

Planning, Taxi Licensing & Rights of Way Committee

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

Meeting Date
Thursday, 5 July 2018

Meeting Time
10.00 am



County Hall
Llandrindod Wells
Powys
LD1 5LG

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

28 June 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 14 June 2018 as a correct record.

(To Follow)

Planning

3.	DECLARATIONS OF INTEREST
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- 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.

4.	PLANNING APPLICATIONS FOR CONSIDERATION BY THE COMMITTEE
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To consider the reports of the Head of Regeneration and Regulatory Services and to make any necessary decisions thereon.

(Pages 5 - 8)

4.1. Updates

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

(To Follow)

4.2. P/2018/0315 Land at Cefn Llan, Llangammarch Wells, Powys

(Pages 9 - 28)

4.3. P/2018/0330 Land adjoining Ivy House, Middletown, Welshpool, Powys, SY21 8EL

(Pages 29 - 58)

4.4. P/2017/1048 Land adj Bryn Afal, Tregynon, Newtown, Powys, SY16 3EP

(Pages 59 - 80)

4.5. P/2017/0812 Development at Brynygroes Farm, Ystradgynlais, SA9 1LF

(Pages 81 - 100)

4.6. P/2018/0337 Land at Salop Road, Welshpool, Powys

(Pages 101 - 134)

4.7. P/2018/0581 Noyadd Farm Caravan & Campsite, Llanddewi'r Cwm, Builth Wells, Powys, LD2 3RX

(Pages 135 - 140)

- 4.8. **Tree/2018/0012 Gwernyfed High School, Three Cocks, Brecon, Powys, LD3 0SG**
(Pages 141 - 148)

5.	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.

(To Follow)

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Planning, Taxi Licensing and Rights of Way Committee
5th July, 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:
 Community:
 O.S. Grid Reference:
 Date Received:

Nature of Development:
 Location of Development:
 Applicant:
 Recommendation of Head of Planning:

<p>P/2018/0315</p> <p>Llangammarch Wells</p> <p>293712.51 247588.69</p> <p>21.03.2018</p>	<p>Application for reserved matters following outline approval P/2017/0823 for the erection of 25 dwellings, 7 garages, access road and all associated works</p> <p>Land at Cefn Llan, Llangammarch Wells, Powys</p> <p>Mr Parry, Buter Wall Homes, Polo Ground Industrial Estate, Unit 19, Pontypool, NP4 0TW</p> <p>Recommendation: Conditional Consent</p>
<p>P/2018/0330</p> <p>Trewern</p> <p>330174.56 312559.09</p> <p>14.03.2018</p>	<p>Full: Erection of 3 no. dwellinghouses, formation of new vehicular access including partial demolition / alterations of existing stone wall together with construction of new 1.8m high boundary wall and all associated works</p> <p>Land adjoining Ivy House, Middletown, Welshpool, Powys, SY21 8EL</p> <p>Trimwright Homes Ltd, Red Bank, Croft House, Welshpool, Powys, SY21 7PL</p> <p>Recommendation: Conditional Consent</p>

<p>P/2017/1048</p> <p>Tregynon</p> <p>309727.65 298804.98</p> <p>21.09.2017</p>	<p>Full: Erection of 1 no. affordable dwelling, creation of pedestrian footway and all associated works</p> <p>Land adj Bryn Afal, Tregynon, Newtown, Powys, SY16 3EP</p> <p>Mr Malcom Brown, Bryn Afal, Tregynon, Newtown, Powys, SY16 3EP</p> <p>Recommendation: Refusal</p>
<p>P/2017/0812</p> <p>Ystradgynlais</p> <p>278740.62 210906.61</p> <p>13.07.2017</p>	<p>Update Report. Section 73 application to remove Condition 19 of approved Outline Consent P/2014/1133 relating to affordable local needs housing</p> <p>Development at Brynygroes Farm, Ystradgynlais, SA9 1LF</p> <p>CME Developments Limited, Brynygroes Farm, Ystradgynlais, SA9 1LF</p> <p>Recommendation: That condition 19 is removed subject to the condition outlined in the original report and a Section 106 Agreement to secure the educational contributions and the management of open space provision</p>
<p>P/2018/0337</p> <p>Welshpool</p> <p>32367601 308174.36</p> <p>03/04/2018</p>	<p>Full: Construction of 360 place English Medium Primary School and 55 place Early Years Nursery with new dedicated vehicular access works, ancillary car parking, landscaping, recreational space and associated infrastructure works</p> <p>Land at Salop Road, Welshpool, Powys</p> <p>Powys County Council</p> <p>Recommendation: Conditional Consent</p>

<p>P/2018/0581</p> <p>Duhonw</p> <p>303391.52 24862.46</p> <p>04.06.2018</p>	<p>Section 191 application for a certificate of lawfulness for the existing use of Noyadd Farm Caravan and Campsite</p> <p>Noyadd Farm Caravan & Campsite, Llanddewi'r Cwm, Builth Wells, Powys, LD2 3RX</p> <p>David & Elaine Price, Noyadd Farm, Llanddewi'r Cwm, Builth Wells, Powys, LD2 3RX</p> <p>Recommendation: Approve</p>
<p>TREE/2018/0012</p> <p>Gwernyfed</p> <p>317179.69 237426.33</p> <p>01.06.2018</p>	<p>Works to trees subject to a TPO</p> <p>Gwernyfed High School, Three Cocks, Brecon, Powys, LD3 0SG</p> <p>Powys County Council</p> <p>Recommendation: the proposed works shall be allowed to go ahead subject to conditions</p>

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4.2

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2018/0315	Grid Ref:	293712.51 247588.69
Community Council:	Llangamarch Wells	Valid Date:	Officer: 21/03/2018 Thomas Goodman
Applicant:	Mr Parry, Buter Wall Homes, Polo Ground Industrial Estate, Unit 19, Pontypool, NP4 0TW		
Location:	Land at Cefn Llan, Llangammarch Wells, Powys		
Proposal:	Application for reserved matters following outline approval P/2017/0823 for the erection of 25 dwellings, 7 garages, access road and all associated works		
Application Type:	Application for Approval of Reserved Matters		

The reason for Committee determination

Cllr Van-Rees has called the application in to be determined at Committee.

Site Location and Description

The application site is not located within a settlement development boundary and therefore for the purposes of this application is considered as development within the open countryside as defined by the Powys Local Development Plan (2018).

The application site comprises of an agricultural field approximately 1.5 hectares in area located to the northern end of Llangammarch Wells. To the north of the application site is agricultural land whilst to the east there is a woodland area and the Heart of Wales railway line. To the western boundary of the application site runs the County Class III highway the C0029 and then to the south is a residential property (Talybryn) which forms a detached bungalow.

The proposed development seeks approval for the reserved matters details which include access, appearance, landscaping and scale. The proposed development seeks consent for the erection of 25 residential dwellings which comprise of 3 two bed terraced dwellings (affordable), 1 two bed detached dwelling, 2 two bed detached dwellings, 3 three bed detached bungalows, 2 four bed detached bungalows, 5 four bed detached dwellings, 6 three bed semi-detached dwellings and 3 three bed detached dwellings.

The 25 proposed dwelling comprise of 8 altering designs:

Plots 1, 11, 13, 18 and 21 (4 bed) detached dwelling will measure approximately:

8.8 metres in length by 8.65 metres in width, 7.7 metres to the ridge height and 5.1 metres to the eaves.

Plots 2 and 3 (2 bed) semi-detached dwellings will measure approximately:

Plots 4, 5, 15, 16, 19 and 20 (3 bed) semi-detached dwellings will measure approximately:

8.8 metres in length by 5.7 metres in width, 7.8 metres to ridge height and 4.9 metres to the eaves.

Plots 6, 7 and 8 (2 bed) terraced dwellings (affordable) will measure approximately:

9.65 metres in length by 4.85 metres in width, 8.2 metres to ridge height and 5.1 metres to the eaves.

Plots 9, 24 and 25 (3 bed) detached bungalows will measure approximately:

13.25 metres in length by 8.9 metres in width, 5 metres to the ridge height and 2.5 metres to the eaves.

Plots 10 and 14 (4 bed) detached bungalows will measure approximately:

13.3 metres in length by 11.95 metres in width, 5 metres to the ridge height and 2.5 metres to the eaves.

Plots 12, 22 and 23 (3 bed) detached dwellings will measure approximately:

8.85 metres in length by 5.8 metres in width, 7.9 metres to the ridge height and 5.1 metres to the eaves.

Plot 17 (2 bed) detached dwelling will measure approximately:

8.1 metres in length by 5.65 metres in width, 8.1 metres to the ridge height and 4.95 metres to the eaves.

Consultee Response

Llangammarch Wells TC

Llangammarch Community Council (LCC) held a public meeting on 9th April 2018 at which over 30 community members and Councillors were present. The following comments reflect the consensus of the opinions expressed at that meeting:

1. LCC refers PCC to the objections lodged for this and previous applications by members of the community and asks that these legitimate concerns be taken into account.
2. We are concerned that this reserved matters application is for a significantly higher number of dwellings than the outline permission to which this application relates. LCC supported the extension of time for the consideration of the reserved matters of P/2008/0402 on the basis that the principle of residential development established by that permission was

in line with the Powys UDP site allocation of a maximum of 16 dwellings. The delegated report for P/2017/0823 states on page 8 that, “this application is for 16 (dwellings)”. The Community are not in favour of a development of more than 16 dwellings.

3. Page 190 of the adopted Powys Local Development Plan 2011-2026 (adopted April 2018) identifies this site as a Housing Land Bank site with an extant planning permission for 16 units with an affordable housing target of 5 units.

4. In our letter of 11th August 2017, LCC supported the application for the extension of the time limit for the consideration of reserved matters to enable further discussions between the developers and the community to take place. We note that no approach has been made to the community prior to this new application from the developers. We would welcome opening up this dialogue, both with the developers and PCC.

5. The planning application documentation which LCC has seen, and bases this submission upon, does not appear to contain sufficient detail to adequately assess the impact of this development, nor to satisfy the conditions of P/2008/0402 requiring various details to be submitted at the same time as the discharge of condition 1 (reserved matters). For example, there is no design and access statement lodged with this application and only limited detailed drawings.

5. Scale - LCC have previously stated that we see 16 dwellings as an absolute maximum on this site (see submission of 8/8/16). A scheme of a higher density with more dwellings would be totally inappropriate and out of keeping with the scale and character of the existing village, particularly this part of the village which comprises bungalows.

6. Sewage – There is concern about foul drainage; both capacity issues and the long term management and maintenance arrangements. It is understood that detailed plans should be examined by Dŵr Cymru before planning permission is discussed. There are no detailed plans with the current application.

7. Drainage – It is noted that Network Rail made clear in their letter of 12th September 2016 that the scheme proposes to discharge water into the stream that goes through Network Rail’s culvert. Without any assessment to how this would affect the culvert, Network Rail requested a ‘holding objection’. There are no detailed plans or information in the current application on how this is to be resolved. We are concerned that the scheme could contribute to surface water flooding.

8. Affordable housing - LCC welcomes the opportunity to provide more genuinely affordable housing for local residents in order to enable younger people growing up in our area to stay in the village. We are concerned that the amount deemed acceptable by PCC has been reduced to 10% and not 30% as required by policy and no details of tenure, management (if required) or phasing have been provided. We note that the recently adopted local plan refers to a target of 5 affordable units on this site.

9. Notwithstanding our objection to the scale of this proposal, in terms of phasing of any scheme, we are concerned that there is limited demand for homes of this size and type in Llangammarch, especially given other developments coming forward in Beulah and Garth, and conclude that there might be difficulties in selling homes. Existing properties in this area

frequently stay on the market for a year or more. We want to see a phasing plan that allows for the site to be developed in a sensible and realistic manner, allowing for current and future market conditions and especially one that ensures that the affordable homes are brought forward as early as possible.

10. S106 contributions – we are disappointed that the agreed contributions towards local schools appear to have been dropped given that numbers on the school roll fluctuate up and down and especially given the concession on affordable housing. We would encourage PCC to seek adequate contributions to local services. LCC has not seen the viability study for this site.

11. Mix and typology – there is a recognised problem in Llangammarch of a lack of homes for young people to stay in the place they grew up. Given the smaller number of affordable homes proposed, LCC is keen to see a suitable mix to encourage houses for sale at a variety of price points. We are not convinced that the best use has been made of the site, with the changing height levels, by placing two storey buildings in some of the higher parts and bungalows in some of the lower parts. Residents living opposite the site expressed a preference for bungalows along the road, more in keeping with the existing bungalows opposite. LCC need to see 3D visualisations which correctly plot land height and storey heights/roof lines so we can assess the impact on the surrounding area.

12. Design & materials – we would want to see more information in order to comment further on the quality and suitability of proposed materials.

13. Traffic – there is a concern about increased traffic caused by the development.

14. Pavement/ safety – we are concerned that children using the playing area will not have a safe route to walk to the site from the village and would ask for PCC to make this a requirement.

15. Playing fields – the detailed landscape drawing appears to show trees planted in the playing field area, which has not been discussed with LCC to determine if this is in line with the needs of the community for this site.

16. LCC stands by all the comments made on the original outline application (P/2008/0402) by letter dated 19th September 2011 and all comments made in respect of the more recent applications in our submissions dated 8th August 2016 and 11th August 2017

Powys Highways

Consultation response received 19/04/2018:

The County Council as Highway Authority for the County Class III Highway, C0029

Wish the following recommendations/Observations be applied
Recommendations/Observations

This is a reserved matters application following outline approval P/2017/0823; the Highway Authority therefore has no fundamental objection to the principle of development on this site. It should be noted however that the original consent was determined with all matters

reserved for future consideration, including that of access, which appears to have been omitted from this particular submission.

Unfortunately the information submitted to date is not sufficient to satisfy The Highway Authority that a suitable layout can be achieved. I would therefore recommend that the application be deferred until such time as the following detail is submitted for further consideration.

1. A more detailed site plan drawing (based on topographical information) showing the proposed access in relation to the existing C0029 county highway.
2. Detailed longitudinal and cross sectional drawings showing vertical and horizontal alignments covering the new access from the adjoining county highway and all internal roads. (required under condition 18 of P/2017/0823).
3. A detailed scheme for surface water disposal.
4. Highway construction detail.

Consultation response received 05/06/2018:

Thanks for supplying the additional information and drawings from the applicant covering the proposed gradients within the development site. Whilst I still have some concerns, particularly in relation to the proposed raised levels of access roads 1 and 2, and the gradient of the proposed turning head, the information submitted suggests that the retainment of the roads will not require the provision of any highway structures. There are also a number of potential issues to address in order to achieve an adoptable highway layout and drainage scheme, however it is considered that these matters can be resolved as part of the engineering approval process.

Accordingly I recommend that the following conditions be attached to any consent granted.

- No development shall commence until provision is made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. The parking and turning area shall be constructed to a depth of 0.35 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 other development shall commence until the access has been constructed so that there is a 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 70 metres distant in a northerly direction and 43 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.

- 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 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.
- 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 occupation of any dwelling, provision shall be made within the curtilage of each respective plot for the parking of cars in line with CSS Wales 2008 Parking Standards, as detailed on the approved Proposed Site Plan. The parking areas shall be retained for their designated use in perpetuity.
- 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.
- Prior to the occupation of any dwelling a 2 metre wide footpath shall be provided along the frontage of the site onto the existing county C0029 road and shall be retained as such for as long as the development hereby permitted remains in existence.
- 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.
- 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.

- 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.
- 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.
- No storm water drainage from the site shall be allowed to discharge onto the county highway.
- Within 10 days from the commencement of the development full engineering drawings, to include detailed cross sections through any structure and the works adjacent to the existing C0029 county highway shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details of construction.
- 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.
- 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.

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 have no objection to the application for approval of the reserved matters subject to compliance with the requirements of the drainage conditions imposed on the outline planning permission, and the subsequent applications to vary the conditions thereon.

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.

Powys Environmental Health

The original planning was made in 2008 prior to my employment with PCC and having looked on the system I am unable to locate any details relating to the foul drainage.

Before I can comment I require the details relating to the foul drainage arrangements for the development.

Powys 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.

Powys Countryside Services

With regards to the proposed housing development at Land at Cefn Llan, Llangammarch Wells, Powys.

Powys County Councils preferred situation would be for any developer to manage and maintain their own play facilities, either organised by themselves or through a resident's organisation, or potentially by working with the local town or community council.

Powys County Councils, Countryside & 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 & 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 (TBC), then the Countryside & Outdoor Recreation Service would seek a monetary package to upgrade the Services nearest existing playing field or playground.

I would suggest that because PCC has no play facilities in Llangammarch Wells, if any 106 money for play is available, then the offer should go to Llangammarch wells Community Council, who own and maintain the nearest public play facility. The Community Council can be contacted by email at the email below -

clerk@llangammarchCC.com

Cllr Van-Rees

I attended a public meeting in Llangammarch last night where the majority of opinion was wholly against any development in excess of 16 houses and expressed disapproval of the proposed layout. I wish to call this application in on the grounds of:

- a) The proposed development is in excess of what is reasonably required in Llangammarch and is over development
- b) Sewerage and other proposals are totally inadequate
- c) The layout of the housing is inappropriate for insufficient low cost housing has been included.

Please confirm you have received my email (with the 21 days) calling in the above Application. You have since received Llangammarch Community Council comments dated 16th April 2018. I associate myself entirely with those comments which accurately reflect the comments made at the public meeting held in Llangammarch recently.

Representations

Following the display of a site notice and press advertisement, 20 letters of objection have been received from members of the public. The following concerns have been raised regarding the proposed development:

- The number of dwellings proposed is considered to be too many in terms of scale and density for the development site.
- The style and mix of the dwellings is considered to not complement the surrounding area of Llangammarch Wells – members of the public would prefer to see bungalows on site.
- A lack of infrastructure within the local area at present there is only a small shop and therefore residents consider the development to be in an unsustainable location.
- Concerns have been expressed in relation to the increased use of traffic, particularly motorised vehicles and the lack of a public footpath/pavement
- Concerns have been raised regarding the flood risk of the site.
- Public open space (POS) concerns have been raised – the POS is too close to the road.
- Concerns have also been raised regarding the sewerage.

Planning History

P/2017/0823 - Section 73 application for variation of planning condition no.2 attached to planning permission P/2008/0402 (outline for residential development) to extend the time limit for submission of reserved matters for a further 2 years - Planning Permission Granted subject to S106 – 13/12/2017

P/2016/0795 - Construction of 30 residential units, play area and associated works - Refused

P/2008/0402 - Outline application for proposed residential development and construction of vehicular access – Conditional Consent – 22/07/2014

Principal Planning Constraints

Open Countryside

Principal Planning Policies

National planning policy

Planning Policy Wales (Edition 9, November 2016)

Technical Advice Note (TAN) 2: Planning and Affordable Housing (2006)
Technical Advice Note (TAN) 5: Nature, Conservation and Planning (2009)
Technical Advice Note (TAN) 12: Design (2016)
Technical Advice Note (TAN) 15: Development and Flood Risk (2004)
Technical Advice Note (TAN) 18: Transport (2007)
Technical Advice Note (TAN) 23: Economic Development (2014)

Local planning policies

Powys Local Development Plan (2018)

SP1 – Housing Growth
SP3 – Affordable Housing Growth
SP5 – Settlement Hierarchy
SP6 – Distribution of Growth across the Settlement Hierarchy
SP7 – Safeguarding of Strategic Resources and Assets
DM1 – Planning Obligations
DM2 – The Natural Environment
DM4 – Landscape
DM13 – Design and Resources
H1- Housing Development Proposals
H3 – Housing Delivery
H4 – Housing Density
H5 – Affordable Housing Contributions

Powys Residential Design Guide (October 2004)

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

Other Legislative Considerations

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

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.

Site History

Planning permission was granted for outline consent (P/2008/0402) for a residential development (25 plots) and construction of a vehicular access on the 22/07/2014 with matters relating to design, scale, access, appearance and landscaping to be considered at the reserved matters stage. A full application was then submitted under the reference number P/2016/0795 for the construction of 30 residential units which was refused at Committee on the 15/12/16. A Section 73 application was submitted under the reference number P/2017/0823 for the variation of planning condition no.2 attached to planning permission P/2008/0402 (outline for residential development (25 plots)) to extend the time limit for submission of reserved matters for a further 2 years, permission was granted subject to the signing of a S106 agreement. The S106 agreement was amended which resulted in a reduced affordable housing percentage of 10% following the submission of a viability study based on 25 dwellings and in consultation with the Powys Affordable Housing Officer, the application also saw the removal of the financial contribution within the S106 towards education as the surrounding schools were not at capacity.

The principle of development in this location has already been considered and approved under the outline consent P/2017/0823. This application seeks consent for the details reserved by the outline planning consent for the access, appearance, landscaping, layout and scale.

Design, Landscape and Appearance

The Powys Local Development Plan policy H3 and DM13, TAN 12 and Planning Policy Wales (PPW) all refer to good design and how development proposals should be of a good design and have consideration to its surroundings. PPW refers to good design as having a relationship between all elements of the natural and built environment. Policy H3 states that housing development proposals must be of an appropriate scale and shall provide a suitable mix of housing types to meet the range of identified local housing needs and is supported by policy DM13 of the Powys Local Development Plan which states that proposals must demonstrate a good quality design and shall have regard to the qualities and amenity of the surrounding area.

In this instance the proposed development seeks consent for 25 dwellings with 8 differing designs. The mix of dwelling design is welcomed and broadly complies with policy H3 of the Powys LDP by providing a mix of housing designs and housing type, which includes 2, 3 and 4 bedroom bungalows and dwellings with some plots including detached garages.

Policy DM13 specifically states that proposals will only be permitted where development has been designed to complement and/or enhance the character of the surrounding area in terms of siting, appearance, integration, scale, height, massing and design detailing. The development must also contribute towards the preservation of local distinctiveness and sense of place.

The site is located to the east of the C class county road C0029 and to the south of an agricultural field. The majority of the built environment that forms the small village of

Llangammarch Wells is to the south. Llangammarch Wells consists of a number of bungalows, terraced properties, semi-detached properties and detached properties of varying sizes that are constructed in render, brick and stone.

The site is located within a parcel of land located to the east of the C0029, the land rises slightly at both the southern and northern ends to the field. The proposed development will see the construction of 25 dwellings which include 2, 3 and 4 bedroom bungalows and dwellings. The dwellings will have a height range of approximately 5 metres in height to 8.2 metres in height. It is considered that given the topography of the land, the location of the proposed bungalows to the northern and southern extremes of the site where the land rises as well as the surrounding built environment which consists of bungalows at a higher floor level than the proposed dwellings adjacent to them, the proposed development would not be seen as out of place and will assimilate into the surrounding landscape. It is noted that the residential development will be slightly set back from the C0029 to accommodate the public open space, the visibility splays and in order to continue the line of existing bungalows. Furthermore it is noted that there will be two non-adopted roads and the private parking areas which will be finished in Marshalls Driveline Brindle Pavers in order to provide an element of softness to the proposed development.

It should be noted that although the proposed development is within a small village and a development of this scale would be contrary to policy should a new full or outline consent be applied for, this development already has the benefit of outline planning consent, exceeds 5 dwellings and is not considered as infill development. However, all 25 plots measure less than 0.05 hectares and therefore comply with the criterion set out within policy H1 which restricts the maximum plot size to 0.05 hectares per dwelling.

In assessing the capacity of small villages, the Local Development Plan seeks to assume a new build density of 20-25 dwellings per hectare which provide a maximum plot size of 0.05 hectares. In this instance the application site measures approximately 1.31 hectares and therefore it is considered that 25 dwellings with the provision of internal roads and amenity space that the new build density is acceptable and complies with policy set out within the Powys Local Development Plan (2018).

It is considered that the design and scale of the proposed dwellings are of a moderate size and provide a mix of dwelling types to complement the built environment. Furthermore the dwellings have been proposed to be finished in brick and render to complement the existing surrounding dwellings and integrate into the built environment. However, it is unclear as to the shading of the bricks and render and therefore an appropriately worded condition will be attached in order to ensure that an appropriate colour of brick, render and roofing material is used. In light of the above and subject to the attachment of an appropriately worded condition, it is considered that the proposed development would not detrimentally impact upon the character of the surrounding area in terms of the dwellings appearance, scale, height and design detailing and complies with policy H3 and DM13 of the Powys LDP (2018).

Policy DM4 relates to development proposals and the impacts of them upon the Powys landscape. Policy DM4 only relates to proposals for new development outside of settlements, given that the proposed development is positioned on the edge of the small village of Llangammarch Wells, consideration in this instance has been given to the impact the proposed development has on the Powys landscape. Given the location of the proposed development being slightly set back from the C0029 to accommodate the public open space,

the visibility splays and in order to continue the line of existing bungalows as well as the topography of the application site and surrounding built environment it is considered that the proposed development will naturally blend into the built environment. Furthermore additional landscaping which includes the planting of hedgerows and trees including species such as *Acer campestre*, *Alnus glutinosa*, *Betula pendula*, *Quercus robur* and *Sorbus aucuparia* are to be planted within the site to further aid in blending the proposed development into the surrounding landscape.

It is therefore considered that the proposed development would not have a detrimental impact upon Powys' landscape and complies with policy DM4 of the Powys LDP.

Highway Safety

Policy DM13 part 11 states that development proposals should meet all highway access requirements (for transport users) and parking standards.

The proposed access forms onto the C0029 and therefore Powys County Council's Highway Authority has been consulted on the proposed development. The Highway Officer initially stated that the proposed development lacked sufficient information to demonstrate that a suitable layout could be achieved. Information relating to longitudinal and cross sectional drawings to demonstrate the vertical and horizontal alignments of the new access adjoining the C0029 would be required as well as all internal roads, a detailed scheme for surface water disposal and highway construction detail were all required.

Following the submission of additional information and detailed drawings, the Highway Officer was re-consulted. The Officer stated that they still had some concerns relating to the raised levels of access and the gradient of the proposed turning head. However, the information submitted suggests that the retainment of the roads would not require the provision of any highway structures. The Officer also stated that there are still a number of potential issues to address in order to achieve an adoptable highway layout and drainage scheme, however, this would be resolved as part of the engineering approval process. The Highway Officer has therefore recommended appropriately worded conditions to ensure that an appropriate access and visibility splays are constructed as well as securing a 2 metre wide footpath along the front of the development site and the C0029.

In light of the above and the attachment of appropriately worded conditions it is considered that the proposed development would not have a detrimental impact upon highway users. The proposed development therefore complies with policy DM13 of the Powys Local Development Plan (2018).

Amenities enjoyed by occupiers of neighbouring properties

In considering the amenities enjoyed by occupiers of neighbouring properties consideration has been given to the Powys Residential Design Guide (October 2004).

Consideration must be given to the amenities enjoyed by the occupiers of neighbouring dwellings. The amenities enjoyed by occupiers of neighbouring properties was considered under the outline planning consent, however, given that the layout plan has now been submitted, consideration is given to this element again. The nearest neighbouring property to the development site is located to the south and to the side elevation of plot 25 a 3 bed

bungalow. The dwellings to the west of the application site are located upon the opposite side of the C0029 and exceed 20 metres in distance from the proposed development site. Given the C0029 and the distance from the proposed development it is considered that the proposed development would not have a detrimental impact upon the amenities enjoyed by occupiers of neighbouring properties.

The Natural Environment

Policy DM2 states that proposals shall demonstrate how they protect, positively manage and enhance biodiversity and geodiversity interests. Proposals which would impact on natural environment assets will only be permitted where they do not unacceptably adversely affect those assets. This is further emphasised within Technical Advice Note (TAN) 5.

A tree and hedgerow planting schedule has been submitted in support of this application. A landscaping scheme was secured via conditions under the outline consent. It is noted that there are a number of trees and hedges that will be retained on site as well as additional planting put forward. The additional planting is welcomed and aids in softening the proposed developments impact. The additional planting will also act as a biodiversity enhancement measure. Powys County Council's Ecologist has been consulted on the proposed development, however, no response has been received to date. Issues relating to the impact of the proposed development on surrounding protected species, SSSI's and SAC's would have been considered during the consideration of the outline application.

Given the information submitted in support of this application it is considered appropriate to secure the planting proposed via a condition as well as the tree and hedgerow protection plan.

In light of the above and subject to an appropriately worded condition to secure the planting schedule as well as the tree and hedgerow protection plan it is considered that the proposed development would not have a detrimental impact upon a natural environment asset. The proposed development therefore complies with policy DM2 of the Powys LDP.

Other matters raised by members of the public not already addressed above

Public Open Space (POS):

The POS has been secured via a Section 106 agreement through the granting of the outline consent P/2017/0823.

Flooding:

The proposed development is not within a C2 flood zone and would have been considered under the outline application.

Sewerage:

A scheme for the disposal of foul drainage was secured via a condition under the outline application. The scheme must be submitted prior to the commencement of development.

Infrastructure:

The sustainability of the site would have been considered during the granting of the outline application and is not a matter for consideration in this instance.

Recommendation

In light of the above it is therefore considered that the proposed development fundamentally complies with relevant planning policy and the recommendation is therefore one of conditional approval.

Conditions

1. The development hereby granted approval of reserved matters shall be begun before the expiration of two years from the date of this approval, or before the expiration of five years from the date of the outline planning permission whichever is the longer.
2. The development shall be carried out strictly in accordance with the plans stamped as approved on XX/XX/XX (drawing no's: TDA.2198.03, PSPB01A, ESPB01A, GB01, PSVB01, PSVB02, PSVB03, PSVB04, LPB01A, 150, 160, 162, 161, 231, 200, 163, Drainage Strategy, U0102, U0101, U02+0302, U02+0301, U04+0502, U04+0501, U06-0802, U06-0801, U0902, U0901, U1002, U1001, U1102, U1101, U1202, U1201, U1302, U1301, U1402, U1401, U15+1602, U15+1601, U1702, U1701, U2202, U2201, U2102, U2101, U19+2002, U19+2001, U1802, U1801, U2302, U2301, U2402, U2401, U2502 & U2501).
3. 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 dwelling shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
4. 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.
5. 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 Local Planning Authority.
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 area 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 other development shall commence until the access has been constructed so that there is a 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 70 metres distant in a northerly direction and 43 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.

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.

10. 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.

11. 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.

12. Prior to the occupation of any dwelling, provision shall be made within the curtilage of each respective plot for the parking of cars in line with CSS Wales 2008 Parking Standards, as detailed on the approved Proposed Site Plan. The parking areas shall be retained for their designated use in perpetuity.

13. 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.

14. Prior to the occupation of any dwelling a 2 metre wide footpath shall be provided along the frontage of the site onto the existing county C0029 road and shall be retained as such for as long as the development hereby permitted remains in existence.

15. 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.

16. 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.

17. 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.

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 septic tank or its soakaway installation.

19. 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.

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

21. Prior to the commencement of development full engineering drawings, to include detailed cross sections through any structure and the works adjacent to the existing C0029 county highway shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details of construction.
22. 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.
23. 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.

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 the visual amenity of the area and to ensure the satisfactory appearance of the buildings in accordance with policies DM13 of the Powys Local Development Plan and the Councils Residential Design Guide.
4. In the interest of the protection and preservation of biodiversity in accordance with policy DM2 of the Powys Local Development Plan.
5. In the interest of the protection and preservation of biodiversity in accordance with policy DM2 of the Powys Local Development Plan.
6. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy T1 and DM13.
7. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy T1 and DM13.
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23. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy T1 and DM13.

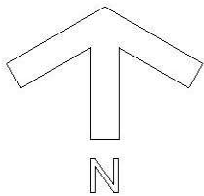
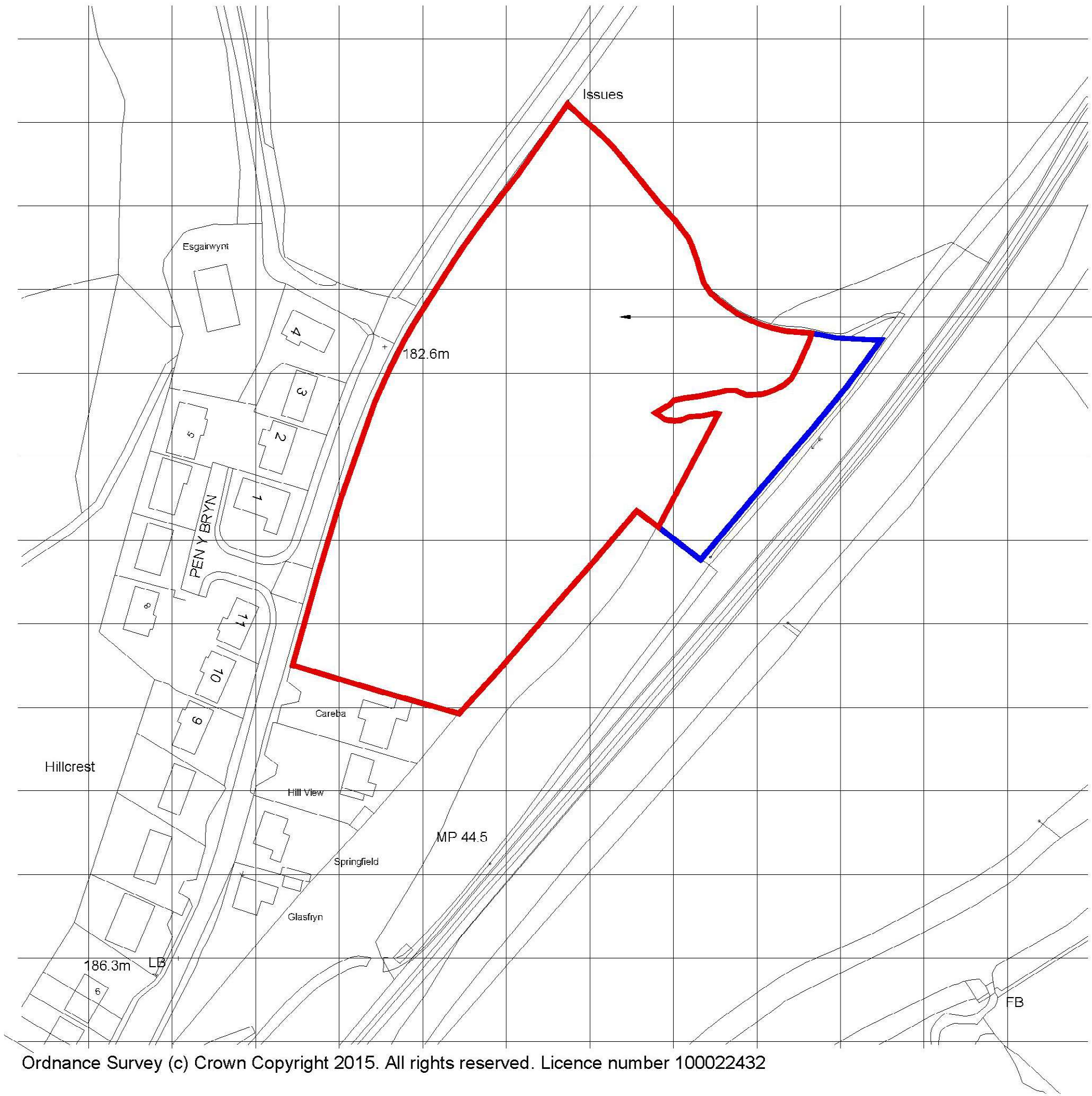
Informative Notes

Affordable Housing:

Affordable housing on residential development sites shall be 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.

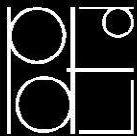
Case Officer: Thomas Goodman- Planning Officer
Tel: 01597 827655 E-mail:thomas.goodman@powys.gov.uk



SITE REFERRED TO

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LOCATION PLAN 1:1250

Site boundary amended to match original application, blue line added.		21-03-18 A
REVISIONS NOTES.		DATE REV
© Pembroke Design Ltd 2015		
Drwg		
LOCATION PLAN		
Project		
RESIDENTIAL DEVELOPMENT SITE AT LLANGAMMARCH WELLS		
Client		
BUTLERWALL HOMES LTD		
PEMBROKE DESIGN		
L I M I T E D		
<p>○ HAVERFORDWEST 5/7 PICTON PLACE SA61 2LE TEL: 01437 764135 FAX: 01437 764471 west@pembrokedesign.co.uk</p>		<p>● PEMBROKE DOCK 16 WEYBICK STREET SA72 8UT TEL: 01646 683430 FAX: 01646 681563 pdock@pembrokedesign.co.uk</p>
<p>○ CARMARTHEN 26 SPILMAN STREET SA31 1LQ TEL: 01267 233612 FAX: 01267 233471 carm@pembrokedesign.co.uk</p>		
Designed		Job No 8776
JMT		
Scale		Original Size A3
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4.3

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2018/0330	Grid Ref:	330174.56 312559.09
Community Council:	Trewern	Valid Date:	Officer: 14/03/2018 Gemma Bufton
Applicant:	Trimwright Homes Ltd, Red Bank, Croft House, Welshpool, Powys, SY21 7PL.		
Location:	Land adjoining Ivy House, Middletown, Welshpool, Powys, SY21 8EL.		
Proposal:	Full: Erection of 3 no. dwellinghouses, formation of new vehicular access including partial demolition / alterations of existing stone wall together with construction of new 1.8m high boundary wall and all associated works		
Application Type:	Application for Full Planning Permission		

The reason for Committee determination

In accordance with the Planning Protocol Cllr Jenner has requested that the application is determined at the Planning committee due to the history of the site and residential concerns raised.

Site Location and Description

The application site is in respect of the erection of three dwellings and associated works within the grounds of Ivy House, a grade II listed building. The site is located within the settlement development limits for Middletown. The site is located with the A458 trunk road running to the south of the application site, to the north and east is Ivy House and associated land/buildings and to the west runs the unclassified county highway in which access is sought from.

This application is for a resubmitted scheme which has previously been refused and upheld at appeal. A revised scheme has therefore now been submitted in respect of three dwellings. The proposed dwellings will form a terraced row and measure approximately 18.2 metres in length by 9.8 metres in width reaching a height to the ridge and eaves of 7.4 metres and 4.9 metres.

Consultee Response

Trewern Community Council-

Trewern Community Council considered this application at its meeting on 17 April 2018. We decided to object to the application for two reasons.

We consider that the new access to the site is unnecessarily wide and that it could create additional hazards. We consider that the new access should be reduced to the minimum needed to serve the 3 new houses and Ivy House.

We also consider that the external treatment of the proposed new properties should be reviewed to make it more sensitive to the position of the site which is in the centre of the village and next to a listed property. For example stonework could be incorporated into the external walls

Highways Dept north-

The County Council as Highway Authority for the County Unclassified Highway, U2237

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 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 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.

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 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 34 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.

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 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 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.

HC13 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.

HC16 There shall only be a single vehicular and pedestrian access to serve the development hereby permitted.

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.

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 surface water drainage from the site shall be allowed to discharge onto the county highway.

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:

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.

Severn Trent Water advise that there may be a public sewer located within the application site. Although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under the Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with 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.

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.

Cllr Amanda Jenner-

I write with my comments on the above planning application. As previously indicated, I wish to object to this application for the following reasons:

1. Along the boundary of the application is a long wall of historic and local interest, which is felt to be at the heart of Middletown Village. I understand from the plans that much of this wall will be removed for the access and that a length of it will also be lowered. Please note that a number of residents have spoken with me about their concerns about this wall being reduced. This was also highlighted at a community council meeting which I attended. This wall forms part of the Grade II listed Ivy House and I would argue that it is an intrinsic part of Ivy House, a building of historical value which residents feel is an important part of the village. Given that this has been raised by residents, I request that the built heritage officer re-consider their comments in light of the residents' concerns. As a minimum, the designs of the external brickwork etc of the applicant houses need to be conditioned to try and incorporate the nature and historic feel of the wall.

2. I note that the point of access to the intended site has altered since the previous application. However, It seems that this alternative access would open up the site and there would be an area of land (to the north of the proposed access) which potentially could be misused. It is not clear what this land is intended for and I would argue that the applicant needs to make this clear. As the application stands, it is not satisfactory and should this application be approved, it needs to be conditioned that this area will be landscaped and managed appropriately in order to prevent misuse, such trespass, fly tipping etc. Consideration should also be given to whether there are any conditions which could be applied in order to make the site as secure as possible.

3. I am unclear as to the exact width of the access. However, I am aware from a resident that they have concerns it may be over and above the highways requirement in terms of its width. Given that if this application is approved, the access will be removing part of this historic wall, it should be considered whether the application in its current form is suitable, particularly in light of what I have raised in point 1 above. The access, if approved, should be curtailed to the statutory requirements.

4. From visiting the site, I note that the plans indicated three houses which may overlook the houses on the other side of the road leading off the A458. Consideration should be given to whether these intended houses overlook any property, so as to protect residents' privacy and light. If this application is approved, this should be subject to conditions ensuring that the

privacy and light of residents are protected. Further, I note that the plans indicate a lowering of the historical wall. It should be considered whether this application is suitable given that this historic wall (which provides privacy) is arguably intrinsic to Ivy House and the heart of the village.

5. From considering the plans, it seems that there is not a car parking space for the total amount of bedrooms intended in the proposed development. In order to prevent any obstructive parking along the road or intended access, should this application be approved, the legally required car parking should be provided.

I should be grateful if you could pass on point 1 to the built heritage officer, also copied in to this e-mail.

Environmental Health-

Re: Erection of 3 no. dwellinghouses, formation of new vehicular access including partial demolition / alterations of existing stone wall together with construction of new 1.8m high boundary wall and all associated works.

Foul drainage

I have no objection to the proposal to connect to the mains foul sewer.

Construction-phase noise

The proposed development is in close proximity to existing residential properties. I 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.

Built Heritage Officer-

Thank you for consulting me on the above application. I am aware that there have been previous applications within the site for the erection of dwellings that were refused and subsequently dismissed at appeal, and I can confirm that there have been pre-application discussions in relation to this proposal.

I can confirm that Ivy House is a listed building Cadw ID 8688 included on the statutory list on 04/10/1989.

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.

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."

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.

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.

Paragraph 5.4 states 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.

Ivy House is set back from the main Shrewsbury to Welshpool road in enclosed garden. The property dates from the early to mid C19th and is a 2-storey, 3-window late-Georgian symmetrical facade with pebbledash finish and exposed chamfered brick dressings to windows.

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 adaption has obliterated them or concealed them.

The place name Middleton appears as early as 1322 with the meaning middle settlement. (source CPAT Montgomeryshire Historic Settlements).

Middleton has grown in recent years with a large number of new dwellings being approved. In addition some historic buildings have been removed. I am attaching hyperlink to a map of 1902 which illustrates a number of properties that have been removed including a terrace adjacent to the current site

<https://maps.nls.uk/view/101594158>

Aesthetic Value

This derives from the way people draw sensory and intellectual stimulation from an historic form through its form, external appearance or setting.

Ivy House was included on the statutory list as a well-proportioned and unaltered house of one period.

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.

Ivy House is the oldest property in the settlement with very few historic properties and is indicative of the fact that this once rural area has developed into a settlement by the construction of housing estates.

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.

I would also refer to LDP policies that reflect national legislation and takes into account new guidance and provisions issued under the Historic Environment (Wales) Act 2016.

Strategic Policy SP7 which seeks to safeguard strategic resources and assets in the County which includes listed buildings.

DM4 – landscapes

DM13 Design and Resources which requires new development to complement and or enhance the character of the surrounding area in terms of siting, appearance, height massing and design detailing and to incorporate and/or enhance any historic assets of special local interest.

Local Development Plan Themes and Objectives;

Theme 4 – Guardianship of natural, built and historic assets

LDP Objective 13 – Landscape and the Historic Environment

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.

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

The heritage asset has been identified as listed building Cadw ID 8688 Ivy House included on the statutory list on 4 October 1989.

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.

From map evidence Ivy House predates the surrounding houses. It is understood from the submitted Heritage Impact Statement that accompanied recent planning application P2016/0902 that Ivy House was built for Benjamin Thomas clearly a man of means who described himself as a farmer. The 1848 census indicates that “Thomas has 25 acres of land in all but only 3 acres around Ivy House all described as garden or pasture”(page 9)

The principal views of Ivy House are from the A458 and the road to the west of Ivy House leading up Middleton Hill. Ivy House is a large residence in own grounds that is viewed through its garden and orchard which has a number of trees some fruit trees, some garden trees and some conifer trees. The former wall to the south has been removed, however the high stone wall to the west is still in situ.

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

The proposal relates to the erection of a terrace of three properties alongside the road that leads from the A458 towards Middleton Hill.

The application is for the construction of a terrace of three properties with one roof step going down the hill. The location of the terrace is within the former orchard of Ivy House, which is bounded by a stone wall. The loss of the stone wall was considered at the appeal on the site APP/T6850/E/16/3158754 and APP/T6850/E/16/3161930 where it was concluded by the Inspector that the wall was not part of the curtilage of the house and as such not curtilage listed.

The previous application was for the erection of properties within the former orchard of Ivy House, and was considered to affect the setting of Ivy House and the application was refused and subsequently dismissed at appeal. The current proposal is for the erection of a terrace of three, at right angles to the A458. The changes in the road layout and evidence given in the previous appeal would suggest that the rear wall of the cottages is the current stone wall, and as such the current proposal is not to rebuild the terrace on the same footprint of the previous terrace.

The Heritage Impact Assessment submitted with the previous application By Mercia Heritage Series 940 includes a photograph of the terrace on page 8 <http://planning.powys.gov.uk/Planning/StreamDocPage/obj.pdf?DocNo=3979650&PDF=true&content=obj.pdf>

The current proposal is for the erection of a terrace of 3 properties with chimneys, single fronted and rendered as per the original terrace. The design of the proposed properties is that of a modest terrace, albeit not an exact replica illustrating the changes in building construction in terms of window sizes and cill heights. Nevertheless the proportions of the properties proposed are of a modest terrace with simple detailing. It is acknowledged that the window header and cill will replicate the window surrounds of Ivy House which the former terrace did not which is a reference to Ivy House.

It is noted that the Inspector did not consider that the wall was part of the curtilage and as such it is acknowledged that the wall can be demolished without any consent or permission. The loss in the height of the wall is noted, as is the proposed terrace that aims to replicate albeit on a different footprint. I am mindful of advice in Cadw guidelines Setting of Historic Assets, "The setting of a historic asset is not fixed and may 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."

It is noted that the proposal also includes the removal of some conifer trees/overgrown hedge that currently screen Ivy House which would enhance the visibility of the property. The terrace as proposed will in part screen the view of Ivy House as the terrace will be higher

than the existing stone wall, and in other areas the opening up of the site and the loss of conifer trees will open up views of Ivy House. It is noted that the Ivy House was formerly bounded by a number of buildings on what is now part of the public road, and the proposal is for the construction of a terrace.

Ivy House was built as a large house for Benjamin Thomas clearly a man of means who described himself as a farmer. The 1848 census indicates that "Thomas has 25 acres of land in all but only 3 acres around Ivy House all described as garden or pasture (page 9 of Heritage Impact Assessment submitted with the previous application By Mercia Heritage Series 940) The three acres of land at Ivy House identified as pasture land field number 140 as indicated on the extract of sales deed of 1915 Figure 7 in the Heritage Impact Assessment dated August 2016 (page 16) to the north of Ivy House has been developed for housing, leaving only the garden area to the west south and east of Ivy House. The extent of garden remaining with the Ivy House is noted

It is considered that the rhythm of the fenestration is appropriate, and I would suggest appropriate conditions for appropriately detailed windows, which should be flush fitting and not storm proof. However I would question the indicated choice of door which is not traditional in nature and would request that a condition be imposed in respect of the door to achieve a more simple traditional style.

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

Given its sensitive location, it is considered that if the application is considered favourably there should be robust conditions in terms of materials landscaping hard and soft and fenestration.

Conclusion

Taking into account to the layout, orientation, number, scale and footprint of the proposal, I would not consider that the proposal as submitted would adversely affect the setting of Ivy House.

I can confirm that I would have no objections to the proposal as submitted, however would suggest that the following conditions be attached to the granting of any consent.

Prior to works commencing on site, samples of the brick to be used on the external detailing on the walls, and the roof slate to be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved materials.

Reason: To safeguard the setting of Ivy House a grade II listed building in accordance with national legislation policy and guidance and policy SP7 of the Powys Local Development Plan.

No new plumbing, pipes, soil stacks, flues, vents, ductwork grilles, security alarms, lighting, cameras or other fixtures shall be attached to the front or side elevations of the proposed terrace other than those shown on the approved drawings or otherwise first approved in writing by the Local Planning Authority.

Reason: To safeguard the setting of Ivy House a grade II listed building in accordance with national legislation policy and guidance and policy SP7 of the Powys Local Development Plan.

The windows proposed shall be flush fitted and not storm proof and prior to the installation of any fenestration as part of the development hereby approved, drawings indicating details of all windows, including cross sections of glazing bars to a scale of not less than 1:20 shall be submitted to and approved in writing by the Local Planning Authority. The details which are approved shall be carried out in full and shall be retained in accordance with the approved details thereafter.

Reason: To safeguard the setting of Ivy House a grade II listed building in accordance with national legislation policy and guidance and policy SP7 of the Powys Local Development Plan.

Notwithstanding the information on the submitted plans, no permission is hereby granted for the front door style as approved and prior to the introduction of a front door to the properties, details of the proposed door which should be of a more traditional appearance.

Reason: To safeguard the setting of Ivy House a grade II listed building in accordance with national legislation policy and guidance and policy SP7 of the Powys Local Development Plan.

Prior to works commencing on site details of the hard surfacing materials of the car parking area shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved materials.

Reason: To safeguard the setting of Ivy House a grade II listed building in accordance with national legislation policy and guidance and policy SP7 of the Powys Local Development Plan.

PCC Ecologist-

Thank you for consulting me with regards to planning application P/2018/0330 which concerns a full planning application for erection of 3 no. dwelling houses, formation of new vehicular access including partial demolition / alterations of existing stone wall together with construction of new 1.8m high boundary wall and all associated works at Land adjoining Ivy House, Middletown, Welshpool.

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 3449 records of protected and priority species within 500m of the proposed development – no records were for the site itself.

There is one statutory designated sites present within 500m of the proposed development;
· Moel Y Glofa – SSSI

There are two statutory designated sites present within 1km of the proposed development;

- Middletown Quarry – RIGS
- Middletown Hill - SINC

An Environmental phase 1 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 Greenscape Environmental Ltd, 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 13th June 2014 and re-visit on the 18th August 2017 to carry out an extended phase 1 habitat survey. The site was surveyed to identify specific habitats and potential opportunities for protected species. A phase 2 survey regarding reptiles was undertaken throughout September 2014.

Habitats identified on the proposed development site is semi-improved grassland field which was previously managed but has been left to grow. There are patches of ruderal growth and scattered trees throughout. The site is bounded on the south, west and north by a stone wall, and a tall leylandii hedge to the east. No ponds were identified within 250m of the proposed development – no further survey with respect to great crested newts were considered necessary.

An apple and damson tree identified on site are considered to have moderate ecological value as they provide a food source for many animals, including insects.

The trees within the proposed development site were assessed for the potential to support breeding birds and roosting features for bats. The trees were considered unsuitable to support nesting birds and roosting bats. However the mature leylandii hedge on the east boundary containing one large ash tree is considered to be suitable for nesting birds.

During the site visit in 2014 a small population of slow worms were observed within the semi-improved grassland area. During the re-visit to the site in 2017 three old reptile mats were found and when lifted a total of nine slow worms were observed. Some individuals were extremely small indicating recent breeding. The site is bordered on three side by a stone wall. The stone wall was checked where possible to search for slow worms amongst the rocks, but none were found. During the reptile survey in 2014 a peak count of 2 adults and 2 juveniles were recorded. However, the observation of 9 individual slow worms of varying age suggest that the population has been thriving. As such it is suggested that the slow worms on site must be captured, translocated and excluded from the site prior to and during, all works on site. A suitable receptor site has been identified 325m west of the proposed development. The receptor site being an area of unimproved grassland, it is not used as amenity grassland due to the aspect of the ground. There is woodland to the north, the area contains tussocky grassland which would provide suitable refugia for the slow worm. The receptor site is considered to have good connectivity for slow worm suitable for foraging and community habitat.

Mitigation measures recommended in ecological report includes; reasonable avoidance method statement regarding tree and vegetation clearance to be undertaken outside of the bird nesting season (bird nesting season being February – August), provisions of bird nesting boxes on the final development, new landscape planting, provisions of bat roosting boxes

and reptiles translocation and management programme which includes reptile exclusion fencing kept in-situ throughout all the development.

I have reviewed the broad principles recommended for the Translocation and site management scheme regarding reptiles– which I consider to be appropriate and acceptable. I therefore recommend that implantation of the mitigation measures including reptiles translocation scheme and reasonable avoidance method statement is secured through an appropriately worded condition.

I note that within the Arboriculture Impact Assessment report produced by Godwin's Arboricultural Limited dated May 2014 submitted with the application contains details regarding tree protection plan. I recommend that implantation of the of the 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.

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

The recommended measures in section 6 of the Preliminary Environmental Appraisal Report produced by Greenscape Environmental Ltd dated November 2017 shall be adhered to and implemented in full and maintained thereafter unless otherwise agreed in writing with the LPA.

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

The Landscape Planting Scheme in section 6.1 of the Preliminary Environmental Appraisal Report produced by Greenscape Environmental Ltd dated November 2017 shall be adhered to and implemented in full and maintained thereafter unless otherwise agreed in writing with the LPA.

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

The Tree Protection Plan in section 4 of the Arboricultural Impact Assessment Report produced by Godwin's Arboricultural Limited dated May 2014 shall be adhered to and implemented in full and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's LDP policies DM2, DM4 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and Part 1 Section 6 of the Environment (Wales) Act.

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 LDP Policies DM2, DM7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act.

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.

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.

National 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 21 March inviting our comments on the above planning application.

Advice

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.

Our role

Our statutory role in the planning process is to provide the local planning authority with an assessment concerned with the likely impact that the proposal will have on scheduled monuments, registered historic parks and gardens, registered historic landscapes where an

Environmental Impact Assessment is required and development likely to have an impact on the outstanding universal value of a World Heritage Site.

We do not provide an assessment of the likely impact of the development on listed buildings or conservation areas, as these are matters for the local authority.

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

National Policy

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

PPW (Chapter 6 – The Historic Environment) explains that the conservation of archaeological remains is a material consideration in determining a planning application, whether those remains are a scheduled monument or not. Where nationally important archaeological remains, whether scheduled or not, and their settings are likely to be affected by proposed development, there should be a presumption in favour of their physical protection in situ. It will only be in exceptional circumstances that planning permission will be granted if development would result in an adverse impact on a scheduled monument (or an archaeological site shown to be of national importance) or has a significantly damaging effect upon its setting.

Technical Advice Note 24: The Historic Environment elaborates by explaining that when considering development proposals that affect scheduled monuments or other nationally important archaeological remains, there should be a presumption in favour of their physical preservation in situ, i.e. a presumption against proposals which would involve significant alteration or cause damage, or would have a significant adverse impact causing harm within the setting of the remains.

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

Welsh Government Transport-

I refer to your consultation of 21 March 2018 regarding the above planning application and advise that the Welsh Government as highway authority for the A458 trunk road does not issue a direction in respect of this application.

Representations

- Biodiversity
- Impact on Listed Building
- Visual impact of car-parking area
- Lack of information regarding Landscaping
- Impact on historic wall
- Impact on amenity of neighbouring residential properties

Planning History

P/2016/0901 - LBC: Demolition of an existing wall to provide new vehicular access in connection with P/2016/0902 - refused

P/2016/0902 - Full: Erection of 4 no. dwellings and formation of associated access- Refused

P/2014/0633 - LBC - Refused

P/2014/0632 - Full - refused

P/2008/0856 - Section 73 application for the variation of condition no.2 attached to planning permission M2005 0590 to extend time limit to submit reserved matters in connection with proposed dwelling - CC

M19394 - Outline permission for the erection of a dwelling - CC

M23365 - Renewal of outline permission for the erection of a dwelling - CC

M96/275 - Renewal of outline permission for the erection of a dwelling - CC

M1999/0552 - Renewal of outline permission for the erection of a dwelling - CC

M2002/0549 - Renewal of outline permission for the erection of a dwelling - CC

M2005/0590 - Renewal of outline planning permission ref M2002 0549 (M1999 552, M96/275, M23365, M19394) for erection of a dwelling - CC

Principal Planning Constraints

Mineral Safeguard Powys

Listed Building

Principal Planning Policies

National Planning Policy

Planning Policy Wales

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

Technical Advice Note 11- Noise (2007)

Technical Advice Note 12- Design (2016)

Technical Advice Note 18- Transport (2007)

Technical Advice Note 23- Economic Development (2014)

Technical Advice Note 24- The Historic Environment (2017)

Sections 16 and 66 of the Planning (Listed Buildings and Conservation areas) Act 1990

Local Planning Policies

Powys Local Development Plan (April 2018)

SP1- Housing Growth

SP3- Affordable Housing Target

SP5- Settlement Hierarchy

SP6- Distribution of Growth across the Settlement Hierarchy

SP7- Safeguarding of Strategic Resources and Assets

DM1- Planning Obligations
DM2- The Natural Environment
DM4- Landscape
DM7- Dark Skies and External Lighting
DM13- Design and Resources
H1- Housing Development Proposals
TD1- Tourism Development

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

Other Legislative Considerations

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

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

By way of history to the application site the most recent planning application for the site was determined in 2016 for the erection of four dwellings. The application was refused and appealed whereby the Planning Inspectorate later dismissed the appeal. Whilst the appeal was dismissed the Planning Inspectorate did confirm that they did not consider that the wall was part of the curtilage listing of Ivy House. An amended scheme has now been submitted for the reduced number of dwelling to three units.

Principle of Development

Policy H1 seeks to ensure that housing development is appropriately located and suitable in scale and type to meet Strategic Policies SP1, SP3, SP5 and SP6, housing development proposals will only be permitted in Towns and Large Villages whereby they are located on sites allocated for housing or on other suitable sites within the development boundary or on sites forming logical extensions outside development boundaries for affordable housing in accordance with Policy H6.

Middletown under the Local Development Plan is allocated as a large village. The application site is located within the middle of the village within the settlement development limit for Middletown. It is therefore considered that under policy H1 the principle of the proposed development fundamentally complies with relevant planning policy.

Impact on the setting of a Listed Building

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall 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 Barnwell Manor case the Court of Appeal made it clear that in enacting s.66 (1), Parliament had intended that the desirability of preserving the settings of listed buildings should not simply be given careful consideration by the decision-maker for the purpose of deciding whether there would be some harm, but should be given "considerable importance and weight" when the decision-maker carried out the balancing exercise. Therefore special regard must be given to the desirability of preserving listed buildings and their setting and any harm caused should be given considerable weight within the planning balance.

The proposed development is located within the grounds of Ivy House which is a grade II listed building. The dwelling is set back from the main Shrewsbury to Welshpool road in an enclosed garden. The property dates from the early to mid C19th and is a 2-storey, 3-window late-Georgian symmetrical facade with pebbledash finish and exposed chamfered brick dressings to windows.

Concerns have been raised via public representations with regards to the loss of the stone wall which surrounds the application site and also on the harm to the setting of the listed building. Whilst the concerns regarding the wall are noted by Officers under the previous appeal the Inspector did not consider that the wall was part of the curtilage of the listed building and as such it is acknowledged that the wall can be demolished without any consent or permission required.

The current proposal is for the erection of a terrace of 3 properties with chimneys, single fronted and rendered as per the original terrace. The design of the proposed properties is that of a modest terrace. The proportions of the properties proposed are of a modest terrace with simple detailing. It is acknowledged that the window header and cill will replicate the window surrounds of Ivy House which the former terrace did not which is a reference to Ivy House.

It is noted that the building was built for Benjamin Thomas a man of means and was built within 3 acres of land which previously surrounded the dwelling. It is noted that part of this land has already been developed with housing which is located to the north of the dwellings proposed and application site.

The Built Heritage Officer notes that the proposal also includes the removal of some conifer trees/overgrown hedge that currently screen Ivy House which would enhance the visibility of the property. The terrace as proposed will in part screen the view of Ivy House as the terrace will be higher than the existing stone wall, and in other areas the opening up of the site and the loss of conifer trees will open up views of Ivy House. The Officer noted that Ivy House

was formerly bounded by a number of buildings on what is now part of the public road, and the proposal is for the construction of a terrace.

The Built Heritage Officer therefore confirmed taking into account the layout, orientation, number, scale and footprint of the proposal, that they would not consider that the proposal as submitted would adversely affect the setting of Ivy House.

It is therefore considered that the proposed development subject to appropriately worded conditions fundamentally comply with relevant planning policy.

Design and External Appearance

Policy DM13 states that development proposals must be able to demonstrate a good quality design and shall have regard to the qualities and amenity of the surrounding area, local infrastructure and resources. Proposals will only be permitted where the development has been designed to complement and/or enhance the character of the surrounding area in terms of siting, appearance, integration, scale, height, massing, and design detailing.

Consent is sought for the erection of a terrace of three dwellings, two storey in design. The dwellings will front the unclassified county highway the U2237 which runs directly to the west of the application site. It is considered that the scale of the dwellings are considered to be in keeping with the character and appearance of the surrounding area with other dwellings similar in character and scale also located along the U2237. It is considered that the dwellings have therefore been suitably located to integrate within the settlement of Middletown.

It is noted that the dwellings are proposed to be constructed out of brickwork and render with plain clay tiles for the roof. Windows and doors will be painted timber. It is considered that these materials are commonly used throughout residential development and all materials are prominent in the surrounding area. It is therefore considered that the materials proposed fundamentally comply with relevant planning policy. However, a condition will be attached to any grant of consent ensuring that full details and colours and/or samples are submitted prior to their first use.

In light of the above it is therefore considered that the proposed development fundamentally complies with relevant planning policy.

Highway Safety

LDP policy DM13 part 11 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.

The application site access is proposed to be located off the Unclassified Highway, U2237, which then joins onto the Trunk Road A458 and therefore the Welsh Government Transport department have also been consulted.

Concerns were raised by public representations over Highway Safety. The Highway Authority have been consulted and have confirmed that they have no objection to the proposed

development subject to conditions. Additionally, the Welsh Government department also confirmed that they do not put a direction on for the proposed development.

In light of the above and whilst the concerns raised have been noted it is considered that subject to conditions the proposed development can be managed to an acceptable level.

Biodiversity

Policy DM2 of the LDP seeks to ensure that development proposals should demonstrate how they protect, positively manage and enhance biodiversity and geodiversity interests including improving the resilience of biodiversity through the enhanced connectivity of habitats within, and beyond the site.

There is one statutory designated sites present within 500m of the proposed development;

- Moel Y Glofa – SSSI

There are two statutory designated sites present within 1km of the proposed development;

- Middletown Quarry – RIGS
- Middletown Hill - SINC

An Environmental phase 1 appraisal has been undertaken to assess the potential of the development to impact on any protected species presence or habitats of ecological value.

The Survey submitted in support of the application consisted of a combination of desktop searches and a site visit which took place on the 13th June 2014 and re-visit on the 18th August 2017 to carry out an extended phase 1 habitat survey. The site was surveyed to identify specific habitats and potential opportunities for protected species. A phase 2 survey regarding reptiles was undertaken throughout September 2014.

The Powys Ecologist has been consulted and notes that the habitats identified on the proposed development site is semi-improved grassland field which was previously managed but has been left to grow. There are patches of ruderal growth and scattered trees throughout. The site is bounded on the south, west and north by a stone wall, and a tall leylandii hedge to the east. No ponds were identified within 250m of the proposed development and therefore no further survey with respect to great crested newts were considered necessary.

Having fully considered the survey works as proposed the Ecologist notes that subject to conditions they have no objection to the proposed development, this is also supported by NRW who also raised no objection to the proposed scheme. In light of the above and subject to appropriately worded conditions it is therefore considered that the proposed development fundamentally complies with relevant planning policy.

Public Representations

Whilst it is considered that a number of the concerns raised have been addressed above there are still outstanding concerns which will be addressed as follows:

Neighbouring residential amenity

Concerns were raised over the amenity of neighbouring residential properties which may be affected by the proposed development. It is noted that the proposed dwellings will front onto the unclassified highway where on the opposite side of the highway there are neighbouring residential properties however it is noted that the dwellings proposed will front onto existing garages and therefore it is not considered that the proposed development will impact on the privacy of any neighbouring residential properties.

Impact of car parking area/ landscaping

Concerns have been raised with regards to the potential visual impact of the car parking area and the lack of information with regards to the landscaping. Whilst it is considered that a reason for refusal would not be justified on the visual impact alone of the car parking area consideration has been given to this and a landscaping condition for both the hard and soft landscaping of the site has been attached to any grant of consent. It is therefore considered that this could be appropriately managed through to the recommended landscaping condition.

RECOMMENDATION

In light of the above it is considered that the proposed development 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 (drawing no's:).
3. 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.
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 34 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 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.
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 7 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 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.
14. 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.
15. Upon formation of the visibility splays as detailed in Condition 6 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.
16. No surface water drainage from the site shall be allowed to discharge onto the county highway.
17. All works and ancillary operation 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.

18. 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. Development shall be carried out in accordance with the approved details.

19. No new plumbing, pipes, soil stacks, flues, vents, ductwork grilles, security alarms, lighting, cameras or other fixtures shall be attached to the front or side elevations of the proposed terrace other than those already shown on the approved drawings.

20. Prior to the first use full details of all windows to be installed shall be submitted to and approved in writing by the Local Planning Authority. The windows proposed should be flush fitted and should include cross section of glazing bars to the scale of not less than 1:20. The details thereafter should be completed in full accordance with the details as approved and shall remain thereafter in perpetuity.

21. The recommended measures in section 6 of the Preliminary Environmental Appraisal Report produced by Greenscape Environmental Ltd dated November 2017 shall be adhered to and implemented in full.

22. 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 for written Local Planning Authority approval and implemented as approved and maintained thereafter.

23. No development shall take place until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:

- i) A statement setting out the design objectives and how these will be delivered;
- ii) earthworks showing existing and proposed finished levels or contours;
- iii) means of enclosure and retaining structures;
- iv) other vehicle and pedestrian access and circulation areas;
- v) hard surfacing materials;
- vi) minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, etc.), and
- vi) water features.

Soft landscape works shall include written specifications (including cultivation and other operations associated with plant and grass establishment; schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate; an implementation programme including phasing of work. Development thereafter must be completed in full accordance with the details as approved.

Reasons

- 1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
- 2. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
- 3. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy T1 and DM13.
- 4. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy T1 and DM13.
- 5. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy T1 and DM13.
- 6. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy T1 and DM13.
- 7. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy T1 and DM13.
- 8. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy T1 and DM13.

9. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy T1 and DC13.
10. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy T1 and DM13.
11. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy T1 and DM13.
12. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy T1 and DM13.
13. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy T1 and DM13.
14. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy T1 and DM13.
15. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy T1 and DM13.
16. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy T1 and DM13.
17. To safeguard the amenities of the locality in accordance with policy GP1 of the Powys Unitary Development Plan.
18. In the interests of the visual amenity of the area and to ensure the satisfactory appearance of the building in accordance with policies SP7 and DM13 of the Powys Local Development Plan and the Councils Residential Design Guide.
19. In the interests of the visual amenity of the area and to ensure the satisfactory appearance of the building in accordance with policies SP7 and DM13 of the Powys Local Development Plan and the Councils Residential Design Guide.
20. To safeguard the amenities of the locality in accordance with policy GP1 of the Powys Unitary Development Plan.
21. To comply with Powys County Council's LDP Policies DM2, DM4, DM13 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
22. To comply with Powys County Council's LDP policies DM2, DM4 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and Part 1 Section 6 of the Environment (Wales) Act.
23. To comply with Powys County Council's LDP Policies DM2, DM4, DM13 and SP7 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 species of reptiles known to occur within Powys, namely the common lizard, slow-worm, grass snake and adder, are protected under the Wildlife and Countryside Act 1981 (as amended).

It is therefore an offence to:

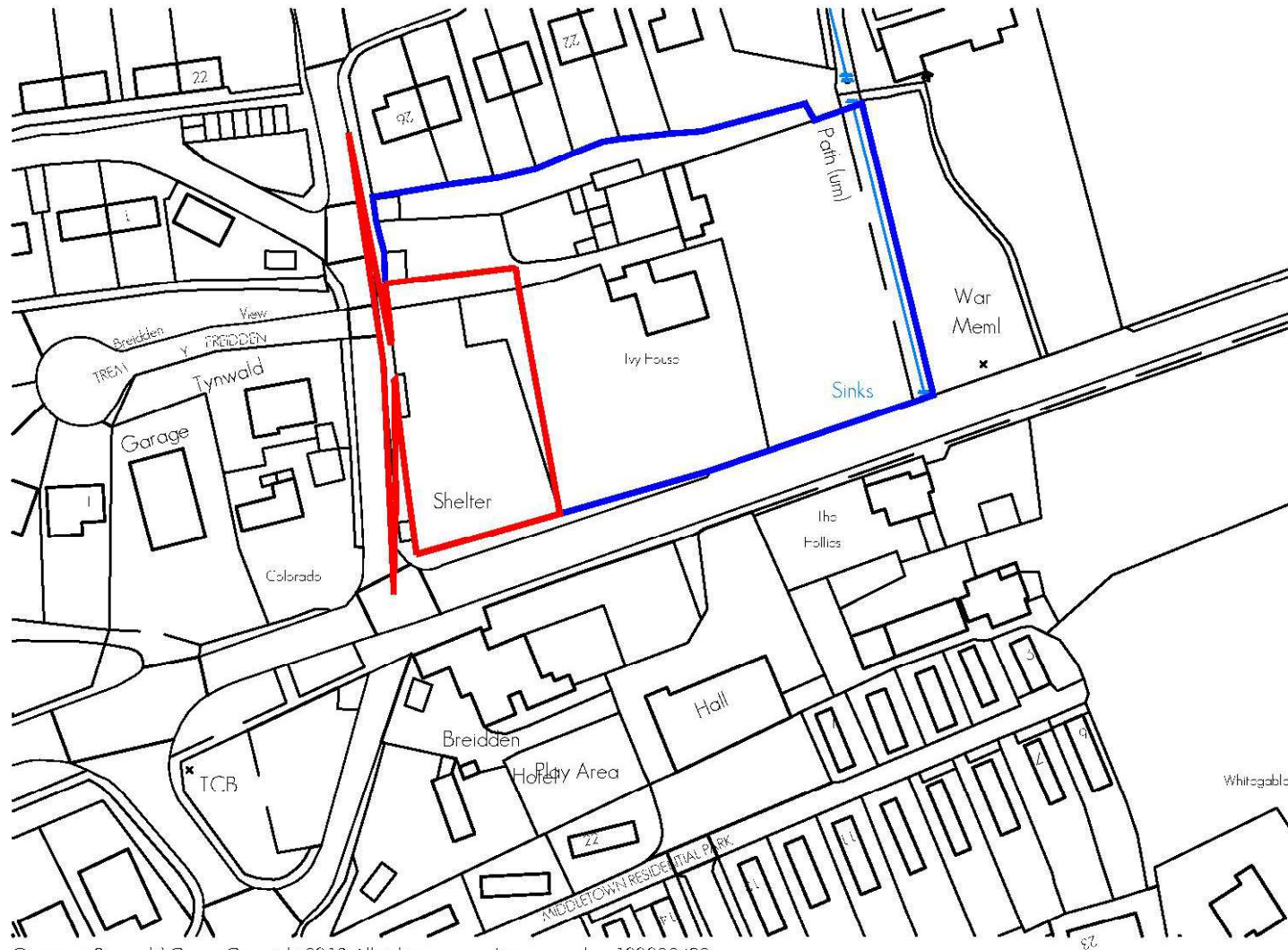
- Intentionally kill or injure these species of reptiles,
- Trade (live or dead animals) i.e. sale, barter, exchange, transporting for sale and advertising to sell or to buy.

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

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

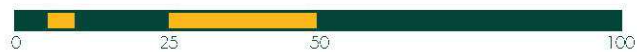
If reptiles are discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and/or the Council's Ecologist.

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Scale 1:1250 @ A4



Area in m²

BERRYS

PROPERTY BUSINESS PLANNING
 01743 271697 SY2&FG

www.berrys.uk.com

Client: Irinwigh

Project: Residential Project

Drawing: Location Plan

Drawing Number	Rev	Scale	Paper	Drawn By	Date
SA 29338/0		200	A4	By:PH	Date:22/02/2018

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4.4

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2017/1048	Grid Ref:	309727.65 298804.98
Community Council:	Tregynon	Valid Date:	Officer: 21/09/2017 Sara Robinson
Applicant:	Mr Malcolm Brown, Bryn Afal, Tregynon, Newtown, Powys, SY16 3EP.		
Location:	Land adj Bryn Afal, Tregynon, Newtown, Powys, SY16 3EP.		
Proposal:	Full: Erection of 1 no. affordable dwelling, creation of pedestrian footway and all associated works		
Application Type:	Application for Full Planning Permission		

The reason for Committee determination

The local County Councillor 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 is located in Tregynon, the site plan indicates that the dwelling will be located within land which currently forms part of the residential curtilage of Bryn Afal. The site is bounded by residential dwellings to the north, east and south. The site is accessed via Oliver's Lane (third party ownership) off the unclassified highway located to the south.

This application seeks full planning consent for the erection of a 2 storey, 2 bedroom dwelling. The proposed dwelling measures approximately 14.5 metres (maximum length) by 8.5 metres (maximum width). The proposed dwelling will be cut into the existing bank to create a single storey north elevation and two storey south elevation. The application also proposes an extension to the existing access, internal parking and turning area and construction of a new boundary fence along the southern boundary of the site.

Consultee Response

Tregynon Community Council

Following yesterday's meeting of Tregynon Council, I write with the following comments regarding P/2017/1048 (development near Bryn Afal, Olivers Lane, Tregynon).

1. The councillors question if the proposed dwelling would be affordable
2. Can Olivers Lane cope with the increased traffic?
3. Two houses are missing from the Ordnance Survey map supplied with the bundle of documents. The missing properties are Bryn Afal and Cae Isaf. This omission gives a misleading impression

4. The councillors question the feasibility of the proposed footpath/pavement along Olivers Lane, and whether it would comply with regulations in any case
5. Is there direct access to the proposed property, and how would emergency vehicles gain access?

In addition, the councillors' comments from the previous application still stand, viz:

1. They are concerned about water run-off and flooding potential
2. The area is meant to be a conservation area
3. Any fencing must not diminish light from neighbouring properties (the councillors note the leylandii on the new plans)
4. They do not accept that the proposed building is in keeping with the area
5. Any new building must not overlook existing buildings

Highway Authority

Consultation received 17/01/2017

The County Council as Highway Authority for the County Unclassified Highway, U2392

Wish the following recommendations/Observations be applied
Recommendations/Observations

This application should be Deferred.

Reasons for Deferral

The applicant states on page five of the Design and Access Statement that their intention to construct a footway along the length of the U2392. However, this proposal is not mentioned in the Highway Report by Woodsyde Developments Ltd dated 17/12/2011.

As this is a full application, full engineering drawings to include cross sections for the footway link should have been submitted.

In addition the red line area does not extend to include the proposed footway link.

The Highway Authority recommend that this application be deferred until such time as full engineering drawings and cross sections are submitted for consideration in relation to the proposed footway link.

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.

Consultation received 26/03/2018

The County Council as Highway Authority for the County Unclassified Highway, U2392

Wish the following recommendations/Observations be applied

Recommendations/Observations

Having reviewed the further information supplied by the agent it is agreed that a footway is not required as part of this development.

If the planning authority are minded to approve this application the following condition should be applied.

- Prior to the occupation of the dwelling, provision shall be made within the curtilage of the site for the parking of not less than 1 car per bedroom to a maximum of 3, excluding any garage space provided. The parking areas shall be retained for their designated use in perpetuity.

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.

Councillor Heulwen Hulme

Consultation received 09/10/2017

With reference to the planning application no. P/2017/1048 Land adjacent to Bryn Afal. I wish to call this in to committee as there is considerable history in terms of planning at this site and I consider it appropriate that it goes before a full committee for consideration.

Consultation received 13/10/2017

Further to my recent email I wish to make additional comments regarding this application.

1. Olivers Lane is narrow and steep and additional vehicles would present highways issues
2. Impact on the local church which forms part of the conservation area.
3. It will overlook neighbouring properties which are sited directly below the proposed dwelling.

Consultation received 16/05/2018

With reference to the above planning application, due to the history associated with this applicant I wish for the application to go before the full committee.

Environmental Health

Thank you for your consultation in respect of this application, I can confirm that as the development is connecting to the mains I have no objection

Powys Ecologist

Consultation received 10/11/2017

Thank you for consulting me with regards to planning application P/2017/1048 which concerns the full planning application for erection of 1 no. affordable dwelling, creation of pedestrian footway and all associated works on Land adjacent to Bryn Afal, Tregynon, Newtown.

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 52 records of protected and priority species within 500m of the proposed development including records of reptiles - 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 rough tussock grassland with ruderal vegetation, tree and hedgerows on the western and northern boundary - a habitat of ecological value.

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. Particular consideration should be given for the potential for the site to be used by reptiles (please see comments below).

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.

Reptile Survey

From available photographs the identified habitat that has the potential to support reptiles. It is considered that this structure of the habitat is suitable for reptiles and that a reptiles survey will need to be undertaken, all species of reptiles known to occur within Powys are protected against killing and injuring under the Wildlife and Countryside Act 1981 (as amended) 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.

The proposed developments therefore have potential to impact these species and their associated habitats if they are present. Survey reports and mitigation plans are required prior to determination of applications for development projects that could affect protected species. Therefore it is considered that there is potential that the Extended Phase 1 Survey may identify the need for a reptile survey to be undertaken to identify any potential impacts to reptiles and the need for mitigation measures.

Should the Extended Phase 1 Survey identify potential impacts to reptiles then appropriate surveys in line with national guidelines will need to be undertaken by a suitably qualified and experienced ecologist at the correct time of year.

The applicant should be mindful that where a significant reptile population is identified and it is not possible to maintain the required habitat at the site it may be necessary to translocate animals to an alternative location, this will involve identification of a suitable receptor site as part of any mitigation identified.

Alternatively it could be assumed that reptiles are present at the development site and the proposed developments will impact habitat suitable to support reptiles. Given the scale of the development it is suggested that an alternative to a reptile survey being undertaken that a Reasonable Avoidance Method Statement (RAMS) could be submitted to minimise the impact to the possible reptiles present on site and in the wider area.

Tree and Hedgerow Replacement and Protection Plan

Given the proximity of proposed development and associated works to the hedgerow and tree boundary, it is considered prudent to require information from the applicant as to how these features of biodiversity importance will be protected during the construction period of works.

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.

It is unclear if sections of the hedgerow is required to be removed. However, 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. 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.

Consultation received 20/12/2017

I have received an email from Malcolm Brown with regards to planning application P/2017/1048.

In response to Mr Brown email;

Reptiles

With regards to records of protected species data search within 500m of the proposed development there are records of reptiles – slow worms (2008) within 131m of the proposed development – on the screen shot Mr Brown provided it appears no records of reptiles were found within 2km of the proposed development.

Bats

I understand that you have also stated that there are no records of bat – the data search which I carried out identified a number of records of bats within 500m of the proposed development within 59m-256m (1989-2013).

Badgers

The data search which was carried out found two records of badger within 331m (2001/2015) of the proposed development.

Great crested newts and Hazel dormice

I do agree that there are no records of great crested newts or Hazel dormice within 500m of the proposed development.

From the applicants' email it appears that an ecological consultant has already carried out a 'preliminary assessment' of the site and has concluded that a full extended phase 1 survey is not necessary. If this is the case – then a report (or another appropriate format) to reflect this assessment could be submitted.

Once the report is submitted then it can be reviewed and considered if it is appropriate and acceptable.

RAMs

With regards to a submission of a RAMs - it could be assumed that reptiles are present at the development site - if habitat has potential to support reptiles. Therefore, alternatively to a reptile survey being undertaken that a Mitigation strategy and/or Reasonable Avoidance Method Statement (RAMS) could be submitted to minimise the impact to possible reptiles present on site and in the wider area.

The request for further ecological information was based on the available information and the fact that protected species and biodiversity is a material consideration in the planning process therefore PCC need to ensure they have sufficient information to assess potential impacts and the requirement for any mitigation.

Consultation received 29/01/2018

Thank you for consulting me with regards to additional information submitted for planning application P/2017/1048.

An ecological survey assessment was requested to be undertaken to identify the habitats present on and adjacent to the site and the potential to support protected species.

A Phase 1 habitat survey 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 Ecological Constraint Assessment Report produced by Star Ecology dated 8th January 2018, I consider that the survey effort employed was in accordance with National Guidelines.

A site visit which took place on the 28th December 2017 to carry out a phase 1 habitat survey.

The habitats identified on the proposed development site is an area of existing compacted aggregate and bare ground access track and an area of semi-improved rank grassland. The nature of the surrounding habitat indicated that the following species have potential to be present and affected by the proposed development;

Badger, bats, hedgehog, reptiles and nesting birds.

Given the habitat present Dormice, Great Crested Newts, Otter, Polecat and Water Vole is considered unlikely to be present and affected by the proposed development.

Badger; No evidence of badger was present on the site however, it is considered possible that badgers may occasionally forage on the site. Therefore mitigation measure have been recommended to ensure that badgers that may occasionally be present on the site are not killed or injured by building works.

Bats; There are no potential bat roost habitat on or bordering the proposed development site. However it is considered that bats may be using the site and boundaries for foraging purposes. Therefore it is recommended that provisions of bat boxes are installed on the proposed development and that external lighting considerate to this species.

Hedgehog; No evidence of hedgehog was found during the survey on the site. However, it is possible that hedgehog may occasionally forage on the site. Therefore mitigation measure have been recommended to ensure that hedgehogs are not killed or injured by building works.

Reptiles; The site is considered suitable for reptiles. Considering the scale and habitat of the development site it was not considered necessary for a reptile survey to be carried out. However, mitigation for reptiles have been recommended to ensure that reptiles are not killed or injured during the construction of the development.

Breeding Birds; The proposed development does not require the removal of vegetation. However, it is possible that vegetation suitable for birds is used for nesting purposes to be present on the site prior to the development works commencing. Therefore mitigation measures have been recommended to ensure that small breeding birds are not killed or injured by the possible removal of vegetation.

Whilst the Phase 1 habitat Survey considered the proposed development to be of negligible ecological impact - mitigation measure have been recommended in appendix 2-5 of the ecological report. Mitigation measures include fencing to be installed around the perimeter of the site prior to construction, delivery of a tool box talk, excavated area not to be left open or 'ramps' installed – excavated area inspected every morning, Reasonable Avoidance Measures regarding reptiles to be applied and vegetation clearance to take place outside of the bird nesting season (1st October-1st March).

Given the identified mitigation measures in the ecological report - 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.

Landscape Planting Scheme

From landscaping plans submitted on the 12th January 2018 is appears that new tree planting is proposed. 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 (% of mixed species, length), planting schedules and aftercare schedules. It is therefore recommended that a landscape planting scheme is secured through an appropriately worded condition.

Further to my previous response dated 10th November 2018 - should you be minded to approve the application I recommend inclusion of the following conditions:

The mitigation measures identified in Appendix 2-5 of the Ecological Constraint Assessment Report produced by Star Ecology dated January 2018 shall be adhered to implemented and maintained thereafter in full 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.

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.

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

Consultation received 04/10/2017

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.

Consultation received 01/02/2018

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.

Land Drainage

Consultation received 11/05/2018

The observations made by the Mr Roberts are valid. At the time, I did raise issues with the soakaway design at the Appeal. I've attached my briefing notes for the Appeal and, my response back to the Drainage Consultant. As you will gather, there were errors in the design calc's than in my opinion would greatly alter the size of the soakaway system and by doing so can a larger soakaway be physically installed on the site, particularly when you have to take into account its proximity to the new dwelling and any existing properties. Building Reg's state that a soakaway should be sited at least 5m away from property and roads. But the inspector did what he/she did!

It wasn't clear on the portal but other factors such as size of surface area being drained will have a bearing on the size of soakaway. Has the scale of the property remained the same?

Other factors to bear in mind with large soakaways, particularly on an elevated site like this, is the location of the proposed system in relation to foundations and slopes and implications on stability and whether these may be affected by the presence of an infiltration system. It may be necessary for a geotechnical assessment to be undertaken to evaluate.

In my opinion, additional information would be necessary to assess whether a suitable soakaway system could be installed on the site.

Consultation received 22/05/2018, 16:08

I note the response given by Mr Brown dated 22 May 2018.

Firstly, I was not aware of the Inspector's findings and it would have been helpful to have seen a complete decision notice. Are you able to forward one on please? However, noting what Mr Brown has inserted of the Inspector's findings, it is apparent that the Inspector was satisfied that there was sufficient information to suggest that a suitable drainage scheme could be implemented and secured by a condition to any permission.

I would however point out that where Mr Brown in his response below alludes to the errors within the Drainage Consultant's Report being corrected and, importantly, submitted to both the Inspector and myself prior to the reconvened hearing, this is incorrect. The original report from Les Stephan Planning Ltd was received on the 6th March 2018 (see attached). I would point out that the report submitted by Mr Brown in which these corrections have been made, although dated 4th March 2012, there is a revision date at the end of the report to indicate these amendments were completed on the 10th March 2012 (ref: Rev A: 10.03.12), two days following the reconvened hearing. I've not seen a copy of this revised report until today.

Having reviewed the revised drainage calculations my only comment is that a further check should be made over the size of soakaway required. The design put forward in the revised report is not conclusive in determining the optimum size of soakaway to comply with BRE365 and rainfall event set out in the drainage report. The table at the top of page 4 of the revised report does not fully determine the length of proposed soakaway against the critical storm duration, i.e. the soakaway length keeps increasing for greater storm durations. In a satisfactory design, a peak in the proposed length of soakaway should have been seen as the critical storm duration increases.

I can only reiterate my earlier concerns in respect to the design of the proposed soakaway and whether or not it can be physically installed on the site, given the site constraints.

Consultation received 22/05/2018, 16:39

Please note in the third paragraph of my response below, the date on which Les Stephan Planning Ltd submitted the original drainage report was 6th March 2012 not 6th March 2018.

Consultation received 26/06/2018

Having reviewed the revised submitted (see attached) surface water soakaway design prepared by Woodsyde Developments Limited, this would be deemed acceptable.

I would therefore recommend that the surface water drainage disposal arrangement for this site be built in accordance with the soakaway design submitted.

Public Response

Following the display of a site notice on the 29/09/2017 for the period of 21 days, 9 letters of objections have been received. The reasons for objection are as follows;

- Light pollution;
- Noise pollution;
- The property would remain empty should the applicants children not reside there;
- The application refers to the construction being for the applicant's children, however there is nothing to prevent the applicant from selling the plot/erected property on the open market;
- Impact upon the character of Oliver's Lane - need to ensure the character remains and is not spoilt by street lighting and pavements;
- Impact upon conservation area;
- There is currently no turning space and vehicles have to reverse out of the housing site onto Olivers Lane to turn;
- The access via Olivers Lane is insufficient and cannot serve another dwelling;
- Olivers lane is a single track road with no passing places so vehicles have to reverse to the junction;
- The proposal seeks parking provision for 3 cars which would increase movements considerably on the road;
- Policy of the Local Highway Authority to permit a maximum of 5 dwellings off a shared private drive, whilst six or more dwellings requires an adoptable cul de sac, which is not possible due to the layout of the site;
- It is understood that the Local Highways Agency has determined that Oliver's Lane does not have the capacity to accommodate additional traffic and pedestrian movement;
- The width of the side road junction, the junction visibility and proximity to the C2141/B4389 are not suitable to accommodate or to serve any additional residential development;
- This junction is already deemed by the Local Highways Agency to be substandard in terms of awareness, geometry, gradient, lack of pedestrian provision and visibility for emerging traffic and proximity to the C4141/B4389 road junction;
- A sixth residence would raise a major issue in respect of surface water drainage;
- The clay composition of the ground the surface water drains would need to be connected to the surface water drain that enters the brook. This in turn runs to the stream in the village. This will increase flood risk in the village and properties closest to the proposed property which have a history of flooding;
- Unacceptable smells coming from drainage;
- There are issues within the drainage details submitted – inappropriate soakaways;
- Overlooking neighbouring dwellings;
- Impact upon privacy due to distance to neighbouring dwellings

Planning History

P/2010/0291 - Erection of a dormer bungalow & formation of a new vehicular access - Refused 6th May 2010.

P/2010/1172 - Erection of a dormer bungalow and formation of vehicular access - Refused
16th June 2011.

APP/T6850/A/11/2164773 - Erection of a dormer bungalow and formation of vehicular access. Appeal Dismissed 23rd April 2011.

P/2015/0878 - Erection of a dwelling and associated works - Refused.

Principal Planning Constraints

Zone B – Flood zone

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)
TAN11 – Noise (1997)
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 Policy

Powys Local Development Plan (2018)

SP1 – Housing Growth
SP3 – Affordable Housing Target
SP5 – Settlement Hierarchy
SP6 – Distribution of Growth across the Settlement Hierarchy
SP7 – Safeguarding of Strategic Resources and Assets
DM1 – Planning Obligations
DM2 – The Natural Environment
DM6 – Flood Prevention Measures and Land Drainage
DM12 – Development in Welsh Speaking Strongholds
DM13 – Design and Resources
T1 – Travel, Traffic and Transport Infrastructure
H1 - Housing Development Proposals
H2 – Housing Sites
H3 – Housing Delivery
H4 – Housing Density
H5 – Affordable Housing Contributions

Powys Residential Design Guide 2004

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

Other Legislative Considerations

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

Officer Appraisal

Introduction

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 within Tregynon which is defined as a large village within the adopted Local Development Plan. For the purposes of the LDP, the site is located within the settlement limits. In such locations, Members are advised that there is a presumption in favour of appropriate residential development. As such, Development Management considers the principle of development to be acceptable.

Suitability of design

LDP policy DM13 indicates that development proposals will only be permitted where it has been designed to complement and/or enhance the character of the surrounding area in terms of siting, appearance, integration, scale, height, massing, and design detailing.

Having visited the application site, it is noted that the two storey dwellings to the north and east are at a higher ground level than the application site. The dwellings to the south west of the site are at a considerably lower ground level and comprise a mixture of detached and terraced two storey properties. Tregynon Conservation Area adjoins the southern boundary of the site and includes the dwellings located to the south.

Officers do not consider that the proposed dwelling is in keeping with the character and appearance of neighbouring residential units by virtue of its design. It is considered that the siting of the proposed dwelling close to the north and east boundaries would appear cramped, indeed the dwelling would be located within approximately 3 metres and 5 metres of the boundary treatments of the neighbouring dwellings respectively. As well as

appearing cramped, the layout of the site is considered to be out of character with the low density layout of the properties to the north and east.

In commenting on the 2011 appeal (21647730), it is noted that the Inspector indicated that the cramped appearance of the development would be at odds with the rather open appearance of the surroundings. When viewed from the road to the south, the Inspector concluded that within its immediate context, the scheme would appear as ad hoc development based on the use of available land rather than on any considered approach to the character of the area. As a result, it was indicated that the proposal would undermine the character of the area contrary to planning policy. Whilst noting that amendments have been made to the earlier schemes, it is considered that the principal concerns have not been addressed with respect to character and appearance and therefore Officers consider the proposal is contrary to policy DM13.

Impact on Amenity

LDP Policy DM13 states that development proposals will only be permitted where the amenities enjoyed by the occupants of nearby or proposed properties will not be unacceptably adversely affected. The Powys Residential Design Guide provides guidance on overshadowing and privacy.

The key amenity concerns in relation to the proposed residential development include the potential impact of the development on the amenity of future occupiers of the dwelling together with the amenities enjoyed by occupants of neighbouring properties.

The dwelling will be sited approximately 5 metres from the boundary fence of the neighbouring property to the east, 3 metres from the boundary treatment with the property to the north and approximately 19 metres from the corner of the proposed dwelling to Cream Cottages to the south west.

The ground level of the site and adjoining land varies greatly. Given the steep bank to the north of the property and positioning of the proposed dwelling, it is considered that Bryn Afal will have an overbearing impact on the future residents of the proposed dwelling, compromising residential amenity.

Cream Cottages are located to the south of the proposed dwelling at a much lower ground level. This application proposes to construct a fence along the southern boundary of the site which would extend to approximately 2.7m in height. It is acknowledged that there is an existing fence under 2 metres on the southern boundary, nonetheless the increase in height of the boundary treatment would exacerbate the existing overbearing impact created through a difference in ground level which Officers consider would have a significant overbearing effect on the occupiers of Cream Cottages.

It is noted that the earlier appeal was dismissed on the grounds that the proposed development would result in unacceptable harm to the living conditions of nearby residents and to the residents of the proposal. Whilst Officers acknowledge that amendments to the scheme have been made and that it is the intention for the applicant's relatives to occupy the proposed dwelling, given the topography of the site and surrounding land, it is considered that the erection of a dwelling at this location would unacceptably adversely

affect the amenities enjoyed by existing residents together with those of the future occupiers of the proposed dwelling contrary to policy DC13 of the Powys LDP.

Highways Safety and Movement

LDP policy DM13 part 11 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.

Access to the site is via Oliver's Lane which is a narrow, single width road with earth banks either side.

Notwithstanding the earlier refusal and appeal decision, in accordance with The Manual for Streets, the Highway Authority has confirmed that a footway is no longer required as part of this development. In light of the Highway Officer's comments and notwithstanding the third party concerns expressed, subject to the inclusion of the recommended conditions, it is considered that the proposed development fundamentally complies with policy DM13 of the Powys Local Development Plan.

Biodiversity and Ecology

Policies DM2 and DM13 seek to protect biodiversity, protected species and habitats from harmful development.

As part of this application process the County Ecologist and Natural Resources Wales have been consulted and have provided comments on the application. Additional information was requested by the County Ecologist following initial consultation which was subsequently received by Officers. Following review of the information, the County Ecologist confirmed that sufficient information had been provided to inform an assessment which concluded that the proposed would not adversely affect biodiversity, protected species or their habitats.

In light of the comments received and subject to the imposition of the recommended conditions, it is considered that the proposed development complies with Policies DM2 & DM13 of the Powys Local Development Plan.

Impact of surface water drainage

Concerns have been raised within third party representations in relation to the drainage of surface water and possible impacts upon flooding.

Following review of the comments raised within the third party representations received together with the land drainage report submitted by the applicant, additional information was requested by the Land Drainage Authority.

Following the submission of additional information, the land drainage officer has stated that the surface water design prepared by Woodsyde Developments Limited would be deemed acceptable and would recommend that the surface water drainage disposal arrangement for the site be built in accordance with the soakaway design submitted.

In light of the comments received and subject to the imposition of the recommended conditions, it is considered that the proposed development complies with Policies DM6 of the Powys Local Development Plan.

Recommendation

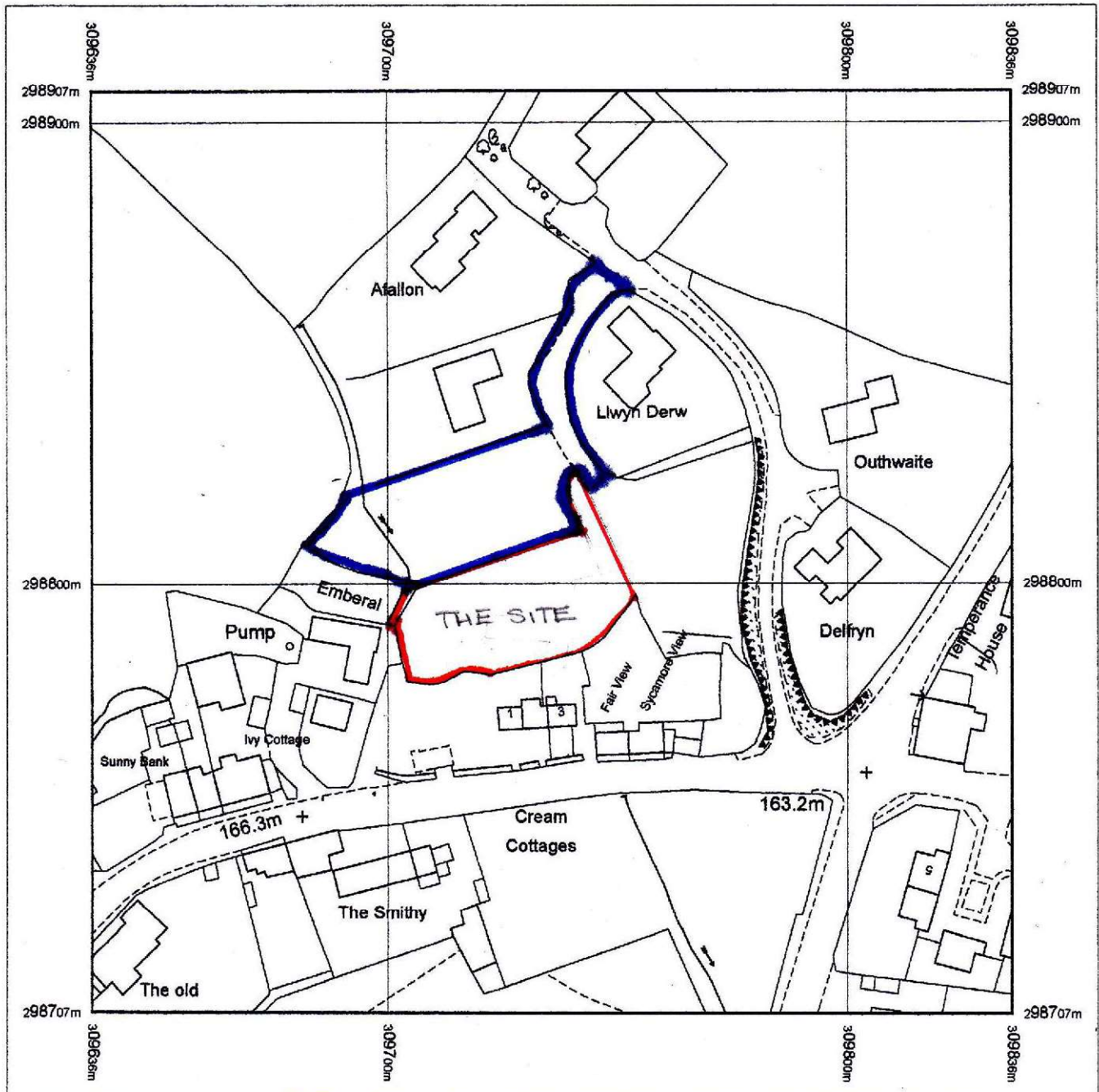
Having carefully considered the proposed development, Officers consider that the proposal would have an unacceptable adverse impact on the character and appearance of the surrounding area and residential amenity. As such, it is considered that the proposed development fails to accord with planning policy and therefore the recommendation is one of refusal on the following grounds;

Reasons for Refusal

1. The proposed development would have an unacceptable adverse impact on the character and appearance of the surrounding area contrary to policies SP7, DM4 and DM13 of the Powys Local Development Plan (2018).
2. The proposed development would unacceptably affect the amenities enjoyed by the occupiers of the proposed dwelling and those of neighbouring residents contrary to policy DM13 of the Powys Local Development Plan (2018).

Case Officer: Sara Robinson- Planning Officer
Tel: 01597 827229 E-mail:sara.robinson@powys.gov.uk

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Planning, Taxi Licensing and Rights of Way Committee Report

UPDATE REPORT

Application No:	P/2017/0812	Grid Ref:	278740.62 210906.61
Community Council:	Ystradgynlais	Valid Date:	Officer: 13/07/2017 Tamsin Law
Applicant:	CME Developments Limited, Brynygroes Farm, Ystradgynlais, SA9 1LF		
Location:	Development at Brynygroes Farm, Ystradgynlais, SA9 1LF		
Proposal:	Section 73 application to remove Condition 19 of approved Outline Consent P/2014/1133 relating to affordable local needs housing		
Application Type:	Application for Removal or Variation of a Condition		

The reason for the update

The application was previously heard at Committee on the 26th October 2017 and this report should be read in conjunction with the original Committee Report.

Principal Planning Policies

National Planning Policy

Planning Policy Wales (9th Edition, 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 12 - Design (2016)
 Technical Advice Note 15 - Development in Flood Risk Areas (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)

Local Planning Policy

Powys Local Development Plan (April 2018)
 SP1 Housing Growth
 SP3 Affordable Housing Target
 SP5 Settlement Hierarchy
 SP6 Distribution of Growth across the Settlement Hierarchy
 SP7 Safeguarding of Strategic Resources and Assets
 DM1 Planning Obligations
 DM2 The Natural Environment
 DM3 Public Open space

DM4 Landscape
DM5 Development and Flood Risk
DM6 Flood Prevention Measures and Land Drainage
DM7 Dark Skies and External Lighting
DM8 Minerals Safeguarding
DM10 Contaminated and Unstable Land
DM13 Design and Resources
T1 Travel, Traffic and Transport Infrastructure
H1 Housing Development Proposals
H2 Housing Sites
H3 Housing Delivery
H4 Housing Density
H5 Affordable Housing Contributions

Officer Appraisal

Following Committee clarification was sought from the agent and applicant regarding the reasoning for removing the phasing condition. It was confirmed that this was to enable the removal of the affordable housing provision on the site.

At Committee on the 26th October 2017 Members recommended refusal of the application on the basis that the District Valuers report used to inform the Local Development Plan was not up to date and should be considered invalid.

Members were advised by the Solicitor that Committee had to take into account its own evidence which indicated that due to viability 0% affordable housing was considered the right level in this area. Following this the Chair advised that the Planning Protocol allowed for a cooling off period for counsel advice to be obtained on the proposed reason for refusal.

Following this Development Management received advice which advised that if the Council considers that evidence demonstrates that development in this area would be unviable then there would be no grounds to refuse the application on viability alone.

As such, as the LDP has assessed the viability of the area and concluded that development would only be viable in Ystradgynlais with a 0% affordable housing contribution it is considered that this provide the most up to date evidence and demonstrates that the provision of affordable housing would make the development unviable.

The LDP has now been adopted and policy H5 confirms that 0% affordable housing has been accepted in the South West Powys area. The application site is an allocation in the LDP and as such no affordable housing on this site is considered to be in accordance with the relevant planning policies.

Conclusion

In light of the above and the evidence outlined within the viability assessment produced in 2016 to support the LDP, and the fact that the adopted LDP requires no provision of affordable housing on this site, it is recommended that condition 19 is removed subject to the condition outlined in the original report and a section 106 Agreement to secure the education contributions and the management of open space provision.

Case Officer: Tamsin Law - Planning Officer
Tel: 01597827527 E-mail:tamsin.law@powys.gov.uk

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Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2017/0812	Grid Ref:	278740.62 210906.61
Community Council:	Ystradgynlais	Valid Date:	Officer: 13/07/2017 Lorraine Jenkin
Applicant:	CME Developments Limited, Brynygroes Farm, Ystradgynlais		
Location:	Development at Brynygroes Farm, Ystradgynlais, SA9 1LF		
Proposal:	Section 73 application to remove Condition 19 of approve outline consent P/2014/1133 relating to affordable local needs housing		
Application Type:	Application for Removal or Variation of a Condition		

The reason for Committee determination

The local Member has requested that the application be called in to be determined in front of Committee.

Site Location and Description

The application site is located approximately 800 metres north-west of Ystradgynlais town centre with access off the bypass (A4067) running west of the town. It is a site of 4.5 hectares and is surrounded by farmland to its north, west and south-west. The village of Cwmgiedd is located to the north-east.

The site is an allocated housing site (B31 HA1 within the UDP).

The site has a planning history which is detailed below, but the main application that we are concerned with is an outline application submitted under P/2014/1133. This application was for 138 dwellings and included a Section 106 Agreement for the provision of 23% affordable housing, and £300,000 education contributions. This was issued on 29th April, 2016.

Therefore this site has outline consent for up to 138 dwellings, 23% of which must be affordable.

The current consent (P/2014/1133) has conditions requiring it to have a scheme of affordable housing:

Condition 19: No development shall commence until an affordable local needs housing phasing statement detailing the precise phasing (completion details) of the affordable local needs units in relation to the rest of the development has been submitted and approved in writing by the Local Planning Authority. The development shall not be undertaken other than in full accordance with the details so approved.

This application seeks to remove this condition and therefore the requirement to appropriately phase the element of affordable needs housing within the site.

Consultee Response

Ystradgynlais Town Council

With regard to and relevant the above application the Further Focussed changes to the LDP were discussed at the Ystradgynlais Town Council meeting held on Thursday 3rd November 2016. It is suggested in Section 5.5 of the applicants report on this Section 73 application that the matter is uncontested but the Town Council wish to advise that this is not the case.

With regard to affordable housing Ystradgynlais Town Council members raised their concern that the proposed LDP allocation had been reduced to 0% in the South West area. This suggested that there was no demand for such housing which was considered surprising and an unlikely representation of the local need.

It appeared to members of the Ystradgynlais Town Council that the affordable Housing criteria may be sacrificed on the grounds of making the many development sites in the Ystradgynlais area viable - particularly as nearly all the proposed sites had significant and long standing infrastructure constraints.

This zero contribution approach appeared to be directly at odds with many of the stated policy objectives of the Powys LDP with regard to the provision of affordable housing the provision of which is stated as being key to the delivery of the LDP strategy.

It also seemed to be incompatible with the Ystradgynlais and its surrounding areas qualifying through deprivation and other factors for Community First status.

It was resolved to object to this further focussed change to the LDP and put forward that the affordable housing contributions should remain at the 10% level previously proposed for the South West Powys Region.

As a consequence of the above and the fact that as far as the Town Council is aware the LDP Inspector has yet to determine the issue it is suggested that either the Section 73 application is deferred until the LDP determination is known or the affordable housing requirement remains at its original level or 10%.

PCC - Highways (S)

Does not wish to comment on the application.

Wales and 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 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 and West Utilities, its agents or servants for any error or omission.

Wales and 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.

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.

If you have any queries please contact Danielle Thomas on 02920 278912 who will be happy to assist you.

Cllr Huw Williams

I have been approached by several local residents regarding this application and I feel that the application should be 'called in' for the sake of clarification and consideration. The Planning Committee need to debate and consider the consequences of approval or rejection of this previously agreed condition.

PCC - Environmental Health

I have no comment in respect of the above application.

PCC - Rights of Way

Please correct me if I am mistaken, but as this appears to be a variation of the original planning permission, Countryside Services' original response to this development still applies

Powys Ramblers

Thank you for the opportunity to comment on this application. Having read the information provided with this application, we have no comments to make.

CADW

Thank you for your letter of 20 June, 2017 inviting our comments on the above planning application.

Advice

Having carefully considered the information provided with this 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.

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.

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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.

Paragraph 17 of Circular 60/96, Planning and the Historical Environment: Archaeology, 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 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, and that the effect

of a proposed development on a registered park or garden or its setting should be a material consideration of the determination of a planning application.

CPAT

Thank you for the consultation on this application. I write to confirm that there are no archaeological implications for the removal of this condition.

Representations

One letter of comment has been received from members of the public. The main concerns are about whether Ystradgynlais truly does not have a need for affordable housing and also whether the application will affect the rights of way within the site.

Planning History

P/2012/0346 – outline application for demolition of existing buildings to allow for residential development (up to 155 dwellings) – Refused on landscape impact grounds.

P/2014/1133 - outline consent for 138 dwellings. Approved 29th April, 2016.

P/2008/1802 – Access to serve UDP housing allocation B31HA. Approved June, 2009.

7167

00/77

AG/05/362

Principal Planning Constraints

Public Right of Way

ZoneB

UNKNOWN 090/75/1,2

ALV

Principal Planning Policies

National planning policy

Planning Policy Wales, Edition 9 (November, 2016)

Technical Advice Note 2 - Planning and Affordable Housing (2006)

Technical Advice Note 12-Design (July 2014)

Technical Advice Note 15 - Development and Flood Risk (2004)

Technical Advice Note 20 – Planning and the Welsh Language (2017)

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

Local planning policies

GP1 - Development Control

GP3 Design and Energy Conservation

GP4 — Highway and Parking Requirements

GP5 – Welsh Language and Culture

ENV3 - Safeguarding Biodiversity and Natural Habitats

HP4 - Settlement Development Boundaries and Capacities
HP5 — Residential Development.
HP14 - Sustainable Housing
RL4 - Outdoor Activity and Pony Trekking Centres
RL6 - Rights of Way and Access to the Countryside
DC1 - Access by Disabled Persons
DC10 — Mains Sewage Treatment
DC13— Surface Water Drainage
DC15 - Development on Unstable or Contaminated Land

PCC 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.

Planning History:

Following the submission of a viability appraisal by the applicant in support of P/2014/1133, Development Management in early 2014 secured advice from the District Valuer regarding the viability of the development proposed under P/2014/1133. The District Valuer stated in 2014 that 23% affordable housing was viable. Planning permission P/2014/1133 therefore requires 23% affordable housing to be provided and includes the following affordable housing phasing condition:

Condition 19: No development shall commence until an affordable local needs housing phasing statement detailing the precise phasing (completion details) of the affordable local needs units in relation to the rest of the development has been submitted and approved in writing by the Local Planning Authority. The development shall not be undertaken other than in full accordance with the details so approved.

Scope of application:

This application seeks to remove this condition and therefore the local planning authority's control over the phasing of the affordable housing throughout the construction phase. Please note that it is not removing the requirement to provide 23% affordable housing.

The applicant is arguing that the most up-to-date viability assessments, a 2016 study commissioned by the Local Planning Authority to evidence the LDP has found that building affordable housing within the Ystradgynlais area is economically unviable and

the requirement to do so would in effect sterilises housing development. The applicant is requesting that condition 16 is removed.

To support the Councils 2016 District Valuer's report produced to evidence the LDP, the applicant has highlighted the following points/changes in circumstances:

1. The original District Valuer report (2014) was only valid for a 3 month period and is therefore out-of-date.
2. In 2014, the average Buildings Cost Information Service was £819 per square metre, whereas in 2016, this has risen to £969 per sq metre (£1,128 for new build flats).
3. Requirements for sprinkler systems in new dwellings has resulted in an increase of an additional £3,075 per dwelling.

The agent has argued that the costs can therefore be shown to be considerably higher per dwelling built, and these are not likely to be offset by any increase in land values or house prices in the Ystradgynlais area.

Tests for conditions:

The Courts have laid down general criteria for the validity of planning conditions. In addition to the Courts, the Welsh Government considers that conditions should be necessary, precise and enforceable, ensuring that they are effective and do not make unjustifiable demands of applicants. Conditions should only be imposed where they satisfy all of the tests described in circular 016/2014 (The use of planning conditions for Development Management). In summary, conditions should be:

- i. Necessary;
- ii. Relevant to planning;
- iii. Relevant to the development to be permitted;
- iv. Enforceable
- v. Precise;
- vi. Reasonable in all other respects.

Weight to be given to LDP evidence:

Questions have been raised regarding the weight that can be given to evidence produced to support the production of an LDP. Paragraph 2.14.1 of Planning Policy Wales states as follows:

"The weight to be attached to an emerging LDP (or revision) when determining planning applications will in general depend on the stage it has reached, but does not simply increase as the plan progresses towards adoption. When conducting the examination, the appointed Inspector is required to consider the soundness of the whole plan in the context of national policy and all other matters which are material to it. Consequently, policies could ultimately be amended or deleted from the plan even though they may not have been the subject of a representation at deposit stage (or be retained despite generating substantial objection). Certainty regarding the content of the plan will only be achieved when the Inspector delivers the binding report. Thus in considering what weight to give to the specific policies in an emerging LDP that apply to a particular proposal,

local planning authorities will need to consider carefully the underlying evidence and background to the policies. National planning policy can also be a material consideration in these circumstances.”

In light of above paragraph Development Management advises that although caution should be taken when considering the use of LPD policies, the consideration of the underlying evidence, which in this case is the 2016 District Valuers assessment of viability in Powys, is recommended by Development Management especially when it is the most up-to-date evidence available.

Condition 19:

In light of the 2016 viability assessment commissioned by the Council to evidence the LDP, it is considered that the imposition of condition 19 would fail to comply with the ‘reasonable in all other respects’ test outlined within circular 016/2014. This is on the basis that the Council’s own evidence suggests that the imposition of any affordable housing within the area would result in the development becoming unviable and as such a condition requiring its phasing is not considered reasonable.

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. The recommended removal of the affordable housing condition places added importance to the Welsh language condition. Officers strongly recommend that this condition is retained to help mitigate the impact this development would have on the Welsh Language and culture.

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

In light of the evidence outlined within the viability assessment produced in 2016 to support the LDP, it is recommended that condition 19 is removed subject to the conditions attached and a S106 agreement to secure the planning obligations secure via P/2014/1133.

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 29th April 2016.
3. The reserved matters required by condition 1 above shall include:
 - i. Up to 138 dwellings.
 - ii. The finished floor levels of the ground floors of all proposed buildings in relation to existing ground levels within the site and on the adjacent section of the County Highway. The finished levels shall accord with those approved.
 - iii. Details of any changes to the site levels.
 - iv. Details of the integration and provision of Public Rights of Way in and around the site, following consultation with Powys County Council Countryside Services.
 - v. Details of the access road from the A4067 that have been prepared by the developer in consultation with the Local Highway Authority.
4. The development hereby permitted shall be begun before the expiration of five years from the 29th April 2016, 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.
5. No storm water drainage from the site shall be allowed to discharge onto the county highway.
6. Prior to the occupation of any dwelling, provision shall be made within the curtilage of

the site for the parking of the appropriate number of cars per dwelling in accordance with CSS Wales Parking Standards excluding any garage space provided. The parking areas shall be retained thereafter.

7. No dwelling shall be occupied before the access carriageway and one footway has been constructed to an adoptable standard (including the provision of any salt bins, surface water drainage and street lighting) from that building to the junction with the county highway.

8. The estate road carriageway and all footways shall be fully completed, to a standard to be agreed in writing by the Local Planning Authority, upon occupation of the last house or within two years from the commencement of the development, whichever is the sooner.

9. The centreline of any new or relocated hedge should not be positioned within one metre of any visibility splay.

10. Foul water and surface water discharges shall be drained separately from the site.

11. No surface water shall be allowed to connect, either directly or indirectly, to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.

12. Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.

13. No development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage will be dealt with and this has been approved in writing by the Local Planning Authority.

14. No development shall commence until a hydraulic modelling assessment has been submitted to and approved in writing by the Local Planning Authority. The hydraulic modelling assessment shall assess the effect the proposed development will have on the existing water supply network, together with any necessary associated infrastructure works.

15. There shall be no use or occupation of any of the dwellings hereby approved until any necessary clean water supply network infrastructure works required by the hydraulic modelling assessment referred to in the above condition have been completed.

16. No development shall take place until such time as a construction method statement has been submitted to, and approved in writing by the local planning authority.

Development shall be carried out in full accordance with the approved statement. The statement shall identify

- i. the routing and management of construction traffic,
- ii. areas on site, designated for the storage of heavy plant, equipment and materials, including vehicles and car parking facilities for construction site operatives and visitors;
- iii. the erection and maintenance of security hoarding
- iv. activities such as earth moving, onsite aggregate mixing, crushing, screening, piling etc., and onsite storage and transportation of raw material;
- v. a scheme for the recycling and disposing of waste from construction workers;
- vi. working practices to control fugitive emissions of dust arising from onsite activities e.g. wheel wash facilities and a dust management plan (to comply with the BRE Code of Practice on the control of dust from construction activities); and
- vii. working practices for protecting the nearby residential dwellings, including measures to control noise and vibration arising from onsite activities, such as piling, as set out in British Standard 5228 Part 1: 1997 - Noise and Vibration Control on Construction and Open Sites.

17. Any activities (including demolition and deliveries) associated with this development

may only occur between the hours of 08.00 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturday. No activities shall occur on Sunday or public holidays, except where agreed in writing with the Local Planning Authority.

18. No works (including site investigation works, deliveries and demolition) shall begin until a photographic survey of the existing buildings on the site has been carried and submitted to, and approved by, the Local Planning Authority.

20. No development shall take place until an Ecological Mitigation Strategy [EMS] has been submitted to and approved by the Local Planning Authority in writing. The EMS shall include:

i. A strategy for the mitigation of the effects of the development and for the

maintenance of the ecological value of the site;

ii. Method statements for carrying out the mitigation works;

iii. A phasing plan to show what preliminary measures are required to be carried out in advance of the implementation of this planning permission;

iv. A monitoring and management plan to secure the long term implementation of the ecological measures contained in the EMS.

21. Development shall not be commenced other than in full accordance with the approved EMS.

22. No development shall commence until a detailed Arboricultural Method Statement, including a Tree and Hedgerow Protection Plan, has been submitted to and approved in writing by the local planning authority. The Tree and Hedgerow Protection Plan shall reflect the details contained on the supporting Landscape Strategy. The Arboricultural Method Statement shall incorporate a provisional programme of works; details of supervision and monitoring by an Arboricultural Consultant, and provision of site visit records and certificates of completion; measures for the control of potentially harmful operations such as the storage, handling, mixing or burning of materials on site; details of the location of the site office, and the locations of service runs including soakaways, street lighting and movement of people and machinery. Development shall then take place only in accordance with the approved details.

23. No development, other than works required to discharge this condition, shall commence until intrusive site investigation works have been undertaken in accordance with the recommendations of the submitted Mining Report and the Coal Authority's requirements, and the findings of those investigative works have been submitted to and approved in writing by the local planning authority. In the event that the site investigations confirm the need for remedial works to ensure the safety and stability of the proposed development, no development shall commence until the full details of those remedial works have been submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out only in accordance with the approved details.

24. 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.

25. 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, should be submitted to and approved in writing by 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.

26. 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.

27. 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.

28. 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.

29. Prior to the commencement of development a further survey for Japanese Knotweed shall be undertaken and a scheme, to include a programme/method statement, to eradicate Japanese Knotweed at the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented as approved, unless otherwise agreed in writing by the Local Planning Authority.

30. Prior to occupation of any dwelling a Welsh Language and Culture mitigation plan including details of mitigation measures and their implementation of measures shall be submitted to and approved in writing by the local planning authority. This plan shall incorporate and expand on recommendations contained within paragraph 5.2.2 of the submitted Welsh Language Impact Assessment dated November 2010. The measures to support the Welsh Language and Culture shall be implemented as approved.

Reasons:

1. To ensure compliance with Section 92(2) of the Town and Country Planning Act 1990.
2. To ensure compliance with Section 92(2) of the Town and Country Planning Act 1990.
3. To ensure compliance with Section 92(2) of the Town and Country Planning Act 1990.
4. To ensure compliance with Section 92(2) of the Town and Country Planning Act 1990.
5. In the interests of highway safety, in accordance with Unitary Development Plan policy GP4.
6. In the interests of highway safety, in accordance with Unitary Development Plan policy GP4.
7. In the interests of highway safety, in accordance with Unitary Development Plan policy GP4.

8. In the interests of highway safety, in accordance with Unitary Development Plan policy GP4.
9. In the interests of highway safety, in accordance with Unitary Development Plan policy GP4.
10. To protect the integrity of the public sewerage system in accordance with Powys Unitary Development Plan (March 2010) policy DC10.
11. To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment in accordance with Powys Unitary Development Plan (March 2010) policy DC10.
12. To prevent hydraulic overload of the public sewerage system and pollution of the environment in accordance with Powys Unitary Development Plan (March 2010) policy DC10.
13. To ensure that surface water and land drainage flows from the site are appropriately dealt with in accordance with Powys Unitary Development Plan (March 2010) policies SP14, DC9, DC10, DC13 and DC14.
14. To protect the integrity of the public water supply system in accordance with Powys Unitary Development Plan (March 2010) policy DC8.
15. To protect the integrity of the public water supply system in accordance with Powys Unitary Development Plan (March 2010) policy DC8.
16. In the interests of the amenity of the area in accordance with Powys Unitary Development Plan (March 2010) policy GP1.
17. In the interests of the amenity of the area in accordance with Powys Unitary Development Plan (March 2010) policy GP1.
18. In order to ensure an appropriate record of a building of interest.
20. In the interests of biodiversity in accordance with Powys Unitary Development Plan (March 2010) Policy ENV3.
21. In the interests of biodiversity in accordance with Powys Unitary Development Plan (March 2010) Policy ENV3.
22. In the interest of the character and appearance of the area in accordance with Powys Unitary Development Plan (March 2010) policy ENV2.
23. To ensure that necessary site investigation works and where necessary remedial works are undertaken prior to the commencement of development in accordance with Powys Unitary Development Plan (March 2010) policy DC15.
24. To ensure that necessary site investigation works and where necessary remedial works are undertaken prior to the commencement of development in accordance with Powys Unitary Development Plan (March 2010) policy DC15.
25. 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 6, February 2014).
26. 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 6, February 2014).
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 6, February 2014).

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 6, February 2014).
29. To control an invasive species identified on site in accordance with Powys Unitary Development plan (March 2010) policy ENV3.
30. In the interests of the Welsh language and culture in accordance with Powys Unitary Development Plan (March 2010) policy GP5.
- The date on which this permission is granted is

Case Officer: Lorraine Jenkin- Planning Officer
Tel: 01597827527 E-mail:lorraine.jenkin@powys.gov.uk

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4.6

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2018/0337	Grid Ref:	323676.01 308174.36
Community Council:	Welshpool	Valid Date:	Officer: 03/04/2018 Gemma Bufton
Applicant:	Powys County Council		
Location:	Land at Salop Road, Welshpool, Powys.		
Proposal:	FULL: Construction of 360 place English Medium Primary School and 55 place Early Years Nursery with new dedicated vehicular access works, ancillary car parking, landscaping, recreational space and associated infrastructure works		
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 settlement boundary limit for Welshpool. The site is located with the A483 running to the east of the application site. To the north is Buttington Cross Enterprise Park whilst to the west runs the Montgomery Canal. Access is then sought to the south of the site onto the A458.

Consent is sought for the erection of a new primary school. The proposed building will measure approximately 77.2 metres in length by 30.7 metres in width reaching a height to the ridge and eaves of 9.3 metres. The school will be clad with timber and metal with a standing seam metal roof. Windows and doors will be powder coated aluminium.

Consultee Response

Welshpool Town Council

Construction of 360 place English Medium Primary School and 55 place Early Years Nursery with new dedicated vehicular access works, ancillary car parking, landscaping, recreational space and associated infrastructure works.

The Council supports this application.

PCC – Highways-

Correspondance received 1st June 2018

The County Council as Highway Authority for the County Unclassified Highway, U4422

Wish the following recommendations/Observations be applied
Recommendations/Observations

Drawing number 0939-WSP-CW-XX-DR-LA-1000 Rev P01 shows a footway link along the U4422, however the footway terminates prior to the pedestrian gate/footway on the A483. Drawing number 500 shows the same section of the U4422 but with a hedge rather than the footway link. A 2m wide footway link together with tactile paving should be shown on plan connecting with the footway/pedestrian gate on the A483 in accordance with the Active Travel (Wales) Act 2013.

It is further noted that certain pertinent detail is missing from the submission, as detailed below;

- Due to the close proximity of the proposed infiltration pond to the U4422 it is unclear whether the construction works will potentially undermine the structural integrity of the county highway. We therefore require that cross section drawings be submitted confirming the proposed levels, batters or retaining structures that may be required.
- No detail has been included which demonstrates how the U4422 will be drained
- No detail has been included as to how the U4422 is to be stopped up
- The drawings fail to show the visibility splays on the proposed junction of the U4422 along the diverted section
- No swept path drawings have been submitted to demonstrate that the proposed junction on the U4422 is capable of accommodating the vehicle types that are likely to use the road such as a tractor and trailer/HGV

Additional correspondence received on 19th June 2018-

The County Council as Highway Authority for the County Unclassified Highway, U4422

Wish the following recommendations/Observations be applied
Recommendations/Observations

Prior to any other works commencing on the development site, detailed engineering drawings for the proposed carriageway and footway along the Unclassified U4422 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 the first beneficial use of the development a scheme for the stopping up/diversion of the section of the U4422 shown on drawing number 70030941 and schedule for the

implementation of the scheme shall be submitted and approved in accordance with Section 247 of the Town and Country Planning Act 1990.

HC1 Prior to the first beneficial use of the development any entrance gates shall be set back at least 20 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.

HC2 The gradient of the access shall be constructed so as not to exceed 1 in 30 for the first 20 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.

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 Unclassified U4422 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 the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 20 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

HC8 Prior to the first beneficial use of the development, provision shall be made within the curtilage of the site for the parking of not less than 114 car parking bays provided and one coach parking bay 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, constructed as Condition HC7 above, shall be not less than 6 metres for a minimum distance of 20 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.

HC18 All access to the development hereby permitted shall be gained via the proposed private driveway as detailed on drawing number 0939-WSP-CW-XX-DR-LA-1000 Rev P01.

No alternative vehicular or pedestrian access shall be used or created to service the site directly from the county highway for as long as the development remains in existence.

HC21 Prior to the first beneficial use of the new school all on-site infrastructure including car parking spaces, access and circulations areas as detailed on drawing number 0939-WSP-CW-XX-DR-LA-1000 Rev P01 shall be completed to written satisfaction of the local Planning Authority.

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 surface water drainage from the site shall be allowed to discharge onto the county highway.

PCC - Building Control

Building Regulations application required.

Wales and West Utilities

Please find enclosed a copy of the requested plan and our general conditions, for your reference.

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.

The plan must be printed in A3 size and will also need to be produced in colour. If this is not possible, we can send you a hard copy if requested.

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

Clean Water Comments

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

To request a water map please follow the link, , https://www.stwater.co.uk/building-and-developing/estimators-and-maps/request-a-water-sewer-map/_select “Water and / or Sewer map request form” fill out the relevant details and fee payment and return to:

Severn Trent Water, Asset Data Management,
GISmapping Team, PO Box 5344, Coventry, CV3 9FT
Fax: 02477 715862
e-mail: GISmapping@severntrent.co.uk

Any correspondence and diversion applications are to be submitted through New Connections, the relevant form can be found on the Severn Trent website at <https://www.stwater.co.uk/building-and-developing/other-developments/diversions/> Please click on download water diversion application form and complete the form as fully as possible.

Information on diversion application charges can be found <https://www.stwater.co.uk/building-and-developing/regulations-and-forms/application-forms-and-guidance> in “Our Charges” - Developer Charges 2015-2016 in Section 5.

Please attach all the relevant documentation and relevant fee and return the form to:
Severn Trent Water Ltd
PO Box 5311
Coventry
CV3 9FL
Telephone: 0800 707 6600
Email: new.connections@severntrent.co.uk

PCC - Environmental Health-

I have no objection to the application.

National Resources Wales-

Thank you for referring the above application, which we received on 09/04/2018.

We recommend that you should only grant planning permission if you attach the following conditions. These conditions would address the significant concerns that we have identified and we would not object provided you attach them to the planning permission.

Condition 1 – Implementation of the avoidance measures for great crested newts as recommended by the ecological report

Condition 2 – Implementation of the avoidance measures for bats, otters and water voles as recommended by the ecological report

Condition 3 - 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, and amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with

Protected Species

The application is supported by the following ecological reports:

Harley, G. (2017). Salop Road Bat Survey Interim Report: Gallows Tree, Salop Road, Welshpool. RPS. Unpublished.

Lang, G. (2017) Extended Phase 1 Survey Report. BSG Ecology. Unpublished.

Lang, G. (2017) Salop Road School (School Site): Extended Phase 1 Survey Report. BSG Ecology. Unpublished.

Great Crested Newt

We note that the ecology report submitted in support of the above application has identified the great crested newt to be present within the environs of the application site.

Great crested newts and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2017. Any development that would contravene the protection afforded to GCN's under the Regulations would require a derogation licence from Natural Resources Wales. A licence may only be authorised if:

- i i. There is no satisfactory alternative and
- ii 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 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 GCN's 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 ecology report concludes that the proposed development is not likely to harm or disturb GCN or their breeding sites and resting places at this site. We concur with this view provided appropriate amphibian reasonable avoidance measures are implemented. The basis for our advice is that the application is located within the dispersal range of a site where the species has previously been recorded.

We consider that the development is not likely to be detrimental to the maintenance of the favourable conservation status of the local population of GCNs.

Condition 1 – Implementation of the avoidance measures for great crested newts as recommended by the ecological report

Therefore, we do not object to the proposal on the grounds of protected species, subject to all avoidance measures described in the ecology report being set out in a method statement and secured through the inclusion of suitable planning conditions and/or a Section 106 agreement.

This advice applies to the proposal in its present form. If the plans are changed in ways that may harm or disturb GCN's or their breeding sites and resting places at this site, you would need a revised ecology report that takes account of such changes.

Bats, otters, water voles

We note that the ecology report submitted in support of the above application has identified the presence of a soprano bat roost in a mature oak tree located immediately south of the application site.

Bats, otters, water voles and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2017. 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 i. There is no satisfactory alternative and
- ii 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 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 bats 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 the bats, otters, water voles or their breeding sites and resting places at this site, if the measures described in the report are implemented.

We consider the development is not likely to be detrimental to the maintenance of the favourable conservation status of any local populations of bats, otters and water voles.

Condition 2 – Implementation of the avoidance measures for bats, otters and water voles as recommended by the ecological report

Therefore, we do not object to the proposal, subject to conservation 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.

This advice applies to the proposal in its present form. If the plans are changed in ways that may harm or disturb the bats, otters, water voles or their breeding sites and resting places at this site, you would need a revised ecological report that takes account of such changes.

NRW would refer the Planning Authority to the letter from the Welsh Government to Chief Planning Officer's dated 01 March 2018 which advises Local Planning Authorities to attach an informative regarding licence requirements to all consents and notices where European Protected Species are likely to be present on site.

Geoscience

We have reviewed the Geo-environmental Addendum Report by Dawnus, report dated December 2017 referenced 70030939-093.

No land contamination has been found.

As a precautionary measure, we would recommend the following condition on unsuspected contamination.

Condition 3 - 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, and amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reasons: it is considered possible that there may be previously unidentified areas of contamination at the site that could pose a risk to controlled waters if they are not remediated

Protected Sites

The Montgomery Canal SAC and SSSI protected sites abut the site boundary. We note from the proposed site plan titled 'General Arrangement Sheet 1 of 1', drawing No. 0939-WSP-CW-XX-DR-LA-1000 dated February 20 includes a distance between any proposed development and the protected sites.

Care should be taken not to cause pollution to the protected sites. Should any contaminated water or materials enter or pollute the watercourse or groundwater, NRW must be notified on 03000 65 3000.

The pollution prevention measures as referenced below must be adhered to.

Flood Risk

The site is located within zone A, as defined by the Development Advice Map (DAM) referred to under TAN15 Development and Flood Risk (July 2004), and is therefore considered to be at little or no risk of fluvial or tidal/coastal flooding. Our current information shows the site to be located outside of zone 2 and 3 of our Flood Map.

The proposal is to build a primary school. The presence of a canal near the site needs to be considered in consultation with the Canal & Rivers Trust and the Local Lead Flood Authority (LLFA). The canal also forms a part of the Welshpool Flood Alleviation Scheme and could be

considered as part of the possible improvements to the Gungrog sluice which is north of the site.

The surface water drainage strategy should also be considered by the LLFA.

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 Local Planning Authority.

We consider that this assessment must include

- i (i) appropriate measures to control any INNS on site; and
- ii (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.

General Advice

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.

Pollution Prevention

All works at the site must be carried out in accordance with Guidance for Pollution Prevention GPP5 "Works and maintenance in or near water" has recently been updated (January 2017) and 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/>.

Also, the work must be carried out in accordance with PPG6: 'Working at construction and demolition sites' which are available on the Gov.uk website:

<https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>.

Although this document is withdrawn, the advice it provides is still relevant.

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/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 Government Transport-

I refer to your consultation of 9th April 2018 regarding the above application, and advise that the Welsh Government as highway authority for the A458 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 incorporate sensitivity testing within the Transport Assessment.
- 2) The applicant must provide a Stage 1 and 2 Road Safety Audit for proposed roundabout.
- 3) The applicant must provide the existing and proposed Annual Average Daily Traffic (AADT - vehicle movement values) for the A458 access onto the A483 trunk road.

If you have any further queries, please forward to the following Welsh Government Mailbox NorthandMidWalesDevelopmentControlMailbox@Gov.Wales

Additional correspondence received on the 25th May 2018

I refer to your consultation of 09 April 2018 regarding the above planning application and advise that the Welsh Government as highway authority for the A458 and A483 trunk roads does not issue a direction in respect of this application.

Canal & River Trust-

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.

Having reviewed the application consultation our substantive response under the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, as amended, is as follows:

Glandŵr Cymru has the following principle concerns on this application:

- a) Impact on the structural integrity of the canal due to the proximity of the building to the canal.
- b) Impact on the character and appearance of the waterway corridor.

c) Impact on the canal towpath/access.

Based on the information available our advice is that these concerns can be addressed by:

a) Include a condition in relation to protecting the structural integrity of the canal infrastructure.

b) Amending the layout to move the access road away from the canal corridor and increase the landscaping buffer and/or re-orientate the proposed school to address the waterway and canal corridor.

c) Amend the scheme to provide a towpath access and provide a financial contribution towards towpath improvements and upgrading the canal towpath access into the site.

Our advice and comments are detailed below:

Impact on the structural integrity of the canal due to the proximity of the building to the canal. The Montgomery canal and its towpath are located adjacent to the western boundary of the application site. The canal is elevated above the level of the site, the topography of the site is such that the land slopes away from the mature hedgerow between the site and canal towpath. As acknowledged in the application documentation, the canal is designated as a SSSI and SAC.

Glandŵr Cymru provided comments to the applicant at the pre-application stage. The pre-application report at paragraph 4.2 summarises our concerns/comments. The 'response' to our comments set out that site access road would have no impact on the structural integrity of the canal and that the site layout has been revised to restrict access to the canal towpath. As set out below and at the pre-application stage we consider that the scheme would fail to maximise the benefit of being adjacent to the waterway corridor.

The proposed layout plan shows how the proposed school, parking areas and playing fields would be laid out. The main school building would be sited in the middle of the site and the parking/road access to the south running parallel to the canal and play area/pitches to the north of the school. Based on this layout some of the proposed works along the western boundary would be very close to the canal infrastructure and we would want to ensure that the canal is protected during any construction operations. The Construction Management Plan (CEMP) that has been submitted does not include any specific pollution controls to protect the canal. The CEMP also does not give detailed information about management of the construction site, such as welfare facilities, materials storage, waste disposal. We would ask that the Council ensures that the CEMP is fit for purpose and that these matters are included.

The Geotechnical Design Report at Table 4 sets out the risk register and reference 7 relates to the canal and sets out that the "development to provide sufficient buffer to canal edge" from the submitted details it would not appear that such a buffer has been provided. The applicants document entitled Technical Note 1 mentions about loading on the towpath from the new access road and includes a section through the road and canal. However, the section does not show the area where the road will be closest to the canal (alongside the car park) and as the canal is higher than the road, we are more concerned in relation to the support to the canal and towpath than loads imposed on it. In addition to this Technical Note 2 mentions about floor levels for the new buildings and states that the building has been moved some 3m away from the canal (since the pre-application consultation), reducing the impact. This may be the case however the new scheme still includes landscaping, fencing

and a footpath at the foot of the embankment. We would still need details of any excavations, temporary and permanent works along the toe of the embankment.

Construction work in close proximity to the canal infrastructure has the potential to adversely affect its structural integrity. It would be essential that structural integrity is not put at risk as part of any development proposal, including excavations for foundations or vibrations from plant or machinery which could, in the worst case scenario, result in the failure of the canal. 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”. If the Council is minded to approve the application we would suggest the following condition.

No development shall take place within 10m of the canal until a Risk Assessment and Method Statement outlining all works to be carried out adjacent to the canal has been submitted to and approved in writing by the Local Planning Authority. The details shall:

- demonstrate that additional loads from the permanent or any temporary works, plant and machinery or storage of materials would not harm the structural integrity of the canal infrastructure;
- provide cross sections showing the distance from the canal and foot of the embankment to the access road and proposed buildings;
- include the design, depth and means of construction of the foundations of any buildings, together with any other proposed earthmoving and excavation works required in connection with any building, boundary fencing and planting adjacent to the canal;
- details specifying how the canal will be protected during the works and include any details of proposed protective fencing to be erected to safeguard the waterway infrastructure during construction;
- include the steps to be taken to prevent the discharge of silt-laden run-off, materials or dust or any accidental spillages entering the canal.

The development shall only be carried out in strict accordance with the agreed Risk Assessment and Method Statement.

Reason: To protect the structural stability of the canal infrastructure which could be adversely affected by the development and to accord with Chapter 13 of Planning Policy Wales and policy DM10 of the adopted Powys Local Development Plan 2011-2026

The details are required to be agreed prior to its construction to ensure that the integrity of the canal embankment would not be undermined. Glandŵr Cymru would be happy to assist the Council with the discharge of this condition.

The works would also need to be carried out in accordance with our Canal & River Trust “Code of Practice for Works affecting the Canal & River Trust”.

Impact on the character and appearance of the waterway corridor.

As set out within our pre-application comments it is unfortunate that the evolution of the layout does not appear to have considered an option which would front the canal corridor.

Instead the layout of the school would be angled so that a side elevation would face towards the canal. It is noted within the D&A that the orientation of the school is to maximise solar gain, however Glandŵr Cymru consider that this may be a missed opportunity to have the school facing the canal corridor. We consider that having a development which fronts the waterway would better accord with policy DM13 of the Adopted Powys Local Development Plan 2011-2026 in terms of enhancing the character of the surrounding area and Planning Policy Wales TAN12.

Furthermore, as advised at the pre-application stage, we consider that the access road and parking area should be 'flipped' so the access road runs parallel to the highway and re-sited away from the canal to provide a greater landscape buffer to the canal corridor. Increasing the buffer would also assist with addressing the concerns raised above in relation to the structural integrity of the canal infrastructure and would also enhance the wildlife corridor. It is unclear if any external lighting is proposed. We would ask that any lighting is directed well away from the canal corridor and boundary habitat features.

The layout plan also indicates that a 2.4m wire mesh fence would be installed along the boundary hedge with the canal next to the school. It is assumed this would be set down/away from the hedgerow so as not to impact on the roots of the hedge. Installing the weldmesh fencing inside the existing hedge line would help reduce any visual impact from the canal caused by the fencing. This fence should be kept to the minimum height required to provide the necessary security. Future access for maintenance of the hedge also needs to be considered and it may be appropriate to lay the hedge prior to the development being built and the hedgerow bolstered with new native planting as part of the landscaping for the site. A detailed landscaping scheme, external lighting and details of boundary treatment should be conditioned.

Impact on the canal towpath/access.

The pre-application documents mentioned that pupils could potentially use the towpath to commute to school, which we would welcome. It is understood that there is an existing access point from the towpath onto the playing fields, however this wasn't shown on the layout plan. We advised that if the towpath is to be used as part of the sustainable transport route for pupils then access improvements may want to be considered at the existing point to ensure it is useable by every one. Finally, we advised that if a new towpath access were to be created then in principle this would be welcome, however it would be subject to a separate commercial agreement with Glandŵr Cymru. However, since our pre-application comments the scheme has been amended and the proposed block plan now shows that the existing hedgerow would be reinforced and 'no public access from towpath to school'. We consider that this is a retrograde step and a missed opportunity to promote sustainable transport to the school. Indeed it is unclear how excluding the use of the towpath as a sustainable transport route would accord with policy T1 of the recently Adopted Powys Local Development Plan 2011- 2026, which seeks to encourage, promote and improve sustainable forms of travel.

Having an access from the towpath to the school would allow a sustainable transport route for pupils for existing residents and future residents. For example, this would include those who may reside in the new housing development on the land opposite the school on the offside of the canal which isn't currently being considered by the Council under reference P/2018/0272. The residents of which could gain access to the canal towpath at bridge 116 to access the school.

If the Council were to support Glandŵr Cymru in promoting the use of the towpath as a sustainable transport route, then a financial contribution may be required towards improving the surface. The towpath at this location is unsurfaced. Glandŵr Cymru maintains its towpath in a 'steady state' and in the case of towpath maintenance, this is based on existing usage. Where new development has the likelihood to increase usage, Glandŵr Cymru maintenance liabilities will also increase, and we consider that it is reasonable to request a financial contribution from developers to either cover increased maintenance costs, or to upgrade the towpath surface to a standard which is more durable and thus able to accommodate increased usage without adding to our future maintenance costs. In this instance, we consider that the towpath in the vicinity of the application site needs to be upgraded in order to fulfil the role identified with the application documents.

To cope with any significant increase in footfall along this stretch of towpath, the surface needs to be adequate and sufficiently hard-wearing in order to a) encourage its use- if it is in poor condition, this will deter potential users especially in winter months, and b) to ensure that such increased use does not add to the Trust's maintenance liabilities. It may also be desirable to install litter bins if any access point onto the canal towpath. If the Council were to support our request, then we would be happy to provide a costing for such a financial contribution.

Should planning permission be granted we request that the following informative is appended to the decision notice:

"The applicant/developer is advised to contact The 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".

Additional correspondence received on 4th June 2018-

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 additional information/clarification provided by the applicant in relation to the works in close proximity to the canal corridor. The comments below should be read in conjunction with our previous comments dated 1st May 2018. This is our further substantive response under the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, as amended.

Our principle concern relates to any works in close proximity to the canal corridor/infrastructure which includes the toe(foot) of the canal embankment. The reason for this is to ensure the structural integrity of the canal. Clearly ensuring the stability of the canal is safeguarded is also in the applicant's interest.

Looking again at the condition that was previously requested by Glandŵr Cymru, this should have stated "No development shall take place within 10m of the 'toe(bottom) of the canal embankment'.... Not 10m measured from the water's edge of the canal. Clearly the access road would be within this 10m from the toe of the embankment (around 3-4m based on the

cross section). We apologise for the ambiguity and oversight in the drafting of the suggested condition. As such, and notwithstanding the additional details, we consider that the condition is still required to ensure the stability of the waterway infrastructure is safeguarded.

If the Council is minded to approve the application we recommend the following amended condition:

No development shall take place within 10m of the toe(bottom) of the canal embankment until a Risk Assessment and Method Statement outlining all works to be carried out adjacent to the canal has been submitted to and approved in writing by the Local Planning Authority. The details shall:

- demonstrate that additional loads from the permanent or any temporary works, plant and machinery or storage of materials would not harm the structural integrity of the canal infrastructure (including the embankment);
- include the design, depth and means of construction of the foundations of any buildings, together with any other proposed earthmoving and excavation works required in connection with any building, boundary fencing and planting adjacent to the canal embankment;
- details specifying how the canal infrastructure will be protected during the works and include any details of proposed protective fencing to be erected to safeguard the waterway infrastructure during construction;
- include the steps to be taken to prevent the discharge of silt-laden run-off, materials or dust or any accidental spillages entering the canal.

The development shall only be carried out in strict accordance with the agreed Risk Assessment and Method Statement.

Reason: To protect the structural stability of the canal infrastructure which could be adversely affected by the development and to accord with Chapter 13 of Planning Policy Wales and policy DM10 of the adopted Powys Local Development Plan 2011-2026

The details are required to be agreed prior to its construction to ensure that the integrity of the canal embankment would not be undermined. Glandŵr Cymru would be happy to assist the Council with the discharge of this condition.

The works would also need to be carried out in accordance with our Canal & River Trust "Code of Practice for Works affecting the Canal & River Trust".

We are pleased that the applicant is going to review their construction management plan as previously suggested.

Glandŵr Cymru as a statutory consultee has no further comments to make and confirms that the other comments set out in our original letter dated 1st May 2018 remain relevant:

Should planning permission be granted we request that the following informative is appended to the decision notice:

"The applicant/developer is advised to contact The 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".

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 historic environment. 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 related 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.

Assessment

Within 3km of the application area are the following scheduled monuments:

MG019 Domen Castell Mound and Bailey Castle

MG034 Offa's Dyke: Section extending 760m N from centre of Goppas Wood to Hope By-Road

MG035 Offa's Dyke: Section from North Lodge, Leighton Park to Old Quarry S of Green Wood

MG093 Mount in Powis Castle Park

MG120 Strata Marcella Abbey

MG141 Black Bank Camp
MG152 Offa's Dyke: Sections extending 675m S from centre of Goppas Wood
MG153 Offa's Dyke: Pentre Section
MG217 Offa's Dyke: Section at Pentre Farm
MG224 Offa's Dyke: South of School House
MG254 Railway Transfer Dock at Welshpool
MG281 Coed y Dinas Round Barrow

Apart from MG034; MG152; MG127 and MG224 all views between the scheduled monuments and the proposed development are blocked by intervening topography, buildings and/or vegetation. Consequently the proposed development will cause no damage to the settings of these scheduled monuments.

Scheduled monuments MG034; MG152; MG127 and MG224 are all sections of Offa's Dyke located on rising ground to the east of the flood plain of the River Severn. The proposed school will be of two storeys and therefore is likely to be visible above the intervening hedgerows: however it will be seen in association with the large block of the Rhallt Nursing Home to the south and the industrial buildings of the Buttington Cross Enterprise Park to the north. As such it will be seen as an extension of the existing town of Welshpool and therefore will cause no damage to the settings of scheduled monuments MG034; MG152; MG127 and MG224.

CPAT

Thank you for the consultation on this application.

The site has been the subject of an archaeological assessment including a desktop and field survey followed by geophysics over the whole site.

The assessment as a whole failed to locate any significant archaeology at this site and we would therefore have no additional archaeological requirements and no objection to development here.

Contaminated Land-

The following documents have been submitted in support of planning application P/2018/0337:

- WSP 'Salop Road, Welshpool: Interpretative Geo-environmental and Geotechnical Report' (ref: 70030939) 6 November 2017.
- WSP 'Welshpool Church of Wales School Junction: Ground Investigation Report' (ref: 70030941-100-GIR01) December 2017.

Based on the information submitted, in the above referenced documents, the following advice is provided for the consideration of Development Control.

Advice

1. Section 4.1.1 'Description of Fieldwork', of the 'Interpretative Geo-environmental and Geotechnical Report' (ref: 70030939), states: "The site work was undertaken between 23

August and 31 August 2017.” And: “The samples for chemical laboratory testing were suitably preserved and submitted to i2 Analytical Ltd [...] for analysis.”

Section 3.10 ‘Soil and Groundwater Sampling’ of the Quantum Geotechnical ‘Ground Investigation Factual Report’ (ref: G40076/FR), submitted as Appendix C of the ‘Interpretative Geo-environmental and Geotechnical Report’ (ref: 70030939), states: “All samples are returned from site to Quantum’s Laboratory for controlled storage within 24 hours of sampling to await test scheduling/requirements.”

The laboratory analytical reports, presented in Appendix X of the Quantum Geotechnical ‘Ground Investigation Factual Report’ (ref: G40076/FR), identify, for a number of samples, that there were potentially significant intervals (up to ten days) between the dates of sampling and the laboratory receiving the samples for analysis.

Under section 8.6 ‘Sample labelling, preservation and handling’, of the British Standard BS10175:2011+A1:2013 ‘Investigation of Potentially Contaminated Sites – Code of Practice’, it is stated: “The laboratory performing the analysis should be consulted before sampling to ensure that appropriate preservation and handling techniques are used and that any requirements specific to the analytical method can be taken into account.”

The information provided does not sufficiently demonstrate that the collected samples were stored appropriately or delivered to the analytical laboratory within any required timescales. The preservation methods and duration between the sampling dates and delivery dates should be confirmed. Furthermore, it should be demonstrated that all samples were delivered to the analytical laboratory within timescales appropriate for the analysis that was performed on them.

Any uncertainty and limitations introduced as a consequence of the inappropriate preservation and handling of the samples, and delay in delivery to the analytical laboratory should be identified and taken into full consideration during any risk assessment completed using the sample data.

2. Under section 7.4 ‘Radon’, of the ‘Interpretative Geo-environmental and Geotechnical Report’ (ref: 70030939), it is stated: “Radon protection is [...] considered to be necessary for the proposed development.” Development Control should consult with Building Control to confirm the level of radon protection required for the proposed development.

3. Section 9 ‘Geo-Environmental Results and Risk Assessment’, of the ‘Interpretative Geo-environmental and Geotechnical Report’ (ref: 70030939), states: “Due to outstanding queries with the chemical laboratory the geo-environmental assessment will be provided as an addendum to this report.”

Furthermore, section 3.10 ‘Contaminated Land’, of the ‘Ground Investigation Report’ (ref: 70030941-100-GIR01), states: “The geo-environmental assessment is ongoing and will be provided as an addendum to this report.”

No addendum geo-environmental assessment report appears to have been submitted in support of planning application P/2018/0337.

The appropriate assessment of the potential land contamination risks associated with the application site will be required. The risk assessment should be completed in accordance with current guidance and best practice such as CLR11 'Model Procedures for the Management of Land Contamination' (2004).

The addendum report, when completed, should be submitted for review and approval.

4. The information provided, in the above referenced documents, identifies that ground gas monitoring standpipes were installed at the application site, and gas monitoring was undertaken on four occasions following completion of the site works.

The ground gas monitoring data is presented in Appendix VII of the Quantum Geotechnical 'Ground Investigation Factual Report' (ref: G40076/FR). However, no calibration certificates for the gas analyser, used to undertake the ground gas monitoring, have been submitted in support of the monitoring data. It is requested that copies of the calibration certificates are provided.

Also, for a number of the ground gas monitoring standpipes, there appears to be duplication of the data for several of the monitoring dates e.g. BH03A (28/09/2017 and 04/10/2017), WS03B (28/09/2017 and 4/10/2017), WS04B (4/10/2017 and 10/10/2017) and WS05B (28/09/2017, 4/10/2017 and 10/10/2017). It is requested that confirmation is provided in respect of the accuracy of the data presented for each of the ground gas monitoring installations.

Furthermore, no ground gas risk assessment has been included in any of the above referenced documents or in support of planning application P/2018/0337. A ground gas investigation and risk assessment, completed in accordance with current guidance and best practice such as British Standard BS8576:2013 'Guidance on Investigations for Ground Gas – Permanent Gases and Volatile Organic Compounds (VOCs)' and CIRIA publication C665 'Assessing Risks Posed by Hazardous Ground Gases to Buildings' (2007), should be submitted for review and approval.

5. Under section 5.4 'Made Ground', of the 'Ground Investigation Report' (ref: 70030941-100-GIR01), it is stated: "Trial pit TP01C was terminated at 1.2m depth due to the presence of suspected asbestos material. Subsequent laboratory analysis has not identified the presence of asbestos."

However, the 'Analytical Report Number: 17-59863' issued on 19/09/2017, presented in Appendix X of the Quantum Geotechnical 'Ground Investigation Factual Report' (ref: G40076/FR), provides the following asbestos identification for sample TP01C (Lab Sample Number: 813637): 'Chrysotile- Hard/Cement Type Material'.

Appropriate interpretation and assessment of the asbestos identified at sample position TP01C will be required. In respect of the investigation and assessment of the risks associated with the presence of asbestos containing materials, guidance is provided in the CIRIA publication C733 'Asbestos in Soil and Made Ground: A Guide to Understanding and Managing Risks' (2014).

Summary

In respect of land contamination risks, the information submitted only provides a factual reporting of an intrusive site investigation that has been completed. No justification,

interpretation or assessment of the completed works or data has been provided, and an addendum report is pending.

Therefore, 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/2018/0337:

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.

Representations

One letter of public representation has been received from the Powys Ramblers. Their comments are as follows:

Powys Ramblers wish to comment on this application please. The canal towpath is close to the development site but does not appear to be affected by these proposals. In the event of permission being granted can the applicant please be advised of the importance of making sure that the nearby right of way is not obstructed during development works and is kept open throughout.

Planning History

PPAE/2017/0191

Principal Planning Constraints

SSSI
Special Area of Conservation
Public Right of Way
Trunk Road- A483

Principal Planning Policies

National Planning Policy

Planning Policy Wales (Edition 9)

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 18- Transport (2007)
Technical Advice Note 23- Economic Development (2014)
Technical Advice Note 24- The Historic Environment (2017)

Local Planning Policies

SP7- Safeguarding of Strategic Resources and Assets
DM2- The Natural Environment
DM3- Public Open Space
DM4- Landscape
DM5- Flood Risk
DM7- Dark Skies and External Lighting
DM11- Protection of Existing Community Facilities and Services
DM13- Design and Resources
T1- Travel, Traffic and Transport Infrastructure
C1- Community Facilities and Indoor Recreation Facilities

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

Community facilities such as village halls and schools are essential to the social and physical well-being of the community and support the vitality and viability of our rural settlements. The LDP supports the provision of local facilities alongside improving access to existing facilities.

Policy C1 Development proposals for community or indoor recreation facilities will be permitted where:

1. Proposals are within or adjoining a settlement identified in the strategic settlement hierarchy;
2. No suitable facility exists nearby which could appropriately accommodate the proposed use; and
3. The appropriateness and feasibility of multi-use has been considered.

The application site is located within the settlement development boundary for Welshpool which is allocated as a 'town' under the Local Development Plan. In accordance with policy C1 it is therefore considered that the principle of the proposed development fundamentally complies with the above policy and has also incorporated community facilities to allow for the multi-use of the proposed school.

Design and External Appearance

With respect to design and appearance, reference is made to LDP Policy DM13. The respective policy indicates that development proposals must be able to demonstrate a good quality design and shall have regard to the qualities and amenity of the surrounding area, local infrastructure and resources.

The proposed school building measures approximately 77.2 metres in length by 30.7 metres in width reaching a height to the ridge and eaves of 9.3 metres. The school will be clad with timber and metal with a standing seam metal roof. Windows and doors will be powder coated aluminium.

It is considered that the proposed new school has been carefully designed taking into consideration the surrounding location. It is noted that to the north of the application site is Buttington Cross Enterprise Park and therefore it is considered that a building of this scale is not seen as being out of character within this location.

It is considered that the proposed development fundamentally complies with relevant planning policy.

Highway Safety

Policy T1 of the Powys Local Development Plan 2018 states that development proposals should incorporate safe and efficient means of access to and from the site for all transport users, manage any impact upon the network and mitigate adverse impacts.

The application site itself will be located off the A458 trunk road which runs through Welshpool Town Centre. The application seeks amendments to the trunk road by including a mini roundabout to form part of the access to the application site. The Welsh Government Transport Department and Highway Authority have been consulted and have confirmed that subject to conditions they would have no objection to the proposed development.

In light of the above it is considered that the proposed development fundamentally complies with relevant planning policy

Biodiversity

With respect to biodiversity, specific reference is made to LDP policy DM2; as such the PCC Ecologist and Natural Resources Wales were consulted with regard to this application.

The Ecologist and Natural Resources Wales reviewed the proposed plans as well as local records of protected and priority species and designated sites.

Protected Species

- Great Crested Newt

The Ecological reports submitted in support of the application highlighted that great crested newts are present within the environment of the application site. The Ecological report concludes that the proposed development is not likely to harm or disturb Great Crested Newts on their breeding sites and resting places at this site. NRW have confirmed that they agree to this conclusion subject to an appropriately worded condition being attached to any grant of consent securing the implementation of the avoidance measures.

In light of the above NRW consider that the proposal is not likely to be detrimental to the maintenance and favourable conservation status of Great Crested Newts.

- Bats, otters, water voles

The Ecological reports submitted in support of the application highlighted that there is a soprano bat roost located within the mature oak tree located immediately south of the application site.

NRW have confirmed that they agree to this conclusion of the report that the proposed development is not likely to harm or disturb the bats, otters, water voles or their breeding sites and resting places at this site subject to an appropriately worded condition being attached to any grant of consent securing the implementation of the avoidance measures.

In light of the above NRW therefore consider that the proposal is not likely to be detrimental to the maintenance and favourable conservation status of Bats, otters and water voles.

Montgomery Canal SSSI and SAC

The Powys Ecologist has been consulted but unfortunately no comments have been received at the time of writing this report. It is hoped that an update will be provided to Members prior to the committee meeting.

Contaminated Land

In respect of land contamination risks, the information submitted only provides a factual reporting of an intrusive site investigation that has been completed. The Contaminated Land Officer has been consulted and confirms that no justification, interpretation or assessment of the completed works or data has been provided, and an addendum report is pending.

Therefore, based on the available information, the officer has recommended that a condition and informative be attached to any grant of consent. Subject to the attached it is therefore

considered that the proposed development fundamentally complies with relevant planning policy.

Scheduled Ancient Monument

Policy SP7 of the LDP seeks to safeguard strategic resources and assets in the County, development proposals must not have an unacceptable adverse impact on the resource or asset and its operation.

Within 3km from the application site there are identified as being a number of scheduled ancient monuments. Cadw have been consulted and have noted that apart from MG034; MG152; MG127 and MG224 all views between the scheduled monuments and the proposed development are blocked by intervening topography, buildings and/or vegetation. Cadw have therefore confirmed that consequently the proposed development will cause no damage to the settings of these scheduled monuments.

Scheduled monuments MG034; MG152; MG127 and MG224 are all sections of Offa's Dyke located on rising ground to the east of the flood plain of the River Severn. The proposed school will be of two storeys and therefore is likely to be visible above the intervening hedgerows: however it will be seen in association with the large block of the Rhallt Nursing Home to the south and the industrial buildings of the Buttington Cross Enterprise Park to the north. As such it will be seen as an extension of the existing town of Welshpool and therefore Cadw have confirmed that it will not cause no damage to the settings of scheduled monuments MG034; MG152; MG127 and MG224.

CPAT have also confirmed that the site has been the subject of an archaeological assessment including a desktop and field survey followed by geophysics over the whole site.

The assessment as a whole failed to locate any significant archaeology at this site and therefore CPAT have confirmed that they would therefore have no additional archaeological requirements and no objection to development here.

In light of the above it is considered that the proposed development fundamentally complies with relevant planning policy.

RECOMMENDATION

Subject to the receipt of satisfactory comments from the Powys Ecologist 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 XXX (drawing no's: XXX).
3. Prior to any other works commencing on the development site, detailed engineering drawings for the proposed carriageway and footway along the Unclassified U4422 and

associated works, shall be submitted to and approved in writing by the Local Planning Authority

4. 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.

5. Prior to the first beneficial use of the development a scheme for the stopping up/diversion of the section of the U4422 shown on drawing number 70030941 and schedule for the implementation of the scheme shall be submitted and approved in writing and shall be completed thereafter in accordance with the details as approved.

6. Prior to the first beneficial use of the development any entrance gates shall be set back at least 20 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.

7. The gradient of the access shall be constructed so as not to exceed 1 in 30 for the first 20 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.

8. 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 Unclassified U4422 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.

9. 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 20 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

10. Prior to the first beneficial use of the development, provision shall be made within the curtilage of the site for the parking of not less than 114 car parking bays provided and one coach parking bay together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

11. 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.

12. The width of the access carriageway, constructed as Condition 9 above, shall be not less than 6 metres for a minimum distance of 20 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.

13. All access to the development hereby permitted shall be gained via the proposed private driveway as detailed on drawing number 0939-WSP-CW-XX-DR-LA-1000 Rev P01.

No alternative vehicular or pedestrian access shall be used or created to service the site directly from the county highway for as long as the development remains in existence.

14. Prior to the first beneficial use of the new school all on-site infrastructure including car parking spaces, access and circulations areas as detailed on drawing number 0939-WSP-CW-XX-DR-LA-1000 Rev P01 shall be completed to written satisfaction of the local Planning Authority.

15. Upon formation of the visibility splays as detailed in Condition 8 above the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.

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

17. The avoidance measures for great crested newts as identified in the Ecological reports identified in the Phase 1 surveys shall be implemented in full and maintained thereafter.

18. The avoidance measures for bats, otters and water voles as identified in the Ecological reports identified in the Phase 1 surveys shall be implemented in full and maintained thereafter.

19. Prior to the commencement of development a Biosecurity Risk Assessment shall be submitted to and approved in writing by the Local Planning Department. Development thereafter shall be completed in full accordance with the details as approved.

20. No development shall take place within 10 metres of the toe (bottom) of the canal embankment until a Risk Assessment and Method Statement outlining all works to be carried out adjacent to the canal has been submitted to and approved in writing by the Local Planning Authority. Development thereafter shall be completed in full accordance with the details as approved.

21. Prior to the construction of the building hereby approved details and/or samples of the materials to be used in the construction of the external surfaces of the building shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

22. 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.

23. 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.

24. 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.

25. 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.

Reasons

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
3. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy T1 and DM13.
4. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy T1 and DM13.
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 LDP Policy T1 and DM13.
7. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy T1 and DM13.
8. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy T1 and DM13.
9. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy T1 and DM13.
10. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy T1 and DM13.
11. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy T1 and DM13.
12. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy T1 and DM13.
13. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy T1 and DM13.
14. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy T1 and DM13.
15. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy T1 and DM13.
16. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy T1 and DM13.
17. In the interest of the protection and preservation of biodiversity in accordance with policy DM2 of the Powys Local Development Plan.
18. In the interest of the protection and preservation of biodiversity in accordance with policy DM2 of the Powys Local Development Plan.
19. In the interest of the protection and preservation of biodiversity in accordance with policy DM2 of the Powys Local Development Plan.
20. To protect the structural stability of the canal infrastructure which could be adversely affected by the development and to accord with Planning Policy Wales and Policy DM10 of the Local Development Plan.

21. In the interests of the visual amenity of the area and to ensure the satisfactory appearance of the building in accordance with policies DM13 of the Powys Local Development Plan and Planning Policy Wales.
22. In order to manage the risk of contamination to an acceptable level, in accordance with guidance contained within policy DM10 of the Powys Local Development Plan (2018) and Planning Policy Wales (Edition 9, 2016).
23. In order to manage the risk of contamination to an acceptable level, in accordance with guidance contained within policy DM10 of the Powys Local Development Plan (2018) and Planning Policy Wales (Edition 9, 2016).
24. In order to manage the risk of contamination to an acceptable level, in accordance with guidance contained within policy DM10 of the Powys Local Development Plan (2018) and Planning Policy Wales (Edition 9, 2016).
25. In order to manage the risk of contamination to an acceptable level, in accordance with guidance contained within policy DM10 of the Powys Local Development Plan (2018) and Planning Policy Wales (Edition 9, 2016).

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.

NRW General Advice

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.

Pollution Prevention

All works at the site must be carried out in accordance with Guidance for Pollution Prevention GPP5 "Works and maintenance in or near water" has recently been updated (January 2017) and 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/>.

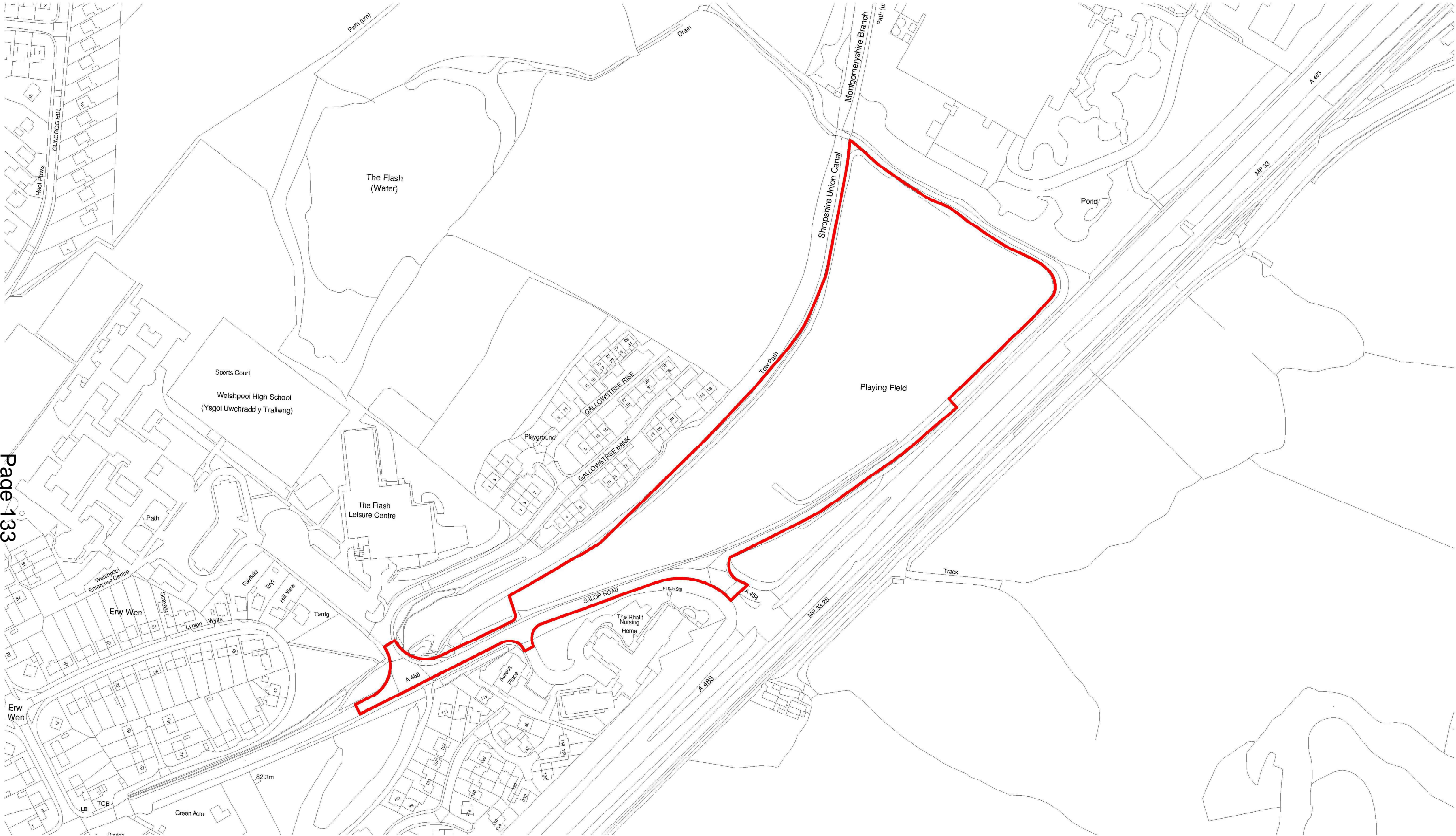
Also, the work must be carried out in accordance with PPG6: 'Working at construction and demolition sites' which are available on the Gov.uk website:

<https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>.

Although this document is withdrawn, the advice it provides is still relevant.

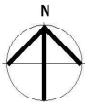
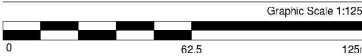
Case Officer: Gemma Bufton- Principal Planning Officer
Tel: 01597 827505 E-mail: gemma.bufton1@powys.gov.uk

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Notes

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1 04 Dec 17 ISSUED FOR PLANNING				EP	LF
Rev	Date	Description		Drawn	Checked
Revision Schedule					

Client:		Dawnus / HOWPS			
Project:		Welshpool Church in Wales Primary School			
Drawing Title:		Location Plan			
Project	Originator	Zone	Level	Type	Role
A00738	- ART	- E1	- XX	DR	- AT - 3001
Status:	Code	Suitability Description			
	S2	Issued for Information			
Revision:	Code	Revision Description			
	P1	Issued for Planning			
Scale:	1 : 1250 @ A1			Date:	29 NOV 17
Drawn by:	EP			Checked by:	LF
Internal Project Ref:	09250			Model Ref:	09250_ART_MAIN



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Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2018/0581	Grid Ref:	303391.52 248672.46
Community Council:	Duhonw	Valid Date:	Officer: 04/06/2018 Gemma Bufton
Applicant:	David & Elaine Price, Noyadd Farm, Llanddewi'r Cwm, Builth Wells, Powys, LD2 3RX.		
Location:	Noyadd Farm Caravan & Campsite, Llanddewi'r Cwm, Builth Wells, Powys, LD2 3RX.		
Proposal:	Section 191 application for a certificate of lawfulness for the existing use of Noyadd Farm Caravan and Campsite		
Application Type:	App. Existing - Certificate Lawful Development for an Existing use or operation or activity		

The reason for Committee determination

The applicant is a County Councillor.

Site Location and Description

The application site is located within the Community Council area for Duhonw. The application site is located to the west of the existing farmhouse and associated buildings for Noyadd Farm with the B4520 County Highway running to the south of the application site. The site is otherwise thereafter bounded by agricultural land.

Consent is sought under Section 191 application for a lawful development certificate for the existing proposed lawful use of the site as a caravan and campsite.

Consultee Response

Duhonw Community Council-

No response received at the time of writing this report.

Planning History

B/02/0209- Construction of cattle/sheep shed to replace similar old sheds

B/07/0336- Conversion of barn to self catering visitor accommodation

Principal Planning Policies

The Town and Country Planning Act 1990

Welsh Government Circular- The use of Planning Conditions for Development Management 2014

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

Other Legislative Considerations

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

Officer Appraisal

Background

The applicant has confirmed that Noyadd Farm Caravan and Campsite has been operating for over 50 years and it was initially commenced by the applicant's parents. This application is therefore sought to confirm the lawful use of the site.

Section 191 (4) states that *if, on an application under this section, the local planning authority are provided with information satisfying them of the lawfulness at the time of the application of the use, operations or other matter described in the application, or that description as modified by the local planning authority or a description substituted by them, they shall issue a certificate to that effect; and in any other case they shall refuse the application.*

Section 191 (2) states that: *For the purposes of this Act uses and operations are lawful at any time if—*

(a)no enforcement action may then be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason); and

(b)they do not constitute a contravention of any of the requirements of any enforcement notice then in force.

Section 171 B of the 1990 Act sets out time limits for enforcement and states:

(1)Where there has been a breach of planning control consisting in the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land, no enforcement action may be taken after the end of the period of four years beginning with the date on which the operations were substantially completed.

(2)Where there has been a breach of planning control consisting in the change of use of any building to use as a single dwellinghouse, no enforcement action may be taken after the end of the period of four years beginning with the date of the breach

(3) In the case of any other breach of planning control, no enforcement action may be taken after the end of the period of ten years beginning with the date of the breach

The following evidence has been submitted in support of the application

- Noyadd Farm Caravan and Camping register of occupancy dating back to 2006;
- Invoices from Builder /Contractor dated back to May 2002;
- Six letters from users of the site;
- Confirmation under planning application B/0007/0336 (whilst not relating to Caravan and Campsite) the report acknowledged that there is a caravan site in operation.

Circular 10/97 relating to the enforcement of planning control sets out the general position regarding evidence. At paragraph 8.15, which relates to LDCs, it is advised that the burden of proof is on the appellant, but that the relative test of evidence is the "balance of probability".

In light of the above there are therefore two matters to address:

- 1) The provision of hardstanding and erection of shower/toilet block (4 years immunity); and
- 2) The Change of use of land to caravan and camping site (10 year immunity)

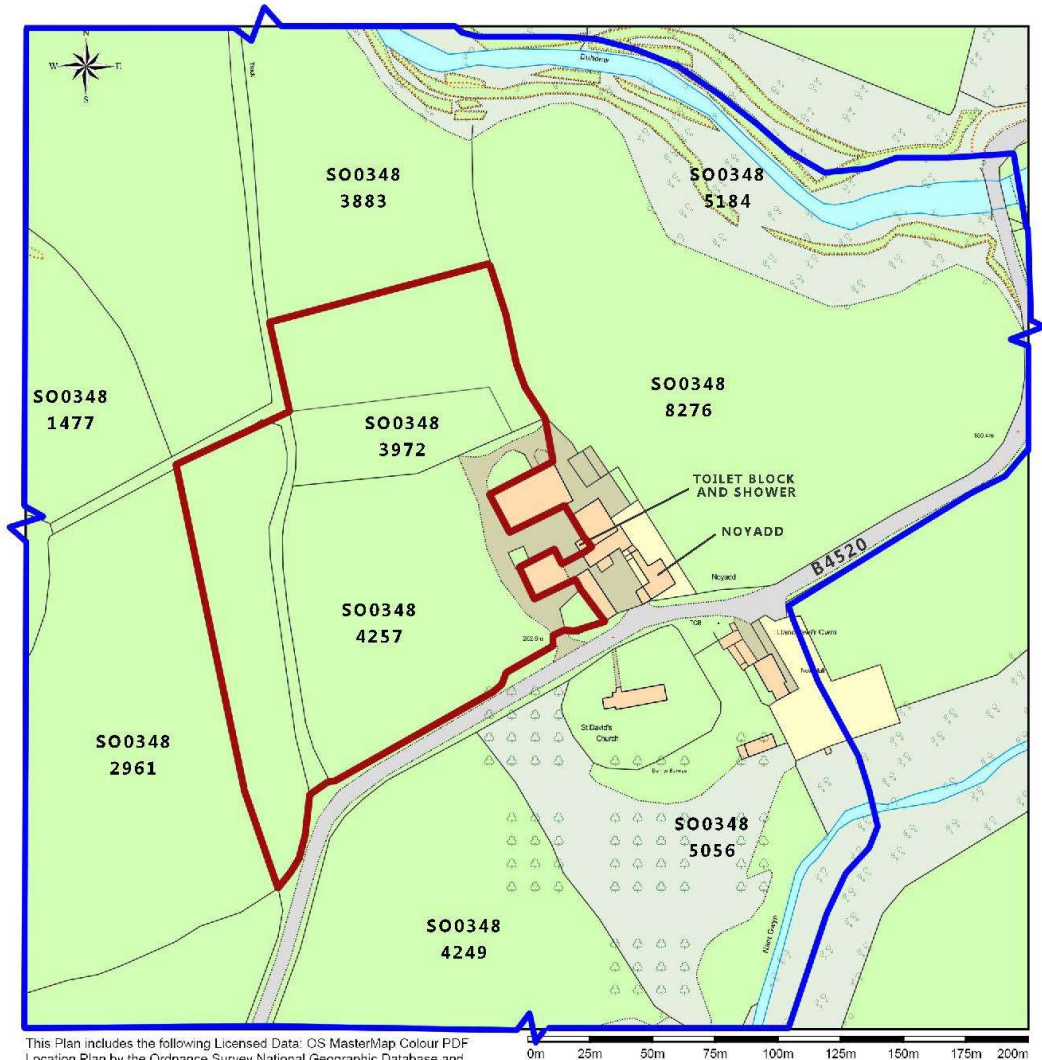
Evidence has been provided in the way of invoices from a Builder dating back to May 2002 for the provision of the toilet campsite, further invoices have then also been provided dated May 2014 for the re-fit of the exiting toilet block camp site and 2007 for the laying of hardcore and pipework around the campsite. Bearing the above legal context in mind, it is Officers opinion from the evidence submitted that the erection of the shower block and hardstanding areas were substantially complete over four year ago and are therefore immune from any formal enforcement action and lawful.

Secondly, in relation to the use of the land evidence has been provided by way of site registers dating back to 2006. The registers indicate the three areas of land available for use these include the Main Field, Pontbren Field and Above House Field which are indicated on the Location Plan. The registers also provide evidence over a period of time that the site has been used for up to 28 caravans/caravans at any one time. It is therefore the Officers opinion from the evidence that the use of the site as a caravan site is immune from any formal enforcement action and lawful.

RECOMMENDATION

Approve – Sufficient evidence has been submitted to demonstrate that the use of the land and the provision of the hardstanding areas/ toilet and shower block are lawful in use for up to 28 caravan/camping plots.

SITE LOCATION PLAN



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Prepared by: Dylan Green, 31-05-2018

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Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	TREE/2018/0012	Grid Ref:	317179.69 237426.33
Community Council:	Gwernyfed	Valid Date:	Officer: 01/06/2018 Thomas Goodman
Applicant:	Powys County Council		
Location:	Gwernyfed High School, Three Cocks, Brecon, Powys, LD3 0SG		
Proposal:	Works to trees subject to a TPO		
Application Type:	Works to trees subject to a TPO and/or Notification of proposed works to trees in conservation areas		

The reason for Committee determination

The applicant is Powys County Council.

Site Location and Description

To the south east and south west are residential properties; to the north is public open space and the grounds of Gwernyfed School.

Tree Preservation Orders bound the entire field and are secured under the TPO known as Gwernyfed School/Park, Three Cocks.

Consent is sought to carry out works to trees that are subject to a Tree Preservation Order. The works include the following:

- T1: Beech Tree – Thin lightly removing crossing branches
- T2: Beech Tree – Raise the height of the crown to 5.5 metres over the road and 2.5 metres over the footpath.
- T8 – Sycamore and Holly – Fell.
- T14 – Alder – Pollard at 1.2 metres.
- T15 – Alder – Pollard at 1.2 metres.
- G19 – Mixed Species – Fell trees with undercut root plates, fell trees that are damaging stone bank.
- G20 – Mixed Species – Fell.
- G22 – Mixed Species – Raise crown to 2.5 metres.
- G23 – Mixed Species – Fell dead Elm.
- G25 – Mixed Species – Fell Sycamore.

Consultee Response

Gwernyfed CC

No response received at the time of writing this report.

Representations

No representations have been received at the time of writing this report.

Planning History

TREE/2017/0025 - Application for works to a tree subject to a tree preservation order – Consent

Principal Planning Constraints

TPO - Gwernyfed School/Park
Historic Landscapes Register Outstanding
C2 Flood Zone

Principal Planning Policies

National planning policy

Planning Policy Wales (Edition 9, November 2016)

Technical Advice Note (TAN) 10 – Tree Preservation Orders (1997)

Tree Preservation Orders: A Guide to Law and Good Practice

Local planning policies

SP7 – Safeguarding of Strategic Resources and Assets
DM2 – The Natural Environment
DM3 – Public Open Space
DM4 – Landscape
DM11 – Protection of Existing Community Facilities and Services
DM13 – Design and Resources

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

Other Legislative Considerations

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

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

Government guidance advises that in considering applications for proposed tree works the planning authority are advised:

- (1) To assess the amenity value of the tree or woodland and the likely impact of the proposal on the amenity of the area, and
- (2) In the light of the assessment at (1) above, to consider whether or not the proposal is justified, having regard to the reasons put forward in support of it.

They are advised to consider whether any loss or damage is likely to arise if consent is refused or granted subject to conditions. In general terms it follows that the higher the amenity value of the tree or woodland the greater the impact of the application on the amenity of the area, the stronger the reasons needed before consent is granted.

In order to justify the works, a method statement has been provided outlining the hazards identified should no work progress. The hazards include damage to a watercourse (erosion of bank), danger to branches falling onto the pathway and road safety. The trees are located within close proximity of the footpath and highway which are utilised by students during term time and highway users. Therefore in this instance there is a risk to public safety. The proposed works will alleviate the risks to public safety, provides appropriate management and increase the longevity of the trees.

The proposed works include the following:

- T1: Beech Tree – Thin lightly removing crossing branches
- T2: Beech Tree – Raise the height of the crown to 5.5 metres over the road and 2.5 metres over the footpath.
- T8 – Sycamore and Holly – Fell.
- T14 – Alder – Pollard at 1.2 metres.
- T15 – Alder – Pollard at 1.2 metres.
- G19 – Mixed Species – Fell trees with undercut root plates, fell trees that are damaging stone bank.
- G20 – Mixed Species – Fell.
- G22 – Mixed Species – Raise crown to 2.5 metres.
- G23 – Mixed Species – Fell dead Elm.
- G25 – Mixed Species – Fell Sycamore.

Under Section 206 of the Town and Country Planning Act 1990 the landowner is under a duty to replace a tree:

- “(1) If any tree in respect of which a tree preservation order is for the time being in force-
- (a) Is removed, uprooted or destroyed in contravention of the order, or

(b) Except in the case of a tree to which the order applies as part of a woodland, is removed, uprooted or destroyed or dies at a time when its cutting down or uprooting is authorised only by virtue of section 198(6)(a),

It shall be the duty of the owner of the land to plant another tree of an appropriate size and species at the same place as soon as he reasonably can.

(4) In relation to any tree planted pursuant to this section, the relevant tree preservation order shall apply as it applied to the original tree.”

“The same place” means the position defined in the TPO by reference to the description in the 1st Schedule and the map. It is noted that the TPO “Gwernyfed School/Park, Three Cocks” covers a large area and comprises a large range of trees. It is considered that in this instance that the loss of a few trees covered in a large area of a TPO would not cause a detrimental impact upon the amenity of the area, given that the trees are detrimentally impacting the bank of a watercourse, therefore in this instance it is considered that it would be acceptable for no re-planting to take place.

As the proposals are for maintenance and health and safety purposes due to the close proximity of the trees to footpaths and public highways, it is acknowledged that the works appear to be justified in this instance.

Recommendation

It is recommended that the proposed works shall be allowed to go ahead subject to the following conditions as set out.

1. The works hereby approved shall be carried out within two years from the date of this decision

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.*

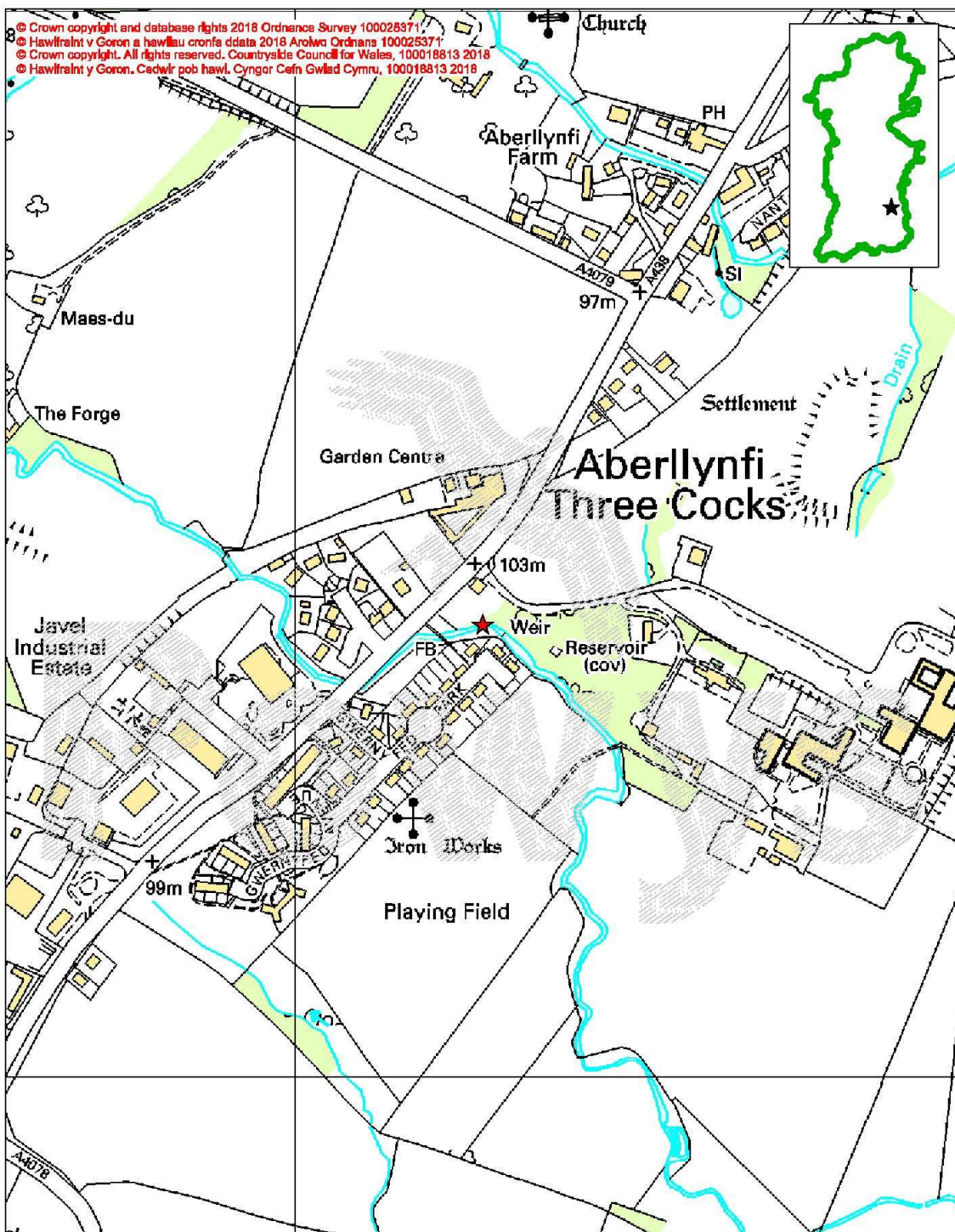
Under the Habitats Regulations it is an offence to:

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

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