UDP Policies SP3</p>
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and ENV2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1, Section 6 of the Environment (Wales) Act 2016.

Prior to commencement of development, a reptile and small animal Reasonable Avoidance Method Statement 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, ENV2, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh Government strategies, and the Environment (Wales) Act 2016.

Informatives

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.

EPS Licence Required

A European Protected Species (EPS) licence is required in support of this development. Where an offence under Regulation 43 of the Habitat and Species Regulations 2017 is likely to occur in respect of this permission hereby granted, no works of site clearance, demolition or construction shall take place which are likely to impact on Great Crested Newts unless a licence to affect such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been submitted to the local planning authority.

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.

Reptiles - Wildlife & Countryside Act 1981 (as amended)

All UK native reptile species are protected by law. The Wildlife & Countryside Act 1981 (and later amendments) provides the legal framework for this protection.

The more widespread and common reptile species, namely common lizard, slow-worm, grass snake, and adder are protected against deliberate or reckless killing and injury

	All species of reptile are priority species in the UK BAP and have been adopted on the Section 7 list of the living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales, under the Environment (Wales) Act 2016.
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PCC – Contaminated Land Officer

In relation to Planning Application P/2017/1236, the following advice is provided for the consideration of Development Control. The application proposal is for a residential development at Tynllan Farm. Agricultural buildings and land could contain potential sources of contamination depending on what they were used for in the past such as: pesticides, fuels and oils, slurry tanks and pits, fire sites, animal burial pits or other buried waste, fertiliser, sheep dip pits, asbestos, old machinery, waste chemical drums and ammunition. The current ordnance survey (OS) maps confirm the presence of a 'Slurry Pit' within the application boundary.

Furthermore, historic OS maps identify the presence of an area of unknown filled ground located within 30 metres of the application site boundary. The area of unknown filled ground could be a potential source of land contamination depending on the type and nature of the materials that have been deposited as fill.

Paragraph 13.5.1, of Chapter 13 'Minimising and Managing Environmental Risks and Pollution', of the Welsh Government document 'Planning Policy Wales' (2016) advises: "responsibility for determining the extent and effects of instability or other risks remains that of the developer. It is for the developer to ensure that the land is suitable for the development proposed, as a planning authority does not have a duty of care to landowners".

However, no information in respect of the potential risks to the proposed development, associated with the presence of land contamination, has been submitted in support of Planning Application P/2017/1236. Based on the available information, it is recommended that the following Condition and Note, to the applicant, are attached to any permission granted for Planning Application P/2017/1236:

Condition A

Condition 1. Preliminary Investigation

No development shall commence until a preliminary investigation and assessment of the nature and extent of contamination affecting the application site area has been submitted to and approved in writing by the local planning authority. This investigation and assessment must be carried out by or under the direction of a suitably qualified competent person, in accordance with current guidance and best practice, and shall assess any contamination on the site, whether or not it originates on the site.

The report of the findings shall include:

- A desk study
- A site reconnaissance
- Formulation of an initial conceptual model
- A preliminary risk assessment

If the preliminary risk assessment identifies there are potentially unacceptable risks a detailed scope of works for an intrusive investigation, including details of the risk assessment methodologies, must be prepared by a suitably qualified competent person. The contents of the scheme and scope of works are subject to the approval in writing of 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).

Condition 2. Site Characterisation

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.

Condition 3. Submission of Remediation Scheme

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 2 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).

Condition 4. Implementation of Approved Remediation Scheme

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 WPGA document 'Development of Land Affected by Contamination: A Guide for Developers' (2012).

Condition 5. Long Term Monitoring and Maintenance

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'.

Reason (common to all): 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 ____ of the adopted Local Plan (date)].

Note to Applicant

Potential Contamination

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

NRW – Ecology

Thank you for consulting Natural Resources Wales (email dated 10/11/2017) regarding the above. We recommend that you should only grant planning permission if you attach the following conditions. These conditions would address significant concerns that we have identified and we would not object provided you attach them to the planning permission.

Summary of Conditions

Condition 1 – GCN: Inclusion of a planning condition to any planning permission that prevents the commencement of development works until your authority has been provided with a licence that has been issued to the applicant by Natural Resources Wales pursuant to Regulation 53 of the Conservation of Habitats and Species Regulations (2010) authorizing the specified activity/development to go ahead, or Natural Resources Wales has informed the applicant that such a licence is not required.

Condition 2 - GCN: No development shall take place until the local Great Crested Newt population has been safely translocated to the receptor site and a detailed Mitigation plan and Conservation Strategy has been submitted and approved in writing by the local planning authority.

Protected Species – GCN

The proposal will lead to the destruction of a GCN breeding site and resting places at this site and will, therefore, require a licence.

Condition 1 – GCN: Inclusion of a planning condition to any planning permission that prevents the commencement of development works until your authority has been provided with a licence that has been issued to the applicant by Natural Resources Wales pursuant to Regulation 53 of the Conservation of Habitats and Species Regulations (2010) authorizing the specified activity/development to go ahead, or Natural Resources Wales has informed the applicant that such a licence is not required.

However, the ecological reports by Churton Ecology and Jon Sloan included in the Ecological Statement by Ian Pryce Property Services, provide sufficient information to allow you to establish that the proposal will not be detrimental to the maintenance of the favourable conservation status of any great crested newt population in the area, provided a conservation strategy is developed and implemented in accordance with the framework in Jon Sloan's reports. This is to include details of an appropriate translocation plan which will need to be carry out under NRW license and completed prior to commencement of development on site.

Condition 2 - GCN: No development shall take place until the local Great Crested Newt population has been safely translocated to the receptor site and a detailed Mitigation plan and Conservation Strategy has been submitted and approved in writing by the local planning authority.

Please also note that any changes to plans between planning consent and the licence application may affect the outcome of a licence application.

Foul Drainage

There is no clear indication of the proposed method of foul water disposal at this stage, however we note that block plan drawing SK001 highlights the presence of a foul water main line near the proposal and we would therefore expect a connection can be made in line with current government policy.

Where this is not possible and private sewage treatment / disposal facilities are utilised, they must be installed and maintained in accordance with British Standard 6297 and Approved Document H of the Building Regulations 2000. You should also have regard to Welsh Office Circular 10/99 in respect of planning requirements for non mains sewerage.

The applicant will need to apply for a Permit or Exemption, if they wish to discharge anything apart from uncontaminated surface water to a watercourse/ditch. They may also need to apply for a Permit from our National Permitting Team to allow certain discharges into ground. They must obtain any necessary Permit prior to works starting on site. The Welsh Government has also advised that all septic tanks and small sewage treatment plant discharges in Wales will need to be registered. More information, including a step by step guide to registering, is available on our website <https://naturalresources.wales/permits-and-permissions/water-discharges/?lang=en>

Scope of NRW Comments

Our comments above only relate specifically to matters that are included on our checklist "Natural Resources Wales and Planning Consultations" (March 2015) which is published on

our website: (<https://naturalresources.wales/media/5271/150302-natural-resources-wales-and-planning-consultations-final-eng.pdf>). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance. The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

CPAT

Thank you for the consultation on this application. Having checked the location against information held within the Historic Environment Record, including old OS mapping, NRW LiDAR data and aerial photography, I can confirm that there are no archaeological implications for the proposed development at this location.

Representations

None received

Planning History

P/2017/0821 - Full: Engineering operations to remove a former slurry pond to enable the re-profiling and reinstatement of the agricultural field. Approved

P/2016/1065 - Residential development of 5 dwellings with garages (to include 1 affordable), demolition of agricultural buildings and improvements to existing vehicular access. Approved

M/2006/0171 - Conversion and extension of a redundant farm building to form a residential dwelling, construction of a garage and formation of vehicular access at Tynllan Farm. Approved

M/2006/0170 - Conversion and extension of two redundant farm buildings to form 5 residential dwellings and construction of detached garage buildings with formation of vehicular access at Tynllan Farm. Approved

M/2006/0169 - Residential development comprising of 22 dwellings, formation of vehicular access and associated works at Tynllan Farm.

Principal Planning Constraints

None

Principal Planning Policies

National Planning Policy

Planning Policy Wales (Edition 9, 2016)

TAN 1 - Joint Housing Land Availability Studies (2015)

TAN 2 - Planning and Affordable Housing (2006)

TAN 5 - Nature Conservation and Planning (2009)

TAN 6 - Planning for Sustainable Rural Communities (2010)

TAN 12 - Design (2016)
TAN 18 - Transport (2007)
TAN 20 - Planning and the Welsh Language (2017)
TAN 23 – Economic Development (2014)
TAN 24 – The Historic Environment (2017)

Local Planning Policies

Powys Unitary Development Plan (2010)

UDP SP2 – Strategic Settlement Hierarchy
UDP SP5 - Housing Developments
UDP GP1 - Development Control
UDP GP3 - Design and Energy Conservation
UDP GP4 - Highway and Parking Requirements
UDP GP5 – Welsh Language and Culture
UDP HP3 - Housing Land Availability
UDP HP4 - Settlement Development Boundaries and Capacities
UDP HP6 - Dwellings in the Open Countryside
UDP DC10 - Mains Sewage Treatment
UDP DC11 - Non-mains Sewage Treatment
UDP DC13 - Surface Water Drainage
UDP DC8 - Public Water Supply
UDP DC9 - Protection of Water Resources
UDP ENV1 - Agricultural Land
UDP ENV2 - Safeguarding the Landscape
UDP ENV3 - Safeguarding Biodiversity & Natural Habitats
UDP ENV7 - Protected Species
UDP ENV14 - Listed Buildings
UDP ENV17 - Ancient Monuments and Archaeological Sites
UDP TR2 - Tourist Attractions

Powys Residential Design Guide

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

Other Legislative Considerations

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

Officer Appraisal

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

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

Principle of Development

For the purposes of the Powys Unitary Development Plan, the site subject to this application lies within the open countryside. On this basis, the proposal constitutes a departure from the adopted Powys Unitary Development Plan.

Members are advised that a decision to approve a departure can only be made where other material considerations outweigh the provisions of the development plan. Such material considerations include Planning Policy Wales (2016) and UDP policy HP3, which require the Local Planning Authority to ensure that sufficient land is genuinely available or will become available to provide a 5-year supply of land for housing.

Housing land supply

The Powys JHLAS (2016) provides information on land availability and indicates a land supply of 2.2 years (as of 01/04/2016). Whilst it is anticipated that the new local development plan will allocate land for residential development to address the shortfall in supply, the current figure is below the supply required by Planning Policy Wales and the adopted Unitary Development Plan. Officers acknowledge that a number of departures have recently been justified and permitted on the grounds of housing land supply. Whilst it is accepted that these permissions will contribute to the supply of housing, based upon current evidence, the housing land supply within Powys remains below the 5 year supply as required by planning policy. As such, Members are advised that considerable weight needs to be given to this undersupply in considering proposals for new residential development as exceptions to normal housing policies.

Although located in the open countryside, the site adjoins the settlement development boundary of Castle Caereinion (defined as a small village within the current UDP). Castle Caereinion benefits from a school, shop, village hall and public house and benefits from public transport links to Welshpool, which is located 3.9 miles to the east of the site. Given the noted proximity, future occupiers would have good access to existing facilities and amenities and also connections to further services and the wider area through public transport services.

In light of the above, whilst acknowledging that the proposal does constitute a departure from the development plan, Members are advised that the lack of a five year housing supply in Powys needs to be given considerable weight in the determination of this application. However, before reaching a decision, the scheme will need to be considered against other policies contained within the UDP in order for a balanced view to be made on the acceptability of the development overall.

Sustainability

When providing additional housing it is important to consider whether the scheme can be considered to be sustainable development. This can relate to a wide range of matters including public transport provision and access to education, employment opportunities and other services.

In considering the proposed development, Members are asked to consider whether this location is regarded as a sustainable location for new residential development. Although located in the open countryside, the site adjoins the settlement development boundary of Castle Caereinion (currently defined as a small village within the UDP, however its status has been upgraded to a large village in the emerging LDP). Castle Caereinion benefits from a school, shop, village hall and public house and benefits from public transport links to Welshpool, which is located 3.9 miles to the east of the site. Given the noted proximity, future occupiers would have good access to existing facilities and amenities and also connections to further services and the wider area through public transport services.

Castle Caereinion had allocated site M114 HA1 - Land adjacent Tynllan (0.45Ha.) which contains 22 dwellings. No further allocations are proposed within emerging LDP allocation for the village.

However it is important to note that the village has recently gained several outline consents;

P/2016/1065 - Residential development of 5 dwellings with garages (to include 1 affordable), demolition of agricultural buildings and improvements to existing vehicular access on land adjacent to the current application site. It is important to note that the site was wholly within the designated settlement boundary.

While the following applications were considered as departures and approved my Members;

P/2016/0892 - Outline: Residential development and creation of vehicular access (5 dwellings). Approved.

P/2016/0893 - Outline: Residential development and creation of vehicular access (5 dwellings). Approved.

P/2016/0959 – Outline: Erection of 5 no dwellings with some matters reserved.

Currently pending there is also an application on one of the above sites to increase the number from 5 dwellings to 12 dwellings.

Whilst Castle Caereinion is currently classified as a small village within the UDP currently and UDP Policy HP4 indicates that the capacity of small villages is generally sites up to 5 dwellings, it is noted that the direction of travel in the LDP is that Castle Caereinion is proposed to be upgraded to a large village although without any further housing allocations, only providing for appropriate infill or affordable housing. Whilst the site is well related to Castle Caereinion consideration should be given to the overall level of growth for the settlement and the services that are available.

Overall, taking all the above factors into account, Officers consider that on balance the proposed additional residential development in this location could accord with the provisions of Planning Policy Wales in so far as it is a sustainable location.

Siting, Design and External Appearance

UDP policy HP5 (Residential Development) indicates that development proposals will only be permitted where the scale, form and appearance of the development generally reflects the character and appearance of the existing settlement.

The proposed development is for up to nine dwellings, two of which are to be secured as affordable dwellings. The affordable dwellings are to be a maximum floor space of 130m². This application is in outline form with appearance, landscaping, layout and scale being reserved for future consideration. The indicative site layout details a cul-de-sac formation, consistent with the surrounding built form, whilst the scale of the proposed dwellings are considered to be in keeping with those adjoining the site.

Although Officers acknowledge that matters relating to appearance, layout and scale have been reserved for future consideration, on the basis of the plans provided, it is considered that the application site is capable of accommodating nine dwellings without unacceptably adversely affecting the character and appearance of the area or amenities enjoyed by occupants of neighbouring properties compliant with UDP policies SP5, GP1, GP3, ENV2 and HP5.

Residential Amenity

UDP Policy GP1 states that development proposals will only be permitted where the amenities enjoyed by the occupants of nearby or proposed properties will not be unacceptably affected. The Powys Residential Design Guide provides guidance on overshadowing and privacy.

The proposed site is immediately opposite the existing dwellings located on the adjacent residential estate known as Tan y Castell. However given the distances between the properties and intervening land between the properties, the officers consider that there would be sufficient separation between the properties not to cause amenity issues between the residents of both sites.

Whilst details relating to design and appearance are reserved for future consideration, Officers consider that the amenities of neighbouring properties can be safeguarded through sensitive design and siting which will be reviewed appropriately by Development Management in considering any future application for the approval of reserved matters.

Following consultation with Environmental Health no objection has been received in relation to its impact on neighbour amenity.

In terms of overshadowing, the Residential Design Guide advises that where new development is less than 40 metres from the nearest habitable room and where the main front or rear (not flank) elevations of existing development is affected, the height of new development should generally be set below a line of 25 degrees taken from the nearest habitable room of adjoining existing property at a height of 2 metres. Whilst this distance is less than 40 metres in relation to the proposed site, the detailed design could take account of the overshadowing guidelines and as such would be considered at reserved matters stage.

Taking into account the character of existing development in the locality, it is considered that the indicative layout demonstrates that residential development can be provided at this location without unacceptably adversely affecting the amenities enjoyed by occupants of existing residential properties and that of the proposed dwellings in accordance with UDP Policy GP1 and the Council's Residential Design Guide.

Landscape Impact

Policy ENV2 of the Powys Unitary Development Plan seeks to ensure that proposed development will not have an unacceptable adverse impact upon the Powys Landscape. Development proposals should be design in a way to be sensitive to the character and appearance of the surrounding area and landscape.

The proposed site currently forms agricultural land used for the purposes of grazing and is located directly adjacent to the existing settlement and the former farm holding. The proposed site is considered to be well associated with the existing settlement adjacent to existing dwellings and the proposed development would not result in a significant adverse impact upon the landscape or the character and appearance of the surrounding area.

Highway Safety and Movement

UDP policy GP4 indicates that planning permission will be dependent upon adequate provision for access including visibility, turning and parking.

As part of this application process the relevant highways authorities have been consulted. This outline application is only considering the principle of residential development on the site with all matters reserved including the access. Although the access has been shown for indicative purposes Powys Highway Authority have confirmed that they do not object to the principle of development, any detailed application should include full access details which should include visibility splays, access surfacing, radii, width, gradient and drainage for the access. Furthermore, full engineering drawings must be provided for the culvert under the access road and the storm water grate located in the verge. The indicative surface water attenuation system would be not acceptable to the Highway Authority and a sustainable means of disposing of surface water will need to be submitted for consideration.

In light of the comments received it is considered that the proposed development could comply with provisions of Policy GP4 of the Powys Unitary Development Plan 2010 at the reserved matters stage.

Impact on biodiversity

Policy ENV3 and ENV7 seek to protect biodiversity and protected species and habitats from harmful development. The proposed development would result in the loss of an area of approximately 0.98ha of agricultural land. No negative comments were made by County Ecologist or NRW with respect to the ecology of the site.

Having taken the consultations into account it is considered that, subject to suggested conditions by the County Ecologist and NRW, the ecological impacts of the proposed development are considered acceptable and are therefore in accordance with relevant planning policy. Therefore, on the basis of this advice, it is recommended that any consent

should include conditions requiring the submission of details with the reserved matters application which will increase site biodiversity in accordance with UDP Policy ENV3 and ENV7.

Loss of agricultural land

UDP Policy ENV1 provides safeguarding for the best and most versatile land (grades 1, 2 and 3a). The land is not designated within grades 1, 2 and 3a. Predictive Agricultural Land Classification (ALC) Map indicates that the land at this location is designated as 3b (Moderate quality agricultural land) and therefore is not considered to be of the best and most versatile agricultural land or of particular value to agriculture within the locality in accordance with the advice provided within UDP Policy ENV1 and Technical Advice Note 6.

Foul and surface water disposal

Policy DC10 (Mains Sewerage Treatment) requires that development are adequately served by the public foul sewerage system, while the policy DC13 deals with surface water drainage.

The application states that the proposed development would utilise the existing mains sewerage system. Following consultation with Severn Trent Water and Powys Environmental Health which raised no objections to the scheme, and as such it is considered that there are no reasons that foul sewerage and surface water disposal cannot be acceptably accommodated as the part of the scheme. A condition requiring these details to be submitted and approved by the Council prior to construction will ensure adequate control over these measures in accordance with UDP Policy DC10 and DC13.

In light of the above observations, Development Management considers the proposed development to be in accordance with policy DC10 of the Powys UDP.

Welsh Language and Culture

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. Technical Advice Note 20: Planning and the Welsh Language provides further advice on how the planning system considers the implications of the Welsh Language. Within the Powys UDP policy GP5 identifies settlements where the Welsh Language is important to the social, cultural and community fabric of the area. Whilst Castle Caereinion has not been identified as one of these areas it is considered that the Welsh Language is a material consideration across the County.

In the 2011 census it was indicated that in Castle Caereinion 15% of the population spoke Welsh, while in 2001 census 17% of the population spoke Welsh. This indicates a decrease of 2%. However consideration should be given to the fact that the percentage of Welsh speakers in the 3 – 15 age group has increased by 12.7% from the 2001 census.

The scheme proposes one affordable unit and it is considered that the provision of affordable dwelling helps mitigate against the impact of a development on the Welsh language, the affordable dwelling provision and the contribution of four open market dwellings make to the lack of a five year housing supply are given considerable weight.

It is considered that the introduction of 9 dwellings in total will help sustain the viability of the facilities that are vital in supporting Welsh language and culture. It is not considered that a development of the scale proposed would threaten local facilities or force sections of the population away from these facilities.

It is also considered that there is an intrinsic link between the provision of affordable housing and the cultural and linguistic vitality of an area. Affordable dwellings allow existing residents to remain in the area and where the area has a strong Welsh Language presence this aids in retaining those residents and helps mitigate against the impact of a development on the Welsh language, the applicant has highlighted that the provision of affordable housing will be two in this instance.

In relation to economic development, it is considered that the potential construction of the dwellings would contribute to the economy of the local area. This is based on the assumption that most construction projects of this scale are normally undertaken by local trade's people. It is therefore considered that the construction of this development would have a neutral or positive impact on the local economy and jobs which is considered positive from a Welsh language and culture perspective.

Therefore, given that two of the dwellings will be limited by condition as an affordable units, which is considered an appropriate level of affordable homes for the proposal, it is concluded that the development would assist in contributing to the well-being of the Welsh language in Powys.

In relation to economic development, it is considered that the potential construction of the dwellings would contribute to the economy of the local area. This is based on the assumption that most construction projects of this scale are normally undertaken by local trade's people. It is therefore considered that the construction of this development would have a neutral or positive impact on the local economy and jobs which is considered positive from a Welsh language and culture perspective.

With regard to the developments impact on schools, given the scale of the proposed development, the impact on nearby schools is considered to be minimal. No adverse or positive impact can therefore be identified in relation to the balance between Welsh-speaking and non-welsh speaking students.

In relation to impact on health care provision, given the scale of the proposed development, the impact on health care provision is also considered to be minimal. No adverse or positive impact can therefore be identified in relation to Welsh medium services.

With regard to social tensions, conflict or divisions, given the scale of the proposed development, it is not considered that the proposal would have a significant uneven effect on different parts of the local community, which would potentially advantage some groups and disadvantage others. No evidence has been identified that the proposed development would violate traditional values of certain parts of the community.

RECOMMENDATION

Whilst a departure from the development plan, in this instance, the provision of housing is considered to outweigh the plan and therefore justifies the grant of consent as an exception

to normal housing policies. The recommendation is therefore one of conditional approval subject to conditions.

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

- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 20% affordable dwellings;
- ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii) the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing (if no RSL involved)];
- iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced

5. The affordable dwelling 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.

6. Upon the submission of the reserved matters referred to in conditions 1 and 2 a reserved matters application shall include full access details, visibility splays, access surfacing, radii, width, gradient, drainage for the access, details for the culvert under the access road and the storm water grate located in the verge.

7. The work shall not commence until a Detailed Conservation Plan and Mitigation Strategy, in accordance with the framework provided in the Jon Sloan ecology reports dated August 2016 and July 2017 submitted as part of the Ecology Statement provided by Ian Pryce Property Services, has been submitted and approved by the Local Planning Authority,

and it has been confirmed in writing to the Local Planning Authority by the licensed ecologist that the local Great Crested Newt population has been safely translocated to the receptor site.

8. Prior to commencement of development, a Biodiversity Enhancement Plan shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the Local Planning Authority.

9. 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 scheme details.

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

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

12. Prior to commencement of development, a reptile and small animal Reasonable Avoidance Method Statement shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.

13. An investigation and risk assessment, in addition to any assessment provided with the planning application, shall be completed prior to the commencement of development. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons (a contaminated land specialist with proven experience within the contaminated land industry) and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This shall 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. Item (iii) above

should not be submitted until written approval has been obtained from the Local Planning Authority for items (i) & (ii).

14. 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 shall be completed prior to the commencement, and is subject to the approval in writing of the Local Planning Authority. The scheme shall 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, The Contaminated Land (Wales) Regulations 2001 in relation to the intended use of the land after remediation. The detailed remediation scheme should not be submitted until written approval for the above condition has been received from the Local Planning Authority.

15. The approved remediation scheme shall 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. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation 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 shall be agreed with the Local Planning Authority before commencement of the remediation scheme.

16. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 16, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 17, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the above conditions.

17. 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 shall 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'.

18. The development hereby permitted must be served by the public foul sewerage system (mains) prior to the occupation of any of the units.

19. No development shall commence until details of a scheme for the disposal of foul and surface water has been submitted to and agreed in writing by the local planning

authority. The scheme shall be implemented in accordance with the approved details prior to the first occupation of the dwellings hereby permitted and retained in perpetuity.

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 the provision of affordable housing in accordance with Policy HP7 of the Powys Unitary Development Plan (2010) and the Affordable Housing for Local Needs Supplementary Planning Guidance (2011).
5. 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).
6. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
7. To comply with Powys County Council's UDP Policies SP3, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), Welsh Governments TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.
8. To comply with Powys County Council's UDP Policies SP3, ENV2, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and the NERC Act 2006.
9. To comply with Powys County Council's UDP Policies SP3, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1, Section 6 of the Environment (Wales) Act 2016.
10. To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh Government strategies, and the Environment (Wales) Act 2016.
11. To comply with Powys County Council's UDP Policies SP3 and ENV2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1, Section 6 of the Environment (Wales) Act 2016.
12. To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh Government strategies, and the Environment (Wales) Act 2016.
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 DC15 of the Powys Unitary Development Plan (March 2010) and Planning Policy Wales (2016).
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 DC15 of the Powys Unitary Development Plan (March 2010) and Planning Policy Wales (2016).

15. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy DC15 of the Powys Unitary Development Plan (March 2010) and Planning Policy Wales (2016).

16. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy DC15 of the Powys Unitary Development Plan (March 2010) and Planning Policy Wales (2016).

17. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy DC15 of the Powys Unitary Development Plan (March 2010) and Planning Policy Wales (2016).

18. To ensure that development is served by the public system in accordance with policy DC10 of the Powys Unitary Development Plan.

19. To ensure that development is served by the public system in accordance with policy DC10 of the Powys Unitary 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.

EPS Licence Required

A European Protected Species (EPS) licence is required in support of this development. Where an offence under Regulation 43 of the Habitat and Species Regulations 2017 is likely to occur in respect of this permission hereby granted, no works of site clearance, demolition or construction shall take place which are likely to impact on Great Crested Newts unless a licence to affect such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been submitted to the local planning authority.

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.

Reptiles - Wildlife & Countryside Act 1981 (as amended)

All UK native reptile species are protected by law. The Wildlife & Countryside Act 1981 (and later amendments) provides the legal framework for this protection.

The more widespread and common reptile species, namely common lizard, slow-worm, grass snake, and adder are protected against deliberate or reckless killing and injury

All species of reptile are priority species in the UK BAP and have been adopted on the Section 7 list of the living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales, under the Environment (Wales) Act 2016.

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



SCHEDULE OF ACCOMMODATION

1	DETACHED	3 BEDROOM
2	DETACHED	3 BEDROOM
3	DETACHED	3 BEDROOM
4	DETACHED	4 BEDROOM
5	DETACHED	4 BEDROOM
6	DETACHED	4 BEDROOM
7	DETACHED	4 BEDROOM
8	DETACHED	4 BEDROOM
9	DETACHED	4 BEDROOM

PROPOSED BLOCK PLAN 1 / 500



EXISTING LOCATION PLAN 1 / 1250



PROPOSED LOCATION PLAN 1 / 1250

<p>All dimensions on site to be checked prior to commencement of work on ordering of materials and components. No dimensions to be scaled from this drawing. All materials and workmanship to comply with relevant British Standards and Codes of Practice. All works to conform to Building Regulations and NHBC Standards (where applicable). Copyright © This drawing and any design thereon is the copyright of Ian Pryce Property Services and must not be reproduced without written consent.</p>		<p>Ian Pryce CIOB Property Services Building Surveyors, Architectural Services and Project Management. PRINCES SQUARE, PRINCES STREET, MONTGOMERY, POWYS, SY15 6PZ Telephone: 01856 688584 Fax: 01856 688599</p>	
<p>Date: _____ Ref: _____ Revision: _____</p>		<p>Project: PROPOSED DEVELOPMENT TYNLLAN CASTLE CAERINION WELSHPOOL POWYS SY21 9AL</p>	
<p>Subject: EXISTING AND PROPOSED DETAILS</p>		<p>Client: MEGGERS A N & D DAVIES AND GONG</p>	
Date: SEPT 2017	Drawn: Steve Mason	Scale: A5 SHOWN	
Project Number: 09 / 17 / 2372	Drawing Number: EK . 001	Amendment: .	
<p>CAD Reference: DRAWINGS\TYNLLAN\ARM-CASTLECAERINION\RESDEV\PHASE2\PROP-P2-REV.P2</p>			

PCC/ECR PLANNING
24 OCT 2017
RECEIVED

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Objection Please Tick

If an objection is lodged the Council is asked to state its reasons based on material planning grounds. (See section in Planning Guide on material planning considerations.)

1. The Council is concerned about the increase in vehicles that would be using a part of the highway where the visibility is difficult at the junction.
2. There is concern that this number of dwellings might affect local wells. A neighbouring planning application was refused in the past due to concern about the water issues.
3. The Council would also like reassurance that a septic tank would be sufficient
- 4.

Support Please Tick

The Council is asked to state its reasons based on material planning grounds. (See section in Planning Guide on material planning considerations.)

- 1.
 - 2.
 - 3.
 - 4.
- SignedSarah Yeomans..... Date ...1 December 2017.....

Clerk to the Community Council

PCC - Highways

Consultation received 24/11/2017

The County Council as Highway Authority for the County Class III Highway, C2012

Wish the following recommendations/Observations be applied
Recommendations/Observations

This application should be deferred.

Reasons for Deferral

This outline application includes access to be determined now and the applicant's agent suggests that the conditions applied to P/2017/0240 are replicated on the current application.

Despite access being included in this application, only the proposed visibility splay is shown on plan, no other details pertaining to the access have been submitted.

The previous application at the proposed development site was for a change of use with no additional movements. The current application being for three dwellings requires the access to be upgraded to reflect the additional movements. As such, revised plans should be submitted showing the proposed access improvements, relocation of the highway signage and street lighting. Furthermore, the access width should be 5.5 metres for a minimum of 10 metres, with the gradient not exceeding 1 in 15 metres for the first 10 metres.

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

Consultation received 21/12/2017

Thank you for the attached plan which addresses our concerns with the access, I do however, have a few other issues with this development as below;

- There is no proposed footway
- There is no safe means of accessing the cabinet and de-fib station by pedestrians
- The Highway Authority will not allow slabs/chippings to be placed in the highway verge (plot 1), this needs to be removed from the drawing
- The proposed location for the road signage and street light is within private ownership, therefore the applicant would need to enter into a S.38 agreement (Highways Act 1980) so that this area can be adopted by the Highway Authority – this is a lengthy process and fees apply
- The reference to the access being approved under a previous application is misleading

Consultation received 17/01/2018

The County Council as Highway Authority for the County Class III Highway, C2013

Wish the following recommendations/Observations be applied
Recommendations/Observations

Does not wish to comment on the application

1. Notwithstanding the approved plans, full details in relation to the relocation/removal of the existing highway signage and lighting shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of any works on site.

2. Prior to any works commencing on the development site, the alterations to the street lighting and highway signage, referred to above, shall be fully completed to the written

satisfaction of the Local Planning Authority and shall be retained for their designated use for as long as the development hereby permitted remains in existence.

3. Prior to the occupation of the dwelling any entrance gates shall be set back at least 5.5 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.

4. The gradient of the access shall be constructed so as not to exceed 1 in 15 for the first 5.5 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.

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

6. Prior to the commencement of the development the access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 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 the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 5.5 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

8. Prior to the occupation of the dwelling, provision shall be made within the curtilage of the site for the parking of not less than one car per bedroom excluding any garage space provided together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

9. Prior to the commencement of the development provision shall be made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of 0.4 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.

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

from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.

11. Prior to the occupation of the development a radius of 6 metres shall be provided from the carriageway of the county highway on each side of the access to the development site and shall be maintained for as long as the development remains in existence.

12. There shall only be a single vehicular and pedestrian access to serve the development hereby permitted.

13. Prior to the occupation of the dwelling the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 5.5 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence,

14. When installed there shall be a minimum clearance of 6 metres from the nearest part of the adjoining highway verge or footpath to any part of any septic tank or its soakaway installation.

15. The septic tank effluent in connection with the development hereby permitted shall not interfere or connect in any way with the highway surface water drainage or give rise to a nuisance upon the highway.

16. 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.

17. Upon formation of the visibility splays as detailed in HC4 above the centreline of any new or relocated hedge/fence/wall should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.

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

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

Wales & West

Wales & West Utilities acknowledge receipt of your notice received on 08.11.2017, advising us of the proposals for:

Cefn Bryn, Cefn Coch, Welshpool, Powys, SY21 0AE

According to our mains records Wales & West Utilities has no apparatus in the area of your enquiry. However Gas pipes owned by other GT's and also privately owned may be present in this area. Information with regard to such pipes should be obtained from the owners.

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

Please note that the plans are only valid for 28 days from the date of issue and updated plans must be requested before any work commences on site if this period has expired.

Severn Trent

Thank you for the opportunity to comment on this planning application. Please find our response noted below:

With Reference to the above planning application the company's observations regarding sewerage are as follows:

As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

To help us provide an efficient response please could you send all responses to welshplanning@severntrent.co.uk rather than to named individuals, including the STW ref within the email/subject.

PCC - Environmental Health

Correspondence received 15/11/2017

I object the application at the current time as there are no details or information relating to the specifications of the foul drainage system.

I require the percolation test results, plant detail, capacity etc. to determine its suitability.

Correspondence received 06/02/2018

I've been to the site today and I have no objection to the application provided that they comply with the requirements of the Building Regulations in relation to foul drainage being sufficient distances from dwellings, watercourses and Private water Supplies.

Correspondence received 07/02/2018

I've never had complaints noise or any other nuisance relating to the pub or farm and there are other houses in closer proximity.

Unless one of the two businesses change their current method of operation significantly, I wouldn't consider it a planning consideration from an Environmental Health perspective.

PCC - Ecologist

Ecological Topic		Observations
EIA Screening Opinion needed?	No	The development is not considered to meet or exceed the thresholds of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016 for the screening of dwelling house developments for EIA since it does not exceed five hectares; include more than 150 dwellings; or include more than one hectare of urban development that is not a dwelling house development.
Ecological Information included with application?		<p>An ecological appraisal has not been submitted with the application. These observations are based on an interpretation of available aerial and street imagery and historical biodiversity records provided by the Powys and Brecon Beacons Biodiversity Information Service.</p> <p>The proposal is for 3 dwellings and a septic tank located in a small field adjacent to the property Cefn Bryn. The proposed parking and access shown on the Block plan: 6264/17/03 have received prior planning permission under P/2017/0240.</p> <p>A small section of hedgerow would need to be realigned in-front of Property 1 to create a visibility splay.</p>
Protected Species & Habitats ¹	European Species <input checked="" type="checkbox"/>	<p>There are historic records of an unknown and a pipistrelle bat within 400m. No potential bat roosts would appear to be lost as a result of the proposals. However, the hedgerows are likely to provide linear commuting and foraging habitat for a range of bat species. I recommend that the retained hedge and tree boundaries are protected during construction and prior to commencement of development a Tree and Hedgerow Protection Plan in accordance with BS:5837:2012 is agreed by the Local Planning Authority.</p> <p>I recommend that a sensitive lighting scheme is implemented to avoid any negative impacts on nocturnal wildlife, including bats, which may use the boundary hedgerow habitats.</p> <p>GIS plans indicate a pond within 170m although this is not evident from aerial imagery. There are no great crested newt records within the 1km search area and as it is recommended that the northern boundaries are to be retained and protected during development no further mitigation for great crested newt is recommended.</p>

¹ Species records within 1km (minimum).

	UK Species <input checked="" type="checkbox"/>	<p>There are historic records of nesting bird species within 1km of the site and the boundary hedgerow to be realigned for visibility offers suitable habitat for a range of nesting bird species.</p> <p>I recommend that any vegetation clearance works are timed to avoid the bird-nesting season (generally March to August inclusive). If work that could destroy bird-nesting habitat is to proceed in the bird-nesting season, a suitably experienced ecologist should check for active bird nests immediately in advance of the works commencing.</p> <p>Enhancement of the site by installation of bat boxes (e.g. House Sparrow nest boxes) as part of the proposals would also be welcomed.</p>
	Section 7 Species & Habitats <input checked="" type="checkbox"/>	<p>The applicant should be mindful that, in accordance with Powys County Council's duty under Section 7 of the Environment (Wales) Act 2016, TAN 5, UDP policies and biodiversity SPG, as part of the planning process PCC should ensure that there is no net loss of biodiversity or unacceptable damage to a biodiversity feature.</p> <p>Hedgerows are Section 7 Priority Habitats. Given the proximity of development works to boundary hedgerows, prior to commencement of development a Tree and Hedgerow Protection Plan in accordance with BS:5837:2012 shall be submitted and approved by the Local Planning Authority.</p> <p>I recommend that the detail of the proposed landscaping is presented on a landscaping plan and should consist of native, locally-occurring species.</p>
	LBAP Species & Habitats <input type="checkbox"/>	See previous observations.
Protected Sites	International Sites (within 1km) <input type="checkbox"/>	None within the search area.
	National Sites (within 1km) <input type="checkbox"/>	None within the search area.
	Local Sites (within 500m) <input type="checkbox"/>	None within the search area.
Invasive Non-Native Species	Unknown	From aerial imagery, it is unlikely there are invasive species at this location.

<p>Recommendations</p>	<p>I recommend that any vegetation clearance works are timed to avoid the bird nesting season (generally March to August inclusive). If work that could destroy bird-nesting habitat is to proceed in the bird nesting season, a suitably-experienced ecologist should check for active bird nests immediately in advance of the works commencing.</p> <p>I recommend that the retained hedge and tree boundaries are protected during construction and prior to commencement of development a Tree and Hedgerow Protection Plan in accordance with BS:5837:2012 is agreed by the Local Planning Authority.</p> <p>I recommend that a sensitive lighting scheme is implemented to avoid any negative impacts on nocturnal wildlife, including bats, which may use the boundary hedgerow habitats.</p> <p>A Landscape Planting plan including a Species List shall be submitted and approved by the Local Planning Authority prior to commencement.</p> <p>Enhancement of the site by installation of bat and bird boxes (e.g. House Sparrow nest boxes) as part of the proposals would also be welcomed.</p>
<p>Further information required prior to determination of application</p>	<p>N/A</p>
<p>Recommended Conditions</p>	<p>Should you be minded to approve this application, I recommend the inclusion of the following conditions:</p> <p><i>Prior to commencement of development, a Landscape Planting plan including a Species List shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.</i></p> <p><u>Reason:</u> To comply with Powys County Council’s UDP Policies SP3 and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.</p> <p><i>A lighting design scheme to take any impacts on nocturnal wildlife into consideration shall be submitted for written LPA approval.</i></p> <p><u>Reason:</u> To comply with Powys County Council’s UDP Policies SP3 and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature</p>

Conservation and Planning and the Environment (Wales) Act 2016.

Prior to commencement of development, a Biodiversity Enhancement Plan 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, ENV2, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and the NERC Act 2006.

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

Reason: To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh Government strategies, and the Environment (Wales) Act 2016.

Informatives

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 Schedule1 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.
Relevant UDP Policies	SP3 Natural, Historic and Built Heritage ENV 2: Safeguard the Landscape ENV 3: Safeguard Biodiversity and Natural Habitats ENV 7: Protected Species

Representations

Following the display of a site notice on the 10/11/2017 for the period of 21 days one public representation of objection was received. Following the amendments to the proposal a subsequent site notice was displayed on the 26/01/2018 for the period of 21 days, no public representations have been received.

The objections raised are as follows;

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

Planning History

P/2017/0240 - Full: Change of use of part of dwelling into a self contained holiday unit together with alterations to vehicular access – Conditional Consent

Principal Planning Policies

National planning policy

Planning Policy Wales (Edition 9, November 2016)

Technical Advice Note 1 - Joint Housing Land Availability Studies (2015)

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

Technical Advice Note 12 – Design (2016)

Technical Advice Note 18 – Transport (2007)

Technical Advice Note 23 – Economic Development (2014)

Welsh Government Circular 016/2014: The Use of Conditions

Welsh Officer Circular 10/99: Drainage

Local planning policies

Unitary Development Plan (March 2010)

SP3 – Natural, Historic and Built Heritage

SP5 – Housing Developments

GP1 – Development Control

GP3 – Design and Energy Conservation
GP4 – Highway and Parking Requirements
ENV 2 - Safeguarding the Landscape
ENV 3 - Safeguarding Biodiversity and Natural Habitats
HP3 - Housing Land Availability
HP4 - Settlement Development Boundaries and Capacities
HP5 - Residential Developments
HP6 - Dwellings in the Open Countryside
HP9 - Affordable Housing in Rural Settlements
HP10 - Affordability Criteria
DC1 - Access by Disabled Persons
DC11 - Non-mains Sewage Treatment
DC13 - Surface Water Drainage
RL4 - Outdoor Activity and Pony Trekking Centres
RL6 - Rights of Way and Access to the Countryside

Powys Residential Design Guide (2004)

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

Other Legislative Considerations

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

Officer Appraisal

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

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

Principle of Development

The application site lies outside of any development boundaries identified in the Powys Unitary Development Plan (2010) and is within the rural settlement of Penrhos. Outside of settlement boundaries, UDP Policy HP4 applies and states that '*outside settlement boundaries, proposals for new residential development will only be approved where they comply with UDP Policies HP6, HP8 or HP9*'. Policy HP6 relates to rural enterprise dwellings, policy HP8 relates to affordable dwellings adjoining a settlement boundary and Policy HP9 relates to affordable dwellings within rural settlements. It is considered that the proposed

development does not comply with UDP Policy HP6, HP8 or HP9. The proposed development is therefore not in accordance with the UDP and should be considered a departure.

Housing Land Supply

Planning policy (TAN1 and UDP HP3) states that the Council needs to have a five year supply of land available for housing. The Powys Joint Housing Land Availability Study (2016) concludes that there is 2.2 years of housing supply.

Paragraph 9.2.3 of Planning Policy Wales states that '*Local planning authorities must ensure that sufficient land is genuinely available or will become available to provide a 5 year supply of land for housing judged against the general objectives and the scale and location of development provided for in the development plan.*'

The Powys Joint Housing Land Availability Study (JHLAS) 2016 states that there was 2.2 years supply of housing land in the Powys Local Planning Authority (LPA) area. Failure to have a 5-year housing land supply is an important material consideration that should be taken into account when determining this scheme. Technical Advice Note 1: Joint Housing Land Availability Studies (2015) states as follows:

"The housing land supply should also be treated as a material consideration in determining planning applications for housing. Where the current study shows a land supply below the 5 year requirement or where the local planning authority has been unable to undertake a study, the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with development plan and national planning policies".

Whilst TAN 1 confirms that the need to increase housing land supply should be given considerable weight, it is emphasised that this is only where the development would otherwise comply with development plan and national planning policies. Therefore, all material planning considerations are required to be taken into account as are all relevant national and local planning policies and balanced with the undersupply of housing land currently available in Powys.

Sustainability

In considering a departure from the Powys Unitary Development plan policies consideration must be given to the location of the proposed development in terms of the sustainability of the development. Account should be given to the range of services and facilities available within close proximity to the site.

Cefn Coch is defined in the UDP as a Small Village. Cefn Coch is served by a limited range of community services such as a public house and a bus service to Newtown and Welshpool.

Llanfair Caereinion is an Area Centre located approximately 5.8Km to the north east of Cefn Coch. Llanfair Caereinion offers a large variety of services facilities including a Primary School, High School, Community Centre, Public Houses, Dentist and Place of Worship. Llanfair Caereinion is also easily accessible by public transport with regular bus services to Oswestry, Welshpool and Newtown as well as a steam railway service to Welshpool.

Therefore, on balance Officers consider that an additional residential development in this location would accord with the provisions of Planning Policy Wales as it is considered to be a sustainable location.

Scale, Design and Appearance

Policy GP3 of the Powys Unitary Development Plan seeks to ensure that development proposals are of an appropriate design, scale, layout and of materials that shall complement or where possible enhance the character of the surrounding area.

This application is submitted in outline with all matters reserved to be considered during the submission of the reserved matters other than access.

Whilst scale, appearance, layout and landscaping are reserved matters not to be considered as part of this application process, the applicant has provided an indicative layout for the site and stated that the dwelling proposed is to be a detached dwelling measuring;

- Length 8 -13 metres
- Width 6 - 9 metres
- Height 5.5 - 7.5 metres

The dwelling is not proposed as an affordable dwelling, however due to the nature of the proposed dwellings and their floor area being under 130m² the properties are envisaged to be naturally affordable.

Although Officers acknowledge that matters relating to appearance, layout and scale have been reserved for future consideration, on the basis of the plans provided, it is considered that the application site is capable of accommodating a single dwelling without unacceptably adversely affecting the character and appearance of the area or amenities enjoyed by occupants of neighbouring properties compliant with UDP policies SP5, GP1, GP3, ENV2 and HP5.

Appearance, Layout and Style

UDP policy HP5 (Residential Development) indicates that development proposals will only be permitted where the scale, form and appearance of the development generally reflects the character and appearance of the existing settlement.

The proposed site is located immediately adjacent to the development boundary of Cefn Coch. The site is bound by the development boundary to the south east, south and west. The site is located adjacent to the dwelling known as. It is considered that the current proposal site is integrated well adjacent to the development boundary.

The development will be seen immediately adjoining the property of Cefnybryn and opposite Cefn Coch Inn which is considered to be the centre of Cefn Coch and is considered acceptable in visual impact terms.

Although Officers acknowledge that matters relating to appearance, layout and scale have been reserved for future consideration, on the basis of the indicative layout provided, it is considered that the application site is capable of accommodating a dwelling without

unacceptably adversely affecting the character and appearance of the area compliant with UDP policies SP5, GP1, GP3, ENV2 and HP5.

Amenity

Policy GP1 of the Powys Unitary Development Plan states that the amenities enjoyed by the occupants of nearby neighbouring properties should not be unacceptably affected by development proposals and the proposal should complement and where possible enhance the character of the surrounding area. The Powys Residential Design Guide provides guidance on overshadowing and privacy.

The site layout is a reserved matter and not to be determined at this stage; however, the indicative site layout plan indicates that the dwelling will be located adjacent to the dwelling known as Cefnybryn located adjacent to the proposed site. The indicative layout shows that the dwelling would be slightly offset and located approximately 14 metres to the west of Cefnybryn. It is considered that there is sufficient distance between the existing property and the proposed dwellings as to not have a significant adverse impact upon the amenities enjoyed by the occupants of this neighbouring property.

This layout is for indicative purposes only and the layout of the site could be altered at any reserved matters application stage. The indicative layout is considered to be appropriate and would comply with policy GP1 and GP3 of the Powys Unitary Development Plan 2010.

Landscape and Visual Impact

Policy ENV2 of the Powys Unitary Development Plan seeks to ensure that proposed development will not have an unacceptable adverse impact upon the Powys Landscape. Development proposals should be design in a way to be sensitive to the character and appearance of the surrounding area and landscape.

Landscaping is a reserved matter and therefore detailed proposals would be considered at a later date.

Whilst the site would be visible from public vantage points including the public highway and right of way the proposal would result in a visual change in comparison to the current over grown parcel of land, taking into account the location adjacent to existing dwellings within the development boundary, landscaping measures would reduce the visual impact and that the proposed scale of the dwelling, it is considered that a satisfactory detailed design could come forward to reflect the overall character and appearance of the settlement and surrounding area.

In light of the above, it is considered that the proposed development complies with policy ENV2 of the Powys Unitary Development Plan 2010.

Highways Safety and Movement

UDP policy GP4 indicates that planning permission will be dependent upon adequate provision for access including visibility, turning and parking.

The Highway Authority were initially consulted on this application and raised objections to the development. Following the submission of additional information and the reduction of the scheme to a single dwelling the Highways department raise no objection to the proposal subject to conditions being attached to any grant of consent.

In light of the highways officers comments it is considered that the proposed dwellings fundamentally comply with Policy GP4 of the Powys Unitary Development Plan 2010.

Ecology and Biodiversity

As part of this application process our County Ecologist had been consulted and has provided comments on the application.

The Ecologist has raised no concerns to the proposed development. The Ecologist has requested that a number of conditions are attached to any grant of planning permission. A condition was recommended for a landscaping plan to be submitted, however landscaping is for consideration at reserved matters and therefore is not required to be included.

It is considered that, in light of the Ecologist's comments and subject to the inclusion of the suggested conditions on lighting the proposed development fundamentally complies with policies ENV7 of the Powys Unitary Development Plan (2010) and Technical Advice Note (TAN) 5 Nature Conservation and Planning (2009).

Welsh Language

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. Technical Advice Note 20: Planning and the Welsh Language provides further advice on how the planning system considers the implications of the Welsh Language. Within the Powys UDP policy GP5 identifies settlements where the Welsh Language is important to the social, cultural and community fabric of the area. Cefn Coch is identified as one of these areas and it is considered that the Welsh Language is a material consideration across the County.

In the 2011 census the Dwyriw Ward reported that 27% of the population spoke Welsh. This is a slight decrease from the 2001 census which stated that 33% of the population of Dwyriw ward spoke Welsh however is a small reduction from the 1991 census where 30% spoke Welsh. The data illustrates that Dwyriw has suffered from a decline of Welsh speakers in the village. With every rural village, it suffers from an ageing population. However the reduction is only 3% in the last 20 years, which is comparatively low.

In relation to economic development, it is considered that the potential construction of a dwelling would contribute to the economy of the local area. This is based on the assumption that most construction projects of this scale are normally undertaken by local trade's people. It is therefore considered that the construction of this development would have a neutral or positive impact on the local economy and jobs which is considered positive from a Welsh language and culture perspective.

In conclusion, the scale and type of development is considered not to have a significant detrimental impact on the Welsh Language and Culture of the settlement, and therefore fully complies with National and Local Policies.

Foul and Surface Water Drainage

Policy DC13 of the Powys Unitary Development plan seeks to ensure that development proposals should provide adequate provisions for land drainage and surface water disposal. Development should not give rise to unacceptable on or off site flooding.

Policy DC10 of the Powys Unitary Development plan seeks to ensure that development proposals are only permitted where they can be adequately served by the public foul sewerage system.

Environmental Health were consulted and stated that provided the drainage system complies with the requirements of building regulations in relation to foul drainage being sufficient distances from dwellings, watercourses and Private water Supplies they have no objection to the the application.

In light of this, it is considered that surface water drainage can be appropriately managed.

Public Representations

Public representations of objection have been raised with regards to the proposal and are as follows;

1. poor access / highways

The objector has raised concerns regarding the access, the access means that cars will be pulling out directly onto the C2013 which runs through the village of Cefn Coch. Although classified as a minor road, this road serves considerable volume of traffic. It is the main access to the industrial site H.V Bowens, Tan-y-Foel Quarry and as a result a large number of heavy goods and articulated lorries pass through the village throughout the day. The access for the proposed properties at Cefn-y-Bryn will be subject to poor visibility towards the East due to the location of the existing Cefn-y-Bryn which is located directly on the roadway. Vehicles pulling out onto the carriage way will be moving directly on to the juncture where the southern C2015 road joins on to the East-West C2013 road. An additional junction at this location is a safety concern. Vehicles frequently park between the proposed access and Frongoch Hall Lane to the west of the proposed site. When such parked vehicles are present the visibility will be further reduced.

The highways department have been consulted and following the submission of amended highways details consider the proposed access to be sufficient for the development of one dwelling as referred to in the highways section above.

2. limited amenities within the area

There are no amenities within Cefn Coch. The nearest amenities (school, shop, doctors) are located within the key settlement of Llanfair Caereinion which is 5 miles to the North East of Cefn Coch. The recent classification changes proposed within the draft of the Local

Development Plan will see Cefn Coch demoted to a rural settlement and as such the provision of amenities within this area will continue to be frequented at Llanfair Caereinion.

Consideration has been given to the sustainability of the area in the sustainability section above. It is considered that the proposal for a single dwelling would have a detrimental impact.

3. the impact on existing business' in the village.

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

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

I feel strongly that existing business at the heart of this village should not face the risk of restrictions in their methods of operation.

The proposal is considered in line with policy GP1 which states;

3. The amenities enjoyed by the occupants of nearby or proposed properties shall not be unacceptably affected by levels of noise, light, dust, odour, hours of operation or any other planning matter;

It is noted that the site lies opposite Cefn Coch Inn and Cefn Coch Farm. The concerns have been raised to Environmental health; however the officer considered that there have been no previous complaints with regards to noise or any other nuisance relating to the pub or farm and there are other houses in closer proximity. The Environmental Health officer concluded that unless one of the two businesses change their current method of operation significantly, I wouldn't consider it a planning consideration from an Environmental Health perspective.

It is therefore considered that the proposed development of a single dwelling would impact the current businesses of Cefn Coch.

RECOMMENDATION

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

Conditions

1. Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. The development shall be carried out in accordance with the plans stamped as approved on xxxx in so far as the extent of the application site is drawn and the access point onto the C2013 highway (drawing no: 6264/17/02 Rev A).
5. Notwithstanding the approved plans, full details in relation to the relocation/removal of the existing highway signage and lighting shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of any works on site.
6. Prior to any works commencing on the development site, the alterations to the street lighting and highway signage, referred to above, shall be fully completed to the written satisfaction of the Local Planning Authority and shall be retained for their designated use for as long as the development hereby permitted remains in existence.
7. Prior to the occupation of the dwelling any entrance gates shall be set back at least 5.5 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.
8. The gradient of the access shall be constructed so as not to exceed 1 in 15 for the first 5.5 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.
9. The centre line of the first 5.5 metres of the access road measured from the edge of the adjoining carriageway shall be constructed at right angles to that edge of the said carriageway and be retained at that angle for as long as the development remains in existence.
10. 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 0.6 metres above ground level at the edge of the adjoining carriageway and 43 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

11. 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 5.5 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.
12. Prior to the occupation of the dwelling, provision shall be made within the curtilage of the site for the parking of not less than one car per bedroom excluding any garage space provided together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.
13. 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.
14. The width of the access carriageway, constructed as Condition 11 above, shall be not less than 5.5 metres for a minimum distance of 5.5 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.
15. Prior to the occupation of the development a radius of 6 metres shall be provided from the carriageway of the county highway on each side of the access to the development site and shall be maintained for as long as the development remains in existence.
16. There shall only be a single vehicular and pedestrian access to serve the development hereby permitted.
17. Prior to the occupation of the dwelling the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 5.5 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence,
18. When installed there shall be a minimum clearance of 6 metres from the nearest part of the adjoining highway verge or footpath to any part of any septic tank or its soakaway installation.
19. The septic tank effluent in connection with the development hereby permitted shall not interfere or connect in any way with the highway surface water drainage or give rise to a nuisance upon the highway.
20. All surface water run-off is to be collected and discharged via a piped system to a soakaway located within the site no less than 6 metres from the highway. This system shall be retained and maintained for as long as the development remains in existence.

21. Upon formation of the visibility splays as detailed in HC4 above the centreline of any new or relocated hedge/fence/wall should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.
22. No storm water drainage from the site shall be allowed to discharge onto the county highway.
23. No external lighting shall be used in the development unless a lighting design scheme to take any impacts on nocturnal wildlife into consideration has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in strict accordance with the approved scheme.
24. Prior to commencement of development a Tree and Hedgerow Protection Plan in accordance with BS:5837:2012 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.

Reasons

1. To enable the Local Planning Authority to exercise proper control over the development in accordance with Section 92 of the Town and Country Planning Act 1990.
2. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
3. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
4. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
5. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
6. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
7. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
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22. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4
23. To comply with Powys County Council's UDP Policies SP3 and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.
24. To comply with Powys County Council's UDP Policies SP3 and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.

Informative Notes

Building Regulations

Building Regulation application may be required.

Biodiversity

Birds - Wildlife and Countryside Act 1981 (as amended)

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

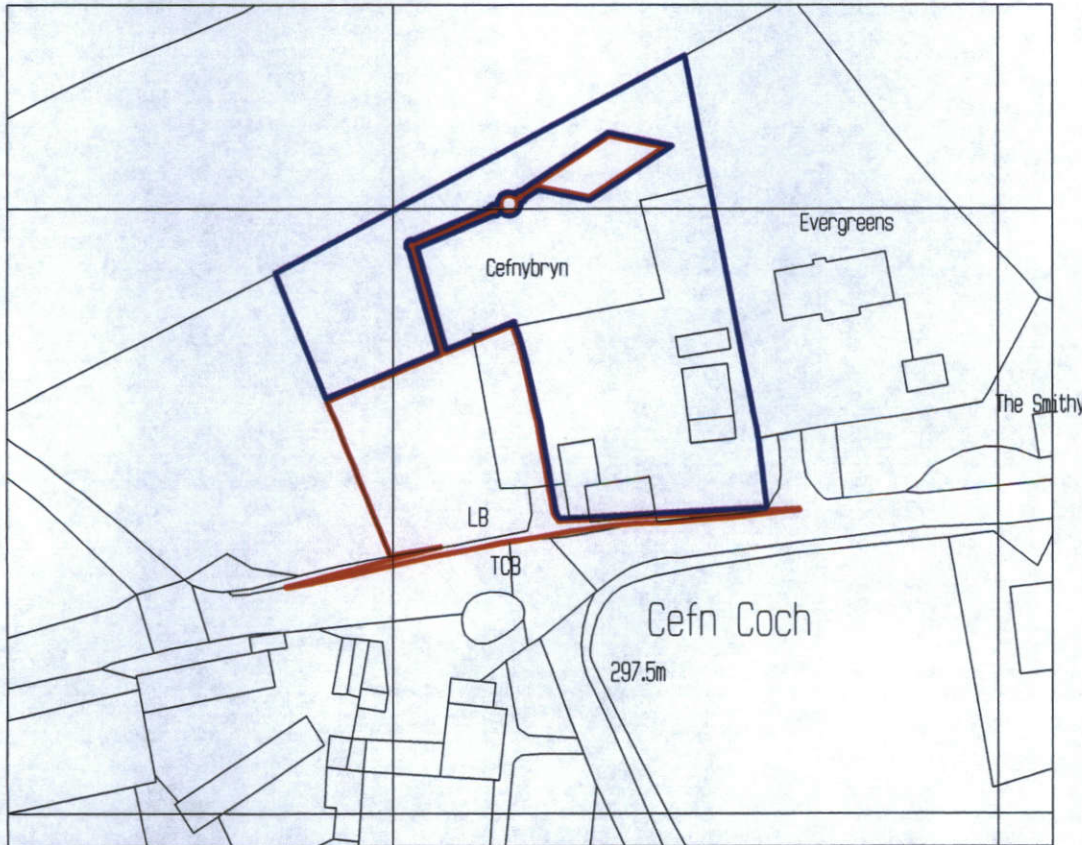
- intentionally kill, injure or take any wild bird
- intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built
- intentionally take or destroy the egg of any wild bird
- intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule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

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

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

Case Officer: Sara Robinson- Planning Officer
Tel: 01597 827229 E-mail: sara.robinson@powys.gov.uk

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Rev	Description	Date	Dr by App by
Original by			



Residential - Agricultural - Commercial

Job	Outline Planning Application For The Erection Of A Detached Dwellings		
Title	Location Plan		
Location	Cefnybryn Cefn Coch		
Client	Townasley		
Scales	1:1250 @ A4		
Drawing No.	6264/17/01	Rev A	
Drawn by	SC	Date	Oct 2017

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 Registered in England and Wales
 A list of members of the LLP is available at the above address.

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The Highway Authority notes that the existing access between the proposed development site and Plas Coch is yet to be stopped up as per M2005/0178, condition 4.

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

Building Control

Building Regulations approval required.

Severn Trent

Thank you for the opportunity to comment on this planning application. Please find our response noted below:

With Reference to the above planning application the company's observations regarding sewerage are as follows:

As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

To help us provide an efficient response please could you send all responses to welshplanning@severntrent.co.uk rather than to named individuals, including the STW ref within the email/subject.

Environmental Health

Correspondence received 10th November 2017-

I note that the percolation test was done in 2012. Were they done as part of another application?

I will require the test holes to be reopened for inspection.

Correspondence received 20th February 2018 –

I've been to the site last week and inspected the holes. I have no objection to the application.

Representations

The proposed development was advertised by site display and within the local press. At the time of writing this report, no public representations have been received by Development Management.

Planning History

- No planning history on application site.

- P/2017/1265 - Outline: Residential development of one dwelling with associated works. Pending determination. (NEIGHBOURING SITE).
- P/2009/1135 - Reserved matters application for access, appearance, landscaping, layout and scale in connection with planning application M2006 0541 relating to erection of a dwelling & formation of access. Approved. (ADJOINING SITE).

Principal Planning Constraints

No known planning constraints.

Principal Planning Policies

National Policies

Planning Policy Wales (9th Edition, 2016)

- Technical Advice Note (TAN) 1 – Joint Housing Land Availability Study (2015)
- Technical Advice Note (TAN) 5 – Nature Conservation and Planning (2009)
- Technical Advice Note (TAN) 6 – Planning for Sustainable Rural Communities (2010)
- Technical Advice Note (TAN) 12 – Design (2016)
- Technical Advice Note (TAN) 18 – Transport (2007)
- Technical Advice Note (TAN) 20 – Planning and the Welsh Language (2013)
- Technical Advice Note (TAN) 23 – Economic Development (2014)

Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management

Welsh Office Circular 13/97 - Planning Obligations

Local Policies

Powys Unitary Development Plan (2010)

- SP2 – Strategic Settlement Hierarchy
- SP5 – Housing Developments
- SP6 – Development and Transport
- GP1 – Development Control
- GP2 – Planning Obligations
- GP3 – Design and Energy Conservation
- GP4 – Highway and Parking Requirements
- ENV2 – Safeguarding the Landscape
- ENV3 – Safeguarding Biodiversity and Natural Habitats
- ENV7 – Protected Species
- HP3 – Housing Land Availability
- HP4 – Settlement Development Boundaries and Capacities
- HP5 – Residential Development
- HP6 – Dwellings in the Open Countryside
- DC3 – External Lighting
- DC11 – Non-mains Sewage Treatment

DC13 – Surface Water Drainage

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

Other Legislative Considerations

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

Officer Appraisal

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

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

Principle of Development

The application site lies outside of the settlement development boundary identified in the Powys Unitary Development Plan (2010). Outside of settlement boundaries, UDP Policy HP4 applies and states that '*outside settlement boundaries, proposals for new residential development will only be approved where they comply with UDP Policies HP6, HP8 or HP9*'. Policy HP6 relates to rural enterprise dwellings, policy HP8 relates to affordable dwellings adjoining a settlement boundary and Policy HP9 relates to affordable dwellings within rural settlements. It is considered that the proposed development does not comply with UDP Policy HP6, HP8 or HP9. The proposed development is therefore not in accordance with the UDP and should be considered a departure.

Housing Land Supply

The departure is being justified by the applicant on the basis that Powys County Council does not have a 5 year housing land supply.

Paragraph 9.2.3 of Planning Policy Wales states that '*Local planning authorities must ensure that sufficient land is genuinely available or will become available to provide a 5 year supply of land for housing judged against the general objectives and the scale and location of development provided for in the development plan.*'

The Powys Joint Housing Land Availability Study (JHLAS) 2016 states that there was 2.2 years supply of housing land in the Powys Local Planning Authority (LPA) area. Failure to have a 5-year housing land supply is an important material consideration that should be

taken into account when determining this scheme. Technical Advice Note 1: Joint Housing Land Availability Studies (2015) states as follows:

“The housing land supply should also be treated as a material consideration in determining planning applications for housing. Where the current study shows a land supply below the 5 year requirement or where the local planning authority has been unable to undertake a study, the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with development plan and national planning policies”.

Whilst TAN 1 confirms that the need to increase housing land supply should be given considerable weight, it is emphasised that this is only where the development would otherwise comply with development plan and national planning policies. Therefore, all material planning considerations are required to be taken into account as are all relevant national and local planning policies and balanced with the undersupply of housing land currently available in Powys.

Sustainability

Planning Policy Wales (PPW) confirms “sustainable development” to mean the process of improving the economic, social, environmental and cultural well-being of Wales, and that the planning system provides for a presumption in favour of sustainable development.

When providing additional housing it is important to consider whether the scheme can be considered to be sustainable development. This can relate to a wide range of matters including public transport provision and access to education, employment opportunities and other services.

Cefn Coch is defined within the Powys UDP as a small village. Existing services within the village include a public house, post box and public telephone. Cefn Coch is located within approximately 10 miles of Newtown and approximately 4.5 miles from Llanfair Caereinion, both of which are identified as Area Centres within the plan. Services within the respective settlements include primary education, recreation ground, Doctor’s surgery, shops and public houses.

In light of the range of services located within a relatively short travelling distance of the development site, Officers consider that there is an argument to support the principle of residential development at this location given its siting adjacent to an existing settlement. On this basis, the proposed site is considered to be a sustainable location for residential development of a single dwelling.

Scale, Design and Appearance

Policy GP3 of the Powys Unitary Development Plan seeks to ensure that development proposals are of an appropriate design, scale, layout and of materials that shall complement or where possible enhance the character of the surrounding area.

Whilst matters relating to scale, appearance, layout and landscaping are reserved for future consideration, on the basis of the plans provided, it is considered that the application site is capable of accommodating the proposed single dwelling without unacceptably adversely

affecting the character and appearance of the area or amenities enjoyed by occupants of neighbouring properties compliant with UDP policies SP5, GP1, GP3, ENV2 and HP5.

Highway Safety and Access

UDP policy GP4 confirms that permission for development will be dependent on adequate provision for highway access including visibility, turning, passing and parking. Access to the proposed site of development will be provided via a new access off the county highway whilst turning and parking provision will be provided within the application site boundary.

Whilst Officers acknowledge that access details are reserved for future consideration, given the Highway Authority response received, it is considered that access to the application site can be achieved, compliant with policy GP4 of the Powys UDP.

Drainage

UDP policy DC11 indicates that where it is not feasible for development proposals to connect to the public foul sewerage system, permission will be granted for the provision and use of private treatment plants providing that the ground conditions, in terms of drainage and porosity are suitable and will not give rise to pollution or amenity problems.

The scheme proposes the installation of a private treatment plant and discharge to a soakaway. Following inspection of the porosity test holes, the Environmental Health Officer has confirmed that the Authority have no objection to the proposed means of foul drainage. The proposal is considered to be in accordance with UDP policy DC11 as above.

Welsh Language

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. Technical Advice Note 20: Planning and the Welsh Language provides further advice on how the planning system considers the implications of the Welsh Language. Within the Powys UDP policy GP5 identifies settlements where the Welsh Language is important to the social, cultural and community fabric of the area.

Members are advised that the 2011 census, reported a decline in the percentage of Welsh speakers within the Dywriw Ward. Given the scale of the proposed development and notwithstanding the identified importance of Welsh language within the host ward, it is not considered that the proposal will have a detrimental impact on the cultural or linguistic vitality of the area.

RECOMMENDATION

Whilst the proposed development represents a departure from the development plan, the Council's current lack of housing land supply carries considerable weight in favour of this development and given that the proposal would otherwise comply with development plan and national planning policies, the recommendation is one of consent subject to the conditions detailed below;

Conditions:

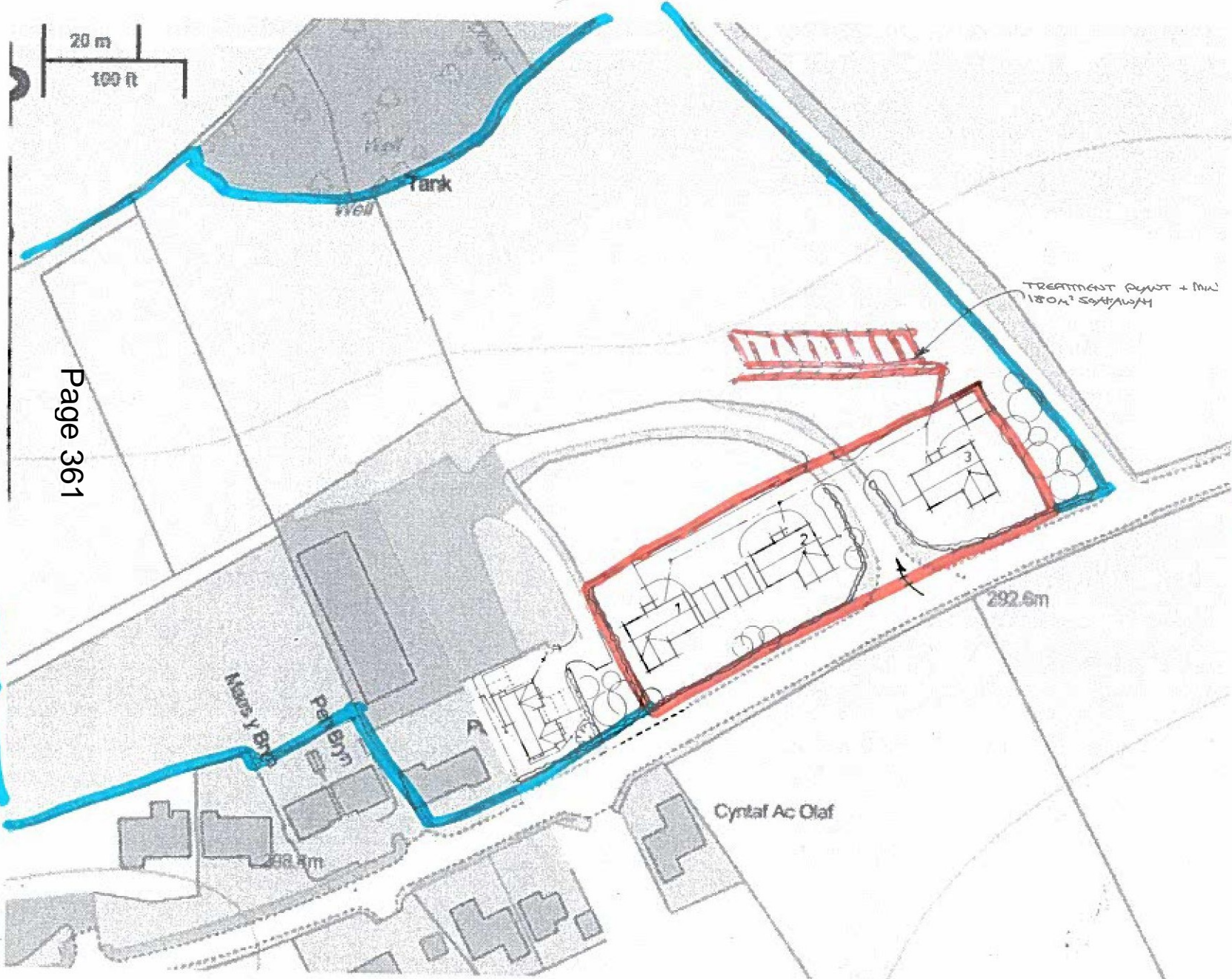
1. Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. The development shall be carried out strictly in accordance with the plans stamped as approved on XXXXXX (drawing no: 1808.30A)

Reasons:

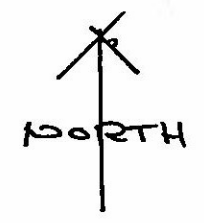
1. To enable the Local Planning Authority to exercise proper control over the development in accordance with Section 92 of the Town and Country Planning Act 1990.
2. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
3. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
4. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.

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

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Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2017/0497	Grid Ref:	311271.68 264076.6
Community Council:	Penybont C	Valid Date:	Officer: 16/05/2017 Tamsin Law
Applicant:	Mr & Mrs DG, MM, DG, IJ, MJ & N Owen, Cwmrhocas, Penybont, Llandrindod Wells, Powys, LD1 5SY		
Location:	Land to South of A44, Penybont, Llandrindod Wells, Powys		
Proposal:	Outline: Residential development (up to 5 no. dwellings) with some matters reserved and associated works		
Application Type:	Application for Outline Planning Permission		

The reason for Committee determination

The application is recommended for approval and is a departure from the development plan.

Site Location and Description

The site is indicated to cover an area of 0.85 hectares and is located to the east of Penybont. The site is considered to lie outside the development boundary of Penybont, as indicated in Inset Map R83 of the Powys UDP; however a small section of the site does lie within. The site does directly adjoin the development boundary.

The site is currently open agricultural grassland and is bound existing residential dwellings to the north and east and agricultural land to the south and west. The site is accessed from the C1353, a classified highway, which leads to the A44.

Consent is sought in outline with all matters reserved, for the development of up to 5 new dwellings with garages, formation of access road and all associated works.

Consultee Response

Penybont Community Council

At a meeting of the Penybont Community Council Planning Committee on Tuesday 13th June 2017 in respect to the above application. The council resolved to object to the whole application.

The areas of concern are as follows:

1. The application falls outside of the UDP 2010 (Map MEWNOSOD R83 Inset Map)
2. It is acknowledged that it has become a Candidate Site (788) in the new LDP which has not been approved.

3. The ecological report dated March 2017 is as stated in paragraph 3, '...was completed during January, a time of year which is considered to be *sub optimal*.' As a direct consequence, the description contained within 5.3 *Habitat* is inaccurate and misleading as to the diversity of the area.
4. Para 5.7 is inaccurate as residents whose land adjoins this application have informed the council that the Great Crested Newts are clearly visible at the appropriate times in the year.
5. The council agrees with the Highways Agency that the planned exit from the site will cause a danger to other road users and residents.

Residential planning consent at Cattle Market Penybont Llandrindod Wells Powys LD1 5UA for multiple units (RAD/2004/0557) remains unfinished and an eye sore for this tourist area. Any further development should be halted.

Wales & West Utilities

According to our mains records Wales & West Utilities has no apparatus in the area of your enquiry. However Gas pipes owned by other GT's and also privately owned may be present in this area. Information with regard to such pipes should be obtained from the owners.

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

Please note that the plans are only valid for 28 days from the date of issue and updated plans must be requested before any work commences on site if this period has expired.

CPAT

I write to confirm that there are no archaeological impacts arising from the proposed development at this location.

Dwr Cymru Welsh Water

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

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

SEWERAGE

Conditions

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

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

Advisory Notes

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

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

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

If you have any queries please contact the undersigned on 0800 917 2652 or via email at developer.services@dwrcymru.com

Countryside Services

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

The applicant is proposing to use the route of the footpath as the vehicle access to the site. This footpath is recorded as being 2m wide, and this width should not be impinged upon either during construction or once the site comes into use. It is advisable that the applicant thinks carefully about the issues to do with public pedestrian rights and private vehicle access rights to the site, to ensure that the public accessing the site are kept safe.

It is therefore strongly advised that the applicant checks the definitive line of the public rights of way on their land to ensure that they understand where they are located.

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.

We would therefore advise that advice is sought from Countryside Services before any development begins.

Cadw

Thank you for your letter inviting our comments on the above planning application.

Advice

Having carefully considered the information provided with this planning application, we have no objections to the impact of the proposed development on the scheduled monument known as Penybont Common Roman road and early turnpike road RD258. Our assessment of the application is given below.

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 circular 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 there is a presumption against proposals which would involve significant alteration or cause damage, or which would have a significant impact on the setting of 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.

Assessment

The application is located some 950m southwest of scheduled monument Penybont Common Roman road and early turnpike road RD258; however it will not be visible from the designated monument and will not cause any damage to its' setting.

The projected line of the Roman road which connected the forts at Castell Collen and Leintwardine will pass close to the application area. Therefore Clwyd-Powys Archaeological Trust should be consulted as to the possibility that undesignated archaeological features associated with the road could be located in the application area.

Powys Highways Authority

1st Response Received

This application should be refused.

Reason for Refusal

Whilst this is an "outline" application, it is noted that the means of access is a matter to be determined at this stage. Unfortunately the applicant has provided very little detail on the access arrangements and the level of visibility that would be available.

Requisite visibility for an access of this nature within an existing 30mph speed limit, is 2.4m x 45m, as stipulated within Manual for Streets and TAN 18. Having visited the site it is clear that such visibility is not achievable at this location due to third party boundary obstructions to the east of the access. Indeed the available visibility measured during a recent site meeting was recorded at just 14metres which is suitable for vehicular speeds of just 12mph.

The application is therefore contrary to Policy GP4 in that it would not provide a safe means of access due to inadequate access visibility. The additional traffic movements such a development would generate through such a sub-standard access would exacerbate risks to highway users which would be to the detriment of highway safety.

2nd Response Received

Please see my latest response based on the latest updated highway submission.

This application should be refused.

The revised access arrangement put forward by the applicant as shown on drawings "Figure 1 & Figure 2" is totally unacceptable to the Highway Authority.

The revised proposal as submitted seeks to narrow the existing C1353 carriageway width by circa 1.6m metres on a particularly hazardous stretch of the carriageway directly on a bend which already provides limited forward visibility. Such a proposal would result in a wholly unacceptable and dangerous alignment along the C1353 that would put vehicles attempting to align themselves to exit the site, at risk of collision with vehicles travelling from the south to the north along the C1353 county highway. It would also severely increase the likelihood of collisions for those vehicles travelling along the C1353 whilst attempting to negotiate that bend.

This is emphasised by the submitted swept path drawing, which although simulated and controlled, clearly shows that a refuse vehicle and car travelling in opposite directions would not be able to pass safely simultaneously. The drawing does not simulate the movements for HGV vehicles, which routinely use this route to service nearby poultry units and relies on vehicles having to almost traverse the centreline prior to the bend; it makes no allowance for variations in driver behaviour. In addition the applicant has failed to demonstrate the forward visibility available for right turning vehicles and the access does not appear capable of providing simultaneous access and egress which would further increase associated highway safety risks.

In light of the above the Highway Authority maintains that the application is contrary to Policy GP4 in that it would not provide a safe means of access. The additional traffic movements such a development would generate through such a sub-standard access would exacerbate risks to highway users which would be to the detriment of highway safety.

3rd Response Received

I have reviewed this site and the response from yourselves.

Unfortunately I do not agree with your assessment and without alteration I will not be changing my recommendation. I do not see the parallels between this site and the site at Cefnlllys; there was no detrimental change to the existing highway layout to facilitate development at Cefnlllys as there is in this instance. Potential conflict does not just arise through the meeting of lorries at this point, you have clearly demonstrated that a lorry and car could not pass safely at this point as a result of the narrowing which they are able to do at present. The proposed narrowing as proposed is totally unacceptable and creates a totally alien alignment, which would in reality be ignored on the ground.

I do however feel that there may be scope to provide a realignment of the kerb edge adjacent to the site to provide the visibility (not white lining/hatching) and for the kerb opposite to be amended accordingly so that road narrowing is not necessary; there would appear to be sufficient land available for such works.

Perhaps you could look into this as an option?

4th Response Received

The drawings provided are generally in line with what I thought may provide a solution; it would be helpful if swept paths demonstrating vehicular movements before and proposed could also be provided.

Are the drawings based on a topo and can the existing boundary features be added to demonstrate that the realignment can be provided within the existing highway limits?

5th Response Received

I am relatively satisfied that the realignment as shown will be acceptable. Can I ask that you produce a final drawing showing the realignment (existing alignment shown dotted line), with a continuous drop kerb across the access (not give way line), visibility splay to the east, radii and initial 10m of the access which should be a minimum 4.8m wide over that length.

6th Response Received

I have finally had opportunity to review the revised access proposals submitted by the agent as attached.

The information submitted is considered sufficient to demonstrate that suitable levels of access visibility can be provided to serve the site, subject to the realignment of the adjacent C1353 county highway and footway. The proposals to bring forward the access and realign the carriageway include "swept path" drawings which demonstrate that the proposed realignment would have no detrimental impact on vehicular movements along the C1353. Accordingly the Highway Authority removes their previous recommendation of the refusal subject to the inclusion of the following highway conditions.

- No works shall be commenced on the development site until engineering drawings detailing the highway realignment works required along the C1353 county highway are submitted to and approved in writing by the Local Planning Authority. The realignment works shall be constructed to adoptable standards prior to any other works being commenced on the development site.

- No other 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 areas shall be constructed to a depth of 0.35 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.

- No further development shall commence until the access has been constructed so that there is a clear visibility splay from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 43 metres distant in 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.

- Upon formation of the visibility splays as detailed 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.

- Before any other development is commenced the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 10 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.

- The width of the access carriageway constructed be not less than 4.8 metres for a minimum distance of 10 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.

- Any vehicular entrance gates shall be set back at least 10 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.

- The gradient of the access shall be constructed so as not to exceed 1 in 30 for the first 10 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.

- Prior to the occupation of any of the dwellings, the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 10 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.

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

Environmental Health

As the sewerage is going to mains I have no concerns from that angle however I feel the development should have restrictions regarding times.

Due to the residential nature of the setting, Environmental Protection will require that measures are in place to control the level of noise disturbance to neighbouring properties during the construction phase of the development.

This department would recommend that the construction period working hours and delivery times be restricted as follows:

“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.”

Representations

The application was advertised through the erection of a site notice and through press advertisement. Two letters of objection have been received and are summarised below;

- The site does not fulfil the criteria for infill site required by small villages
- The site does not adjoin an existing road or pavement hence the need to construct a new road
- Part of a larger field and would ‘box in’ existing dwellings
- The proposal is not required by housing demand
- Reports submitted were undertaken in ‘sum optimal time’
- Large traffic volume in the lane, especially with recent poultry developments.
- Other development within the settlement remains incomplete
- Not considered as an acceptable site within the LDP
- Concerns regarding poor highway safety
- Inaccurate information submitted as part of the application – no Post Office or Store in the settlements

Planning History

None.

Principal Planning Constraints

TPO

Principal Planning Policies

National Planning Policy

Planning Policy Wales (9th Edition, November 2016)
Technical Advice Note 1 - Joint Housing Land Availability Study (2015)
Technical Advice Note 2 - Planning and Affordable Housing (2006)
Technical Advice Note 5 - Nature Conservation and Planning (2009)
Technical Advice Note 10 – Tree Preservation Orders (1997)
Technical Advice Note 11 – Noise (1997)
Technical Advice Note 12 - Design (2016)
Technical Advice Note 15 – Development and Flood Risk (2004)
Technical Advice Note 18 – Transport (2007)
Technical Advice Note 20- Planning and the Welsh Language (2017)
Technical Advice Note 23 - Economic Development (2014)

Local Planning Policies

SP2 - Strategic Settlement Hierarchy

SP3 - Natural, Historic and Built Environment
SP4 - Economic and Employment Developments
SP5 - Housing Development
SP6 - Development and Transport
SP9 – Local Community Services and Facilities

GP1 - Development Control
GP2 – Planning Obligations
GP3 - Design and Energy Conservation
GP4 - Highway and Parking Requirements
ENV1 - Agricultural Land
ENV2 - Safeguarding the Landscape
ENV3 - Safeguarding Biodiversity and Natural Habitats
ENV4 – Internationally important Sites
ENV5 – Nationally Important Sites
ENV6 – Sites of Regional and Local Importance
ENV7 – Protected Species
ENV8 – Tree Preservation Orders
HP3 - Housing Land Availability
HP4 - Settlement Development Boundaries and Capacities
HP5 - Residential Development
HP6 - Dwellings in the Open Countryside
CS3 – Additional Demand for Community Facilities
RL6 – Rights of Way and Access to the Countryside
T2 - Traffic Management
DC8 – Public Water Supply
DC9 – Protection of Water Resources
DC10 - Mains Sewerage Treatment
DC13 - Surface Water Drainage
TR2 – Tourist Attractions and Development Areas/

Affordable Housing for Local Needs Supplementary Planning Guidance (SPG) (July 2011)

Powys Residential Design Guide (2004)

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

Officer Appraisal

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

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

Principle of Development

The application site is located partially outside but adjoins the settlement development limits for Penybont as defined by the Powys Unitary Development Plan (2010). Outside of settlement boundaries, UDP Policy HP4 applies and states that '*outside settlement boundaries, proposals for new residential development will only be approved where they comply with UDP Policies HP6, HP8 or HP9*'. Policy HP6 relates to rural enterprise dwellings, policy HP8 relates to affordable dwellings adjoining a settlement boundary and Policy HP9 relates to affordable dwellings within rural settlements. It is considered that the proposed development does not comply with UDP Policy HP6, HP8 or HP9. The proposed development is therefore not in accordance with the UDP and should be considered as a departure.

Housing Land Supply

The departure is being justified by the applicant on the basis that Powys County Council does not have a 5 year housing land supply.

Paragraph 9.2.3 of Planning Policy Wales states that '*Local planning authorities must ensure that sufficient land is genuinely available or will become available to provide a 5 year supply of land for housing judged against the general objectives and the scale and location of development provided for in the development plan.*'

The latest Powys Joint Housing Land Availability Study (JHLAS) 2016 states that there was 2.2 years supply of housing land in the Powys Local Planning Authority (LPA) area. Failure to have a 5-year housing land supply is an important material consideration that should be taken into account when determining this scheme. Technical Advice Note 1: Joint Housing Land Availability Studies (2015) states as follows:

"The housing land supply should also be treated as a material consideration in determining planning applications for housing. Where the current study shows a land supply below the 5 year requirement or where the local planning authority has been unable to undertake a study, the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with development plan and national planning policies".

Whilst TAN 1 confirms that the need to increase housing land supply should be given considerable weight, it is emphasised that this is only where the development would otherwise comply with development plan and national planning policies.

Sustainability

When providing additional housing it is important to consider whether the scheme can be considered to be within a sustainable development. This can relate to a wide range of matters including public transport provision and access to education, employment opportunities and other services.

Penybont is considered a large village in the UDP. Whilst large villages do not have as wide a range of services and facilities as the area centres, they normally act as an important service hub to the surrounding area. It is noted that the settlement of Penybont is served by a number of facilities including a pub, community centre, trotting race track and football pitch. The village also benefits from good transport links to surrounding settlements including the

larger settlements of Crossgates and Llandrindod Wells. Penybont is also serviced by a railway station (located outside the village boundary limits, as part of the Heart of Wales line).

The application site does adjoin the development boundary of Penybont however Members should consider the sustainability of the settlement. Whilst Officers consider that Crossgates and Llandrindod Wells are in easy travelling distance via a range of transport methods, consideration should be given to the sustainability of Penybont, which has limited facilities. Looking at the emerging LDP, Penybont will lose its status as a Large Village and be defined as a Small Village where development of open market dwellings will be restricted to infill development for 2 dwellings.

Penybont has benefitted from the approval of 6 dwellings in the last few years (5 dwellings as departures and one dwelling within the settlement) and approximately 12 dwellings remains incomplete. As such, consideration of the sustainability of the settlement must be balanced against the need to improve the housing land supply.

It is Officers consideration that Penybont benefits from strong links to Llandrindod Wells and Crossgates which will provide wider services over those within Penybont. It is therefore considered, in light of the services provided in relatively close proximity to the site, that on balance, the proposal is considered to be located within a sustainable location.

Affordable housing provision

The Unitary Development Plan Policy HP7 requires the provision of affordable housing within applications for five or more dwellings or sites of 0.3 hectares and over. It is noted that this application seeks consent for five dwellings and as such a single affordable dwelling is being provided. Subject to appropriately worded conditions it is considered that the proposed development fundamentally complies with relevant planning policy.

Design and layout

Guidance contained within UDP policy HP5 indicates that residential development will be permitted where the development is of an appropriate scale, form and design and general character, to reflect the overall character and appearance of the settlement and surrounding area.

Whilst design and layout are reserved and will be dealt with at a later point in time, it is relevant to consider whether the number of dwellings proposed could be appropriately developed on the site.

The indicative layout resembles a modern residential layout which is broadly comparable to those as seen in the settlement. More importantly it shows that up to 5 dwellings could be accommodated on the site.

Although Officers acknowledge that all matters relating to this application, apart from access, have been reserved for future consideration, on the basis of the plans provided, it is considered that the application site is capable of accommodating 5 dwellings without unacceptably adversely affecting the character and appearance of the area or amenities enjoyed by occupants of neighbouring properties compliant with UDP policies SP5, GP1, GP3, ENV2 and HP5.

Landscape and Visual Impact

UDP Policy ENV2 states that proposals should 'take account of the high quality of the landscape throughout Powys and be appropriate and sensitive to the character and surrounding landscape'. It goes on to state that proposals which are acceptable in principle should 'contain appropriate measures to ensure satisfactory integration into the landscape'.

The site occupies an edge of settlement location which adjoins open countryside and therefore the locality is considered to be sensitive to visual change.

In terms of landscaping the indicative layout plan indicates that there will be existing hedgerows retained within the site to the east, west and south. It is noted that landscaping is reserved as a future matter for consideration and therefore detailed proposals would be considered at a later stage.

Whilst the proposal would result in a visual change in comparison to the current use, taking into account the location on the edge of settlement, it is considered that the proposal is acceptable and in accordance with Policy ENV2 of the UDP.

Highway Safety

UDP policy GP4 confirms that in the interests of highway safety, all development proposals that generate or involve traffic must be provided with an adequate means of access including visibility, parking and turning facilities.

Following initial concerns over the proposed access amended details were submitted in support of the application. Consultation was undertaken with the Highways Authority who confirmed that based on the submitted information, which details a realignment of the highway and footway, that they removed their objection to the proposed development.

In light of the officers comments it is therefore considered that the development does not have a detrimental impact upon highway safety, access and parking and therefore fundamentally complies with policy GP4 of the Powys Unitary Development Plan (2010).

Drainage

PCC Environmental Health and Dwr Cymru Welsh Water were consulted with regard to drainage.

The PCC officer offered no objection as the site would utilise mains sewerage and Welsh Water offered no objection to this.

In light of the above it is considered that the proposals fundamentally comply with Policy DC10 of the Powys Unitary Development Plan (2010).

Local Amenity

Consideration has been given to the proposed development of up to 5 dwellings in this location with regard to potential adverse impact upon local amenity. Whilst it is noted that all

matters are reserved for a future date, consideration has been given to the proposed site plan provided. It is considered that any potential likely adverse impacts upon existing neighbouring dwellings can be addressed through design and should be considered at the reserved matters stage.

Comments received from PCC Environmental Health offered no objection to the proposed development subject to a condition restricting the hours of construction.

In light of the above and subject to the inclusion of appropriately worded condition it is considered that the proposals fundamentally comply with relevant planning policy.

Welsh language

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. This duty has been given due consideration in the determination of this application.

Policy GP5 indicates certain settlements where the Welsh Language has been identified as being important to the social, cultural and community fabric. Penybont is not identified as being one of those settlements under GP5. However, it is considered that Welsh Language is a material consideration across the County.

From the 2011 census for the Penybont Ward there was a slight increase in the number of people speaking Welsh (3 years of age and above) from the 2001 census (12.7% up to 12.8%).

Given the scale of the proposed development and the provision of affordable housing it is not considered that the proposal would have an unacceptable adverse impact on Welsh Language and culture.

Recommendation

Whilst a departure from the development plan, in this instance, the provision of housing is considered to outweigh the plan and therefore justifies the grant of consent as an exception to normal housing policies. The recommendation is therefore one of conditional approval.

Conditions

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

4. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.
5. No development shall commence until engineering drawings detailing the highway realignment works required along the C1353 county highway are submitted to and approved in writing by the Local Planning Authority. The realignment works shall be constructed to adoptable standards prior to any other works being commenced on the development site.
6. No other 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 areas shall be constructed to a depth of 0.35 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.
7. No further development shall commence until the access has been constructed so that there is a clear visibility splay from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 43 metres distant in 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.
8. Upon formation of the visibility splays as detailed 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.
9. Before any other development is commenced the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 10 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. The width of the access carriageway constructed be not less than 4.8 metres for a minimum distance of 10 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. Any vehicular entrance gates shall be set back at least 10 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.
12. The gradient of the access shall be constructed so as not to exceed 1 in 30 for the first 10 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.

13. Prior to the occupation of any of the dwellings, the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 10 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.

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

15. 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

16. 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 30% 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.

17. 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 dwellings shall not be subject to extensions and alterations, roof alterations and buildings other than those expressly authorised by the reserved matters approval.

18. No development shall take place, nor any demolition works or site clearance, until there has been submitted to and approved in writing by the local planning authority details of a scheme for the protection of trees shown to be retained. The approved scheme shall be carried out during the course of the development.

Reasons

1. To enable the Local Planning Authority to exercise proper control over the development in accordance with Section 92 of the Town and Country Planning Act 1990.
2. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
3. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
4. To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.
5. In the interest of highway safety in accordance with Technical Advice Note 18: Transport and Policy GP4 of the Powys Unitary Development Plan (2010).
6. In the interest of highway safety in accordance with Technical Advice Note 18: Transport and Policy GP4 of the Powys Unitary Development Plan (2010).
7. In the interest of highway safety in accordance with Technical Advice Note 18: Transport and Policy GP4 of the Powys Unitary Development Plan (2010).
8. In the interest of highway safety in accordance with Technical Advice Note 18: Transport and Policy GP4 of the Powys Unitary Development Plan (2010).
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11. In the interest of highway safety in accordance with Technical Advice Note 18: Transport and Policy GP4 of the Powys Unitary Development Plan (2010).
12. In the interest of highway safety in accordance with Technical Advice Note 18: Transport and Policy GP4 of the Powys Unitary Development Plan (2010).
13. In the interest of highway safety in accordance with Technical Advice Note 18: Transport and Policy GP4 of the Powys Unitary Development Plan (2010).
14. In the interest of highway safety in accordance with Technical Advice Note 18: Transport and Policy GP4 of the Powys Unitary Development Plan (2010).
15. In the interest of protecting neighbour amenity during construction works in accordance with Policy GP1 of the Powys Unitary Development Plan (2010).
16. In accordance with policy HP7 and HP10 of the Unitary Development Plan (March 2010)
17. In accordance with policy HP7 and HP10 of the Unitary Development Plan (March 2010)

18. In order to protect existing trees on site in accordance with policy GP1 of the Powys Unitary Development Plan (2010).

Informative Notes

Case Officer: Tamsin Law – Principal Planning Officer
Tel: 01597 827230 E-mail: Tamsin.law@powys.gov.uk

Do not scale from this drawing
Refer to figure dimensions only
The Contractor shall check all dimensions
and report all errors and omissions to the
Architect

Revision E
A44 added
Scale corrected
16/05/2017 CL

Client
Asbri
Project
A44 Penybont

Drawing Title
Location plan

Project No	Drawing No	Revision
3146	(00)01	E

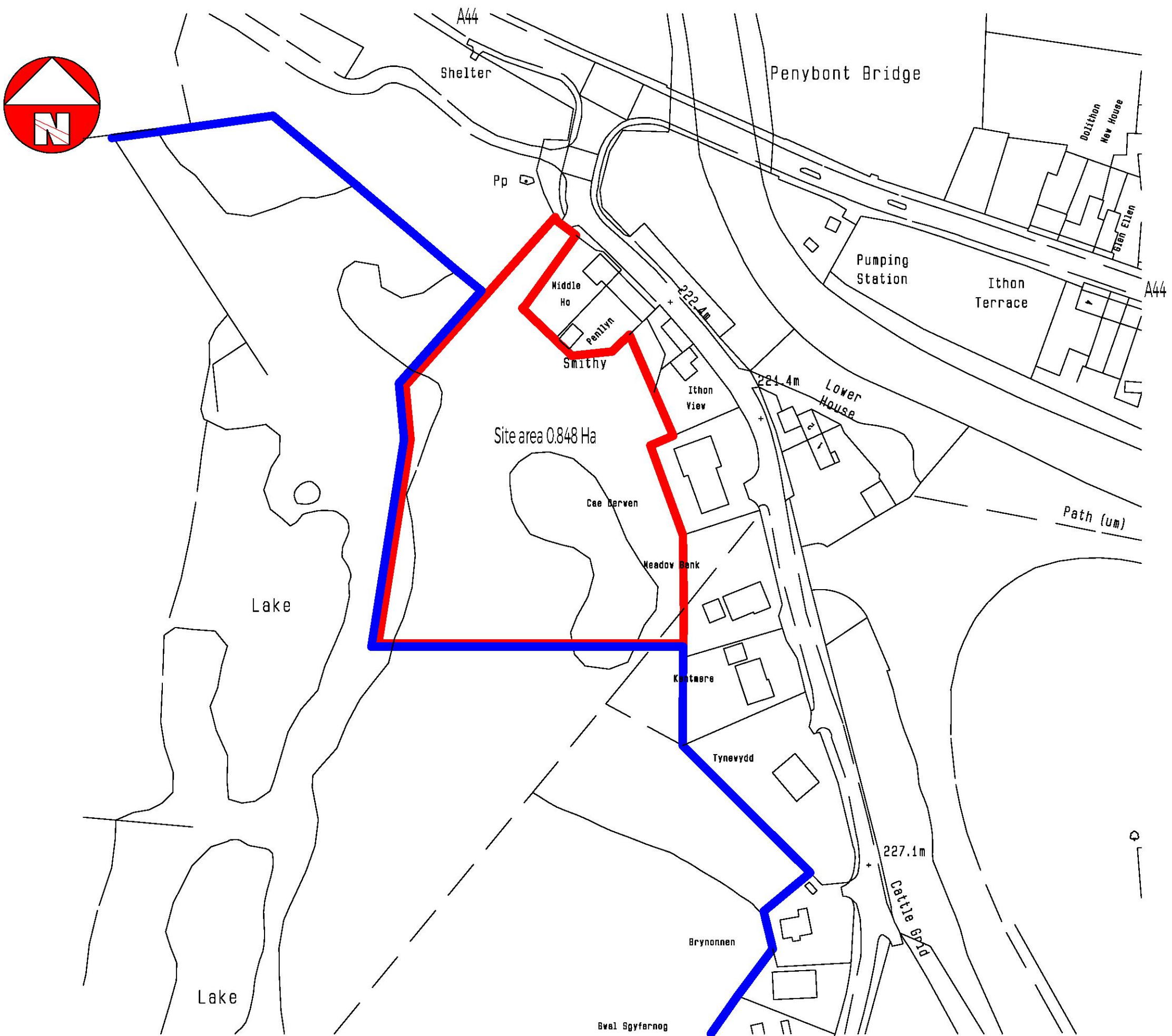
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Drawn	Director	Date
CL	CL	16/05/2017

Project Status	Stage
Preliminary P Tencer T	P
Planning PL Constructor C	



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6.15

Planning, Taxi Licensing and Rights of Way Committee Report

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

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

Applicant: Powys County Council

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

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

Application Type: Application for Outline Planning Permission

The reason for Committee determination

This application is submitted by Powys County Council.

Site Location and Description

The site subject to this application adjoins the settlement development boundary of Sarn as defined by the Powys UDP. The application site is located off the classified highway C2053 opposite Sarn School and adjacent to the Village Hall. The site comprises of an agricultural field used for the purposes of grazing. The site is bound by agricultural land to the south east and south west. The classified highway bounds the site to the north east.

This outline planning application seeks consent for the erection of 7 affordable dwellings, alterations to the road, provision of footpath, formation of an access to agricultural land and associated works. All matters are reserved for future consideration.

Consultee Response

Kerry Community Council

Correspondence received 1st February 2018

“Council object to these amended plans to erect 7 dwellings as it is felt that the style and number will significantly change the character of the village.”

“They continue to support the original plan for 5 detached dwellings as discussed at the recent site meeting”.

Highway Authority

Correspondence received 22nd January 2018

The County Council as Highway Authority for the County Class III Highway, C2053

Wish the following recommendations/Observations be applied
Recommendations/Observations

Prior to the commencement of any works on the development site the applicant shall submit and have approved in writing by the local planning authority full engineering details for the widening of the county highway, new footway across the entire frontage of the site and connecting with the existing footway adjacent to the Village Hall, new agricultural access and the means of surface water discharge for the new works to its outfall position.

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

HC1 Prior to the occupation any of the dwellings any entrance gates shall be set back at least 5.5 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.

HC2 The gradient of the 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.

HC3 The centre line of the first 5.5 metres of any 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.

HC6 Prior to the commencement of the development clear visibility shall be maintained above a height of 0.6 metres above carriageway level over the full frontage of the developed site to the C2053 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 free from obstruction for as long as the development hereby permitted remains in existence.

HC7 Prior to the commencement of the development the area of any 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.

HC8 Prior to the occupation of the dwellings, provision shall be made within the curtilage of the site for the parking of not less than one car per bedroom excluding any garage space provided together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

HC11 Prior to the commencement of the development provision shall be made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of 0.45 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.

HC12 The width of any carriageway accesses, constructed as Condition HC7 above, shall be not less than 5 metres for a minimum distance of 5.5 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.

HC17 Prior to the occupation of any of the dwellings the highway works including carriageway widening, new footway and surface water drainage shall be fully completed to the written satisfaction of the local planning authority and shall be retained at for as long as the development hereby permitted remains in existence.

HC21 Prior to the occupation of any of the dwellings the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 5.5 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.

HC26 When installed there shall be a minimum clearance of 6 metres from the nearest part of the adjoining highway verge or footpath to any part of the septic tank[s] or their soakaway installation[s].

HC27 The septic tank effluent in connection with the development hereby permitted shall not interfere or connect in any way with the highway surface water drainage or give rise to a nuisance upon the highway.

HC29 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.

HC30 Upon formation of the visibility splays as detailed in HC6 above the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.

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

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

Wales and West Utilities

Correspondence received 17th January 2018

According to our mains records Wales & West Utilities has no apparatus in the area of your enquiry. However Gas pipes owned by other GT's and also privately owned may be present in this area. Information with regard to such pipes should be obtained from the owners.

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

Please note that the plans are only valid for 28 days from the date of issue and updated plans must be requested before any work commences on site if this period has expired.

Severn Trent Water

Correspondence received 11th January 2018

Thank you for the opportunity to comment on this planning application. Please find our response noted below:

With Reference to the above planning application the company's observations regarding sewerage are as follows.

I can confirm that we have no objections to the proposals subject to the inclusion of the following condition:

- The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and
- The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to reduce or exacerbate a flooding problem and to minimise the risk of pollution

Severn Trent Water advise that there is a public sewer located within this site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. You are advised to contact Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building. Please note, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 meters of a public sewer. Under the provisions of Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulations approval.

To help us provide an efficient response please could you send all responses to welshplanning@severntrent.co.uk rather than to named individuals, including the STW ref within the email/subject.

Environmental Health

Correspondence received 15th January 2018

Foul drainage

Assuming the intention is to connect to mains drainage, Environmental Protection has no objection to the proposal to connect to the public sewer.

Construction-phase noise

The proposed development is in close proximity to existing residential properties. Environmental Protection would recommend the following condition for the protection of amenity during the construction phase of the project:

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.

County Ecologist

Correspondence received 19th January 2018

Thank you for consulting me with regards to planning application P/2017/1489 which concerns the outline application for erection of 7 affordable dwellings, alterations to road, provision of footpath, formation of access to agricultural land and associated works (all matters reserved) on land adjacent to Sarn Village Hall, Sarn, Newtown.

I have reviewed the proposed plans, aerial images as well as local records of protected and priority species and designated sites within 500m of the proposed development.

The data search identified 19 records of protected and priority species within 500m of the proposed development - no records were for the site itself.

There are no statutory or non-statutory designated sites within 500m of the proposed development.

The site of the proposed development appears to be an area of improved grassland which is considered a habitat of low ecological value. However, the hedgerows on the northeast boundary is considered to be of moderate ecological value.

Tree and Hedgerow Replacement Plan

From the plans submitted it is appears that section of hedgerow will be removed or translocated to accommodate the proposed access.

The UDP policies ENV2 and ENV6 identify the need to protect or provide compensation for impacts to hedgerows and trees. UDP Policy ENV2 states that:

‘Proposals which are acceptable in principal should:

3. Seek to conserve native woodlands, trees and hedgerows'

UDP Policy ENV6: Sites of Regional and Local Importance, makes reference to Powys LBAP habitats and species which include hedgerows under the Linear Habitats Action Plan – 'Linear habitats are important to a wide variety of species as refuges, breeding and feeding sites and as links between habitats of high biodiversity value'. Hedgerows are also listed as a "habitat of principal importance for the purposes of conserving biodiversity" as identified in on Section 7 of the Environment (Wales) Act 2016, and are beneficial to a wide range of biodiversity including bats, nesting birds, small mammals, lichens and fungi.

Where impacts to hedgerows are identified an appropriate compensation strategy will be required, where possible translocation of the existing hedgerow should be considered, if this is not considered possible at this location replacement hedgerow planting would need to be identified.

Where it is necessary to remove any trees or hedgerows a Tree and Hedgerow Replacement Plan will need to be secured through an appropriately worded condition. This plan will need to identify appropriate compensation planting for the loss of any trees or hedgerow – details of the location, length and species as well as an appropriate aftercare scheme will need to be identified – species used will need to be native and reflect the hedgerows present in the local area.

Wildlife Sensitive Lighting Plan

Careful consideration will need to be given to any external lighting design provided through the proposed development, measures will need to be identified to minimise impacts to nocturnal wildlife commuting and foraging in the local area. It is therefore recommended that a Wildlife Sensitive Lighting 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.

Biodiversity Enhancements

As the application is an outline application further details will be submitted at a later date as reserved matter consideration should be given to incorporate biodiversity enhancements.

In accordance with Part 1 Section 6 of the Environment (Wales) Act 2016 Local Authorities are required to Maintain and Enhance biodiversity through all of its functions – this includes the planning process. It is therefore recommend that consideration is given to opportunities to incorporate biodiversity enhancements to ensure net biodiversity benefits through the proposed development. These measure could include:

- Provision of bird and bat boxes including the details of the number, type and location of these boxes;

- A wildlife buffer strip and a scheme of appropriate management of these areas, hedgerows should be retained within buffer strips and should be unlit or lighting to be directed away from the hedgerows to create dark movement corridors for nocturnal wildlife through the site;

- Provision of wildlife friendly landscape planting.

Should biodiversity enhancement measures be proposed as part of the development details of these features identified will need to be specific and detailed on submitted plans (i.e. details regarding locations, dimensions and numbers will need to be provided) and achievable.

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

Prior to commencement of development a Hedgerow Translocation and Replacement Plan 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, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and Part 1 Section 6 of the Environment (Wales) Act.

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

Reason: To comply with Powys County Council's UDP Policies SP3, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act.

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 UDP Policies SP3 and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

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.

Natural Resources Wales

Correspondence received 31st January 2018

Thank you for consulting Natural Resources Wales (NRW) about the above, which was received on 08/01/2018.

We recommend that you should only grant planning permission for the scheme if it can meet the following requirement, to address significant concerns that we have identified. Provided this requirement is met, we would not object to the scheme.

Requirement - The applicant confirms that the foul drainage will be connected to the mains sewer, otherwise demonstrate it is not feasible to connect to the main sewer.

Foul Drainage

The installation of private sewage treatment facilities within publicly sewered areas is not considered environmentally acceptable. We would therefore be opposed to such facilities unless it can be demonstrated that it is not reasonable to connect the public system.

Requirement - The applicant confirms that the foul drainage will be connected to the mains sewer, otherwise demonstrate it is not feasible to connect to the main sewer.

Lack of capacity or plans to improve capacity in the sewer is not a valid reason for a sewerage undertaker to refuse connection under Section 106 of the Water Industry Act 1991 and we may refuse to issue an Environmental Permit or exemption for private treatment facilities in such circumstances

Flood Risk

The application site lies partially within Zone C2, as defined by the Development Advice Map (DAM) referred to in Technical Advice Note 15: Development and Flood Risk (TAN15), although no built development is proposed within Zone C2.

A Flood Consequence Assessment has not been submitted with the application and therefore the level of risk cannot be quantified. However, a desk top analysis has been carried out by NRW and indicates that the section of the site affected by C2 has depths of no greater than 15mm associated with it. On this basis, whilst we do not have significant concerns with respect to flood risk, we advise that finished floor levels of the built development are raised as practicable as possible, in relation to adjacent ground levels.

This will ensure that the risk of flooding to the built development would be reduced. The Applicant should also consider incorporating flood resilient construction techniques to reduce the consequences of flooding at the site.

We also recommend that, in order to corroborate the flood map and highlight any known localised flood risk problems, the Planning Authority should consult the Lead Local Flood Authority, namely Powys CC Drainage team.

The Welsh Government letter of 9 January 2014 to Chief Planning Officers confirms that the Local Planning Authority should “consult internally with colleagues fulfilling the role of Lead Local Flood Authority (LLFA) to determine whether surface water flood risk is an issue when considering allocations in local development plans or determining individual planning applications”.

In line with this letter and Section 8 of TAN15, where relevant, the LLFA, Highways Authority and/or Sewerage Undertaker should be consulted on the suitability of drainage proposals to ensure that development does not increase the risk of flooding elsewhere by loss of flood storage or flood flow route, or increase the problem of surface water run off (paragraph 13.2 Planning Policy Wales).

Please do not hesitate to contact us if you require further information or clarification on any of the above.

Our comments above only relate specifically to matters that are included on our checklist “Natural Resources Wales and Planning Consultations” (March 2015) which is published on our website: <https://naturalresources.wales/planning-and-development/planning-and-development/?lang=en>. We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance.

The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

Correspondence received 5th February 2018

Apologies for not being able to look into the query on the phone.

I've had a look at our Development Advice Maps online, it's the top left corner of the development that will be in C2, we do not have significant concerns with regards to flood risk, we advise that the finished floor levels of the development are raised as practicable as possible, in relation to adjacent ground levels.

Here is a link to the DAM Maps on our internet page:

https://maps.cyfoethnaturiolcymru.gov.uk/Html5Viewer/Index.html?configBase=https://maps.cyfoethnaturiolcymru.gov.uk/Geocortex/Essentials/REST/sites/Flood_Risk/viewers/Flood_Risk/virtualdirectory/Resources/Config/Default

Representations

A public site notice was erected at the site for a period of 21 days. No third party representations have been received by Development Management at the time of writing this report.

Planning History

P/2016/0236 - Erection of 5 affordable dwellings, including widening of existing road and formation of new agricultural access and associated works. – Conditional Consent

Principal Planning Constraints

Historic Landscapes Register - Outstanding

Principal Planning Policies

National Planning Policy

Planning Policy Wales (9th Edition, 2016)

Technical Advice Note (TAN) 1: Joint Housing Land Availability Studies (2015)

Technical Advice Note (TAN) 2: Planning and Affordable Housing (2006)

Technical Advice Note (TAN) 5: Nature Conservation and Planning (2009)

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

Technical Advice Note (TAN) 12: Design (2016)

Technical Advice Note (TAN)15: Development and Flood Risk (2004)

Local Planning Policy

Powys Unitary Development Plan (2010)

SP2 – Strategic Settlement Hierarchy

SP3 – Natural, Historic and Built Heritage

SP5 – Housing Developments

SP12 – Energy Conservation and Generation

SP14 – Development in Flood Risk Areas

GP1 – Development Control

GP2 – Planning Obligations

GP3 – Design and Energy Conservation

GP4 – Highway and Parking Requirements

ENV1 – Agricultural Land

ENV2 – Safeguarding the Landscape

ENV3 – Safeguarding Biodiversity and Natural Habitats
ENV7 – Protected Species
HP4 – Settlement Boundaries and Capacities
HP5 – Residential Developments
HP8 – Affordable Housing Adjoining Settlements with Development Boundaries
TR1 – Highway Improvement Schemes
HP10 – Affordability Criteria
DC1 – Access by Disabled Persons
DC10 – Mains Sewage Treatment
DC13 – Surface Water Drainage
DC14 – Flood Prevention Measures
TR2 – Tourist Attractions and Development Areas

Powys Residential Design Guide 2004

Powys County Councils Affordable Housing for Local Needs Supplementary Planning Guidance (SPG) (2011)

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

Other Legislative Considerations

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

Officer Appraisal

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

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

Principle of Development

Policy HP8 of the Powys Unitary Development plan confirms that favourable consideration will be given to proposals for affordable housing to meet local need in rural areas as an exception to normal housing policies providing that the site adjoins a settlement development boundary, is small in scale, sensitively located and designed to be in keeping with the surrounding area and local building style. In addition, policy HP8 requires the housing to remain affordable in perpetuity and all future occupiers to comply with the occupancy criteria contained within policy HP10

The proposed residential scheme includes the provision of 7 affordable dwellings to be located adjacent to the settlement boundary of Sarn. The site is located opposite the school and adjacent to the village hall and integrates with the existing settlement. Whilst is submitted on a speculative basis (no local need defined), the Council's housing services are currently undertaking research to identify housing need in the area including a public consultation event. The scale and layout of the site is submitted in an indicative form with all matters reserved so that the proposed development can be adjusted at any reserved matters stage to accommodate the required dwelling sizes.

Officers consider that the proposed development will provide affordable housing opportunities adjacent to an existing settlement and facilities. On this basis, it is considered that the proposed development is compliant with policies HP8 and HP10 of the Powys Unitary Development and therefore the principle of development is accepted by Development Management.

Securing Affordable Housing Provision

Criteria B of policy HP7 confirms that planning permission will only granted in cases where the developer has first entered into a planning obligation to ensure that the housing remains affordable in perpetuity.

Should Members be minded to grant planning permission, it is recommended that appropriate conditions be attached requiring the provision and retention of affordable units in perpetuity. Furthermore, the floor space of the units will be limited to 130 square metres and permitted development rights removed. Subject to the above, Officers are satisfied that the proposal would comply with UDP policy HP7.

Appearance, Layout and Scale

UDP policy HP5 (Residential Development) indicates that development proposals will only be permitted where the scale, form and appearance of the development generally reflects the character and appearance of the existing settlement.

Whilst Officers acknowledge that matters relating to appearance, layout and scale have been reserved for future consideration, on the basis of the plans provided, it is considered that the application site is capable of accommodating seven dwellings without unacceptably adversely affecting the character and appearance of the area or amenities enjoyed by occupants of neighbouring properties compliant with UDP policies SP5, GP1, GP3, ENV2 and HP5.

Highway Safety and Movement

UDP policy GP4 requires adequate highway provision in terms of access, visibility, passing, turning and parking. Although indicative access details have been provided, this matter remains reserved for future consideration.

As part of this application process the Highway Authority has been consulted and have raised no objections to the scheme subject to the suggested conditions above. Notwithstanding the

recommended conditions, as access has been reserved for future consideration, it is not considered appropriate to attach the recommended conditions to any outline consent.

Nevertheless, based upon initial consultation and the indicative site layout, Officers consider that an acceptable means of access and on site provision can be secured, compliant with policy GP4 of the Powys UDP.

Residential Amenity

Policy GP1 of the Powys UDP seeks to safeguard the amenities enjoyed by occupants of existing and proposed dwellings by reasons of noise, overlooking and privacy.

Whilst details relating to design and appearance are reserved for future consideration, Officers consider that the amenities of neighbouring properties can be safeguarded through sensitive design and siting which will be reviewed appropriately by Development Management in considering any future application for the approval of reserved matters.

In light of the above observations, Development Management considers the proposed development to be in accordance with policy GP1 of the Powys UDP in respect of residential amenity.

Flood Risk

In line with Technical Advice Note 15, UDP policy SP14 confirms that highly vulnerable development will not be permitted within a C2 flood zone.

It is noted that a small parcel of the application site (northern corner) lies within the C2 flood zone. Whilst layout is a matter reserved for future consideration, Officers consider that the site is capable of accommodating the proposed development whilst excluding the area of land within the C2 flood zone. Following consultation, Natural Resources Wales has confirmed no objection to the proposed development subject to further consideration being given to potential flood risk and consideration of mitigation being incorporated within any scheme permitted.

Having carefully considered the proposal, Officers consider that flood risk is capable of being managed at the site through the reserved matters application, compliant with UDP policies SP14 and DC14, Technical Advice Note 15 and Planning Policy Wales.

Ecology & Biodiversity

Policies ENV3 and ENV7 respectively seek to maintain biodiversity and safeguard protected species and their habitats. The proposed development will result in the removal of a short section of hedgerow to create the new access roads and agricultural access.

As part of this application process the County Ecologist has been consulted and no objection has been raised to the scheme although a number of conditions have been recommended. It is considered that the requirements can be met through suitably worded conditions attached to any grant of consent and further information provided at the reserved matters stage.

Due to the nature of this application, location and the existing use of the site, Officers do not consider that there will be any adverse impact upon protected species or designated sites as a result of the proposal.

In light of the above considerations and Ecologists' comments, it is considered that the proposed development fundamentally complies with policy SP3, ENV3 and ENV7 of the Powys Unitary Development plan.

Foul Drainage

Policy DC11 seeks to ensure that the adequate provision for foul sewerage can be provided on site via the public foul sewerage system where possible or via a private sewage treatment system. Policy DC13 of the Powys Unitary Development plan seeks to ensure that development proposals should provide adequate provisions for land drainage and surface water disposal. Development should not give rise to unacceptable on or off site flooding.

As part of this application process the Council's Environmental Health Officer (EHO) and Severn Trent have been consulted. The proposed development is to connect to the existing public sewerage system. No objection have been raised by EH in this respect with Severn Trent requesting a condition to be attached to any grant of consent to secure details plans for a foul and surface water drainage scheme to be submitted prior to the commencement of development.

Officers consider that subject to the suggested condition from Severn Trent, the proposed development fundamentally complies with policies DC11 and DC13 of the Powys Unitary Development Plan.

Recommendation

Having carefully considered the proposed development, Development Management considers that the proposed housing development is of a modest scale and appropriate layout and will provide a supply of affordable housing in a rural area. On this basis, it is considered that the proposed development fundamentally complies with planning policy and therefore, the recommendation is one of conditional consent.

Conditions:

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

4. The development shall be carried out strictly in accordance with the plans stamped as received on 21st December 2017 (drawing no's: 2647/P21/0001, 2647/P21/001 REV A, SPH-01, SPH02, SPH-03, SPH-04, SPH-05).
5. All works and ancillary operations which are audible at the site boundary shall be carried out only between the following hours:
 - 0800 - 1800 hrs Monday to Friday
 - 0800 - 1300 hrs Saturday
 - At no time on Sundays and Bank Holidays

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

6. Prior to the first installation of any external lighting, a detailed lighting design scheme to take into account any impacts on nocturnal wildlife into consideration shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be undertaken strictly in accordance with the detailed lighting scheme so approved.
7. Prior to commencement of development a detailed foul and surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall detail the location of the proposed soakaways and porosity test results. Thereafter the drainage system shall be implemented in accordance with the details so approved prior to the first use of the dwellings hereby approved and retained as such in perpetuity unless otherwise agreed by the local planning authority.
8. All development hereby approved shall be for 'affordable housing' as defined within the Powys Unitary Development Plan (2010) and Affordable Housing Supplementary Planning Guidance, occupancy shall be restricted as follows: initial occupiers shall be from the Sarn Community Council area, together with immediately adjoining Community or Parish Council areas. If successive occupiers cannot be found within these areas, occupiers resident at the time in the appropriate shire area in Powys shall be next sought, followed by occupiers resident in the rest of Powys and adjoining Local Authority areas. The occupancy area shall not be widened to the next level without first obtaining the written approval of the Local Planning Authority. Initial and successive occupiers of the affordable dwellings hereby permitted shall fully comply with the affordable housing eligibility criteria as set out in Policy HP10 of the Powys Unitary Development Plan (2010).
9. 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. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
5. To safeguard the amenities of the locality in accordance with policy GP1 of the Powys Unitary Development Plan.
6. To comply with Powys County Council's UDP Policies SP3, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act.
7. To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal in accordance with policies GP1 and DC13 of the Powys Unitary Development Plan (2010).
8. To comply with Powys County Council's UDP Policies HP7, HP8 and HP10 in relation to the provision of affordable housing and to meet the requirements of Planning Policy Wales (9th edition, 2016), TAN 2: Planning and Affordable Housing (2006) and TAN 6: Planning for Sustainable Rural Communities (2010).
9. In order to ensure the provision of affordable housing in accordance with policies HP5, HP7 and HP10 of the Powys Unitary Development Plan (2010), Technical Advice Note 2: Planning and Affordable Housing (2006) and Planning Policy Wales (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

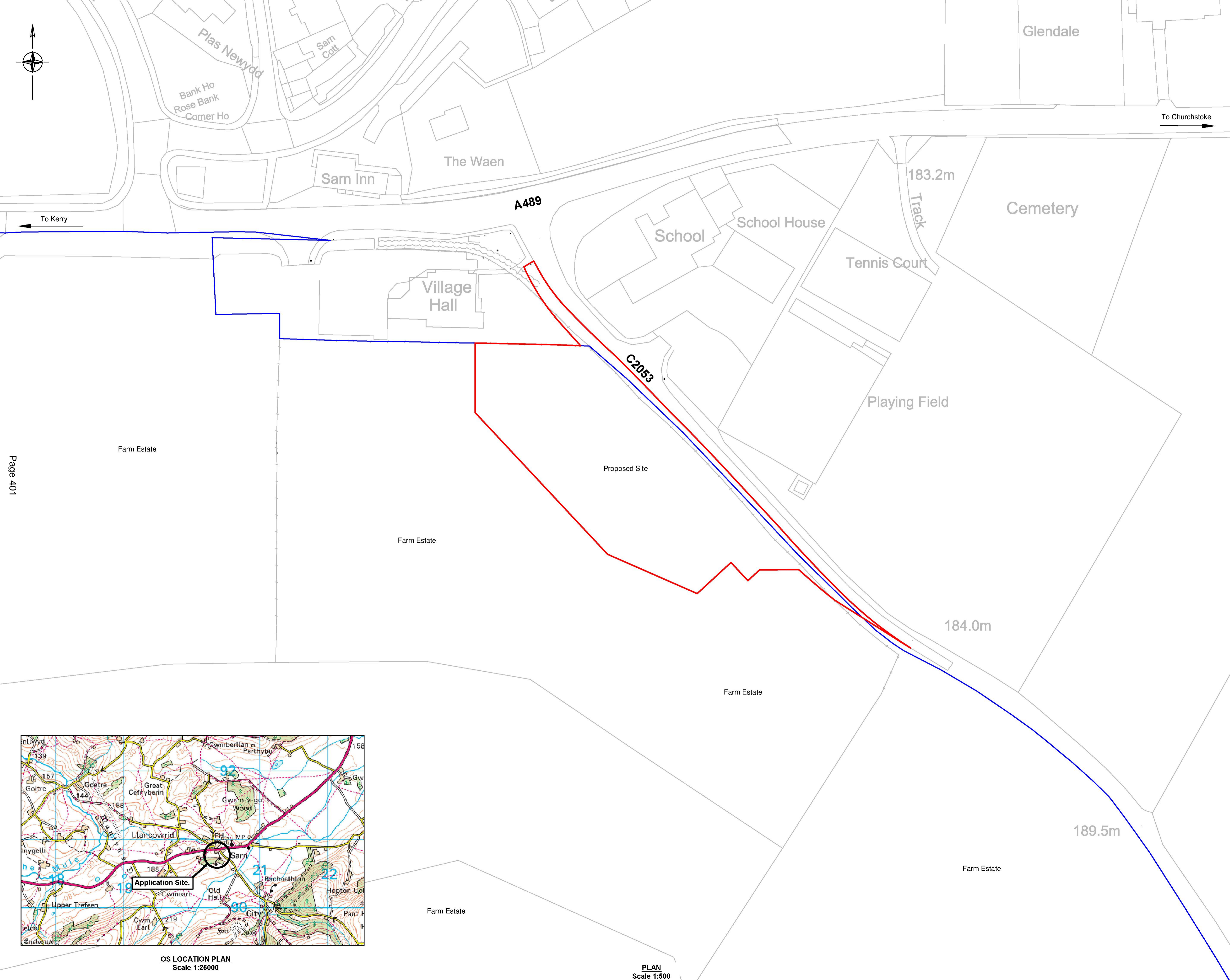
- intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird.

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.

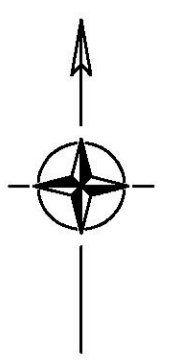
The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built, (usually 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.

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

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Notes

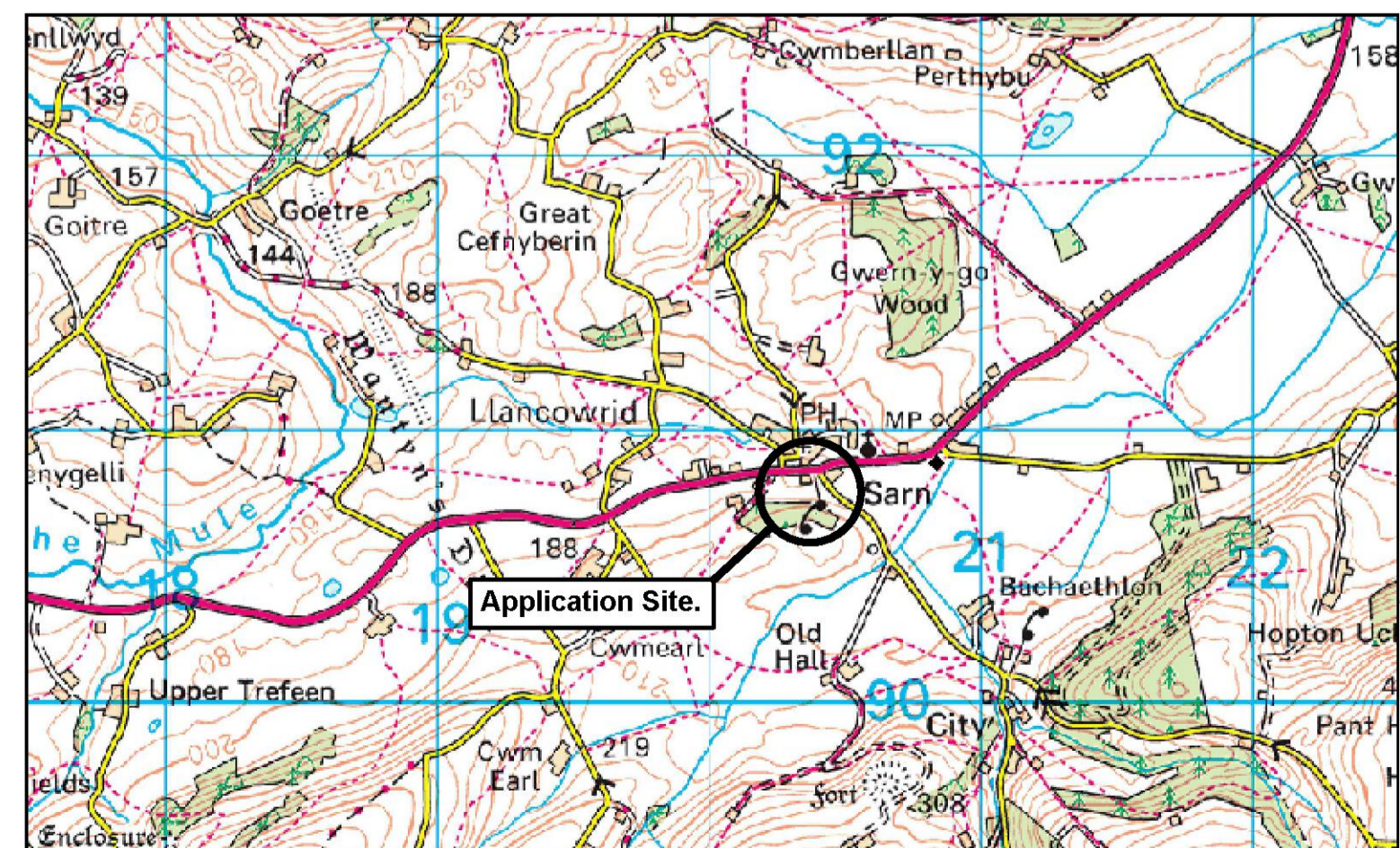
KEY

- Application Boundary.
- Ownership Boundary.

ISSUED FOR PLANNING

Amendments

Rev	Date	Description	By	Chkd



OS LOCATION PLAN
 Scale 1:25000

PLAN
 Scale 1:500

Engineering Design Services

EDS West Manager : Steve Hallows shw@ceredigion.gov.uk
 01545 572513
 West: Penmorfa, Aberystwyth, Ceredigion, SY23 3PA

EDS East Manager : Gareth Price gprice@powys.gov.uk
 0845 607 6060
 Powys: Powys County Council, Powys, SY18 2AF
 Mail: County Hall, Six Road East, Llanidloes, Powys, LD1 5JG
 Scale: National Grid, Ordnance Survey, British National Grid, UTM

Powys County Council
Housing Development Sites

Project
Land Behind Sarn Community Centre
Location and Boundary Plan.

By: LMC Checked: SK Scale: A1
 Date: 23/10/17 **1:500**

Project Number: 2647/21 Drawing Number: 2647/P21/001

ACS 1:8 O 0 0 1 ACS CHBAS 18001 Drawing Filename: 2647-P21 - Land Behind Sarn Community Centre.dwg
 Last saved: 25/10/2017

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6.16

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2017/0789	Grid Ref:	325440.59, 311109.3
Community Council:	Welshpool	Valid Date:	Officer: 29/08/2017 Bryn Pryce
Applicant:	Mr J.H & E.L. Jones J.H. & E.L. Jones Pool Quay, Dyers Farm, Welshpool Powys		
Location:	Land adjoining Swan Bank, Pool Quay, Welshpool Powys SY21 9JS		
Proposal:	Outline: Erection of up to 3 no. dwellings and garages, formation of vehicular access, access road and all associated works (with some matters reserved)		
Application Type:	Application for Outline Planning Permission		

The reason for Committee determination

The application is to be determined by planning committee as it represents a departure from the development plan.

Site Location and Description

This site is located off the A483 trunk road adjacent to the settlement and small village of Pool Quay. The existing site forms agricultural land used for the purpose of growing crops. The site is bound to the north by the settlement of Pool Quay, to the north west by the Montgomery canal, the south west by agricultural land and the south east by the A483 trunk road.

This applications seeks outline consent for 3 dwellings and garages, formation of vehicular access, access road and all associated works (with some matters reserved). The application considers the principle of residential development on the site and access to it with all other matters reserved for future consideration. An indicative layout for the site and indicative scale has been provided with the application. The site is located directly adjacent to the settlement boundary of Pool Quay.

Consultee Response

Welshpool Town Council

Correspondence received 27th September 2017

The Council **SUPPORTS** this application.

Correspondence received 2nd November 2017

My Council has no further observations on the application noted below.

Highways Dept North

Correspondence received 21st October 2017

Powys County Council as Highway Authority do not wish to comment on this application as the access is onto a trunk road which comes under the jurisdiction of the Welsh Government

Welsh Government Highways

Correspondence received 12th September 2017

I refer to your consultation of 8th September 2017 regarding the above application, and advise that the Welsh Government as highway authority for the (ROAD) trunk road directs that planning permission is not granted at this time as the applicant has provided insufficient information to determine the application.

The applicant must provide the following information to support this application or resubmit the application with the following details;

1. The applicant must demonstrate that the 215m southbound visibility is unrestricted from a 4.5m set back. We have concern with regard to the speed limit gateway sign and telegraph pole.

The following points should be brought to the attention of the applicant:

- a. As the proposed development is over the 6 dwelling threshold which allows a 2.4m setback for visibility splays, a 4.5m setback is required. This also allows for any future growth at the development.
- b. The centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay.

If you have any further queries, please forward to the following Welsh Government Mailbox NorthandMidWalesDevelopmentControlMailbox@Gov.Wales

Correspondence received 31st October 2017

I refer to your consultation of 8th September 2017 regarding the above application, and advise that the Welsh Government as highway authority for the A483 trunk road directs that planning permission is not granted at this time as the applicant has provided insufficient information to determine the application.

The applicant must provide the following information to support this application or resubmit the application with the following details;

- 1) The applicant must demonstrate that the 215m northbound visibility is unobstructed from a 2.4m set back. We have concern with regard to the speed limit sign and telegraph pole.

The following points should be brought to the attention of the applicant:

- a. Any further development at the site will require the access to be re-designed.
- b. The centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay.

If you have any further queries, please forward to the following Welsh Government Mailbox NorthandMidWalesDevelopmentControlMailbox@Gov.Wales

Correspondence received 16th January 2017

I refer to your consultation of 08 September 2017 regarding the above planning application and advise that the Welsh Government as highway authority for the A483 trunk road directs that any permission granted by your authority shall include the following conditions:

- 1) The access and visibility splays shall be laid out, constructed and maintained strictly in accordance with the submitted plans (drawing no. RPP01.1.3.01 Rev E).
- 2) The minimum visibility distances available for vehicles emerging from the proposed access / junction shall be 160 metres in the northbound direction and 215 metres in the southbound direction at a height of 1.05 metres, measured to a point 0.26 metres above the nearer running edge of the trunk road carriageway. These visibility distances shall be available at a point 4.5 metres from the nearer running edge of the trunk road, measured along the centreline of the access road. The visibility splay so formed shall be free of any growth or obstruction, which would interfere with the minimum visibility requirements.
- 3) Adequate provision shall be made within the development site to enable vehicles to turn around, so that they may enter and leave the site in a forward gear.
- 4) No drainage from the development site shall be connected to or allowed to discharge into the trunk road drainage system, and the proposed junction shall be constructed such that the access road does not drain onto the trunk road.
- 5) The access and visibility requirements shall be substantially complete and available for use prior to the commencement of any other works associated with the development.
- 6) The applicant shall enter into an Agreement with the Welsh Ministers under Section 278 of the Highways Act 1980 to enable the Applicant to undertake agreed improvement works on the trunk road. This Agreement will contain details of the improvement works, construction conditions and financial arrangements under which agreed measures can be put in place, including indemnifying the Welsh Ministers against third party claims. Without such an agreement in place, any consent that may be granted cannot be implemented.

The above conditions are included to maintain the safety and free flow of trunk road traffic.

The following points should be brought to the attention of the applicant:

1) The applicant should be advised that all temporary or permanent signage, road markings or traffic orders shall be at the expense of the developer and agreed with the Highway Authority before works commence.

2) Any adjustment, re-siting and / or protection of any statutory undertakers apparatus in the highway shall be undertaken with the prior written consent of the relevant Authority and shall be carried out at the Applicant's own expense.

3) The applicant should note that planning permission does not constitute permission under the Highways Act for various activities that may be associated with the development i.e. use of the highway/footway/verge to: for example; deposit material, deposit skips, erect scaffolding, excavate within the highway or erect traffic management apparatus. Such activities will require the separate consent of the Highway Authority;

4) Any temporary traffic management arrangements required in connection with this application shall be in accordance with Chapter 8 of the Traffic Signs Manual and in accordance with the Safety at Street Works and Road Works Code of Practice, and shall be approved by the highway authority.

5) Road traffic signs in Wales must be bilingual, Welsh above English, and adhere to Welsh Government specifications, see following link for standard details; http://www.traffic-wales.com/traffic_signs.aspx

If you have any further queries, please forward to the following Welsh Government Mailbox
NorthandMidWalesDevelopmentControlMailbox@Wales.GSI.Gov.UK

Building Control

Correspondence received 8th September 2017

Building Regulations application required.

Wales & West Utilities

Correspondence received 11th September 2017

We enclose an extract from our mains records of the area covered by your proposals together with a comprehensive list of General Conditions for your guidance. This plan shows only those pipes owned by Wales & West Utilities in its role as a Licensed Gas Transporter (GT). Gas pipes owned by other GT's and also privately owned pipes may be present in this area. Information with regard to such pipes should be obtained from the owners. The information shown on this plan is given without obligation, or warranty and the accuracy thereof cannot be guaranteed. Service pipes, valves, syphons, stub connections, etc., are not shown but their presence should be anticipated. No liability of any kind whatsoever is accepted by Wales & West Utilities, its agents or servants for any error or omission.

Wales & West Utilities apparatus may be directly affected by these proposals and the Information you have provided has been forwarded to Asset Management for their comments. If Wales and West are affected an Engineer will then contact you direct.

Please note this is in regard only to those pipes owned by Wales & West Utilities in its role as a licensed Gas Transporter (GT). Gas pipes owned by other GT's and also privately owned may be present in this area and information with regards to such pipes should be obtained from the owners.

You must not build over any of our plant or enclose our apparatus. Please note that the plans are only valid for 28 days from the date of issue and updated plans must be requested before any work commences on site if this period has expired.

STW

Correspondence received 14th September 2017

Thank you for the opportunity to comment on this planning application. Please find our response noted below:

With Reference to the above planning application the company's observations regarding sewerage are as follows.

I can confirm that we have no objections to the proposals subject to the inclusion of the following condition:

- The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and
- The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to reduce or exacerbate a flooding problem and to minimise the risk of pollution

To help us provide an efficient response please could you send all responses to welshplanning@severntrent.co.uk rather than to named individuals, including the STW ref within the email/subject.

Environmental Health

Correspondence received 25th September 2017

Re: Outline: Erection of up to 7 no. dwellings and garages, formation of vehicular access, access road and all associated works (with some matters reserved).

Foul drainage

Environmental Protection has no objection to the proposal to connect to the mains sewer.

Construction-phase noise control

For the protection of amenity for nearby residential properties, Environmental Protection recommends the following condition for the control of construction-phase noise:

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

Powys Ramblers

Correspondence received 27th September 2017

Thank you for the opportunity to comment on this application.

The nearby rights of way does not seem to be affected by the proposed development. In the event of planning permission being granted can the applicant please be informed of the importance of not obstructing the right of way during any works and making sure it is kept open throughout.

Affordable Housing Officer

Correspondence received 15th September 2017

Thank you for your invitation to comment on this application.

We would be seeking a provision of a minimum of 30% affordable housing provision, and the following guidelines to be adhered to:

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

Correspondence received 10th November 2017

Thank you for your correspondence regarding this application.

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

- All Affordable units will have to be constructed to Welsh Government Design Quality Requirements which include all of the Lifetime Homes and Secured by Design Standards.

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

PCC Ecologist

Correspondence received 20th February 2018

Thank you for consulting me with regards to planning application P/2017/0789 which concerns the outline application for erection of up to 3 no. dwellings and garages, formation of vehicular access, access road and all associated works (with some matters reserved) on Land adjoining Swan Bank, Pool Quay, Welshpool.

I have reviewed the proposed plans, aerial images as well as local records of protected and priority species and designated sites within 500m of the proposed development.

The data search identified 53 record of protected and priority species within 500m of the proposed development, no records were for the site itself. Records identified within 500m of the site included floating water-plantain, otter, and bat species.

The following statutory designated sites are present within 500m of the proposed development:

- Montgomery Canal SAC/SSSI

These designated sites are located along the western boundary of the site of the proposed development, given the proximity (approximately 50m) of the proposed development to the Montgomery Canal SAC the potential for the construction and operation phases of the development to result in a Likely Significant Effect to the Montgomery Canal SAC and/or its associated features has been considered.

Having reviewed the information provided by the applicant it has been determined that the proposed development would not result in a likely significant effect to the Montgomery Canal SAC and/or its associated features – I have attached a copy of the Screening Assessment for your records.

There are no non-statutory designated sites within 500m of the proposed development.

From reviewing aerial images the site of the proposed development appears to be an area of arable land and improved grassland which is considered a habitat of low ecological value. However, the hedgerows and trees on the boundary of the development is considered to be of moderate ecological value.

Tree and Hedgerow Replacement Plan

It appears that sections of hedgerow will be required to be removed or translocated to provided vehicular access.

I also note from reviewing aerial images that a tree was located on the eastern boundary of the proposed development site in close proximity where the existing footway will be extended.

The UDP policies ENV2 and ENV6 identify the need to protect or provide compensation for impacts to hedgerows and trees. UDP Policy ENV2 states that:

‘Proposals which are acceptable in principal should:

3. Seek to conserve native woodlands, trees and hedgerows’

UDP Policy ENV6: Sites of Regional and Local Importance, makes reference to Powys LBAP habitats and species which include hedgerows under the Linear Habitats Action Plan – ‘Linear habitats are important to a wide variety of species as refuges, breeding and feeding sites and as links between habitats of high biodiversity value’. Hedgerows are also listed as a "habitat of principal importance for the purposes of conserving biodiversity" as identified in on Section 7 of the Environment (Wales) Act 2016, and are beneficial to a wide range of biodiversity including bats, nesting birds, small mammals, lichens and fungi.

Where impacts to trees and hedgerow are identified an appropriate compensation strategy will be required. A Hedgerow Replacement Plan will need to be secured through an appropriately worded condition. This plan will need to identify appropriate compensation planting for the loss of tree– details of the location, length (hedgerow) and species as well as an appropriate aftercare scheme will need to be identified – species used will need to be native and reflect the trees present in the local area.

Tree Protection Plan

Given the proximity of development and works to the mature tree on the eastern boundary of the proposed development site, it is considered prudent to require information from the applicant as to how these features 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.

Great Crested Newts

It has been noted that there is a pond within 70m of the development site, a search for great crested newt records within the wider area was undertaken and the nearest record for this species was found to be within 3km of the proposed development. Given the proximity to the pond consideration has been given to the potential suitability of the site to be used as terrestrial habitat by Great Crested Newts – European protected species.

Having reviewed information available in form of aerial images the habitat present at the site of the proposed development offers unfavourable suitable opportunities for Great Crested Newt terrestrial habitat. Given the lack of suitable habitat, distance and lack of habitat connectivity from the pond (where great crested newts were recorded) and the proposed development site - it is considered that the proposed development site would be unlikely to support great crested newts.

Wildlife Sensitive Lighting Plan

Careful consideration will need to be given to any external lighting, measures will need to be identified to minimise impacts to nocturnal wildlife commuting and foraging in the local area. It is therefore recommended that a Wildlife Sensitive Lighting Plan is secured through an appropriately worded condition.

Landscaping Plan

Reviewing the proposed plans native tree planting is proposed for the development - 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 Landscaping Plan is secured through an appropriately worded condition.

Otter – Reasonable Avoidance Measures (RAMs)

I have also reviewed the consultation response from NRW dated 26th September 2017.

I agree that the recommended condition regarding the provision of a suitable Reasonable Avoidance Measures (RAMS) for otter and bats is required necessary to comply with Powys County Council's UDP Policies ENV3, ENV4, ENV5, ENV6 and ENV7.

Therefore, submission that the recommended RAMS should be secured through an appropriately worded condition.

Biodiversity enhancements

As the application is an outline application further details will be submitted at a later date as reserved matter consideration should be given to incorporate biodiversity enhancements.

In accordance with Part 1 Section 6 of the Environment (Wales) Act 2016 Local Authorities are required to Maintain and Enhance biodiversity through all of its functions – this includes the planning process. It is therefore recommend that consideration is given to opportunities to incorporate biodiversity enhancements to ensure net biodiversity benefits through the proposed development. These measure could include:

- Provision of bird and bat boxes including the details of the number, type and location of these boxes;
- A wildlife buffer strip and a scheme of appropriate management of these areas, hedgerows should be retained within buffer strips and should be unlit or lighting to be directed away from the hedgerows to create dark movement corridors for nocturnal wildlife through the site;
- Provision of wildlife friendly landscape planting.

Should biodiversity enhancement measures be proposed as part of the development details of these features identified will need to be specific and detailed on submitted plans (i.e. details regarding locations, dimensions and numbers will need to be provided) and achievable.

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

Prior to commencement of development a Hedgerow Replacement Plan 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, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and Part 1 Section 6 of the Environment (Wales) Act.

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, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and Part 1 Section 6 of the Environment (Wales) Act.

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

Reason: To comply with Powys County Council's UDP Policies SP3, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act.

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 UDP Policies SP3 and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

NRW

Correspondence received 26th September 2017

Thank you for consulting Natural Resources Wales (letter dated 07/09/2017) regarding the above.

We recommend that you should only grant planning permission if you attach the following conditions. These conditions would address significant concerns that we have identified and we would not object provided you attach them to the planning permission.

Summary of Conditions

Condition 1 - EPS: The submission of a RPA plan that will guarantee the safeguard and protection of the tree line between the Montgomery Canal SAC and the proposal, during and post construction.

Condition 2 – EPS: Construction works to be carried out during daylight hours only.

Condition 3 – EPS: No works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect otters from being trapped in open excavations and / or pipe and culvers are submitted to and approved in writing by the local planning authority. The measures may include a) creation of sloping ramps to allow badgers to exit excavations; b) open pipework greater than 150mm outside diameter, being blocked off at the end of each working day.

Condition 4 – EPS: The submission and implementation of an exterior lighting scheme that will aim at retaining dark wildlife corridors.

Condition 5– biosecurity: the submission and implementation of a Biosecurity Risk Assessment to the satisfaction of the LPA

Protected Species

No ecological report was submitted in support of this application. NRW has multiple records of bats and otters in the proximity of this location.

Bats, otters and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2010 (as amended). Any development that would contravene the protection afforded to bats and otters under the Regulations would require a derogation licence from Natural Resources Wales.

Paragraph 6.3.7 of Technical Advice Note 5: Nature Conservation and Planning (TAN5) states that your Authority should not grant planning permission without having satisfied itself that the proposed development either would not impact adversely on any bats on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied.

The proposal has the potential to cause disturbance to otters and bats.

Provided suitable Reasonable Avoidance Measures (RAM) are secured via appropriate planning conditions and implemented during the construction phase, we do not consider that the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

It is our opinion that the tree line between the Montgomery Canal and the North-western corner of the proposal requires protection during construction as this is likely to provide shelter and connectivity for both otters and bats. A Root Protection Area (RPA) will need to be identified and fenced off. No machinery or works to be carried out within the buffer zone.

Condition 1 - EPS: The submission of a RPA plan that will guarantee the safeguard and protection of the tree line between the Montgomery Canal SAC and the proposal, during and post construction.

To further minimise disturbance to bats and otters we recommend that construction works are limited to day light hours, to avoid the times when bats and otters are likely to move across or near the site. Holes and trenches must be covered at night or ramps installed to provide a means of escape for any mammal, including otters that may be otherwise become trapped in excavations.

Condition 2 – EPS: Construction works to be carried out during daylight hours only.

Condition 3 – EPS: No works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect badgers/otters from being trapped in open excavations and / or pipe and culverts are submitted to and approved in writing by the local planning authority. The measures may include a) creation of sloping ramps to allow badgers to exit excavations; b) open pipework

greater than 150mm outside diameter, being blocked off at the end of each working day.

Impact on EPS must also be considered post development. We suggest an exterior lighting plan is submitted to your authority to demonstrate that all areas likely to be used as wildlife corridors (tree lines and hedgerows) are kept dark.

Security lighting must be installed in a way that minimise/avoid light spill in areas that could potentially be used by foraging and commuting bats and otters (all tree lines and hedgerows surrounding the site, river corridor). Low level and low wattage, as well as low pressure sodium or high pressure sodium lamps, should be preferred to mercury or metal halide lamps.

Condition 4 – EPS: The submission and implementation of an exterior lighting scheme that will aim at retaining dark wildlife corridors.

Protected Sites

The development site is adjacent to the Montgomery Canal Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI).

We advise that the proposal may have implications for the Montgomery Canal SAC and, as part of any planning application submitted the LPA will need to carry out a test of likely significant effects under regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended).

We remind you that the competent authority, for the purposes of the 2010 Regulations must not normally agree to any plan or project unless they are sure beyond reasonable scientific doubt that it would not adversely affect the integrity of the SAC.

Without prejudice to the assessment of the LPA, provided that:

- all construction activity is confined within the site boundary
- pollution prevention measures are followed during construction
- a buffer zone or Root Protection Area (RPA) is set up to guarantee there will be no deterioration to the vegetation along the banks of the canal.

the proposal is not likely to have a significant effect on the SAC.

Flood Risk

The site lies close to a **zone C2**, as defined by the development advice map referred to under TAN15 Development and Flood Risk (July 2004). We are therefore satisfied that a flood consequences assessment is not required in this instance. As a precautionary measure, the applicant may wish to install some flood proofing measures as part of the development, for example resilient walls, floors, doors, electric wiring etc. For further information on flood proofing, please see ODPM publication 'Preparing for Floods: Interim Guidance for Improving the Flood Resistance of Domestic and Small Business Properties'. This may be viewed on the Planning Portal website at www.planningportal.gov.uk.

Foul Drainage

We understand foul water will be pumped to the mains sewer in accordance with government policy. Should this is not possible and private sewage treatment / disposal facilities are utilised, they must be installed and maintained in accordance with British Standard 6297 and Approved Document H of the Building Regulations 2000. You should also have regard to Welsh Office Circular 10/99 in respect of planning requirements for non mains sewerage.

The applicant will need to apply for a Permit or Exemption, if they wish to discharge anything apart from uncontaminated surface water to a watercourse/ditch. They may also need to apply for a Permit from our National Permitting Team to allow certain discharges into ground. They must obtain any necessary Permit prior to works starting on site. The Welsh Government has also advised that all septic tanks and small sewage treatment plant discharges in Wales will need to be registered. More information, including a step by step guide to registering, is available on our website <https://naturalresources.wales/permits-and-permissions/water-discharges/?lang=en>

Biosecurity

We consider biosecurity to be a material consideration owing to the nature and location of the proposal. In this case, biosecurity issues concern invasive non-native species (INNS) and diseases. We therefore advise that any consent includes the imposition of a condition requiring the submission and implementation of a Biosecurity Risk Assessment to the satisfaction of the LPA.

We consider that this assessment must include

- (i) appropriate measures to control any INNS on site; 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.

Condition 5– biosecurity: the submission and implementation of a Biosecurity Risk Assessment to the satisfaction of the LPA

Pollution Prevention

All works at the site must be carried out in accordance with GPP5 and PPG6 'Works in, near or over watercourses' and 'Working at construction and demolition sites' which is available at:

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

Scope of NRW Comments

Our comments above only relate specifically to matters that are included on our checklist "Natural Resources Wales and Planning Consultations" (March 2015) which is published on our website: (<https://naturalresources.wales/media/5271/150302-natural-resources-wales->

[and-planning-consultations-final-eng.pdf](#)). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance. The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

Correspondence received 7th November 2017

Thank you for consulting us on the amended plans for the above. We have no additional comments to make, please refer to our response letter of 26/9/2017 (CAS-40069-D6C3).

Canal & Rivers Trust

Correspondence received 27th September 2017

Thank you for your consultation.

Glandŵr Cymru, the Canal & River Trust in Wales, cares for Wales' historic canals, made up of the Swansea, Llangollen, Montgomery and Monmouthshire & Brecon Canals. Our canals perform many different functions and are a haven for people and wildlife and a national treasure. We are a statutory consultee in the development management process.

Glandŵr Cymru has reviewed the consultation. This is our substantive response under the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, as amended. Based on the information available we have **concerns** relating to the risk to the structural integrity of the canal.

The application site includes a section of the embankment that retains and supports the adjacent Montgomery Canal, which is a Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI). In the worst case scenario the collapse of a section of the embankment could result in the canal being breached, which would cause substantial flood damage to the proposed properties and have a devastating impact on the ecological value of the designated sites.

It is therefore essential that any risk to the structural integrity of the embankment as a result of the proposed development is fully assessed and mitigated. It is also essential that no works are carried out by future occupiers of the dwelling closest to the embankment, that may risk de-stabilising the embankment or damaging the towpath and canal. This would include any work to excavate or re-profile the embankment to create level garden areas.

Land stability and the consideration of the suitability of development with regard to ground conditions are material planning considerations as set in Planning Policy Wales Chapter 13 which states at paragraph 13.5.1 that the *“responsibility for determining the extent and effects of instability or other risk remains that of the developer,”* and at 13.8 that land instability must be considered by LPA to ensure that *“new development is not undertaken without an understanding of the risks including those associated with subsidence, landslip or rock falls”*.

Due to the risks to the embankment Glandŵr Cymru would advise that this land should be excluded from the red edge of the application site, with an appropriate boundary treatment such as a native hedgerow introduced at the bottom of the embankment to define the curtilage of the closest proposed property. This would also reduce the likelihood of visually intrusive boundary fencing being erected to replace or supplement the hedgerow on the towpath boundary, and would be beneficial to Glandŵr Cymru to continue to be able to gain access to inspect the embankment.

Should the Council be minded to grant planning permission for the development as currently propose, we would also request the imposition of the following condition:

No excavation or other engineering work to, or within 5 metres of, the embankment that retains the adjacent Montgomery Canal shall be carried out, unless detail have first been submitted to and approved in writing by the local planning authority. The details shall include foundations details, construction methodology and cross sections to demonstrate how the embankment would be protected.

Reason: To prevent any risk of damage to the Montgomery Canal embankment in accordance with Planning Policy Wales Chapter 13 and protect the ecological value of the Montgomery Canal Special Area of Conservation and Site of Special Scientific Interest, in accordance with policies ENV4 and ENV5 of the Powys UDP.

We would also want to ensure that any current boundary trees/hedgerow habitats between the canal and the site are retained and protected during the course of the development. We would request that the Council consider whether a condition would be required to secure details to protect the existing boundary vegetation. No details of boundary treatment have been submitted at this stage, we would not support closed board fencing adjacent to the canal.

Finally, there is an existing path along the northern boundary of the application site which runs perpendicular from the canal towpath. It is unclear if this currently provides an informal access to the canal towpath. An access in this location could be formalised as part of the development to this site to enable future an existing residents of the site to access the canal. If the applicant is amenable to this then we would suggest the following condition:

Prior to the development hereby permitted being built above slab level full details of the proposed access to the towpath to be constructed shall be submitted to and agreed in writing by the Local Planning Authority and carried out in accordance with the agreed details. The details shall include cross sections; the materials to be used; set out any stability works required to the embankment and set out the future maintenance provisions for the access.

Reason: In order to ensure that the integrity of the waterway infrastructure is not compromised, future maintenance provision of the access has been identified and agreed and the proposed access does not have a detrimental impact on the appearance of the canal corridor and to accord with policies TR11 and T6 of the Powys Local Plan

If the Council is minded to grant planning permission, it is also requested that the following informative is attached to the decision notice:

“It is essential that the applicant/developer contacts the Canal & River Trust’s Third Party Works Team (01782 779909) in order to ensure that any necessary consents are obtained and that the works comply with the Canal & River Trust “Code of Practice for Works affecting the Canal & River Trust”.

For Glandŵr Cymru to effectively monitor our role as a statutory consultee, please send me a copy of the decision notice.

If you have any queries please contact me, my details are below.

Cllr Francesca Jump

Correspondence received 21st September 2017

I would like to call in the above application as the application site is outside the development area.

Representations

A public site notice was erected at the site for a period of 21 days. No third party representations have been received by Development Management at the time of writing this report.

Principal Planning Constraints

Flood Zone
SSSI
Special Area of Conservation
Public Right of Way
Nat FloodZone 2

Principal Planning Policies

National planning policy

Planning Policy Wales (9th edition, 2016)
Technical Advice Note (TAN) 1: Joint Housing Land Availability Studies (2015)
Technical Advice Note (TAN) 5: Nature, Conservation and Planning (2009)
Technical Advice Note (TAN) 12: Design (2016)
Technical Advice Note (TAN) 18: Transport (2007)
Technical Advice Note (TAN) 23: Economic Development (2014)

Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management

Local planning policies

Powys Unitary Development Plan 2010

SP2 – Strategic Settlement Hierarchy

SP3 – Natural, Historic and Built Heritage
SP4 – Economic and Employment Developments
SP5 – Housing Developments
SP6 – Development and Transport
SP12 – Energy Conservation and Generation
SP14 – Development in Flood Risk Areas
GP1 – Development Control
GP3 – Design and Energy Conservation
GP4 – Highways and Parking Requirements
ENV2 – Safeguarding the Landscape
ENV3 - Safeguarding Biodiversity & Natural Habitats
ENV4 - Internationally Important Sites
ENV5 - Nationally Important Sites
ENV7 – Protected Species
HP3 - Housing Land Availability
HP4 - Settlement Development Boundaries and Capacities
HP5 - Residential Development
HP6 - Dwellings in the Open Countryside
HP14 – Sustainable Housing
TR2 - Tourist Attractions and Development Areas
RL6 - Rights of Way and Access to the Countryside
DC1 – Access by Disabled Persons
DC3 – External Lighting
DC10 – Mains Sewage Treatment
DC13 – Surface Water Drainage

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

Other Legislative Considerations

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

Officer Appraisal

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

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

Principle of Development

This application site lies adjacent to the settlement of Pool Quay which is classified in the Powys Unitary Development Plan 2010 as small village. The site is accessed via a new access proposed off the A483 Trunk Road. The proposal is for up to three dwellings of which all are to be open market and therefore the proposed development represents a departure from the adopted Unitary Development Plan.

Housing Land Supply

Planning policy (TAN1 and UDP HP3) states that the Council needs to have a five year supply of land available for housing. The Powys Joint Housing Land Availability Study (2016) concludes that there is 2.2 years of housing supply.

Housing supply is a material consideration that should be given considerable weight in the determination of this application. TAN 1 states:

'The housing land supply figure should also be treated as a material consideration in determining planning applications for housing. Where the current study shows a land supply below the 5-year requirement or where the local planning authority has been unable to undertake a study, the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with development plan and national planning policies'.

Sustainability

In considering a departure from the Powys Unitary Development plan policies consideration must be given to must consider the location of the proposed development in terms of the sustainability of the development. Account should be given to the range of services and facilities available within close proximity to the site.

PPW requires that development be sustainable and that adverse impacts do not outweigh the benefits. Furthermore, PPW states that in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and new isolated homes in the countryside should be avoided. In line with PPW, residential development outside of settlement boundaries are considered in terms of the site's proximity to services and facilities likely to be required for residential use, and whether the site is suitably connected to these services and facilities.

Pool Quay is defined in the UDP as a small village with no allocated sites. The settlement itself has a public house, post box and public transport bus stop with pedestrian footways linking from the site to the bus stop. Pool Quay is located approximately 3.2 miles north east of Welshpool which is an area centre as defined in the UDP. Welshpool has a full range of facilities and services and is readily accessible from Pool Quay via public transport links. The proposed location is considered to be sustainable for the scale of development proposed.

Officers consider that in this case the proposed site on balance given the scale of the proposed development is considered to be a sustainable location for three dwellings with access to a range of services and facilities that is well associated with the existing built up

settlement form. In light of the above, officers consider that the key settlement is considered to be a sustainable location for a development of the proposed scale.

Scale, Design and Appearance

Policy GP3 of the Powys Unitary Development Plan seeks to ensure that development proposals are of an appropriate design, scale, layout and of materials that shall complement or where possible enhance the character of the surrounding area.

Whilst scale, appearance, layout and landscaping are reserved matters not to be considered as part of this application process, the applicant has provided an indicative layout for the site. The indicative layout for the site shows three open market dwellings. The design and access statement indicates that the dwellings will be between 10-20 metres in length and 9-12 metres in width. The height to the ridge will vary but will range from between 5- 9 metres in height.

No indicative details of design of the dwelling are given at this stage but it is a matter to be considered at any future reserved matters application stage. The design and access statement or planning application form doesn't give any information in terms of proposed materials at this stage.

Although Officers acknowledge that matters relating to appearance, layout and scale have been reserved for future consideration, on the basis of the plans provided, it is considered that the application site is capable of accommodating five dwellings without unacceptably adversely affecting the character and appearance of the area or amenities enjoyed by occupants of neighbouring properties compliant with UDP policies SP5, GP1, GP3, ENV2 and HP5 of the Powys Unitary Development Plan 2010.

Landscape and Visual Impact

Policy ENV2 of the Powys Unitary Development Plan seeks to ensure that proposed development will not have an unacceptable adverse impact upon the Powys Landscape. Development proposals should be design in a way to be sensitive to the character and appearance of the surrounding area and landscape.

The proposed site is located adjacent to the settlement boundary of Pool Quay. It is considered that the siting of the proposed dwellings is acceptable in the proposed location. Although landscaping is not considered as part of this application process substantial landscaping is shown on the indicative layout as a landscape buffer strip of 10 metres in width. This landscape buffer will be secured by grampian condition upon any grant of consent to further screen the proposed development. It is considered that the proposed site is well integrated within the existing small village, will benefit from the proposed landscaping works and would not have an unacceptable adverse visual impact upon the character and appearance of the surrounding area.

In light of the above, it is considered that the proposed development complies with policy ENV2 of the Powys Unitary Development Plan 2010.

Agricultural land Classification

Planning Policy Wales (PPW) paragraph 4.10 outlines national policy towards conserving Wales' Best and Most Versatile (BMV) agricultural land. Further guidance is provided in Technical Advice Note (TAN) 6, including the consultation arrangements with the Welsh Government included at Annex B. UDP policy ENV1 states that when considering proposals for development, the best and most versatile agricultural land will be safeguarded wherever possible.

The Predictive Agricultural Land Classification (ALC) Map indicates that the application site is classified as 'Moderate quality agricultural land' (3b). Planning Policy Wales (PPW) seeks to protect agricultural and grade 1-3a. Given the classification of the application site, it is not considered that development on the proposed site would result in the loss of high grade agricultural land, compliant with UDP policy ENV1.

Highways Safety and Movement

UDP policy GP4 indicates that planning permission will be dependent upon adequate provision for access including visibility, turning and parking.

This application is submitted in outline with access being the only matter being considered at this stage. All other matters are reserved for future consideration. As part of this application process the trunk road highways authority have been consulted and no objections have been raised following amendments to the submitted plans, subject to the inclusion of the recommended conditions upon any grant of consent. Officers are satisfied that subject to the conditions as suggested that the proposed development is considered to have an acceptable access.

In light of the highways officers comments it is considered that the proposed dwellings fundamentally comply with Policy GP4 of the Powys Unitary Development Plan 2010.

Drainage

Policy DC13 of the Powys Unitary Development plan seeks to ensure that development proposals should provide adequate provisions for land drainage and surface water disposal. Development should not give rise to unacceptable on or off site flooding. Policy DC10 seeks to ensure that the adequate provision for foul sewerage can be provided on site via the public foul sewerage system.

As part of this application process the council's Environmental Health Officers have been consulted who have raised no objection to the scheme as it is to be served by the public sewerage system. Severn Trent have also been consulted and have raised no objection to the proposal subject to the inclusion of a condition to include details of the foul and surface water disposal for the scheme.

Officers consider that subject to the suggested condition that the proposed development fundamentally complies with policy DC10 and DC13 of the Powys Unitary Development Plan 2010 in respect of foul and surface water drainage.

Flood Risk

This application site is located in close proximity to the C2 flood zone however is wholly outside of the zone as shown on the Development Advice Maps. As part of this application process NRW have been consulted on the application and have raised no objections in respect of flood risk and have not requested any further information. Officers consider that the site is located outside of the C2 flood zone and therefore is acceptable in this respect.

In light of the above, officers consider that the proposed development fundamentally complies with policy SP14 of the Powys Unitary Development Plan.

Ecology and Biodiversity

This application site is located in close proximity to the Montgomery SSSI and SAC. As part of this application process the county ecologist and NRW have been consulted. NRW's comments have no objections to the scheme subject to a number of conditions to secure a lighting scheme, biosecurity risk assessment, reasonable avoidance measures for bats and otters. Officers have considered the suggested conditions and have recommended that they be included upon any grant of consent. Other conditions were suggested in respect of root protection areas for the existing tree line alongside the canal, however amended plans remove the development from that area and this outline application only gives an indicative layout of the site with layout being fully considered at any reserved matters stage. It is considered that the root protection areas will be considered at any reserved matters stage in terms of designing the final layout of the site and a condition is not necessary at this outline stage.

In addition to the suggested conditions as a means of integrating the site into the settlement an additional landscaping buffer strip has been requested to the south west of the proposed site to further screen and integrate the site into the settlement. Officers consider whilst the buffer strip will provide additional protection to the wider landscape it will also provide additional habitats and benefits to the biodiversity of the surrounding local area. A condition will be placed upon any grant of consent to secure this landscape buffer.

In addition to NRW's comments on protected species they have comments upon the likely impact upon the Montgomery Canal SSSI and SAC. They have stated in their response that the proposed development is not likely to have a significant effect on the SAC.

The county ecologist has provided comments raising no objections to the scheme subject to recommended conditions. Some of the suggested conditions relate to aspects of the proposed site which will be finalised at any reserved matters stage and are not considered to be appropriate at this outline application stage.

In light of the above, officers consider that the proposed development subject to the suggested conditions complies with policies ENV2, ENV3, ENV4, ENV5 and ENV7 of the Powys Unitary Development Plan 2010.

Habitats Regulations Assessment

The proposed site is located within close proximity to the Montgomery Canal SSSI and SAC. As a result the county ecologist has carried out a habitats regulations assessment for the

site. The outcome of the assessment indicates that the proposed development would result in no likely significant effects upon the SAC.

Recommendation

Whilst a departure from the development plan, in this instance, the provision of housing is considered to outweigh the plan and therefore on balance justifies the grant of consent as an exception to normal housing policies. The recommendation is therefore one of conditional approval subject to conditions.

Conditions:

1. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. The development shall be carried out strictly in accordance with the plans stamped as received on 20/02/18 (drawing no's: RPP01.1.3.01 Rev E).
5. The access and visibility splays shall be laid out, constructed and maintained strictly in accordance with the submitted plans (drawing no. RPP01.1.3.01 Rev E)
6. The minimum visibility distances available for vehicles emerging from the proposed access / junction shall be 160 metres in the northbound direction and 215 metres in the southbound direction at a height of 1.05 metres, measured to a point 0.26 metres above the nearer running edge of the trunk road carriageway. These visibility distances shall be available at a point 4.5 metres from the nearer running edge of the trunk road, measured along the centreline of the access road. The visibility splay so formed shall be free of any growth or obstruction, which would interfere with the minimum visibility requirements.
7. Adequate provision shall be made within the development site to enable vehicles to turn around, so that they may enter and leave the site in a forward gear.
8. No drainage from the development site shall be connected to or allowed to discharge into the trunk road drainage system, and the proposed junction shall be constructed such that the access road does not drain onto the trunk road.
9. The access and visibility requirements shall be substantially complete and available for use prior to the commencement of any other works associated with the development.

10. The applicant shall enter into an Agreement with the Welsh Ministers under Section 278 of the Highways Act 1980 to enable the Applicant to undertake agreed improvement works on the trunk road. This Agreement will contain details of the improvement works, construction conditions and financial arrangements under which agreed measures can be put in place, including indemnifying the Welsh Ministers against third party claims. Without such an agreement in place, any consent that may be granted cannot be implemented.
11. Prior to the commencement of development drainage plans for the disposal of foul and surface water flows shall be submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.
12. Demolition or construction works shall not take place outside the hours of 0800 to 1800 Mondays to Fridays and 0800 to 1300 on Saturdays and at no time on Sundays or Public Holidays.
13. Prior to the commencement of development a detailed lighting design scheme to take into account any impacts on nocturnal wildlife into consideration shall be submitted for written Local Planning Authority approval and implemented as approved and maintained thereafter.
14. Prior to the commencement of development a Biosecurity Risk Assessment shall be submitted to and approved by the Local Planning Authority. The risk assessment shall be implemented as per the details approved.
15. Prior to the commencement of development measures for the protection of otters from being trapped in open excavations and/or pipe and culverts are to be submitted and approved in writing by the Local Planning Authority. The measures approved will be implemented in full.
16. No development shall commence until full details of the proposed landscape buffer zone as detailed on plan no. RPP01.1.3.01 Rev E (received 20/02/18) is submitted alongside an implementation and maintenance scheme and approved in writing by the Local Planning Authority. The approved schemes shall be implemented in full.
17. Prior to the commencement of development a reasonable avoidance measures method statement regarding bats and otters shall be submitted to and approved in writing by the Local Planning Authority the approved measures shall be implemented and adhered to in full.
18. 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 type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 1 dwelling;

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.

19. The affordable dwelling 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 reenacting 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.
20. A Hedgerow Replacement Plan shall be submitted to the Local Planning Authority at the same time as the reserved matters as listed in condition 1 above and implemented as approved and maintained thereafter.

Reasons

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

10. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
11. This is to ensure that the development is provided with a satisfactory means of drainage as well as to reduce or exacerbate a flooding problem and to minimise the risk of pollution
12. To safeguard the amenities of the locality in accordance with policy GP1 of the Powys Unitary Development Plan.
13. To comply with Powys County Council's UDP Policies SP3 and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.
14. To comply with Powys County Council's UDP Policies ENV3, ENV4, ENV5 and ENV6 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act.
15. To comply with Powys County Council's UDP Policies ENV3, ENV4, ENV5 and ENV6 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act.
16. To ensure that the application site is adequately landscaped in the interests of the amenity of the area, in accordance with policies GP1, ENV2 and ENV3 of the Powys Unitary Development Plan (2010), Technical Advice Note 5 - Nature Conservation and Planning (2009) and Planning Policy Wales (2016).
17. To comply with Powys County Council's UDP Policies SP3, ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
18. The dwellings are hereby permitted as an exception to normal housing policies. This condition is imposed to control the future affordability and management of the development in accordance with policies HP7 of the Powys Unitary Development Plan (2010).
19. In order to ensure the provision of affordable housing in accordance with policies HP5, HP7 and HP10 of the Powys Unitary Development Plan (2010), Technical Advice Note 2: Planning and Affordable Housing (2006) and Planning Policy Wales (2016).
20. To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and Part 1 Section 6 of the Environment (Wales) Act.

Informative Notes

Welsh Government Transport (Trunk Road Authority)

- 1) The applicant should be advised that all temporary or permanent signage, road markings or traffic orders shall be at the expense of the developer and agreed with the Highway Authority before works commence.
- 2) Any adjustment, re-siting and / or protection of any statutory undertakers apparatus in the highway shall be undertaken with the prior written consent of the relevant Authority and shall be carried out at the Applicant's own expense.
- 3) The applicant should note that planning permission does not constitute permission under the Highways Act for various activities that may be associated with the development i.e. use of the highway/footway/verge to: for example; deposit material, deposit skips, erect scaffolding, excavate within the highway or erect traffic management apparatus. Such activities will require the separate consent of the Highway Authority;
- 4) Any temporary traffic management arrangements required in connection with this application shall be in accordance with Chapter 8 of the Traffic Signs Manual and in accordance with the Safety at Street Works and Road Works Code of Practice, and shall be approved by the highway authority.
- 5) Road traffic signs in Wales must be bilingual, Welsh above English, and adhere to Welsh Government specifications, see following link for standard details; http://www.traffic-wales.com/traffic_signs.aspx

Canal and Rivers Trust

It is essential that the applicant/developer contacts the Canal & River Trust's Third Party Works Team (01782 779909) in order to ensure that any necessary consents are obtained and that the works comply with the Canal & River Trust "Code of Practice for Works affecting the Canal & River Trust

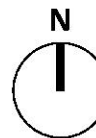
Case Officer: Bryn Pryce- Planning Officer
Tel: 01597 82 7126 E-mail: bryn.pryce@powys.gov.uk

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-  Application Site Boundary
-  Adjoining Land in Applicants Ownership



THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL RELATED DRAWINGS. ALL DIMENSIONS MUST BE CHECKED AND VERIFIED ON SITE BEFORE COMMENCING ANY WORK OR PRODUCING SHOP DRAWINGS. THE ORIGINATOR SHOULD BE NOTIFIED IMMEDIATELY OF ANY DISCREPANCY. THIS DRAWING IS COPYRIGHT AND REMAINS THE PROPERTY ROGER PARRY & PARTNERS.

Rev	Description	Date	Dr by	App by
Original				



Residential - Agricultural - Commercial

Job	- Housing Development
Title	- Location Plan
Location	- Land Adj Swan Bank Pool Quay Welshpool
Client	- J H and E L Jones
Scales	- 1:2500 @ A3
Drawing No.	- RPP01.1.3.04 Rev C
Drawn by	- JEE Date - May 2017

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6.17

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2016/0891	Grid Ref:	331182.14, 294149.56
Community Council:	Churchstoke	Valid Date:	Officer: 26/08/2016 Bryn Pryce
Applicant:	N C Wilkins & P E Dix, Land adjacent to Ael Y Bryn, Hyssington, Montgomery, Powys SY15 6AT		
Location:	Land adjacent to Ael Y Bryn, Hyssington, Montgomery, Powys, SY15 6AT.		
Proposal:	Outline application for the erection of a dwelling, construction of vehicular access and installation of sewage treatment plan with some matters reserved		
Application Type:	Application for Outline Planning Permission		

The reason for Committee determination

The planning application represents a departure from the development plan.

Site Location and Description

This site is accessed via a private lane off the C2056 classified highway within the rural settlement of Hyssington. The existing site is currently laid to grass and is bound by dwellings to the east and west with agricultural land to the south west and the private lane to the north.

This outline application seeks consent for the erection of a dwelling, construction of vehicular access and installation of sewage treatment plan. Matters relating to appearance, scale, layout and landscaping are reserved for future consideration.

Consultee Response

Churchstoke Community Council

Correspondence received 28th Septemebr 2016

P/2016/0891: CCC objects to the application on the grounds

a) CCC notes the potential for increased traffic which is likely to be generated by the accommodation, and has concerns for safety at the junction the with the highway C2056

b) CCC requests that protection afforded to the mature trees at, and around, the proposed development site.

PCC – Highway Authority

- *Correspondence received 15th September 2016*

In terms of Highways nothing has changed from the previous application P2012/0953.

Due to no further evidence being provided the Highway Authority recommends REFUSAL for the reasons given under P2012/0953.

- *Correspondence received 7th November 2017*

The County Council as Highway Authority for the County Class III Highway, C2056

Wish the following recommendations/Observations be applied
Recommendations/Observations

The Highway Authority acknowledge the report written by Woodsyde Developments Ltd 13/01/17 and conclude that whilst aspects are considered acceptable and that vehicle speeds are low, overall though, the available visibility splays still remain significantly below that for even 20 mph traffic speeds.

Therefore, the increased use of this access will potentially lead to conditions prejudicial to highway safety conditions. However, on balance, the likelihood of any potential conflicts remain very low and with the low volumes of traffic and no evidence of any issues within the village we must advise that we are not proposing to object to this application and recommend the following condition be attached to any consent that may be issued.

HC8 Prior to the occupation of the dwelling, provision shall be made within the curtilage of the site for the parking of not less than one car per bedroom excluding any garage space provided together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

In the interests of highway safety.

PCC - Building Control

Correspondence received 5th September 2016

Please be aware that the proposed development will require Building Regulations approval. For further information or to discuss the project, please contact me on 07876216734 or paul.metcalfe@powys.gov.uk

Severn Trent Water

Correspondence received 13th September 2016

Thank you for the opportunity to comment on this planning application. Please find our response noted below:

Waste Water Comments

With Reference to the above planning application the company's observations regarding sewerage are as follows.

I can confirm we have no comment to make as no foul sewage or surface water is to discharge to the public sewerage system.

To help us provide an efficient response please could you send all responses to welshplanning@severntrent.co.uk rather than to named individuals.

PCC - Environmental Health

Correspondence received 14th September 2016

I have the following concerns about this application with respect to the foul drainage, as I will outline below.

The settlement of Hyssington is designated a Rural Settlement within the strategic settlement hierarchy due to the absence of mains drainage and the unsuitable ground conditions for septic tank drainage. The use of a package sewage treatment plant instead of a septic tank could be a suitable method of sewage disposal if the treatment plant were to discharge to a watercourse (provided NRW consent was sought), however the proposal to utilise a 'soakaway' or drainage field is not appropriate because the ground conditions are known to be unsuitable.

The previous planning application at this site (P/2012/0953) was refused due to concerns regarding the foul drainage. In particular the plot size, its proximity to Rhiastyn House and the topography of the land mean that the site presents a significant challenge in terms of a suitable design for a foul water disposal system. It is likely that sewage effluent would escape from the application site and affect neighbouring properties. At the time of the previous application it was considered that it had not been adequately demonstrated that the proposal would not impact upon the integrity of ground waters and the amenity of neighbouring properties. This present application does not address any of the previous concerns.

The present application proposes to utilise a package sewage treatment plant, the effluent from which will then enter a reed bed before entering a concrete ring soakaway. This type of soakaway is intended to be used for the disposal of storm water and is totally unsuitable for foul drainage. Also, no percolation test results have been submitted. The correct method of drainage field design is contained in document H2 of the Building Regulations, which has not been followed. Therefore the applicant/agent has provided no information with respect to the ground conditions, and has proposed an inappropriately designed 'soakaway'.

In order to minimise any potential effect on amenity the applicant/agent is proposing to utilise a reed bed system to further purify the effluent prior to disposal. Again, the relevant methodology for reed bed design is document H2 of the Building Regulations, which state that they should not be constructed in the shade of trees because this will result in poor growth and therefore poor performance. The proposed reed bed location will be in the shade of trees for a significant proportion of the day.

For the above reasons I must object to the application.

Correspondence received 12th February 2018

Thank you for forwarding the amended proposal for comment.

I have no objection to the proposal for a package sewage treatment plant with a discharge to watercourse, subject to consent/exemption from Natural Resources Wales for the discharge.

CADW

Correspondence received 15th September 2016

Thank you for your letter of 31 August 2016 inviting our comments on the proposed development as described above.

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. It is a matter for the local planning authority to then weigh our assessment against all the other material considerations in determining whether to approve planning permission, including any issues concerned with listed buildings and conservation areas.

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 circular guidance. PPW explains that the desirability of preserving an ancient monument and its setting is a material consideration in determining a planning application whether that monument is scheduled or not. Furthermore, it explains that 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 preservation in situ. Paragraph 17 of Circular 60/96, *Planning and the Historic Environment: Archaeology*, elaborates by explaining that this means a presumption against proposals which would involve significant alteration or cause damage, or which would have a significant impact on the setting of visible 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.

The proposal is located within the vicinity of the scheduled monument known as MG119 Hyssington Mound & Bailey Castle. The intervening vegetation and buildings of Hyssington are likely to block views from the Scheduled monument to the application area. Even if they don't block all views the proposed house will be seen as part of the existing settlement and consequently will not have an impact on the setting of scheduled monument MG119.

The application area is located inside the registered Vale of Montgomery Landscape of Outstanding Historic Interest and more specifically inside the Hysington Historic Landscape Character Area (HCLA). The key characteristic of this HCLA are cited as being undulating, lower hill land, early medieval and medieval nucleated settlement with church and earthen castle, in a landscape of scattered later medieval farms. The proposed development is a single dwelling located inside the nucleated village and therefore conforms to the HCLA and any impact will be no more than local.

Natural Resources Wales

Correspondence received 22nd February 2018

NRW was not consulted on this application when it was first registered. We note the additional information received is with regard to the proposed package treatment plant.

Government policy states that, where practicable, foul drainage should be discharged to the mains sewer. Where this is not possible and private sewage treatment / disposal facilities are utilised, they must be installed and maintained in accordance with British Standard 6297 and Approved Document H of the Building Regulations 2000. You should also have regard to Welsh Office Circular 10/99 in respect of planning requirements for non mains sewerage.

The applicant will need to apply for a Permit or Exemption, if they wish to discharge anything apart from uncontaminated surface water to a watercourse/ditch. They may also need to apply for a Permit from our National Permitting Team to allow certain discharges into ground. They must obtain any necessary Permit prior to works starting on site. The Welsh Government has also advised that all septic tanks and small sewage treatment plant discharges in Wales will need to be registered. More information, including a step by step guide to registering, is available on our website <https://naturalresources.wales/permits-and-permissions/water-discharges/?lang=en>

Our comments above only relate specifically to matters that are included on our checklist "Natural Resources Wales and Planning Consultations" (March 2015) which is published on our website: (: <https://naturalresources.wales/media/5271/150302-natural-resources-wales-and-planning-consultations-final-eng.pdf>). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance. The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

PCC - Ecology

Correspondence received 1st March 2017

I have reviewed the proposed plans, aerial images as well as local records of protected and priority species and designated sites within 500m of the proposed development.

The data search identified 13 records of protected and priority species within 500m of the proposed development - no records were for the site itself.

There are no statutory or non-statutory designated sites within 500m of the proposed development.

The site of the proposed development appears to be an area of improved grassland which is considered a habitat of low ecological value. However, the hedgerows boundary is considered to be of moderate ecological value.

Reviewing the submitted information it appears that that no trees or hedgerow are required to be removed as part of the proposed development.

Tree Protection Plan

From reviewing aerial images - there is a mature tree approximately 2m west of the proposed development. It appears that there may be potential that construction works, use of machinery or storage of materials may take place within the canopy of the mature tree identified. Given the proximity of development and 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.

Wildlife Sensitive Lighting Plan

Careful consideration will need to be given to any external lighting design provided through the proposed development, measures will need to be identified to minimise impacts to nocturnal wildlife commuting and foraging in the local area. It is therefore recommended that a Wildlife Sensitive Lighting 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.

Biodiversity Enhancements

As the application is an outline application further details will be submitted at a later date as reserved matter consideration should be given to incorporate biodiversity enhancements.

In accordance with Part 1 Section 6 of the Environment (Wales) Act 2016 Local Authorities are required to Maintain and Enhance biodiversity through all of its functions – this includes the planning process. It is therefore recommend that consideration is given to opportunities to incorporate biodiversity enhancements to ensure net biodiversity benefits through the proposed development. These measures could include:

- Provision of bird and bat boxes including the details of the number, type and location of these boxes;
- A wildlife buffer strip and a scheme of appropriate management of these areas, hedgerows should be retained within buffer strips and should be unlit or lighting to be directed away from the hedgerows to create dark movement corridors for nocturnal wildlife through the site;
- Provision of wildlife friendly landscape planting.

Should biodiversity enhancement measures be proposed as part of the development details of these features identified will need to be specific and detailed on submitted plans (i.e. details regarding locations, dimensions and numbers will need to be provided) and achievable.

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

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, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and Part 1 Section 6 of the Environment (Wales) Act.

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 UDP Policies SP3, ENV3, ENV5 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

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 UDP Policies SP3 and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

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.

Representations

A public site notice was displayed at the site for a period of 21 days. Three letters of objection have been received in response to the proposal. The comments raised are summarised below:

- Rural settlement not appropriate for further growth
- Steep gradient site
- Foul drainage issues
- Access not suitable for extra traffic
- Poor visibility onto highway junction.

Planning History

P/2012/0953 - Erection of a dwelling (outline) and installation of a sewage treatment plant and formation of vehicular access - Refused

Principal Planning Constraints

Historic Landscapes Register - Outstanding

Principal Planning Policies

National Planning Policy

Planning Policy Wales (9th edition, 2016)

Technical Advice Note (TAN) 1: Joint Housing Land Availability Studies (2015)

Technical Advice Note (TAN) 5: Nature, Conservation and Planning (2009)

Technical Advice Note (TAN) 12: Design (2016)

Technical Advice Note (TAN) 23: Economic Development (2014)

Technical Advice Note (TAN) 24: Historic Environment (2017)

Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management

Local Planning Policies

Powys Unitary Development Plan (2010)

SP2 – Strategic Settlement Hierarchy

SP3 – Natural, Historic and Built Heritage

SP4 – Economic and Employment Developments
SP5 – Housing Developments
SP6 – Development and Transport
SP12 – Energy Conservation and Generation
GP1 – Development Control
GP3 – Design and Energy Conservation
GP4 – Highways and Parking Requirements
ENV2 – Safeguarding the Landscape
ENV3 – Safeguarding Biodiversity and Natural Habitats
ENV7 – Protected Species
ENV16 - Landscapes, Parks and Gardens of Special Historic Interest
ENV17 – Ancient Monuments and Archaeological Sites
HP3 - Housing Land Availability
HP4 - Settlement Development Boundaries and Capacities
HP5 - Residential Development
HP6 - Dwellings in the Open Countryside
HP9 - Affordable Housing in Rural Settlements
HP14 – Sustainable Housing
DC1 – Access by Disabled Persons
DC3 – External Lighting
DC11 – Non-mains Sewage Treatment
DC13 – Surface Water Drainage
TR2 – Tourist Attractions and Development Areas

Powys Residential Design Guide (2004)

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

Other Legislative Considerations

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

Officer Appraisal

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

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

Principle of Development

The application site lies outside of the settlement development boundary identified in the Powys Unitary Development Plan (2010). Outside of settlement boundaries, UDP Policy HP4 applies and states that *'outside settlement boundaries, proposals for new residential development will only be approved where they comply with UDP Policies HP6, HP8 or HP9'*. Policy HP6 relates to rural enterprise dwellings, policy HP8 relates to affordable dwellings adjoining a settlement boundary and Policy HP9 relates to affordable dwellings within rural settlements. It is considered that the proposed development does not comply with UDP Policy HP6, HP8 or HP9. The proposed development is therefore not in accordance with the UDP and should be considered a departure.

Housing Land Supply

The departure is being justified by the applicant on the basis that Powys County Council does not have a 5 year housing land supply.

Paragraph 9.2.3 of Planning Policy Wales states that *'Local planning authorities must ensure that sufficient land is genuinely available or will become available to provide a 5 year supply of land for housing judged against the general objectives and the scale and location of development provided for in the development plan.'*

The latest Powys Joint Housing Land Availability Study (JHLAS) 2016 states that there was 2.2 years supply of housing land in the Powys Local Planning Authority (LPA) area. Failure to have a 5-year housing land supply is an important material consideration that should be taken into account when determining this scheme. Technical Advice Note 1: Joint Housing Land Availability Studies (2015) states as follows:

"The housing land supply should also be treated as a material consideration in determining planning applications for housing. Where the current study shows a land supply below the 5 year requirement or where the local planning authority has been unable to undertake a study, the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with development plan and national planning policies".

Whilst TAN 1 confirms that the need to increase housing land supply should be given considerable weight, it is emphasised that this is only where the development would otherwise comply with development plan and national planning policies. Therefore, all material planning considerations are required to be taken into account as are all relevant national and local planning policies and balanced with the undersupply of housing land currently available in Powys.

Sustainability

In considering a departure from the Powys Unitary Development plan policies consideration must be given to must consider the location of the proposed development in terms of the sustainability of the development. Account should be given to the range of services and facilities available within close proximity to the site.

Hyssington is defined in the UDP as a rural settlement and has a chapel, village hall and post box. The rural settlement is located in close proximity to the key settlement of Churchstoke

(approximately 2.7 miles) which has a wide range of services and facilities. Officers consider that in this case the proposed site is considered to be a sustainable location for a single open market dwelling with access to a range of services and facilities in Churchstoke that is well associated with the existing built up settlement form.

In light of the above, Officers consider that the rural settlement is considered to be a sustainable location for a single open market dwelling.

Scale, Design and Appearance

Policy GP3 of the Powys Unitary Development Plan seeks to ensure that development proposals are of an appropriate design, scale, layout and of materials that shall complement or where possible enhance the character of the surrounding area.

Although Officers acknowledge that matters relating to appearance, layout and scale have been reserved for future consideration, on the basis of the plans provided, it is considered that the application site is capable of accommodating a single dwelling without unacceptably adversely affecting the character and appearance of the area or amenities enjoyed by occupants of neighbouring properties compliant with UDP policies SP5, GP1, GP3, ENV2 and HP5.

Landscape and Visual Impact

Policy ENV2 of the Powys Unitary Development Plan seeks to ensure that proposed development will not have an unacceptable adverse impact upon the Powys Landscape. Development proposals should be design in a way to be sensitive to the character and appearance of the surrounding area and landscape.

The proposed site is located adjacent to existing dwellings forming the rural settlement of Hyssington. It is considered that the siting of the proposed dwelling is acceptable in the proposed location. Although landscaping is not considered as part of this application process it is considered that the proposed site is well integrated within the existing rural settlement and would not have an unacceptable adverse visual impact upon the character and appearance of the surrounding area.

In light of the above, it is considered that the proposed development complies with policy ENV2 of the Powys Unitary Development Plan.

Highways Safety and Movement

UDP policy GP4 indicates that planning permission will be dependent upon adequate provision for access including visibility, turning and parking.

As part of this application process the Highway Authority has been consulted and no objections have been raised subject to the inclusion of the recommended conditions upon any grant of consent. Officers are satisfied that subject to the conditions as suggested that the proposed development is considered to have an acceptable access.

In light of the Highway Officer's comments it is considered that the proposed dwellings fundamentally comply with Policy GP4 of the Powys Unitary Development Plan.

Foul and Surface Water Drainage

Policy DC11 seeks to ensure that the adequate provision for foul sewerage can be provided on site via the public foul sewerage system where possible or via a private sewage treatment system. Policy DC13 of the Powys Unitary Development plan seeks to ensure that development proposals should provide adequate provisions for land drainage and surface water disposal. Development should not give rise to unacceptable on or off site flooding.

As part of this application process the Council's Environmental Health Officer (EHO) has been consulted. Initially objections were received from EHO regarding the proposed foul drainage system proposed. After a number of amended proposals and extensive discussions no agreement was reached on the suitability of the proposed system. Therefore, the applicant has chosen to amend the proposed foul disposal system to a bio disc system with an outflow discharging to a nearby watercourse.

Environmental Health Officers were re-consulted on the revised proposal and have raised no objection to the proposal subject to an exemption being received from NRW to discharge to the watercourse. NRW were also consulted and have raised no objection subject to an exemption permit being applied for the discharge to the watercourse after the application process.

Officers consider that the proposed development fundamentally complies with policy DC11 and DC13 of the Powys Unitary Development Plan 2010 in respect of foul and surface water drainage.

Ecology and Biodiversity

As part of this application process the County Ecologist has been consulted and has raised no objection to the proposed development subject to the inclusion of recommended conditions. The Ecologist has recommended conditions regarding a lighting scheme for the site to take account of nocturnal wildlife and also a tree protection and landscaping scheme. Officers consider that at this outline stage with all matters reserved apart from access it is appropriate to include a condition regarding a lighting scheme however feel that a tree protection plan and landscaping scheme can be dealt with and resolved at any reserved matters stage. Therefore, upon any grant of consent a condition to secure a lighting scheme will be attached.

In light of the above and subject to the recommended condition, Officers consider that the proposed development fundamentally complies with policies ENV3 and ENV7 of the Powys Unitary Development Plan.

Recommendation

Whilst a departure from the development plan, in this instance, the provision of housing is considered to outweigh the plan and therefore justifies the grant of consent as an exception to normal housing policies. The recommendation is therefore one of conditional approval.

Conditions:

1. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. The development shall be carried out strictly in accordance with the plans stamped as received on 09/02/18 (drawing no's: SA22491 01 REV B).
5. Prior to the first occupation of the dwelling, provision shall be made within the curtilage of the site for the parking of not less than one car per bedroom excluding any garage space provided together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.
6. Prior to the first installation of any external lighting, a detailed external lighting design scheme shall be 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 thereafter be carried out in accordance with the approved details.

Reasons

1. To enable the Local Planning Authority to exercise proper control over the development in accordance with Section 92 of the Town and Country Planning Act 1990.
2. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
3. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
4. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
5. In the interests of highway safety and in accordance with the provisions policies GP1 and GP4 of the Powys Unitary Development Plan (2010).
6. To comply with Powys County Council's UDP Policies SP3, ENV3, ENV5 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

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.

Reptiles - Wildlife & Countryside Act 1981 (as amended)

All UK native reptile species are protected by law. The Wildlife & Countryside Act 1981 (and later amendments) provides the legal framework for this protection.

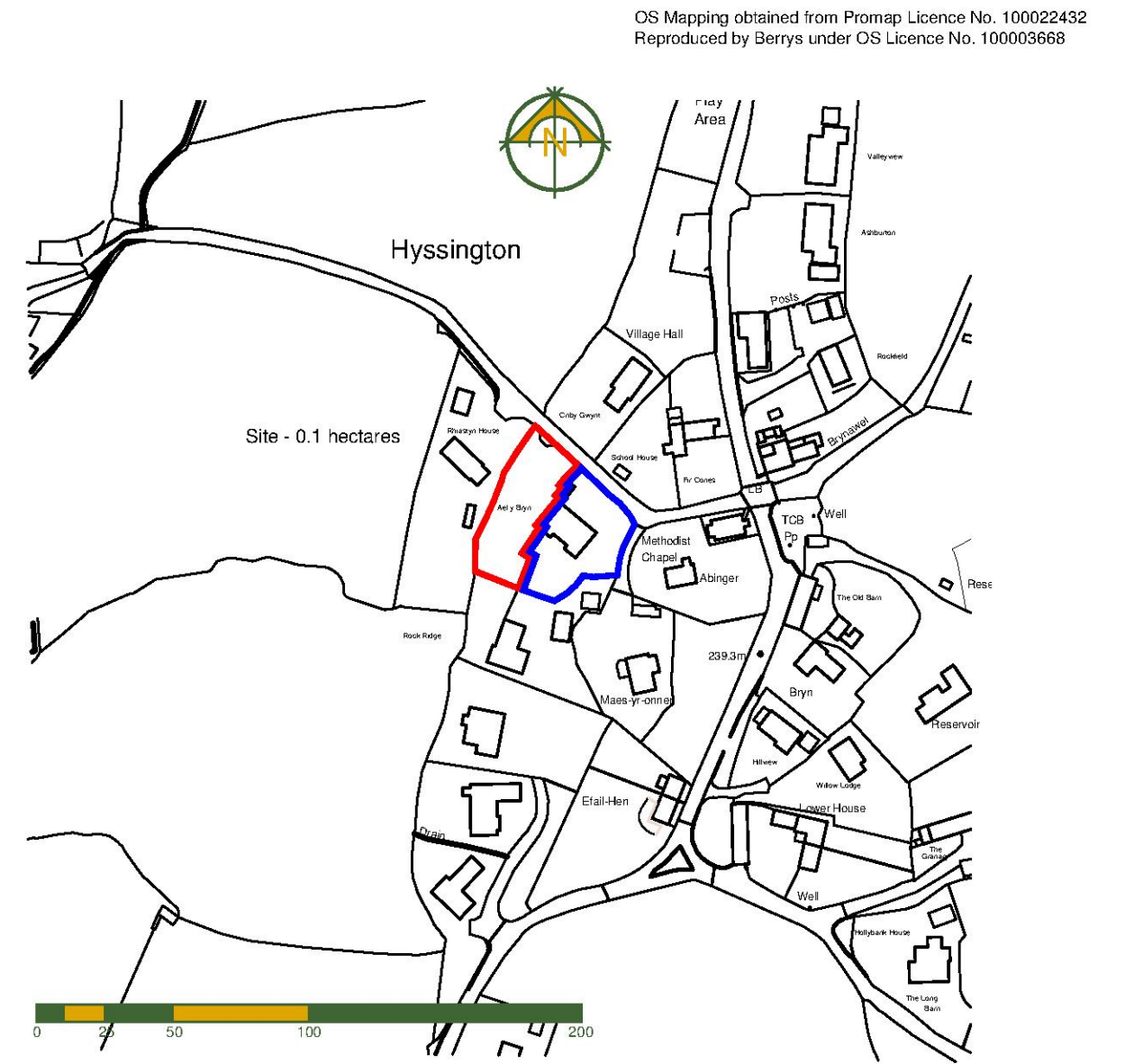
The more widespread and common reptile species, namely common lizard, slow-worm, grass snake, and adder are protected against deliberate or reckless killing and injury.

All species of reptile are priority species in the UK BAP and have been adopted on the Section 7 list of the living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales, under the Environment (Wales) Act 2016.

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



Block Plan 1:500



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Location plan 1:2500

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Amendments:
Blue line added 25/08/16

BERRYS

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Tel: 01743 271697
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Client: Mr N. Wilkins

Project: Residential dwelling adjacent to Ael y Bryn, Hyssington, Montgomery, Powys.

Drawing: Location and Block plan showing access

Drawing Number:	Rev.	Scale	Paper	Drawn By: SD
SA22491 01	A	As noted	A3	Date: April 2016

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6.18

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2017/1389	Grid Ref:	315794.7 267391.68
Community Council:	Llanfihang	Valid Date:	Officer: 24/11/2017 Holly-ann Hobbs
Applicant:	Ms P Evans, Bluebell House, Tanhouse, Dolau, Llandrindod Wells, Powys.		
Location:	Land adjoining The Manse, Tanhouse, Dolau, Llandrindod Wells, Powys, LD1 5TW.		
Proposal:	Outline application (with all matters reserved) for erection of 3 detached dwellings, formation of vehicular access and installation of septic tank and all associated works		
Application Type:	Application for Outline Planning Permission		

The reason for Committee determination

The proposed development constitutes a departure from the development plan.

Site Location and Description

The site subject to this application adjoins the settlement development boundary of Tanhouse as defined by the Powys UDP. The site is bound by agricultural land to the north and west. Located to the south is the public highway and to the east residential properties.

Consent is sought in outline with all matters reserved for future consideration and proposes the erection of 3 dwellings, formation of a vehicular access, installation of a septic tank and all associated works.

Consultee Response

Llanfihangel Rhydithon Community Council

The Llanfihangel Rhydithon Community Council considered this application yesterday evening.

Councillors decided **not** to support the Application for the following reasons:

- The land is outside both the old, and the proposed new Development Plan, both of which had been the subjects of detailed consideration as regards Tanhouse in the past;
- The Councillors did not think that the land could be regarded as an Infill site, which is one of the criteria for allowing possible development outside the Development Area;

- There are well-recorded drainage issues regarding the land on which the three dwellings would be built: the proposed development would greatly exacerbate the situation;
- Planning permission was granted in 2012 for ten dwellings and associated sewage works on the opposite side of the road to the proposed development under consideration. But no building or works, other than a road entry splay, have been undertaken. The 2012-approved development would provide some affordable housing and open market housing. The proposed sewage works would benefit not only the new dwellings but also those in Maes View, where cesspits have to be emptied frequently, would be connected to it. Therefore there would be more gain if the 2012 development went ahead rather than the proposed development considered this evening.

Highway Authority

The County Council as Highway Authority for the County Class III Highway, C1051

Wish the following recommendations/Observations be applied

Recommendations/Observations

HC1 Prior to the occupation of any dwelling any entrance gates shall be set back at least 10 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.

HC2 The gradient of the access shall be constructed so as not to exceed 1 in 15 for the first 10 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.

HC4 Prior to the commencement of the development the access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 43 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the areas of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

HC7 Prior to the commencement of the development the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 10 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.

HC11 Prior to the commencement of the development provision shall be made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of 0.4 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving

the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.

HC21 Prior to the occupation of any dwelling the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 10 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,

HC22 Prior to the commencement of the development any existing means of access shall be stopped up, in materials to be agreed in writing by the Local Planning Authority and this shall be retained for as long as the development is in existence.

HC30 Upon formation of the visibility splays as detailed in HC4 above the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.

HC31 The area of each private drive and any turning area is to be metalled and surfaced in bituminous macadam, concrete or block pavements, prior to the occupation of that dwelling and retained for as long as the development remains in existence.

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

HC34 Prior to the commencement of the development engineering drawings of the road widening and footway crossing provision, to include detailed cross sections, shall be submitted to and approved in writing by the Local Planning Authority, with regard to all highway construction works adjacent to the county class III highway on the southern boundary of the site. Development to be carried out in accordance with the approved details of construction.

Building Control

A Building Regulations application will be required, if any further information is required please do not hesitate to contact me.

Environmental Health

Having taken a look at the residential nature of the area where the proposed development will be sited and given consideration to noise creation, I would firstly recommended that the landscaping and construction period working hours and delivery times be restricted as follows:

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 Sunday and Bank Holidays

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

Secondly I would require further information regards the intended foul drainage system for the proposed development.

It is Government policy that, where practical, foul drainage should be discharged to the mains sewer. If this is not possible and the applicant proposes to install a sewage treatment plant then subject to a consent being obtained from NRW for the sewage discharge to a watercourse then there would be no objection.

However if the sewage treatment plant is to discharge to a drainage field or should a septic tank be utilised then prior to any planning permission being granted the applicant/agent should submit percolation test results (including calculations) which demonstrate that the septic tank and soakaway are sufficiently sized and ground conditions are suitable for the foul drainage soakaway. This should be carried out in accordance with document H2 of the Building Regulations. Also we would like to be advised when the percolation testing is carried out so a site visit can be made to look at the exposed ground.

In addition, Welsh Government has advised that, all septic tanks and small sewage treatment plant discharges in Wales will need to be registered with Natural Resources Wales. More information, including a step by step guide to registering can be found at the following link <http://www.naturalresources.wales/media/2879/septic-tank-registration-guidance.pdf?lang=en>

Correspondence received 9th February 2018 –

I have today undertaken a visit to the area for the above proposed planning application and confirm I am satisfied with the percolation test holes. As such there are no objections from Environmental Health.

County Ecologist

Correspondence received 19th December 2017 –

Thank you for consulting me with regards to planning application P/2017/1389 which concerns an outline application for (with all matters reserved) for erection of 3 detached dwellings, formation of vehicular access and installation of septic tank and all associated works on Land adjoining The Manse Tanhouse, Dolau, Llandrindod Wells.

I have reviewed the proposed plans and aerial images of the proposed site for the developments and surrounding habitats as well as local records of protected and priority species and designated sites within 500m of the proposed development.

The data search identified 30 records of protected and priority species within 500m of the proposed development – no records were for the site itself.

There are no statutory designated sites present within 500m of the proposed development.

There is one non-statutory designated sites present within 500m of the proposed development;

- Nantwylan – Roadside Verge Nature Reserve

Having reviewed the aerial and streetview images the grassland appears to have potential for botanical interest.

No ecology information has been submitted as part of the application.

Habitat Phase 1 and Protected Species Survey

An extended Phase 1 habitat survey will need to be undertaken to identify the habitats present on and adjacent to the site and potential to support protected species as well as the presence of invasive non-native species .

Therefore it is considered that there is insufficient information with regard to potential impacts to protected or priority species and habitats to determine this application. Further information is required to be submitted prior to determination of the application.

The ecological assessment should evaluate the potential impacts of the proposed developments on protected and/or notable species, such as species of conservation concern and locally important species listed in the Powys BAP.

It is important to note that further surveys following National guidelines at the appropriate time of year maybe be required for any species that are found or have potential to be present. These surveys will need to be carried out and results and any mitigation measures proposed submitted to the LPA prior to determination of the planning application. Mitigation and compensation strategies will be required for any impacts upon protected species and loss of habitat.

If any mitigation and/or compensation strategies proposed for the development, full details must be provided with the planning application and where appropriate clearly illustrated on the proposed plans.

Ecological reports submitted to support a planning application should include the required information identified in Appendix A of Powys UDP, Interim Development Control Guidance - Biodiversity (April 2009).

The applicant should be mindful that in accordance with Powys County Council's duty under Part 1 Section 6 of the Environment (Wales) Act 2016, TAN 5, UDP policies and biodiversity IDCG, as part of the planning process Powys should ensure that there is no net loss of biodiversity or unacceptable damage to a biodiversity feature.

Details of ecological consultants working in Powys can be found at <http://www.cieem.net/members-directory> (please note this is not a Powys County Council approved list of ecological consultants but lists ecological consultants who are members of the Chartered Institute of Ecology and Environmental Management). I have also attached some guidance notes regarding commissioning ecological consultants to undertake survey work.

Tree and Hedgerow Protection Plan

Hedgerows are listed as a "habitat of principal importance for the purposes of conserving biodiversity" as identified in on Section 7 of the Environment (Wales) Act 2016, and are beneficial to a wide range of biodiversity including bats, nesting birds, small mammals, lichens and fungi. Hedgerows and linear tree features are also included in the Powys LBAP under the Linear Habitats Action Plan – 'Linear habitats are important to a wide variety of species as refuges, breeding and feeding sites and as links between habitats of high biodiversity value'. Powys UDP Policy ENV2 states that

‘Proposals which are acceptable in principal should:

3. Seek to conserve native woodlands, trees and hedgerows’

Should the proposals require the removal of any hedgerows or trees to accommodate the proposed development including creation of new access or any associated works then appropriate compensation in line with the requirements of UDP Policies ENV2 and ENV6 will need to be provided.

Where impacts to hedgerows or trees are identified an appropriate compensation strategy will be required, where possible translocation of existing hedgerows should be considered, if this is not considered possible at this location replacement hedgerow planting would need to be identified – details of the location, length and species as well as an appropriate aftercare scheme will need to be identified – species used will need to be native and reflect the hedgerows present in the local area.

This information could be secured through a planning condition, however the submission of a Tree and Hedgerow Replacement or Protection Plan with a planning application would avoid the need for a pre-commencement condition requiring this information.

Landscaping 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. A Landscaping Plan could be secured through a planning condition, however as further information has been requested the provisions of details submitted at this stage would avoid the need for a pre-commencement condition requiring this information.

Lighting

Careful consideration will need to be given to any external lighting of the proposed development, measures will need to be identified to minimise impacts to nocturnal wildlife commuting and foraging in the local area or woodland. This information could be secured through a planning condition, however the submission of a Wildlife Sensitive Lighting Plan with a planning application would avoid the need for a pre-commencement condition requiring this information.

Biodiversity Enhancements

In accordance with Part 1 Section 6 of the Environment (Wales) Act 2016 Local Authorities are required to Maintain and Enhance biodiversity through all of its functions – this includes the planning process. It is therefore recommend that consideration is given to opportunities to incorporate biodiversity enhancements to ensure net biodiversity benefits through the proposed development. These measure could include:

- Provision of bird and bat boxes including the details of the number, type and location of these boxes;
- A wildlife buffer strip and a scheme of appropriate management of these areas, hedgerows should be retained within buffer strips and should be unlit or lighting to be directed away from the hedgerows to create dark movement corridors for nocturnal wildlife through the site;

- Provision of wildlife friendly landscape planting.

Should biodiversity enhancement measures be proposed as part of the development details of these features identified will need to be specific and detailed on submitted plans (i.e. details regarding locations, dimensions and numbers will need to be provided) and achievable.

Correspondence received 1st March 2018 –

Thank you for consulting me with additional information submitted regarding planning application P/2017/1389.

The additional information submitted has been provided in response to a request for further survey to enable the LPA to assess the potential impacts of the proposed development to biodiversity.

A Preliminary ecological appraisal has been undertaken to assess the potential of the development to impact to any protected species presence or habitats of ecological value. I have reviewed the Report produced by KG Ecology dated January 2018, I consider that the survey effort employed was in accordance with National Guidelines.

The Survey consisted of a combination of desktop searches and a site visit which took place on the 26th January 2018 to carry out an extended phase 1 habitat survey.

The Phase I habitat found that the proposed development site were semi-improved grassland, hedgerow and scrub and tall ruderal. The site is currently being managed by sheep grazing – with the species identified the semi-improved grassland is considered to be poor and of low ecological value.

No evidence of protected species were identified by the survey within the boundary site.

The hedgerow boundary that will be impacted by the proposed development was identified as being species poor and considered to be of moderate ecological value. It is proposed to translocate 85m and remove a section of the hedgerow to accommodate the new access. The hedgerow is considered to provide nesting potential for birds. Therefore it is recommended that removal of the hedgerow and translocation is to be carried out outside the bird breeding season. The bird breeding season being March-August (inclusive).

The tussock grassland on the roadside verge and within the proposed development site offers suitable habitat for common reptile and amphibian species. In considering the size of the area suitable to support reptiles – the likelihood of reptiles to be present it considered to be low. Therefore a reptile survey was not considered necessary but the adherence to a Reasonable Avoidance Method Statement (RAMS) for clearance of habitat would be appropriate.

The survey noted that approximately 225m from the proposed development site is a pond. In considering the site offers negligible suitability for great crested newts further survey were not considered necessary.

I also note that the nearest records of great crest newt is within 2.8km of the proposed development.

I consider the identified hedgerow planting measures and management in section 9 of the preliminary ecological appraisal to be acceptable.

Reviewing the ecological appraisal and the recommended implantation of a RAMS regarding reptiles, hedgerow planting and management plan along with provisions of nesting and bat roost boxes - I consider that the proposed developments will not result in the loss of any features of ecological importance and it is considered the proposed works are unlikely to have a negative impact to biodiversity in the wider area. I therefore recommend that implantation of the mitigation measures are secured though an appropriately worded condition.

External Lighting

Careful consideration will need to be given to any external lighting, measures will need to be identified to minimise impacts to nocturnal wildlife commuting and foraging in the local area. It is therefore recommended that a Wildlife Sensitive Lighting Plan is secured through an appropriately worded condition.

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

The Reasonable Avoidance Method Statement regarding reptiles in Appendix 1 of the Ecological Impact Assessment Report by KG Ecology dated January 2018 and the recommended Hedgerow Planting and Management Plan and biodiversity measures identified in section 9 of the Ecological Impact Assessment Report by KG Ecology dated January 2018 shall be adhered to and implemented in full and maintained thereafter unless otherwise agreed in writing by the LPA.

Reason: To comply with Powys County Council's UDP Policies SP3, ENV2, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

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 UDP Policies SP3, ENV3, ENV5 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

Natural Resources Wales

Thank you for consulting Cyfoeth Naturiol Cymru/Natural Resources Wales on additional information regarding the above, which was received on 30/01/2018.

NRW does not object to the application. We have the following comments.

Foul Drainage:

From the Proposed Block Plan (Gareth Price Chartered Building Surveyor, Drawing No. 4719/1, dated October 2017), we note that the proposed development will be connected to a

new package treatment plant, discharging to a soakaway. The e-mail from the local authority's Environmental Health team (Simon Wedge, 09/02/2017) confirms they are satisfied with percolation test results at the site.

Government policy states that, where practicable, foul drainage should be discharged to the mains sewer. Where this is not possible and private sewage treatment/disposal facilities are utilised, they must be installed and maintained in accordance with British Standard 6297 and Approved Document H of the Building Regulations 2000. You should also have regard to Welsh Office Circular 10/99 in respect of planning requirements for non-mains sewerage.

The applicant will need to apply for a Permit or Exemption if they wish to discharge anything apart from uncontaminated surface water to a watercourse/ditch. They may also need to apply for a Permit from our National Permitting Team to allow certain discharges into ground. They must obtain any necessary Permit prior to works starting on site. The Welsh Government has also advised that all septic tanks and small sewage treatment plant discharges in Wales will need to be registered. More information is available on our website at: <https://naturalresources.wales/permits-and-permissions/water-discharges/register-your-septic-tank-package-sewage-treatment-plant/?lang=en>

However, it should be noted that the submission of an application does not guarantee that a permit will be issued.

Protected Species:

We note the information submitted in support of the application (Preliminary Ecological Appraisal, KG Ecology, Ref: KG2017/054, 26/01/2018; Hedgerow Translocation Plan, KG Ecology, Ref: KG2017/054, 26/01/2018). We consider the survey and assessment to be satisfactory for informing NRW's priority interests (European protected species and GB 'fully' protected species).

The proposal is not likely to:

- (i) be detrimental to the maintenance of the favourable conservation status of any local populations of European protected species; or
- (ii) affect any local populations of British 'fully' protected species.

You should be advised that should protected species be discovered at any stage during the works, all work should stop immediately and NRW contacted for further advice.

Pollution Prevention:

There is a well approximately 210 metres from the development site. All works at the site must be carried out in accordance with Guidance for Pollution Prevention GPP5: '*Works and Maintenance In or Near Water*' which is available at:

<http://www.netregs.org.uk/media/1303/gpp-5-works-and-maintenance-in-or-near-water.pdf>

Construction Waste:

Any waste excavation material, building waste generated, or the importation of waste (e.g. builders' rubble or tarmac scalplings) for use in the construction should be registered with NRW as an exempt activity under the Environmental Permitting Regulations, or a permit sought. This can be done at the following website:

<https://naturalresources.wales/permits-and-permissions/waste/waste-permits/do-you-need-to-apply-for-a-permit-or-register-an-exemption/?lang=en>

Please do not hesitate to contact us if you require further information or clarification of any of the above.

Our comments above only relate specifically to matters that are included on our checklist "Natural Resources Wales and Planning Consultations" (March 2015) which is published on our website: (<https://naturalresources.wales/media/5271/150302-natural-resources-wales-and-planning-consultations-final-eng.pdf>). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance. The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

Welsh Water

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

SEWERAGE

We would inform you that a water main is crossing the application site. We have attached a copy of the water main record indicating the location of these assets. We would therefore request that the following be included in any planning consent you are minded to grant:

The proposed development site is crossed by a water main with the approximate position being marked on the attached record plan. No development (including the raising or lowering of ground levels) will be permitted within the safety zone which is measured either side of the centre line. For details of the safety zone please contact Developer Services 0800 917 2652.

The developer must contact us if a sewer connection is required under Section 106 of the Water Industry Act 1991 or any alteration to our apparatus is proposed prior to any development being undertaken.

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.

Councillor Hywel Lewis – Local Member

Cyfeirnod y Cais / Application Ref: P/2017/1389 Cyf. Grid / Grid Ref: 315794.7 267391.68 ar gyfer / for Outline application (with all matters reserved) for erection of 3 detached dwellings,

formation of vehicular access and installation of septic tank and all associated works yn/at Land adjoining The Manse TanhouseDolau Llandrindod WellsPowys

Thank you for notification of the above planning application.

I request the application be “called in” for committee decision on the following grounds,

- The application is outside the development boundary
- Due to the history of the site
- Public interest

Representations

The proposed development has been advertised by site display and within the local press. At the time of writing this report, no public representations have been received by Development Management.

Planning History

P/2015/1033 - Erection of 4 no. log cabins for holiday purposes, new access and associated roadways and installation of sewerage disposal plant.- Refused.

APP/T6850/A/16/3144232 – Appeal against refusal of P/2015/1033. Appeal dismissed.

Principal Planning Constraints

No known planning constraints.

Principal Planning Policies

National Planning Policy

Planning Policy Wales (Edition 9, 2016)

TAN 1 - Joint Housing Land Availability Studies (2015)

TAN 2 - Planning and Affordable Housing (2006)

TAN 5 - Nature Conservation and Planning (2009)

TAN 6 - Planning for Sustainable Rural Communities (2010)

TAN 12 - Design (2016)

TAN 18 - Transport (2007)

TAN 20 - Planning and the Welsh Language (2013)

TAN 23 – Economic Development (2014)

Local Planning Policies

Powys Unitary Development Plan (2010)

UDP SP2 – Strategic Settlement Hierarchy

UDP SP5 - Housing Developments

UDP GP1 - Development Control

UDP GP3 - Design and Energy Conservation
UDP GP4 - Highway and Parking Requirements
UDP GP5 – Welsh Language and Culture
UDP ENV1 - Agricultural Land
UDP ENV2 - Safeguarding the Landscape
UDP ENV3 - Safeguarding Biodiversity & Natural Habitats
UDP ENV7 - Protected Species
UDP HP3 - Housing Land Availability
UDP HP4 - Settlement Development Boundaries and Capacities
UDP HP6 - Dwellings in the Open Countryside
UDP DC11 - Non-mains Sewage Treatment
UDP DC13 - Surface Water Drainage
UDP DC8 - Public Water Supply
UDP DC9 - Protection of Water Resources
UDP DC11 – Non Mains Sewage Treatment
UDP DC13 – Surface Water Drainage
UDP TR2 – Tourist Attractions and Development Areas

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

Other Legislative Considerations

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

Officer Appraisal

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

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

Principle of Development

Outside of settlement boundaries, UDP Policy HP4 applies and states 'proposals for new residential development will only be approved where they comply with UDP Policies HP6, HP8 or HP9'. Policy HP6 relates to rural enterprise dwellings, policy HP8 relates to affordable dwellings adjoining a settlement boundary and Policy HP9 relates to affordable dwellings within rural settlements. It is considered that the proposed development does not comply with UDP Policy HP6, HP8 or HP9. The proposed development is therefore not in accordance with the UDP and should be considered a departure.

Members are advised that a decision to approve a departure can only be made where other material considerations outweigh the provisions of the development plan. Such material considerations include Planning Policy Wales (2016) and UDP policy HP3, which require the Local Planning Authority to ensure that sufficient land is genuinely available or will become available to provide a 5-year supply of land for housing. Due consideration of this is given below.

Housing Land Supply

The departure is being justified by the applicant on the basis that Powys County Council does not have a 5 year housing land supply.

Paragraph 9.2.3 of Planning Policy Wales states that *‘Local planning authorities must ensure that sufficient land is genuinely available or will become available to provide a 5 year supply of land for housing judged against the general objectives and the scale and location of development provided for in the development plan.’*

The latest Powys Joint Housing Land Availability Study (JHLAS) 2016 states that there was 2.2 years supply of housing land in the Powys Local Planning Authority (LPA) area. Failure to have a 5-year housing land supply is an important material consideration that should be taken into account when determining this scheme. Technical Advice Note 1: Joint Housing Land Availability Studies (2015) states as follows:

“The housing land supply should also be treated as a material consideration in determining planning applications for housing. Where the current study shows a land supply below the 5 year requirement or where the local planning authority has been unable to undertake a study, the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with development plan and national planning policies”.

Whilst TAN 1 confirms that the need to increase housing land supply should be given considerable weight, it is emphasised that this is only where the development would otherwise comply with development plan and national planning policies. Therefore, all material planning considerations are required to be taken into account as are all relevant national and local planning policies and balanced with the undersupply of housing land currently available in Powys.

Sustainability

Planning Policy Wales (PPW) confirms “sustainable development” to mean the process of improving the economic, social, environmental and cultural well-being of Wales, and that the planning system provides for a presumption in favour of sustainable development.

When providing additional housing it is important to consider whether the scheme can be considered to be sustainable development. This can relate to a wide range of matters including public transport provision and access to education, employment opportunities and other services.

Although located in the open countryside, the site adjoins the settlement development boundary of Tanhouse, defined within the UDP as a 'Small Village'. Whilst services within the village are limited to a Community Centre and Primary School, the site is located within close proximity of Penybont (approximately 3.7 miles) which is served by a public house and Crossgates (approximately 5.6 miles away) which has a shop, petrol station and café. Beyond the aforementioned settlements are Llandrindod Wells and Knighton, located within approximately 8.7 miles and 10.4 miles respectively.

There are currently two allocated housing sites within the settlement, R88 HA1 C (5 houses) and R88 HA2 C (10 houses). Whilst these sites are both committed, it is noted that development has only commenced on part of R88 HA1 C and therefore the level of growth expected within Tanhouse (15 dwellings) has not been delivered within the plan period. A further two dwellings have been consented to the south east of the application site, within the settlement development boundary whilst outside of the settlement development boundary, two dwellings have been permitted in outline.

Notwithstanding the limited services within Tanhouse, given the accessibility to neighbouring settlements and scale of the proposed development, it is considered that the proposed residential development in this location would accord with the provisions of Planning Policy Wales in so far as it is a sustainable location.

Appearance, Layout and Scale

UDP policy HP5 (Residential Development) indicates that development proposals will only be permitted where the scale, form and appearance of the development generally reflects the character and appearance of the existing settlement.

Although Officers acknowledge that matters relating to appearance, layout and scale have been reserved for future consideration, on the basis of the plans provided, it is considered that the application site is capable of accommodating 3 dwellings without unacceptably adversely affecting the character and appearance of the area compliant with UDP policies SP5, GP1, GP3, ENV2 and HP5.

Residential Amenity

UDP Policy GP1 states that development proposals will only be permitted where the amenities enjoyed by the occupants of nearby or proposed properties will not be unacceptably affected. The Powys Residential Design Guide provides guidance on overshadowing and privacy.

Taking into account the character of existing development in the locality, it is considered that the indicative layout demonstrates that residential development can be provided at this location without unacceptably adversely affecting the amenities enjoyed by occupants of existing residential properties and that of the proposed dwellings in accordance with UDP Policy GP1 and the Council's Residential Design Guide.

Highway Safety and Movement

UDP policy GP4 confirms that in the interests of highway safety, all development proposals that generate or involve traffic must be provided with an adequate means of access including visibility, parking and turning facilities.

Whilst access is a matter reserved for future considered, on the basis of the Highway Authority's comments received, it is considered that the development is capable of providing a suitable means of access together with onsite provision. The proposed development is therefore considered to be in accordance with planning policy, particularly UDP policy GP4.

Ecology and Biodiversity

UDP policies SP3 and ENV3 seek to enhance biodiversity and safeguard protected species and their habitats. The application is accompanied by a Preliminary Ecological Appraisal which assesses the potential impact of the development on ecology and biodiversity.

Having reviewed the appraisal submitted, the County Ecologist has confirmed that it is unlikely that the proposed development will unacceptably adversely affect biodiversity or Protected Species at this location. On this basis, Officers consider that the proposed development is in accordance with UDP policies SP3, ENV3 and ENV7 of the Powys Unitary Development Plan, Technical Advice Note 5 and Planning Policy Wales.

RECOMMENDATION

Whilst the proposed development represents a departure from the development plan, the Council's current lack of housing land supply carries considerable weight in favour of this development and given that the proposal would otherwise comply with development plan and national planning policies, the recommendation is one of consent subject to the conditions detailed below;

Conditions:

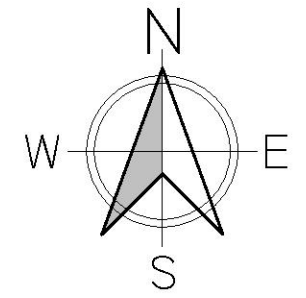
1. Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. The development shall be carried out strictly in accordance with the plans stamped as approved on XXXXXX (drawing no: 4719/1 & 4719/2)
5. The Reasonable Avoidance Method Statement regarding reptiles detailed within Appendix 1 of the Ecological Impact Assessment Report by KG Ecology dated January 2018 and the recommended Hedgerow Planting and Management Plan and biodiversity measures identified in section 9 of the Ecological Impact Assessment

Report by KG Ecology dated January 2018 shall be adhered to and implemented in full and maintained thereafter.

Reasons:

1. To enable the Local Planning Authority to exercise proper control over the development in accordance with Section 92 of the Town and Country Planning Act 1990.
2. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
3. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
4. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
5. To comply with Powys County Council's UDP Policies SP3, ENV2, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

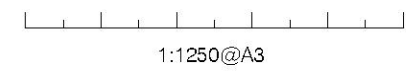
Case Officer: Holly-ann Hobbs- Principal Planning Officer
Tel: 01597 827319 E-mail:holly.hobbs@powys.gov.uk



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Rev.	Des.	Date

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 gareth.llandod@garnersouthall.co.uk



Project:
 PROPOSED RESIDENTIAL DEVELOPMENT
 LAND ADJACENT THE MANSE, TANHOUSE,
 DOLAU

Subject:
 LOCATION PLAN

Drn. SAB	Scale. 1:1250@A3
Date. 10/17	Dwg No. 4719/2

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6.19

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2018/0137	Grid Ref:	321162.96 243371.94
Community Council:	Clyro	Valid Date:	Officer: 02/02/2018 Holly ann Hobbs
Applicant:	Powys County Council		
Location:	Clyro Church in Wales Primary School, Clyro, Hereford, Powys, HR3 5LE.		
Proposal:	Display of 4 no. non-illuminated signs		
Application Type:	Application for Consent to Display an Advertisement(s)		

The reason for Committee determination

The application site is submitted by Powys County Council.

Site Location and Description

The site subject to this application is located within the boundary of Clyro Primary School.

Advertisement consent is sought in respect of the installation of 4 non-illuminated advertisements comprising of the following;

- Wall mounted lettering (brushed stainless steel) measuring approximately 1.04 metres in height and 1.22 metres in width. The proposed lettering will be installed at approximately 5 metres above ground level;
- Wall mounted lettering (brushed stainless steel) measuring approximately 1.6 metres in height by 0.15 metres in width. The proposed lettering will be installed above the entrance doors at a height of approximately 2.6 metres;
- Pole mounted sign measuring approximately 1.2 metres square, installed at a maximum height of 3 metres above ground level;
- 6 metre high flagpole.

Consultation Responses

Responses to follow within the Report Update.

Representations

The proposed development has been advertised by site display. At the time of writing this report, no public representations have been received by Development Management.

Planning History

- DIS/2017/0099 - Discharge of conditions no. 3,15,19,20 & 21 of P/2016/0802. Approved.
- DIS/2017/0091- Discharge of Conditions: Conditions 9, 10 and 12 of P/2016/0802. Approved.
- NMA/2017/0005 - Application for non-material amendments to planning permission
- P/2016/0802 in respect of variation of condition 17 that involves rewording of the condition
- P/2008/1402 - Full: Deemed: Siting of mobile unit for staff accommodation and external works. Consented.
- P/2011/1296 - Full: Development of a pirate theme playground. Consented.
- P/2012/1245 – Full: Installation of a mobile classroom. Consented.
- P/2016/0802 – Full: Construction of a new primary school and associated works. Consented.

Principal Planning Constraints

Historic Landscapes Register - Outstanding

Principal Planning Policies

National Planning Policy

Planning Policy Wales (2016)

Technical Advice Note 7 – Outdoor Advertisement Control (1996)

Local Planning Policy

Powys Unitary Development Plan (2010)

GP1 – Development Control

GP3 – Design and Energy Conservation

GP4 – Highway and Parking Requirements

GP5 – Welsh Language and Culture

ENV16 – Landscapes, Park and Gardens of Special Historic Interest

CS5 – Education Developments

DC2 - Advertisements

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

Other Legislative Considerations

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

Officer Appraisal

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

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

Character and Appearance

UDP policy DC2 indicates that applications for the display of advertisements, will be granted where the following criteria are met;

1. They shall not cause any unacceptable adverse effects on public safety especially for highway users including pedestrians, and especially pedestrians with mobility and/or sensory impairments.
2. Advertisements shall not spoil the visual amenity, character and appearance of any building, the surrounding environment, landscape or street scene in terms of the following details;

The sign's size, proportions, materials, lettering, colour(s) and external finishes.

Its method of illumination, wherever possible external sources of illumination shall be used, particularly in the open countryside or where conservation areas or listed buildings affected.

Its projection.

It is considered that the proposed signage as outlined above is of an appropriate size, projection, finish and location and therefore will not adversely affect the visual amenity, character and appearance of the new school building or surrounding environment. Furthermore, the proposed signage will be non-illuminated and therefore will not detract from the character of the area surrounding the School site. Given the nature of the proposed signage and location within the boundary of the School, it is not considered that the proposed advertisements will compromise the safety of pedestrians or highway users. Wherever possible, DC2 encourages advertisements to be bilingual. It is noted that the proposed signage displays the School name in both Welsh and English.

On the basis of the above observations, the proposal is considered to be in accordance with UDP policy DC2.

RECOMMENDATION

In light of the above and subject to the standard advertisement conditions being attached to any grant of consent, it is recommended that the application as submitted be approved.

Conditions:

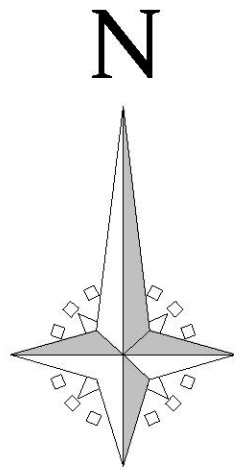
1. The development to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.

2. The development shall be carried out strictly in accordance with the plans stamped as approved on XX/XX/XX (drawing no's: Posted Mounted, Flag Pole, Clyro Church School & CLY 00 PL A (05)101).
3. The signage hereby permitted shall be non-illuminated.
4. Any advertisements displayed and any site used for display of advertisements shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.
5. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.
6. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission
7. No advertisement shall be sited or displayed so as to obscure or hinder the ready interpretation of any road traffic sign, railway signal or aid to navigation by water or air ,or so as otherwise to render hazardous the use of any highway ,railway, waterway or aerodrome(civil or military)

Reasons:

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
2. In the interests of the visual amenity of the area in accordance with policy DC2 of the Powys Unitary Development Plan.
3. Pursuant to the Town and Country Planning (Control of Advertisement) Regulations 1992 and policy DC2 of the Powys Unitary Development Plan.
4. Pursuant to the Town and Country Planning (Control of Advertisement) Regulations 1992 and policy DC2 of the Powys Unitary Development Plan.
5. Pursuant to the Town and Country Planning (Control of Advertisement) Regulations 1992 and policy DC2 of the Powys Unitary Development Plan.
6. Pursuant to the Town and Country Planning (Control of Advertisement) Regulations 1992 and policy DC2 of the Powys Unitary Development Plan.
7. Pursuant to the Town and Country Planning (Control of Advertisement) Regulations 1992 and policy DC2 of the Powys Unitary Development Plan.

Case Officer: Holly-ann Hobbs, Principal Planning Officer
Tel: 01597 82 7230 E-mail:holly.hobbs@powys.gov.uk



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Application Boundary



Scale 1:1250

1 Site Location Plan
1 : 1250

This drawing must not be scaled.
Figured dimensions and levels to be used.
Any inaccuracies must be notified to the architect.
Detail drawings and large scale drawings take precedence over smaller drawings.

Rev

Chk'd:

PRELIMINARY	
PLANNING	<input checked="" type="checkbox"/>
DESIGN	
TENDER	
CONSTRUCTION	

A3

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DWG NO.		PDA	CLY	00	PL	A	(05)100	
	SITE	ORG	VOL	LEVEL	DR TYPE	DIS	NUMBER	REV

Job Ref: 15126

Contract: Gwernfyed Primaries for Powys County Council
Clyro Primary School, HR3 5LE

Title: Site Location Plan

Scale: As indicated
Date: 19/07/16
Drawn: CB
Checked: JT

F:\Union Square Projects\15126 Powys Primary School\Clyro\0 PDA Drawing\0 Current Drawing\ref base\Central File\15126 Clyro (Central).rvt

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6.20

Planning, Taxi Licensing and Rights of Way Committee Report

Application No: P/2018/0060

Grid Ref: 282199.19
304345.29

Community Council: Glantwymyn

Valid Date: 22/01/2018
Officer: Luke Jones

Applicant: Mrs Mary Evans, Brithdir, Tan Y Foel, Dolgellau, Gwynydd, LL40 2RG

Location: Plot 4 Coed Yr Onnen, Glantwymyn, Machynlleth, Powys, SY20 8LF

Proposal: Full: Erection of a dwelling and detached garage and all associated work

Application Type: Application for Full Planning Permission

The reason for Committee determination

The application is to be determined by planning committee as it represents a departure from the development plan.

Site Location and Description

The site subject to this enquiry is located adjacent to the development boundary of Glantwymyn; therefore the proposed site is defined as open countryside within the Powys Unitary Development Plan (UDP). The proposed development constitutes a departure from the adopted Powys Unitary Development Plan. The proposed site is located approximately 100 metres from Glantwymyn roundabout. The proposed site is located next to plots 1 and 3 which have been previously been developed. The proposed site is located to the south of the A470 trunk road with open countryside beyond the proposed site.

This application seeks full planning permission for the erection of a dwelling and detached garage, and all associated work.

The proposed dwelling will measure approximately 10.2 metres in length and 12.8 metres in width at its widest. The proposed dwelling will reach a height of approximately 4.2 metres to eaves and 8.1 metres to ridge. The proposed dwelling will have an internal floor space of 136 square metres. The proposed dwelling will be finished with timber, stone and render for the walls and slate tiles for the roof. The proposed windows and doors will be finished with timber/ ali-clad.

Consultee Response

Glantwymyn Community Council

The members of Glantwymyn Community Council discussed this application at a recent meeting of the Council and unanimously agreed to support this planning application for the

construction of a new dwelling and detached garage at Plot 4, Coed yr Onnen, Glantwymyn, Machynlleth.

Powys Highways

The County Council as Highway Authority

Wish the following recommendations/Observations be applied
Recommendations/Observations

The applicant should be aware that upon the issuing of Building Regulation Approval the Highway Authority will serve Notice under S.219/220 of the Highways Act 1980, requiring monies to be deposited prior to any works commencing on the site.

Prior to the occupation of the dwelling, provision shall be made within the curtilage of the site for the parking of not less than one car per bedroom excluding any garage space provided together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

Wales and West Utilities

Wales & West Utilities acknowledge receipt of your notice received on 25.01.2018, advising us of your intention to carry out work at:

Plot 4, Glantwymyn, Coed Yr Onnen, Machynlleth, Powys, SY20 8LF

We enclose an extract from our mains records of the area covered by your proposals together with a comprehensive list of General Conditions for your guidance. This plan shows only those pipes owned by Wales & West Utilities in its role as a Licensed Gas Transporter (GT). Gas pipes owned by other GT's and also privately owned may be present in this area. Information with regard to such pipes should be obtained from the owners. The information shown on this plan is given without obligation, or warranty and the accuracy thereof cannot be guaranteed. Service pipes, valves, syphons, stub connections, etc., are not shown but their presence should be anticipated. No liability of any kind whatsoever is accepted by Wales & West Utilities, its agents or servants for any error or omission.

You will note the presence of our intermediate / high pressure gas main(s) in proximity to your site. no excavations are to take place above or within 10m of the confirmed position of these mains without prior consultation with wales & west utilities

The Wales & West Utilities Intermediate / High Pressure Network may be affected by your proposals and a copy of the information you have provided has been forwarded to Asset Management for their comment. They will then contact you as necessary. Please note, 7 days notice is required if you require a site visit from an Engineer.

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

requested a new connection or diversion of our apparatus, information will be sent under a separate letter.

If you have any queries please contact Kimberly Nicholls on 02920 278 912 who will be happy to assist you.

Powys Environmental Health

Thank you for your consultation in respect of this application. I note that the applicant is intending to connect to the mains sewer. I have no objection to this application.

Powys Ecologist

Sources of Information:

No ecological information has been submitted with the planning application. These observations are based on an interpretation of available aerial and street imagery, plans and historical biodiversity records provided by the Powys and Brecon Beacons National Park Biodiversity Information Service.

This application concerns the development of a dwelling and detached garden located approximately 100m from the Glantwymyn roundabout. The site has a well-established means of vehicular and pedestrian access and surrounding plots have previously been developed. Access will be via the existing lane.

Summary of historical species records:

There are historical records of the following protected and priority species within 1km of the proposed development:

Badgers – The closest record is within 456m

Various bat species – including unknown bat species (186m), Soprano Pipistrelle bats (114m), Common Pipistrelle (256m)

Otters – The closest record is within 467m

Various bird species – including but not restricted to House sparrow (267m) and Cuckoo (334m) (600m).

Protected Species/Habitats:

Given that the development would utilise an existing prepared plot and access, and due to the distance of the property from suitable habitat, it is considered unlikely that any protected species would be affected by the proposed work.

Numerous bat species are recorded with 250m of the proposed development, bats are likely to be present and active within the locality i.e. roosts in nearby buildings, and using adjacent hedgerows for commuting as well as foraging. No information regarding lighting has been included with the application, however, should any external lighting be installed as part of the proposal it should be directed away from any boundary features to maintain dark corridors. This is to ensure that bats, which are likely to be active around the applicant site are not

affected. It is recommended that a lighting plan is submitted to the LPA for approval prior to commencing the construction at site.

Priority and LBAP Species/Habitats:

The proposed works are not considered to impact on biodiversity features or cause any net loss of biodiversity. However, as a biodiversity enhancement measure, a bat and a small hole nesting bird box could be provided at appropriate locations on the property or garage.

I recommend that native, locally-occurring plant species are included in any landscaping associated with this application.

Non-native Invasive Species:
Unknown

Designated Sites for Nature Conservation:
None likely to be affected

Further information required prior to determination of application:
From an ecological perspective, sufficient information has been provided for this application.

Recommendations:

Should external lighting be installed as part of the development, it is recommended that a lighting plan is submitted to the LPA for approval prior to commencing the construction work.

As a biodiversity enhancement measure, a bat and bird box could be installed at an appropriate location around the site as this would lead to a net increase in biodiversity features at site.

I recommend that native, locally-occurring plant species are included in any landscaping associated with this application

Recommended Conditions:

Should you be minded to approve this application, I recommend the inclusion of the following conditions:

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 scheme details.

Reason: To comply with Powys County Council's UDP Policies SP3, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1, Section 6 of the Environment (Wales) Act 2016.

Relevant UDP Policies:

SP3 Natural, Historic and Built Heritage
ENV 3: Safeguard Biodiversity and Natural Habitats
ENV 7: Protected Species

Welsh Government Transport

I refer to your consultation of 25/01/2018 regarding the above planning application and advise that the Welsh Government as highway authority for the A470 trunk road does not issue a direction in respect of this application.

If you have any further queries, please forward to the following Welsh Government

Representations

Following the display of a site notice, there have been no public representations received.

Planning History

M/2005/0732 - Erection of an affordable dwelling and garage (outline) - Planning Permission Granted subject to S106

Principal Planning Constraints

None

Principal Planning Policies

National Planning Policies and Guidance

Planning Policy Wales (Edition 9, November 2016)
Technical Advice Note (TAN) 5 – Nature Conservation and Planning (2009)
Technical Advice Note (TAN) 12 – Design (2016)
Technical Advice Note (TAN) 18 – Transport (2007)

Local Planning Policies and Guidance

Powys Unitary Development Plan (2010):
GP1 – Development Control
GP3 – Design and Energy Conservation
GP4 – Highway and Parking Requirements
ENV2 – Safeguarding the Landscape
ENV3 – Safeguarding Biodiversity and Natural Habitats
ENV7 – Protected Species
HP4 - Settlement Development Boundaries and Capacities
HP5 – Residential Developments
HP6 – Dwellings in the Open Countryside
HP8 – Affordable Housing adjoining Settlements with Development Boundaries
HP9 - Affordable housing in Rural Settlements
HP10 – Affordability Criteria
SP3 - Natural, Historic and Built Heritage

DC8 – Public Water Supply
DC10 – Mains Sewage Treatment
DC13 – Surface Water Drainage
TR2 – Tourist Attractions and Development Areas

Powys Residential Design Guide (2004)

Other Legislative Considerations

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

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

Officer Appraisal

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

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

Principle of Development

The application site lies outside of any development boundaries identified in the Powys Unitary Development Plan (2010). Outside of settlement boundaries, UDP Policy HP4 applies and states that '*outside settlement boundaries, proposals for new residential development will only be approved where they comply with UDP Policies HP6, HP8 or HP9*'. Policy HP6 relates to rural enterprise dwellings, policy HP8 relates to affordable dwellings adjoining a settlement boundary and Policy HP9 relates to affordable dwellings within rural settlements. It is considered that the proposed development does not comply with UDP Policy HP6, HP8 or HP9. The proposed development is therefore not in accordance with the UDP and should be considered a departure.

Housing Land Supply

The departure is being justified by the applicant on the basis that Powys County Council does not have a 5 year housing land supply.

Paragraph 9.2.3 of Planning Policy Wales states that '*Local planning authorities must ensure that sufficient land is genuinely available or will become available to provide a 5 year supply*

of land for housing judged against the general objectives and the scale and location of development provided for in the development plan.'

The latest Powys Joint Housing Land Availability Study (JHLAS) 2016 states that there was 2.2 years supply of housing land in the Powys Local Planning Authority (LPA) area. Failure to have a 5-year housing land supply is an important material consideration that should be taken into account when determining this scheme. Technical Advice Note 1: Joint Housing Land Availability Studies (2015) states as follows:

"The housing land supply should also be treated as a material consideration in determining planning applications for housing. Where the current study shows a land supply below the 5 year requirement or where the local planning authority has been unable to undertake a study, the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with development plan and national planning policies".

Whilst TAN 1 confirms that the need to increase housing land supply should be given considerable weight, it is emphasised that this is only where the development would otherwise comply with development plan and national planning policies. Therefore, all material planning considerations are required to be taken into account as are all relevant national and local planning policies and balanced with the undersupply of housing land currently available in Powys.

Sustainability

When providing additional housing it is important to consider whether the scheme can be considered to be sustainable development. This can relate to a wide range of matters including public transport provision and access to education, employment opportunities and other services.

The site itself is adjacent to the development boundary of Glantwymyn which is identified in the UDP as a Small Village. Glantwymyn is served by a wide range of community services and facilities including a primary school, local shop, a public house, health clinic and a veterinary. It is also easily accessible by public transport with regular bus services which provide transport to Machynlleth, Dolgellau and Newtown.

The development site is approximately 5.8 miles east of Machynlleth which is identified in the UDP as an Area Centre. Machynlleth is served by a wide range of community services and facilities including a hospital, secondary school, primary schools, leisure centre, numerous shops and public houses. It is also easily accessible by public transport with regular bus services and a main line railway station.

In light of the range of services available with Glantwymyn and located within a short travelling distance of the development site, officers consider that there is an argument to support the principle of a proposed dwelling. Therefore, the proposed site is considered to be a sustainable location for residential development.

Scale, Design and Appearance

Policy GP3 and HP5 of the Powys Unitary Development Plan seeks to ensure that development proposals are of an appropriate design, scale, layout and of materials that shall complement or where possible enhance the character of the surrounding area.

The proposed site is located within Glantwymyn, the proposed site is located approximately 100 metres from Glantwymyn roundabout. The proposed site is generally level with a wide range of facilities available within a short walking distance from the site.

The application seeks full planning consent for the erection of a detached two storey dwelling and detached garage. The proposed dwelling will measure approximately 10.2 metres in length and 12.8 metres in width at its widest. The proposed dwelling will reach a height of approximately 4.2 metres to eaves and 8.1 metres to ridge. The proposed dwelling will have an internal floor space of 136 square metres. The detached garage will measure approximately 5.9 metres in width and 6.5 metres in length and will reach a height of approximately 4.6 metres.

The proposed dwelling will be finished with timber, stone and render for the walls and slate tiles for the roof. The proposed windows and doors will be finished with timber/ ali-clad windows and doors.

It is considered that the design of the dwelling is in-keeping with the surrounding area and is therefore considered to be of a suitable design. The proposed materials are considered to be in keeping with the adjacent property which will assist in assimilating the proposed dwelling into its local setting.

In light of the above, it is not considered that the proposed development will have an unacceptable adverse impact on existing character and appearance and therefore is considered to be in accordance with policies HP5 & GP1 of the Powys UDP.

Amenity

Policy GP1 of the Powys Unitary Development Plan states that the amenities enjoyed by the occupants of nearby neighbouring properties should not be unacceptably affected by development proposals and the proposal should complement and where possible enhance the character of the surrounding area.

It is considered that the proposed dwelling will not create any unacceptable adverse impacts upon the neighbouring dwellings in terms of any loss of daylight or privacy.

It is therefore considered that the proposed development would not be seen as having a detrimental impact to the amenities enjoyed by neighbouring residential properties or the proposed dwellings amenities, it therefore fundamentally complies with relevant planning policy.

Highways Safety and Movement

UDP policy GP4 indicates that planning permission will be dependent upon adequate provision for access including visibility, turning and parking.

The Highway Authority has been consulted on this application and noted the applicant should be aware that upon the issuing of Building Regulation Approval the Highway Authority will serve Notice under S.219/220 of the Highways Act 1980, requiring monies to be deposited prior to any works commencing on the site. The Highway Authority also recommended a condition regarding parking provision.

Welsh Government Transport has also been consulted regarding the proposed development as highway authority for the A470 trunk road but did not issue a direction in respect of this application.

In light of the above it is therefore considered that the proposed dwelling fundamentally complies with Policy GP4 of the Powys Unitary Development Plan 2010.

Biodiversity

As part of this application process YGC ecology has been consulted and has provided comments on the application.

The Ecologist noted no ecological information has been submitted with the planning application. The site has a well-established means of vehicular and pedestrian access and surrounding plots have previously been developed and the access will be via the existing lane. Given that the development would utilise an existing prepared plot and access, and due to the distance of the property from suitable habitat, it is considered unlikely that any protected species would be affected by the proposed work.

The Ecologist noted numerous bat species are recorded within 250m of the proposed development, bats are likely to be present and active within the locality i.e. roosts in nearby buildings, and using adjacent hedgerows for commuting as well as foraging. No information regarding lighting has been included with the application, however, should any external lighting be installed as part of the proposal it should be directed away from any boundary features to maintain dark corridors.

The Ecologist acknowledged the proposed works are not considered to impact on biodiversity features or cause any net loss of biodiversity. However, as a biodiversity enhancement measure, a bat and a small hole nesting bird box could be provided at appropriate locations on the property or garage.

The Ecologist had no objections to the proposed development and recommended a condition regarding external lighting.

In light of the above it is therefore considered that the proposed development fundamentally complies with relevant planning policy.

Surface Water and Foul Drainage

Policy DC13 of the Powys Unitary Development plan seeks to ensure that development proposals should provide adequate provisions for land drainage and surface water disposal. Development should not give rise to unacceptable on or off site flooding.

In respect of surface water disposal, the submission indicates that this would be disposed of through the use of soakaways. In respect of foul drainage the proposed development will connect to the mains sewerage system. Environmental Health has been consulted regarding the application and raised no objections to the proposed methods.

In light of the above it is therefore considered that the proposed development fundamentally complies with relevant planning policy.

Welsh Language

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. Technical Advice Note 20: Planning and the Welsh Language provides further advice on how the planning system considers the implications of the Welsh Language. Within the Powys UDP policy GP5 identifies settlements where the Welsh Language is important to the social, cultural and community fabric of the area. Glantwymyn has been identified as one of these areas it is considered that the Welsh Language is a material consideration across the County.

In the 2011 census the Glantwymyn Ward reported that 53.1% of the population spoke Welsh. This is a decrease from the 2001 census which stated that 58.5% of the population of Glantwymyn spoke Welsh.

The development of a single dwelling in this settlement is not considered to have a detrimental impact on the cultural or linguistic vitality of the area.

Agricultural Land Classification

Following consideration of information supplied by Welsh Government through the Provision of Agricultural Land Classification due regard has been given to the classification afforded to the application site. The site in question has been indicated as category 3b agricultural land; this category is defined as moderate quality agricultural land.

Planning Policy Wales (PPW) paragraph 4.10 outlines national policy towards conserving Wales' Best and Most Versatile (BMV) agricultural land. PPW states that;

“In the case of agricultural land, land of grades 1, 2 and 3a of the Department for Environment, Food and Rural Affairs (DEFRA) Agricultural Land Classification system (ALC) is the best and most versatile, and should be conserved as a finite resource for the future. In development plan policies and development management decisions considerable weight should be given to protecting such land from development, because of its special importance. Land in grades 1, 2 and 3a should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations. If land in grades 1, 2 or 3a does need to be developed, and there is a choice between sites of different grades, development should be directed to land of the lowest grade.”

In light of the lands classification of category 3b it is considered that the proposed development on this agricultural land is justified in respect of the current housing land supply shortage within the county.

RECOMMENDATION - Conditional Consent

Having carefully considered the proposed residential development, Development Management is satisfied that the proposal is fundamentally acceptable and in accordance with the listed planning policies. It is not considered that the proposed development will have an unacceptable adverse impact on the character and appearance of the surrounding area or compromise the amenity of the area. The recommendation is therefore one of approval subject to the following conditions.

Conditions

1. The development to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.
2. The development shall be carried out strictly in accordance with the plans stamped as approved on XXXXXX (drawing no's: L01, PL01A, PL02)
3. Prior to the occupation of the dwelling, provision shall be made within the curtilage of the site for the parking of not less than one car per bedroom excluding any garage space provided together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.
4. 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 scheme 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. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
4. To comply with Powys County Council's UDP Policies SP3, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1, Section 6 of the Environment (Wales) Act 2016.

Informative Notes

Highways

The applicant should be aware that upon the issuing of Building Regulation Approval the Highway Authority will serve Notice under S.219/220 of the Highways Act 1980, requiring monies to be deposited prior to any works commencing on the site.

Case Officer: Luke Jones- Planning Officer
Tel: 01597 827115 E-mail:luke.jones@powys.gov.uk

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6.21

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2018/0087	Grid Ref:	310684.52 291361.35
Community Council:	Newtown and Llanllwchaiarn	Valid Date:	Officer: 16/01/2018 Luke Jones
Applicant:	Powys County Council		
Location:	Ysgol Dafydd Llywd, Park Street, Newtown, Powys, SY16 1EG		
Proposal:	Change of Use of recreation space of former primary school use (class D use) into extension of existing car parking area for new creative family centre (class use D)		
Application Type:	Application for Full Planning Permission		

The reason for Committee determination

The applicant is Powys County Council.

Site Location and Description

The application site is located within the Town Council area of Newtown and Llanllwchaiarn. The existing site is a hard surfaced recreational area of the former school adjacent to the car park, and the proposal is to include the hard surfaced recreational area as an extended car park.

The site lies adjacent to Newtown Conservation area and is also adjacent to the Scheduled Ancient Monument - Newtown Hall Castle Mound. There are also a number of listed buildings within close proximity of the site.

The proposed development includes the change of use of recreation space associated with the former primary school use to facilitate an extension of an existing car parking area which serves the new creative family centre. There are currently 8 car parking spaces. The proposed extension to the car parking will accommodate 14 marked spaces.

Consultee Response

Newtown and Llanllwchaiarn Town Council

The Town Council supports this application

PCC Highways

Does not wish to comment on the application

Wales and West Utilities

Wales & West Utilities have been made aware of a planning application on 29.01.2018, advising us of the proposals at:

Park Street, Newtown, Powys, SY16 1EG

We enclose an extract from our mains records of the area covered by your proposals together with a comprehensive list of General Conditions for your guidance. This plan shows only those pipes owned by Wales & West Utilities in its role as a Licensed Gas Transporter (GT). Gas pipes owned by other GT's and also privately owned pipes may be present in this area. Information with regard to such pipes should be obtained from the owners. The information shown on this plan is given without obligation, or warranty and the accuracy thereof cannot be guaranteed. Service pipes, valves, syphons, stub connections, etc., are not shown but their presence should be anticipated. No liability of any kind whatsoever is accepted by Wales & West Utilities, its agents or servants for any error or omission. Wales & West Utilities has pipes in the area. Our apparatus may be affected and at risk during construction works.

Should the planning application be approved then we require the promoter of these works to contact us directly to discuss our requirements in detail before any works commence on site. Should diversion works be required these will be fully chargeable.

You must not build over any of our plant or enclose our apparatus.

Severn Trent Water

Thank you for the opportunity to comment on this planning application. Please find our response noted below:

With Reference to the above planning application the company's observations regarding sewerage are as follows.

I can confirm that we have no objections to the proposals subject to the inclusion of the following condition:

- The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and
- The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to reduce or exacerbate a flooding problem and to minimise the risk of pollution

To help us provide an efficient response please could you send all responses to welshplanning@severntrent.co.uk rather than to named individuals, including the STW ref within the email/subject.

PCC Built Heritage

Thank you for consulting me on the above application.

The site lies adjacent to The Newtown Conservation area, and is adjacent to the Scheduled Ancient Monument Newtown Hall Castle Mound.

A number of listed buildings are close to the site namely;

1 Park Street Cadw ID 8163 included on the statutory list on 09/05/1988

Park House Cadw ID 8162 included on the statutory list on 09/05/1988

The site is a hardsurfaced recreational area of the former school adjacent to a car park, and the proposal is to include the hardsurfaced recreational area as a car park.

TAN 24 advises (section 1.10) that Conservation Principles for the Sustainable Management of the Historic Environment in Wales (Conservation Principles) were published in 2011 and provide the basis upon which Cadw discharges certain statutory duties on behalf of the Welsh Ministers. Conservation Principles should be used by others (including owners, developers and other public bodies) to assess the potential impacts of a development proposal on the significance of any historic asset/assets and to assist in decision making where the historic environment is affected by the planning process.

There are six principles.

1. Historic assets will be managed to sustain their values.
2. Understanding the significance of historic assets is vital.
3. The historic environment is a shared resource.
4. Everyone will be able to participate in sustaining the historic environment.
5. Decisions about change must be reasonable, transparent and consistent.
6. Documenting and learning from decisions is essential.

Applicants and other organisations are strongly encouraged to make use of these Conservation Principles when considering development proposals and other works to historic assets. It is important for those responsible to understand the heritage values and assess the significance of the historic assets that will be affected.

There are four heritage values which need to be understood before the significance of the asset can be assessed.

- Evidential value
- Historical value
- Aesthetic value
- Communal value

Evidential Value

This derives from those elements of an historic asset that can provide evidence about past human activity.

1 Park Street is a three storey Flemish brick bond early C19th house. Park House is a similar three storey Flemish brick bond early C19th house however the bricks have been painted.

Historical Value

An historic asset might illustrate a particular aspect of past life or it may be associated with a notable family, person, event or movement. These illustrative or associated values of an historic asset may be less tangible than its evidential value but will often connect past people, events and aspects of life with the present and are not so easily diminished by change as evidential values and are harmed only to the extent that adaptation has obliterated them or concealed them.

Both 1 Park Street and Park House retain external architectural features depicting their age and status.

Aesthetic Value

This derives from the way in which people draw sensory and intellectual stimulation from an historic asset through its form, external appearance or setting.

Both 1 Park Street and Park House retain sufficient architectural merit to illustrate the evolution of Newtown.

Communal Value

The fourth principle contained within Conservation Principles is that heritage assets are a shared resource, valued by people as part of their cultural and natural heritage, and gives distinctiveness, meaning and quality to the places where we live providing a sense of continuity and a source of identity. The Conservation Principles identify heritage assets as having the potential to give distinctiveness, meaning and quality to the places in which people live, and provide people with a sense of continuity and a source of identity will be diminished. The historic environment is a social and economic asset and a cultural resource for learning and enjoyment.

I am mindful of the advice in Sections 16 and 66 of the Planning (Listed Buildings and Conservation areas) Act 1990, which require authorities to have special regard to certain matters, including the desirability of preserving the setting of the building. The setting is often an essential part of a building's character especially if a park, garden or grounds have been laid out to complement its design or function. Also, the economic viability as well as the character of historic buildings may suffer and they can be robbed of much of their interest and of the contribution they make to townscape or the countryside if they become isolated from their surroundings, e.g. by new traffic routes, car parks, or other development.”

However, I would also refer to more recent guidance in paragraph 6.5.11 of Planning Policy Wales 9th edition 2016 where, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, or its setting.

TAN24 which was issued and came into effect on 31 May 2017 addresses setting with some of the factors to consider and weigh in the assessment including

- the prominence of the historic asset
- the expected lifespan of the proposed development
- the extent of tree cover and its likely longevity
- non-visual factors affecting the setting of the historic asset

Cadw have prepared guidance on the setting of historic assets that in an annexe to TAN24 that came into effect on 31 May with advice on how to assess the setting of listed buildings. This document outlines the principles used to assess the potential impact of development or land management proposals on the settings of all historic assets but is not intended to cover the impact on the setting of the historic environment at a landscape scale.

The document advises that “Setting is the surroundings in which a historic asset is understood, experienced and appreciated, embracing present and past relationships to the surrounding landscape.....The setting of a historic asset is not fixed and can change through time as the asset and its surroundings evolve. These changes may have a negative impact on the significance of an asset; for example, the loss of the surrounding physical elements that allow an asset to be understood, or the introduction of an adjacent new development that has a major visual impact. But changes can also have a positive impact that may enhance the setting, such as the removal of traffic from part of a historic town, or the opening up of views, or the return of a sense of enclosure to sites where it has been lost”

1 Park Place currently overlooks the roadway and existing car park and the proposal will effectively be an extension of the existing car park, however the application area is screened from the lower windows of 1 Park Place by the single storey Park Street Clinic.

Park House has its principal windows looking onto Park Street and the application site will not be visible from Park Street, however the rear of Park House is visible from the existing car park.

The existing car park is centred at the centre of three buildings, The former Ysgol Dafydd Llwyd, Park Street Clinic and a day centre which limits the visual intrusion of the car park. The current proposal would utilise a former hard surfaced recreational area as a car park, which visually be very similar to the current layout, and possibly better as the fence would be removed along with the external storage shed.

I can confirm that I would not consider that the proposal would have an adverse effect on the character of appearance of the conservation area or the setting of listed buildings and would have no objections to the proposal.

Natural Resources Wales

Thank you for consulting Natural Resources Wales on the above application.

We have reviewed the planning application submitted to us, and from the information provided we do not consider that the proposed development affects a matter listed on our Checklist, *Natural Resources Wales and Planning Consultations* (March 2015): <https://naturalresources.wales/guidance-and-advice/business-sectors/planning-and-development/our-role-in-planning-and-development/our-role-in-planning-and-development/?lang=en>. We therefore do not have any comment to make on the proposed development.

Please note that our decision not to comment does not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance.

The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

We trust that the above comments are of assistance however, should you have any queries, please do not hesitate to contact me.

CADW

Thank you for your letter of 24 January 2018 inviting our comments on the above planning application.

Advice

Having carefully considered the information provided with this planning application, we have no objections to the impact of the proposed development on the scheduled monument MG160 Newtown Hall Castle Mound. Our assessment of the application is given below.

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 circular 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 there is a presumption against proposals which would involve significant alteration or cause damage, or

which would have a significant impact on the setting of 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.

Assessment

The application area is located some 12m southwest of scheduled monument MG160 Newtown Hall Castle Mound although the area currently used as a recreation area that will be changed into car park is some 35m southwest of the designated area. The monument comprises the remains of a medieval earthwork castle.

The existing carpark is partly screened by hedges in views from the scheduled monument and this will remain and screen the additional car parking. The proposed development will see an adjustment in the layout of the car parking spaces in the existing carpark so all cars will be parked on the north side of the carpark rather than, as currently, on the east and west sides. This will slightly reduce the current damage being caused to the setting of the monument by having up to 4 cars parked in close proximity to it. Consequently we consider that the proposed development will have a neutral impact on the setting of scheduled monument MG160 when compared to the current situation.

Clwyd Powys Archaeological Trust

Thank you for the consultation on this application.

Although the proposed development is within the medieval historic core of the town and is also located 35 metres south of the Newtown Hall Castle Mound (SAM MG160) there will be no archaeological impacts due to the minor groundworks associated with altering the existing parking and recreation areas.

Representations

Following the display of a site notice there have been no public representations received.

Planning History

P/2013/1138 - Erection of a Welsh Medium Primary School and associated infrastructure together with the formation of vehicular access and associated works, Conditional Consent

NMA/2015/0016 - NMA: Application for non-material amendments to planning permission P/2013/1138 in respect of revision of the location of the recycled materials store and provision of additional covered bicycle rack, Conditional Consent

DIS/2016/0048 - Discharge of Condition Application

Principal Planning Constraints

Flood Zone

With close proximity of listed buildings

Within close proximity of a Scheduled Ancient Monument
Site adjacent to Conservation Area

Principal Planning Policies

National Policies

Planning Policy Wales (Edition 9, November 2016)
Technical Advice Note (TAN) 18 – Transport (2007)
Technical Advice Note (TAN) 5 - Nature Conservation and Planning
Technical Advice Note (TAN) 15 – Development and Flood Risk (2004)
Technical Advice Note (TAN) 24 – Historic Environment (2017)

Local Policies

SP3 – Natural, Historic and Built Heritage
SP9 – Local Community Services and Facilities
SP14 – Development in Flood Risk Areas
GP1 – Development Control
GP3 – Design and Energy Conservation
GP4 – Highway and Parking Requirements
CS - Additional Demand for Community Facilities
CS6 - Health Care Development
ENV2 – Safeguarding the Landscape
ENV3 – Safeguarding Biodiversity and Natural Habitats
ENV6 - Sites of Regional and Local Importance
ENV7 – Protected Species
ENV 10 - Conservation Area Enhancement and Town Schemes
ENV 11- Development in Conservation Areas
ENV 14 - Listed Buildings
ENV 17 - Ancient Monuments and Archaeological Sites
ENV 18 - Development Proposals Affecting Archaeological Sites
TP1 – Highway Improvement Schemes
T2 – Traffic Management
DC13 – Surface Water Drainage
DC14 – Flood Prevention Measures

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

Other Legislative Considerations

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

Officer Appraisal

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

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

Principle of Development

UDP policy GP4 sets out the general requirements applied to all highways developments such as this proposal. The main planning considerations relating to this type of proposal are adequate provision for visibility, turning and passing.

In accordance with UDP policy GP4, it is considered that the principle of the proposed development is fundamentally acceptable.

Highway Provision

In accordance with UDP policy GP4, the grant of planning permission is dependent upon a safe access, parking and visibility splays being provided.

The proposed development involves the change of use of land to facilitate an extension of an existing car park. There is currently 8 car parking spaces allocated and the proposed extension to the car parking area will accommodate 14 marked spaces. The Local Highway Authority has been consulted on the application and offered no objection to the proposed scheme.

In light of the above it is considered that the proposed development fundamentally complies with relevant planning policy.

Built Heritage

UDP policy ENV14 outlines the statutory duty of Local Planning Authorities in determining planning applications and emphasises the desirability of preserving listed buildings and their settings.

The proposed site of development is located adjacent to Newtown Conservation area and within close proximity of a number of listed buildings.

In the consultation response received, the Built Heritage Officer notes that the current proposal would utilise a former hard surfaced recreational area as a car park, which will be visually very similar to the current layout, and possibly better as the fence would be removed along with the external storage shed. On this basis, the Built Heritage Officer confirmed that the proposal would not have an adverse effect on the character or appearance of the conservation area or the setting of listed buildings and therefore indicated no objections to the proposal.

In light of the above it is considered that the proposed development fundamentally complies with UDP policies ENV11 and ENV14 of the Powys Unitary Development Plan, Technical Advice Note 24 and Planning Policy Wales.

Scheduled Ancient Monument

The application area is located some 12 metres southwest of scheduled monument MG160 - Newtown Hall Castle Mound although the land subject to the proposed change of use is located some 35m southwest of the designated area. The monument comprises of the remains of a medieval earthwork castle.

Cadw has been consulted regarding the proposed development and noted the existing carpark is partly screened by hedges in views from the scheduled monument and this will remain thus screening the additional car parking. The proposed development will see an adjustment in the layout of the car parking spaces in the existing carpark so that all cars will be parked on the north side of the carpark rather than, as currently, on the east and west sides. Cadw noted this will slightly reduce the current damage being caused to the setting of the monument by having up to 4 cars parked in close proximity to it. Cadw therefore consider that the proposed development will have a neutral impact on the setting of scheduled monument MG160 when compared to the current situation.

CPAT have also been consulted regarding the proposed development and noted there will be no archaeological impacts due to the minor groundworks associated with altering the existing parking and recreation areas.

In light of the above it is considered that the proposed development fundamentally complies with policies ENV17 and ENV18 of the Powys UDP, Technical Advice Note 24 and Planning Policy Wales.

Flood Risk

Natural Resources Wales (NRW) has been consulted regarding the proposed development as a small section of the site falls within the flood zone. Following consultation, NRW did not wish to comment on the application. On this basis and given the existing land use and proportion of land within the flood zone, it is not considered that the proposed development will have an unacceptable flood risk compliant with policies SP14 and DC14 of the Powys UDP, Technical Advice Note 15 and Planning Policy Wales.

RECOMMENDATION – Conditional Consent

In light of the above, it is considered that the proposed development fundamentally complies with relevant planning policy and the recommendation is therefore 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 on XXXXXX (drawing no's: Proposed Site Plan, Proposed Site Location Plan).

3. The development hereby permitted shall not commence until a surface water drainage scheme has been submitted to and approved by the Local Planning Authority. The development shall thereafter be implemented strictly in accordance with the drainage scheme as approved prior to the first use of the car park hereby approved.

Reasons

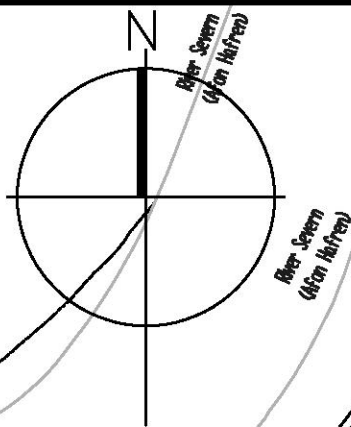
1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

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

3. In order to ensure that satisfactory drainage arrangements are provided in accordance with policies GP1, DC13 and DC14 of the Powys County Council Unitary Development (2010), Technical Advice Note 15 (2004) and Planning Policy Wales (2016).

Case Officer: Luke Jones- Planning Officer
Tel: 01597 827115 E-mail:luke.jones@powys.gov.uk

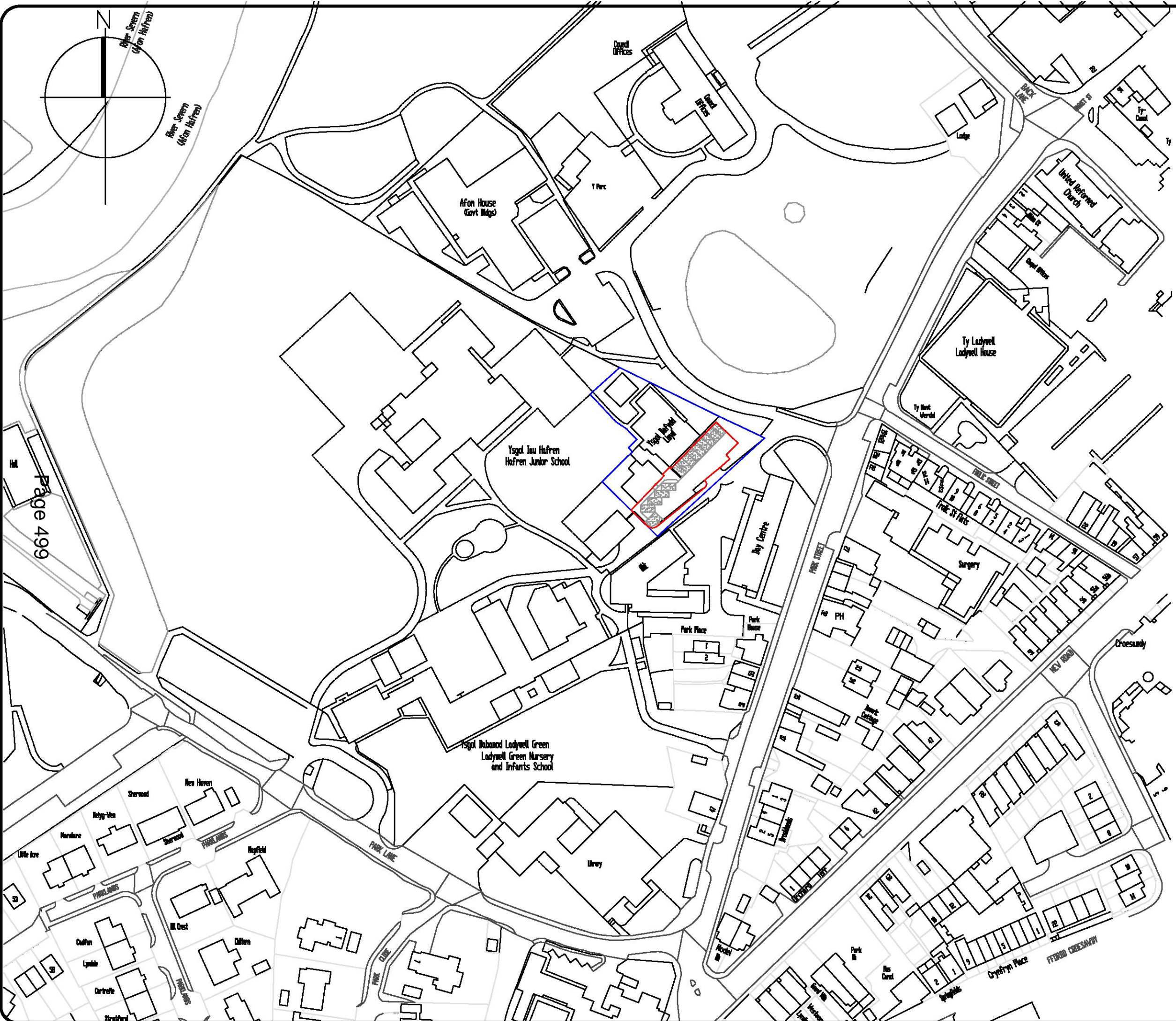
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Do not scale from drawings, refer only to figured dimensions.
Check all dimensions on site.
Report any discrepancies to the Contract Administrator promptly.

Revisions:

Page 499



Project
**Creative Family Centre,
Former Ysgol Dafydd
Llywd building,
Newtown**

Drawing Title
**Proposed site location
plan**

Drawing Number:
P6069/9/3

Drawn by:
AJS

Scale: **1:1250** Date: **Dec 17**

1 Ddole Road Industrial
Estate
Llandrindod Wells
Powys
LD1 6DF
Tel: 07773076048



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6.22

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	DIS/2017/0014	Grid Ref:	312839.86 238465.66
Community Council:	Bronllys	Valid Date:	Officer: 27/01/2017 Gemma Bufton
Applicant:	Powys County Council		
Location:	Archdeacon Griffiths Primary School, Llyswen, Brecon, Powys, LD3 0YB.		
Proposal:	Discharge of condition 4,5,6,14,15 & 20 of planning approval P/2016/0801.		
Application Type:	Application for Approval of Details Reserved by Condition.		

The reason for Committee determination

The applicant is Powys County Council.

Site Location and Description

Planning consent was granted under planning application P/2016/0801 for the demolition of existing primary school and construction of a new primary school and all associated works at Archdeacon Griffiths Primary School, Llyswen.

Consent is now sought for the discharge of conditions 4, 5, 6, 14, 15 & 20 as attached to planning consent P/2016/0801. The Conditions state as follows:

Condition 4

Prior to the commencement of development a drainage scheme for the site shall be submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the first use of the development.

Condition 5

Prior to the commencement of development details of a grease trap to be fitted to prevent any grease entering the public sewerage system shall be submitted to and approved in writing by the Local Planning Authority. Development thereafter must be completed in full accordance with the details as approved

Condition 6

Prior to the commencement of development a Construction Method Statement and Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The schemes should include details on the control of noise and dust during the demolition, landscaping and construction phases. Development thereafter shall be completed in full accordance with the details as approved.

Condition 14

Prior to the commencement of development, a detailed Hedgerow translocation method statement, Hedgerow Protection and Management Plan and Lighting Plan shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the Local Planning Authority.

Condition 15

The Pollution Prevention Plan, by Wilmot Dixon (V.1) shall be implemented as approved and maintained thereafter unless otherwise agreed in writing with the Local Planning Authority.

Condition 20

Prior to the commencement of any works on site a Construction Management Plan shall be submitted and approved in writing by the local planning authority. Development thereafter must be completed in full accordance with the details as approved.

Consultee Responses

National Resources Wales-

Condition 15 was listed amongst the conditions for which the discharge application has been made, hence my comments. If it does not require discharge, then we have no additional comments to make at this stage.

Powys Ecologist-

Thank you for consulting me with regards to the information submitted to discharge conditions 6, 14, 15 of planning approval P/2016/0801 at Archdeacon Griffiths Primary School, Llyswen, Brecon, Powys.

Condition 6 Requires that –

Prior to the commencement of development a Construction Method Statement and Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The schemes should include details on the control of noise and dust during the demolition, landscaping and construction phases. Development thereafter shall be completed in full accordance with the details as approved.

Condition 14 Requires that –

Prior to the commencement of development, a detailed Hedgerow translocation method statement, Hedgerow Protection and Management Plan and Lighting Plan shall be submitted

to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the Local Planning Authority.

I have reviewed the information submitted by the applicant to discharge this condition which consists of:

- Hedgerow Translocation Method of Works, Protection and Management Strategy produced by Willmott Dixon
- Project Environment Plan – Full – For Medium – Very High Risk Projects by Willmott Dixon Document Reference GP-FM-EM-220 dated 18/05/2016

Having reviewed the information submitted with regards to these conditions I consider that the information submitted is sufficient and appropriate to comply with the ecology requirements of the condition.

I therefore consider that sufficient information has been submitted to enable discharge of condition 6, 14, of planning permission P/2016/0801

Condition 15 Requires that –

The Pollution Prevention Plan, by Wilmot Dixon (V.1) shall be implemented as approved and maintained thereafter unless otherwise agreed in writing with the Local Planning Authority.

As this condition requires the implementation of the approved Pollution Prevention Plan during the construction of the development and as construction has not yet started at the site I would suggest that it is not appropriate to discharge this condition at this time

Land Drainage-

Having looked at the information provided by the applicant, the Land Drainage Section are happy that the condition can be discharged.

Principal Planning Policies

National Planning Policy

Planning Policy Wales (Edition 8, 2016)
Technical Advice Note 5: Nature, Conservation and Planning (2009)
Technical Advice Note 11: Noise (1997)
Technical Advice Note 12: Design (2016)
Technical Advice Note 15: Development and Flood Risk (2004)
Technical Advice Note 16: Sport, Recreation and Open Space (2009)
Technical Advice Note 18: Transport (2007)
Technical Advice Note 23: Economic Development (2014)

Local Planning Policies

SP2- Strategic Settlement Hierarchy
SP3- Natural, Historic and Built Heritage
SP9- Local Community Services and Facilities

GP1 - Development Control
GP3- Design and Energy Conservation
GP4- Highway and Parking Requirements
ENV2- Safeguarding the Landscape
ENV3- Safeguarding Biodiversity and Natural Habitats
ENV4- Internationally Important Sites
ENV5- Nationally Important Sites
ENV6- Sites of Regional and Local Importance
ENV7- Protected Species
ENV14- Listed Buildings
ENV16-Landscapes, Parks and Gardens of Special Historic Interest
ENV17- Ancient Monuments and Archaeological Sites
CS4- Shared Use of Educational Premises for Community Purposes
CS5- Educational Developments
RL6 - Rights of Way and Access to the Countryside
DC1 - Access by Disabled Persons
DC10- Mains Sewage Treatment
DC13- Surface Water Drainage
DC14- Flood Prevention Measures
DC15- Development on Unstable or Contaminated Land
TR2-Tourist Attractions and Development Areas

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

Officer Appraisal

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

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

Discharge of Conditions

Condition 6, 14 and 15

The above conditions relate to the submission of a hedgerow translocation plan and the submission of Construction Method Statement and Environmental Management Plan.

The Powys Ecologist and Natural Resources Wales have been consulted and have confirmed that they have no objections to the discharging of conditions 6 and 14 based on the information as submitted. Both consultees however noted that Condition 15 is for compliance purposes only and therefore does not require to be formerly discharged.

Condition 4 and 5

The above conditions relate to the submission of drainage details. The Land Drainage team have been consulted and have confirmed that they have no objections to the discharging of the conditions.

Condition 20

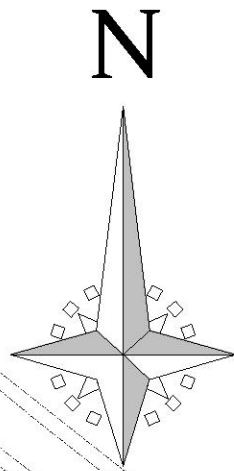
The above condition relates to the submission of a Construction Management Plan. The Highway Authority were consulted and their comments are expected shortly. An update report addressing this issue will hopefully be provide prior to the Committee meeting date.

RECOMMENDATION

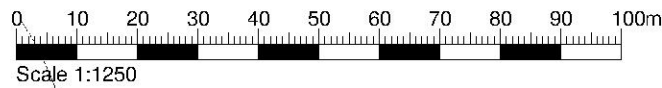
In light of the above it is therefore considered that conditions 4, 5, 6, 14 &15 can now be appropriately discharged.

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

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- Application Boundary
- Adjacent land in the ownership of the applicant



1 Site Location Plan
1 : 1250

This drawing must not be scaled. Figured dimensions and levels to be used. Any inaccuracies must be notified to the architect. Detail drawings and large scale drawings take precedence over smaller drawings.

A3

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Chk'd:	PRELIMINARY	
	PLANNING	<input checked="" type="checkbox"/>
	DESIGN	
	TENDER	
	CONSTRUCTION	

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DWG NO.	PDA	LLY	00	PL	A	(05)100	
	SITE	ORG	VOL	LEVEL	DR TYPE	DIS	REV

Job Ref: 15126
 Contract: Gwernyfed Primaries for Powys County Council
 Llyswen Primary School, LD3 0YB
 Title: Site Location Plan

Scale: As indicated
 Date: 22/07/16
 Drawn: CB
 Checked: JT

F:\Union Square Projects\15126 Powys Primary Schools\Llyswen\0 PDA Drawing\0 Current Drawing\ref base\FVT\Centra\15126 Llyswen (Central).nxd

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6.23

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2018/0138	Grid Ref:	312839.69 238465
Community Council:	Bronllys	Valid Date:	Officer: 02/02/2018 Thomas Goodman
Applicant:	Powys County Council		
Location:	Archdeacon Griffiths Primary School, Llyswen, Brecon, Powys, LD3 0YB.		
Proposal:	ADV: Application for consent to display advertisements consisting of wall mounted lettering, 1 no. post mounted modular sign and 1 no. aluminium flagpole with flag (all non-illuminated)		
Application Type:	Application for Consent to Display an Advertisement(s)		

The reason for Committee determination

Powys County Council is the Applicant

Site Location and Description

The proposed development is located within the settlement development boundary of Llyswen as defined by the Powys Unitary Development Plan (2010).

The proposed development seeks advertisement consent for the display of non-illuminated advertisements. The advertisements displays will be as follows:

1. 1.16m x 0.92m stainless steel sign. Maximum height from ground level 4.77m. Finished in stainless steel text with letters approximately 0.4m projecting 0.05m.
2. 1.6m x 0.15m stainless steel sign. Maximum height from ground level 2.67m. Finished in stainless steel text with letters approximately 0.14m projecting 0.03m.
3. 2.4m x 1.2m metal sign. Maximum height from ground level 1.2m. Finished with white text and a dark purple background.
4. 6m high aluminium flag pole with polyester flag. Maximum height to the base of the advertisement is 5.085m finished with a white background with the school emblem.

Consultee Response

Bronllys Community Council

No response received at the time of writing this report.

PCC – Highway Authority

The County Council as Highway Authority for the County Class II Highway, B4350

Does not wish to comment on the application

PCC - Building Control

No response received at the time of writing this report.

Wales and West Utilities

According to our mains records Wales & West Utilities has no apparatus in the area of your enquiry. However Gas pipes owned by other GT's and also privately owned may be present in this area. Information with regard to such pipes should be obtained from the owners.

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

Planning History

B/00/0291 – Provision of a mobile classroom – Conditional Consent – 11/12/2000

B/04/0108 – Construction of classroom extension and link to provide early years education link – Conditional Consent – 14/07/2004

P/2016/0801 - Demolition of existing primary school and construction of a new primary school and all associated works – Conditional Consent – 13/10/2016

NMA/2017/0019 - Application for Non-Material Amendment to P/2016/0801 in respect of the approved plans, on site infrastructure, and access road. Conditional Consent – 27/04/2017

DIS/2017/0019 - Discharge of condition 3 and 17 of planning approval P/2016/0801 – Approved – 27/02/2017

Principal Planning Constraints

C2 Flood Zone
Historic Landscapes Register - Outstanding

Principal Planning Policies

National Planning Policy

Planning Policy Wales (Edition 9, 2016)

Technical Advice Note (TAN) 7: Outdoor Advertisement Control (1996)

Technical Advice Note 12: Design (2016)

Technical Advice Note 15: Development and Flood Risk (2004)

Technical Advice Note 16: Sport, Recreation and Open Space (2009)

Technical Advice Note 18: Transport (2007)
Technical Advice Note 23: Economic Development (2014)

Local Planning Policy

Powys Unitary Development Plan (2010)

SP2- Strategic Settlement Hierarchy
SP3- Natural, Historic and Built Heritage
SP9- Local Community Services and Facilities
GP1 - Development Control
GP3- Design and Energy Conservation
GP4- Highway and Parking Requirements
ENV2- Safeguarding the Landscape
ENV3- Safeguarding Biodiversity and Natural Habitats
ENV4- Internationally Important Sites
ENV5- Nationally Important Sites
ENV6- Sites of Regional and Local Importance
ENV7- Protected Species
ENV14- Listed Buildings
ENV16- Landscapes, Parks and Gardens of Special Historic Interest
ENV17- Ancient Monuments and Archaeological Sites
CS4- Shared Use of Educational Premises for Community Purposes
CS5- Educational Developments
RL6 - Rights of Way and Access to the Countryside
DC1 - Access by Disabled Persons
DC2 - Advertisements
DC14- Flood Prevention Measures
DC15- Development on Unstable or Contaminated Land

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

Other Legislative Considerations

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

Officer Appraisal

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

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

Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Principle of Development

Policy DC2 of the Powys Unitary Development Plan sets out the criteria for assessing applications for advertisement consent which seeks to protect the character and appearance of buildings and street scenes. This is reinforced within TAN7 which set out the national guidance.

Public Safety

Policy DC2 states that advertisement consents shall not cause any unacceptable adverse effects on public safety especially for highway users including pedestrians. The application site is set away from any trunk/classified road and is located within the school grounds. Given the size and location of the signs within the grounds of the school it is considered that the advertisements do not cause an unacceptable adverse effect on public safety especially for highway users including pedestrians.

Landscape and Amenity

Policy DC2 of the Powys UDP states that advertisements shall not spoil the visual amenity, character and appearance of any building, the surrounding environment, landscape or street scene in terms of its size, proportions, materials, lettering, colours and external finishes.

Given the existing use and advertisement displays at the existing premises and the units surrounding the proposed development site it is considered that the proposed advertisements will not alter the visual amenity, character and appearance of the building, the surrounding environment, landscape or street scene.

The proposed development therefore in this instance fundamentally complies with policy DC2 of the Powys UDP.

Bilingual Signs

Policy DC2 of the Powys UDP also states that wherever possible, applicants are encouraged to design advertisements to be bilingual. In this instance many of the advertisements are bilingual and therefore comply with policy DC2 of the Powys UDP.

Recommendation

In light of the above it is considered that the proposed development fundamentally complies with relevant planning policy and the recommendation is therefore 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.

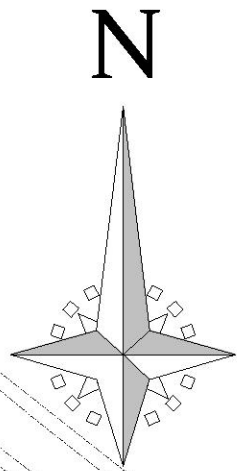
2. The development shall be carried out strictly in accordance with the plans stamped as approved on XX/XX/XX (drawing no's: LLY 00 PL A, Post Mounted, Flag Pole, Archdeacon & PDA LLY 00 PL A (05)100).
3. Any advertisements displayed and any site used for display of advertisements shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.
4. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.
5. Where an advertisement is required to be moved the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.
6. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
7. The signage hereby permitted shall be non-illuminated.

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. Pursuant to the Town and Country Planning (Control of Advertisement) Regulations 1992 and policy DC2 of the Powys Unitary Development Plan.
4. Pursuant to the Town and Country Planning (Control of Advertisement) Regulations 1992 and policy DC2 of the Powys Unitary Development Plan.
5. Pursuant to the Town and Country Planning (Control of Advertisement) Regulations 1992 and policy DC2 of the Powys Unitary Development Plan.
6. Pursuant to the Town and Country Planning (Control of Advertisement) Regulations 1992 and policy DC2 of the Powys Unitary Development Plan.
7. Pursuant to the Town and Country Planning (Control of Advertisement) Regulations 1992 and policy DC2 of the Powys Unitary Development Plan.

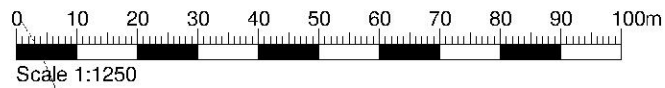
Case Officer: Thomas Goodman- Planning Officer
Tel: 01597 827655 E-mail:thomas.goodman@powys.gov.uk

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- Application Boundary
- Adjacent land in the ownership of the applicant



1 Site Location Plan
1 : 1250

This drawing must not be scaled. Figured dimensions and levels to be used. Any inaccuracies must be notified to the architect. Detail drawings and large scale drawings take precedence over smaller drawings.

A3

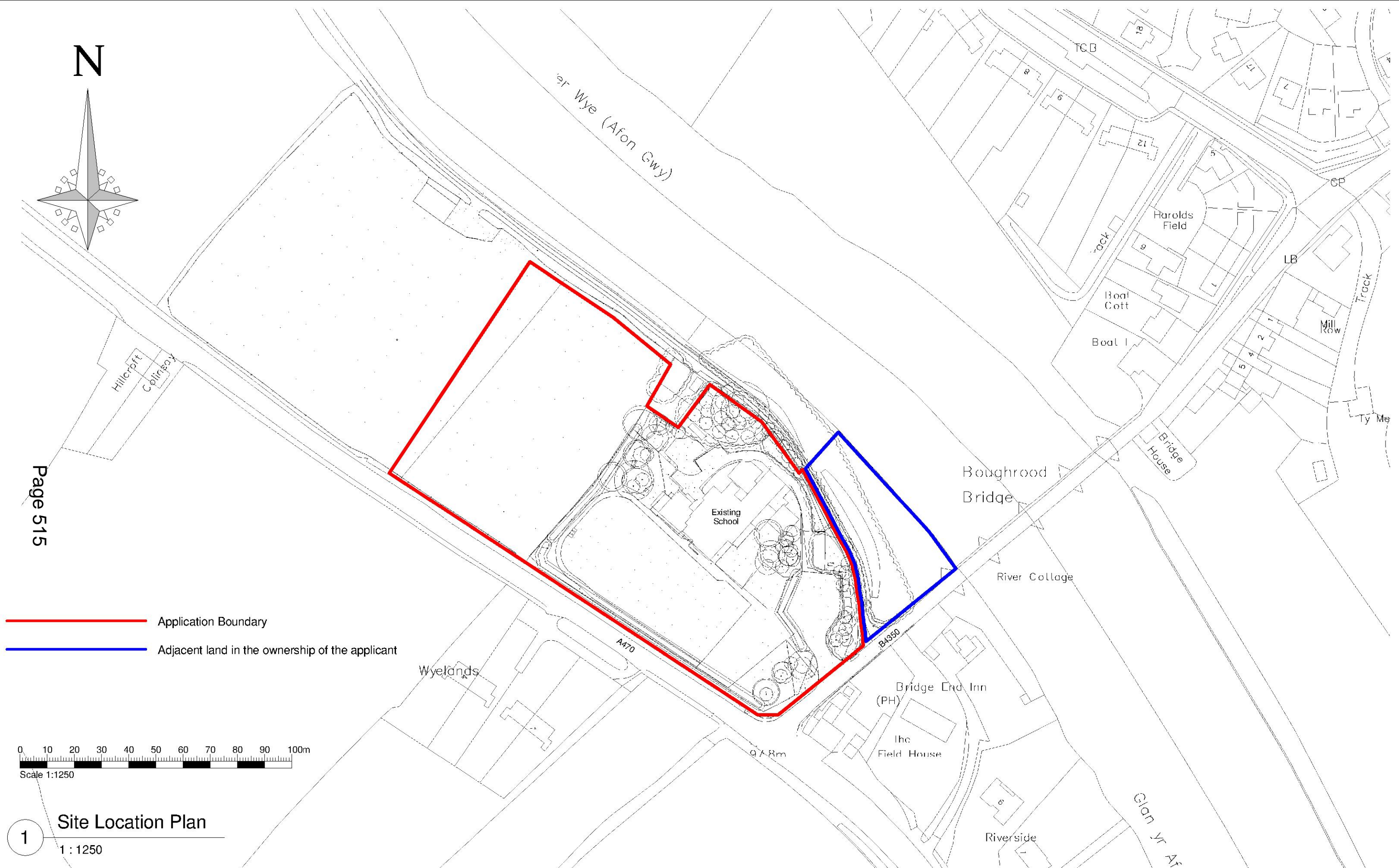
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Chk'd:	PRELIMINARY	
	PLANNING	✓
	DESIGN	
	TENDER	
	CONSTRUCTION	

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ARCHITECTS

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DWG NO.		PDA	LLY	00	PL	A	(05)100		
	SITE	ORG	VOL	LEVEL	DR TYPE	DIS	NUMBER	REV	
Job Ref:	15126							Scale:	As indicated
Contract:	Gwernyfed Primaries for Powys County Council							Date:	22/07/16
	Llyswen Primary School, LD3 0YB							Drawn:	CB
Title:	Site Location Plan							Checked:	JT



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Delegated List

21/02/2018

08/03/2018

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/2017/0795 LBC	19/07/2017	CONSENT	22/02/2018	Listed Building: Internal alterations to dwelling to restore original features, demolition of external wall, demolition and rebuilding of internal wall and erection of single storey rear extension	Hafren 38 Salop Road Welshpool SY21 7EA
P/2017/1153 FULL	05/10/2017	CONSENT	22/02/2018	Full: Proposed agricultural building	Pentrebach Farm Llanfihangel Bryn Pabuan Builth Wells LD2 3SF

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/1156 FULL	05/10/2017	CONSENT	22/02/2018	Full: Erection of an agricultural workers dwelling, installation of package treatment plant and all associated works	Pentrebach Farm Llanfihangel Bryn Pabuan Builth Wells LD2 3SF
P/2017/1221 FULL	19/10/2017	CONSENT	22/02/2018	Full: Erection of an extension to house a staircase; Changes to fenestrations; Internal alterations and associated works	Queens Head Pool Road Newtown SY16 3AL
P/2017/1367 FULL	21/11/2017	CONSENT	22/02/2018	Full: Change of use from 2 no. holiday lets to 2 no. residential dwellings	1 & 2 Rhysnant Villa Four Crosses SY22 6PS
P/2017/1417 HOUS	01/12/2017	CONSENT	22/02/2018	Householder : Proposed side extension over existing single storey section of the dwelling	Bettws Cedewain 22 Ffordd Newydd Newtown SY16 3DR
P/2018/0054 CLA1	10/01/2018	LAWFUL USE	22/02/2018	Section 191 application for a lawful development certificate for the retention of a dwelling without compliance of occupancy restrictions	Hill View New Mills Newtown SY16 3NW

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/1017 FULL	03/10/2017	CONSENT	26/02/2018	Full: Installation of 22m high lattice mast on a concrete base and associated works	Pentwyn Farm Abergwesyn Llanwrtyd Wells LD5 4TP
P/2017/1289 OUT	03/11/2017	CONSENT	26/02/2018	Outline application for erection of 1 no. dwellings with detached garages, alterations to vehicular access, installation of septic tanks and all associated works	Land at Pwll Farm Hendomen Montgomery SY15 6EZ
P/2017/1325 OUT	21/11/2017	CONSENT	26/02/2018	Outline: Erection of 1 no open market dwelling with garage. Creation of access road and installation of septic tank (all matters reserved)	Land adj Plas Robin Llandyssil SY15 6LQ
P/2017/1345 OUT	15/11/2017	CONSENT	26/02/2018	Outline: Erection of a dwelling and associated works including improvements to existing access	Fox Farm Garthmyl Montgomery SY15 6RW
P/2018/0064 HOUS	11/01/2018	CONSENT	26/02/2018	Householder: Erection of a single storey extension (to include demolition of existing extension)	Carreg Arthur House Llanfair Caereinion SY21 0DD

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/1240 FULL	07/11/2017	REFUSE	27/02/2018	Full: Erection of a detached 4 bedroom dwelling with garage and a detached workshop, installation of septic tank and all associated works	Plot 1 Sarnau Brecon LD3 9PR
P/2017/1288 FULL	21/11/2017	CONSENT	27/02/2018	Full: To replace the existing agricultural building with a new steel framed building to store machinery & straw	Cottage Farm Abermule Montgomery SY15 6JQ
P/2017/1316 FULL	10/11/2017	CONSENT	27/02/2018	Full: Change of use of agricultural land to holiday use involving siting of safari style canvas tent, formation of parking area, access footpath and all associated works	Land at Lon Farm Nantmel Rhayader LD6 5PE
P/2017/1427 FULL	07/12/2017	CONSENT	27/02/2018	Full - Erection of 2 dwellings, creation of new vehicular access and parking and creation of new vehicular access and parking for 'The Meadows'	Land adj to 'The Meadows' Hatfield Meadows Knighton LD1 1RY
P/2018/0010 RES	04/01/2018	CONSENT	27/02/2018	Reserved matters application following the approval of P/2014/1094 for the erection of a dwelling and all associated works	Plot at rear of West Grove Crossgates Llandrindod Wells LD1 6RS

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2018/0002 FULL	16/01/2018	CONSENT	27/02/2018	Full: Change of use of HSBC Bank (A2) to restaurant and wine bar (A3)	5 Broad Street Knighton LD7 1BL
P/2016/1154 FULL	20/12/2016	REFUSE	28/02/2018	Residential development for up to 6 dwellings including formation of vehicular access and associated works (outline)	Land opposite Wesley Terrace Ystryd y Ceunant Llanfechain SY22 6UR
P/2017/0941 FULL	29/08/2017	CONSENT	28/02/2018	Full: Erection of a poultry unit and silos together with all associated works	Henfaes Bettws Cedewain Newtown SY16 3ED
P/2017/1212 FULL	26/10/2017	CONSENT	28/02/2018	Full: Conversion and extension of existing garage workshop to form a retail unit (class A1 use) together with demolition of structures, alterations to vehicular access, formation of parking area and all associated works (revised proposal)	Central Garage Carno Road Caersws SY17 5EF
P/2017/1248 FULL	27/10/2017	CONSENT	28/02/2018	Full: Erection of a agricultural building for implement store	Lower Gaufron Farm Howey Llandrindod Wells LD1 5RG

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/1360 FULL	17/11/2017	CONSENT	28/02/2018	Full: Change of use of land for the siting of 2 no. holiday chalets and 3 no. holiday camping pods, upgrade of access, formation of site roads and installation of package treatment plant	Rhydycwrt Newtown SY16 4JN
P/2018/0003 HOUS	03/01/2018	CONSENT	28/02/2018	Householder: Proposed raising of roof and providing first floor accommodation, erection of a porch and all associated works	Brookfield Knucklas Knighton LD7 1PG
P/2017/1504 ADV	20/12/2017	CONSENT	28/02/2018	Advert: Display of an externally illuminated fascia sign & externally illuminated projecting sign	3-4 Broad Street (former Pinewood Cafe) Welshpool SY21 7RZ
P/2018/0013 HOUS	03/01/2018	CONSENT	28/02/2018	Householder: Erection of a two storey rear and side extension to provide a new kitchen space and to facilitate passive solar warming (Resubmission)	Chapel House Builth Wells LD2 3YR
P/2017/0960 FULL	21/08/2017	REFUSE	01/03/2018	Full: Erection of a dwelling and all associated works	Plot adj Ewennie Llanfair Caereinion Welshpool SY21 9EB

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/1079 FULL	26/09/2017	CONSENT	01/03/2018	Full: Erection of a free range egg laying unit, 2 x feed bins, hardstanding and all associated works	The Park Llanbister Llanbister Road Llandrindod Wells LD1 6SR
P/2017/1109 FULL	27/09/2017	CONSENT	01/03/2018	Full: Proposed erection of a broiler shed to include 2 no. feed silos and associated works	Ddole Farm Llanbister Llandrindod Wells LD1 6SS
P/2017/1182 FULL	27/10/2017	CONSENT	01/03/2018	Full: Conversion and extension of existing storage building to form a dwellinghouse for manager's accommodation together with installation of sewage treatment plant and all associated works	Building at Road Wood Llanynis Nantyrarian Wood Builth Wells LD2 3HH
P/2017/1234 HOUS	17/11/2017	CONSENT	01/03/2018	Householder: Construction of a new utility room & front entrance and a revised kitchen layout	Holly Barn Dolberthog Lane Llandrindod Wells LD1 5ED
P/2017/1279 FULL	01/11/2017	REFUSE	01/03/2018	Full: Erection of a dwelling and detached garage and formation of vehicular access	Land at Dyffryn Guilsfield Welshpool SY21 9PU

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/1347 FULL	16/11/2017	CONSENT	01/03/2018	Full: Conversion of existing dwelling into 2 no. 1 bed apartments	1 Tan y Boncyn Llanfair Caereinion Watergate Street Welshpool SY21 0QR
P/2018/0051 HOUS	10/01/2018	CONSENT	01/03/2018	Householder: Removal of existing porch and proposed new porch	The Warren Velindre Brecon LD3 0TE
P/2018/0022 HOUS	04/01/2018	CONSENT	01/03/2018	Householder: Demolition of an existing single storey extension, to be replaced with a two storey side extension and a front porch, installation of a roof light and internal alterations	2 Brook Cottage Abermule Montgomery SY15 6NS
P/2017/1319 CLA1	10/11/2017	APPROVE	02/03/2018	Application for certificate of lawfulness (Section 191) for the occupation of dwelling without compliance with condition no. 2 of permission M17422 (agricultural & forestry occupancy)	Nant Alan Llanfyllin SY22 5HX
P/2017/1123 FULL	06/10/2017	CONSENT	05/03/2018	Full: Change of use of barn to residential; Erection of an extension to link the dwelling to the barn; To include some demolition	Cockshed Llanwrin Machynlleth SY20 8QJ

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/1361 FULL	20/11/2017	CONSENT	05/03/2018	Full: Erection of an office and canopy and all associated works	Cellpath LTD Unit 80 Mochdre Industrial Estate Newtown SY16 4LE
P/2017/1501 HOUS	21/12/2017	CONSENT	05/03/2018	Householder: Erection of a single storey front and side extension	20 Nant Yr Aderyn Rhos-Y-Maen Uchaf Llanidloes SY18 6LD
P/2018/0063 CLA2	11/01/2018	LAWFUL USE	05/03/2018	Section 92 application for a lawful development certificate for a proposed change of use of property from domestic residential to holiday let	Dolybont Pen-y-bont-fawr SY10 0NT
P/2017/1313 CLA1	20/11/2017	LAWFUL USE	06/03/2018	Section 191 application for certificate of lawful development relating to a studio, utility room and garden room	Fronllys Y Maes Rhayader LD6 5DE
P/2017/1402 OUT	13/12/2017	CONSENT	06/03/2018	Outline application (all matters reserved) for erection of up to 4 no detached dwellings with detached garages, formation of vehicular access, access road and all associated works	Derwen Llanerfyl Welshpool SY21 0EG

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/1411 HOUS	04/12/2017	CONSENT	06/03/2018	Householder: 2 storey side extension.Demolition of conservatory.	Bryntirion Lodge Rhayader LD6 5LT
P/2018/0068 HOUS	10/01/2018	REFUSE	06/03/2018	Householder: Creation of a roof terrace on the existing flat roof, accessed by alterations to the existing window opening to form a doorway	21 Tanerdy Machynlleth SY20 8BZ
P/2014/0208 FULL	26/02/2014	CONSENT	07/03/2018	Full: Erection of an affordable dwelling and installation of biodisc treatment plant	Land adjacent to Cefn-Y-Felin Pentrefelin Sennybridge LD3 8TT
P/2017/0007 FULL	11/01/2017	APPROVE	07/03/2018	Full: Erection of an extension to an egg production unit to include silos and associated works (part-retrospective)	Dolobran Hall Pont Robert Meifod SY22 6JE
P/2017/1148 HOUS	16/10/2017	CONSENT	07/03/2018	Householder: Erection of a two storey extension to existing barn conversion	Cann Barn Churchstoke Montgomery SY15 6TQ

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/1206 FULL	18/10/2017	CONSENT	07/03/2018	Full: Change of use of land to form extension to caravan park for siting of 11 additional static holiday caravans together with all associated works	Land at Woodlands View Caravan Park Newchapel Llanidloes SY18 6LH
P/2017/1232 FULL	23/10/2017	CONSENT	07/03/2018	Full: Erection of a pullet rearing unit, feed bins and associated works	Corrin Garth Llangammarch Wells LD4 4BL
P/2018/0088 FULL	18/01/2018	CONSENT	07/03/2018	Full: Erection of an extension to the main building	All Black Arms Ystalyfera Gurnos Road Ystradgynlais SA9 2LA
P/2017/1329 HOUS	14/11/2017	CONSENT	07/03/2018	Householder: Construction of a detached garden room, single storey sun room extension & rear balcony along with external alterations	Ty Isha Llanddew Brecon LD3 9ST
P/2018/0059 HOUS	09/01/2018	CONSENT	07/03/2018	Householder: Erection of a timber and glass greenhouse to the south elevation, a single storey extension to the north and rear & the addition of 3 velux type windows to the front. Resubmission	Brwynen Hirnant Oswestry SY10 0HT

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/1476 HOUS	18/12/2017	CONSENT	07/03/2018	Householder: Erection of an extension and conversion of garage into living space	Dale Cottage Gladestry Kington HR5 3NT
P/2017/1487 OUT	21/12/2017	CONSENT	07/03/2018	Outline: Construction of 2 (3bed) detached houses with garage and all associated works (some matters reserved)	1 Old Saw Mill Site Erwood Builth Wells LD2 3EQ
P/2018/0043 FULL	08/01/2018	CONSENT	07/03/2018	Full: Erection of an agricultural building	The Gables Llanfechain SY22 6UQ
P/2018/0057 HOUS	22/01/2018	CONSENT	07/03/2018	Householder: Erection of a single storey extension	Cwm Cottage Sarn Newtown SY16 4ES
P/2018/0069 HOUS	08/01/2018	CONSENT	07/03/2018	Householder: Erection of a rear dormer extension and alterations to the existing roof	Glangwnin Soar Brecon LD3 9LT

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2018/0084 FULL	15/01/2018	CONSENT	07/03/2018	Full: Installation of two air conditioning units and one extraction grille	Tuffins Llanelwedd Station Road Builth Wells LD2 3SS
P/2018/0090 ADV	15/01/2018	CONSENT	07/03/2018	Advert: Display of 2 no. internally illuminated fascia signs & 4 no. internal vinyl graphics	Tuffins Llanelwedd Station Road Builth Wells LD2 3SS
P/2018/0119 HOUS	24/01/2018	CONSENT	07/03/2018	Hous: Demolition of conservatory and erection of a sunroom	Ty Hir Pennant Llanbrynmair SY19 7BL
P/2018/0123 HOUS	24/01/2018	CONSENT	07/03/2018	Hous: Erection of an extension	Pen Y Graig Clatter SY17 5NL
P/2018/0151 FULL	30/01/2018	CONSENT	07/03/2018	Full: Erection of a livestock shed	Lower Weston Llangunllo Knighton LD7 1SL

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/1185 CLA1	13/10/2017	REFUSE	08/03/2018	Section 191 application for a lawful development certificate for an existing use in breach of conditions 2 & 3 of permission M8968 & M9218	Berwyn View Trelydan Welshpool SY21 9HL